

Journal du Droit Transnational



Directeurs:
Ilias Bantekas
Catherine Maia
Tarcisio Gazzini
Francesco Seatzu

www.journaldudroittransnational.it

THE HORN OF AFRICA, SOMALILAND, AND CRITICAL QUESTIONS OF 21ST-CENTURY INTERNATIONAL LAW

Vol. 2 – 2025

THE HORN OF AFRICA, SOMALILAND, AND CRITICAL QUESTIONS OF 21ST-CENTURY INTERNATIONAL LAW

Prof. Dr. Juan Bautista Cartes Rodríguez

I. INTRODUCTION

Since Somaliland declared its independence in 1991, there has been no recognition of its statehood. However, after 34 years, this is no longer the case. On 26 December 2025, Israel announced the establishment of full diplomatic relations with Somaliland, causing the world to turn its attention to a forgotten region that has witnessed complex realities and dynamics in recent decades.

With the partition of Africa at the end of the 19th century, Western powers drew up borders according to colonial interests, in most cases without taking into account previous political organisations or ethnic and cultural identities. The Somali people (*Soomaali*) who inhabited the *Soomaaliya* region were one of the largest and most visible peoples in the Horn of Africa. This place name was appropriated by Western powers to establish three Somalias: French Somalia (now Djibouti), British Somalia (corresponding to the north-west of the current Somali state) and Italian Somalia (corresponding mainly to the south and centre of that same state). At the time, other ethnic groups such as the *Afar*, the Bantu and certain Arab communities already coexisted alongside the Somali people in the territory of the three Somalias.

French Somalia gained independence in 1977, proclaiming itself the Republic of Djibouti. British Somalia gained independence on 26 June 1960 under the name Republic of Somaliland. It is important to note the specific date because five days later, on 1 July 1960, Italian Somalia gained independence and on the same day agreed to unite with the newly created Republic of Somaliland. The State of the Republic of Somalia was thus born¹.

However, political and economic power was concentrated in the centre and south of the state, where its capital, Mogadishu, was located. This led to a feeling of marginalisation and exclusion in the north. A few years later, in 1969, Siad Barre's dictatorial regime was established through a military coup that overthrew the Somali government. Meanwhile, in the north of the state, various groups began to organise themselves into resistance movements aspiring to greater autonomy and rights. This led to severe repression by the

¹ For a more in-depth discussion, see, among others, Kaplan, S. (2008), *The remarkable story of Somaliland. Journal of Democracy*, 19(3), 143-157; Prunier, G. (2021), *The country that does not exist: a history of Somaliland*. Oxford University Press; Lewis, I. et al., (2008), *Understanding Somalia and Somaliland: culture, history, society*. New York: Columbia University Press, 2008; Millman, B. (2013). *British Somaliland: An Administrative History, 1920-1960*. Routledge.

THE HORN OF AFRICA, SOMALILAND, AND CRITICAL QUESTIONS OF 21ST-CENTURY INTERNATIONAL LAW

Vol. 2 – 2025

dictatorial regime, with the bombing of cities, the displacement of thousands of people and serious human rights violations.

Following the fall of Siad Barre in January 1991, the country entered a period of civil war in which different factions fought for power without an effective central government. Against this backdrop, in May 1991, the Republic of Somaliland unilaterally declared its independence over a territory that largely corresponds to the former British Somaliland, and since then has been operating with its own army, currency, parliament, courts of justice and tax collection system. Although this structure may appear stable, in contrast with the rest of Somalia, the reality is more nuanced. Firstly, there are currently disputed areas where the Somaliland authorities have only achieved partial control. These include the regions of Sool, Sanaag and the city of Buuhoodle². Furthermore, various NGOs, including Amnesty International, have reported possible indiscriminate bombing to take cities, which have caused civilian deaths and damage to hospitals and schools, leading to the displacement of tens of thousands of people³. This is compounded by significant restrictions on freedom of expression⁴. Furthermore, in the Security Council itself, states such as Russia and the United Kingdom have made it clear that Israel's declaration of recognition will only strengthen the Al-Shabaab terrorist group, which the authorities in Mogadishu are currently fighting⁵.

