SUCCESS AND FAILURE OF STATEHOOD CLAIMS IN NORTHEAST AFRICA:

A COMPARISON BETWEEN SOUTH SUDAN AND SOMALILAND

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ABSTRACT OF THE THESIS

Success and Failure of Statehood Claims in Northeast Africa: A Comparison

Between South Sudan and Somaliland

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This work uses definitions of the state and state theory put forth through the 1648

Treaty of Westphalia, the 1933 Montevideo Convention and the 1963 Organization of

African Union Charter to analyze and compare the statehood claims made by South

Sudan and Somaliland, respectively. South Sudan, as the newest member state to the

United Nations serves as the case study for internationally recognized statehood while

Somaliland, which declared its independence in 1991 but has yet to be recognized by any

international entity functions as an example of a territory that fulfills many of the

functions of a state without achieving recognition. The study uses literature on economic

dependence, resource endowments, interregional conflict, state-building and 'failed

states' to examine each territory's ability to achieve the four tenants of statehood put

forth by the Montevideo Convention: the existence of a permanent population; the

occupation of a clearly defined territory; the operation of effective governance over said

people and territory; and the ability to engage in international treaties. While the

prevailing theory is that international recognition *declares* statehood already achieved, as

opposed to *constituting* statehood itself, the two cases prove that in practice the opposite

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is far closer to reality – an entity's external relationships are the determining factor in

gaining recognition and becoming a full-fledged member of the international community.

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Introduction

South Sudan, the newest United Nations member state, and Somaliland, a territory that declared its independence over twenty years ago but has yet to gain membership into any organization of states, are studies in contrast despite similar civil war victories against unresponsive central governments. With but a handful of exceptions, the overwhelming trend in Africa has been the maintenance of existing states and their borders over the creation of new ones. This is true in part because the African Union (AU), following precedents set by its predecessor, the Organization of African Unity (OAU), places a high premium on the continuation of colonial state boundaries. With this in mind, South Sudan's successful independence movement warrants further examination and its realization requires a reassessment of Somaliland's own claims.

This work seeks to unpack the key differences between these two cases, with particular attention paid to their political, economic, and social pasts and presents; thereby establishing a more comprehensive understanding of the meaning and reality of statehood in Africa in the modern era. Ultimately I aim to begin to answer the following question: what justification, if any, is there for the broad acceptance and embrace of South Sudan as a fully recognized independent state while Somaliland is denied? Using a range of literature and definitions of the 'state' and 'statehood,' what characteristics does Somaliland lack and/or South Sudan possess that has led these two lands to such vastly different political realities? The two case studies that form the substance of this work are quite remarkable – and are often characterized as wholly unique – yet they offer an

opportunity to gain a more comprehensive understanding of the state and its broader systems in a more universal context as well.

Chapter 1 presents the literature that will be used as a basis for this work and examines the broad topics of economic relationships, resource endowments, interregional conflict, state legitimacy and capacity, and "failed states" discourse with an emphasis on the ways each of these – individually and combined – relate to statehood and state theory. Once the theoretical parameters have been set, I will turn my attention to the specifics of the South Sudan and Somaliland in Chapters 2 and 3, respectively. Chapter 4 will combine the initial theory with the case data in order to analyze the core differences between South Sudan and Somaliland that have caused the former to be welcomed into and recognized by the international community, while the latter is by-and-large ignored.

Chapter 1 – The Cases and the Theories

The Cases

This work will address issues of statehood, legitimacy, and recognition through the use of two critical cases that share some overlapping historical details but have very different current situations. First, South Sudan, as the newest member state in the United Nations, will serve as an example of internationally sanctioned statehood. From decades of war and through an interim period of autonomous governance, South Sudan emerged as one of the rare recent cases of a successful independence movement and transition to statehood. While its fate is far from secure, and recent events point to a fairly precarious situation that could quickly degenerate further, South Sudan has accomplished what few other secession efforts have – globally recognized independence from a rival.

When the civil war officially ended in 2005, the Comprehensive Peace Agreement (CPA) formalized Southern autonomy and called for a six-year interim period closing with a referendum to decide the future of the Southern region – either integration into the North or independence. The negotiations that led to the CPA and the rhetoric of officials from the northern capital of Khartoum outlined an interim period in which the North would campaign to make unification attractive to Southern citizens, and would integrate the South into governance structures in a way that was never prioritized in the decades since the British left the territory. The reality, however, was far different – little was done to persuade Southerners to vote for unification until it was far too late to motivate a critical mass of the electorate. The January 2011 referendum, therefore, was a landslide victory for the proponents of independence. Over 98% of the Southern population voted

to secede, and the will of that vote was realized on July 9, 2011. It is within this context that South Sudan became an internationally recognized independent state and was thus saddled with all of the attendant rights and responsibilities.

The second case is that of Somaliland, an autonomous, self-governed region in the Northwest of Somalia that reflects the borders in place when the territory was a British protectorate. After half a week as an independent country at the height of decolonization on the African continent, the former British territory merged with the former Italian Somaliland to form the Federal Republic of Somalia on July 1, 1960. The capital of this new and independent state, Mogadishu, was far from the former British land, and the new state's government was overwhelmingly controlled by southern elites. The relationship between the two regions quickly soured, and Somaliland began a rebellion in June 1961.

Sporadic violence over two decades escalated into civil war between the Mogadishu government and Somaliland's paramilitary forces in 1988. This led to the overall disintegration of formal governance in Somalia, and eventually to the overthrow of President Mohamed Siyad Barre in 1991. It was at this point of chaos that Somaliland declared its independence from the rest of the country and severed ties with the skeleton government that remained in Mogadishu. Its citizens further asserted their independence in 2001 with a referendum in which 97% of the population supported formal separation from Somalia. Somaliland holds regular elections and is strongly connected to its large diaspora around the world. In addition, the territory issues passports; but only neighboring Ethiopia and Djibouti allow individuals to use them as documentation, while simultaneously denying official recognition of Somaliland as a state.

The case against recognizing Somaliland's statehood was much stronger in the decades before South Sudan achieved its independence. As mentioned above, one of the founding and central principles of the African Union and its predecessor, the OAU, is the respect of Africa's existing territorial boundaries – a principle that has only bent in the case of Eritrea in 1993 and now South Sudan. There is an overall feeling that maintenance of the status quo is the best way to insure the continuation of the prevailing power structure against other groups looking to secede or otherwise alter state boundaries throughout the continent.[1]

Literature Review

The base of literature for this study, while expansive, is also exceedingly complementary. This is primarily a function of the varied yet interconnected nature of the factors that constitute statehood and coalesce to inform and influence the ways in which we think about state entities in the global system. The topics covered are necessarily broad in order to remain within the realm of theory and to allow for their most productive use within the body of this study. The end of every topical section will consist of a brief outline of the ways in which the theory will be put to use within the context of the South Sudan and Somaliland cases.

To begin, the literature on statehood is examined. There are a number of different definitions that are prevalent both within academic and diplomatic circles, and their differences and commonalities are absolutely critical for any thorough understanding of the factors at play in the two cases. Then I examine the theory pertaining to economic independence or dependence – transactions and relations between a territory and the

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[1] See Jeffrey Herbst, "The creation and maintenance of national boundaries in Africa" in *International Organization* (1989) 683.

greater global community play a significant role in its acceptance on the world stage. Third, the work studies resource endowments as an integral factor influencing, again, a territory's standing on the international stage. A fourth section examines the issue of conflict, especially civil and interregional conflict since internal conflict signals a lack of internal legitimacy, and conflict in general can weaken perceived legitimacy by external actors. Fifth, I address the literature on governance with a focus on state legitimacy and capacity. As will be discussed in depth below, much of the literature on state theory gives prime importance to a government's ability to govern. The final literature topic, which brings together many aspects of the five above it, is state "failure." As will be shown below, the idea of state failure has as much to do with a territory's international reputation as it does with any objective assessment of a state's ability to provide goods, services, and safety to its citizens. This literature, in conjunction with the initial section on statehood and state theory will allow for a rigorous examination of the two cases and a comprehensive analysis of each of their claims for recognition as a state.

State Theory

The modern state, according to much of the prevailing discourse, began with the Treaty of Westphalia in 1648. This system was centered on the dual forces of sovereignty and territoriality; that is to say that entities possessed a monopoly on legitimate power and delineated that power along mutually exclusive borders (Brenner et al. 2003, 2). In theory, this means that the definition of the state is therefore focused on its institutional, territorial, centralized nature (ibid, 60). In reality, according to Ferguson and Jones, "the territorial state has been the primary focus for students of international relations and politics in the past, and certainly many states remain important actors in

global politics. It is difficult to generalize because the classification "state" embraces everything from superpower to failed states and ministates" (2002, 6). It is necessary, then, to reconsider the relationship between territory and governance (ibid, 7).

Legally, the categorization of statehood is difficult because the definition of "state" depends entirely on context. "Use of the term is historically contingent, with criteria for statehood varying over time. Accordingly, codifying statehood has proven fraught with difficulty" (Grant 1999, 408). In 1976, the US Department of State issued a directive stating that in judging an entity's statehood claims the following criteria would be examined: effective control of a clearly defined territory and population; organized administration of said territory; and the capacity to act effectively to conduct foreign relations (ibid, 415). These criteria align closely with the requirements outlined by the Montevideo Convention of 1933, a document signed in conjunction with the Seventh International Conference of American States and one of the most comprehensive delineations of statehood put forth by international actors. The Convention stipulates that states must: have a permanent population; occupy a clearly defined territory; operate an effective government over the extent of said territory; and have the capacity to engage in international relations (ibid, 414).

Recognition is an important aspect of state theory. According to Grant, "the role of recognition was once debated, with some writers arguing that recognition merely reflects or *declares* statehood already achieved, and others contending that recognition constitutes the state. Most writers today assume that recognition itself does not create statehood" [emphasis in original] (ibid, 446). Yet recognition on the international stage, both by individual countries and international organizations, is considered the mark of a

true state. Territorial entities strive for such a classification and vicious civil wars are fought to bring new states into being. But few of the definitions of statehood commonly used today have external recognition as an absolutely necessary factor for its achievement - in some instances recognition is used as an indicator for statehood, but it is never the sole gauge. Why, then, is so much time and energy spent trying to gain recognition, which is only a small part of the statehood claim?

There is a vital distinction between the concept of the state and the political reality of the state - or *de jure* and *de facto* statehood respectively. There is both the ideal of the state that is demonstrated in its prevailing definitions, and the contextual state that is essentially constrained by its time and place in history.[2] While this distinction is delineated and explored by countless academics, this nuanced understanding does not seem to have much effect on international relations in practice. In addition, as will be expanded upon in a later discussion of the recognition of states, the status quo is highly valued and there is an overwhelming hesitation among actors to be the first to challenge prevailing norms by recognizing a new entity as a state. Many scholars, Hagmann and Peclard argue, interpret state politics through an ideal-typical lens, using a set of normative ideas that are based on the Western experience. This, in many respects, explains why African states are so often identified as failed – they are judged not by what they are but by what they are not (2011, 148). Furthermore, the authors advocate for a more grounded approach to state theory that starts with the empirical as opposed to the juridical, and shies away from reducing statehood to limited functional attributes and minimum criteria (ibid, 7). That is to say, the specific characteristics of the state in

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[2] For a much more extensive discussion of the codification of statehood, see Thomas D. Grant's "Defining Statehood: The Montevideo Convention and its Discontents" in *The Columbia Journal of Transitional Law,* 1999.

question, and especially its internal legitimacy, hold primacy over the recognition conferred upon it by the international system. In the African context, Jackson and Roseberg state, the empirical weakness and vulnerability of African states has not led to juridical change (1982, 1). The authors continue, and point out importantly that only the international community can give governments these juridical attributes of statehood (ibid, 16).

The definition of the state and its constitution is of central importance to the African Union, and to the Organization of African Unity before it. In May of 1963, independent African leaders formed the OAU, and its foundational documents legitimized the colonially-drawn borders and their corresponding sovereignties. President Keita of Mali stated that although the colonial system divided Africa "it permitted nations to be born… African unity… requires full respect for the frontiers we have inherited from the colonial system" (Jackson and Roseberg 1982, 15). In 1964, the OAU argued that Africa's colonial borders were a 'tangible reality,' and as such leaders pledged to "respect the frontiers existing on their achievement of national independence" (Herbst 1989, 676).

In the context of a continent still ruled in many places by outside forces, the popular Pan-African movement represented liberation and freedom. Its leaders, many of whom would come to pilot their respective countries in post-independence, realized that in reality, freedom could only be achieved within the existing framework of colonial territories established by their aggressors. The Pan-African movement that enjoyed so much support among the elite and educated throughout the continent in the mid-1950s through mid-1960s when so many states gained their independence relied not only on the

academic and moral case for self-determination, but simultaneously gave validity to the system that had kept the continent under outside control by accepting the borders the Europeans imposed. "The European colonies were the only political vehicles that could give expression to African nationalism; as a consequence, these artificial jurisdictions acquired a vital legitimacy in the eyes of the most knowledgeable Africans" (Jackson and Roseberg 1982, 17). This fact has remained true to the present day where South Sudan represents one of the very few instances, and certainly the one with the most international involvement, in which colonial borders have been challenged successfully. The rarity of this occurrence begs an explanation, which I provide below.

Economic (In)dependence

Peluso and Watts, in summarizing David Keen, argue that war has increasingly become the continuation of economics by other means. It signals more than a breakdown of the political system, but a way of creating an alternate system based on profit and power (2001, 56). We see in these instances the intimate relationship between localized conflict and the international economic system. The wars of the Cold War years had at least the veneer of an ideological basis, but more recent violent movements are less and less concerned with having the appearance of a philosophical opposition to the current political elites, and are more overt in their desire for economic power over political rule. This fact paradoxically decreases the importance of the state and delineated borders, while simultaneously greatly increasing the significance of territorial control. The state is given secondary consideration as goods and services are produced across borders and companies supplant governments as decision makers. On the other hand, borders and

boundaries are cemented in so far as control of resources – with regard to both natural resources and labor forces – drives economic production.

Observers have noted the extent to which the economy, as an overtly transnational force, influences more localized concerns like resource extraction and civil conflicts. Peluso and Watts astutely highlight in their work the role that resources play in these conflicts, especially in the African context, where raw materials valuable on the international market and to industrialized states are often of little use beyond their monetary value to the state in which they are found (2001, 66). Similarly, in his recent work, Le Billon argues that commodity chain analyses of resource-driven conflicts do not support the claims that their main driving forces are local in nature, but instead demonstrate the myriad ways the local becomes global through goods and commodities (2012, 22).

Modern warfare has greatly shifted away from the international conflicts of previous decades and towards internal, civil strife. Overwhelmingly this has led to an understanding of these conflicts as strictly local affairs with limited influence from the outside world. Yet, the decades that have witnessed an internalization of conflict have also been those that experienced deepened connections with the wider system with regard to ease of access, openness, and the globalization of markets and communication. In describing those rulers who gain power and influence through conflict, Rotberg has this to say:

> What could be called the dark side of globalization further encourages subnational rulers who seek to rule something less than a national state. With the global liberalization of finance have come sophisticated systems that allow African warlords, corrupt leaders, and others to access capital. (2004, 305)

Therefore, while the parties engaged in conflict may be from the same country, the justifications for that violence are inextricably linked to the international economic system.

Even state leaders whose authority is widely accepted by their citizenry, according to Davis and Pereira, when faced with internal discord and upheaval have a tendency to dissolve state institutions in an effort to concentrate their remaining political power to hold control of markets. In this way they are able to control the access their opponents have to those same markets (2004, 328). This is one example of the ways in which, at the close of the Cold War, with the end of international support for the proxy wars fought throughout the developing world, the remaining conflicts relied more heavily on support given on the basis of mutually beneficial trade opportunities rather than ideological sponsorship. This, in turn, led to the concern that wars were being fought for financial gain rather than because of strong disagreements over politics or the direction in which a state was heading (Le Billon 2012, 1).

