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## **Legality of Israel's Recognition of Somaliland and its Implication for Peace and Security of the Horn of Africa**

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### **Abstract**

Israel officially recognized Somaliland as an independent sovereign state on December 26, 2025. This recognition has created a significant diplomatic rift among key actors in the geopolitical configuration of the Horn of Africa. Somalia condemned the move as a violation of its sovereignty and the UN Charter, while several other states have characterized it as an infringement of article 2(4). Furthermore, various authorities perceive Israel's recognition of Somaliland as a threat to the peace and security of the region. This paper examines whether Israel's recognition constitutes a violation of the UN Charter and analyzes its broader implications. The article concludes that Israel's recognition of Somaliland is substantiated by international law, and its ultimate impact on the Horn of Africa remains dependent on the strategic responses of Red Sea actors.

Keywords: Article 2(4) UN Charter, Dissolution of Union, Horn of Africa geopolitics, Montevideo Convention, Red Sea maritime security, Somaliland statehood

### **1. Introduction**

**S**omaliland has remained a de facto independent state for over three decades, despite the absence of formal de jure recognition from the international community.<sup>1</sup>

Various nations, including Germany, Egypt and Ethiopia have previously explored the possibility of recognizing Somaliland in exchange for sea access and the establishment of a naval base in Berbera; however, these attempts remained unsuccessful.<sup>2</sup> In an unprecedented geopolitical move, Israel formally recognized Somaliland as an independent sovereign state on December 26, 2025.<sup>3</sup> Somaliland received Israel's recognition as a "milestone in Somaliland's longstanding pursuit of international legitimacy, reaffirming its historical, legal, and moral entitlements to statehood."<sup>4</sup> Somalia rejected the recognition as a violation of its sovereignty and territorial integrity.<sup>5</sup>

Article 2(4) of the UN Charter imposes an obligation on all states to refrain from interfering in the territorial integrity and sovereignty of any state.<sup>6</sup> Accordingly, some authors contend that Israel's recognition of Somaliland is a violation of Article 2(4) of the UN Charter and, consequently, it violates Somalia's sovereignty and territorial integrity.<sup>7</sup> Furthermore, some authorities suggest that Israel's recognition of Somaliland is driven by a strategy of military security and an expansionist ideology.<sup>8</sup> Several international institutions and states have condemned this recognition as a clear violation of international law, perceiving it as a direct threat to the peace and security of the Horn of Africa.<sup>9</sup> International institutions, including the United Nations, the European Union, the Arab League, and the Organization of Islamic Cooperation, alongside several states such as Egypt, Eritrea, Saudi Arabia, and Turkey, have condemned Israel's recognition of Somaliland as a violation of Somalia's sovereignty.<sup>10</sup> This paper contends, however, that from the perspective of international law, the recognition of Somaliland does not violate article 2(4) of the UN Charter and the established legal order. Regarding the implications for regional stability, this article argues the ultimate outcome depends upon the collective response of the international community, particularly the strategic actors within the Red Sea corridor.

## **2. Historical Precedents: Prior Attempts to Recognize Somaliland and the Rationale for Their Failure**

Historically, Somaliland's claim to statehood is anchored in its brief period of independence in 1960.<sup>11</sup> Following the termination of the British Protectorate, the State of Somaliland received formal recognition from 35 sovereign states, including all five permanent members of the United Nations Security Council.<sup>12</sup> Israel was one of the sovereign states that recognized Somaliland at that time. This historical precedent serves as a foundational pillar for Somaliland's contemporary legal arguments regarding its right to resume its status as a sovereign actor within the international system.<sup>13</sup>

Israel is not the first sovereign entity to approach the threshold of recognizing Somaliland. While several nations most notably Germany, Egypt and Ethiopia have engaged in high-level diplomatic overtures, these interactions remained confined to the realm of proposal, bilateral negotiations and the signing of Memorandums of Understanding. Crucially, these actions stopped short of formal *de jure* recognition. In 2002, Germany entertained the prospect of extending formal recognition to Somaliland as a sovereign state conditional upon the establishment of a naval facility at the Port of Berbera.<sup>14</sup> This diplomatic overture was ultimately abandoned when Berlin secured a base in Djibouti, leading Germany to denounce its previous considerations.<sup>15</sup> Subsequently, Germany reinforced its adherence to the “One Somalia policy” aligning itself with international consensus by upholding Somalia’s sovereignty over the territory.<sup>16</sup>

