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State-building's impact on Democratization

A case study of Somaliland's Upper House of Parliament

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1. Introduction

Scholars focusing on state-building in Africa have reached the consensus that in order to reach sustainable governing structures there has to be an incorporation of traditional institutions in the formal establishments (Bereketeab, 2011, Egnell and Haldén, 2010, Fernández y Garcia, 2017, Fukuyama, 2004, Kaplan, 2010,). To study what affect this incorporation can have on further political development, and on democratization in particular will be the aim of this thesis. Looking at state-building in practice, we can see that the inclusion of local traditions is absent in most empirical cases. Turning to Somalia in particular we can see that the international community's efforts to bring stability to the country have been conducted through repeated attempts to build a strong central government via various types of international interferences (Kaplan, 2010, p. 81-2). Nonetheless, the international community's agenda (emphasizing the importance of a central government) is in fact more applicable to western culture than the Somali one. In fact, the exclusion of traditional forms of leadership could arguably be one of the reasons for why Somalia is one of the most failed states of today (Ferenández y Garcia, 2017, p. 85).

However, the general case of state-building in Somalia is not the object of this thesis. Instead, it will focus on the northwestern part of Somalia, the region called Somaliland, which has taken a different path than the rest of the country since the fall of dictator Siad Barre in 1991. Even though Somaliland declared its independence on May 18th 1991, it is still not recognized by any other state and thus officially remains a part of Somalia (Ahmed, 2006, p. 35, ISS and APD, 2017, p. 2). The lack of international recognition means that Somaliland has not been given the foreign governance support that is offered to most post-conflict states (Bradbury, Abokor, and Yusuf, 2003, p. 458). Without any significant external interference, Somaliland has managed to build a government structure based on modern democratic methods, in combination with local traditions, and is now considered to have a fairly functioning democratic political system (Kaplan, 2008, p. 143). Thus, Somaliland works as a good natural example of how state-building through local traditions can look in practice, and gives room to investigate its advantages and disadvantages.

The previous research on state structure is a somewhat divided field. Even though a lot has been written on both topics of state-building and democratization, little is said about the way they complement each other and what is required to achieve success within both fields; as a

distinction between the two concepts can mainly be seen in works from recent years (Carbone, 2015, p. 16). In spite of the fact that state-building and democratization may overlap (*government effectiveness* being one concept crucial to both), they at times also contradict each other (Denk and Anckar, 2014, p. 386). As the research on how states develop both democratically and into well-functioning states is still in an early stage, this thesis will attempt to give further understanding to that practice. Given that Somaliland, as will be further argued below, shows many of the characteristics that scholars argue facilitates for good state-building and is moving towards becoming a democratic state, it can show where state-building and democratization complements each other and where they contradict.

1.1 The contemporary development of Somaliland politics

The establishment of Somaliland's borders dates back to the colonial era and 1827 when the nomadic Somali area was divided into five regions: the north (Somaliland) became a British Protectorate, southern Somalia an Italian colony, today's Djibouti became a French dominion, the Somali Northern Frontier District fell under Kenya, and the region Hawd under Ethiopia (Ahmed, 2006, p. 34-35, Walls and Kibble, 2010, p. 36). However, after the independence in 1960, British and Italian Somalia joined together and the colonial borders were not reclaimed until after the dictatorial fall in 1991. During the resistance movement in 1981-1991 several clan-based groups sprang up across the country and one of them, the Somali National Movement (SNM), was founded in the support of the Isaaq clan, which makes the majority of Somaliland's population (Ridout, 2012, p. 140). When the war ended in 1991 SNM controlled Somaliland, but after two years it had turned the power over to a civilian administration which came to govern up until the time of general elections in 2002 (Kaplan, 2008, p. 147). The first decade of Somaliland's self-declared independence was, as with many newly formed states, a problematic time that came to set the path for future development.

Between 1991 and 1997 there was an extensive process of national dialogue regarding how the construction of Somaliland's political representation should proceed. Even though two minor conflicts, between different sub-clans to the Isaaq clan-family, broke out in 1992 and 1994 due to disagreements about power distribution, the peace-talks continued and managed to secure peace in the Somaliland region (Ridout, 2012, p. 143-7). A vast number of negotiations and two main peace conferences – one in Borama 1993 and one in Hargeisa 1997 – would come to form the political landscape of today's Somaliland, (Kaplan, 2008, p. 148).

During this time of negotiations a few factors contributed to the national acceptance of their legitimacy.

Firstly, the peace-negotiations were locally conducted. All meetings were held within Somaliland's borders, making them more accessible and allowing more people to participate. This also gave room for all of Somaliland's clans and sub-clans to be represented and heard in the talks. Furthermore, the conferences were to an overwhelmingly majority funded by Somalilanders or the diaspora. This meant that the conferees were accountable only to the local population, and the topics discussed were thus limited to local problems and solutions (Ridout, 2012, p. 152-4).

At the Borama conference in 1993 the groundwork for Somaliland's governmental system was laid through the production of a Peace Charter and a Transitional National Charter. The Peace Charter took its foundation from the Somali *xeer* (the customary law of obligations and punishments applying to each clan) and formed a national implementation of it; while the Transitional National Charter was based on a *beel* system (a clan or community conference) (Prunier, 2015, p. 223). Based on these traditional systems there was a formal recognition of the role of clan elders. The power sharing in Somaliland thus became institutionalized based on clan representation through *Guurti* (a council of clan elders). Through the Charters the Somaliland parliament came to consist of two Houses, the Lower House with elected representatives, and the Upper House with *Guurti* elders. The *Guurti*'s role was to serve as a peacemaking institution, as a check point of the Lower House, to elect the president and vice president, and safeguarding moral and religious values (Ridout, 2012, p. 144-5).

