The Informal Institutions of Somaliland: History, Role & Future – Ahmed M. Musa

Logan Cochrane,[1,2] Ahmed M. Musa[3]

[1] Carleton University, Canada

[2] Hawassa University, Ethiopia

[3] University of Nairobi, Kenya

This issue of NokokoPod presents a discussion of the informal institutions in Somaliland. The annotated PDF is available on the Nokoko journal website. This conversation took place between June 30th and September 1st, with Logan Cochrane in Ottawa and Ahmed M. Musa in Hargeisa. This version of the PDF has been reviewed by Logan Cochrane and Ahmed M. Musa. In addition to the conversation, a set of annotations have been added as footnotes so as to strengthen the value of these publications and enable them to act as a resource for listeners and readers who want to have additional context and/or find additional resources on the topics discussed.

Logan: Welcome to NokokoPod. In this episode, we are joined by Dr. Ahmed M. Musa to speak about the 'Republic of Somaliland', a territory that acts as a state in all its forms but remains unrecognized by the international community. Our guest, currently a Postdoctoral Researcher at the University of Nairobi and based in Hargeisa, Somaliland, brings a wealth of experience and knowledge about

Somaliland as a practitioner and as a researcher. Thank you for joining us today. Could you kindly start by giving us a brief history of Somaliland,[1] with reference to the institutions that existed in the precolonial, colonial and post-colonial periods?

Ahmed M. Musa: Thanks to Professor Logan for giving me the opportunity to speak on NokokoPod and speak about Somaliland and its institutions. Prior to colonization, the northwestern Somali territories were inhabited by Somali clans. This was a stateless society that practiced nomadic pastoralism as a predominant livelihood activity. Small trade took place in the coastal areas that connected the Horn of Africa to the outside world. Many of the international traders were Indians and Arabs who exchanged imported commodities such as dates, sugar, cigarettes and clothes with products from the region, including frankincense, hides and skins, and livestock.[2] In the absence of state institutions that could facilitate trade or provide protection, the clans devised local institutions, including the *Abaan*. The abaan was a system of men from the local clans who provided guidance and also guarded the foreign trade. Besides the informal social institutions that facilitated trade, influential clan elders provided social order in the territories dominated by their kinship in both the coastal areas and in the hinterlands.

The British Empire started to arrive in the coastal areas in 1884 after it signed an agreement with different clan elders in the coastal areas and the British created the British protectorate of Somaliland. The British Empire introduced state institutions such as police, currency, taxes and courts. However, the British Empire knew the low production nature of the Somali territories due to its semi-arid

1 For a broader history, see: Kaplan (2008), Lewis (1993), Renders (2012), Renders and Terlinden (2010), and Walls (2009).

2 See Pankhurst (1965).

nature and therefore was only interested in two main things. Firstly, the control of the coastal areas, which was important for the Empire. Secondly, to secure a reliable meat supply for its military garrison in the Gulf of Aden. It is for these reasons that the British were not interested to penetrate deep into the hinterlands. Another important point to make is that the British understood that their newfound territories were inhabited by nomadic clans who practiced Islam and therefore did not have an incentive to change the society. Therefore, the British focused on the coastal areas and the livestock supply corridors.

From this short history, we can understand that unlike other colonized societies, the British colony started by signing an agreement with the local clan leaders. The British also did not change the social structure. The informal institutions remained intact. Actually, the British strengthened the informal institutions by establishing and working through chief Aqils [3], a system of clan elders under the Sultan class of elders. The British protectorate of Somaliland united with the Italian Somalia in 1960. The two former colonies formed the Somali Republic, which violently collapsed in 1990 following the excessive brutality that the last military regime used against the northern regions, now Somaliland.

Logan: After the state collapse, Somaliland unilaterally declared its independence and relied on these informal institutions during that process, in making that declaration and following that declaration as it went about building its new state. Could you tell us what are some of the institutions that facilitated this process?

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3 The British salaried chiefs to extend its control (see: Bradbury, Abokor & Yusuf (2003)).

Ahmed M. Musa: It is true that informal institutions played a very commendable role in Somaliland peace-building and state-building initiatives. The role of the informal institutions started before 1991 when, based on kinship, traditional elders and diaspora groups mobilized support and resources for the Somali National Movement (SNM), a guerrilla organization that fought against the Somali army to liberate them from Somaliland. Besides the mobilization of resources, a council of traditional elders regularly helped the SNM leadership to solve their conflicts during and after war. The SNM guerrilla fighters and leadership held high respect for the traditional elders. After the breakdown of the of the central government in 1991, chaos started. On the one hand, the SNM and non-SNM combatants from opposing clans fought against each other, while on the other hand rival groups within the SNM fought for control. Illegal roadblocks, robbery and killings had become part of everyday life.

