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Traditional Structures in Peace and Security Consolidation: The Case of the House of Elders *(Guurti)* in 'Somaliland'

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Effective Strategies for Responding to Contemporary Conflicts in Eastern Africa

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Forward

The International Peace Support Training Centre (IPSTC) has made considerable contribution in research and training on peace support operations in the Great Lakes region and the Horn of Africa. The centre is a training and research institution focussing on capacity building at the strategic, operational and tactical levels within the African Peace and Security Architecture and has developed to be the regional centre for the African Standby Force (ASF) in Eastern Africa. It addresses the complexities of contemporary UN/AU integrated Peace Support Operations through exposing actors to the multidimensional nature of these operations. The research conducted covers a broad spectrum ranging from conflict prevention, management, and post-conflict reconstruction.

The Peace and Security Research Department (PSRD) of the IPSTC presents Occasional Paper Series 5 No 7 of (2014) on various themes on peace and conflict situations in Eastern Africa. IPSTC produced seven Occasional Papers in 2014. Three of them focussed on the Great Lakes Region while the others covered Kenya, Somalia and South Sudan. This publication titled: **Traditional Structures in Peace and Security Consolidation in Somaliland,** explores the role and contribution of the *Guurti* in peace and security in the internationally unrecognised state of Somaliland.

These papers provide insight into pertinent peace and security issues in the region that are useful to policy makers. These publications also provide significant contribution to the security debate and praxis in the region. The research products from IPSTC have been developed by researchers from Kenya, Burundi, Ethiopia and Uganda and will inform the design of training modules at IPSTC.

This Occasional Paper is an important contribution to the vision and mission of IPSTC. The research and publication of this Occasional Paper has been made possible by the support of the Government of Japan through UNDP and the European Union.

Brigadier R.G. Kabage
Director, IPSTC

Acknowledgement

List of Abbreviations

ANRS	Afar National Regional State
ASF	African Standby Force
AU	African Union
DFSS	Democratic Front for Salvation of Somalia
DRC	Democratic Republic of Congo
FGD	Focus Group Discussion
GDP	Gross Domestic Product
IPSTC	International Peace Support Training Centre
KII	Key Informant Interview
OCVP	Observatory for Conflict and Violence Prevention
PSRD	Peace and Security Research Department
SDR	Somali Democratic Republic
SNM	Somali National Movement
SRC	Supreme Revolutionary Council
SPM	Somali Patriotic Movement
SSDF	Somali Salvation Democratic Front
TNG	Transitional National Government
USC	United Somali Congress
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
US	United States of America

Table of Contents

1.0   Introduction

On 18 May 2014, the self-proclaimed and internationally unrecognised state of 'Somaliland' celebrated its 23rd year of *de facto* independence from the Somali Republic. Emerging after the collapse of the former Somali government in 1991, 'Somaliland' has developed into one of Horn of Africa's most stable democracies. Over the past 20 years, the people of 'Somaliland' have gone to the polls on five separate occasions to affirm the country's first constitution, and elect four presidents as well as local and national representatives. Domestic participants and international observers considered each contest peaceful, fair and free. The current and fourth President of 'Somaliland' is Ahmed Silanyo who was elected to office on 27 July 2010.

Although the government lacks capacity and resources,[1] 'Somaliland' fosters an active business community, its own central bank, a functioning national army and police force, and a relatively independent media sector capable of holding its public officials accountable. The government's Foreign Ministry also operates liaison offices in the United States (US), United Kingdom (UK), Italy and Ethiopia (Forti, 2011). The Government of Kenya also plans to open a diplomatic liaison office in Hargeisa[2] and has at the same time approved the opening of a liaison office in Nairobi for the 'Somaliland' region (Daily Nation, 2014). These achievements are highly remarkable especially when they are juxtaposed against Somalia's collapsed statehood.

'Somaliland's' success in state-building can be attributed to, among other factors, its unique hybrid political structure in which the modern operates alongside the traditional (Hersi, 2011; Forti, 2011; Renders and Terlinden, 2010; Moe, 2013). The 'traditional' institution is comprised of an assembly of elders (*Guurti*), formally institutionalised as the upper house and highest organ of the state while the 'modern' or the lower house is made up of an assembly of elected representatives. The *Guurti* was institutionalised in 1993 at the Borama Grand conference following

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1   Somaliland's economic sector is dependent on Diaspora-led businesses. The Government's 2010 budget did not exceed USD 50 Million, much of which was generated from taxing the livestock export industry. In 2012, GDP was estimated at $1.4billion (World Bank)

2   Hargeisa is the capital of Somaliland.

'Somaliland's' declaration of independence in 1991.[3] At the time, it was made up of 82 clan elders from across 'Somaliland' whose primary responsibilities were to maintain 'Somaliland's' fragile peace and mediate all outstanding disputes and any future conflicts. This combination was designed to balance clan representation within the new government so that the institution would best reflect the region's dynamics and eliminate clan pressures from unnecessarily influencing other branches of government.

In addition, the constituents of the lower house in this hybrid system were to be determined according to a formula for division of clan power that neutralised competing clan families in 'Somaliland's' new government. The constituents also agreed that regional and local disputes would be managed by the respective clans through the use of traditional Somali customs, which effectively reduced the administrative burden on the emerging government; ensured the local credibility of those intervening in the conflict; and safeguarded against the rise of a second predatory state. Creating a 'thin' and decentralised government, one with a limited mandate and functions, explicitly acknowledged that sensitivity to 'Somaliland's' contextual realities was imperative towards ensuring the government's future stability (Forti, 2011).

This political order has attracted significant attention from academic circles to the extent that some writers and commentators have viewed 'Somaliland' as a perfect laboratory of statehood in Africa, providing numerous lessons about how the concept and idea of statehood can be relevant and important in Africa today –albeit not in the sense perhaps anticipated by hopeful policymakers expecting to find a magic state-building potion (Renders and Terlinden, 2010; Hagmann and Peclard, 2010).

1.1 Problem Statement

Peace has been an elusive concept to many African countries plagued by civil war and conflict in the past decades. Such countries include the Democratic Republic of Congo (DRC), Somalia, Mali, and South Sudan, among many others. 'Somaliland', (one of the three regions that make up the pre-1991 Somali Republic) on the other hand has maintained relative peace in the last two decades without any outside

3   Borama is the third largest city in Somaliland and the birthplace of the *Guurti* in 1993

influence. Theirs has been a process of internal peace and state building, anchored by such values as commitment to dialogue and other non-violent means of resolving conflict.

Many people in 'Somaliland' assert that the *Guurti* has played an instrumental role in the country's state-building process and are crucial for maintaining peace and order. However, the hybrid system has been criticised for containing elements that limit progress and democratic development. The *Guurti* for example have on many occasions hindered the democratic process by either extending their term in office or extending that of the executive. In addition, the legitimacy of its members has become increasingly compromised, to the point that many people in 'Somaliland' today question whether the *Guurti* is at all a source of legitimacy for the government. This is not a matter of traditional authority having lost legitimacy in the 'Somaliland' context, but one of the *Guurti* not representing traditional authority anymore (Moe, 2013). The question that analysts are asking now is whether the *Guurti* is hindering the development of a modern viable state in 'Somaliland.'

Lastly, despite the fact that the 'Somaliland' constitution contains clearly stipulated guidelines laying out the powers and functions of the *Guurti* members, the House's appointment process remains a contentious and divisive issue. While certain provisions in the constitution hold that members of the House are to be selected, other provisions state that the members of the House are to be elected. It remains unclear whether or how these seemingly incongruous processes – selection and/or election – could complement each other or whether a complete reformulation of the appointment process is in order (Hersi, 2011; Forti, 2011).

In light of the above, it is clear that there is need to interrogate the House of elders in order to understand their evolving governance space, their role in peace and security, the challenges they encounter, their relevance in a post-conflict setting, and the opportunities for integrating traditional structures in similar post-conflict states in Eastern Africa.

1.2 Objectives of the Study

The main objective of the study is to assess the evolving governance space of traditional structures in Eastern Africa and their role in peace and security consolidation with special reference to 'Somaliland.' Specifically, the study is guided by the following objectives:

1. To examine the structure of the *Guurti* and how it has been incorporated in the new governance dispensation;

2. To assess the role of the *Guurti* in peace and security consolidation in 'Somaliland;'

3. To investigate the challenges of incorporating traditional structures in formal governance systems;

4. To identify opportunities for integrating traditional structures in the rebuilding of similar post-conflict states in Eastern Africa.

1.3 Research Questions

The overall question that this study hopes to answer is "what is the evolving governance space of traditional structures in Eastern Africa and their role in peace and security consolidation, with special reference to 'Somaliland'?" The study is also guided by the following specific questions:

1. What is the structure of the *Guurti* and how has it been incorporated in the new governance dispensation?

2. What is the role of the *Guurti* in peace and security consolidation in 'Somaliland'?

3. What are the challenges facing the *Guurti* in the modern governance dispensation in 'Somaliland'?

4. What are the opportunities for integrating traditional structures in the rebuilding of similar post-conflict states in the Eastern Africa region?

1.4 Justification

Many countries, which have gone through a period of civil war, struggle to build peace and security, a necessary precondition for state-building. This has not been an easy task for most countries such as South-central Somalia which has in many occasions continuously relapsed back to violence. Different actors (national, regional, sub-regional and international) have been invited in such war-torn states to help in the process of building peace and enforcing security, and mostly this has been in the form of sending troops, hosting leaders of warring clans and facilitating and/or brokering peace agreements. In some countries this has worked while in others it has not.

However, the case of 'Somaliland', a region in the same war-torn country of Somalia provides a unique and valuable lesson in peace-building to be learnt by neighbouring regions and countries seeking to consolidate peace and security. The recognition of the house of elders (aka *Guurti*) in this region and the use of their mobilisation and peace-making skills have proved that locally-led, community-driven, bottom-up peace building processes are more reliable and productive than internationally-driven, donor-sponsored, top-down ones.

This study contributes to knowledge on the governance space of traditional structures in 'Somaliland' and Eastern Africa at large particularly in the area of peace and security consolidation. In addition, the findings of this work are of use to policy makers and different actors keen on integrating traditional structures in peace building and state building processes. In other words, the study will contribute to the existing body of knowledge as well as to the ongoing policy debates in this field; hence the rationale behind this study.

2.0   Literature Review

This chapter reviews both theoretical and empirical literature. The first section discusses the ways and forms in which traditional structures have been integrated with modern structures of governance, with a focus on a few case studies in Eastern Africa. The second section examines available literature on the history of 'Somaliland,' the incorporation of the house of elders (*Guurti*) into the governance system, and the process of peace-building in 'Somaliland,' highlighting the central role played by the *Guurti i*n the same process. Lastly, a theoretical framework that guides the study is examined in detail.

Section A

2.1 Integrating Modern and Traditional Structures in Conflict Resolution in Africa

Africa is faced with the reality of numerous evolving states that have to grapple with the inevitability of conflict. On their own, the fledging institutions in these states are not able to cope with the huge demands unleashed by everyday conflict. It is within this context that the complementarity between traditional institutions and the modern state becomes not only observable but also imperative. The continuing role and influence of traditional leadership in modern Africa is hard to miss.