II. THE ISSUE OF RECOGNITION, RECENT DEVELOPMENTS AND DEBATES WITHIN THE UNITED NATIONS SECURITY COUNCIL

On the basis of the above, on 26 December 2025, Israel officially recognised the Republic of Somaliland as a sovereign and independent state. The declaration of recognition states that this action will contribute to peace, stability and prosperity in the Horn of Africa and the Middle East⁶. On the same day, a joint declaration was signed by Israeli Prime Minister

² For a detailed analysis, see, *inter alia*, Mahmood, O. S. (2019), *Overlapping claims by Somaliland and Puntland: the case of Sool and Sanaag*, *ISS East Africa Report*, N°. 27, 1-32.

³ Amnesty International (2023), "Somaliland: Urgent investigation needed as fighting takes heavy toll on civilians in Las Anod", available at: <https://www.amnesty.org/en/latest/news/2023/04/somaliland-conflict/> (26.01.2025).

⁴ Amnesty International (2025), *Amnesty International Report 2024/2025*, available at: <https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/somalia/report-somalia/> (26.01.2025).

⁵ United Nations (2025), *Israel's Recognition of Somaliland Triggers Sharp Divides, as Security Council Speakers Warn Move Threatens Stability in Horn of Africa*. For a more in-depth discussion of the terrorist group Al-Shabaab, see Botha, A., & Abdile, M. (2014), *Radicalisation and al-Shabaab recruitment in Somalia*. *Institute for Security Studies Papers*, N°. 266; Hansen, S. J. (2013). *Al-Shabaab in Somalia: The history and ideology of a militant Islamist group*. Oxford University Press; Williams, P. D. (2014), "After Westgate: opportunities and challenges in the war against Al-Shabaab", *International Affairs*, N°. 90, 907-923; Marchal, R. (2011). *The rise of a Jihadi movement in a country at war: Harakat Al-Shabaab Al Mujaheddin in Somalia* (Doctoral dissertation, Sciences Po); Jones, S. G., Liepman, A. M., & Chandler, N. (2016). *Counterterrorism and counterinsurgency in Somalia: assessing the campaign against Al Shabaab*. Rand Corporation.

⁶ Israeli Ministry of Foreign Affairs (2025), *Declaration by the State of Israel*, available at: [https://www.gov.il/BlobFolder/news/israel-recognizes-the-republic-of-somaliland-as-an-independent-and-sovereign-state-26-dec-2025/en/English NEWSROOM-2025 Declaration by the State of Israel-26-dec-2025.jpg](https://www.gov.il/BlobFolder/news/israel-recognizes-the-republic-of-somaliland-as-an-independent-and-sovereign-state-26-dec-2025/en/English%20NEWSROOM-2025%20Declaration%20by%20the%20State%20of%20Israel-26-dec-2025.jpg) (26.01.2025).

THE HORN OF AFRICA, SOMALILAND, AND CRITICAL QUESTIONS OF 21ST-CENTURY INTERNATIONAL LAW

Vol. 2 – 2025

Benjamin Netanyahu, Foreign Minister Sa'ar and the President of the Republic of Somaliland, specifying that the declaration of recognition "is in the spirit of the Abraham Accords, signed on the initiative of President Trump". It added that "the State of Israel plans to immediately expand its relations with the Republic of Somaliland through extensive cooperation in the fields of agriculture, health, technology and the economy"⁷. In any case, beyond the letter of these statements, this measure should be seen as another piece on the international geopolitical chessboard, particularly with regard to Israel's struggle with Iran⁸. In the current context, the search for allies in the Red Sea region is one of the most significant reasons for this move. Netanyahu considers it necessary to counteract the actions of the Houthis, allies of Tehran, who have controlled Sana'a and large areas of northern Yemen since 2014. He is pursuing this relationship not only to strengthen regional alliances, but also because this territory is understood to be a necessary pillar for strengthening Israel's national security. Let us remember that the Houthis, under the banner of support for the Palestinian people, have launched missiles and drones against Israel in recent months and have attempted to block the Bab el-Mandeb Strait, a key corridor for international trade. I therefore agree with Asher Lubotzky, a researcher at the Israel-Africa Relations Institute, when he argues that we are witnessing a reflection of what is known as the "periphery doctrine". Thus, according to the author, Somaliland would join, under this lens, the close relations Israel maintains with Azerbaijan and Iraqi Kurdistan, which border Iran⁹.

