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Somaliland Report

Project: Addressing legitimacy issues in fragile post-conflict situations to advance conflict transformation and peace-building

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Addressing legitimacy issues in fragile post-conflict situations to advance conflict transformation and peace-building: Somaliland Case Study Report¹

INTRODUCTION

This report presents the findings of the Somaliland case study of the Berghof project on legitimacy issues in fragile post-conflict situations. Somaliland is one of three case studies (the other two being Bougainville and East Timor) for the present project.

It is a case of relatively successful post-conflict peacebuilding and state formation, under fragile conditions. Whereas Somaliland lacks international legitimacy, its governance institutions (state as well as traditional and communal) enjoy substantial domestic legitimacy, also compared to many of its internationally recognized neighbours. Somaliland was, in brief, chosen as a case study because of its relatively successful process of post conflict peace building and reconstruction, drawing on several forms of leadership and legitimate authority.

Traditional authorities played a decisive role in peacebuilding and state formation. They continue to fulfil important functions in terms of conflict transformation and security, based on traditional legitimacy. At the same time, the capacities of, and the expectations towards, state institutions have increased, which create new challenges and opportunities in both process and performance dimensions of state legitimacy. Certain innovative hybrid institutional arrangements provide for a multi-faceted legitimacy of governance, with the interaction between in particular state and traditional authorities reshaping and transforming both.

An increasingly strong civil society adds to the complex mix of types and sources of legitimacy, as civil society actors navigate between and draw upon several legitimacy discourses (liberal/rational-legal/traditional). Finally, Somaliland has gradually received more international attention and support during recent years. While external actors have been less imposing in Somaliland compared to Somalia, they have also played significant roles in Somaliland's state formation process. Rather than representing unambiguous universal stances, international norms and principles in various ways become integral

¹ I would like to thank all the people who have been willing to engage in conversations and interviews and have shared their views with me, in particular people in Somaliland, also including communities in El Efweyn, Ainabo and Sheik. I moreover want to thank the Danish Refugee Council, who hosted me during the fieldwork, and allowed me to study their work and projects in Somaliland. I benefitted greatly from discussions with and support from both the local and international staff of the DRC. Last not but not least, I am grateful to the Social Research and Development Institute and in particular Mohamed Fadal and Haroon Yusuf for providing a base for me, and for being willing to engage in interviews and discussions. I would also like to thank the Berghof Foundation for their supporting this research.

elements of hybridity and of the contestations over legitimacy and order within the sites of peace and state building.

In short, several different claims to legitimacy are currently at play in Somaliland. The report examines some of the key sources and types of legitimacy, it explores their strengths and weaknesses, and discusses how they intersect and interact. The analysis leads up to reflections on how different forms of legitimate authority may be constructively included in conflict transformation, peace and governance building.

The report draws on secondary literature on Somaliland, but is primarily based on field research conducted during the period 15 August to 1 December 2011. I spent most time in the capital, Hargeisa, where I was based partly at the local research institute *Social Research and Development Institute* (SORADI), and partly at the offices of the *Danish Refugee Council* (DRC). I did three trips outside Hargeisa: the first trip was to Ainabo and El Efweyn (5 days) in Sanaag region, the second trip was another visit to El Efweyn (8 days), the third trip was to Sheik (3 days) in Togdheer region. On all trips I traveled with the DRC.

During the fieldwork I was associated with the Danish Refugee Council. This made it possible for me to travel outside Hargeisa (where security guards are required if you are a foreigner). It also facilitated access to interviews outside my own networks in Somaliland as the local (Somali) DRC staff have developed relationships of trust in the communities they work in. The local DRC staff provided translation during interviews when needed. One limitation of the affiliation with DRC was that I was possibly not always seen as fully independent, although I made sure to clearly explain that my research is free of interests or influence from the DRC. During my fieldwork I also had a close affiliation with the local Social Research and Development Institute (SORADI). This affiliation built on relationships I developed in Somaliland during previous fieldwork. SORADI is involved in research and policy analysis. They have strong links with, amongst others, the Independent Scholars Group (consisting of Somali scholars who regularly provide public papers engaging with key political and social developments in Somaliland) and the Academy for Peace and Development (one of the most prominent Somaliland research institutes), and Somaliland Focus (UK based researchers/analysts engaged in analysis of Somaliland). I have had contact and occasionally worked with the head of SORADI Mohamed Fadal since 2008, and some of my research findings from the fieldwork (combining field research for my PhD thesis, collaborative research, and research for the Berghof project) has been published in SORADI's recent publication:

[http://soradi.org/attachments/article/70/REFLECTIONS AND LESSONS OF SOMALILAND'S.pdf](http://soradi.org/attachments/article/70/REFLECTIONS_AND_LESSONS_OF_SOMALILAND'S.pdf)

This report is guided by the theoretical-conceptual framework laid out in the framing paper for this project, and draws on the analytical framework which had been elaborated for the

research purposes of this project.²

The first section provides a brief historical overview over some of the key social, political and conflict dynamics that led to Somaliland's declaration of independence. These past processes and choices on the part of Somaliland's leadership shape in important ways the current dynamics of state formation and conflict resolution, and the relationships between different forms of legitimate authority.

The second section maps key actors and institutions in Somaliland, and examines their sources of legitimacy, the strengths and weaknesses of different forms of legitimacy and the hybridization of legitimacy. This section is primarily based on fieldwork data. It is rounded off with some concluding reflections, spelled out in a number of policy suggestions.

In addition to this report, two journal articles (one published in the *Journal of Legal Pluralism*, and one under review with the journal *Development and Change*) and one online publication with the Somaliland based research institute SORADI (referred to above) have been produced on Somaliland in the context of the present project. Copies of these articles have been submitted to Berghof Foundation along with this report.

BACKGROUND SECTION

Since 1991 Somaliland has been a de facto state within a de jure state; an internationally unrecognized political unit emerging out of the recognized though fundamentally disintegrated state of Somalia. This section provides a historical account of some of the key processes that led to the declaration of independence.

1. Different historical trajectories in north and south Somalia

The pre-colonial stateless society was a rather egalitarian one, in which social relations (on the group level as well as individual level) were managed through the *xeer*. The *xeer* constitutes Somali customary law, and in combination with Islam prevented disintegration of the lineage system (Samatar 1992). As explained by Samatar (1992) "What gave the *xeer* staying power in the absence of centralized coercive machinery was the voluntarism associated with the absolute necessity of relying on one's labor/livestock rather than exploiting others" (Samatar 1992:631).

With colonization in late 19th century Somalis were for the first time subordinated to a central state, ruled by the Italians in the South and the British in the North which led to a shift of the locus of power and politics. While politics in traditional Somali society was taking place on the community level, during colonialism politics and power were transferred to the urban administrative centers.

² For a more comprehensive and elaborated description of the approach used for this case study and this project in general, see Boege, Brown and Moe (2010).

The colonial experience of the North and the South, becoming a British protectorate and an Italian colony, respectively, differed in important respects (Spears 2003; Jhazbhay 2007; Reno 2003). Since the main interests of the British forces in Somaliland was to secure food supply – Somali mutton – for their military garrison in Aden, and to prevent other colonial powers from taking control, they pursued a strategy of minimal economic and political interference³ (WSP 2005; Reno 2003; Spears 2003). To the extent that the British colonizers did exercise authority over the rural population (the vast majority of the population) they did so through the traditional leaders (Bradbury 2008; Reno 2003). This method of indirect rule created some degree of ‘decentralized despotism’ (Mamdani 1996) since some of the traditional leaders became intermediaries between the colonizers and the communities (WSP 2005). However, by and large British Somaliland, similar to for example Southern Sudan, belonged to the ‘no-government category’ (Prunier in Spears 2003) or what Menkhaus (2006) terms ‘absent state’, that is, unwilling and unable to project its authority beyond the capital.

Accounts of the colonial experience of Somaliland suggest that while the British left the territory economically underdeveloped and marginalized, they also left the traditional structures – which later became the basis for peace-building and state formation – largely intact (Spears 2003). As put by Prunier, during colonial time Somaliland “suffered only from ‘benign neglect’” (Prunier in Spears 2003:93).

Quite differently, the Italians pursued a strategy of direct rule, and accordingly imported a whole new political system to southern Somalia, with centralized economic planning, state appropriation and substantial support for big enterprises. The colonizers followed a strategy of uprooting local producers to force them to integrate with the increasingly centralized national economy. As for the cultural sphere, Somali practices, values and language were perceived as inferior and something to be ‘overcome’ in order to ‘modernize’ the society (Jhazbhay 2007; Reno 2003).

2. The post-colonial state(s) – from dysfunctional democracy to military dictatorship

By the time of independence Somalia was expected to be one of the countries in Africa with the best chance of consolidating peace and statehood, due to its homogenous population in terms of ethnicity, language, culture and traditions (Spears 2003). However, the economic and political reorganization of Somali society during the era of colonialism had strengthened lines of inclusion and exclusion, and as in most countries which have been under colonial rule, the colonial legacy laid the structural foundation of the post-colonial state – a state which became the source of immense suffering for the Somalis (Doornbos & Markakis 1994).

The nationalist movements and parties emerging in the 50’s both in north and south increasingly pushed for independence, which finally was granted by the British on the 26th of July 1960, and a few days later, on the 1st of June, by the Italians. The 1st of June was also the day when the two territories united into the new ‘Somali republic’. Pan-Somali sentiments were relatively high in the north, and by some the unification was seen as the first step

³ In 1955 around 200 senior officials ran the entire protectorate (Reno 2003).

towards a 'Greater Somalia' also including the Somali-inhabited areas in Ethiopia, Djibouti and Kenya –an ambition which never materialized (WSP 2005;Spears 2003). The five days in which Somaliland was independent and received recognition from some 35 states, counting some of the permanent five of the UN Security Council, are of great importance for the currently unrecognized republic (Jhazbhay 2003). According to Somalilanders, and people who sympathize with their quest for international recognition, the period of independence, however short, "is what sets Somaliland apart from the type of 'secessionists' abhorred by the African Union and from the various clan-based 'lands' that have mushroomed in Southern Somalia since the collapse of the central government" (Bryden 2003:2).

While the political elite in Somaliland, developed during the British protectorate in the dawn of independence, favored unification and 'sold' this preference to the population with the use of nationalist rhetoric, the new Somali Republic was only a few months old when northern dissatisfaction with the merger started to rise (Bryden 2003;WSP 2005;Ahmed 1999). There was a perception in the north that it was being politically underrepresented, and the hasty merger of the two different systems of administration left little room for articulation of northern interests and did little to address the British legacy of severe economic underdevelopment in the north (Ahmed 1999). The northern dissatisfaction with the union became evident when the new joint constitution was sent to referendum in June 1961, and disapproved by the regions of the former British Somaliland. However, as the majority of the republic consisted of southerners, the vote in total approved of the constitution (WSP 2005).

The first independent regime in Somalia – ill-equipped to create and implement a viable developmental strategy – took over a country with a frail economy, an imposed system of multi-party politics and increasing competition for resources among the different groups in the population. In this process, the north suffered further economic decline and the discontent with the south increased (Bryden 2003;WSP 2005).

The failure of the new regime to improve traditional sectors of livestock and agriculture and to create a new domestic basis for accumulation perpetuated a mismatch between the needs on ground and the incentive structures produced by the state and the market (Samatar 2006). This resulted in the state being the main source of funds as well as the main bone of contention. "It was the competition among the elite for these resources that ultimately led to the degeneration of the major political parties and the demise of parliamentary governance"(Samatar 1992:633). The process of disintegration of the political system into clan-based competition – described as clanism by Samatar who emphasizes the difference between that and traditional kinship (Samatar 1992) – was reflected by the increase in parties and candidates: at the election in 1964 there were 24 parties staging out 793 candidates (for a number of 123 parliamentary seats), while in 1969 these numbers had increased to 62 and 1002 (Samatar 1992).

The high level of disintegration, corruption and increasing 'clanism', made a bloodless military coup possible. The 1969 coup initiated the more than 20 years' dictatorship of General Mohamed Siyad Barre, and for Somalis in general the situation gradually worsened (Samatar 2006), while in the north, the population was particularly marginalized – and in the

end massacred under Barre's dictatorship (Spear 2003; Ciabbarri forthcoming). As Barre seized power the constitution was immediately suspended, the National Assembly dissolved, political parties and professional associations were prohibited, 'clanism' officially outlawed while unofficially manipulated (Omaar 1992), and the state became increasingly centralized – ending up as the sole center of power and resources. Soon the state had become a direct *counterforce* to development (Omaar 1992; Samatar 1992; Samatar 2006; Webersik 2004). To consolidate his power, Barre pursued a divide and rule strategy using the military and the state to support certain groups and exclude others (Webersik 2004). For a period a coalition of the three clans Marehan, Ogaden and Dolbahanda (all from the Darod clan family) rose to political hegemony (Menkhaus 2000).

The best chances for many young men to find relief from poverty, was to go to the city and become members of the centralized networks of the regime. As part of his political strategy, Barre armed many of these young men who – freed from the customary social ties of their communities – proved especially effective as means of predation or even as regular fighters (Reno 2003). This led to a situation in which an urban minority exploited a rural majority (the nomads and farmers); competition for centralized resources became increasingly 'tribalized' and the repression of opposition increasingly violent (Webersvik 2004; Samatar 1992). Traditional kinship and customary law were, through a process of centralization of resources and power, separated and subsequently replaced by increasingly unregulated and 'tribalized' competition (Doornbos & Markakis 1994; Samatar 1992). As argued by Samatar "The most important lesson to be learned from the present tragedy [in Somalia] is the recognition that Somali society has been torn apart because blood-ties without the *xeer* have been manipulated by the elite in order to gain or retain access to unearned resources" (Samatar 1992:640). Whereas adaptation to the centralization of the predatory state in the south led to disintegration of the social structures, the development in the north took a somewhat different turn.

Politically, militarily and economically marginalized and geographically located far away from the economical hub of Mogadishu, the clans from the north had little chance of effectively tapping into the state resources and were largely excluded from the patron-client networks of Barre (Reno 2003).

On this basis the northern political elite adopted a strategy of resisting rather than adapting to the state (Doornbos & Markakis 1994; Simons 1998) – a development which created a significant measure of social cohesion in terms of alliances and networks developing outside the reach of Barre (Reno 2003).

Simultaneously the marginalization of the northern clans (in particular the Isaq and Dir) markedly worsened, and became increasingly violent in its expression, especially from the late 70's and onwards. In the aftermath of the Ogaden war in 1977-78 – a war in which Barre reclaimed the Somali Ogaden region in Ethiopia, but was defeated – the social relations between the Ogaden clan and the clans in the north-west underwent serious changes. The amount of Somali Ogaden refugees fleeing the fighting made Somalia host to the greatest refugee population in Africa, amounting to roughly 1,5 million, and a substantial part of these

refugees were settled by the government in Somalia's northeastern region (Bradbury 2001;WSP 2005;Webersik, 2004). Consequently, the Isaaqs and the Dir, the dominating clans in this region, became further marginalized, as the Ogaden refugees were strongly favored by the government with jobs, educational opportunities and land (Omaar 1992:323). That is, the Ogaden refugees were "brought into direct competition with the local Dir and Isaq residents, who were already poorly served in the delivery of state services" (Lewis 2004:502) and some were subsequently armed by the regime to repress northern resistance (Bradbury 2001).

The Ogaden war and its aftermath is widely regarded as a watershed in the history of Somalia, symbolizing the beginning of rapid disintegration of the state as well as society (WSP 2005; Bradbury 2008).