Similarly, in 2019, Egypt and Somaliland entered negotiations regarding formal recognition in exchange for an Egyptian naval base in Berbera.<sup>17</sup> However, Hargeisa ultimately rejected Cairo’s overtures. This refusal was driven by the fear that an Egyptian military presence would jeopardize Somaliland’s strategic diplomatic relationship with Ethiopia, which remains locked in a diplomatic rift with Egypt over the utilization of the Nile River and the Grand Ethiopian Renaissance Dam.<sup>18</sup> In 2024, Ethiopia and Somaliland signed a maritime accord known as the “Memorandum of Understanding for Partnership and Cooperation.”<sup>19</sup> This agreement promised formal recognition from Ethiopia in exchange for a sovereign naval base in Berbera, involving a 50-year lease of 20 kilometers of coastline along the Red Sea.<sup>20</sup> However, international institutions and various states rejected Ethiopia’s move, citing it as a violation of Somalia’s territorial integrity and sovereignty.<sup>21</sup> Subsequently, Turkey facilitated negotiations between Ethiopia and Somalia to resolve the diplomatic strife resulting from the accord.<sup>22</sup> The two states eventually signed the Ankara Declaration, in which Ethiopia agreed to respect the sovereignty of Somalia.<sup>23</sup> In return, Somalia agreed to grant Ethiopia maritime access via the Indian Ocean.<sup>24</sup>

### **3. Israel’s Recognition of Somaliland from the Perspective of International Law**

Respecting the territorial integrity and sovereignty of states is a foundational principle of international law.<sup>25</sup> Consequently, interference in the internal affairs of a state is recognized as a violation of this foundational principle, which has attained the status of customary international law.<sup>26</sup> Some authorities suggest that Israel’s recognition of Somaliland infringes upon Somalia’s territorial integrity and sovereignty principles enshrined in the UN Charter as fundamental tenets.<sup>27</sup> Similarly, several international and regional institutions, along with various states, have condemned Israel’s act as a

blatant violation of international law. However, this paper contends that the recognition of Somaliland as a sovereign state does not violate international law and UN Charter. Moreover, this article maintains that Somaliland's pursuit of statehood should not be characterized as a quest for a unilateral declaration of independence, but rather as a legitimate claim for the restoration of a prior sovereign status. This article invokes the following legal justifications to contend that Israel's recognition of Somaliland does not constitute an infringement of Somalia's sovereignty or a violation of Article 2(4) of the UN Charter.

Firstly, an entity attains the status of statehood upon fulfilling the four cumulative criteria established under Article 1 of the 1933 Montevideo Convention on the Rights and Duties of States: a permanent population, a defined territory, an effective government, and the capacity to enter into relations with other states.<sup>28</sup> As corroborated by the African Union Fact-Finding Mission to Somaliland and reports from the International Crisis Group, Somaliland has demonstrably satisfied the requirements stipulated in this convention.<sup>29</sup> Specifically, Somaliland possesses a permanent population exceeding 3.8 million and a territory delimited by established colonial-era boundaries.<sup>30</sup> Furthermore, Somaliland maintains a functional and effective government that exercises exclusive jurisdiction and effective control over its territory, characterized by a history of peaceful transitions of power and democratic stability.<sup>31</sup> Regarding its capacity to enter into international relations, Somaliland actively engages in diplomatic and bilateral relations with a multitude of sovereign actors, including the United Kingdom, Ethiopia, Djibouti, Kenya, and Taiwan and maintains representative offices in several Western jurisdictions such as the United States, Canada, and the European Union.<sup>32</sup>

