
Negotiating Statehood in a Hybrid Political Order: The Case of Somaliland

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ABSTRACT

This article investigates the negotiation of statehood in Somaliland, a non-recognized *de facto* state which emerged from Somalia's conflict and state collapse. The negotiation process centres on the continuing transformation of a hybrid political order, involving 'formal' as well as 'informal' spheres, both in existing institutions (as 'rules of the game') and in the bodies or agents enforcing these rules. The negotiation processes considered take place at the national and local level respectively, as well as between the two. These negotiations are heterogeneous, non-linear and ongoing. The article demonstrates how the polity's tolerance for heterogeneous negotiations and different forms of statehood allowed local political actors to establish peace in their own local settings first. Although it did not produce uniform statehood, it provided the basis for communities to explore the scope for common statehood. On the national level, hybrid elements initially allowed for a healthy adaptation of statehood to local needs, and for legitimate, productive instruments of negotiation. This responsiveness was not maintained, and current hybrid elements threaten to undermine the polity's stability.

INTRODUCTION¹

Founded in 1991, Somaliland has become known as a non-recognized *de facto* state. The north-western part of former Somalia — a quintessential example of a collapsed state — managed to reinstate a government and an administration with little outside help or interference, either political, technical or financial. In striking contrast to much of the rest of Somalia, and with few exceptions, it has maintained a considerable degree of political stability, especially since 1997. Somaliland seems like a perfect laboratory of statehood in Africa, providing numerous lessons about how the concept and the idea of statehood can be relevant and important in Africa today — albeit

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1. This article was completed before Somaliland's presidential election, scheduled for 26 June 2010.

not in the sense perhaps anticipated by hopeful policymakers expecting to find a magic state-building potion.

We set out to examine the negotiation of Somaliland's statehood following the framework offered by Hagmann and Péclard (in this volume) who define statehood as a 'dynamic historical and political process' reflecting the outcome of at times contradictory, at times overlapping, interests and repertoires. The two editors call for a more sociological approach, interpreting statehood through the lenses of a 'relational conception of power . . . between the governing and the governed'. From this perspective, statehood will not primarily be considered as a set of institutional rules or organizational capacities, but as the result of unstable and constantly renegotiated power relations. Methodologically, Hagmann and Péclard suggest to approach and to analyse the negotiation of statehood by considering the actors, arenas and the objects of the negotiation.

Two Dimensions of Negotiating Statehood in Somaliland

In Somaliland, the local and national authorities who took over after the collapse of the Somali regime included the actors of war, that is primarily the Somali National Movement (SNM), a number of smaller clan militia groups and their leaders. But they also included traditional authorities,² religious groups, strong businessmen, remnants of the former state administration and, not least, the aspiring new government of the self-declared republic. Individually and collectively, these actors exercised authority in various ways. This constellation marked the point of departure for the negotiation — more precisely, the *renegotiation* — of statehood after the collapse of the old order. Hence, the first set of questions posed here addresses how statehood has been (and still is) negotiated between these actors, widely different in their influence, resources, sources of legitimacy, the degree and modes of their accountability *vis-à-vis* respective communities, and in their particular interest in statehood. In a nutshell, this dimension of negotiation is primarily about the meaning and development of statehood in the interplay and emerging power relations of different *types of actors*. Key objects of this negotiation are the boundaries of statehood and state authority: how much power can actors associated with the state yield, what relevance have state-based 'rules of the game' developed, and to what extent has the notion of Somaliland's new statehood been translated into a mobilizable symbolic repertoire? This

2. Although notions such as 'tradition' and 'traditional' refer to the past, we do not treat traditional institutions as static. These institutions have changed throughout time; they have been (re)invented, redefined and reproduced by the actors referring to them. Although custom and habit limit the potential degree of alteration, we follow Höhne's (2007) use of the notion traditional in a dynamic sense.

particular negotiation process is heterogeneous in nature and takes place at different levels, generally affecting the entire country.

Although the discourse of 'belonging' is a common feature of African statehood, in Somaliland it exists under very particular circumstances. The collapse of Somalia meant the collapse of the state of which the territory currently claimed by Somaliland had been a part until 1991, and yet the newly-declared political entity has so far failed to obtain recognition as a new state. It neither 'inherited' nor established boundaries protected by international law. From the start, the desire to establish an independent, internationally recognized state required a demonstration of (a) distinctness from the rest of Somalia and (b) unity and territorial control. The need to display 'national unity' had an especially decisive impact on the shaping of relations between the (relatively weak) political centre and the regions, particularly with those on the periphery. In the context of Somaliland's relatively segmented social fabric and its segregated settlement patterns, this second major negotiation process primarily took place along clan and sub-clan lines. A related set of questions therefore focuses on how statehood was/is negotiated between these groups, and with the central government, who are all guided by widely differing incentive structures and interests. What leads or enables former war adversaries to build a shared polity, both at the local level and between the local and the national level? What is the resulting perspective on and notion of Somaliland's statehood for these clan communities? Again, the boundaries of statehood are the key object of these negotiations: on what terms and to what extent are clan segments willing to 'belong' to the fledgling state? What are the implications of emerging inter-group arrangements for the nature, scope and meaning of statehood in the different parts of Somaliland, and overall?

