



# Sahrawi Arab Democratic Republic and Somaliland: The Struggle for Recognition

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# Executive summary

Somaliland and the Sahrawi Arab Democratic Republic (SADR) are two African territories currently engaged in a struggle against the recognised state from which they are attempting to secede. They are also campaigning for recognition as independent states by the broader international community. The AU has been reluctant to shift its stance on not altering colonially inherited borders, despite successful examples of territories seceding to become independent states (Eritrea in 1991 and South Sudan in 2011). This policy insight considers the particular histories of Somaliland and the SADR to illustrate the complexities of their quest for recognition. It draws comparisons between these cases and that of Eritrea and South Sudan and makes suggestions for the way forward.

## Introduction

Commenting on the wave of democracy that swept sub-Saharan African states in the 1990s in the post-Cold War environment, Chege wrote that ‘there is nothing remiss about altering state frontiers in the nobler interests of domestic tranquillity and sustained economic growth, which are now so scarce in these lands’.<sup>1</sup> Yet, changing colonial borders remains a hard-line issue on which the AU is reluctant to budge. It is further complicated by the contradictory approach taken to secession, self-determination and the creation of new states. This is exemplified by the cases of Eritrea and South Sudan, which were allowed to secede, and that of Somaliland and the SADR, which are deeply engaged in a battle for international recognition.

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While self-determination was instrumental in the creation of Africa’s post-colonial independent states, the AU remains strongly opposed to secession. At the [1964 Cairo Summit](#), the Organisation of African Unity (OAU) – predecessor of the AU – declared the continent’s colonial borders inviolable, making these inherited boundaries ‘recognised international borders with international legal status’.<sup>2</sup> Bereketeab argues that, because of

1 Michael Chege, ‘Remembering Africa’, cited in Hussein M Adam, ‘Formation and Recognition of New States: Somaliland in Contrast to Eritrea’, *Review of African Political Economy* 21, no. 59 (1994): 22.

2 Redie Bereketeab, ‘Self-Determination and Secession: African Challenges’, in *Self-Determination and Secession in Africa*, ed. Redie Bereketeab (New York: Routledge, 2015), 10.

this, 'identity movements that aspired to secede from an existing state and form their own state were condemned, whatever the legitimacy of their demands'.<sup>3</sup> However, the continent has had the smallest percentage of secessionist conflicts of any developing region globally since 1960.<sup>4</sup> The strict adherence to inherited borders relates to what Ekeke and Lubisi call an 'apprehension that the colonially produced African States would be plunged into internecine conflict if every group were allowed to secede'.<sup>5</sup>

Yet, despite this hard stance against secession, two countries have seceded: Eritrea, in 1991, and South Sudan, in 2011. These states also became members of the UN and the AU. In the case of Eritrea, secession was allowed after a protracted military conflict resulting in victory for Eritrea and eventual permission from Ethiopia to secede. In the case of South Sudan, the AU itself declared its secession to be 'an exceptional case'.<sup>6</sup> In contrast, the AU has taken a strong position against Somaliland's independence, but gave the SADR differential treatment, as its AU-membership illustrates.

This policy insight considers the latter two cases: Somaliland, an example of secession; and the SADR – as will be shown – a case of self-determination rather than secession. Somaliland presents a unique case study for analysing secessionism on the continent, as its borders align with that of the former British Somaliland. In theory, therefore, it should qualify for independence as per the AU's principle of respecting colonial borders. However, as will be discussed, this principle was complicated by the short union of the Republic of Somalia in 1960. By examining the particular histories of these two cases, the authors also illustrate how these classifications contribute to the different treatment of Somaliland and the SADR by the international community and the AU.

## Notes on self-determination and secession

Self-determination is, according to Bereketeab, 'intricately connected to the right of state formation'<sup>7</sup> and should be differentiated from secession. Whereas self-determination is linked with state formation, secession can be described as 'political withdrawal from an established state'.<sup>8</sup> Important to note is that 'state formation' is not exclusively applied in the narrow Westphalian sense, but also includes more loosely organised, cultural national communities common in the dynamics of pre-colonial African societies.<sup>9</sup>

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3 Bereketeab, "Self-Determination and Secession", 10.

4 Pierre Englebert and Rebecca Hummel, "Let's Stick Together: Understanding Africa's Secessionist Deficit", *African Affairs* 104, no. 416 (2005): 400.

5 Alex Cyril Ekeke and Nombulelo Lubisi, "Secession in Africa: An African Union Dilemma", *African Security Review* 28, no. 3-4 (2020): 9.

6 Ekeke and Lubisi, "Secession in Africa", 9.

7 Bereketeab, "Self-Determination and Secession", 2-11.

8 Bereketeab, "Self-Determination and Secession", 7.

9 Christopher Mojekwu, "Self-Determination: The African Perspective", in *Self-Determination: National, Regional and Global Dimensions*, eds. Yonah Alexander and Robert Friedlander (Abingdon-on-Thames: Routledge, 1980), 217-218.

Secession generally suggests ‘territorial disintegration through severance of part of an existing state territory’.<sup>10</sup> Conversely, self-determination does not necessarily give rise to secession. Rather, it can manifest as the ‘emergence of an independent state’, ‘free association with an independent state’ or ‘integration with an independent state’.<sup>11</sup> If the aim of self-determination is secession, however, Bereketgab argues that certain conditions have to be met: ‘peace, security, stability and development’ should be the guaranteed results and it should not cause ‘instability or insecurity for neighbouring people and beyond’.<sup>12</sup>

Self-determination is recognised by the UN in several of its key documents. The UN Charter of 1945 mentions the territorial integrity and independence of states in Article 2(4). It states, ‘All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.’<sup>13</sup> The 1960 Declaration on Granting of Independence to Colonial Countries and Peoples (General Assembly Resolution 1514) declares, ‘All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.’<sup>14</sup> In addition, self-determination is recognised in the UN International Covenant of 1966, which echoes Resolution 1514: ‘All people have the right to self-determination, creating sovereign statehood. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.’<sup>15</sup>

## Case study comparisons: Somaliland vs the SADR

Somaliland and the SADR’s quests for independence share several similarities, but there are also specific factors that differentiate and significantly complicate them. Both territories were former colonies of European states. What is now Somaliland was once a British colony. The SADR was originally part of territory colonised by Spain in 1884. The specificities relating to the decolonisation of these territories are key to understanding the challenges they now face.

