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The Possibility of Trade-Based Cooperation among Horn Countries that Advances Political Stability and Prosperity

Abdiqani Ahmed Farah, PhD¹*

¹ Al Hayat Medical University, Wadnaha Road, Tarabuunka, Mogadishu, Somalia.

* Author for Correspondence ORCID ID: <https://orcid.org/0000-0002-3605-6722>; Email: Abdiqani.farah@alhayat.edu.so

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the Global Community.

This review paper tries to explore, notwithstanding integral incongruities and contradictions, an alternative to conflict rules-based trade cooperation between horn countries. In order to secure reciprocal advantages and shared prosperity, it also recognizes the importance of building and upholding frameworks for international relations, the liberal international order (LIO), often referred to as the rules-based International order (RBIO), for the aforementioned rights of land-locked states and safeguarding the transit states sovereignty. Furthermore, facing a cooperation that genuinely adheres to international order in which both sides of the divide are bound by it, thus, reinforces that order to preserve the conditions needed for mutual peace and prosperity. On that note, the recent political discourse triggered by the land-locked Ethiopian endeavour to access the shores of Somalia to be RBIO which both sides abide by, just as land-locked African countries access the ports of littoral inhabitant ones, proceeds both sides' interests rather than a one based on hegemonic or exploitative ambitions. Penultimately, understanding and advancing a mutual benefit, adhering to the rules-based trade cooperation between both sides, puts the foundations of an ecosystem that binds together individual nation-states to another, as what happens in one country can have a significant and unanticipated antagonistic impact in the realms of economy and security. Finally, International laws, regulations, and standards, along with the institutions that regulate them, are what gave rise to the United Nations and its charter, which member states ratified to express their desire to join the global community. As a result, all of the Horn countries' members are required to abide by the core values and clauses found in that charter.

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INTRODUCTION

Since the late 1940s, a set of global, organized interactions based on political, economic, and liberal internationalism have been referred to as the liberal international order (LIO), also known as the rules-based International order (RBIO), in the field of international relations. The LIO has been established by accessing global markets in a level plane field among the spectrum of nations, developed or otherwise, (Lake *et al.*, 2021). More specifically, it includes international collaboration through multilateral institutions like the United Nations, the World Trade Organization, and the International Monetary Fund. It is made up of human equality (freedom, the rule of law, and human rights), open markets, security cooperation, and liberal democratic advancement. In order to advance human rights, free trade, capital mobility, and democracy, among other goals, the order was created subsequent to World War II (Ikenberry, 2018; Norrlof *et al.*, 2020; Lake *et al.*, 2021).

The idea that the entire purpose and role of trade must be reformulated at the micro level and that the redistributive effects of the liberal order's opening up cause conflict even in the face of significant resource inflows has been the subject of simmering debate over LIO since its inception. The World Trade Organization (WTO), the North Atlantic Treaty Organization (NATO), and the Group of 20 (G20), for example, have recently been the focal points of political conflict between powerful countries in the world, exposing some political fragility in the institutional frameworks of the LIO. (Ikenberry, 2018). By the same token, Africa is at

the Centre stage of the new LIO, Among the drivers of conflict in the Horn of Africa economic motivations have been ubiquitous and pervasive in prompting and sustaining conflict. At other times economic drivers have exhibited a potential for peaceful cooperation. An understanding of their role and relationship with other forces of change is essential.

Due to the urgency of these different crises, numerous new studies regarding the causes, characteristics, and potential outcomes of LIO as well as whether or not it raises or lowers the likelihood of conflict have been conducted. Africa is now at the core of what is happening in this shifting global context due to its rapid demographic growth, and the ongoing proliferation of militant Islamist groups in the region (Wilen, 2022; Abrahamsen., *et al* 2023). In addition, the increased use and references to the RBIO in political statements and declarations prompted questions about the meaning and scope of this concept as far as the Landlocked developing geographically disadvantaged countries and their counterpart transit ones and in terms of the 1982 UN Convention on the Law of the Sea (UNCLOS) is concerned. Thus, Africa has emerged as the focal point of LIO, although opinions vary, as far as international accords like those on climate change, nuclear nonproliferation, and preserving marine legal initiatives (UNCLOS) as socialist and communist movements that gained traction in Africa came into holt in the early 1990s (Abrahamsen *et al.*, 2023).