Secondly, the case of Somaliland is unique within the history of international law regarding claims to statehood, a fact reaffirmed by the African Union Fact-Finding Mission to Somaliland.<sup>33</sup> Unlike entities invoking the right to external self-determination for the first time, Somaliland possesses a prior history as a recognized independent sovereign state.<sup>34</sup> Somaliland's sovereign status was subsumed into the establishment of "Greater Somalia" following a voluntary union between the State of Somaliland and the Trust Territory of Somalia in 1960.<sup>35</sup> Consequently, Somaliland is not seeking a unilateral declaration of independence or a secessionist break; rather, it is invoking the restoration of its status quo ante as a sovereign actor.<sup>36</sup> Therefore, the legal characterization of Somaliland's claim is the dissolution of a union between two formerly independent states, analogous to the dissolution of the Senegambia Confederation between Senegal and the Gambia. In such precedents, the constituent states revert to their prior independent status upon the termination of the union without

the requirement of fresh recognition from the international community.<sup>37</sup> Unlike entities seeking to establish statehood, Somaliland is asserting a claim for the restitution of its former sovereignty. Having enjoyed internationally recognized independence in 1960 prior to entering into a voluntary merger, Somaliland's current legal standing is more accurately defined as a "dissolution of union" rather than an act of secession.<sup>38</sup>

Thirdly, there is a fundamental absence of a valid international or bilateral instrument signed between the State of Somaliland and Somalia to legally constitute the "Republic of Somalia."<sup>39</sup> The Legislative Assembly of Somaliland endorsed the "Law of Union" on June 27, 1960, this document was a unilateral instrument that specifically required reciprocal ratification by the authorities in Mogadishu to achieve legal validity.<sup>40</sup> However, the government of Somalia failed to formally ratify this specific instrument. Instead, Mogadishu enacted a separate, non-identical "Act of Union" that was never harmonized with Somaliland's legal requirements.<sup>41</sup> Because the specific document endorsed by Somaliland was never ratified by Somalia, the purported merger remains a legal nullity.<sup>42</sup> Accordingly, in the absence of a mutually ratified and binding international agreement, the legal basis for a permanent sovereign union is non-existent. Consequently, the State of Somaliland retains the legal right to resume its status as an independent sovereign entity, as the purported union lacks the necessary foundation of a valid international treaty.

Finally, as self-determination and territorial integrity are both recognized as fundamental principles under the UN Charter, Somaliland's recognition should not be examined in isolation from the principle of self-determination simply to defend Somalia's sovereignty.<sup>43</sup> The UN Charter treats these two principles as equal foundations of the international legal order.<sup>44</sup> The central question that arises is how an entity can exercise its right to external self-determination without violating the sovereignty of a parent state. Historically, parent states rarely permit their provinces to exercise external self-determination the rare exception being Ethiopia, which allowed Eritrea to do so.<sup>45</sup> The right of self-determination is recognized as a fundamental human right in several human rights instruments.<sup>46</sup> This right can be exercised by establishing an independent sovereign state.<sup>47</sup> As James Crawford argued the "the creation of state is governed by international law and not left to the discretion of individual state."<sup>48</sup>

Accordingly, this paper addressing this question as external self-determination invoked by entities which have fulfilled the elements of statehood should not be considered as violation of sovereignty of parent state. Unless it's a traditional bias toward sovereignty precludes entities from exercising their right to self-determination. Conversely, claims to external self-determination by entities that do not meet the legal elements of statehood are considered violations of international law and the sovereignty

of the parent state. In this sense, Israel's recognition of Somaliland doesn't constitute the violation of international law, hence Somaliland has fulfilled all preconditions of statehood which embedded in the Montevideo Convention.

It is astounding that states which recognize Kosovo as a sovereign state have currently condemned Somaliland's quest for statehood. This reveals the political nature of recognition and demonstrates how states perceive international law in the context of their national interests. International law considers recognition to be a violation of legal norms in three specific circumstances. The first is premature recognition, which refers to recognizing entities as states without them fulfilling the criteria of statehood; this does not apply to Somaliland's quest.<sup>49</sup> The second is recognizing entities created by foreign intervention, such as Northern Cyprus, which similarly does not extend to Somaliland's contemporary situation.<sup>50</sup> The third is when recognition is prohibited by the UN Security Council. For example, when Iraq annexed Kuwait, the Council passed a resolution to not recognize the annexation directly or indirectly.<sup>51</sup> In the case of Somaliland, the Council has not passed any such resolution. Therefore, the recognition of Somaliland as an independent sovereign state does not constitute a violation of international law.