### Zeroing in: Somaliland

#### Background: History and main actors

Somaliland is in the Horn of Africa, in the broader Somali territory. This territory has fragmented into clan fiefdoms, reverting to the status quo before colonisation by the

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10 Bereketgab, “Self-Determination and Secession”, 7.

11 Bereketgab, “Self-Determination and Secession”, 6.

12 Bereketgab, “Self-Determination and Secession”, 10.

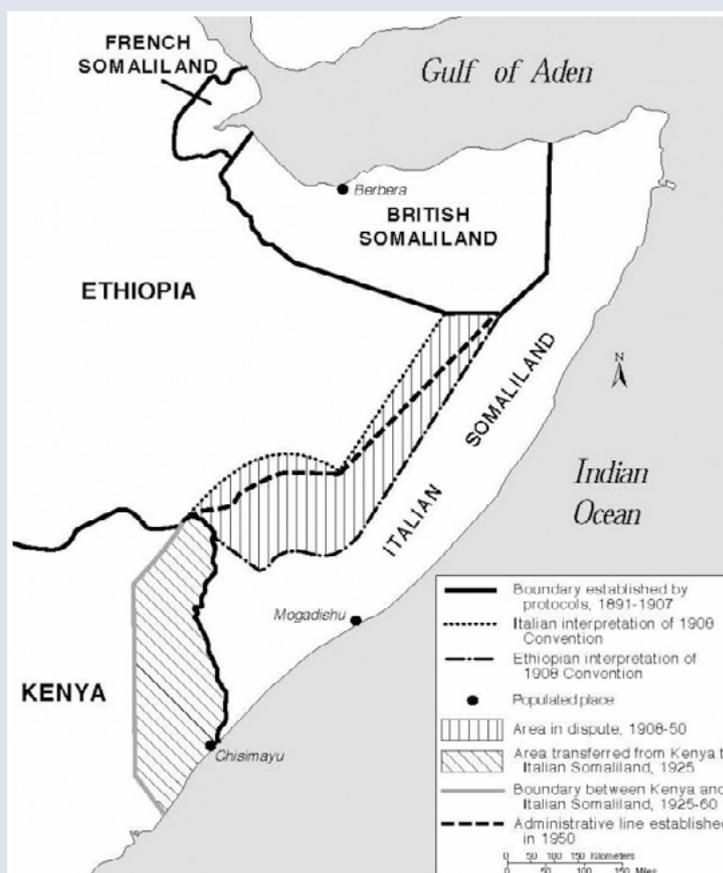
13 UN, *Charter of the United Nations and Statute of the International Court of Justice* (New York: UN, 2015), 5–6.

14 UN General Assembly, *Declaration on the Granting of Independence to Colonial Countries and Peoples, 15th Session*, 1960–1961, 67.

15 UN General Assembly, *International Covenant on Civil and Political Rights Resolution 2200A (XXI)*, 1966, 1.

French, British and Italians from the end of the 19<sup>th</sup> century. The area claimed today by the self-declared Republic of Somaliland was under British colonisation, whereas modern-day Somalia – excluding the Republic of Somaliland – was known as Italian Somaliland, in reference to its colonial occupiers. The land colonised by the French and known as French Somaliland is today's Republic of Djibouti.<sup>16</sup>

**Figure 1 Colonial territories in the Horn of Africa**



Source: Pennsylvania State University, "Afr 110: Intro to Contemporary Africa – Colonization of Somalia", October 8, 2014

The British approach to governance in the region differed significantly from that of the French and Italians. British Somaliland clans were allowed to maintain their nomadic lifestyle and continued using their laws and decision-making mechanisms.<sup>17</sup> Drawing on the work of John Drysdale, an expert on the region, Jhazbhay points to 'three concurrent

<sup>16</sup> Seth Kaplan, "The Remarkable Story of Somaliland", *Journal of Democracy* 19, no. 3 (July 2008): 146.

<sup>17</sup> Ismail I Ahmed and Reginald Herbold Green, "The Heritage of War and State Collapse in Somalia and Somaliland: Local-Level Effects, External Interventions and Reconstruction", *Third World Quarterly* 20, no. 1 (1999): 113-127.

legal systems' active under British colonial rule: 'secular law in the English language, Islamic law in the Arabic language, and unwritten Somali traditional law'.<sup>18</sup>

According to Drysdale, implied Somali traditional law, 'under the British administrative system, was exercised exclusively by *Somali elders* who were knowledgeable in traditional law'.<sup>19</sup> The Italians, however, imposed stricter policies that undermined local Somali structures, diminishing the authority of clan elders and expropriated their lands.<sup>20</sup> It has been argued that most of the people of Somaliland have developed a distinct national identity as a result, reinforced by their continued traditional governance structures relatively unchanged by colonial rule.<sup>21</sup>

British Somaliland declared its independence in 1960, followed shortly thereafter by Italian Somaliland. However, Somaliland was an independent state for only five days before uniting with what would become today's Somalia.<sup>22</sup> Somaliland was formally recognised by 35 countries, including all five permanent members of the UN Security Council.<sup>23</sup> This merger of northern and southern Somali territories has been described by observers as the '[superimposition of] contemporary politics on post-colonial politics' and not a reflection of a common Somali identity.<sup>24</sup> Almost immediately after their unification, friction between the north and south began. Whether owing to their distinct colonial histories and governance structures; economies; judicial, administrative, language and education systems; and identity, as Huliaras has argued, or to the reversion to pre-colonial clan-state structures, as argued by Ingiriis, unification proved unsustainable. These frictions widened during the first constitutional referendum in 1961, which the north's Somali National League boycotted.<sup>25</sup>

