



Somaliland International Patriotic Action

Head Office, Hargeisa, Somaliland
Website: sipa-action.org
T: + 252 63 7123672 / + 252 65 4221783
E: info@sipa-action.org

SIPA's Open Forum Discussion Summary:

POLICY BRIEFING PAPER No.2/2023

The legal regime of Somaliland's State Formation on 18 May, 1991

A rule of customary international law will not come into existence as it is conflicting with the existing peremptory norm of general international law (*jus cogens*).

Date: 2nd June 2023

Introduction

SIPA's Open Forum held online discussion on xx/xx/2023, the discussion focused the question of the 'Legality of the respect of Somalia's independence and territorial integrity', which has been reiterated in the international domain. The discussion took at time 85 minutes from 00:00 to 00:00 and the discussion was participated professionals of different backgrounds with high calibers such as professors, lawyers, diplomats, researchers, writers, security and policy analysts/commentators and other experts in the fields of public policy, public international law, international relations and diplomacy.

The online discussion was held under rule of SIPA's Open Forum and investigated the legality of the respect of Somalia's independence and territorial integrity'. Participants contributed the reality existing on Somalia and the legality of the respect of Somalia's independence and territorial integrity' and ensured a genuine, authentic and transparent information in an impartial manner.

Background in brief:

The first British Treaty with Somali Tribe was made in 1827, and some further treaties were made in 1840s. in between 1884 and 1886 six treaties and three supplementary treaties were signed with various Somali Tribes, who were guaranteed by Her Majesty's protection. See Introduction Report of the Somaliland Protectorate Constitutional Conference held in London in May, 1960. Presented to Parliament by the Secretary of State for the Colonies by Command of Her Majesty, May 1960, Cmnd 1044, pp.1-1).

Preparation of independence:

Report of the Somaliland Protectorate Constitutional Conference held in London in May, 1960. Presented to Parliament by the Secretary of State for the Colonies by Command of Her Majesty, May 1960, Cmnd 1044.

The resolution on 6th April 1960:

UK Government voted resolution 1418:

The Report of the Somaliland Protectorate Constitutional Conference held in London in May, 1960. Presented to Parliament by the Secretary of State for the Colonies by Command of Her Majesty, May 1960, Cmnd 1044, was added "*In December 5, 1959 the General Assembly of the United Nations adopted a resolution that Somalia, under Italian Trusteeship, should become independent on 1st July 1960. The U.K. voted for this resolution.* See Report of the Somaliland Protectorate Constitutional Conference held in London in May, 1960. Presented to Parliament by the Secretary of State for the Colonies by Command of Her Majesty, May 1960, Cmnd 1044, pp.7-4).

Legal effect of resolution 1418:

The Somaliland Protectorate Legislative Council met on 6th April 1960 and with the unanimous support of all the elected members passed the following resolution:

" THAT it is the opinion of this House that practical steps should be taken forthwith for the immediate unification of the Protectorate and Somalia, THAT prompt action is essential to achieve this most cherished aim, and can be fully justified by the special importance with popular feeling in this country attaches to its early achievement, THAT a bold and definite action to be taken, and THAT the date of independence and unification with Somalia must be 1st July 1960, the date when Somalia will attain its full freedom". See Report of the Somaliland Protectorate Constitutional Conference held in London in May, 1960. Presented to Parliament by the Secretary of State for the Colonies by Command of Her Majesty, May 1960, Cmnd 1044, pp.7-4).

Request for independence:

In accordance of paragraph 10 of the Report of the Somaliland Protectorate Constitutional Conference held in London in May, 1960. Presented to Parliament by the Secretary of State for the Colonies by Command of Her Majesty, May 1960, Cmnd 1044, pp.10-4). Stated the following statement:

" The Somaliland delegation confirmed their desire to achieve independence and unite with Somalia when that country becomes independent on 1st July 1960, and emphasised that this policy commanded the enthusiastic support of the people of the Protectorate. They paid tribute to the work of successive British Governments in the Protectorate

during the past 80 years, and expressed the hope that it would be possible for the U.K. to continue to give advice and help after independence. They hoped for continuation of the warmest ties of friendship between Somaliland and the U.K. See Report of the Somaliland Protectorate Constitutional Conference held in London in May, 1960. Presented to Parliament by the Secretary of State for the Colonies by Command of Her Majesty, May 1960, Cmnd 1044, pp.42-11).