Negotiation of Statehood in Somaliland: Transformation of a Hybrid Political Order

Somaliland's governance reality behind the scene of formal statehood can best be described as a flexible hybrid of 'formal' and 'informal' spheres. This hybridity concerns both the existing institutions (as 'rules of the game'³) and the bodies or agents enforcing these rules — be they inside or outside the state's porous perimeters. Furthermore, hybridity is not limited to its prominent and widely recognized forms, such as Somaliland's constitutional Council of (clan) Elders, the Guurti. It encompasses all those

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3. Institutions are understood here as 'humanly devised constraints that structure human interaction. They are made up of formal constraints (rules, laws, constitutions), informal constraints (norms of behaviour, conventions and self-imposed codes of conduct), and their enforcement characteristics' (North, 1993: 2). As 'rules of the game', institutions reduce insecurity and are intended to order and steer human behaviour (Croissant et al., 2003: 191–2).

emerging ‘formations where formal and informal elements co-exist, overlap and intertwine’ (Lambach and Kraushaar, 2008: 1). Phenomena commonly described as clientelism, patronage and clan politics are part of this, although Lambach and Kraushaar clearly distinguish their concept of hybrid political orders (HPO) from earlier notions that refer to multi-institutional environments, such as ‘informal institutions’ (Meagher, 2007), ‘clientelism’ (Clapham, 1982), ‘neo-patrimonialism’ (Erdmann and Engel, 2007), ‘para-statehood’ (von Trotha and Klute, 2003), or legal pluralism (von Benda-Beckmann and von Benda-Beckmann, 2006). For Lambach and Kraushaar, these notions do not sufficiently challenge the dominant state-centric perspective, implying a normative undertone that takes the Western notion of the state as the ultimate point of reference. In establishing a concept of HPO, Lambach and Kraushaar refer to a new state model, beyond the Western state, one where the so-called formal and informal spheres are not treated as distinct, but rather connected, intermingled and interpenetrated. Hybrid arrangements are not treated as a deviance from a model but a new kind of political order in their own right (also see Clements et al., 2007).

Hybridity extends beyond institutions, which do not exist in a socio-political vacuum. For example, writing about British colonial Africa, Spear (2003) analyses ‘the invention of tradition’ as a dynamic process in which agents of the colonizing power as well as the colonized themselves took an active part. Institutions were not just superimposed (state) or maintained (tradition) respectively. The involved actors themselves invented new traditions to suit the situation. Neither do the actors and agents concerned mechanically stick to some institutionally prescribed roles, discourses, or modes of action. They become hybrids themselves. Analysing present-day African chiefs and their relation to African states, Ray and Nieuwaal (1996) show how chiefs may integrate seemingly antagonistic political systems, world views and powers and mobilize them in their own interest or that of the people they represent. Agency and actors involved in the establishment and transformation of HPOs require due attention.

One cannot neatly separate spheres into formal and informal, or classify actors as state versus non-state actors. A particular institutional set-up results from a political process involving institutional bricolage (Clever, 2002; Hagmann and Péclard in this volume) by political actors: there is no clear boundary between ‘formal’ and ‘informal’, ‘state’ and non-state, etc. Boldly, from an analytical perspective, one could even argue that the exact definition of these boundaries would anyhow be more or less irrelevant, because they are so porous.

In ironic contrast to the impossibility of drawing such boundaries on the analytical level, setting and shifting of boundaries between formal and informal spheres have been key instruments in the struggle for power and control on the political level: they are the very substance of negotiation, competition and conflict. The evolution of Somaliland’s HPO over time

is key to empirically understanding the transformation of power and the institutionalization of power relations, i.e. the negotiation of statehood.

Next to resources and repertoires as proposed by Hagmann and Péclard, we treat institutions as a defining element of the incentive structure of societies. They, too, influence ‘the means and logic of action by which these actors become involved in shaping political authority’ (Hagmann and Péclard, this volume). Actors are embedded in these institutional environments which restrict their potential strategies, often channel agency into certain mechanisms, and structure the scope of social mobilization that groups in a power contest can achieve. When considering an HPO, it is hardly conceivable to exclude the role of institutions from a reflection on the negotiation of statehood. To be sure, we do not envisage a re-introduction of particular institutions as defining elements of statehood. The question is rather, which particular mix of institutions and what constellations of actors facilitated the evolution of Somaliland’s form of statehood, and which old and new political institutions are emerging from such negotiation processes.

We argue that the major negotiation processes over statehood take place at the national *and* the local level, as well as between the two. The evolution of Somaliland’s statehood must be understood as a parallel process of negotiation between state-associated and clan-associated political actors on the one hand, and the national centre and the clan-based constituencies on the other hand. We will begin by examining the ‘national arena’, focusing on the contest over political authority. We will then examine the perspective of Awdal and Sanaag, two of Somaliland’s six established regions, which emphasizes inter-group bargaining.

NEGOTIATING STATEHOOD IN THE NATIONAL ARENA

Prelude: Civil War and Deconstruction of Statehood

In 1981, dissatisfaction with Siad Barre’s regime led to the establishment of the Somali National Movement (SNM), mainly based on the Issaq majority clan of the north-west (Jimcaale, 2005). Issaq elites felt gradually marginalized due to the regime’s manipulation of clan politics and the concentration of power in Mogadishu.⁴ Moreover, after Somalia’s defeat in the

4. The Somali clan system and its relevance for explaining present-day conflicts (and ways to resolve them) have been a major source of discussion and contention. I.M. Lewis (1999 [1961]) famously described it as a segmentary lineage system, an egalitarian social structure based on kinship and contract governed by clan elders which is still functional today. The idea that tradition-based age-old solidarities and animosities between clans and sub-groups inherent to this system are responsible for the Somali plight today met with severe criticism from Besteman (1998), Mohamed (2007) and others. They point to the shifting meanings and content of what constitutes ‘traditional’ in Somalia’s colonial and post-colonial society. In this article we take the position that the clan system represents a

war with neighbouring Ethiopia in 1978, a significant portion of an estimated 1.5 million Ogadeni refugees arrived in the north-west and were perceived as a threat to the Issaq's lands. Feelings of systematic discrimination were compounded by increasing state intervention in the economy of the north, as well as growing extortion and corruption by state officials. The reality of the escalating war between government troops and the SNM amounted to systematic clan-based persecution. In 1988, the government responded to the SNM's attacks on government targets in the north-west with savage reprisals against Issaq civilians, killing more than 50,000 people, and generating massive displacement, especially across the border into Ethiopia (Africa Watch, 1990: 3).