The main outcome of the Hargeisa conference in 1997 was the adaptation of a temporary constitution to replace the Transitional National Charter, conducted through negotiations between elders, the government and stakeholders (Ridout, 2012, p. 147). There was a consensus that the constitution had to be approved by a referendum before being officially implemented, which it later was in May 2001 by a 97% vote for yes (Ahmed, 2006, p. 35). Since then, Somaliland has seen six general elections; two local council elections in 2002 and 2012, three presidential elections in 2003, 2010 and 2017, and one parliamentary election for the Lower House in 2005; all of which has been conducted peacefully and considered relatively free and fair by external observers (ISS and APD, 2017, p. 3-5).

1.2 Problem, Purpose and Research Question

Even though Somaliland has had a seemingly good democratic development since its self-declared independence 1991, with power allocated according to results from the general elections, there are still numerous problems facing the northern Somali region. One of the problems standing in the way for democratic development is the reoccurrence of delayed elections. Before the presidential election November 13th 2017, every general elected political institution in Somaliland had extended their constitutional mandate. The one institution facing the most difficulty in its future reelection process is the House of Elders, *Guurti*. The current seats in the House were assigned at one of the peace conferences in either 1993 or 1997, meaning that they have served for a term of over 20 years (ISS and APD, 2017, p. 3-4). From Somaliland's constitution, two main problems regarding the appointment of *Guurti* members emerge. Firstly, even though the constitution states that the *Guurti* period of office is to be six years, it left the specifics of the election process to be decided by law; the legislative power of approving or discard that law lies within *Guurti* themselves (Article 58(1 and 2), Somaliland, 2001). Secondly, the constitution fails to specify whether the *Guurti* members are to be selected or elected, and this has led to political disputes regarding how to continue the legislative process (Article 58 and 62, Somaliland, 2001). Somaliland's National Electoral Commission (NEC) has elected April 28th 2020 as the next *Guurti* poll date, leaving less than 2,5 years from current date to form an election law and for the *Guurti* to determine their own and Somaliland's political faith (ISS and APD, 2017, p. 4).

Though the incorporation of a representation of clan elders has served as an important part in Somaliland's state-building, it is now a possible obstacle for the nation's democratization process. This thesis is therefore aiming to explore how the connection between state-building and democratization work in the Somaliland case, departing from the contemporary historical events that created these institutions. The upcoming case study will explore the main arguments regarding both state-building and democratization as two separate concepts, to then analyze if they are compatible in the case of Somaliland. This will hopefully give a deeper understanding of how these concepts complement and how they contradict each other. In an attempt to contribute to this understanding this thesis will address the following question:

- Has the incorporation of traditional leaders in Somaliland's state-building put a limitation to the region's democratization process?

1.3 Delimitations and Central Terms

Any analysis of normative concepts opens the possibility for misunderstandings. As state-building and democratization are two ambiguous and uneasily defined notions some delimitation and clarification will be made in this section.

State-building, being the more straightforward of the two concepts, is usually referring to “the creation of new governmental institutions and the strengthening of existing ones” (Fukuyama, 2004, p. 17). It has also been argued that the modern form of state-building distinguishes itself from classic state-building via three characteristic features: institutionalization, bureaucratization, and democratization (Bereketeab, 2011, p. 378). However, as this thesis is aiming to test state-building’s effect on democratization the independent and dependent variables need to be kept apart and the former definition will thus be used.

Democratization is a more extensive concept with various forms of definitions. In its basic sense, democratization refers to the transfer of state power from an authoritarian regime (one ruler) to a more democratic one (rule to the people) (Rhoden, 2013, p. 561). However, the way in which this is conducted, or how this is to be achieved, differs within democracy theory. This thesis will therefore narrow democracy down and apply the liberal democracy theory when referring to democratization. Liberal democracy means a political system that allows for democratic rule in combination with political liberties. Democratic rule being the extent that the government is accountable to the population and each individual’s right to participate either directly or through representation; political liberties being the freedom to express political opinions and the possibility to form and participate in political groups, regardless of background, gender, ethnicity etc. (Bollen and Paxton, 2000, p. 59-60).

2. Theoretical framework

This section aims to describe the theoretical framework used in this thesis. It will be divided into two parts focusing on the links between state-building and democratization. Initially, the separation between the two concepts will be made clear; to then addresses where the notions are interlinked and how that affects their separation. This will help to distinguish between the dependent and independent variable in this thesis.

2.1 State-building and Democratization as distinct concepts

State-building and democratization are two concepts often confused or seen as two routes to the same result. The idea of keeping them separate in order to understand their cooperation is a relatively new field within social science (Carbone, 2015, p. 16). For example, Bratton and Chang (2006, p. 1061) argued in their article *State Building and Democratization in Sub-Saharan Africa* that “a capable and legitimate state is not only a precondition for successful democratization, but, reciprocally, is itself also a product of the installation of democracy”. This understanding of the two notions as a result of each other, puts a limitation to the ability to analyze what it is that actually produce a strong democratic state (Denk and Ankar, 2014, 386-7). Thus, a more modern approach to democratization and state-building, as two separate happenings, will be used in this thesis.

