

**THE LEGITIMACY OF SOMALILAND STATEHOOD AND INTERNATIONAL  
RECOGNITION**

**BY**

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UNIVERSITY**

**SEPTEMBER, 2021**

**DECLARATION**

I hereby declare that the work presented in this proposal is my original work and has never been presented to any other University or Institution of higher learning for any academic qualification or otherwise.

Signature.....

Date.....

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**2020-01-00471**

**APPROVAL**

This work "*The Legitimacy of Somaliland Statehood and International Recognition*" has been prepared under my supervision and is now ready for submission with my approval as the university supervisor.

Signature:  .....

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## **DEDICATION**

I dedicate this research to my parents

## **ACKNOWLEDGEMENT**

I wish to express my appreciation and gratitude to several people without whom this research would not have been possible. Special thanks go to my supervisor for his endless patience and tireless effort in supervising the production of this research. Sincere gratitude and appreciation also go to my family members especially my mother who tolerated the inconveniences I caused them in one way or another.

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## **ABSTRACT**

The study set to examine the legitimacy of Somaliland statehood and international recognition. The study objectives were to assess the effect of Permanent population on state recognition in Somaliland state. To examine the effect of defined territory on state recognition in Somaliland., and to establish the effect of a functioning government on state recognition in Somaliland state. The data was collected from selected Sonya organization, un office and Somaliland ministry of constitution. The data was collected from 109 respondents quantitatively and qualitatively from 10 respondents who were community leaders and parliament members, All the respondents were selected using purposive sampling technique. The study based on the first objective concluded that permanent population has a moderate effect on state recognition of Somaliland. The prevalence of the population would be key in enabling the state functionality in Somaliland. The study conclude that the population is a determinant for the recognition of Somaliland, there exists a statistically significant effect of defined territory on state recognition in Somaliland state. It means that a defined territory induces Somaliland statehood. The study conclude that the territory definition is not appropriately provided, the study concludes that there exists conflict on the territory with Puntland.it was found that Somaliland had a functioning government which affects state recognition of Somaliland. The results reveal that the government system alone is good though has not attained a state independence recognition. The function government is in place though the Somaliland is not recognized, it implies that the legitimacy is met in governance system though politics and among other issues including the instability in Somalia could explain the non-recognition of Somaliland. The study concluded that Interstate relations capacity has an effect on state recognition of Somaliland. The state of Somaliland has been involved in different aspects of projects connected to the ventures in Somaliland. The study conclude that the state of Somaliland recognition is poorly provided, the interstate relations capacity is limited with the prevalence of Somaliland that attacks and breaks any cooperation with Somaliland.

## **CHAPTER ONE:**

### **INTRODUCTION**

#### **1.0 Introduction**

This chapter will discuss the background, problem statement, research objective, research question, scope of the study, significance, conceptual framework and the definitions key operation terms.

#### **1.1 Background of the Study**

##### **1.1.1 Historical Background**

Struggles for independence fill the pages of 20<sup>th</sup> Century history as groups the world over rose up to demand they be empowered to pursue this modern form of social organization. Having an independent state has been associated with national calls all over the world demanding territories and resources to be administered by ‘indigenous people’ instead of foreign occupiers (Mehmeti, 2017).

The issue of Taiwan’s sovereignty and statehood is certainly paradoxical, to say the least. Domestically, the Republic of China (ROC) or Taiwan has a strong and successful state, and it exercises all facets of sovereignty. In the 1990s, it completed a model democratic transition; and earlier its state-led development strategy was widely termed an “economic miracle.” Yet, there is limited official recognition of Taiwan’s statehood and sovereignty internationally because of pressure from the People’s Republic of China (PRC), which claims that Taiwan is an inalienable part of China. Taiwan’s quest to preserve its statehood has followed two tracks (Clark, 2008).

The other way towards statehood is international recognition. South Sudan explicitly fits this criterion. Despite that South Sudan has fought for its statehood for over decades but finally it made that dream to come true though some scholars argue that the recognition of South Sudan was a big mistake in the international law. There were many expectations of South Sudan when it declared its independence and it has failed to live up to many of these not only during its first year as a sovereign state but also during the decades of civil wars and struggle for independence that came before it. The opportunities afforded by establishing a state are

not as great as many tend to believe” (Goia, 2018).

Since its declaration from Serbia, enacted on 17 February 2008, international recognition of Kosovo has been mixed, and the international community continues to be divided on the issue. As of 4 November 2018, the Republic of Kosovo has received 116 diplomatic recognitions as an independent state, of which 10 have been subsequently withdrawn. As of 9 February 2019, 102 out of 193 (53%) United Nations(UN) member states, 23 out of 28 (82%) European Union (EU) member states, 25 out of 29(86%) NATO member states, and 34 out of 57(60%) Organization of Islamic Cooperation (OIC) member states have recognized Kosovo (Bulmer, S. (2020).

The United Nations established Eritrea as an autonomous region within the Ethiopian federation in 1952. However, when Ethiopia, under Emperor Haile Selassie, annexed the region in 1962, it sparked a civil war that lasted 30 years. In 1991, People’s Liberation (EPLF) ousted the Ethiopian forces, and on April 27, 1993, the country declared independence after a referendum (Hagmann, 2014).

The Republic of Somaliland, known during the colonial period as British Somaliland, lies between the 8<sup>th</sup> and 11<sup>th</sup> parallel and 42° and 49°E meridian within what is recognized by the international community as the state of Somalia. From the starta *defacto* unequal partner in the state of Somalia and later even a targeted minority, Somaliland ultimately extracted itself from a degenerate Somalia by declaring statehood on 18 May 1991. Consequently, Somaliland, whose unilateral declaration of statehood has not been recognized by a single member of the international community, exists in what has been referred to as a “diplomatic no-man’s land” (Hoyle,2000).

The Republic of Somaliland reasserted its independence from Somalia on May 18, 1991. Since then Somaliland has demonstrated the characteristics of a robust democratic state: Government composed of three branches—the executive, the legislative and the judicial—to ensure the separation of powers; numerous free and fair elections at both the national and local levels; three contending political parties; free media; freedom of association, assembly

and speech; its own currency and passport though it is not formally recognized country. Therefore, the people of Somaliland are rightly anticipating from the international community to grant their well-deserved recognition (Bale, 2013).

### **1.1.2 Theoretical Background**

This study has employed both declarative and constitutive theories of recognition in order to provide enough theoretical conception. For over a century there has been a great debate between the „declarative“ and „constitutive“ schools of thought on statehood. According to the „declaratory“ theory a State should possess the following qualifications: (a) a defined territory; (b) a permanent population and (c) a government. These criteria are provided by art. 1 of the Montevideo Convention on the Rights and Duties of States of 1933 Montevideo Convention (Zadeh). Art. 3 of the Montevideo Convention declares that statehood is independent of recognition by other states (Sterio, 2010).

In contrast, according to the „constitutive“ theory, a State only becomes a State by virtue of recognition by the other States. Once the three factual criteria of the declaratory theory have been met, this „factuality“ must then be confirmed by the existing States. This doctrine has proved untenable in practice, as there is no international body with the authority to acknowledge the existence of States on behalf of the entire community of States. Therefore, each State may individually decide whether a new State has come into being and recognize it (Worster, 2009).

Actually, the two theories are of little assistance in explaining recognition or determining the status of non-recognized entities in practice. In addition, the practical differences between these two theories are not significant. Under the declaratory theory, the decision whether an entity satisfies the criteria of statehood is left to other States, and the granting formal recognition to another State, which is a unilateral act, is left to the political discretion of States. On the other hand, the significance of the constitutive theory has diminished because of the obligation imposed on States to treat an entity that satisfies the criteria of statehood as a state. Moreover, the States practice regarding recognition shows that States follow a middle position between these two theories (Rai, 2002).

In practice, however, the existence of a state is not dependent on whether it has been recognized as such. The sole determining factor is whether or not the elements of statehood under international law (state people, state territory, state power) are actually present in the specific case. Realistically, however, an entity cannot function as a state unless at least a certain number of states recognize it as such. In recent state practice recognition has often been made contingent on the fulfillment of certain conditions, for example compliance with the UN Charter or observance of the rule of law, democracy and human rights (Aust, 2011). From the viewpoint of international law, however, these are not criteria for recognition but conditions of a political nature, formulated in relation to the establishment of diplomatic relations. It has been urged that states are subject to a duty under international law to recognize a new state or a new government fulfilling the legal requirements of statehood or of governmental capacity. There is no general acceptance of the existence of the duty or the right mentioned (Aust, 2011).

The relevancy of the constitutive theory, as espoused by Oppenheim, holds that “a state is and becomes an international person through recognition only and exclusively.” This means that Somalia state is essentially nonexistent and does not pose any legal rights until recognized by other states. Whereas the relevancy of the declaratory theory to this study is that it assumes that territorial entities can readily, by virtue of their mere existence, be classified as having one particular legal status: it thus, in a way, confuses 'fact' with 'law'.

### **1.1.3 Conceptual Background**

The recognition of a state under international law is a declaration of intent by one state to acknowledge another power as a "state" within the meaning of international law. To recognize a community as a State is to declare that it fulfills the conditions of statehood as required by international law (Lauterpacht, 2012).

According to Article 1 of the 1933 Montevideo Convention on the Rights and Duties of

States, a legitimate statehood are the states who possess the following characteristics: (1) A permanent population; (2) A defined territory;(3)A government and; (4) A capacity to enter into relations with other states, Art. 3 of the Montevideo Convention declares that statehood is independent of recognition by other states (Sterio, 2010).

It is clear that there are many different types of international legal person. It is also clear that ‘international personality’ is not an absolute concept. It is relative in the sense that different types of international legal person may have different types or layers of international personality. Generally (and not exhaustively), the most extensive international personality entails the ability to bring claims before international tribunals exercising an international legal jurisdiction, to enjoy rights and be subject to international legal obligations, to participate in international law creation (including through customary international law and the conclusion of treaties), to enjoy the immunities attaching to international legal persons within national legal systems and to participate in international organizations. However, not all international persons have the full measure of personality for all purposes. The approach to the issue of international legal Personality and Recognition 137 137 personality may depend on the extent to which it is accepted that the international legal system is a solely State-based system. Most commentators today acknowledge that there are other entities that participate in the international legal system, such as international organization’s, individuals, corporations, non-State armed groups and nongovernmental organizations.

States are the most important subjects of international law. By definition, if an entity amounts to a ‘State’ it has the potential or ‘capacity’ to avail itself of all of the rights and to be subject to all of the duties known to the international system. Of course, individual States may have deliberately limited their capacity in respect of particular rights or duties, often by treaty (e.g. by accepting the Vienna Convention on Diplomatic Relations 1961 States limit their jurisdictional rights), but this does not detract from their paramount claim to those rights and duties. In effect, the rights and duties of States set the benchmark for the other ‘subjects’ of international law.