These developments determined the post-1991 negotiation of statehood even before the Somali state collapsed. First, as a result of the intensity of the fighting, the perceived threat to the very survival of the Issaq, and the military blow that the 1988 offensive dealt to the SNM, Issaq clan elders became deeply involved in the movement. Earlier, the SNM leadership had sought the endorsement by the Issaq clan elders in order to stand a chance to win the guerrilla war. It had established an advisory body (the Guurti) of self-selected, politically active clan elders, representing the various sub-clans of the Issaq. From 1988 onwards, the Guurti actively participated in the war, providing moral, logistical and military support against government troops and their allied clan militia from the Dulbahante, Warsangeli and Gadabursi clans. As a result, the political weight not only of the Guurti members, but of 'traditional' clan leadership and institutions increased significantly. Collective decision making, security and social mobilization along clan lines increased even further. The strengthening of these structures and their direct involvement in politics laid the foundations for the strong role that they played in Somaliland's political order after the Somali Army was pushed out of the north-west and the United Somali Congress ousted Barre from Mogadishu in January 1991 (Reno, 2003: 4–5).

Secondly, reflecting the course of the war, the overthrow of the regime and the removal of its power apparatus (the state) must not be considered as accidental by-products of war. On the contrary, from a Somaliland perspective, bringing down Siad Barre and deconstructing the 'old' Somali statehood was both rational and instrumental.⁵ As a consequence, Heinrich and Kulessa (2003: 93) argue, reconstructing the Somali state and returning to the *status quo ante* was out of the question. Rather, the challenge was to construct 'society and state anew', combining vertical legitimacy between

social reality that structures society, a social matrix in the reality we observe, but not an explanatory factor as such.

5. Deconstructing the state is not synonymous with the declaration of independence. Many in the SNM leadership had originally intended to maintain a union with the South until southern factions unilaterally announced a new government and other signs of renewed southern domination appeared.

state and society with horizontal legitimacy regarding people's ideal and territorial 'belonging' to the polity.⁶ In this sense, the course of the conflict defined key parameters of the post-1991 negotiation of statehood in Somaliland: the state was to be 'more participatory and responsive to the needs and aspirations of people', political authority and control was to be more diffuse and decentralized (Jimcaale, 2005: 49, 87).

Thirdly, as a consequence of the carnage inflicted on the civilian population and the collective persecution of the Issaq, the clan was united in its support for the SNM. The trauma of these events is deeply engraved in the collective memory of the Issaq and as such established a repertoire that would soon be part of a first, albeit incomplete, 'national identity' (Bradbury, 1997: 11). The major limitation of this notion was of course that the non-Issaq clans could not (yet) subscribe to it; in fact, on the contrary, their complicity in the regime's war divided the population of Somaliland.

Initiation of the Negotiation Arena at the National Level

Following their takeover of most of the former north-west Somalia, the Issaq-led SNM opted for reconciliation and a cessation of hostilities with the non-Issaq clans, rather than engaging in retribution and the settling of old scores. A critical dynamic which facilitated this move arose from the increased political weight of traditional clan leadership both in the SNM and among the non-Issaq clans, where the role of traditional authorities stepped up when the regime crumbled, making it possible to approach each other as clans, dealing with death, injuries or looting via negotiation and reconciliation mechanisms according to traditional law (Farah and Lewis, 1993). This opened a parallel channel allowing them to bypass the stand-off resulting from the military confrontation between the earlier political competitors. SNM and government supporters both managed to save face and large-scale fighting ceased. Some non-Issaq political leaders who had supported the SNM joined the new Somaliland government.

Avoiding revenge and achieving a successful reconciliation allowed Somaliland to emerge as a political entity from a complex and highly destructive, conflict-ridden context, setting the *arena* in which statehood was negotiated. Moreover, it permitted clan elders to take a seat at the *negotiation table* next to the military leaders. Informal, clan-based consensus building and the careful balancing of representation along clan lines became water marks of the emerging hybrid politic order from the start.

Following a number of preparatory meetings, the initial negotiation of statehood took place at the 'Grand Conference of the Northern Peoples', the first inter-clan conference held in Burco in May 1991. Here, the elders made

6. Following Holm (1998), Heinrich and Kulesa refer to this combination as 'internal sovereignty'.

a number of proposals which were then endorsed by the Central Committee of the SNM. These included the establishment of a transitional two-year rule by the SNM, and the accommodation of the non-Issaq communities in the government structure during this period. The decisions were considered a basic reconciliation of the previously warring parties, to be followed up, *inter alia*, by a separate reconciliation process for Sanaag region.

Independence had not been a stated objective of the SNM during the struggle; in fact, its leaders only reluctantly abandoned their claims to a share in a future Somali national government. But under pressure from the Issaq guerilla fighters and the SNM Guurti, Somaliland proclaimed independence on 18 May 1991 (Prunier, 1994: 4). The move called for a national identity across clan lines. Reference to the borders of the former British protectorate, and to Somaliland's distinct colonial history, marked its future cornerstones (Spears, 2003: 93–4). Furthermore, despite the setbacks to come, the spirit of reconciliation also contributed to a 'sense of difference' from war-torn Southern Somalia. From this point onwards, the discourse on statehood, and in particular, its symbols and powers, became inseparable from the struggle for international recognition.

Renewed Conflict, Levelled Playing Field and Institutionalization of a Hybrid Order

The SNM interim government failed to establish control. Clan militia associated with competing SNM factions clashed over control of strategic assets in Burco as well as the port of Berbera (Jimcaale, 2005: 61). This period saw the first attempt to relabel clan-based alliances into a dichotomy between 'government' and 'opposition' forces in the name of state building. However, the Somaliland government succumbed to an internal power struggle that started as a political conflict between various groups of SNM cadres (politicians as well as military commanders) and deteriorated into an armed fight between the militia of their respective clans. The armed conflict drastically changed the balance of power and the negotiation dynamics of statehood. It signalled the end of the SNM altogether, breaking up the asymmetric post-war constellation and effectively levelling the playing field between non-Issaq sub-clans and the now divided Issaq.⁷

More important still, the 'mandate' for crafting the new order shifted from the actors of war to traditional agents of the clan institutions. The collapse of the SNM gave way to firm intervention by the elders, who started negotiating among themselves in order to broker a ceasefire and to re-establish a measure of governance. The Guurti took over the political initiative and called a national conference of clan elders and representatives

7. Interviews with Abdi Yusuf Duale 'Boobe', ex-SNM secretary of the Executive Committee (Hargeisa, 16 April 2003) and Omar Dahir, journalist (Hargeisa, 11 July 2002).

in Borama, which in 1993 installed a new leadership and a new system of government. Participants of all the Somaliland clans agreed on a presidential system with a bicameral parliament, the latter of which consisted of a house of representatives and a house of elders, the Guurti. Members of both houses were appointed through their clan's political channels and subject to their clan's fluctuant political dynamics. Mohamed Ibrahim Egal, a veteran Issaq politician who had not been involved with the SNM, was elected as the new president.