The second vertex of this multifaceted map would be Recep Tayyip Erdogan's Turkey, which has close relations with the Somali government¹⁰. In fact, Ankara has its largest military base outside its borders on Somali territory. It is therefore not surprising that Erdogan has spoken out particularly strongly against a declaration of recognition which, he has said, now seeks to drag the Horn of Africa into instability following the Netanyahu government's attacks on Gaza, Lebanon, Yemen, Iran, Qatar and Syria and the death of 71,000 Palestinians¹¹.

The rejection of the declaration of recognition has been virtually unanimous in the international community. This includes states such as Jordan and Djibouti, regional powers including Saudi Arabia and Egypt, and international organisations such as the

⁷Israeli Ministry of Foreign Affairs (2025), "Israel recognizes the Republic of Somaliland as an independent and sovereign state" <https://www.gov.il/en/pages/israel-recognizes-the-republic-of-somaliland-as-an-independent-and-sovereign-state-26-dec-2025> (26.01.2025).

⁸ For a more in-depth discussion, see, among others, Kaye, D., Nader, A., & Roshan, P. (2011), *Israel and Iran: A dangerous rivalry*; Katz, Y. & Yoaz, H., *Israel vs. Iran: The shadow war*. Potomac Books, Inc.

⁹ Lubotzky, A. (2022), "We Are Returning to Africa, and Africa is Coming Back to Us: Israel's Evolving Relations With Africa", In Ukelina, B. U. (Ed.) *Who owns Africa?: Neocolonialism, investment, and the new scramble*, Leuven University Press.

¹⁰ For a more in-depth discussion see, *inter alia*, Ozkan, M., & Orakci, S. (2015), Turkey as a "political" actor in Africa—an assessment of Turkish involvement in Somalia. *Journal of Eastern African Studies*, Nº. 9(2), pp. 343-352; Sucuoglu, G., & Stearns, J. (2016), *Turkey in Somalia: Shifting Paradigms of Aid*. South African Institute of international affairs; Siradağ, A. (2018), Turkey-Africa alliance: Evolving patterns in security relations. *African Security Review*, Vol. 27(3-4), pp. 308-325.

¹¹ Ministry of Foreign Affairs (2025), *The preservation of Somalia's unity and integrity under any circumstances is a priority for us*. Available at: <https://www.iletisim.gov.tr/english/haberler/detay/the-preservation-of-somalias-unity-and-integrity-under-any-circumstances-is-a-priority-for-us> (26.01.2025).

**THE HORN OF AFRICA, SOMALILAND, AND CRITICAL QUESTIONS OF 21ST-CENTURY
INTERNATIONAL LAW**

Vol. 2 – 2025

Arab League, the Organisation of Islamic Cooperation, the European Union, the East African Community and the African Union. Specifically, the latter maintains that "any attempt to undermine the unity, sovereignty and territorial integrity of Somalia runs counter to the fundamental principles of the organisation and risks setting a dangerous precedent with far-reaching implications for peace and stability across the continent"¹². In contrast, the United Arab Emirates, Morocco and Bahrain have chosen to keep a low profile in recent days. These are precisely the three countries that signed the Abraham Accords with Israel during Donald Trump's first term in office. These agreements recognised the State of Israel and established full diplomatic relations in exchange for certain concessions, including US recognition of Moroccan sovereignty over Western Sahara¹³.

These positions were finalised at the emergency meeting of the Security Council convened on 29 December¹⁴. At this meeting, the sovereignty and territorial integrity of Somalia was defended by all the representatives of the states and international organisations involved, with the exception of the United States and Israel itself. In this regard, the US representative stated that, although "we have no announcement to make regarding US recognition of Somaliland and there has been no change in US policy," she affirmed that Israel "has the same right to maintain diplomatic relations as any other sovereign state". She emphasised that no emergency meeting was convened when, in early 2025, several countries unilaterally recognised a "non-existent Palestinian state"¹⁵. For its part, Israel based its position on denying that this was an act of defiance, but rather a measure aimed at promoting clarity and strengthening stability in the Horn of Africa. As a legal basis, the Israeli representative added that Somaliland meets the customary requirements to be considered a state, which are set out in the 1933 Montevideo Convention. Consequently, this is "a legitimate and principled recognition of an entrenched reality, consistent with international law and aligned with the values that this Council should uphold"¹⁶.