Nonetheless, the relationship between the state and traditional institutions should not be taken for granted for it is a contested terrain fraught with complexities. However, the uniqueness of traditional institutions, by virtue of their endogeneity and use of local actors, cumulatively enables them to either resist or even sometimes subvert the state. These institutions continue to demonstrate their relevance in post-conflict states. This is especially true in the context of weak states that are overwhelmed with ongoing state-building processes. There is no clear-cut formula regarding the interactions between state and traditional institutions but a relationship definitely exists between the two and understanding this could be central in the promotion of sustainable peace in post-conflict Africa (Mutisi, 2012).

2.1.1 The Case of *Abunzi* Mediators in Rwanda

When it comes to endogenous mechanisms of conflict resolution in Rwanda, the *Gacaca* courts dominate much of the literature and policy analyses. However, the *Gacaca* courts concluded their hearing of genocide cases in 2010 and what is now left is the finalisation of the reports of the *Gacaca* process. As Rwanda continues with its post-conflict reconstruction and quest for sustainable peace, the court has to grapple with the reality that conflict is an inevitable and permanent feature of social reality. The *Abunzi* is an attempt to carry on the agenda of local ownership of conflict resolution in Rwanda (Mutisi, 2012).

Literally translated, *Abunzi* means "those who reconcile." In Rwanda, the *Abunzi* are not necessarily either the first or the last institution to attempt to resolve disputes between parties. In some cases, parties go to the *Abunzi* when resolution at the family level (through the *inama y'umuryango*) or at the village level *(umudugudugu)* has failed to adequately resolve the conflict. However, of the institutions that resolve disputes locally, the *Abunzi* is the only one whose formal statutory mandate is dispute resolution through mediation. Mandated by Article 159 of the Rwandan Constitution, and the Organic Law No. 31/2006 and further by Organic Law No. 02/2010/OL on the Jurisdiction, Functioning and Competence of *Abunzi* Mediation Committees, the *Abunzi* is defined as "an organ meant for providing a framework of obligatory mediation prior to submission of a case before the first degree courts." In essence, the provisions of the Organic Law are such that the formal courts act as an appellate court and will not consider a dispute unless the *Abunzi* has first considered and ruled on the dispute, especially if the disputed property value is below 3 million Rwandese Francs.

The *Abunzi* mediators exist mainly at the cell level[4] although the mediation appellate is found at sector level. Article 2 of the Organic Law (2010) spells out two types of *Abunzi* mediation committees, namely the Mediation Committee whose jurisdiction is at the cell level and the *Abunzi* Appeal Mediation Committee whose jurisdiction is the sector level.

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4   Rwanda follows the decentralisation model of development which allows local governance structures to implement development, conflict resolution and justice processes. The country is divided into villages, cells, sectors, districts and provinces. There are approximately 2,150 cells across the country which exist within 416 sectors, 30 districts and five provinces (USAID, 2012).

Formally situated under the Ministry of Justice with the Ministry of Local Government providing administrative oversight, the *Abunzi* comprises 12 volunteers (plus three substitutes), all of whom must be residents of the cell. The Organic Laws (2006, 2008, and 2010) also spell out that *Abunzi* mediation committee members must not hold any other government administrative position in the community at the time they serve as mediators. A "bureau" comprising a president, vice-president and secretary heads the Abunzi committee. The Abunzi committees elect the president and vice-president and the secretary of the *Abunzi* is also the secretary of the cell.

In addition, the Rwandan constitution underscores that any institution of governance, including the *Abunzi* must comprise at least 30 percent women. *Abunzi* mediation committee members are expected to be persons of integrity who are acknowledged for their mediation skills. The cell council elects the *Abunzi* whose members serve a two-year term; which is renewable. The system of re-election is designed to give all qualifying members of the community an opportunity to serve on the *Abunzi* as well as prevent complacence, bias and corruption.

When it comes to the process of conducting the actual mediation, three *Abunzi* mediators hear and resolve the dispute. At the beginning of the first session each party is requested to choose one mediator from the 12 available at the cell level. The third mediator is mutually chosen by the two selected *Abunzi* and thus the panel is established. Before assuming their responsibilities, Abunzi mediators must take an oath of office in front of the local population and cell coordinator. The 2010 Organic Law mandates that the *Abunzi* makes decisions consistent with the law and also underscores the need for *Abunzi* mediators to settle disputes using conciliatory and mediation as the mandated approaches.

The Justice, Reconciliation, Law and Order sector of Rwanda defends the focus on mediation, asserting that it has the potential to resolve conflicts and improve relationships, which the more formal court system is less suited to do. Although *Abunzi* mediation committees are local just like the *Gacaca* courts and that their decisions often remain inspired by custom, the *Abunzi* function according to codified laws and established procedures. They encourage disputing parties to reach a mutually satisfying agreement but if necessary they will issue a binding decision.

The *Abunzi* have broad jurisdiction which ranges from civil disputes to criminal cases. They mediate over civil disputes related to land and other immovable assets whose value does not exceed 3 million Rwandese Francs. They also settle cases involving movable assets such as cattle. Other cases they are mandated to deal with involve civil cases involving breach of contract. In addition, the *Abunzi* mediate in family cases, including paternity, matrimonial inheritance and succession issues. Lastly, *Abunzi* mediators have jurisdiction over some criminal cases; including some land-related matters such as boundary disputes, cases of damage to crop and theft, larceny and extortion committed between members of the same family and killing or wounding without intent.

However, in terms of geographical jurisdiction, the *Abunzi* can only mediate disputes that involve persons from their sector. Sessions of the *Abunzi* mediation are conducted on-site; in the area the dispute took place and where the affected reside. Additionally, mediation sessions are conducted in public, which means that other community members also are free to participate.

Although the *Abunzi* mediation functions and jurisdiction are spelt out by the law, the institution, process and rituals associated with the *Abunzi* are uniquely Rwandan and they existed long before colonialism. Despite being a state-backed mediation process, the *Abunzi* system has become embedded in Rwandan daily life and character. The approach to mediation and local justice, although not free from fault, has the capacity to promote social rebuilding, bonding and negotiation of communities in contemporary Rwanda (Mutisi, 2012).

2.1.2 Traditional and Modern Peacemaking in the Afar Region of Ethiopia

The *Afar* Regional State in Ethiopia is currently undergoing a slow, but nonetheless radical transformation. Although it remains a somewhat peripheral region of the Ethiopian state, the *Afar* and their leadership are being incorporated into the Ethiopian state. This incorporation has brought about changes not only for the *Afar* but also in the Ethiopian state structures as they brush up against *Afar* institutions. As power structures are remoulded and interpreted to fit within the political geography

of the *Afar* Regional State, a 'creolisation' of power has occurred. That is, state power has been localised and altered to fit the local power paradigm (Sansculotte-Greenidge and Fantaye, 2012).

Under the Ethiopian Constitution of 1991 and the Constitution of the *Afar* National Regional State (ANRS), the role, functions and legal status of traditional institutions are vague to say the least. The Ethiopian Constitution recognises traditional law but only under Article 34 (5) where it allows citizens to resort to religious or customary laws in cases of personal and marital disputes. On the other hand, the Constitution of the ANRS in Article 33 (5), using almost identical language, allows individuals to resort to religious or customary law. Under Article 63, the ANRS Constitution also allows for the establishment of council of elders to be associated with each tier of the regional administration. Additionally, the ANRS Constitution under Article 65 formally recognises religious and customary courts which were in existence and functioning prior to the formal issuance of the Constitution. However, despite this vague legal standing, traditional conflict mechanisms in Ethiopia enjoy a vitality and relevance that makes them indispensable in some regions.

Traditional Authority in the Afar Region

The *Mekabon* and *Isi* – Mediators *(Isi)* are *Afar* elders *(Mekabon)* who play a critical and indispensable role in resolving conflicts between clans and sub-clans. They are often from neutral clans and are called upon to mediate and reconcile antagonistic clans.

Keddo Abba is the most important functionary in the *Afar* traditional system of governance and *it* means the "father of the clan." The *Afar* use the term to refer to the chiefs of clans and sub-clans, since they, unlike the Somali, do not distinguish between the two. The Chief of the clan/sub-clan is the official representative of a clan/sub-clan in his interactions with other clans/sub-clans and also in formal or informal interactions with state structures. Additionally, the *Keddo Abba* also plays a critical role in conflict management, resolution and reconciliation. In terms of the traditional system of conflict resolution, the word of the *Keddo Abba* is final and binding.

The process of dispute resolution between different parties is referred to as *Mable* by the Afar. In cases of intra-clan disputes or conflicts (disputes between members of the sub-clan), the dispute resolution system functions in a more immediate and relatively less formal manner. Relatives, neighbours and friends of the disputing parties may all try to mediate and reconcile the disputants. However, intra-clan disputes that involve issues such as homicide and the theft or killing of camels would invariably involve a more formal and elaborate procedure involving sub-clans or clan elders.

Since under the traditional system of customary law the notion of responsibility is not conceptualised at the level of individual but at the level of the collective unit, the likelihood of conflicts becoming violent is even greater. As a result, dispute resolution is handled with greater care. For example, dispute resolution in the case of a homicide where the victim and perpetrator come from different clans is far more formal and sombre, necessitating the involvement of the *Isi*. It is also quite common for the administrative tiers of the state to ask elders to initiate a reconciliation process before a conflict situation becomes unmanageable.

One of the immediate objectives of the *Isi* involved in a case of inter-clan killing is the containment of the tension and preventing escalation through revenge killings. One of the first steps that the elders take is, therefore, the seclusion of the clan or sub-clan to which the culprit belongs. Only the young and middle-aged men undergo seclusion as women and children are not legitimate targets in vendettas.

It is important to point out that in this process, the state apparatus in the form of zonal and village administrations play a central role. They are often the first to request the involvement of the elders and in a few cases even provide transport to enable the arrival of the elders. Using the police force, the state apparatus will often try to ensure that fighting and revenge killings do not occur or if they do, they will try to end or contain it. The police will also be used to guard the culprit's clan and sub-clan during the seclusion period.

Under the current federal system in the ANRS, therefore, a process of co-opting and cooperation between traditional institutions and formal state apparatus is well underway. This is a process bearing fruit where traditional institutions and mechanisms of conflict resolution play an invaluable role in conflict management, resolution, and reconciliation at multiple levels. At the same time, traditional figures have been co-opted into or may even have captured the formal state apparatus to the extent where the distinction between the two has become blurred (Sansculotte-Greenidge and Fantaye, 2012).

Section B

2.2 A Pocket of Stability: Understanding 'Somaliland'

Present day Somalia is best understood through its three distinct geographical and socio-political regions: south-central Somalia, 'Puntland' and 'Somaliland.' Despite the population's relative homogeneity, Somalia's five major clans are relatively clustered in and separated by these territories. While 'Puntland' is a relatively independent 'federal' unit of the central government, 'Somaliland' maintains complete autonomy and independence from Somalia and refuses to engage the 'federal' government in Mogadishu.

These diametrically opposed policy positions trace back to some of the distinct dimensions of Somalia's history and political crisis. Despite the fact that the regions all endured colonial impositions, the military regime and the subsequent collapse of its central government, each territory was shaped by and endured the conflict within their own frameworks and experiences. The territories have thus followed distinct development tracks relative to their counterparts.

There is however the Sool, Sanaag and Buuhoodle district of Togdheer region that are disputed areas between 'Somaliland' and 'Puntland' on one side (as both lay claims on the areas), and between the two regional entities and Khaatumo regional administration on the other. This territorial dispute between 'Somaliland' and 'Puntland' stems from 1998 when 'Puntland' formed and declared the region as part of its territory. Prior to that, it had been claimed by 'Somaliland' since the 1991 events of the Somali civil war. 'Puntland' claims this territory based on kinship ties

with the regions' dominant *Darod clans*; while 'Somaliland's' claims that the region was part of the former British Somaliland protectorate, which the self-declared regional entity regards itself as the successor to.

