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Beyond Polarity: Negotiating a Hybrid State in Somaliland

Michael Walls, Steve Kibble

Abstract: Many African states struggle to reconcile traditional social institutions with the precepts of nation-state democracy within colonially defined borders. Since the 1991 fall of the dictatorial Somali regime of Siyaad Barre, Somaliland has gradually pieced together what appear to be a durable peace and an increasingly sophisticated, constitutionally based nation-state democracy. It is still negotiating the relationship between identity, nation and territory in which there is a differential commitment to democracy between the political elite and the wider population. Accommodation between a clan-based social structure and a representative democracy has been enabled by local socio-cultural traditions. External intervention, while minimal, has on occasion proved fruitful in providing a way out of crises. The territory has escaped the violence and political breakdown experienced in Southern Somali areas. This contribution argues that the remarkable resilience of the present socio-political system in Somaliland is challenged by present and forthcoming problems in the fields of democratic representation (*inter alia* of women), delivery of public goods, a fragile sub-regional context and foreign investment.

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Many African states struggle to reconcile traditional social institutions with the precepts of nation-state democracy within colonially defined borders. Somaliland has had to grapple with similar dilemmas in negotiating an accommodation between a clan-based social structure and a representative democracy. Yet in spite of evident contradictions, its “hybrid” system offers the basis for possible resolution. Despite an increasing tendency towards autocratic government, socio-political norms that emphasise the importance of negotiation and compromise have averted a number of crises in recent years, and the hope remains that they will continue to support similar progress in the future.

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

Somaliland remains internationally unrecognised, but has successfully held elections for the head of state, the lower house of parliament and local councils. Much of the process of democratisation has been enabled by an overwhelming public desire to avoid a return to conflict and by an accompanying urge to win international recognition, although we argue that yoking the two has also proved problematic. The nascent state remains weak and poorly funded, but has paradoxically enjoyed a degree of legitimacy exceeding that of many other governments, African and otherwise. However, it is becoming increasingly difficult to maintain the institutionalisation of a system that combines elements of traditional “pastoral” male democracy in the context of the Westphalian and Weberian nation-state. If observers and participants alike are to understand the situation that is unfolding and contribute positively to the continuation of the progress that has been achieved, then that understanding must be grounded in a genuine engagement with local specificities. The polarities that are apparently so obvious when viewed from within the rubric of modernity fail in practice to grasp the fluid dynamics of Somaliland’s history and politics. The discourse surrounding nation-state democracy does not successfully integrate the importance of the “securocratic” approach inherited from Siyaad Barre or the dynamic and frequently contradictory relationships between diaspora, international civil society and the domestic polity. For example, much commentary fails to consider issues surrounding female incorporation into the political system or to understand the sophistication of customary kinship systems. In theoretic-

cal terms there must be an account that deals with these and with the interplay of multiple identities, allegiances and territoriality. Equally, it is notable that Somaliland has benefited to a great extent from what might be seen as the unintended long-term consequence of a policy of the liberation movement (the Somali National Movement or SNM) to integrate customary elders into their organisational structure. Intended as a pragmatic means of fostering unity amongst the Isaaq clans and mobilising resources (most particularly cash) for the struggle against Siyaad Barre, this move laid the foundation for future intervention by (and more lately the institutionalisation of) customary elders as a political grouping.

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

Jhazbhay (2009: 19) argues that

Somaliland illustrates the efficacy of internally-driven, culturally-rooted, “bottom-up” approaches to post-war nation-building [...] reconciling indigenous cultures and traditions and modernity.

He contrasts this with the assumption that there need be a strong, centralised, post-colonial state. While we argue that the resilience of the current system relies precisely on the pragmatism of the accommodations between tradition and modernity, we question whether this interplay still has sufficient capacity to resolve present and forthcoming problems.

Such an interplay has clear paradoxical elements, and we also identify a number of other paradoxes facing Somaliland. The first of these is that, while Somalia is essentially a failed state with international recognition, Somaliland possesses all the attributes of a working state, but without the recognition. In terms of the defining conditions of a de facto state, Somaliland meets each (Pegg 1998: 1):

- It has an organised political leadership with some form of popular support.
- It has a given population.
- It has the capacity to provide services of some kind.
- It has a defined territorial area and has had effective control over that territory for an “extended period of time”.