In the 70's Somalia had been allied with the Soviet Union, but as Barre attacked Ethiopia and reclaimed Ogaden, Soviets withdrew their support. Consequently, Somalia ended its alliance with the Soviet Union and switched to an alliance with the United States, thereby becoming the recipient of huge amounts of development aid attached to conditionalities of economic liberalization. By the second half of the 70's the growing dissatisfaction with Barre's regime had made it increasingly difficult to rule through manipulating clan-lineages, and altogether Barre gradually lost political as well as economic control, and thus increasingly relied on violent oppression rather than strategic manipulation (Bradbury 2001). This resulted in the formation of armed opposition, the first being the Somali Salvation Democratic Front (SSDF) in 1978. In the same year the Fourth Brigade –also named Afaraad – evolved as a fighting unit consisting of Isaaq opposition later joining the ranks of Somali National Movement (SNM) (Bryden 2003). The SSDF was followed by formation of the SNM, and in the late 80's by the United Somali Congress (USC) mainly based on the Hawiye clan, and the Somali Patriotic Movement (SPM) mainly based on the Ogaden clan (WSP 2005).

3. The driving forces of northern resistance and the end of Barre's regime

The SNM was formed in 1981 in London – drawing together groups of individuals from within Somalia as well as from Saudi Arabia and United Kingdom– and came to play a crucial role not only in the defeat of Barre but also in state formation processes in Somaliland (Jhazbhay 2007;Bryden 2003;Davies 1994). The movement was regionally based and mainly, though not exclusively, represented the Somalis belonging to the Isaaq clan-family⁴. Not receiving any substantial external funding and excluded from access to state resources, the SNM became highly dependent on cooperation with the traditional authorities who had remained strong in the north and thus proved particularly invaluable as driving forces behind the mobilization of support for the resistance amongst the northern Somali community in general and amongst the northern business community and diaspora in particular (Reno 2003; Jhazbhay 2007; Bradbury 2008; Prunier 1994).

⁴ Other non-Isaaq clans and sub-clans represented in the SNM's founding included the Dir clans from the south in former Italian Somalia, individual members of the Gadabursi clan groups, and the Warsangeli and Dhulbahante clans (Jhazbhay 2007).

Moreover, this alliance gave these authorities substantial control over the movement's economy as well as its politics (Jhazbhay 2007;Reno 2003;Bradbury 2008;Prunier 1994). Thus "the SNM functioned not as a guerilla 'front' distinct from the population but rather as an armed expression of the Isaaq people" (Prunier 1994:62). According to Prunier (1994:62) the strong connections between SNM and the northern Somali society in general and the traditional authorities in particular had both its pros and cons. On the positive side were characteristics such as a high level of democracy in decision making processes as well as a good understanding of the needs and grievances on ground. Amongst the disadvantages were the tendencies of disorganization and lack of discipline (Prunier 1994).

However, as the struggle against Barre dramatically intensified by the late 80's, the movement rapidly organized and expanded (Bryden 2003). In 1988 Ethiopia's president Mengistu made an agreement of convenience with Barre to stop supporting opposition movements operating from within their country, launching cross-border attacks on the other country. SNM subsequently moved their bases to within Somalia, and by surprise captured Burao and Hargeisa (Davies 1994;WSP 2005). Barre reacted to these surprise offences with an indiscriminate bombing of Hargeisa, literally turning the city into ruins, with a brutality that served as a trigger for overnight mobilization of unconditional large-scale support for SNM (Bryden 2003; Bradbury 2001). As a response to this mass mobilization the SNM and the traditional leaders constituted a council of elders (a national *Guurti*) which organized and made more effective the latter's support and counseling of the central committee of SNM.⁵ It is this council which later became the Upper House of parliament in the hybrid government-structures of Somaliland. The attack in 1988 became a collective memory of the Somalis in the north, furthering the gulf between them and the south and counting as one important factor behind the northerners' wish for independence (Spears 2003). Moreover, it dramatically intensified the conflict between opposition and the government, and resulted in withdrawal of external support for Barre, who eventually in 1991 was forced to flee the country (WSP 2005).

4. Somaliland's declaration of independence

Within a month after the defeat of Barre in January 1991 the SNM convened the first of many clan conferences aimed at peace and reconciliation: the Shirka Walaalaynta *Beelaha* Waqooyi (the brotherhood conference of northern clans). This first conference held in Berbera was aimed at addressing the grievances and mistrust between clans resulting from the civil war, and signaling politics of reconciliation –i.e. publicly committing to abstain from any revenge against former pro-Barre clans. At the Berbera conference the participants – prominent traditional authorities from the different northern clans – agreed to convene a greater and more inclusive national clan conference, the Shirweynaha *Beelaha* Waqooyi (Grand conference of Northern Clans), in Burco between 27th April and 18th May (WSP 2005; Ahmed 1999). The Burco conference culminated in the declaration of Somaliland's independence on the 18th of May 1991. A decision unilaterally declared – though based on

⁵ The concept of *Guurti* simply means 'council of elders'. The concept of *Guurti* does not only refer to the national House of Elders but also to councils of elders on the informal local level (Interview 5).

popular pressure – by the traditional leadership of the north together with the SNM liberation elite. Moreover it was agreed at the conference that the SNM central committee should function as a two-year transitional government, with Cabdiraxmaan Axmad Cali (also called ‘Tuur’) – the incumbent chair of SNM – as president (Jhazbhay 2007; WSP 2005).

5. Country data

Somaliland lays claim to the territory of the former British Somaliland and covers an area of 137,600 square kilometers, with a northern littoral of 850 kilometers (Source: WSP 2005).

Due to Somaliland’s unrecognized status, its recent history of war, migration and displacement, as well as nomadic culture, it is not possible to accurately estimate the size of the population with any accuracy. In 1997 the Ministry of National Planning and Coordination has estimated the population at three million people. About 55% are thought to be nomadic. The urban population has increased rapidly, and was in 2002 estimated to be between 748,00 and 1,2 million.

With low levels of foreign aid (Somaliland did not benefit much from the high levels of aid to Somalia in the 70’s and 80’s) and an embargo on livestock exports, Somaliland has, nevertheless, formed a system of basic public administration, rebuild its security structures, its public and private infrastructure, and absorbed hundreds of thousands of returnees, as well as held three elections. A major part of the reconstruction work has been financed locally, through diaspora remittances and trade networks. While the low levels of public revenue and the limited control of the state over sources of livelihood (in particular remittances) have decreased the contest over the state, the prospects of consolidating the Somaliland state as a state which can provide social services, infrastructure etc. remain particularly challenging in the absence of recognition (Source: Bradbury 2008, pages 253-255).

ACTORS/INSTITUTIONS AND THEIR SOURCES OF LEGITIMACY

1. Government

During Somaliland’s phases of state formation components of rational-legal institutional democracy (and elections) has combined in changing ways with components of clan and consensus-based principles (and selection) of political ordering. Against this backdrop, Somaliland become widely known as a relatively successful case of a ‘hybrid’ political order combining tradition and Western-style ‘modern’ democracy. Yet, the achievements of the Somaliland political order principally lie with the process through which this order emerged, and “became socially validated by a plurality of existing social forces that represented domestic interests and clashes of interests, rather than from the merging of ‘traditional’ and ‘modern’ institutions as such” (Wiuff Moe 2011).⁶ This section first outlines the early

⁶ Also, the fact that the state-administration “ex post facto accepted partly legalized power positions that had developed during the time of civil war” (Hoehne 2006:17) sets Somaliland apart from those African states which have delegated partial power to traditional authorities as part of decentralization processes.

institutional developments in Somaliland – developments that highlight the importance of *domestic political process* for legitimacy.⁷ It then proceeds to discuss current developments on the level of state government, focusing on government sources of legitimacy as well as challenges to its legitimacy.

1.1. Early Developments – shifting combinations of state and customary sources of legitimate authority

From 1991 to 1993 the Somali National Movement's central committee functioned as a transitional government, with Cabdiraxmaan Axmad Cali (also called 'Tuur') – the chair of SNM – as president (Jhazbhay 2007; WSP 2005).

This new SNM-administration was faced with the task of constructing a government from the ground up, with very few resources. While the Burco clan conference had been critical in terms of creating peace between the Isaaq clan and other clans in Somaliland, especially the Dir in the north and the Harti in the east, it had not addressed the grievances between Isaaq sub-clans and therefore internal conflicts between different factions of SNM – which had been suppressed out of necessity during the fight against Barre – broke out. After a little less than two years with the Tur-administration, sporadic fighting between Isaaq sub-clans was ongoing, and new irregular militias had taken up weapons – easily accessible in the aftermath of the civil war- and engaged in predatory activities. In this context the traditional leaders became key actors in getting the peace and state formation process back on track. Although the national *Guurti* (the council of elders which –as shown in background section - had been critical for mobilizing resistance against Barre) was not an institutionalized part of the state structures at the time the SNM administration was installed, the council remained highly influential, especially as it became increasingly clear that local grievances if left unaddressed, would have spill over effects strong enough to undermine the national process of state formation (Bradbury 2001; WSP 2005). Peace became the main objective in the early phases of state-formation, president Tur increasingly relied on the *Guurti*, as well as on local traditional mechanisms for reconciliation and conflict resolution, rather than on the SNM's political programme (Renders 2006).

Numerous localized negotiations between traditional leaders from different clans, settling grievances and hostilities from the civil war, paved the way for the lengthy and inclusive clan conferences, which set Somaliland on the road to state formation.

The Grand National Clan Conference of Boroma has in particular become known as a true watershed in the history of the formation of the Somaliland state (Logan 2000; Bradbury 2001; Menkhaus 2000; WSP 2005). The conference was largely financed by the communities of Somaliland and an estimated 2000 people in total – including 150 voting delegates of

⁷ For an elaborate discussion of this, see Louise Wiuff Moe (2011), "Hybrid and 'everyday' political ordering: constructing and contesting legitimacy in Somaliland" in *Journal of Legal Pluralism* (63): 142-178. Focusing on legitimacy, the article has been written in the context of our work on the present project (the article draws on previous fieldwork data, as well as data from the recent fieldwork for the project).

traditional authorities – attended. Some of the most important outcomes of the conference were:

- The adoption of a national charter defining a hybrid system of governance based on bicameral legislature carving out an explicit role in the upper house for traditional authorities;
- The formulation and adoption of a peace charter which “elaborated a code of conduct for the people of Somaliland, in accordance with their traditions and Islamic values” (Bradbury 2008:98). The charter was spelling out the responsibilities of the elders for settling conflicts, and required all communities to make an oath to refrain from attacking any other clans. Altogether, the charter thus provided a national *xeer*, aimed at restoring the relationships between the northern clans and also providing the foundation for law and order (Menkhaus 2000; Bradbury 2008).
- The nomination of a new president, Mohamed Haji Ibrahim Egal, and vice-president Daahir Rayaale Kahiin (Menkhaus 2000; WSP 2005; Bradbury 2008).

The Grand National Clan Conference of Boroma, in brief, dealt with matters of structure of governance and the formula of power sharing, and laid the groundwork for peaceful transfer of power from SNM to a civil administration based on clan representation, that became known as the *beel* system. Under the *beel* system both the House of *Guurti* and the House of Parliament, selected by the *Guurti* at the Boroma conference, were based on the principle that distribution of political seats should balance the center with the periphery– i.e. secure national representation of all clans.

The approach of pursuing a ‘thin’ government, initially based on power-sharing along clan lines with only a minimum of authority and functions, while prioritizing local processes of reconciliation driven by the traditional authorities, helped avoid turning the process of state formation into a zero-sum conflict producing exercise (Bradbury 2008).

1.2. Recent developments and current sources of legitimacy for the government

From the late 1990s Somaliland started its transition from relying on clan consensus as the key source of legitimacy for the government towards introducing multi-party democracy as a basis for legitimate state authority.

At the last national-scale conference in Somaliland in 1997 in Hargeisa the political elite laid the groundwork for a constitution, which spelled out the steps for a transition from a clan-based system to a multi-party system (Renders 2006). The proposal of the constitution; to start a transition from the *beel*-system to a restricted multiparty-democracy, caused vigorous debate in Somaliland.

The *beel*-system had been crucial in restoring law and order in Somaliland and securing participation in governance and state-formation by all clans, and had thus proved far more legitimate and viable than previous multi-party systems and centralized statehood. However, the disadvantages – so the proponents of discarding the *beel*-system argued – were that

professionalism and effectiveness were undermined and the fact that the system had an inherent risk of encouraging the pursuit of narrow interests along clan lines at the expense of national interests and unity (WSP 2005). Thus, while the system had been critical in establishing peace and in gaining broad support for the institution of the state, it was deemed less suitable as a framework for developing political programmes. Moreover, the need for transition also became linked to the pursuit of recognition, since Somaliland was perceived as having better chances of achieving international legitimacy in terms of formal recognition, if adopting a political system conforming to a greater extent to international concepts of statehood and political community (Renders 2006).

In 2001 the final draft of the new constitution was sent to referendum, and endorsed⁸. The political system which was based on a formula of power-sharing along clan-lines was replaced with a system in which the head of state as well as the legislative and the district councils are not selected by clan representatives at *grand shir beeleed*, but elected through the ballot. The institution of the House of the *Guurti*, based on clan-representation, remained in place.

Since the adoption of the constitution several rounds of elections have been conducted: local elections in 2002 and again in 2012, parliamentary elections in 2005 and presidential elections in 2003 and 2010.⁹ The process of consolidating multi-party democracy has faced numerous challenges. For example, the previous Rayaale government's attempt to cling to power after the end of its term in 2008, caused a deep legitimacy crisis for the government including the House of the *Guurti* (who was involved in extending the government term, through "dubious constitutional means" (Kibble & Walls 2011:23)). Yet, notwithstanding this crisis and resulting tensions in the years between 2008 and 2010, the presidential election in 2010 was surprisingly peaceful and smooth.

Also from a broader perspective, accounting for developments since the late 1990s, it is evident that institutionalization of the state and the practice of multi-party politics have steadily developed.

Clan dynamics have remained influential in shaping political alliances, yet the Somaliland government today represents itself as first and foremost legitimized through formal processes, and in particular through the rational-legal process of elections.

⁸ The referendum was the first time in 30 years that people had the chance to cast a democratic vote through the ballot (Bradbury 2008) and it was crucial in terms of affirming the popular aspiration for independence, and in ensuring that the particular 'idea of the state' – framed in the constitution – was 'owned' by the people. Although there is doubt about the exact turn-out, a clear and significant majority of the population endorsed the constitution, thereby declaring their commitment to independence as well as to the transition from the clan-based system to a restricted multi party democracy (Bradbury 2008).

⁹ This process of representative democratisation has faced numerous internal and external problems, not least the crisis precipitated by the previous Rayaale government in attempting to cling to power after 2008 with a questionable political mandate. The then government failed to prepare for elections in any serious manner, and engaged in politicking aimed at extending the President's term through dubious constitutional means.

The opening up for new political parties

One recent significant development is the opening up for the registration of new political parties in Somaliland. The Somaliland constitution of 2001 adopted a multi-party political system, but included an article (9.2) that limited the number of political parties that can be registered to a maximum of three. This constitutional limitation to the multi-party system was adopted to avoid a situation similar to the 1969 elections in Somalia, where political parties multiplied along clan-lines (see background section). In other words, the constitutional limitation of three parties was adopted to protect the space for party and issue based politics spanning alliances and cooperation across clans, and avoid political parties turning into vehicles for pursuing specific clan interests. Yet recently, criticism of this system was rising in Somaliland. The key argument for lifting the restrictions of three parties only, was that such restriction undermines the process legitimacy of competitive multi-party democracy, since the three parties could not be challenged¹⁰. Also, ‘fixing’ party politics in a three party modus operandi did not evade the dynamics of clan influence and dividing lines in the political space, indicating that the challenge of balancing between national and issue based politics and clan level activities and interest in the political space must be approached as an ongoing process (in which the solution of a three stable parties was a step, but not an endpoint) (Fadal 2011).