#### **1.1.4 Contextual Background**



Nearly twenty-nine years after its declaration of independence, Somaliland fulfills the broad criteria of statehood under the Montevideo Convention on the Rights and Duties of States, defined by the following parameters: a permanent population; a defined territory; a government; and the capacity to enter into relations with other states. The population of Somaliland is estimated at over three million permanent inhabitants. Somaliland's territorial boundaries conform to those received at independence from Great Britain in 1960 and its government is both functional and effectively in control of most of the territory to which it lays claim.

The administration in Somaliland's "capital," Hargeisa, is widely acknowledged both domestically and internationally, with no significant rival factions challenging its claim to be the voice of Somaliland's population; elected and appointed officials fill positions including the Ministries of Foreign Affairs, Interior, and Finance. The Somaliland government engages in an array of relations with states and intergovernmental organizations, with which it has entered into cooperative agreements regarding aid, elections monitoring, security and counter-terrorism, trade, and immigration (Arief, 2009)

## **1.2 Problem Statement**

The self-declared state of Somaliland proclaimed its independency in 18<sup>th</sup> May 1991, since that time, Somaliland quested international recognition to be independent country, it has been the major issue of Somaliland's politics. The fact that Somalia refuses to recognize the existence of Somaliland is a significant factor in this. The matter is further complicated by the fact that there is another separationist movement in a tract of land called Puntland, which joins these two regions (Kutty, V. (2010). As long as this instability exists, it is unlikely that the African Union will recognize any country other than Somalia, so Somaliland and Puntland are both left out in the cold. Until the African Union decides to recognize these regions as separate countries, it is unlikely that any other major country will do so (Bruton, 2014). The primary reason that the African Union has given for not recognizing them is that they viewed Somaliland's claim as just another enclave seeking separation. Apparently, this violates the principles of the African Union. According to Ministry of Foreign Affairs and International Cooperation of Somaliland report in 2016 "the lack of international recognition has been the most obstacle of Somaliland's

development". When it comes to development that there is no single state which can develop alone, without having a relation and cooperation with other states. It's upon this that the researcher intends to find out legitimacy of Somaliland's statehood under the international law and its journey of international recognition.

### **1.3 Research Objective**

#### **1.3.2 General Objective**

The general purpose of this research was to explain and address the legitimacy of Somaliland's statehood and international recognition.

#### **1.3.2 Specific Objectives**

- 1) To assess the effect of Permanent population on state recognition in Somaliland state.
- 2) To examine the effect of defined territory on state recognition in Somaliland.
- 3) To establish the effect of a functioning government on state recognition in Somaliland state.
- 4) To determine the effect of interstate relations capacity on state recognition in Somaliland.

### **1.4 Research Question**

- 1) What is the effect of Permanent population on state recognition in Somalia land Somalia?
- 2) What is the effect of defined territory on state recognition in Somalia Land, Somalia?
- 3) What is the effect of a functioning government on state recognition in Somali Land Somalia?
- 4) What is the effect of interstate relations capacity on state recognition in Somaliland, Somalia?

### **1.5. Scope of the Study**

### **1.5.1 Geographic Scope**

The study was conducted from Hargeisa in Somaliland is situated in northeastern Somalia, on the Gulf of Aden coast. Nearby settlements include to the east Rehiss (2.0 nm), to the northeast Barbera (7.5 nm), to the west wajaale (1.9 nm), to the southwest Laas Geel to the south boorama (11.2 nm), and to the southeast baligubadle (19.5 nm). The researcher will conduct the study from Hargeisa due to state capital city of Somaliland; most educated people and government agency are there.

### **1.5.2 Theoretical Scope**

In this study, the researcher was use the declarative and constitutive theories of recognition, which is related to the dependent variable “Recognition”. The study used the assumption and the principles of the above-mentioned theories, in order to provide enough literature. Both declarative and constitutive theories of recognition in order to provide enough theoretical conception. For over a century there has been a great debate between the „declarative“ and „constitutive“ schools of thought on statehood. According to the declaratory theory a State should possess the following qualifications: (a) a defined territory; (b) a permanent population and (c) a government. These criteria are provided by art. 1 of the Montevideo Convention on the Rights and Duties of States of 1933 Montevideo Convention (Zadeh). Art. 3 of the Montevideo Convention declares that statehood is independent of recognition by other states (Montevideo, 1933).

In contrast, according to the constitutive theory, a State only becomes a State by virtue of recognition by the other States. Once the three factual criteria of the declaratory theory have been met, this „factuality“ must then be confirmed by the existing States. This doctrine has proved untenable in practice, as there is no international body with the authority to acknowledge the existence of States on behalf of the entire community of States. Therefore, each State may individually decide whether a new State has come into being and recognize it (Cato, 2020).

The relevancy of the constitutive theory, as espoused by Oppenheim, holds that “a state is and becomes an international person through recognition only and exclusively.” This means that Somalia state is essentially nonexistent and does not pose any legal rights until

recognized by other states.

### **1.5.3 Content Scope**

The research was mainly based on the legitimacy of Somaliland's statehood and international recognition in Hargeisa. The focus was on assessing the effect of Permanent population on state recognition, examine the effect of defined territory on state recognition, establish the effect of a functioning government on state recognition and to determine the effect of interstate relations capacity on state recognition in Somaliland, Somalia.

### **1.5.4 Time Scope**

The study was taking for a period of 6 months, starting from January to 2021 to December. 2021. Since this period was convenient for me to gather all necessary date required for the study and based on data from 2008 to 2018 on Somaliland statehood international recognition.

### **1.6 Significance of the Study**

This study provided sufficient information on the Legitimacy of Somaliland's statehood. It will also be a reference for many scholars, researchers, students, research institutions and even other people who have close interest on the subject of matter. Specifically, the study may be benefiting some of the following.

First to the government of Somaliland in particular the Ministries of foreign affairs and International Corporation, to take national campaign for advocating Somaliland's right to succeed in the international law.

Second to Somaliland diaspora communities around the world they can refer this research when they are engaging public relation events and advocating for their country's right to succeed.

And third to Researchers on the subject matter will also refer this study as a literature review.

### **1.7 Key Operational Terms**

**International law:** International law is the legal order which is meant to structure the interaction between entities participating in and shaping international relations. And it is a body of rules established by custom or treaty and recognized by nations as binding in their relations with one another.

**Statehood:** Internationally there is no standard definition statehood though the scholars of international law have set and clarified the statehood with some general legal characteristics, and one of these is “statehood as the principle subjects of international law”. But in this study the researcher defined the statehood as “the status of being a recognized as independent nation which met the standard criteria’s of statehood also statehood refers independent of recognition by other states.

**Recognition:** the action or process of recognizing or being recognized, by other states or recognition is a formal acknowledgement of the status of an independent state by other existing states.

## **CHAPTER TWO**

### **REVIEW OF RELATED LITERATURE**

#### **2.0 Introduction**

This chapter was highlighting the review of literature that relates to the legitimacy of Somaliland statehood in the international law and recognition, in terms of concepts, theoretical prospective, related studies for previous researchers and conceptual framework which is related to this study.

#### **2.1 Theoretical review**

##### **2.1.1 Constitutive Theory**

The study is in line with the declaratory and constitutive theories, developed by William Blackstone and William Worster in 2001. According to the constitutive theory, recognition by other states is an essential prerequisite of statehood. Only recognition makes a state a state: “a state is, and becomes, an International Person through recognition only and exclusively.” From this standpoint, recognition is viewed as an additional requirement of statehood implying that the entity in question is not a state, at least in a legal sense, until others recognize it as such. In short, the act of recognition creates or ‘constitutes’ the state (John Dugard & David Raic, 2006). Consequently, this theory presumes that the entity seeking recognition possesses neither the rights nor duties pertaining to statehood, regardless of whether they satisfy the criteria of statehood outlined above, until the international community recognizes its existence.

In the opinion of William Worster, the constitutive theory reflects a particular conception of statehood, namely that a state is a “bundle of rights” at the international level, “and nothing more” (Dey, 2018). From this perspective, a state’s existence is contingent upon the acquisition of those rights. Rights, in other words, are determinative of status. Since proponents of the constitutive theory hold that a supposed state’s enjoyment of rights and privileges at the international level is dependent on their ‘conferral’ by existing states, the act of recognition becomes key. In light of the fact that putative states acquire rights only as a result of the ‘consent’ of existing states, the constitutive theory also reflects a particular conception of the role that state discretion plays in the granting of recognition.

Generally speaking, the constitutive theory affords states considerable discretion in deciding whether a new state has emerged (Thomas, 2012). Thus, despite the fact that constitutive theory attributes significant legal consequences to the act of recognition, the decision to extend recognition is subject to the discretionary, political inclinations of each and every individual state. In sum, the constitutive theory stipulates that a state is only a state upon the political act of recognition by existing states, which is status-creating in its effect.

The relevancy of the constitutive theory, as espoused by Oppenheim, holds that “a state is and becomes an international person through recognition only and exclusively.” This means that Somalia state is essentially nonexistent and does not pose any legal rights until recognized by other states.

However it is also important to note that recognition of a state is different from recognition of a government. A state’s position as a member of the international community is not affected by changes in its government. New governments inherit the same rights and obligations under international law as their predecessors. A new government that comes to power through constitutional means, such as an election, is officially recognized as the government of that state. A government that comes to power unconstitutionally, by means of a coup d’etat for example, can be recognized as the de facto government, even though it may not be the de jure government, provided it has control over state practice. States that choose not to recognize a de facto government as the de jure one, choose not to recognize the government in power; they do not deny the existence of the state itself. States seem to be moving away from formal recognition of governments so as not to send messages indicating approval or disapproval of a particular government, a policy referred to as the Estrada Doctrine, choosing instead to focus on decisions of whether to establish diplomatic relations (Mark, 2018).

### **2.1.2 Declaratory Theory**

The declaratory theory, on the other hand, maintains that an act of recognition has no significant legal consequences. Rather, an entity becomes a state as soon as it meets the

factual criteria of statehood. In other words, the conditions of statehood, however defined, confer a legal status on the entity in question independent of recognition (Worster, 2009). Therefore, recognition would actually play no part in constituting a state, but would merely be an acknowledgment of an already pre-existing state of affairs. According to Crawford, where a state factually exists, “the legality of its creation or existence must be an abstract issue: the law must take account of the new situation...” Thus, the status of statehood is based on fact, and not on the discretion of individual states. In effect, the declaratory theory suggests that recognition is, at most, a diplomatic or political act and not a legal one. In so recognizing, a state merely acknowledges and accepts the legal personality of the new state in order to further international relations (Happé, F. (2017).