"The Somaliland delegation confirmed their desire to achieve independence and unite with Somalia when that country becomes independent on 1st July 1960".

This statement is purporting the plotted integration of the two territories of Somaliland and Somalia on 1st July 1960. The first part of this statement the Somaliland delegation confirmed their desire to achieve independence. Immediately after the independence of 26th June, 1960, the second part of the statement that says "*achieve independence and unite with Somalia when that country becomes independent on 1st July 1960*", such statement will be invalid and changed by the later of the independent people who is sovereignty power is vested with them on that date of 26 June 1960.

Date for independence:

In accordance of paragraph 42 of the Report of the Somaliland Protectorate Constitutional Conference held in London in May, 1960. Presented to Parliament by the Secretary of State for the Colonies by Command of Her Majesty, May 1960, Cmnd 1044, pp.42-11).

" The Somaliland delegation proposed that the date of independence be the twenty-sixth of June, 1960. The Secretary of State said that this would be acceptable". (pp.42-11).

Post independence of Somaliland:

Manifestation of sovereignty over the territory of Somaliland:

Source of the legality of Somaliland's decision on manifestation of sovereignty over the territory of Somaliland is on the basis of the factual political independence that the Somaliland Protectorate has achieved on 26 June 1960 and become the State of Somaliland and the principle of non-transferred sovereignty. In other word, there is no State or Government that the State of Somaliland has transferred its sovereignty in 1960.

The rights and obligations of the independent State of Somaliland was established by British Treaty Series No. 44 (1960), which stipulates:

*"Agreements and Exchange of Letters between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Somaliland in connexion with the attainment of independence by Somaliland. Hargeisa, June 26, 1960."*¹

¹ See United Nations Legislative Series, MATERIALS ON SUCCESSION OF STATES IN RESPECT OF MATTERS OTHER THAN TREATIES, ST/LEG/SER.B/17, United Nations, New York, 1978, p.390, See Footnote 2 (Ibid) "British Treaty Series No. 44 (1960), Commander 1101. Came into force on 26 June 1960".

See United Nations Legislative Series, Materials on Succession of States in Respect of Matters Other Than Treaties, ST/LEG/SER.B/17, United Nations, New York, 1978, p.390. See Footnote 2 (Ibid) "British Treaty Series No. 44 (1960), Commander 1101. Came into force on 26 June 1960".

The term 'Matters Other Than Treaties' means that the occurrence of the transfer of those rights and obligations of the independent State of Somaliland was without consent of the State of Somaliland. There is no legal theory in international law on the transfer of sovereignty from one State to another without consent of the State concerned predecessor State.

The transfer of those rights and obligations of the independent State of Somaliland to the Somali Republic was applied method of *rights and obligations arising source other than international treaties*, because such transfer occurred upon the extinctions of Somaliland and Somalia's existences as separate independent States on 1st July 1960 in accordance of paragraph 1 of Article 4 of the Somali Republic Law No.5 of 31st January 1961, which Somaliland and Somalia's existences were considered as two short-lived States on 1st July 1960.

manifestation of sovereignty over the territory of Somaliland

(ii) Laws and decrees

THE SOMALILAND ORDER IN COUNCIL 1960

Whereas it is intended that the territories known as the Somaliland Protectorate (hereinafter referred to as "Somaliland") **shall become an independent country on the 26th day of June, 1960** (hereinafter referred to as "the appointed day"):

And Whereas Her Majesty has, **by** Proclamation, declared that, as from the beginning of the appointed day. Her protection over Somaliland shall cease and all functions, powers, rights, authority, or jurisdiction exercisable by Her immediately before that day in or in relation to Somaliland shall lapse:

And whereas it is accordingly expedient to make new provision for the Government of Somaliland:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in that behalf **by** the Foreign Jurisdiction Act, **1890**, or otherwise in Her Majesty vested, is pleased, **by** and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

(2) This Order shall come into operation immediately before the appointed day.

2. Constitution to have force of law

The Constitution set out in the Annex to this Order shall have the force of law in Somaliland.