After a public consultation on the matter, the government amended the electoral law and in late 2011 opened up for political ‘associations’ to register for contesting with the three established parties in the local elections. At the local elections on November 28 2012 seven parties were contesting: Five new political associations (UMADDA, DALSAN, RAYS, WADANI and HAQSOOR) that had been able to successfully register, and two of the three existing parties.¹¹ The three highest polling parties in the local elections will contest in the next parliamentary and presidential elections as recognized political parties (Fadal 2011).

In addition, shortly before passing the electoral law that allowed for registration of new parties, the House of Representatives passed amended law that lowered the age restrictions for eligible political candidates from the previous limit of 35 years down to 25 years.¹²

These developments may be seen as an indication of new political ambitions aspiring beyond aims of ‘simply’ safeguarding peace, security and stable power-bases. This is seen as opening up new types of political spaces for public participation and leadership in Somaliland.¹³ Such openings are also indicated by the ‘new’ government’s (elected in 2010) use of consultative committees conducting public hearings on salient political issues, so as to confer legitimacy and public support to political decisions.¹⁴

¹⁰ Interview with Somali political analyst, Hargeisa; see also Fadal (2011).

¹¹ The UDUB party did not participate in protest against the Electoral Commission which UDUB deemed biased and politicized.

¹² Interview with representatives from the youth umbrella organization SONYO, Hargeisa.

¹³ Interview SONYO representatives, Hargeisa.

¹⁴ Interview with Somali researcher/development worker, Hargeisa. These hearings/consultation processes have not all be smooth, and have on some occasions received critiques for being biased. Yet, the idea of hearings and

The Upper House of Elders

While elections and competitive multi party politics, have developed as key sources of legitimacy for the government, the Upper House of Parliament, the *Guurti*, remains unelected. The house of *Guurti* is since its institutionalization at the Boroma conference in 1993, the most high-profile and explicit form of formal involvement of traditional authority in state government.

As noted above the *Guurti* was critical in adding legitimacy to the project of state formation in Somaliland in the early 1990s. The *Guurti*'s legitimacy also rested on its historical role in mobilizing resistance against Siad Barre, subsequently its role in re-building peace, and finally its role within the institutional arrangements in upholding customary principles of consensus and inclusion to counterbalance the competitive nature of multi-party politics.

Yet, since the institutionalization of the *Guurti* in 1993 the legitimacy of its members has become increasingly compromised, to the point that many Somalilanders today question whether the *Guurti* is at all a source of legitimacy for the government. Interviewees indicated that this is not a matter of traditional authority having lost legitimacy in the Somaliland context, but a matter of the *Guurti* not representing traditional authority anymore ()¹⁵.

Both the issue of representation (also relating to process legitimacy) and the issue of mandate (also relating to output legitimacy) of the *Guurti* have become increasingly contested. To understand the legitimacy crisis it is useful to revisit the meaning and understanding of a *guurti* in the Somali context. A *guurti* designates the “governing body of the family, clan or community comprising the elders at every social unit of the participating lineages or community of lineages” (Gundel 15: 2006). Such a governing body of elders, is selected by his clan or sub clan, based on their character, respectability and knowledge of the customary law, the *Xeer*, and Somali culture (focus group discussion with the traditional leaders peace committee, El Efweyn). In cases of conflicts and disputes, the *guurti* assumes a negotiating or mediating role, relying on *Xeer*. The legitimate authority of a *guurti* depends on the elders' accountability to their constituency, i.e. their ability to guard the interests and meet the needs of their clan or sub-clan, or, in cases of mediation, their independence and respectability in the eyes of the conflicting parties.¹⁶ It is these customary sources of legitimacy (relating to both the process/representativeness and mandate that underpin legitimate traditional

direct consultations is valued and a source of legitimacy in Somali society. Broad public hearings may also be a pathway for allowing for ‘new voices’ that may not be included in the traditional clan meetings which continue to shape decision making. Given the substantive use of consultative committees the current president has gotten the nick-name of Ahmed Committee.

¹⁵. Interview with Somali researcher/development worker, Hargeisa; interview with Somali researcher/local governance expert, SORADI, Hargeisa; interview with Haqsoor Representative, Hargeisa. Haqsoor is a LINGO founded by a number of traditional leaders to enable cooperation with international actors. A key focus for the NGO is conflict resolution

¹⁶ Fadal 2011a; Interview with facilitator for support to religious and customary conflict resolution initiatives, Hargeisa.

authority) that have been compromised with the formal institutionalization of a national *Guurti*.¹⁷

As for representation, the national *Guurti* members were originally selected through clan consensus at the Boroma conference. However, as the older members have died their sons have taken over, and many seats in the house are thus currently held by individuals who have inherited the seat or been politically appointed (by the president), rather than people selected through a process of local clan consensus. It follows that while the *Guurti* house is still comprised of members belonging to (and, as such, representing) the different clans and sub clans, the representativeness is compromised by the fact that the current *Guurti* include individuals whose power has not been legitimized through a consensus process among the constituency. This implies that some members of the *Guurti* are seen as ‘politicians’ with limited downward accountability, whereas many of the most locally legitimate traditional leaders are not in the *Guurti*.¹⁸ Politization of the *Guurti* is in other words seen as a key factor behind its loss of traditional legitimacy. As noted by a Somali political analysts “Right now they (*Guurti* members) are politicians, they are not elders!”¹⁹

Notwithstanding the current legitimacy deficit of the *Guurti* members, most of our interviewees expressed that they believe that, in principle, the government institution of the *Guurti* continues to be relevant and legitimate, but that it is critically important to define the process and criteria for selecting, appointing or electing the *Guurti* members. There is no clear mechanism, or constitutional provision, in place on this, but the issue is intensely debated within Somaliland.²⁰

Most interviewees argued that selection, in one or the other form (clan based or possibly regionally based), would add more legitimacy to the *Guurti* house than a Somaliland-wide election through the ballot. As noted “If we elect them through the ballot then what is the difference between the *Guurti* and the House of Representatives? (...) I think we still need a balance and a difference”.²¹

One of the key arguments was that selection is the best way to ensure legitimate and inclusive representation of the population, because selection would allow all clans and sub clans, including minorities, to be represented. One interviewee pointed out that “One of the legitimacy weaknesses of party democracy is that the majority always wins (...). To compensate for that I think clan selection should ensure that also minorities and sub-clans get represented” (Interview with Somali researcher/local governance expert, SORADI, Hargeisa). Clan consensus rather than individual voting is also by some perceived to have a

¹⁷ We elaborate on the sources of legitimacy that traditional leaders draw upon in part two (below).

¹⁸ Interview with Haqsoor representative, Hargeisa; Interview with consultant and Somalia expert, Nairobi; interview with Academy for Peace and Development (APD) researcher, Hargeisa.

¹⁹ It is worth noting that this quote does not only reveal dissatisfaction with the *Guurti*, but also a general scepticism towards ‘politicians’. Interview with Haqsoor representative.

²⁰ Interview with APD researcher, Hargeisa.

²¹ Interview with Somali researcher/local governance expert, SORADI, Hargeisa.

better chance of ensuring that the ‘right’ people (referring back to traditional virtues of an elder) would get the seats.²²

Also with regards to the *mandate* or key roles/tasks of the *Guurti*, there is a crisis of legitimacy and vigorous debate on how to specify or redefine this mandate. Its involvements have expanded from dealing with matters within and between clans and communities to also having a role in significantly shaping national politics and law making. One of the key mandates of the *Guurti* (as anticipated at the time of its institutionalization), namely the role to act as a mediating body in larger scale conflicts involving clans and/or the government, was challenged already a few years after the Boroma conference, when the *Guurti* failed to resolve fighting between the government and the sub-clans of Idagalle and Haber Yunis. Given its new position within the state structure the *Guurti* was seen to be an ally of the government and therefore not accepted as a legitimate neutral mediator by the contending parties (this rejection of the role of the *Guurti*, on the part of conflicting parties, has reoccurred in more recent instances of conflict within Somaliland). As noted by a Somali political analyst “They cannot really mediate conflicts, so they do not ‘deliver’”.²³ In other words, their performance legitimacy is called into question. This is seen to tie in with the abovementioned problem that some of the seats have been inherited and therefore are held by individuals that have not acquired the traditional mediation skills, and do not have sufficient connection to their constituency.

Moreover, the legitimacy of the *Guurti*’s law making and political powers (which include enacting laws on religion, culture, tradition and peace; reviewing and endorsing the laws passed by the lower house -except budgetary laws; and supervising as well as monitoring the government) has been increasingly criticized. In some instances over the past years the *Guurti* House has been accused of using these powers in siding with the executive branch of the government, rather than to keeping it in check. Alongside this, critiques of the House’s power to stall law-making processes initiated by the lower House of parliament have been on the rise. As argued by an interviewee “It is undemocratic, that a house which is not elected and not even representatives anymore should be more powerful than a house that consist of elected representatives” .²⁴ Finally, the *Guurti*’s constitutional mandate to extend the term of the government, including its own term, is profoundly politicized and contributed to the political crisis from 2008 to 2010 during which the electoral process was postponed as the previous president was clinging to power. On this backdrop, one line of argument is that if the *Guurti* is to regain legitimacy, its constitutional mandate needs to be amended with a focus on preventing the involvement of the *Guurti* in high politics and reconstituting its primary role as a traditional body of authority aimed at strengthening peace and resolving conflicts.²⁵ This would include a constitutional amendment.

²² Interview with Somali researcher/development worker, Hargeisa; interview with Somali researcher/local governance expert, SORADI, Hargeisa.

²³ Interview with Somali researcher/development worker, Hargeisa; see also Farah (2011).

²⁴ Interview with Somali researcher/development worker, Hargeisa).

²⁵ (Interview with APD researcher, Hargeisa; Interview with consultant and Somalia expert, Nairobi).

The contentions surrounding the *Guurti* House relate to broader questions of what might serve as contemporary defining criteria for legitimate traditional authority and of what should be the roles and responsibilities of traditional leaders in Somaliland today (we elaborate briefly on this discussion in part two and part three below). In the context of state formation this also involves questions pertaining to the relationship between legitimate traditional authority and clan representation, on the one hand, and state authority and election processes on the other, and more broadly, how to maintain a constructive and continuous engagement between the state and society.

During the early processes of reconciliation and reconstruction in Somaliland political order emerged out of contestation and alliances between local social forces and creative interaction between different forms of legitimate authority. Since then state institutions have continuously consolidated, and in this process the ‘hybridity’ of the state has become less apparent. The achievements underway in this process are impressive, yet there is a remaining need to continuously reassert and remake channels for people’s engagement with the state.

This need is also pressing on the level of local district government, where the rational legal process of election is fairly well established while profound challenges to both process and output legitimacy are nevertheless apparent.

Local Government

The local election in 2002 was the first round of elections in Somaliland, and the first step in the transition from the *beel* system (clan representation) to competitive multi-party democracy. Hence it was a new and hugely challenging experience, but managed with admirable transparency and engagement, which gained considerable respect and admiration, also internationally (Bradbury 2008).

The official term for local councils is 5 years. But only on 28 November 2012, the second round of local elections was conducted. Interviewees indicated that the postponement of elections (2007 was when the official term of the councils ended) weakened state legitimacy on the local level. Some interviewees also noted that it was not ‘the right people who got the seats in the local councils during the local elections in 2002’.²⁶

At the first election voters could not vote for individual candidates, only for party lists (this also implied that women for example did not stand much chance of winning seats as female candidates generally were at the bottom of party lists).

In the recent second round of local elections, the procedure had been amended to allow people to vote for individual party members, rather than party lists. And also, as noted above, the elections fielded seven parties rather than only the established three that had political

²⁶ Interview with Somali researcher/local governance expert, SORADI, Haregisa.

monopoly since 2002. These changes in the electoral practice made it more complex to manage but was likely to have enhanced the process legitimacy, as it addressed points of criticism raised in relation to the first round of elections.²⁷

Local elections in Somaliland open up the question of the relative legitimacy, or lack thereof, of the Somaliland state in the various regions including also the contested border areas (Sool and Sanaag), and in the eyes of the government in Mogadishu. Elections took place in 21 out of the 23 electoral districts –indicating that the Somaliland government has managed to ‘roll out’ its authority more than has been possible previously. Early reports from international election observers indicate reasonably free and fair elections and also noted that “the actual mechanisms of the electoral process are well understood” (interview by UNPO 2012). Moreover, the newly nominated president of Somalia Hassan Sheikh Mohamud congratulated Somaliland on the elections and indicated the hope and will to continue a Somaliland-Somalia dialogue (Somaliland press 2012). That said, different sources have reported clashes (between supporters of Puntland and Somaliland, and between supporters of the recently announced Khatumo state and Somaliland) in the periods before and after the elections, as well reoccurring demonstrations against the election results (in particular in the contested areas).

Despite challenges, this recent round of local elections is significant for the process legitimacy of the local government in Somaliland. The appreciation of the process and the right to vote was also marked by the high voter turnout.

Notwithstanding significant electoral achievements, a recent study as well as our interviews during the fieldwork point to a number of challenges concerning both process and outcome legitimacy of local government that are unlikely to be overcome by elections alone.

The study was carried out in 2011 by the Hargeisa-based *Social Research and Development Institute* (SORADI). The study focused on public perceptions of local District Councils. It was based on data collected in five districts; Hargeysa, Borame, Salahley, Sheikh and Sabawanaag districts, through 92 questionnaire interviews (for details on the methodology see Yusuf & Bradbury 2011).

The central, and admittedly bleak, findings were summarized as follows: “To date, citizens have not seen any significant impact from the democratic election [in 2002] on the performance of their local council; The distance between those who govern and those who are governed is increasing, at least in the districts studied; Local government is increasingly governing the districts and municipalities on behalf of its citizens and not with its citizens; This weakens the legitimacy of local government and steers Somaliland away from its

²⁷ Interview with Somali researcher/local governance expert, SORADI, Hargeisa.

collective vision of establishing a democratic system of government” (Yusuf & Bradbury 2011: 9).²⁸

It is important to keep in mind that the study took place before the recent round of local elections. However, the gradually widening disconnect between local government officials and people, pointed out in the study, involves legitimacy challenges beyond the electoral process.

More than 70 per cent indicated dissatisfaction with the conduct and performance of the local councils, and similarly high numbers indicated specific grievance relating to both process and performance of local government (Yusuf & Bradbury 2011).

Interviewees argued that one of the central factors behind popular dissatisfaction with the District Councils is that the council members do not engage in *ongoing consultations* with the citizens, and that the input local people have in district priorities therefore is minimal. Causes behind this are seen to be both lack of willingness and interest on the part of local government officials, and absence of effective mechanisms and channels through which the public (women, men, traditional and religious leaders, local NGOs etc.) can participate in district governance and prioritization.²⁹

This disconnection between the society and the ‘local state’, and the resulting legitimacy deficit of the latter is not merely a matter of poor government ‘outreach’ (the explanation often provided in literature on state ‘fragility’). In fact, DCs in bigger cities were rated worse (in terms of lack of consultation with - and connection to – their citizens) than the DCs in the smaller and more rural districts (despite the fact that the latter typically are the most under-capacitated, and provide very limited services). One interviewee explained that in smaller districts there are more possibilities for direct and ongoing participation of local people, people are more likely to know the mayor, and have more everyday interaction with him and the other council members than is the case in bigger towns like Hargeisa.³⁰

Another observation made by some policy observers and local researchers was that while there is much to be proud of in terms of Somaliland’s achievements pertaining to elections, they do not see a given and absolute correlation between the local elections (they were here referring to elections in 2002) and greater effectiveness of the councils or greater representation/participation of the people. In fact, it was argued that effectiveness, representation of local people, and their participation in shaping governance was greater

²⁸ Our interviews provide similar indications, yet the thorough SORADI study is based on more ‘evidence’ and data on the topic. We had a chance to interview the lead researcher on his findings as researcher Louise Wiuff Moe was affiliated with SORADI during her stay in Somaliland.

