



Centre for International Governance and Justice

**Negotiating Political Legitimacy: the Case of State
Formation in Post-conflict Somaliland**

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“Negotiating Political Legitimacy: the Case of State Formation in Post-conflict Somaliland”

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Bio: Louise Wiuff Moe has recently completed a Master of Arts in International Studies at the University of Stellenbosch under an exchange-agreement with the International Peace Research Institute, Oslo (PRIO). She finalized her studies with a thesis on state-formation and governance in post-conflict Somaliland (northwestern Somalia) based on her fieldwork in the region in the spring of 2008.

The present paper builds on her talk on the interaction between the state and traditional authorities in Somaliland delivered on the 27th of March 2009 at the CIGJ.

Abstract: This paper discusses the complex issue of political legitimacy in the context of state ‘fragility’ and aims at contributing to the ongoing debate on how to best support peaceful political transformation in post-conflict settings. Focusing on the case of emerging de facto statehood in Somaliland, where lack of external recognition and support have left it up to Somalilanders themselves to negotiate peace, as well as the right to govern, the paper provides a more empirically founded understanding of political legitimacy than that typically underpinning dominating (Western) state-building discourses.

Introduction

The 1990s have been labeled an ‘era of crisis’ (Boone 1998) in the history of African statehood: an era in which structures of governance based on colonial inheritance and Cold War politics broke down, and the internal dynamics of the state came under increasing international scrutiny.

It became apparent that in many African countries the post-colonial state, or perhaps more accurately, the neocolonial state - externally imposed and maintained - had not produced

internal consent or support, and thus lacked a basis to maintain itself when the superpowers after 1989 lost their incentives to provide external patronage.

This crisis sparked a debate about the 'failure' of African states to function as they are 'supposed' to – a debate which recently, and in particular after 9/11, became linked to the fear that such state 'failure' or 'fragility' poses a security threat to the West (Bøås & Jennings 2005; Andersen 2007). On this backdrop, and in the name of international security, donor-driven state building has become a major enterprise. According to dominant perceptions within the field of state building, the 'cure' to state fragility is to be found in construction of (Western-style) democratic state institutions and in the 'building' of the state's capacity to regulate key domains of governance (Boege et al. 2009a).

However, an emerging branch of scholarship has on normative as well as on political grounds questioned these efforts to 'build other peoples' states' (Reno 2009). Conventional state-building discourses are particularly criticized for not sufficiently taking into account the disconnect that exists between many an African state¹ and the practices, norms and expectations of the society – a disconnect that is often at the root of state fragility. Thus, constructing viable forms of governance in the context of 'fragility' is not only a matter of building institutional capacity, but also a matter of addressing the issue of state legitimacy. This requires approaches which move beyond the institutional state (in and of itself), and instead focus on the relations between the state and the society and – correspondingly – the interface between 'formal' governance structures and 'informal' practices of governance (Boege et al. 2009; Boege et al. 2009a; Boege et al. 2007; Bellina et al. 2009; D'Costa & Ford 2009). Such approaches introduce a rather complex picture of state- and governance building, since the internal power dynamics and the practices and expectations of a society vary immensely from case to case. Thus, if creating effective and legitimate governance practices is about forging mutually constructive relations between a given state and the society which it aspires to govern then "there is no standardized recipe for state building, nor is there a standard model of statehood that can be applied

¹ To clarify, here I mean 'African' only in a geographical sense. Indeed the disconnect referred to largely stems from the fact that the 'African' state in many cases is an external construct, although partially reappropriated by local political elites.

universally” (Bellina et al. 2009: 5). Accordingly, recent revisionism advocates an emphasis on processes and negotiation rather than on fixed standards and implementation.

This paper focus on the case of emerging statehood in Somaliland, where exactly such priorities have underpinned the process reconstituting stability and governance, not in response to a new enlightened form of state building intervention, but rather because of minimal external involvement. In particular, the paper addresses the complex issue of creating political legitimacy.

