

Coronavirus and the State of Non-recognition: The Case of Somaliland¹

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Introduction

The Republic of Somaliland (Somaliland) is a *de facto* independent state in the Horn of Africa, which despite not being recognised by any nation, represents peace, democracy, stability, prosperity, and cooperation in the region. It is often referred to as *a beacon of hope, stability and democracy*, in an otherwise volatile Horn of Africa Region.

Somaliland is not part of the Federal Government of Somalia (FGS) and has managed its own domestic, international and security affairs since 1991, when it dissolved the union with The Republic of Somalia following a war that was waged on Somaliland in the name of the Somali state. Legacy of the war still remains and Somaliland is still rebuilding all infrastructures including health and public facilities that were destroyed, which complicates the current COVID19 response.

Somaliland has a young population of over 4 million, a coastline that stretches over 800 km along the Red Sea and a land area covering 176,120 square km. The capital is Hargeysa - a large, bustling city - with a population of over one million.

COVID19 and non-recognised countries

On 30th January 2020, the World Health Organization (WHO) declared the novel coronavirus, SARS-CoV-2 (2019-nCoV) disease, as a Public Health Emergency of International Concern (PHEIC). It consequently advised all countries to put in place measures, at an early stage in the pandemic, to ensure effective detection and protection. In the declaration, the major concern was the potential for the virus to spread to countries with weaker healthcare systems in the Global South, and mainly in the African continent. The WHO and other international bodies, however, did not appear to pay particular attention to what happens when an already weak healthcare system is further hampered by non-recognition of its government. There is generally a need for strong bilateral agreements and collaborations with recognised counterparts, if effective delay, containment and mitigation is to be put in place by the country.

Somaliland and COVID19

Somaliland has open borders and an open economy. It shares these borders with Djibouti in the west, Ethiopia in the south, Somalia in the east, and the Red Sea (facing Yemen) in the north. It has a merchant economy that depends heavily on global trade. COVID19 caused havoc in the global trade on which Somaliland's economy depends. The impact was felt even before the virus reached the country. Somaliland suddenly found itself fighting on two fronts: a health front and an economic front.

In response to the pandemic, the Somaliland Government formed the *National COVID19 Preparedness and Prevention Committee* led by the Vice President. The Committee established a quarantine site for persons suspected or known to being infected with the virus and an incident management system to manage this quarantine process. The government also ordered a temporary suspension of land borders entry and exits - restricting this for any non-essential crossings. Other measures included closure of schools, temporary suspension of *Qat* imports, and advisory pronouncements against mass gathering. Activities such as attending mosques, weddings and events were curtailed to promote an awareness of the importance of social and physical measures in preventing the spread of the virus.

The effort was not as smooth as it would have been since there was no testing equipment or functioning case tracing system that could facilitate the process. The financial challenge was also something that was limiting the effort of the committee. Every country has struggled with COVID19, and Somaliland is no different, so there have been lapses in the implementation of policies that were good when formulated on paper, but have been subject to shortcomings in practice.

In this blog we analyse the challenges and opportunities for a non-recognised country such as Somaliland in the current global public health emergency caused by this pandemic. It focuses on how, in general, the status of non-recognition is affecting the preparedness and protection of the populace during this COVID19 crisis. We will consider what the challenges and opportunities are. We focus in particular on the case of Somaliland, in the context of the wider Horn of Africa sub-region.

The need for strong expression of State power

The current crisis highlights the role of the state, the strength of national boundaries and of sovereignty, as crucial elements in dealing with COVID19. From the perspective of non-recognised states, there are two aspects to consider: the first one is that non-recognised states themselves often exert the power of their de facto statehood by declaring border closure, just as recognised countries do. In the specific case of Somaliland, the government was the first in the region to declare the border closed when a case was identified; not even in Somaliland, but in Ethiopia. The government quickly deployed medical teams to all entry points such airports, seaports and land border crossings. It was a genuine concern from the government of Somaliland that the health emergency could quickly spiral out of control. But considered from a political and international relations perspective, these measures were also a way to display and

demonstrate the power the state could exert as an independent *strong state*, underlining the point that Somaliland exercises *effective* sovereignty, even though that sovereignty is not recognised *officially*. This indicates the state of power in Somaliland as exercised by the democratically elected current government. This is part of a wider historical pattern of political decision-making by successive Somaliland governments, of various political hues, over the past 29 years. In the current time it portrays the clear intention to act independently and to uphold the sovereign decision-making power vested in the government by the population which democratically elected it; such that it is able to exercise and demonstrate that within its own territory.