Arguably, the Borama conference signalled the birth of something like a Somaliland consciousness, some national identity with a sense of statehood. Somaliland was no longer a merely Issaq-driven political entity. President Egal masterfully nurtured and instrumentalized the embryonic popular sense of nationhood and statehood initiated at Borama. The conference marked the pinnacle of the traditional elders' involvement in the negotiation of statehood in Somaliland. They succeeded in consolidating their political role through the establishment of the Guurti, the highest organ of the new state, the final arbiter in institutional and political conflicts, and the most prominent and formalized element of the hybrid political order (Jimcaale, 2005: 74). At the same time, the establishment of the new government structure signalled the beginning of the political displacement of the clan elders as independent, pivotal political actors.

State Building through Clientelism

President Egal managed to mobilize significant financial resources over the following years. Working through his own Habar Awal sub-clan of the Issaq, he secured a substantial loan from a number of business tycoons, who had made their fortunes during and immediately after the civil war (Marchal, 1996: 75). With the loan, for which Egal vouched personally, he paid for the demobilization of militia and the encampment of heavy weapons, as well as for the salaries of Somaliland government personnel. With further financial input from the Habar Awal traders, he introduced a new currency, the Somaliland shilling, which replaced the Somali shilling as legal tender in 1994.

Both in substantial and symbolic terms, these were hugely profitable moves. By controlling the militia, the President essentially neutralized a good proportion of the potential spoilers and established the army as an umbrella for government-allied armed forces. But although this boosted the institutionalization of the state's power in the military domain, it gave rise to dynamics that effectively undermined the state in the economic and political sphere. Almost half of Somaliland's first annual budget in 1995 went to the security services, choking government spending in other vital areas such as the social sector, infrastructure, etc. (Gilkes, 1995: 29). While laudable in many ways, the policy of 'buying the peace' is also seen to have

reinforced the establishment of the patronage system in which handouts subsequently served as a primary source of legitimacy for statehood. In addition, as Zierau (2003: 60) argues, the co-operating Habar Awal business elite ultimately favoured a state 'whose power is easy to control'. At the time, they practically monopolized the trade between Berbera, Hargeisa, Ethiopia and Djibouti (Bradbury, 2008: 112). The investments in the Somaliland state were also intended to create a tool of long-term market control.

Renewed Conflict: Supra-clan Mobilization and Sidelining the Elders

Egal's new position was soon challenged by competing political actors from the Garhajis (Habar Yonis and Eidagalle sub-clans), including the previous president, who felt politically and economically disenfranchised by the Borama process and the Habar Awal business connection (Bradbury, 2008: 115–19). A fresh armed conflict ensued, yet Egal proved able to hold his ground, even to strengthen his position. The President controlled an arsenal of strategic advantages, including his superior financial resources, the appeal to Somaliland nationalism, a statist discourse and an enormous talent for clan politics.

During the conflict, Egal retained control, embodying the realm of the state founded by the representatives of the Somaliland clans. To be sure, he took care to keep balancing and working politics through clan channels, but he was largely able to do so on his own terms. In marked contrast to Tuur's government the President managed to assert power beyond his own clan base, and as in so many other instances, the notion of statehood was nurtured during the course of the war (Renders, 2006: 271, 279).

Although the elders of the Guurti had played a crucial role in peace making and power brokering between competing political factions during the previous conflict, they now lost the political initiative. Following the formal institutionalization of the Guurti at the Borama Conference, they had become an organ of the state, considered partisan to Egal's government (Bryden, 1994). As the war fizzled out after two years or so, clan elders on the ground started negotiations among themselves, outside the realm of the state or the political competition over state control. They brokered a ceasefire and war reparations between the clans of the fighting militia. But as the process gradually approached negotiations about inclusiveness of government and political power sharing, President Egal intervened.⁸ He had the clan elders of his Habar Awal sub-clan stop their participation in the process and offered political posts and spoils to Habar Yonis opposition politicians, who in turn

8. Interviews in Burco, April 2003, with Abdillahi Aden 'Quruh' elder and Habar Yunis negotiator, Abdillahi Mohamed Ahmed 'Filter' elder and Habar Jallo negotiator, Ali Dirriye Jama 'Mudubbe' elder and Habar Jallo negotiator, Ibrahim Ayaanle Mirre elder and Habar Yunis negotiator.

disregarded any political negotiations of their own clan's elders (Bryden, 2003: 13). In parallel to the removal of the military 'hawks' the clan elders had become almost sidelined.

'Monopolization' of Statehood at the Centre, Mediated Statehood at the Periphery

In order to formalize and consolidate the result of these negotiations, Egal had the Guurti he now firmly controlled organize a new clan conference at the capital Hargeisa at the end of 1996. However, in contrast to the one held in Borama in 1993, this conference was carefully engineered and fully under the control of the power circle around the President, now including previously opposed Habar Yonis figureheads (Jimcaale, 2005: 66–7). More than half of the delegates were handpicked in order to deliver the desired outcome: a new government as pre-conceived by Egal and his former competitors.

These processes shifted the balance between the actors in the 'hybrid order'. The central government as the leadership of the state asserted a degree of hegemony over the politically active clan elders inside and outside the Guurti. The clan system certainly retained overwhelming relevance and traditional elders continue to have a lot of influence, though primarily from outside the political centre. Yet the crucial management of clan representation in the state's agencies and institutions changed hands from the elders to the government leadership. The President was now in a strong position to manipulate particular groups, to counterbalance their power or to shift alliances as part of maintaining his position. Loyalty was reproduced by expanding patronage thanks to growing government resources and granting or denying individual clan agents a role in the apparatus. Combined with the government's increased autonomy from the remnants of the SNM, statehood gradually turned from a relatively inclusive post-war project of actors of all sides to one primarily pursued by the inner circle controlling the machinery of government.

