

Tradition and Modernity in Somaliland

Beyond polarity: negotiating a hybrid state

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Abstract

The Republic of Somaliland remains internationally unrecognised in spite of its declaration of independence in 1991, yet the people have achieved a degree of stability, indeed democracy, that is currently unthinkable in the southern and central areas of Somalia. Somaliland's stability has been built on the back of overwhelming popular support for sustained peace, which in its turn has enabled a series of elections for different branches of government. While much has been made of the role played by customary Somali approaches to mediation and conflict resolution in enabling this development, we argue that an essential element in the application of this custom is its very pragmatism. 'Tradition' is invented and reinvented as negotiations take place and agreements are reached. It is this flexibility which has allowed Somalilanders thus far to negotiate the difficult task of accommodating the institutions of representative democracy where Somali custom prefers direct forms of (male) democracy. For some this represents a transition from 'tradition' to 'modernity', though we question the validity of such binary opposites, and see the transition as both incomplete and fragile. We argue that, while progress along a democratic path to date has been remarkable, it is incumbent on the international community to seek practical ways of furthering engagement with Somaliland, without imposing solutions, if that progress is to be maintained. We also consider a number of specific constitutional and political issues that we believe require attention if the gains made to date are to be consolidated.

Introduction

Many African states struggle to reconcile traditional social institutions with the precepts of nation-state democracy within colonially-defined borders. Somaliland¹ has had to grapple with similar dilemmas in negotiating an accommodation between a clan-based social structure and representative democracy, yet in spite of evident contradictions, the system offers the basis for possible resolution. Despite an increasing tendency towards autocratic government, socio-political norms that

¹ As in many areas experiencing contestation around identity and sovereignty, terminology can be a minefield. For example, just as the terms Ulster, Northern Ireland and North of Ireland each refer to different identities within an approximately coterminous territory, the various names applied to each Somali territory also hold considerable significance. The terms Somalia, south-central Somalia, Somaliland, Puntland and North West Somalia are similarly each imbued with differing and contested meaning. In this paper, we refer to Somalia as the nation state formed in 1960 by the merger of the former British and Italian Somalilands and to the vestigial state that has continued to exist in theory since 1991. Somaliland refers to the former British protectorate which is variously seen as having either reclaimed its independence or unilaterally seceded from the collapsed Somali Republic in 1991.

emphasise the importance of negotiation and compromise have averted a number of crises in recent years, and the hope remains that they will continue to support similar progress in the future.

The Republic of Somaliland unilaterally declared independence from Somalia in 1991, after a brutal civil war that caused the collapse of the dictatorial Siyaad Barre regime. While the southern areas of Somalia have endured endemic conflict, periodically interspersed with unsuccessful yet lavishly-funded and internationally-brokered ‘top-down’ peace conferences, the north-western territory of Somaliland embarked on a home-grown process of ‘bottom-up’ reconciliation and state-building, largely escaping the pressures of foreign intervention.

Somaliland remains internationally unrecognised, but has successfully held elections for the head of state, the lower house of parliament and local councils. Much of the process of democratisation has been enabled by an overwhelming public desire to avoid a return to conflict and an accompanying urge to win international recognition, although we argue that yoking the two has also proved problematic. The nascent state remains weak and poorly-funded, but has paradoxically enjoyed a degree of legitimacy exceeding that of many other governments, African and beyond. However, it is becoming increasingly difficult to maintain the institutionalisation of a system that combines elements of traditional ‘pastoral’ male democracy in the context of the Westphalian and Weberian nation-state². If observers and participants alike are to understand the situation that is unfolding and contribute positively to the continuation of the progress that has been achieved, then that understanding must be grounded in a genuine engagement with local specificities. The polarities that are apparently so obvious when viewed from within the rubric of modernity³, fail in practice to grasp the fluid dynamics of Somaliland’s history and politics. The

² We also acknowledge the complexity of tradition and concur with the view that much that can and is seen as such, represents the invention of an elite in the manner described by Hobsbawm (1983). This is not a peripheral issue, given Hobsbawm’s view that this invented tradition was instrumental in defining and consolidating the nation-state. Mamdani is also relevant, having talked of the bifurcated state in which a hegemony based on direct rule pertained in urban areas in which ‘modern’ (colonial) institutions were emphasised, whilst an indirect form of the same hegemonic arrangement appropriated customary institutions in rural areas (1996: 16-18).

³ The cooption of tradition and modernity as dichotomous approaches can be seen in the use of metaphors such as ‘integrating’ or ‘balancing’ to describe states that incorporate some version of each, including Swaziland and, to some extent, KwaZulu Natal as well as Somaliland. No effort is made to differentiate between the examples, even though Somaliland, for example, differs markedly in the exercise of authority, with inter-clan conflict and reconciliation the dominant features rather than the exercise of kingly dominance.

discourse surrounding nation-state democracy does not successfully integrate the importance of the ‘securocratic’ approach inherited from Siyaad Barre or the dynamic and frequently contradictory relationships between diaspora, international civil society and the domestic polity in a wide range of areas, including, for example, female incorporation into the political system and an understanding of the sophistication of customary kinship systems. In theoretical terms there must be an account that deals with these and the interplay of multiple identities, allegiances and territoriality⁴. Equally, it is notable that Somaliland has benefited to a great extent from what might be seen as the unintended long-term consequence of a policy of the liberation movement (the Somali National Movement or SNM) to integrate customary elders into their organisational structure. Intended as a pragmatic means of fostering unity amongst the Isaaq clans and mobilising resources (most particularly cash) for the struggle against Siyaad Barre, this move laid the foundation for future intervention by (and more latterly the institutionalisation of) customary elders as a political grouping.

This accommodation is now coming under increasing pressure and in the immediate future, Somaliland must face up to questions that will further and fundamentally determine the ways in which traditional institutions interact with the norms of nation-state democracy. Clan continues to play a significant yet dynamic role in the political realm, and a decision on the system of election for the house of elders or *Guurti* is increasingly urgent.