Somaliland officials have repeatedly claimed the borders of the former British Somaliland not for colonial nostalgia but to retain a separate entity.<sup>26</sup> For over 30 years, Somaliland's claim to independence was suspended or subsumed by Cold War geopolitics. In 1969, Somalia's national army commander, Mohamed Siad Barre, successfully implemented a coup, beginning a military rule that lasted for 20 years. Not only did the Siad Barre regime marginalise the north economically but it also exploited, and armed, the masses of Somali refugees flooding into northern Somalia following the end of the Ogaden war. This war was

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18 Iqbal D Jhazbhay, "Somaliland: An African Struggle for Nationhood and International Recognition", *The South African Journal of International Affairs* 16, no. 2 (2009): 28.

19 John Drysdale, "A study of the Somali Hybrid Insurance System and the Consequences of Its Rejection by Southern Somalia's Political Leadership" (unpublished paper, 2004), quoted in Jhazbhay, "Somaliland: An African Struggle", 28.

20 Abdi Ismail Samatar, *The State and Rural Transformation in Northern Somalia, 1884-1986* (Madison: University of Wisconsin Press, 1989).

21 Asteris Huliaras, "The Viability of Somaliland: Internal Constraints and Regional Geopolitics", *Journal of Contemporary African Studies* 20, no. 2 (2002): 157.

22 Jhazbhay, "Somaliland: An African Struggle", 28.

23 Temesgen Sisay Beyene, "Declaration of Statehood by Somaliland and the Effects of Non-Recognition under International Law", *Beijing Law Review* 10, no. 1 (2019): 198.

24 Mohamed Haji Ingiriis, "From Pre-Colonial Past to the Post-Colonial Present: The Contemporary Clan-Based Configurations of Statebuilding in Somalia", *African Studies Review* (June 22, 2018), 62.

25 Adam, "Formation and Recognition", 21-38.

26 Ingiriis, "From Pre-Colonial Past", 66.

a product of Somalia's irredentist attempts to annex the region of Ogaden from Ethiopia,<sup>27</sup> reflecting a brutal pursuit of Somali nationalism and power that ironically left behind 'many Somalias rather than one Somalia'.<sup>28</sup> Armed militias terrorised the northern population, resulting in the formation of the Somali National Movement (SNM) by members of the Isaaq clan, a key group opposed to the Mogadishu government. Thus began the Somaliland War of Independence. During the war, the Siad Barre regime massacred an estimated 200 000 members of the Isaaq clan in what has been described as the 'Hargeisa Holocaust'.<sup>29</sup>

## Somaliland officials have repeatedly claimed the borders of the former British Somaliland not for colonial nostalgia but to retain a separate entity

The US saw the Horn of Africa as a strategic arena from 1945–1990. Rather than partnering to solve African problems, it formed alliances with regimes in the region that were perceived as useful in preventing the advancement of Soviet communism.<sup>30</sup> Within these Cold War rationales, the US formed a relationship with the anti-communist Siad Barre regime in its conflict against the Soviet-backed Ethiopian regime. Somalia's strategic location provided the US with access to counter any perceived military threat posed by the Soviets to Middle Eastern oil fields. This partnership amounted to grants of over \$800 million from Washington to the Siad Barre regime over a decade, with Somalia becoming one of the largest recipients of US aid.<sup>31</sup>

The US continued to support the Siad Barre regime, regardless of its human rights atrocities, after the 1988 Ethiopian–Somali peace accord. The US government paid little attention to the large-scale murders of unarmed civilians carried out by the Somali Defence Force.<sup>32</sup> Domestic opposition to the US' support for the oppressive Siad Barre regime led to the contributions being stalled. The result was a compromised middle ground owing to rising opposition within the US coupled with the fear of losing US influence in the region.

In 1991, the Siad Barre regime collapsed and Somaliland declared its independence from Somalia, led by the SNM. The SNM gained legitimacy through its employment of traditional democratic governance methods that, despite some differences, acceptably mirrored

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27 Bhaso Ndzendze, Katlego Kunene and Ralph Musonza, "[Remembering the Ogaden War 45 Years Later](#)" (Policy and Practice Brief 57, ACCORD, Cape Town, July 2022), 1.

28 Ingiriis, "From Pre-Colonial Past", 59.

29 Matt Kennard and Ismail Einashe, "[In the Valley of Death: Somaliland's Forgotten Genocide](#)", Pulitzer Center, October 22, 2018.

30 Peter Schraeder, "The Horn of Africa: US Foreign Policy in an Altered Cold War Environment", *Middle East Journal* 46, no. 4 (1992): 571–593.

31 Keith Richburg, "Orphan of the Cold War: Somalia Lost Its Key Role", *The Washington Post*, October 15, 1992.

32 Robert Gersony, *Why Somalis Flee: Synthesis of Accounts of Conflict Experience in Northern Somalia by Somali Refugees, Displaced Persons and Others* (Washington DC: US Department of State, Bureau for Refugee Programs, 1989), 60–62.