In conclusion, as long as Somaliland has fulfilled all the functional elements of statehood, recognizing it as an independent sovereign state cannot constitute a breach of international law. Regarding Article 2(4) of the UN Charter, the prohibition applies strictly to the threat or use of physical force that interferes with the territorial integrity of another state.<sup>52</sup> Israel's recognition of Somaliland is a diplomatic and political act, not a forceful interference. Furthermore, this provision does not expressly preclude the recognition of entities as states particularly those that have demonstrably fulfilled the criteria of statehood and are seeking the restoration of a prior sovereign status.

#### **4. Implication of Israel's Recognition for the Peace and security of Horn of Africa**

The implications of Israel's recognition of Somaliland for the peace and security of the Horn of Africa depend largely upon the responses of the international community, particularly superpowers and emerging middle powers. This further illustrates that states often perceive international law through the lens of their own national interests. Taking diplomatic measures based on their national interest against Israel for this recognition could endanger the peace and security of geopolitics of the Red Sea and further fuel instability in a region already known for its volatility.<sup>53</sup> The recognition of Somaliland by Israel acts as a strategic catalyst that crystallizes previously fluid regional interests into two distinct contending power blocs thereby fundamentally altering the security architecture of the Red Sea basin.<sup>54</sup> The first bloc comprised of the United Arab

Emirates, Ethiopia, Israel, and India represents a maritime-continental alignment focused on securing the Bab el-Mandeb strait through infrastructure driven diplomacy and the establishment of a sovereign naval presence.<sup>55</sup>

For Israel and the UAE, this partnership under the spirit of the Abraham Accords provides a vital counterweight to Houthi threats and Iranian naval influence.<sup>56</sup> While for landlocked Ethiopia, it offers a high-tech security partnership and a legitimate alternative to its dependence on Djibouti.<sup>57</sup> Moreover, this alignment is a strategic necessity for the UAE and Israel to establish military and maritime presence in the region and to counter Turkey's growing supremacy in the Horn of Africa. While Turkey has cultivated deep-rooted diplomatic and security ties with the Federal Government of Somalia, UAE and Israel seeks to dilute Ankara's influence. By pivoting toward Somaliland and the port of Berbera, the UAE and Israel aim to challenge Turkey's regional dominance and ensure that no single external power maintains a hegemony over the strategic corridors of the Gulf of Aden and the Red Sea.

Conversely, a second bloc consisting of Turkey, Somalia, Egypt, and Saudi Arabia aligns under a sovereigntist framework dedicated to preserving the "One Somalia" policy.<sup>58</sup> Turkey's significant military and state-building investments in Mogadishu, coupled with Saudi Arabia's desire to maintain the Red Sea as an Arab lake free from non-littoral military footprints, create a natural opposition to any shift in Somaliland's status.<sup>59</sup> The danger of this fragmented approach lies in its zero-sum logic, where a gain in legitimacy for Hargeisa is perceived as an absolute loss for Mogadishu's sovereignty. If these middle powers continue to prioritize narrow national interests over a unified regional framework, the Horn of Africa risks becomes jeopardized and theater for proxy competition where local legal disputes are shift into a transregional conflict, ultimately formalizing two hostile power blocs that undermine collective stability.

The inclusion of Egypt within the sovereigntist bloc alongside Somalia, Turkey, and Saudi Arabia, adds significant volatility to the geopolitical configuration of the Horn of Africa.<sup>60</sup> Cairo's current alignment with Mogadishu is driven by a zero-sum national security doctrine centered on the hydro-politics of the Nile River and the Red Sea corridor.<sup>61</sup> For Egypt, any diplomatic or military empowerment of Ethiopia-Somaliland's primary regional ally is perceived as an existential threat.<sup>62</sup> By staunchly defending Somalia's territorial integrity, Egypt seeks to diplomatically encircle Ethiopia and prevent the establishment of a pro-Ethiopian naval presence in the Gulf of Aden.<sup>63</sup> Consequently, Egypt has repeatedly rejected Ethiopia's ongoing maritime aspirations, viewing them as a direct threat to its hegemony and supremacy in the Red Sea. This was particularly evident when Egypt, Eritrea, and Somalia engaged in a series of tripartite diplomatic summits following Ethiopia's official claim of its historical rights

in the Red Sea. Notably, Egypt has underscored a restrictive legal stance, asserting that states which are not adjacent to the Red Sea should not be granted sovereign access to the Red Sea.