Peluso and Watts further underscore the economic motivation of resource conflicts in asserting that this exploitation encompasses control over not just the resource itself, but also the labor force, capital, and access to markets (2001, 222). The labor force is an integral part of the conflict-economy discussion that is often overlooked, but deserves significantly more prominence. Natural resources, be they oil, diamonds, or uranium, are of little value while still in their natural environment. It is only once they have been extracted that they gain pertinence, and that extraction process can involve very difficult manual labor that requires an enormous workforce that is overwhelmingly underpaid and overworked. Labor is necessary to make those extractions, and therefore

control of laborers is an important and distinct aim of factions in search of resource wealth. It is not enough for an armed faction to have control of oil fields; it must also have control of a sufficient number of people to work that oil field in order to reap the rewards of having it under the group's control.

The above literature, and its inextricable connection to both internal conflict and the extraction of resources demonstrates the importance of a territory's level of economic independence. South Sudan and Somaliland have very different relationships with the global economy and community, which in turn has greatly affected their statehood claims. While South Sudan is closely linked to international markets by virtue of both its vast oil wealth and its dependence on Sudan to get that oil to market, Somaliland is much more isolated; while trade with Gulf countries is important it does not have the complete hold on the territory that exists between South Sudan and Sudan. Furthermore, Somaliland lacks much of the foreign assistance that South Sudan receives, causing it to be much less dependent on outsiders to provide social services for its population.

Resource Endowments

Economic control and power greatly influence political might, and to a great extent that economic power stems from access to and control over resources. As Peluso and Watts outline, the strategic power of oil specifically increases the visibility of the state in public life and of transnational capital in society. Overwhelmingly subsoil and offshore oil is considered the property of the state in which it is found, meaning that the relationship between its production and the state leads to debates about the body-politic and the ideal relationship between the two (2001, 207). State ownership of the subsoil gives strong incentives for governments to assert their sovereignty over areas with

potential or proven oil reserves, increasing the risk of conflict if the territory is disputed or borders poorly defined (Le Billon 2012, 72).

Peluso and Watts devote much of their work to discussing the relationship between resources and conflict, but the authors make a strong case for correlation over causation. That is to say, resources do not inherently cause conflict, as Homer-Dixon asserts, but there is a connection between resources and violence that must be explored. Peluso and Watts summarize the erroneous connection in this way: "by adding the social distribution of resources into the definition of environmental scarcity, Homer-Dixon creates too automatic a link to conflict because political conflict often revolves around issues of resource control" (2001, 43). Rather than using social dimensions as an afterthought, the study of resources and environmental scarcity should begin with the relationship between the user and nature; therefore creating an understanding of nature that is both historical and social (ibid, 27). With regard to oil specifically, Le Billon argues that not all countries with an abundance of oil experience conflict. One explanation for this phenomenon is that oil-centered conflicts take place because of the institutional and economic context created by oil, rather than the oil itself (2012, 67). Following the same logic, Peluso and Watts again counter the environmental scarcity model by arguing that it neglects larger economic and political forces that affect local environments and conflicts (2001, 50).

Resources, according to Le Billon, are more than just raw materials pulled from nature, but are objects produced by both social and natural processes (2012, 10). In the opening of his work, he summarizes his argument by claiming that some resources are more likely to cause conflict than others, and this proclivity depends on the social

relations of production associated with the resource sector. Thus, social relations such as historic inequalities and material conditions of production are important (ibid, 5). These inequalities and conditions can greatly impact both capacity and legitimacy and therefore influence a state's ability to exert its power over the territory under its domain. The above authors have demonstrated the need to expand research on the connection between resources and conflict to encompass the broader economic and social factors as well, since specific resources are made valuable based not on any inherent characteristic but on the international market and current technologies - they hold no real value on their own.

Le Billon argues that while there is not a deterministic relationship between resources and conflict, resources do have a tendency to shape the type of conflict that arises and its duration (2012, 41). He points to three specific ways in which the relationship between resources and war can be viewed. First is what he calls the 'resource curse' argument, which asserts that economic dependence on a resource leaves society vulnerable to violence and instability, and is associated with the institutional and economic impacts of resource exploitation. The resource curse focuses on the impacts resource dependence has on the strength or weakness of state institutions and the ways in which said dependence could cause limitations within the governance and economic structures. Second, the 'resource conflicts' argument states that grievances and conflicts regarding the control of resources increase the risk of larger scale violence. This view focuses on the direct connection between the resource and conflict; that is to say that the resource's exploitation is the primary driver of violence rather than institutional dependence on it, and that smaller scale unrest can balloon into larger conflict. Finally, the 'conflict resources' argument focuses on the financial opportunities that can sustain

conflicts through the exploitation of resources. This final iteration is predicated on the relationship between a desired resource and its international market as a driver of conflict and a cause of prolonged conflict over the resource's control. It is often the case he says, and Peluso and Watts would certainly agree, that each of these three distinct relationships are often analyzed in the absence of the other two but they are best understood together; and combined they help explain the ways in which resources contribute to conflict (Le Billon 2012, 13-14).

There is a discrepancy, in many instances, between the costs and rewards of resource endowments on various areas of a state. In other words, while the resource is usually considered the property of the state as a whole, it is tied to a particular location and as such the resource's extraction often has an uneven distribution of benefits and disadvantages. "With respect to resources, populations in producing regions have claims related not only to ownership, but also to the socio-environmental impact associated with resource extraction," according to Le Billon (2012, 207). As seen in South Sudan, and as is the case in the oil producing regions of Nigeria, locals often get the negative ramifications of resource extraction – the general environmental degradation – without many of the benefits. The heavy state involvement in the oil sector in particular means that those regions that actually house the resource, and are forced to deal with the degradation caused by its extraction, are not always the regions that get the profit from its sale. As Watts has said, "on the one hand, oil has been a centralising force that has rendered the state more visible and globalised, underwriting a process of secular nationalism and state building. On the other hand, oil-led development, driven by an

unremitting political logic of ethnic claims, has fragmented and discredited the state and its forms of governance […]" (Le Billon 2012, 77).

Using Le Billon's three categorical relationships outlined above can help explain this scenario. His resource curse view states that state institutions' reliance on funding from a limited and location-specific resource leaves it susceptible to instability, in particular from those who feel they are not receiving benefits from the resource. The resource conflict assessment indicates that those in the producing region especially seeking control over the extraction and distribution of the resource will increase and prolong conflict in an attempt to wrestle control away from the central authority. Finally Le Billon's conflict resource evaluation suggests that the potential monetary benefits of the resource will drive violence between locals and the central institutions. Each of these views has some validity, but they are most robust and useful if taken in tandem rather than individually.

Interregional Conflict

Conflicts, in general, have become more localized in nature; there are far fewer conflicts between states than there are conflicts within states. This sort of interregional conflict has marked both the South Sudan and Somaliland and provides important insights into the statehood claims made by each. The extent to which the wars fought in South Sudan and Somaliland, respectively, demonstrate this interregional nature has significantly influenced the way they are seen within the international community and has had a profound effect on their calls for recognition.

Conflict has played an integral role in the trajectories of both South Sudan and Somaliland. Both fought long wars against their central governments, but their respective

outcomes are very different. Davis and Pereira highlight the special nature of wars in Africa by defining them as primarily consequences of the collapse of state institutions, sometimes years before the onset of violence, followed by the end of organized patronage-based political networks that use armed groups to enforce their power. "This method of rule," they say, "exhibits a hostility to state institutions and systematically undermines basic public order and security for citizens" (2003, 322). Similarly, Call notes that modern war and peace making are viewed by diplomats not as contests between coherent warring groups in need of negotiation or conflict resolution, but as "the absence or weakness of institutions, requiring the strengthening of those institutions to then create and manage violence and social conflicts" (2008, 1493). Combining these two arguments, we see the importance of functioning institutions for the maintenance of peace, and the likelihood that conflict may arise from those in decay.

Davis and Pereira, however, make a necessary distinction between "total wars" and other conflicts that are not as all-encompassing. They note that the level of organization and efficiency necessary for *total* war leads to the building of institutional structures and actually helps with the state-building process. Wars can increase state capacity, centralize power, and create stronger bonds between the population and the nation (2003, 83). In contrast, limited wars, which spring from narrow sources of discord, are more likely to result from the institutional deterioration outlined above and more likely to sow weakness in additional state institutions. This is an extremely important distinction to be made as it is often presumed, especially in the context of civil wars, that conflict is entirely a detriment to political and social dimensions of society; the reality is that conflicts are extremely case dependent, and with regard to their effect on

government institutions can either strengthen or weaken those institutions depending on the specifics of the situation.

There is an intimate relationship between conflict and power that must be examined whenever an attempt is made to understand or explain the former. Conflict, according to Hagmann and Peclard, opens new areas of negotiation in which social actors vie for power and control. This, importantly, also includes determinations regarding the definition of statehood to be used when the conflict concludes (2011, 17). Keen speaks directly to the motivations and goals of various rebel movements engaged in conflicts with their respective state political structures, and the potential downsides to actually winning their wars. By acquiring state status, rebel movements are forced to succumb to both the financial and political conditions of the state. For this reason, rebel groups may not necessarily want to pursue a profit-making conflict to its less profitable end – that is to say to rule the territory in question. In these instances, the goal for the rebels is not to win the war, but to manipulate violence in order to achieve economic goals (Peluso and Watts 2001, 234). Partly for this reason, revenue-sharing agreements as a means to end hostilities work best in situations where rebels remain in control of their territory rather than returning power to the state entity (Le Billon 2012, 181). If we acknowledge the importance of power relations in general, and economic control more specifically, it is easy to see why it would be vital for the continuation of peace for former belligerents to be given some power in exchange for a peace agreement or cease-fire. This is especially true in the types of cases highlighted by Peluso and Watts above, where movements may not have the ultimate goal of government control, but are instead satisfied with economic and thus political control over a more limited territory.

With regard to the relationship between conflict and economy, which has been discussed to an extent above, an additional important consideration is the opportunity for funding. Le Billon argues that funding opportunities play an important role in determining the length of conflict. If the weaker party is the beneficiary of monetary support it is likely to prolong the conflict, while funding funneled to the stronger party allows this party to escalate its involvement and dominate its opposition more quickly (2012, 38). Furthermore, he claims that resource conflicts in particular are influenced by both the goal of increasing resources for the group and of bettering one's position within the group. It is in this way that one can explain the militarization of states with regard to resources. Successful military conquests of resources simultaneously increase the importance of the state and that of the military within the state (Le Billon 2012, 48). Therefore, wars and other conflicts cannot be examined in a vacuum; they must be analyzed along with a number of other factors. While violence is site-specific and tied to local histories and social relations, it is also closely connected to larger process of material transformations and power relations (Peluso and Watts 2001, 5).

Governance and State-Building

Territoriality, as defined by Sack, is "the attempt by an individual or group to affect, influence, or control people, phenomena, and relationships, by delimiting and asserting control over a geographic area" (1986, 19). This in turn has a direct effect on political systems and governance. This territorial control affects the way the outside world views and interacts with said territory. Historically, while entities resembling our modern nation-state were fairly limited outside of Europe prior to the modern era, those states that did exist usually differed from their European counterparts in that European

states were, for the most part, contiguous, while elsewhere they were not. This meant that European states were much more concerned with concrete boundaries, while states in other areas were constituted with political strength centered at the core and gradually reduced from there (Rotberg 2004, 78-79). These different methods of territorialization lend themselves to different outcomes in terms of governing and institutional structures, and while the world is now thoroughly delimited, the various structural differences have multiplied rather than diminished.

Strong states are distinguished from weak states based on their ability to deliver political goods to constituents and inform the local political culture. These goods give context and substance to the social contract between ruler and ruled (Rotberg 2004, 2-3). The delineation can also be used to set apart legitimate states from non-legitimate ones. Legitimate states, therefore, are those in which the citizens willingly comply with the social contract, while citizens in illegitimate states are coerced or forced into submission rather than giving it freely. Furthermore, Rotberg states, citizens' loyalty to the state declines in tandem with the state's capacity and its alliance to the fortunes of a few (2004, 9). "States, like other institutions, house rules that constitute and constrain human behavior by affecting the payoffs for self-interested agents, be they elites or masses. In our conventional understanding, states exist not only because they are successful in generating positive payoffs for a majority of citizens, but also because a degree of loyalty binds the citizens to the state" (Rotberg 2004, 153). In both conflict and failed state situations, this loyalty is frayed or non-existent, limiting or negating the legitimacy of the state in question.

Migdal purports that the ability or inability of a given state to implement social policies and mobilize citizens relates to that society's social structure (1988, 33). He argues that a leader's ability to rule effectively depends upon his or her connections with state agencies that have the closest relations with society. Using those institutions is vital for political survival, and it is especially important that s/he be able to use those institutions for mobilization and security (ibid, 206). Social fragmentation and the loss of control by the state force its leaders to use ruses and stratagems to build coalitions and balance power among groups and to use state resources to reinforce the current distribution of power and wealth. These acts, while they may provide short-term gains and encourage some amount of economic growth, do not create a more autonomous state, but rather contribute to its decline (ibid, 237).

An integral aspect of legitimate governance is self-determination, to which Watts alludes. He claims that in Nigeria, "nation building was compromised by colonial rule itself but post-colonial petro-capitalism and its decrepit politics further weakened any sense of national integration and nation-building" (2000, 29). In short, this means that the Nigerian case, as a direct result of its oil wealth, left a significant portion of the population without adequate representation within the political system, and desiring more self-determination. The attempted independence of Biafra during Nigeria's civil war from 1967-1970 does much to support this assertion. The 1960 United Nations Resolution on the Granting of Independence to Colonial Territories and People may seem like an adequate avenue through which self-determination claims can be made, but as FitzGerald et al. note, while seemingly radical, in reality the resolution only extends

support to anti-colonial movements, not other attempts at self-determination (2006, 4), as Biafra's example showcases.

Watts, in discussing the influence of oil on the Nigerian state, argues that it has had a rather duplicitous effect. While it made the state more visible and globalized, and made headway toward encouraging secular nationalism and state-building, the development that oil wrought was driven by the overwhelming political logic of ethnic claims and deeply fragmented the state and its governance structure. "The real deception" of oil he says, "is the terrifying and catastrophic failure of secular nationalism" (Le Billon 2012, 77). In the Nigerian case, the existence of oil, and the ways in which oil wealth was incorporated into the existing state structure, has had a negative effect on the legitimacy of the state's governance agenda. This has much to do with both the state's and the society's relationship to that resource and its economic potential. This outcome is not, however, limited to oil or even natural resources more generally. Other economic or social characteristics that may at first appear to be boons for the individual state in question can in reality further erode the contract between citizens and leaders and chip away at the state's legitimacy.

The dual factors of legitimacy and capacity are vital in terms of both internal and external acceptance of statehood claims. The extent to which a territorial governance structure is able to demonstrate its ability to successfully and rightfully manage its area of control is one of the most clear and important aspects of state theory. If either legitimacy or capacity is lacking, a governing body will be unable to effectively control and organize its territory.

Failed State Discourse

Recently, there has been a decided shift towards a more comprehensive understanding of the failed state phenomenon than what previous prevailed. Jones defines a failed state as one that is unable to secure its boundaries, protect the entirety of its population, provide goods and services for that population, and maintain overall law and order (2008, 180). Rotberg similarly states that strong states are distinguished from weak ones based on their ability to deliver political goods like meeting expectations and obligations and informing the local political culture. It is these political goods that give context to the social contract between ruler and ruled (2004, 2-3), a contract that is entirely broken or non-existent in a failed state. He goes on to define failed states as those that are limited in the extent to which they provide the aforementioned political goods; and in these situations the state is often replaced by warlords and other non-state actors (2004, 6). Most current examples of state failure are labeled as such due to internal discord as opposed to external drivers, yet in many instances those internal conflicts do have external dimensions. Morten Bøås and Kathleen M. Jennings insist that failed states should not be viewed as existing in a vacuum. There is a network of alliances that must be considered when discussing problems of insecurity, development, and governance (2005, 386).

The concept of failed states is a fairly new phenomenon. Call places its emergence at the end of the Cold War, as a response to the new types of armed conflicts and problems that began with the pulling of American and Russian aid. A number of governments on every continent were propped up with financial and military assistance from one of the Cold War superpowers. When the stalemate ended and that support was

withdrawn, weak governments and officials were ultimately left to fend off the myriad of enemies and opponents they had amassed over the years.