Western ideals.<sup>33</sup> Two years after the declaration of independence, a civilian administration was reinstated, allowing ‘a wide-ranging and inclusive process of national dialogue to formulate consensus on the system of political representation which would govern Somaliland’<sup>34</sup> in the future. In contrast, the collapse of the Siad Barre regime left a power vacuum and Somalia has struggled to prosper, becoming a territory described as ‘tense, deeply conflicted, dangerous and bitterly contested by warring factions’.<sup>35</sup>

A referendum on a draft constitution for Somaliland was held in 2001 to affirm its sovereignty. The vote in favour was 97.1%.<sup>36</sup> Yet the international community has remained preoccupied with state formation projects and reconciliation, championing Somalia without giving much attention to the people of Somaliland’s desire for independence. Major players of interest have taken the position that the Somaliland–Somalia conflict is internal and therefore should not be interfered with by external parties. Somaliland’s former colonial power, the UK, has repeatedly said that it will not formally recognise Somaliland until a joint decision is made by Somaliland and the Federal Government of Somalia. The UK has supported the Somaliland National Development Plan, leading a £30 million multi-donor fund, invested £25 million in programmes in Berbera and, for 10 years, remained the sole Western donor to have a permanent mission in the capital, Hargeisa.<sup>37</sup>

TABLE 1 MAIN ACTORS IN THE SOMALILAND–SOMALI SPLIT AND THEIR AFFILIATIONS	
Actor	Affiliation
SNM	<ul style="list-style-type: none"> <li>• First and most important organised armed group to oppose the Siad Barre regime</li> <li>• Main anti-government faction during the Somaliland War of Independence</li> </ul>
Federal Government of the Republic of Somalia	<ul style="list-style-type: none"> <li>• Internationally recognised central government of Somalia, including the self-declared independent region of Somaliland</li> </ul>
UK	<ul style="list-style-type: none"> <li>• Somaliland’s former colonial power</li> <li>• Has provided humanitarian and development aid</li> <li>• Refuses to recognise Somaliland independence until consent is granted by Somalia</li> </ul>
US	<ul style="list-style-type: none"> <li>• Supported the Siad Barre regime with military weapons and ammunition in an attempt to counter Soviet influence in the region</li> </ul>
Intergovernmental Authority on Development	<ul style="list-style-type: none"> <li>• Supported talks between Somaliland and Somalia</li> </ul>

Source: Compiled by authors

33 For example, the post-colonial Somaliland democracy has been assisted by the traditional institution of the “xeer”, a customary mediation mechanism within and between kinship groups that has been elevated to the national level.

34 Kaplan, “The Remarkable Story of Somaliland”, 148.

35 Robert Rotberg, “The New Nature of Nation-State Failure”, *Washington Quarterly* 25, no. 3 (2002): 85.

36 African Elections Database, “Elections in Somaliland”, December 26, 2010.

37 House of Parliament of the United Kingdom, ‘Response to Petition to Recognise Somaliland as an independent state,’ February, 24, 2022, <https://petition.parliament.uk/petitions/595177>.

Somalia and Somaliland have held several talks towards finding a lasting solution. The first Somaliland-Somalia dialogue took place in June 2012 in London. Subsequent talks were held in Dubai, Ankara, Istanbul (twice) and Djibouti.<sup>38</sup> These talks have failed to produce significant results, primarily because they do not address concerns around Somaliland's sovereignty in its entirety. Nevertheless, some observers have argued that dialogue is better than deadlock, even if it does not lead to significant progress.<sup>39</sup>

## Main issues

Somaliland's situation as an unrecognised state has left its economy isolated. Its borders and passports are not recognised, its currency is untransferable, its banking system does not have a SWIFT code and it suffers greatly because of this. Furthermore, investors are deterred by a lack of diplomatic protection. Consequently, Somaliland has depended on the private sector for growth.

But Somaliland ploughs on regardless. In terms of political rights and civil liberties, Somaliland fares five times better than Somalia, according to the Freedom House index (with the two entities scoring 44/100 and 8/100 respectively in 2023).<sup>40</sup> Furthermore, the de facto government has a history of conducting credible, free and fair elections resulting in peaceful transfers of power.<sup>41</sup> In addition, Somaliland held one of the most technologically advanced elections when it included an iris biometric voter verification system in its 2017 elections.<sup>42</sup>

A key advantage Somaliland has over Somalia is access to the Berbera Port. DP World invested \$442 million in Berbera Port in 2020.<sup>43</sup> Additionally, the UK Foreign, Commonwealth and Development Office and TradeMark Africa funded and constructed the Hargeisa bypass, which connects Berbera Port to the Ethiopian market of 115 million people. Despite this significant investment, Somaliland's de facto status hinders its capacity to attract foreign direct investment and access international markets.

In 2017, Somaliland's then foreign minister, Saad Ali Shire, acknowledged that 'the lack of recognition is proving a major problem'.<sup>44</sup> Although it has achieved remarkable governance and economic progress without international recognition, this is still a key factor required to consolidate and expand political and economic gains.<sup>45</sup>

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38 Omar Mahmood and Zakaria Yusuf, "Somalia-Somaliland: A Halting Embrace of Dialogue", International Crisis Group, August 6, 2020.

39 Mahmood and Yusuf, "Somalia-Somaliland".

40 Freedom House, "Freedom in the World: Somaliland", <https://freedomhouse.org/country/somaliland/freedom-world/2023>.

41 Michelle Gavin, "Recognising Somaliland's Democratic Success", Council on Foreign Relations, June 8, 2021.

42 Salem Solomon, "To Improve Trust in Its Elections, Somaliland Goes High Tech", VOA News, November 14, 2017.

43 The Brenthurst Foundation, "Somaliland: How To Get Onto The Right Side Of History", June 19, 2022.

44 Patrick Wintour, "Somaliland's Hunger Crisis: 'The World Doesn't Respond Until Children Are Dying'", *The Guardian*, May 24, 2017.

45 Kaplan, "The Remarkable Story of Somaliland", 152.

In terms of natural endowments, Somaliland has an 860km coastline along the Gulf of Aden, but water sources are scarce in the absence of permanent rivers and lakes and with low annual precipitation.<sup>46</sup> Agriculture is one of the most important sectors of its economy, with livestock and livestock products making up 81% of total exports in 2019.<sup>47</sup> The naturally water-scarce environment is also under increasing pressure from climate stress, population growth and urbanisation. At present Somaliland is facing its worst drought in decades.<sup>48</sup> The lack of international recognition plays a significant role in the government's ability to handle this crisis, mainly because it is ineligible for funding from the World Bank or the International Monetary Fund.