Sovereignty existing over the territory of Somaliland:

Neither Somaliland delegation that paid visit to London in May, 1960 nor the members of the Somaliland Legislative Assembly were possessing the legal competence, power or authority to change the official legal status of the independent people of Somaliland.

Immediately upon attainment of independence on 26 June 1960, sovereignty accessed lawfully and granted by the British Treaty Series No.44 (1960) was existing over the territory of the State of Somaliland, which sovereignty power was vested with the independent people of Somaliland and no change was applicable without their consent.

The mere circumstance to change the official legal status of the independent people of Somaliland after 26 June 1960 was through democratic, free and fair elections which

majority of the independent people of Somaliland freely expresses their choice to change their official legal status without any external interference.

The legal regime of Somaliland's State Formation in 1991

Background in Brief:

The extent that the sovereignty of the pre-existing independent State of Somaliland is existing over its territory, the restoration of the State of Somaliland

The second President of Somaliland Mohamed Haji Ibrahim Egal after he was elected in Borama grand conference in August 1993. The President hired foreign two lawyers so as to provide legal advice on the legal framework of Somaliland's State formation in international law. Though these two lawyers were foreigners and there was no prior preparation of legal work and literatures available to support two lawyers other than assumptions and personal opinions that were reflecting from the situations they were witnessed by the themselves including the President of Somaliland who himself was the first Prime Minister of the State of Somaliland on 26 June 1960, knowledgeable on the situation and what happened afterward.

However, the views expressed by those who was the eyes witnesses on what happened may not reflect the existing legal theory and the international legal system, unless practical legal research is concluded by legal personnel.

The two lawyers produced an article titled "The Case for the Independent Statehood of Somaliland in 1993, which was officially published by American University International Law Review 8 no. 2/3 (1993), which is available online to this present day after 33 years from 1993.

These two lawyers have made their best possible and sincere legal advice on the legality of Somaliland's assertion of independence.

The legal view that the two lawyers expressed stated that "*Central to the legality of Somaliland's assertion of independence is the extent to which such **assertions manifest sovereignty over the territory**, and therefore constitute a valid basis for the formation of a State*". See Carroll, Anthony J., and B. Rajagopal, "The Case for the Independent Statehood of Somaliland" American University International Law Review 8 no. 2/3 (1993): 653-681. See also footnote 19 "IAN BROWNLIE, PRINCIPLES OF PUBLIC INTERNATIONAL LAW 287 (3d ed. 1979) (explaining that territorial sovereignty is a characteristic of an independent state)" Ibid.

The legal view that the two lawyers expressed in 1993 was exactly the legal regime that Somaliland's State formation deserves this present day after 33 years. The statement of "*Somaliland's assertion of independence is the extent to which such **assertions manifest sovereignty over the territory***" is reflecting from the principle of non-transferred sovereignty and to the extent that sovereignty lawfully accessed by Somaliland is existing over the territory of Somaliland. These two lawyers have provided the ideal and appropriate legal advice, but no consideration was given up to this present day, which those personal opinions written in paragraph 1 of Article 1 and paragraph 1 & 2 of the Constitution of Somaliland are containing legal obstacles opposing manifestation of sovereignty over the territory of Somaliland unless there is an amendment on the Constitution of Somaliland 2001.

Furthermore, the legal view that the two lawyers expressed stated that "*The acquisition of territorial sovereignty embodies several international legal principles, including sovereignty, the territorial integrity of states, effectiveness, recognition, and self-determination.*" (Ibid).

In addition, they added "To be valid, Somaliland's assertion of independence must fulfill the operational standards of these doctrines", (Ibid).

In the context of Somaliland, the several international legal principles that the two lawyers cited on the acquisition of territorial sovereignty, which they include “*sovereignty, the territorial integrity of states, effectiveness, recognition, and self-determination*”.

The extent that the sovereignty of the pre-existing independent State of Somaliland is existing over its territory, the restoration of the State of Somaliland does not involve any injury against territorial integrity of other State and where the principle of respect of territorial integrity is not applicable to the case of Somalia. The restoration of the pre-existing independent State of Somaliland does not need recognition and the term of self-determination is incompatible to the situation involving the liberation of the territory of the pre-existing independent State of Somaliland that has been under illegal occupation, out of the five international legal principles only one which is ‘*effectiveness*’ is compatible to the context of the legal regime of Somaliland’s State formation.