Jhazbhay argues that ‘Somaliland illustrates the efficacy of internally-driven, culturally-rooted, ‘bottom-up’ approaches to post-war nation-building ... reconciling indigenous cultures and traditions and modernity ...’ Jhazbhay, 2009: 19. He contrasts this with the assumption that there need be a strong, centralised, post-colonial state. While we argue that the resilience of the current system relies precisely on the pragmatism of the accommodations between tradition and modernity, we question whether this interplay still has sufficient capacity to resolve present and forthcoming problems.

Additionally, we identify a number of additional paradoxes facing Somaliland. The first of these is that, while Somalia is essentially a failed state with international

⁴ One further and vital link which is not dealt with explicitly in this paper is that of Islam. For a further discussion in that regard, see Chapter 3 in Jhazbhay (2009: 109-148).

recognition, Somaliland possesses all the attributes of a working state, but without the recognition. In terms of the defining conditions of a de facto state, Somaliland meets each (Pegg, 1998: 1):

- An organised political leadership with some form of popular support
- A given population
- Capacity to provide services of some kind
- A defined territorial area
- Effective control over that territory for an ‘extended period of time’
- An entity that views itself as capable of entering into relations with sovereign states
- An entity that seeks full constitutional independence and international recognition of that sovereignty but is unable to achieve it.

Secondly, Somalia has received massive amounts of international funding in an effort to create a functioning state, yet has largely been unable to achieve this, whereas Somaliland has pursued its own path and achieved a significant degree of peace and stability.

Thirdly, whilst Somaliland has sought traditional state sovereignty they, like Somalia, continue to express many of their relationships as a part of the new global interchange outside the parameters of the formal state system (For further discussion on this point, see Bradbury, 2008).

The fourth paradox is that at independence Somalis were thought to have had a much better chance than others of forming a coherent state as the majority shared a language, religion, ethnicity and so on. However, the collapse of Somalia gave the lie to that assumption, resulting in a new rubric which held that Somalis were too anarchic to form a strong central state. Somaliland has, in its turn, disproven that assertion.

The fifth paradox is that while many have drawn a clear link between international recognition and democracy, noting the evident will of the population for self-determination, the link is not an unproblematic one. This is especially true when the preferred concept of democracy is a formalistic one, geared merely to the holding of elections and adherence to the functional elements of democracy.

Lastly whilst Somaliland has a very good legal case for recognition under OAU and, more recently, AU rules, the leadership has not always demonstrated an understanding of the necessity for strategic, coordinated political action in support of that claim, coupled with a full understanding of the opposing arguments and interests.

The State as Guarantor of Human Security in Africa and Somaliland

Whatever indicator is selected, Africa remains the most insecure continent on the planet and the one in which the political status quo most signally and consistently fails to work for the majority of Africans. Continued focus by most actors, international and domestic, on the state as the guarantor of security for its citizens has consistently achieved the reverse: state actors have privileged personal security and aggrandisement at the expense of social and individual freedoms for the wider populace.

This widespread failure of African states to address the essential needs of large proportions of their populations is a proximate cause of a number of struggles for self-determination. Somaliland's quest for international recognition can also be situated here. The struggle against the injustices of the Siyaad Barre regime generated a popular urge to establish Somaliland as a sovereign member of the international community, with the path to democratisation intimately linked to that venture and seen by many as instrumental in its pursuit. This 'popular sovereignty' can be contrasted to the 'national' variant which has frequently provided cover for elite repression and kleptocracy (Jhazbhay, 2009: 48). The problem for Somaliland is that, if democratisation is not seen as an inherent public benefit, it is more likely to be eroded as the pursuit of sovereignty (of whatever hue) is allowed to take precedence.

In sum, the African state, and specifically that in Somaliland, must fundamentally be judged on the degree to which state structures and institutions are capable of meeting the broader human needs of those residing within their territories. A key question is therefore 'are the security arrangements that are in place aimed at regime survival and sovereignty or at the development and liberties of its people?'

While governments are not the only agents responsible for establishing the security agenda, they remain crucial and their claims to democratically-based legitimacy require demonstrable effort in a number of areas: creating or strengthening institutions that foster predictability, accountability and transparency in public affairs and promote a free and fair electoral system; developing effective state capacity to deliver essential services, especially in post-conflict states; and promoting meaningful anti-corruption measures.

A further element in the establishment of a viable governance structure is the maintenance of a two-way relationship with civil society based on respect for autonomy and the division of labour between the two, including the tracking of

government performance in the above areas and a willingness to be open to policy dialogue. Given the track record of elites, especially towards organisations representing the poor and vulnerable, it is axiomatic that international assistance and solidarity can be useful in this regard. Additionally, international engagement is vital on a number of other fronts to bolster negotiating power with respect to powerful external actors, including the international financial institutions and the associated issue of excessive debt, the arms trade, environmental degradation, and unequal trading and production relationships.

Malign external intervention has characterised the Horn of Africa – as in the rest of Africa – leaving a legacy of instability, non-rational borders, and weak and skewed states. Equally the fracturing of ‘traditional societies’ has simultaneously undermined the prospects of increased solidarity through exchanges between different societies and peoples geared to greater democratisation and development: NGOs, diaspora groups and virtual communities as well as more multilateral institutions struggle to find an effective voice and identity within a context in which customary social structures have been perverted or eroded.

State Formation in Somaliland: History and Context

Somaliland in the northern tip of the Horn of Africa is bounded by Djibouti to the north, Ethiopia to the west and ‘Puntland State’ of north-east Somalia to the east, facing Yemen across the Red Sea. It covers 137,600 square kilometres with an estimated population in the vicinity of 2 million. The people of Somaliland are ethnically Somali and overwhelmingly adhere to the Sunni school of Islam. They have historically led a largely nomadic pastoralist way of life, with camels the most prestigious form of wealth. Sheep and goats are also held in considerable numbers for daily subsistence and export to the Arabian peninsula, with small herds of cattle present in some areas.

The process of state formation in the colonial period through until the collapse of the Somali Republic in 1969 can be divided into three periods: 1827-1960 saw the Horn of Africa colonised and Somalis divided between five different political entities without reference to traditional clan boundaries, with these areas including the British Protectorate of Somaliland and Italian Somalia. 1960-69 saw independence, unification between the erstwhile Italian and British territories, and civilian government under the Somali Republic. Finally from 1969 until 1991, Siyaad Barre’s

military dictatorship held power. None of these eras was marked by sustained peace within the Somali areas or with neighbours.