Early failed state theories focused on instances where the state no longer functioned and where sub-state entities such as warlords or small republics held authority (Call 2010, 305). This rather benign definition has since come to represent chaotic and often war-torn countries with weak or non-existent federal governments. It also involves a distinct implication regarding its threat to western states. Rotberg argues that state failure is accelerated by western expectations of 'state-ness' on indigenous societies, or misplaced forms of sovereignty (2004, 27). Similarly, Jones suggests that the common failed state discourse operates primarily through comparisons, and with an ideal of what a state should be (2008, 180). He goes on to say, "by offering a beguilingly simple, richly descriptive, pseudo-analytical approach, the 'failed state' discourse obfuscates the historical social relations of crisis while legitimizing the reproduction of imperial social relations" (2008, 182). One of the major arguments against theories of state failure posits that the idea itself is a western imperial concept that is used to coopt and potentially rule conflict-riddled countries. When dealing with failed states, the international community is largely unable to separate the political motives behind the categorization (external) from the realities of an entity's situation (internal).

Call outlines three distinct gaps that can affect a state's strength or weakness. The first is a gap in *capacity*, in which a state is unable to deliver minimal public goods and services to the population.[3] The second gap is that of *security* - that is to say that the state

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[3] It is important to note that there are challenges that go along with this understanding of state capacity – 1. minimal capacity varies from place to place; 2. Difficulty in defining capacity narrowly enough so it does not include other aspects of the state; and 3. Lack of useful indicators for measuring state capacity, making

does not provide minimal levels of security for its population. When analyzing a state's security gap, Call states that it should not be based solely on the existence of organized armed violence, but must include other aspects that factor into security as well. The final gap that Call describes is one of internal *legitimacy*. In these situations, large portions of political elites deny or ignore the established rules regarding the exercise of power and the accumulation and distribution of wealth. Call highlights that this is often the hardest to operationalize because the definition of legitimacy is difficult to solidify (2010, 306-307). Combining the three gaps outlined above with Rotberg's earlier discussion of political goods leads to a fairly comprehensive and dynamic understanding of state failure and weakness that should allow for a critical analysis of specific cases.

Weak states persist, FitzGerald et al. claim, because those in positions of power prey on the citizens under their control. "At many levels of society, people with parcels of state authority, however limited, can market them and extract resources from their fellow citizens, while others, not directly associated with the state, can also benefit from these practices" (2006, 123). Similarly, Bøås and Jennings highlight the fact that typical discussions of failed states refer to states where power is concentrated outside of formal institutions. The authors note, however, that for those informal power-holders, the lack of institutions and normalized state structures may not, in fact, be seen as a failure (2005, 386). It is incorrect, therefore, to characterize failed states as territories of anarchy. Various actors engaged in the conflict create alternative institutions that allow for the further accumulation of power (Rotberg 2004, 269). There is, subsequently, an internal arms race between competing paramilitary groups, a privatization of security, and the

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its calculation nearly impossible. See Call's "Beyond the 'failed state': Toward Conceptual Alternatives" (2010) for further discussion.

diversion of resources to arms and military operations (ibid, 119). Along similar lines, Peluso and Watts have pointed to the fact that weak state leaders often sell off national resources because they believe it is better to have those assets in the hands of reliable foreigners than out of their control completely (2001, 55).

Partly due to this predatory bent, there has recently been an effort to incorporate issues of human security into debates regarding state failure. A distinct benefit to this approach, according to Bøås and Jennings, is that it allows for consideration of states that are not often considered failing, usually those with extremely strong institutions and rules such as North Korea and Iran (2005, 392). Examining state failure through the lens of human security requires investigating the extent to which a state is both willing and able to function in a way that is beneficial to a majority of its citizens (ibid, 390). Lack of human security is an important additional factor of state failure to consider. It is through human security that a failed state expands its effects beyond state structures and institutions, and begins to impact social relations.

It is vital to note, however, that the absence or inadequacy of state institutions to deliver public goods does not mean that they are not being provided, or that no institutions of authority and governance are operating. Informal institutions with ties to patron-client networks and familial relationships can act as centers of power and deliver services. For this reason, the strengthening of state institutions necessitates supplanting informal institutions with formal state agencies as a means to combat the effects of a failed state, reverting back to a more legitimate form of governance. (Call 2010, 312).

For all of the reasons mentioned above, state failure has as much to do with a territory's international reputation as it does with the realities of governance and ability

on the ground. Even with the more nuanced understandings of failed states that have recently arisen, the emphasis is on perception of and relation to the international community. Labeling a state as failed is a means of constructing an entity geared to Western audiences as opposed to a device for increasing capacity and correcting some of the perceived ills of a state.

Data Sources and Analysis Methods

This project will use the theoretical literature on statehood and legitimacy to analyze and critique the specifics of the South Sudan and Somaliland cases. Therefore the data sources will be of two varieties. First the theoretical literature, much of which was presented above, will provide the parameters to be used in determining the critical differences between the two case studies. This literature stems, in large part, from the disciplines of political geography and anthropology, but also takes into account comparative politics, economics, international law, and sociology to a lesser degree. As demonstrated above, the various theoretical areas used are most robust in their explanatory abilities when combined and put in conversation with one another, rather than being treated individually.

The second area of data will deal directly with the two cases, and require historical sources to determine similarities and differences between the two territories. This, however, will not constitute the entirety of the site-specific data. Instead, emphasis will be placed on each location's recent history, the past twenty to thirty years up to the current time in each locale. I use material from recent academic journal articles and books that speak directly to Somaliland or South Sudan, and reports regarding the two produced by reputable international organizations and non-governmental organizations.

Finally, as a way to ensure the most recent situations are taken into account, national and international news reports will be culled and incorporated into the work.

The data regarding each case will then be placed in the context using the various theories cited above. The specifics of the historical and current situation in Somaliland and South Sudan, respectively, will be evaluated in terms of their degree of economic (in)dependence, resource endowments, interregional conflict, state capacity and legitimacy, and international reputation; and how these various areas interact and combine to form the realities of statehood and legitimacy in each instance. Once this task has been completed, the statehood claims made by South Sudan can be compared with those of Somaliland in each category. The ultimate goal of this endeavor is to compare and contrast state-building and statehood in these two Northeast African territories and to highlight and analyze areas of discord that may help explain why one has successfully gained recognition and legitimacy on the international stage while the other enjoys internal legitimacy without international recognition.

In the end, this work will contribute to a greater understanding not just of the specifics of the South Sudan and Somaliland cases in particular, but will more broadly speak to the nuances of statehood and state legitimacy that are often overlooked. I hope this work will also further the notion of statehood and sovereignty as a continuum rather than a static condition in order to promote more comprehensive discussions of the international system and comparative politics.

The following chapter presents the case of South Sudan, which gained recognition as an independent state in July 2011 after a decades-long civil war against the government in Khartoum. After a brief overview of the geography, demographics, and

other basic country information, I discuss the history of South Sudan, both the civil war and the period of autonomous governance leading up to independence. Of vital importance for understanding South Sudan's statehood claims is its economic dependence not only on the global oil market, but more specifically on Sudan to transport that oil to market. The distribution of profits from oil was a major area of contention during the peace process in 2005 and previously reignited the conflict between North and South. Furthermore, South Sudan's level of economic dependence would not be so complete if it were not for its resource endowments; this, therefore, will also be an area of prime concern for the ensuing analysis. Chapter 3 shifts focus to the case of Somaliland, the autonomous region that has unsuccessfully petitioned for its independence since the overthrow of Siyad Barre in 1991. Again, the chapter commences with an introduction to its geography, demographics, and other basic country information before turning to Somaliland's history since it and Somalia gained independence in 1960. With regard to Somaliland's claims for statehood, its international reputation, and that of Somalia, is of the utmost importance. Somaliland, thus far, has been unable to extricate itself from Somalia, and the perception of Somalia as a failed state devoid of order, institutions, or stability haunts the region's quest for recognition. In contrast to the view of Somalia held by most, Somaliland enjoys a high level of state legitimacy and capacity. The territory holds regular elections that have been deemed free and fair by the international community that simultaneously refuses to recognize its legality. This extreme contrast, between Somaliland's international reputation, intimately linked to that of Somalia's, and the internal capacity of its institutions, form the cornerstone of Chapter 3's analysis. Chapter 4 relates the South Sudan case to that of Somaliland. Despite historical

similarities, the two vary in a number of key respects that have resulted in the vastly different positions the territories find themselves in today. In the end, South Sudan's oil reserves have generated greater interest on the part of the international community; and its potential is seen as important to much of the world. In contrast, there is little interest from the global community in the outcomes in Somaliland. Ironically, its steady stability since the overthrow of Barre has meant that none in the international community have had any reason to sustain interest or involvement in the territory.

Chapter 2 – The South Sudan Case

Introduction

In July of 2011, South Sudan was welcomed as the newest member state of the United Nations. This independence was the culmination of decades of strife and conflict between the 'Muslim' northern and 'Christian' southern regions of Sudan. In contrast to the dominant portrayals of the conflict as a banal and typical struggle between religions forced to share a state, the creation of South Sudan and its identity was not so much, according to Le Riche and Arnold, the result of a "deliberate process of asserting the differences between northern and southern peoples, and more the result of a twentieth-century struggle over power, framed by the various geopolitical forces that have defined the time" (Le Riche and Arnold 2012, 3). It does a disservice to the decades-long struggle between North and South to reduce their struggle to that of Muslims versus Christians. This work, therefore, does not consider the parent state of Sudan at much length; it instead draws attention to the North only when its aims are in conflict, or accord, with South Sudan's statehood aspirations.

When the civil war officially ended in 2005, the Comprehensive Peace Agreement (CPA) formalized southern autonomy and called for a six-year interim period closing with a referendum to decide the future of the southern region: either integration into the North or independence. The January 2011 referendum was a landslide victory for the proponents of independence - over 98% of the southern population voted to secede. This was followed, on July 9, 2011, with formal independence and recognition as a separate

state by the United Nations and individual states, beginning with the Sudan itself. It is within this context that South Sudan became an internationally recognized independent state and was thus saddled with all of the rights and responsibilities conferred on such an entity. Until the recent resurgence of violence, this transition from informal to formal governance had been heralded widely not only as a victory for the South, but for rule of law and state-building as well.

This chapter begins with a brief introduction to South Sudan and its history - focusing on its time as a region of the larger Sudan. Once this groundwork is established, the focus turns to an in-depth analysis using the five categories outlined in the introduction. To begin with, South Sudan's economic independence – or lack thereof – will be explored. It is no great secret that the country's oil wealth has led to a flood of international investment, but what this has meant to the viability of the state is easily debated. This significant revenue stream has potential to fund institutional development and programs to strengthen the state system, but thus far in the state's history this has not happened to any great extent. Following that, the state's resource endowments, chief among them oil, are analyzed with a similar goal of parsing out its importance and in turn the degree to which South Sudan's endowments have affected its statehood claims. The third area of examination is the level of interregional conflict that brought the new country into being. Next I assess the state's capacity and legitimacy viewed by its citizenry. Finally, as an apt contrast, this chapter concludes by discussing South Sudan's international reputation, seen primarily through the lens of the state failure discourse in order to establish the external interpretations of South Sudan's state-building project.

MAP 1: SOUTH SUDAN AND SURROUNDING AREA
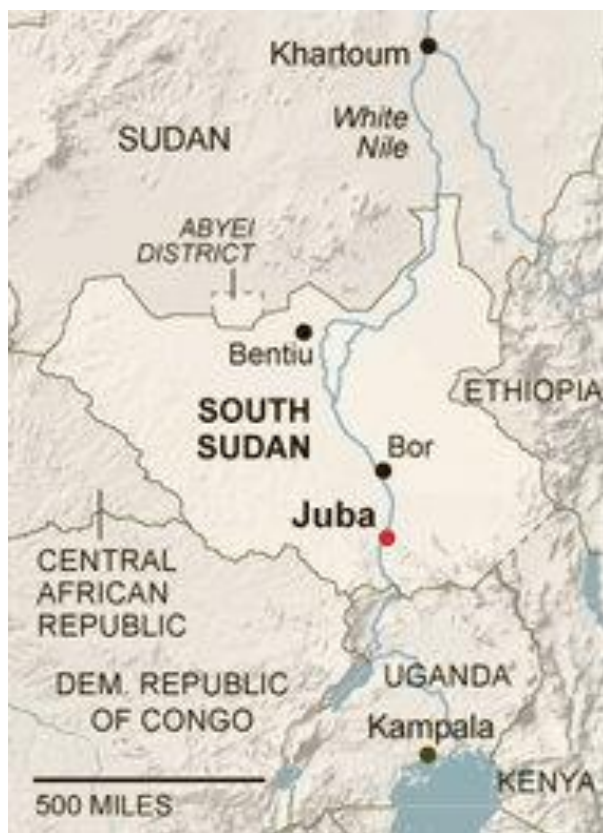
Situating South Sudan

South Sudan is a landlocked country in East Africa.[4] It is bordered by Sudan to the North, Ethiopia to the East, Kenya, Uganda, and the Democratic Republic of the Congo to the South, and the Central African Republic to the West. It is comprised of ten states, which correspond to three historical regions: Bahr el Ghazal, Equatoria, and Greater Upper Nile. The capital is currently Juba, which is also the country's largest city, but there are plans to create a new capital city in a more central location in the future. The population as of 2008 was 8.2 million, with the Dinka and Nuer making up the largest ethnic groups and a large number of smaller ethnic groups making up the rest of the population.

South Sudan's economy is dominated by the export of oil - it is estimated that South Sudan has Africa's third largest oil reserves. During the period of the Comprehensive Peace Agreement (2005-2011), revenues from oil were evenly split between Sudan and the then-autonomous Southern region. Once the country gained independence, South Sudan was awarded all revenue, but had to pay fees to Sudan to transport the oil north through pipelines to ports for export, the terms of which are still in

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[4] Map courtesy of The New York Times: http://www.nytimes.com/2013/12/26/world/africa/south-sudan-crisis.html accessed April 10, 2014.

dispute and have caused the cessation of drilling on numerous occasions since 2011. Revenue from oil makes up about 98% of the government's proposed spending, leaving it extremely reliant on continued oil extraction and steady prices.

History: Sudanese Independence and Civil Wars

The division between North and South in Sudan was a pronounced aspect of its administration under the British. While it is an overstatement to say that the British deliberately disadvantaged southerners to the benefit of the North, it is clear that British control and efforts were centered in Khartoum and other northern cities. The British governing of Sudan certainly deepened the emerging yet pre-existing nationalism in the south because the British essentially ruled the Sudan as two different holdings (LeRiche and Arnold 2012, 8).

When the British left the Sudan in 1956, the underdevelopment and neglect of the South meant that it was primarily northerners, trained and educated by the British, who were equipped to take the reins of governance upon independence. As it stood prior to the CPA, all lands not registered in Khartoum were considered government lands. This edict stripped many southern ethnic communities of legal rights to the land they held under the customary laws in place during colonial rule. "Its lasting legacy has been the creation of a system of legal and political pluralism as the basis of state construction in South Sudan," states Badiey (2013, 62).

The first civil war, waged from colonial independence in 1956 until 1972, had as its aim the independence of the southern regions of Sudan. In contrast, the second civil war - from 1983 through 2005 and led by John Garang - called for a New Sudan that unified North and South and reformed the government and its institutions to bring

marginalized groups, like the non-Arab southerners, into positions of political power. Yet it was, ironically, the latter that ended in the creation of a new, independent state. During the second civil war, the Sudan People's Liberation Movement (SPLM) broadened its goals from secession to national reform, and billed the conflict as a revolution for a new Sudan (LeRiche and Arnold 2012, 32-33). This focus on a unified Sudan led to the creation of the National Democratic Alliance (NDA) in the early 1990s as a coalition of opposition political groups that sought to overthrow Sudanese President Omar al-Bashir and end the war. The inclusion of Northern opposition groups was seen as necessary to building a political front against the ruler (ibid, 34).

The politics and negotiations that took place during the war had implications beyond the immediate fighting and after the signing of the Comprehensive Peace Agreement. The ways in which the Sudan People's Liberation Army (SPLA), and the SPLM by extension, collaborated and organized during the conflict put the backers of independence in a better position handed sanctioned authority under the terms of the CPA. This was not done, however, without a fair share of difficulties and overt attempts at undermining regional authority on the part of the government in Khartoum. The northern government, for example, exploited the exceeding diversity and rivalries that existed in the South, thus hampering the emergence and legitimacy of the SPLM during the war (Christopher 2011, 128).