- It is an entity that views itself as capable of entering into relations with sovereign states.
- It is an entity that seeks full constitutional independence and international recognition of that sovereignty but is unable to achieve it.

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

Thirdly, though Somaliland has sought traditional state sovereignty, both its state and citizens have—like their counterparts in Somalia—engaged in relationships with the external world as a part of the new global interchange outside the parameters of the formal state system (for further discussion on this point, see Bradbury 2008).

The fourth paradox is that, at the time of the independence of British Somaliland and Italian Somaliland in 1960, Somalis were thought to have a much better chance than others of forming a coherent state as the majority shared a language, religion, ethnicity and other characteristics. However, the collapse of Somalia gave the lie to that assumption, resulting in a new rubric that held that Somalis were too anarchic to form a strong, central state. Somaliland has, in its turn, disproven that assertion.

The fifth paradox is that while many have hypothesised a clear link between international recognition and democracy, and have noted the evident will of the population for self-determination, the link is not an unproblematic one. There is a distinction between what seems to be an elite search for recognition through an instrumental use of democracy and popular desire for democracy as an inherent public good. The distinction is especially true when the elite's preferred concept of democracy is a formalistic one, geared merely to the holding of elections and adherence to the functional elements of democracy.

Lastly, though Somaliland has a very good legal case for recognition under the rules of the Organisation of African Unity (OAU) and, more recently, under those of the African Union (AU), the Somaliland leadership has not always demonstrated an understanding of the necessity for strategic, coordinated political action in support of that claim, nor do they seem to have a full understanding of the opposing arguments and interests.

The State and Popular Sovereignty in Africa and Somaliland

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

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

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

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

Another element necessary for the establishment of a viable governance structure is the maintenance of a two-way relationship with civil society based on respect for autonomy and the division of labour between the two, including the tracking of government performance in the above areas and a willingness to be open to policy dialogue. Given the track record of elites,

especially towards organisations representing the poor and vulnerable, it is axiomatic that international assistance and solidarity can be useful in this regard. Additionally, international engagement is vital on a number of other fronts in order to bolster negotiating power with respect to powerful external actors, such as international financial institutions and Northern governments, and hence the associated issues of excessive debt, the arms trade, environmental degradation, and unequal trading and production relationships.

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

State Formation in Somaliland: History and Context

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

State formation in the colonial period until the collapse of the Somali Republic in 1991 can be divided into three periods: 1827–1960 saw the Horn of Africa colonised and Somalis divided between five different political entities without reference to traditional clan boundaries, with these areas including the British Protectorate of Somaliland and Italian Somalia. 1960–1969 saw independence, unification between the erstwhile Italian and British territories, and civilian government under the Somali Republic. Finally, from 1969 until 1991, Siyaad Barre’s military dictatorship held power. None of these eras was marked by sustained peace within the Somali areas or with their neighbouring states.

In the first period (1827–1960), the colonial imposition of artificial boundaries, European judicial systems and centralised government disrupted traditional grazing patterns and authority structures, and thereby the equilibrium of clans and the management of resources. Transformation also occurred within both rural and urban economies, linked to the commercialisation of the pastoral economy through the growth of the livestock export market, which was initially supplying produce to the British garrison at Aden, but which was increasingly (from the 1950s on) supplying to the expanding, oil-based economy of Saudi Arabia. Colonial development of commerce, education and bureaucracy was urban-based, marginalising the rural population and meaning that what nationalist leadership did emerge was largely drawn from urban areas. However, the superficiality of colonial efforts to include the indigenous populations in either administration or education meant that this indigenous political elite remained tiny.

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

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

The population of the Somaliland Protectorate, aggrieved by British agreements ceding Somali grazing lands to Ethiopia, was an enthusiastic proponent of rapid independence and union with the Italian-controlled

South. Once these ambitions were realised in 1960, Somalis, one of the largest ethnic groups in Africa, and sharing linguistic, religious, cultural and kinship traditions, were thought to stand a better chance of creating a modern nation-state than most newly independent African countries. Thirty years later the collapse of this seemingly homogenous society seemed, outwardly at least, to be puzzling.

The second post-colonial era (1960–1969) saw a rapid disillusionment with both democracy and unified representative government. The expansion of state bureaucracies, centralisation of development and the growth in foreign aid (much of which was military in nature and failed to generate substantial human development) resulted in the state becoming a battleground in which clan-affiliated groups attempted to secure greater shares of public resources for their own use.