The case of Somaliland – a de facto state functioning within the collapsed but recognized de jure state of Somalia- is one of several examples of a ‘non-conforming’ political orders emerging in the post-Cold War period. Both Somaliland’s process of state formation as well as the current manifestation of statehood pose some challenges to conventional state-building approaches, and in particular to the much debated concepts of sovereignty and governance: Firstly, Somaliland is not formally recognized, and thus lacks one of the most fundamental criteria of statehood. Secondly, Somaliland has followed an unusual and self-reliant path to reconstruction, where the initial phases of state building were characterized by huge inclusive² conferences lasting for several months. This approach had the result that clan representation in a transition phase was favored over majority vote. Thirdly, at the current stage of state consolidation, Somaliland’s ‘hybrid’ institutional arrangements combine a clan-based representational formula with Western-style multiparty politics and elections. Moreover, due to lack of resources – related to its unrecognized status as well as lack of full public trust in centralized state structures – also on the local level state-governance has been coupled to structures of traditional authority. Altogether, this is a route to statehood that differs significantly from state models – and state building templates – that privilege centralized bureaucracy and clear distinctions between public and private activity (Reno 2003). Nonetheless, and despite some notable ambiguities, this alternative route has provided the foundations for a remarkably stable political unit functioning within a deeply troubled region where numerous attempts to revive a conventional central state has repeatedly failed.

² With an important exception, women were not allowed to directly participate in the decision-making processes of these conferences.

This paper firstly discusses the early phases of state-formation in Somaliland – a development closely interlinked with processes of peace building and reconciliation. Secondly, focus is turned to the way in which governance is currently organized, and in particular to the conversion of power between traditional leadership and the ‘formal’ institutions of the state.

Building peace and redefining the pillars of statehood

The synergy between local and national processes

The immediate challenge facing Somaliland after the unilateral declaration of independence in 1991 was to establish peace and restore relationships in the society which was deeply marked by years of civil war. In this context an approach of pursuing a ‘thin’ government 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). Thus, stability was not re-established *because of* the revival of state, rather peace and stability were promoted locally and became a *precondition* for state (Personal conversation with Somali political analyst, Hargeisa, 03.04.08).

In the early stages, reconciliation was first and foremost about addressing the hostilities and mistrust between the clans that had fought on different sides during the civil war.

Traditional authorities from different clans gathered in a series of local negotiations across the region, and the achievements of these local processes paved the way for some huge countrywide clan conferences where national peace agreements were reached and where the institutional framework for the state was created.

The importance of controlling violence and reaching consensus on the local level as a precondition for reaching power-sharing agreements on the national level was emphasized by several of my interviewees, and summed up by one as follows: “Every clan had to accept the rebirth of Somaliland, and to accept Somaliland they had to deal with the ‘next door’ clan, to address all the grievances and to exchange *xeer*³. Only then could we start to agree on how to

³ The Somali customary law consisting of unwritten ‘social contracts’ between the different clans.

build a state. The local and regional conferences were handling conflicts of certain areas, and these conflicts would otherwise have destabilized the whole situation. What I am saying is that there would not have been any state for Somaliland if we had not insisted that all stakeholders must be brought onboard” (interview with Somali political analyst, Hargeisa, 17.04.08).

While the complex local reconciliation processes in Somaliland proved crucial in making state formation possible, it appears, as also argued by Bradbury (2008) that these processes were allowed to succeed only due to the absence of ‘effective’ central government. While no single actor or group of actors could assert themselves as a sovereign central power, and as no external forces were pressing for the immediate revival of a central state, Somalilanders took on the hard work of building consensus locally, and expanding the space for negotiation.

Institutional arrangements and transition politics

A huge clan-conference in the city of Boroma in 1993 was particularly noteworthy in terms of giving institutional substance to Somaliland’s de facto statehood. The conference was largely financed by the communities of Somaliland and an estimated 2000 people in total – including 150 voting delegates of traditional authorities – attended. Altogether the conference has been described as a true watershed in the history of the formation of the Somaliland state (Logan 2000; Bradbury 2001; Menkhaus 2000; WSP 2005). At this conference an 82-member council of clan elders was institutionalized as the upper house of parliament, which is also known as the House of Elders or the *Guurti*. This reflected an acknowledgment of the longstanding influence and importance of traditional leadership in Somaliland, not least in spearheading the peace processes in the first years after independence.