## The basis for Somaliland's sovereignty

There are several legal arguments that justify Somaliland's case for self-determination. The first is that its inhabitants have become a unique 'people' and therefore qualify for the right to self-determination under the International Covenant on Civil and Political Rights. It has also been argued that this distinct self-identity was reinforced during their targeted persecution by the Siad Barre regime.<sup>49</sup>

The second legal argument is based on decolonisation, as inscribed in the OAU charter, which states that member states must 'respect the borders [of all member states] existing on their achievement of national independence'.<sup>50</sup> Based on this logic, Somaliland's independence is justified because its borders align with that of the former British Somaliland. Furthermore, although the people of Somaliland consented to the union with South Somalia to form the Somali Republic (Somalia), during the procedure of unification the people of the north were not consulted adequately. The north was marginalised and Hargeisa was downgraded to a provincial headquarters.<sup>51</sup> Political appointments were also unevenly allocated to the south, including that of the first president and prime minister.<sup>52</sup>

The third justification for Somaliland's independence relates to the grave human rights violations during the Siad Barre regime. This falls within the nexus of remedial theory. This theory argues that where 'serious and persistent violations of human rights exist... and no remedy except self-determination is feasible', the right to self-determination is valid.<sup>53</sup> The people of Somaliland were targeted during the Siad Barre dictatorship, which reinforced their distinct sense of self-identity forged during colonialism to a point where it is not

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46 Catherine Pfeifer et al., "The Dynamics of Natural Resources in Somaliland: Implications for Livestock Production" (Discussion Paper 35, International Livestock Research Institute, Nairobi, 2018).

47 Government of Somaliland, Central Statistics Department, "Gross Domestic Product 2012-2019", 6; Pfeifer et al., "The Dynamics of Natural Resources", 9.

48 Medecins Sans Frontieres, "Drought Intensifies Health Crises across Somalia and Somaliland", June 7, 2022.

49 Huliaras, "The Viability of Somaliland", 159.

50 Organisation of African Unity Secretariat, "Resolutions Adopted by the First Ordinary Session of the Assembly of Heads of State and Government held in Cairo, UAR, from 17-21 July 1964", AHG/Res. 16(I) (Cairo: OAU Secretariat, 1964), 16-17.

51 Christopher Clapham, "The Horn of Africa: State Formation and Decay", *International Affairs* 94, no. 3 (2017): 684-686.

52 Adam, "Formation and Recognition", 24.

53 Michael Freeman, "The Right to Self-Determination in International Politics: Six Theories in Search of a Policy", *Review of International Studies* 25, no. 3 (1999): 355-370.

feasible to conceive that they could live harmoniously in a state governed in Mogadishu, as argued by Somaliland officials. This theory was applied in South Sudan's secession, but with one key difference: the willingness of the Sudanese government to negotiate and to ultimately accept the referendum of the people of South Sudan to secede.<sup>54</sup>

## Zeroing in: Sahrawi Arab Democratic Republic

### Background: History and main actors

The territory later known as Spanish Sahara, Western Sahara or the SADR was initially home to a diverse array of clans and ethnicities. The most notable of these is the Sahrawi people, an ethnic and cultural amalgamation with Berber, Arab and African roots.<sup>55</sup> The territory was under Spanish colonial rule from 1884 until Spain's withdrawal in 1975. However, instead of leading the territory to independence, Spain ceded its control to neighbouring Morocco and Mauritania. This resulted in a decades-long dispute over the territory between Morocco and the Popular Front for the Liberation of Saguia al-Hamra and Rio de Oro (the Polisario Front), based in Algeria.<sup>56</sup>

In 1974, Spain agreed to a referendum on self-determination in Western Sahara, but Morocco's King Hassan II opposed the idea.<sup>57</sup> The matter was brought before the International Court of Justice (ICJ) in December 1974. The following October, the court rendered its opinion, maintaining that 'historic claims' to the territory were 'irrelevant to the issue of self-determination'.<sup>58</sup>

It further declared that self-determination could only be reached by 'free and genuine expression' of the will of the territory's population.<sup>59</sup> Morocco's response to the ICJ's ruling was to stage the so-called 'Green March' of over 300 000 Moroccan citizens into Western Saharan territory; an action described by then King Hassan II as a 'peaceful repossession of [its] southern provinces'.<sup>60</sup>

In November 1975, the governments of Spain, Morocco and Mauritania met in Madrid to discuss the decolonisation of the Spanish Saharan territory. The Declaration of Principles on Western Sahara by Spain, Morocco and Mauritania (the Madrid Accords) made provision for the territory to be partitioned between neighbouring Morocco and Mauritania following Spain's withdrawal. As the new occupying powers of the territory, Morocco and Mauritania agreed to a two-thirds/one-third split in control over territory, respectively.<sup>61</sup>

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54 Bereketeab, "Self-Determination and Secessionism", 19.

55 Tony Hodges, *The Western Saharans*, Report 40 (London: Minority Rights Group, 1984).

56 Anouar Boukhars, "Simmering Discontent in the Western Sahara" (Paper, Carnegie Endowment for International Peace, Washington DC, March 12, 2012).

57 William J Durch, "Building on Sand: UN Peacekeeping in the Western Sahara", *International Security* 17, no. 4 (1993): 155.

58 Durch, "Building on Sand", 155.

59 Durch, "Building on Sand", 155.

60 Karima Benabdallah, "The Position of the European Union on the Western Sahara Conflict", *Journal of Contemporary European Studies* 17, no. 3 (2009): 417-435.

