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### Lessons in successful Somali governance

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## Lessons in successful Somali governance

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‘Somalia’ is often portrayed as the quintessential ungovernable, failed state – with pirates, terrorists and humanitarian crises as a consequence. This article tells how Somalis in Somaliland and Puntland today have realised a degree of successful governance in the Horn of Africa.

**Keywords:** Somalia; Somaliland; Puntland; failed states; governance; piracy; terrorism; humanitarian crises

### Clans over flags

When Somalis greet they often ask, ‘What is your lineage?’ and ‘Is it peace?’. The two questions are not unrelated.

An argument could be made that today’s clan dynamics amongst Somalis were largely established in pre-colonial times, when nomadic realities worked against state formation. For example, how does a government form, represent or tax constituencies that are always moving, sometimes across international borders? Says one academic: ‘The very idea of the state is totally alien to Somali culture and was unknown before the colonial period. A settled population is needed before any form of state can be established . . . Nomad society is essentially anarchic’ (Prunier 1997). Further, the assertion could be made that most Somalis’ nomadic heritage in a near-desert environment produced a sort of enduring ‘rugged individualism’ in the extreme. As Professor I.M. Lewis notes: ‘In the harsh struggle for survival which is a nomad’s lot, suspicion is the natural attitude towards those with whom one competes for access to scarce pasture and water. This defence mechanism is extended to all contexts of social interaction and hence becomes a national characteristic’ (Carlson 2009). This has been to the detriment of widely held notions of modern governance, which ultimately require a citizen to defer to a higher sovereign authority beyond one’s clan, subclan, and sub-subclan.<sup>1</sup>

Of course it could be maintained that it was the colonial and trusteeship eras that most exacerbated Somali clannism and thereby most hindered the formation of a unified Somali state. Most obviously, colonial powers sliced up ‘the Somali nation’, drawing lines around ethnic Somalis in today’s Ethiopia, Kenya, Djibouti and a ‘Somalia’ previously divided into two parts: a British-run Somalia and an Italian-run Somalia. Yet perhaps of equal or greater consequence was the British and Italian authorities’ practice of appointing clan chiefs. This caused tensions inside clans because the Somali *shir* custom obliges *all* adult males in a clan to deliberate and decide political and economic affairs by council rather than by individual chiefly fiat

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(hence the nineteenth-century British explorer Richard Burton's claims, oft-quoted, that the Somalis are 'a fierce and turbulent race of republicans', based on his observations of *shir*). Relations across clan lines were likewise aggravated by colonial favouritism, real or perceived, as some clans' chiefs were elevated over others.

Finally, it could be said the clan-induced groundwork for a failed Somali state occurred in the wake of independence in 1960. In what was to be a unified Somalia, northern clansmen from former British Somaliland (the Isaaq mostly, but also some Dir) came to fill most technical posts. Clansmen from former Italian Somaliland (mostly the Darod and Hawiye, to the exclusion of the Rahanweyn and Digil) came to fill many political ones. Why this happened is sometimes attributed to the educational preparedness the British and Italians meted out before independence. The British, thinking mass education was too uncertain in nomadic cultures, set up only a few schools in their part of Somalia, but those schools offered a high standard of education. A select few Somalis were then sent to British universities. By contrast, the Italians introduced mass education, but at a low standard and with a heavy hand (Somalis were expected to adopt the laws, customs and economic preferences of the Italian state). At independence, then, certain Somalis were better positioned to seize political and economic spoils as technocrats, politicians or soldiers, but almost always in the company of clansmen. Consequently, centres of governmental power and authority came to be associated not with the state so much as with clans. Had the filling of governmental positions not been so segregated and the allocation of governmental power more genuinely broad, unified Somali statehood could have been advanced. As it was, the immediate post-independence era was marked less by national unity and more by heightened clan rivalry. This rivalry came to a head in October 1969 when Somalia's president, Abdirashid Ali Shermaake (a Darod), was assassinated. The military ultimately took control and government rule evolved into a dictatorship with Major-General Mohammed Siyaad Barre (a Darod) as president.