²⁹ Yusuf & Bradbury (2011) and Interview with Somali researcher/local governance expert, SORADI, Hargeisa, see also).

³⁰ Interview with Somali researcher/local governance expert, SORADI, Hargeisa; Field observations, El Efweyn.

before the installation of elected local councils, at the time when clan-consensus was the basis for state governance at all levels.³¹

These observations indicate that while voting and rational legal procedure constitute one important source of process legitimacy, the legitimation of local government authority in the Somaliland context would require *ongoing processes of consultation* and mechanisms for transparent and participatory decision-making.

Direct interaction, that is, immediacy in participation and exchange, in the political and public spaces is an important source of process legitimacy in the Somali context. These features and ways of enacting political community are central in local custom and everyday life and were characteristic for the early processes of state formation in Somaliland, but have become gradually weaker in the arenas of institutionalized local government.

In terms of expected outputs of local government, the responsibilities of the local and regional government institutions are service delivery and development. Services include provisions of internal security, but this mainly falls under the responsibility of the regional Governors and police forces, and also involves cooperation with the district authorities, and with the traditional leaders. We will elaborate on the issue of security in the sub-section on hybridization between state and traditional legitimacy (part three below).

However, the primary responsibility of the district councils is socio-economic development and delivery of basic social services. Certain basic social services, including health, sanitation and education are provided and organized by local government institutions, especially in the bigger cities. The overall picture is, however, that local government officials have very limited capacity and/or willingness to deliver, which results in problems with regards to the performance/output dimension of legitimacy.³²

Some services, such as garbage collection and sanitation more broadly, are provided by private actors, who get paid by the local government (using tax-money). Often these private actors/companies charge local people extra, as the payment from the government cannot cover a salary. People perceive this as double taxation, and as an indication that tax monies are not spent properly to provide output in the form of effective services. This challenges the output legitimacy of local councils, especially as the lack of output in return for taxation has led to allegations of corruption on the part of local government officials.³³

The problem of lack of performance/output legitimacy is also seen as tying in with the problem, mentioned above, of insufficient consultation and dialogue between district

³¹ Meanwhile, it is also the case that the boundaries between state authority and traditional authority in any case remain blurred, as clan dynamics continues to profoundly shape socio-political affairs, including elections. Interview with Somali researcher/development worker, Hargeisa; Somali political analyst, Hargeisa; independent consultant/Somalia expert, Nairobi.

³² Interview with Somali researcher/local governance expert, SORADI, Hargeisa; interview with Somali political Analyst and Development worker, Hargeisa; Yusuf & Bradbury 2011.

³³ Interview with Somali researcher/development worker, Hargeisa.

councils and citizens. The council members are seen to not have a proper sense of the needs in the communities within their district (interview with Somali researcher/local governance expert, SORADI, Hargeisa).

Local government officials, in turn, blame the central government for not releasing the necessary funds and decision-making power to the local councils, or releasing funds only selectively (to local district authorities that show compliance with and support for the government). This suggests that the deficit of output legitimacy of local government is partly due to the lack of actual devolution of power from the central government and lack of clarity about the laws defining the role of local government –despite the fact that the Somaliland constitution provides for a decentralized system of government.³⁴ Some people see the lack of devolution as a residue of the centralizing mentality of the Siad Barre government - a government which left people with a profound mistrust towards top-heavy state power.³⁵ Standing by commitments to decentralization is likely to be important for the legitimacy of the current and relatively new Somaliland government.

People's critique of local government officials and their demand for these officials to improve the process and performance of local government signify profound legitimacy challenges, but it also marks an *engagement* of the society with the state. Along similar lines, high voter turnouts indicate that while people criticize the district councils the idea of local government has support and the electoral process enjoys legitimacy.

The increasing consolidation and institutionalization of the state, and of rational-legal electoral processes, seem to have increased public expectations vis-à-vis the state (and its processes and performance), but alongside processes of institutionalization the distance between state actors and the society has in some respects grown –this is particularly discernible in the domain of local government. Developments within this domain demonstrate that rational legal processes, and conduct of elections, are not sufficient for maintaining the legitimacy of government, but need to be complimented by mechanisms for ongoing participation, consultation and contestation.

2. Traditional leaders

While state institutions have steadily developed and expanded in Somaliland, it is primarily non-state actors and in particular traditional leaders who provide everyday governance, including local peace and order. This subsection discusses what sources of legitimacy these leaders draw upon.

There are different categories of traditional authorities. The two most common and active titled traditional leaders are the *Suldaan* and the *Aquil*. The *Suldaan* functions as the head of the clan at the level of the clan-families, whereas the *Aquil* is the chief of the *Diya*-paying group. The *Diya*-paying groups can be understood as the basic social structure or lineage

³⁴ Interview with researchers at SORADI, Hargeisa.

³⁵ Interview with Somali researcher/development worker, Hargeisa.

entity above the family unit level. Each *Diya* group is loosely connected to higher levels of lineage, the highest of which are conventionally known to be the six clan-families Raxanweyn, Darood, Hawiye, Isaq, Digil and Dir. The Somali customary law, the *Xeer*, is oral and passed down through generations. It is usually negotiated and agreed upon ‘bilaterally’ between *Diya*-paying groups (Bradbury 2008; Gundel 2006; Samatar 1992). Thus, the *Xeer* “binds people of the same treaty (*xeer*) together, and defines their collective responsibility in external relations with other groups” (Gundel 2006:8).

The *Suldaan*’s and *Aquils* authority is based on them primarily managing clan relations (rather than territory). In addition to these titled traditional leaders, most villages have a village council (VC). These VCs consist of titled and untitled elders and traditional authorities, as well as other members of the communities that are known to have special skills that can be of help to the wider community –such as teachers, technicians, health workers and good negotiators.³⁶ VC are engaged with the everyday governance of the village (i.e. while clan relations shape village matters, there is a territorial dimension to the authority of VCs), and they also constitute the lowest level of local government, below the District Councils.³⁷

Process legitimacy

Process legitimacy pertains both to how these traditional authorities are selected and to what procedures they follow when exercising their authority. There is no fixed formula for selecting a traditional leader, but the process will typically involve the gathering of elders and other respected clan members, who will be discussing, deliberating and reaching consensus on who is suitable as a traditional leader for their clan. In the case of choosing a *Suldaan* heritage may play a significant role, while this is only to a lesser extent the case when an *Aquil* is chosen (Gundel 2006). Interviewees emphasised that when choosing a traditional leader his personal characteristics are crucial. Patient, tolerant, generous, highly respected (by people in his community), and articulate (“he must be a good speaker”) were mentioned as characteristics that would describe a legitimate traditional leader (focus group discussion/meeting with the traditional leaders/*Aquils*, El Efweyn).

Moreover, good knowledge of Somali culture and the traditional law, the *Xeer*, is crucial, given the key role of *Xeer* in managing clan relations and in leading mediation and dispute resolution processes.

Process legitimacy of traditional authorities depends on their roles as facilitators/leaders of processes of self-governance among their clans or communities. This entails for example: managing everyday affairs, facilitating decision making, planning, managing common resources etc. so as to best secure and safeguard the community or the clan; mobilizing the community to respond to challenges or crisis situations (such as the recent drought), and in particular; leading mediation and conflict resolution processes within and between clans

³⁶ Field observations in El Efweyn and Sheik, Somaliland; Focus group discussions with 4 communities in El Efweyn district; Focus group discussions with 3 communities in Sheik district.

³⁷ For a more elaborate introduction to the different categories of traditional leadership, see Gundel (2006).

and sub clans.³⁸ Meetings among traditional leaders are known as *Shir*, whereas *Shir beeleed* is a regular clan conference, attended also by non-titled kinsmen. It was, as indicated in section one, a series of *shir beeleeds* that laid the foundation for state formation in Somaliland. The lengthy *shir* or *shir beeleeds* meetings, serving as decision making forums and for settlement of conflicts, are typically held in the midst of the communities and can be attended by all adult males (Menkhaus 2000). While the *shir* is known as a highly consultative and democratic process – in the most basic sense of the word – the exclusion of women is a significant undemocratic characteristic.

The ability and effort to ensure fair procedure in dispute resolution and mediation processes is central for the legitimacy of traditional authorities. In conflict resolution processes the conflicting clans agree on a date/time/venue, and the traditional leaders meet and stay for weeks if necessary. They will often have several small groups discussing at the same time to come up with solutions, they will go through the witnesses, go to visit the sites (for example in the case of murder), and talk to all the parties. The elders will then assemble and negotiate the solution and compensation. In cases of mediation third-party clan elders, accepted by both conflicting parties, are in charge of the settlement/mediation³⁹

Allowing time and providing the possibility for the involved parties to fully explain and bring up their views and evidence were mentioned as central for the legitimacy of the process (and of the leader/facilitator of the process). As noted by an interviewee “the processes are completely different from the Western style where you have a time frame and an agenda and all this. For the Somalis, you need to give the people a chance to talk. And if they accept to talk they have in principle already agreed to peace [he recites a Somali proverb]: let’s talk, means lets agree”⁴⁰

In *conflict resolution* processes the key legitimate role of the traditional leaders is to guard the interest of his clan, whereas in *mediation* processes the role is as a neutral and fair facilitator. ‘Neutral’ does not mean ‘detached’, however, and does not also indicate a practice of following a set of fixed ‘objective’ procedures. Rather “a traditional leader must have deep knowledge of culture, clans, and what their relationships are, to be able to engage as a mediator”⁴¹ It is worth noting how these valued traits of engagement and personal qualities mark a rather profound contrast to the concept of a disengaged technical bureaucrat that embody rational-legal authority in the Weberian sense.

³⁸ Focus group discussions with traditional leaders, El Efweyne; Focus group discussions with communities in El Efweyn and Sheik;; Interview with Somali researcher/local governance expert, SORADI, Hargeisa. Interview with Haqsoor representative, Hargeisa. Interview with Horn Peace representatives, Hargeisa (Horn Peace is an LNGO, that very similarly to Haqsoor, works with conflict resolution and traditional leaders).

³⁹ Interview with Somali researcher/local governance expert, SORADI, Hargeisa; focus group discussions with traditional leaders, El Efweyne and Ainabo; Interview with facilitator of support to religious and customary conflict resolution initiatives, Hargeisa. Interview with Horn Peace representatives, Hargeisa

⁴⁰ Should be noted though that traditional leaders can also serve as a means of resistance and organization for conflict if they find that their clan’s interest is not served by peace. Interview with facilitator of support to religious and customary conflict resolution initiatives, Hargeisa.

⁴¹ Focus group discussion with traditional leaders, El Efweyn.

Also worth noting, the emphasis on relationships is central for the legitimacy of the process whether in cases of mediation or conflict resolution. The aim of the process (the legitimate ‘outcome’ strived for) is to restore peaceful relations between the conflicting clans. For the process of customary conflict resolution this means that while traditional leaders guard the interest of their clan, peace is pursued through *active connectedness* and engagement.

Custom, poetry and religious leaders

Common cultural practices and norms can function as connectors, and thereby add legitimacy to the process. For example poetry plays a strong role in conflict resolution processes. Poets can convey messages about right and wrong, peace and conflict, etc. that connect with shared cultural and emotional understandings and experiences.⁴² Along similar lines, proverbs have a role in legitimizing dispute settlements and the authority of traditional leaders. They are shorter sayings that capture and convey through symbolic or metaphorical references some important insights derived from (for example) how a conflict was solved, a matter dealt with or an outcome reached. “Proverbs function as a kind of oral codification” and can allow knowledge about past settlements of disputes to inform and legitimize contemporary settlements.⁴³

Customary processes of conflict resolution, and the articulation of legitimate customary authority, can also be strengthened through connecting with religious sources of legitimate authority. Religious leaders can support a customary conflict resolution process by invoking morality based on Islam, which spans across clans and conflicting parties (whereas traditional leaders’ legitimacy, as mentioned, depends on guarding the interests of their clan).⁴⁴ Religious leaders can add momentum and legitimacy at all stages in a customary conflict resolution process. Their involvement can put pressure on the parties to initiate the negotiation: “The idea that a religious leader came all the way to get you to start dialogue must be treated with respect. And also there may be a fear that if the religious leader is not taken seriously he may curse you”. Religious leaders can be part of opening and blessing the meeting, and praying for the success of the negotiation “They may make prayers for those who can accommodate, forgive, think of the future, and show patience”.⁴⁵

They can also use the Mosques for making the public aware of the negotiation and spreading messages about the obligation to search for peace. “These people (Somalis) are all Muslims, some may be praying 5 times a day and they want to have a good relation to god ... Then if the deadlock comes, the religious leaders can put pressure on and say ‘you came all the way

⁴²This implies, however, that poetry can also be used in sparking conflicts and making insults. Interview with poet/religious authority, Hargeisa; Interview with poet, Ainabo; group discussion with traditional leaders, El Efweyn. Interview with Horn Peace representative, Hargeisa

⁴³ Interview with poet/religious authority, Hargeisa.

⁴⁴ Interview with Somali researchers/facilitators from International Horn University, Hargeisa; Interview with facilitator of support to religious and customary conflict resolution initiatives, Hargeisa.

⁴⁵ Interview with facilitator of support to religious and customary conflict resolution initiatives, Hargeisa.

to make peace’, and he can also say ‘take a curse or take a prayer!’ –who chooses the curse?!!”⁴⁶.

Also in the final settlement of a conflict or dispute *Sharia* law plays an important part in determining the compensation, as the traditional law, the *Xeer*, to a great extent has incorporated *Sharia*.

Outcome legitimacy

As noted, the restoration of peaceful relations between communities and clans after a conflict (rather than an outcome that sanctions individual punishment or promotes individual interest) is the key outcome strived for in customary processes of conflict resolution or mediation. Achieving communal peace is an outcome that affords performance legitimacy to the traditional authorities. At the same time, performance legitimacy for each traditional leader lies with him facilitating solutions (to a crisis), or outcomes and settlements (of a conflict) that serve the interest of his clan.⁴⁷ Hence, traditional leaders need to pursue outcomes that serve their clan, yet within a broader discourse of connectedness where pursuit of wider consensus and a sense of communal balance are key traits. However, on occasions where relationships between clans get severely damaged or when core interests of a clan are violated, traditional leaders can take up non-reconciliatory positions as well.

Traditional leaders in Somaliland continue to enjoy a rather high degree of performance legitimacy. They take care of an estimated 80 % of all disputes and their performance is generally seen as more legitimate and effective than the performance of state actors.⁴⁸

The traditional system is seen as cheaper, quicker and better at producing outcomes that guard social security than the state system, yet it should be noted that state actors often compliment customary processes of security and conflict resolution, as discussed further below.

There are also a number of challenges to the legitimacy of traditional authority. One challenge comes from alternative models of civic leadership, such as youth and women – groups who tend to find limited space for their participation in customary decision making. We will elaborate on this in part four (below) on legitimacy of ‘civil society’ actors.

Another key challenge to legitimate traditional authority is the politization and proliferation of traditional leaders resulting from interactions between state actors and traditional leaders. This is one of the aspects that will be addressed in part three on the interaction between traditional and state authority.

⁴⁶ *Ibid.*

⁴⁷ Focus group discussions with traditional leaders, Ainabo and El Efweyn; Interview with Haqsoor representative, Hargeisa. Interview with Horn Peace representatives, Hargeisa.

⁴⁸ Gundel (2006); Interview with researcher from APD, Hargeisa; interview with Somali researcher/local governance expert, SORADI, Haregisa.