The third period of state formation (1969–1991) saw the emergence of “scientific socialism” and was explicitly aimed at “modernising” Somali society and eradicating “clannism” through the integration of clan structures into the party, the centralisation of political power, and the nationalisation of land. Rather than achieving those outcomes, though, the result was the increased “securitisation” of the state as opposition grew, channelled through precisely the clan structures supposedly being dismantled. In an effort to hold back a rising tide of dissent, the dictatorship attempted to foster a sense of nationalism by “reclaiming” the contiguous, culturally identifying Somali territories. The ensuing war and defeat by Ethiopia over control of the Ogaden (populated by ethnic Somalis but ruled by Ethiopia) acted rather to hasten the end of the Barre dictatorship.

Insurgent opposition movements emerged in the wake of defeat by Ethiopia in 1977, and in response to the regime’s corruption, autocracy and abuse of human rights, this resulted in civil war. Among the opposition groups was the SNM (Somali National Movement), which drew support from the Isaaq clan that had dominated the old British Protectorate. The civil war destroyed much of the capital, Mogadishu, and other cities including Hargeisa and Burao, the capital and second city of Somaliland. It led directly to food shortages and widespread famine, which claimed the lives of over 250,000 Somalis and led to between one and two million Somalis becoming either refugees or internally displaced. In Somaliland, blatant human rights abuses, the perception of Southern domination and the inequitable distribution of development and resources destroyed the nationalist dream of a united Greater Somalia. This enormous shift in public sentiment led to the declaration of restored Somaliland sovereignty—an immediate result of popular pressure against the will of much of the Somaliland leadership of the time.

Obstacles and Successes in Somaliland's Road to Democracy

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

It can be argued, however, that Somaliland's success has been built on customary traditions in conflict resolution, resulting in sustained peace and stability (in stark contrast with Somalia to the south), and that Somaliland represents a hybrid system that harnesses both traditional (clan-based) and party-political institutions (Boege et al. 2009).

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

In addition, there are a number of contemporary Somaliland myths that do not help to further the institutionalisation of democratic systems. One is based on self-reliance: "No-one has helped us, we did it on our own." The second is "We are on an unstoppable path to democracy." The third is that this path is also the path from traditional to modern as if the two were binary opposites. The fourth is that a strong legal case ought to be sufficient to gain international recognition. While none of these claims are inherently dangerous, they do not stand close scrutiny. We should also be aware of the tendency of governments to cite security concerns as a pretext for the consolidation of power, and for the pursuit of speedy remedies, and the potential for this to lead to an alienated population with concomitant dangers in an unstable region.

This article argues that Somaliland's remarkable achievement in establishing a durable stability is due in large part to the ad hoc, organic and unplanned adoption of a hybrid political system that fuses elements of kinship

affiliation and “modern” constitutional design. In spite of a heavily under-resourced, post-conflict government and the need to grapple with challenges as fundamental as the accommodation of the competing interests of representative nation-state democracy and a social structure based on egalitarian male kinship affiliation, Somali traditions of discourse and negotiation have enabled genuine progress. Since 1991, community- and clan-based reconciliation conferences and meetings have enabled the iterative construction of a resilient system of state, gradually widening the ambit of political consensus through sequential popular congresses and wide, albeit largely male, debate.

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

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

Under subsequent civilian governments, Somaliland has signed the Universal Declaration of Human Rights; overseen the restoration of peace; demobilised former combatants; brought about social and economic rehabilitation; and overseen the adoption of a constitution based on universal

suffrage, decentralisation and multi-party elections. The country boasts many of the symbols of nationhood, including a flag, vehicle registration, a currency and an international airport. Most refugees have returned, commerce is flourishing, and the urban infrastructure, municipal services and education and health systems destroyed during the war are being re-established. There is a war crimes commission looking into the human rights abuses of the Siyaad Barre years, and citizens enjoy a reasonably high level of personal security.