Negotiations between the SPLM and the National Congress Party (NCP) in Khartoum began in 2002. Ahmed has argued that this coincided with a period of fighting when both sides came to realize that military victory would not be possible (2009, 136). It was therefore easier to come to a negotiating table rather than risk further losses only to

arrive at the same conclusion later. Both sides decided that it was in their own best interest to concede and halt the violence. In many ways, the decision by both sides was a pragmatic calculation based on the ultimate goal of maintaining power in their respective realms of control.

Economic (In)dependence

While South Sudan receives a significant amount of money in the form of foreign assistance and aid, it is also helped financially by its oil wealth; and the country has been well integrated into the international oil market. The wealth means that the country is not beholden to external donor conditionalities in the same way that its aid revenue is. The government has taken some important steps to facilitate development and growth; for example it has instituted an integrated Ministry of Finance and Economic Planning that has strong technical leadership in addition to a strategy of development that was specifically tailored to the South Sudanese context and took local capacity into consideration (Overseas Development Institute 2010, 1).

The dependence on oil revenues, however, also leaves the country's economy in a precarious situation, potentially unable to fund basic services in the event that either relations with Sudan sour and the pipeline is shut off, or the price of oil falls dramatically on the global market. Further hampering robust economic development, many of the employment opportunities that the oil industry creates are reserved for foreigners, who either work for the incoming international corporations, or come from neighboring countries with skills lacking in the area (Maxwell et al. 2012, 6). As with the extraction of oil itself, this means that much of the population is failing to receive the benefits in terms of both monetary compensation and work experience that these foreigners are

getting, and leaves the country as a whole less able to cope with the economic uncertainties that come with such a volatile resource.

The primary economic activity for a vast majority of South Sudanese is the informal market (Maxwell et al. 2012, 7). The informal sector includes everything from road-side vendors, small-scale service providers, and other economic activity that is not regulated or taxed by authorities. The tremendous number of both international refugees and internally displaced peoples (IDPs) stemming from the long conflict with the North means that there is significant tension and limited opportunities for all of those looking for work. The capital of Juba has witnessed a ballooning population due in no small part to individuals, mostly men, travelling to the city in search of employment (ibid, 7). This dependence on informal markets and the high level of un- and under-employment causes tension and strains the state's already limited capacity, thus weakening the relationship between citizens and the state.

Resource Endowments

The prevailing oil extraction and distribution system lends itself to institutional and governmental instability and conflict. The infrastructure required is costly and complicated, which means that it is often left in the hands of large international corporations that have the capital to make the initial investment in its extraction. Governments are motivated by the prospect of increased revenue and therefore do not always ensure limited harm and maximum benefits to their citizens. Oil extraction is often controlled by the state, dominated by large companies, and employs few locals. It is characterized by a very skewed distribution of financial, social, and environmental costs and benefits (Le Billon 2012, 60). Therefore, Le Billon argues, oil is often an

important aspect of the political imaginary of secessionist groups, and plays a central role in the group's imagined future (2012, 72).

Basedau and Lay question the validity of the prevalent resource curse theory by comparing it to that of the rentier state. According to the latter theory, governments use resource revenues to buy peace through patronage and repression, making them *more* stable and less prone to conflict rather than the other way around (Basedau and Lay 2009, 757). According to the authors, "the 'repression mechanism' primarily affects the feasibility of rebellion. Governments might spend resource revenue on a huge state security apparatus, which enables them to suppress any possible opposition that might take up arms" (Basedau and Lay 2009, 761). The recent rise in violence in South Sudan can be seen as an example both for and against its depiction as a rentier state. Oil revenue, at least briefly, gave the ruling SPLM a monopoly on power and weakened its rivals. Since independence, however, other factions have seen the limits of that power and exploited weaknesses for their own gain in an attempt to gain the spoils for themselves.

Peluso argues that agreements between environmental groups and governments in developing countries to protect resources with global value assume that these developing countries have the capacity, legitimacy, and will to manage the resources in their domain (Peluso 1993, 199). This, obviously, is not always the case and in many instances the government and its military forces are complicit if not allied with those exploiting the resource in question. Additionally, government violence in the service of resource protection helps states control people - especially marginal or minority groups - who contest the state's control of the resource, or challenge its authority in other ways (ibid,

199). In South Sudan, oil reserves are highly valuable and make up a significant portion of the government's annual revenue. They are, therefore, extremely valuable not only for monetary purposes, but for the influence they have on power and control in the country.

Interregional Conflict

Much has been written regarding the link between natural resources and conflict, and the extent to which the presence of the former causes the later has been tested in many contexts. According to Ross's analysis, commodities as a whole are not strongly linked to the *onset* or duration of civil war. Instead, the type of resources is most important when determining the likelihood of violence. 'Lootable' resources like narcotics, diamonds, and timber are more likely to cause long-running conflict due, at least in part, to the ease with which they can be extracted (Basedau and Lay 2009, 762). Non-alluvial diamonds and oil are less likely to cause long conflicts because it is more difficult for opposition groups to reap their benefits. For South Sudan, and more specifically as regard the civil war that came before it, the discovery of oil in the region in 1973 caused the government in Khartoum to renege on the 1972 peace agreement, and led to the creation of a new "unity" province around the main oil fields. A later peace agreement in 1997 called for the sharing of oil revenue between North and South, but partly due to increased international oil prices, the North failed to adhere to the terms of the agreement, causing a continuation of the conflict that would be fought for another seven years before the eventual signing of the Comprehensive Peace Agreement (Le Billon 2012, 171-172). The struggle over control of oil fields in South Sudan, therefore, is not a limited conflict over power or the continuation of long-standing ethnic hostilities, but a fight for management of the entrance into, and influence in, the global oil market.

In the waning years of the civil war, Khartoum attempted to encourage in-fighting between the SPLA and other groups in the South to discredit the SPLA's efforts. The government in the North believed that if enough opposition to the SPLA could be created, they could successfully argue that the war was nothing more than tribal violence with groups fighting among themselves and that Khartoum was simply attempting to unify these factions, "essentially presenting a narrative of the war as state-building" (LeRiche and Arnold 2012, 97). The northern government argued that it was fighting to preserve the union, and that its success would ensure a stronger Sudan for the future. In this way, Khartoum sought to limit international involvement on the basis of its own claims of sovereignty over the South. News reports from the time show that this was only a somewhat successful tactic, although it did have the intended effect of tempering international involvement.

Dr. John Garang was a central figure in the SPLA/M. After graduate studies in both the United States and Tanzania, he joined the Sudanese military between 1972 and 1983 during the cessation in the civil war. Despite this, however, he was an integral part of the renewal of conflict in 1983. As the leader of the SPLA/M, he was widely respected and revered not only in the South, but among minority groups in the North as well. When he visited Khartoum, thousands took to the streets to see him and voice their support for his movement, much to the chagrin of the NCP. For Garang, secession was demeaning to southerners because it was an indication that the North could not and did not see southerners as their equal, or as those capable of benefitting from a unified Sudan. Additionally, while secession would solve the problems of the marginalized population in the South, it would allow Khartoum to continue to disregard other populations still under

its control. Moreover, there were pragmatic reasons for his support for unity over secession. In 1994 he stated "by pronouncing separation there is nothing that the SPLM can do more than what it has been doing since 1983" (LeRiche and Arnold 2012, 34-35). In contrast, the New Sudan model Garang proposed was truly an alternative to the status quo system in Khartoum; it called for a radical overhaul of the political system and a significant deepening of inclusion on the part of minority and marginalized groups. As Garang saw it, the unified Sudan ideal was a more noble cause that provided superior justification for the violence perpetrated in its name (ibid, 118).

His support from citizens in the South was in spite, not because, of his advocacy for the unification of North and South into a "New Sudan." At the SPLA/M's National Convention in 1994, Garang outlined five possible outcomes of the war and futures for Sudan – North and South. While he acknowledged the potential for an independent South Sudan, he realized that the alternate side of that same coin was the continuation of the 'Old Sudan' dominated by Khartoum in the North (LeRiche and Arnold 2012, 36). It was perhaps for this reason that he spoke so vociferously in favor of the New Sudan model that would have the smallest chance of a backlash or successful retaliation on the part of the defeated parties. With this in mind, it is no wonder that Garang's death in 2005 in a helicopter crash spelled the end of any significant talk of unification at the end of the CPA period (Ahmed 2009, 143). [5]

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[5] There is some controversy revolving around Dr. Garang's death for three primary reasons: 1. The trip he was taking, in which he supposedly met with a handful of Ugandan officials, was kept secret and he was on the Ugandan presidential helicopter rather than his own; 2. The government in Khartoum was the first to report his death, after the SPLM leadership initially indicated he returned without incident; and 3. Many people predicted his assassination. See the Guardian's obituary for an overview: http://www.theguardian.com/news/2005/aug/03/guardianobituaries.sudan, access April 20, 2014.

State Capacity and Legitimacy

The second civil war, which was fought from 1983 until the signing of the Comprehensive Peace Agreement in 2005, saw the South divided between the SPLM, militias under the control of Khartoum, traditional authorities, and the Sudanese government, which held control of strategic garrison towns throughout the South, including the eventual South Sudanese capital of Juba. It was largely characterized by South-South violence orchestrated in large part by Khartoum itself (Le Riche and Arnold 2012, 57). The challenge of state-building during the interim period before the referendum in January of 2011 was therefore to unify this diverse set of actors and institutions into one functional governing structure (Badiey 2013, 57).

There is, as regards the contemporary South Sudanese state, a continuous interest in nationalism. Frahm has examined national identity specifically in the context of South Sudan and concluded that because it had no prior history as a sovereign state, and because citizens of the South made up a minority of the population when combined with that in the North, collective action and cohesion among southern citizens was primarily in response to "external" pressures; particularly the aggressive nation-building tactics pursued by successive governments in the North that attempted to Arabize and Islamize the South. Now that this singular enemy has receded, the country faces the challenge of creating a common identity that unites the nation beyond the pre-existing loyalties to ethnicity, tribe, and family (Frahm 2012, 21). In the past, fighting the northern enemy was more important than defining the South Sudanese nation, or any other sort of internal dynamic or unification around a positive common denominator.

One of the major criticisms of the CPA levied both by those in the Sudans and by outside observers is that it was signed by just two parties to the conflict – the ruling NCP

in Khartoum and the SPLM. There was no input, consultation, or negotiation with other actors. The negotiating process that took place encouraged other regions not involved in the North-South conflict to resort to violence in the hopes that Khartoum would again be forced to negotiate.[6] Yet despite the limitations of the CPA process, it paved the way for a gradual but significant transformation of the political arena in Sudan (Ahmed 2009, 134-135). Few argue that the CPA was actually a comprehensive document as its name implied, but it proved to be enough to move North and South out of war and toward some sort of peaceful arrangement, which was more than could be said for the agreement ending the first civil war.

Despite the fact that both the North and the South signed the CPA, few of its specific provisions were truly amenable to both parties. This meant that many of these contentious provisions were never implemented fully. Despite the stated desire by both Khartoum and John Garang that the two regions reintegrate after the interim period, both sides often neglected those provisions specifically aimed at making future unification attractive (Le Riche and Arnold 2012, 118-119). For its part, the South worried that pressing the North to adhere to certain aspects of the agreement would lead to the total collapse of the CPA, and the desired independence referendum would never take place (Deng 2010, 3). Much like a significant portion of the international community, the South was skeptical of Khartoum's intentions and extremely hesitant to give it any reason to back out of the agreement, renew hostilities, or prevent the independence referendum from taking place by some other means. The North certainly had significant motivation to maintain the unification of North and South, but it faced pressure from the West to

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[6] The Darfur conflict, for example, illustrates this point. See Tull and Mehler 2005.

adhere to the stipulations of the CPA and the increase in violence in Darfur[7] meant that resources were diverted away from the Southern situation.

A large contingent of United Nations staff – peacekeepers and other personnel as well – were deployed to South Sudan at the start of the CPA period and were tasked with observing the implementation of the CPA's provisions. Overall, however, their mandate did not allow for much influence on the ground. For the most part their efforts consisted of reporting that the CPA was not being followed (Le Riche and Arnold 2012, 136). Observers were rather fatalistic in their acceptance that the CPA would not be fully implemented, and their mission often seemed to be a box-ticking exercise in making sure minimum requirements were being met so that the referendum process was not endangered (ibid, 137).

The SPLM state administration that existed during the civil war was far less cohesive than it claimed to be on paper (Englebert 2009, 49). Its institutional shortcomings had significant negative ramifications for citizens and meant that there was a high barrier to overcome when autonomy was achieved through the CPA. The South had been without a formal governance structure for decades, and the metamorphosis of what limited institutions there were into one capable of governing a new state and ensuring its legitimacy was a herculean undertaking. Furthermore, while the existence of the SPLM meant that there was a non-military arm of the SPLA, the transition of such an extensive organization from rebel to official governmental control was complex and messy.

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[7] While the Darfur region is frequently associated with the desires and motivations of the South, it is actually based in the North.

The international community was extremely reluctant to support South Sudan's independence ahead of the 2011 referendum. They feared that the North would not accept it, and that Khartoum would prefer the resumption of violence to the loss of their southern territories – and the oil revenue it provided. Therefore, despite repeated calls for peace and negotiation, actual support for South Sudan remained limited until well into the CPA period. Once it was more certain that the North would not interfere in the referendum, or retaliate if independence was chosen, international actors eagerly lent support to the next new country.

An understanding of the local dynamics of state-building is absolutely necessary if policies, programs, and laws are to be effective. Yet, much of the literature revolving around post-conflict reconstruction focuses on the international actors, organizations, and norms; and is couched in the Western experience of post-conflict settings, such as was apparent during the rebuilding of Europe after World War II (Badiey 2013, 58). This can be seen clearly in the South Sudan case. Western and international powers were eager to stabilize the new country through generic methods based on Western forms of democracy, and placed a large emphasis on elections and voting rather than institutional strength and resilience.

Resource rich regimes like South Sudan are often supported by world powers. This support comes in the form of monetary assistance, strategic guidance, and military support; and, oftentimes limits opportunities for rebellion (Basedau and Lay 2009, 761). While the United States took a special interest in South Sudan from the CPA period and through the referendum, its interest since independence has waned. It took a special role in promoting and encouraging the success of the referendum. A vote for independence

was encouraged, and the US often offered rewards to Khartoum in exchange for allowing the peace process to move forward (Le Riche and Arnold 2012, 134-135). American involvement in South Sudan stemmed, in the final years of the civil war, from an interest in the American-educated Garang, and upon his death continued support was predicated, to a large extent, on President Bush's personal relationship with Salva Kiir who succeeded Garang. President Obama's involvement through the remainder of the CPA period and the nascent years of independence was much more hesitant, but renewed tension among parties in the South means that his administration began to re-engage with the country under the influence of Samantha Power, US Ambassador to the United Nations and Susan Rice, National Security Advisor – both of whom have extensive experience in sub-Saharan Africa and a history of negotiating to end violence and restore peace (Welsh 2014, MacFarquhar 2010, Landler 2014).

Unfortunately, one of the outcomes of the official independence of South Sudan and the end of the interim period was that the NCP government that Garang sought to overthrow was kept in place, and there was no widening of political space in the North.

> For the multitudes of Northerners who had fought for unity under the vision of a New Sudan, the CPA failed to end the decades of war and dictatorship, and left them facing an old enemy on their own. Many […] would bitterly conclude that the price of Southern independence was their own continued subjugation, collateral damage for the SPLM's secessionism (Le Riche and Arnold 2012, 133).

While much of the second civil war was couched in the language of secession, and the results of the independence referendum were, for the most part, a foregone conclusion, the SPLA was not strictly a southern force, nor were its objectives, at least on paper, limited to autonomy or independence for the South. According to Young, "it is striking how little the stated objectives of the SPLM/A appear to reflect the views of the mass of

the population, but also the views of its own membership" (2010, 424). He goes on to argue that the presence of the SPLA/M in the Nuba Mountains and South Blue Nile in northern Sudan was due in large part to their own identity as peripheries to Khartoum. It is not clear that these supporters actually wished to be a part of a southern political entity, but they shared with the South a history of underdevelopment at the hands of the North rather than any more meaningful connection (ibid, 424).