Reflections: the embeddedness of custom

Traditional authority is situated within particular ‘institutions’ (such as *Aquils*, *Suldaans*, Village Councils) and legitimized through particular procedures (particularly the *Xeer*). Yet, given their positions as representatives for the communities or clans and given their roles in facilitating mediation, conflict resolution, community mobilization, decision making etc. (as shown above), traditional authorities do not constitute a separate ‘system’ or mode of authority that is external to, enclosed from or working beyond the society. Traditional authorities are deeply embedded within the wider society and culture. It is within a web of *self-governance* that the role and sources of legitimacy of traditional authority lies. This also means that the articulation of custom and tradition, and the grounds for its legitimacy, tend to be more dynamic than what is suggested by the Weberian ideal type. Traditional legitimacy does not simply rest on established beliefs in the sanctity of immemorial traditions, but also on the ability to enact custom in ways that respond to contemporary challenges.⁴⁹ Tracing the etymology of the word ‘tradition’ sheds light on the dynamic and process-oriented characteristics of traditional authority. The Latin word ‘tradere’ from which the word tradition is derived “can be translated as ‘pass something [over]’ or ‘hand something [over]’” (Hoehne 2006:3). Thus, the etymology of ‘tradition’ conceptualizes it as something connecting the past with the present.

It is also worth emphasising the strong aspects of immediacy, direct participation and contextual flexibility linked with the articulation of legitimate traditional authority. This marks a contrast to the absoluteness of notions of legitimacy that underpin rational-legal authority (for example in how a case is judged or in how authority is constituted).

3. Interaction between traditional authority and state authority – hybridization of legitimacy

As noted in the background section and in part 1.1. of the case study section, the very foundation of political order in Somaliland was the interaction of traditional and state-like sources of authority. Traditional mechanisms of consultation, reconciliation and consensus building were central to opening the space for formative political processes - processes that included various simultaneous modes of participation and activity (from poetry, micro-negotiations and mending of clan and sub clan relationships to national reconciliation and constitution making). It was, in brief, a political process drawing on indigenous forms of engagement, dialogue and participation to meet new types of challenges in the context of state formation.

During recent years state institutions in Somaliland have increasingly consolidated (as discussed above), and the interaction between the traditional system and clan interests and the state is no longer as explicit and direct as it was in the 1990s (when clan conferences were the basis for installing state leaders). Nevertheless, there are still various interfaces of influence,

⁴⁹Interview with consultant/Somalia expert, Nairobi.

cooperation and competition between traditional authority and state authority. Some forms of interaction can increase the legitimacy of both forms of authority, others may undermine legitimacy. Also, the boundaries between official, organized cooperation and ad hoc, indirect influence and manipulation are blurred.

As for institutional linkages the important role of Village Councils (VCs) (see previous section) as governance bodies ‘bridging’ between local communities and the local state was highlighted.⁵⁰ VCs are the lowest level of local government, but as noted they tend to be more loosely structured than the District Councils (DCs) and more engaged in everyday affairs as they occur, than in formal (state) hierarchically structured governance duties. Yet, exactly because of the VCs’ local embeddedness, they can be important in bringing community concerns to the attention of local government officials (in the DCs) and in creating upward pressure for accountable governance.

In the domain of security and conflict resolution the cooperation and linkages between traditional authorities and state actors (such as the police and judges, and sometimes even the military) are particularly well established.⁵¹ State actors and traditional leaders add different forms of authority to processes of dispute resolution and conflict management, and in some cases they are profoundly dependent on each other’s articulation of authority in order to reach a sustainable and legitimate outcome: State actors are typically not seen as ‘neutral’ or as actors who possess the knowledge and morality needed for the task of mediating in a case of conflicts. Instead, negotiations and mediations are generally taken care of by the *Aquils*. It is typically also the *Aquil* who - with the help of local people- are in charge of capturing a suspect in the first place. If suspects refuse to hand themselves over the police can be called in to undertake the arrest. Subsequently the *Aquils* lead the procedure of traditional justice, apply the *Xeer*, and ensure that agreements of *Diya*-compensation are reached. The police at times keep suspects or ‘trouble makers’ in jail while the negotiations are going on to avoid cycles of revenge killings setting off and derailing the negotiations. In cases of larger scale conflicts the army may be brought in to stop the fighting and violence and thereby enable negotiations to begin. After negotiations the courts in some cases register – and thereby ‘formalize’ and add ‘legal’ legitimacy to – the decisions made by the traditional leaders.⁵²

The cooperation between the state and traditional leaders in the domain of security is institutionalized through the latter being registered with the Ministry of Interior, and receiving a modest payment from the state. This signifies state recognition of the traditional leaders’ legitimacy. It is at the same time a residue of colonial indirect rule practices of the state co-opting traditional leaders.

⁵⁰ Interview with Somali political Analyst and Development worker, Hargeisa; interview with Somali researcher/local governance expert, SORADI, Haregisa; Focus group discussions with communities in El Efweyn and Sheik districts.

⁵¹ (Interview with Haqsoor representative, Hargeisa; interview with Somali political Analyst and Development worker, Hargeisa; interview with Somali researcher/local governance expert, SORADI, Haregisa).

⁵² Interview with Haqsoor representative; focus group discussions with traditional leaders in El Efweyn and Ainabo; Interview with police commander, El Efweyn; Interview with community policing representatives in El Efweyn and Sheik communities; interview with Somali researcher/local governance expert, SORADI, Haregisa.

In cases of *conflict* and especially large scale clan conflicts it is widely accepted as crucial and legitimate that the state allows a space for traditional leaders to negotiate and mediate. However, in cases of *crime*, and especially in cases of gender based violence or violence against minorities, the legitimacy of the customary process is being questioned (because it does not take account of individual rights and responsibilities) and some people, especially women, expressed that such cases should be transferred from the customary system to the state system (and handled with reference to individual rights and responsibilities)⁵³ Our research shows however, that even in cases where the traditional authorities were prepared to refer such cases to the state court, victims remained under significant social pressure to resolve these cases through the traditional system (indicating widespread lack of empirical legitimacy of the state legal system).⁵⁴ Also, unrealistic evidentiary requirements make the prosecution of such cases in the state courts extremely difficult. Cases which do reach the state courts, will therefore often be sent back to the customary system (see Moe & Vargas, forthcoming in 2013).

In other words, parts of the population find that they cannot access any process of justice that will produce a legitimate outcome. This indicates how new perceptions of what constitutes legitimate procedure (specifically in cases of crime) have emerged and how this starts to put new demands on the multi-layered security and justice architecture (for an in-depth discussion see Moe & Vargas, forthcoming in 2013).

Delicate balances between cooperation, competition and politization

The strength and influence of traditional leaders on politics and governance is not restricted to the domain of local security. Given the continuous prevalence of clan identity, traditional leaders are also central for example in influencing elections. And more broadly their consent to state authority remains a central pillar for stable political community.⁵⁵

In some areas the traditional authorities directly counter the legitimacy of the Somaliland state, causing significant tensions. For example in the contested regions of Sool and Sanaag, traditional leaders have been permanently divided (and have shifted alliances) between support for Somaliland state or the Puntland state. The Somaliland state has mostly abstained from attempts to firmly enforce its power and authority in these areas, de facto tolerating

⁵³ In fact the very distinction between ‘crime’ and ‘dispute’ is relatively novel in Somali society. *Xeer* and the customary system have first and foremost been concerned with regulating resources (water, grazing) and with managing inter-clan disputes around access to resources. The *Xeers* predate ‘criminal codes’ (of the state), and it follows that also activities which in liberal discourse are categorized ‘criminal’, in the Somali context typically would be understood, framed, and handled, as disputes, i.e. as an intergroup concern. This issue of the different categories of disputes, conflicts and crimes, can be a source of confusion in terms of ‘who’ (customary, *Sharia*, state) deals with ‘what’. Focus group discussions with women in El Efweyn, Ainabo and Sheik communities; Interview with representatives from LNGO working for improved justice for minorities, Hargeisa.

⁵⁴ The elders noted that it is difficult to get all members of the communities to accept change in customary practices, such as the practice of transferring crime cases to the court (Interview with Haqsoor Representatives, Hargeisa, Somaliland, March 2010; Interview with Hornpeace Representative, Hargeisa, Somaliland, March 2010). It is also sometimes the case that women themselves put pressure on each other not to report incidents of rape, for example, to the state system (Interview with Human Rights Advisor, Hargeisa, November 2011).

⁵⁵ Interview with Somali political analyst, Haregisa; interview with independent consultant/Somalia expert, Nairobi.

traditional leaders of the Wasangeli and Dhulbahante being the primary power holders and providers of governance (Terlinden 2008). During the recent local elections sources in Erigavo indicated that the elections did not take place in Badhan and Dhahar towns Laas-Qoray District on 28/11 because of a boycott by Dhulbahante elders. Moreover, recently the project of a separate Khatumo sub-state across the Sool, Sanaag and Cayn regions has added increasing complexity to the various alliances, and has achieved the support of some Dhulbahante elders, countering the legitimacy of both the Somaliland and Puntland administrations.

State actors are generally well aware of the strength and influence of the traditional leaders, and how they can either affirm or challenge the legitimacy of state authority. Throughout Somaliland's history the state has had to continuously negotiate its authority with local traditional bases of authority, especially as the government has not had the will, the strength or the popular legitimacy to press through top down governance. One interviewee described how the first civil administration, headed by president Egal, created 'the fund for bribing traditional leaders', so as to ensure their support to the project of state formation. The interviewee indicated that Egal was not for the most part putting state money into his own pockets (something the second president Dahir Riyale Kahin became renowned for), but he "knew the importance of keeping stable power bases and consent for the project of state formation".⁵⁶

Depending on the lens, such practice can be seen as illegitimate corruption, or a level-headed recognition (on the part of the state) of the legitimate authority of traditional leaders.

Clearly, as also shown in the above discussion of the Upper House of Elders, state 'recognition' of traditional authorities is a mixed blessing, and can result in dynamics of politization that undermine the legitimacy of traditional leaders and cause fragmentation. As traditional leaders in the context of state formation started to assume roles of "lobbying for government positions and parliamentary seats" (APD 2011:75) the practice of state officials nominating 'titled' traditional leaders, in exchange for getting support, became common. For example, if political leaders would be unhappy with a particular traditional leader (who would not provide backing) they would nominate/give title to a competing elder in return for his support –and while doing so, seek to exploit possible divides in the respective clan so as to get some level of clan support.⁵⁷

This leads to a proliferation of titled traditional leaders and the breakdown of the clan itself into smaller factions (APD 2011).

An interviewee noted "It is dangerous practice. It touches on the very basis of how the society hangs together. If the traditional system fragments because new traditional leaders get appointed, then who to rely on if there is a conflict? Who is the head of the *Diya* payment? The formal one that has been created by the government for political reasons, or the

⁵⁶ Interview with Somali researcher/development worker, Hargeisa.

⁵⁷ Interview with Somali researcher/development worker, Hargeisa; interview with Somali researcher/local governance expert, SORADI, Hargeisa; Interview with consultant and Somalia expert, Nairobi.

legitimate one? If the government chose to deal with their self-appointed traditional leader, and not the community one there will be problems. It is the government that are playing hazard with the peace”.⁵⁸

This quote shows how the conception of ‘formal’ by no means automatically implies ‘legitimate’ and also how the deterioration of legitimacy of traditional leaders due to politization and proliferation can unsettle stability.

Interviewees reported that the practice of politicized state appointment of traditional leaders is not exercised anymore under the current government, and an interviewee holding office with the ministry of interior added that recognizing the risk of fragmentation of legitimate traditional authority, the current government has closed the registration of new titled traditional leaders for a period of two years.⁵⁹

Reflections: Pathways for positive exchange between state authority and traditional authority?

Merging and hybridization of state and traditional authority does clearly not provide a straightforward and ‘given’ path to legitimizing political order. The exercise of the state and traditional authorities seeking to convert different forms of powers between different realms of governance transforms and sometimes undermines the very basis of authority and legitimacy for both. Especially when traditional leaders become involved in high politics there are profound risks that they fail to uphold and maintain the processes and the roles that provide the grounds for their legitimacy. Yet, within certain domains, in particular the domains of security and conflict resolution, relatively effective and legitimate cooperative relations have developed between traditional leaders and the state providers. These mediated and multi-layered arrangements provide an alternative to central and sovereign (state) power (which has never been a source of legitimacy in the Somali context).

Explorations of avenues for constructive exchange between state authority and traditional authority should focus not only on the specific actors embodying these types of authority but also the different modalities of governance surrounding them. Democratization, institutionalization, and elections require certain measures of hierarchy, fixity and bureaucratic procedure. Traditional authorities, on the other hand, are (as noted in part two) to great extent embedded within networks of community *self-governance* in which consultation, immediacy and flexibility are central traits. Approaches that cultivate relational connections, which span state institutions/hierarchy and customary self-governance/networks could be part of addressing the legitimacy deficit of the ‘local state’ (part 1.2) and help to produce more integrated socio-political frameworks for order and peace (we elaborate further in part 5.2 and 5.3 below).

⁵⁸ Interview with Haqsoor representative, Hargeisa.

⁵⁹ Interview with representative for the Ministry of Interior, Hargeisa.

4. Civil Society Actors

‘Civil society’ and civil society leaders navigate between and draw on several legitimacy discourses. They interact with donors, take part in introducing new models of leadership, push developments in arenas of state politics and governance, while they also take on important roles within customary and communal processes of self-governance.

Civil society, understood in Western terms as NGOs, is relatively novel in Somaliland. During the Siad Barre dictatorship there was limited freedom for NGOs to operate, and the few that did operate were not independent. After 1991 the increasing involvement of, and aid from, international donors and the diaspora made NGO activity prosper. Local NGOs came to serve as vehicles for employing returning Diaspora people, and as subcontractors for international agencies implementing projects. . In particular, since the state was only in its early stages of formation and not internationally recognized, and since other locally legitimate authorities (such as traditional leadership) did not have the type of structure and modus operandi intelligible for international agencies, local NGOs (LNGOs) became primary ‘local partners’ for the international ‘community’ and have received substantial external legitimation and funds.⁶⁰ .

Externally granted legitimacy and donor money to LNGOs has often contributed to deterioration of their local legitimacy: “In terms of local NGOs there has been quite a bit of pursuit of self interest –where the NGOs mimic the donor agendas to get access to money and jobs rather than because they are genuinely interested in the communities ... while NGOs are easy entry points for international actors they don’t always represent the communities”.⁶¹ Interviewees emphasised that for civil society leadership to achieve local legitimacy they need to develop their strategies and capacities towards meeting local aspirations and strengthening local institutions (state and non state) rather than ‘jumping from project to project’ (interview with Somali political analyst and development worker, Hargeisa).

However, LNGOs, with support from external actors (including both donors and Diaspora) have taken key roles in providing services that the state does not have the funds to provide. Service delivery is clearly a key source of output legitimacy for civil society leadership.

In addition to service delivery, civil society actors also introduce new models of legitimate leadership, and civil society organisations/LNGOs have been central in putting pressure on established authorities to open up decision making processes and political arenas for civic leadership including in particular women and youth. Recent examples of political lobbying include the youth organisation SONYO key role in pushing for lowering the age limit for political candidates (see part 1.2 above) and the women’s umbrella organisation NAGAAD

⁶⁰ Interview with Somali researcher/local governance expert, SORADI, Hargeisa; interview with Somali political Analyst and Development worker, Hargeisa.