In May 1999, President Igaal announced a plan to move from the clan-based system adopted in the 1993 Boorama conference to a multi-party system in which aspiring parties were prohibited from adopting platforms based on tribal or religious affiliation, and requiring that they draw significant support from all regions. There were to be votes for women, although no women were actually consulted in drawing up the draft. In a 2001 referendum, the vast majority of voters approved a new constitution confirming independence and the new multi-party system. In 2002, 2003 and 2005 local government, presidential and parliamentary elections were held, respectively, in a reasonably free and fair manner (Adan Yusuf Abokor et al. 2006). The upper house, the *Guurti*, however, remains both unelected and almost entirely male, making the adoption of a recognised and accountable system for the election or appointment of members an increasingly urgent requirement, as well as an explicitly constitutional one (see Article 58(1), Somaliland, 2001).

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

Economic, Social and Gender Constraints

Post-war reconstruction has accelerated the process of urbanisation, leading to pressure on both infrastructure and the environment. In the process, tensions over the ownership and management of resources have heightened, resulting in localised instances of conflict. Few people in Somaliland are employed and most rely on subsistence farming, pastoralism or remittances from the diaspora. A long-standing ban on imports of Somali livestock into

Saudi Arabia, only lifted in November 2009, significantly diminished access to the major market for livestock exports, resulting in a marked weakening in stock prices. Meanwhile, droughts are becoming more severe while horticultural growth is diminishing access to grazing lands, further contributing to pastoralist vulnerability. Diaspora returnees are also speeding this growth in sedentarised agriculture, and pastoralists themselves are turning to farming out of desperation, or else to the environmentally damaging production of charcoal for primarily urban markets.

The economy is marked by unacceptable levels of poverty, little domestic production and unsustainable, remittance-based consumption. There is a lack of transparency in public finance management, with much evidence suggesting that scarce public resources and revenues are indeed mismanaged, with few systemic checks and balances and not very effective parliamentary oversight. Basic infrastructure is poor and neglected, with major assets, including Berbera airport and port, requiring major improvement, and the abysmal quality of the roads network leaves some regions isolated in spite of the country's small size.

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

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

voices prepared to speak out against the most severe forms of the practice have begun to show some success.

Girls' and women's low social status, limited bargaining power and economic disadvantage make them vulnerable to HIV/AIDS in a way that most men are not. Gender-based violence as a weapon of war was a feature of the civil conflict in Somalia in the early 1990s (particularly against women of the coastal regions and minorities), and domestic violence and rape are growing problems in contemporary Somaliland.

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

Democracy and its Deficits

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

A recent shift in alliances has caused a rift between the two, with the result that negotiations over a further presidential extension and arrange-

ments for an election have been much more vigorously debated, and the president has not consistently been able to get his way. Nevertheless, the political context at the present time remains a challenging one, despite the presidential elections now to be held on 26 June 2010. The commitment to democracy on the part of the president in particular seems to be formalistic in nature, with an evident belief that the holding of reasonably regular and possibly free elections is sufficient in itself to support the case that Somaliland should be recognised as a sovereign democracy. Paradoxically, the popular commitment to debate and participation on the one hand and sustained stability on the other mean that it may actually be possible to hold a technically fair election with little overt government interference.

However, the paradox of an executive that uses democratic form to justify performance while acting in a manner contrary to democratic norms persists. This betrays the inheritance of many of the tenets of the Siyaad Barre state, including the continuation of extra-legal national and local security committees. Eventually, it seems likely that the democratic programme will come into conflict with the government's tendency to undertake authoritarian interventions in the day-to-day activities of supposedly autonomous civil and political organisations. Recent evidence supports the view that such conflict is possible, despite public commitment to stability. A government move in September 2009 to shut down the House of Representatives in an effort to prevent debate on an impeachment motion tabled by opposition members resulted in apparently spontaneous public demonstrations, with police vehicles set on fire and barricades constructed. The police opened fire as they moved to quell the protests, resulting in the deaths of several protestors (Husein Ali Noor 2009). Other recent instances have also seen sudden eruptions of popular protest—again, probably indicative of increasing public impatience with the government, at least in some quarters.

It is worrying that parliament and specifically the House of Representatives do not consider themselves guarantors of civil liberties, and refuse to engage on such issues as the aforementioned extra-judicial security committees. On occasion, party statements have suggested that the situation is less serious than portrayed, calling instead for a quieter engagement with the government where concerns are raised. The authors hold that this is insufficient, and that there needs to be greater cohesion in the democratic response from political parties, the media, parliament and its institutions, and of course, civil society.