As of yet, there is no specific bill outlining the rights of activists and civil society in South Sudan. Groups are therefore subject to suppression if they criticize the government too vocally (Jok 2011, 12). This is especially interesting when coupled with the fact that, unlike many other liberation movements, the SPLM did not try to coopt existing civil society organizations during the civil war (Young 2010, 428). Civil society was vocal, however, about the shortcomings of the constitutional process, and complained that there was a severe lack of public input in addition to the fact that there was only one civil society representative on the technical committee charged with drafting the document. However, Le Riche and Arnold point out, "outside the churches, a few small organisations, and a handful of associations in the major towns, at independence there was little formalised civil society to speak of. Thus these critiques about the absence of civil society groups were largely lacking foundation: whom would the government draw in?" (2012, 153).

International Reputation

As regards South Sudan's official secession from the North, Christopher contends that in contrast both with independence from colonial powers and federal disintegration, the unilateral secession of one (or a small number of) state(s) in a federation is more

problematic and less accepted within the international community because it is usually interpreted as a "fundamental challenge to the concept of individual state sovereignty which lies at the centre of the international political system" (Christopher 2011, 126).[8] Furthermore, many in the liberal-democratic paradigm believe that secession movements undermine the sovereignty of the entire territory, not just the fraction that seeks to secede. The global community has therefore been hesitant to support such movements, and has taken military and diplomatic actions to stymie potential secession movements. This community usually, however, makes exceptions for "just-cause" claims for independence based on colonial status or grievous human rights abuses (ibid, 126).

A sovereign ruler can act as he or she chooses and rule with impunity. In contrast, governing insists upon legitimation of the ruler's authority. Violence, in this instance, must be justified by some notion of improvement to come from it (Li 2007, 12). In an effort to be seen as a government as opposed to a sovereign, and in order to grow the corresponding legitimacy, the SPLM during the CPA negotiation process pushed for the recognition of ethnic land rights and inclusion of those rights into the agreement. This was done, according to Badiey, as a strategy of state-building by legitimation, and allowing a practice already undertaken illegally yet seen as legitimate into the institutional structure of the newly autonomous southern region. In addition, the inclusion of these ethnic communal land rights was an important issue for the SPLM during the CPA process because the previous system served as a symbol of northern violations of southern rights, and acted to bring southern communities into the new SPLM-led state (Badiey 2013, 62). Under northern rule, ethnic claims to land rights were

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[8] The Charter of the African Union, for example, cites as one of its main objectives to "defend the sovereignty, territorial integrity and independence of its Member States" (See http://www.au2002.gov.za/docs/key_oau/au_act.htm, accessed May 7, 2013).

ignored or discredited. By including these rights in the southern autonomous institutions, the SPLM showed its ruling structure to be vastly different from the northern version that came before it, and legitimized its governing not only in the eyes of the citizenry but those of the international community as well.

Overwhelmingly, South Sudan entered into statehood as the darling of the West. It was heralded as a great success and a model for what a post-conflict state could be. In the time since 2011, however, it became clear that such praise was premature, and the annual 'Failed States Index' of *Foreign Policy Magazine* and The Fund for Peace ranked the new state as the number one failed state in 2014.[9] Interest in, and commitment to, the country's future is waning (MacFaquhar 2010, Welsh 2014), and what was once an overwhelmingly positive discourse among the international community about the future of the newest states has greatly degenerated.

Conclusion

There is an important distinction that must be made between nation building and state building - while they are related they are different projects. State building, according to Jok, focuses on economic development, human resources, security, and private sector development. Nation building, in contrast, is a project aimed at producing national unity and identity (2011, 4). Despite the pride and nationalism felt at the time of independence in 2011, recent events have proven that this has not been a sustainable basis for the new country's nationalism. Identity based on opposition to an enemy or nemesis is a negative attribute, and as of yet, South Sudan has been unable to replace that

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[9] See http://www.foreignpolicy.com/fragile-states-2014 for the most recent rankings.

with any positive alternative that highlights and encourages commonalities among South Sudanese.

Moving forward, legitimacy will continue to be a central need both for the people and the government of South Sudan. While the long civil war was defined by conflicts between unity and separation, for most southerners ultimate legitimacy lay in an independent South Sudan. Therefore, with regard to the future of the South, much will depend on which faction gains credit for freeing the South from the North and how that factors into the current power struggles that have renewed violence in the South (LeRiche and Arnold 2012, 215). Current events in South Sudan prove that this contest will not be easily or quickly resolved.

Chapter 3 – The Somaliland Case

Introduction

As noted in previous chapters, a founding principle of the African Union, and one that was paramount under its previous iteration as the Organization of African Unity as well, is that of respect for state borders as they stood under European colonial powers. Ostensibly this is to prevent conflict and minimize threats to the power of standing leaders. The imperfect divisions imposed upon the African continent and its people through the Berlin Conference had the paradoxically positive result of being equally distasteful to all upon independence. That is to say that state leaders were content with the personal fiefdoms they were allotted upon independence. It is perhaps partially for this reason that the maintenance of those arbitrary borders is honored, and has been honored, with such vehemence by the African Union and state leaders.

Given this strong stance, the continued refusal of African leaders, the African Union, and the greater international community to consider Somaliland's independence is paradoxically both more clear and more confounding. The borders of the territory follow those instituted by the British when the Horn of Africa was divided between the Italians (in what is now Somalia), the French (in what is now Djibouti), and the British (in the current Somaliland). In fact, for a brief period of time – five days to be exact – in the summer of 1960, thirty-five governments recognized Somaliland as an independent state before it merged with Italian Somalia on July 1. Therefore, leaders in Somaliland assert that the Burco Declaration, which formally divided Somalia in 1991, was not a

declaration of secession, but a 'voluntary dissolution between sovereign states' based on the assertion that the union had failed (Bradbury 2008, 83).

According to Renders and Terlinden, in order for Somaliland to successfully argue for its legitimate sovereignty and independence, it must demonstrate: distinctness from the rest of Somalia, unity, and territorial control (Renders and Terlinden 2010, 725). I examine each of these issues in order to assess Somaliland's independence claims in the body of the chapter below. The territory's distinctiveness from the rest of Somalia is based primarily on its brief stint as an independent country and its existence as a separate entity in colonial times. Second, while Somaliland's "unity" has perhaps a weak historical basis, the Somaliland National Movement (SNM) that was created to oppose the dictatorial regime of Siyad Barre became an undeniably unifying force in the region that continues to encourage nationalism and unity among Somalilanders. The last prerequisite, territorial control, is the area in which Somaliland is perhaps the least able to make a successful argument. While government presence is felt over much of the state, and especially in the cities, it does not exert much control at the periphery, and especially in the East – in the regions bordering another breakaway government, Puntland. There are, however, plenty of other instances, Somalia itself being one extreme example, in which a state has less-than-total control of the territory within its purview. This point, which is central for the understanding of the intricacies of recognition, will be elaborated more below.

Similarly, Bradbury states that Somaliland meets the criteria of a state put forth by international law; namely that it has: a permanent population, a defined territory, a stable system of government, and a capacity to begin relations with other states (2008, 4).

These criteria were first codified in the 1933 Montevideo Convention, but have since served more as the ideal of a state than its reality. Numerous laws and declarations made by the international community give lip service to these specifications, but entities that fail to meet these requirements are not threatened with de-recognition or any other consequence for their shortcomings. While Somaliland does lay claim to some contested territory in its eastern regions, there is hardly a state in Africa, or elsewhere in the world for that matter, in which the capital's reach extends to every corner of its land. The International Crisis Group points to the fact that under the above qualifications, Somalia's own claim to statehood could easily be questioned seeing as it has no stable system of government or even any body with the will to govern. As Bradbury says, "there is an irony that while Somaliland has demonstrated a high degree of empirical statehood, it lacks juridical sovereignty" (2008, 249). In contrast, while Somalia lacks empirical sovereignty, international political and development policies treat its juridical sovereignty as intact. Bradbury explains, "statehood in Africa has generally been more juridical than empirical, existing more on the assertion of state rulers than a proven capacity to govern and exercise power" (2008, 249).

The aim of this chapter is to undertake an in-depth analysis of the Somaliland case and its statehood claims based on areas outlined in the introduction after a brief overview of some basic facts about the Somaliland territory and a discussion of its history before it declared independence in 1991. After this important background information has been established, economic dependence is the first area of examination. Second, the territory's resource endowments are discussed. Next I examine Somaliland's history of interregional conflict, with an obvious focus on the civil war that led to its declaration of

MAP 2: SOMALILAND AND ITS PLACE IN AFRICA

independence. Fourth, the work considers Somaliland's state legitimacy and capacity, a critical aspect of its internal function. Lastly, Somaliland's international reputation, or lack thereof as the case may be, will be analyzed.

Situating Somaliland

Somaliland is a territory on the Horn of Africa, and consists of the regions of Awdal, Woqooyi Galbeed, Togdheer, Sool, and Sanaag in the Northwest of what is typically referred to as Somalia.[10] It is bordered to the North by the Gulf of Aden, to the West by Djibouti, to the South by Ethiopia, and to the East by Puntland, another semi-autonomous region of Somalia.

The population is approximately 3.5 million with nearly all citizens identifying as ethnically Somali, but clan affiliation also plays a strong role in individuals' identities.

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[10] Map courtesy of the Somaliland Government's website: somalilandgov.com/country-profile/the-map/ accessed April 2, 2014.

The largest clan group in Somaliland is the Isaaq, while the Dir and the Darood make up minority groups. As with other Somali-inhabited areas, the population is overwhelmingly Muslim. Fifty-five percent of the population is nomadic or semi-nomadic, and approximately forty-five percent live in urban areas. The economy is made up of four pillars: livestock production and export; foreign remittances, which represents the largest flow of income into the territory; transit trade; and an expanding service sector (Bradbury 2008, 141). For the purposes of this work, livestock production and remittances will be the most thoroughly examined as they represent a vast majority of the territory's economy. Livestock in Somaliland consists of camels exported primarily to nearby Gulf states.

History: Colonial Rule through Civil War

Descriptions of pre-colonial Somali society have a tendency to emphasize its "stateless" nature. It is claimed that colonial rule, not just by the British in Somaliland, but by the French and Italian in other Somali-inhabited areas as well, imposed centralized rule and governance on a predominately nomadic pastoralist society that was largely decentralized and without real cohesion among the entirety of the Somali population. "From its foundations," states Bradbury, "the state of Somalia, although shaped by local culture, was largely a foreign construct sustained by foreign resources and subject to foreign strategic interests' (Bradbury 2008, 23). While there is an easy argument to make about the Euro-centric nature of this assessment, the stark contrast between pre-colonial governance systems and those imposed by colonial powers specifically in the Somali case should not be completely discounted. Bradbury's statement above limits the definition of the state to that of the western ideal rather than giving any legitimacy to the local system.

Simultaneously, however, his statement should not be immediately taken as a sign of an overall lack of appreciation for or understanding of the Somali system – it is very much the case that 'state' in the western sense was an inaccurate description of the Somali governance and organizational structure.

At the same time, especially in the case of Somaliland itself, the centralization undertaken by the British should not be overstated either – Somaliland was not considered an especially valuable holding for the British, and as such there were few foreign officers working in the territory and little effort was put into extending British influence beyond urban areas. In contrast with the Italians, the British had much more lucrative holdings not only on the African continent but in other regions of the world as well. The British interest in its Somali territory was based primarily on its desire to keep the land out of the hands of its colonial rivals. As such, little effort was made to bring the Somali subjects in line with the British system and control outside of the port cities was extremely limited. This meant that the previously established and agreed upon methods of governance by Somalis were largely allowed to continue without interference from the British colonial rulers.

The period of British rule did, however, leave a legacy of an urban bureaucratic class of civil servants and traders, who constituted a small group of educated elites. By the 1950s, this educated class was involved in the anti-colonial movement, and was the base of the Somali nationalist organizations. Many had been educated in Europe, and as such were influenced by Western discourses that promoted the state as the only appropriate type of political community. This delegitimized other political communities, such as the traditional Somali social order. Because of these factors, control of the state

was central to the anti-colonial struggle (Dixon 2002, 72). At the same time, this struggle was marked by a strong sense of nationalism and pride in local history. While Western ideas and ideals of the State and governance were upheld, so were calls for mutual support among these new African states and a strengthened connection between those with a shared history or culture. In this way, there were competing calls for independence and the implementation of Western-style state systems on the one hand, and cohesion of similar populations into one territory on the other.

In addition to the Somali cohesion between the British and French colonies, there was a short-lived union between Senegal and the Gambia in West Africa forged due to their cultural connections, which failed for some of the same reasons stemming from different colonial histories as those that plagued the Somali territories. In contrast to these two examples of unsuccessful unifications, Cameroon effectively and permanently merged two colonial holdings into one independent state. After Germany lost its colonial hold on the territory at the close of World War II, it was divided into two mandates: the British controlled a small portion in the West, along the border with Nigeria, and the French took control of the remainder. France gave its territory independence on January 1, 1960, while the British ruled until October 1, 1961. This merger was perhaps more successful because the British divided its territory into North and South, and allowed each to vote as to whether it wanted independence as part of Nigeria or Cameroon – the North chose Nigeria and the South chose Cameroon – and history can attest that the South remained satisfied with their decision.

It was under these circumstances and a flurry of liberation on the African continent that Somaliland gained its independence from Great Britain on June 26, 1960.

For five days it existed as an independent country, and was recognized as such by over thirty other countries, including the United States and most of Western Europe. When Italian Somalia gained its independence on July first, however, the two combined and formed what was known and governed as Somalia until the overthrow of Barre in 1991 and the subsequent declaration of independence by Somaliland.

Even in the first ten years of its existence, before the coup that brought Barre to power in 1969, residents of the north in general, and the area comprising of Somaliland in particular, felt overwhelmingly neglected by the government in Mogadishu. In the late-1980s, while northwest Somalia accounted for the largest share of export earnings, it saw little return in regard to development. Most state investment and foreign aid was concentrated in Mogadishu and south. In the development budget for 1987 through 1989, for example, 41% of the total was allocated for Mogadishu while only 7% went to the northwest regions (Bradbury 2008, 58). Significantly more of the country's revenue was spent on projects and programs in the South and around the capital, and a vast majority of civil servants, politicians, and national figures hailed from southern regions.

Barre's dictatorship helped create a sense of Somaliland nationalism. His invasion of the Ogaden region of Ethiopia led to approximately one million Somalis entering the Somaliland region from Ethiopia. Barre attempted to calm the disquiet this created among refugees by giving them aid, jobs, and land, and arming them in the hopes that they would later "liberate" Ogaden from Ethiopian rule. Instead, the refugees used the arms to take additional aid and jobs from the original Somaliland inhabitants. This was a major reason behind the creation of the Somali National Movement, which had a stated goal of the overthrow of the Barre regime. The movement, which enjoyed some

support from others dissatisfied with the Barre's rule, was predominately made up of Isaaq clan members from the Somaliland region.

Somalilanders' frustrations with the Barre government were the impetus for the civil war, which both led to the destruction of the North and created unity among northern citizens against their common enemy in Mogadishu (Hess 2010, 73). It was only after 1988 that the SNM began advocating secession from Somalia; prior to that its goal was simply the overthrow of Barre. While it was a clan-based response to the regime, it was distinguishable from the predatory armed forces in the South by its practice and adherence to the principles of participatory democracy (Bradbury 2008, 61). Furthermore, the SNM relied heavily on its people, and was independent from foreign sponsors. It was therefore accountable to and reliant on its local supporters – refugee camps in Ethiopia, for example, were a vital source of food, recruits, and other supplies (Ibid, 71). Therefore, while the leadership of the SNM mainly hailed from the Isaaq clan, the movement embraced and welcomed those from other clans along with the refuges Barre had previously tried to pit against the initial Somaliland population.

Economic (In)dependence

Somaliland's status as a non-state has significantly hindered its ability to develop economically. The government is unable to receive bilateral assistance from institutions like the World Bank, International Monetary Fund, or the African Development Bank. In addition, private banks and insurance companies will not work within the territory, goods cannot be directly imported because credit cannot be ensured without banks, and international investors are hesitant to do business because of a lack of investment protections, severely limiting job and economic prospects for Somaliland's citizens. The

limited economic resources the Somaliland government has at its disposal means that it is limited in its ability to provide services across the territory. In turn, this hinders the territory's legitimacy because of its perceived lack of capacity. As it stands, Somaliland's economy relies heavily on remittances and the livestock trade, both of which are discussed in depth below. This lack of diversification in the economy leaves it susceptible to volatility despite the relatively robust private sector it houses. It is very likely that there would be significant economic benefits for the territory if it were to achieve full-fledged recognition, not just – or even primarily – because it would then be able to attach itself to the above-listed International Organizations, but especially because it would mean the country could be more fully incorporated into the global financial market and would attract foreign investments and businesses.