Initially Barre's rule was marked by a totalitarian effort to stamp out clannism through an ideological mix of Lenin, Marx, the Koran, Mao and Mussolini, obliquely known as 'scientific socialism'. As part of 'scientific socialism', all political parties were banned except Barre's Somali Revolutionary Socialist Party, the premise being that parties were merely products and tools of clans. People were forcibly settled on communes where clans were deliberately mixed. It became illegal for Somalis to inquire about or refer to a person's lineage, not even at weddings, burials or religious rites. All Somalis were to call each other *jaalle*, or 'comrade'. Traditional institutions were dismantled, replaced by government-appointed officials.

When faced with the prospect of losing power, though, Barre quickly abandoned efforts to stamp out clannism and instead resurrected and ratcheted up clan differences. But he also continued to outlaw and undermine traditional clan institutions such as *shir* councils. His goal was to divide, weaken and conquer his opponents while diverting attention away from his regime's failures. Simultaneously, he turned inward, to his own clan base – to the point where his government came to be known among Somalis as MOD: Mareehaan, Ogadeni and Dulbahante, the three sub-subclans of the Darod clan to which he, his mother, and son-in-law belonged. These actions were to have lasting consequences.

Historically, Somalis have organised themselves into social insurance cooperatives called *diya* groups (*diya* meaning 'blood payment'). *Diya* groups can consist of clans, subclans and sub-subclans, but members are always contractually bound to

pay or receive damages collectively. Within this framework, there is no concept of individuality. So, in the case of murder, a killer is expected to have his *diya* group deliver just compensation to the victim's *diya* group. Should compensation not be received, then the victim's kin are expected to exact blood revenge not only on the perpetrator but also on *any member* of the perpetrator's lineage – which often touches off even more claims and counter-claims for *diya* payments or revenge. As noted above, the Barre regime in its latter years had stressed clan divides yet continued to outlaw *diya* groups. As a result, when the regime fell in 1991 and Somali clans scrambled to seize what was left of the Somali state, many were killed in the chaos. Barre-inspired rhetoric had primed clansmen to expect such killing from 'others'. But the regime had also precluded the formation or adequate functioning of *diya* groups. A claim could be made that this is what allowed the cycle of cross-clan and internecine clan violence to spiral to such a destructive scale. Such clan violence has haunted Somalis ever since.

This said, while clannism is often credited with being at the heart of Somali state failure, it has also played a part in allowing some semblance of viable Somali governance to emerge.

### **Somaliland: the Isaaq's own?**

When the Republic of Somaliland declared itself independent in 1991, some commentators said it was an Isaaq clan state-building project, as almost 80% of Somaliland's citizens belong to the Isaaq clan. Yet, as has been seen throughout Somalia, just because Somalis belong to the same clan does not mean there cannot be internecine competition or violence as subclans and sub-subclans vie for power and resources. So how is it that Somalis in the Republic of Somaliland have been able to build a modest, working state in the northwest of 'Somalia'?

First, the actions of the dictator General Siyaad Barre helped forge a sense of Somaliland nationalism to transcend clan divisions. After the Barre regime's ill-fated invasion of the Ogaden in 1977–1978, more than one million ethnic Somalis fled Ethiopia and entered 'Somalia'. About half settled in the north, stretching local resources and services. In the hopes of quelling disquiet among the refugees, the Mogadishu-based regime doled out aid, jobs and land to the new arrivals. It also armed them, with the hope they might return to 'liberate' the Ogaden. Instead, the new arrivals used their arms on local northerners to take even more aid, jobs and land. In response, the Somali National Movement was formed with the declared aim of overthrowing Barre's dictatorship. The resulting civil war culminated in the levelling of the north, especially Somaliland's capital, Hargeisa. No less than 40,000 Somalilanders were killed and 500,000 made refugees. Though tragic, the war united most of Somaliland's citizens against a common enemy and created a collective narrative.

Second, there is Somaliland nationalists' experience with the international community. When the Barre regime fell in 1991, subsequent international interventions did not include Somaliland. Even now, no country on the planet formally recognises the republic. Consequently, Somaliland does not qualify for bilateral aid or for support from international financial institutions. This has forced the government of Somaliland (with help from the Somali diaspora) to become largely self-reliant. That their efforts have resulted in a modest working state with a

generally growing economy, next door to a ‘Somalia’ most foreigners think of, is a source of unifying national pride.

Then there is the way Somalis in the Republic of Somaliland have framed their government, particularly with regard to clan considerations.