Thus, in light of the fact that Ethiopia and the self-declared Republic of Somaliland signed a memorandum of understanding on January 1st, pertaining to the granting of landlocked Ethiopia 20km (12 miles) sea access for the Ethiopian naval forces, leased for a period of 50 years in exchange for a stake in an Ethiopian state-owned asset (perhaps Ethiopian Airlines) and the possibility of formal recognition of Somaliland's sovereignty (Yibeltal, 2024), this paper attempts to investigate an alternative to conflict rules-based trade cooperation between Horn countries. In order to secure reciprocal advantages and shared prosperity, it also recognizes the importance of building and upholding frameworks for mutual respect of each other's sovereignty and regional cooperation.

UNCLOS AND LAND-LOCKED DEPENDENCE ON TRANSIT NEIGHBOR STATES.

Land-locked states are those states which get access to the sea through the territory of their neighbouring states known as transit states. They pass persons, baggage, goods, and other freight through the land of transit states. Of the 44 landlocked states globally, 16 of which are in Africa (Kumar, 2010; Swanepoel, 2020). According to the High-level Africa Regional Review of the Vienna Program of Action for Landlocked Africa's developing countries for the decade 2014–2024, landlocked states aim to access global resources while adhering to the minimum RBIO standards outlined by the United Nations Convention on the Law of the Sea (UNCLOS III). Land-locked states acknowledge Article 69 (Right of land-locked States) of Part V, Part X and all other provisions in UNCLOS seeking to specifically address their plight in accessing the sea, as a compromise to their extensive demands. UNCLOS lays a foundation through provisions which entitle landlocked states to the rights to access the sea by transit through coastal states, these rights are not absolute and intertwined in absolute terms on *agreements between states in practice and the allowance/consent of the hosting/transit state*.

Agreements between states in practice

It is a fact that securing a cost-effective transit arrangement with minimum rights or freedoms of transit and access is highly dependent on diplomatic relations, Political will and mutual benefits between the landlocked state and its transit or coastal neighbour. In general, right after the majority of countries in the continent got independence from the colonial rulers, there were some bilateral agreements like the 1963 one between Mali and Senegal, which allowed for the use of Senegal port facilities for transit traffic to and from Mali (Bayeh, 2015). Another bilateral concurrence had been transit to the sea between Upper Volta and Ghana. Also, a port usage and commodities transit agreement was concluded between Ethiopia and Djibouti. Based on the aforementioned UNCLOS principles, the agreement encompasses a wide range of conditions and transit transport modalities and provides the framework for the economic development of the Djibouti-Addis Ababa transport corridor. It also includes an institutional planning framework with a ministerial committee that meets every two years and a joint expert committee that meets every three months. Both nations understood the reciprocal advantages of this agreement: Djibouti receives 70% of its revenue from transit traffic, which is a source of cash for the port; Ethiopia's primary goal is secure and competitive access to the sea.

Agreements in other African countries also took the fashion of corridor agreements, which are governed by a set of rules governing all facets of transportation and the movement of commodities along a specific corridor. The governments of Botswana, Namibia and South Africa initially signed a memorandum of understanding concerning the development of the *trans-Kalahari corridor* (connects with Gaborone, Botswana; Johannesburg, South Africa) and *Trans-Caprivi corridor* (connects with Lusaka, Zambia; Harare, Zimbabwe; Lubumbashi, Democratic Republic of Congo); which then led to the establishment of the

Walvis Bay Corridor Group in 2000. There has been a discernible effect from the formation of these corridor groupings. Between 2000 and 2004, the trans-Kalahari corridor was used 60% more often than it was in the previous year, and in Walvis Bay, the amount of containerized freight doubled (Egede, 2023).

On the whole, while recognizing the crucial role of the United Nations Convention on the Law of the Sea (UNCLOS) principles, African countries stressed that it was vital for the respective country to perform its role in a fair, transparent and science-based manner consistent with the Convention and established practices and rules of the Commission. As stipulated Article 282 *“Obligations under general, regional or bilateral agreements” “If the States Parties which are parties to a dispute concerning the interpretation or application of this Convention have agreed, through a general, regional or bilateral agreement or otherwise, that such dispute shall, at the request of any party to the dispute, be submitted to a procedure that entails a binding decision, that procedure shall apply in lieu of the procedures provided for in this Part, unless the parties to the dispute otherwise agree”*.