Much of the basis for government actions can be traced to the security mindset of the Siyaad Barre era, as many in the current government served in that regime, including the president himself, who has actively promoted former National Security Service (NSS) personnel into positions of power.

This seems to set a framework in which security concerns routinely trump the concerns of a more inclusive state agenda, with senior members of the administration uncomfortable with the popular exercise of individual freedoms that are otherwise widely tolerated in Somali society. It is notable that ministers have, on occasion, appeared taken aback at objections (both international and domestic) over their actions.

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

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

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

Much of this analysis continues to be borne out in the current political context. Debates over the use and validity of an ambitious voter registration system as a basis for polling in an overdue presidential election eventually came to a head when the president and the supposedly independent National Electoral Commission (NEC) jointly announced that the register

would be abandoned, international assistance shunned and an election held using only domestic resources. The opposition parties were quick to denounce these moves, having themselves just reached an agreement on the voter register to be employed in the election. The crisis was only resolved through the intervention of a number of groups, including an international representation speaking through the Ethiopian Foreign Minister. A six-point memorandum was eventually agreed on, which reinstated the voter register, called for renewed partnership with external agents, and accepted the need for replacement of the members of the NEC. This represented an almost complete reversal for the government, but the agreement only came about because of the frantic interventions of mediatory groups and the violence of the protests mentioned above (for further information on the stand-off, see Walls 2009).

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

However, while we argue that the current situation is fragile and contains the seeds of serious deterioration, we also posit that Somaliland’s political stability is in fact greater than superficial observation might suggest. This is due not just to traditional virtues of negotiation and consensus, but also to the overlay of political and social ideas around alternative conceptions of inclusion and debate gained in the diaspora. While it is undeniably true that the government is often heavy-handed, it ultimately tends to accede to Somali norms of discussion and negotiated compromise. While the challenges remain substantial and the seriousness of repeated constitutional crises must be acknowledged, the system is more robust than many believe. While the president does possess authoritarian tendencies, he is not a strongman in the Mobutu or Mugabe mould. He can be (and frequently is) forced to back down and to attempt to excuse his actions in democratic and constitutional terms. The eventual agreement by all sides to the presidential election date is testimony to this.

In sharp contrast to many of the interventions that have taken place elsewhere in the Somali territories, external parties (including donors, NGOs and multilateral actors) have periodically played a positive role. Most re-

cently, an international grouping led by British and Ethiopian officials were instrumental in brokering the deal that opened the way for the presidential election scheduled for June 2010 to take place. Such limited but significant successes have occurred in part precisely because the international involvement is limited in scope and draws participants who possess a long-standing commitment to Somali development. However, a dichotomous domestic situation in which high expectations for the actions of foreign actors are simultaneously combined with profound distrust as to their motivations may ultimately prove unhealthy.

The International Context, the Region and its Discontents

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

Regionally, Somaliland's position is finely balanced. Prominent international actors have shown some willingness to support moves to urge the AU to consider the case for recognition. This is particularly true of South Africa, and a number of other countries, including the UK, have also shown interest in the Somaliland position. An AU fact-finding mission declared in 2005 that Somaliland's status was "unique and self-justified in African political history" and that "the case should not be linked to the notion of 'opening a Pandora's box'" (Jhazbhay 2006). This reference specifically pertained to the fear of many African and other governments that the recognition of one new state would set in motion a sequence of claims for self-determination by different ethnic groups, undermining existing states and their boundaries. The OAU's determination, reiterated by the AU, is to respect the inviolability of inherited colonial borders. A year after the AU report, the International Crisis Group (ICG) recommended that the AU address the issue soon in order "to prevent a deeply rooted dispute from evolving into an open conflict" (ICG 2006: 21), and called on the AU to name a senior envoy to consult with key players and report back to the Union's Peace and Security Council. In addition, the ICG recommended that the Peace and Security

Council familiarise its members with the case of Somaliland and called on the AU to grant Somaliland interim observer status in the short term. The report asks whether it is fair to hold “Somaliland hostage to events over which it has very little control”, rather than rewarding them “for creating stability and democratic governance out of a part of the chaos that is the failed state of Somalia” (ICG 2006: 17, ii). However, a decision was put off under Arab pressure at the AU summit in July 2006 in Banjul, and seems not to have been revisited. Today, the perception that the “Islamist threat” is increasing in the region as al-Shabaab continue to maintain a high profile in the southern insurgency has helped to keep the issue of Somaliland in an apparently perpetually peripheral status. The late 2008 stand-off over the Somaliland presidential elections also discouraged foreign actors from pushing ahead with any further initiative while the domestic context remained uncertain.