Politicians from Sool, Sanaag and Buuhoodle district of Togdheer region formed Khaatumo state in 2012. The people of Khaatumo region have always supported a united Somalia. The Khaatumo region was home to the *Dervish* State that existed from 1896 to 1920. The *Dervish* State was the birthplace of the struggle for Somali independence against the British and Italian occupation of **colonial** Somalia. **As a result,** Khatumo regional administration therefore lays claim to the Sool and Sanaag regions.

Adapted from Google Maps

2.2.1 'Country' Data

'Somaliland' lays claim to the territory of the former British Somaliland and covers up an area of 137,600 square kilometres. Due to its unrecognised status, its recent history of war, migration and displacement, as well as nomadic culture, it is not possible to accurately estimate the size of the population with any accuracy. In 1997, the Ministry of National Planning and Coordination had estimated the population at three million people and about 55 percent are thought to be nomadic. The urban population has increased rapidly, and was in 2002 estimated to be between 748,000 and 1.2 million (Moe, 2013).

Recently (2014), the World Bank has estimated the total population of 'Somaliland' to be approximately 3.5 million people. The Gross Domestic Product (GDP) for 2012 have been estimated to be $1.4 billion with its GDP per capita estimated at $347. This is the 4th lowest in the world, ahead of Malawi, the Democratic Republic of Congo (DRC) and Burundi. About 30 percent of GDP is derived from the livestock industry followed by 20 percent from wholesale and retail trade, including the informal sector, 8 percent from crops (in the north) and 6 percent from real estate activities. In 2012, 'Somaliland's' trade deficit was approximately $496 million which was financed through a combination of remittances and external aid (World Bank, 2014). Current school enrolment is much lower in 'Somaliland' than in all countries in the region. Only about half of the 6-13 year olds attend school.

With low levels of foreign aid ('Somaliland' did not benefit much from the high levels of aid to Somalia in the 1970s and 80s) and an embargo on livestock exports, 'Somaliland' has, nevertheless, formed a system of basic public administration, rebuild its security structures, its public and private infrastructure, and absorbed hundreds of thousands of returnees and held four elections (Moe, 2013). A major part of the reconstruction work has been financed locally through Diaspora remittances and trade networks. Remittance services have also provided a lifeline for the majority of poor households in 'Somaliland' as they mitigate vulnerability and sustain livelihoods among the population, through timely cash payments.

2.2.2 Pre-colonial and Colonial State(s): Different Historical Trajectories in North and South Somalia

The pre-colonial stateless society was a rather egalitarian one, in which social relations (on group level as well as individual level) were managed through the *Xeer*[5] *(*Somali customary law), which in combination with Islam**,** prevented disintegration of the lineage system (Moe, 2013; Forti, 2011). What gave the *Xeer* staying power in the absence of centralised coercive machinery was the voluntarism associated with absolute necessity of relying on one's labour and livestock rather than exploiting others (Samatar, 1992 in Moe, 2013).

With colonization in late 19th Century, Somalis were for the first time subordinated to a central state, ruled by the Italians in the South and the British in the North; leading to a shift of the locus of power and politics. At the time, southern Somalia together with its northeast enclave was known as the Republic of Somalia while the north was known as British Somaliland. While politics in traditional Somali society was taking place on the community level, during colonialism politics and power were transferred to the urban administrative centres.

The colonial experience of the North and South, becoming a British protectorate and an Italian colony, respectively, differed in important respects. Since the main interests of the British forces in 'Somaliland' was to secure food supply –Somali mutton – for their military garrison in Aden, and to prevent other colonial powers from taking control, they pursued a strategy of minimal economic and political interference. To the extent that the British colonizers exercised authority over the rural population (the vast majority of the population), they did so through the traditional leaders. Therefore, by and large, British Somaliland or the 'Republic of Somaliland,' similar to for example Southern Sudan, belonged to the 'no-government category' or an 'absent state' that is, unwilling and unable to project its authority beyond the capital (Moe, 2013).

As a result of the above, the British left the territory economically underdeveloped and marginalized, but they also left the traditional structures – which later became the basis for peace-building and state formation – largely intact. Quite differently, the Italians in the Republic of Somalia pursued a strategy of direct rule, and accordingly

5   Xeer is an unwritten social contract between any two units within the Somali kinship system.

imported a whole new political system with centralised economic planning, state appropriation and substantial support for big enterprises. The colonizers followed a strategy of uprooting local producers to force them to integrate with the increasingly centralised national economy. As for the cultural sphere, Somali practices, values and language were perceived as inferior and something to be 'overcome' in order to 'modernise' the society.

2.2.3 Post-colonial State (s)

Dysfunctional Democracy

By the time of independence, Somalia was expected to be one of the countries in Africa with the best chance of consolidating peace and statehood, due to its homogenous population in terms of ethnicity, language, culture and traditions. However, the economic and political reorganisation of Somali society during the era of colonialism had strengthened lines of inclusion and exclusion, and as in most countries under colonial rule, the colonial legacy laid the structural foundation of the post-colonial state (Moe, 2013).

The nationalist movements and parties emerging in the 1950s both in the south and north increasingly pushed for independence, which was finally granted by the British on 26 June 1960, and a few days later, on 1 July, by the Italians. Both legislatures held a joint session in Mogadishu on 1st July to officially unite as the Somali Republic, and each legislature enacted [the] Act of Union to unite the two states into one 'Somali Republic' (Forti, 2011).

The new Republic however faced significant challenges from the onset. Clan interests and patronage quickly infiltrated the political sphere as the fluidity of parties and candidates underscored the relative importance and eventual dominance of clan identity in Somali politics. Northern dissatisfaction with the merger also started to rise. There was a perception in the north that it was being politically underrepresented, and the hasty merger of the two different systems of administration left little room for articulation of northern interests and did little to address the British legacy of severe economic underdevelopment in the north. In the end, the high level of disintegration, corruption and increasing 'clanism' made a bloodless military coup possible.

Military Dictatorship: The Siyad Barre Era

On 15 October 1969, the then President of the Somali Republic, President Abdirashid Ali Shirmake was assassinated by one of his bodyguards, setting the stage for a hastened and radical restructuring of Somalia. As head of the government, Prime Minister Mohamed Ibrahim Egal assumed his obligations to oversee the appointment of an interim president. However, government critics, particularly those within the military felt and anticipated that the succession process would not be corruption free. As a result, the army instigated a bloodless coup and assumed control of the government. General Mohamed Siyad Barre emerged as the leader of a Supreme Revolutionary Council (SRC) and simultaneously catapulted himself into the vacant presidency. Through his policies of 'scientific socialism,' which was a combination of *Sharia*, Somali customary law and Communism, Barre sought to transform Somalia into a modern nation–state that would 'substitute the clan in providing leadership, security and welfare' (Scholiswohl, 2004). The same pro-Communist administration again changed the name of the Somali Republic to the Somali Democratic Republic (SDR). Since the break up of the civil war, there has been confusion over the changing names of Republic.

Following the abolishment of the constitution, the National Assembly, the Supreme Court and all political parties, Barre and the SRC unilaterally mandated themselves as the sole proprietors of the government. Despite public promises to eradicate clanism and decentralise power, Barre's policies inversely solidified clan ties while hoarding power in Mogadishu. The President also relied heavily on support from the Darod clan family and deliberately manipulated clan rivalries to neutralise all potential opposition; especially during the later half of his term. To consolidate power, Barre pursued a divide and rule strategy using the military and the state to support certain groups and exclude others. Soon the state had become a direct counterforce to development. Clan elders were integrated into the central government in an attempt to marginalise their power within local communities (Forti, 2011).

Despite Barre's repression of Somalis' democratic rights and failed economic policies, the president facilitated a number of positive reforms in the country, including the advancement of women's rights, the expansion of access to education and implementation of the first written Somali language. To spread the new language

and the methods and message of the revolution, secondary schools were closed in 1974 and 25,000 students from 14-16 years of age and an additional 3,000 military and civil service employees were sent to rural areas to educate their nomadic relatives.

Opposition Movements

Somali Salvation Democratic Front (SSDF)

The Somali Salvation Democratic Front (SSDF), initially known as the Democratic Front for Salvation of Somalia (DFSS), was a political and armed rebel group in Somalia. Founded in 1978 by several army officers, it was the first of several opposition groups dedicated to ousting the authoritarian regime of Siyad Barre. With its power base mainly in the *Majeerteen* clan, SSDF representatives, along with local elders, intellectuals and business people, were instrumental in the establishment in 1998 of the autonomous 'Puntland' region in north eastern Somalia.

United Somali Congress (USC)

The United Somali Congress (USC) was one of the major political and armed rebel groups in Somalia. Formed in 1987, it played a key role in the ouster of the government of Siyad Barre in 1991, and became a target of the US-led Unified Task Force (UNITAF) campaign in 1993. Following infighting, the USC later splintered into smaller groups. By 2004, with the establishment of a Transitional National Government (TNG), a process of disarmament was put in motion and some moderate ex-USC leaders were incorporated into the new interim administration. To-date, USC militias play an important role in what passes as elements of the Mogadishu-based Somali National Army (SNA).

Somali Patriotic Movement (SPM)

The Somali Patriotic Movement (SPM) was a political and armed rebel group in Somalia, and a key faction in the Somali civil war. Col. Ahmed Omar Jess originally commanded the SPM; later on replaced by the late Gen. Aden Abdullahi Nur (aka Gabyow), a defence minister under Siyad Barre. The SPM was based in the southern region of the country, and had considerable influence in Somalia. Together with the Hawiye-dominated USC and the Isaq-led Somali National Movement (SNM) in the north, members of the movement aimed at regime change and a possible democratic governance in Somalia.

Somali National Movement (SNM)

Following a period of marginalization, oppression and human rights abuses perpetrated by the military regime, a politico-military movement formed in the northern regions of Somalia (Somaliland) against the military regime. The Somali National Movement (SNM) was formed in London on 6 April 1981, with the aim of organizing armed opposition to the military regime. One of the unique governance features of the SNM was the fact that it practiced a degree of internal democracy within the leadership of the organisation. Over the course of insurgency, the SNM had five leaders; each was selected in accordance with the SNM constitution and involved a peaceful transition of power (Hersi, 2011; Moe, 2013).

Questions regarding organizational governance emerged during the course of the struggle. Some suggested that the modern governance structure of the organisation should incorporate certain traditional elements, such as the *Guurti;* while others suggested that civil society organisations should be included in the system of governance. However, in the end, it was agreed that the *Guurti,* comprised of the traditional leaders of clans, be integrated into the SNM governance system. The *Guurti* thus became part of the SNM and served a multitude of purposes: from resource mobilization (food, shelter, fuel, arms, and ammunition), to internal conflict resolution and mobilization of new recruits.

At the time of the incorporation of the *Guurti* into the governance structure of the resistance movement, the SNM constitution did not clearly stipulate the functions and the powers of the *Guurti*. Its formalization was only intended to preserve traditional institutions and be of use where needed. Yet, the importance of the *Guurti* ended up going way beyond this narrow mandate, as the *Guurti* took the extra mile and provided greater assistance to the effective organisational functioning of the SNM by preventing and resolving internal organizational disputes.