However, in 2019, Egypt itself approached the threshold of extending formal recognition to Somaliland in exchange for a sovereign naval facility in Berbera, a proposal that Hargeisa ultimately rejected to avoid jeopardizing its strategic relationship with Ethiopia.<sup>64</sup> This historical precedent demonstrates that states frequently perceive international law and the principle of territorial integrity through the pragmatic lens of their own national interests.<sup>65</sup> Egypt's current condemnation of Israel's move, contrasted with its own 2019 overture, underscores that Cairo's opposition is not rooted in a rigid defense of international legal norms, but in a calculated effort to prevent a shift in the regional balance of power that would favor its historic rival, Ethiopia. Consequently, the legal debate over Somaliland's status has become a secondary instrument to the primary pursuit of regional hegemony over the Horn of Africa's strategic waterways.

Therefore, if these powers prioritize strategic positioning over established legal norms, the resulting shift in alliances may redefine security dynamics across the Bab el-Mandeb strait and the broader of the Horn of Africa. Authorities in Mogadishu have signaled a stark ultimatum: unless Israel refrains from its efforts to establish a naval presence in Somaliland, the Federal Government of Somalia is prepared to engage in armed conflict to defend its territorial integrity by the blood of its citizens.<sup>66</sup> This rhetoric underscores the legal reality that Israel's recognition of Somaliland and any subsequent military footprint could severely destabilize the region unless a bilateral or multilateral diplomatic resolution is reached.

Conversely, a strategic Israeli presence in the Horn of Africa could serve as a vital maritime security asset. Such a presence would facilitate secure trade corridors and provide a necessary counterweight to Houthi insurgent threats, which currently jeopardize international commerce and freedom of navigation in the Red Sea.<sup>67</sup> Beyond maritime security, Israel's advanced military intelligence and surveillance capabilities could bolster regional efforts to combat transnational threats, including terrorism, human trafficking, and illicit smuggling. Consequently, the legal and political debate surrounding recognition is balanced against the pragmatic need for regional security and the protection of global supply chains.

To resolve the diplomatic rift between Somalia and Israel while preserving the peace and security of the Horn of Africa, this paper proposes three strategic solutions:

#### **4.1 *Mediated Diplomatic Negotiation: The Washington Process***

Drawing a parallel to the Ankara Declaration between Ethiopia and Somalia, this paper suggests that Somalia and Israel engage in formal diplomatic negotiations. Given its strategic alliance with Israel and its historic role in regional stabilization, Washington is uniquely positioned to serve as a mediator.<sup>68</sup> Much like Ankara's role in mending Ethiopia-Somalia relations, U.S. involvement could facilitate a structured dialogue to de-escalate tensions and reach a mutually beneficial accord. Under this framework, the U.S. would facilitate a deal where Israel formally renounces its intention to recognize Somaliland, thereby protecting Somalia's territorial integrity and de-escalating the diplomatic rift.

In exchange, the Federal Government of Somalia would grant Israel a sovereign naval facility within its recognized maritime borders. This would be paired with a robust military partnership where Israel provides Somalia with advanced surveillance technology and intelligence capabilities to decisively degrade the Al-Shabaab terrorist group. By trading the recognition card for a security partnership, all parties achieve their primary goals: Somalia maintains its borders and gains a high-tech ally against terrorism, while Israel secures a vital naval footprint in the Red Sea corridor.

#### **4.2 *Transcending National Interests for Regional Stability: A Multilateral Security Framework***

The international community specifically key actors within the Red Sea corridor must adopt a perspective that transcends narrow national interests. A zero-sum approach, where states align strictly with either Israel or Somalia, risks creating two contending power blocs in the Red Sea. Such a division would inevitably escalate geopolitical friction and jeopardize the broader security architecture of the Horn of Africa. Conversely, an approach rooted in the preservation of international law and regional stability will serve to de-escalate tensions and foster long-term security.