This notion that recognition has a status-confirming effect rather than a status-creating effect is rooted in the view that a state is not merely a bundle of legal rights. Instead, a state is “more than a purely legal construction; it is also an organic entity” that can factually “precede the acquisition of international legal rights” and “presumably survive” their loss (Thomas, 2017). Consequently, the existence of a state is not contingent upon the acquisition of such rights meaning that recognition should be, in principle, automatic as long as certain objective criteria of statehood are satisfied.

Theoretically then, this merely declaratory role accorded to the act of recognition serves to limit the discretion of states in the overall process. According to Brownlie, “if an entity bears the marks of statehood, other states put themselves at risk legally, if they ignore the basic obligations of state relations (Worster, 2009).” Hence, proponents argue that by limiting discretion, the declaratory theory seeks to establish a process that is more legal, than political in nature. Given this legal emphasis, it is argued that the declaratory theory avoids both the logical and practical shortcomings inherent in the constitutive school of thought (Worster, 2009).

A significant body of opinion supports the declaratory theory. In fact, Grant goes so far as to suggest that, “the role of recognition was once debated. But most writers today assume that recognition itself does not create statehood” (Taillefer, 2011). Many commentators argue that



this predominance has been supported in practice. For instance, the German-Polish Mixed Arbitral Tribunal held – in regards to the existence of the ‘new’ state of Poland after the First World War that, “the recognition of a State is not constitutive but merely declaratory.

The State exists by itself and the recognition is nothing else than a declaration of its existence. Proponents argue that similar sentiments can be found in the pronouncement of the ICJ in the Bosnian Genocide case, where it dismissed the Federal Republic of Yugoslavia’s (FRY) claim that the Court could not adjudicate matters pursuant to the Genocide Convention because the FRY and Bosnia-Herzegovina had not recognized each other at the time the proceedings began. The Court held that Bosnia-Herzegovina was competent to bring the claim as of the moment it became a state regardless of when the FRY decided to recognize it (Taillefer, 2011).

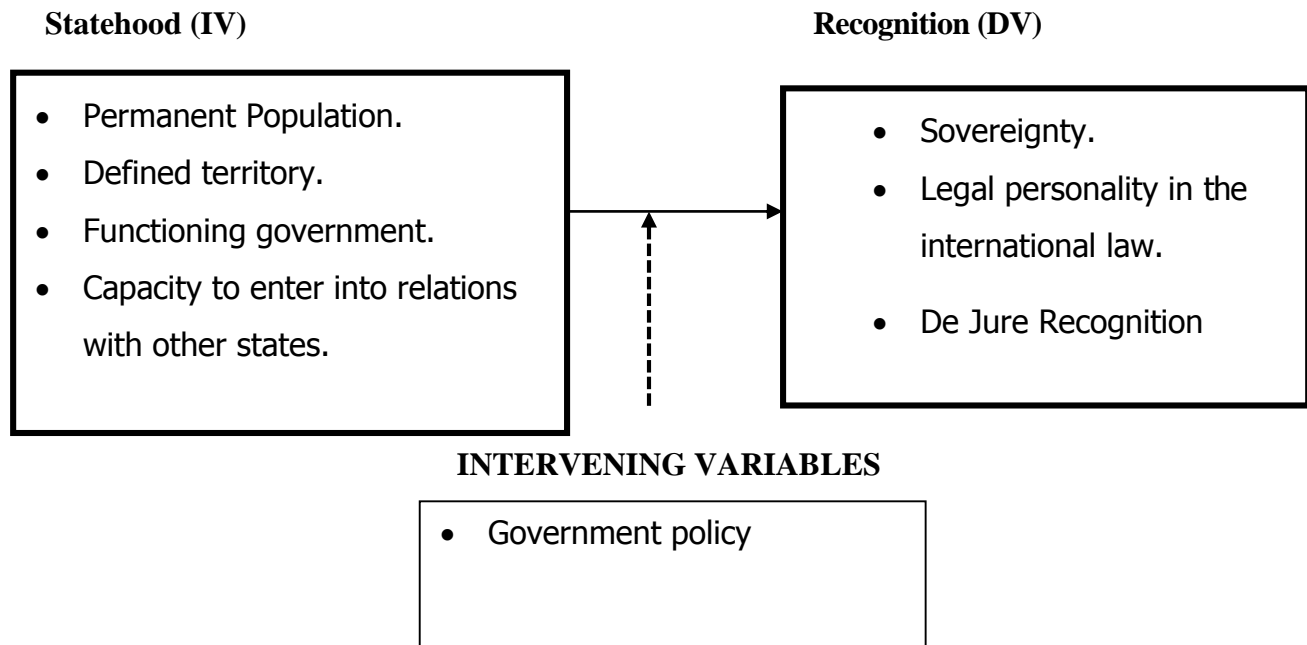
This support for the declaratory theory can also be seen in the words of the Arbitration Commission established to advise the European Peace Conference on Yugoslavia (Badinter Commission). The Commission was created in order to consider questions relating to the recognition of new states and state secession arising from the disintegration of the Socialist Federal Republic of Yugoslavia (SFRY). In its first opinion on 29 November 1991, the Badinter Commission stated that, “the effects of recognition by other States are purely declaratory” (Radan, 2000).

More so according to Brownlie, (2013), Declaratory theory emerged as a reaction to the unprincipled implications and conceptual difficulties inherent in a strictly constitutive approach to recognition. Declaratory theory argues instead that statehood is independent of recognition; that the act of recognition by other states in the international system is purely declaratory. In terms of international public law, therefore, it argues that a state becomes a subject of international law the moment it meets the conditions of statehood notwithstanding its recognition by the international community. Such an evolution of recognition theory was inspired by attempts to ensure that international law would be universal in application to all entities that meet the objective criteria of statehood within the system by insulating the objective achievement of statehood, from the subjective criteria of recognition. In light of

these motivations, it is natural that a key component of declaratory theory is the establishment of objective criteria for statehood. However, as skeptics like Grant have argued, this interpretation of recognition also runs into problems for two important reasons.

The relevancy of the declaratory theory to this study is that it assumes that territorial entities can readily, by virtue of their mere existence, be classified as having one particular legal status: it thus, in a way, confuses 'fact' with 'law'.

## 2.2 Conceptual Framework



**Source:** Montevideo Convention (1933) and Rewand (2012), Modified by researcher 2021.

The conceptual frame work in table 1 shows that the independent variables statehood which will be conceptualized as having permanent population, defined territory, functioning government capacity to enter into relations with other state whereas the dependent variable (recognition) will be measured in relation to legal personality in the international law, sovereignty and de jura recognition However both variables are intervened by factors like the Government policy

### 2.3.0 Review of related literature

The literature is presented following the study objectives;

In the 21<sup>st</sup> century the concept of “state” remains critical component of international law and international relations. Given its central role, there should be a clear and codified definition of state existing in international law. However, it is not the case, and even if since 1945 several attempts have been made to agree on such a definition, none of these efforts succeeded. Thus, the Montevideo Convention can still be considered, as Crawford argues, “the best-known formulation of the basic criteria for statehood (James, 2015). The Article 1 enunciates that “The state as a person of international law should possess the following qualifications: a) a permanent population; b) a defined territory; c) government; and d) capacity to enter into relations with

other states.

### **2.3.1 Effect of Permanent population on state recognition**

Permanent population refers to a population that is linked to a specific piece of territory on a permanent basis. The population must be reasonably stable. In *Western Sahara Advisory Opinion ICJ Rep 1975, 12*, it was established that nomadic tribes qualified as a state, as they had links with the specific territory. There is no requirement for the population to be indigenous and the extent of social and cultural cohesion required is unclear. In practice, most of the population of a state will be its 'nationals' and have a right to reside in that state. The criteria of qualification for nationality are determined by national law. The size of the population is immaterial; it can be as small as San Marino at around 30,000 inhabitants, or as large as China at around 1.3bn.

About the second element, a permanent population, it is probably the least controversial of the four traditional statehood benchmarks. It is necessary for statehood, and it is connected with the territorial dimension, because "if states are territorial entities, they are also aggregates of individuals (Crawford, 2011). Moreover, like in the case of territory, no minimum population is required.

From a purely international legal stand point, Somaliland could indeed pass the statehood test—it has permanent population, largely Somali Issaqs; a defined territory, based on British colonial boundaries; and a government, that, on the relative scale, has achieved order and stability. If it is acknowledged that Somalia, as we knew it, is no longer, the international community would further have to acknowledge Somaliland's capacity to enter into international relations (in the sense that no competing sovereign exists). Yet, to date, Somaliland has not been recognized as a state by the international community. It is this political factor "the largesse of the doctrine of recognition" that holds Somaliland back (Hoyle, 2000). In light of Montevideo standard, let us examine whether Somaliland fulfills the aforesaid four prerequisite elements for statehood:

Somaliland possesses permanent population in excess of 3.6 million people, of which 97.1% participated in the referendum on May 31, 2001 affirming the independence of Somaliland.

Second, Somaliland occupies conspicuously definite territory with an area of 137,600 km<sup>2</sup>. The country is surrounded by neighboring countries of Ethiopia to the west, Puntland to the east, Djibouti to the northwest, and Gulf of Aden to the north. Third, Somaliland has democratically elected government consisting of three branches: the Executive branch which comprises a President, Vice President, and Cabinet; bicameral parliament composed of The House of Elders, the House of Representatives (Lower Chamber and independent judiciary. Somaliland has entered bilateral and multilateral relations and co- operations with other states such as relations with Ethiopia, Djibouti, Kenya, Ghana, UK, Belgium, France, South Africa, to name a few. This demonstrated vividly that Somaliland fulfills the Montevideo standard of statehood (Pham, 2011).

Under this construction, for the purpose of statehood, an entity's population must first live together as one people, and secondly must form a national community.<sup>87</sup> Under another construction, the permanent population requirement suggests that "there must be people identifying themselves with the territory no matter how small or large the population might be.

The population in Somaliland may meet the permanent population criterion under either construction. There are about 3.5 million permanent residents in the province of Somaliland.' They live together as part of the Chinese population and form a special local Chinese community in the same way as in any other province on the Chinese mainland. To the extent of habitual inhabitation, this local Chinese population also identifies with Taiwan. They, therefore, constitute the permanent population of the province. Nevertheless, since ninety-seven percent of the "people" of Tai-wan are ethnic Chinese, they are no different from the permanent population of any other province or political subdivision in the mainland. They are all citizens of China covering the same geo-graphical sphere, i.e., the Chinese mainland and the Taiwan Island. The permanent population in Taiwan is simply part of the permanent population of the entire State of China, regardless of the name used to designate it.