⁶¹ Interview with Somali researcher/local governance expert, SORADI, Hargeisa.

persistent lobbying for enactment of a women's quota in allocation of parliamentary seats and local council seats⁶²

In legitimizing and seeking support for these activities civil society leaders often draw on liberal discourses (human rights, justice, equal participation etc). These legitimacy discourses pose challenges to established forms of authority, for example traditional leadership. However, new forms of civic leadership and activism often engage with established legitimate authorities in ways that combine contestation and affirmation –rather than through a direct rejection or confrontation. Recently, for example NAGAAD pushed for new laws on women's and minority rights through lobbying the House of Elders and by making reference to a set of commitments traditional leaders in Somaliland themselves produced at a series of elders dialogues during mid 2000 (thus recognizing *Xeer* as a primary source of law, rather than only making reference to international discourses).⁶³

While civil society organised in LNGOs is a relatively novel phenomenon, various groups and networks within society have longstanding legitimate social and political roles embedded within communal and customary life and Islamic culture. Women, for example, play strong and legitimate roles in conflict mediation. Since they are not considered parties to clan conflicts, and since they have affiliations to both their husband's clan and the clan they were born in, they can function as 'bridging' actors, and messengers between the conflicting parties. In cases of clan conflict women leaders can mobilize the women on both sides to pressure for a solution, and in this way facilitate the actual mediation or negotiation of the traditional authorities. They also raise economic support for peace negotiations, and help in terms of the logistics⁶⁴ Women leader interviewees saw themselves as functioning in conjunction with the traditional authorities, but as another 'layer' of legitimate conflict resolution actors Women can also play key roles in resolving small-scale conflicts in their neighbourhoods or within households⁶⁵ Socio-economic support through societal networks is also not simply an 'NGO activity'. The practice of collecting and redistributing in kind and economic support within communities as a way of securing poorer families, particularly during crisis or drought, is seen as a duty according to cultural and Islamic values⁶⁶

5. International actors' engagement with different types of legitimate authority

Within Somaliland there are, as shown in the above sections, various types and sources of legitimacy co-existing and interacting. In an everyday context people and political leaders have to constantly engage with the mutual permeation and interaction of these sources and types of legitimacy. International intervention and support adds further complexity to this

⁶² Interviews with SONYO and NAGAAD representatives, Hargeisa.

⁶³ Interviews with head of NAGAAD and with the gender advocacy officer, Hargeisa.

⁶⁴ Focus group discussions with women's peace platforms in El Efweyne and Ainabo; group discussions with traditional leaders in Ainabo and El Efweyn.

⁶⁵ Interviews women's peace platform in El Efweyne and Ainabo; Focus group discussion with women in El Efweyn.

⁶⁶ Focus group discussion with women's peace platform in El Efweyn; Interview with facilitator for support to religious and customary conflict resolution initiatives, Hargeisa.

interaction. Rather than representing unambiguous universal stances, international norms and principles in various ways become integral elements of hybridity and of the contestations over legitimacy and order within the sites of peace and state building. In this part we discuss the legitimacy and challenges to legitimacy of international actors, and how they affect local processes of legitimation and de-legitimation.

Somaliland has become known as a particularly compelling example of *internally* driven post-conflict reconstruction of state formation. Compared to the South of Somalia, Somaliland has been characterized by very low international intervention. Several scholars and analysts have suggested that it was exactly because of the lack of external agendas in terms of how to approach state formation that Somaliland was capable of developing into a relatively stable and locally legitimate political order.

While external actors have been less imposing in Somaliland compared to Somalia, they have nevertheless played significant roles in Somaliland's state formation process, and Somaliland has received gradually more international attention and support during recent years.

5.1. A gradual shift in international reconstruction approaches: a modification of norms of sovereignty and territoriality

The international 'community' does not recognize the Somaliland administration's claim to independent statehood, but it does provide substantial support and de facto recognition. This has taken various forms, including for example low-key bilateral relations with the African Union and IGAD; UNDP support to strengthening Somaliland's legislative institutions, including the Upper House of traditional authorities; various aid programs launched by OECD governments and EU/EC partnering with NGOs and INGOs; and UN sponsored Development Plans referring to 'North-western Somalia (Somaliland)' under the broader Development and Poverty Reduction Strategy; as well as electoral support.

This indicates how the Somali context is one in which international actors currently balance between different discourses of what represents legitimate intervention. Overall, international policy formulations continue to commit to re-establishing central state institutions in Mogadishu, thus emphasizing rational-legal legitimacy, territorial norms and Somali unity. Yet, de facto, the international 'community', including lead states and agencies have become increasingly engaged with polities that represent discontinuity with centralized TFG state authority, but provide more stable entry points for international engagement (this is the case in particular for Somaliland and Puntland).⁶⁷ This gradual shift towards greater international engagement with sub-state institutions and actors has developed in response to the repeated failure of top down state building in the south, and the simultaneous increase of locally driven

⁶⁷ USA state department announced the 'dual track' strategy for providing international support to Somalia. While the 'strategy' entails continuous support to the TFG, it also opens up for engaging with 'non-state' actors, sub-state administrations and even militias (U.S.A. State Department 2011). While the 'dual track' is launched as a 'strategy' or 'approach' it seems to first and foremost testify to ambivalence on the part of the international community as to who to define as 'legitimate' local partners. There seem to be little consensus on how the 'approach' should be launched.

de-centralised political (re)ordering. Hence, increasing international support to sub-state administrations may be seen primarily as a course of pragmatic adaptation to local realities. It nevertheless, represents a significant modification of key international norms and ‘legitimacy references’ (territoriality, sovereignty, rational-legal hierarchies), and recognition of political community and local initiative playing out within different parameters than those set by a conventional nation state.

It is important to note however, that some of the recent years’ international support, particularly from the United States, to ‘non-state’ actors, including militias, various strong men and warlords has appeared to be driven first and foremost by self-serving anti-terror incentives, while waiving legitimacy altogether.

Yet, in the context of Somaliland there have been several more genuine international efforts to support development and political order; International actors have supported socioeconomic development, education, drought response, infrastructure etc., as well as political developments. People in Somaliland show considerable appreciation of much of the support from, and engagement of, international actors. And several international policy analysts and academics have pointed to the need for further advancing ‘building block approaches’ or ‘second track’ international strategies that channel ‘bottom up’ support particularly to Somaliland and Puntland.

Yet, providing support and aid for polities below the TFG is no ‘easy fix’ for the profound challenges, and legitimacy deficits of international engagement in the Somali context. Many of the structural and attitudinal factors, which tend to compromise international actors’ activities, also play out - although sometimes in somewhat different ways- in such ‘second track’ engagement. There are also, however, examples of and pathways for international support that constructively engages with the alternative (alternative to the conventional conception of ‘statehood’) socio political environment.

In the following we outline the key themes and insights that came up in our interviews concerning international engagement and legitimacy (starting with remaining obstacles to legitimacy of international actors and following up with more encouraging examples/developments)

5.2. International actors and legitimacy: key themes discussed during fieldwork

Nairobi based decision making

The fact that most key decisions (on how international support should be provided, to whom and according to which priorities) are taken in the regional offices in Nairobi, in the absence of Somaliland leaders, decision makers and beneficiaries significantly compromises the process legitimacy of international actors and support. This is a problem all over Somalia. Yet, in the case of Somaliland the lack of state officials holding international (normative) legitimacy makes it especially difficult for Somaliland leaders to demand to be included.

One interviewee noted: “One of the major issues is that the communication of international organizations happens in Nairobi. That takes away the linkage or the contact between those who make decisions and the local communities. There is a wide gap. There is all that talk about consultation but in the real sense it does not take place. There are decision makers in Nairobi, who have local agents in the field who do the work for them and write reports, and the reports are used for justifying the work that has been done (...). If we look at those meetings in Nairobi; are the people who attend also those who represent the communities or even the local administrations, are they there when the decisions are taken? Nobody is represented from Somaliland”.⁶⁸

In addition to the lack of participation and representation it was also highlighted that such ‘detached’ decision making easily ends up being misguided and not suited to respond to local challenges: “Decision making happens in Nairobi, and people there are confused...they are confused about the situation on the ground, confused about security issues, sometimes they even confuse Somaliland with Somalia”. The interviewee also indicated that the previous Somaliland minister of planning drafted a policy, which would make it obligatory for international aid offices in Hargeisa to be staffed with people holding decision making power, as this would provide direct access for local people and leaders to the decision makers in the aid community. According to the interviewee this policy has not yet reached and been endorsed at parliamentary level.⁶⁹

In fact distant Nairobi-based decision-making (including decision-making on issues of key significance for governance and institution building) can be seen as part of the production of contested overlapping sovereignties (in particular when considering the amounts of money involved) and accordingly local reactions indicate attempts to reassert the right to self-determination.

The pitfalls of external legitimation and funds

Another central theme in the discussion of international actors and legitimacy is the issue of how external legitimacy granted to selected actors or institutions - and the attendant supply of resources to these actors/institutions - affects local agendas and balances of authority and power; and how such externally granted legitimacy and resources can create gate keepers that do not necessarily hold local legitimacy.

The problem of externally granted legitimacy and resources derailing locally legitimate agendas is symptomatic in the Somali context and plays out on various levels (state and non state).⁷⁰

One example (also briefly addressed in part 4) is in the domain of international support to local NGOs in Somaliland. An interviewee explained “They (LNGOs) see the availability of funds, they focus on getting more and more funds ... so, you will see local NGOs as hungry cats jumping from project to project, instead of building their capacity and expertise

⁶⁸ Somali political Analyst and Development worker, Hargeisa.

⁶⁹ Somali researcher and local governance expert, SORADI, Hargeisa.

⁷⁰ Interview with consultant and Somalia expert, Nairobi.

within specific areas". In brief, supply-driven projects rather than locally legitimate processes and outputs become the driving force: "They will lose funding if they don't spend what they need to spend by the end of the project cycle, so international agencies will ask the local partners to do projects where the money can be used, rather than projects that are asked for by local people".⁷¹ Similar logic, also plays out on the level of government in the context of South Somalia, where the international insistence on 'state building' since 1991 has produced external legitimation and funding of government actors who lacked any local legitimacy, but nonetheless came to act as gate keepers for resources and decision making. The consequences of this, including escalation of conflict dynamics and radical delegitimation of both the Somali government and of international actors, have been well documented by several researchers and policy analysts (see for example Hagmann and Terlinden 2005; Menkhaus 2008; Moe 2012; de Wall 2012). The issue has played out differently on the level of state institutions in the context of Somaliland (and in a sense represents the flipside) because the state is not internationally recognized. In this case state institutions have often been bypassed in internationally funded development projects because of "the legacy of the refusal of donors to channel funds through a government they do not recognise" (Elmi & Walls 2001:81). This has on some occasions left Somaliland line ministries severely under-capacitated to follow up on or maintain externally funded sector developments thus undermining state output legitimacy.⁷² The positive side to the lack of external recognition of state institutions, however, has been that the state in Somaliland historically has had to rely to a much greater extent on internal support and consent. Yet, recently, as institutional/governance aid to Somaliland (and other sub state polities) has become gradually more 'acceptable' internationally, the issue of externally legitimized state-labelled 'gate keepers' (with limited downward legitimacy) may also arise in Somaliland as will be indicated below.

The point is, in brief, that the issue of who, in the local context, are ascribed external legitimacy and accepted as 'partners' (be it 'state labelled' partners, or NGO/'civil society' partners) in managing international funds and projects, is a deeply political and contested issue with profound local implications.

International blindness to everyday self-governance

A final key theme occurring in several of our interviews, is the issue of most international actors failing to engage with community capacities for self-governance and with local institutions that hold substantial legitimacy but fall outside the domain of 'liberal civil society' (primarily NGOs) or 'state authority'.

As noted in part two (above), in Somaliland community leaders, institutions and traditional authorities are the key providers of everyday governance for local people, and offer mechanisms for community decision making processes and mobilisation. They also take care of about 80-90 % of conflicts, disputes, and crime (Gundel 2006: iii). Nevertheless, support to peace building and governance has largely ignored existing communal and customary

⁷¹ Interview with Somali political Analyst and Development worker, Hargeisa.

⁷² Interview with Somali political Analyst and Development worker, Hargeisa),

institutions in the Somali context. Even international programs specifically targeting local level governance and peace, tend to suffer from insufficient participation of communities and their leaders, and lack of attempts to support linkages between local state institutions and traditional community institutions (see for example Gundel 2008). This is particularly problematic in the light of past years' increasing disconnect between district councils and local people.

Recent support to local governance in Somaliland and Puntland illustrates that while international reconstruction programs may have shifted towards sub-state polities, international actors continue to pursue 'conventional' governance agendas aimed at installing (what at least approximates) rational legal authority, now just on a lower level.

One of the larger longer term and program-based international engagements that includes support to the Puntland and Somaliland administrations, is the Joint Program for Local Governance (JPLG) launched by the UN in 2008. The aim of the JPLG is to establish 'good governance', improve social service delivery and enhance the credibility and legitimacy of local government (JPLG 2012). The program is seen to be "stretching the mandate of the UN" by launching an approach of engaging systematically with local government structures that do not have normative external legitimacy (as they operate under non-recognized political entities).⁷³ While this may be an attempt to work 'bottom up' (i.e. focusing beyond the central government) the program nevertheless, in line with mainstream approaches, relies on the notion that enhancing 'efficiency' and seeking to strengthen rational-legal, bureaucratic authority, will automatically lead to empirically legitimate local governance. The approach focuses on 'building the capacity' of local state institutions. The participating actors are therefore the mayor and deputy mayor, and the executive secretary who is appointed from the Ministry of Interior.⁷⁴ The role of community members and community leaders is reduced to endorsing governance and development priorities pre-determined by the district authorities and the JPLG cycle. A JPLG officer interviewed in Hargeisa noted that 'it is a matter of efficiency', i.e. decision-making with the communities is simply too time consuming. He also noted that firstly, 'legally the district authorities have the mandate to provide services', secondly, that they have the overview and, thirdly, that 'most communities have the same needs in any case'.⁷⁵ As for lower levels of authority, which are more rooted in community life, such as the councils of village elders/Village Councils⁷⁶, he noted that JPLG does not prioritize the VCs because they are not there most of the time. What he referred to was that the VCs are often not established as per a legal framework, they typically don't have a clear structure but a more *ad hoc* composition, and the members tend to be selected not elected. They are therefore not seen as legal or representative/participatory. Paradoxically, the flexible composition of the VCs is what allows for the participation of different community members depending on contextual needs and human resources (see part two). However, 'the local government program is not designed to work with them'⁷⁷ but instead focuses on the

⁷³ Interview JPLG chief official, Hargeisa 2011)

⁷⁴ Interviews with JPLG officials, Hargeisa; Interview with former JPLG officer, Nairobi.

⁷⁵ Interview with JPLG officer, Hargeisa.

⁷⁶ Which as explained in part two (above) represent the lowest tier of local government

⁷⁷ Interview JPLG officer, Hargeisa.

district authorities, i.e. the institutions that have been ascribed at least some level of rational-legal legitimacy.⁷⁸

Strengthening and supporting the District Councils is no doubt crucially important for advancing local governance. Yet, the assumption that the legitimacy of the councils is *given*, because of their (semi)rational-legal status as elected state institutions, does not resonate with the findings of the in-depth study (of the Somali research institute SORADI quoted above) of people's perception of the DCs. As discussed, this study highlighted the lack of connection between the district councils and local people/institutions/community leaders, and the resulting legitimacy deficit of the DCs. The study explicitly states "The solution to this crisis is not simply a matter of improving the skills or technical capacities of local councillors or of pumping extra money into the system" (Yusuf & Bradbury 2011:9). In fact, treating district councils as the sole legitimate recipients for money and externally granted legitimacy can over time contribute to a gatekeeper problem (as discussed above), i.e. a situation where district authorities become 'gate keepers' who promote their own agendas, while not responding to the needs of the communities they are supposed to represent. Also, an approach that presupposes the presence of legitimate district councils constituting the sole entry points for support to development and governance is ill suited to areas where the legitimacy of state authority is profoundly contested.⁷⁹ In the absence of 'state labelled entry points' these areas tend to be left out of support schemes. Accordingly international agencies have in border areas of Sool and Sanaag gotten the nickname 'Boor iyo habaas', in English 'dust and nothing', referring to the clouds of dust, visible from afar, that surround the land cruisers of international agencies who "come with a block of paper to make assessments, but then never return".⁸⁰

As also indicated in previous sections, several interviewees argued (in line with the study by Yusuf and Bradbury 2011) that rather than simply supplying funds to strengthen rational legal and bureaucratic processes there is a need for widening community participation in decision-making and strengthening constructive linkages between existing authorities and processes embedded in communal and customary life, and the newer institutions of state authority.⁸¹ Gundel (2008) notes how this would entail pursuing legitimation of local governance not simply through a *decentralization process* (devolution of state power from above) but through a *decentral process* (also engaging with net-works of self-governance).