It is vital to notice that a strong state is not the same thing as a democratic one. Looking back at the very definition of state-building, we can see that the crucial thing for a strong state is strong state institutions. A state can be legitimate, and have administrative and political order, without a democratic system. What is more vital than democracy in this aspect is the civilian approval and trust in the state system (Hoehne, 2013, p. 201). It is based from the society's level of support for the contemporary governmental structures that one can look to strengthen them in aspects such as regulatory quality, control of corruption, and rule of law etc. (Richards, 2015, p. 5). However, this does not necessarily mean that the state is developing in a democratic direction, but rather that it is strengthening the existing state.

The path of implementing democracy before a state has been established is often seen as something negative within academia, but attempts of it can be found in reality (Kaplan, 2010, p. 82). This is for example what is happening in Somalia, where external actors are promoting democracy without an established entity to govern. The international community has recognized the Federal Government of Somalia as the legitimate ruler of the country, even though they do not have control of most parts of the country's territory (Farnández y Garcia, 2017, p. 87). Somalia is thus trying to develop a democracy before they have undergone the process of state-building, which is heavily pressured by foreign states who is applying a liberal blueprint on a country with traditions dissimilar from the ones in the West (Richards, 2015, p. 8).

As the relationship between state-building and democracy is an undeveloped field, there is a lack of consensus regarding whether state-building should precede democracy or vice versa

(Carbone, 2015, p. 16). Even so, it has been argued that for a democracy to be sustainable it needs to be attained in the presence of political order. State-building should thus occur before a country is seeking to democratize, as it brings administrative stability and with it a foundation to build upon (Denk and Ankar, 2014, p. 387, Carbone, 2015, p. 12, Pop-Eleches and Robertson, 2015, p. 146-7). This is what can be seen in Somaliland, where traditional authorities led the process of building the state and the civil society were invited to participate first after governing institutions had been established (Hoehne, 2013, p. 200). Even though we cannot know if it would have had a positive outcome or not if Somaliland democratized before they strengthened the state, we have to assume, based on the outcomes as well as what is said within academia, that the empirical direction was the beneficial course. The research of this thesis is based on the assumption that state-building should precede democracy; to then analyze the impacts state-building can have on democracy, through the case of Somaliland.

2.2 Where state-building and democratization overlap

As there is a tradition of regarding state-building and democratization as interlinked concepts there are a few aspects in which the two notions overlap. These interlinking characteristics will in this section be put forward, not in the objective of trying to create more distinct definitions, but rather to illustrate their complexity.

In order to get a comprehensive understanding of the overlapping features, the main characteristics of both state building and democratization will be introduced, solely in the aim of shedding light to the overlapping characteristics and being able to keep them apart for the analyzation. The traditional elements viewed as the principles of a strong state are: political stability, government effectiveness regulatory quality, rule of law, and control of corruption (Fukuyama, 2004, p. 22, Bratton and Chang, 2006, p. 1065-6). Where these characteristics are present, the state is likely to have a strong authority and control of matters within the territorial borders, as well as over how the country is externally represented.

Freedom House is one of the most dominant tools of analyzing political regimes, and their criteria of liberal democracy will thus be used as characteristics of democracy to compare with the ones laid forward for a strong state (Pop-Eleches and Robertson, 2015, p. 145). Freedom House do their ratings based on seven criteria within both Political Rights and Civil Liberties, namely: electoral process, political pluralism and participation, functioning of

government, freedom of expression and belief, associational and organizational rights, rule of law, and personal autonomy and individual rights (Freedom House, 2017).

Putting the characteristics of both state-building and democratization next to each other it becomes obvious why they are easily confused. Most notably they are interlinked in two aspects, rule of law and government effectiveness/functioning government. Both features are regarding the state's capacity to, in an effective manner, govern and implement their rule in the society. Even though this is two aspects vital to both state-building and democratization, it does not mean that the strengthening of them in one regards is the same as strengthening of them in the other. Rather it can be concluded that there are aspects which, depending on the way they are conducted, can lead to different outcomes.

3. Methodology and Research design

The choice of research design for this thesis departs from the research question it is aiming to answer¹, as well as the fact that the separation between state-building and democratization has only emerged in more recent academic works. Thus, any research of aspects where the two notions are kept separate will contribute to this underdeveloped field. In this thesis it will not be attempted to explain the separation between the concepts in general, but will focus on the case of Somaliland and the *Guurti* in specific. This is to give full insight in one of the causal aspects that shows state-building's impact on democracy. Thus, a case study will be applied as research design to fully explain this specific instance. In the following sections a short description of case study as a research design will be described and a motivation for the selection of case will be presented; to then discuss the application of qualitative text analysis and the analytical framework.

3.1 Case Study

A case study is conducted through an intensive study of a small set of cases, and in this thesis is limited to one single case. The case study is thus not bound to a fixed type of theoretical framework or method of data collection, but should rather adjust the application of such depending on the purpose of the research (Esaiasson, 2012, p. 108-9, Gerring, 2007, p. 65-8). The hypothesis of the study does consequently become leading in the method decision. As can be seen in the research question of this thesis, the aim is to investigate if there is a causal

¹ Has the incorporation of traditional leaders in Somaliland's state-building put a limitation to the region's democratization process?

effect between the type of state-building applied and the limits to democratization in Somaliland. Gerring (2007, p. 71-2) does in his book *Case Study Research* identify three types of causal inference techniques. One can either investigate what independent variables affect the dependent variable, what types of effects a set of independent variables have on the outcome, or investigate a particular causal relationship where both the dependent and independent variable is pre-determined. The third type is applied in this thesis as the aim is not to determine causal variables but rather to find if there is a causal relation between the two.² The purpose of this type of analysis is to test an existing hypothesis to then confirm or disprove it. As put forward in chapter 2, recent academic work theorizes that a politically stable and strong state has a positive impact on the country's democratization. This hypothesis is what will be analyzed in this thesis through the case on *Guurti*, and will thus be hypothesis-testing (Teorell and Svensson, 2007, p. 48-9).