Institutionalizing a source of locally respected representational authority – the elders – within the structures of the state was a way of redefining the pillars of statehood, and making a radical break with the form of centralized illegitimate power which had constituted the state under the rule of Siad Barre⁴. Moreover, whereas Barre had prohibited ‘tribalism’, the Somaliland system of governance, known as the *beel*-system (clan-based system), which was agreed upon at the

⁴ General Mohamed Siad Barre seized power in a military coup in 1969 and was the president of Somalia until 1991.

Borama conference, was based on the recognition of kinship as the basic mechanism for organizing social relations. Under the *beel* system both the *Guurti* and the House of Representatives were based on the principle that distribution of political seats should balance the centre with the periphery (Battera 2004) – i.e. secure national representation of all the northern clans. This framework of governance thus fostered popular participation in a manner which in Jhazbhay's words "might best define the essence of 'democracy' without the encumbrance of a 'Western' connotation" (Jhazbhay 2007:70).

After a more stable peace had been established in the late half of the 1990s new political aspirations started to burgeon, and the *beel-system* was taken up to revision. In 1997 a new constitution that spelled out the steps for a transition from a clan-based system to a multi-party system was drafted (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 (interview with Somali political analyst, Hargeisa, 17.04.08). The *beel-system* proved both legitimate and viable in the early stages of post-conflict transformation. However, the disadvantages – so the proponents of discarding the *beel* system argued – were that the system had an inherent risk of encouraging the pursuit of narrow interests along clan lines and thus was less suitable as a framework for developing more ambitious political programmes. Moreover, the necessity of transition also became linked to the pursuit of recognition, since Somaliland was perceived as having a better chance of becoming formally recognized if it adopted a political system based on multi-party politics (Renders 2006). It was not until 2001 that the final draft of the new constitution, which explicated a commitment to multi-party politics⁵ as well as to an independent Somaliland, was sent to referendum. The constitutional referendum was the first time in 30 years that people had the chance to cast a democratic vote and it was crucial in terms of affirming the popular aspiration for independence, and in securing that the particular 'idea of the state' – framed in the constitution – was 'owned' by the population. Although there is doubt about the exact turnout, a clear and significant majority of the population endorsed the constitution (Bradbury 2008). Accordingly, the political system based on power-sharing along clan-lines was replaced with a system in which the head of state as well as both the members of

⁵Borrowing from the Nigerian model the constitution allows for a limited (three, in the case of Somaliland) number of official parties (ICG 2006).

the House of Representatives and of the District Councils are elected through the ballot⁶. Yet, the institution of the *Guurti* remained in place and the seats in this Upper House of Parliament are still distributed on the basis of clan representation.

Altogether, the internally driven processes of state formation and reconciliation in Somaliland challenge the image of ‘failed states’ – with Somalia commonly being perceived as the ultimate example – as environments of generalized anarchy and social decay. The case also suggests that the success of reconstituting peace and political order on the backdrop of civil war may not be as dependent on external involvement as is oftentimes assumed. Especially when compared to the years of costly but unsuccessful top-down attempts to establish a central state in the south, Somaliland indicates, as also noted by Logan (2000) and Menkhaus (2006a), that a Somali-led rebuilding process starting from below – however slow, prone to set-backs, and complex it may appear – may in fact provide the best possible (or only?) foundations for successful reconstruction of governance in the Somali context.

Moreover, and along the same lines, in the context of post-conflict Somaliland, peace and reconciliation took place in the absence of a state and as a precondition for state formation, which suggests that insisting on immediate revival of a central state may not always be the most viable approach to post-conflict reconstruction, especially in cases where the state has not previously been a source of legitimacy. When an institutional framework was eventually agreed upon in Somaliland this did not conform to Western conventions. While as noted by Bellina et al. (2009) state legitimacy is commonly equated with particular normative standards derived from a Western-style democratic state model, *empirically* legitimacy takes on different forms depending on the socio-political realities of the particular context: In Somaliland the system of clan-representation was initially favored over a system of majority vote, and this choice was, by my informants, perceived as vital for legitimizing the project of statehood. While the later adoption of a multi-party system undeniably reflected a wish to enhance the chances of recognition by