Many Somalilanders living abroad have succeeded in business, but are reluctant to return due to the territory's uncertain legal status and the instability that brings with it (Kaplan 2008, 124). At the same time, in the early years of declared independence, economic policies made Somaliland an attractive investment environment, and many in the diaspora began opening new businesses. As an example, the territory's first telecommunications system was opened in Hargeysa in 1995 (Bradbury 2008, 112). Kaplan argues also, however, that the isolation that Somaliland has faced has, in some ways, helped it succeed. It has encouraged self-reliance, and has meant that it is less beholden to outside forces than other developing countries receiving assistance and therefore required to comply with the terms of their structural adjustment programs (Kaplan 2008, 124). Similarly, some studies of modern economies have pointed to the fact that participation in the global economy no longer requires a modern state structure.

Government authorities and businessmen are able to conduct business through modern international trade and financial networks, a fact that the Somali business class has proven over the past couple of decades. "In many respects," states Bradbury, "this is a continuation of conditions that existed before the war, when people were excluded from participating in the politics of the state and survived on an informal economy that the state did not control" (Bradbury 2008, 244-245).

Remittances play an important role in the economic vitality of many developing countries, and it is even more so the case in Somaliland due to the restrictions in formal aid discussed above. Unfortunately, there is extremely limited data regarding the amount of money transferred into Somalia as a whole, and even less information about the amount going specifically to Somaliland. Ahmed has estimated that Somalilanders receive about $500 million a year in the form of remittances, which amounts to about $4,100 per household. Other estimates that include Somaliland as a part of Somalia yield similar results. Even taking into account the limitations involved with gathering data on remittances, it is clear that their importance cannot be overstated; especially considering the state of the banking sector, remittances offer an influx of cash for potential business ventures that would otherwise be impossible. Somaliland is similarly ripe for private sector development because of its low taxes and limited regulations in addition to the significant remittance flow (Ahmed 2000, 387).

In fact, Bradbury characterized remittances as one of the four pillars of the Somaliland economy, and pointed to the fact that remittances provide a greater source of income than livestock in arguing that it may be the most important of those four. About 50% of the money handled by remittance companies working in Somaliland is reported

as received for household income. This means that remittances account for up to one quarter of a household's total income (Bradbury 2008, 148). This income, however, is concentrated in urban areas (Ahmed 2000, 383), just as is the economic activity and the territory's robust small business community. While remittance flows have allowed for the development of an economy based on more than simply foreign assistance, it also means that many Somaliland businesses, in addition to families, are at the mercy of the global economy and the flux that that can entail. Situations like the 2008 global financial crisis and subsequent recession can severely hurt remittances and thus slow or stagnate developing economies.

The livestock trade is the other major source of economic activity; and it again is linked significantly to the international community. A large amount of Somaliland livestock is bought by Gulf states – primarily Saudi Arabia and Yemen. This brings in a significant amount of money for the territory, and is a vital source of revenue for many herders. Similar to remittances, however, this trade is beholden to outside forces that Somalilanders themselves do not control. Twice in the past decade Saudi Arabia has banned the import of cattle from Somalia – including Somaliland – due, supposedly, to an outbreak of Rift Valley Fever. There is some speculation, primarily because no tainted meat originated in Somaliland, that this ban was installed at the behest of the Somali government and not out of any real public health concerns.

Significantly, Bradbury points out that aid is handicapped by Somaliland's lack of legitimacy. International conventions privilege recognized states with development assistance, and therefore greatly limited the type of bilateral and multilateral aid available to Somaliland given its status. The popular focus on institution building and good

governance in development aid has been replaced, in the Somaliland case, by support of select ministries such as education, health, and the Ministry of Rehabilitation, Resettlement and Reintegration as priorities for donors interested in basic services and refugees (Bradbury 2008, 157-158). Currently, aid largely bypasses the government, strengthening the notion put forth by Kaplan that its quasi- status has ensured the territory's self-reliance; international aid has never been incorporated into Somaliland's national budget (Bradbury 2008, 158), a fact that would almost surely change if the relationship between donors and government were to change.

Overwhelmingly, while international aid organizations outside of the political realm have taken advantage of Somaliland's stability and helped restore basic services and infrastructure, clear landmines, and demobilize militias, Somaliland's status has meant that it is not able to receive the same types of institutional support that are given to recognized states in post-conflict situations. For example, Somaliland received none of the institutional support that the international community gave the Transitional Federal Government in Somalia in 2004 (Bradbury 2008, 5). In many respects, the aid that flows into Somaliland is of the type that usually accompanies post-conflict situations – i.e. it is specifically earmarked for rehabilitation, demobilization, and the like, as opposed to the building and strengthening of institutions. The United Nations and other large donors have given millions in the effort to restore Somalia's governmental institutions while the bulk of Somaliland's funds go towards projects such as the building of clinics, clearing of landmines and the development of schools. There is a need for these sorts of developments, but they do little to deepen and strengthen the governance structure in the territory.

Resource Endowments

Somaliland lacks any significant natural resource deposits, although there is recent speculation that the territory may produce oil in coming decades. In this respect, Somaliland's peace and stability seem to easily align with the body of literature arguing for a correlation between resources and conflict.

Eubanks points to another way in which Somaliland's lack of resources may actually be cause for celebration, and may be, at least partially, the reason for its stability. Government and local revenue can be extracted from resources, allowing easy state control without needing to provide services to the population. Rather than collecting taxes and therefore being at least somewhat beholden to its citizens, a state with an abundance of resources does not need to petition its people for revenue (Eubanks 2005, 474). Therefore, the relationship between the state institutions and its citizens must remain respected by both parties in order to function. It is obviously an extreme simplification to attribute stability in any location to just one factor, but I undertake a more expansive exploration of popular legitimacy in the Somaliland case in the Chapter 4.

Interregional Conflict

When Barre took control of Somalia in 1969, many outside observers noted of Somalia that while the country experienced democracy at home, it was at war abroad – it was entangled in what was referred to as the "Somali dispute," in which the Republic supported the irredentist movements of the nearby Somali populations in Kenya,

Ethiopia, and French Somaliland – now Djibouti. [11] This severely strained relationships between Somalia and these neighbors, and was commonly attributed to the Republic's "exuberant sense of national identity, a quality all the more remarkable in being firmly grounded in a long-standing and entirely traditional cultural nationalism" (Lewis 2010, 45). The validity of this claim is easily debatable and the inability of Somalis to coalesce around this 'traditional cultural nationalism' in the decades since the overthrow of Barre in Somalia gives credence to the idea that the claim was little more than a simplistic mechanism with which to understand territorial disputes and struggles within the Somali populated areas of the Horn.

Barre's policies severely disadvantaged the Northwest, and led to confrontation and eventually extreme violence that left the population centers in Somaliland in ruins. The civil war that led to the creation of Somaliland challenged the assumption that ethnicity was a 'natural' basis on which to construct a state (Bradbury 2008, 23). As previously mentioned, the SNM did not have separatist intentions until well into the civil war. Divisions within the SNM did threaten to lead to further war after independence was declared, but the stability that has since prevailed seems to stem from the fact that the SNM served as a mostly unified force as opposed to succumbing to the splintering and power struggles that prevailed in southern Somalia (Bradbury 2008, 71).

Since it declared independence in 1991, conflict has not been a major part of Somaliland's story. The first few years of its independence were tumultuous, and there were fears that the state would follow Somalia's lead into chaos and collapse. Instead, the stable situation that prevailed has been attributed, in part, to the dominance of the

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[11] Irredentism is the process by which territory claimed by one state seeks to secede and join a neighboring country. This is usually done on the basis of ethnic or other cultural ties to the neighbor.

Isaaq clan, which accounts for approximately 70% of the population in the territory and has a firm hold on political power. This apparent dominance notwithstanding, the minority population remains sizeable enough that they cannot be completely dominated and overlooked.

At the same time, there is fear that recognized statehood has the potential to cause conflict with what political powers there are in Somalia, and there is still tension between Somaliland and Puntland; two regions in the East are claimed by Somaliland, but much of their population associates with Puntland instead. These districts, in fact, refused to participate in the 2001 independence referendum and thus skewed the results in favor of secession. Puntland, for its part, arguably poses a much greater threat to conflict in Somaliland than does Somalia itself or other neighboring territories. While not at the level of organization that Somaliland enjoys, Puntland does have a more-functioning governing structure than Somalia. Couple that with its proximity to Somaliland, and recognition of Somaliland's legitimacy could certainly lead to a border dispute between the two.

State Legitimacy and Capacity

The creation and governance of Somaliland as a unified territory was not, at the end of the civil war, a foregone conclusion. Independence itself was not even the primary goal of the conflict originally, it arose when it was clear even a modified unified Somalia would not bring the benefits Somalilanders felt they were due. For these reasons, "while the creation of Somaliland reflected a broad public consensus on the need for some form of government to manage internal political competition, provide security and handle external relations, self-governance was also guarded jealously" (Bradbury

2008, 120). The declaration of Somaliland's independence was not a marker of a true sense of cohesion among the new Somalilanders, but an indication of the desire for some semblance of the structures and institutions that had been so lacking in the Barre years (Ibid, 82).

The 1991 Burco Declaration, asserting Somaliland's independence, was followed by the Boroma Conference in 1993, which was tasked with working toward a national consensus and was funded primarily by Somalilanders themselves, due in no small part to the fact that the United Nations was focusing its efforts on the unification of Somalia rather than the development of the newly declared state. The Boroma Conference instated a bi-cameral legislature, which combined a lower house of representatives with an upper house of elders, known as the *guurti*. This unique system reflected the social and political realities of Somaliland. "It was a sort of compromise between the clan-based SNM (which had provided the military organisation that gained freedom from Siyad Barre) and the exigencies of modern administration" (Lewis 2008, 94). The resulting integration of traditional governance within a modern state gave Somaliland greater cohesion and legitimacy.

Kaplan goes so far as to argue that "far too many poor states are held back by administrative and political systems built separately from the societies that they are meant to serve, thus rendering those systems illegitimate, ripe for exploitation, and a major hindrance to democratization and development" (Kaplan 2008, 144). The bi-cameral legislature in Somaliland helps avoid such a fate. The Boroma conference, according to Hagmann and Péclard, can be considered the true beginning of Somaliland identity (Hagmann and Péclard 2011, 184). It was the Boroma conference that solidified the

irreversible cleavage between Somalia and Somaliland and announced to the global community that the region was taking positive steps towards the establishment of a governance structure that, while not entirely in the image of the western powers, was far more functional than that found in the South. In this regard, Somalilanders coalesced around these strides and began to think of themselves as separate from their Somali counterparts in the South. Furthermore, while the Burco Declaration can be viewed as a rather extreme reaction to frustrations and injuries incurred for decades under the Barre dictatorship, the Boroma conference institutionalized and legitimized the newly declared state and its governance apparatus.

When independence was declared, the Somali National Movement had a difficult time transferring from rebel movement to governing body. It was in the first two years of independence, therefore, when the SNM was the government that the newly declared state was most at risk for further violence. The commitment the SNM showed to a transition to civilian government, and the agreements made in Boroma in 1993 went far towards instilling stability and settling a potentially volatile situation.

Somaliland's ability to effectively function as a non-state state is tacitly accepted by Ethiopia and Djibouti; both accept the Somaliland passport for entry and exit while simultaneously refusing to acknowledge its existence as a body or entity legally entitled to publish passports. In similar contradictory fashion, Ethiopia houses a consulate in Hargeysa. World leaders have met with the former and current presidents of Somaliland, implicitly acknowledging their legitimacy while refusing to do so officially. More recently, the government of Saudi Arabia has agreed to accept Somaliland's new e-passports as documentation when entering the country for Hajj (Masai 2014).

FitzGerald et al. point to the fact that Somaliland's lack of international recognition means that it is unable to enter into formal trade agreements, and the nation has no recourse in international courts (2006, 168). The authors then go on to liken Somaliland to Taiwan in that leaders mask acts of diplomacy as business in an effort to gain legitimacy and harness the powers of the large commercial diaspora. Business and economic endeavors are not limited by diplomatic concerns about statehood, although they are obviously influenced heavily by trade agreements, sanctions, and import/export regulations. "Whether it is recognized or not, the end result is that Somaliland's authorities assert self-determination through […] negotiating with productive groups in society for support and revenues to increase the capacity and legitimacy of the political organization" (ibid 2006, 172).

In 2005, an African Union (AU) fact-finding mission determined that Somaliland fulfilled many aspects necessary for state recognition, and recommended further investigation of its application for membership to the organization. The mission also pointed to the fact that the union between Somaliland and Somalia was never officially ratified, giving credence to Somaliland's claim that its independence was simply a return to that which they enjoyed for a handful of days before merging with Somalia in 1960. Consequently, this "makes Somaliland's search for recognition historically unique and self-justified in African political history. Objectively viewed, the report states, the case should not be linked to the notion of "opening a Pandora's box," and the AU should develop a method for handling this unusual case (Brenthurst Foundation 2011, 11).

Overwhelmingly though, despite this vote of confidence from the body, the African Union has resisted the idea of giving Somaliland even observer status at the

organization. There is an overall fear, despite the fact-finding mission's assurances to the contrary, that allowing Somaliland to secede will pave the way for other secession and irredentist movements, and the escalation of conflicts already underway. There is additional alarm, perhaps unfounded, that Somaliland's secession may harm the status quo power relations that have been fairly consistent since the end of the Cold War. This point will be expanded upon significantly in the analysis chapter and therefore will not be discussed in depth at this point.

The international community first supported Somaliland's political activities during the 2002 district council elections. Both the European Commission and the American-sponsored International Republican Institute helped with financing (Bradbury 2008, 188). It is interesting that in some respects, the international community has shown more willingness to finance elections, a pillar of legitimacy and sovereignty, than institutions or other development projects. In reality, these sorts of programs, which consolidate and strengthen the state, are probably more important and more influential in the long run, but there is a noted focus among the international donor community on elections as the basis and litmus test of a legitimate government.

In addition to international support for Somaliland's institutions and undertakings, local civil society and civic organizations influence the government's capacity to provide goods and services to its people. In the face of relatively limited scope due in no small part to the financing shortcomings outlined above, these groups play a vital role in increasing legitimacy and ensuring confidence in the government by its citizens. While these organizations have a geographic focus or represent a defined lineage, they often perform functions that would otherwise fall under the purview of the state. This means,

as well, that they act as mediators between individuals and groups and the state. A division of labor has been established between these groups and the government that has solidified through the organizations' charters and governmental regulations as well. They are permitted to be critical of the government while acting, in many respects, as an extension of that government (Bradbury 2008, 172-173). These non-governmental organizations work in tandem with institutions to ensure the contractual obligations between the state and the governed are upheld, thereby strengthening Somaliland's legitimacy and assisting in areas where capacity is weak.

International Reputation

In 1991, when Barre's dictatorship was finally defeated, the major cities of the North were practically flattened, little infrastructure remained, and there was no eagerness to join a new government forming in Mogadishu. Instead, the Burco Declaration declared Somaliland's independence and was agreed to by all the delegates assembled in what remained of the northern city. The Declaration was not part of a carefully considered plan, but was instead a response to public pressure and overwhelming disgust with the overthrown regime (Bradbury 2008, 82). The collapse of Somalia underlined the superficiality of the institutions that remained from the unified country, showing them to be hollow, ineffective facades.