Manifestation of sovereignty over the territory:

The central to the legality of Somaliland's assertion of independence is the extent to which such ***assertions manifest sovereignty over the territory***. The legality of Somaliland's political independence is declaration of acquisition of sovereignty existing over the territory of Somaliland on 26 June 1960.

This is reflecting on the principle of none transferred sovereignty remains over the territory concerned. Sovereignty accessed lawfully is protected by the international law.

Fulfillment of the operational standards of the doctrines:

Two lawyers stated that “*To be valid, Somaliland's assertion of independence must fulfill the operational standards of these doctrines*”. The absence of fulfillment of the operational standards of the doctrines, which the continuation of the situation involving non-succession of State by Somaliland, is reflecting the view expressed by the international community that considers Somaliland as autonomous region of Somalia. This is because of the personal view expressed by someone who said ‘situation involving non-succession of State would entail the continuation of the previous State’ which is what international law favors presumption of continuity of the previous State.

Question arising here is whether Somalia’s display and existence over the period before 1991 was legitimate State which entitled continuation after 1991, because of the situation involving non-succession of State that continue in the territory of Somaliland.

The view expressed which has been assumed the continuation of the previous State, which in paragraph 1 of Article 10 of the Constitution of Somaliland 2001 stipulates the former State of Somalia”

So-called the State of Somalia:

The authors of Article ‘The Case for the Independent Statehood of Somaliland 1993’,² have expressed their legal view on how Somalia came into existence in 1960 and stated “*The state of Somalia came into existence in 1960, resulting from a merger between two independent states, the Northern Somaliland, a British Protectorate, and the Southern Somalia, an Italian Trust territory*”.³ See Carroll, Anthony J., and B. Rajagopal, "The Case for the Independent

² See Carroll, Anthony J., and B. Rajagopal, "The Case for the Independent Statehood of Somaliland" American University International Law Review 8 no. 2/3 (1993): 653-681.

³ Carroll, Anthony J., and B. Rajagopal, "The Case for the Independent Statehood of Somaliland" American University International Law Review 8 no. 2/3 (1993): 653-681.; See **KAPLAN**, *supra* note 3, at 212-13 (recounting the formation of the state of Somalia). Confusion may exist regarding nomenclature of Horn of Africa nations. The Somaliland which declared its independence in 1991 has boundaries coterminous with the colony of British

Statehood of Somaliland" American University International Law Review 8 no. 2/3 (1993): 653-681.; See **KAPLAN**, *supra* note 3, at 212-13 (*recounting the formation of the state of Somalia*). *Confusion may exist regarding nomenclature of Horn of Africa nations. The Somaliland which declared its independence in 1991 has boundaries coterminous with the colony of British Somaliland. Southern Somalia is the area once occupied by Italy. Somalia is the name of the unified British Somaliland and Southern Somalia*". Ibid.

The formation of the state of Somalia:

The legal view that the two lawyers expressed on how Somalia came into existence in 1960 in their publication titled 'The Case for the Independent Statehood of Somaliland 1993'.⁴ Two lawyers have expressed their own legal view on how Somalia came into existence in 1960 and stated " *The state of Somalia came into existence in 1960, resulting from a merger between two independent states, the Northern Somaliland, a British Protectorate, and the Southern Somalia, an Italian Trust territory*". See Carroll, Anthony J., and B. Rajagopal, "The Case for the Independent Statehood of Somaliland" American University International Law Review 8 no. 2/3 (1993): 653-681.; See **KAPLAN**, *supra* note 3, at 212-13 (*recounting the formation of the state of Somalia*). *Confusion may exist regarding nomenclature of Horn of Africa nations. The Somaliland which declared its independence in 1991 has boundaries coterminous with the colony of British Somaliland. Southern Somalia is the area once occupied by Italy. Somalia is the name of the unified British Somaliland and Southern Somalia*". Ibid.

How Somalia come into existence: contrary to the available legal theories and evidence containing the official legal status of Somalia in the international legal system and in international law.