THE RULES-BASED INTERNATIONAL ORDER (RBIO) AND THE FREEDOM OF TRANSIT AND RIGHT TO ACCESS THE SEA FOR LANDLOCKED STATES

The case for the Horn countries

Article 125 PART X clearly stipulates Right of access to and from the sea by the landlocked country through the relevant transit nations shall be a bilateral negotiation between them to determine the conditions and procedures for exercising freedom of transit.

“Land-locked States shall have the right of access to and from the sea for the purpose of exercising the rights provided for in this Convention including those relating to the freedom of the high seas and the common heritage of mankind. To this end, land-locked

States shall enjoy freedom of transit through the territory of transit States by all means of transport. The terms and modalities for exercising freedom of transit shall be agreed between the land-locked States and transit States concerned through bilateral, sub-regional or regional agreements. Transit States, in the exercise of their full sovereignty over their territory, shall have the right to take all measures necessary to ensure that the rights and facilities provided for in this Part for land-locked States shall in no way infringe their legitimate interests”.

The discussions at the Fifth Committee (UNCLOS I) were centred on one fundamental question: whether the right of access is a strictly conventional one that is subject to bilateral agreements or whether it should be seen as a basic rule of international law that applies regardless of such agreements (Butale, 2016).

The Significance of Eritrea's Founding as A State and The Conflict That Ensued Between Her and Neighboring Ethiopia.

One of the main maritime nations in the Horn of Africa used to be Ethiopia. However, Ethiopia became landlocked and joined the club of landlocked African nations in May 1991 with the establishment of the independent State of Eritrea. Ethiopia now faces a unique set of obstacles, including challenging political issues and logistical difficulties in reaching the sea. Ethiopia continued to rely on the Assab port in Eritrea for its international trade even after Eritrea took over its coastline in 1991. Due to the boundary dispute with Eritrea in 1998, Ethiopia had to reroute its trading lines from Assab to the port of Djibouti, which currently handles the vast majority of its trade. Ethiopia's other potential transit corridor, through Somalia, is not used due to tense political relations, extremely poor infrastructure and the Somali civil war (Giorgis, 1995). Furthermore, Ethiopia made use of the Berbera seaport in Northern Somalia as substitute passages to the sea cargoes coming from

or going to the country's Eastern areas. The ports of Mogadishu and Kismayu in Somalia may possibly be regarded by two administrations as transit ports for Ethiopia since President Farmajo's administration, assuming security in the former nation is restored. Considerable measures must, however, be taken to upgrade the road transit routes in order to reduce transport costs.

Agreements between self-declared Somaliland state and Ethiopia and the Question of Somali Sovereignty

Landlocked governments have historically pushed for the establishment of a distinct committee that would focus only on the issue of landlocked nations' access to the sea, going back to the First United Nations Conference on the Law of the Sea in 1958. Landlocked governments were able to persuade the UN to ratify the Convention on Transit Trade of Landlocked Governments as a result. The establishment of self-executing rights for landlocked states through an international convention, according to coastal states, was seen as an unnecessary infringement on their national sovereignty. They further contended that the circumstances within landlocked states and the dynamics between them and their coastal neighbours varied too greatly from case to case to be covered by a single piece of legislation (United Nations treaty collections; 1965; Kumar, 2010; Butale; 2016). Consequently, they emphasized—as was already mentioned—the necessity of establishing appropriate bilateral, multilateral, or regional accords between the specific landlocked state and the corresponding transit state.

Considering the aforementioned, the development of rule-oriented negotiation as a means to manage international trade conflict, particularly the cardinal disputes simmering landlocked states' access to the Sea of the Horn and their coastal transit states, particularly Somalia-Ethiopian one, triggered by Ethiopia's quest for sea access and the question of Somali Sovereignty (Echandi, 2021; Biyenssa, 2023; Mosley, 2024). Furthermore, Glaser (2019)

has further substantiated that the concept of the LIO qualifies as an international order, so long as its members accept the sovereignty norm. Above all disagreements over territorial integrity, cultural nationalism also has pecuniary elements that either fuel the conflict or are critical to its outcome, and that are thereby in a continual process of adaptation and reformulation.

