

Norwegian University  
of Life Sciences

**Master's Thesis 2018 30 ECTS**

Department of International Environment and Development Studies

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# **Legitimizing Puntland: Exploring Puntland's hybrid political order**

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**Declaration**

I, Asha Adam, declare that this thesis is a result of my research investigations and findings. Sources of information other than my own have been acknowledged and a reference list has been appended. This work has not been previously submitted to any other university for award of any type of academic degree.

Signature.....

## **Abstract**

In the era of ‘new wars’ and state-failure, the state-building paradigm have shifted from the normative policy discourse towards a more pragmatic one with alternative approaches. In this, the Western ideal of statehood and governance is compromised in state-building in order to achieve localised solutions for post-conflict societies. It was this outlook that laid the foundation of Puntland. The clan communities of Puntland opted for London School of Economics ‘bottom-up’ and ‘building-block’ approach after a series of failed ‘top-down’ initiatives in Somalia’s reconciliation. The success of this approach was the integration of local actors and institutions in the state-building project to establish a state that is viewed legitimate by the local population. However, while some states embrace hybridity, Puntland with its mainstream perspective views it as a preliminary phase towards modern statehood in the state-building process. Despite this, for the past 20 years, Puntland has neither transitioned to democracy nor institutionalized its hybrid system.

The aim of this thesis is to give an insight on Puntland’s political system by exploring the informal hybrid political order. The research sheds light on the backstage dynamics between the traditional and state authorities and presents how they coproduce authority and source legitimacy. Finally, the thesis presents the paradoxes of this political system and discusses how the transitional and the informal status of the hybrid order damages the legitimacy of Puntland’s state and traditional authorities.

**Keywords:** Puntland, Somalia, Hybrid political order, state-building, traditional authorities

## **Acknowledgements**

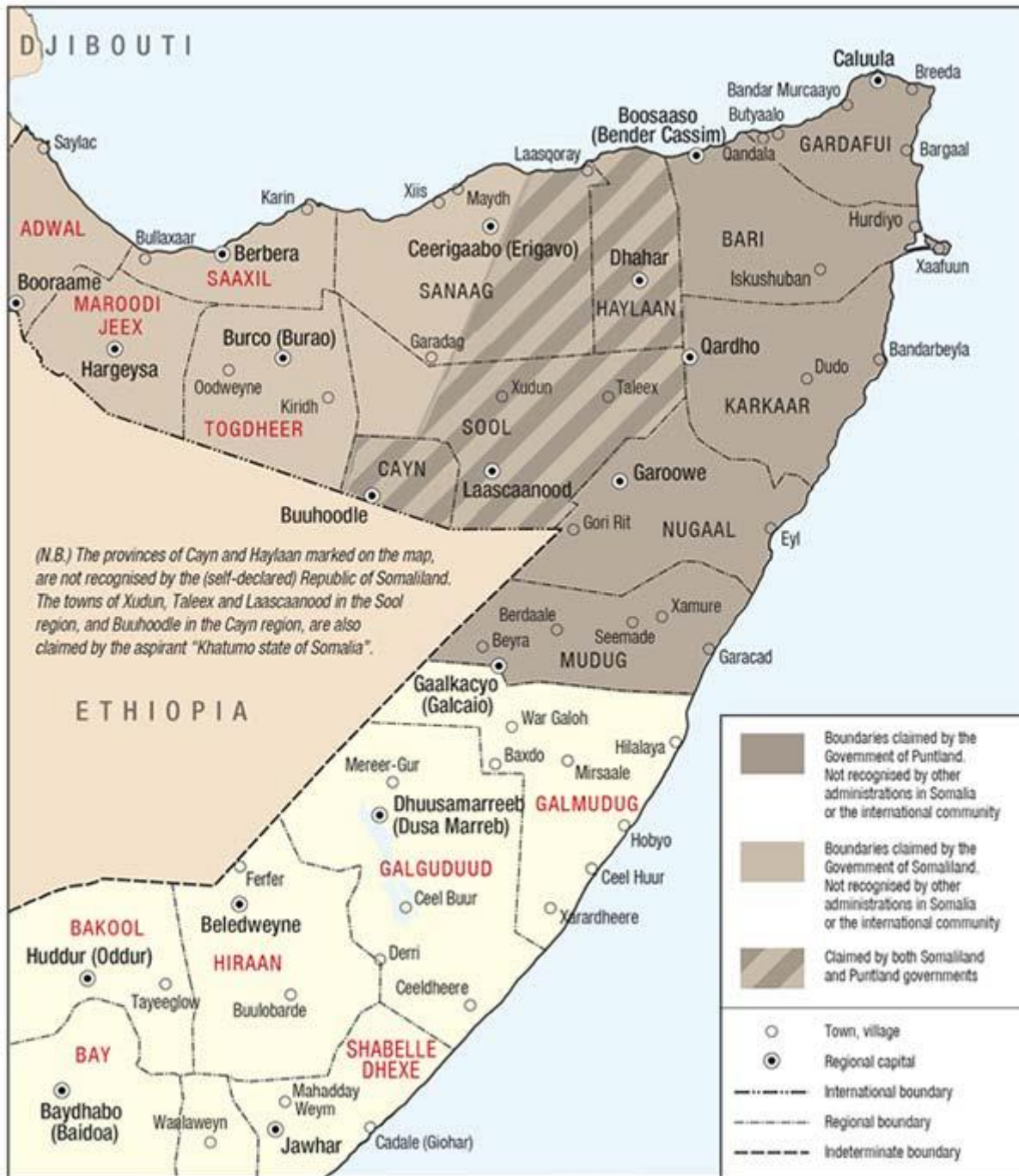
I want to dedicate this thesis to my grandmother, who passed away during the writing process. Her life was a story of hope and hardships that inspires me to stay strong and motivated. It is thanks to her that I as a Swedish born, stayed connected to my Somali roots. She is the one who taught me Somali language, culture and literature and sparked my interest in researching on the traditional institutions. My grandmother was so excited of this thesis and would actively support by helping me comprehend the traditional system. She was not only a source of knowledge and wisdom but also moral strength and guidance. Her loss impacted me heavily, and I therefore owe all gratitude to God All Mighty for giving me the strength and ability and to complete my degree through this hard time.

I cannot thank my supervisor Michael Skjelderup enough for his relentless support and believe in this research. He helped me materialize this thesis by consistently giving me advice and constructive feedbacks. Am so grateful for his continuous support and encouragement to improve my thesis. I also want to thank Mohammed Dhamancad, who helped me during my field work with the interviews and introduced me his network. The participants are the core of this research. They were not only generous with their valuable time and information but also made an effort to give an insight and details about the topic. Without their contribution, this thesis would not be possible.

And last but not least, I want to thank my family. My parents for their love, guidance and advice. I owe it all, to my husband who has been supporting and caring for me and my son throughout the years of my studies and specially during the research process.

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This map has been produced by the International Crisis Group (revision October 2013). It is partially based on the United Nations Cartographic Section's map of Somalia (Map No. 3690 Rev. 7, January 2007).

Puntland map





Harti clan territories (deegaan)

## List of Abbreviation

<b>AMISOM</b>	African Union Mission to Somalia
<b>EU</b>	European Union
<b>FFF</b>	Foreign-funded forces
<b>IDP</b>	Internally displaced people
<b>IGAD</b>	Intern-governmental Authority on Development
<b>SSDF</b>	Somali Salvation Democratic Front
<b>SNM</b>	Somali National Movement
<b>SNDU</b>	Somali National Democratic Union
<b>MP</b>	Members of Parliament
<b>PDRC</b>	Puntland Development and Research Centre
<b>PIA</b>	Puntland Intelligence Agency
<b>PMPF</b>	Puntland Maritime Police Force
<b>PSF</b>	Puntland Special Forces
<b>UAE</b>	United Arab Emirates
<b>USC</b>	United Somali Congress
<b>UNSOM</b>	United Nations Assistance Mission in Somalia

## **Somali term**

<i>Aano-shub</i>	Traditional coronation ceremony
<i>Ab-tirsi</i>	Ancestral-counting
<i>Berked</i>	Concrete water encampment
<i>Boqor</i>	Traditional king
<i>Degaan</i>	Clan territory/settlement
<i>Diya</i>	Blood compensation
<i>Gar</i>	Arbitration
<i>Guurti</i>	Arbitrary councils
<i>Golaha Isimida</i>	Council of issims Puntland
<i>Godobtir</i>	Peace bride
<i>Harti-xeer</i>	Xeer between the Harti clans
<i>Haybad</i>	Charisma/honour
<i>Issim</i>	Higher traditional authority/ clan leader
<i>Is-xilqaan</i>	Voluntary gesture
<i>Jilib</i>	Diya-paying group
<i>Madax-dhaqameed</i>	Titled traditional leader
<i>Marjac</i>	Place of return
<i>Maslaxo</i>	Mediation
<i>Nabadoon</i>	Elders representative of jilib
<i>Shir</i>	Traditional meetings
<i>Shir-beeled</i>	Traditional clan meeting
<i>Tol</i>	Clan-unit
<i>Qaaran</i>	Donations from kin
<i>Qisaas</i>	Retaliation
<i>Xeer</i>	Customary law /peace treaties
<i>Xeer-beegti</i>	Jury
<i>Xeer-guud</i>	General law
<i>Xeer-gaar</i>	Specific law
<i>Xeer-yaqaan</i>	Person knowledgeable of xeer
<i>Xissi-adkaadey</i>	Fundamental values



# 1. Introduction

On the 1<sup>st</sup> of August 2018, Puntland celebrated its 20<sup>th</sup> anniversary of statehood. It was a euphoric scene in the cities of Puntland where masses came out in support of the state. The state and its people pride themselves in maintaining relative peace, development and cementing Somalia's federal system. However, the biggest triumph is the state's existence within a failed state. Nevertheless, there was serious concern behind the jubilee as Puntland was in the midst of preparing for an election. The fear was not about the outcome of the elections but rather the process of it. Puntland has a history of falling into a crisis every time it attempts to transition from the clan-based system to a fully democratic one. Every administration faces the challenge of delivering its promise to transition from the hybrid system while retaining legitimacy. In this thesis, I will try to shed light on how Puntland produces authority and sources legitimacy in its hybrid political order.

This thesis is divided into two main sections; the first section consists of three chapters presenting the methodological, theoretical and contextual background of the study. The methodology chapter presents the source and data collection method of the research material. It also discusses observations from the field work and the context in which the data was gathered. The second chapter presents the theoretical backdrop of the study. In this chapter, I present and discuss the central concepts to thesis and how they will be operationalized. The third section is the background of the thesis, where the traditional Somali system and the historical background of Somalia and Puntland are introduced.

These chapters lead to the second section where the analysis and discussion of the material takes place. This section is also divided into three chapters; the first chapter analyses Puntland's statehood and its sources of legitimacy as a legal-rational authority. In this chapter, I analyse legitimacy by contrasting Puntland state with the Weberian criteria of statehood. The second chapter is about traditional authority; here, I analyse the legitimacy of the traditional authority by looking at its role in conflict resolution. I use case-studies from field-work to present how traditional authorities exercise authority and their level of legitimacy. There is a sub-chapter, where I discuss the relationship of the elders with women and youth to present how these groups legitimize the traditional authority. The third chapter in section two discusses the integrated authority and legitimacy of state and elders in Puntland's hybrid system. In the first sub-chapter, I present the social contracts that put the hybrid order in

place: the Charter and the constitution where I discuss constitutional crises as an issue of legitimacy. Second, the sub-chapter discusses why the traditional authorities are not institutionalized in the hybrid order. And the last sub-chapter is about the neopatrimonial relationship between the two authorities as a result of the informal hybrid system. Here, the neopatrimonial relationship between the elders and the politicians where legitimacy is transferred, and authority is coproduced is presented. The two last chapters of the analysis discuss the challenges with the informal hybrid system and neopatrimonialism. The first chapter shows how the hybrid system is delegitimizing the traditional authority because of political manipulation and proliferation of elders. The last sub-chapter presents the participants' perception regarding the democratization process and the prospects of democratic legitimacy. There are also two concluding chapters that discuss the paradoxes within Puntland's hybrid system and how the legitimacy of both authorities is declining in this system.

### **1.1. Previous research and research questions**

The academic interest in hybrid systems began in the '90s wave of state-failure, when many African countries 're-traditionalized' the state as alternative governance structure (Kyed & Buur, 2007). In Somalia, state-failure birthed the two hybrid states of Somaliland and Puntland. However, these states are different in both structure and objective. While Somaliland is a secessionist state with an institutionalized hybrid system, Puntland is a federal state in Somalia with an informal hybrid system (Doornbos, 2006; Kyed & Buur, 2007). According to Kyed and Buur (2007) literature on informal hybrid systems are typically reports based on long-term empirical and historical research written by NGOs and research institutes. This is true for Puntland in which existing literature is presented in the broader Somali context such as in Gundel's (2006) study of the contemporary role of traditional authorities: "The predicament of the 'Oday'", in comparative studies such as "Lessons in successful Somali governance" by Brian J. Hesse (2010) or in Markus Höhne's (2006) case study "Traditional Authorities in Northern Somalia: Transformation of positions and powers". Hence, there is a lack of academic literature focusing solely on Puntland's hybrid system and its traditional authority.

I think academic attention on Puntland's hybrid system is necessary because unlike Somaliland, Puntland as the first building block in Somalia is a blue-print for the federal system. Academic research on this specialised topic would give a better understanding of the structural challenges hampering the state-building process such as democratization and 'good

governance' not only for Puntland but for Somalia as well. In this thesis, I will try to shed light on the system by analysing the legitimacy of Puntland's state and traditional authorities by focusing on the following research questions:

- 1) How is authority produced in Puntland's hybrid system?
- 2) What are the sources of legitimacy for this system?
- 3) What are Puntland's challenges to maintain legitimacy and authority in the informal hybrid system?

## **2. Methodology**

This research initially grew out of the interest to explore the traditional authority's role in Puntland's political system. The existing work on this topic was in the greater context of Somalia and lacked in-depth study of Puntland's traditional authority and hybrid system. I therefore decided to collect primary data to capture the relationship between Puntland's state and the traditional authority. I chose a qualitative research method in order to get a deeper understanding of the personal perceptions, roles and relationships of different social groups.

### **2.1. Material**

#### **2.1.1. Primary data**

Before I left for the field work, I prepared semi-structured questionnaires with open-ended questions and made a list of my sample. This list was stratified, in which I selected individuals that I thought had the most knowledge and were most typical of each group. I did not have a list of exactly whom I wanted to interview but instead selected participants based on their social status. The group of people I was looking for were state-officials of different ranks, traditional authorities and representatives of civil society. My aim was to interview experienced or currently relevant individuals in Puntland's politics who could explain their view and role regarding the relationship between the traditional and state authorities.

I conducted my fieldwork in a politically volatile city, Galkacyo. People were very sceptical of giving interviews for political sabotage and security reasons. Most political elites are heavily guarded and do not casually meet up with people because of frequent assassination by groups like Al-Shabab. I therefore had to rely on personal connections to introduce me and to insure participants that no harm would be done in this research. In the beginning, getting

access, coordinating time and booking interviews was a challenge. However, I became opportunistic and relied on a snowballing method i.e. asking an interviewee to suggest or present the next participant (Walliman, 2006). I asked interviewees if they could introduce me to a person who was relevant and knowledgeable on the topic. In that way, I established a network which helped me save time and resources.