In January 1993, a ‘grand conference of reconciliation’ was opened at Borama. Clans, subclans and sub-subclans sent 150 elders to serve as their delegates. What emerged four months later, and what 97% of voters approved of in a 2001 constitutional referendum, was a system that fuses Western-style institutions of government with traditional forms of Somali social and political organisation. Roughly speaking, Somaliland’s government has a US-style president and a British-style, bicameral parliament. The constitution affirms separation of powers and lays out checks and balances. For example, the upper house may refer legislation back to the lower house only once (or vice-versa), but if the House of Elders does so with a two-thirds vote, the House of Representatives must then pass the Bill with a two-thirds vote of its own – after which the president may veto the Bill anyway. Or each house may pass a Bill with a two-thirds vote of members, in which case the president cannot refer the Bill back to parliament, and failing to get his signature it becomes law after 21 days.

As for other mechanics of Somaliland governance, the president is directly elected for a maximum of two five-year terms and is expected to draft legislation, set budgets, manage national security and, with parliamentary approval, appoint cabinet ministers and senior officers of state. The 82 members of the lower House of Representatives, originally apportioned on a clan basis but now directly elected by popular vote, serve five-year terms. Representatives are collectively given the power to initiate, amend, reject or approve legislation from the president’s council of ministers; propose votes of no confidence in the council of ministers; approve or reject ministerial appointments and the national budget; and impeach the president. A unique feature of Somaliland’s parliament is that members of the House of Representatives must belong to one of no more than three political parties. That is to say, in an effort to encourage alliance-building across clan lines in a broader, more nationalistic way, the constitution affirms that Somaliland is to be a multiparty democracy but caps the number of political parties allowed in parliament at three. To become an accredited parliamentary party, a party must get at least 20% of the vote in no less than four of Somaliland’s six regions during a general election.<sup>2</sup> Furthermore, the constitution expressly prohibits any political party from being based on regionalism or clannism.

Perhaps the most exceptional feature of Somaliland’s government, at least in Africa, is its upper legislative house, the House of Elders. All ‘communities’ in Somaliland – a constitutional euphemism for the various clans, subclans and sub-subclans found in the republic – are guaranteed one seat. Of the 82 seats available, the president appoints five elders ‘on the basis of their special significance to the nation’, and communities fill the rest in their traditional ways (for example, through *shir* councils). The 82 elders, in turn, are given constitutional authority to serve as a check on the Somaliland president and the House of Representatives. They are to do this by reviewing all legislation (no Bill can become a law without the House of Elders’ approval), by returning any questionable legislation when necessary to the lower House or council of ministers, and by introducing their own Bills on religion, culture and security.

Somaliland's supporters point to the fact that Somaliland's citizens have created from the rubble of war an entity that fulfils most international criteria of statehood. Getting there, they have had two presidential elections (in 1997 and in 2003), a constitutional referendum (in 2001), a peaceful, constitutional transfer of power upon the unexpected death of a president (in 2002), district council elections (also in 2002) and House of Representatives elections (in 2005). International observers have sometimes deemed these elections to be flawed – mostly because about one-third to half of Somaliland's population is nomadic, and as much as 80% of the electorate is illiterate in places, all of which poses inherent electoral challenges, while confirming there was little evidence of intimidation or fraud. Supporters additionally point out that the country has had considerable success in moving away from clan politics (the country's first directly elected president, Dahir Riyale Kahin, comes from the minority Dir clan), and, in their more generous moments, expand upon a host of other Somaliland achievements, including a government that has overseen the demobilisation of rival militias, cleared mines and repatriated refugees; facilitated the rebuilding of infrastructure, including airports, hospitals, power plants, universities and especially the port at Berbera (Berbera holds the prospect of being a major export/import point for large, landlocked Ethiopia next door); taken a reasonably hands-off attitude toward business, resulting in private investment and a corresponding growth in entrepreneurial activity (the Dahabshiil money transfer company and Daallo Airlines, each with international operations, are examples of thriving Somaliland businesses); established a central bank and a relatively stable currency, the Somaliland shilling; and, most critically, managed to keep Somaliland mostly at peace with itself for over a decade – and all without formal bilateral help from the international community.