To restore law and order, the informal institutions assumed responsibility. Respected traditional elders, clan chiefs and businessmen complemented each other to start a process of reconciliation. Half a dozen major clan conferences and numerous small conferences took place across different regions in Somaliland. The clan conferences culminated in the 1993 grand conference. During this grand conference in Borama, the role of traditional elders was institutionalized by creating the House of Elders, known as *Guurti*, an equivalent to the upper house. The traditional elders were complemented by two other informal institutions, the business and religious leaders. The former provided finance while the latter created spiritual awareness based on references from the Shari'ah, the Islamic law. It should come as no surprise that while the informal institutions facilitated the peace-building and state-building processes, they have become indispensable non-state actors in the post-1991 Somaliland. The three actors shape Somaliland state-building and have become an influential elite class. For example, during elections

elders and businessmen control the candidate nomination process at all levels. While the businesspeople finance elections, sometimes the president has to consult with the informal institutions in the nomination or dismissal of executives. At other times, the informal institutions mediate national and subnational conflict in Somaliland.

Despite the commendable role of the informal institutions in Somaliland as contributing to peace- and state-building, many, including professionals and younger people, critique the informal institutions. The critics argue that informal institutions have become an impediment to modern and improved governance and state-building. There is no doubt that the three informal institutions have become dominant and have vested interests in the status quo, hence they resist any attempts to improve governance that will touch their vested interests. Other opponents of the role of informal institutions argue that the morals and values of the informal institutions have eroded over time. Those that critique the informal institutions argue that informal institutions prevent necessary reforms in finance, education, and the judiciary sectors, and that informal institutions impede the achievement of inclusive elections and the appointment of civil servants based on merit. In conclusion, the informal institutions played a commendable role in Somaliland as they facilitated peace- and state-building at a very critical time in Somaliland's history. However, many Somalilanders see the informal institutions as a constraint to improved and modern governance.

Logan: Given these challenges of inclusion and we might add a component of gendered exclusion from some of these institutions, as well as the calls by some for reform, what are the ways in which the formal and informal institutions are changing? Or, what are the ways in which people are demanding for them to change? What is their vision of the future for institutions in Somaliland?

Ahmed M. Musa: It is important to begin with the fact that the chief factor influencing the call for institutional reforms in Somaliland is the change of time. Somaliland of today is not the Somaliland of the early 1990s. The priorities of the local people and the population demographics have changed. In the early 1990s the main priority was restoring law and order and any institution and local effort that contributed to the realization of this pursuit was accepted. After three decades, priorities include employment creation, economic growth, improvement of service delivery and inclusive representation. Significant demographic changes have also taken place. For instance, it is estimated that youth account for 75% of the population and a good number of the youth have had access to education and finished universities and have totally different expectations and priorities than their parents' generation. They are well connected to social media and benchmark for modern governance.

Regarding the benchmarking for better governance, there is a strong discontent among the youth to address poor leadership at the national and local levels, poor service delivery and slowed-down democracy. For example, one problem that relates to governance and institutions is the office extensions. Local councils have exceeded their office term for three years. Parliamentarians or the lower house exceeded their office term for close to one decade. While the Guurti, the upper house, have exceeded their office term for more than a decade. A second problem related to the governance and institutions is the role played by traditional elders in shortlisting candidates for the national and local elections. Many believe that elders shortlisting is not based on merit, which has directly put a knock-on effect from the realization of priorities that I have mentioned. The young educated male and female want to contest for political offices but elections are not taking place. They are yearning for accountability and transparency, which is not also taking place. These are the main reasons behind the surge in calls for institutional reform in Somaliland.

Logan: Thus far, we have been speaking about the role of institutions largely as it relates to matters of governance. Could you briefly speak to the role of the private sector in Somaliland and the unique business social contract that some have written about? Could you also speak a bit about what those dominant sectors are and what makes that particular relationship with institutions and with the public a unique one.