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

Continued tensions between Somaliland and their eastern neighbour, the self-governing, autonomous Puntland State of Somalia also remain a concern. Since 1998, Somaliland’s authority over the eastern Sanaag area and the Sool region has been contested by Puntland: Essentially, this is a territorial clash in which clan affiliation competes with national political aspiration. On the one side, Somaliland presents itself as a multi-clan nation-state based on legal agreements pertaining to national colonial-era boundaries, while on the other, Puntland identifies strongly with the Majerteen clan of the Darood clan-family, whose Harti cousins, the Warsangeli and Dhulbahante, largely reside on the Somaliland side of the border. The kinship ties within the Harti subset of the Darood family underpin Puntland’s claims on the Eastern regions of Somaliland, and inform their clan-based support for a federal Somalia. From 2003, Puntland maintained a *de facto* control over large parts of the Sool region through the presence of their own militia in the area, including the major town of Laas ‘Aanood. However, the 2007 dismissal of Puntland’s Dhulbahante interior minister led to a shift in the balance of power and, with his support, Somaliland forces militarily reclaimed Laas ‘Aanood and surrounding areas. Puntland continues to assert its right to the area, and the leadership periodically declare their intention to recapture it.

A further international element in the Somaliland experience is that of the large and active diaspora. Expatriates influence the situation in Somaliland in diverse and, not infrequently, dramatically divergent ways. On the

one hand, remittances and diaspora networks have been successful in providing productive investment and excellent interpersonal networks. The example provided by the country's tertiary educational institutions, including Amoud University in Boorama, the longest established of them, is illustrative of this point. Fundraising, recruitment and ongoing support have come in large part from an engaged and informed external constituency. On the other hand, the diaspora can be seen to provide a support base that bypasses inter- and intra-governmental channels, potentially both weakening them and reducing the accountability of the state to its citizens. Consequently, many politicians see much of their most influential constituency as being outside Somaliland. Both ministers and opposition leaders frequently maintain homes outside the country, in some cases spending much of each year in Europe, North America or the Gulf nations.

The Road to (Greater) Democracy and Possible Recognition: Some Suggestions

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

Other civil society actors also remain busy organising themselves in terms of gender representation, provision of social services, budgetary oversight, human rights practice and the like. As with other aspects of Somaliland society, clans continue to exercise significant influence on NGOs and the pursuit of collective action. However, civil society outside clan structures is also beginning to assert itself, not least through women's groups, which are able to build on their outsider status as mediators in conflict (see Gardner and El-Bushra 2004; Walls et al. 2008) and push a strong line on political representation for women and issues including genital mutilation, health and rights. Proposals for the introduction of quotas or reserved seats for women in parliament are periodically vociferously raised (and indeed, also vigorously resisted). This is felt by many to be one of the best approaches to increasing women's representation and political participation. Despite the low numbers of female parliamentarians, Somaliland has some claim to be making small steps towards representation from women.

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

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

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

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

It is likely that, if Somaliland is to make headway in this regard, Hargeisa needs to make a more robust case for Somaliland as an existing fact and a coherent political entity. Drawing a regional parallel with the likely process in South Sudan while pursuing the agenda put forward by the ICG of an observer role for Somaliland in AU forums might offer a good basis for such a strategy.

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

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

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

Outside bodies should also play a part in promoting awareness of Somaliland successes. Groups such as the UK All-Party Parliamentary Group for Somaliland (APPG) could be asked to liaise with counterparts in selected African, European and other states to raise the profile of the case of Somaliland. The British body has been successful in the past in raising parliamentary questions, hosting briefings and promoting awareness within the UK political establishment. There seems to be little reason that similar bodies could not follow suit in other countries. Members of the AU's Peace and Security Council, in particular, could be encouraged to seek ways of following up on the recommendations of the 2005 Fact-Finding Report.