Even though an intensive single case study gives a good platform for high internal validity, its problem with external validity and ability to generalize cannot be overlooked. When studying a single case it is possible to analyze, a relationship or causes etc. in a closer proximity to completion than when taking a large number of cases into account. This makes for a deeper understanding and more correct conclusion of a certain problem (Teorell and Svensson, 2007, p. 55-9). However, it does not necessarily mean the conclusions drawn are correct in all cases and can thus not automatically be generalized. Walls and Kibble (2011, p. 337) did in their article *Somaliland: progress, state and outsiders*, in reference to the democratic system, state that "lessons from Somaliland could not only be applied in Somalia and the Horn of Africa, but further afield". As will be shown in the analysis section, Somaliland's state-building and democratization makes for a unique case, and this lightly approach to generalization could create problems in future studies. Even so, no study takes place in isolation and even the narrowest research can help shed light on a causal mechanism previous limitedly explored (Gerring, 2007, p. 73). This is what this thesis hopes to contribute with, a further insight to the undeveloped field of state-buildings impacts on democracy.

3.2 Case Selection

When doing a case study one excludes the possibility of a randomly elected set of cases, and the outcomes can thus not be assumed to match the general field. Therefore, in a study of a small sample it is important to purposely select a case that will contribute to research by being

² Democratization being the dependent variable and state-building the independent variable.

a case of extrema values (high or low), average values compared to the population, or values not previously explored etc. (Gerring, 2007, p. 86-8, Teorell and Svensson, 2007, p. 221-2). Due to Somaliland's state-building and democratization through the incorporation of traditional functions (which is advocated within the academia) it can in many aspects be regarded as a crucial case, and more specifically a most-likely case. A most-likely case is described by Gerring as a case that "on all dimensions *except* the dimension of theoretical interest, is predicted to achieve a certain outcome, and yet does not" (2007, p. 115). The purpose of using the method of crucial cases is to expose an argument to a difficult test and by that provide strong evidence (Gerring, 2007, p. 115). As the consensus in academia is that locally conducted state-building has a positive effect on democracy this should be true in the case of Somaliland with traditional leaders playing the main part in creating state institutions (Ridout, 2012, p. 153-4). However, as will be showed in the analysis, the situation is more complex in reality.

Case study has been applied to this research in order to do an intensive study of a single case, and thus get an adequate explanation for the outcomes. Even though the research question holds a limit to Somaliland and traditional leaders, traditional leaders can be incorporated in state-building in various ways, and this can in turn have numerous different effects on democratization. The operationalization of traditional leaders will thus be the 'National *Guurti*' or 'House of Elders' in Somaliland's parliament. This choice of operationalization is based on the fact that *Guurti* can be seen throughout Somaliland's history, culture, state-building, politics, and democratization, and is thus already incorporated in all the aspects vital for this analysis. It is taken into consideration that this takes the focus away from traditional leaders still active in domestic spheres (as other clan elders, and religious leaders), and puts the focus on the ones already incorporated in the political arena. However, this is to serve the purpose of looking at an institution that has transformed from clan-based to political-based.

3.3 Qualitative Text Analysis and Material

When doing a qualitative study of one single case the focus is on interoperating, understanding, and to convey (Bryman and Nilsson, 2011, p. 507). This can be done through a variation of different methods and in this thesis it will be conducted through a qualitative text analysis. As a method, text analysis, allows the author to distinguish central themes of a text most relevant to the research, and to identify underlying messages that can only be captured through substantial analysis of a document (Esaiasson, et al, 2012, p. 210). A qualitative text

analysis is not about summarizing existing texts, but about telling a story with the help of previous research (Esaiaasson, et al, 2012, p. 215). As this thesis is studying a narrow field of Somaliland's state-building and democratization (*Guurti's* effect on these processes) a text analysis will make it possible to find relevant information in documents not discussing this specific topic; thus, enabling the research to draw content from a variation of sources.

In the analysis section of this thesis *Guurti's* path from an informal to formal institution will be explored, to then examine what problems and prospects this has caused for Somaliland's democratization process. In order to do so, the analysis will be based on a qualitative text analysis of multiple types of documents. Content has been drawn from books, journal articles, research papers, legal documents, and news articles to be able to triangulate information and give an unbiased version of the sequence of events (Teorell and Svensson, 2007, p. 104-6). Previous academic works has been used to accumulate information on the historical context as well as to gain an understanding of the academic opinion. The Constitution of the Republic of Somaliland and reports from several of the negotiations taking place in the 1990s has been used to explain the institutionalized state structures. When analyzing the contemporary situation and the local view, content has been drawn from newspapers, such as Somaliland Press and Somaliland Sun, and from independent research institutes. For a full list of sources used see bibliography section.

3.4 Analytical framework

In order to find any possible limitations to Somaliland's democratization posted by the region's state-building, clarification regarding what a limitation contains must be made. In this thesis limitations will have the function of contradictions between state-building and democratization found in the empirical case. Any aspect that has contributed or does contribute to the creation or strengthening of governmental institutions (state-building), but is now hindering the expansion of democratic rule or political liberties (liberal democracy), will thus be put forward as a limitation. However, as the conclusions of all such limitations are drawn by the author, departing from the material available for this research, there is a risk of selection bias (Collier, and Mahoney, 1996, p. 56). This has been taken into account when conducting this analysis, and thus all information has been triangulated.