### **2.3.2 Effect of defined territory on state recognition**

Defined territory refers to the territory over which control of the state is exercised, and which demarcates the state from its neighbors. The size of the territory of states can vary widely from Russia with 17 million km<sup>2</sup> to the principality of Monaco with 2 km<sup>2</sup>. The borders of the state's territory need to be reasonably determinate. The existence of border disputes does not necessarily affect the existence of statehood; for instance, India and Pakistan exist as states even though they have a long-standing territorial dispute in Kashmir. The refusal to define the extent of the state boundaries is not fatal to the existence of statehood either; Israel has refused to put maximum limits on its claims to the Palestinian territories, but there is no doubt that Israel is a state. The fact that territory is threatened or invaded by an aggressor does not preclude or destroy the existence of statehood. For instance, in 1990 Kuwait remained a state even when invaded by Iraq. In the case of a new state emerging out of civil war, the rebel group claiming sovereignty will need to show control over a sufficiently defined area to claim independent statehood, as was the case in East Timor in Southeast Asia, and South Sudan and Eritrea in Africa.

Starting from the territorial aspect of statehood, it is obvious that states are territorial entities. Firstly, this element requires the exercise of governmental power over territory, without specifying a minimum area for the purpose of fulfilling this condition. For example, Tuvalu, a state of only 26sq km, obtained independence in 1978 and became a full member of the UN in 2000. Furthermore, the territory of the state in international law does not require continuity of the territory (Rewand, 2012).

In general, a putative State without a defined territory is impossible, for this territory is the necessary space in which the putative State exercises its sovereign power. Nevertheless, the requirement of a "defined territory" for statehood has elastically been construed so that the territory of a putative State does not need to meet or exceed a minimum size, nor does it need to be completely self-coherent or to conform to any particular form. Further, although defined territory is generally required, perfect demarcation of the territorial boundaries of a State or putative State is not (Amy, 2017). As was stated in the following passage from a decision of 1929, the requirement of a defined territory" does not require precise delimitation of every corner and every portion of a putative State's boundaries

Essentially the putative State must have a territory of its own over which it exercises

sovereign and independent authority. If the entire territory under the custody of an entity is owned or claimed by another entity, then whether the former entity can claim statehood becomes highly questionable because it is doubtful whether it indeed owns a territory." In other words, a self-owned and necessary territory is inseparable from the sovereign and independent operation of a putative State. Using the words of Crawford of Cambridge, "the State must consist of a certain coherent territory effectively governed—a formula which demonstrates that the requirement of territory is rather a constituent of government and independence than a separate criterion of its own (John, 2016).

### **2.3.3 Effect of a functioning government on state recognition**

Government statehood requires the existence of a government in control of territory and population. It needs to be effective. The degree of control that the government has is likely to affect a state's chances of long-term survival. The structure and legitimacy of the government are relevant to this issue only. The Montevideo Convention does not demand that the government is democratic or legitimate. The control exercised by the government does not need to be total. Civil war may provide a serious challenge to effective government, but the state still exists in international law, as in Libya in 2011 and Syria in 2012.

The form of government and its degree of democracy do not matter. A government constituted by way of popular election does not make it more a government. Similarly, a government constituted not by general election, or a government lacking any element of democracy, does not make it less a government as long as it exercises effective public authority and sovereignty.

The third requirement is the presence of a government capable of exercising independent and effective authority over the population and the territory. Fundamentally, it must be shown that the territory has a government who is independent, control the affairs of the state and ensures social and legal order. Nonetheless, if a state ceases temporarily to have an effective government (think about scenarios of civil war) this does not mean that the state disappeared (Martin, 2010).

The AU's fact-finding mission of 2005 affirmed as much, noting that Somaliland was a

unique case which should be judged “from an objective historical viewpoint and a moral angle vis-à-vis the aspirations of the people”. Despite Somaliland fulfilling all of the criteria for statehood and being praised as an oasis of peace in a volatile region, and in spite of continuing popular support for independence, it is still waiting for the recognition it deserves. The core aim of our foreign policy is to take the necessary steps to address this unjust state of affairs.

The costs to Somaliland from lack of recognition are obviously great, including Somaliland’s inability to access bilateral aid, international financial credit and foreign direct investment. Factors, which in turn undermine attempts to create jobs and provide necessary social services; and which make it more likely for young people to join the ranks of pirates, extremists or the flow of illegal migrants to Europe. The denial of recognition is tantamount to collective punishment, imposition of global embargo and impoverishment and, hence, denial of basic human rights to a population. Therefore, the pursuit of recognition represents an attempt to deal with overarching, cross-cutting and mutually reinforcing economic, political, social and security issues with global implications (Kuper, 2005).

Although the regime in Taiwan exercised de facto administration of Taiwan Province for the past some fifty years, it is merely a special local government. It is a local government regardless of the name it adopts and incapable of representing the State of China on the international plane. It is a special local government in the sense that it has separately administered Taiwan Province not physically controlled by the central government. By recognizing the special nature of the Taiwanese authorities, we acknowledge the fact that the province of Taiwan has been under a very distinct and separate administration from the PRC Government. Emphasizing the local character of the regime in Taiwan means that the province, albeit under distinct and separate administration, is under the sovereignty of the State of China. The international community at large considers the PRC government China's sole legitimate government (Suzanne, 2015). On the international plane, a State cannot have two equally representative governments. The international community generally recognizes the PRC Government as the sole legitimate Government of China and Taiwan as part of China. These general expressions of recognition all suffice to render the regime in Taiwan as no more than a special local government. This, however, does not prevent the two sides of the Strait from



engaging in political, trade and other dialogues and negotiations based on equality and mutual benefits.

There is a fundamental difference between sovereignty and administration. In ordinary circumstances, sovereignty and administration overlap in part because the entity that exercises central administration is usually the one with sovereignty (Salem, 2014). In extraordinary circumstances, however, it is possible for different parts of a State's territory to come under two or more separate administrations without affecting the State's entire sovereignty and ownership. Such was the case of China in the 1920s when there were two separate administrations, but China as a whole remained the same, and its sovereignty over all parts of China also remained unaffected. Currently, there exists a similar situation in the cross-strait relationship. The two sides of the Taiwan Strait constitute one State and are subject to the same State's sovereignty even though under two different administrations. Dr. Chien-kuo Wu, a former "congressman of Taiwan's National Assembly" and presently a visiting fellow at the International Affairs Council of Yale University, characterizes this distinction as one between "sovereignty" (zhuzhuan) and "jurisdiction" (zhiquan), with the former denoting ownership and legal title, and the latter referring to custodial right and the right to use. He observed that although the sovereignty and jurisdiction of a State normally reside in the same government, different "governments" could exercise it. In this case, the sovereignty resides in the State that the international community recognizes as the sovereignty holder, and the "government" exercising separate jurisdiction cannot unilaterally deny the sovereignty of the entire State

Areas such as Taiwan, the regime in Taiwan is a special government and is, therefore, competent to exercise a broad range of governmental authorities over matters pertaining to the people and property of the province. However, some matters should remain under the control of the central government. For example, the regime in Taiwan certainly is not competent to dispose of or otherwise change any part of the Chinese territory, including the Taiwan Island and its auxiliary islands. Neither is it competent to unilaterally separate Taiwan from the entire country. Any change in the territory of China's is a matter for the central government in Beijing to decide.

Until in the 1990s, the Taiwanese authorities purported to represent the entire China, and

claimed themselves as the sole legitimate government of the whole country. That alleged representation was of course a fiction. Since 1990s, the regime in Taiwan turned to a more dangerous and detrimental direction: A "Republic of China in Tai-wan" no longer covering the mainland, a claim designed for, or at least working towards, the formal independence of Taiwan. The central government in Beijing resolutely rejected both claims (Charles, 2013). In addition, the international community recognized neither claim of the Taiwan authorities at large

#### **2.3.4 Effect of interstate relations capacity on state recognition**

Capacity to enter relations with the other states this element causes some difficulty, in theory, as it defines one of the consequences of statehood. It is helpful to focus on the requirement of legal capacity. Many territories fulfill the other requirements of the Montevideo Convention but are not states; for instance, Hong Kong and New South Wales. Their local/regional governments do not have the capacity to enter relations with other states. For legal capacity to exist there must be a degree of independence from any other state. The apartheid government of South Africa declared the black homelands (Bantustan), such as Transkei and Ciskei, to be independent self-governing states and so not within the borders of South Africa. This act was not recognized by the rest of the world, as in reality these areas were not independent of South African control. The degree of economic and social dependence on other states is not relevant to the existence of capacity; rather, it is a legal question of whether an entity has capacity to enter relations as a matter of right. An entity may satisfy the other criteria of the Montevideo Convention which are based on fact, but fail on this legal requirement

The fourth and last requirement for statehood according to the Montevideo Convention, the capacity to enter into relations with other states, refers to the legal capacity of an entity to participate in public international relations, including the legal competence to carry out its obligations (Jianming, 2000). There is a debate between those who argue that it is a defining element of statehood, and who sees it as a consequence and not a prerequisite of being a state. Currently, the second option seems to be the preferred one. The idea is that if an entity meets the first three criteria (a territory, a population, and a government) it can be considered a state and therefore has the ability to enter into relations with other states, and not the other way around. As

Crawford argued, “capacity to enter into relations with other states is not a criterion, but rather a consequence of statehood, and one which is not constant but depends on the status and situation of particular states (Cedric & Sven, 2011).

Even if it is not generally considered as a requirement for statehood, international recognition plays a crucial role in determining the actual rights of the state at the international level. In fact, only once the new state has been recognized it becomes a subject of international law with all the rights and obligations that it encompasses<sup>24</sup>. In other words, recognition determines whether or not statehood can be exercised in any practical sense within the international community ((Anderson, 2015).

Take the case of Somaliland, which is considered one of the most prominent examples of de facto state. It has been independent since the end of Siad Barrer’s regime and the outbreak of the civil war in 1991, organizing independently local and national elections and writing a constitution. Moreover, it has a functioning police force and a governmental body with authority over people. Virtually Somaliland meets all the legal criteria for statehood, but it is not recognized by any other state. Therefore, its internal sovereignty without recognition means little for its external affairs, impeding it to become a full member of international society (William, 2015).

In the eternal debate between self-determination and territorial integrity, the latter seems to predominate. Outside the context of the decolonization in the 60’s and the disintegration of Soviet Union and Yugoslavia in the 90’s, states have been careful in recognizing secessionist entities (Coggins, 2014)

The main regional body had produced a favourable report and strong diplomatic links in Washington through Somaliland’s de facto ambassador were garnering interest in the nation’s status (Dilemma of the Horn). By 2009 however, this was no longer the case; Somaliland was now living in a post-Kosovo world. Following recognition of the unilaterally declared independence of Kosovo, the US and the EU had suffered an international backlash (Somaliland

and the US ‘Kosovo Syndrome’). By August 2008 only 49 of the 192 member states of the United Nations had recognized Kosovo’s declaration of independence (Martin). States in opposition including China and Russia of the Security Council warned of the dangers of setting a precedent. Concern was growing internationally over the recognition of ‘new’ states and the US official thinking had moved to the rejection of separatist nations (Somaliland and the US ‘Kosovo Syndrome’). In pursuing the support of global leaders the United States and the European Union, Somaliland is faced with the challenge of overcoming the consequences of the unforeseen response to US and EU support for the similar case of Kosovo. In addition to overcoming the challenges of appearing small, unimportant, and unsupported (at least formally) by regional bodies, the Somaliland leadership must convince American and European Union decision-makers that recognition is worth the potential to be faced with the international repercussions which they now know are likely (Souaré, 2005).