⁶ Since the adoption of the constitution Somaliland has successfully completed three rounds of elections: local council elections in 2002, the first presidential election in 2003, and finally parliamentary elections (only for the lower House of Representatives) in 2005 (Bradbury 2008). The next rounds of local and presidential elections are set for this year.

better conforming to international expectations of what a state is or ‘ought’ to be, the decision to take this step of political transition was made locally. Moreover, and importantly, by maintaining the institution of the *Guurti*, the mechanism of traditional conflict management and the principle of clan-representation were kept in place as part of the foundations for statehood in Somaliland.

The experiment with ‘hybrid’ institutional arrangement – integrating traditional leadership and clan-representation with multi-party democracy- can be seen as an innovative attempt to maintain constructive linkages between the state and a society in which several perceptions of what constitute legitimate representation and governance co-exist.

The following section discusses the way in which governance is practiced – through a merger of traditional leadership and state governance – within the de facto state which came out of the processes described in this section.

Governance and the state in contemporary Somaliland

Converting different forms of power

As the state has acquired an established set of structures, the role of traditional authorities has remained strong but changed in some important respects. From acting as negotiators during the peace processes and early phases of state formation traditional authorities have become increasingly involved in ‘high politics’ on the national level, and on the local level they act as ‘partners’ (formally, semi-formally as well as informally) to actual state institutions, in particular within the domains of law and security.

Somaliland’s achievements in terms of combining traditional leadership and state governance have received some – even if still limited – academic attention. It has for example –and rightly so – been argued that these innovative forms of ‘hybrid’ governance arrangements which underpin contemporary statehood in Somaliland have significantly enhanced de facto governance capacity and thereby provided greater stability (Menkhaus 2007; Menkhaus 2009). Moreover, Somaliland’s ‘hybrid’ statehood has been highlighted as an example providing insights into how to avoid a structural disconnect between values, norms and expectations of the society and the institutions of the state (Logan 2002). Indeed, it appears that local traditional leadership

functions as a necessary complement to the state, both because the state does not have the capacity to undertake the full range of functions associated with sovereignty and because the state functions in a setting where people have been used to surviving in spite of the state, not because of the state.

However, as illustrated below, the exercise of promoting mutually reinforcing relations between traditional leadership and state authority is a highly complex one. And the combining of traditional authority and state governance does not *per se* produce participatory governance practices which are perceived as legitimate by local people.

This section aims at exploring the complexities involved in the endeavor of the state and the traditional authorities ‘converting’ (Buur & Kyed 2007) different forms of power and resources within key domains of governance.

The ‘hybrid’ parliamentary structures – combining the clan based institution of elders, the *Guurti*, with an elected executive president and legislature – is the most explicit and visible example of integrating customary principles with ‘state’ governance. Maintaining the *Guurti* as a mechanism for clan-based inclusion was by my informants seen as vital for creating a space for party politics based on majority vote to develop in the rest of the political system. Thus, on the one hand, the hybrid institutions in Somaliland provide an example of an innovative attempt to tailor-make statehood by promoting what Bellina et al. (2009: 21) refer to as “constructive interaction between diverse sources of legitimacy”. On the other hand, however, this interaction has not only adapted the structure of the state to better match local expectations – it has also gradually reshaped the role and involvements of the members of the *Guurti*, to the extent that their basis of legitimacy, as clan representatives, is called into question. In particular, the *Guurti* members’ increasing involvement in shaping national politics has led to accusations that the members are more concerned about upward political loyalties (vis-à-vis the executive branch of government) than downward accountability. As noted by a local *aqil*⁷: “It was clear that they

⁷ There are different categories of traditional authorities. In contemporary Somaliland the *Aquils* make up the category of traditional authorities most actively and directly involved in the everyday life of local people (Gundel 2006).

were *from* the communities in the beginning. But they lost the link. What they want now is the political position and they have it” (group interview with traditional leaders, Hargeisa, 15.04.08).