61 Durch, "Building on Sand", 155.

The Madrid Accords institutionalised the territorial occupation of Western Sahara by external parties and relegated the Polisario Front to the sidelines. On 27 February 1976, the Polisario Front declared the SADR the territorial home of the Sahrawi people.<sup>62</sup> It has since been seeking diplomatic support for its government and people. Mauritania relinquished its acquisition of Western Saharan territory in 1979, leaving Morocco and the state-in-exile of the SADR to tussle over control. The Madrid Accords allowed for the continued occupation of the Western Sahara territory and created the basis for the exploitation of its resources,<sup>63</sup> a practice that persists to this day. Western Sahara's natural resources include wind, water and fish, as well as non-renewables such as oil and phosphates (used extensively in fertiliser).<sup>64</sup> Morocco has used the resources in the 75% of Western Saharan territory it controls for revenue production since the 1970s.<sup>65</sup>

The Polisario Front led a guerrilla-style confrontation against Moroccan forces until a UN-brokered ceasefire came into effect in September 1991.<sup>66</sup> A referendum on the self-determination of the SADR was slated for 1992 but was constantly stonewalled by Morocco, most notably through 130 000 Moroccans who claimed to be Sahrawis being added to the voter's roll.<sup>67</sup> The population of Western Sahara at the time was around 189 000 people.<sup>68</sup> The US involved itself in efforts to broker peace by appointing Secretary of State James Baker as Special Envoy for Western Sahara.<sup>69</sup> In 2001, Baker proposed the first iteration of the Framework Agreement (Baker I), which made provision for a five-year period of autonomy under Morocco but fell short of guaranteeing independence for the SADR. Unsurprisingly, this proposition was rejected by Algeria and the Polisario Front, and later by the UN Security Council.<sup>70</sup>

The second attempt at a Framework Agreement, titled 'Peace Plan for the Self-Determination of the Sahrawi People' (Baker II), was accepted by Algeria and the Polisario Front but rejected by Morocco.<sup>71</sup> The peace process stalled until 2007, when both the Polisario Front and the Moroccan government submitted proposals to then UN secretary-general Ban Ki-Moon.<sup>72</sup> Neither of these proposals, nor direct negotiations between Morocco and the Polisario Front in New York, resulted in any tangible progress. A sign of some detente came in July 2016 when the Moroccan monarch Mohammed VI announced

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62 Joffé, "Sovereignty and the Western Sahara", 378.

63 Jeffrey J Smith, "The Taking of the Sahara: The Role of Natural Resources in the Continuing Occupation of Western Sahara", *Global Change, Peace & Security* 27, no. 3 (2015): 263-284.

64 Stephen Zunes, "Western Sahara, Resources, and International Accountability", *Global Change, Peace & Security* 27, no. 3 (2015): 285-299.

65 Irene Fernandez-Molina and Raquel Ojeda-Garcia, "Western Sahara as a Hybrid of Parastate and a State-in-Exile: (Extra)territoriality and the Small Print of Sovereignty in a Context of Frozen Conflict", *Nationalities Papers* 48, no. 1 (2020): 83-99.

66 Benabdallah, "The Position of the European Union", 419.

67 Hakim Darbouche and Yahia H Zoubir, "Conflicting International Policies and the Western Sahara Stalemate", *The International Spectator* 43, no. 1 (2008): 91-105.

68 World Population Review, "Western Sahara Population 2023", <https://worldpopulationreview.com/countries/western-sahara-population>.

69 Darbouche and Zoubir, "Conflicting International Policies", 93.

70 Darbouche and Zoubir, "Conflicting International Policies", 93.

71 Darbouche and Zoubir, "Conflicting International Policies", 93.

72 Benabdallah, "The Position of the European Union", 421.

his intent to re-join the AU.<sup>73</sup> The SADR had gained full membership of the OAU in 1985, a development that led to the resignation of Morocco from the organisation.<sup>74</sup> Despite some posturing toward a possible motion to freeze the SADR's position in the AU, Morocco was ultimately unsuccessful, and the two opposing entities have participated in the AU ever since.<sup>75</sup>

Neither of these proposals, nor direct negotiations between Morocco and the Polisario Front in New York, resulted in any tangible progress

**TABLE 2 MAIN ACTORS IN THE SAHRAWI ARAB DEMOCRATIC REPUBLIC AND THEIR AFFILIATIONS**

Actor	Affiliation
SADR	<ul style="list-style-type: none"> <li>• Nation of the Sahrawi people seeking self-determination within the territory of Western Sahara</li> </ul>
Polisario Front	<ul style="list-style-type: none"> <li>• Government-in-exile of the SADR</li> </ul>
Kingdom of Morocco	<ul style="list-style-type: none"> <li>• Occupies the territory of Western Sahara</li> </ul>
Islamic Republic of Mauritania	<ul style="list-style-type: none"> <li>• Administrator of southern part of Western Sahara from 1975; relinquished that claim after being defeated by the Polisario Front in 1979</li> </ul>
People's Democratic Republic of Algeria	<ul style="list-style-type: none"> <li>• Primary supporter of the Polisario Front and host to this government-in-exile; houses the majority of refugees from the SADR</li> </ul>
France	<ul style="list-style-type: none"> <li>• Staunch supporter of Morocco; has blocked attempts by the UN to impose sanctions or put pressure on Morocco to compromise</li> <li>• Offered financial incentives to Francophone African states in exchange for their breaking off diplomatic ties with Western Sahara<sup>a</sup></li> </ul>
US	<ul style="list-style-type: none"> <li>• Supporter of Morocco, prevented UN sanctions and efforts to coerce Moroccan compromise</li> </ul>

a Darbouche and Zoubir, "Conflicting International Policies", 100.

Source: Compiled by authors

73 Miguel Hernando de Larramendi and Beatriz Tomé-Alonso, "The Return of Morocco to the African Union", *IEMed Mediterranean Yearbook 2017* (2017): 230.