As part of its recognition and consolidation efforts, the government was keen to expand its control throughout Somaliland. President Egal built local and regional administrations to try and claim the tasks of government beyond Hargeisa and Berbera. He sought to remove elders' initiatives which had locally taken care of matters in the meantime and emphasized that the state administration was the relevant authority to deal with.⁹

9. This was particularly visible in Borama where a local elder's initiative had set up social services in co-operation with NGOs. President Egal demanded that development projects now had to be negotiated via Hargeisa. The international NGOs were required to move their headquarters to Hargeisa or lose their permit to work in Somaliland. This sapped local leverage and resources. (Interviews with Abdirahmaan Jim'aale 'Dherre', Borama professional, former local NGO staff, Hargeisa, 20 March 2003; Mohamed Muse Bahdoon, former mayor of Borama, Borama, 23 March 2003).

However, in the sphere of public order and security, it was obvious that neither the government nor the administration, the police nor any other state institution was in control. This hybrid scenario can best be described as ‘mediated statehood’. According to Menkhaus, this may occur when weak state authorities have a strong interest in extending governmental authority to frontier areas but lack the means to do so: ‘It is at this point that state authorities are most likely to reach out to negotiate with non-state authorities they would otherwise have viewed as rivals to be marginalized or tools to be co-opted’ (Menkhaus, 2006: 5). The Somaliland state — embodied by its institutions and officials — did not have the monopoly over the legitimate use of force beyond the capital and a few other urban centres and it was dependent on the elders’ co-operation to enforce the law. It also had very limited control over the way a specific matter was dealt with: in most cases, state organs such as the police or judiciary had no choice but to ratify decisions collectively taken by the elders on the basis of customary law (*xeer*) (APD, 2002). These realities resulted in a particular ‘division of labour’. While claiming superiority, the state effectively outsourced much of the security and judicial affairs to the elders. This did not limit the leverage of the state apparatus. On the contrary, outsourcing security was functional in expanding control as it did not hinder the shift of real *political* control from the elders to the ‘political class’. The boundaries between the state’s and the elders’ spheres remained open and flexible, allowing the government to intervene in cases when political stakes were high. This arrangement became part and parcel of statehood in Somaliland.

Constitutional Democracy: Clan Politics through the Back Door

Following the successful referendum on the constitution and Somaliland’s independence in 2001, the country embarked upon another major transformation, the stage for which had already been set during the Hargeisa conference. A multiparty system was installed to provide the basis for local, presidential and parliamentary elections. However useful the clan-based representation system had been immediately after the state’s collapse, and however commendable the role of the clan elders, the ‘traditional’ system was not suited to deliver proper governance and development. Such was expected from the state, not only by the educated elite, but also by the population at large. ‘Kinship politics provide fertile soil for patronage, corruption, nepotism, and clientelism, while stifling the emergence of issue-based politics, meritocracy and professionalism. Not surprisingly, many Somalilanders feel that their future hinges upon striking a more effective balance between their socio-cultural heritage and their political aspirations’ (APD/WSP, 1999: 22). Furthermore, popular perceptions were still shaped by the state discourse of the Barre period: the state was

‘supposed to provide’.¹⁰ Last but not least, President Egal sensed very well that Somaliland would only stand a chance of winning international recognition if it presented itself as a modern state with a democratic system of government.

After President Egal’s death in 2002, the country managed a peaceful transition to the new President, Dahir Rayaale Kahin, who was also re-elected in 2003. But despite the achievements of the formal democratization process, Somaliland’s democracy so far remains somewhat ‘narrowly legal’ and at a fragile and formative stage. A deep democratic transformation, embracing society and delivering a sustainable and *functional* democracy, is still pending.

The course of the local, presidential and parliamentary elections in 2002, 2003 and 2005 respectively further demonstrated the persistent influence of the clan system on politics. As one example, elders, politicians and other influential agents of the clan segments penetrated the nomination for the parliamentary candidates of the political parties, returning the process to the principle of clan-based representation (Ciabbari, 2008). Campaigning and voting clearly followed clan affiliation (APD/Interpeace, 2006: 36–45); the main cleavages in society continue to be along clan lines and alliances. Cross-sectional and ‘horizontal’ forms of civic association and organization remain very limited. Organizational capacity within society focuses on the representation of sub-sections, and on the balancing of their power and influence.

Meanwhile, the Guurti — once innovative for its time — has stagnated in its further adaptation: legislation governing the future nomination or possibly election to the House of Elders has not been developed. Parallel to this failure to ‘reinvent’ itself in the face of new institutional realities, many members of the House have become urbanized and somewhat disconnected from their largely rural constituencies, eroding the traditional principle of collective and consultative decision making (APD/Interpeace, 2006).

On balance, these developments tend to diminish democracy proper and undermine the hybrid political order. Instead of providing a framework to pursue broader, national interests through democratic procedures, the formal state apparatus provides a nominal arena for the informal regulation of interests segmented along clan lines. The previous agents of the traditional system no longer provide input legitimacy through consultation, consensus building and reaffirmation of authority since they have either been sidelined or co-opted into a state machinery of quasi-institutionalism. With state funds increasingly concentrated in a few pockets rather than trickling down to many, patronage also fails to produce the kind of output legitimacy of earlier days — which is also not compensated with other outputs, such as

10. Numerous of our interviews and informal discussions also reflect the sentiment that the state administration is expected to be efficient and effective in providing security and basic services.

social services or effective policy making. Statehood forms the backdrop to a political order with mounting neo-patrimonial characteristics.

NEGOTIATING STATEHOOD IN THE LOCAL ARENA

The negotiation of statehood was not homogeneous in the different parts of Somaliland. The following section illustrates the differences in inter-group bargaining both within the two selected regions as well as between these regions and the central state. At the same time, it will demonstrate that resulting local realities behind the scene of statehood differ, despite the nominal existence of state structures such as regional administrations, representative organs and electoral processes in most parts of the country. Furthermore, the two areas exhibit noticeable differences in their relationship with the national centre.