### *Politicians*

One of the first people I interviewed was an ex-Financial Minister and one of the original Puntland founders. The interview was face-to-face and semi-structured and lasted around 40 minutes. The interviewee did not only answer my questions but explained in detail underlying issues in the political system and gave me information that I had not been aware of before. This made me reflect on my research questions and made me reconsider the questions and topics that I should be looking for. The other state-officials that I interviewed were the mayor of Galkacyo, governor of Mudug, and the president. These interviews were short and concise – lasting around 20 minutes, and the answers were diplomatic. I think these interviews were generic because the participants were serving state-officials. The other politician I interviewed was a female ex-parliamentarian; she gave me a lot of insight into the relationship between the MPs and traditional authorities from a gender perspective. I also tried to interview a former female-minister who has been critical of the role of the elders, but she was unfortunately not present at the time in Puntland. However, I finally managed to get a hold of her and she accepted to answer a questionnaire.

### *Traditional authorities*

The interviews with the traditional elders are central to this thesis and the main reason why I did the field work. It is not easy to contact and interview this group via mail and phone. I decided to interview elders of both stratum: the highest *issim* and the *nabadoons*. With the *issim*, I did not get a face-to-face or a recorded interview. Instead, he insisted on answering my questions in a written form and I received well rounded answers similar to the state-officials. On the other hand, I conducted a group interview with six *nabadoons*. One of the reasons why I chose to have a group interview was because this group is the functional strata of the traditional institution that deals with the daily governance. Secondly, focus group discussions are close to the real-life dynamic of this group and give unforeseen perspectives and understanding (Walliman, 2006). There was an unexpected turn in the discussion when an intruding politician made a remark regarding elders' authority in the clan-nomination system that turned the discussion into a debate. The downside with this type of interview is that it was



hard to steer the discussion, but the most essential information to my thesis came from this interview because the *nabadoons* discusses and debated the questions frankly.

### *Youth*

I decided to conduct a similar group interview with six representatives from Galkacyo's youth organisation. This group interview was more seminar-like, in which youth engaged in dialogs and presented their personal perspectives and the relationships they had with the state and traditional authorities respectively. However, there was an imbalance in the dynamic of this group in which the four male participants were dominant in the conversations and made the consensus. The two girls in the group did not actively partake in the discussion and told me afterwards that they did agree with the boys but do not have a similar relationship with the elders. The girls invited me to have a similar group interview with the women's association they were members of.

### *Women*

Unfortunately, I did not conduct a group interview with this group because of time constraints. I was supposed to attend a meeting they had and conduct an interview there, but it was cancelled. Instead, I was given the opportunity to interview the head of the association, who in a long interview critically explained women's position in the system and their relationship with the elders. I also interviewed the first lady, who also had a feminist perspective in this matter. She pointed out how the hybrid system affects Puntland's women and highlighted the state's role in improving gender-relations.

Overall, I feel that the stratified and purposive sampling method was important for this research. It allowed me to analyse the different relationships across the state and traditional hierarchy and how they co-produce authority. This sampling method was also cross-sectional for gender and captured the female perspective of both public and politicians. However, during my one month stay, my initial plan was to conduct interviews throughout Puntland. I had plans to meet other *issim* and politicians in Garowe and Bosaso but I could not proceed because of a series of events that made it difficult for me to interview in Galkacyo. To support the data from the interviews, I used political statements by the participants from speeches and news articles and official documents such as the constitution, the Charter and traditional peace treaties (*xeer*). Therefore, much of the data is contextual and is based on events that I have observed during my field work and which is referred to in the interviews.

### 2.1.2 Observations: Location and timing

Galkacyo is a divided city between the two administrations: Puntland and Gal-Mudug and is among the most politically unstable cities in Somalia. On my second day in Galkacyo, December 17<sup>th</sup> 2017, a peace resolution was signed between the clans of Puntland and Gal-Mudug. The day after, the treaty was breached with a homicide and a crisis emerged with fear of a full-blown conflict. People were ready to flee at any minute and hoping for a political solution. Two days after on the 20<sup>th</sup>, a nomadic conflict broke out in the Haud of Ethiopia between the Omar Mahmud of Majeerteen and Dhulbahante. Clan militias were organising themselves from Galkacyo and those injured were treated in the city hospital. Conducting interviews during this period was nearly impossible for me. Most of the traditional leaders left to initiate peace talks in Ethiopia and the local politicians were pre-occupied with reinstalling the peace-agreement with Gal-Mudug. However, while waiting for the interviews, I noted the events and the public rumours and perceptions regarding the situation. Another horrible experience was the assassination of Mohammed Yusuf (Qaley), Puntland's base commander in Galkacyo in the house next door. I personally shared the grief, rage and sense of insecurity Galkacyo's residents felt. It made me internalize people's frustration when they explained their situation in the interviews. Even though these events posed a security risk and affected my research, the research did not pose additional risk to either me or the informants. This was mainly because the research was about perceptions regarding structural challenges in the political system. People in Puntland openly discuss politics and criticize the government. Risk and sensitivity is often associated with investigative research in terrorism, security and direct accusation of corruption.

There were several political and traditional meetings taking place in Galkacyo regarding the crises. The most significant one was the peace-deal between the clans of Puntland and Gal-Mudug. I would ideally want to be a participant-observer in the meeting. It would have allowed me to observe the protocol and the dynamic between the politicians, the traditional leaders and common men. However, this was not possible because *shirs* are strictly male-only. For me to participate as a woman and a researcher, all the male participants had to agree and give consent. Since it was an inter-clan grand *shir* with around 100 men and about a politically sensitive topic, my participation would have simply disrupted the atmosphere and raised suspicions. I therefore chose to respect the culture and not interrupt the *shir* by prioritizing participants' preferences over my research. Instead, I stayed in the *shir*'s background with the women and was given briefing regarding the points of the meeting.

Because these events were talking-points that were frequently discussed and referred to in the interviews, I felt that I had to include them as case-studies in the thesis.

### **2.1.3. Secondary data**

This research uses secondary data to complement the primary data for the theoretical analysis and for triangulation. This data puts the primary data in context and shows a broader picture by connecting the interviewees' statements with events and studies which supports it as empirical evidence. These data are other studies such as parliament accountability, and polls regarding democratization done by research institutes such as Puntland Development and Research Centre (PDRC).

## **2.2. Ethics**

Ethical consideration was consistently upheld throughout the research process for both the study and its subjects. The first step I did was to explain the intention and nature of the research to participants and made sure I got informed consent before conducting my interviews. Informed consent allows the participants to assess the research before agreeing to participate (Walliman, 2006). After explaining that the research was for my master's thesis most of the participants agreed and gave me verbal consent to proceed with the interview. However, with regards to anonymity and consent of publishing, I did not get a clear reply from most participants. Instead many requested that their answers be filtered by omitting unserious remarks during the interviews, or by making any sensitive or controversial comments anonymous. This was challenging for me because as much as I appreciated the frankness and honesty during the interviews, partial anonymity put extra responsibility on me. However, I understood their concern; most participants were worried that their comments would leak in audio-form to the media and be misquoted. They explained that this was a big problem in Somalia and similar cases of misquotation have severely damaged many peoples' political integrity. I therefore had to reevaluate the material and respect their wishes not to name controversial statements. I also handled audio recorded and transcribed material cautiously, storing it in hard-disk (not the internet connected cloud) and will delete it appropriately.

Another ethical consideration was the selection and interpretation of data during analysis and how that should strictly follow the research guidelines (Walliman, 2006). I therefore spent most of my time transcribing and translating the material to avoid unintentional misquotation or misunderstanding. Only three interviews were conducted in English, the rest were in

Somali. Translating Somali word for word was not much of a challenge for me, as I have good knowledge of Somali and have professionally worked as an interpreter for most of my career. However, the main challenge for me was not to lose the essence and context of the speech while interpreting. Somalis have a strong oral tradition and express themselves in poetic phrases, idioms and proverbs. Most of the interviews – especially with elders – were in that form of speech, which when translated into English does simply not make sense. I therefore spent a significant amount of time on this phase and tried my best to get the point across with minimum distortion. I heavily stressed avoiding misquoting the interviews not only for the research but also for my personal integrity, as the participants generously offered me their valuable time and trusted me with their information.

### **2.3. Methodical approach**

My aim with this research was to understand how Puntland's political system works, and how it produces authority and legitimizes it. To get this, I had to empirically focus on the roles and relations of two groups: the traditional authority and state officials. While analysing their interviews, I looked for descriptive actions that identified the relationship between them which allows Puntland's system to exist. However, on the relationship between the two groups, I had to analyse their personal perceptions and attitude about each other by focusing on the language, tone and emotions in the interviews. I had a similar approach to evaluating the authorities' legitimacy which is also subjective matter. I asked the youth and women questions regarding their personal relationships with the state and traditional authority and their opinions of them. In this the individual's subjective meaning and perception of Puntland's hybrid system and its authorities was important to evaluate legitimacy.

### **2.4. Reliability**

Ensuring the validity and reliability of the study began in the preparation stage. The interview questions were structured in a manner that was not misleading yet still relative to the research question. The semi-structured interviews and focus groups were a suitable approach that helped me avoid dictated and vague questions and handle the participants' different personalities. These interviewing methods gave the participants enough subjective space within the research topic to produce reliable data (Bryman, 2015). Even though most of the data are subjective opinions regarding the topic, most of the personal accounts and statements given in the interviews were triangulated. This means that reliability was ensured by

confirming primary data with secondary data in which external information such as news articles confirmed events.

## **2.5. Generalizability**

This thesis is not intended to give concluding remarks regarding the legitimacy of Puntland's traditional and state-authorities. This is because first, the research is qualitative and not quantitative in which my sample of the different groups is not large or dispersed enough to be representative of Puntland, Mudug, Galkacyo or even the clan to which the majority of my respondents belong to. Secondly, legitimacy is a very subjective matter and as Andersen (2012) suggest should be analysed as "a qualitative phenomenon specific to distinct communities and their actions" (as cited in, Weigand, 2015, p.16). Since Puntland is a volatile place where political and clan dynamics are constantly changing, people's personal perceptions and preferences regarding the legitimacy of an authority are changing too. Therefore, the statements and concluding remarks of this study are representative of the participant at that location within that timeframe but is in the context of Puntland's political system. This study instead gives an understanding of how legitimacy and authority is coproduced in Puntland's informal hybrid system.

## **3. Theoretical framework**

In this chapter, I will contextualize Puntland's political system by presenting a theoretical framework to operationalise the research questions and to help navigate through the analysis. The central concepts of this thesis are *authority* and *legitimacy* which will be used to analyse Puntland's political system. The chapter presents and discusses Weberian understandings of *legitimacy* and *authority* within the context of the modern state-building paradigm. With the same theoretical perspective, I will also present Puntland's *hybrid political order* and *neopatrimonialism* which are essential to this thesis.

According to Gilley(2006), *legitimacy* is a central concept to "virtually all of political science"(p.1). Despite this, it remains one of the most difficult concepts in the discipline, Huntington(1993) says it is "a mushy concept that political analysts do well to avoid" (p.46). Despite the lack of a universal definition, Max Weber's theory of legitimacy is the mainstream understanding. Weber's system of domination provides an analytical framework to observe patterns of command and obedience in a political order (Grafstein, 1981). The main notion is that commands are obeyed, because of society's "belief in the legitimacy" of

the rulers' authority (Weber, 1978, p.213). On this basis, Weber categorized three pure types of legitimate domination. *Charismatic authority* which is grounded in the belief in the exceptional character of the ruler. *Traditional authority* which is legitimized on an established belief of the sanctity of the tradition. And finally, the belief in the legality of an impersonal order, where subjects obey and legitimize the legally established *legal-rational authority* (Weber, 1978). Since charismatic authority is individual-based, it will be omitted in this thesis. Instead, the 'ideal' traditional and legal-rational system of domination will be used to analyse Puntland's hybrid order.

Although these types are ideal and do not purely exist as political entities, they are used to theoretically classify and describe different political systems. For instance, Wiechnik (2013) argues that legitimacy of a political system is determined by societies' values and belief-systems. In this, modern societies with individualistic values and liberal norms believe in democracy and legality to legitimize authority (Wiechnik, 2013). This view has, according to Weigand (2015) become universal and is the normative standard for legitimate modern state authority. In this, political systems are in a continuum of value systems, where societies with traditional values and authority should progress to become liberal democracies with legal-rational authorities (Weigand, 2015; Wiechnik, 2013).

In the state-building paradigm, states that lack Weberian legitimacy are referred to as either 'failed' or 'fragile' (Weigand, 2015). Huntington has claimed that the democratic process of the modern state is "the only viable and durable source of legitimacy in today's world" (as cited in, Lemay-Hebert, p.9). Nevertheless, the ever increasing 'new wars' and state-failure have unearthed flaws of this dominant view of statehood. Many 'post-Weberian' scholars acknowledge the plurality of legitimate authority within a territory and support *hybrid political orders* as an alternative to failed states (Weigand, 2015).

### **3.1. Hybrid political order and neopatrimonialism**

This political order is characterized by Clements et al. (2007) as an admixture of the Weberian legal-rational and traditional authority in which their "claims to power co-exist, overlap, interact, and intertwine" (Boege et al., 2009, p.17). In this the state draws elements of governance, politics and legitimacy from the traditional institutions (Clements et al., 2007; Kraushaar & Lambach, 2009). However, Weigand (2015) argues that hybridity is merely an institutional arrangement to state-failure. Other scholars including Kraushaar and Lambach (2009) agree and say that hybridity is still viewed as deficiency of the Weberian ideal state.

As a result, most hybrid states attempt to complete their statehood by either formalizing the hybrid system or transition from it (ibid). The traditional institutions roles in a hybrid state are therefore often informal and overshadowed by the state (Kraushaar & Lambach, 2009).

Weigand (2015) says that ‘hybridity’ lacks its own analytical position to empirically assess the system. Because of this the relationship between the traditional and the state authorities in hybrid political order is analysed through Weberian lenses.

One of the mainstream concepts used to analyse the informal relationships between traditional and modern institutions especially in African hybrid state is *neopatrimonialism* (Kraushaar & Lambach, 2009). The term is a modern notion of Weber’s *patrimonialism*, which is an economic trait of the traditional system of domination where authority regulates economic activities in a patron-client system (Weber, 1978). Thus, (neo)-patrimonialism refers to the continuing patrimonial relations that still “takes place behind the guise of rational-legal statehood” (Kraushaar & Lambach, 2009, p.10). The concept is often used to explain economic crises in developing countries and is referred to as an obstacle to the development and transition to modern democracy (Kraushaar & Lambach, 2009).

### **3.2. Analysing legitimacy in hybrid political order**

Legitimacy is essential for understanding the source of authority in any political system and the relationships that maintains a social order (Weigand, 2015). Investigating legitimacy in a hybrid political order sheds light on a state’s ‘degree of hybridity’. This can be done by assessing legitimacy of the traditional and state authorities respectively. This dwells in the people’s perceptions of the legitimacy and expectations of the legitimation process (Weigand, 2015). To analyse this in a hybrid state Weigand (2015) suggests looking at two dimensions of sources of legitimacy.