The Burco Declaration was the first step towards an independent Somaliland, and served as one of the first indications of the premium Somalilanders and the SNM placed on order and due process. Therefore it is no surprise that an additional argument made in favor of Somaliland's recognition is the stability it could bring to a tumultuous region. Many authors have called the Somaliland government, in spite of its non-state status, the

most democratic in the Horn of Africa, and an important potential ally in the West's fight against terrorism. It is further argued that a new but stable state in the region could induce a positive domino effect that would quiet the region's unrest. Partially based on these arguments, the Somaliland government has made a concerted effort to stamp out any terrorist activity within its borders, and has taken seriously the issue of piracy that has mired Somalia and given further credence to descriptions of it as a failed state. [12]

The United Nations, for its part, has consistently avoided engaging directly with the government of Somaliland; its programs in the territory are primarily unilateral and involve little ability for oversight by the Somaliland government. Instead of supporting the breakaway territory, the United Nations has undertaken a number of missions that serve to reinforce the centralized authority of the Mogadishu-based Somali government, and has been an integral actor in the design and implementation of the Transitional National Government and its many predecessors. Kaplan and others have speculated that the United Nations is reluctant to recognize or engage with the Somaliland government because it would be an indication that the UN's myriads of efforts to pacify and unify the country were unsuccessful (Kaplan 2008, 153).

In addition to a lack of recognition, most countries have also refused to take a stance on whether Somaliland should be recognized, even at some distant point in the future. Some authors argue that there are states that would benefit from Somaliland's recognized independence while others point to governments whose strategic interests would not be served by such an outcome. First, the independence of Somaliland would significantly hinder future ambitions for a state that would encompass all Somali-

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[12] Somaliland's Coast Guard prides itself on its success against the piracy that is prevalent in Gulf of Aden (Dua 2011). In 2011, it is estimated that piracy off the coast of Somalia cost companies and governments over $6 billion. See One Earth Foundation (2012) for more information.

populated territory. This would obviously be advantageous for Djibouti, Ethiopia, and Kenya who would lose territory in such an eventuality (Brenthurst Foundation 2011, 24-25). Therefore these AU member states might be willing to reconsider the founding principle in exchange for assurance that their own borders would not be altered. In contrast, however, Kaplan points to religion as justification for some to advocate for a unified Somalia. Egypt and Saudi Arabia, in particular, would like to see a further Muslim counter to Ethiopia's dominance in the region, and while Somaliland and Somalia are obviously both predominately Muslim countries, their individual strength is seen as increased if unified (Kaplan 2008, 154). In this instance, however, the converse could also be true – the separation of Somaliland from Somalia would lead to two Muslim governments that would strengthen the pro-Muslim voting bloc in international bodies such as the UN and AU. As it stands now, however, there is no representation from the unified Somalia because of its lack of a cohesive government and Somaliland's lack of recognition.

Conclusion

Somaliland's brief existence as a separate entity under colonial rule distinguishes it from other independence movements in the region. Using the three characteristics of a state outlined in the introduction – the effective control over a clearly defined territory and people, an organized administration of said territory and people, and the ability to conduct foreign relations – Somaliland meets those requirements to a great extent, and those areas in which it is lacking are not necessarily caused by their own shortcomings. Starting with the Boroma Conference in 1993, leaders in Somaliland have taken strides to effectively administer the territory and citizens under their purview, and have extended

the reach of governance beyond that which was in place in the period of unification. It has proven more resilient and capable than other so-called "failed states" in the region, and it has largely avoided conflict in the decades since the overthrow of Siyad Barre. Its economy perseveres despite a lack of access to global financial markets and a limited diversification of economic activities. The area in which it is the most deficient is its ability to fulfill international obligations and take part in foreign relations. This, obviously, is not something that Somaliland is able to rectify unilaterally. The international community and individual actors must choose to engage with the Somaliland government, but there is clearly little room to do so without first acknowledging the body's legitimacy and granting the territory the recognition it desires.

Centralization of the Mogadishu-based Somali state peaked during the Barre dictatorship, but even under those autocratic circumstances, its reach was limited. By contrast, the state structure Somaliland created is highly decentralized. Bradbury argues that one of the contradictions of international involvement in Somalia as a whole has been the focus on the establishment of a sovereign government, a project that has been largely unsuccessful. In contrast, Somalilanders have created an organic governance system that has proved much more efficacious than any of those imposed on the wider Somalia by outside actors (Bradbury 2008, 245).

In 2001, ten years after its declaration of independence, 97% of the Somaliland population voted in favor of a referendum confirming their separation from Somalia – a level of support that is on par with the referendum that supported the creation of South Sudan – and yet recognition by individual states, the African Union, and the United Nations remains elusive. There are two main legal arguments justifying the recognition

of Somaliland as an independent state. The first is that the union joining it to Somalia was never ratified and the second is that it was recognized as an independent country in 1960 by numerous countries, including many in the West. An in-depth analysis of why these arguments have not been successful, and why those made by South Sudan were efficacious will be the focus of the following chapter.

Chapter 4 – Analysis and Comparison

Returning now to the definition of statehood put forth at the Montevideo Convention, and expanded on at the beginning of this work, I compare South Sudan and Somaliland's ability to fulfill the four criteria outlined in that definition: 1) The existence of a permanent population; 2) The occupation of a clearly defined territory; 3) The operation of an effective government over said territory and people; and 4) The capacity to engage in international relations (Grant 1999, 414). I will analyze their adherence to these criteria by using the five areas that were employed earlier to examine each case: economic (in)dependence, resource endowments, interregional conflict, state capacity and legitimacy, and international reputation as these factors are integral to determining each case's ability to fulfill the definitional conditions.

This chapter is organized into three sections. The first highlights differences and similarities between South Sudan and Somaliland as they relate to each literature topic and will conclude with a discussion of how well the prevailing literature explains the realities observed in each of the cases. The section that follows demonstrates how each case confirms or departs from the established definition of statehood. The chapter will conclude with an examination of the utility of the Montevideo guidelines for defining and guiding theory around statehood. Looking at South Sudan and Somaliland simultaneously as particular and representative cases allows the work to draw conclusions both regarding why Somaliland has not received international recognition and how state theory diverges from the realities of global governance and relationships.

Comparison

Economic (In)dependence

There are a myriad of factors that contribute to the economic dependence or independence of a territory, and in the two cases at hand their differences are far greater than their similarities. The relative economic independence of South Sudan and Somaliland are determined by their resource endowments, international corporate involvement, the diversity of economic activities in each territory, the use of remittances as a source of investment capital, and the presence (or absence) of markets for products and services.

South Sudan, with its vast oil reserves, has the potential for a bright economic outlook while Somaliland is more limited, based primarily on its minimal export potential. In this regard, there is an obvious and interesting contrast between South Sudan and Somaliland, yet both demonstrate some level of dependence economically. South Sudan is beholden, to a great extent, to the oil companies that provide the infrastructure, expertise, and financing required to extract its oil. Furthermore, South Sudan relies on its northern neighbor and former enemy to transport that oil to ports for distribution and has no significant refining capacity, which leaves it overwhelmingly reliant on outside actors, and Sudan more specifically, for its economic well-being. In contrast, Somaliland has developed successful telecommunications and service sectors without outside involvement beyond financial support in the form of remittances from émigrés. The export of camels to the Gulf, the other major area of economic activity, is

more indebted to external forces – namely the continued demand for the product and the Gulf state's willingness to do business with Somaliland's herders.

The two cases point to the important distinction between logistical or technical dependence and more narrowly defined economic dependence. While South Sudan is reliant in both respects – relying on the global market to purchase its oil and international companies to extract, refine, and transport it – Somaliland's dependence is, for the most part, limited to the continued need for its product on the global market and flow of remittances from abroad.

Overall this leads to the conclusion that Somaliland enjoys a significantly higher level of economic independence than South Sudan, and that South Sudan is, in fact, heavily reliant on outside forces for its economic vitality. Both are reliant on continued demand for their exports in the international market, but that can be said for any country around the world about the goods, services, and products it wishes to export. It is therefore necessary to focus on other areas of economic activity to determine the extent of each territory's level of independence or dependence beyond that universal factor. In the case of South Sudan, reliance on foreign monetary, labor, and knowledge investments makes it clear that its level of economic dependence far exceeds Somaliland's. In contrast, Somaliland's dependence is limited to remittances, making its dependence much lower than that found in South Sudan.

Resource Endowments

As it pertains to resources, it is quite clear that South Sudan is much better endowed than Somaliland. As many resource theorists (see Le Billon 2012; and Peluso and Watts 2001) have pointed out, simply having a resource is not enough – it must be a

resource that is highly valued on the world market in order for its importance to truly be felt. Therefore the significance of the resource endowment in each case is determined not just by the sheer amount of the product in question, but domestic and international demand for that product, and the interest and/or ability to undertake the necessary trade negotiations and follow-through.

South Sudan's vast oil reserves, estimated to be the third largest on the continent, continue to be a source of contention not only between Juba and Khartoum, but among groups within the South as well. While strong resource endowments help provide financing for services and provisions for the citizenry, they also have the potential to sew the seeds of discontent among citizens and cause animosity among rival political groups. It is for this reason that Somaliland's relative lack of resources is sometimes described as a blessing rather than a curse.

Currently Somaliland's resource endowment is limited to livestock production, but the importance of this product pales in comparison to the oil in South Sudan. Furthermore, livestock can really only be thought of as a resource under the broadest of definitions, and the idea of livestock as an endowment is probably difficult to justify. Recent studies suggest that oil may soon be found in Somaliland – and in Somalia as a whole – which would have important implications for Somaliland's quest for statehood and international involvement in the wider region.

So again, as was the case with each territory's economic dependence, there is a wide chasm between the two cases that will prove important when examining the statehood claims made by each entity and will help determine whether they were successful in obtaining recognition on the international stage. Not only does South Sudan

have more resources, even on a per capita basis, but also the resource itself is far more valuable than that which is found in Somaliland. Furthermore, demand for South Sudan's oil is global while Somaliland's camel exports are limited to nearby Gulf states, and there is little chance that formal recognition would expand their market significantly.

Interregional Conflict

Interregional conflict is an area in which South Sudan and Somaliland have similarities historically but have diverged significantly since the end of their respective civil wars. Conflict, especially that which is localized, is influential in statehood claims in a significant number of ways. Interregional conflict demonstrates a lack of ability to control the territory over which a state governs, and indicates some level of discontent among the governed. Therefore, in undertaking a comparison of interregional conflict in South Sudan and Somaliland, the latter's peace and stability is as important as the former's renewed tensions.

Recently South Sudan slid back into violence, again of a civil nature, as various groups jockey for power and hash out differences left unresolved at the conclusion of the war against Khartoum. At the end of that war, and with the declaration of independence in July 2011, there was an overwhelming yet fleeting sense of nationalism and pride; the current continuation of violence, however, demonstrates the need for a more solid basis on which to build a lasting and stable government.

Since the overthrow of Siyad Barre in 1991, Somaliland has been overwhelmingly peaceful – a stark contrast with the rest of Somalia. As was the case in South Sudan, the conflict against the capital was long fought and exceedingly violent. Tensions in the territory are still high, especially in the Eastern regions where some residents feel a

deeper connection with Puntland than Somaliland. While there are few cultural differences between Somalilanders and Somalis, their divergent experiences since 1991 have instilled a sense of national cohesion among Somalilanders and the territory's relative success is a point of civic pride for citizens.

In both South Sudan and Somaliland, the majority of the violence was concentrated in the territory that would later secede from the capital. South Sudan's war against the North, at the time a civil conflict, concentrated fighting in the southern territory and left the area decimated at the end of hostilities. The CPA period that followed allowed for rebuilding and much needed infrastructure improvements. Throughout its war with Mogadishu, much of the violence was concentrated in the Somaliland territory, and the end of hostilities allowed for a long process of rebuilding and for establishing new structures that had previously been lacking.

With regard to the reason for conflict, in both instances there is another interesting similarity. Neither the SNM in Somaliland nor the SPLA in South Sudan set out with the intention of achieving independence – in both cases the stated objective of the rebellion was to change a political system that was seen as unresponsive to the needs of those living in the violence-affected areas. In both cases this initial goal was aided the fact that the SPLA and SNM, respectively, drew support from the wider territory. The South Sudan and Somaliland regions were not the only areas, and their citizens not the only residents, dissatisfied with the prevailing governments. Garang led the calls for the post-conflict unification of Sudan, and his death effectively ended any lingering support for his New Sudan proposal. Furthermore, the ferocity with which Khartoum fought the South made it clear that the NCP would not be amenable to a dual government or to any

significant concession regarding the governance structure. The SNM began advocating for independence because it became clear that it would not enjoy the same level of popularity state-wide as it did within Somaliland, and its leaders realized the overthrow of Barre left a hollow state structure that was beyond the SNM's capacity to repair.

There is one area of important divergence between the South Sudanese and Somaliland cases with regard to interregional conflict: the SNM won a clear victory with the demise of Barre, while in the Sudanese case the two sides agreed to a ceasefire when it became apparent that neither would be able to win outright. The ability of the SNM to return to Somaliland victorious allowed citizens to celebrate, and helped further the growing sense of nationalism. In contrast, the end of combat for the SPLA led to a long and arduous negotiation process in which it was never quite certain the situation would not devolve into renewed violence. Furthermore, while the CPA did eventually lead to the desired independence, the five-year interim period forced South Sudan's citizens to delay gratification.

State capacity and legitimacy

With regard to state capacity and legitimacy there are far more differences than similarities between the South Sudan and Somaliland cases. The capacity and legitimacy that each enjoys is integral to their ability to fulfill the metrics of statehood because it provides a means by which one can assess whether the governing powers control the people and territory under its rule, as the Montevideo Convention demands.

One area of correlation with regard to state capacity and legitimacy, and one that is fairly important for a thorough understanding of the current political structure in both instances, is the difficulty with which the paramilitary apparatuses were able to transition

into a legitimate governing structure. While the SPLA and SNM both had wings of their organizations that specifically focused on non-military issues with a view towards creating the skeleton of a ruling body, the shift to an accountable and dominant governing force was shaky and fraught with difficulties.

In both cases, this transition from military to civilian leaders can be seen either as helpful or hurtful to the internal legitimacy of the state. The argument for this transition being helpful is that these groups are the ones that fought the citizens' enemy and brought about a desired change in government, thus engendering trust and legitimacy in the new ruling organization. By contrast, military organizations are vastly different from a governing force with regard to their reporting structure and evaluation process. Therefore, what was seen as a success in the military realm may be interpreted as brash and harmful in the political. In a military movement, negotiation or compromise, for example might be seen as weaknesses and cause for concern for the overall success of the movement. In a governing unit, by contrast, compromise is often necessary in order to produce results.

The renewal of violence in South Sudan is a strong indication of an overall lack of legitimacy for the government. Insurgency and counter-insurgency can be viewed as a contest to shape the political order, and therefore power structure, of a particular area. It is very similar, then, to state formation, and Staniland argues that civil conflicts should be seen as a sort of competitive state building (Staniland 2010, 246). In this context, the renewal of violence in South Sudan demonstrates a project by the warring factions to take control of the state system and the benefits that confers on the ruling party.

This could also be viewed, in contrast, as an example of a rebel movement that does not, ultimately, want political control but the economic spoils that go along with it, as Peluso and Watts suggested (2001, 234). The SPLA advocated for independence, and instituted themselves as the governing force in South Sudan beginning in the CPA period, but their current weakness speaks to the fact that perhaps the idea of control was more appealing than ruling actually proved to be. Now secondary forces, who feel they have not reaped the financial rewards of independence are attempting to follow the same trajectory that led the SPLA to power. With regard to the this argument and the one that preceded it, the true justification for South Sudan's renewed violence most likely lies somewhere in between; opposing forces are simultaneously dissatisfied with the SPLA/M's governance and feel that it does not speak to their needs, but this may be due to the fact that they are not getting the financial gains they hoped would be theirs under an SPLA/M structure.

In Somaliland, widespread participation in the regularly held elections highlights the government's legitimacy, and the faith its citizens place in the system's democratic process. In contrast, however, it does not enjoy similarly high levels of capacity due in large part to its limited financial resources. It instead relies to a great extent on local non-governmental organizations, and to a lesser extent international NGOs to provide the services one normally expects of a government. While residents certainly hope their government will one day be able to deliver on all of those areas, they understand the reasons for these shortcomings and are hopeful that recognition will eventually help meet some of their additional needs.

International Reputation

The international reputation of a territory plays a major role in whether or not that space is given recognition by external actors; and as is discussed below, is an area in which there is a great chasm between South Sudan and Somaliland.