Such public discontent was recently accentuated when the *Guurti*, without broad public or political consultation, extended the term of the incumbent president, and thus postponed the election date.

It is, in other words, not always clear whether the *Guurti* members challenge or contribute to centralist tendencies. Moreover, the fact that no principle on how to select the members for the *Guurti* has yet been agreed upon adds to the accusations that the incumbent *Guurti* members do not further the project of democratic statehood. The *Guurti* members were originally appointed by their clan at the Boroma conference, but as the older members have died their sons have taken over, and some seats in the house are thus currently held by individuals who have inherited the position rather than by appointment. This has become a controversial issue, creating widespread popular criticism (WSP 2005; group interview with traditional leaders, Hargeisa, 15.04.08; group interview with university graduates, Hargeisa, 09.05.08). These popular sentiments illustrate that traditional authorities in Somaliland cannot legitimize their execution of power in the eyes of the population with reference to inheritance or other historical mechanisms of selection, as is sometimes implicitly assumed when ‘traditional’ structures are portrayed as the antithesis to ‘modern’ individualized democracies (Gundel 2006). Through my interviews I learned that maintaining the *Guurti* is still perceived as vital for securing national stability as well as for enabling the further consolidation of statehood in Somaliland. It appears, in other words, that it is not the legitimacy of the *Guurti* as an *institution*, but rather the way in which it currently functions that is being contested.

The institutionalization of the elders within the *Guurti* is, as mentioned, but one way in which traditional leadership is coupled to state governance. On the local level, especially within the domains of security and law, the ‘informal’ traditional system is in different ways linked to the institutions of the state. For example, while the bulk of ‘everyday’ criminal cases and disputes are still taken care of primarily through the customary system, the state police at times assist in undertaking arrests while typically leaving the subsequent process of arbitration to the traditional authorities. Further, the settlement reached through the traditional system are in some cases

registered and filed – and thus ‘formalized’ – by the formal judges as well as the police (group interview with traditional authorities, Hargeisa, 28.03.08; see also Gundel 2006; Menkhaus 2007).

In larger-scale conflicts the police and the military have a role to play in stopping the immediate fighting, yet the subsequent negotiations and the task of determining a settlement are usually taken care of by the traditional authorities (interview with the head of the Burao outpost of APD, Hargeisa, 20.03.08).

It is first and foremost the threat of retaliation that prevents the clans from disregarding the customary laws (see for example Gundel 2006). The sanctions that underlie the customary system are, in other words, those of conflict escalation, feud and force. Government intervention remains a weak deterrent to the continuation of bloodshed and from a security perspective this is a major reason why ‘modern’ governance is unable to stand alone. As stated by the head of the Burao outpost of APD (interview, Hargeisa, 20.03.08) “actors from the government cannot do the negotiations, because they are not neutral”. Moreover, due to lack of resources the codified laws have not been reformed and developed and are often ill-suited to address some of the contemporary forms of crimes and disputes (interview with Somali professor in law, Hargeisa, 25.04.08; group interview with traditional authorities, Hargeisa, 28.03.08). Thus, the flexible customary system is, in general, perceived as both more effective and legitimate than the formal courts (interview with Somali professor in law, Hargeisa, 25.04.08; Gundel 2006).

While implying a revision of the concept of sovereignty, the inventive merging of traditional practices and state authority has enhanced de facto governance capacity and proven rather effective in keeping the level of internal security high. Provisions of security are, in terms, of critical importance for maintaining Somaliland as a functioning de facto state, since security is a precondition for the undertaking of several other activities necessary for the consolidation of statehood. For example the delivery of social services; the promotion of local businesses and even the conduction of democratic elections are activities which are not possible without basic security. In brief, the provision of security is vital for state legitimacy because it enables the very ‘production’ of the state (Bellina et al. 2009). At the same time, enhancing security is not, as shown, necessarily equal to reviving strong and fully sovereign state institutions. As argued by

Menkhaus (2006), if state building is viewed as a means of enhancing governance rather than an exercise of strengthening state capacity for its own sake, then the possibility that pragmatic forms of ‘shared sovereignty’ can promote the former by bypassing the latter poses a challenge to conventional state building approaches “which tend to conflate reviving formal state capacity with promotion of governance” (Menkhaus 2006:11).