In an attempt to find a nuanced answer to the research question, this thesis will apply three phases that will guide the analysis and filter the information used. Firstly, it will be explored

how *Guurti* came to be a state institution as the Upper House of parliament. This is to distinguish how *Guurti* was incorporated in Somaliland's state-building and what impacts they had on the process. Secondly, the identified problems and prospects facing Somaliland's democratization, in relation to *Guurti*, will be put forward. This section will serve to illuminate both the positive and negative aspects of *Guurti*'s incorporation in politics, and will serve as a foundation in finding possible limitations. Lastly, based on the results from the first two phases, there will be a discussion on what impacts state-building have on democratization in the case of Somaliland. Through the results of the analysis an answer will be given to the research question.

4. Results and analysis

In order to understand the effect that the incorporation of traditional leaders in state-building efforts has had on democratization, this analysis will depart from examining how that incorporation took place, to then explore what problems and prospects *Guurti* is posing to democracy in Somaliland, and finally examine if there is a link between the developments of state-building and democratization.

4.1 *Guurti* as an informal and formal institution

The traditional Somali clan recognizes a number of titled and untitled elders, most of which rely on a selection process via extensive dialogue and debate. Specifically, the term *Guurti* refers to an assembly of elders selected to resolve conflicts within a clan or between clans. When concerning dealings between different clans, there is an expectation that the responsible seats will be shared with a degree of influence assigned to each involved clan (Interpeace and APD, 2008, p. 13-14). This form of power distribution with influence given to various clans can be found in several functions of Somaliland's politics throughout time, descending from the first time Somaliland saw a central authoritative power by the British colonial rule.³ During the time as a British protectorate, traditional leaders were incorporated in state administrations as a function to extend control over rural areas (Bradbury, Abokor and Yusuf, 2003, p. 461). Later on, the Somali National Movement (SNM) distributed the terms as leader of their organization according to a clan rotation system. The SNM did also integrate customary elders in their organizational structures to assist both internal and with external

³ Prior to the colonial era, Somaliland had a pastoral society without a central authority. Instead leadership was subject to each clan.

support; first consisting of members from the Isaaq clan but later enlarged to consist of members from non-Isaaq clans as well. After the declaration of Somaliland's independence in 1991, it was the SNM-*Guurti* who had the responsibility of transforming Somaliland from SNM rule to a civilian one, which were manifested at the Borama conference in 1993 (Hoehne, 2013, p. 202-3).

During the period between 1990 and 1997, Somaliland saw 39 clan reconciliation conferences organized by the *Guurti*, some with national participation and some more locally conducted with just a few clans involved (Gatimu, 2014, p. 21). This time of extensive negotiations is what facilitated the state structure visible in Somaliland today; and even though the political system shows features from local traditions they were not formally institutionalized prior to these conferences. Thus, this period, and the outcomes of the conferences, will be considered as the central part of Somaliland's state-building process. As earlier mentioned, two of these conferences had a great importance in regards to the official establishments of state structure; namely the Borama conference in 1993 with the adaptation of the Peace Charter and the Transitional National Charter, and the Hargeisa conference in 1997 creating the Constitution of the Republic of Somaliland (Interpeace and APD, 2008, p. 21-6). Nevertheless, it is important to remember that state-building, defined as the strengthening of governmental institution, is an ongoing process that is not limited to a few events. Even if this period of conferences is considered as the most influential, the development continues and is constantly ongoing.

Starting with examining the Borama conference, this early part was facing several problems, including the need for a succession to be established, as the mandate of the ruling SNM president was due to expire the same year. Thus, the national *Guurti* considered it vital that the conference included delegates from all the main northern clans. 150 official delegates with the right to vote and an additional 350 as observers participated in the conference (with only a few minority clans not being represented). The number of votes was allocated to each sub-clan as a proportion of the 150 voting delegates (Interpeace and APD, 2008, p. 48-51). In many ways, the conference operated as a model of traditional Somali negotiation, which value decisions based on consensus. Positions were to a large extent negotiated at side meetings that were not officially part of the conference, to then being ratified at the formal sessions. This system of consensus building before decision making typically tends to take a long time. This was also true for the Borama conference as it lasted for about five months. Due to the fact that there were no external actors pressing for effectiveness, and the conference could proceed

according to Somali custom, the decisions made in Borama were nationally endorsed (Interpeace and APD, 2008, p. 55, Ridout, 2012, p. 153-4).

Out of the Borama conference and the Peace Charter came a system for sustainable peace relying on responsibility allocated to each Somaliland community, placing peace efforts at a grassroots level. It was up to each community to take action against bandits in their territories, disarm their militia, cooperate in resisting external attacks, and to vow not to attack another community. In addition, a hierarchy of appeal was established. This was based on introducing a council of elder that would exist at each level of the clan chain responsible for mediating disputes, from a local *Guurti* to the ‘National *Guurti*’ or ‘House of Elders’ in Somaliland’s parliament (Interpeace and APD, 2008, p. 52-3). With an incorporation of both traditional leaders, and power distributed to local communities, Somaliland had a good prospect to continue to develop a type of state-building that is advocated in the academia (Ridout, 2012, Richards, 2015, Fernández y Garcia, 2017, Fukuyama, 2004, Bereketeab, 2011).