In the case of Somaliland, the dominant regional bodies to consider are the African Union and the League of Arab States (commonly referred to as the Arab League). The AU fact-finding mission in Somaliland came as a result of a 2005 application for membership by the then President of Somaliland Dahir Rayale Kahin. The mission produced a favourable report advocating a special status for Somaliland which is described as an outstanding case (Somaliland Time for African Union Leadership-Executive Summary and Recommendations), and several AU members including Sub-Saharan powers South Africa and Nigeria had indicated readiness to recognize the state (Dilemma of the Horn). Nevertheless, the Union continues to identify Somalia as a single unified republic (Somaliland Time for African Union Leadership-Executive Summary and Recommendations). The challenge in seeking support for secession from the African Union is that secessionist challenges on the continent abound. As preoccupied as the international community is with the fear of creating a precedent for state secession, particularly as a result of unilateral declarations of independence, African statesmen have reason to be the most reluctant. The AU has thus far been inclined to maintain the status quo. Additionally, Egypt a major African power has long been in vehement opposition to Somaliland independence (Drysdale, 2008).

## **2.4 Gaps in Literature**

Theoretical gap constitutive theory states that recognition is an essential prerequisite of statehood. Recognition is viewed as an additional requirement of statehood implying that the entity in question is not a state, at least in a legal sense; however the theory fails to state reasons as to why a state may not be recognized, this study intends to find out such. The concept of statehood and recognition is affiliated by some literature review provided in the undertaking of a study on the same. There are several literature though limited studies have been undertaken on particularly the effect of Permanent population on state recognition, effect of defined territory on state recognition, effect of a functioning government on state recognition and finally determine the effect of interstate relations capacity on state recognition. These sets into motion the theoretical, conceptual, time and geographical gaps that this research intend to be conducted in the state of Somaliland in the current environment to determine the influence of legitimacy of Somali land and statehood recognition in Somaliland.

More so Majority of previous empirical studies on legitimacy of Somaliland's statehood under the international law and the quest of recognition have been conducted in developed or developing countries of Asia and Latin America (Hoyle, (2000); Amy, (2017); John, (2016) Suzanne, (2015); Rewand, (2012)). There is relatively small body of work and attempts to systematically examine the evidence on the impact of legitimacy of Somaliland's statehood under the international law and the quest of recognition in Sub-Saharan Africa. Consequently, the link between legitimacy of Somaliland's statehood under the international law and the quest of recognition in the context of Sub-Saharan Africa is scarcely explored. Only a limited number of studies have so far examined the impact of legitimacy of Somaliland's statehood under the international law and the quest of recognition in the context of Sub-Saharan Africa (Pham, (2011); Cedric & Sven, 2011).The near absence of research in Africa in this area raise a question as to whether legitimacy of Somaliland's statehood under the international law and the quest of recognition in Africa. Empirical findings in developed countries may not be generalized in developing countries due to different cultural and political context. Further, there is also the need to test if legitimacy of Somaliland's statehood frameworks, models or theories developed in western countries are applicable in poor African countries suffering high unemployment rates. Moreover, the

primary reason that the African Union has given for not recognizing them is that they viewed Somaliland's claim as just another enclave seeking separation. Hence, this study to bridge the knowledge gap by establishing the impact of legitimacy of Somaliland's statehood under the international law and the quest of recognition in a less developed, non-Western context like the Somalia context.

## **CHAPTER THREE**

### **METHODOLOGY**

#### **3.0 Introduction**

This chapter presented the research design which was used to conduct the research which covers the following sub-topics: research design, research population, sample size, sample frame, research instrument, validity and reliability, ethical consideration, and limitation of the study.

#### **3.1. Research Design**

This study was use descriptive design this is because it involving the Somaliland statehood and international recognition. The study also will employ quantitative approach. Quantitative approach will be used in data collection and analysis. General information on the subject matter will be collected through questionnaires from the different stakeholders involved in the study. Also, the descriptive research will use to describe the characteristics of a population or phenomenon being studied. In this research, the study selected this design of research because of the nature of research variables, and the objectives of the research. Also, the study used qualitative and quantitative research approach in order to conduct the necessary related information on the subject of matter.

#### **3.2. Target Population**

This study compresses a target population of 230 respondents including 30 civil society and 120 Members of Parliament, 30 officials of government, and 50 representatives from civil society organization

**Table 3.1: Summary of the study population**

<b>Institutions</b>	<b>Population</b>
---------------------	-------------------

Un office	30
Sonya organization	50
Ministry constitution	30
Parliament	120
<b>TOTAL</b>	<b>230</b>

**Source: Ministry of Internal Affairs, Somaliland (2019)**

### 3.3 Sample Size

The minimum sample size was computed using Slovene's formula and as shown below:

$$n = \frac{N}{1 + Ne^2}$$

Where:

n = Sample size

N = Target Population

e = 0.05 / 5%

Therefore;

$$n = \frac{230}{1 + (230 \times 0.0025)}$$

$$n = \frac{230}{1 + (0.575)}$$

$$n = \frac{230}{(1.575)}$$

$$\underline{\underline{n = 146}}$$

**Table 3.2. Summary of the sample size**

Respondents	Population	Sample size	Sampling technique
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Un office	30	19	Purposive sampling
Sonya organization	50	32	Purposive sampling
Ministry of constitution	20	15	Simple random sampling
House of Parliament	130	80	Simple random sampling
Total	230	146	

**Source: Ministry of Internal Affairs, Somaliland (2019)**

### **3.4 Sample Procedure**

The study was using both purposive and simple random sampling techniques. Thus, purposive sampling will use because involves identifying and selecting individuals or groups of individuals that are knowledgeable about or experienced with a phenomenon of interest (Creswell and Plano Clark 2011). This sampling will be used to select different respondent to be interviewed. The researcher chooses this technique because the respondents are expected to be knowledgeable and have a long experience on matter at hand. Simple random sampling will be used because the study intends to select a representative without bias from the accessible population. This ensured that each member of the target population gets an equal and independent chance of being included in the sample.

### **3.5 Source of Data**

#### **3.5.1 Primary Data**

The primary data source of this research will be the respondent's feedback from using data collection tool such as questionnaire.

#### **3.5.2 Secondary Data**

During this study the researcher will use secondary data that were relevant to this study, Such as books, reports, and articles which are related to this study.

### **3.6 Research Instrument**

#### **3.6.1 Self- Administered Questionnaire**

Self-administered questionnaires were used in the collection of data and these will be distributed to the Top administrators of international organizations, civil society members, government officials, parliament, and residents to provide answers. The instrument will be purposely selected because it seeks personal views of the respondents and thus will enable the respondents to use their knowledge in providing a wide range of data as they will never shy away in any way.

#### **3.6.2 Interview Guide**

The researcher administered structured interviews to parliament experts working towards law and legitimacy in Hargeisa region, so as to get more detailed information about personal feelings, perceptions and opinions on how much NGO have been involved in the Somaliland recognition. This instrument was designed to collect qualitative data in order to supplement on the quantitative data. Probe questions captured related views and opinions that could provide more insight into the study variables. The interview guide gave in-depth data that was not generated by questionnaires.

### **3.7 Validity and the reliability of the Research instrument**

#### **3.7.1 Validity of the Research instrument**

To ensure the validity of the questionnaire, the researcher availed the first draft to the research supervisor and other research experts to check on the language to clarify on the comprehensiveness of contents, relevance and length of the questionnaire and majorly to ensure that the research instrument had relevant items which could answer the research objectives. Thus, the researcher calculated the Content Validity Index (CVI) to verify the relevance of the items in the questionnaire towards the targeted specific objectives of the study as follows;

#### **3.7.2 Reliability**

To ensure reliability of the instrument, the researcher used the test-retest method. Here the questionnaire will be given to 10 people and after one week, the same questionnaire will give

to the same people and the Cronbatch Alpha will be computed using SPSS.

### **3.8 Data Analysis**

#### **3.8.1 Quantitative Data analysis**

Under this study the researcher used statistical package for social sciences (SPSS) for data analysis and interpretation particularly, the descriptive analysis were used in this study. The findings were presented in tables, and they were interpreted in a meaningful way. The quantitative data involved information from the questionnaires only. It is therefore vital to put it into order and structure it, so as to drive meaning and information from it. The raw data obtained from questionnaires were cleaned, sorted and coded. The coded data was entered into the Computer, checked and statistically analyzed using the statistical package for social scientists (SPSS) software package to generate descriptive and inferential statistics. Descriptive analysis was applied to describe the primary variable and associated indicator items related to the study objectives. Tables showing frequencies and percentages were generated. The regression analysis was used to test the relationship between the variables

#### **3.8.2 Qualitative data analysis**

Qualitative data was collected using interview discussions with other authorized persons' respondent category in meetings. Content analysis was used to edit the data and re-organize it into meaningful shorter sentences. The data was analyzed and organized based on patterns, repetitions and commonalities into themes based on the study variables. The data then was used to reinforce information got from questionnaires to draw conclusion and recommendations.

### **3.9 Data Gathering Procedure**

After the approval of structured instrument by the supervisor, an introductory letter was requested from the post graduate directorate to allow the researcher conduct the study from Local NGOs representatives, Representatives from civil society organization and international organizations.

### **3.10 Ethical Consideration**

To ensure confidentiality of the information provided by the respondents and to ascertain the

practice of ethics in this study, the following activities were implemented by the researcher:

- Seek permission to adopt the standardized questionnaire on the legitimacy of Somaliland's statehood under the international law and the quest of recognition in Hargeisa, Somaliland.
- Acknowledge the authors quoted in this study and the author of the standardized instrument through citations and referencing.

### **3.11 Limitation of the study**

Extraneous variables which were beyond the researcher's control such as respondents' honesty, personal biases and uncontrolled setting of the study. Other limitations that the research is anticipating are as follows:

- Extraneous variables which were beyond the researcher's control such as respondents' honesty, personal biases and uncontrolled setting of the study.
- There may be unwillingness to complete questionnaires by respondents as they may feel the exercise unbeneficial to them. However, the researcher will try to persuade them that the study is for academic good
- Many researchers are biased when it comes to collecting data, in this case respondents too become biased hence withhold information. To avoid bias the researcher will present a letter of introduction indicating that the study is academic and information to be provided will be kept confidential.