Also evident in Somaliland, however, is that when parallel coexistence replaces mutually reinforcing interactions this can result in contradictions between the state ‘logic’ and the ‘logic’ of non-state systems of governance. For example, the application of customary law in some cases violates civil liberties and individual rights that are guaranteed in the constitution – since within the traditional system collective responsibility is typically given priority over such individual rights (Hargeisa, 28.03.08; interview with a staff-member of local human rights NGO, Hargeisa, 21.03.08). Allowing traditional authorities to apply the customary law *beyond* the constitutional laws can therefore undermine the legitimacy of the state as a protector of rights that are associated with citizenship. In more general terms, it is not enough that the mechanisms through which the state is to govern its citizens are agreed upon by the latter. If the state is unable to make these mechanisms empirically effective, its basis as a ‘relevant’ legitimate authority will deteriorate.

However, attempting to *enforce* state authority upon local people and institutions, and aiming at replacing ‘informal’ systems and practices of governance is not only unfeasible due to lack of state enforcement capacities but would, so is my belief, profoundly undermine state legitimacy, since in the Somali context centralized state power has a history of being all but legitimate and accountable.

Thus, the point is not that one system should ‘trump’ (Boege et al. 2007) the other. Rather, it seems that constructing efficient and legitimate forms of governance will require explicit agreements on ‘division of labor’ between the different structures of governance and authority, and consensus on procedures that can buttress these agreements. Moreover, and importantly, it will require that local people can participate in – and shape – the processes of reaching such agreements.

Dialogue meetings between clan-elders, a variety of community representatives, authorities from the ministries of interior and justice along with international and local NGOs have been initiated with the aim of promoting such processes. A few examples of outcomes from these ongoing dialogue meetings are: the establishment of an official referral mechanism to be used by traditional authorities to pass on cases which concern violations of human rights – in particular gender based violence – to the formal court system; commitments on the part of traditional authorities to ensure the inclusion of vulnerable groups such as IDPs and refugees into the system of clan protection and; the establishment of local ‘Action Groups’ (Horn Peace 2008) following up the work on augmenting the harmonization of the different legal systems in the three regions of Maroodi Jeex, Togdheer and Sanaag (Horn Peace 2008; personal communication with traditional authorities, Hargeisa, 30.03.08).

Moreover, recent large-scale projects of community-based policing in the cities of Burao and Hargeisa provide impressive examples of dialogue between a range of actors, leading to constructive and effective governance-alliances between state representatives and local communities (DRC 2006). These projects have shown potential both in terms of addressing mutual mistrust between local people and the institution of the state police – a mistrust rooted in years of predatory state police during the rule of Siad Barre – as well as in terms of enhancing security. The community policing projects were initiated by local traditional authorities who ‘mediated’ relations between the police and the local communities, helped in reaching agreements of ‘joint’ patrolling and information sharing and supported the establishment of community policing committees (group interview with traditional authorities, Hargeisa,15.04.08.; DRC 2006). This way of enhancing security and rule of law illustrates the close relation between the dimensions of capacity and legitimacy. As explained to me by one of the *Aquils* behind the community policing initiative, local mistrust (and the corresponding non-cooperative attitudes) vis-à-vis the institution of the police, had significantly reduced the police officers’ capacity to guard the safety of the communities. Therefore in order for the police to be of any value for local people “attitudes and perceptions had to change. People had to understand that this police is *from and for* the communities. It is not a force” (group interview with traditional authorities, Hargeisa,15.04.08).

My knowledge of the impact, ‘reach’ and functioning of the above mentioned initiatives is limited. More research on these – and similar – ongoing efforts could provide important insights into the potentials and challenges involved in creating arenas for dialogue and forging mutually reinforcing relations between different forms of authority and power.

Altogether, Somaliland’s experimentation with an approach that “combines what is already working locally with what is essential nationally” (Menkhaus 2006:12) invites for some further considerations of what constitutes governance capacity and political legitimacy.