#### *Substantive legitimacy*

Weigand (2015) founded this on Weber’s belief-based legitimacy. He describes it as an abstract and subjective form of legitimacy in which authority is legitimized on beliefs rather than performance. Nevertheless, authority is not legitimate just on people’s belief, but as Beetham explains it is “*justified in terms of their beliefs*” (2013: 11). This pins legitimacy on commonly shared norms, values and ideologies that people identify with. According to Wiechnik (2013), people with collectivist culture have group-identity such as clan-affiliation as a legitimizing factor for authority. Whereas societies with individualistic values, legitimize

authority based on political affiliation (ibid). Therefore, identity is a substantive legitimizing factor relevant for understanding prevalence of non-democratic systems such as the clan-based nomination in Puntland.

Another substantive element in legitimacy is according to Gilley (2006) people's "*views of legality*"(p.4). In this, people do not only justify an authority's legitimacy to their beliefs but also according to their laws and customs (Gilley, 2006). To be legitimate, an authority's power and actions has to be legal in accordance to people's customs or constitution.

According to Riley (1973), this notion of political legitimacy is rooted in the social contract theory. Based on this contract, people establish social order, give consent and conditions that legitimizes authority (Riley, 1973). Therefore, to analyse substantive legitimacy, one has to examine people's perception of legitimacy '*justified in terms of their beliefs*' and their '*views of legality*' in terms of their contracts. In a hybrid system, one can look at how peoples' justified beliefs and legality legitimize the traditional and state authority respectively.

#### *Instrumental legitimacy*

This is more an empirical type of legitimacy that crosses the 'traditional' and 'legal-rational' divide. In this, one looks at the legitimation process which is a cycle where the claim to authority is either accepted or rejected based on the delivery of public demand (von Haldenwang, 2017). It is the performance and responsiveness to public demand that legitimizes the authority instead of beliefs and values (Weigand, 2015). This can for example be measured by looking at the public attitude towards the state's delivery of basic services or election promises. In a hybrid state, instrumental legitimacy of the traditional authority can be compared to state authority in providing a shared need such as security (Weigand, 2015). It can also be measured by comparing the authorities' return of a public input such as diya-payment for insurance by traditional authorities and taxation for basic services from the state.

Another way to measure instrumental legitimacy is – as Migdal and Schlichte suggest – to contrast the image and claim of the state to its actual practices (as cited in, Weigand, 2015). This can be done by measuring the degree of statehood in contrast to the normative standards the state claims. Thus, a state's neopatrimonial practises can taint its legitimacy claims as a modern state. However, neopatrimonialism cannot be viewed as purely instrumental, as it does not according to Pitcher, Moran, and Johnston (2009) necessarily mean "bad governance" and is "instead a specific form of authority and source of legitimacy"(p.126). It is a common trait in most African nations especially in hybrid or quasi states that are in a



phase of transferring from traditional to democratic legitimacy (ibid). Instead, state authority's neopatrimonial practises can be measured against the normative 'good governance' practises of a modern state.

Nevertheless, perceptions and expectations regarding instrumental legitimacy can vary on an individual and group level because of special interests and relationships with the authorities (Weigand, 2015). In this thesis, different groups' relationships, practices and perceptions will be analysed to examine how legitimacy is sourced by the respective authorities in Puntland's hybrid system.

## **4. Background**

### **4.1. Traditional institutions**

#### **4.1.1. The clan system**

The clan system is generally presented as a web of segmentary genealogical lineages which makes up the fabric of Somali society (Lewis, 1999). This system identifies and positions individuals in the Somali social structure. Most Somalis trace their lineage to a patrilineal descent through *Ab-tirsi* (ancestral-counting) into various strata of clan-units known as *Tol* (Lewis, 1999). However, the most important social unit for a Somali is the *Jilib* (diya-paying group) (Gundel, 2006). This is a functional group of anywhere between hundreds to thousands of men sharing a lineage between 4 to 8 generations (Gundel, 2006; Lewis, 1999). The *jilib* is the functional unit in which the members war, pay and receive blood-money together. The next stratum is the clan which is the umbrella that unifies members sharing the 20<sup>th</sup> ancestor with a traditional authority and a common identity (Gundel, 2006). It is the political unit of the Somali individual in society that negotiates conflicts such as territorial claims. The uppermost stratum in the system is the clan-family, which unites a large population of several clans who claim a common ancestor 30 generations back (Gundel, 2006). This unit is usually too large and territorially scattered to have a permanent functional or political role (Gundel, 2006).

However, in times of war and turmoil, clan-family identity gets politicized. Clans make blood alliances in the name of the clan-family to increase their political leverage. This unity is temporarily based on external threats because of the segmentary nature of the clan system as clans unite and disintegrate based on circumstances (Gundel, 2006). This is obvious in the

clan politics within and between the main Somali clan-families. During the civil-war, the Darood united militarily and were politically against the other clan-families despite their pro- and anti-regime differences. For instance, in Kismayo this unity was short lived as infighting between the Darood clans shortly began whereas, in the North-eastern region, the Darood unity was the essence of Puntland's foundation (Johnson, 2008).

Puntland is a result of an institutionalized inter-clan agreement between the Darood clans in the region. It is a confederation of the Harti clan-group of Majeerten, Dhulbahante, Warsengeli and Deshiishe and the other Darood clans of Leelkasse and Awrtable in the region (Johnson, 2008). Majeerteen inhabits three regions in which the sub-clan Osman Mahamud lives in the Bari region, Isse Mahamud in the Nugaal region and Omar Mahamud together with Leelkasse and Awrtable in the Northern Mudug region. Dhulbahante are of the disputed territories with Somaliland of Sool and Sanaag which is also inhabited by Warsengeli. Warsengeli also resides in Bari with Deshiishe and the other Harti clans of Geesaguule, Kaskiqabe and Liibaangashe (Johnson, 2008). However, territorial claims between these clans are semi-exclusive and are based on regular seasonal movements and settlements that are coordinated by inter-clan contracts (Gundel, 2006). This contract is known as the *Harti xeer* and is regulated by the traditional authorities to avoid nomadic clashes between the clans residing in Puntland (Johnson, 2008). This *xeer* is essential for Puntland's existence and is different from Puntland's Charter and constitution.

#### **4.1.2. Xeer**

According to Lewis, the two main pillars of the social structure of Somalis are *Tol iyo Xeer* kinship and contract (Lewis, 1999). *Xeer* is a body of contractual agreements that is continuously being built through consensus and negotiation between and within the Somali clans (Menkhaus, 2003). Thus, *xeer* is both the legal body and the foundational social contract of Somali society (Mohamed, 2007).

As a social contract, the *xeer* lacks central authority and is collectively maintained by clan consensus. Since there is no monopoly of power, social order can be described as Weber's 'regulated anarchy' in which the abidance to *xeer* prevents the state of "war of all against all" (as cited in, Leonard & Samantar, p.565)(Schlee, 2013). The *xeer* regulates the clans' balance of power and has minimal coercive control; instead, social order is maintained by the clans' willingness to follow the *xeer* to avoid retaliation (Mohamed, 2007). Because of the

collectivist nature of the clan system, breaking the *xeer* applies to the clan and not the individual. To insure the individual's accountability, the *xeer* is a compensatory and not a punitive legal contract (Gundel, 2006).

The legal function of the *xeer* is reflective of the clan system, in which *xeer* is processed and enforced at the *jilib* level (Gundel, 2006). This is where the compensation of *xeer* applies in the form of diya-payments. *Diya* is a blood compensation system in which a killing is resolved by the collective payment from the murderer's *jilib* to the victim's *jilib*. The basic payment is 100 camels for a male's death and 50 for a female which is the *xeer guud* (general law) regarding *diya* between the clans (Gundel, 2006; Menkhaus, 2003). However, this sum differs based on the *xeer gaar* (specific law) between the two clans of the case (Gundel, 2006). Clans that have strong alliances or a close patrilineal decent exempt or discount the *diya* whereas rival clans inflate or refuse *diya* (Menkhaus, 2003; Schlee, 2013). Clans also impose strict *xeers* with high diya to end prolonged internal conflict (ibid). Thus, justice is subjective to *xeer* and the arbitration (*gar*) of the jury known as *xeer beegti* that processes *xeer* as either 'mediation' (*masalaxo*) or 'arbitration' (*gar dawwe*) (Gundel, 2006).

At the clan level, *xeer* is a political constitution. It is an egalitarian process in which all male clan members of consensual age participate at meetings called *shir* (Lewis, 1999). They elect authority, establish principles representative of political unity and decide the clan's position in a conflict (Lewis, 1999). These *shir* are also inter-clan meetings in which the clans settle their political and territorial differences with *xeer guud* or draft new *xeers* (Gundel, 2006). In the case of Puntland, the *Harti xeer* was established in order to unify the clans as the political entity of Puntland and address territorial conflict with external clans and among Harti pastoralists (Johnson, 2008).

New *xeers* are derived from shared fundamental values, norms and principles in Somali society called *Xissi adkaaday* (Gundel, 2006). It can be understood as the Somali value system in which the social norms and laws stem from. This collectivist rather than individualistic value system is the source of the Somali *xeers* and the basis of the egalitarian and consensual clanship structure (Mohamed, 2007). This 'social contract' according to Leonard and Samantar (2011) is the source of the Somalis view of a legitimate authority. The key feature of the *xeer* is its common law character, which provides for highly differentiated and contextualized legal solutions. Haggmann (2007) says that it is because of this political security and flexibility towards circumstances, that Somalis perceive the *xeer* as legitimate.

### 4.1.3. Traditional authorities

The type of traditional authority of the Somali pastoralist is what Weber (1978) calls ‘gerontocracy’ and ‘primary patriarchy’ (p.231). This is a form of authority held on the basis of age and inheritance in which subjects are ruled with an administration that is not separate from the community (Höhne, 2007). In Somali society, elders enforce the *xeer* with arbitrary courts and councils known as *guurti* (Gundel, 2006; Le Sage, 2005). In the councils, every adult man is eligible to speak on behalf of his kin and partake in the decision-making (Lewis, 1999). This egalitarian mode of what Lewis (1999) defines as ‘pastoral democracy’, blurs according to the definition of an ‘elder’ (Hagmann, 2007). According to Ahmed and Green (2009) “not all old men are elders, nor are all elders aged” (as cited in, Hagmann, 2007, p.5). Instead it is the virtues of being respectable, wise, age, impartial and knowledgeable of *xeer* that defines an ‘elder’ (Hagmann, 2007). Despite the lack of an institutional administration, there is a hierarchical division of authority among the elders that goes along the clan and *xeer* structure.

#### *The symbolic authority: Issim*

As mentioned, the clan is the political unit of the Somali society and has a representative leader known as *issim*. The *issim*'s role is to be symbolic and representative of clan unity in external relations (Gundel, 2006; Lewis, 1999). This position unites the segmentary divisions in order to negotiate the clan's territorial and political claims. Clan members' loyalty to the *issim* is an expression of solidarity in times of external threat (Gundel, 2006). However, the *issim*'s leadership and authority lacks coercive power and is restrained by the council of elders and reduced to ceremonial duties in times of peace (Lewis, 1999; Mohamed, 2007). Even though the *issim* is an inherited position, the council elects the *issim* from the inherited family based on his leadership virtues (Hagmann et al., 2007). This consensual endorsement of the *issim* in a *shir* open to all clansmen is the electoral process of the Somali ‘pastoral democracy’ (Lewis, 1999). The elected *issim* is then coronated in a traditional ceremony known as *aano-shub* and is the clansmen's ceremonial act of consent to the *issim*'s legitimate authority (Johnson, 2008). Clan-members justify the *issim*'s inherited authority on the basis of tradition and historical legitimacy. The egalitarian source of legitimacy and lack of coercive power makes the *issim*'s authoritative status based on kinship consensus and not the inherited

kingship (Mohamed, 2007).

The Darood clan-family has a kingship hierarchal structure of the *issims* (Johnson, 2008). The *boqor* is the highest ranked *issim* and the traditional head of Darood is of the Osman Mahmud sub-clan of Majeerteen. The title *boqor* means king and references back to the pre-colonial sultanates in the region (Gundel, 2006; Johnson, 2008). In descending order, the Sultan of Warsengeli is 2<sup>nd</sup>, the 3<sup>rd</sup> is the Garaad of Dhulbahante, Islaan of Omar Mahamud for Majeerteen and lastly Islaan of Isse Mahamud for Mahamud Saleeban (clan umbrella under the Majeerteen) (Gundel, 2006)(Interview). There is no authority invested in this hierarchy and it is merely ceremonial in the chairmanship of the *shirs*. The chairmanship is not only confined to this hierarchy but is also territorial (interview). In meetings with external clan-families, it is the *boqor* that is the head of Darood. But in an internal Darood meeting it is the host who chairs the *shir*. For example, it was Islaan Mahamed and not the *boqor* that was the host and the chairman of the *shirs* establishing Puntland in Garowe (Interview). This structure keeps the autonomy and authority between the Darood clans balanced.

#### *The functional authority: Nabadoon*

However, the hierarchy is not between the clans but within the clans. Each clan has an *issim* as the highest position in the council of traditional leaders. The elders who are representative of *jilib* are known as *nabadoons*. The word *nabadoon* translates to peace-seeker and is rooted in the elders role in conflict-mediating (Gundel, 2006). However, *nabadoons* could equally be warmongers as well as peace-makers depending on the circumstances since they are the ones who negotiate on behalf of their *jilib* (Hagmann, 2007). Their role also extends to civil matters in which they settle cases such as marital and business disputes based on *xeer* (Gundel, 2006). Therefore, their role is a day-to-day one in which they attend *shirs*, settle cases, mediate conflicts, and collect and allocate the imbursements. Hence, the *nabadoons* are a functional group of the Somali traditional system that judges, legislates and executes the *xeer* (Gundel, 2006; Johnson, 2008).

Unlike the *issim*, the *nabadoon's* authority is not a static and symbolic leadership but is a flexible and functional one. A *nabadoon's* position is not limited to an inherited family but is an open position to all clansmen and is elected purely on experience and expressed virtues in *shirs*. Based on his skills and knowledge, the *nabadoon* is trusted to work for and represent the interest of his lineage (Mohamed, 2007). Members' compliance in paying *diya* is an act of

consent that expresses acknowledgment and acceptance of a *nabadoon*'s authority. The legitimacy of a *nabadoon*'s authority is therefore vested in the kin's views of the legality of his service in terms of the *xeer*. Thus, it can be said that the legitimacy of a *nabadoon*'s authority is legally justified with *xeer* while the Issim's inherited authority is justified with *dhaqan* tradition (Gilley, 2006; Gundel, 2006).

According to Weber, legitimacy rests on a reciprocal relationship between authority and its subject (Hurd, 1999). The Somali society is duty-based in which the individual – regardless of status – owes obligations to his kin according to the social contract (Mohamed, 2007; Wiechnik, 2013). For this reason there is an instrumental aspect to the *nabadoon*'s legitimacy that is based on their role and relationships in the community (Logan, 2013).

## **4.2. Historical background**

The collapse of the central government plunged Somalia into a civil war. The main narrative by scholars like Lewis (2003) states that the Somali conflict armed and political is clan-based rivalry and a violent rupture of the segmentary nature of Somali society. However, this primordialist view is much contested in which there are many explicit and underlying factors that have historically driven and continue to drive the Somali conflict (Besteman, 1998). It is also worth mentioning that Somalis have traditionally maintained stability and peace through balance of power between clans with contractual agreements (Mohamed, 2007). The non-static nature of this 'pastoral democracy' have made the traditional institutions resilient, adapting to the various political changes in history from the colonial times to the current post-war Somalia (Hagmann et al., 2007; Huntingford, 1963).