2.2.4 Internally-driven Reconciliation and Peace Building in 'Somaliland'

At the onset of Somalia's state collapse in the early 1990s, 'Somaliland's traditional leaders and SNM senior officials began to lay the foundation for the creation of a new and independent state. Beginning with local *shirs* (meetings) across the region,

elders invoked clan affiliations to establish a rapport, end violence and mobilise support for an independent northern territory, a move critical in framing the Barre regime as a common enemy of all northern Somalis.[6] A democratic and consensus-driven community forum, the *shir* is a diffuse, decentralised and broadly participatory system of rule. A majority opinion is necessary to obtain a verdict on any issue and consensus is mobilised through lengthy discussions between all participants. While all active men are active stakeholders in the *shir,* women are excluded: their dual-clan status restricts their ability to formally participate in a *shir* but does allow for women to engage with male participants behind the scenes.

Due to the respected positions they held in Somaliland's traditional society, these clan elders were able to cut across clan and sub-clan rivalries to develop a broad consensus on the need for peace and stability in the region. Among the most critical arguments advocated by these elders was the opportunity to finally separate the governance of 'Somaliland' from that of south-central Somalia. Thus, elders lobbied for unity amongst all constituents within the northwest region while using south-central Somalia as a constant reference point to elucidate the gravity of the upcoming negotiations, thereby rejecting the notion of *Soomaaliweyn* (Pan-Somalism).

Soomaaliweyn, Somali for "Greater Somalia" is best understood as a culturally defined national identity and heritage. As with many Somalia's traditional structures, *Soomaaliweyn* invokes the concept of a unified and connected Somali people. When translated into the context of colonial and post-colonial state-building, *Soomaaliweyn* is inherently tied to national and political unity. Both the Somali and 'Somaliland' flags boast five-pointed stars, celebrating the notion of unified Somali people. The five points of the star represent: British and Italian Somalilands, French Somaliland (present-day coastal Djibouti), the North-Eastern region of Kenya, and the Ogaden territory of Ethiopia (Forti, 2011).

The clan elders (*Guurti*) led the reconciliation process as a result of their traditional mandate to resolve conflicts and preserve peace. The *Guurti* organised 39 clan reconciliation conferences during the period from 1990 – 1997, which fulfilled a variety of functions including:

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6   Barre's military regime had targeted northern citizens during the war and devastated the region's most prominent cities, while the centralisation of power in Mogadishu consistently isolated northerners from a significant share of national resources.

- Restoration of peaceful relations between communities affected by war;

- Establishment of a relatively stable security regime in which law and order have increasingly fallen within the ambit of the partially–decentralised government;

- Establishment of local and national institutions of governance;

- Creation of a conducive environment to economic growth and the kick-start of what might be considered a more broadly–defined process of development.

The Burao[7] conference organised by the *Guurti* of various clans in 1991 fundamentally transformed 'Somaliland's political history (Hersi, 2011). Dozens of *Sultaans, Garaads, Ugaas*, and other traditional titled leaders participated representing the different clans of 'Somaliland' including the *Isaaq*, *Harti* and *Dir* clans. As it had no legislative mandate to approve the outcomes of the conference, the Guurti played only a mediating role. The deliberations of the conference were, therefore, submitted for approval to the SNM Central Committee, which was the only decision-making body present at the time.

The Central Committee presented the following outcomes:

- Reconciliation of the warring parties to the conflict;

- Declaration of the 'Republic of Somaliland' on 18 May 1991;

- A two-year transitional rule by the SNM and the incorporation of the non-*Isaaq* clans and sub-clans into the government structure during this period;

- Initiation of a separate reconciliation process for the *Sanaag* region.

These community-based, *Guurti*-led national reconciliation conferences paved the way for state-building efforts to begin. The *Guurti* had successfully managed to organise conferences and restore trust among the different clans (Hersi, 2011).

Building peace is a necessary precondition for state-building. Only once conflicts are resolved and trust among warring parties is restored can the state-building processes truly commence. On this premise, the *Guurti* was successful in establishing these

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7   Burao is one of the six regions that make up current 'Somaliland.'

preconditions by resolving inter-clan conflicts between the SNM and Siyad Barre's supporters in the north. Following the *Burao* Conference in 1991 where a two-year transitional government was elected, SNM internal tensions emerged over power-sharing arrangements. The *Guurti* did little to resolve tension within the SNM as they put their focus on the neutralisation of potential violent conflict between the *Isaaq* (supporters of SNM) and their neighbours. This neglected internal SNM conflict became an obstacle to the state-building processes. Violent armed clashes between competing factions within the SNM erupted in *Burao*, *Berbera* and *Hargeysa* from 1992 -1997. In October 1992, the *Guurti* stepped in, a cease-fire was reached in the town of *Sheikh*, and a grand conference was held in *Borama* from January –May 1993 (Hersi, 2011).

On 18 May 1993, the mandate of the former SNM-led interim government was about to end. There were two options: one was to hold the SNM's 7th congressional meeting, thereby extending the SNM's transitional authority and the other was to transfer power to an external body, such as the *Guurti*. This power vacuum helped the *Guurti* to become the first community-led legislative body with extensive powers and mandates. As a result, the *Guurti* became a hybrid political institution which combined traditional authority with modern functions, such as nomination of the president and interim legislative houses. The delegation of *Borama* conference (150 elders as delegates) also formulated a civilian-led government, electing a president and vice-president. In addition, the delegates adapted a National Charter and a Peace Charter intended to provide the foundation for peace and state –building (Hersi, 2011).

2.3 Theoretical Framework

The *Guurti* of 'Somaliland' can best be understood in the context of ongoing peace-building initiatives. Peace-building theories become useful lenses with which to analyse the *Guurti* mandate and its contribution to peace and security consolidation in 'Somaliland.' Peace-building theory can be traced back to the early 1990s when the then United Nations Secretary-General, Boutros Boutros-Ghali, popularised the concept of peace-building. Boutros-Ghali (1992) outlined the concept of peace building in his renowned publication, *An Agenda for Peace*. Various authors conceptualise peace-building differently, Cousens and Kumar (2001) perceive peace-building as a process in which political processes are imperative and critical. Employing a neo-liberal peace-building agenda, Cousens (2001) proposes the idea of 'opening up political space' as one of the major imperatives of peace-building. Greener (2011) contends that activities of peace-building would be meaningless if the broader political context is not considered while Barnes (2006) emphasizes that peace-building processes and initiatives must be embedded in local communities.

This study however employs the theory of bottom-up peace-building, developed by John Paul Lederach (1997). The approach, also known as "indigenous empowerment," is a comprehensive tool in the conflict resolution field. Lederach's conceptual model is based on the view that people possess a potentiality for peace. A core idea of the model is to empower local populations at the bottom and mid-levels of society by allowing them to consolidate and develop necessary resources for the implementation of a peace process, which could be later advanced onto elite levels. He further argues that peace-building resources include not only financial and material support, but also socio-cultural resources.

According to Lederach, people in the conflict-setting should be seen as resources rather than recipients. Peace-building should also draw on existing cultural resources. Lederach states that a successful peace-building strategy must reach all components of society and not just focussed on high-level political actors. Lederach's framework shows a substantial shift from state-centric to multi-track approaches to peace building; in which he extends an invitation to think of a conflict context in the same way one would as a biological ecosystem; in other words, one which is dynamic and interrelated. Peace processes cannot be achieved in isolation in one part of society

without simultaneous activities at other levels if the process is going to be truly transformative or indeed sustainable, given the pressures and temptation to revert to violence that are often placed on the system.

Lederach proposed a pyramid model of an affected population, consisting of three categories:

i)   Top level/leadership – consisting of military, political and religious leaders with high visibility;

ii) Middle-range leadership – consisting of leaders respected in sectors such as ethnic/religious leaders, academics/intellectuals, humanitarian leaders (NGOs);

iii) Grassroots leadership – consisting of local leaders, leaders of indigenous NGOs, community developers, local health officials, refugee camp leaders etc.

Figure 1: Conceptual Model

Conceptual Model, borrowed from Lederach, 1997.

Despite the importance of the middle-range and top levels, Lederach allocates a leading role in peace-building to grassroots leadership. According to Lederach**,** "the local level is a microcosm of the bigger picture. The lines of identity are often drawn right through local communities, splitting them into hostile groups. Unlike many actors at the higher level of the pyramid, however, grassroots leaders witness firsthand the deep-rooted hatred and animosity on a daily basis."

Lederach also implies that most of the social issues, such as human-rights abuses and inter-ethnic divisions, often start at the grassroots level. Accordingly, the actions taken by leaders of the state are slow to reach their actual beneficiaries at the bottom of the pyramid, i.e. grassroots community levels. By contrast, activities conducted from the bottom-up are more likely to be aimed at the actual needs and grievances of the affected population.

This theory puts in focus the study by illustrating the role and importance of grassroots leadership in peace-building. In this study, the house of elders (*Guurti*) of 'Somaliland' represents the grassroots leadership**.** The study makes the assumption that the *Guurti* is an indispensable institution for 'Somaliland's' success in peace. However, over time, the *Guurti* may have shifted from the grassroots to the top of the pyramid as the findings in the next section will show. At present**,** the *Guurti* is a very powerful institution at the top and it even blocks or amends bills passed by the lower house of elected representatives. In addition, the executive in 'Somaliland' cannot afford to be on the wrong side of the *Guurti* as it has the powers to extend the term of the executive. Although this shift essentially challenges Lederach's framework, which views the various levels of leadership as static, peace-building theory provides the best lenses to analyse this study.

3.0 Methodology

3.1 Research Design

The study adopted a qualitative approach. Yin (1994) argues that the choice of a research strategy should be determined by the nature of the particular research question posed. The research questions in this study pointed to a qualitative approach. For example, questions on how the *Guurti* has been incorporated into the new governance dispensation as well as their contribution to peace and security consolidation in 'Somaliland' required detailed stories from the *Guurti* members themselves, lower house members and key informants that were selected. The researcher could not get this kind of information through the use of quantitative methods.

3.2 Study Site

The study took place in 'Somaliland.' Due to 'Somaliland's' unrecognised status, its recent history of war, migration and displacement, as well as nomadic culture, it is not possible to get accurate data, for example the size of the population. In 1997, the Ministry of National Planning and Coordination had estimated the population at three million people. About 55 percent are thought to be nomadic. The urban population has increased rapidly. In 2002, for example, it was estimated to be between 748,000 and 1.2 million (Moe, 2013).

Data for this study was collected in *Hargeisa* and *Borama*. Apart from being the political and economic capital of 'Somaliland,' *Hargeisa* is where the house of *Guurti* is located and it is where they carry their day–to-day activities and meetings. This was convenient to the researcher as it was easy to access the *Guurti* members. Borama, on the other hand, is the third largest city in 'Somaliland' and the birthplace of the *Guurti* in 1993. These two sites were purposively selected for the reasons discussed above.

3.3 Data Sources and Data Collection Methods

Primary and secondary data sources were utilised in this study. Primary data was collected from respondents purposively selected to represent different segments of society and to provide accurate and sufficient data that was required to answer the research questions. Focus Group Discussions (FGDs) and Key Informant Interviews (KIIs) were the main methods employed in primary data collection. Four FGDs, comprised of 10 participants each, were conducted in both sites.

- FGD 1 - *Guurti* members (*Hargeisa*);

- FGD 2 - Lower House members (*Hargeisa*);

- FGD 3 - Ordinary citizens (women) *Borama*;

- FGD 4 - Ordinary citizens (men) *Borama*.