On the other hand, with varying degrees of firmness, there was a statement against Israeli recognition by the rest of the participants. Among them were the positions of Algeria, China, Denmark, Slovenia, Egypt, France, Greece, the Republic of Korea, Kuwait, Panama,

¹² African Union (2025), *AU Chairperson rejects any recognition of Somaliland*, available at: <https://au.int/en/pressreleases/20251226/auc-chairperson-rejects-any-recognition-somaliland> (26.01.2025). In the same regard, African Union (2026) *Communique on the preservation of the sovereignty, territorial integrity, unity, and stability of the Federal Republic of Somalia*, PSC/MIN/COMM.1324 (2026).

¹³ For further reading, see, inter alia, Yossef, A. (2021), The regional impact of the Abraham Accords. *Modern War Institute*, Vol. 20(2), pp. 1-17; Guzansky, Y., & Marshall, Z. A. (2020), The Abraham Accords: Immediate significance and long-term implications, *Israel Journal of Foreign Affairs*, 14(3), pp. 379-389; Singer, J. (2021), The Abraham Accords: normalization agreements signed by Israel with the UAE, Bahrain, Sudan, and Morocco. *International Legal Materials*, Vol. 60(3), pp. 448-463.

¹⁴ UN Security Council (2025), *Israel's Recognition of Somaliland Triggers Sharp Divides, as Security Council Speakers Warn Move Threatens Stability in Horn of Africa*, SC/16270, 29 December 2025. Available at: <https://press.un.org/en/2025/sc16270.doc.htm> (26.01.2025).

¹⁵ UN Security Council (2025), *op. cit.*

¹⁶ UN Security Council (2025), *op. cit.*

THE HORN OF AFRICA, SOMALILAND, AND CRITICAL QUESTIONS OF 21ST-CENTURY INTERNATIONAL LAW

Vol. 2 – 2025

Pakistan, the United Kingdom, Sierra Leone, Somalia, South Africa, Turkey and Djibouti. They were joined by representatives of the African Union and the Arab League. In this regard, the expression "dangerous precedent" was repeated on several occasions, emphasising that this is a direct violation of the United Nations Charter. Specifically, it was a violation of the sovereignty and territorial integrity of Somalia and, therefore, a null and void declaration with no legal effect whatsoever. The situation and status of Somaliland should therefore be resolved through joint dialogue between all Somali stakeholders¹⁷.

It is true that from the perspective of current international law, this case raises a series of interconnected questions that are nothing more than specific manifestations of general issues that have generated and continue to generate extensive theoretical and factual debates: Does Somaliland have the right to self-determination? Is its declaration of independence illegal under international law? What about Israel's recognition of its statehood?

To shed some light on the matter, it is particularly interesting to refer to the advisory opinion issued by the International Court of Justice in 2010 on the *Accordance with international law of the unilateral declaration of independence in respect of Kosovo*. For our purposes, three points deserve particular attention. First, the court held that there is currently "a right to independence for the peoples of non-self-governing territories and peoples subject to foreign subjugation, domination and exploitation". Secondly, there have been declarations of independence outside these circumstances. However, "the practice of States in the latter cases does not reveal the emergence in international law of a new norm prohibiting the adoption of a declaration of independence in such cases". And thirdly, after analysing the practice of the UN Security Council, it states that "the illegality of such declarations did not therefore derive from their unilateral nature, but from the fact that they were or would have been accompanied by an unlawful use of force or other serious violations of the rules of general international law, in particular those of a peremptory nature (*ius cogens*)"¹⁸.

Therefore, in the words of the Court, in certain cases there is a right to independence. Outside of such cases, the declaration of independence *per se* is not prohibited by international law, but the legal consideration changes radically if there is a serious violation of a rule of general international law¹⁹.

¹⁷ UN Security Council (2025), *op. cit.*

¹⁸ ICJ, *Accordance with international law of the unilateral declaration of independence in respect of Kosovo*, ICJ Advisory Opinion of 22 July 2010, pp. 154-155; UN General Assembly (2025), The right of the Palestinian people to self-determination, General Assembly Resolution (A/RES/79/163).