The authors cited that Somalia's existence in 1960 '*resulting from a merger between two independent States*'.⁵

In addition, author cited "**KAPLAN**, *supra* note 3, at 212-13 (*recounting the formation of the state of Somalia*), see footnote 9 (Ibid), the authors added that "*Somalia is the name of the unified British Somaliland and Southern Somalia*".⁶

Despite that, the authors of 'The Case for the Independent Statehood of Somaliland 1993', provided Somaliland a genuine legal advice, on the other hand, the authors intend to legitimize the name of Somalia in the eyes of the people of Somaliland who are the victims of Somalia's internationally wrongful act over the period before 1991. The authors cited "This Comment

Somaliland. Southern Somalia is the area once occupied by Italy. Somalia is the name of the unified British Somaliland and Southern Somalia. Ibid.

⁴ See Carroll, Anthony J., and B. Rajagopal, "The Case for the Independent Statehood of Somaliland" American University International Law Review 8 no. 2/3 (1993): 653-681.

⁵ See Carroll, Anthony J., and B. Rajagopal, "The Case for the Independent Statehood of Somaliland" American University International Law Review 8 no. 2/3 (1993): 653-681.; See **KAPLAN**, *supra* note 3, at 212-13 (*recounting the formation of the state of Somalia*). *Confusion may exist regarding nomenclature of Horn of Africa nations. The Somaliland which declared its independence in 1991 has boundaries coterminous with the colony of British Somaliland. Southern Somalia is the area once occupied by Italy. Somalia is the name of the unified British Somaliland and Southern Somalia*. Ibid.

⁶ See footnote 9 (Ibid).

explores the legal validity of Northern Somaliland's assertion of independence and argues for the recognition of Somaliland as an independent state".⁷

Notion of merger of Somaliland and Somalia:

The notion that says the merger of Somaliland and Somalia formed the Somali Republic on 1st July 1960 is baseless personal opinion expressed outside the existing legal theories that are available both at domestic and international levels.

The untold and undisclosed reality existing on Somalia is that the Trust territory of Somalia have chosen on that date of 1st July 1960 to freely associate with the five (5) days old independent state of Somaliland on the same date of 1 July 1960, that the Trust territory of Somaliland under Italian administration was to achieve its independence.

The General Assembly resolution 1418 (XIV) dated 5 December 1959 recommended that 1st July 1960 will be the date that the Trust territory of Somaliland under Italian administration will achieve independence. However, these resolutions were as a form of recommendation but will not grant recognition for Somalia on 1st July 1960 not resolutions create legal obligation in international law. Therefore, notion that says merger of Somaliland and Somalia is contrary to paragraph 1 of Article 4 and in Article 10 of the Somali Republic Law No.5 of 31st January 1961.

In 1960, there was no merger between Somaliland and Somalia as two independent states. It was Somalia that displayed the flag of the independent state of Somaliland at later date of 1 July 1960.

The extinctions of Somaliland and Somalia:

The integration of Somaliland and Somalia:

The name of the Somali Republic

ing nomenclature of Horn of Africa nations. The Somaliland which declared its independence in 1991 has boundaries coterminous with the colony of British Somaliland. Southern Somalia is the area once occupied by Italy. Somalia is the name of the unified British Somaliland and Southern Somalia.

How Somalia came into existence in 1960:

The name of Somalia came into existence in 1960 by substitution of the name of the Somali Republic by the provisional President of the Somali Republic who presented cable telegram to the Secretary General of the United Nations on 1 July 1960. The name of Somalia was purposely sponsored by UK, Italy, and Tunisia

Somalia was not the name of the unified Somaliland and Somalia, paragraph 1 of Article 1 of the Somali Republic Law No.5 constitute legal evidence to prove that Somalia was not the name of the newly independent state upon the extinctions of Somaliland and Somalia on 1 July 1960.

Somalia acceptance of the obligations of the Charter:

No. **5577 SOMALIA** Declaration of acceptance of the obligations contained in the Charter of the United Nations. Mogadiscio, **11 February 1961**⁸

⁷ See footnote 9 (Ibid).

⁸ See United Nation Treaty Series, Volume 388, I. Nos. 5570-5587, 1961, No. 5577. Somalia: Declaration of the acceptance of the obligations contained in the Charter of the United Nations. Mogadiscio, 11 February 1961, p.179, Presented to the Secretary-General of the United Nations on 23 February 1961, By resolution 1479 (XV) adopted by the General Assembly at its 864th plenary meeting, on 20 September 1960, Somalia was admitted to membership in the United Nations.