FGD 3 and FGD 4 were conducted so as to represent the views of the governed; in other words the subjects. In addition, five key informant interviews were conducted in each site with representation from the business community, academia/intellectuals and commentators on Somaliland's politics, civil society organisations, traditional elders and religious leaders. Interview guides were developed for the FGDs as well as the KIIs. Secondary data - mainly desk study and analysis - was sourced from books, journals, newspaper articles, web-links etc.

3.4 Data Analysis

Data collected in the field was analysed using qualitative methods. Since qualitative research generates extensive amounts of data, a researcher should try to reduce it by developing categories and codes for sorting and refining the data. Therefore, data obtained from the in-depth discussions with FGD participants and KIIs was developed into categories and codes which was analysed into themes in relation to study objectives and research questions.

4.0 Study Findings

This chapter reports the findings of the study thematically and according to the objectives of the study outlined in the introduction. These findings are informed by data collected from 51 respondents in two sites. Table 1 shows the distribution of respondents.

Table 1: Distribution of Respondents

	Hargeisa	M	F	Borama	M	F
Focus Groups	House of Elders	10	0	Women Focus groups	0	11
	House of Representatives	10	0	Men Focus groups	10	0
Key Informant Interviews	Policy Institutes	1	0	Amoud University	1	0
	Social Research Institutes	1	0	Activists	0	1
	Women Organisations	0	1	Business Representatives	1	0
	Hargeisa University	1	0	Elders	1	0
	Guurti Secretariat	1	0	Religious Experts	1	0
Totals		**24**	**1**		**14**	**12**

Source: Field Data, 2014

4.1 The Structure of the House of Elders (*Guurti)*

The word "*Guurti*" refers to male elders in 'Somaliland.' Therefore the House of *Guurti* is supposed to be a 'men only' house. All the respondents agreed upon this definition of the term. The current *Guurti* consists of 82 male elders. Most of the respondents argued that despite the constitution clearly stipulating the criteria that should be used in selecting members of the *Guurti*, the criterion was in most instances overlooked. One member of the House of Representatives observed the following:

> *"Their specialised knowledge in religion and culture were the main criteria used to select the Guurti members. Additionally, age was an important factor; the constitution talks about a minimum age of 45 years. Women were not allowed to become members of the Guurti. The word Guurti means male elders acting as mediators and the constitution talks strictly of a house for the male elders, unless the constitution is amended....."*

The respondents argued that in terms of representation, the *Guurti* house is the fairest of them all as it ensures that all clans and sub-clans in 'Somaliland' are represented. This is unlike the lower house (the House of Representatives) where minority clans and sub-clans do not have representatives since members go through elections and minorities most often lose as they are unable to buy seats in the house. A key informant in Borama argued that:

> *"The Guurti has served their purpose and they deserve to be praised and rewarded. The structure is very clan-based; it is the only house where every existing clan is fairly represented and accommodates even the minority clan groups...."*

There have been no elections or nominations in the House of *Guurti* since the 1993 conference held in *Borama* that formalised the house. Therefore, the current membership of the *Guurti* has been in place since 1993. Although the majority of the senior members have died, every clan and sub-clan is represented in the house. The *Guurti* members interviewed agreed that the constitution requires them to be in the house for a period of six years but their term has been extended four times. Members of their immediate family have replaced those who have died; and the replacement has therefore been kind of hereditary.

The *Guurti* in 'Somaliland' performs many duties and responsibilities. These include: debating and passing legislation related to religion, tradition (culture) and security. The *Guurti* also reviews legislation approved by the House of Representatives with the exception of financial legislation. The *Guurti* are therefore law-makers but they do not debate or pass financial-related laws. This is the responsibility of the Lower House. The argument for this is that most of the *Guurti* members are not educated and they have no background knowledge on financial matters.

In addition, historically, their role has been one of mediation and conflict resolution as opposed to dealing with financial and other related issues.

The *Guurti* are also peace-makers; when there is conflict in any part or region of the country, they send a delegation of elders (from the House) to help mediate between the parties, resolve the conflict and restore peace in that particular region. They also do a lot of proactive activities meant to raise awareness on the importance of peace. For example, before general elections, they travel all around the country together with other groups, for example, religious leaders and they talk to people about the need to maintain peace before, during and after the elections. Therefore, in a way, they act to prevent chaos and conflict.

The *Guurti* also arbitrate or mediate between the power struggles of the different organs of the state. They also summon members of the different organs of the state such as the heads of ministries and ask them questions about the fulfillment of their duties.

The two houses of parliament in 'Somaliland' are located in the same compound. The buildings are a look-alike, in terms of size and design. The two buildings overlook each other and they are located at the centre of the city of *Hargeisa*. Most of the time, the two houses hold separate meetings but once in a while they may sit jointly, such as when the President is opening the two houses. The Lower House performs the following key duties:

- Confirming the appointments of ministers, deputy ministers and other heads of the organs of state;

- Debating and approving the programme of the government;

- Ratifying governmental (international) agreements and treaties such as economic, political and security agreements or those agreements which impose new financial burdens, which are not usually covered in the budget;

In addition, their legislative powers extend to financial matters such as the imposition of taxes, duties and other schemes for raising revenue, printing of currency and the issue of bonds and other securities as well as the regulation of the economic and financial systems.

Just like the Upper House, the Lower House has the power to summon the government's organs or agencies in order to question them about the fulfillment of their responsibilities and performance of their duties.

4.2 The Incorporation of the *Guurti* in the Current Governance Dispensation in 'Somaliland'

All the respondents acknowledged that the *Guurti* has a long history in 'Somaliland,' long before its formalization and subsequent constitutionalization in the later years. One *Guurti* member noted that:

> *"Before colonization, the people of 'Somaliland' were nomadic pastoralists and, at the time, there were no centralized governance structures that existed. Elders, however, filled this gap and communities/clans lived together in harmony. The elders did not have official offices but came together on an ad-hoc basis during conflicts, marriages or when responding to any other social issues. As incidents unfolded, an ad-hoc committee of elders would ask if a similar incident had taken place in the past and whether there were provisions in the customary law to resolve it or whether it was a new unfolding incident which required the establishment of a new customary law (xeer)...."*

> *"It has been the tradition of the people of Somaliland to resolve their disputes under the tree, a process always led by elders....." Respondent X, member of the House of Representatives, 'Somaliland.'*

These observations concur with available literature which suggests that traditional structures such as the elders were largely active and intact in 'Somaliland,' just like in other parts of Somalia, before, during and after colonization.

According to the respondents, the history of the current *Guurti* dates back to the period between 1988 and 1989 during the SNM struggle (in the north) against the dictatorship regime in the south. At the same period, the former regime forces pushed SNM fighters out of *Hargeisa* and most of the fighters died in the battle. Consequently, *Hargeisa* was seriously bombarded and everyone fled to refugee camps

in *Hawd*[8] and inside Ethiopia. As a result, several prominent *Isaq*[9] elders gathered in *Cadaroosh* (where the *Guurti* of the central clan/*Isaq* were formed) and discussed the way forward, that is, to push on with the struggle or to surrender to the central government. The elders agreed on the latter option and, to do this, they decided to solicit grassroots support, funds, arms and fighters for the struggle against the then powerful regime.

Politicians and former military officers led the SNM struggle. There was, however, need to secure the support of the grassroots and only the elders could do this. It is only the elders who could mobilize the masses and influence them to support the struggle. The role of the elders in the struggle was to mobilize funds, recruitment of troops and to legitimize the struggle. One key informant observed the following:

> *"The struggle won the hearts and minds of the masses and the recruitment of fighters was shared by the clans and sub-clans the way they divide the blood-compensation amongst themselves. Each clan provided a certain number of fighters equivalent to their share in the clan or sub-clan blood compensation..."*

Additionally, the *Guurti*/elders played a role in the mediation of leadership conflicts within the SNM. For example, they mediated conflicts on who should lead the SNM and conflicts between the chairman and the executive committees. As the *Guurti* successfully solved such leadership conflicts, it outrightly became a conflict resolution body of the SNM.

In 1990, the SNM held a grand conference in *Baligubadle* (60km South-west of *Hargeisa*) and drafted a charter, of which Article 2 formally provides a role for the *Guurti*. However, the charter did not give any other details despite the fact that the elders played a pivotal role in conflict resolution, mediation of clan conflicts and conflicts within the SNM leadership.

In early 1991 when Somalia's central government collapsed, the *Guurti* elders from the Isaq who led the struggle and the *Guurti* of the non-*Isaq* clans who were not actively part of the struggle had a meeting in *Burao* where they agreed on a seven-point declaration, including declaring the independence of 'Somaliland.'

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8   A region in 'Somaliland.'
9   The largest and most dominant sub-clan from the northern Dir in 'Somaliland.'

The elders also agreed that SNM forms a two-year interim government and then hand over power to a civilian government. In this meeting, the *Guurti* from all clans of 'Somaliland' took the lead in national reconciliation. The elders believed that an all-inclusive social reconciliation was a prerequisite for state-building. A key informant interviewed in *Hargeisa* observed that:

> *"One lesson that 'Somaliland' learned from the conflict is that social reconciliation and sorting out differences within the community is a precursor to state-building. During the SNM struggle, there were those who were in support of the struggle and those who still supported the central government. SNM could not reconcile these people/clans as it largely represented one clan; the Isaq. SNM could neither represent nor could it be trusted by other clans such as the Gadabuursi, the Issa, the Harti and others who were neither part of its structure nor the struggle......"*

The respondents argued that at the time, there was need for a neutral and impartial party to lead the social and political reconciliation processes and the *Guurti* identified itself as this party. In 1992, the *Guurti* of different clans organised the historic *Sheikh* conference on 20 October. The conference concluded with a 19-point declaration of strengthening peace and reconciliation in 'Somaliland.' The elders agreed that clans should reconcile and forgive each other. In addition, the *Guurti* were also to start disarming the militia groups within the SNM as they had successfully completed their other tasks. In the *Sheikh* meeting, the *Guurti* agreed to organise the historic *Borama* conference and selected the delegates that would represent them.

> *"The Guurti members selected in Burao were different from the traditional elders in the sense that traditional elders represented their specific clans but the Guurti members were unified, gained respect of neutrality, led the process of forgiveness and reconciliation and played an important role in the social cohesion which was a precondition for political reconciliation and state building...." Respondent x, member of the House of Representatives, Somaliland.*

Lastly, the *Sheikh* conference coincided with the arrival of the United Nations Mission in Somalia (UNOSOM- I). The British ambassador to Ethiopia, James Glaze went to the *Sheikh* conference and was handed a declaration from the conference.