The second aspect to consider is that governments in non-recognised states promote their central role in the nation through legitimising their decisions and requiring public and private partners and stakeholders to comply with government guidelines. In the Somaliland case, key basic social services including healthcare and education are in the hands of the private sector. Nevertheless, in this time of challenge the state declared and expanded its mandate. Particularly its capability to access private facilities and requisition and repurpose them for the common use of wider society if needs arise from a state of emergency declaration, as permitted under Somaliland law. Medical equipment and medicines, spaces for quarantine and related resources owned by the private sector were directed for use for the common good by bringing them under the control of the state. This directive would have been legally dubious and hard to enforce without the declaration of an emergency. Hence, again, a non-recognised state demonstrated the ability to act just like a recognised one. That is notwithstanding the fact that Somaliland sovereignty was never in question domestically, even in normal pre-pandemic days. This point about internal legitimacy is important as it reflects the fact that capacity to act is vested in the consent of the population and a general trust and confidence that the government and, indeed, the formal opposition will ultimately act in the interests of the country. The implications for public health interventions are important, but little studied.

In both aspects, however, the case of Somaliland might be seen as a special situation, because, for instance, in terms of the effectiveness of border closure, Somaliland already had an effective, pre-existing state apparatus. All four borders were already monitored and managed peacefully even though the one in the east (with Somalia) has proven challenging at times. Hence, the ability to act just like a recognised state could be based on the existence of such *effective*, albeit non-recognised, capacities which create the impression that doing so is merely a normal act of governance in action.

However, Somaliland is feeling the pressure of the status of being non-recognised more than ever, and the impact and legacy of this pandemic manifests itself in both political and economic forms. In the political form it feels like business as usual. For example, the closures of borders, flight restrictions and related decisions, including legitimising election postponement. These political acts have been implemented with the same speed and effectiveness as recognised countries. Yet even the flight restrictions generated a political conflict, as Somalia declared its own airspace restrictions to cover Somaliland, while Somaliland still had flights arriving. This re-iterates the significance of unresolved underlying political tensions insofar as international politics is concerned, between Somaliland and Somalia.

Secondly, the economic aspect has been challenging for a number of reasons arising from Somaliland's status as not being recognised. The state of emergency and closing borders (except for essential import activities) has crippled both state capacity and private sector activities. Even the smallest aspect of day-to-day tax collection has been hampered by stay-home measures. Consequently, the revenues of Somaliland's government have taken a significant hit over the past few months, as indicated by a briefing prepared by Somaliland's Ministry of Finance, though this is likely to be a temporary consequence. This has wider implications for government expenditure and delivery of the government's domestic policy agenda.

Many recognised states have taken the opportunity to access alternative support lines through both fiscal and monetary policy interventions to support the wider economy and public institutions. But non-recognised states do not generally have access to multilateral financial institutions, the international financial system or bilateral economic support. In the case of Somaliland, it further lacks well-developed economic regulatory institutions. Being a developing economy, the Somaliland government's capacity to introduce economic stabilisation measures - such as welfare transfers to the poorest and most vulnerable in society or expansionary fiscal policies - is severely restricted. In summary, the capacities of non-recognised governments to ease the economic consequences of unexpected economic shocks such as the COVID19 pandemic, are more limited than those of recognised countries. This has implications for economic resilience and short- to medium-term economic growth prospects, which are expected to take a significant hit.