During the colonial era, the traditional institutions were incorporated in the administration in which the traditional authorities were used for indirect rule and the clan system to 'divide and rule' (Höhne, 2006). After independence, the divisive role of the clan system continued to jeopardize the democratic system by inflating clan-parties which ended with a military coup overthrowing the civilian government (Ssereo, 2003). The military revolution promised a change from the segmentary nationalism to ethnic nationalism by replacing democracy and traditional institutions with scientific socialism (Lewis, 2003). As a result, the multiple-party system along with clan identification, traditional authorities, *xeer* (customary law) and *shir* (gatherings) were outlawed (Höhne, 2006). The post-colonial political elites reduced the role

of the traditional authorities to 'pastoral politics' where the state lacked institutional capabilities and replaced elders authoritative title of clan-leaders to the nation's 'peace-seekers'(Höhne, 2006). This policy was meant to end fragmentation of the Somali society and unite them beyond the colonial and 'clan balkanization'. This ethnic-nationalism and anti-colonial rhetoric aimed for a greater Somalia and justified the Somali-Ethiopia war in 1977 (Ssereo, 2003). However, ethnic-nationalism was short-lived as the loss of the war plunged the nation into political and economic ruin. While publicly denouncing clannism, the weak regime revived clan politics and used it as a 'divide and rule' tactic to stay in power (Ssereo, 2003). Traditional authorities were reinstalled and politicized in order to destabilize oppositionist clans. The regime named loyal elders of rebelling clans as clan-leaders to be regime puppets (Ssereo, 2003). This proliferated, corrupted and delegitimized the traditional institutions (Höhne, 2007).

In the final years of Siad Barre's regime, loyalist and dissidents were categorized along clan-lines (Hesse, 2010). Officials from the rival dominant clans were marginalized, blacklisted and targeted. Concurrently, the regime systematically targeted and turned clans against each other to avoid a united opposition which created fragmented clan-based rebellions (Ssereo, 2003). After the failed coup in 1978 by Majeerteen officers, the clan faced a backlash of collective crackdown in Mudug region (Lewis, 2003). The civilian oppression led to the establishment of the first armed opposition group – the Somali Salvation Democratic Front (SSDF) which has its headquarters in Ethiopia. SSDF's insurgency from an enemy state disintegrated the Majeerteen from the Somali national solidarity and helped the regime justify the punitive repression of the clan (P. Johnson, 2008). However, this did not halt the insurgency, the Isaaq clan established the Somali National Movement (SNM) and the Hawiye formed the United Somali Congress (USC) clans with Ethiopian support (Ssereo, 2003).

In response to the increased rebellion, the regime signed a peace accord with Ethiopia in 1988 to stop the support of each other's insurgences (Lewis, 2003). During this period, SSDF's chairman Col. Abdullahi Yusuf was detained by Ethiopia and the organisation was in a crisis with political infighting and a lack of arms and leadership (P. Johnson, 2008). The pact pushed the other opposition groups into Somalia which eventually led to USC's overthrow of Siad Barre and the SNM's secession of Somaliland. The collapse of the state escalated and quickly turned into a civil war. The clan-based armed groups targeted Darood civilians as clan affiliates of the dictator. This reprisal changed the course of the conflict from a pro- and anti-regime conflict into a clan conflict (Lewis, 2003). During the civil war, clan identity

outweighed the political identity causing the SSDF to reform from an anti-Siad Barre opposition to a Darood political entity (Johnson, 2008). This reformation is not only the basis of Puntland state but also Somalia's clan federalism (Johnson, 2008; Ssereo, 2003; Zoppi, 2013).

### *Puntland*

After the fall of Mogadishu, massive exodus of Darood sought refuge in their ancestral territories in the northeast and southern regions of Somalia. However, as offences continued in the north-eastern Mudug region, the political and traditional leadership of the clan decided to re-establish the SSDF as the region's defence and political organisation (Johnson, 2008). The traditional institutions re-emerged to fill the state vacuum to govern civil matters and prevent internal clan conflicts (Johnson, 2008). Thus, the division of roles between the traditional and the political leaders were internal and external affairs.

After a series of failures in the national reconciliation process, the political elite considered 'the bottom-up' approach – which is a decentralisation model by the London School of Economics commissioned by the European Union (War-torn Societies Project, 2001). In this approach, the regional administration would function as a transitional 'building-block' in the formation of a national government (Johnson, 2008). The vision was materialized with the 'Garowe declaration' in 1998 (Hesse, 2010; Johnson, 2008). The traditional elders summoned a community conference '*shir beeled*' that extended the SSDF's administration in the North eastern region and invited delegates from all Harti and neighbouring Darood clans (Johnson, 2008). After months of negotiations, the elders set up a unicameral parliament of 66-representatives whose seats were regionally divided and distributed to the lineages of the Darood sub-clans (Hesse, 2010). The delegates adopted a provisional Charter, elected a government and established the Puntland state of Somalia in August 1998 (Johnson, 2008).

## **5. Analysis**

### **5.1. Legitimacy and authority of Puntland's statehood**

The state according to Weber (2013) is "a human community that successfully claims the *monopoly of the legitimate use of physical force* within a given territory"(p.1). In this regard, Puntland is theoretically a state with a functioning government that to some extent has



‘monopoly of violence’ over its territory and population (Doornbos, 2006). Although mainstream IR often equates statehood with sovereignty (Caspersen, 2015), Puntland – unlike Somaliland – does not claim sovereignty and is merely a political entity within the Somali state. Yet, the legitimacy of its statehood both internal and external is equally vital for its existence and for Somalia’s federal system. Since quasi-states such as Puntland replace the functions of the sovereign state, scholars have pointed out that the ‘degrees of statehood’ of non-sovereign entities can also be measured and used to analyse public authority and legitimacy (Caspersen, 2015; Von Steinsdorff & Fruhstorfer, 2012).

In the hybrid-polity, the modern governance system is the facade of Puntland’s statehood. The ‘degree of statehood’ of this modern structure can be measured to assess the strength and weaknesses of Puntland’s state authority and legitimacy. One can thus systematically look at the Weberian criteria (Montevideo Convention conditions) of statehood: a) government; b) permanent population and defined territory; c) monopoly of violence; and d) capacity to enter inter-state (external) relations (Doornbos, 2006; Von Steinsdorff & Fruhstorfer, 2012)

### **5.1.1. Government**

A government is defined as a functional organ which exercises the state’s political authority (Merriam-webster, 2018). Constitutionally, Puntland presents itself as a modern state with a legitimate functional government (Gov., 2001). According to Weber (1978), modern states are characterized with highly bureaucratic administrations with a strong legal-rational system of domination. The strength of government authority in this domination is vested in the hierarchal but rationally organized administration and “material means of management” (Weber, 1978, p.980). Thus, one can look at the bureaucracy and taxation as a “material mean of management” to get a sense of the strength of the government’s authority (ibid).

#### *Bureaucracy and the office*

In an ideal rational bureaucracy, the office is professional, impersonal, and holds a legal-binding position (Weber, 2013). The vocation of office is a variable of government capacity that differentiates a modern government from a patrimonial one. In most African states, government bureaucracies are generally weak because the patrimonial nature of the office (Jackson & Rosberg, 1982). This is especially true for Puntland’s hybrid state which has since its inception been expanding and improving its bureaucratic apparatus in an attempt to

monopolize authority (Doornbos, 2006). However, there are major challenges in Puntland's capacity building.

One is the lack of professional civil service which is typical for an underdeveloped region. Puntland has through history experienced brain-drain, in which most of its few professional population that previously lived in Mogadishu now resides in the West. As a result, most senior positions are held by diaspora with a foreign notion of governance and the civil offices are held by locals with a lower education (War-torn Societies Project, 2001). This creates disparity between the personnel within the administration. According to a former minister, the disparity and unprofessionalism causes a "disconnectedness" within the government institutions which goes to the extent that "the head of an institution may not know about his/her overall management and leadership processes pertaining to policies" while "subordinates are going with the flow" (interview). The minister also mentions that the lack of division of labour is not only within but across institutions in which "programs and policies that were rather abandoned or neglected" are being picked up by other institutions (interview). This shows that the lack of homogenous professional civil service is a structural problem hampering the government from functioning efficiently.

The other obstacles for the state-bureaucracy are the personal and unaccountable office. This is a patrimonial trait that is endemic in Africa especially in Puntland's hybrid-state where the office is a clan token for power-sharing (Jackson & Rosberg, 1982). The clan-based system has enabled widespread corruption and nepotism in the government (ICG, 2009). Many believe that the lack of basic services from the government is not only because of economic incapacity but also in the state's frail jurisdiction against corruption (interview). According to a recent study, the government's inability to hold its officials accountable negatively impacts the public trust towards the government institutions (Mohamed, 2017). The government's lack of accountability has lowered its legitimacy as a fair public institution and as result effected the government's capacity to generate revenue for development and social services (War-torn Societies Project, 2001).

### *Taxation*

According to Weber (1978), taxation is the state-bureaucracy's "material mean of management" and a stable *taxation* system is "the precondition for the permanent existence of bureaucratic administration"(p.968). Puntland has established a stable taxation system in

order to expand its government capacity and rely less on foreign assistance. For instance, between 2008 and 2014, Puntland increased its state-budget from US\$11.7 million to US\$ 30.7 million (Varming, 2017, p.15). However, little of this revenue was returned as social services to the people. Many believe that the state revenue is lost in corruption and is pocketed by politicians (interview). This naturally caused public mistrust and reluctance to pay tax to the state (Varming, 2017). In this regard, the citizens' voluntary tax-payment can be seen as an act of consent that legitimizes the state's claim to authority to collect tax (Varming, 2017). Thus, this negative public view of the state's poor tax management indicates a weak instrumental legitimacy (Weigand, 2015). However, this poor instrumental legitimacy does not necessarily delegitimize the state, as a state's legitimacy is not to be conflated with the incumbent administration's legitimacy (Doornbos, 2006).

Taxation in Puntland is closely linked to identity politics. As a clan-based state, Puntlanders' attitude towards taxation is "no taxation without representation" (War-torn Societies Project, 2001, p.71). Payment to a social collective is not a foreign concept to the Somalis; Somalis pay *diya* and *qaaran* to their kin in a consensual and transparent manner. In contrast to this, Somalis have historically experienced low return and abuse of power from their payments to a modern state (War-torn Societies Project, 2001). However, in the case of Puntland, taxation can be viewed as a modern version of *qaaran* and *diya* to their Darood clan-state apparatus. Many people therefore overlook the state's low performance while paying tax. For example, in disputed areas such as Mudug and Sool, clan members that identify as Puntlanders pay tax as a sign of allegiance and prefer it to be spent on security rather than basic services (Varming, 2017). Nevertheless, the fact that Puntland is expanding its taxation capacity despite its poor instrumental legitimacy shows that it enjoys a strong identity-based legitimacy.

### **5.1.2. Permanent population and defined territory**

Population and territory are substantial criteria that identify a state. They are also the basis of a political system where the state produces and exercises its legitimate authority. However, a permanent population within a defined territory is a distinctive feature of the modern state-system (Von Steinsdorff & Fruhstorfer, 2012). This notion of Westphalian statehood is not inherent to most non-Western countries but it has become a globalized criteria for external

legitimacy and recognition for any state (Lund, 2006; Von Steinsdorff & Fruhstorfer, 2012). For this reason, Puntland constitutionally defines itself as a modern state with a permanent population and defined territory even though it is a non-sovereign entity (Gov., 2001; PDRC, 2015b). Puntland's hybrid-state system reflects the population and territory criteria. While the constitution defines its border and population by modern standards, in reality this is overshadowed by traditionally defined kinship and *degaan* (traditional clan territory/settlement)(Johnson, 2008).

According to the Ministry of Planning (2017), almost a third of Somalia's population, an estimate of 4,334,633 people, resides within Puntland's territories. However, this population is not permanent, over 75% of the population are pastoralist and a significant number of the population are internally displaced people (IDP)(PDRC, 2014; PSD, 2017). Most of this pastoral population cross-over not only Puntland's but also Somalia's borders and it is therefore a challenge to tie this demography as being permanent citizens of a sub-state with territorial boundaries. However, the issue is not due to pastoral movement but lies in the contradiction between individual-based citizenship and collective-based clan identity regarding territorial ownership (Elmi, 2016). Traditionally a Somali belongs to a collectively owned *degaan* and this citizen problem stems from the colonial legacy of linking citizenship with kinship to define borders. Till today, Somalis in Ethiopia and Kenya acquire citizenship based on clan belonging and not by birth (Elmi, 2016). On the other hand, Puntland's constitution states "that all people born in Puntland or who have legally acquired the status of a Puntlander are accorded citizenship" (PDRC, 2015b, p.26). As a Harti confederate, the ambiguity in 'the status of Puntlander' can be understood as the clan identity and that the law embraces both clan and birth citizenship.

Since Harti clans live across colonial borders, many Puntlanders have a dual-identity. This can be an asset or a liability depending on where one's *degaan* is. Puntland recognizes the Ethiopian borders and there is a cooperation regarding clan territory and population mobility. Puntland has even exercised authority on several occasions within Ethiopia regarding clashes within the Harti clan (Johnson, 2008). There is also rural migration of pastoral clansmen from Ethiopia to Puntland's urban cities. Because of the shared clan-identity, these people are not viewed indifferently and are fellow Puntlanders with a higher social status than minorities and IDPs. They hold high ranked positions in state institutions like the military but are however excluded in political representation (interview). This is because representatives are regionally

allocated and nominated by the district's clan community and not by residents (Elmi, 2016; Johnson, 2008). Thus, a political nominee is to represent a territory (*degaan*) and a population (clan). When power-sharing, the clans' *degaan* territory is accounted for in totality across borders, in which sub-clans that have seats in Ethiopia's Somali regional state get less or none in Puntland (Puntlandes, 2017a). On the other hand, Puntland does not recognize Somaliland's claim to the British colonial border and therefore nullifies the clan representation of Somaliland affiliates as illegitimate. Instead, the rival states politically compete with political rent and armed force for authority in the disputed territory (Höhne, 2006). In Puntland's hybrid system, it is obvious that the traditionally defined boundaries overweigh the national districts and even international borders. The state produces authority from and exercises it on the clans in their *degaan* who legitimized it. In towns like Galkacyo, Puntland's authority is only legitimate with the Darood clansmen within their city districts and with the Hawiye in Gal-Mudug. Therefore, the territorial limit of Puntland's authority is strictly traditional as well.

### **5.1.3. Monopoly of violence**

“Monopoly of the legitimate use of physical force” is a dominant criteria of modern statehood (Weber, 1978, p.54). Mainstream discourse uses this definition to measure states' monopolized coercive power to maintain social order, in which the lack of it is state fragility or failure (Weigand, 2015). However in this view, the 'legitimate use of force' in Weber's definition is overshadowed by the state's monopolized force (Weigand, 2015). One reason is that legitimacy is a subjective concept which is hard to operationalize and instead used for normative standards such as democracy and 'good governance' in state building processes (Weigand, 2015). In this approach, a hybrid political system is viewed as an incomplete statehood that is incompatible with monopolized force. Weigand (2015) describes this as “the higher the degree of monopolisation of legitimate force, the lower is the degree of hybridity within a state”(p.8). As a hybrid state, this theory can be used to analyse Puntland's state-authority and legitimacy.