The Transitional National Charter, which concerned the system of government, saw several different proposals before reaching an agreement of a strong executive presidential system (Interpeace and APD, 2008, p. 53-4). Moreover, there was a considerable discussion concerning the size of the House of Elders and House of Representatives. Some supported the Houses to have the same number of seats, while others argued for the *Guurti* to be smaller due to their comparatively more limited amount of work load. It was eventually determined that the Houses would consist of the same number of seats, all of which were allotted to the 150 voting members of the conference, with 75 to each house. This number was later increased to 82 per House through the constitution negotiated at the Hargeisa conference in 1997 (Hoehne, 2013, p. 203). As the Transitional National Charter worked as a temporary structure until a constitution could be adopted, its contentment will not be further discussed but rather the parts of the constitution that is important for this case will be put forward.

The Constitution of the Republic of Somaliland was negotiated at the Hargeisa conference and later approved through a general referendum in 2001, and with it constitutionalized the National *Guurti* as one of the two legislative parts of Somaliland’s parliament. The *Guurti* was to “[...] have special responsibility for passing laws relating to religion, traditions (*culture*) and security” (Article 57, Somaliland, 2001). Furthermore, it was stated that “The period of office of the House of Elders is six (6) years beginning from the date of its first meeting.”, and that “The members of the House of Elders shall be elected in a manner to be

determined by law.” (Article 58(1 and 2), Somaliland, 2001). However, as earlier discussed in this thesis, the reelection of the House’s members has so far never occurred. The constitution also posts one additional problem in relation to the election of *Guurti* members which has contributed in hindering the creation of a law. In article 58(1) it is stated that new members are to be “elected”, while article 62 mentions a “selection” of the seats (Somaliland, 2001). This lack of clarity in regards to election/selection has created a division in opinion and has contributed to the lack of law determining the process (Farah Hersi, 2012, p. 113). To date there is still no law regulating this procedure (ISS and APD, 2017, p. 4).

What Somaliland saw in its state-building during the 1990s was primarily the creation of new state institutions. As the country emerged with a self-declared independence early in the decade, all previous formal state structures were remains from the authoritarian regime and a unified Somalia. With a foundation of these new institutions in the local traditions and leaders, and based on extensive debates between clans, Somaliland could enjoy a somewhat direct acceptance of them. This relationship between Somaliland’s state and traditional authority has regularly been presented as a success, and it is clear that it did contribute to the implementation of the current system, providing for a strong state-building (Hoehne, 2013, p. 201). However, as described in the Theoretical Framework section (see chapter 2), a strong state does not necessarily lead to a good democracy. The question posted in this thesis therefore still remains, did this type of state-building put a limitation on the region’s democratization process?

4.2 Problems and prospects for democratization

Somaliland is facing numerous problems in several areas which will need to be regulated before they will be able to call themselves a free democracy (Freedom House, 2017). With a focus on the House of Elders in particular, the main complications and abilities facing its future contribution to democracy development will in this section be laid forward. As will be shown, this thesis has identified four main problems and two prospects, all important to take into consideration when Somaliland attempts to strengthen its democracy.

4.2.1 Problems

Primarily, the fact that Somaliland lacks an electoral system for its Upper House means that it is incomplete in its appointment system and is thus missing a crucial concept for any emerging democracy. This has led to the seats of the *Guurti* becoming object of a heredity

system, and taking a step away from democratic elections (Gatimu, 2014, page, 39). As mentioned, 75 of the House's 82 seats were appointed at the Borama conference in 1993; and the rest at the Hargeisa conference in 1997, and have since never been reelected. Due to the long time span, only about 10% of the original members are still in office, and the rest has been inherited by sons or other immediate family of the original members (ISS and APD, 2017, p. 13). The initial objective of the House (to integrate clan elders in the parliament) is thus no longer achieved. The role as a *Guurti* elder in the Somali clan is not inherited, but selected, and the new members do consequently not have the traditional authority which the House is based upon. In addition, *Guurti* is traditionally a peace making body and the appointed elders had long experience of mediation and conflict resolution which made them legitimate as Upper House members. Without such experience, and in many cases even a lack of education, the current members are facing difficulties in fulfilling the House's task of reviewing and passing laws since they do not have the qualifications (Gatimu, 2014, p. 39-40). As can be seen, the heredity system presently applied to the *Guurti* House is, in addition to not being part of the democratic system, a move away from the Somali tradition which the state-building process of Somaliland is built upon. Without a base in either democracy or traditional authority, the legitimacy of the House members has become increasingly compromised within the civil society (Gatimu, 2014, p. 3).

The second major problem facing Somaliland's democracy development is the constitutional duality in reference to selection and election of *Guurti* House members. As the constitution states that the members of the House of Elders are to be both elected and selected there is a division in opinion in the negotiations of constructing an appointment law (ISS and APD, 2017, p.13). Both of the methods of succession systems have their pros and cons and regardless of which structure will be adopted, Somaliland will face consequences. An election system initially seems as the most democratic choice as it would contribute to manifest and expand liberal democracy as an institution; if transparency and accountability can be established. In addition, it could contribute to a power distribution between the various general elected state institutions. Even so, one needs to consider the clan power sharing in the political sphere. With an election system the major clans will have a great benefit as their numbers will ensure seats in the Upper House, and minority clans will lose political influence. With the seats of the House of Elders being allocated according to clan belonging there is a guarantee that all Somaliland clans are represented in parliament, and in the Somali context this is a great factor in establishing legitimacy of institutions. Therefore, the question is