Still, all is not well. In July 2009, Freedom House gave Somaliland a '5 rating' in terms of political rights, and a '4 rating' in terms of civil liberties (1 is the 'most-free rating'; 7 is the 'least free rating').<sup>3</sup> For comparison, Somalia received the lowest rating in both categories (7), whereas Somaliland's other immediate neighbours, Ethiopia, Djibouti and Yemen, received '5' across the board. What is disconcerting about the 2009 Freedom House rating is that it showed a decline in political rights from 4 to 5 'due to the extension of the president's term and the postponement of the presidential election'. This observation understates the importance of what is playing out in Somaliland.

Dahir Riyale Kahin was vice-president under his predecessor, President Mohamed Ibrahim Egal, who died suddenly in hospital in May 2002. Having first assumed the presidency through peaceful constitutional succession, President Riyale duly ran for the presidency in scheduled direct elections in April 2003. Out of half a million ballots cast, Riyale won by a margin of less than 100 votes, a tally the runner-up nevertheless accepted in his concession speech. That same year, the constitutionally mandated six-year terms of members of the House of Elders were to expire too. In the wake of such a close, hotly contested election, Somaliland's parliament allowed President Riyale to extend the Elders' terms by presidential decree to May 2006.

Between 2003 and 2006, President Riyale began to face significant opposition among members of the House of Representatives. For example, when it became apparent he was intent on running for president again in the scheduled 2008 elections, some Representatives tried to use the Somaliland constitution to raise

doubts about his candidacy in voters' minds. In particular, they pointed to article 88, which says: 'No person may hold the office of president for more than twice.' Though President Riyale had assumed the presidency on the death of President Egal, this still counted as a first term, they argued. His re-election in 2003, then, was for a second term, which should have made him ineligible to run again in 2008. Whether President Riyale thought such claims were or were not a legitimate threat to his candidacy and presidency, his subsequent actions only raised the ire of opponents more.

In May 2006 President Riyale again extended the House of Elders' terms by presidential decree, for four more years, but did so unilaterally. The House of Elders duly voted to extend its mandate, essentially aligning itself with the president and thus sidelining the House of Representatives. In March 2008, then, the president issued decrees that declared 13 Somaliland regions where there had only been six, and 16 additional districts to an already existing 41. Members of the House of Representatives cried foul, saying it was a blatant attempt to gerrymander future polls in the president's favour. The House of Elders again seemed to align itself with the president through its silence on the issue, only to complete what appeared to be a quid pro quo: the Elders voted in April 2008, again in March 2009, and yet again in September 2009 to postpone presidential elections, thereby extending President Riyale's term in office. Their ability to do so was derived from article 83, subsection 5 of the constitution, which says: 'If on the expiry of the term of office of the president and the vice-president, it is not possible, because of security considerations, to hold the election of the president and the vice-president, the House of Elders shall extend their term of office whilst taking into consideration the period in which the problems can be overcome and the election can be held.' The Elders justified their actions by noting logistical problems in the voter registration process, jihadist threats, and unrest in Somaliland's eastern regions where Darod clansmen, a minority in the republic, have regional majorities (which is why, in part, Darod-dominated Puntland, Somaliland's eastern neighbour, lays claim to Somaliland's eastern regions).

With the prospect of presidential elections continuing to slip, some political commentators see ominous signs for Somaliland's future: that members of the House of Elders are not above self-serving politics, and Somaliland's much-lauded constitution can, perhaps, be bent to an aspiring despot's wishes. Still, a slide into autocracy is not irreversible – as has been seen in another experiment in Somali governance next door, in Puntland.

### **Puntland: a Darod project?**

'The Puntland State of Somalia', the official name noted in Puntland's original charter and in its new, proposed constitution, is sometimes called a Darod clan project in the northeast of 'Somalia'. But in contrast to Isaaq clan members who form a clan core at the geographic heart of the Republic of Somaliland to the west, Darod clan members occupy space far beyond Puntland's claimed borders. Various Darod subclans and sub-subclans stretch from the northeast of Somalia, south and west into the Ogaden, then south and west again through southwest Somalia into Kenya, with a small pocket near Mogadishu. Theoretically, such a wide clan dispersal means the Darod have a vested interest in bringing governance to much of Somalia, not just to Puntland. In reality, the Darod are as fractured as the Somali

nation itself. Some want Puntland to be an autonomous part of a federal Somalia that works. Others want Puntland to begin angling for secession and eventual independence. Still others couldn't care less as long as they can continue to use Puntland as a base for trafficking drugs, weapons and people, for kidnapping and counterfeiting – and, as the wider world has learned of late, as a place for piracy. That there is not wider consensus reflects the way the Puntland experiment has evolved.