Official text: English. Registered ex officio on 23 February 1961.

PRESIDENTE DELLA REPUBBLICA SOMALIA
-41.111 - Mogadiscio, 11 February 1961

Sir,

With reference to Your letters OR 210 (1) of 7 October 1960 and OR 210 (1) dated 26 January 1961, I have the honour to refer to my telegram dated 1 July 1960, submitting the application of the Republic of Somalia for admission to membership in the United Nations.

For the purpose of deposit with the Secretary-General I have the honour to confirm by the present instrument the declaration contained in the aforementioned telegram; that the Somalia Republic accepts the obligations contained in the Charter of the United Nations.

Accept, Sir, the assurance of my highest consideration.

(Signed) Aden Abdulla OSMAN

His Excellency Dag Hammarskjöld
Secretary General
United Nations
New York

Manifestation of sovereignty over the territory of Somaliland:

Source of the legality of Somaliland's decision on manifestation of sovereignty over the territory of Somaliland is on the basis of the factual political independence that the Somaliland Protectorate has achieved on 26 June 1960 and become the State of Somaliland and the principle of non-transferred sovereignty. In other word, there is no State or Government that the State of Somaliland has transferred its sovereignty in 1960.

The rights and obligations of the independent State of Somaliland was established by British Treaty Series No. 44 (1960), which stipulates:

*“Agreements and Exchange of Letters between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Somaliland in connexion with the attainment of independence by Somaliland. Hargeisa, June 26, 1960.”*⁹

See United Nations Legislative Series, Materials on Succession of States in Respect of Matters Other Than Treaties, ST/LEG/SER.B/17, United Nations, New York, 1978, p.390. See Footnote 2 (Ibid) “British Treaty Series No. 44 (1960), Commander 1101. Came into force on 26 June 1960”.

The term ‘Matters Other Than Treaties’ means that the occurrence of the transfer of those rights and obligations of the independent State of Somaliland was without consent of the State of Somaliland. There is no legal theory in international law on the transfer of sovereignty from one State to another without consent of the State concerned predecessor State.

The transfer of those rights and obligations of the independent State of Somaliland to the Somali Republic was applied method of *rights and obligations arising source other than international treaties*, because such transfer occurred upon the extinctions of Somaliland and Somalia's existences as separate independent States on 1st July 1960 in accordance of paragraph 1 of Article 4 of the

⁹ See United Nations Legislative Series, MATERIALS ON SUCCESSION OF STATES IN RESPECT OF MATTERS OTHER THAN TREATIES, ST/LEG/SER.B/17, United Nations, New York, 1978, p.390, See Footnote 2 (Ibid) “British Treaty Series No. 44 (1960), Commander 1101. Came into force on 26 June 1960”.

Somali Republic Law No.5 of 31st January 1961, which Somaliland and Somalia's existences were considered as two short-lived States on 1st July 1960.

manifestation of sovereignty over the territory of Somaliland

(ii) Laws and decrees

THE SOMALILAND ORDER IN COUNCIL 1960

Whereas it is intended that the territories known as the Somaliland

Protectorate (hereinafter referred to as "Somaliland") **shall become an independent country on the 26th day of June, 1960** (hereinafter referred to as "the appointed day"):

And Whereas Her Majesty has, **by** Proclamation, declared that, as from the beginning of the appointed day. Her protection over Somaliland shall cease and all functions, powers, rights, authority, or jurisdiction exercisable by Her immediately before that day in or in relation to Somaliland shall lapse:

And whereas it is accordingly expedient to make new provision for the Government of Somaliland:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in that behalf **by** the Foreign Jurisdiction Act, **1890**, or otherwise in Her Majesty vested, is pleased, **by** and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

(2) This Order shall come into operation immediately before the appointed day.

2. Constitution to have force of law

The Constitution set out in the Annex to this Order shall have the force of law in Somaliland.

Conclusions:

The only legal regime that the pre-existing independent State of Somaliland deserves is by manifesting sovereignty existing over its territory as of 26 June 1960. The only legal regime of Somaliland's State formation is declaration of acquisition of sovereignty existing over the territory of Somaliland and finalization of the remaining principles of international law applicable on the succession of the State of Somaliland as the successor State.