Puntland was spared of the civil war's prolonged conflicts and has enjoyed relative stability, not because of the state's law enforcement but rather because of the homogenous clan composition and effective hybrid governance in security (War-torn Societies Project, 2001). During Puntland's state-building, the traditional and political leadership cooperated to thrust

external threats and reinstall law and order by establishing a security apparatus consisting of three forces: Puntland's military (*Daraawiish*), the police, and custodial corps (Albrecht, 2018; War-torn Societies Project, 2001). However, instead of transferring power, government and clan leaders coordinated forces in military operations (interview). As a result the state's armed force and clan-militias are informally integrated and interdependent (War-torn Societies Project, 2001). This hybridisation is not an outcome of state-building, but instead is a transitional process where the state was expected to gradually monopolize violence (Albrecht, 2018).

For the past 20 years, Puntland has yet to monopolize force (Albrecht, 2018; PDRC, 2015a). This is because the armed forces to execute this, are crippled with inadequate provision and infrequent pay (PDRC, 2015a). Successive administrations blamed this on a lack of financial capacity to build the legal and institutional framework necessary for an adequate security sector (interview) (PDRC, 2015a; War-torn Societies Project, 2001). To solve this problem, the previous administration reformed the security sector between 2014-2016 by downsizing the armed forces (Albrecht, 2018). The government argued it was the quality and not quantity of the forces that mattered and reduced Puntland's security apparatus to a manageable size and placed it under direct executive order (Albrecht, 2018). The main reason of this was that president Faroole did not want to negotiate authority with clan leaders on security matters (Albrecht, 2018). His rationale was to minimize 'hybrid security' by marginalizing the traditional authority instead of monopolizing violence. As a consequence, internal security severely deteriorated (Albrecht, 2018). Because of the passive defence policy, Puntland lost territory to Somaliland and an enclave in the Galgala mountains to Al-Shabab (PDRC, 2015a).

Even though an efficient state-controlled force is necessary to monopolize power, it is absurd to cut the security apparatus in a highly volatile region. The sitting President Abdiweli Gaas has therefore resumed hybrid governance in security (interview). His administration is currently coordinating clan militias to recapture territory lost to Somaliland and is paying the ones in Mudug for defence (Albrecht, 2018; Puntland-FM, 2018). However, the president points out that the main reason for his pragmatic approach is the lack of monopoly of violence due to arms proliferation (interview). The public possesses more arm-power than the government (PDRC, 2015a). However, Puntland's disarmament is a legitimacy issue in which the public does not trust the state on several points (War-torn Societies Project, 2001).

First, there is the public perception of the centralized state power being historically viewed as repressive. Because of this, clans want to assure decentralized authority with locally driven forces so that they can pledge allegiance to serve the state and not be exposed to power-abuse (War-torn Societies Project, 2001). Secondly, the clan communities bordering Gal-Mudug and Somaliland refuse to trust the state with defence without a superior state army (interview). This makes disarmament difficult for the state as it cannot disarm one clan without disarming them all (PDRC, 2015a). Thirdly, the public lack confidence in law and security enforcement (interview). Crimes like terrorism which cannot be resolved traditionally are significantly increasing and individuals do not want to give up their small arms without being guaranteed safety (PDRC, 2015a). A local elder said that “a strong government and unarmed people would minimize our burden” but that it is “governments that disarm people, people do not disarm people” (interview). Many people agree with the elder that disarmament is not a matter of public resistance but state incapacity (PDRC, 2015a)(interview). The points above are justified concerns against the state’s weak and ineffective law and security enforcement. In a legal-rational domination, state forces are not necessarily intended to coerce obedience but to uphold law and order and provide security as a public service (Weigand, 2015). Meeting the peoples’ need for stability and security gives the state an instrumental legitimacy (Weigand, 2015). Puntland therefore lacks this legitimacy needed to disarm its population and monopolize violence.

However, this lack of instrumental legitimacy is rooted in the state’s neo-patrimonial practices and over-reliance on traditional governance. For instance, the previous administration claimed that 30% of the state budget was allocated for security but little of it was spent on the sector’s capacity building (PDRC, 2015a). Similarly, it is said that the current administration spends US\$21.6 million out of a US\$36 million budget on security annually, yet staff receives delayed and lower wages than are accounted for (Albrecht, 2018, p.223)(interview). As a result, security forces lack provisions necessary to execute their job and can therefore not commit to loyally serve the state or the community (PDRC, 2015a). This commitment is a crucial link between the state and the people because the armed forces are “the coercive arm of the state” that exercise authority (Terpstra, 2011, p.2). Thus, this strained relationship between the forces, state and the people show that Puntland’s authority is fragile and survives on the hybrid security system.

Nevertheless, while the traditional authorities cover internal security and conflict resolution, the state authority is challenged by the non-conventional conflicts of terrorism and piracy. To tackle this, Puntland has included more actors in its hybrid security governance (Albrecht, 2018). The state relies on foreign cooperation and funding to build security capacity in anti-terrorism and piracy (PDRC, 2015a). According to Weigand (2015) the “absence of a monopoly of force often being framed as a security risk” by Western states and international institutions (p.7). Puntland therefore receives international support to strengthen security and institutional capacity because of its strategic location and significance in Somalia (Albrecht, 2018).

#### **5.1.4. External relations**

Since the failure of the national reconciliation conferences, Puntland’s political elite has been engaging with external actors for institutional support for the ‘bottom-up’ state building approach (Bryden, 1999). The success of this strategy in building a functional administration with stability has made Puntland according to Menkhaus (2007) “the most legitimate, functional regional polity in Somalia”(p.84). This external legitimacy has given Puntland a para-diplomacy to successfully lobby the international community for a federal political system in Somalia and support its institutional building (ICG, 2009). However, Puntland relies heavily on this legitimacy to produce its authority through Somali politics, development aid and security assistance.

The Puntland state was initially established as a building block towards the bigger picture: Somalia’s political leadership. It is evident in Abdullahi Yusuf’s move from Puntland’s presidency to Somalia. However, this has become a norm for Puntland’s politicians in which they are pre-occupied with Somalia’s power-struggle instead of local development (Johnson & Smaker, 2014). Despite the shortcoming, this identity politics is a big source of popular legitimacy. President Faroole’s hard-line attitude towards the central authority regarding constitutional amendments and support to Jubaland gave him public support. The state’s weight in Somali politics and international arenas has become a big source of popular legitimacy and overshadowed the problems of piracy and terrorism (GaroweOnline, 2015a).

Puntland’s external legitimacy also facilitates engagement with international donors. As Somalia’s most functional political entity, Puntland receives substantial assistance for capacity building in different sectors (Johnson, 2008). This assistance is not only an important



source of income but also legitimacy. This is because in Somalia's aid-dependent culture, a government's capacity to bring foreign funds for development projects and programmes is viewed as efficiency and as a result instrumental legitimacy. Development assistance is therefore such an important asset that it is even a source of conflict between Puntland and the federal government. As the central authority in Mogadishu has become stable, most donors respecting Somalia's sovereignty insisted on channelling aid through the federal government. This became problematic as the process of transferring the funds to the federal states was either slow or non-existent (Mosley, 2015). In 2014, relations became dire when Puntland decided to cut ties with Mogadishu on this matter (ibid). Puntland accused the federal government for seizing funds while the federal government accused Puntland for undermining national sovereignty by bypassing federal authority (Mosley, 2015; Obsiye, 2018). However, the two parties reached an agreement "to ensure fair distribution of aid and assistance received in the name of Somalia" and that "international agreements on development" should be consulted according to the Federal Constitution (UNSOM, 2014, p.2).

Nevertheless, conflict resumed regarding Puntland's bilateral ties with the United Arab Emirates (UAE). The federal government recently pre-empted Puntland's agreement with the UAE's DP world to operate Bosaso port due to a lack of consultation (Obsiye, 2018; Telci, 2018). And Puntland refuted with Article 142(1) of Somalia's Constitution stating that "until such time that all Federal Member States of Somalia are established" it can and "...shall retain and exercise powers endowed by their own State Constitution" (as cited in, Obsiye, 2018, p.1). Thus, there is a resistance from Puntland to transfer its autonomy in external relations, especially in this case. For Puntland, the DP World agreement is not merely a matter of port development or autonomy but about an indispensable relation with the UAE. The Puntland Maritime Police Force (PMPF) which was initially established to combat illegal fishing and piracy is funded by the UAE with 1 million dollars per month (Albrecht, 2018). Currently, the PMPF alongside the US-funded Puntland Special Forces (PSF) and Puntland Intelligence Agency (PIA) engage in counter-terrorist operations. These forces are constitutionally recognised but are deployed with consultation of the respective donor and can therefore not meddle in the local conflicts with Gal-Mudug and Somaliland (Albrecht, 2018). Due to the weak local forces, foreign-funded forces (FFF) are the state's "...most powerful state institution" (as cited in, Johnson & Smaker, 2014, p.17; Mosley, 2015).

Since Puntland's internal security is heavily reliant on FFFs, they are an important means of state-authority. Recruitment to these forces are therefore shaped by clan dynamics, whereby clan-leaders and MPs selects the personnel (Albrecht, 2018). This role of the traditional authority in the process ensures decentralized authority of this power and thus legitimizes the FFFs. This is an example of how globalized Puntland's hybridisation is, in which an external state funds a state institution and traditional authority legitimizes it. With a lack of monopoly and stable forces, the state is the weakest authority in this tripartite and thus external relations are a vital source of legitimacy for Puntland's authority. They provide financial resources to build the state's institutional capacities, development and social services that is necessary for instrumental legitimacy. Most importantly, these relations are a source of the financial means for patronage and sustain the state's coercive authority through FFFs.

To conclude, looking through the statehood criteria, Puntland's authority hardly produces legitimacy from the bureaucratic efficiency of the government but instead from the population's political identity. This population is not permanent within a defined territory and are not registered as citizens nor is the defined territory under state authority. The state also lacks monopoly of violence and complete ownership of the existing coercive power. Based on these criteria, Puntland is a 'quasi state' which has a "Weberian façade but are governed by a very different set of institutions" (Weigand, 2015, p.12). Hybridization is Puntland's main source of state-authority and legitimacy. On the other side of hybridity, the external legitimacy from international actors provides means of sustaining the state apparatus and is based on Puntland's relative success as a subnational entity of Somalia. This external legitimacy is under-pressure from the federal government's claim to sovereignty. Thus, Puntland should live up to the normative standards of statehood to maintain its external relations with the international community and gain direct legitimacy from its public. Locally, the state's legitimacy is based on clan identity and is channelled through traditional authority.

## **5.2. The traditional authority's role and relations in Puntland**

Unlike the modern political systems, traditional systems are according to Almond (1956) not bounded by fixed borders and the population is not controlled by monopolized coercion. Instead social order is maintained through subtle group and family based power and the

political system is what Almond (1956) defines as “a set of interacting roles” (p.5). Based on this one can say that the traditional Somali system is the interacting roles between the Somali clan-system, the customary law (*xeer*) and its traditional authorities.

Puntland’s traditional institution has been resilient and retained legitimacy throughout Somali history. However, their authority has experienced a renaissance since the collapse of the central government in 1991 (Gundel, 2006). Their role in post-war Somalia revived their authority and strengthened their relationship with the public. In Puntland, their critical role in life and death matters earned them significant respect and power. As a result, their governance structures expanded from the traditional pastoral matters in the rural areas into the urban cities replacing major government functions. With maximized capacity, their authority extended from state- and peace-building to settling domestic and commercial disputes. Nevertheless, the traditional authority in Puntland is recognized and respected for its role in conflict resolution and peace building (Gundel, 2006; Höhne, 2006).

### **5.2.1. Conflict resolution**

Conflict resolution is a contractual based process between the conflicting clans. The traditional authority’s role is to negotiate and enforce *xeer* through the kin’s voluntary compliance without any use of coercive power (Mohamed, 2007). According to Logan (2013) peace-building and conflict resolution is the traditional authority’s most valued function and source of legitimacy as it plays a critical role in the communities’ survival.

The president recognizes the traditional leaders as “the bedrock of Puntland since the loss of superstructure of governance in Somalia” (interview). Through enforcing the *xeer*, the traditional elders prevented anarchy, established Puntland, and according to Galkacyo’s mayor resolved 90% of the conflicts (Gundel, 2006) (interview). The president explains that the elders are capable of this because they enjoy “natural legitimacy unlike the government whose legitimacy comes with office”. He says, this “moral authority is a balancing act, in establishing and keeping the peace in Puntland” (interview). However, the president recognises that the dependency on the elders partly lies in the “government’s lack of monopoly of violence” (interview). The public on the other hand, recognises the elders’ legitimacy not only as the president describes ‘natural’ traditional based legitimacy, but as an instrumental legitimacy. People point out security being in the hand of elders because of government weakness (interview). The traditional leaders share this view with the public and say that they do this because of lack of state security (interview). It is easy to think that

authority lies with controlling security and that it is similar to ‘monopoly of violence’. This is not the case because elders do not have coercive power instead they rely on the legitimacy from the respect and relations with people. An elder says that they “work day and night with the people on what the government should have been doing which is disarming, stabilising and catching bandits” (interview). According to the *nabadoons*, they should not “run a government, but rule over the customs (*dhaqan*) and the public”. Because of this, elders say that they have an unofficial “relationship and dependency” with the government which Puntland rests upon (interview).

This role and relationship of the traditional authority can be examined through the mediation processes of two different conflicts: an external conflict in Galkacyo between Hawiye and Darood and an internal conflict in Qorille between Dhulbahante and Majeerten. Both conflicts are politically driven and are existential for Puntland’s stability. However, the main difference and unit of analysis is that one has a traditional (*xeer*) mechanism in place and the other does not.

#### *External conflict mediation in Galkacyo*

The elders’ relentless efforts in conflict resolution is highly localised in one of Puntland’s most volatile cities, Galkacyo in Mudug region (Gundel, 2006). This city is a strategic trade centre between north and south Somalia and is the frontline for the power-struggle between Somalia’s traditional political rivals: Hawiye and Darood (Johnson, 2008). With Somalia’s clan-based federal system, the town has two state-administrations: Darood’s Puntland in the North and Hawiye’s Gal-Mudug in the south (Johnson, 2008). The city’s administrative division has created a gap in law-enforcement for criminality and terrorism to thrive (UNDP, 2017).

Nevertheless, traditional leaders believe that the root cause for Galkacyo’s instability is the absence of traditional solution and that “reconciliation started at the wrong place” with a politicized top-down initiative instead of a grass-root process (interview). Moreover, elders say that their local mediation efforts are constantly being obstructed by external actors for political motives. For example, in the middle of a traditional mediating process, an NGO intervened with a debate-styled ‘peace-building seminar’ that sowed animosity and drifted the communities farther apart (interview). Elders blame politicians from both sides for driving and capitalising from the conflict. In 1993, 280 elders summoned the armed groups of Hawiye’s USC and SSDF and Somali National Democratic Union (SNDU) from the Darood to sign Galkacyo’s peace treaty. This political and untraditional treaty lasted until Puntland’s

establishment. In which the introduction of taxation, policing and borders led to the exclusion of the Sacad community in the city's administration (interview). This political change initiated hostilities and worsened with Gal-Mudug's establishment claiming territories up to Burtinle (interview). According to elders it is this political and territorial, not traditional conflict that placed the green line between the communities.