foremost regarding if a popular vote in electing *Guurti* members will be beneficial, as it diminishes the influence of minority clans; especially when there already is a House of Representatives which are elected through a regional-based system (Farah Hersi, 2012, p. 114-5). A selection based system would remove the problem of some clans not being represented in the Upper House as each clan would select representation based on their elders. It would also enforce the type of legitimacy founded on traditional authority that Somaliland's state-building departed from. However, the selection-based system means a weakening of Somaliland's democratization process as it limits the move to a democracy-centered system by institutionalizing the clan-based one. Furthermore, the construction of a selection based system would have to deal with the technical problems of the design of the selection process and the creation of a body responsible for selecting the representatives (Farah Hersi, 2012, p. 115-6). Even though the clans are still relevant in Somaliland's politics, promotion of a clan-free voting could be seen throughout Somaliland's media in the weeks before the presidential election in 2017 (Ismail, 2017). With a focus on removing the importance of clans in the political realm it might not be long term favorable to institutionalize clan representation.

The third identified problem is that *Guurti's* vast legislative power does not reflect the House's degree of democracy. The House of Elders was originally designed to work as a check on the House of Representatives, where the morality of the elders were to protect the religion, culture and security in particular (Ridout, 2012, p. 145). The *Guurti* did with the implementation of the constitution get legislative mandate and by that change from the traditional role as a conflict resolution body to a law-making body. This mandate stretches throughout the democratic sphere and applies to approving, amending and blocking bills passed by the House of Representatives (unless passed with a two-thirds majority), to extending the time of office for the government, the Lower House, the local council and the Upper House themselves, etc. (Farah Hersi, 2012, p. 112). As earlier mentioned, prior to the presidential election November 13th 2017, every general elected political institution in Somaliland had extended their constitutional mandate. Each of these extensions of time in office has been executed by the *Guurti* (ISS and APD, 2017, p. 3-4). In addition to delaying democratic elections, *Guurti* has been the main hinder in creating an electoral law for the Upper House. In 2007 the Lower House published a proposal of such a law, but it was later blocked by *Guurti*, leaving the succession process undetermined (ISS and APD, 2017, p. 13). Thus, in reality the House of Elders holds a greater power than the elected House of Representatives, as motions have to be approved by the *Guurti* (Gatimu, 2014, p. 47). This

means that the *Guurti* has a vast power and can determine the democratic process of Somaliland. If the *Guurti* are to keep their current mandate there is a need to democratize the House of Elders, if Somaliland wants to continue to move in a democratic direction. However, another option for the future of *Guurti* is to be a house of traditional function but then limit their mandate to solely include aspects regarding religion, culture and security. The second option would not make the Upper House a democratic elected body, but would maybe have a greater contribution to political stability in Somaliland than the first option.

The last problem *Guurti* post to Somaliland's democracy identified by this thesis is the lack of female representation in the House. This problem takes its origin in the word *Guurti* itself, which refers to male elders; and the house is thus to consist of only men (Gatimu, 2014, p. 28). The male aspect of the house is not only seen in tradition but in the constitution as well, where reference to the members is phrased as "He" (Article 59 (1 and 2), Somaliland, 2001). Even though a few women have inherited seat by their deceased husbands their time in office were not accepted and at date there are no female representation in the *Guurti* (ISS and APD, 2017, p. 23). Women in politics is often associated with a high level of democracy and the effects of it could by its own be thoroughly examined. But even so, there is no reference to female participation even in one of the most dominant tools of analyzing political regimes alignment with liberal democracy, namely Freedom House's criteria for democracy (Pop-Eleches and Robertson, 2015, p. 145, Freedom House, 2017). The fact that Freedom House excludes gender equality in political representation from their conditions for democracy means that it does not affect the ranking of Somaliland, and this topic will thus not be discussed in depth. However, this thesis has chosen to put it forward as a problem to democracy, since greater representation of female politicians tend to lead to greater social and welfare spending, which strengthen the civil liberties and by that liberal democracy (Ennsner-Jedenastisk, 2017, p. 577-8).

4.2.2 Prospects

Even though the *Guurti* post numerous problems to democratization in Somaliland, they also contribute to a democratic development; and the current order has support from many parts of society (Somaliland Press, 2015, MGoth, 2017). Prior to general elections, *Guurti*, together with other groups (Somaliland National Electoral Commission, and religious leaders, etc.), travel around the country to educate about the importance of just, free, and fair elections (Gatimu, 2014, p. 30, NEC, 2017). A democratic order with rule to the people requires the

people to have a basic level of knowledge in how to operate democratically. In societies with a low level of education (in Somaliland only about 43% of the children enrolls in primary education) it is of vitality that this type of knowledge will be accessible outside of the educational realm, and spread in a manner that reaches civil society (MOEHE, 2015, p. 20). *Guurti* is a part of this knowledge spreading and does by that contribute to prevent chaos and conflict in relation to elections. Even though other organs exercise similar practices *Guurti* does with its historic involvement in Somaliland state-building and democratization hold a unique position (Gatimu, 2014, p. 30).

Returning to the theories of state-building and democratization, arguments for the need of political order to be established before a democracy develops can be found in numerous academic papers (Denk and Anckar, 2014, p. 387, Carbone, 2015, p. 12, Pop-Eleches and Robertson, 2015, p. 146-7). Thus, if one takes this angle of a stable state to be crucial for democratization, *Guurti* does in fact play a very important part in Somaliland's move towards liberal democracy. Even if the political landscape has changed in Somaliland since the institutionalization of *Guurti* in 1993, they are still relevant in keeping the young state stable. The elders' traditional role as peace makers are continuously visible and they are often found mediating political disputes both internal within a political party, and external between different arms of government (Gatimu, 2014, p. 36-7). Without the accepted body to help maintain stability when trouble arise, Somaliland's politicians would be required to adopt a new culture of conflict resolution. This process would not only take a long time, but it could possibly also hinder agreements regarding democratization work. Thus, in order to keep the political stability with the aim to democratize Somaliland, *Guurti's* importance should not be neglected.