Part of the declaration said that clans in 'Somaliland' would not welcome the UN peacekeeping mission in their land, as the clans can solve their conflicts using indigenous approaches. A key informant observed that:

> *"The historic outcomes of Sheikh Conference were that UNOSOM did not come to 'Somaliland.' The second outcome was the agreement that they would hold a Borama grand conference. The third outcome was the selection of clan delegates that would attend the Borama conference and the fourth outcome was the transfer of authority to Guurti temporarily, that is, the Guurti agreed to run the affairs of the country temporarily. Additionally, the Guurti agreed and stated in the declaration that each locality sets up peace committees and every clan take the responsibility of insecurity incidents in their territories. This last declaration is the one that salvaged the people of 'Somaliland' from killing each other......"*

In 1993, the elders of 'Somaliland' organized the *Borama* Grand Conference which attracted 150 delegates from all clans in the region. The conference went on for months and after long deliberations, a charter was agreed upon as there was not enough time to draft a constitution. In this charter, the *Guurti* were formalised as an institution of parliament and they became the upper house. A key informant noted that:

> *"The elders asked the politicians and scholars at the conference to come up with the government structure which 'Somaliland' would adopt such as parliamentary system, presidential system, or rotational system. After one month, they failed to agree on one system and instead split into proponents of different structures. Finally, the delegates agreed on the current presidential structure of the President, Vice president and two houses of parliament...."*

The elders' role was very visible in all stages of 'Somaliland' state formation and particularly in the *Borama* conference. After the SNM succeeded in its struggle, there were only two options: the winner-takes-it-all, which implied that SNM which toppled the regime and constituted mainly of *Isaq* clan takes everything or to reach a comprehensive power-sharing arrangement and involve all those clans who were not part of the struggle. The respondents argued that it was indeed the *Guurti* who

suggested the second option in order to ensure inclusivity. Therefore, in the *Borama* conference, various politicians were nominated by their clans for the positions of president and vice president and the delegates voted for them.

In the end, the country had a president from the *Isaq* clan and a vice president from the *Gadabuursi* clan. This was, according to a key informant, successful political reconciliation which was made possible due to the social reconciliation that was already going on. In a nutshell, the elders facilitated social reconciliation, disarmament of militias, fostering public trust and political reconciliation and they also facilitated the transition period where SNM interim government transferred power to a civilian government in a peaceful manner in 1993.

In conclusion, the *Guurti* remained an informal body until 1993 when they were formalised, by their inclusion in the national charter and governance structure of 1993. In 2001, the *Guurti* was constitutionalized after being included in the national constitution which was passed through a referendum in 2001. Chapter Two, Articles 57 - 79 of the constitution provides for the House of Elders. The constitution granted them legislative powers unlike the traditional powers that they enjoyed before. At present, the *Guurti* reviews all legislation (including that which has been approved by the House of Representatives) before forwarding it to the president, except for financial-related laws. The *Guurti* also has a special responsibility of passing laws related to security, culture (tradition) and religion. In addition, the House has the powers to amend or block laws which are not of national interest. From 2001, the elders' role took a new angle as they became part of modern governance and this is how the current hybrid system of governance emerged.

4.3 The Role of the *Guurti* in Peace and Security Consolidation in 'Somaliland'

> *"After 23 years, a lot has changed and the behaviour of the people is gradually changing. Elders, however, still remain quite relevant and whenever there is a crisis, elders are the only ones who are capable of diffusing the tensions and no one challenges their jurisdiction. When political parties have internal disputes and leadership wrangles, Guurti is the only body that mediates their conflicts and their mediation renders relief to the people. The peace and stability that 'Somaliland' enjoys today was brought about by elders and without them, we would not be so different from the unstable parts of the region." Key informant in Borama.*

The above sentiments summarises what the people of 'Somaliland' feel about the *Guurti*. All the respondents acknowledged the importance and the positive role of the *Guurti* in peacemaking and peace-building in 'Somaliland.' To start with, the *Guurti* has the responsibility of passing and reviewing laws related to security. The lower house is excluded from this. This is provided for in Article 57 of the constitution. In addition, they have the responsibility of reviewing all laws from the lower house and have the powers, as earlier mentioned, to amend or block laws which they deem unfavourable for national interest.

Secondly, the *Guurti* played -- and continue to play -- a major role of reconciliation in 'Somaliland.' After the war, the *Guurti* held many reconciliation conferences to try and reconcile the people and clans. During the SNM struggle, so many people died and others were displaced. Different clans and regions supported the struggle while others were still in support of the former central government. The elders reconciled all these groups of people, with little or no resources at all. In addition, they managed to disarm the clan militias that were used to fight the former government and made sure that the militias were integrated in the national police force and army. This is a role that they have carried on until present. To do this, they continuously work with the traditional clan elders in different communities (sultans) as well as religious leaders.

A respondent in a women focus group discussion in *Borama* observed that the conflicts that occur in 'Somaliland' are mainly clan-based. The *Guurti* has been very reliable in bringing such clans together and reconciling their differences. She argued that:

> *"When conflicts happen in our community, they are referred to our local traditional elders, if they are still not capable of settling the issue, then it is taken to the Guurti for a final verdict...."*

Thirdly, the *Guurti* play a major role in mediating and solving disputes and conflicts in 'Somaliland.' Although the *Guurti* is formally a legislative arm of the state, usually it performs so many other duties that are outside of its jurisdiction, particularly those that have to do with mediating and solving conflicts. The *Guurti* mediates all types of conflict, that is, conflict within clans, inter-clan conflicts, conflicts between community elders, conflicts between different arms of government (such as the Executive and House of Representatives), conflicts between heads of government organs such as ministries and conflicts between political parties among others.

The *Guurti* members interviewed acknowledged that there have been many occasions where they have been called upon to resolve conflicts even within families. A respondent from the House of Representatives gave the following example to demonstrate how the *Guurti* is mediating disputes within political parties despite the fact that the constitution has not given them the mandate to interfere with politics and political parties:

"Immediately as we came to office, the opposition MPs and those of the then ruling party conflicted on the leadership of the House. Although the ruling party got 33 seats out of the 82, the two opposition parties united and agreed to share the leadership of the House amongst them. They nominated a chairman from one party and two deputies from the other party. This act did not please the ruling party by then. After a serious political stand-off, the Guurti formed a committee that was tasked to mediate the conflict. After careful deliberations the committee ratified the decision of the opposition parties and submitted their decision to the President. The President asked them whether it was constitutional that the ruling party with the majority MPs can lose leadership in the House. The committee responded that it is not constitutional but it was the solution at the time. They argued that the President's party had been in power but the opposition were still hungry for power, hence the reason they decided to satisfy their thirst. The President accepted the decision and the problem were solved..."

In addition, a key informant in *Hargeisa* argued that only recently there was a dispute between the House of Representatives and the President due to some nominations that were previously done in parliament. The *Guurti* was called upon to intervene and help resolve the dispute.

Fourthly, in addition to mediating and resolving disputes, the *Guurti* also works to prevent conflicts and keep peace. For example, the *Guurti* members recently spent some time in *Sool* region promoting peace. *Sool, Sanaag* and the district of Buuhoodle in Togdheer are disputed regions claimed as part of their territory by both '*Puntland*' and '*Somaliland*.' In addition, the *Guurti* members initiate and send delegations to different parts of the country to preach peace. Such delegations are first sent to the local elders and the elders and religious leaders are required to rally behind the *Guurti*. The *Guurti* also raise awareness on issues, which if not addressed can lead to conflict. For example, before and during local and general elections, the *Guurti* organise themselves into small groups and visit each district to inform the local people of the upcoming elections and the need to maintain peace.

Lastly, the composition of the house of *Guurti* and its neutral standing acts to promote peace and reduce conflicts. In terms of composition, the house represents each and every clan and sub-clan. There is a perception by all the people that the

Guurti house ensures that everybody is represented and this perception of fair representation is very important in preventing disputes amongst clans and possible conflict. In addition, the House is perceived as neutral and this fosters trust from the people and consequently allows the House to successfully mediate conflicts as a religious leader in Borama observed:

> *"The elders were selected on clan basis and all clans and sub-clans have representatives in the house. This has helped the Guurti to be seen as a fair representative and neutral body, a perception that has facilitated the Guurti to successfully mediate most of the conflicts. Recently there was post-election violence in some areas like Saylac district and it was the elders who successfully mediated the conflict. Government officers and elected MPs were seen as partial in the Saylac conflict and could not be trusted by the people to mediate the conflict."*

4.4 Challenges and Weaknesses of the *Guurti* in Modern Governance Dispensation

All the respondents were in consensus that the *Guurti* is a very much-needed institution in 'Somaliland.' They acknowledged that the *Guurti* is currently facing some challenges which need to be addressed so that it can be able to effectively exercise its mandate. These challenges include the fact that the replacement of the *Guurti* still remains a highly contentious issue. The laws that are supposed to guide this process are somewhat vague in the Constitution. Article 58 of the Constitution**,** for example, says that the members of the House of Elders shall be elected in a manner to be determined by law. This determining law has never come into existence. In addition, the Constitution has contradictions on whether the *Guurti* should be replaced through selection or 'election.' The replacement today is done through heredity, something that most of the respondents were not happy with. They argued that ideally, when a *Guurti* member dies, another elder should be selected from his clan group to replace him. However, this is not the case. The *Guurti* select a member of the same family, such as a son or grandson to replace the deceased member. Sometimes this is done so that the person who takes over can continue to earn a livelihood and support the deceased family. One key informant in *Borama* observed that:

> *"The replacement process today is done through heredity and anybody today is able to become a Guurti member. The initial structure was very good but it is not the same anymore. The earlier Guurti members had wisdom, credibility, honesty and they were trustworthy. The original criterion for members has been diluted and the quality of the House is declining. The structure today defeats the whole purpose of the House with young members taking the place of their fathers or grandfathers..."*

When asked why they do this, the *Guurti* members interviewed argued that many disputes and issues arise when they do not follow the heredity procedure. So, they just do this to avoid conflict with the families. In addition, those who are selected to replace the deceased members of the *Guurti* are sometimes too young. The constitution defines a minimum age of 45 years for membership in to the *Guurti* house and this is not always followed. The current *Guurti* has many young men below the age of 45. This is also an issue that all respondents are not happy with.

> *"The Guurti is losing its ingredients....it is this tendency of inheritance which is killing the Guurti. The Guurti we have now is no longer the Guurti of 1993/97, and it will soon become the house of youth not the House of Elders...."* Focus Group Discussion with House of Representatives

All respondents pointed out the age factor in the house of *Guurti* which, according to them is affecting the overall quality of the House. For example, some argue that the youth members who have joined the house are detached from the reality in 'Somaliland' and they are lacking in conflict resolution skills. Others argued that the *Guurti* members (old and young) do not understand each other because of the age barrier while others maintained that the young members still show respect to the old members. However, all respondents were in contention that the youthful members maybe lacking in wisdom and experience, something which affects the overall effectiveness of the house.

Another challenge that is facing the *Guurti* house is that most of its old members have passed away. Most of the respondents argued that this is what is causing the decline of the House. Unfortunately, there is so far no documentation of their experiences, therefore they die with all the knowledge that they possess. The original

Guurti comprised of respected elders who were well versed in the tradition, religion and culture of the Somali people. According to a key informant in *Hargeisa,* the *Guurti* that was elected in 1993 comprised of 75 elders and in 1997 the number was increased to 82. Amongst those who were selected in *Borama* in 1993, only 12 elders are still alive today. The rest have passed away and mostly it is their sons who have replaced them. The challenge at present therefore is how to refresh the current *Guurti*.