The barrier and hostility between the two communities has caused a cycle of revenge killings which frequently escalate into violent clashes. The latest clash in 2016 between Gal-Mudug and Puntland killed 45 people and displaced 85,000 inhabitants. Since then, a peace-process with two coordinated facets began (UNDP, 2017). One was a multi-lateral cooperation between two administrations supported by the Somali Federal state, Intern-governmental Authority on Development (IGAD), European Union (EU), African Union Mission to Somalia (AMISOM) and The United Nations Assistance Mission in Somalia (UNSOM) which resulted with establishing a joint police patrol and a ceasefire committee overseeing Galkacyo's buffer zone (AMISOM, 2017; UNDP, 2017). The other one was a community lead initiative by the traditional authorities and the civil society. This produced a 10-point agreement which includes maintaining the ceasefire, collaborating on security and removing roadblocks (interview) (Puntland, 2017b). A few days later, a nomadic raid from Puntland's side resulted in a death of a man. In response, the Omar Mahamud's Issim, Islaan Bashiir called on Omar Mahamud to reimburse for the homicide to Habar Gidir for breaking the treaty. However, this payment is not a *diya* but an (*is-xilqaan*) voluntary payment which is not obligatory for either party since there is no existing *xeer* between Habar Gidir and Omar Mahamud. Nevertheless, this is a progressive step towards ending the cycle of revenge killings and cementing the treaty. In a following incident, Habar Gidir followed by paying the same amount back to Omar Mahamud. Because of this, a process of setting up councils is being prepared on both sides to discuss and draft details of a potential *xeer hoosaad* on *diya*, theft, injuries, and most importantly marking pastoral borderlines (interview).

For the past two months, the traditional authority's collaboration has unlike the state-patrolled buffer-zone brought the communities together uniting the Galkacyo with free movement of people and relative peace (interview). However, this fragile peace process does not only rest on Habar Gidir's and Omar Mahamud's compliance to the peace treaty, but also on the inclusion of the other clan's and communities residing in Galkacyo to potential *xeer*. The Mayor of Galkacyo stressed the importance of the administrations and other involved actors

to support the elders in enforcing “the reconciliation in Mudug.....because it is where the conflict in Somalia is rooted” (interview).

#### *Internal conflict mediation in Qorille*

Qorille’s grazing land in Ethiopia’s pastoral zone Addada is a strategic area located between Somalia’s Sool, Nugaal and Mudug region. This pastoral land has been a centre of conflict between the two Harti clans: Dhulbahante and Majeerteen. A series of environmentally driven clashes have been erupting between Bah-Ararsame of Dhulbahante and Majeerteen’s Omar Mahamud. Due to reoccurring droughts in the region, the area which is rich in pastures but limited in water sources has experienced an increase in the building of concrete water encampment (*berked*). However, the Bah-Ararsame community protest the building water reservoirs in common grazing land while Omar Mahamud claims that they have a right to sustain their needs in a drier climate (Johnson, 2008).

In 1997, the dispute between the two communities escalated to a violent clash. This happened during the Harti community conferences drafting Puntland’s establishment. The conflict was hastily mediated by the *issims* and the political elites to ensure Harti solidarity during the process. However, the conflict reoccurred in 2001 at the time of Puntland’s constitutional crisis (Johnson, 2008). This time, immediate ceasefire was an existential priority for Puntland’s administration and then Financial Minister Mohamed Yusuf (Gaagaab) intervened by crossing the border with 60 armed men to enforce ceasefire between the communities (interview)(Johnson, 2008). With an Ethiopian mandate, Puntland’s armed forces camped between the militia and an official representative drafted an agreement to end the hostilities immediately (interview). The conflict resolution process was rushed and relegated by the ongoing constitutional conflict in Puntland. Because of the unsettled agreement on the core issue of the dispute, violence between Omar Mahamud and Bah-Ararsame erupted again in a sensitive period (Johnson, 2008).

In May 2007, two young men of the respective communities fought at a water-point which ended in a homicide (Johnson, 2008). The incident triggered a clash and escalated tensions in Puntland as some groups within Bah-Ararsame were mobilizing to join the Somaliland forces which captured Las Anood in October (Johnson, 2008). Puntland intervened to cease the hostilities, while a self-appointed committee of Darood traditional authority and Puntland officials began a mediation process in Burtinle based on the 1997 agreement. The agreement

stated that water reservoirs built since the '97 agreement shall be demolished and that the Puntland administration shall compensate for the loss (Johnson, 2008). At this mediation, a *Harti xeer* was instituted to the Harti pastoral communities within and across Puntland's borders. This *xeer* was transferred from Kismayo, where the Harti community is a minority with a stronger sense of Harti identity. The *xeer* stated that "one *issim* could represent all *issims*" and for that reason the *issim* of Isse Mahmud, Islaan Issa were chairing the mediation as the neutral representative of all Harti *issims* (interview). Another distinctive *xeer-hoosad* in this case was the specified *diya* which differed from the wider Somali and Darood *xeer-guud* of 100 camels for a man's death. This *diya* was raised to 120 camels and *godobtir* (peace bride) to the aggravated party in order to discourage revenge killings (Johnson, 2008). This traditionally approached peace agreement lasted for a decade.

On the 20<sup>th</sup> December 2017, the conflict resumed after an attack on Omar Mahamud nomads who were accused of provocation by entrenching onto Bah-Ararsame territory (interview). Clan militias were mobilized from Mudug in Puntland and Sool in Somaliland for retaliation and defence. Even though the incident occurred between camel herders in Ethiopia, both sides are accusing Somaliland and Puntland of initiating the conflict (PuntlandObserver, 2017). This is because the clash coincided with Khaatumo's president Ali Khaliif (Galeyr)'s (who happens to be Bah-Ararsame peace deal with Somaliland in Hargeisa. Puntland thus calls the incident an attempt on Somaliland's behalf to destabilize Puntland Harti identity to materialize the deal. Two weeks later during president's Mohamed Abdullahi (Farmajo) visit to Puntland, Somaliland invaded and captured Puntland's custom Tukaraq, a small Dhulbahante town 86 km from Garowe. On the other hand, Khatumo blames the Qorille fighting on Puntland's president who is Omar Mahmud for reacting to the Somaliland relations. For this reason, the president says that "the government should have taken the role to keep peace, send the troops, send the police and stop the violence but since our soldiers are accused of taking part, we leave the conflict resolution process to the elders" (interview). This time the *issims* drafted a stricter *xeer* stating the next homicide is *qisaas* (retaliation), an attempted homicide is 10 years prison and injury is reimbursement plus 3 years of prison. *Issims* of Omar Mahamud, Islaan Bashiir and Garaad Jama of Bah-Ararsame signed this draft, acknowledging the support of the Ethiopian administration in the Somali zone 5 and requesting for the enforcement of this new *xeer-hosaad* (Xeer-document, 2017).

The time line of this 20-year long conflict shows the declining legitimacy of Puntland's authority in Harti affairs and its failure to follow up and enforce treaties. The latest strict *xeer* therefore mainly relies on strength of the traditional authority's legitimacy which is the kin's voluntary handover of the felon and the Ethiopian administration's ability to enforce jurisdiction. The case of Qorille proves the resilience of traditional authority legitimacy despite their opportunistic cooperation with different administrations (Logan, 2013). However, the traditional authorities are not immune to delegitimizing especially the Dhulbahante Garaads who are torn between Somaliland and Puntland (Höhne, 2006). The political allegiances of the Garaads are discredited by the public and lead to proliferation of Dhulbahante traditional authorities (Höhne, 2006). Nevertheless, this rarely impacts the elders' authority to sign agreements but affects the authority to enact it. Somali *xeer* is a self-imposed contract which rests on every clansmen's willingness to comply (Mohamed, 2007). Rupture and reconditioning of *xeer* is therefore a constant process which can be catalysed by political dynamics as seen in Qorille.

The flaccid and flexible nature of the Somali traditional system makes the traditional authority resilient but also challenges its legitimacy in a modernizing society. This is because an authority's legitimacy is not only instrumental but also identity-based (Logan, 2013). People justify a leader's legitimacy in terms of serving and representing their interest and identity. In the Somali context, a leader's legitimacy lies with service and representation of the clan. Thus, the elders' authority is a factor of the public's clan identity but, as seen in the case studies, diversifying public identities challenges the elders' authority. In the case of Qorille, Dhulbahante's acceptance of Somaliland's state identity defies Puntland and the elders' legitimacy sourced from Harti clan identity (Höhne, 2007). Similarly, in Galkacyo, local terrorist affiliation has challenged the elders' legitimacy and authority. Members of groups like Al-Shabab do not only abandon but capitalize on their clan-identity by manipulating the traditional structures. With the administrative division in Galkacyo, Al-Shabab has been able to play with the city's clan dynamics. For instance, local terrorists attack rival clans, deny terrorist affiliation and get insured in the *diya* system. Such cases delegitimize the elders' role in stability in the public view. Because the elders' role in stability and conflict resolution is based on the public clan allegiance, they can maintain stability with *xeer* but lack coercive power. In an ideal hybrid system, state authority would complement matters outside the traditional jurisdiction.



Nevertheless, the conflict resolutions processes in Qorille and Galkacyo show how the traditional authority relationship with the Puntland state complements a lack of monopoly of violence and a declining legitimacy in internal affairs. The traditional authority's role in Galkacyo's peace agreement and the potential *xeer* for *diya* payment highlights the improving external-relations and importance of cross-clan communal identity. While the *qisaas xeer* drafted in Qorille shows a desperate attempt to the Harti clan-identity which Puntland is based on.

## **5.2.2. Public relations and legitimacy**

### **5.2.2.1. Youth**

Puntland's traditional authority is deeply embedded in the community and produces its legitimacy through direct interaction with the kin (War-torn Societies Project, 2001). Almost every aspect of their authority is consensus based in which clansmen elect *nabadoon* and appoint *issim*, part-take in decision-making and legislate and arbitrate *xeer* at the *shir* (Gundel, 2006). The *shir* is an open forum that allows clansmen to develop personal relationship with their *nabadoon* and use their clan-network to run almost all daily errands. A youth activist describes the *nabadoons* as the middle-men who “you have to go through, if you want a position at the government, if you have a conflict with another clan and even if you want to get married” (interview).

However, there is an element of inter-dependency in this relationship. Because of the weak state governance, most Puntlanders are dependent on the traditional institution for social security. The traditional authorities manage the clan's collective welfare with *qaaran* (donations from kin) and *diya* (blood-money). Since the civil-war, this system has in cities been under pressure by poverty and increased populations (Gundel, 2006). However, clans with strong traditional leadership have to a certain extent managed an efficient *qaaran* system in which elders are aware of their kin's general wellbeing and manage each misfortune accordingly. In case of illness, elders collect *qaaran* from the kin and for an inflicted injury or death they claim retribution from the offending clan. Thus, most clansmen – especially the poor and rural people, are reliant on this insurance system (Gundel, 2006). This even covers Puntland's armed forces. A youngster said, “if the soldier while serving the government kills someone, his *nabadoon* will be approached” and similarly if an officer gets injured or killed, it is the *nabadoons* that cover the expenses (interview). A *nabadoon* explains that the “government wants him while he is firing arms but not when he gets injured” and that it is the

main reason why “the youth do not obey the administration” (interview). The youth therefore serve the state on the elders’ command and are bargained manpower for the elders. There is therefore a reciprocal relationship where *nabadoons* “cannot dismiss the youth, because it is going to backlash” (interview). Youngsters have realised their value to the traditional and state authority and explain that traditionally “young men didn’t used to go to clan-meetings, but now we believe that we are the backbone of these meetings” (interview). They have also used this as leverage to enter the political platform and point out that “it is because of the improved relation between the youngsters and *nabadoons* that the youth have a visible role in government meetings and in all those programmes,” (interview).

Furthermore, the youth engagement in *shir* have also influenced the traditional institution. They assist the elders with documenting, archiving *xeer* and accounting *diya* payments, which is a development in the oral tradition (Johnson, 2008). The youth are modernizing the institution by connecting it to NGOs for assistance in peace processes and with the media to broadcast the elders’ voice (Johnson, 2008). The youth thus guides their elders in keeping up the institution with modern times. However, despite this, youngsters hardly want to be traditional leaders themselves (Gundel, 2006). For them, their relationship with the elders is more pragmatic, personal and transitional. Most youngsters respect their elders and appreciate their role in society. However, they would rather be independent individuals that rely on their “knowledge and expertise” instead of the relationship with the elders (interview). Most youngsters say that they long for a fair democratic system with equal opportunity to justice and jobs. They believe that it is the state and not the elders that are holding them back because it is the elders who are helping them enter the elitist state-institution.

In Puntland, the direct state-public relation is weak; the government offices are hardly accessible for the general public without connections. There are no democratic campaigns and dialogues between representatives, and constituency is low (PDRC, 2014; PDRC, 2015b). Also, civil society is only viewed as a legitimate recipient for international assistance (Allen, 2017). Instead, it is the traditional authorities that are the legitimate voice of public opinion which negotiate on their behalf, on both clan and individual levels. Thus, youngsters’ perception of legitimacy is relative to the relationship they have with the traditional leaders vis-à-vis the government. There is an instrumental aspect to it which is rooted in the government’s deficiency. When the state abandons them, it is the elders that care for them (interview). On the other hand, while politicians are isolated from the public, the traditional authorities are “the fathers, uncle, grandfather and *issims* that are respected in all roles”

(interview). This community embeddedness is what makes the elders' popular legitimacy resilient (Logan, 2013). The youth have a level of respect for the symbolic and cultural stature of elders. However, this substantive legitimacy is not entirely the traditional duty-based loyalty because clannism and *xeer* is not that popular with the youth especially in the urban cities. Nevertheless, it seems that the elders enjoy relatively higher legitimacy with the youth than the state.

#### **5.2.2.2. Women**

This is not the case with the female population. Despite the shift in family gender roles since the war where women are mostly the breadwinners in the family, they are still marginalized (interview). Unlike the youth, women are excluded from the traditional institutions in governance and they are not allowed to attend or voice their opinion at *shir*. Instead women's participation is accepted through catering to the men in the *shir*. Women's opinions are not only dismissed for misogyny but because their identity as a kin-member is not viewed as complete and is comprised by marital- and maternal-ties. Because of this subordinate position in the Somali clan system, their relationship with the traditional institutions is either repressive, non-existent, and exploitive. Women view the elders' arbitration with the *xeer* as unfair in female-related crimes such as rape and domestic violence in which most of the time "the victim doesn't even get compensated" (interview). The First lady stressed that government is taking gender-based violence seriously and is working on improving the justice system. Many women therefore prefer Islamic or penal law over the *xeer* and are supportive of the government and NGO initiatives (interview). The head of Mudug's Women's Association explains that they prefer the state over the elders because "only the government acknowledges our rights" (interview).