Negotiating Statehood in the West: The Case of Awdal Region

Awdal in western Somaliland is situated between Djibouti, Ethiopia and the Issaq-populated mainland of Somaliland. It is primarily inhabited by the three sub-clans of the Gadabursi¹¹ clan, whose traditional institutions survived the colonial period, Somali statehood and the war in good shape (Menkhaus, 1997: 9), remaining functionally intact and highly relevant to public security. The range and assertion capabilities of the elders in Awdal strongly benefitted from the relative homogeneity of the clan structure.

The relative strength of the traditional institutions allowed for the formation of a Gadabursi guurti, a council of twenty-one elders which initially took over in July 1991 to lead the clan's affairs after the collapse of the Somali regime (Gilkes, 1993: 39–41). It was of fundamental importance for the further development of the local order that the elders had openly assumed the external security function of the clan after 1988 and maintained control over most of the clan militias in the region throughout the war and beyond (Gilkes, 1993: 7).¹² The ability to do so arose both from the wide recognition the elders enjoyed among the population and their continued interface role in the funding of the militia through collections from the community. Looting and setting up uncontrolled road blocks could largely be prevented and emerging commanders did not gain autonomy of action.

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11. There is only a small minority of Ciisse and a few other minorities, such as the Gaboye, but discussing their role would go beyond the scope of this paper.
 12. Interview with Haji Jama, Gadabursi elder (Borama, 7 July 2002). Interview with Xuseen Cawaale 'Tuur', Gadabursi elder (Borama, 12 November 2005).

Equally important for the negotiation of statehood was and is the ability of traditional actors and institutions to serve as a back-up in political governance when needed. 'Whenever the role of the government diminishes, the role of the Guurti arises.'¹³ The elders' continuing capacity to mobilize clan members — including their privately-owned arms — goes a long way to explain why they are able to assume this governance role when the need arises. Even more important than the elders' actions in highly escalated crisis scenarios is their capability as agents of these institutions (sometimes with other accepted leaders of the clan) to effectively claim representation of the clan and assert its interests as a collective actor. From a clan perspective, the experiment of Somaliland's new statehood must feel like walking a tightrope. Yet, knowing the strong networks of Awdal's traditional institutions are below them, the Gadabursi walk quite comfortably.

The main challenge for the Gadabursi after the collapse of the state was in the precarious relationship with Somaliland's new rulers, since most members of the clan had sided with the Somali regime during the war (Prunier, 1994: 2). As a result of the rivalries between the SNM wings, the Issaq commanders who negotiated relations with the Gadabursi during the Dila conference in February 1991 reportedly had a strong interest in a peaceful settlement: '[They] needed peace with their Gadabursi neighbours if they were to be in a comfortable position with the other sub-clan commanders of the SNM'.¹⁴

Moreover, the SNM's ambitions to have a strong position *vis-à-vis* the south and to achieve international recognition for Somaliland required a consensual, negotiated resolution of outstanding issues. It also brought about the need to obtain at least minimal endorsement of Somaliland's independence by all clans: 'The SNM Commanders. . . realized that an Issaq state alone is not feasible. That led them to seek a settlement'.¹⁵ For their part, the Gadabursi and the Dhulbahante and Warsangeli in the east needed peaceful relations with the dominant SNM force more than anything — particularly in the absence of any viable political alternatives (see e.g. Prunier, 1994: 3–4). This led the clan to 'join the bandwagon' at the Berbera conference in February 1991.

From then onwards, political developments between the Gadabursi political and economic elites and the government in the formerly SNM-controlled heartland of Somaliland could be described as a form of lengthy negotiation over the role and meaning of statehood. The process resulted in a high degree of 'self-administration' for Awdal — Gadabursi were ruling Gadabursi

13. Interview with Cabdilaahi Habane, Secretary General of Somaliland's House of Elders (Hargeisa, 7 December 2005).

14. Interview with Xuseen Cawaale 'Tuur', Gadabursi elder and participant of the Dila conference (Boroma, 11 November 2005).

15. Interview with Xuseen Cawaale 'Tuur', Gadabursi elder and participant of the Dila conference, Boroma (11 November 2005).

affairs.¹⁶ In return for its relative autonomy, the clan accepted that the local form of statehood, which had largely been maintained by the elders, was incorporated into the new state, and at least gave the appearance of backing the notion of Somaliland's independence. As one observer put it:

The local and regional institutions of Awdal were even ahead of those at the national level. President Egal had no leverage in Hargeisa, so of course he could neither afford to incorporate the Gadabursi with money (which would have been his normal approach), nor by force. And anyway, all he really needed was acceptance in principle of the idea and symbols of Somaliland. The flag had to be flying, and the Gadabursi allowed the flag to be raised on their soil.¹⁷

Following the new arrangement, the administration on the local and regional level — now officially part of the state framework — was able to establish itself more firmly (Menkhaus, 1997: 35–6). The role and influence of clan elders in everyday politics shrank, with other clan agents (businessmen, religious authorities, intellectuals, etc.) gaining in importance. Having been allowed to enter the local negotiation arena, the central state's manoeuvres nevertheless remained largely limited to consensus-based action. The link between Awdal and Hargeisa actors and institutions — although comparatively well-developed — lacks institutionalized reliability.¹⁸

During the state centre's efforts to consolidate power following 1996 and in the course of the subsequent democratization process after 2001, the Gadabursi managed to develop significant political participation and a stake at the national level, culminating in Dahir Rayaale Kahin's ascent to the Vice Presidency in 1997 and to the Presidency in 2002 (Bradbury, 2008: 250). The rise of a Gadabursi politician to the top has affected the equilibrium between the centre and the region. Under the former president, the Issaq-dominated centre of power served as a unifying factor for the Gadabursi. Within the nominal framework of the state, his 'subsidiarity approach'¹⁹ to Awdal supported a local legitimization of state structures. It also provided space for mostly endogenous processes to strengthen the state's local structures: 'President Egal never ventured into Gadabursi affairs'.²⁰

These dynamics have changed since the President of Somaliland hails from Awdal. A national counterpart from one's own ranks seems to lack the unifying effect that the national government headed by a member of Somaliland's majority clan used to have. Furthermore, the centre of power now maintains direct, vertical networks in the region, opening up channels

16. Interviews with Maxamuud Axmed Barre 'Garaad', former Regional Governor of Awdal and former local Guurti member (Borama, 9 November 2005); Maxamed Xasan Axmed 'Jabane', former Vice-Governor of Awdal (1993–2005) (Borama, 9 November 2005).