Puntland's creation is associated closely with the Somali Salvation Democratic Front (SSDF) and the blessing of Darod clan elders, sometimes collectively called *Isimo*. The SSDF had originally been founded as a Darod guerrilla movement bent on unseating the Barre regime in Mogadishu. In the years after Barre's fall, it evolved into an organisation advocating a 'decentralised route to unity' for Somalis. In other words, the SSDF's leadership pushed an idea that said any efforts to recreate a centralised Somali state from the top down were destined to fail. Instead, it would be prudent to let smaller autonomous Somali states emerge first, and after that, begin a process of putting Somalia back together again. Though nationalistic on the surface, in reality the SSDF leadership's idea was mostly clan serving. An autonomous Puntland in the northeast of Somalia was a sure thing for the Darod (and specifically, the Mijerteyn subclan). Should a working 'Somalia' never materialise, at least the Darod would have their own territory and powerbase. However, if a unified Somalia did one day re-emerge, it would likely be under a framework the SSDF leadership they could exploit to their individual, and clan's, advantage. After much SSDF arm-twisting, and even more discussion, Darod clan elders likewise seemed convinced.

The Darod elders' collective blessing of the Puntland project came on 5 May 1998. Months of discussions culminated in their 'Garowe Declaration' – a declaration formally proclaiming Puntland as an autonomous state with Garowe as its capital, but also as a state without secessionist ambitions from Mogadishu. In quick order the elders then filled a 66-member unicameral Puntland parliament, taking special care to apportion seats to all sub- and sub-subclan interests. They also selected the SSDF's leader, Abdullahi Yusuf Ahmed, as a caretaker president for three years, during which time he was charged with negotiating and implementing a Puntland constitution. Finally, in lieu of a constitution, the elders ratified the SSDF leadership's 'Puntland Charter'. Unfortunately, many of Puntland's recent problems were sowed with this final act.

Generally, the Puntland Charter failed to institutionalise consensual-style politics. Though there had been talks of making the parliament bicameral, with an upper house for elders like the Somaliland model and with similar powers, this never came to pass. SSDF officials convinced elders that they could better intervene in politics if they were not 'restricted' to charter-defined limits. Besides, some SSDF leaders argued, the elders were really the ones who ran parliament anyway. The charter had created a 'tradition-based system' where clan elders, not common voters, elected parliament's 66 sitting members.

Of greater consequence was the Puntland Charter's failure to create mechanisms to check presidential excesses. Yes, the charter did appear to give a nod to checks and balances; for example, it gave Puntland's parliament the power to approve or reject the president's proposed ministerial nominees, to ratify or reject agreements and negotiations to achieve a federal order in Somalia, and to impeach the president with



a two-thirds vote. But the charter also gave the president the power to dismiss parliament by fiat. Further, it gave the president the power to declare a state of emergency –including the ability to suspend parliament – with no limits on how long or under what circumstances such a declaration could be imposed. In other words, the charter all but ensured that the legislative branch was to tread lightly: if not, its members might be out of a job, or worse. Elders, too, had to take care. Beyond the charter fuzzily supporting ‘alternative dispute resolution’, they had no legally bestowed powers. Their power within government, such as it was, was to show itself indirectly through their handpicked parliamentarians.

In their defence, Puntland Somalis were not unaware that their charter could open the door to autocracy. The SSDF, after all, had been founded to fight a dictatorship. But at Puntland’s founding, there was less fear of an autocrat than that the state would be stillborn. Better then to empower a head of state so he could make the case that Puntland should, and would, exist. Ironically, having vested so much power in the presidency, the ‘Puntland project’ through more than a decade came dangerously close to collapsing because of it. On the surface, the view that the Puntland presidency is strong might seem wrong, given that four different presidents have served since 1998. Yet, never has the average Puntland citizen cast a ballot for president. Moreover, Puntland’s first president has cast a long shadow over all subsequent ones.