Conclusion

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

It is notable that, in Somaliland, customary clan-based structures have generally proven to be a stabilising influence. Nevertheless, the tensions between state, clans, territory and nation remain significant and may still undermine that stability. It would be a serious over-simplification to see actors such as women's groups, diaspora organisations and civil society in general as the sole carriers of new forms of identity, clashing with traditional forms of clan. There is, however, an interplay between a number of different factors. The state, while possessing "modernising" forms, is also marked by the securocratic inheritance of the Siyad Barre era. Civil society is attempting to act as a brake on that process by using new forms of identity and organisation—in part funded and inspired by outside forces such as donors and

international NGOs. There are nationalistic reactions to this, making the inter-relationship of forces a complex one. The system is marked by flexibility in which certain forms of tradition such as clan-based negotiations and interventions can be used by new actors who employ means that depart from precedent. In many respects, this flexibility is itself part of tradition, and it remains significant in that it allows the vital potential for creativity as those involved attempt to tackle novel situations in which the bordered nation-state demands accommodation, not least in the form of systems of representative governance that are most emphatically not traditional.

Territorial considerations can also conflict with clan ones with respect to allegiance. The obvious example already noted is within and between clans in the east of what was the British Protectorate. Specific clans and sub-clans variously proclaim allegiance to Somaliland or Puntland—the latter on the basis of clan affiliation, the former on the grounds of political history. But as we show above, even here allegiances can shift for a number of reasons—clan identity, rewards, access to resources and so on. These variables highlight the way in which, while many see Somaliland as engaged on a journey from “tradition” to “modernity”, that path is neither linear nor does tradition play a deterministic role.

These modalities shape themselves very differently further south in Somalia, where clan, far from being one part of a negotiating process, has become a zero-sum game in which clan groupings see themselves as facing a simple trade-off between winning and losing. In response, and differently than in the North, a brand of militant political religion that has historically largely been alien to Somalis has increasingly offered the most viable response to the moribund state.

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

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

structure based on party and policy that would not cause greater problems than those it might solve.

There is a warning here for outsiders, even those keen to see Somaliland's hybrid form of democratisation succeed. It would be retrograde to push for a system that has no purchase in Somaliland, or indeed in Somalia. It is vital that we recognise the ways that the people of Somaliland have been successful in achieving peace through understood, indigenous mechanisms. Long-standing traditions based on kinship, mediation and dialogue, and customary law were combined with the pragmatic efforts of individuals to enable the construction of a nation-state. While that state is nascent and remains fragile, it has achieved a degree of viability and popular legitimacy that is rare in the region, and in so doing challenges some of the received wisdom on the polarities of tradition and modernity, and clan and government.

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

Somaliland is not a developmental state, but has provided a significant level of stability and security for its citizens. The commitment of the Somaliland population to democracy is strong, and outsiders should seek practical ways of bringing wider awareness of the achievements of this small, and rightly proud, African country.

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Jenseits der Polarität: Das Aushandeln eines hybriden Staates in Somaliland

Zusammenfassung: Viele afrikanische Staaten kämpfen damit, innerhalb kolonial definierter Grenzen traditionelle soziale Institutionen mit den Grundsätzen nationalstaatlicher Demokratie zu versöhnen. Seit dem Fall des Regimes Siyaad Barre im Jahr 1991 konnte in Somaliland nach und nach ein anscheinend dauerhafter Frieden und eine zunehmend entwickelte, verfassungs-basierte und nationalstaatliche Demokratie aufgebaut werden. Das Verhältnis von Identität, Nation und Territorium wird immer noch ausgehandelt, wobei die politische Elite und die breite Bevölkerung sich der Demokratie jeweils in unterschiedlichem Grad verbunden fühlen. Lokale soziokulturelle Traditionen ermöglichten eine Verschmelzung von clan-basierter Sozialstruktur und repräsentativer Demokratie. Gelegentlich haben externe Interventionen, wenn auch in sehr geringem Umfang, Auswege aus krisenhaften Situationen erleichtert. Ein politischer Zusammenbruch und gewalttätige Auseinandersetzungen wie in den südsomalischen Gebieten konnten vermieden werden. Die Autoren erwarten Herausforderungen für das derzeitige bemerkenswert belastbare soziopolitische System in Somaliland im Zusammenhang mit aktuellen und zu erwartenden Repräsentanzproblemen (unter anderem von Frauen), öffentlichen Dienstleistungen, dem fragilen regionalen Kontext und Auslandsinvestitionen.

Schlagwörter: Somaliland, Somalia, Horn von Afrika, Nationen- und Staatenbildung