¹⁹ Likewise, and in this regard, the position of Eran Sthoeger deserves mention. This author maintains that "territorial integrity is only mentioned in the Charter in the context of the use of force, and non-intervention under Article 2(7) only applies to the United Nations, not member states. But a more difficult question is whether recognition can breach the wider principle of territorial integrity or the principle of non-intervention under customary international law, reflected in the Friendly Relations Declaration of 1970. As Pellet notes, it is unquestionable that secession undermines the territorial integrity of the parent state, but that effect in itself does not dictate that secession by a non-state actor is illegal, and that recognizing a seceding entity is illegal, absent an international rule to that effect". Sthoeger, E. "The Legality of Recognizing Somaliland", *EJILTALK*, January 28, 2026; Pellet, A. (2015). *Kosovo-The Questions Not Asked: Self-*

THE HORN OF AFRICA, SOMALILAND, AND CRITICAL QUESTIONS OF 21ST-CENTURY INTERNATIONAL LAW

Vol. 2 – 2025

In view of the comparisons made at the emergency meeting of the Security Council by the US representative, as established, among others, by various UN bodies, Palestine falls within the first category of cases²⁰. And, therefore, it not only has the right to self-determination internally –which is a right enjoyed by all peoples in this regard and recognition of their identities within the state framework– but also externally, that is, to independence. The same applies to Western Sahara, which has the status of a non-self-governing territory awaiting decolonisation²¹. On the other hand, it is controversial, to say the least, that under current international law, Somaliland, in its consideration as a people, holds not only the first of these aspects, but also the second²².

The next issue to be clarified would be whether Somaliland's declaration of independence is illegal in the international sphere. In this regard, there has been no Security Council resolution condemning the declaration of independence on the grounds that it was accompanied by serious violations of international law. Nonetheless, I reiterate that various sources, such as Amnesty International, have confirmed the use of force by the Somaliland authorities and possible indiscriminate bombing of civilians, schools, hospitals and mosques, which could lead to serious violations of international humanitarian law and war crimes²³.

The next question is whether Israel has committed an internationally wrongful act by recognising the statehood of Somaliland. In this regard, as was also highlighted at the Security Council meeting, there are three customary elements required to achieve the legal status of a state under international law: defined territory, permanent population and a government that effectively controls the territory and population²⁴. However, one school of thought, to which I adhere, adds an additional requirement related to respect for the international legal order and, specifically, respect for the so-called peremptory

Determination, Secession and Recognition. The law and politics of the Kosovo advisory opinion, Oxford University Press, p. 274.

²⁰ Among others, ICJ, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, ICJ Advisory Opinion of 9 July 2004.

²¹ United Nations (2024), *The united Nations and Decolonization*, available at: <https://www.un.org/dppa/decolonization/en/nsqt/western-sahara> (26.01.2025).

²² In any case, I consider it appropriate to quote Eran Stoecker on this matter, who maintains that “if the doctrine of remedial secession – allowing the exercise of external self-determination – is part of customary international law, which is controversial, it can reasonably be said to apply to Somaliland, as the mass crimes committed by Somalia against Somaliland during the civil war – amounting to war crimes, crimes against humanity and likely exhibit the facts and special intent present in acts of genocide against the Isaaq clan – were gross violations of the fundamental human rights of Somalilanders and are a solid basis for the rise of a right to remedial secession”. Stoecker, E. “The Legality of Recognizing Somaliland”, EJILTALK, January 28; Carroll, A. J., & Rajagopal, B. B. (1992), “The case for the independent statehood of Somaliland”, *American University Journal of International Law and Policy*, 8, pp. 653-682; Mburu, C. 2002, “Past Human Rights Abuses in Somalia” Report of a Preliminary Study Conducted for the United Nations (OHCHR/UNDP-Somalia).

²³ In this context, see also A. J. Mohamud (2023) “Core International Crimes Committed In Las Anod By Somaliland’s Forces”, *Eurasia Review*; Amnesty International (2023), *Somaliland: Urgent investigation needed as fighting takes heavy toll on civilians in Las Anod*, available at: <https://www.amnesty.org/en/latest/news/2023/04/somaliland-conflict/> (26.01.2025).