When the first president of Puntland, Abdullahi Yusuf Ahmed, saw his caretaker term officially expire on 30 June 2001, approximately three years after the elders at Garowe had made him president, he refused to step down. Lacking a constitution (Yusuf had failed to bring one into force, despite this being his primary mandate three years earlier), Darod clan elders turned to the Puntland Charter. As required, they provided a list of presidential candidates to parliament. Parliament, as required, then voted. Their decision was to make General Jama Ali Jama the second president of Puntland. In response, Yusuf unleashed his security forces, the Darawish, and the Puntland Intelligence Service. Two years later, Yusuf was able to battle, literally, his way back into the presidency. An inter-Darod peace treaty followed and ensconced in office once again, Yusuf consolidated power. On his command dissidents were locked up, the media heavily restricted and the parliament and judiciary quieted. He also turned inward, to his sub-subclan, the Omar Mahamoud, on whom he showered patronage. When Yusuf finally exited the Puntland presidency in 2004, it was to become president of the Transitional Federal Government of Somalia (now besieged in Mogadishu). As the Puntland Charter required, Darod clan elders once again provided a list of presidential candidates, and once again parliament voted – but this time for a Yusuf ally, General Adde Muse Hersi. Making a Yusuf ally the third president of Puntland was viewed as the best way to ensure peace because though Yusuf had left Puntland’s political spotlight, he was still capable of making his presence felt. For their part, Yusuf and Muse interpreted parliament’s move as an abdication of trying to balance and check presidential power. In such an environment, presidential excesses and patronage increased, at the expense of the rest of the state and average citizens. In the words of an International Crisis Group policy briefing entitled ‘Somalia: The Trouble with Puntland’:

By 2005, corruption in Puntland had permeated every tier of government and become almost a way of life. Its impact on business was particularly devastating. Traders

applying for licences to import food, fuel and consumer goods had to pay large bribes. Fishing licences and mineral exploration rights were sold to well-connected firms without open tenders. Livestock export licences went to those able to pay the highest bribes or with powerful, often clan connections. Food, transport and basic goods and services became much more expensive, as traders passed on the costs of doing business. Poverty and malnutrition increased, and ill-advised state interventions made matters worse, including the printing of new banknotes that flooded the money market and created hyper-inflation. These developments, aggravated by severe drought, pushed Puntland into a lengthy humanitarian emergency. Crime and corruption soon spiralled out of control. The environment was ideal for criminal syndicates involved in arms smuggling, piracy, human trafficking, kidnapping and counterfeiting. (International Crisis Group 2009)

It has been said, 'In the end, dictators, however unpopular, despotic and incompetent, rarely fall because they have too many enemies. They fall because they have too few friends' (*The Economist* 2009). When scheduled presidential elections were due in January 2009, President Muse had lost the friendship of Yusuf and many others. The rift had come when Muse unilaterally signed a deal with Consort Private, Ltd. offering the company exclusive oil exploration rights in Puntland. Yusuf, as president of the Transitional Federal Government of Somalia, had said it was actually he who had sole authority to sign such deals. Perhaps bolstered by the breaking of the Yusuf–Muse alliance, and in spite of Yusuf's presence in parliament as 'an observer', the Puntland parliament voted to make Abdirahman Farole the fourth president of their state, the first non-military man to assume the office.

At first glance, President Farole's election seemed to be more of the same in that Farole had previously served as Finance Minister under Yusuf and had then been Planning and International Co-operation Minister under Muse. Yet Farole had severed ties with Yusuf and Muse years earlier. In fact, Muse had fired Farole after Farole had voiced his criticism of the unilateral nature of the Consort Private oil deal. Perhaps alluding to such autocratic presidential actions – and the corresponding collapse in rule of law – Farole promised in his victory speech to replace the Puntland Charter with a Puntland constitution within his first year.

To the international community, no fact illustrates better the collapse of rule of law in Puntland than the piracy emanating from there. In any given year, nearly 20,000 ships pass through the Gulf of Aden. In addition to carrying goods between Asia, Europe and the Americas, these ships also carry about 7% of the world's oil production. Since 2008 there have been at least 140 pirate attacks in the Gulf of Aden. Some of the more dramatic pirate hijackings have included the taking of a Saudi-owned oil supertanker, the *Sirius Star*, with an estimated cargo of US\$110 million worth of crude oil, and the Ukrainian ship, the *Faina*, which was transporting 33 T-72 tanks, 150 grenade launchers, six anti-aircraft guns and an untold amount of ammunition (Carlson 2009). In all, it is estimated that over US\$100 million was paid in ransoms in 2008 for the release of ships, cargo and crew. For perspective, President Farole's cabinet proposed a 2009 annual budget of US\$17.6 million for all of Puntland. In 2008, the state budget was US\$11.7 million (*AllAfrica.com* 2009). Clearly the piracy business offers lucrative opportunities for some. Puntland was providing the platform.