74 Durch, "Building on Sand".

75 De Larramendi and Tomé-Alonso, "The Return of Morocco", 230.

## Main issues

The SADR is situated in north-west Africa, close to criminal and terrorist networks threatening stability in North Africa and the Sahel.<sup>76</sup> Evidence suggests that some supporters of the Polisario Front are becoming ever closer to the extensive trans-Saharan drug-trafficking and kidnapping cells.<sup>77</sup> The SADR also faces ethnic and tribal tensions and significant socio-economic grievances among its refugee population.<sup>78</sup> Under Moroccan authority, Sahrawi people do not enjoy the same rights or are protected by the same laws as Moroccan citizens.<sup>79</sup> Human rights abuses by Moroccan authorities have been detailed by the US State Department, Amnesty International and Human Rights Watch.<sup>80</sup>

Under Moroccan occupation, the SADR's resources have been grossly overexploited. Fish stocks in one of the richest coastal areas in Africa were nearly depleted in the late 1990s. The large-scale export of phosphate mineral rock and sea-bed petroleum drilling has seen little to no regulation.<sup>81</sup>

## The basis for SADR sovereignty

The dispute in the SADR is situated at an uncomfortable intersection between geopolitics and international law. The issue boils down to a contestation over who has the right to exercise sovereignty over the territory of Western Sahara. Morocco views itself as entitled to control over the territory based on the Madrid Accords. The Polisario Front, meanwhile, claims the right to self-determination on behalf of the Sahrawi people, who have been relegated to refugee camps in the wake of Morocco's occupation.<sup>82</sup> The accords, however, violate international law since Spain, as the initial colonial authority, was not entitled to transfer authority over the territory.<sup>83</sup>

In 1963, Western Sahara made the UN list of Non-Self-Governing Territories, recognising that the nation had not yet attained complete self-government.<sup>84</sup> In terms of international law, the Sahrawi peoples' right to self-determination is firmly established, although it has not yet been achieved. Since the SADR declared its existence as a sovereign state in 1976, it has been recognised by 85 states. However, many of these states have frozen or revoked their recognition of the SADR. Currently, 19 African states actively recognise the SADR as a sovereign state and its claim to the territory of Western Sahara.<sup>85</sup>

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76 Boukhars, "Simmering Discontent in the Western Sahara", 1.

77 Boukhars, "Simmering Discontent in the Western Sahara", 7.

78 Boukhars, "Simmering Discontent in the Western Sahara", 9.

79 Boukhars, "Simmering Discontent in the Western Sahara", 15.

80 Darbouche and Zoubir, "Conflicting International Policies", 102.

81 Smith, "The Taking of the Sahara", 264.

82 Joffé, "Sovereignty and the Western Sahara", 379.

83 Smith, "The Taking of the Sahara", 265.

84 Sidi M Omar, "The Right to Self-Determination and the Indigenous People of Western Sahara," *Cambridge Review of International Affairs*, 21 no.1 (2008), 48.

85 Universidade de Santiago de Compostela, "SADR Recognitions", [http://www.usc.es/en/institutos/ceso/RASD\\_Reconocimientos.html](http://www.usc.es/en/institutos/ceso/RASD_Reconocimientos.html)

**TABLE 3 SIMILARITIES AND DIFFERENCES BETWEEN THE FOUR TERRITORIES AND THE EXTENT TO WHICH THEY REFLECT THE CHARACTERISTICS OF STATES ACCORDING TO THE MONTEVIDEO CONVENTION**

Territory	Presence of a permanent population	A defined territory	Government	Capacity to enter into relations with other states	External support for sovereignty claims	Violent conflict or contestation	AU position
Eritrea	Yes	Yes	Yes	Yes	China	Eritrean War of Independence (1961-1991)	Granted membership post-independence (May 1993)
South Sudan	Yes	Yes	Yes	Yes	Egypt, Libya	Second Sudanese Civil War (1983-2005)	Granted membership post-independence (July 2011)
Western Sahara	The Sahrawi people are nomadic by nature and currently relegated to refugee camps in Algeria	Yes	Government-in-exile	Limited	Algeria	Western Sahara War (1975-1991)	Granted membership February 1982
Somaliland	Yes	Contested	Contested	Despite willingness on the part of Somaliland to engage in external relations official relations remain limited	Previously internationally recognised, but after re-declaring independence Somaliland has not received international recognition or support	Somaliland War of Independence (1981-1991)	Not a member

Source: Compiled by authors

## Four trajectories toward sovereignty

Although the focus of this policy insight is largely limited to the specific examples of Somaliland and the SADR, two other states in Africa have contributed significantly to the narratives on secession and self-determination. The precedents set in Eritrea and

South Sudan warrant brief discussion to provide a deeper context. These four cases prove to be distinct and unique, further muddying the waters as to the requirements for achieving sovereignty and recognition in Africa.

Eritrea and South Sudan share some similarities with each other that are absent in Somaliland and the SADR. Following bloody conflicts, both Eritrea and South Sudan were able to declare independence with agreement from Ethiopia and Sudan, respectively. In the case of Eritrea, it was near impossible for Ethiopia to continue its domination of Eritrean territory following the brutal defeat of its army by the Eritrean People's Liberation Front in 1991.<sup>86</sup> South Sudan reached its turning point in 2005 with the signing of a peace deal granting the Sudanese People's Liberation Movement a period of transitional rule culminating in a referendum.<sup>87</sup> Like Eritrea, South Sudan presented compelling evidence for its independence. The 2011 referendum showed a staggering 98.83% of South Sudanese citizens supported secession, a result that could not be ignored.<sup>88</sup> Agreement from the opposing parties, however tenuous or reluctant, was present for both these states.

The same cannot be said for Somaliland, which does not have Somalia's agreement to secede. Nor is it true for the SADR, which lacks agreement by Morocco, which currently controls 75% of the territory. In Western Sahara, Moroccan occupation of the territory has been superimposed on a persistent colonial legacy that was never truly dealt with. Since 1976, Spain has viewed itself as 'exempt from any responsibility of any international nature in connection with the administration of the Territory'.<sup>89</sup> However, the Madrid Accords were neither legally binding nor recognised by the UN General Assembly.<sup>90</sup> Western Sahara is, therefore, caught somewhere between being a colony and being an occupied territory.