Humanitarian assistance and COVID19 in a non-recognised state

Somaliland non-recognition is not a product of on-going conflict and violence. The last period of conflict erupted in the early 1990s at a time when the Somali National Movement (SNM) had liberated the country from the military regime. Indeed, it was in 1991 that Somaliland proclaimed its independence from the rest of the former Somali Republic. After the first intra-SNM conflicts and clan-clashes in Berbera, Burao, Hargeysa and Erigavo in the years of 1991-1993, immediate internal reconciliation conferences were conducted in a very traditional way in Hargeysa, Burao, Erigavo, and Sheikh. These conferences culminated in the Grand Borama Conference (1993), which led to the establishment of much improved security and a stable government.

So rather than being a consequence of ongoing instability, non-recognition is instead a chronic case of *de facto* independence in the face of the *status quo* of non-recognition. To put it another way; perversely, Somaliland's very stability has allowed the status quo of non-recognition to remain in place. However, because of the current crisis, in every country there is urgent humanitarian health aid to be delivered, which needs also to be delivered as effectively as possible. There are two types of aid or assistance: the first is aid to people - mainly humanitarian aid. The second is aid to states - mainly developmental and budgetary support. The situation in Somaliland is that aid to people depends on the humanitarian situation, and as long as conditions on the ground allow delivery, it keeps coming. Not in full, but some element keeps coming. Aid to the state is different, because officially the non-recognised state doesn't exist as such, and any aid that is available through official channels goes to the recognised entity first, and only thence, if at all, to the non-recognised entity. In the case of Somaliland, the government has announced several times that they will never accept international assistance channelled through the FGS in Mogadishu. This is a red line as far as Somaliland is concerned.

Somalia's Federal Government was successful in winning debt relief under Heavily Indebted Poor Countries status, releasing IMF support while the World Bank and UN Agencies, as well as the European Union, are fast-tracking cash-transfers to Mogadishu, as a recognised state, in the form of direct budgetary assistance. The FGS debt cancelation, the delay of interest and capital repayments, direct financial support as well as continental and regional assistance, are not, however, burning issues in the corridors of power in Hargeysa, as the non-recognised counterpart. On the contrary, the Somaliland government looks sceptically at any money that goes to Mogadishu. Particularly as the FGS use this international support quite openly to further its political

ideology and political conflict. This inadvertently confronts the non-recognised counterpart, Somaliland, with an untenable choice between compromising the long-standing quest for recognition and taking the support on offer as part of the assumed 'parent' state or, on the other hand, of foregoing that critical support. Resolution of this impossible dilemma is hampered by lack of access to legitimate channels for negotiation and the right to request assistance as a self-governing state in challenging times.

Yet non-recognised status is not entirely negative. Paradoxically, Somaliland appears to have done rather well compared to some recognised countries. It is often overlooked in media and political discourse that the Government of Somaliland is the only democratically elected government in the region. It is surrounded by countries with unelected leaders and governments from Ethiopia to Djibouti and Somalia. This means that, even as a non-recognised state, the government of Somaliland is nevertheless directly accountable to its own people. As such it could be argued that the actions it took quickly (closed borders, stopped flights and quarantine) were in part driven by self-interest at the state level. This is because the Government of Somaliland is hugely reliant on internally generated resources and derives its legitimacy from an internal power base (the people). The government of Somaliland has, for example no external loans and receives only limited international financial assistance. Thus, the state domestically has a strong political and economic incentive to act decisively to protect the local socio-economic ecosystem including from medical health emergencies such as COVID19. This was also evident at the height of the Ebola outbreak in West Africa, when Somaliland took proactive measures, such as screening passengers on international flights arriving into Hargeysa's Egal International Airport. Conversely, the internationally recognised government in Mogadishu is reliant on, indeed arguably propped up by international support, but lacks democratic accountability and domestic legitimacy. This has implications for the Mogadishu government's *modus operandi*; from its domestic and international policies and politics, as well as widely reported corruption and graft in government and public institutions, to its security arrangement with it being largely reliant on AMISOM troops for its continued viability.