Ahmed M. Musa: Let me begin with a brief description of the ecosystem of Somaliland's post-war private sector. The military government, led by Siad Barre,[4] nationalized key private sectors owned by both Somalis and foreigners in the early 1970s. From then no vibrant private sector existed. This, however, changed after 1991 following the breakdown of the military government. The economy has achieved a de facto privatization, which some scholars described as an 'extreme laissez faire environment' and 'unprecedented free market environment'.[5] In this environment, key sectors such as health, education, telecommunication, finance and import / export fell into private hands. In the absence of foreign investment and state regulations, dominant local private sector actors have emerged. These actors are a two-edged sword, with one edge contributing to peacebuilding, state-building and economic growth and the other edge making huge profits at the expense of the public, imposing market barriers for foreign and local investors, preventing state regulations, and engaging in unfair competition. All these market imperfections contribute to economic stagnation in the postwar period.[6]

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4 For more, see: Abdullahi (2004), Ingiriis (2016), Ledesma (2018), Shire (2011).

5 See: Leonard & Samantar (2011) and Mubarak (1997).

6 See: Mousley et al (2015) and Nenova (2004).

In the environment described above, a unique social contract exists between the private sector and the state and between the private sector and the public. The social contract is unique in the sense that informal institutions constitute the binding element in the social contract. This can be explained in several ways. For example, the private companies employ based on clan connections and therefore each clan identifies themselves with companies owned or headed by their kinsmen and provide protection from government regulations and also protection from any criticism from other concerned citizens. Another example is that, as we explained in a recent journal article on state formation and the role of the private sector in an unrecognized state,[7] prominent businessmen play an important role in resolving high-profile conflicts within and between political parties or conflicts between clans by sponsoring peace-building efforts engaged in by both the state and non-state actors. A third example of the unique social contract between the private sector and the public or state institutions is that civil servants are likely to do more favors for the private businesses owned by their kinsmen. In a context where the clan system defines everything, every private business has someone, whether a civil servant or the general public, protecting it. Businesses owned by non-Somalilanders or foreigners do not have access to such a protection, and it is common that they give shares to someone from the local powerful clans for protection.

Logan: Based on your experiences and research, what do these institutions and their relationships with society, and as you just described the unique relationships with the private sector, what lessons do they offer for Somalia, the Horn of Africa and beyond?

Ahmed M. Musa: I would say that Somaliland hybridity, that is the complementarity between formal and informal institutions,

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7 Musa and Horst (2019).

provides numerous positive lessons on peace-building. Albeit, we have to be cautious about making generalizations while the necessity of informal institutions in later stages of state building is debatable. For making consolidated peace, Somaliland provides lessons for Somalia, the Horn of Africa and the rest of the world where informal institutions exist. The bottom-up peacebuilding and the role of informal institutions, especially traditional elders in grassroots reconciliation, has proven to be particularly successful. Puntland, a semi-autonomous administration in the northwest of Somalia, seems to have well emulated Somaliland's model of grassroots peacebuilding led by the traditional elders. It seems to me that this model has partly worked for Puntland. For the rest of Somalia, further in the south, the informal institutions remain weak and do not enjoy much symbolic capital compared to Somaliland and Puntland, where traditional elders have historically enjoyed strong symbolic capital in the community.

Another important lesson is that hybrid governance offers an alternative to the standardized Western governance system. The Western style of governance has become more of standardized and a one-size-fits-all institutional blueprint. But Somaliland has come up with its own form of governance, which is relatively working. Elsewhere in Africa, Rwanda can be a good case in point where informal institutions have played a commendable role in the postwar period. A lot has been written about the *Abunzi* mediators in Rwanda and their endogenous mechanism of conflict resolution.[8] Abunzi means 'those who reconcile' and are informal institutions that play a critical role in the conflict resolution and justice in the post-conflict Rwanda. Other countries in Africa with strong informal institutions include

8 See, for example: Mutisi (2011, 2012).

Botswana, which has the Kgotla system, which is a very effective system of traditional conflict resolution.[9]

Other than the role of informal institutions in conflict resolution and mediation, informal institutions also play a role in state building by complementing service delivery. For example, informal and clan-based institutions built schools, health posts, water points and roads. It is also noteworthy to mention that informal institutions are first responders to emergencies, such as droughts.

On the negative side, informal institutions are obstacles to progressive change and also contribute to the weakness in formal institutions. For example, they are an obstacle to women's political participation, and they interfere with and obstruct the formalization process. For example, the traditional elders influence criminal cases, such as rape and murder, which are settled outside the formal judiciary system. The informality in Somaliland is also an obstacle to economic growth in the sense that investors understand formal systems and not informal institutions. In conclusion, informal institutions have been necessary during the early years of conflict and state building in Somaliland, but their necessity in the later stages of state building and improved governance is questionable.

Logan: Thank you for joining NokokoPod Dr. Ahmed. We look forward to reading your future works. Thank you.

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9 This was discussed in an earlier NokokoPod episode, Cochrane and Brown (2019). See also: Lekorwe (2011) and Moumakwa (2011).

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