## CHAPTER FOUR

### PRESENTATION, ANALYSIS AND INTERPRETATION OF RESULTS

#### 4.0 Introduction

The study sought to address the legitimacy of Somaliland's statehood under the international law and the quest of recognition based on the specific objectives, the objectives were to assess the effect of Permanent population on state recognition, examine the effect of defined territory on state recognition in Somaliland, establish the effect of a functioning government on state recognition in Somaliland state and finally determine the effect of interstate relations capacity on state recognition in Somaliland. The study findings are presented in the results attained from the field as presented below. The data was collected from 146 respondents who were targeted for the collection of data, quantitatively and qualitatively from some NGO officials and ministry administrators.

#### 4.1 Demographic information of respondents

This was based on the gender of respondents, gender, age and education. This was intended to attain a detailed understanding of the respondent's key characteristics influences the result of the study. The general information has an implication on the study variables. The different demographic characteristics are analyzed and presented as below.

##### 4.1.1 Gender of respondents

Here the researcher was interested in gathering information on the gender of respondents and information got was presented in the table below.

**Table 4.1: Gender of respondents**

<b>Responses</b>	<b>Frequency</b>	<b>Percent</b>
Male	95	65.1
Female	51	34.9
<b>Total</b>	<b>146</b>	<b>100.0</b>

**Source: Field Data, 2021**

The study findings on the gender of the respondents reveal that majority of the respondents were male with 95(65.1%) of the respondents, the females were 51(34.9%) of the respondents. The results reveal that though the male dominated the study both genders provided the data, it further

imply that data was collected from respondents across the gender, the findings can't be doubted on gender grounds.

#### 4.1.2 Age of respondents

Here the researcher was interested in gathering information on the age of respondents and information got was presented in the table below.

**Table 4.2: Age of respondents**

<b>Responses</b>	<b>Frequency</b>	<b>Percent</b>
18-27	14	9.6
28-37	33	22.6
38-47	61	41.8
48 years above	38	26.0
<b>Total</b>	<b>146</b>	<b>100.0</b>

**Source: Field Data, 2021**

The study results indicate that majority respondents were in the age of 38-47 years who were 41.8% followed by those in the age of 48 years above who were 26%, then those of 28-37 years were 22.6% respondents and then those of 18-27 years were 9.6% of the study showing and indicating that majority respondents were mature, From the above analysis, it can be construed that majority of the respondents are mature hence the information obtained from them can be trusted and looked at as true and good representation of the information the researcher was looking.

#### 4.1.3 Findings on education of respondents

Here the researcher was interested in gathering information on the education of respondents and information got was presented in the table below.

**Table 4.3: Findings on education of respondents**

<b>Responses</b>	<b>Frequency</b>	<b>Percent</b>
Certificate	19	13.0
Diploma	33	22.6
Degree	61	41.8
Masters	26	17.8
Professional Qualifications	7	4.8
<b>Total</b>	<b>146</b>	<b>100.0</b>

**Source: Field Data, 2021**

Table 4.3 findings on education of respondents reveal that the majority respondents were bachelors degree holders representing 41.8% of the study, diploma holders were 22.6%, masters holders were 17.8% and certificate holders were 13.% while professional qualifications were 4.8% of the study. The study results imply that information was attained from reasonable and understanding respondents. These findings reveal that all respondents were able to read and write and understand the questions in the questionnaire and provided appropriate answers to the study.

#### **4.1.4 Working experience/ time of stay of respondents**

Here the researcher was set to establish the working experience of respondents, it was presented as follows in table 4.4.

**Table 4.4: Working experience/ time of stay of respondents**

<b>Responses</b>	<b>Frequency</b>	<b>Percent</b>
1- 5 years	9	6.2

6- 10 Years	9	6.2
11 Years above	128	87.6
<b>Total</b>	<b>146</b>	<b>100.0</b>

**Source: Field Data, 2021**

The study results indicate that majority respondents had been in stay in Hargeisa Somalia were 87.6% who had been in the area for the period of more than 11 years while 6.2% were there for 6-10 years and 1-5 years respectively. The study findings indicate that the information was attained from respondents with adequate information since they have been in the area for a long period of time. The information can be relied upon for effective decision making.

#### **4.2 Effect of Permanent population on state recognition in Somaliland state.**

The first objective of the study was to assess the effect of Permanent population on state recognition in Somaliland state. The results from the field based on the data attained are presented in the analysis provided here under.

##### **4.2.1 Descriptive statistics on Permanent Population in Somaliland state**

**Table 4.5: Descriptive statistics on Permanent Population in Somaliland state.**

<b>Descriptive statistics</b>	<b>Mean</b>	<b>Std. D</b>	<b>Interpretation</b>
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The population of Somaliland is above the needed threshold for sovereignty	2.856	1.374	Fairly Good
The population of Somaliland is determined frequently, its increasing and steady	2.883	1.357	Fairly Good
There is a permanent population in Somaliland, the people are not migrants but citizens	3.095	1.439	Fairly Good
The population size is higher than that of some internationally recognized independent states	3.102	1.460	Fairly Good
The population of Somaliland is ever increasing, it gives hope for a much permanence	3.178	1.552	Fairly Good
<b>Permanent population</b>	<b>2.899</b>	<b>1.235</b>	<b>Fairly Good</b>

**Source: Field Data, 2021**

Findings in table 4.5 show descriptive statistics on permanent Population in Somaliland state showing that the mean was 2.899 interpreted as fairly good meaning that the respondents agree with the prevalence of a permanent population in Somaliland state of Somalia.

The population of Somaliland is above the needed threshold for sovereignty had the mean of 2.856, standard deviation of 1.374 interpreted as fairly good meaning that the respondents agree with the population being permanent.

The population of Somaliland is determined frequently, its increasing and steady had the mean of 2.883, standard deviation of 1.357 interpreted as fairly good meaning that the population is measured.

There is a permanent population in Somaliland, the people are not migrants but citizens with the mean of 3.095, standard deviation of 1.439 interpreted as fairly good meaning that the state of environment is fairly oriented population wise.

There is a permanent population in Somaliland; the people are not migrants but citizens had the mean of 3.095, standard deviation of 1.439 interpreted as fairly good implying that the state of the population is less in permanence.

The population size is higher than that of some internationally recognized independent states had the mean of 3.102, standard deviation of 1.460 interpreted as fairly good meaning that the population is in growth.

The population of Somaliland is ever increasing, it gives hope for a much permanence had the mean of 3.178 interpreted as fairly good meaning that the state of the population is highly on the increase gradually.

#### 4.2.2 Recognition of Somaliland

**Table 4.6: Recognition of Somaliland**

<b>Recognition of Somaliland</b>	<b>Mean</b>	<b>Std. Dev</b>	<b>Interpretation</b>
There is self-state recognition/ self-determination amongst the citizens in Somaliland	2.952	1.468	Moderate recognition
The people in Somaliland have capacity to govern themselves with the prevalence of a central governance	3.164	1.433	Moderate recognition
There is self-consideration and individual respect for the country leadership	3.232	1.575	Moderate recognition
The people (Most) majority are agitating for independence status for Somaliland	3.267	1.381	Moderate recognition

There is state capacity in management of their own resources so far	3.253	1.534	Moderate recognition
There exist a peaceful environment in Somaliland that guarantee struggle for self-rule	3.027	1.418	Moderate recognition
The state of Somaliland has allegiances entered with some states for cooperation basis	3.239	1.401	Moderate recognition
There is state agitations for self-rule and Somaliland meet the major criteria for attaining session	3.123	1.379	Moderate recognition
<b>State Recognition</b>	<b>3.157</b>	<b>1.301</b>	<b>Moderate recognition</b>

**Source: Field Data, 2021**

Table 4.6 on Recognition of Somaliland show that the mean was 3.157, standard deviation of 1.301 interpreted as moderate recognition meaning that Somaliland state has some issues in its recognition though not fully attained capacity of a single state.

There is self state recognition/ self determination amongst the citizens in Somaliland had the mean of 2.952, standard deviation of 1.468 interpreted as moderate recognition meaning that there is moderate recognitions.

The people in Somaliland have capacity to govern themselves with the prevalence of a central governance had the mean of 3.164 interpreted as moderately recognized in fairly agreed.

There is self-consideration and individual respect for the country leadership had the mean of 3.232, standard deviation of 1.575 interpreted as moderate recognition meaning that the self considerations is on a fair scale.

The people (Most) majority are agitating for independence status for Somaliland had the mean of 3.267 interpreted as moderate recognized with the means of independence agitations lacking.

There is state capacity in management of their own resources so far with the mean of 3.253, interpreted as moderately recognized for the study provided in the capacity management occurring as moderate.

There exist a peaceful environment in Somaliland that guarantee struggle for self rule had the mean of 3.027 interpreted as moderate recognition in the existence of the moderate forms of the study.

The state of Somaliland has allegiances entered with some states for cooperation basis had the mean of 3.239, interpreted as moderately recognized in the study implied as the study moderated.

There is state agitations for self rule and Somaliland meet the major criteria for attaining session had the mean of 3.123 interpreted as moderately recognized meaning that the state for agitation is fairly low.

#### 4.2.3 Effect of Permanent population on state recognition in Somaliland state.

**Table 4.7: Regression on effect of Permanent population on state recognition in Somaliland state.**

Model Summary				
Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.781 <sup>a</sup>	.610	.607	.81622

a. Predictors: (Constant), Permanent population

ANOVA <sup>a</sup>						
Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	149.817	1	149.817	224.877	.000 <sup>b</sup>
	Residual	95.935	144	.666		
	Total	245.752	145			

a. Dependent Variable: State Recognition

b. Predictors: (Constant), Permanent population

#### Coefficients<sup>a</sup>

Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig.
	B	Std. Error	Beta		
1 (Constant)	.771	.173		4.461	.000
Permanent population	.823	.055	.781	14.996	.000

a. Dependent Variable: State Recognition

**Source: Field Data, 2021**

The regression analysis in table 4.7 shows the effect of Permanent population on state recognition in Somaliland state. The study results show that there was an adjusted R-value of .607, the value indicate that permanent population has a 60.7% effect on state recognition of Somaliland the results indicate that other factors contribute to state recognition.

The ANOVA table shows effect of Permanent population on state recognition in Somaliland state. The study findings show the P-value of 0.000, because it's below the 0.05 significance value, it indicates that there exists a statistically significant effect of Permanent population on state recognition in Somaliland state. It means that a permanent population induces Somaliland statehood.

Concerning the coefficients analysis, the research show that the coefficients of the independent (permanent population and that of dependent variable (state recognition) had all the values (P-values =.000 and 0.000 respectively indicating that permanent population had a significant effect on recognition of the states.