In the first, the colonial imposition of artificial boundaries, European judicial systems and centralised government disrupted traditional grazing patterns and authority structures, and thereby the equilibrium of clans and the management of resources. Transformation also occurred within both rural and urban economies, linked to the commercialisation of the pastoral economy through the growth of the livestock export market, initially supplying produce to the British garrison at Aden, but increasingly from the 1950s to the expanding oil-based economy of Saudi Arabia. Colonial development of commerce, education and bureaucracy was urban-based, marginalising the rural population and meaning that what nationalist leadership did emerge was largely drawn from urban areas. However, the superficiality of colonial efforts to include the indigenous populations in either administration or education meant that this indigenous political elite remained tiny.

Bradbury argues that this ‘... interaction of the specific nature of Somali society with the impact of the political and economic intrusions of colonialism and state policies’ goes a considerable distance to explaining the severe difficulties experienced by Somalis in establishing a viable centralised state (Bradbury, 1997, pp.19-20; Bradbury, 2008). It amounts to a collision between a customary, non-centralised and egalitarian (for men) political system and the strategic interests of external actors, including formal colonisation by British, French and Italian administrations in collusion and periodic conflict with the Ethiopians.

Customary political affiliation for Somalis is based on kinship, with economic activity, culture, individual and collective rights and economic security all mediated through clan and sub-clan units. Entitlement to resources, divisions of labour and authority were underpinned by a system of social contract (*xeer*) between and amongst clans. Decision-making was through consensus amongst adult males, with all activity including conflict itself, subject to widely recognised norms of behaviour. Controlled and socially sanctioned violence represented an important element in the maintenance of social stability (for further information on Somali customary systems, see Lewis, 1994 and Lewis, 1999). The colonial and post-colonial periods, including the Siyaad Barre regime and ensuing civil war can be seen in part as having set about to remove these customary constraints on the exercise of violence with the aim of replacing them, for the first time in Somali history, with a state-centred monopoly.

Inevitably, the consequent debasement of customary controls has had a significant effect.

The population of the Somaliland Protectorate, feeling themselves aggrieved by British agreements ceding Somali grazing lands to Ethiopia, were enthusiastic proponents of rapid independence and union with the Italian-controlled south. Once these ambitions were realised in 1960, Somalis, one of the largest ethnic groups in Africa and sharing linguistic, religious, cultural and kinship traditions, were thought to stand a better chance of creating a modern nation-state than most newly independent African countries. Thirty years later the collapse of this seemingly homogenous society seemed, outwardly at least, to be puzzling.

The second post-colonial era saw a rapid disillusionment with both democracy and unified representative government. The expansion of state bureaucracies, centralised development and the growth in foreign aid (much of which was military in nature and failed to generate substantial human development) resulted in the state becoming a battleground in which clan-affiliated groups attempted to secure greater shares of public resources for their own use.

The third period of state formation saw the emergence of ‘scientific socialism’ and was explicitly aimed at ‘modernising’ Somali society and eradicating ‘clannism’ through the integration of clan structures into the party, the centralisation of political power and the nationalisation of land. Rather than achieving those outcomes, though, the result was the increased ‘securitisation’ of the state as opposition grew, channelled through precisely the clan structures supposedly being dismantled.

Insurgent opposition movements emerged in the wake of defeat by Ethiopia in 1977 and in response to the regime’s corruption, autocracy and abuse of human rights, resulting in civil war. Amongst these groups was the SNM, who drew support from the Isaaq clan who dominated the old British Protectorate. The civil war destroyed much of the capital of the Republic, Mogadishu, and other cities including Hargeisa and Burao, the capital and second city of Somaliland. It led directly to food shortages and widespread famine which claimed the lives of over 250,000 Somalis and led to between one and two million Somalis becoming either internally displaced or refugees. In Somaliland, blatant human rights abuses, the perception of southern domination and the inequitable distribution of development and resources destroyed the nationalist dream of a united Greater Somalia. This enormous shift in public sentiment led to the declaration of restored Somaliland sovereignty: an immediate

result of popular pressure against the will of much of the Somaliland leadership of the time.

The search for recognition

Since 1991 Somaliland has attempted, within an international context of failed and weak states and increasing global insecurity, to gain international recognition as a sovereign entity. The proclamation of independence in 1991 gave the new state an opportunity to break with military forms of government, leading to an attempt to build systems of legitimate and accountable governance in the belief that they would aid in the quest for recognition. In 1999, in a strategy arguing precisely this, the Hargeisa administration approved plans to introduce a non-clan, multi-party political system, and several subsequent elections have taken place.

It can be argued, however, that Somaliland's success has been built on customary traditions in conflict resolution, resulting in sustained peace and stability in stark contrast with Somalia to the south, and representing a hybrid system that harnesses both traditional (clan-based) and party-political institutions.

Somaliland has been manifestly less successful in gaining formal recognition of sovereignty, although some informal progress has been achieved⁵. It can also be argued that the intimate linkage between democracy and international recognition has resulted in a tendency for successive governments to see democratisation purely as an instrument in the pursuit of recognition rather than as a worthwhile objective in its own right. Recent reversals in democratic gains can be seen as evidence of this, representative of a short-sighted 'securitisation' agenda which concerns both those in Somaliland and overseas allies.

In addition, there are a number of contemporary Somaliland myths which do not help to further the institutionalisation of democratic systems. One is based on self-reliance: 'no-one has helped us, we did it on our own'⁶. The second is that 'we are on

⁵ Notable indicators of informal progress in this regard include British and Scandinavian moves to administer donor assistance for Somaliland separately from that destined for Somalia, with a recent quickening in US interest also evident and almost certainly linked to the latter's wider anti-terrorist concerns. For a recent call for a change in US policy, for example, see Grant, 2009. Ethiopia, too, has maintained close relations with successive Somaliland administrations, and, in the words of one of the authors of this paper, 'South Africa has recognised Somaliland but has not yet told anybody'.