4.3 State-building's impact on democratization

The ability to keep state-building and democratization completely apart in the Somaliland case is challenging as there are several aspects crucial to both. The constitution, for example, could be considered both as a part of state-building (with the formation of state structures) and as a part of democratization (with the regulation of the democratic process), where the problems identified would not hinder the creation of a strong state but does hinder democratic elections. Furthermore, the House of Elders themselves was originally the voting members of the Borama and Hargeisa conferences, making them a vital entity both in the negotiations of the state structures and for the democratic process of today. Thus, the conclusions drawn from

this analysis are not based on separating aspects, but on the way overlapping feature, beneficial to state-building, is limiting to democratization.

As can be seen through the problems and prospects posted in this analysis, the Somaliland state-building, with incorporation of traditional leaders, has had an impact on the country's ability to form a democracy. However, the question asked was if this was a limitation or not. In order for Somaliland to continue the process of developing into a full-scale liberal democracy all of the problems post will have to be solved, and at current date, these are the main limitations that *Guurti* posts to democracy. *Guurti*'s vast legislative power and the lack of female representation are the two problems that are most directly linked to the incorporation of traditional leaders into the state-building, as these are direct effects of the extensive trust in the Elders' leadership and the structure of the tradition itself. Even so, the selection/election problem and its side-effect, the heredity system (originating from the neglect of solving the selection/election problem) does post as big of a problem in regards to democratization. Particularly, as it limits succession of power. All of these problems descend from the aim of creating a strong state manifested in civil society through clan traditions, and the *Guurti* is one of the main sources for the creation of the strong state that can be seen in Somaliland (Farah Hersi, 2012, p. 117). Thus, due to the vast role that *Guurti* played in Somaliland's state-building, and continues to play in its democratization process, it can be concluded that there is a limitation to the county's ability to form a democracy and that this limitation is affected by the incorporation of traditional leaders in the state-building.

In the Theoretical Framework (see chapter 2) it is explained that even though state-building and democratization shares a few central aspects, the strengthening of them in one regard is not the same as strengthening them in other regards; and that the execution of them is vital for determining the outcome. This can clearly be seen in the case of Somaliland and through the incorporation of the *Guurti* as a legislative body. *Guurti* as a strong state institution had positive effects in regards to state-building, while it put a limitation on democracy (Farah Hersi, 2012, p. 117, Fadal, 2012, p. 124). All of the problems that the House of Elders posts to democracy could have been constitutionally regulated, but this would, among other things, have required a different focus and a more long-term thinking in the negotiations. What this thesis has illuminated is the need to keep state-building and democratization apart in order to get an understanding of how they impact, limit and benefit each other.

5. Conclusion

This thesis departed from the emerging field of the relationship between state-building and democratization (Carbone, 2015, p. 16). As this is a relatively new field, this thesis has contributed to the discourse and academia by showing the complexity of their separation and how they have impacted each other through the case of Somaliland and *Guurti*. It has also been showed that one must be careful and considerate in the way state-building is conducted, as the process has long-term effects on a country's ability to democratize. Further research on this topic is necessary as there is not yet a consensus on how to create a strong state in combination with a democratic one. This knowledge will be essential when states are looking to democratize as well as to form strong state institutions. At date, there are a limited number of empirical cases where state-building has preceded democracy and this makes Somaliland an interesting case to continue to study as it shows what can occur in practice (Richards, 2015, p. 10).

The question remaining in regards to Somaliland is not if the incorporation of traditional leaders in state-building limited the democratization or not (as the preceding analysis showed that it did), but is rather where the state moves from here. With an Upper House of parliament that does not function in accordance to liberal democratic structures it is not sustainable to continue a route towards democracy without any reformations. What must be determined is thus if Somaliland should attempt to become a liberal democracy or if they want a governing structure that is rooted in local traditions. It is not being suggested that one option excludes the other, but rather that state development occurs over a longer period of time and that Somaliland will benefit from focusing on one aspect to begin with. In the current situation clan belonging still plays an important part in Somali culture and it could create a great instability if this aspect was neglected in the political realm (Gatimu, 2014, p. 51). Without the representation of every Somaliland clan in politics there is a risk of creating distrust towards politicians and *de facto* rule could be turned back to clan leaders, weakening the central government. Thus, this thesis argues that it would be beneficial for Somaliland's stability to make the House of Elders a House of tradition and apply the selection system with a selection process allocated to each sub-clan. This selection and exchange of House members will have to occur every six years, as Somaliland's constitution stipulates (Article 58(2), Somaliland, 2001). Moreover, the legislative power of *Guurti* will have to be limited as they today in fact hold a greater power than the elected House of Representatives (Gatimu, 2014, p. 47). A point of departure for where this limitation of legislative power should be placed

could again come from the constitution which states “religion, traditions (*culture*) and security” as *Guurti*’s special responsibility (Article 57, Somaliland, 2001). In conclusion, *Guurti* as a state-building function incorporated in Somaliland’s democracy does in writing time put a limitation to the country’s democratization. However, this limitation can be disregarded through deliberate reformations of the Upper House’s structures.

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