17. Interview with Somaliland researcher (21 February 2007).

18. Interviews with intellectuals (Borama, 8 and 10 November 2005).

19. 'The principle that a central authority should have a subsidiary function, performing only those tasks which cannot be performed at a more local level' (Concise Oxford Dictionary).

20. Interview with Somaliland researcher (21 February 2007).

through which the national level may involve itself directly with regional affairs and undermining the previously quite autonomous governance reality.

Gadabursi political actors in Awdal swiftly restored local governance and effectively negotiated statehood with the centre. The situation in the east, inhabited by four different sub-clans and adjacent to a competing Somali polity (Puntland), is far more complex.

Negotiating Statehood in the East: The Case of Sanaag Region

Sanaag in eastern Somaliland, including its capital Erigavo, has a heterogeneous clan structure. Western Sanaag is inhabited by Habar Jecllo and Habar Yonis, which are both Issaq sub-clans. Dhulbahante and Warsangeli in eastern Sanaag belong to the Darod clan family. The region was affected by fierce armed conflict — first between the SNM-aligned Issaq militia²¹ and Darod fighters supporting Siad Barre, then between different Issaq factions. The communities emerged divided from the war (Höhne, 2005: 12).

During the war, the local and regional administration had collapsed completely. Authority rested with the local elders and commanders of the individual sub-clans. In 1991, initial attempts by the dominant Habar Yonis commanders in Erigavo to start up their own regional administration did not gain recognition from the other sub-clans and collapsed immediately. Early in 1992, talks between Habar Yonis and Habar Jecllo elders temporarily produced an Issaq Guurti with very limited authority.²² Meanwhile, the self-declared regional governor maintained his claim to power and disregarded the elders.

It took a series of sixteen traditional peace conferences to incrementally improve local relations between the sub-clans. These meetings took place on the level of sub-clans, applying (with adaptations) the well-developed and widely practised institution of traditional conflict resolution, embedded in the clan system. Eventually, a regional charter signed at the Erigavo Conference in November 1993 formally re-established peace. Above all, it opened up the desperately needed common grazing land, which is often described as the decisive incentive for the four sub-clans to come to terms with each other (Renders, 2006: 223).

Although the peace process set the stage for a normalization of inter-clan relations, it failed to address the remaining conflicts fully and to provide sufficient basis for political reconstruction (Yusuf, n.d.: 5). Future power relations were not discussed and agreements to establish a new regional administration were never implemented. The sub-clans and their traditional

21. The SNM group in Sanaag had fallen out with the SNM command structure in 1989 (APD/Interpeace, 2009: 65).

22. Interview with Ismael Haji Nur, Mayor of Erigavo (Erigavo 23 December 2007). Also see Renders (2006: 222).

institutions remained responsible for the maintenance of peace in their respective local contexts (Actionaid Somaliland, 1998: 5).

Political deadlock precluded the establishment of a regional administration in Sanaag. In large part the standstill was caused by two external factors. The Habar Yonis had a dominant position in Erigavo. On Somaliland's national political scene, however, they felt marginalized after the ousting of President Abdirahman Tuur, a Habar Yonis. As a result, many Habar Yonis politicians 'opted out' of the central government. Moreover, Habar Yonis militia clashed with government-aligned Habar Jallo militia in neighbouring Togdheer region. As a result, government access to Sanaag was effectively blocked for years. (Gilkes, 1995: 11–12; 22; Peace Committee for Somaliland, 1997: 6)

Second, political entities to the east of the area presented competing 'political bidders' for eastern Sanaag and Sool region, both in terms of identity and statehood, turning the areas into disputed territory between Somaliland and Puntland (Renders, 2006: 362). Puntland claims eastern Sanaag because the Warsangeli and Dhulbahante in this area belong to the Darod (Harti) clan that dominates Puntland. Somaliland claims the territory on the basis of the boundaries which separated the British protectorate Somaliland from the Italian colony Somalia.²³

From 1996 onwards, the end of the internal war helped overcome the distance between the central government and the Habar Yonis of Sanaag. This was largely achieved through the co-optation of members of the local Habar Yonis elite during the Hargeisa Conference (Actionaid Somaliland, 1998: 6). The President dispatched a high-level delegation of ministers from the relevant sub-clans in Sanaag to the eastern regions. Many of them had direct family ties to key figures in the local context, often from other sub-clans, supporting their position and trust in the negotiations to establish an administration. The elders co-operated with the ministerial delegation, partly to retain a role for themselves, partly to be relieved of burdens they had carried all along.²⁴ As a result of the top-down efforts of the central government, an administration was established and the militia, especially of the Issaq, were finally integrated under the umbrella of the national army.

Today, the working foundation of the local and regional government in Erigavo is the general consensus about the necessity to maintain peace.

23. The establishment of the Transitional Federal Government for Somalia in 2004 added a further dimension to this conflict, not discussed here.

24. Interviews with Maxamed Salaax Nur 'Faghade' (Hargeisa, 12 December 2005), Xuseen Faarax 'Doodi' (Hargeisa, 7 December 2005), and Maxamed Siciid Maxamed 'Gees' (Hargeisa, 5 December 2005). All three interviewees were members of the ministerial delegation in 1998.

Sharing water and grazing areas, the clans in the area are economically interdependent. Armed conflict of any sort would immediately jeopardize their pastoral livelihoods.²⁵ This explains why Sanaag has remained relatively stable in spite of the difficult political environment. Yet, this political environment blocks the consensus about peace from expanding into a sufficient basis to develop shared collective institutions.

Politics and institution building in Sanaag are heavily affected by the undecided status of the eastern part of the region between Puntland and Somaliland on the one hand, and the status of Somaliland versus Somalia, on the other. Too many factors are unclear. For Warsangeli and Dhulbahante politicians, opting for one side would be very risky as long as the future of all these political entities remains unclear. In the meantime, local leaders simply take advantage of the continuing canvassing by competing emissaries from all sides.