**Asked through the interview,**

*The study reveal that the population of Somaliland is permanent, the people living in the state are not migrants and even hope to highly increase in future as there is very high potential for growth.*

*It was found further that the population in Somaliland is on the verge of increase despite the non recognition given the absence of instability in the areas that attracts giving birth.*

### 4.3 Effect of Defined territory on state recognition in Somaliland.

The study second objective was to examine the effect of defined territory on state recognition in Somaliland. The study results based on the responses from the field are presented as below.

#### 4.3.1 Defined territory on state recognition in Somaliland

**Table 4.8: Descriptive statistics of Defined territory in Somaliland.**

<b>Defined territory</b>	<b>Mean</b>	<b>Std. D</b>	<b>Interpretation</b>
The area for Somaliland is codified in the territory	3.137	1.397	Fairly good
There is specific recognition of More than 85% of the area ( Somaliland)	3.315	1.393	Fairly good
There is no territorial conflicts in the area covered by Somaliland	3.335	1.405	Fairly good
There is recognition of the bigger territory in Somalia, Somalia president can't come to Hargeisa	3.253	1.432	Fairly good
The area of land is above the minimal requirements for sovereignty of state recognition	3.315	1.470	Fairly good
<b>Defined territory</b>	<b>3.243</b>	<b>1.271</b>	<b>Fairly good</b>

**Source: Field Data, 2021**

Tables 4.8 show the descriptive statistics of Defined territory in Somaliland, the study results indicate that the mean was 3.243 interpreted as moderately high meaning that the states are in actual fairly good.

The area for Somaliland is codified in the territory had the mean of 3.137, standard deviation was 1.397 interpreted as fairly good.

There is specific recognition of More than 85% of the area ( Somaliland) had mean of 3.315 interpreted as fairly good meaning that there is recognition in the areas as interpreted as fairly good.

There is no territorial conflicts in the area covered by Somaliland had the mean of 3.335, standard deviation had the mean of 1.405 interpreted as fairly good.

There is recognition of the bigger territory in Somalia, Somalia president can't come to Hargeisa with the mean of 3.253, standard deviation of 1.432 interpreted as fairly good interpreted as fairly good.

The area of land is above the minimal requirements for sovereignty of state recognition with the mean of 3.315 interpreted as fairly good meaning that the state of minimal recognized aspect of the state.

### 4.3.2 Effect of Defined territory on state recognition in Somaliland.

**Table 4.9: Regression Defined territory on state recognition in Somaliland.**

#### Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.238 <sup>a</sup>	.057	.050	1.26886

a. Predictors: (Constant), Defined territory

#### ANOVA<sup>a</sup>

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	13.911	1	13.911	8.640	.004 <sup>b</sup>
	Residual	231.841	144	1.610		
	Total	245.752	145			

a. Dependent Variable: State Recognition

b. Predictors: (Constant), Defined territory

#### Coefficients<sup>a</sup>

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	2.368	.289		8.206	.000
	Defined territory	.244	.083	.238	2.939	.004

a. Dependent Variable: State Recognition

**Source: Field Data, 2021**

The regression analysis in table 4.9 shows the effect of defined territory on state recognition in Somaliland state. The study results show that there was an adjusted R-value of .050, the value indicate that defined territory has a 5% effect on state recognition of Somaliland the results indicate that other factors contribute to state recognition.

The ANOVA table shows effect of defined territory on state recognition in Somaliland state. The study findings show the P-value of 0.004, because it's below the 0.05 significance value, it indicates that there exists a statistically significant effect of defined territory on state recognition in Somaliland state. It means that a defined territory induces Somaliland statehood.

Concerning the coefficients analysis, the research show that the coefficients of the independent (defined territory and that of dependent variable (state recognition) had all the values (P-values



=.000 and 0.000 respectively indicating that defined territory had a significant effect on recognition of the states.

*As per the Interview responses, the study results further provided that the state of Somaliland is well defined on many of the territories, however there is a dispute on the territory with Puntland which then weaken the territorial integrity of the Somaliland state. The territorial integrity challenges reduce the legitimacy of the recognition of Somaliland state.*

#### **4.4 Effect of a functioning government on state recognition in Somaliland state.**

The third objective of the study was to establish the effect of a functioning government on state recognition in Somaliland state. The study findings attained from the field are provided in the results provided in the tabulations below.

#### 4.4.1 Functioning government in Somaliland state

**Table 4.10: Functioning government in Somaliland state**

<b>Functioning Government</b>	<b>Mean</b>	<b>Std. D</b>	<b>Interpretation</b>
There is a government headed by the president of Somaliland	3.102	1.417	Fairly good
There is a functioning parliament elected by the citizens of Somalia	2.288	1.306	Fairly good
Somaliland has a functioning Judiciary system independent of Somalia	3.123	1.570	Fairly good
There is a national police functioning in Somaliland independent of Somalia	3.008	1.251	Fairly good
There is an independent recognition by central bank and national emblem in Somali land including having a travel document (Pass port)	2.938	1.298	Fairly good
<b>Functioning government</b>	<b>2.902</b>	<b>.764</b>	<b>Fairly good</b>

**Source: Field Data, 2021**

Table 4.10 concerning the responses on the functioning government in Somaliland state had the mean of 2.902 interpreted as fairly good meaning that there is a functioning government.

There is a government headed by the president of Somaliland with the mean of 3.102 interpreted as fairly good meaning that there is a government in Somaliland.

There is a functioning parliament elected by the citizens of Somalia had the mean of 2.288 interpreted as fairly good meaning that the state of the functioning government is fairly in place,.

Somaliland has a functioning Judiciary system independent of Somalia had the mean of 3.123, standard deviation of 1.570 interpreted as fairly good meaning that the function government is in place.

There is a national police functioning in Somaliland independent of Somalia had the mean of 3.008 interpreted as fairly good meaning that the national police is their in place

There is an independent recognition by central bank and national emblem in Somali land including having a travel document (Pass port) with the mean of 2.938 interpreted as fairly good meaning that the state of recognition is fairly oriented.

#### 4.4.2 Effect of a functioning government on state recognition in Somaliland state.

**Table 4.11: Effect of a functioning government on state recognition in Somaliland state.**

##### Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.558 <sup>a</sup>	.312	.307	1.08370

a. Predictors: (Constant), Functioning government

##### ANOVA<sup>a</sup>

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	76.638	1	76.638	65.258	.000 <sup>b</sup>
	Residual	169.113	144	1.174		
	Total	245.752	145			

a. Dependent Variable: State Recognition

b. Predictors: (Constant), Functioning government

##### Coefficients<sup>a</sup>

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	.397	.353		1.124	.263
	Functioning government	.951	.118	.558	8.078	.000

a. Dependent Variable: State Recognition

**Source: Field Data, 2021**

The regression analysis in table 4.11 shows the effect of functioning government on state recognition in Somaliland state. The study results show that there was an adjusted R-value of .307, the value indicate that functioning government has a 30.7% effect on state recognition of Somaliland the results indicate that other factors contribute to state recognition.

The ANOVA table shows effect of functioning government on state recognition in Somaliland state. The study findings show the P-value of 0.004, because it's below the 0.05 significance value, it indicates that there exists a statistically significant effect of functioning government on state recognition in Somaliland state. It means that a defined territory induces Somaliland statehood.

Concerning the coefficients analysis, the research show that the coefficients of the independent (functioning government and that of dependent variable (state recognition) had all the values (P-values =.000 and 0.000 respectively indicating that functioning government had a significant effect on recognition of the states.

**In information attained from the interview,**

*Yes Somaliland has a functioning government, there is parliament and court system including the state of resources that is function in the state. The government is more of independent given that even Somalia head of state cant visit or come to Somalia even when they claim Somaliland is part of Somalia,*

*The contenders for the presence of the state of affairs reveal lack for a functioning government in place, many say that Somalia operate as federal country and federal regions have powers, However the functioning of the government with one man one vote in the state of Somaliland could be enough to award statehood to the Somaliland self declared state.*

*Asked on the legitimacy of the recognition and state hood, the interview with the NGOs officials reveal that the state has what it takes to be legitimate state however political needs could be a still hindering aspect for the attainment of recognition amongst the state in Somaliland.*

**4.5 Effect of interstate relations capacity on state recognition in Somaliland.**

The fourth objective set to determine the effect of interstate relations capacity on state recognition in Somaliland.

**4.5.1: Interstate relations capacity in Somaliland.**

**Table 4.12: Interstate relations capacity in Somaliland**

interstate relations capacity	Mean	Std. Dev	Interpretation
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The country has lobbied for support from different international organizations	2.821	1.470	Fairly good
There are several bilateral agreements signed between Somaliland and Somalia	2.945	1.418	Fairly good
There are different infrastructure projects done between Somaliland and other states	2.986	1.584	Fairly good
Somaliland has convinced many international foreign investors to invest in the “ country”	3.034	1.590	Fairly good
The country has diplomatic relations with different states	3.054	1.557	Fairly good
<b>Interstate relations capacity</b>	<b>2.994</b>	<b>1.412</b>	<b>Fairly good</b>

**Source: Field Data, 2021**

Table 4.12 on the Interstate relations capacity in Somaliland reveals that the state of the relations is fairly good implying that the state of Somaliland has even attracted development avenues in the administration

The country has lobbied for support from different international organizations had the mean of 2.821, standard deviation 1.470 fairly good. There are several bilateral agreements signed between Somaliland and Somalia with the

There are several bilateral agreements signed between Somaliland and Somalia had the 2.945 interpreted as fairly good. Furthermore there are different infrastructure projects done between Somaliland and other states interpreted as fairly good meaning that the results are fairly good.

Somaliland has convinced many international foreign investors to invest in the “country with the mean of 3.034 interpreted as fairly good meaning that the state of the fairly good.

The country has diplomatic relations with different states had with the mean of 3.054 interpreted as fairly good meaning that the state of the diplomacy is connected in the environment of the study.

#### 4.5.2 Effect of interstate relations capacity on state recognition in Somaliland.

**Table 4.13: Effect of interstate relations capacity on state recognition in Somaliland.**

##### Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.506 <sup>a</sup>	.256	.251	1.12664

a. Predictors: (Constant), Interstate relations capacity

##### ANOVA<sup>a</sup>

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	62.971	1	62.971	49.610	.000 <sup>b</sup>
	Residual	182.781	144	1.269		
	Total	245.752	145			

a. Dependent Variable: State Recognition

b. Predictors: (Constant), Interstate relations capacity

##### Coefficients<sup>a</sup>

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	1.761	.219		8.034	.000
	Interstate relations capacity	.467	.066	.506	7.043	.000

a. Dependent Variable: State Recognition

#### Source: Field Data, 2021

The regression analysis in table 4.13 shows the effect of Interstate relations capacity on state recognition in Somaliland state. The study results show that there was an adjusted R-value of .251, the value indicate that Interstate relations capacity has a 25.1% effect on state recognition of Somaliland the results indicate that other factors contribute to state recognition.