⁶ This is not to decry self-reliance, only to suggest that there has been significant ambiguity in Somaliland attitudes to the outside world. Calls for solidarity, aid and commitment to recognition are frequently contradicted by others declaring the undesirability of external involvement, both past and present.

an unstoppable path to democracy'. The third is that this path is also the path from traditional to modern as if the two were binary opposites⁷. The fourth is that an unanswerable legal case ought to be sufficient to gain international recognition. Whilst none of these claims are inherently dangerous, they do not stand close scrutiny. We should also be aware of the natural tendency of governments to cite security concerns as a pretext for the consolidation of power and in the pursuit of speedy remedies and the potential for this to lead to an alienated population with concomitant dangers in an unstable region.

Obstacles and successes in Somaliland's road to democracy

This paper argues that Somaliland's remarkable achievement in establishing a durable stability lies in large part in the ad hoc, organic and unplanned adoption of a hybrid political system that fuses elements of kinship affiliation and 'modern' constitutional design. In spite of a heavily under-resourced post-conflict government and the need to grapple with challenges as fundamental as the accommodation of the competing interests of representative nation-state democracy and a social structure based on egalitarian male kinship affiliation, Somali traditions of discourse and negotiation have enabled genuine progress. Since 1991, community and clan-based reconciliation conferences and meetings have enabled the iterative construction of a resilient system of state, gradually widening the ambit of political consensus through sequential popular congresses and wide, albeit largely male, debate.

This systematic process of building political consensus has achieved much in the context of the fragmented and decentralised Somali social system, but it does not conform to assumptions about the universality of civil society and 'Western' multi-party democracy. The 'path to democratisation' has not been linear, nor indeed does it take the form of a dichotomous opposition between 'progress' and 'tradition'. Indeed, we argue against falling into the trap, common to much outside comment, of over-reliance on simple opposites including, amongst others: clan and religion; moderate and fundamentalist; modern and traditionalist; Islamist and warlord; Christian and Muslim and the like. Somaliland's constitutional 'project' has proven enduring precisely because it has been based on a pragmatic marriage of a number of elements, many of which sit at opposite ends of such popular polarities.

⁷ Wahabbist Islam can also be seen as a 'modern' phenomenon, and indeed, religion has long served as the 'modern' and unifying counterpoint to the 'tradition' and 'divisiveness' of clan.

The lack of formal international recognition for Somaliland itself carries direct costs. The country does not qualify for some forms of bilateral donor assistance or the support of international financial institutions in reconstruction. Lack of recognition has discouraged foreign investments and constricts trading practices. The meagre international assistance received, however, has meant that reconstruction has relied on the ingenuity and resources of Somalilanders, mostly from diaspora remittances⁸. Lack of recognition has also meant that Somalilanders have had an unusually extensive latitude within which to build their own political systems. For the first two years this meant government by an increasingly beleaguered interim military administration. Then, in 1993 in the town of Boorama, a national conference negotiated a transition to civilian government based on a hybrid system combining traditional institutions of clan governance (meaning male pastoral democracy) with many of the formal government institutions of the Weberian state.

Under subsequent civilian governments, Somaliland has signed the Universal Declaration of Human Rights; overseen the restoration of peace; demobilised former combatants; brought about social and economic rehabilitation; and overseen the adoption of a constitution based on universal suffrage, decentralisation and multi-party elections. The country boasts many of the symbols of nationhood, including a flag, vehicle registration, a currency and an international airport. Most refugees have returned, commerce is flourishing, and the urban infrastructure, municipal services and education and health systems destroyed during the war are being re-established. There is a war crimes commission looking into the human rights abuses of the Siyaad Barre years and citizens enjoy a reasonably high level of personal security.

In May 1999, President 'Igaal announced a plan to move from the clan-based system adopted in the 1993 Boorama conference to a multi-party system in which aspiring parties were prohibited from adopting platforms based on tribal or religious affiliation, and requiring that they draw significant support from all regions. There were to be votes for women, although no women were actually consulted in drawing up the draft. In a 2001 referendum, the vast majority of voters approved a new constitution confirming independence and the new multi-party system. In 2002, 2003, and 2005 local government, presidential and parliamentary elections were held

⁸ While data is difficult to come by, it seems certain that in the mid-1990s, remittances overtook livestock exports as the largest source of national income (see Lindley, 2007 and Ahmed, 2002).

respectively in a reasonably free and fair manner (Adan Yusuf Abokor et al., 2006). The upper house, the *Guurti* however, remains both unelected and almost entirely male⁹, making the adoption of a recognised and accountable system for the election or appointment of members an increasingly urgent requirement, as well as being an explicit constitutional one (See Article 58(1), Republic of Somaliland, 2001).

Somaliland's model of development has enjoyed much genuine success, and is seen by some as representing the first indigenous, modern African form of government to achieve stability through a regime employing traditional social systems within a democratising framework, while maintaining an emphasis on individual and collective self-reliance. The model includes a commitment to reconciliation, tolerance, unity and compromise through the engagement of traditional elders and customary political institutions, and indubitably holds insights with respect to other conflict-affected parts of Africa.

However, significant challenges remain.

Post-war reconstruction has accelerated the process of urbanisation, leading to pressure on both infrastructure and the environment, in the process heightening tensions over the ownership and management of resources, and resulting in localised instances of conflict. Few people in Somaliland are employed and most rely on subsistence farming, pastoralism or remittances from the diaspora. A long-standing ban on imports of Somali livestock into Saudi Arabia, only lifted in November 2009¹⁰, significantly diminished access to the major market for livestock exports, resulting in a marked weakening in stock prices. Meanwhile, droughts are becoming more severe while horticultural growth is diminishing access to grazing lands, further contributing to pastoralist vulnerability. Diaspora returnees are also speeding this growth in sedentarised agriculture, and pastoralists themselves are turning to farming out of desperation, or else to the environmentally damaging production of charcoal for primarily urban markets.

The economy is marked by unacceptable levels of poverty, little domestic production and unsustainable remittance-based consumption. There is a lack of

⁹ A single female member was introduced when she assumed her late husband's seat.