The MOU between the self-declared Somaliland Administration and the Federal Democratic Republic of Ethiopia for Seaport Access

After the Somaliland administration signed a Memorandum of Understanding (MoU) with the Federal Democratic Republic of Ethiopia leasing 20 km of sea access for the Ethiopian Naval forces for a period of 50 years in exchange for international recognition, the matter triggered the Somali federal government to recall her Ambassador in Addis Ababa for consultation thus. The political space governments may have to negotiate and prevent a conflict from escalating into a dispute might also depend on underlying policy objectives of the challenged measures including the territorial integrity of Somalia, it will be very difficult for the Somali federal government to explain to its constituents (citizens as well as federal member states) that protection of these values may somehow be compromised. Protection of such sensitive principles often requires a complete political victory—and the need to set precedents to show the government's commitment to their protection. Because of this, conflicts involving these delicate issues—disagreements over territorial integrity—often have economic components that either fuel the conflict or are essential to its resolution; as a result, they are constantly evolving and reformulating and frequently turn into full-fledged disputes. One example of this is Ethiopia's attempt to annex 20 kilometres of Somalia's territorial sea through Somaliland (though lately volatile due to the Las Anod conflict ongoing armed conflict between the Somaliland National Army and the Khaatumo SSC (Sool, Sanaag and Cayn regions forces of the

Dhulbahante in Las Anod, the capital of the Sool region) as a separate self-governing region (Echandi, 2021; Love, 2009; International crisis group, 2023).

Considering the above and the dangerously potential armed conflict between the two countries putting Somali's hard-earned stability at risk the use of international maritime dispute resolution (IMDR) processes fits here if transit states can put impediments if they are in conflict (military or diplomatic) with land-locked states (Bayeh, 2015). While Article 125(1) of the Convention provides landlocked states with legal authority to access and exit the sea through transit states, in practice, this right of access is dependent upon an agreement with the transit neighbour (Articles 125(2) and (3)) and the nature of the relationship that currently exists between the landlocked and transit states. (Faye *et al.*, 2003).

CONCLUSIONS AND RECOMMENDATIONS

Thirty-seven countries of the world are land-locked states. They enjoy rights on the sea by passing through their transit states. United Nations Convention on the Law of the Sea 1982 has conferred land-locked states different rights across different maritime zones. However, tensions throughout the Horn of Africa were sparked by instances of demarcation between neighbouring and opposite states where the federal government of Ethiopia would conflict with the sovereignty of a specific coastal state due to the direct and indirect interests of members of the Horn of Africa community (Vasciannie 1990). Ethiopia's Prime Minister Abiy Ahmed has described sea access as an existential issue for his country. His statement in October prompted tensions across the Horn of Africa (Yibeltal, 2024). There were some fears that Ethiopia could find themselves subject to border blockages or other impediments to trade should they find themselves in conflict with their transit Somali Federal Government neighbour, as leasing military base on the sea for a period of 50 years including the MoU they signed with self-declared Somaliland

administration: a prerogative exclusively *hitherto* reserved for the Federal government of Somalia. As aforementioned in detail, land-locked states' rights of access to and from the seas and freedom of transit are not absolute and are contingent upon the agreement between the land-locked and coastal states. Finally, the proposed approach of the RBO, vis-à-vis the United Nations Convention on the Law of the Sea, land-locked states' freedom of transit being subordinated to the fundamental principle of state sovereignty, would not only ensure the reliability of the transit operation but would also bring higher quality services and lower traffic with higher volumes, thereby reducing the carbon footprint.

The most important advances in the analysis were achieved by applying a systemic approach to transit operations as applied solutions have remained partial, affecting only some stages of the transit chain. Improvements that have mostly benefited well-established and better designs a new transit system paradigm for landlocked countries enabling them to operate along more reliable transit supply chains. The proposed approach would not only ensure the reliability of the transit operation but would also bring higher quality services and lower traffic with higher volumes, thereby reducing the carbon footprint. The 10-year Review Conference on the Implementation of the Almaty Program of Action to be convened in 2014, as decided by the General Assembly in its resolutions 66/214 and 67/222, offers a good opportunity to include the design of such a paradigm in a new global framework for transit transport cooperation for landlocked and transit developing countries in the next decade and to ensure improved access of landlocked developing countries to international maritime transport services. Transit systems can learn best practices from other transport and logistics systems, such as the maritime industry or mineral ore value and transport chains and combine their own experience to develop reliable and predictable transit logistics chains to increase the

shipping connectivity of landlocked developing countries.

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