²⁴ UN Security Council (2025), *op. cit.*

THE HORN OF AFRICA, SOMALILAND, AND CRITICAL QUESTIONS OF 21ST-CENTURY INTERNATIONAL LAW

Vol. 2 – 2025

norms or *jus cogens*, which by their very nature do not allow for any agreement to the contrary²⁵. Be that as it may, the first clarification we must add is that there are large areas of the claimed territory of historic Somaliland that are disputed or under partial control by its *de facto* authorities. And, although there are very different positions on the theories and requirements of statehood that go beyond the scope of this paper²⁶, I do maintain that the recognition of states is a declarative and political element, not a constitutive criterion of statehood. In other words, recognition is not necessary for a state to exist²⁷. On the other hand, if Israel or any other state in the international community recognises the statehood of an entity before it has all the necessary elements in place, this would constitute early recognition, which is an internationally unlawful act, as it clearly violates the principle prohibiting interference in the internal affairs of states – in this case Somalia – under Article 2.4 of the UN Charter²⁸.

III. FINAL CONSIDERATIONS

As has been demonstrated, the question of Somaliland's status raises a series of interconnected questions that are nothing more than specific manifestations of general issues that have generated and continue to generate extensive theoretical and factual debates in current international law. Specifically, it raises questions with regard to the articulation of the principle of self-determination of peoples, access to full subject status in the international legal system, and the contemporary legal regime for the recognition of states.

²⁵ López Martín, A. G. (2017), “Los requisitos de efectividad y de legalidad en el acceso a la estatalidad de las entidades secesionistas”. *ICADE. Revista de la Facultad de Derecho*, N°.101.

²⁶ For further reading, see, inter alia, Crawford, J. (1976), “The criteria for statehood in international law”. *British Yearbook of International Law*, Vol. 48(1), pp. 93-182; Nicholson, R. (2019), *Statehood and the State-like in International Law*. Oxford University Press; Okafor, C. (2021), *Re-defining legitimate statehood: international law and state fragmentation in Africa*, Brill; French, D. (Ed.), (2013), *Statehood and self-determination: Reconciling tradition and modernity in international law*. Cambridge University Press; Schoiswohl, M. (2004). *Status and (human rights) obligations of non-recognized de facto regimes in international law: the case of 'Somaliland'*. Brill; Seidel, K. (2025), *Internationalised Constitution Making and State Formation: Negotiating Peace and Statehood in South Sudan and Somaliland*. Taylor & Francis; Hoyle, P. (2000), “Somaliland: Passing the statehood test”, *IBRU Boundary and Security Bulletin*, Vol. 8(3), pp. 80-91.

²⁷ In this regard, see Yugoslavia Peace Conference, Arbitration Commission. 11 January 1992; Crawford, J. (2006), *The creation of states in international law*, Oxford University Press, p. 93.

²⁸ Furthermore, in this regard, let us recall Article 41 of the Draft Articles on Responsibility of States for Internationally Wrongful Acts. Therefore, in accordance with Article 41 thereof “1. States shall cooperate to bring to an end through lawful means any serious breach within the meaning of article 40 [serious breach by a State of an obligation arising under a peremptory norm of general international law]. 2. No State shall recognize as lawful a situation created by a serious breach within the meaning of article 40, nor render aid or assistance in maintaining that situation”. In the comments on that article, James Crawford notes that “pursuant to paragraph 2 of article 41, States are under a duty of abstention, which comprises two obligations, first, not to recognize as lawful situations created by serious breaches in the sense of article 40 and, secondly, not to render aid or assistance in maintaining that situation. The first of these two obligations refers to the obligation of collective non-recognition by the international community as a whole of the legality of situations resulting directly from serious breaches in the sense of article 40. The obligation applies to “situations” created by these breaches, such as, for example, attempted acquisition of sovereignty over territory through the denial of the right of self-determination of peoples. It not only refers to the formal recognition of these situations, but also prohibits acts which would imply such recognition”.

THE HORN OF AFRICA, SOMALILAND, AND CRITICAL QUESTIONS OF 21ST-CENTURY INTERNATIONAL LAW

Vol. 2 – 2025

Before concluding this article, I would like to make room for three additional points. At the Security Council meeting, previously unknown concessions that Somaliland would have to make to the Israeli state emerged²⁹. These range from the establishment of military bases in the ports of northern Somalia to a possible plan – reported in various media outlets – for the forced displacement of Palestinians. Such action is classified under Articles 7 (crimes against humanity) and 8 (war crimes) of the Rome Statute of the International Criminal Court. With regard to its military presence, Israel would share territory with the United Arab Emirates, one of the states with which it has the best relations in the Arabian Peninsula, and which has already established its own military base in Somaliland.