¹⁰ The ban was justified by the Saudi authorities as an attempt to control the spread of Rift Valley Fever, although many observers note that the risk of spread from Somaliland exports has effectively been non-existent for much of the period of the ban, leading to conjecture from some that it might more accurately be seen as an expression of Saudi disapproval for Somaliland's self-proclaimed independence.

transparency in public finance management, with much evidence suggesting that scarce public resources and revenues are indeed mismanaged with few systemic checks and balances or effective parliamentary oversight. Basic infrastructure is poor and neglected, with major assets, including Berbera airport and port, requiring major improvement and the abysmal quality of the roads network leaving some regions isolated in spite of the country's small size.

Somaliland is not in a position to drive hard bargains from outsiders wishing to exploit natural resources. Lack of investment, apart from that emanating from the diaspora, can be linked to international non-recognition with would-be investors disconcerted by the lack of insurance and unsure of the reliability of financial institutions. Socially, the enormous and growing consumption of the mild stimulant *qat* has considerable implications for the social, environmental, gender, financial and productive performance of Somaliland.

With respect to gender, Somali social structure remains heavily patriarchal despite the contemporary presence of highly educated women with involvement in the political sphere, civil society and business¹¹. In Somaliland and elsewhere in the Somali territories, the gap between male and female access to and exercise of power remains huge with evident tension between progressive gender-orientated policymakers, conservative political Islamists, and clan-oriented traditionalists. Lack of gender equality in terms of political opportunity partially mirrors the educational options available to girls and women. Whatever the rhetoric and policy, the majority of women in the country (as in the region) are poor and uneducated and continue to experience gender-based human rights violations as part of their daily lives in the home, the workplace, and the community. Huge gaps remain in terms of literacy. In Somali societies specifically, female genital mutilation also continues to be widely practised as a girl's first rite of passage. There are nevertheless some signs that, while members of government, civil society and religious leaderships are by no means united on the subject, the efforts of more progressive voices prepared to speak out against the most severe forms of the practice have begun to show some success.

Girls' and women's low social status, limited bargaining power and economic disadvantage makes them vulnerable to HIV/AIDS in a way that most men are not. Gender-based violence as a weapon of war was a feature of the civil conflict in

¹¹ For women's role in war, the promotion of peace and in business see Gardner and El-Bushra, 2004.

Somalia in the early 1990s (particularly against women of the coastal regions and minorities) and domestic and sexual violence are growing problems in contemporary Somaliland.

Terrorism is also both an internal and an external matter. Somaliland has blamed organised groups from Mogadishu for both the suicide attacks of October 2008 and for the jihadi attack just before the September 2005 elections. There is little doubt, though, that recruitment drives are also active within Somaliland and amongst disillusioned diaspora members and key figures in the southern Somali al-Shabaab group are Somalilanders. The problem of violent militancy must therefore be faced both as an internal Somaliland problem, and one that is linked to wider international concerns.

There were expectations after the 2005 elections, with the two non-governing parties holding a combined numerical advantage in the lower house¹², that Somaliland would be able to show the virtues of consensus whilst holding the government to account. In essence, this would have marked an extension of the infusion of traditional consensus into the modern polity. In actuality, the picture has been extremely mixed, as firstly the parties negotiated their relationship with each other on matters including the selection of a speaker and two deputies, with little apparent effort to construct a workable relationship with the government. The President then proceeded to ignore representations from the House of Representatives, demonstrating their impotence most graphically by continuing to rule, apparently unaffected by their refusal to confirm a national budget to his satisfaction. For some time, he was also able to maintain control over the *Guurti* as his personal instrument, although that relationship has recently begun to break down, resulting in a number of important recent democratic advances. Previously, the concord between President and *Guurti* permitted a gradual but discernible diminishment in democratic norms, evidenced by the President's unilateral extension of the term of the *Guurti* on 7th May 2006, and a series of extensions granted by the *Guurti* to the President, apparently in a *quid pro quo* arrangement.

A recent shift in alliances has seen some distance open between the two, with the result that negotiations over a further presidential extension and arrangements for an election have been much more vigorously debated, and the President has not

¹² The only instance in Africa.

consistently been able to get his way. Nevertheless, the political context at the present time remains a challenging one. The commitment to democracy on the part of the executive in particular seems to be formalistic in nature, with an evident belief that the holding of reasonably regular and possibly free elections is sufficient in itself to support the case that Somaliland should be recognised as a sovereign democracy. Paradoxically, the popular commitment to debate and participation on the one hand and sustained stability on the other mean that it may be actually be possible to hold a technically fair election with little overt government interference in the process.

However, the problem persists as the government continues to claim a democratic mandate while acting in a manner that is contrary to some generally accepted democratic norms¹³. Eventually, it seems likely that the democratic programme will come into conflict with the government tendency to undertake authoritarian interventions in the day-to-day activities of supposedly autonomous civil and political organisations. In the opinion of the authors, recent evidence supports the view that such conflict is possible, despite public commitment to stability. A government move in September 2009 to shut down the House of Representatives in an effort to prevent debate on an impeachment motion tabled by opposition members resulted in apparently spontaneous public demonstrations, with police vehicles set alight and barricades constructed. When the police moved to quell the protests, they opened fire, resulting in the deaths of several protestors (Husein Ali Noor, 2009). Other recent instances have also seen sudden eruptions of popular protest; again, probably indicative of increasing public impatience with the government, at least in some quarters.

It is worrying that parliament and specifically the House of Representatives do not consider themselves to hold an oversight role on civil liberties, or to possess the ability or inclination to engage on such issues as the extra-judicial security committees. On occasion, party statements have suggested that the situation is less serious than portrayed, calling instead for a quieter engagement with the government

¹³ A brazen move in 2007 to co-opt and then replace the board of the main national human rights NGO coalition, SHURO Net, was a case in point, while the continued operation of the extra-judicial and almost certainly unconstitutional 'security committees' remains another notable aberration in this area. Significantly, the government's SHURO Net intervention occurred a few weeks after the issue by the coalition of a strongly-worded press release denouncing the security committees. For further detail on both, see SHURO Net, 2007 and Somaliland Focus UK, 2007, available at http://www.somalilandlaw.com/ShuroNet_Bayaan_English_280507.pdf and <http://www.somalilandtimes.net/sl/2007/301/050.shtml>, respectively.

where concerns are raised. The authors hold that this is insufficient, and that there needs to be greater cohesion in the democratic response from political parties, the media, parliament and its institutions, and of course civil society.