In March 2009, the office of UN Secretary-General Ban Ki-Moon released a report that showed evidence of 'complicity by members of the Somali region of Puntland administration in piracy activities'. Yet the report did not give full measure

to the underlying dynamics. For example, it was commonplace for former President Yusuf to receive a budget from parliament with detailed allocation instructions. Yusuf would take the money, ignore the allocations and instead direct monies to his patronage network. In 2007, when parliament demanded a budgetary audit from then-President Muse, Yusuf's elected successor, to see the nature of his patronage network, Muse's response was to dismiss parliament and govern by decree, presumably so that he could continue to dispense funds like his predecessor. Such shenanigans year after year meant less and less state money for local administration, local law enforcement and local development. From this came easy pickings for illicit syndicates that traffic drugs, arms and people, and yes, hijack ships.

Vested interests in piracy are extensive. Beyond the international players involved – financiers from the Gulf and beyond, *hawala* and insurance agents, accountants, bankers, money launderers, negotiators, shipping magnates, lawyers, translators, and security consultants, among many others – piracy takes many local players. Criminal syndicates hire fishermen for their boats and seafaring skills, many unable to make a living any other way due to foreign boats overfishing and dumping toxic wastes in Somalia's lawless waters. On shore, the criminal syndicates recruit, arm and pay unemployed men to conduct raids. Still other men are paid to guard seized property and crews until ransoms are met. Local businessmen and women are paid to provide support services, from provisioning for Western-style meals for captives, to cooking all meals, to doing laundry and fee-for-service sex. Governmental officials and police officers are paid to turn a blind eye to all, are given a cut to pay off superiors or facilitate all of the above. Even individuals not directly involved get caught up. Men who make enough money from pirate-related activities can then afford to pay dowries for brides, or to buy cars, houses, livestock and other consumer goods and services – which, incidentally, contributes to inflation in some communities and thereby ends up stressing families not plugged into the pirate-driven economy. It is in this context that President Farole told the BBC in June 2009: 'From the international point of view, piracy may be considered the number one issue. But from our point of view, it is a tiny part of the whole Somali problem – a phenomenon prompted by the collapse of the Somali state' (Greste 2009). Accordingly, since assuming office in January 2009, Farole has centralised all police divisions under the authority and control of a handpicked police chief. Since April 2009, well-organised raids have taken place on 'pirate enclaves' such as the town of Eyl. The courts, in turn, have issued lengthy sentences to convicted pirates. As part of a hearts-and-minds campaign, the government also offered a limited amnesty to select individuals who publicly renounced the business, and has been supportive of Islamic clerics who speak with communities about the immorality that piracy fosters (for example, prostitution and gross consumption). And just as important for reining in piracy – but most vital for Puntland governance – President Farole has made good on his promise to oversee the introduction of a Puntland constitution, eight years overdue, to replace the Puntland Charter.

In June 2009, Puntland's parliament ratified nearly all 141 articles of a proposed constitution, setting the stage for a popular referendum. The contrasts with the Puntland Charter are marked. Should the proposed constitution come into effect, the unicameral legislative branch, consisting of 66 directly elected representatives serving four-year terms, will see its power enhanced. By contrast, the Puntland president, who is to be elected by the parliament to a maximum of two four-year

terms, will see his power constrained. For example, under the proposed constitution, no longer will the president have the power to dismiss parliament, and it is parliament that will retain the power to approve or suspend any presidential declarations of emergency.

As for other aspects of Puntland governance explained in the draft, the proposed constitution affirms that Puntland is to be a multiparty state, but with no more than a maximum of three legalised political parties. Just as in Somaliland, the logic in having a maximum of three parties is that it will necessitate broad alliances and, in so doing, help Puntland get past parochial clannism. In this vein, the constitution institutionalises aspects of clannism so as to mitigate it. That is to say, the proposed constitution 'recognises and assures the existence and the responsibilities of the Traditional Leaders of the society (*Isimo*)'. It then makes traditional leaders part of the judicial branch of government. But the proposed constitution goes on to say that traditional leaders' rulings apply only if no other resolution can be found 'within the Constitution and Constitutional laws' – that is, anywhere else in the legislative, executive and judicial branches – and that they are forbidden to participate in political and religious organisations. The text of the proposed constitution sounds almost kind when it explains the reason behind this last point. It is not to neutralise clan elders politically. Rather, it is 'to safeguard the dignity and neutrality of the Traditional Leaders.'