⁷⁸ Here it should be noted, however, that within the different UN agencies involved in the JPLG there are intense debates on how and whether to adapt the approach. This basically revolve around the question as to how far the boundaries of a UN approach can be stretched, dividing proponents of approximating more 'orthodox' procedures and proponents of testing more 'hybrid approaches' of engaging more with what is labelled 'non state' authority, or 'in between' authorities such as the VCs (Interview with UNICEF representative, Hargeisa 2011; Interview UNDP representative, Hargeisa 2011).

⁷⁹ Interview with consultant and Somalia expert, Nairobi; Somali community worker from Galkayo, interviewed in Hargeisa; Somali political analyst and development worker, Hargeisa.

⁸⁰ Interview with Somali community development worker, Hargeisa.

⁸¹ Interview with Somali political analyst and development worker, Hargeisa; representative for the institute of peace and conflict studies Hargeisa University, Hargeisa; Interview with Somali researcher and local governance expert, SORADI, Hargeisa; Interview with consultant and Somalia expert, Nairobi.

This poses challenges of both a normative and a practical nature to international intervention. The example of JPLG above illustrates how the tendency of international actors to think of legitimacy and authority in rather static, monolithic and exclusionary terms can be a barrier for engaging with or even noticing local everyday forms of self-governance and legitimate authority as this is enacted in more flexible and networked ways.

Exceptions to the rule: examples of international support to self-governance and hybridization of legitimacy

Examples of international programs supporting *decentral* processes, and providing support to already existing linkages between different forms of authority, so as to advance locally supported and legitimate governance, are scarce. They do exist, however, and some have been documented. They include for example: Action Aid's program for supporting community peacebuilding through engaging with the Council of Elders in Sanaag (Yusuf 2007); the participatory action research project on community peacebuilding and development in Darawayne (Somaliland), documented in the field guide 'Nabad iyo Caano' (Ford et al. 2002); the peace and justice partnership between Somaliland traditional leaders and the Danish Refugee Council (DRC) (Moe and Vargas Simojoki, forthcoming).

We will briefly outline these three examples, and then discuss their significance for the issue of legitimacy and international intervention/support.

Action Aid started working in Sanaag region in the early 1990s. An interviewee who used to be involved in the work explained: At the time there was no local government (state) in Sanaag region. It was the elders who were managing the affairs of the region and the people. So recognizing the elders as the legitimate authorities, Action Aid worked with and helped strengthen a regional *guurti* (a Council of Elders in the customary sense of the word, see part 1.2. above) that took on roles of coordinating development activities, driving reconciliation processes and managing the interaction with the international community. In the early phases, reconciliation was the key concern, because the sub-clans in Sanaag had been supporting different sides during the conflict (the Siad Barre forces versus the resistance movement, the Somali National Movement). In the beginning negotiations took place through intermediaries since the situation was too tense for conflicting clans to meet directly –women especially played a key role as messengers - but eventually the different sides agreed to come together in the rangelands. “That was how the Peace meetings started. We (Action Aid) were not organizing them, but supporting them. Whenever there was a peace meeting happening, we knew what they needed; they needed transport and they needed food, because they would be there sometimes for weeks. So we donated some food and fuel, that was all”.⁸²

Once the peace meetings had established some level of stability, Action Aid supported processes of exchange and dialogue between different communities, discussing development priorities and starting up cooperation around development activities. The interviewee explained that “development activities brought people together and became a means for cementing peace across clans and sub clans”. This is an example of international actors

⁸² Interview with Somali researcher/local governance expert, SORADI, Haregisa.

playing a low key, locally legitimate, role in the early processes of reconciliation and reconstruction in Somaliland –by facilitating “local institutional problem solving capacities” through support to “the communities’ own cycle of action-experience-knowledge as stakeholders of a problem”.⁸³ Since then, Action Aid has acted as a facilitator and channel for funding to Sanaag, but “without becoming an operator or producer of services” (Yusuf 2007:2).

Along very similar lines, the approach documented in the field guide ‘Nabad iyo Caano’ (Ford et al. 2002) suggests a role for external actors facilitators of existing local communities’ processes and capacities, and linking peacebuilding, development and governance. The field guide was developed through an engagement between the people of the community of Daraweyne and a group of activist researchers from a British NGO and an American university. The point of departure was to learn from how community members, local institutions and traditional authorities had managed to maintain relative peace through periods of high insecurity and conflict dynamics, how they had managed to balance clan relations, and how they had maintained their integration as a community. These insights were then developed into lessons/guidelines that can inspire development, peace and governance/local government work, and inform international engagement. In fact, the consultant report evaluating the first phases of the JPLG recommended the ‘Nabad iyo Caano’ approach to assist in making the governance support more participatory and locally legitimate (Gundel 2008).

A third example is an international-local peace partnership that started up in 2003. That year a small group of traditional leaders in the Toghdeer region of Somaliland got together and discussed their concern over increasing insecurity and clan based revenge killings. They approached the Danish Refugee Council (DRC) to ask for support in starting dialogues and experience sharing among the traditional leaders from the different regions, and among customary actors and security providers from the state (police officers, judges and representatives from the ministries of interior and justice). Their aim was to improve cooperation and coordinate stronger joint efforts between the different justice and security providers to deal with the increasing insecurity. Recognizing the significance of the traditional system as the key system for conflict resolution, and its role in the interface of state security and justice provisions and traditional law, the DRC agreed on supporting the initiative. Similar to the example of Action Aid described above, DRC’s support took the form of funding of transportation, food, and planning (often peace dialogues do not take place because the communities involved in the conflict simply do not have the resources to host the often lengthy meetings). The dialogues, and the improved cooperation between traditional leaders and state security providers, helped to significantly bring down the number of revenge killings, through building on, strengthening and further organizing existing forms of cooperation. The support to the creation of small-scale networks between community actors and leaders and the local state officials also resulted in partnerships between district authorities and peace committees of *Aquils*, in community policing institutions, and in the establishment of women’s peace platforms in Sool and Sanaag. This shows possibilities for

⁸³ Interview with Somali researcher/local governance expert, SORADI, Haregisa.

supporting relations between different providers of governance and security but also for strengthening possibilities for ‘ordinary’ members of the communities to access the multi-layered governance and security architecture, and become actively part of the processes of contestation and negotiation that shape and reshape this architecture (see Moe & Vargas, forthcoming 2013). From 2008 DRC has initiated a more extensive and program based support to community driven recovery and development (CDRD). Similar to Action Aid and ‘Nabad iyo Caano’, CDRD is intended to facilitate peacebuilding by enhancing trust and improving community cooperative governance around defining and implementing the development projects, and, where possible, engaging District Councils in oversight of the projects. CDRD also built on the achievements of the partnership with the traditional leadership and may offer pathways for strengthening the connection between local state government and community self-governance.⁸⁴ In the organisations’ own words its projects aim to “support the hybrid governance arrangements that exist across Somalia and that have helped manage conflict and provide basic order and security” (DRC 2010b: 14 with reference to forthcoming World Bank report).⁸⁵

5.3. Prospects for multi-track support to peace and governance building: legitimacy, relationality and customary spaces for external engagement

The above examples illustrate possibilities for international actors working with the ongoing hybridization of legitimacy to find ways to avoid imposing (deliberately or unwittingly) one type of legitimate authority (the rational-legal legitimacy of state institutions). Facilitating hybridity means, *inter alia*, to open space and support fora for local people and political leaders to engage in dialogues about avenues for the improvement of the collaboration of different types of legitimate authorities and for the provision of socio-political frameworks in which the hybridization of legitimacy can be processed in a way that fosters peacebuilding and the non-violent conduct of conflict.

The forms of peace and order evolving through for example engagement and exchange between INGOs and community institutions and traditional conflict resolution actors are qualitatively different from international mainstream notions of (liberal) peace. Such exchange indicates possibilities for on-going networked forms of peace making rather than a ‘fixed’ peace organized around statehood and territory. These possibilities are particularly promising in the Somali context where state power throughout history has been deeply contentious, and where attempts to exercise centralized authority are still met with profound distrust.

⁸⁴ (field observations and focus group discussions with communities in Sheik and El Efweyn; Interviews/communication with CDRD officials, Nairobi and Hargeisa).

⁸⁵ Yet, in contrast to DRCs partnership with the traditional authorities and the Nabad iyo Caano approach, the CDRD cycle is pre-designed rather than evolving in response to a local demand/initiative and the projects are defined against the availability of a set amount of funds. This illustrates that when engagements develop into larger-scale program based intervention the international need for systematizing and standardizing approaches tends to create a bias towards externally defined notions of legitimate process and outcome.

This is not to say that such exchanges are straightforward, or that custom and traditional leadership hold uncontested local legitimacy that can simply be tapped into in governance initiatives. As noted in part 1.2 and part 3 (above) traditional authority is at times profoundly politicized or presents violent contestation of state authority. Constructive international engagement with local and customary processes of self-governance needs to be based on an awareness of the socio political dynamics and relations, and must avoid taking over the process or inadvertently adding to politicization through predetermined agendas or disproportionate funding. As noted by one interviewee “If you support a peace meeting and provide per diem the negotiation never ends –or new issues and conflicts will be created”⁸⁶. Moreover, traditional leaders, and local structures more widely, have on various occasions been instrumentalized as a means for reinforcing and ‘legitimizing’ internationally-driven state building agendas, and along similar lines, state-centric approaches have in some cases been replicated on local/sub-state levels (and represented as ‘bottom up’).

In other words, the issue of how international actors can play roles that support the formation of locally legitimate political order and peace is complex and cannot be couched in clear and unambiguous terms of support to ‘rational-legal’/liberal authority *versus* ‘traditional’/communal (ideal types of) authority, or in terms of ‘top down’ *versus* ‘bottom up’ (or similarly ‘dual track’ and ‘building block’) approaches.

It may, however, be worth reflecting on the ways in which underlying assumptions flowing from different concepts and experiences of political community (state-based, territorial, customary, relational) permit or conversely impede processes of exchange, contestation and participation.

As for state discourses, it is important to note that the critique of state-centrism (of mainstream international approaches) – a critique that runs through our analyses in this project – is not based on an argument that state authority and rational-legal procedure are not sources of legitimacy.⁸⁷ Yet, colonial history as well as contemporary International Relations theory and ‘on the ground’ experiences of international intervention demonstrate that when territory, sovereignty and state-based order/procedure are invoked as the *dominating* or *sole* referents for legitimate authority and come to establish the parameters for ‘permissible’ public activity, then spaces for participation, contestation and exchange tend to become significantly reduced, and the ‘everyday’ life of people left out.⁸⁸ As a result, international ‘state building actors’ are often seen as “distant, unwilling to invest in meaningful engagement and subject to questionable motivations” (Elmi & Walls 2011: 79).

⁸⁶ Interview with facilitator for support to religious and customary conflict resolution initiatives, Hargeisa.

⁸⁷ As shown, our interviews indicate that for example electoral processes hold substantial legitimacy.

⁸⁸ Centralization of power, characterizing colonial and ‘modernisation’ endeavours, implied that “all alternative centres producing rules of social conduct – even when tolerated – were considered outside the notion of law and jurisdiction” (Grande 1999:66). Clapham (2000) conceptualizes these sacrifices of identities and forms of organization incompatible with the hierarchical form of control that states attempt to impose as ‘social costs of statehood’. Thus, importantly, while states have brought with them benefits, they have also brought costs, especially when imposed as hastily as was the case in most of Africa.

The potential of ‘hybrid’ approaches, of the type discussed above, lies exactly with an engagement with the ‘everyday’, in which legitimacy is pursued as a continuing process of exchange, tension, and participation, rather than as a status (of state institutions) that can be arrived at.

If the question of legitimacy is approached in these terms of exchange, participation and contestation, then Somali custom (understood in a much wider sense than a Weberian notion of ‘traditional authority’) may offer opportunities for constructive and legitimate roles for external actors (supporting local initiatives as well state formation).

Elmi & Walls (2011) outline a set of cultural norms that suggest that a role for external actors “has always been permitted in Somali custom”. These norms comprise key aspects of the Somali *Xeer* (Le Sage 2005, Gundel 2006) setting the code for the conduct of war and conflict. They are summarized under the principle of *biri-ma-geydo*, which has been translated into English as ‘spared from the spear’ (Bradbury 2008; Gundel 2006; Elmi & Walls 2011). This code provides protection for elderly, children, women, religious leaders as well as mediators intervening in good faith to halt the fighting (Gundel 2006; Elmi & Walls 2011).

Elmi & Walls (2011: 73) note that “These principles open a customary avenue for the intervention (and protection) of those engaging in mediation efforts; a position that could conceivably be extended to non-Somalis *should they be seen as respected and appropriately informed* in the context of the intervention. Where a constructive redefinition of ‘conflict’ extended to the political realm, then it could be argued that the protection accorded to mediators in physical confrontation should also be available to those playing an equivalent role in political or developmental stand-offs” [our emphasis]. Within this frame of reference non-Somali external actors could strengthen the legitimacy of their role by operating within, and drawing flexibly on, norms and principles that are valued, legitimate and embedded in Somali society and customary life. These include for example: displaying transparency about the grounds for engagement; pursuing long-term sustained engagement; allowing for flexibility in terms of time frames; leaving key decisions to leaders whose legitimacy and authority is directly dependent on the support of their constituency; accessibility and immediacy of engagement, and, flowing from this; appreciating the significance of relationships and relationality (see part 2 above, on sources of customary legitimacy, see also Elmi & Walls 2011; Gundel 2006).⁸⁹

In a recent discussion of customary and indigenous resources for advancing peace building practices Brigg (2008) elaborates on the notions of relationality and networks. His analysis also engages with the issue of how different concepts of political life (and resulting models of engagement) may impede or, conversely, facilitate the development of viable and legitimate approaches to support peace and governance building. He notes that Western social and

⁸⁹ Against this, it is clear how distant decision making (including ‘detached’ bureaucratic decision making), lack of transparent communication, and supply driven projects and funding schemes are factors likely to undermine legitimacy of international actors and interventions.

political science as well as international peace building models tend to rely on conceptualizations of governance as hierarchical and pyramidal institutional arrangements coordinated by a centralized authority. These conceptualizations reflect experiences of Western political life as it has evolved over centuries and foreground discrete entities (parties in a conflict, self-interested rational individuals, the sovereign state etc.) over relationships. This modelling of selfhood and political community is however culturally specific and can be rather “peculiar in the scheme of world cultures” (Brigg 2008: 3). As demonstrated in most peace building settings, including Somalia, the approaches based on these models tend to have significant challenges in coming to grips with the complex and heterogeneous connections and interactions of actors they encounter and therefore often end up reproducing the problems they set out to address. Along somewhat similar lines as Elmi & Walls (2011), Brigg (2008) argues that instead of searching for solutions in the conventional international ‘peace building toolbox’, alternative and more viable and legitimate approaches may be pursued through engagement with local indigenous models of social and political organisation. Drawing on insights from fieldwork in Melanesia, Brigg (2008:2) introduces the notion of ‘networked relationality’ to explain how “in contrast to western approaches, Melanesian people have prioritized relationships over entities to develop durable yet flexible systems for governing social and political life. Central here is the way local relationships contribute to an un-orchestrated yet recognisable order”. These notions of networked relationality and emergent order resonate significantly with the experience of locally driven peace building and reconstruction in the Somali context. As described in part 2 above the restoration of networks and interpersonal and inter-clan relationships is central for the legitimacy of customary mediation processes whether in cases of mediation or conflict resolution. While traditional leaders guard the interests of their clan, peace is approached within a broader shared frame of connectedness where pursuit of wider consensus and communal balance is key. Customary conflict resolution approaches were central for creating the conditions for the emergence of state institution. In line with Brigg’s (2008) account of networked relationality, these developments in Somaliland involved a type of emergent orga-

nization in which integration and legitimate order occurred through micro-processes of restoring peaceful relationships “rather than through the actions of a superordinate and overarching coordinating entity” (Brigg 2008:5). It signifies a qualitatively different approach than the prevailing international approaches to Somalia which have persistently focussed on reviving central state authority in Mogadishu while lacking the means or will to provide for the dialogues, deliberation, and public participation that could have contributed to lay the foundations for legitimate political order.