Much of the basis for government actions can be traced to the security mindset of the Siyaad Barre era, with many in government having served in that regime, including the President himself, who has actively promoted former National Security Service (NSS) personnel into positions of power. This seems to set a framework in which security concerns routinely trump the concerns of a more inclusive state agenda, with senior members of the administration uncomfortable with the popular exercise of individual freedoms that are otherwise widely tolerated in Somali society. It is notable that ministers have, on occasion, appeared taken aback at objections (both international and domestic) over their actions¹⁴.

In 2007, three journalists from *Haatuf* newspaper were imprisoned on questionable legal grounds after the newspaper printed allegations of corruption against the President and his wife. An international campaign led to their eventual release. A further incident involved politicians attempting to form a new political association named *Qaran*. The leadership were imprisoned for violating the constitution, which limits the number of ‘political parties’ to three (Article 9(3), Republic of Somaliland, 2001). This in spite of the politicians’ own protestations that what is commonly referred to as Electoral Law 14 establishes a mechanism for the registration of ‘political associations’. An outcry, along with the intervention of a group of ‘wise men’ in line with Somali norms of mediation, led to the eventual and grudging release of those arrested.

A report from the influential North American diaspora organisation SOPRI (SOPRI, 2007) saw a governance system heading towards paralysis with a state machinery that was not functioning well, subject to periodic constitutional crises and with a weak working relationship between branches of the government and political parties. The report sees the constitution as incomplete and subject to arbitrary interpretation, governed by a weak judiciary lacking capacity, independence and impartiality. SOPRI went on to state that the democratic system

¹⁴ For example, each of the instances described previously attracted widespread condemnation by domestic and diasporic groups and by external partners. Another case was the threatened expulsion of EU delegate, Ahmed Mohamed ‘Washington’, in 2005, which generated swift and, one would have thought, predictable condemnation from influential donors amongst others, yet the government appeared surprised by the strength of the reaction in each case.

‘shows signs of fatigue, as evidenced by the personalised nature of current political discourse and the infringement on basic constitutional rights, such as freedom of the press. The appointment of the National Election Commission is highly politicised which poses a serious threat to its independence. The political system seems to have been captured by those currently in the system, including the leadership of the political parties, who resist the entry of new political parties. Women, the most productive segment of the Somaliland society, are marginalised politically’ (SOPRI, 2007, p.5)

Much of this analysis continues to be borne out in the current political context. Debates over the use and validity of an ambitious voter registration system as a basis for polling in an overdue presidential election eventually came to a head when the President and supposedly independent National Electoral Commission (NEC) jointly announced that the register would be abandoned, international assistance shunned and an election held using only domestic resources. The opposition parties were quick to denounce these moves, having themselves just reached an agreement on the voter register to be employed in the election. The crisis was only resolved with the intervention of a number of groups, including an international representation speaking through the Ethiopian Deputy Foreign Minister. A six-point memorandum was eventually agreed which reinstated the voter register, called for renewed partnership with external agents, and accepted the need for replacement of the members of the NEC. This represented an almost complete reversal for the government, but the agreement only came about because of the frantic interventions of mediatory groups and the violence of the protests already mentioned (For further information on the stand-off, see Walls, 2009).

The proximate causes of the deepening democratic deficit seem to lie in what we have described as the ‘securitisation’ of the government position, continuing practices that were present, albeit in more extreme form, in the regime of Siyaad Barre. Repeated recent crises cannot easily be traced to the notably emancipatory message of the SNM, one of the few such movements in contemporary African history to have effectively dealt themselves out of power. During the insurgency they largely adhered to a constitution and a political programme marked by pragmatic even-handedness and a commitment to democratic structures (Abdulaziz Ali Ibrahim 'Xildhiban', 2010, p.106-130).

However, while we argue that the current situation is fragile and contains the seeds of serious deterioration, we also posit that Somaliland’s political stability is in fact greater than superficial observation might suggest. This is due not just to traditional virtues of negotiation and consensus, but also the overlay of political and

social ideas around alternative conceptions of inclusion and debate gained in the diaspora. While it is undeniably true that the government is often heavy-handed, they ultimately tend to accede to Somali norms of discussion and negotiated compromise. While the challenges remain substantial and the seriousness of repeated constitutional crises must be acknowledged, the system is more robust than many believe. While the President does possess authoritarian tendencies, he is not a strongman in the Mobutu or Mugabe mould. He can be and frequently is forced to back down and to attempt to excuse his actions in democratic and constitutional terms.

In sharp contrast to many of the interventions that have taken place elsewhere in the Somali territories, external parties (including donors, NGOs and multilateral actors) have periodically played a positive role. The limited but significant successes achieved to date have occurred in part precisely because the international involvement is limited in scope and draws participants who possess a long-standing commitment to Somali development. However, a dichotomous domestic situation in which high expectations for the actions of foreign actors are simultaneously combined with profound distrust as to their motivations may ultimately prove unhealthy.

The international context, the region and its discontents

A further concern relates to the degree to which a destabilising external context also affects the internal democratisation process. In repeated externally-financed and initiated Somali peace negotiations, regional and international mediators have preferred a policy of, in Bradbury's words, 'parking' the issue of Somaliland in an effort to protect what regional stability exists (Bradbury, 2008: 256). Naturally, it is important that the international community support a lasting resolution of the crisis in the south, but it is incumbent on the most influential actors in those processes to do so in a constructive manner that recognises the complexity of the Somali situation and does not hold Somaliland hostage to developments elsewhere.