The First lady says that women have through activism "taken a stand and challenged the traditional system" especially in political participation (interview). Puntland state has set a quota-system for women in government, but this has become a challenge because of hybrid system. According to the head of Mudug's women's association, it is the elders that are "blocking our opportunities and rights" in politics (interview). This again roots the women's incomplete identity in the clan-system which does not make her an eligible representative. Because of this, there is only one woman in the cabinet and two in the parliament and these women are constantly battling with the traditional leaders for maintaining their position and not being replaced by a man. The former minister Anisa Haji Mumin, and a MP Siciido Gelle

resigned because of this problem. Siciido says that her *nabadoon* refused to re-appoint her to the parliament and wanted to a man of the same sub-sub clan to take the position. She says she mobilised the women and complained to the *issim* saying that “I don’t want my own brother (Ina Geele) to take it, because it is a woman’s position!” (interview). The *issim* accepted Siciido’s complaint and pressured a decree that the position be reserved for women. In defiance, the *nabadoon* instead appointed his 16-year old sister-in-law to replace the experienced MP. Siciido explains it was a matter of control and subordination in a battle for limited MP seats which, if taken by a woman, is viewed as wasted. This view is because of Puntland’s parliament being a power-sharing institution for a patriarchal system. It is therefore hard for women to get positions in political leadership and representation because of the fear that the outcome of their decision would “not necessarily be tribe based but gender based” (interview).

Most women however acknowledge the elders’ role and are partners in conflict-mediation and peacebuilding. With women being the majority of the population and the main bread-winners of the household, the traditional leaders are also dependent on their contributions to *diya* and *qaaran* system. The elders ask women to contribute after decisions are made at the male only *shirs*. Thus, it is hard for them to negotiate their contribution, but they still pay because women “have sons” (interview). Nevertheless, as Fadumo says “every elder has a woman at home” and the respect the elders have from women is based on personal relationships (interview). Regarding politics, rights and female affairs, women trust the government rather than the traditional institutions. This indicates the low legitimacy the traditional authorities enjoy from women. However, women are not clan-blind, and they do support their men, kin and traditional leaders not for instrumental reasons but because of symbolic and communal identity (Logan, 2013). This substantive legitimacy is likely to remain and perhaps even improve as Puntland transitions from the clan-based system that excludes women to a democracy with a strong legal system.

### **5.3. The hybrid political system**

Since the community-led drafting of Puntland’s Charter, the hybrid political system is an ad-hoc system in process. Puntland’s state-building was unlike Somaliland’s in that it was not driven by an independence movement, but was instead pushed by the growing dissatisfaction

in the national reconciliation process. Since the Addis Ababa conference in 1993, the Harti political leaders blamed the reconciliation failures on mainly two aspects: an imbalanced power sharing with centralized authority in Mogadishu and the ‘top-down’ state-building approach without grass-root clan-mediation (ICG, 2009). The former sentiment was based on SSDF’s experience of marginalization during Siad Barre’s regime. In their view, a centralized state was as Menkhaus defined “an instrument of accumulation and domination, enriching and empowering those who control it and exploiting and oppressing the rest” (as cited in, Zoppi, 2013, p.4). They therefore advocated for a decentralized state, built on a ‘bottom up’ process of reconciliation and power sharing between the clans (Zoppi, 2013). This became the institutional framework for establishing Puntland as a ‘building-block’ for Somalia’s federal system (Bryden, 1999). The process of a traditional peacebuilding mechanism was transferred and applied in Puntland’s state-building (ICG, 2009). Based on Andersen et al.’s (2007) “real life alternatives” (as cited in, Wiuff Moe, 2011, p.145), the Harti and Darood clans held constitutional community conferences and produced a Charter that selectively adopted Western liberal governance and state models and combined it with Islamic and customary law (Battera, 1999).

### **5.3.1. The Charter**

As a hybrid state, the Charter defines Puntland as a presidential system with a House of clan representatives as the legislative branch. The House is constituted of 66 members elected through a numerical balance system that ensures the inclusion of all clan lineages (Art. 8). The parliamentarians are therefore selected from their communities by the traditional authorities to represent all the regions’ constituents (Battera, 1999). Their main responsibility as mandated in Art. 12.5 is to elect the president. They also have the authority to impeach the president, with a two-third majority vote and approval of the Attorney General (Art. 14.1). The House also ratifies or rejects the executive’s agreements, negotiations and proposals of ministerial nominees (Art. 10.3).

The Judiciary is independent from the Executive and the Legislative (Art. 20.1). It consists of three levels of proceedings: Primary Courts, Courts of Appeal and the Supreme Court (Art. 20.2). However, it is the weakest branch in government because the Charter supports the *xeer* as an "alternative dispute resolution" to the penal code (Art. 25.4). The Charter also disposes the Supreme Court’s functions to the traditional authority in Art. 30.2, stating that it is the *issims*’ role to mediate stalemates and disputes between institutions on state, regional and

district level (Battera, 1999). Because of this, 90% of arbitrary cases on all levels and clan conflict resolutions are settled by the traditional authority instead of the courts, thus the traditional authority overrides the Judiciary (interview).

Overall, the Charter gives the traditional authority a significant amount of power over the governmental branches. The Executive cannot nominate governors and mayors without directly consulting the regions' and districts' traditional authority (Article 18.3). The legislative is under the elders command who appoints and re-elects the representatives without direct competition and the Judiciary is overshadowed by the traditional authority's role as mediator and arbitrator (interview)(Battera, 1999). This gives the traditional authority a combined power to act as the informal 'check and balance' on the executive and the legislative branch making them the gatekeepers of Puntland's social contract (Battera, 1999).

The Charter can therefore be argued to be a more tradition-based social contract between Puntland's clans rather than a legal-rational one. It outlines a decentralised structure prioritizing the government's clan representation rather than its functions, producing a 'thin' administration with limited authority (ICG, 2009). However, as a temporary Charter, this 'sovereignty gap' was intended to be covered by the traditional authority until the state institutions and constitution were installed (Battera, 1999). Nevertheless, Puntland is still in a state of permanent transition in which the constitution is installed but the Charter is applied. In this quasi-contract the traditional authority plays the role of legitimacy-brokers between the state and people. Puntland's fragile peace and stability also rest on their ability to mediate and prevent rupture between the state and the public in the transitioning process.

#### **5.3.1.1. Ruptures and reforms**

According to Lund (2016), ruptures are "open moments when opportunities and risks multiply"(p.1202). These are moments of structural change when the social-contract is reconstructed and authority is at stake (Lund, 2016). In the case of Puntland, moments of rupture explain the underlying context and conflict causing the permanent transition. By looking at the 2001 constitutional crisis and the electoral crisis in 2014 as ruptures in Puntland's social contracts, one can analyse how consensus-based legitimacy and endorsement from the traditional leaders of a state is vital for the public and Puntland's existence.

### *Constitutional crisis*

The 2001 constitutional crisis was the first rupture in Puntland's social contract and the beginning of its declining state legitimacy. This happened as the government breached the contract by failing to fulfil its duty and transfer power (ICG, 2009). The first administration was according to the Charter supposed to install a permanent constitution through consensus and referendum and prepare for an election within its three-year term. However, when the Charter expired in 2001, the government instead drafted a provisional constitution without a consensus or referendum and requested for another 3-year extension to complete the democratization process. This was rejected, and Jama Ali Jama was appointed as president. Crisis broke out when the sitting president Abdullahi Yusuf refused to accept this and in defiance of the *issims* resorted to violence to retain power (ICG, 2009). Abdullahi's use of coercive power to extend authority, disrupted the clan alliance Puntland was built upon and politically polarised the clans (ICG, 2009). The regime disobedience of the *issims* also defied the traditional leaders' informal authority to "check-and-balance" the executive power. This undermined the elders neutrality and therefore took them years to resume stability and negotiate a compromised peace-deal ensuring a transfer of power after the extension to a member of the opposition group: Mahamud Hersi 'Adde Muse' (Mackenzie, 2015). Since the crisis, the public have become cynical of the 'democratization process' and view it as an excuse to break the contract and replace the clans' power-sharing with autocracy. For them, democracy is every president's election promise and bargaining chip for extension (interview).

### *Electoral crisis*

The public's wariness of autocracy is also the reason, according to Mackenzie (2015), why President Abdirahman Faroole's permanent constitution and a multi-party system are not fully implemented. The reforms increased the presidential term from 3 to 4 years in addition to a year extension for election preparation. This 2-year extension sparked controversy where people protested in the streets and sub-clans issued political petitions (Mackenzie, 2015). In response, the government banned unauthorized public gatherings and detained traditional elders in Garowe for organizing meetings against the prohibition (Mackenzie, 2015). The use of force against elders' *shir* was viewed as the ultimate breach on clan autonomy and freedom of speech and assembly. A number of armed clan militias mobilized in Bosaso and Gardo with the common aim to topple the government. However, the situation was normalized as Puntland's political elite intervened. Leaders of the rebelling clans such as former President

Mohamud Muse (Adde Muse) and Gen. Samatar arrived and reached a deal with the president to end hostilities and conduct a fair election after the extension (Mackenzie, 2015).

Despite this, the electoral process was heavily delayed and neglected by the administration. The borders and citizenship essential for territorial legitimacy of a democracy were not clearly defined or addressed (Mackenzie, 2015). The fact that Puntland can still not conduct an election in much of the disputed regions refutes its claim to a democratically legitimate state of the Harti clan. In addition to this, voter registration within the administered regions was not evenly conducted. While voter IDs were issued in certain regions, registration was cancelled in others. On the other hand, the government was accused of illicitly diverting state funds to the president's own governing party/association *Horseed* (Mackenzie, 2015). Many viewed this as steps towards creating a single-party state with centralized authority in Garowe. The political associations boycotted the elections and anti-government riots broke out in many parts of Puntland including Galkacyo, Gardo and Sanaag where people burned the voting ballots (Mackenzie, 2015). The violent protests resulted in 4 deaths and many injuries. To avoid full-blown violence president Faroole was pressured to stick to the peace-deal with Adde Muse and suspended the elections. On January 14<sup>th</sup> 2014, the parliament through the clan-nomination system elected Abdiweli Gaas as the president which was celebrated throughout Puntland (Mackenzie, 2015).

Puntland was in a very volatile situation during the electoral process. As a modern reformist, Faroole's administration disenfranchised the traditional authority from the political platform. This alienation towards the clan leaders allowed presidential candidates to exploit the situation and polarize the traditional leadership (Mackenzie, 2015). The divisive clan politics damaged the elders' credibility as politically neutral mediators. Without a credible and cohesive voice in the political debate, the traditional elders failed to produce a consensual solution in this crises (Mackenzie, 2015). For this reason, stability was maintained by political agreements and the threat of rebellion, instead of the traditional mediation and clan consensus.

The traditional authorities and the Charter's legitimacy remained resilient and prevailed in both crises. This is because as a social contract, the Charter has horizontal legitimacy produced in constitutional community conferences which is lacking in both the provisional and permanent constitution (Nugent, 2010). One of the reasons for this is that the constitutions were installed without a referendum or broad consensus and were not



transparent (ICG, 2009). The constitutional process' legitimacy has been under scrutiny since its inception due to these issues. In 2008, a significant number of *issim*'s accused Adde's government for excluding them out of the process and signed a petition calling for a conference named "save Puntland" (ICG, 2009, p.9). The administration however, proceeded with the process by dismissing the petition. A clan leader called this action a "tactless and insensitive response to legitimate public unease and concerns" (as cited in, ICG, 2009, p.9). Thus, one can view the constitution as a broken and 'permissive contract' in which the state claims right to authority without implementing contractual obligations such as providing fair elections (Nugent, 2010). Because of this, the constitutional "connection between society and political institutions" is broken and the state authority therefore lacks vertical legitimacy (Holsti, 1996, p.97) .

The two crises erupted in the 'open moments' of the transition phase from the Charter to the Constitution, when the state authorities lacked both vertical and horizontal legitimacy. While Abdullahi Yusuf and Faroole viewed the open moment as an opportunity to maximize authority, the people on the other hand saw it as a risk for despotism and publicly resisted. For the people, the fear of 'leviathan' rule was larger than the desire for democratic authority. Because of this, people were more confident in the Charter as a social contract than the Constitution and the traditional authority as sources of state legitimacy. However, the preference of the traditional system is not only a reaction to crises but is rooted in the people's perception of legitimacy and their views of legality based on the respective social contracts: the *xeer* for the traditional, the Constitution for the state and the Charter for the hybrid order. Many view legitimate authority as a representative authority, in which a legitimate state should be based on 'pastoral democracy' with clan representation and power-sharing (War-torn Societies Project, 2001). Therefore, during the crises Puntland's state-authority was delegitimized in accordance to the Charter. Here, people's *views of legality* not only legitimizes but also limits authority.

### **5.3.2. Institutionalizing the traditional authorities**

Institutional theorists Holzinger, Kern, & Kromrey (2016) have emphasized the importance of "explicit legal integration and institutional harmonization" in a hybrid system(p.475). During the drafting process of Puntland's Charter, a *council of elders (Golaha Isimada)* was proposed in Article. 30. However, the proposal was dismissed for mainly two reasons. First, the

proposal was renounced by *issims* as they feared that political involvement would undermine their popular legitimacy (Battera, 1999). According to an *issim*, their role is “is based on respect and neutrality which could get discredited if associated with political conflicts and opinions” (interview). This happened in Somaliland’s *Guurti* in which allegations of political alliances questioned their “basis of legitimacy, as representatives of local communities”(Wuuff Moe, 2011, p.159). To avoid a similar fate, Puntland’s *issims* decided to retain their autonomy and instead favored an advisory role in government politics (Battera, 1999). This un-institutionalized role gave the *issims* an opportunity to exercise authority and influence political governance behind the scenes (Battera, 1999; ICG, 2009).

The second reason was politically motivated. The political elite feared that an elder’s council would dilute the executive power and undermine the government (ICG, 2009). A politician expressed this, saying that as a political organ the elders could “transgress the existing political power and become some kind of a monarchic authority” (interview). Another politician feared that if the traditional authority would be included in the state then they would “behave like a political party” and propagate unmodern forms of governance (interview).

Nevertheless, the views regarding integrating the elders into the state apparatus differs among traditional authority. Most *issims* are in a mutual understanding with the politicians against institutionalising the traditional authority (interviews). However, this has not been the case with the *nabadoons*. Unlike the *issims* who are a few clan representatives with an inherited authority, the *nabadoons* are numerous with an elected position and have less political weight. Therefore, integrating their position in the state institutions would strengthen their authority. Despite this, the *nabadoons* argue that formalizing their role is more about acknowledgment rather than authority (interview). As the functional unit of the traditional institution, the *nabadoons* carry out the daily governance such as arbitration, counselling and conflict mediation (Gundel, 2006). *Nabadoons* claim that they fill “the gap between the government and people” and enable the government to “function and become beneficial for the public” (interview). The *nabadoons* therefore consider themselves as the link in Puntland’s ‘sovereignty gap’ that covers the state’s incapacity to provide basic services and security (interview) (Clements et al., 2007).

Despite this, the government supports them with a fee of only 30-dollars. Officials argue that the *nabadoons* cannot get more because “they are too many” (interview). Yet, many *nabadoons* do not take it because they feel 30 dollars is a demeaning amount compared to government officials’ income and work (interview). *Nabadoons* argue that the government

officials have outsourced their responsibilities while diverting the state capital to themselves (interview). For this reason, *nabadoons* claims that the state politicians do not only discredit them but strategically devolve their authority (interview).