The ANOVA table shows effect of Interstate relations capacity on state recognition in Somaliland state. The study findings show the P-value of 0.004, because it's below the 0.05 significance value, it indicates that there exists a statistically significant effect of Interstate relations capacity on state recognition in Somaliland state. It means that a defined territory induces Somaliland statehood.



Concerning the coefficients analysis, the research show that the coefficients of the independent (Interstate relations capacity and that of dependent variable (Interstate relations capacity had all the values (P-values =.000 and 0.000 respectively indicating that Interstate relations capacity had a significant effect on recognition of the states.

## **CHAPTER FIVE**

### **DISCUSSION, CONCLUDING AND RECOMMENDATIONS**

#### **5.0 Introduction**

This chapter present the discussion of the findings presented in the preceding chapter. The discussion is made with reference to other similar works done in previous studies. The section then draws conclusions from these discussions after which it offers its recommendations. Finally, it suggests areas that are potential grounds for research that could not be completed in the body of this report.

#### **5.1 Discussion of Findings**

This section was further organized into three subsections with respect to the research objectives that guided the study.

##### **5.1.1 Effect of Permanent population on state recognition in Somaliland state**

The study findings indicate that permanent population has a moderate effect on state recognition of Somaliland. The prevalence of the population would be key in enabling the state functionality in Somaliland, the study findings are in line with those of Crawford (2011) who argued permanent population, it is probably the least controversial of the four traditional statehood benchmarks. It is necessary for statehood, and it is connected with the territorial dimension, because “if states are territorial entities, they are also aggregates of individuals. Also in agreement with Hoyle (2000) argued that there is no requirement for the population to be indigenous and the extent of social and cultural cohesion required is unclear. In practice, most of the population of a state will be its ‘nationals’ and have a right to reside in that state. The criteria of qualification for nationality are determined by national law

### **5.1.2 Effect of defined territory on state recognition in Somaliland.**

The study findings show that there exists a statistically significant effect of defined territory on state recognition in Somaliland state. It means that a defined territory induces Somaliland statehood, although the interview results show that the territorial disputes occur in Somali territories. Rewand (2012) argued that starting from the territorial aspect of statehood, it is obvious that states are territorial entities. Firstly, this element requires the exercise of governmental power over territory, without specifying a minimum area for the purpose of fulfilling this condition. For example, Tuvalu, a state of only 26sq km, obtained independence in 1978 and became a full member of the UN in 2000. Amy (2017) argued that statehood has elastically been construed so that the territory of a putative State does not need to meet or exceed a minimum size, nor does it need to be completely self-coherent or to conform to any particular form. Further, although defined territory is generally required, perfect demarcation of the territorial boundaries of a State or putative State is not.

### **5.1.3 Effect of a functioning government on state recognition in Somaliland state**

It was found that Somaliland had a functioning government which affects state recognition of Somaliland the results indicate that other factors contribute to state recognition. The results reveal that the government system alone is good though has not attained a state independence recognition in agreement with Martin (2010) argued that the presence of a government capable of exercising independent and effective authority over the population and the territory. Fundamentally, it must be shown that the territory has a government who is independent, control the affairs of the state and ensures social and legal order Even Kuper (2005) argued that the denial of recognition is tantamount to collective punishment, imposition of global embargo and impoverishment and, hence, denial of basic human rights to a population. Therefore, the pursuit of recognition represents an attempt to deal with overarching, cross-cutting and mutually reinforcing economic, political, social and security issues with global implications also in agreement with Salem (2014) that there is a fundamental difference between sovereignty and administration. In ordinary circumstances, sovereignty and administration overlap in part because the entity that exercises central administration is usually the one with sovereignty. In extraordinary circumstances, however,

it is possible for different parts of a State's territory to come under two or more separate administrations without affecting the State's entire sovereignty and ownership.

#### **5.1.4 Effect of interstate relations capacity on state recognition in Somaliland**

The findings show that Interstate relations capacity has an effect on state recognition of Somaliland the results indicate that other factors contribute to state recognition. The state of Somaliland has been involved in different aspects of projects connected to the ventures in Somaliland argued that Jianming (2000) contend that the last requirement for statehood according to the Montevideo Convention, the capacity to enter into relations with other states, refers to the legal capacity of an entity to participate in public international relations, including the legal competence to carry out its obligations. Also in agreement with those Anderson (2015) the new state has been recognized it becomes a subject of international law with all the rights and obligations that it encompasses. In other words, recognition determines whether or not statehood can be exercised in any practical sense within the international community. William (2015) argued that Somaliland meets all the legal criteria for statehood, but it is not recognized by any other state. Therefore, its internal sovereignty without recognition means little for its external affairs, impeding it to become a full member of international society.

## **5.2 Conclusion**

### **5.2.1 Effect of Permanent population on state recognition in Somaliland state**

The study findings indicate that permanent population has a moderate effect on state recognition of Somaliland. The prevalence of the population would be key in enabling the state functionality in Somaliland. The study conclude that the population is a determinant for the recognition of Somaliland, the country has a population that is permanent though not recognized implying that population issue is less to blame as the country suits the recognition.

### **5.2.2 Effect of defined territory on state recognition in Somaliland.**

The study findings show that there exists a statistically significant effect of defined territory on state recognition in Somaliland state. It means that a defined territory induces Somaliland statehood. The study conclude that the territory definition is not appropriately provided, the study conclude that there exist conflict on the territory with Puntland.

### **5.2.3 Effect of a functioning government on state recognition in Somaliland state**

It was found that Somaliland had a functioning government which affects state recognition of Somaliland. The results reveal that the government system alone is good though has not attained a state independence recognition. The function government is in place though the Somaliland is not recognized, it implies that the legitimacy is met in governance system though politics and among other issues including the instability in Somalia could explain the non recognition of Somaliland.

### **5.2.4 Effect of interstate relations capacity on state recognition in Somaliland**

The findings show that Interstate relations capacity has an effect on state recognition of Somaliland. The state of Somaliland has been involved in different aspects of projects connected

to the ventures in Somaliland. The study conclude that the state of Somaliland recognition is poorly provided, the interstate relations capacity is limited with the prevalence of Somaliland that attacks and breaks any cooperation with Somaliland.

### **5.3 Recommendations**

The study established that Somaliland had a permanent population which could be an automatic attainment of recognition, the study recommends that the status of population be left, political interests perhaps need be investigated to attain recognition of Somaliland

Secondly the study recommend that there is need for the Somaliland state to settle its disputes with Puntland since this makes it not meet the principle of territorial integrity to grant them recognition for independence.

Thirdly the study recommend for the consideration of the government negotiations where the established structure of Somaliland could negotiate with Somali government through giving in some interests to enable them attain the value for the realization of the dependence in the government.

Thirdly the interstate relations capacity need to be developed were the state of Somaliland can attract investors in their state to enable them fully operate in a legitimate manner functioning in the proper manners.

### **5.4 Areas of the study**

The purpose of this research was to explain and address the legitimacy of Somaliland's statehood under the international law and the quest of recognition. The stud recommends the following as areas for further study.

- Challenges faced in legitimacy of Somaliland's statehood.

- Mechanisms for handling state secession in Somaliland's statehood.

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## APPENDICES

### Appendix I: Questionnaire

I am a master's student of Kampala International University pursuing master of human rights and development, I am conducting a study on “THE LEGITIMACY OF SOMALILAND STATEHOOD UNDER INTERNATIONAL LAW AND QUEST OF RECOGNITION”As a requirement for the academic award, I am conducting a study to enable my academic completion in your organization. Please fill free to respond to the questionnaire by ticking the appropriate Questions that suit your status/ Level of agreement.

#### Section A: Profile of respondents

##### 1. Gender

Male

Female

##### 2. Age

- 18-27 Years
- 28-37
- 38-47
- 48 above

**3. Education**

- Certificate
- Diploma
- Degree
- Other

**4. Time of work/ Experience**

- 1- 5 Years
- 6- 10 Years
- Above 10Years

**Section B: SOMALILAND STATEHOOD**

Instructions Use of likert scale of 1-5 to rank the following alternatives were 1= strongly disagree (SD), 2= Disagree (D), 3= Not sure (NS), 4= Agree (A), 5= Strongly Agree (SA).

	<i>Please indicate the degree to which you agree with the following statements. Tick the scale</i>	1 SD	2 D	3 NS	4 A	5 SA
	<b>Permanent Population</b>					
1	The population of Somaliland is above the needed threshold for sovereignty					
2	The population of Somaliland is determined frequently, its increasing and steady					
3	There is a permanent population in Somaliland, the people are not migrants but citizens					
4	The population size is higher than that of some internationally recognized independent states					
5	The population of Somaliland is ever increasing, it gives hope for a much					

	permanence					
	<b>Defined Territory</b>					
1	The area for Somaliland is codified in the territory					
2	There is specific recognition of More than 85% of the area ( Somaliland)					
3	There is no territorial conflicts in the area covered by Somaliland					
4	There is recognition of the bigger territory in Somalia, Somalia president can't come to Hargeisa					
5	The area of land is above the minimal requirements for sovereignty of state recognition					
	<b>Functioning government</b>					
1	There is a government headed by the president of Somaliland					
2	There is a functioning parliament elected by the citizens of Somalia					
3	Somaliland has a functioning Judiciary system independent of Somalia					
4	There is a national police functioning in Somaliland independent of Somalia					
5	There is an independent recognition by central bank and national emblem in Somali land including having a travel document (Pass port)					
	<b>Interstate relations capacity</b>					
1	The country has lobbied for support from different international organizations					
2	There are several bilateral agreements signed between Somaliland and Somalia					
3	There are different infrastructure projects done between Somaliland and other states					
4	Somaliland has convinced many international foreign investors to invest in the “ country”					
5	The country has diplomatic relations with different states					

### Section C: State Recognition

	<i>Please indicate the degree to which you agree with the following statements. Tick the scale</i>	1	2	3	4	5
		SD	D	NS	A	SA
1	There is self state recognition/ self determination amongst the citizens in Somaliland					
2	The people in Somaliland have capacity to govern themselves with the prevalence of a central governance					
3	There is self consideration and individual respect for the country leadership					
4	The people (Most) majority are agitating for independence status for Somaliland					
5	There is state capacity in management of their own resources so far					
6	There exist a peaceful environment in Somaliland that guarantee struggle for self rule					
7	The state of Somaliland has allegiances entered with some states for cooperation basis					
8	There is state agitations for self rule and Somaliland meet the major criteria for attaining session					

## **Appendix II: Interview Guide**

- 1) What is legitimacy of statehood under the international law?
- 2) What is the role of Somaliland foreign policy in international politics and quest of recognition?
- 3) What are challenges that Somaliland faced during quest of recognition?
- 4) What can be done to harness Somaliland's quest for Recognition?
- 5) What avenues are designed to improve the Somaliland's quest for Recognition?