On the other hand, we will have to pay close attention to the next steps taken by Addis Ababa, as in January 2024 the Government of Somaliland and the State of Ethiopia signed a controversial memorandum of understanding (MOU) granting Ethiopia access to the sea in exchange, according to Somaliland, for recognition of its statehood³⁰. This point was not included in the information provided by official Ethiopian sources and was denied by Addis Ababa at the time³¹.

In this regard, it must be borne in mind that the recognition of States may occur both expressly—as Israel has done—and implicitly. In particular, some scholars consider that acts of recognition *de facto* include the conclusion of bilateral treaties³². Accordingly, a treaty is to be understood as “an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and *whatever its particular designation*”³³. Therefore, it would be necessary to examine whether the conclusion of the aforementioned agreements with Ethiopia, together with the significant agreements between Somaliland and the United Arab Emirates³⁴, constitute acts of implicit recognition of Somaliland’s statehood. Likewise, continuing within the sphere of acts of implicit recognition, it seems more prudent to affirm that the establishment of diplomatic

²⁹ UN Security Council (2025), *op. cit.*

³⁰ Ministry of Foreign Affairs and International Cooperation, Republic of Somaliland (2024), *Pres Release for Immediate Release The Republic of Somaliland Government signs Memorandum of Understanding (MoU) with Federal Democratic Republic of Ethiopia for Seaport Access in Exchange for International Recognition*, available at: <https://mfa.govsomaliland.org/article/immediate-release-republic-somaliland-government-signs-memor> (26.01.2025).

³¹ ENA (2024), *Ethiopia Signs Historic MoU with Somaliland to Secure Access to Sea*. Available at: https://www.ena.et/web/eng/w/eng_3805670 (26.01.2025).

³² For further information on this matter, see, among others, Crawford, J., (2006). *The Creation of States in International Law*, Oxford University Press; Lauterpacht, H. (1947), *Recognition in International Law*, Cambridge University Press; Schachter, O., (2024), *International Law in theory and practice* (Vol. 13), Martinus Nijhoff Publishers; Lauterpacht, H., (1944), “Recognition of States in International Law”. *The Yale Law Journal*, 53, pp. 385-458; Chiu, H., (1989), “The International Law of Recognition and the Status of the Republic of China”, *J. Chinese. L.*, 3, p. 193.

³³ Article 2(1)(a), Vienna Convention on the Law of Treaties.

³⁴ Somaliland-UAE, Somaliland’s Relations with the United Arab Emirates, <https://somaliland.ae/relations/> (26.01.2025).

THE HORN OF AFRICA, SOMALILAND, AND CRITICAL QUESTIONS OF 21ST-CENTURY
INTERNATIONAL LAW

Vol. 2 – 2025

relations is among such acts³⁵. It should be noted that Somaliland maintains a Representative Office in Taipei, Taiwan, inaugurated on 9 September 2020, which carries out many of the functions of a de facto embassy³⁶. This adds to what Somaliland authorities regard as the opening of an embassy in Ethiopia³⁷.

Hence, between sovereignty and recognition, politics and diplomacy, redrawn maps and ignored realities, the only thing that is clear is that global attention will shift to the Horn of Africa and the Red Sea in 2026. Let us hope that it is not to narrate, as Hobbes described in his *Leviathan*, that a *bellum omnium contra omnes* has been unleashed in the absence of laws.

*A previous version of this article in Spanish appeared in *Foreign Affairs Latinoamérica*.

³⁵ Ibid, 32.

³⁶ RSL Representative to the Republic of China (Taiwan, <https://somaliland.tw/representative/> (26.01.2025).

³⁷ The Rio Times, (2024), *Ethiopia Backs Somaliland's Diplomatic Push with Embassy Land Grant*, <https://www.riotimesonline.com/ethiopia-backs-somalilands-diplomatic-push-with-embassy-land-grant/> (26.01.2025); *Ethiopia silent as Somaliland lays foundation for embassy in Addis Ababa*, <https://www.hiiraan.com/news4/2024/Oct/198520/ethiopia-silent-as-somaliland-lays-foundation-for-embassy-in-addis-ababa.aspx> (26.01.2025).