Since its inception on 18 May, 1991 to this present day, the State of Somaliland did not claim as the successor State of the territory of Somaliland and that the pre-existing independent State of Somaliland has replaced Somalia's illegal occupation in the territory of Somaliland.

Since its inception on 18 May, 1991 to this present day, the pre-existing independent State of Somaliland did not clarify nor prove in the eyes of the international community that Somalia has lost the territory of Somaliland and that the State of Somaliland has gained its territory in 1991 and in compliance with the boundaries fixed by the international treaties.

that the restoration of the State of Somaliland

Legal framework on the restoration of pre-existing Sovereignty State

International Legal framework of pre-existing State

Pre-existing State Succession in respect of matters other than treaties, pdf

Principles of the Recognition of States. To recognize a community as a State is to declare that it fulfills the conditions of statehood as required by international law. If these conditions are present, existing States are under the duty to grant recognition.¹⁰

H. LAUTERPACH, Recognition of States in International Law, The Yale Law Journal Volume 53, June 1944, Number 3,

First Report on Succession of States in respect of rights and duties resulting from sources other than treaties, by Mr. Mohammed Bedjaoui, Special Rapporteur, Document A/CN.4/204 and Corr.1 (French only) Topic: Succession of States in respect of matters other than treaties. Source: https://legal.un.org/ilc/documentation/english/a_cn4_204.pdf

Maria Mazzanti, From state sovereignty to responsibility to protect, HAL Open Science, Source:

International Law Handbook Collection of Instruments Book One, United Nations, Source: https://legal.un.org/avl/studymaterials/handbook/english/book_1.pdf

Draft Articles on Succession of States in Respect of Property, 1981 Source: https://legal.un.org/ilc/texts/instruments/english/commentaries/3_3_1981.pdf

Alfred R. Cowger Jr. Rights and Obligations of Successor States: An Alternative Theory 1985, Source: <https://core.ac.uk/download/pdf/214080503.pdf>

Succession of States in respect of matters other than treaties

“Succession of States in respect of matters other than treaties, United Nations Doc. ... government succession does not terminate preexisting state debts”.¹¹

The United Nations documents on Succession of States in respect of matters other than treaties did not determined

The Concept of Odious Debt in public international law, No.185, July 2007, Source: https://unctad.org/system/files/official-document/osgdp20074_en.pdf

State Succession Chapter 2, Source:

[https://real.mtak.hu/155461/1/CEA%20LSCE PhD Raisz International%20Law CH2.pdf](https://real.mtak.hu/155461/1/CEA%20LSCE%20PhD%20Raisz%20International%20Law%20CH2.pdf)

State Succession in Matters of State Responsibility:

¹⁰ H. LAUTERPACH, Recognition of States in International Law, The Yale Law Journal, Volume 53, June 1944, Number 3, p.385.; Source: https://openyls.law.yale.edu/bitstream/handle/20.500.13051/13240/27_53YaleLJ385_1943_1944.pdf

¹¹ The Concept of Odious Debt in public international law, No.185, July 2007, Source: https://unctad.org/system/files/official-document/osgdp20074_en.pdf

The two Vienna Conventions on State succession distinguished four basic types of succession: a) cession, that is, the transfer of part of the territory of one..¹²

State Succession in Matters of State Responsibility, Source: https://www.idi-iil.org/app/uploads/2017/06/IDI_14_Kohen.pdf

AMERICAN SOCIETY OF INTERNATIONAL LAW PANEL ON

"STATE SUCCESSION AND RELATIONS WITH FEDERAL STATES",

Source: <https://2009-2017.state.gov/documents/organization/65716.pdf>

About SIPA

The Somaliland International Patriotic Action (SIPA) is an independent, nonpartisan, nonprofit policy, democracy, human rights and development organizations established to strengthen the capacity of the people of Somaliland by injecting knowledge, technical and administrative support to enable to manage issues affecting their status and position in the world. SIPA Action is focusing popularization of the existence of Somaliland and the fundamental rights of the people of Somaliland.

Under the SIPA, there is a Somaliland Recognition Storm (SOREST) with the function of human rights involving international advocacy to end the obligations of Somalia which are without legal substance.

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¹² State Succession in Matters of State Responsibility,
Source: https://www.idi-iil.org/app/uploads/2017/06/IDI_14_Kohen.pdf