The *Guurti* does not always follow the Constitution to the letter. This is another weakness of the *Guurti* as reported by some respondents (2 KIIs, Women FGD, and House of Representatives). Sometimes the *Guurti* has mediated a compromised solution dictated to them by the circumstances at the time. For example, there was a scenario where a woman joined the House after she inherited the position from her deceased husband. In this case, the *Guurti* did not follow the law to the letter. After some time however, although the woman's participation was appreciated and her efforts were well recognised, a binding decision of her resignation was made by the same *Guurti*. A focus group discussion with women in *Borama* concluded that:

> *"Members of the Guurti should be selected or 'elected' based on their knowledge of culture and religion and not politics. The Guurti members do not have to be the most educated or hold a diploma of some sort, that is all unnecessary. When they are making decisions, they open up the holy Quran and not the 'Somaliland' constitution. This is the main reason why the Guurti resolves issues most successfully."*

The *Guurti* has also been accused of being undemocratic in making some of its key decisions. It has also been accused of bowing down to the executive demands. Also, the executive has been accused of using the *Guurti* to reject policies which it deems unfavourable. A key informant in *Hargeisa* argued that:

> *"A majority of the traditional elders do not believe in democracy. They argue that it is the practice of 'infidels' and the teachings of the Western world. Mostly their judgements are not based on democratic values but rather religious and cultural considerations..."*

In addition, the *Guurti* has remained in office for over 23 years now while the Constitution clearly stipulates that the period of office for the House of Elders is six years beginning from the date of its first meeting. Apart from continuously extending their term in office, the *Guurti* has also extended the term of the executive but this has been done for a number of varied reasons, for example when the voter registration is not complete and the necessary conditions for fair and democratic elections are not in place. In short, the *Guurti* members interviewed said that sometimes they have been forced to extend the term of the executive so as 'to save and salvage the country.'

The respondents also acknowledged the fact that most of the *Guurti* members are not formally educated. However, they did not see a big problem with this since the House is supposed to pass laws related to culture, security and religion. This, the respondents argued that they can do without formal education. However, a few argued that the *Guurti's* illiteracy may affect their ability to make pragmatic decisions.

> *"Elders were selected on their specialized knowledge on religion and culture. Secondly, we in the Lower House initiate bills and pass to the Guurti for approval and mostly the Guurti return the bill with changes and most of us in the House of Representatives accept the changes since we know that the Guurti is more experienced than us; they are able to connect the dots and have very analytical minds.." Focus Group Discussion with House of Representatives.*

Clan affiliations and the need to balance clan interests were identified as a challenging issue, not just for the *Guurti* but for 'Somaliland' in general. A key informant in *Hargeisa* argued that *Guurti* members and government officials are not in office based on their competencies but rather on their clan or sub-clan affiliation. Sometimes if a position becomes vacant even in the civil service, it is expected that a person from the same clan or sub-clan should take up the position, regardless of whether they are competent in the job or not.

The respondents also reported that currently there is a perception that the *Guurti* are becoming political and/or are getting involved in politics (men FGD, House of Representatives). They pointed to the current chairman of the *Guurti* who they said is a well-known politician who contested in a previous election. In addition,

they argued that some of the elders have allegiances to different political parties and politicians try to influence the elders, and this is affecting the credibility of the House. Others argued that some *Guurti* members have been seen attending political rallies. A focus group discussion with men in *Borama* revealed the following:

> *"It is the regime of President Dahir Rayaale that started this interference with the Guurti by bringing the current chairman of the House who is a prominent politician and the decline of the Guurti started from there....the Guurti's mediation of political conflicts has affected them; there are some Guurti members who attend political rallies. It is the combination of all this that is acting as a catalyst for change and loss of credibility of the House......"*

Some respondents identified lack of women representation in the *Guurti* as a challenge (2 Female KIIs, 3Male KIIs). It is important to note, however, that the only women FGD interviewed did not see the need for female participation in the *Guurti*. They argued that traditionally male elders have been occupying the House and therefore female candidates do not have a place in the House and that female participation would only disturb the system. The word *Guurti* itself connotes a male elder and this causes a threat to women's participation. In line with this, a key informant in *Borama* argued that:

> *"Unequal representation of females in the house of Guurti remains a challenge. Although women do not have the traditional knowledge that our elderly men have, they would bring something unique to the House. We should not marginalize the women who form a big part of our population, this must change. Although they may never be accepted in the House, I believe a separate institution could be made as part of Guurti where women can be nominated in ..."*

"The Guurti house is based on traditions and, in our tradition, women do not act as Guurti. We need to stick to our traditions and not allow women in the House. I do not mind to see women in the parliament or in the executive........ Women constitute the biggest portion in our community and they understand the needs of our community well, so I would not suggest women representatives in the Guurti house are better attending to other community issues......it would be disgusting if women are sent to mediate a conflict between clans, so, bringing women into the Guurti to act as mediators is not going to work. Therefore I would not recommend them to the House because of the nature of the work done by the elders...."Men focus group discussion in Borama

4.5 Framework of Analysing the Incorporation of the *Guurti* in Modern System of Governance

While the respondents gave a historical chronology to this research question, a framework of analysis based on a few governance principles can be picked out from the history, structure and challenges facing the *Guurti*. These include but are not limited to: respect for human rights, representativeness, separation of powers, rule of law, election/selection of *Guurti* members, equality and equity, especially the inclusion of women and the independence of the judiciary.

Table 2: Analysing the incorporation of the Guurti in modern governance system

Principle of good governance	*Guurti's*/traditional approach
Human rights	*Guurti* respects human rights and protects them through preventing and resolving conflict and advocating for peaceful coexistence between all peoples and clans of 'Somaliland.'
The rule of law	*Guurti* observes the rule of law but sometimes they do not follow the constitution to the letter. Sometimes the *Guurti* has mediated a compromised solution dictated to them by surrounding circumstances.

Separation of powers	The three arms of government are separate and each has different functions as stipulated in the constitution. In practice, however, the Executive sometimes influences the decisions of the *Guurti* and it also mediates disputes within the political parties which are out of its jurisdiction. The latter function is supposed to be carried out by the Judiciary.
Representativeness	The *Guurti* is considered fairly representative. It Is a clan-based form of representation where all clans (both majority and minorities) are fairly represented, unlike in the Lower House where the minority are not always represented.
'Elections' and selections	This is a highly divisive issue within the *Guurti*. Until present, no elections have been conducted and the current members of the *Guurti* are selected. This is in contrast with the constitution which, in some sections, provides that the *Guurti* are to be elected. The current *Guurti* has not been subjected to the rigors of election yet.
Equality and equity	In the *Guurti,* women and men are not equal. Women have not been given an opportunity to join the *Guurti*.

4.6 Improving the Effectiveness of the *Guurti* in the Exercise of its Mandate

First, all the respondents interviewed expressed their concern over the replacement of the deceased *Guurti* members through this 'next of kin' inheritance culture which facilitated youth to become members of the House. They agreed that there was need to change this method of replacement. Some were for selection while others preferred 'elections.' Most of the respondents, however, advocated for selection.

Those who were for selection argued that the *Guurti* is a house based on the traditions of 'Somaliland' and need not, therefore, be subjected to the vagaries of electoral competition. Elders and other community dignitaries cannot put up themselves for

election; in the cultural context, however, they have to be recognised and hence selected for their service to society. Furthermore, it is claimed that elections do not necessarily bring to the fore the right people for leadership. In addition, selection was the only way that would ensure that all were represented in the House. Election of the *Guurti* would also compromise their neutrality and impartiality as they would be elected through a political party. This means that their loyalty would be divided. It also means that there would be no difference between them and the House of Representatives.

All respondents however agreed that there was need to revise the laws that govern the selection process. A strict criteria, principles and guidelines must be set and followed to the letter in order to ensure that good elders come into the House. Secondly, they argued that the members of each clan and consequent sub-clans should be given a chance to nominate and/or select the best person amongst them, someone with extensive knowledge and wisdom.

As mentioned in the preceding discussion, those who argued for the 'election' of the *Guurti* were few (Women FGD, some in Men FGD, 2KIIs). They argued that the selection process worked well before because of the post-conflict nature of the country and that there were no governance structures. It was, however, especially in this modern day and having established a democratic government, important for *Guurti* members to be elected. Others (mainly Men FGD) argued that particular sub-clans had monopolized the House (through the selection of 'next of kin' members) and there was need to give other sub-clans a chance. Although they argued for election of the *Guurti*, they cautioned against the *Guurti* joining the existing political parties. Instead, they advocated for the *Guurti* to be elected on regional basis, that is, certain positions should be reserved for each region where eligible members can contest for them. In addition, some (Women FGD) argued that clans and sub-clans should nominate the best amongst them and then members of that particular clan should be given a chance to vote for the one who would represent that clan/sub-clan in the House.

Second, the respondents argued that regardless of whether *Guurti* members are elected or selected, there is need to revise the constitution and formulate laws governing the house including the replacement process. Only when this is done

can the question of legitimacy be addressed. In addition, there is need to refresh the house and infuse new blood in it and the new blood should have specialized knowledge on religion and culture and if possible also possess modern knowledge.

The third issue that needs reviewing has to do with the mandate and powers of the house of *Guurti*. One of the key informants raised this. He argued that the current *Guurti* has more powers than the Lower House despite the fact that they are selected. He asked how a House which is selected can end up having more powers than the elected officials; powers to even block or amend laws that have been passed by the elected officials. This mandate, according to some key informants, should be revised. If the *Guurti* enacts laws and continues to be able to override those passed by the House of Representatives, then its members have also to go through the rigours of elections. If, however, the alternative route of selection is opted for, then, the powers of the House of Elders have to be scaled down so that they can be confined to its traditional, cultural, religious and peace maintenance roles.

Fourth, as one key informant recommended, in order to improve the performance of the *Guurti*, there must be incentives for the members. According to him, this is based on the fact that most government workers such as the *Guurti*, the police, and the judiciary, among others are poorly paid. Therefore, there should be appraisal of their salaries and as a result, the *Guurti* must be credited and awarded for their achievements.

Lastly, the *Guurti* should regain its independence and neutrality as this is very important for the credibility and trustworthiness of the House. A key informant argued that:

> *"If the Guurti cannot avoid getting involved into politics, it is very important that they remain neutral and impartial."*

Others (Men FGD) emphasized that politicians should refrain from interfering in matters of the House and the *Guurti* members should stay away from politics.

4.7 Opportunities for Integration of Traditional Structures in Post-Conflict States in Eastern Africa

The respondents had varied answers to the applicability of the 'Somaliland' hybrid system to other post-conflict societies. Almost half of those interviewed were of the view that the 'Somaliland' model could not work in other countries, especially in the rest of Somalia - mainly in South-central; while the other half believed that the model could be replicated in other countries. One key informant argued that:

> *"To me, the hybrid system in 'Somaliland' is not a model; a model is a system that you can apply to other contexts in similar circumstances, rather, there are lessons that could be learned from the integration of traditional aspects into modern governance in 'Somaliland.' The bottom-up peace-building approach which is culturally and traditionally rooted and mainly based on grassroots reconciliation is one thing that can be learned from 'Somaliland.' Another lesson is how to reconcile the traditional structure with modern governance structure..."*

Those who argued that the model can be replicated in other countries gave the examples of 'Puntland,' where according to them the traditional structures represented by elders have played an important role in the formulation of the current administration. According to members of the House of Representatives interviewed, 'Puntland' recently attempted to move to local council elections and possibly to a multi-party system, an attempt which backfired and which finally led them to resort to traditional elders who selected the current members of the administration. Elders also played a vital role in conflict resolution and mediation during the last elections. 'Puntland' enjoys some relative peace compared to South-central.

They however cautioned that the model should not be copy-pasted; rather, it should be tailor-made to the circumstances and contexts of other states. For South-central Somalia, one key informant argued, to adopt the 'Somaliland' model, they will need to go back to their traditions and cultural norms and heed to the call of the traditional elders. They also need to successfully integrate religion, tradition and the modern governance system.