To mitigate this risk, this paper proposes the establishment of a Red Sea Maritime Coordination Council as a mechanism for institutionalized regional cooperation. By shifting the focus toward a multilateral security arrangement, the region can move away from the destabilizing "bloc politics" and bilateral naval base deals that currently pit Mediterranean and Gulf powers against one another. Such a framework would prioritize functional cooperation, allowing actors like Israel, Somalia, UAE, Turkey, Saudi Arabia, Ethiopia, and Somaliland to collaborate on shared security imperatives including anti-piracy and counter-smuggling operations without the immediate necessity of resolving the contentious debate over de jure recognition.

Furthermore, this approach provides a necessary legal anchoring by treating maritime security as a “global public good” rather than a zero-sum territorial asset. Grounding regional relations in the preservation of international law serves to de-escalate immediate tensions and fosters long-term stability that benefits all stakeholders, regardless of their diplomatic stance on Somaliland’s ultimate status. This structural shift from competitive militarization to collective oversight would neutralize hegemonic rivalries and safeguard the broader security architecture of the Horn of Africa.

#### ***4.3 Multilateral Recognition as a Permanent Solution: The Referendum Roadmap***

The United Nations and the African Union have repeatedly ignored Somaliland’s claims for recognition as an independent state, even in the face of shifting diplomatic stances from actors such as Ethiopia and Israel.<sup>69</sup> Rather than maintaining a policy of perpetual condemnation, the United Nations and the African Union should facilitate the formal recognition of Somaliland through a supervised referendum on self-determination. This paper contends that such recognition is the most viable permanent solution to the disputes arising from the competing claims of Mogadishu and Hargeisa. Just as the widespread recognition of Kosovo served to define the parameters of its relationship with Serbia, establishing a clear legal status for Somaliland would stabilize the regional security architecture. This can be achieved by following the historical off-ramp models used in Eritrea (1993) and South Sudan (2011).<sup>70</sup>

By initiating a UN and AU-supervised referendum, the international community provides a legitimate legal process for Somalia to accept the outcome, ensuring that sovereignty is transitioned through democratic consensus rather than unilateral action. Furthermore, this approach aligns with the African Union’s 2005 Fact-Finding Mission, which explicitly stated that Somaliland constitutes a “unique case” and that its quest for recognition should not be seen as opening a “Pandora’s box” of secession across the continent. By eliminating the legal ambiguity that currently fuels contending forces in the Red Sea, the international community can foster a predictable and secure geopolitical environment.

### **5. Conclusion**

The formal recognition of Somaliland by Israel on December 26, 2025, represents a transformative moment in the geopolitical landscape of the Horn of Africa. While critics and regional actors have characterized this diplomatic act as a violation of the UN Charter and an infringement upon Somalia’s territorial integrity, a rigorous legal analysis suggests otherwise. This paper has demonstrated that Somaliland’s claim to

statehood is not a secessionist movement, but rather a unique case of the dissolution of a voluntary union. By fulfilling the objective criteria of the Montevideo Convention and asserting a right to the restoration of its 1960 sovereignty a sovereignty that was never legally extinguished due to the non-ratification of the Act of Union Somaliland stands as a sovereign entity in its own right. Consequently, Israel's recognition does not constitute a violation of Article 2(4) of the UN Charter, as it acknowledges a pre-existing legal reality rather than using force to dismember a unified state.

The security of the Red Sea corridor and the stability of the Horn of Africa remain precariously balanced. To prevent the escalation of conflict and a zero-sum military buildup, the international community must move beyond the policy of perpetual condemnation and toward pragmatic engagement. The strategic solutions proposed in this article, the Washington Process, the establishment of a Red Sea Maritime Coordination Council, and UN-supervised referendum offer a roadmap for de-escalating tensions. By transitioning from a framework of competitive militarization to one of collective maritime security and democratic self-determination, the region can transform a diplomatic rift into a catalyst for long-term peace. Ultimately, the recognition of Somaliland should not be viewed as a threat to the international order, but as an opportunity to rectify a historical legal ambiguity and secure the maritime future of the Horn of Africa.

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