On the prickly subject of how Garowe is to relate to Mogadishu, there are mixed signals. The proposed constitution confirms that the 'Puntland State of Somalia' is to be part of a 'Somali Federal State'. It says the emblem, flag and national anthem of Puntland are those of the Somali Republic. By the same token, the proposed constitution, says Puntland, is an '*independent* integral part of Somalia', and as such it is Puntland which controls its immigration affairs, defence, foreign relations and 'other required issues' – at least until negotiations between 'the Federal Government of Somalia and the Regional State of Puntland' can take place. Yet the proposed constitution fails to set out criteria as to when or under what circumstances negotiations must take place. As for President Farole's take on Garowe-Mogadishu relations, during his inaugural speech to parliament in January 2009 he said, 'Puntland will never declare independence and will always support the establishment of a national government in Mogadishu' (*Garowe Online* 2009). Then, in June 2009, he said 'The TFG only controls a piece of Mogadishu. They have no authority up here. So the rest of the world has to recognise that there are two legitimate governments in northern Somalia – Puntland and Somaliland – and deal directly with us' (Greste 2009).

### **Success, relatively speaking**

By no measure are Somaliland and Puntland utopias of Somali governance. But they stand in marked contrast to the realities of the centre and south of Somalia where a besieged, impotent Transitional Federal Government can do little for some 3.5 million Somalis in need of aid and over 1.2 million internally displaced due to fighting with insurgents.

How Somalis in Somaliland and Puntland arrived at their point of relative success follows a similar trajectory. The process of building sustained governance began around a fairly homogenous 'clan core' – that is the Isaaq within the confines

of Somaliland and the Darod within the boundaries of Puntland. Clan elders were then employed to give their blessing to the respective state-building projects, with the Borama Conference in Somaliland and the Garowe Declaration in Puntland. This done, institution building focused mostly on how to check the power of internecine divisions amongst subclans, sub-subclans and individuals. In both Somaliland and Puntland, clan elders initially negotiated the composition and occupancy of a legislature, but then bowed subsequently to the direct elections of legislators. To encourage legislators to break with parochial clan interests, both Somaliland and Puntland have constitutions (subject to a popular referendum in Puntland's case) which cap the number of political parties allowed in parliament at three – the idea being that a cap will encourage alliance-building across clan lines. Finally, in both Somaliland and Puntland, systems of checks and balances are evolving to entrench consensual politics in chambers of government in lieu of violent confrontation beyond. For example, Somaliland's system is premised on the ability of either house of a bicameral legislature being able to veto proposals from its legislative counterpart or the president. In Puntland, no longer will a president be able to dismiss parliament. Rather, it is parliament that will have the power to approve or suspend any presidential declarations of emergency.

With all of the above, perhaps the greatest testament to Somalis' efforts to establish successful governance lies in the answers to the traditional Somali greetings noted at the beginning of this article. In today's Somaliland and Puntland, when an individual asks another, 'What is your lineage?' and 'Is it peace?', the answers are more likely to be what both parties want to hear.

### Notes

1. In Somali history, there were sultanates that looked quite state-like. However, these sultanates rarely extended sovereignty beyond the sultan's own clan, and traditional clan dynamics still trumped nearly all else.
2. In March 2008, Somaliland President Dahir Rayale Kahin announced by presidential decree the creation of 13 Somaliland regions where there had only been six, and 16 additional districts to an already-existing 41. Under the 2002 Regions and Districts Law, though, such changes cannot come into legal force until approved by both houses of parliament.
3. See the UN Refugee Agency's website at <http://www.unhcr.org/refworld/country,,,SOM,,4a64528232,0.html>. For a full Freedom House report, see 'Freedom in the World 2009: Global Data' at [www.freedomhouse.org/uploads/fiw09/FIW09\\_Tables&GraphsForWeb.pdf](http://www.freedomhouse.org/uploads/fiw09/FIW09_Tables&GraphsForWeb.pdf).

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