Challenges and opportunities

COVID19 brings with it problems and opportunities for non-recognised states. It puts a lot of demand on meagre resources and exposes vulnerabilities in the case of non-recognised entities. On the other hand, it brings opportunities as the plight itself gives

these 'invisible states' greater visibility. It provides a wake-up call for policy makers and scholars to reflect, for example, on food security and the protection of the people, and the policy measures most likely to have a tangible, positive impact. It also focuses minds and brings people together against a common problem, and political infighting takes a back seat. This inadvertently results in stronger institutions and clarity of political purpose not only from the incumbent Kulmiye party government, but also from the two official opposition parties, Waddani and UCID.

Also, on the opportunity side is the way it has given the government space to voice their concerns and to pursue bolder international strategies where the potential exists, as in the case of Taiwan with whom Somaliland has recently reached agreement on enhanced cooperation. For Somaliland, the crisis has helped to raise their political voice regionally and has highlighted the need for cooperation in addressing this huge global challenge that rises above existing political alignments. Hence it has been an advantage in that Somaliland as a state has been more visible and has been able to share their narrative at a global level. More specifically it provided an indirect visibility, both to international and regional institutions - such that renewed questions are being asked about de-politicising humanitarian assistance as a mutually beneficial endeavour. The other opportunity it has brought to non-recognised states is the self-reliance narration. It presents opportunities for practical steps by the private sector and friends of the nation, such that it strengthens ownership of local initiatives and domestically, the bond of national unity.

COVID19 may well hinder democratic processes internationally and for both recognised and non-recognised countries, but the non-recognised is almost definitionally more fragile, often with little in the way of strong, rule-based legal and institutional systems.

Of course, all the shortcomings of the Somaliland Government in reaction to the pandemic cannot be justified by non-recognition. Many people criticized, for instance, the fact that incoming flights were not stopped earlier. The Somaliland Government has been confronted with the same choices as other countries when it comes to public health versus the economy and has shaped its policy response around its own definition of "national interest". The Somaliland COVID-19 Preparedness Committee could, for example, have improved their public communication and not given room for rumours on the pandemic to spread; also the compulsory quarantine on arrivals could have been implemented more efficiently with clear and strict rules much better enforced.

Capitalising on Opportunities:

Reflecting on the aforementioned considerations, Somaliland is now receiving renewed international attention because of this crisis. This may lead it to secure more friends for its post-COVID19 international quest for recognition. The pandemic has brought Somaliland into the international arena, particularly as a research case study, having many similarities with Taiwan, with those two states being able to secure their populations and efficiently and effectively make decisions. The two states have been allies and with their recent establishment of formal ties, this definitely seems like an interesting opportunity to observe in the future. The current situation has also given space for Somaliland to state its differences with Somalia. Particularly to point out how long-delayed recognition remains a problem which manifests itself in many known and invisible socio-economic and political barriers, especially as little support of any kind has reached Somaliland during this pandemic. A good example is of the Chinese billionaire and founder of Ali-Baba, Jack Ma, whose donation to African nations through the African Union and the Ethiopian government, has been directed to the FGS, with Somaliland refusing to accept a share as long as the prerequisite condition is that it does so as a Federal Member State of Somalia. This broadly reflects the wider pattern by international actors, who have kept sending help to Somalia. Nevertheless, this has given the chance for Somaliland to showcase their quest for independence and allowed them to practice and hone policies of self sufficiency, whilst also strengthening links with the diaspora and private sector. Even as these current events raise questions of political desire, emergency compromises may still be needed to save lives.