Regionally, Somaliland's position is finely balanced. Prominent international actors have shown some willingness to support moves to urge the African Union (AU) to consider the case for recognition. This was particularly true for South Africa with a number of other countries, including the UK, also showing interest in the Somaliland position. An African Union fact-finding mission declared in 2005 that Somaliland's status was "unique and self-justified in African political history" and that "the case should not be linked to the notion of 'opening a Pandora's box'" (Jhazbhay,

2006). A year later, the International Crisis Group (ICG) recommended that the African Union address the issue soon "to prevent a deeply rooted dispute from evolving into an open conflict" (ICG, 2006, p.21), and called on the AU to name a senior envoy to consult with key players and report back to the Union's Peace and Security Council. In addition, the ICG recommended that the Peace and Security Council familiarise its members with the case of Somaliland and called on the AU to grant Somaliland interim observer status in the short term. The report asks whether it is fair to hold "... Somaliland hostage to events over which it has very little control", rather than rewarding them "... for creating stability and democratic governance out of a part of the chaos that is the failed state of Somalia" (ICG, 2006, pp.17 & ii). However, a decision was put off under Arab pressure at the African Union summit in July 2006 in Banjul, and seems not to have been revisited. Today, the perception that the 'Islamist threat' is increasing in the region as al-Shabaab continue to maintain a high profile in the southern insurgency has helped to keep the issue of Somaliland in an apparently perpetually peripheral status. The stand-off over the Somaliland presidential elections has also discouraged foreign actors from pushing ahead with any further initiative while the domestic context remains uncertain.

In spite of these difficulties, the international community and in particular the EU, has shown its support for democratisation in Somaliland to date by funding several elections and the Somali Democratisation Programme, of which Somaliland has received the greatest share.

Continued tensions between Somaliland and their eastern neighbour, the self-governing, autonomous Puntland State of Somalia also remain a concern. Since 1998, Somaliland's authority over eastern Sanaag and Sool regions has been contested by Puntland: essentially a territorial clash in which clan affiliation competes with national political aspiration. On the one side, Somaliland presents themselves as a multi-clan nation-state based on legal agreements pertaining to national colonial-era boundaries, while on the other Puntland identifies strongly with the Majerteen clan of the Darood clan-family, whose Harti cousins, the Warsangeli and Dhulbahante largely reside on the Somaliland side of the border. The kinship ties within the Harti subset of the Darood family underpin Puntland's claims on the eastern regions of Somaliland, and inform their clan-based support for a federal Somalia. From 2003, Puntland maintained a de facto control over large parts of Sool region, through the presence of their own militia in the area, including the major town of Laas 'Aanood. However, the

2007 dismissal of Puntland's Dhulbahante Interior Minister led to a shift in the balance of power and, with his support, Somaliland forces militarily reclaimed Laas 'Aanood and surrounding areas. Puntland continues to assert their right to the area, and the leadership periodically declare their intention to recapture it.

A further international element in the Somaliland experience is that of the large and active diaspora. Expatriates influence the situation in Somaliland in diverse and not infrequently dramatically divergent ways. On the one hand, remittances and diasporic networks have been successful in providing productive investment and excellent interpersonal networks. The example provided by the country's tertiary educators, including Amoud University in Boorama, the longest established of them, is illustrative of this point. Fundraising, recruitment and ongoing support have come in large part from an engaged and informed external constituency. On the other hand, the diaspora can be seen to provide a support base that bypasses inter- and intra-governmental channels, potentially both weakening them and reducing the accountability of the state to its citizens. Consequently, many politicians see much of their most influential constituency as being outside Somaliland. Both ministers and opposition leaders frequently maintain homes outside the country, in some cases spending much of each year in Europe, North America or the Gulf nations.

Democracy's other actors

Civil society must also be factored into the analysis of Somaliland's socio-political structure. As noted above, there have been attempts to muzzle the press, and the Somaliland independent media is not generally noted for its support of the government. Largely free by African standards, Somaliland media owners and journalists are vocal in their belief that those liberties are under increasing threat from government. The press plays an important role as a check on government and opposition actions, although they are not well resourced and the quality of journalistic investigation can be highly variable.

Other civil society actors also remain busy organising themselves in terms of gender representation, provision of social services, budgetary oversight, human rights practice and the like. As with other aspects of Somaliland society, clan continues to exercise a significant influence on NGOs and the pursuit of collective action. However, civil society outside clan structures is also beginning to assert itself, not least through women's groups which are able build on their outsider status as

mediators in conflict¹⁵, as well as pushing a strong line on political representation for women and issues including genital mutilation, health and rights. Proposals for the introduction of quotas or reserved seats for women in parliament are periodically vociferously raised (and indeed, also vigorously resisted). This is felt by many to be one of the best approaches to increasing women's representation and political participation. Despite the low numbers of female parliamentarians, Somaliland has some claim to be making small steps on representation from women.

The road to (greater) democracy and perhaps recognition: some suggestions

So, Somaliland's democratisation remains incomplete with notable gaps both in representation and in the safeguards built into the system. While women form the majority of the population, their voice is barely heard in the formal political system, and there are great difficulties in changing that situation when all decisions on candidature are subject to calculations of relative clan advantage. A woman, seen fundamentally as a person for whom clan loyalty is split between marriage and birth, does not rate as highly in clan terms as a male whose affiliation is taken as given. Equally the constitutional requirement that candidates be at least 35 years old limits the scope for younger members of society to participate. Somaliland needs also to find a workable system whereby new parties can emerge over time as any democracy must allow competition between political parties in order to thrive, implicitly meaning that it must be possible for established parties to decline and new ones to emerge if the party system is to retain its meaning. Somaliland has a constitutional guarantee that 'citizens are free to organise political parties ... according to the law' (Article 23(3), Republic of Somaliland, 2001). Presently the lack of a committee to oversee registration of political associations makes the organisation of such associations, and therefore parties, illegal. This is one of a number of anomalies that arise because the constitutional project remains incomplete. The lack of a mechanism for the election of Guurti members is another. At some point a constitutional convention with the widest possible participation should be held to examine the areas in which ambiguities remain and to determine options for their resolution.

¹⁵ There is a long-standing tradition in Somali society that women, who are born into one clan and typically marry into another, are able to act as go-betweens in conflict situations. This role is described in greater detail with respect to the civil war and after 1991 in Gardner and El-Bushra, 2004 and Walls et al., 2008.

In the wider pursuit of popular participation, the guarantee of fundamental freedoms for individuals and the media must be strengthened, while the independence of the judiciary and the enhanced accountability of government also require urgent attention. Somaliland needs to overcome the current democratic deficit, both in order to secure their status through internationally and domestically recognised free and fair elections and, more importantly, to enhance the human security of its citizens. In particular, the State of Emergency Laws which established the security committees should be repealed and the committees themselves disbanded.