As mentioned above, the other half of the respondents had a different view. They specifically stated that the model could not be replicated in other countries and particularly in South-central Somalia. This is because to start with, the traditional elders who attend reconciliation conferences in the southern part of the country do not represent their clans and cannot speak on their behalf, unlike those elders who attended 'Somaliland' reconciliation conferences. It is the latter's representativeness that facilitated the easy implementation of the conference outcomes. Second, the people in the southern parts of Somalia are not as unified as those in 'Somaliland;' there are many small towns, for example, claiming independence. A key informant observed the following:

> *"South-central would have achieved relative peace if they adopted this model early on after the conflict. However it is very difficult and maybe even impossible to apply it to the current context today. The people of South-central Somalia, in my opinion, are not as unified are those in 'Somaliland' and there are many small towns claiming independence so this model may not be suitable."*

Third, the colonization of the North and South of Somalia was very different. This, according to the respondents left 'Somaliland's traditions quite intact, unlike the South where the Italians integrated and centralised the Somali culture, economy and the political system. This makes a big difference and may make it impossible to adapt the Somaliland model to South-Central.

Fourth, the international community has sponsored most conferences conducted for South-central Somalia and they have mostly been top-down. According to members of the House of Representatives interviewed, almost 16 reconciliation conferences held in South-central have failed to form a viable central government because they ignored the traditional structures that are grounded in Somalia's traditional bottom-up peace-building approaches. However, the last conference in Mogadishu was partially successful when elders were involved.

Lastly, in South-central, there is currently a disconnect between the young generation and the old according to a men focus group discussion in *Borama*. This can make it impossible for the elders to take control of peace-building efforts like they did in 'Somaliland'. They argued that:

> *"The culture of elders controlling the behaviour of their sons is known in 'Somaliland.' In the 1990s, the reconciliation, demobilisation and disarmament of armed militias was led by elders and many elders gunned down their sons who refused their call. We doubt this could happen in South-central where the elders cannot dare approach and talk to the armed youth....*

5.0   Conclusion and Recommendations

Drawing from the findings of this study, a number of conclusions can be made. First, the study has confirmed the findings of available literature which suggests that traditional structures and in particular the elders were largely active and intact in 'Somaliland' before, during and after colonization.

Second, this study has examined the current structure of the *Guurti* and how it has been incorporated in the current modern governance dispensation. In addition, the study has examined -- in detail -- the role of the *Guurti* in peace and security consolidation, the challenges and weaknesses facing the *Guurti* and the opportunities for integrating traditional structures in similar post-conflict situations. In a nutshell, the study has achieved its objectives.

Third, the study concludes that after 23 years, a lot has changed in 'Somaliland' but its elders still remain quite relevant. Whenever there is a crisis, elders are the only ones capable of diffusing the tensions and restoring peace. There is, therefore, need to address the challenges and weaknesses currently facing the House to enable it effectively carry out its mandate.

Fourth, the findings of this study have identified many lessons that can be learnt from the 'Somaliland' experience, which South-central and other post-conflict societies in Eastern Africa can emulate. One of them is how to reconcile traditional and modern aspects of governance. Another lesson is the importance and relevance of bottom-up peace-building approach - which is culturally and traditionally rooted on grassroots participation and reconciliation in Somalia. Social reconciliation as a necessary precondition to political reconciliation and state-building is also an important lesson to be learnt. Social reconciliation is a process that brings people together and tries to fix cracks in social relationships, allows and encourages forgiveness between all the parties hurt or affected by conflict, and, which at the same time, cultivates trust among the society. After such a process, a society can think of political reconciliation, which has to do with power-sharing and the formation of government. Last but not least, the importance of neutrality and impartiality of those mediating is also a lesson to be learnt.

Lastly, the study concludes that the *Guurti* is a good model that post-conflict societies can adopt. Emphasis is, however, placed on the lessons that can be learnt from the model. For those who may be interested in adopting this model, they however must be cautious not to copy-paste it. Instead, such a model should be tailored to specific contexts, realities and circumstances.

5.1 Recommendations

The study recommends the following:

- First, there is need to revise the constitution so as to remove all ambiguity associated with the replacement of *Guurti* members. A specific law should be formulated so as to set out the criteria, principles and guidelines of selection or 'election' of members into the *Guurti*. This will address the challenge of the 'next-of-kin' replacement and youth getting into the House.

- Second, after 23 years, clearly there is need to reform and refresh the *Guurti* as most members of the original *Guurti* have passed on. The replacement criteria should be strict and provisions for the same should be followed to the letter.

- Third, in order to regain their neutrality and independence, members of the *Guurti* should refrain from interfering in local politics and political parties. They should also not allow any political party or the executive to influence their decisions. This is very important for the credibility and trustworthiness of the House.

- Fourth, 'Somaliland' needs to build and strengthen its institutions; particularly the judiciary which is, at present, weak. The judiciary is not independent; it lacks public trust and capacity. This has made the political parties resort to the *Guurti* for arbitration of disputes, whereas this is a function that should be carried out by the courts. This function is not within the jurisdiction of the *Guurti* but they find themselves arbitrating anyway and getting entangled into the politics of the parties.

- Fifth, the experiences of the *Guurti* must be documented. This is important for knowledge transmission to the new members joining the House. For example, most cases handled by the *Guurti* in the past can be used as reference points that can guide mediation and conflict resolution of future conflicts and disputes.

- Sixth, both Houses (Lower and Upper) need to consider and implement the women quota proposal by Nagaad Network. The House of Representatives has blocked this proposal – which advocated for legislation of a quota system that would allow and improve women's participation in decision-making -- but *Nagaad* has not stopped lobbying for the same. If implemented, the quota will raise women's political participation at the national as well as local levels.

- Lastly, the study recommends further research on the future of the *Guurti*. There is currently an ongoing debate in 'Somaliland' on how to refresh the *Guurti* as well as the future of the House.

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Appendix 1: Focus Group Discussion Guide

Traditional Structures in Peace and Security Consolidation: Case of the House of Elders (*Guurti*) in 'Somaliland'

<u>**Issues for Discussion**</u>

1. **Participant demographic profile**

   - Name
   - Gender
   - Occupation

2. **The structure of *Guurti***

   - Current numbers? Composition? Any female elder in the house?
   - House head/speaker? How often do they meet?
   - What are the minimum entry requirements into the house?
   - Are they selected or appointed? Do they represent each and every clan? How are they replaced?
   - What are *Guurti's* main duties and responsibilities? Have these responsibilities evolved over time?
   - What are the main duties and responsibilities of the lower house?
   - Does the *Guurti* interact with the lower house or they only hold separate meetings?
   - Does the *Guurti* play a legislative role?
   - What are their terms of holding office? Do they have a limit on the number of terms that one can sit in the house?

3. **How the *Guurti* came to be incorporated as a separate house? History of the *Guurti*?**

4. **The role of the *Guurti* in peace and security consolidation in Somaliland**

   - What is the role of the *Guurti* in peace and security consolidation? What was their role before independence and what is their role now?
   - Has their role /contribution to peace and security always been a positive one?
   - Are there instances where the *Guurti* has hindered peace and security?
   - What are their achievements so far in fostering/promoting peace and security

5. **The Challenges that the *Guurti* has faced in the modern governance dispensation**

   - What are the challenges that the *Guurti* faces in performing its duties and responsibilities?
   - Is the process of selection/appointment a challenge?
   - Are education levels a challenge to the *Guurti*?
   - Do they face any legitimacy issues?
   - Have they promoted democracy or hindered it at times?
   - Have they faced a challenge in relation to women representation?
   - Other challenges?

6. **Opportunities for integrating traditional structures in the rebuilding of post-conflict states**

   - Do you think traditional structures such as the *Guurti* can be utilised/ employed in consolidating peace and security in societies going through or recovering from conflict such as Somalia, South Sudan, Mali, and DRC among others?
   - What would be their role in this and how would they be integrated?
   - Do you think traditional structures have a contribution to make to the overall governance and reconstruction of post-conflict states, especially in Africa?
   - What would be the challenges of integrating traditional structures in the rebuilding of current post-conflict states in Africa?

1.0   Appendix 2: Key Informant Interview Guide

Traditional Structures in Peace and Security Consolidation: Case of the House of Elders (*Guurti*) in 'Somaliland'

<u>Issues for Discussion</u>

- Name of respondent
- Gender
- Organisation
- Position

1. Find out the role of the respondent or respondent organisation (business? Academia/ Elder? Media? Politics? Civil Society?)

2. Enquire about the current state of governance, peace, security and development in the country

3. Enquire about the structure of the *Guurti* and how it has been incorporated in the governance dispensation (use examples of questions in the FGD guide to probe)

4. What is the role of the *Guurti* in peace and security consolidation in the country? What are their achievements so far? (Use examples of questions in the FGD guide)

5. What can you say are the major weaknesses and challenges facing the *Guurti* house as they exercising their mandate? (use examples of questions in the FGD guide)

6. In your opinion, what can be done to improve the effectiveness of the *Guurti* house in the exercise of its mandate?

7. What are the opportunities for integrating traditional structures in the rebuilding of similar post-conflict societies, especially in Africa? Is it a model you can recommend to other countries in similar situation?

8. How do you see the future of 'Somaliland'? In terms of peace and security? Governance? Economic development?

'*Somaliland*' is a self-proclaimed, internationally unrecognised state that emerged after the collapse of the former Somali government in 1991. The country has been relatively peaceful for the past 23 years owing to its hybrid political system where the modern and traditional are integrated together. The modern is represented by the elected representatives forming the lower house of parliament; while the traditional is represented by the house of elders (aka *Guurti*), who constitute the upper house and the highest political organ of the state.

This study is focussed on the *Guurti* and their role in peace and security consolidation in '*Somaliland*.' Our overall aim was to investigate the structure of the *Guurti*, how they have been incorporated in the modern governance system, the challenges they are facing, as well as their relevance and opportunities for integrating traditional structures in post-conflict states. In order to realise this, four focus group discussions (FGDs) and ten key informant interviews were conducted in Hargeisa and Borama to provide primary data. This, together with secondary data, were analysed and findings were written thematically. In addition, the study employed the bottom-up peace building theory by John Lederach.

The study established that after 23 years, a lot has changed in 'Somaliland.' However, the house of elders still remains quite relevant and, whenever there is a crisis, elders are the only ones capable of diffusing the tensions and restoring peace. The study also identified a number of challenges facing the *Guurti* such as replacement of members in the house, the perceived non-independence from the executive, the perceived involvement in politics and an overall lack of women representation.

The study recommends, among others, the revision of the constitution so as to remove all ambiguity associated with the replacement of *Guurti* members. Secondly, there is need to implement the women quota proposal by Nagaad network that seeks to address women under representation in political decision making processes. Third, in order to regain their neutrality and independence, the *Guurti* members should refrain from interfering with ongoing politics and political parties.

Lastly, the study concludes that the *Guurti* is a good model that post-conflict states – including the lawless South of Somalia -- can adopt. Emphasis is, however, placed on the lessons that can be learnt from the model, as opposed to copy-pasting it.

About the Author

Carolyne Gatimu is a Development/Social Science researcher. She holds a Masters degree in Development Studies (2011) and a Bachelors degree in Sociology (2008), from the University of Nairobi, Kenya. She has been involved in various research projects and is well versed with matters of research, particularly qualitative research techniques. She is currently an Applied Researcher at IPSTC. Her research interests are in the areas of Food Security, Peace, Security and Development in Eastern Africa.