Somaliland has also strengthened during this pandemic some friendships with allies. This is especially true for the UAE, which has supported Somaliland with materials, and for Ethiopia, who have provided smaller scale support to Somaliland as well as enhancing recently fraught relations. Ethiopian Airlines continues to fly into Hargeysa, even though the FGS has objected to this. Within Somaliland, this has been taken as a symbol of solidarity and strength from Ethiopia to parallel that of the UAE. A donation from Qatar raises a political question which reflects ongoing political wrangling amongst the Gulf countries which interacts with the politics of the Horn of Africa. Qatar's unequivocal stance in support of the FGS has become an established feature of recent political events in the region. Other actors, such as the EU and UK remain positive, longstanding and well established partners for Somaliland. A key feature in this relationship, is the shared democratic credentials and Somaliland's history as the former British Somaliland Protectorate, plus its large diaspora communities in Europe

and the United States. The US and EU are particularly allies in the humanitarian assistance space, which was first formalised with the [now discontinued] US two track approach towards Somaliland and Somalia, whereby Western countries started to engage with both Somaliland and Somalia on a level but separate footing. The Somaliland Development Fund was another tool that facilitated direct support to Somaliland from the UK, Denmark and The Netherlands on projects fully aligned with the National Development Plan (NDP). The first phase of SDF [2013-2018] “provided funding for 12 projects with a total value of USD 59 million to projects implemented by the Government of Somaliland”, followed by British government signing “agreements worth £31 million to support development in Somaliland” in 2019. For SDF-2, additional support from the UK, Denmark and The Netherlands has just been announced (July, 2020, though the total sum involved is so far unreleased). This new phase has the declared objective of fostering “inclusive economic development for the people of Somaliland” (see <https://www.somalilanddevelopmentfund.org/projects>).

A particular consideration from the EU perspective - given the jointly determined nature of its foreign policy responses - is that support to Somaliland must preserve protocols that reflect and pay lip-service to Somalia's 'unity', at least within the public arena and particularly in published statements. Major partnerships, including the EU, announced direct budget support to Somaliland in the first days of the crisis, but this has not yet been implemented, with the main reason for non-implementation being non-recognition, as the EU has no mandate to sign a bilateral agreement which would certainly upset Mogadishu. Nevertheless, the EU is the major supporter of humanitarian and development assistance to Somaliland via projects implemented by International and National NGOs.

Finally, apart from international financial and humanitarian impact, there are other areas where non-recognition has been a major obstacle during the pandemic, including education, trade and state revenue. Recognised states can rely on international assistance and debt relief to create space for the redirection of funds to address urgent health, education and poverty concerns while even allowing some bolstering of state capacity at this time of particular weakness. In Somaliland, though, these avenues are largely absent. The use of Berbera port, which generated significant private sector and state income has been halted, while livestock exports, despite the Eid market, remain well below normal expected volume and likewise, with many flights suspended, income usually gained from the airport has also ceased. The recent decision to ban most Haj

pilgrims from entering Saudi Arabia also removes a key source of income for Somaliland livestock owners.

An opportunity might lie in the fact that the pandemic has helped the non-recognised state to see alternative strategies and partnerships for addressing the challenge, for instance, relying on the local community that is still playing a decisive role in providing basic social support. The private sector has also stepped up in many instances, with a donation to Somaliland's COVID19 committee from major businesses such as Dahabshiil, TELESOM, WORLDREMIT and other companies, providing further evidence of the resilience Somaliland is already recognised for. The case of Somaliland's experience in dealing with the pandemic is therefore a mixed bag featuring a tangled narrative based on a positive domestic story of self-reliance and desire for local ownership and determination to stand firm on the well-justified quest for international recognition even in these challenging times, but without compromising on the value of human life. It is also a real-time example of the continued failure of the international community to find an alternative system that extends the needed support for security while valuing human life in the midst of a global emergency. The geopolitics that lie behind Somaliland's lengthy status of non-recognition substantively impede efforts to address urgent and acknowledged needs on the ground in an effective and coordinated manner. This effectively represents the abandonment of collective responsibility, leaving critical humanitarian and developmental priorities to be handled through the fragmented international relationships resulting from an enduring refusal on the part of bilateral and multilateral partners to find creative ways around diplomatic concerns. This makes development assistance even more of a gamble than is already the case, undermining the principles of fairness and impeding sufficient input needed to address this acute human emergency. For Somaliland, while non-recognition has many consequences - some even positive - on balance, it significantly exacerbates already substantial challenges at a critical moment when we should all instead be focused on reducing barriers.