In terms of governance this results in a failure to develop a meaningful degree of supra-clan governance, both in the clan system and in the state arena. The regional administration hardly commands capacity to assert itself. In every dispute and on every matter, its role and authority are limited to the facilitation of ad hoc consensus building between the sub-clans, with frequent references to the need for peace. The sub-clans therefore focus primarily on their own clan representatives who, except for the Habar Yonis, are mostly found outside the state organs. Statehood in Sanaag is negotiated in shifting sand. Government bodies in Erigavo primarily exist as skeletons. Not much more than a passable form of security co-operation between the clan segments, maintained by mainly traditional and other authorities outside the state arena, has been institutionalized. Although the Somaliland government has considered Sanaag to be under its umbrella since 1997/8, it has not gained reliable, practical access to eastern Sanaag so far (Bryden, 2003: 20).

CONCLUSION

The meaning of Somaliland's statehood and the realities behind it have varied drastically over time and geographical space. Especially at the national level, the negotiation was and is characterized by significant shifts within its hybrid political order. 'Traditional' leaders and institutions, which initially had the key role in building the polity, provided politicians (both ex-SNM and former regime supporters) with the political and institutional bypass that they needed to establish control as governors and administrators with some legitimacy. The claim to 'modern' statehood eventually allowed these politicians to push

25. Interviews with Abdi Ali Hurre, Regional Governor of Sanaag, Ismael Haji Nur, Mayor of Erigavo, and Abdirahman Jama, Habar Jecllo chief (Erigavo, 23 December 2007). Also see Höhne (2005: 12, 15).

clan elders from the ‘negotiation table’, while keeping their assistance at hand for the maintenance of public order and other conventional state tasks. As the political centre of gravity gradually shifted to the supra-regional level, other clan-based power brokers joined the table: urban, indeed often Hargeisa-based politicians and businessmen with vested interests in ‘statehood’ as a conduit for security and market control. It is notable that their financial co-operation with the young state leadership allowed for the (safe) exclusion of military actors from the negotiation process.

For statehood as an institutionalized power relation, these shifts primarily meant that clan elders little by little lost their ability to provide checks and balances on the central government. Though the labels suggesting hybridity (elders councils, clan-based power sharing, etc.) remained, their underlying content changed: patronage gradually substituted traditional authority as the ‘ties that bind’ clan segments and their — now increasingly self-appointed and self-serving — agents.

Moreover, patronage — which had in principle existed ever since the necessary resources had become available — now narrowed to ever leaner networks, changing character. ‘Buying peace’ from clans by co-opting selected clan elders, an approach famously attributed to Somaliland’s first president Egal, was increasingly replaced by the narrower purpose of buying people’s political support in order to fortify one’s power base. Overall, hybrid elements initially allowed for a healthy adaptation of statehood to local needs, and for legitimate, productive instruments of negotiation. This responsiveness was not maintained, and current hybrid elements threaten to undermine the polity’s stability. So far, the limited central control over resources and coercive means helps to maintain some balance.

The negotiation of statehood in the respective regions and between the local and the national level differs widely. Awdal’s strong traditional institutions and cohesive clan structure safeguarded security and maintained a local notion of statehood — symbolized in the regional and local administration — after the war. In Sanaag, traditional institutions had to put up with a heterogeneous clan structure and the disruptive legacy of war. Though they eventually succeeded in ending the violence, local statehood was undermined by continuing internal tensions, a conflict with the Hargeisa government and the divisive emergence of an alternative ‘political bidder’ in Puntland.

Consequently, the emerging local realities of statehood differ. In Sanaag, local and regional state structures are largely confined to a facilitating role in preserving inter-clan peace. Elders maintain a very active governance role, also strongly focused on peacekeeping. In contrast, Awdal demonstrates that once the state takes root and develops practical relevance, it may gradually become the ‘central arena’ for governance, increasingly leading the elders to retreat to a role which is complementary to that of the state. The elders do not intervene unless other clan agents within the structures of the state either violate vital clan interests or fail to secure them.

Relations between the two regions and the centre — a core theme in the negotiation of statehood — vary markedly. With respect to the question of ‘belonging’, Awdal’s geo-political realities hardly left an alternative to reconciliation with the former war adversaries that controlled Somaliland after 1991. Again, traditional institutions provided the organizational capacity for a strong bargaining position of the local clan community. Moreover, negotiated hybrid political features, especially the national Guurti and clan-based power sharing, safeguarded the interests of the local clans at the national level. In Sanaag, selected local clan politicians were appointed to cabinet positions, and dashing out resources took primacy over a genuine equilibrium of interests with all relevant communities in the region. Next to elders, urbanized politicians, including from Hargeisa, acted as essential agents in this process. It is perhaps best described as co-optation, whereas consensus building characterized the negotiation of statehood between Awdal and the centre.

As a result, the clan-based, consensus-orientated approach with Awdal opened the door to the effective political participation of Gadabursi stakeholders at the national level, coupled with a significant degree of acceptance of the Somaliland ‘umbrella’. For Sanaag, as long as the conflict between Somaliland and Puntland remains unresolved, an unambiguous commitment would carry huge risks to its stability. Thus, acceptance of the Somaliland ‘umbrella’ remains partial if not nominal, and the process of integration of the regional polity with national statehood remains comparatively superficial. The tolerance for heterogeneous negotiations and different forms of statehood has allowed the local political actors to establish peace in their own local settings first. Though it did not produce uniform links between the respective regions and the national level, it provided the basis for communities to test the waters for common statehood.

The Somaliland case demonstrates the complexities of evolving statehood, a process that is neither linear nor homogeneous. Its path involved dramatic shifts and it did not produce the same kind of arrangements in the various local settings under investigation. Statehood is the result of continuing negotiations involving various types of institutions. Policy makers may need to appreciate these complexities and the potential of endogenous processes, especially when approached with a bottom-up perspective, rather than imposing blanket state-building formulas to be pursued from national capitals.

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