The ‘hybrid’ governance arrangements in Somaliland provided an alternative to delegating a level of sovereign control to the under-capacitated state that it would not realistically have been able to exercise. Moreover, apart from being an unconventional way of enhancing empirical governance capacity, the coupling of traditional leadership with state authority in Somaliland also reflects the fact that the question of what constitutes the basis of political legitimacy continues to be a subject of negotiation. Today, several different forms of identities and claims of legitimacy are at play in Somaliland. The traditional system and institutions continue to fulfill important functions in terms of conflict resolution and security, both because kinship remains the basic social structure, and because traditional leadership – contrary to the state – is historically a main source of legitimate authority. At the same time, expectations vis-à-vis the state have increased, and international discourses of individual human rights and gender equality have grown strong and protection of these rights is seen as an important dimension of becoming a recognizable democratic state.

Moreover, the coexistence of and interaction between the ‘state’ and ‘traditional’ leadership have in different ways reshaped both, and the case thus suggests that creating viable and legitimate institutions and mechanisms of governance is not simply about institutionalizing or ‘putting together’ distinct sources of authority and legitimacy. Rather, it appears that a main challenge has been, and still is, to prioritize that these transformations and new power-configurations take on forms that enjoy legitimacy in the population.

Concluding thoughts

Due to Somaliland's unrecognized status its process of state formation has taken place with only minimal external interference. This has left the region with very limited resources. Yet it has also left it up to Somalilanders to negotiate the pillars of statehood without the influence of imposed definitions of political legitimacy, and without external support tilting the power balance in favor of one or the other group of actors. On this backdrop, the process of 'making governance work' and developing a common political structure has been characterized by continuous negotiation, contestation and accommodation between emerging state institutions and existing bases of local authority. In other words, the de facto state has –since the early phases of its making – had to build on and integrate different and sometimes apparently contradictory sources of legitimacy and authority. This has made the process of state formation more complex than conventional approaches that rely on fixed state building templates, and also, the particular manifestation of state that emerged out of this process does not conform to Weberian precepts of statehood.

Through the lens of 'fragility' Somaliland's approach of coupling state governance and non-state authority could be seen simply as the retreat of a state which lacks the capacity to organize governance and power directly, and therefore tries to co-opt what it cannot do away with. Undoubtedly, relying on non-state sources of governance has been a means for the undercapacitated state to extent law and order beyond the centre, and this means has not been without its own drawbacks and ambiguities. However, describing the non-conforming de facto state as simply a *flawed* alternative to the ideal of strong sovereign state power is, in my opinion, an outright misrepresentation. Taking into account that a strong central state has never been the source of legitimacy in Somaliland, it is reasonable to suggest that the pursuit of a political order which seeks to "combine the comparative advantages of both the classic Weberian system and traditional or customary institutions" (Boege et al.2007:46) in fact is a *compelling* alternative. This view is moreover given credence by the fact that "Somaliland has been the most secure, peaceful and lawful zone of Somali East Africa over the past ten years" (Menkhaus 2009). In particular, its achievements stand in stark contrast to the numerous unsuccessful and largely externally driven attempts to revive central state structures in the south of what is formally recognized as Somalia.

While Somaliland faces many challenges ahead – not least the challenge of building up and encouraging visionary and responsible political leadership – its path to state formation offers some insights into the complex process of building up an internal basis of legitimacy and capacity for a new state. Notably, the case illustrates that empirical political legitimacy is considerably more multi-faceted than what is suggested by normative standards derived from a Western type democratic state model. It appears, as also suggested by Bellina et al. (2009) that it is not as such the quality of any one source of legitimacy that in and of itself provides a sustainable basis for the functioning of a state, but rather a web of connected sources of legitimacy.

As evidenced by the case of Somaliland, creating such a ‘web’ requires a high degree of flexibility and pragmatism, not least because local expectations and perceptions of what constitutes legitimate and efficient governance are in flux. Analyzing legitimacy and capacity not by focusing narrowly on the state and its institutions, but on the organization of the relations between the state and the society, and on the relations of power and accountability within the society could be a useful step towards developing more constructive approaches to addressing state ‘fragility’.

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