SOPRI suggests that Hargeisa look for recognition in a more structured and measured way. This might involve consideration of whether democratisation is an inherent part of the quest for recognition or whether it would be better delinked. At its best, democracy is systemically the ‘least bad system of government’, and when commitment from the political elite is premised only on its instrumentality as a tool for the promotion of international recognition, the least bad system seems likely to be rendered even more fundamentally flawed.

Recognition itself has become something of a panacea for many of Somaliland’s problems in the popular view. With recognition, so the assumption goes, will come increased financial assistance, business opportunity and development. In fact, there are many apparent pitfalls in that process. Firstly, the process of gaining recognition is more complex than most Somaliland politicians have acknowledged. The regional hegemon, Ethiopia, clearly prefers a weak and divided Somalia, and seems comfortable with the situation as it is¹⁶. The Transitional Federal Government of Somalia and their various international backers also remain wedded to the ‘indivisibility’ of Somalia (Republic of Somalia, 2004), and repeatedly state their antipathy to a sovereign Somaliland. Islamist groups in the south, including al-Shabaab, also regularly reiterate their potentially violent opposition to such a move. It is unclear whether Somaliland needs the acceptance of Somalia to gain recognition as such, but whether there is any practical avenue that would permit this is doubtful. In the meantime, there is no government in the south able to negotiate such a deal.

It is likely that, if Somaliland is to make headway in this regard, Hargeisa needs to make a more robust case for Somaliland as an existing fact and a coherent

¹⁶ For succinct recent comment on the complexity of the recognition argument from the Ethiopian perspective, see Somaliland Times, 2009.

political entity. Drawing a regional parallel with the likely process in South Sudan while pursuing the agenda put forward by the ICG of an observer role for Somaliland in AU forums might offer a good basis for such a strategy.

Civil society also has a role to play in promoting external awareness of the local peace-building approach, and taking an active role in highlighting the significance of Somaliland achievements in the wider Somali context. It also needs to maintain its independence and integrity in the light of threats to both and to continue to make the case for civil society as a monitor of government policies and actions, and a forum for the formulation of alternative approaches.

Outsiders, too, have a role, though however sympathetic they might be, external agents must also tread with sensitivity and care. Having staged three elections, the commitment of the Somaliland people to a democratic form of politics cannot easily be questioned or ignored. To do so would make a mockery of the international commitment to support democracy. Ignorance of the significant steps in promoting a hybrid system of democracy that mixes customary systems with the precepts of the nation state in an Islamic context would also send a message to Somalia and to countries in the region and the Middle East that is not consistent with a professed interest in promoting indigenous forms of governance.

To date, a relatively small number of external actors have engaged constructively in supporting the democratisation process through the provision of practical assistance and through informed participation in debate on the effective role of political parties, human rights training, media freedom issues, equality of gender representation and so on. There is considerable room for the link between these activities and poverty reduction programmes to be developed, with the potential for this to ground democratisation in practical development. This could be backed with lobbying for joint investment in Somaliland, through support for road infrastructure, the expansion of Berbera port, and the development of schools and health facilities.

Outside bodies should also play a part in promoting awareness of Somaliland successes. Groups such as the UK All-Party Parliamentary Group for Somaliland (APPG) could be asked to liaise with counterparts in selected African, European and other states to raise the profile of the case of Somaliland. The British body has been successful in the past in raising parliamentary questions, hosting briefings and promoting awareness within the UK political establishment. There seems little reason that similar bodies could not follow suit in other countries. Members of the AU's

Peace and Security Council, in particular, could be encouraged to seek ways of following up on the recommendations of the 2005 Fact-Finding Report.

Conclusion

We have highlighted the paradoxical situation in which Somaliland is largely in control of its claimed territory, has charted its own path with popular support, and has the form of a democratising state yet is unrecognised, while Somalia displays almost the precise reverse: a recognised state that controls little territory, profoundly lacks popular support and exercises only the most rudimentary democratic functions.

It is notable that, in Somaliland, customary clan-based structures have generally proved to be a stabilising influence. Nevertheless, the tensions between state, clan, territory and nation remain significant and may still undermine that stability. In the case of Somalia, clan has become a zero-sum game, with a brand of militant political religion that has historically largely been alien to Somalis increasingly offering the most viable response to the moribund state.

Somaliland's future success in negotiating the very significant challenges ahead is likely to require the continuation of the hybrid of tradition and political 'modernity' that has been evolving to the present time. There are few examples internationally in which such a process has occurred in a manner that is so fundamentally reliant on indigenous creativity. However, as the process continues and Somaliland expands its links with the globalising world, external support will become increasingly vital. The emergent state will require considerably expanded links with foreign governments if it is to continue to develop its ability to meet the needs of its population.

As with any developing country, economic growth will remain a key factor in achieving sustained development. Currently, the structures of clan provide the only viable social support system, as the government does not yet have the capacity to perform such a function. Until that situation changes, it is hard to conceive of a shift away from clan towards a political structure based on party and policy that would not cause greater problems than those it might solve.

Most importantly let us not attempt to install a process that has no purchase in Somaliland, or indeed in Somalia. It is vital that we recognise the ways that the people of Somaliland have been successful in achieving peace through understood, indigenous mechanisms. Long-standing traditions based on kinship, mediation and

dialogue, and customary law combined with the pragmatic efforts of individuals to enable the construction of a nation-state in all but international recognition. While that state is nascent and remains fragile, it has achieved a degree of viability and popular legitimacy that is rare in the region, and in so doing challenges some of the received wisdom on the polarities of tradition and modernity and clan and government.

This paper is an unfinished chapter in a wider story about how the mix of traditional and modern structures changes, at what speed, and who controls and wants to control that process. The government is in the paradoxical position of having had to go its own way given the lack of international recognition, while its poverty and lack of resources make the country very dependent on external parties, both in the diaspora and amongst bilateral donors.

In terms of the question asked on the first page ‘are the security arrangements that are in place aimed at regime survival and sovereignty or at the development and liberties of its people?’ one can see Somaliland delicately poised. Somaliland is not a developmental state, but has provided a significant level of stability and security for its citizens. The commitment of the Somaliland population to democracy is strong and outsiders should seek practical ways of bringing wider awareness of the achievements of this small, and rightly proud African country.

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