The situation in Somaliland is equally complicated by historical factors. The brief unification of Italian and British Somaliland was flawed from the start owing to the existence of separate agreements on each side. Aside from this inherent flaw, as the independent British Somaliland joined this union voluntarily, it should also be able to withdraw voluntarily and reclaim the sovereignty it enjoyed prior to the union.<sup>91</sup>

It is notable that the AU's sacrosanct respect for colonial boundaries – as enshrined in the Constitutive Act of the AU<sup>92</sup> – is not violated in either Somaliland or the SADR. The proposed territory of the sovereign state of Somaliland encompasses the former British protectorate of

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86 Terrence Lyons, "Eritrea: The Independence Struggle and the Struggles of Independence", Centre for Strategic and International Studies, January 24, 2019

87 Crisis Group International, "South Sudan: From Independence to Civil War", July 9, 2021.

88 UN Mission in Sudan, "Aggregated Preliminary Referendum Results Show over 98 per cent for Secession", February 2, 2011.

89 UN, "Non-Self-Governing Territories", [https://www.un.org/dppa/decolonization/en/nsgt#\\_edn2](https://www.un.org/dppa/decolonization/en/nsgt#_edn2).

90 Fernandez-Molina and Ojeda-Garcia, "Western Sahara as a Hybrid", 86.

91 Tomas Hoch and Katerina Rudincova, "Legitimation of Statehood in De Facto States: A Case Study of Somaliland", *AUC Geographica* 50, no. 1 (2015): 37-49.

92 Constitutive Act of the African Union Adopted by the Thirty-Sixth Ordinary Session of the Assembly of Heads of State and Government, Lome, Togo, 11 July, 2000, [https://au.int/sites/default/files/pages/34873-file-constitutivact\\_en.pdf](https://au.int/sites/default/files/pages/34873-file-constitutivact_en.pdf).

British Somaliland.<sup>93</sup> The SADR would encompass only the land that made up the Spanish colonial territory of Western Sahara.<sup>94</sup> Neither of these quests for sovereignty seeks to make any changes to colonial borders, nor do they seek to usurp territory belonging to another sovereign state. In the simplest of terms, the Government of Somaliland and the Polisario Front seek only to reclaim the territory that belongs to their peoples. The controversy over recognition of these states does not appear to stem from any sort of illegitimacy or illegality in their claims to sovereignty but rather from the uncertainty and discomfort that arises over the unwillingness of Somalia and Morocco to cede to these wishes.

## Conclusion: How Somaliland and the SADR are set apart by self-determination and secession

Despite similarities and differences in the exact circumstances of both quasi-states, and the different levels of recognition they have achieved, there is a distinction to be made in the basis upon which independence is sought in each case. Recognising the potential for turmoil following decolonisation, the OAU declared the colonial borders, arbitrary as they may be, sacrosanct. The secession of South Sudan in 2011 sets an interesting precedent and left many wondering whether a new era in self-determination and secession was afoot.<sup>95</sup> Much to the disappointment of those who support Somaliland and the SADR's quest for formal statehood, this has not come to fruition. The sanctity of colonial borders has seemingly been allowed to triumph over the people affected by them every day.

The sanctity of colonial borders has seemingly been allowed to triumph over the people affected by them every day

Bereketeab recognises that paths toward independence diverge along different lines, as illustrated by the case studies considered here.<sup>96</sup> Somaliland represents Bereketeab's third classification: a state that voluntarily rescinded its independence and was absorbed into a larger state. But this does not remove its right to self-determination, enshrined in UN General Assembly Resolution 1514.<sup>97</sup> Following the collapse of the Somali Republic, it

93 Mark Bradbury, Adan Yusuf Abokor and Haroon Ahmed Yusuf, "Somaliland: Choosing Politics over Violence", *Review of African Political Economy* 30, no. 97 (2003): 455-478.

94 Fernandez-Molina and Ojeda-Garcia, "Western Sahara as a Hybrid", 95.

95 Bereketeab, "Self-Determination and Secession", 1.

96 Bereketeab, "Self-Determination and Secession", 3.

97 Bereketeab, "Self-Determination and Secession", 3.

therefore reserved the right to reclaim its independence. Bereketeab terms this 'retrieving the sovereignty that they willingly put aside'.<sup>98</sup>

The SADR, however, represents a different kind of struggle toward self-determination. In this instance, the territory of Western Sahara was never able to enjoy its decolonised state owing to its immediate annexation by another entity.<sup>99</sup> Western Sahara is, in effect, 'Africa's last colony'.<sup>100</sup> While Somaliland is on a quest for secession, the SADR is aiming for self-determination. This could explain why the SADR has garnered more support from the AU.

It remains to be seen what – if any – final decisions will be made on the independence of these territories. The success of their quests for independence may lie in the successes of their forerunners, Eritrea and South Sudan, or they may forge entirely new paths toward independence. Somaliland may need to consider pursuing closer ties with a smaller grouping of allies that can help elevate its cause. The SADR, with its ever-changing set of allies, should lean more heavily on tried-and-true supporters such as Algeria and South Africa to advance its progress toward recognition. The African continent has displayed varied trajectories toward independence and democracy over the years. States such as Somaliland and the SADR, which have not yet achieved the ideal of independent self-governance, are left without a clear roadmap for replication in their own contexts. However, with persistence and determination, their goals can be reached in due course.

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98 Bereketeab, "Self-Determination and Secession", 3.

99 Bereketeab, "Self-Determination and Secession", 2.

100 Fadel Kamal, "The Role of Natural Resources in the Building of an Independent Western Sahara", *Global Change, Peace & Security* 27, no. 3 (2015): 345-359.

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## Cover image

People stand next to the Independence Monument, depicting a hand holding a map of the country, in the city of Hargeisa, Somaliland, on September 19, 2021. For 30 years, Somaliland has tried unsuccessfully to convince the world of its case for statehood, holding democratic elections and avoiding the anarchy that engulfed the rest of Somalia (Eduardo Soteras/AFP via Getty Images)

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