South Sudan, at the time of independence, enjoyed a stellar reputation, and was seen as the first in a new wave of post-conflict success stories. Even Sudanese president Omar al-Bashir was lauded for his handling of the devolution of his state and rewarded for the maturity with which he allowed the South to split. In the years since independence, however, it has become clear that a peaceful, landslide vote for independence does not ensure future success or development; and those international leaders who once held up the South as an example for other post-conflict reconstructions are now hesitant to interact with the country and are quick to distance themselves from their previous involvement.

Somaliland, on the other hand, has thus far been unable to significantly differentiate itself from the greater Somalia. Despite its stability and relative development successes, only those with a particular interest in the region are aware of its existence, and it is an even smaller segment that cares if the region achieves recognition. Despite this extremely limited knowledge, the reputation the Somaliland government does have is overwhelmingly positive. The AU fact-finding mission, for example, called for further study of Somaliland's statehood claims and indicated that it did, in fact, possess many of the necessary trappings of a recognized state.

State failure, as a proxy for international reputation, closely aligns South Sudan with the unified Somalia – where the two are ranked first and second respectively on The Fund for Peace's 2014 'Fragile State Index.' A territory's international reputation,

however, should not be assessed based on its ranking on such a list alone (or even primarily), since the literature shows some serious flaws in the limited way in which it defines success.

Summary

The parameters scholars typically use to asses claims to statehood – economic (in)dependence, resource endowments, interregional conflict, governance and state-building, and international reputation – represent the most prevalent work within geography, anthropology, political science, and international relations to inform and evaluate the broader issues of statehood and state theory. However, this work has demonstrated that these categories are too limited to offer a comprehensive examination of all of the factors at play.

Economic independence, or lack thereof, proves to be one of the more successful elements in evaluating the strength of a statehood claim. Opportunities for engagement with the global market and related financial gains also have a significant impact both on the relationship a territory has with the outside world – governments and firms alike – and the ability to support institutions and governance structures. Given these two significant factors, the literature on economic independence is a useful tool with which the specifics of the South Sudan and Somaliland cases can be assessed and understood.

Similarly, the resource endowments parameter is relatively effective when describing the South Sudanese and Somaliland cases. The 'resource curse' continues to dominate discussions by armchair intellectuals and world news analysts, but as is typically the case, the more nuanced explanation is the more robust one as well. The relationship and management of the resources within their domain impact the trajectories

of both South Sudan and Somaliland. This is as much a function of the value global actors place on their respective resources as it is an internal strength or weakness. With respect to South Sudan, a territory with rich resource endowments, the literature is especially effective in explaining the ways in which an endowment affects, and is affected by, the ruling structure in place.

The dominant body of work on conflict, and interregional conflict more specifically, is only somewhat useful in its explanation of the South Sudan and Somaliland cases. While it is certainly the case that the existence or outbreak of conflict indicates a lack of legitimacy or general dissatisfaction among the belligerents, both South Sudan and Somaliland have specific aspects of their respective conflicts that deviate from the justification provided by the literature.

In both South Sudan and Somaliland conflict arose not from a weakening of state institutions, but from their total absence in their respective territories. The SPLA and SNM fought with the aim of extending the reach of governance infrastructure to their hinterland regions. Furthermore, the literature emphasizes the rebels' quest for economic spoils, and while South Sudan may prove the rule, the Somaliland example demonstrates that this is not always an accurate representation of the motivations for conflict.

As it stands, the literature on governance and state-building, while generally useful, does not sufficiently take into account international involvement in the process of state-building. Internal factors, and domestic relationships are the primary factors used to explain the methods through which territories create and maintain governing structures and undertake the process of state-building. Somaliland, because of its non-state designation and subsequent dearth of outside influence, adheres to these views much

more closely than South Sudan. The latter, in contrast, has received significant aid and counsel from international actors in the form of both economic incentives/disincentives and direct assistance.

Interestingly there exists both a body of work that examines state failure and another that pertains to the discourse around that state failure literature. Combined these two provide a sense of how a territory's international reputation develops. This dual approach prevails overwhelmingly because the first body of literature is insufficient for understanding the realities of statehood in the modern world, while the second focuses on discourse to the detriment of providing a comprehensive explanation for states' actions. The literature on state failure is an inadequate method through which the South Sudan and Somaliland cases can be understood. This is primarily because it overwhelmingly treats territories as though they are in a vacuum, and does little to assess or account for the influence of outside intervention, leading to the explanation that the shortcomings of the territory are internal flaws rather than due to any external force. The second body of work – that which critiques the first – is more useful in its ability to account for the realities of South Sudan and Somaliland. The discussion of the state failure discourse is centered around the notion that 'state failure' is a predominately Western notion that penalizes structures that deviate from western-style governance. In this way, it goes much further toward including the significance of external influence and builds a stronger connection to a territory's international reputation.

Definition of Statehood

The most prevalent definition of statehood in use today is that first put forth at the Montevideo Convention in 1933, and circulated by the US State Department in 1976.

There are four criteria that characterize the state according to these two sources: 1) The existence of a permanent population; 2) The occupation of a clearly defined territory; 3) The operation of an effective government over said people and territory; and 4) The ability to engage in international relations. The basis for these stipulations can be found in the 17th Century Treaty of Westphalia which codified the notions of both sovereignty and territoriality and has remained the basis for international engagement and relations since its signing despite the overwhelming social and political changes that have occurred in other areas of society (see Chapter 1 for a more thorough discussion).

Permanent population

Despite Somaliland's significant nomadic population, both it and South Sudan have a permanent population, fulfilling this first marker of statehood. As it pertains to the five previous categories, of prime interest are economic independence and interregional conflict as these are the two that most affect demographics and population movements.

The quest for economic opportunities has led to increased mobility on the part of the South Sudanese as workers move around the country and into neighboring ones in search of jobs. Yet there remains a permanent population that considers South Sudan home. While oil extraction is a significant source of income for the country, it is not a major source of employment. Overwhelmingly workers are recruited from neighboring countries or are international employees of the oil companies themselves. Therefore, South Sudan's significant economic dependence is simultaneously helping and hindering the maintenance of a permanent population.

During the civil war, through the CPA period, and even until today South Sudan has a large number of internally displaced people (IDPs) who fled their homes during the war and either took refuge in a camp or found other means of survival in the intervening years. The recent uptick in violence has led to a second wave of migration as some of those who just recently returned home are forced to leave again. In this respect the number of people who call 'South Sudan' home may have actually declined in recent months. Despite this precarious situation there remains a fairly constant population that considers South Sudan home.

While Somaliland experiences relative economic independence compared to South Sudan, this independence has both allowed and discouraged a permanent population. The lack of many large-scale investments and hesitation to expand into the territory mean that many Somalilanders have emigrated in a search of better business opportunities, leading to the high level of remittances that enter the country.

Furthermore, Somaliland's history of interregional conflict, going even farther back than the civil war, has led to a less stable permanent population. Siyad Barre had ambitions to unite all Somali people under one flag – including those residing in neighboring Ethiopia and Djibouti – and his conflicts with neighboring powers led to an influx of Somali refugees into Somaliland territory. Since the end of the civil war in 1991, however, the population has not seen similar shifts, and despite the nomadic lifestyle of a large portion of Somaliland citizens, the population has remained in the territory.

With all of this in mind it is clear that there is no fundamental difference between South Sudan and Somaliland with regard to whether or not they lay claim to a permanent

population. While both territories have populations in flux there is a consistent group that considers each territory home, and the migration of the population is primarily limited to movement within the territory rather than movement that crosses borders. This is a vital distinction with regard to statehood claims for two reasons. First, this insistence on a permanent population is the first indicator of a state based on the Montevideo Convention and the US State Department as previously discussed. Second, and more importantly, a permanent population that cannot claim, or be claimed by, another state is therefore best able to confer legitimacy on the state structure and internally recognize its claims for statehood.

Occupation of a clearly defined territory

Both South Sudan and Somaliland have sections of their respective borders that require further delineation and are currently contested. For South Sudan it is the Abyei district along the northern border with Sudan. The district is claimed by both Sudan and South Sudan and is an area of discord due to its oil wealth potential. The CPA was signed, and independence conferred, with the stipulation that talks would continue to decide the fate of the region, but as of yet the two sides have not been able to reach a settlement. For Somaliland, the territory in contention is in the East, where two districts claimed by Somaliland are also claimed by another break-away region of Somalia, Puntland.

From the above it is obvious that South Sudan's resource endowments play a critical role in its occupation of a clearly defined territory. However, rather than improving capacity, the oil found in Abyei has hindered South Sudan's ability to fulfill this aspect of statehood and caused the area to be one of contention and conflicting

claims. In contrast, the holes in territorial control found in Somaliland are unrelated to resources, and are instead functions of the cultural ties of those living in the contested regions and therefore stem more directly from difficulties with legitimacy and capacity. The two eastern-most regions of Somaliland boycotted the 2001 referendum on independence and for the most part associate with Puntland instead of either Somaliland or Somalia. In this instance, however, Somaliland has extended its control to these unfriendly territories because it maintains greater capacity than the skeletal Puntland government.

With regard to this facet of the definition there is also little difference between South Sudan and Somaliland. Neither exercises control over the entirety of its territory, but there are very few instances to be found around the world in which a government is able to reach every corner of its domain. Both have regions in which the strength of the government is felt more heavily than others, and as with other examples to be found around the world power is concentrated in the capital and weakens with distance from the center of power.

Operation of effective governance over said territory and people

Effective governance can and should be measured both from the point of view of the government itself and from that of its citizens. Using these metrics, state capacity and legitimacy are obviously of the utmost importance since they speak to the government's ability to rule and whether the people feel it has the right to do so. International reputation is also an important concern, especially in the context of developing countries, when considering whether a state effectively governs its territory. Post-conflict and other

emerging governance structures are often supported, monetarily and through counsel, by outside governments and organizations.

South Sudan enjoyed a great deal of legitimacy directly following the vote for secession and official independence in 2011. The referendum itself, and the overwhelming desire for separation, solidified the SPLM's place as the government of the new state. The flood of nationalism that followed the vote furthered this legitimacy and encouraged support for the new government. Nationalism and pride, however, are not enough to sustain legitimacy, and in the years since independence, the government's lack of capacity has hurt what legitimacy it once had. The country has since returned to a path of violence and uncertainty because of holes in the state structure and the power struggles those holes have allowed.

The independence referendum in South Sudan was closely monitored by numerous international organizations and outside governments, many of which provided financial assistance to ensure the success of the vote. This international involvement also lent an additional sense of legitimacy to the proceedings. The continued support the various entities provided for the development of governance structures propped up the government and increased its legitimacy until recently when funding waned and the uptick in violence encouraged international groups to leave. There is, it should be noted, a rather circular causation with regard to South Sudan's international reputation and the international community's involvement with the state. The external involvement increases when its reputation is higher because the international community sees less of a risk with their participation, and the opposite is the case when the community sees a higher risk or less reward for their contribution.

For Somaliland, the government continues to enjoy a great deal of legitimacy among its citizens, even if its capacity is lacking. As with many developing regions, the collection of taxes is minimal and the government is therefore unable to provide many of the goods and services expected of it, such as education, infrastructure, and healthcare facilities. While many of these services, as is the case in South Sudan, are provided by international aid organizations, the government itself, because of its lack of recognition, does not receive the same kind of support that South Sudan once did. On the other hand, the decentralized structure of the Somaliland government aids in its legitimacy as it allows for a closer relationship between the people and their government, and the *guurti* system more closely resembles the traditional ruling structures of the Somalis.

Both South Sudan and Somaliland have limits in their ability to effectively govern their respective territories, stemming from their variable legitimacy, capacity, and international reputation. It could be argued that Somaliland is actually better situated, currently at least, to effectively govern its territory than is South Sudan. So again there is a disconnect between the entity that comes closer to fulfilling the definition of a state and the one that has recognition as such.

Ability to engage in international treaties

The ability to engage in international treaties is the clearest area of distinction between South Sudan and Somaliland. South Sudan, as a country recognized by its fellow states, is able to enter into international treaties; while Somaliland, as of yet unrecognized, is unable to do so. In both instances this is primarily a facet of its international reputation, which can be viewed through its legal standing and the geo-political advantages or disadvantages of recognition. South Sudan, by virtue of its

recognition, is able to enter into binding contracts with other states. These treaties include military, economic, and aid agreements.

In theory it would be possible for Somaliland to enter into treaty agreements with other states, but because it receives no formal recognition there is little recourse if one party or the other failed to meet the responsibilities laid out in the treaty. For this reason states are extremely hesitant to enter into such agreements. Furthermore there is a similar concern on the part of businesses that may have an interest in expanding into Somaliland, and the lack of legal recourse hinders businesses development and continues the cycle of uncertainty that hinders the improvement of Somaliland's international reputation. Companies with an interest in expanding into Somaliland fear that the money they invest may be lost due to its uncertain situation and the territory's position will mean that the company is unable to take legal action against the territory.

Conclusions

As outlined in the introduction, African statehood is typically more constitutive than declarative, based more on recognition from external rulers than the ability to govern (Bradbury 2008, 249), and this comparison between South Sudan and Somaliland demonstrates this point remarkably well. This is not, however a situation unique to Africa; instances can be found globally where the recognition overrides the specific attributes of the territory in question, and other entities that do not fulfill the four necessities listed above are given the rights and responsibilities of statehood.

There has been speculation that one of the reasons the United Nations in particular is hesitant to recognize Somaliland's claims to independence is that this would demonstrate its own failings to unify Somalia after the overthrow of Barre (Kaplan 2008,

153).   As before we see Somaliland's legitimacy determined externally rather than internally, and constitutively rather than declared. The South Sudan case proves the second half of Bradbury's claim. It does not fully demonstrate the stipulations of the Montevideo Convention yet it has attained recognition from other states and international organizations, and has therefore attained *de jure* statehood in addition to its official designation as such.

I now return to the questions posed at the onset of this work: what justification, if any, is there for the broad acceptance and embrace of South Sudan as a fully recognized independent state while Somaliland is denied? Using a range of literature and definitions of the 'state' and 'statehood,' what characteristics does Somaliland lack and/or South Sudan possess that has led the two territories to such vastly different political realities? Using the criteria put forth by the Montevideo Convention, the ability to undertake international negotiations is the only area in which South Sudan and Somaliland diverge significantly, so it stands to reason that this is the crux of the state and serves as the most vital measure for evaluating statehood claims.

This, obviously, is not a welcome explanation for proponents of Somaliland's recognition as the ability to participate in international relations is, by definition, reliant on bi- or multi- lateral cooperation. Somaliland's ability to or interest in engaging with other governments is irrelevant if those other parties cannot or will not meet with Somaliland officials as representatives of a sovereign territory. Despite a rather thin argument, made weaker by the assertion that Somaliland's application to join the organization should be given serious consideration, the insistence on maintaining the status quo dominates Somaliland attempts at recognition. Furthermore, the Somaliland

government's attempts at strengthening their statehood claims based on the first three stipulations of the Montevideo Convention appear to do little to convince outside governments to reconsider their position.

In contrast, South Sudan benefitted, starting near the end of the second civil war, from a distinct interest in its future by the international community. It is hard to argue that this is not, at least partially, due to its vast potential for oil extraction. The international community, and the oil importers in the West especially, were quick to support the SPLA's independent aspirations once it became clear that independence or autonomy was a foregone conclusion. Furthermore, in contrast to the UN-installed Transitional Federal Government in Somalia, outside governments held no strong sense of duty or loyalty to al-Bashir in Sudan. There was no feeling, as discussed above with regard to Somaliland, that recognizing South Sudan's split would signal the failure of Western attempts at reconciliation. This left South Sudan poised to break the status quo and obtain recognition first from its adversary, and then from the rest of the world.

Therefore, while the Montevideo Convention criteria are useful, they should perhaps be thought of as more aspirational than realistic. The Convention and the later US State Department directive do outline the characteristics of a state as the word is used in the prevailing discourse, but the reality is much more pragmatic, and depends to an extent far deeper than any practitioner would care to admit, on the needs and potential benefits to outside actors. The four stipulations of the convention seem quite straightforward, and at face value appear as though it would be easy to assess individual cases based on their adherence to its specifics, but as South Sudan and Somaliland demonstrate, the reality is far more complex and leaves plenty of space for divergent

interpretations. Furthermore, the factors that contribute to any evaluation of the four criteria are just as varied, which allows for an endless number of outcomes. With all this in mind, it is no surprise that two territories with such similar histories have such vastly different current conditions, or that the specific reasons for that are so different from what one may first expect.

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