The metaphor of network and the significance of interdependent relationality and emergent order also resonate with how processes and institutions of self-governance currently play out in Somaliland. As discussed in part 2 in this context custom is expressed for example as networks of support, reflecting a social reality in which vital linkages exist between individual experience/livelihood/protection and interpersonal connections and communal belonging.

Networked and relational approaches to peace and political ordering need not be antithetical

to legitimate state based order –as is evidenced by the interplay in Somaliland between micro-processes of reconciliation and Somaliland-wide processes of institution building. Also, our interviews indicated that approaches that focus on strengthening connections, which span state institutions/hierarchy and customary self-governance/networks could be part of addressing the legitimacy deficit of the ‘local state’ and help to produce more integrated socio-political frameworks for order and peace (part 2 and 3 above).

We do not wish to romanticize ‘traditional authority’ or advocate for a ‘return’ to past forms of authority and political organisation. We do want, however, to direct attention to models of social and political order that unsettle the emphasis on centralized coordination and discrete entities and instead also prioritize connection and interdependence and self-organization (Brigg 2008; see also Englund 2004). This does not counter-position Western and ‘non Western’ notions of legitimate political community, but point to possibilities for pursuing legitimacy and order as relational issues, and for connecting government with networked and horizontal forms of organisation to in this way maintain channels for engagement between state and society. In the wake of the increasing critique and scrutiny of international approaches to peace and state building, a number of scholars (and scholars also working as practitioners) have in fact started to engage with models of networks, emergent order and relationality, as sources of inspiration for alternative approaches to peace building. Picking up on these developments Brigg suggests that “exchange between indigenous approaches and theories of complexity may be one avenue for both integrating peacebuilding efforts and pursuing a closer and more genuine and meaningful exchange with local peoples” (Brigg 2008: 9).

6. Summary and policy suggestions

The following points summarize and reiterate - in the form of policy suggestions - some of the key findings from this research. It should be noted that this section leaves out many of the reflections and themes detailed in the report.

Legitimacy and the government

From the late 1990s Somaliland started its transition from relying on clan consensus as the key source of legitimacy for the government towards introducing multi-party democracy as a basis for legitimate state authority. Since then state institutions and rational legal procedure (in particular elections) have been in a process of continuous (yet far from straightforward) consolidation in Somaliland. The achievements underway in this process are impressive. At the same time a number of challenges are apparent.

Interviews and field observations indicate that:

- Critique of the Upper House of Parliament, the *Guurti*, is growing.
 - *All-inclusive and well-structured public debates are needed on what should be the mandate of the Guurti and on what mechanism would be suitable for installing new members (selection or election). This would need to lead up to constitutional amendments and clarification.*
- Developments in the democratic/electoral procedures, including the registration of new political parties, contain both opportunities and challenges
 - *The challenge of balancing between and accommodating national issue based politics and clan level activities and interests (including different regional interests) in the political space must be approached as an ongoing process, and will continue to require inclusive public debates as well as dialogues and consultation between state authorities and local leadership*
 - *Strengthening the legal provisions and strengthening/building the capacity of oversight bodies would be important for ensuring that procedures are as clear and transparent as possible (for details on this see Fadal 2011)*
- Profound challenges to both process and output legitimacy of local government are apparent (for a more elaborate analysis see Yusuf & Bradbury 2011).
 - *While voting and rational legal procedure constitute one important source of process legitimacy, the legitimation of local government authority in the Somaliland context will require ongoing processes of consultation (beyond the electoral process) and the establishment of mechanisms for transparent and participatory decision-making.*
 - *This would also require a change of attitude on the part of local government officials. They would need to be willing to listen to and engage much more extensively with their constituencies. Finally, it would require a genuine and long term commitment of the central government to decentralization.*

- *Steps toward establishing mechanisms for inclusion and participation should include support to creating stronger linkages between district government and locally existing community and customary institutions and self-governance.*

Legitimacy and traditional leaders (and their interaction with state authority)

While state institutions have steadily developed and expanded in Somaliland, it is primarily non-state actors and in particular traditional leaders who provide everyday governance, and local peace and order.

Interviews and field observations indicate that:

- Sustained efforts of traditional leaders in conflict resolution remain crucial for peace and security.
 - *Continuous and structured collaboration between state security and justice providers and traditional leaders is key for enhancing justice and security provisions*
 - *Customary processes of conflict resolution, and the articulation of legitimate customary authority, can also be strengthened through connecting with religious sources of legitimate authority*
- Customary authority is deeply embedded within the wider society and culture. It is within a web of self-governance that the role and sources of legitimacy of traditional authority lies.
 - *Mechanisms of self-governance have strong aspects of participation, consultation and flexibility. These resources should be recognized and engaged with in wider agendas for enhancing local governance.*
- Yet, merging and hybridization of traditional authority and state authority does not provide a straightforward and ‘given’ path to legitimizing political order.
 - *Partnerships between traditional leaders and state authority should not lead to the involvement of the former in high politics*
 - *State actors should refrain from interfering in the process of nominating titled traditional leaders*
 - *Traditional leaders themselves as well as people in Somaliland more broadly, need to continuously engage in wider questions of what might serve as contemporary defining criteria for legitimate traditional authority and what should be the roles and responsibilities of traditional leaders in Somaliland today.*

Civil society and legitimacy

‘Civil society’ and civil society leaders navigate between and draw on several legitimacy discourses. They interact with donors, take part in introducing new models of leadership, push developments in arenas of state politics and governance, while they also take on important roles within customary and communal processes of self-governance.

Interviews and field observations indicate that:

- Local NGOs play a key role in providing services that the state does not have the funds to provide, but they need to focus their roles
 - *In order to build up legitimacy LNGOs need to build up their capacity in specific sectors and avoid jumping from project to project to access donor money and jobs*
- New forms of civic leadership and activism often engage with established legitimate authorities in ways that combine contestation and affirmation –rather than through a direct rejection or confrontation
 - *Civil society actors and LNGOs therefore have potentials both in contributing to processes of change and in acting as ‘connectors’ between different forms of legitimate authority.*

International actors and legitimacy

Somaliland has received gradually more international attention and support during recent years. While external actors have been less imposing in Somaliland compared to Somalia, they have nevertheless played significant roles also in Somaliland’s peace and state formation processes, and are likely to increasingly do so.

- There are number of structural and attitudinal factors, which tend to compromise international actors’ activities. Efforts should be made to address these legitimacy deficits
 - *Key decision making processes should take place in Somaliland, and with the participation of Somaliland leadership (on different levels) rather than in international compounds and offices in Nairobi*
 - *International actors need to become more aware of the fact that the issue of who, in the local context, are ascribed external legitimacy and accepted as ‘partners’ (be it ‘state labelled’ partners, or NGO/‘civil society’ partners) in managing international funds and projects, is a deeply political and contested issue with profound local implications. Given this, international actors should strive to avoid creating or contributing to situations where disproportionate funding and predefined frameworks derail local agendas for peace and order and create ‘gate keepers’*
 - *There is a need for more engagement with and recognition of community capacities for self-governance and with local institutions that hold substantial legitimacy but fall outside the domain of ‘liberal civil society’ (primarily NGOs) or ‘state authority’.*
- Increasing international support to sub-state administrations, such as Somaliland and Puntland, may be seen as a course of pragmatic adaptation to local realities in the Somali context. It nevertheless, represents a significant modification of key international norms and ‘legitimacy references’ (territoriality, sovereignty, rational-legal hierarchies), and recognition of political community and local initiative playing out within different parameters than those set by a conventional nation state.
 - *The increasing international interest in ‘building block approaches’ has opened spaces for new types of engagement, but more reflection is required on what is meant by a ‘building block approach’ and on how alternative approaches may address current legitimacy deficits of external engagement*

- *International actors can play legitimate roles, including providing technical support, in state formation processes (on the level of sub-state administrations, such as Somaliland). Yet, this needs to be within a wider frame of Somali driven and defined agendas.*
- *International actors should avoid the tendency to simply replicate fixed state-centric logics and predefined approaches on lower/sub-state levels (and present it as 'bottom up').*
- *Insights from existing experiences of employing dialogical approaches that also engage with and encourage local, communal legitimate actors and practices in the pursuit of conflict transformation, peace and legitimate political order (such as the examples discussed in last part of section 5.2) should be drawn upon.*
- *Also, customary principles and models of political organization can provide avenues and sources of inspiration for advancing peace building approaches.*
- *More facilitative (rather than steering) roles for external actors and greater recognition of networked forms of self-governance should not be taken to mean fragmented and unfocussed support. It remains of great importance to systematically strengthen local institutions (state and non-state).*
- *Demand driven rather than supply driven support would enhance possibilities for this.*

Local research and exchanges between local and international researchers

The findings presented in this report are based on discussions and conversations with interviewees representing different sectors of society. It also draws substantially on insights generated by research conducted by Somaliland-based researchers. An active and burgeoning civil society has contributed to expanding the space for local research and policy analysis.

- A number of locally based research institutions perform various roles including: serving as platforms for dialogues (on political, social and peace building issues) among various actors and forms of leadership; conducting research on governance, peacebuilding and politics; initiating participatory action based research and creating linkages between local and international researchers and practitioners.
 - *Somaliland-based research and policy analysis can provide central insights for advancing legitimate approaches to peace and governance building –insights that cannot be produced in the headquarters of international agencies. International agencies should engage with such insights as part of developing their approaches for engagement.*
 - *Efforts to strengthen and sustain collaboration, exchange and co-authoring between Somali and international researchers and practitioners can help to increase avenues for all parties to reflect upon achievements and shortcomings of their peacebuilding practices, to 'negotiate' their notions of political community, and to connect around peace and governance building activities*

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Appendix 1

Details on fieldwork

Duration: 15 Aug to 01 Dec 2011.

I spent the greater part of this period in Somaliland, with shorter periods in between in Nairobi.

In Somaliland I spent most time in the capital, Hargeisa, where I was based partly at the local research institute *Social Research and Development Institute* (SORADI), and partly at the offices of the *Danish Refugee Council* (DRC).

I did three trips outside Hargeisa: the first trip was to Ainabo and El Efweyn (5 days) in Sanaag region, the second trip was another visit to El Efweyn (8 days), the third trip was to Sheik (3 days) in Togdheer region. On all trip I traveled with the DRC.

1. INTERVIEWS, FOCUS GROUP DISCUSSIONS AND MEETINGS

Interviews on first trip (Ainabo and El Efweyn) included:

Attendance at a three day workshop on community policing workshop in Ainabo (including informal conversations with police officials and community members); focus group discussion on conflict resolution (the discussion was attended by a mix of community members including women, men, and two traditional leaders); focus group discussion with the ‘womens peace platform’ in Ainabo and in El Efweyn; focus group discussion with the traditional leaders peace committees in Ainabo and El Efweyne; individual interviews with local community development workers in Ainabo and El Efweyn (Locations: community centers/meeting rooms in the respective villages, DRC local office)

Interviews on second trip (El Efweyn) included:

Follow up focus group discussion with the ‘womens peace platform’; follow up focus group discussion/meeting with the traditional leaders peace committees; several individual interviews with local community development workers; one focus group discussion with four local community development workers.

Focus group discussions with 4 communities in El Efweyn district –including ordinary community members and members from the Village Councils (focus of discussions: local governance, development and conflict resolution); informal communication with the Mayor of El Efweyn; Interview with the police commander of El Efweyne; focus group discussion with local women’s group –active in development activities; focus group discussion with members of the local community policing committee (Locations: community centers/meeting rooms in the respective villages, DRC local office)

Interviews on third trip (Sheik) included:

Focus group discussions with 3 communities in Sheik district – including members of the Village Committees (focus of discussions: local governance, development and conflict resolution). Interviews with members (male and female) of the local community policing committee and the community conflict management team; interview with head of the local community policing committee; interview with local community development workers. (Locations: community centers/meeting rooms in the respective villages, DRC local office)

Interview in Hargeisa included:

Interviews and focus group discussions with local Somali researchers, academics, political analysts, development/peace building workers (some from local NGO, some employed by international NGOs). (Locations: the Danish Refugee Councils offices, Hargeisa University, National Horn University, SORADI, Academy for Peace and Development + meetings/interviews at local cafés).

Two interviews with the women’s umbrella organization NAGAAD; one interview with the youth umbrella organization SONYO. Interviews with people skilled/knowledgeable on poetry and peace building. Interview with government official in the ministry of interior. Group interview with traditional authorities who have engaged in a cooperation with DRC. Interviews with the head of local NGO working with traditional leaders. Interview with *Suldaan* (Locations: official NGO premises, local cafes).

Interviews with international actors (UNDP, UNICEF, Danish Refugee Council, DAI, STIPA). (Locations: the respective official offices and Ambassador hotel).

Interviews in Nairobi included:

Interviews with several DRC employees, UNDP employees, Employee from the Life and Peace Institute, and an independent consultant and expert on customary governance. (Locations: the regional offices of the DRC, local cafés, UNDP premises)

2. PROJECT PARTNERS

I was associated with the Danish Refugee Council. This made it possible for me to travel outside Hargeisa (where security guards are required if you are a foreigner). It also facilitated access to interviews as the local (Somali) DRC staff have developed relationships of trust in the communities they work in. The local DRC staff provided translation during interviews when needed.

The backside to the affiliation with DRC was that I was possibly not always seen as fully independent, although I made sure to clearly explain that my research is free of interests or influence from the DRC.

During my fieldwork I also had a close affiliation with the local Social Research and Development Institute (SORADI). SORADI is involved in research and policy analysis. They have strong links with, amongst others, the Independent Scholars Group (consisting of Somali scholars who regularly provide public papers engaging with key political and social developments in

Somaliland) and the Academy for Peace and Development (one of the most prominent Somaliland research institutes), and Somaliland Focus (UK based researchers/analysts engaged in analysis of Somaliland). I have had contact and occasionally worked with the head of SORADI Mohamed Fadal since 2008, and some of my research findings from the fieldwork has been published in SORADI's recent publication: [http://soradi.org/attachments/article/70/REFLECTIONS AND LESSONS OF SOMALILAND'S.pdf](http://soradi.org/attachments/article/70/REFLECTIONS_AND_LESSONS_OF_SOMALILAND'S.pdf)

Finally, I have been cooperating with Maria Vargas Simojoki. Maria has previously worked for the Danish Refugee Council in Somaliland and South Central Somalia, on the partnership with traditional leaders. She subsequently did a study of the results of the project for a paper with IDLO in 2010. We have compared and synthesized these findings with my findings from the field research on the same initiative in 2011. Based on this joint analysis we have co-authored an article which is currently under consideration with the journal *Development and Change*.