According to the *nabadoons*, “politicians do not wish the traditional elders to have a visible and united authority” (interview). In 2009, 85 *nabadoons* from 9 regions in Puntland met to unify the traditional authorities. The elders set up a council and made resolutions to establish “the umbrella of Puntland’s traditional authorities” (interview). The elders say they sent a plea to then president ‘Adde Muse’ and requested assistance from the UNDP. The president approved the umbrella as an independent organisation and the UNDP granted 500 000 US dollars to build “the Somali conflict mediation centre” headquarters in Galkacyo and other regional offices (interview). According to the *nabadoon*, the centre was intended to foster collaboration between the elders, the police and courts. Cases solved by the elders would proceed to the police and the courts, so that a jurisdiction would be officially recognized and transparent to the public. Unfortunately, the centre did not materialize due to regime change. The *nabadoon* say that the process was obstructed by the newly elected administration of Abdi-Rahman Faroole and the budget was swindled (interview). This, the *nabadoon* argues is an example of how elders attempt to modernize and institutionalize their governance; however, politicians block such attempts in order to keep a subordinate relationship between the state and the *nabadoons*.

The debate of formalizing the traditional authority’s role reflects the complex relationship between *nabadoons* and politicians for public authority. According to Lund (2016) “public authority re co-produced, the erosion of one also means the dissipation of the other”(p.1206). Co-existing institutions therefore have relationships in which they either support or challenge each other’s authority (Lund, 2016). Since Puntland uses the Charter instead of the constitution as a social contract where the state’s legitimacy is sourced from the traditional authority, the two authorities are not integrated but instead interdependent. Since the Charter is informal, most of the state-traditional authority relationship falls outside the constitution. This erodes the public legitimacy of both authorities because of the informal neo-patrimonial relationship built on clientelism and nepotism.

### **5.3.3. Neopatrimonialism**

As a hybrid state, the official role and relationship between the traditional authority governance and the clan-based system is outlined in the Charter (Battera, 1999). However, this only sheds light on a fraction of Puntland's patron-client networks and therefore much of the neopatrimonial relations between the state and traditional institutions are informal. This is because in the hybrid system the two authorities co-govern and have a patrimonial mentality deeply engrained in the political culture (Kraushaar & Lambach, 2009). The patron-client network between the state, the people and the traditional authority are multilateral relationships on personal and political levels (Pitcher et al., 2009). For analytical purposes, the personal relationships will be analysed according to Erdmann and Engel (2006) definition of clientelism where the client seeks individual gains such as office or rent from the patron in exchange for political support. Similarly, public-personal relations will be explained with patronage which is when a patron gives collective benefits such as roads to a group (Erdmann & Engel, 2006). Thus, personal relationships between government officials and elders will be presented clientistic, while an individual relation to a clan as patronage.

Puntland's neo-patrimonial administration formally and informally engages in clientistic relations with its traditional authority. The formal relationship is institutionalized in the Charter, where the administration is dependent on the traditional authority for appointing parliament representatives and nominating district governors and mayors (Battera, 1999). This makes the traditional leaders legitimacy brokers in the clan's power-sharing system that negotiates loyalty for patronage between the administration and clansman (Erdmann & Engel, 2006)(interview). According to Brinkerhoff and Goldsmith (2002) such patrimonial rationale, views the government as an income generating entity that is shared among the clans. The elders in this system are patrons that provide government positions and administrative jobs to their clansmen. In this rent-seeking system, the government official's gain is supposed to trickle-down in return and serve the kin's interest (Brinkerhoff & Goldsmith, 2002).

### **5.3.3.1. Executive office**

Neo-patrimonial regimes are according to Van de Walle (2007) "characterized by presidentialism"(p.1). In this system the president is the centre of authority, above the checks and balances of the other governmental branches and maintains power with systematic clientelism with the state resources (Van de Walle, 2007). However in Puntland, the governmental branches' weakness to curb the presidential authority has been recognized and

therefore *issims* have been entrusted to be the external and informal check and balance of the executive power (Battera, 1999). The current president recognizes that “their moral authority is a balancing act” and that it is important to maintain a positive relationship with them (interview). Since the state is built on power-sharing, discrediting an *issim* would translate to disenfranchising a clan. As mentioned, Abdullahi Yusuf and Faroole’s defiance of the *issims* was amongst the factors that led to crises. Thus, the president has to maintain multiple relationships with all the *issims* to maintain clan cohesion and popular legitimacy. However, the president-*issim* relationship is not necessarily clientistic, because *issims* usually decline financial grants to safeguard reputation and legitimacy from being viewed as corrupt (Gundel, 2006). On the other hand, patronage from the president such as a development project or a senior position to clan is favourably viewed in this neo-patrimonial rationale. Such patronage might be honourably received by the *issim* but he does not lobby it and instead it is the role of lower ranked *nabadoons* and politicians (interview). Therefore, the *issim*-president relationship is mostly advisory in which they advise the government in terms of governance, directions in dealing with the international community and the federal government and most importantly conflict resolution (interview, president & *issim*).

### **5.3.3.2. Ministerial office**

The ministerial position is constitutionally independent from the consultation and appointment of the traditional authority (Battera, 1999). However, it is not free from the patrimonial rationality and clan-based client-patronage system. The former Minister of Puntland’s Women & Family Affairs, Anisa Abdulkadir Haji-Mumin critically pointed out political clientelism and clan-patronage in her resignation speech as the main reason for her termination. She said the reason “why I am not in the new cabinet, is one point only: instead of serving my clan, I entirely served the people of Puntland and instead of pleasing the *issim* and my clan representatives, I pleased the people I took the oath for”(Haji-Mumin, 2014). Anisa (2014) defied clientelism because her “appointment to the ministry by the president was not consulted with the clan” and she did not owe the clan elders and representatives anything but respect. She therefore “clashed with anyone with personal interests” about not giving patronage and rent in the clan’s name. In her speech, she debunked the patrimonial logic by asking “the ones accusing me for not serving my clan should ask themselves what they have done for the people except for putting a brother or a cousin in office”(Haji-Mumin, 2014).

Anisa's speech sparked controversy as it exposed the extent to which Puntland's patrimonial system penetrates the most legal-rational office in the state-bureaucracy. Even though the cabinet is unlike the other offices constitutionally independent from the traditional authority, it is reserved for presidential-patronage in which the positions are allocated according to clan politics (Battera, 1999)(interview). Thus, Anisa was appointed accordingly in addition to her credentials (interview). On this basis, her termination is constitutionally contested, and senior politicians criticise the president for not opposing the traditional authority's will and reappointing Anisa based on her calibre and credentials (interview).

This case presents the patrimonial penetration in the legal rational logic, in which Anisa was terminated for detaching the Ministerial position from the client-patron system (Erdmann & Engel, 2006). Even though it is constitutionally right and a practice of good governance, Anisa's rationale is contested. According to a traditional leader, diaspora-appointed officials are misplaced and challenging as they act on "the imported ideologies and systems from the countries they are from" (interview). In the *nabadoon's* view, Anisa's position "was a power-shared quota" and therefore she should in addition to her ministerial duties be "an intermediate between the state and the clan" (interview). This is necessary the *nabadoons* say to establish a "reciprocal relationship between the state and the clans" so that the state through the government patron can "provide service to the clan in exchange for political support and taxes" (interview). This relationship is according to the *nabadoon*, the state's source of clan loyalty and the political unity of Puntland (interview). For this reason, the separation between the legal-rational dominions from the traditional is opposed – as is in the case of Anisa. The traditional and state bureaucracy is even more interwoven in the positions that are constitutionally controlled by the traditional authority.

### **5.3.3.3. Parliamentary office**

Puntland's parliament is the centre of the neo-patrimonial practises where political elites compete to secure "instrumental loyalty" and personal relationships which constitute the state's hybrid superstructure (Pitcher et al., 2009, p.134). It is the most vital position in Puntland's government as the parliament is "the mother of all institutions" (interview). The 66 representative positions are divided among the clans and appointed by the traditional leaders. In this system, the clientistic relationship between the traditional authority and the parliamentarians are strong especially in the pre-election period. Candidates are elected for

the position based on this relationship rather than credentials which creates prebendal government that lacks professional capacity and service (Van de Walle, 2007) (interview). Van de Walle (2007) describes prebendalism as a typical neo-patrimonial feature that weakens the administrations check and balances as a political mechanism for the executive authority to control the state. However, prebendalism is not often the aim but rather a consequence when political loyalty and clientelism are prioritized (interview). The clan-based system therefore establishes clientistic relationships not only between the traditional authority and parliamentary nominees but also between the president and the traditional authority. Politicians strategically establish clientistic relations with the traditional authority during election times to influence the MP nominations (interview) (Holzinger et al., 2016). A former parliamentarian said that the sitting president pressures the traditional authority to replace her with a loyal MP (interview). This is not only done by presidents but also presidential nominees if they fail to establish instrumental loyalty (interview) Politicians also establish patronage-relations with opposing clan or sub-clans to win popular support by promising them development projects during the election period (Holzinger et al., 2016)(interview).

However, after election parliamentarians work in the capital and are not in direct contact with their constituency and respective traditional authority and therefore do not vote and draft legislation on the clan's behalf (interview). Instead, the standard relationship between the MP's and the traditional authority is more based on the trickle down of accumulated wealth from office rather than governance. This is because the state office – in the trickledown mentality and patrimonial view – is allocated in the clan's name. Former parliamentarians said that because of this, they are expected to contribute a fairly higher amount than the average clansmen for the clan's *diya* and *qaaran* payments (interview). Because the MP's salary of 1400 US dollars is hardly enough, most parliamentarians use vote-buying as a source of income to maintain the clan expenses (interview) (GaroweOnline, 2015b; ICG, 2009). Thus, the clientistic relationship is between the *nabadoons* and the MP or MP nominee and is based on the financial support to the clan expenses. In exchange, the *nabadoon* lobbies for the contributive nominee so that the *issim* appoints him/her as the clan representative (interview). On the other hand, there is a strong clientistic relationship within the government based on political support and alliances. The patron-client activities between the traditional authority, MP and the executive candidates are most interconnected during the election period when presidential candidates reach out to MP nominees and their *nabadoons* to secure votes. After election, the MP and executive maintain a stable relationship and the traditional authority are

pushed to the periphery (interview).

#### **5.3.3.4. District and regional offices**

Even though the local officers are appointed by the executive with the traditional authority consultations, they have a stronger relationship with the traditional leadership than the political leadership (Battera, 1999)(interview). This is because the mayors and the governors cooperate with the traditional authority in the daily governance on the ground, and are more involved in the traditional politics in conflict resolution and stability (interview). According to Galkacyo's mayor, the main reason they are dependent on the elders for governance is legitimacy. He says that says that "when it comes to the government and the elders, I can say that most of the people trust the elders" (interview). Elders however, point that it is the state's security and law enforcement that the relation is based on and that they would like to get financial support for the job they do (interview). However, the mayor and governor of Mudug, recognize that the "support currently from the government cannot be called support" and that they don't have the power to compensate (interview). This not only makes the officials partners in traditional governance, but also subordinates state authority to the traditional authority. Furthermore, these officials are also more receptive to the rule of *xeer* rather than the rule of penal law; whereas the other politicians view *xeer* jurisdictions as an obstacle to development (interview). The mayor expressed that traditional governance is more feasible as it "solves problems that we couldn't in a very short time" and that essentially "the peace of Puntland is in the hands of the *issims* and *nabadoons*" (interview). On this level, the state has devolved its capacity and offshored duties to the traditional authority and maintained a cooperative patron-client relationship. Neopatrimonialism is strongest on the ground where the division between the legal-rational and traditional governance is blurred and overlapping. As Hyden states, the "community-centred networks" in the daily governance explain the district and regional officers' lenience towards the patrimonial system and limited rational-legal in Puntland (as cited in, Pitcher et al., 2009, p.131).

As one goes down the structural ladder in Puntland's hybrid order, the separation between the legal-rational and traditional institutions decreases and the relationships between the authorities strengthens. At the top, the president maintains minimal relationship with the *issims* based on mutual respect to ensure the legitimacy of his position. The ministerial level which is constitutionally the least dependent institution on the traditional authority proved in



Anisa's case to have a strong informal patrimonial relationship based on clan-patronage and power-sharing. The legislator has a direct but temporary dependency on the traditional authority, in which they maintain a long-term relationship with their respective *nabadoon* for re-election in office. Lastly, the mayor and governor whose work is integrated with the traditional authority, have a dependent relationship with the traditional authority.

The views regarding the separation between the legal-rational and traditional institutions in Puntland's hybrid structure varies among the government. High rank officials in this research were more for the separation of the traditional and legal-rational, stating the traditional authority role and authority as a transitional one towards a strong democratic state (interview). Whereas, the mayor and governor who had a stronger relationship with the traditional authority viewed the role of traditional governance as indispensable and that it should be institutionalized and is "not a big supporter of democratization" (interview). A common denominator is that the politicians maintain a neo-patrimonial relationship with the traditional leaders because of their legitimacy deficit (Erdmann & Engel, 2006). As a political elite said – "the man in politics cannot reach the public without support from the elders" and his claim to office "won't be legitimate in the eyes of society" (interview).

#### **5.3.4. Proliferation of traditional leaders**

The traditional authorities' resilience throughout the changes of political systems has proven the strength of its legitimacy in Somali society (Gundel, 2006; Logan, 2013). However, the current political climate in which the clan system, and the politicized authority of the elders has impacted the legitimacy of the institution. The informal role of the traditional authorities in Puntland's neopatrimonialism provokes public wariness in which many people associate the traditional authorities and the politicians as partners in corruption. Many say the elders whose decision making was usually based on the clan's consensus, make deals with politicians behind closed doors (interview). Clientistic gains and decisions are not discussed and shared with the clan, instead elders come to *shir* to lobby for a politician's nomination for the clan position. An activist says that the system is so corrupt that "the voice of the people is blocked by the elders" for political agendas (interview). This is contradictory to the participatory and consensus-based feature of the traditional decision-making process which was supposed to be the legitimizing factor of the hybrid system (War-torn Societies Project,

2001). Nevertheless, the current hybrid-system of neopatrimonial practices has impacted not only the legitimacy of the traditional system but also delegitimized the whole institution.

A *nabadoon* points out that “there is a change in culture of the traditional elders” and explains that the vocation of their role has changed over the years saying that the “system that was based on positions’ virtues and hierarchal structure is gone” (interview). He explains that “currently, every *nabadoon* does the same thing and there is no hierarchy” and are mostly involved in clan politics (interview). The *nabadoons*’ specialization in functions such as knowledge of *xeer* (*xeer-yaqaan*) has been neglected for all to be a titled traditional leader (*madax-dhaqameed*) (interview) (Gundel, 2006). This has diminished the functionality of the institution as a whole and inflates its authority. The politicized behaviour proliferates the traditional authorities and disintegrates the clans.

This was the fear of the foundational *issims* that honourably rejected the institutionalization of their authority. A former parliamentarian says that “the turmoil in Puntland is because of the loss of the *issims* that founded Puntland” and added that “the sons that inherited their position are not of the same calibre of their fathers because they lack their honour and charisma (*haybad*)” (interview). The continuing reliance on them for clan-based nomination has been even more detrimental to traditional leaders’ legitimacy. The main problem is fairly distributing positions to sub-clans which puts pressure on the legitimacy of the traditional leader (Gundel, 2006). A *nabadoon* pointed out that after every election the excluded “sub-clans are unsatisfied” and view the elders as bias (interview). Elders also mentioned that the nomination process for Somalia’s federal parliament (?) with limited seats, and larger political weight have caused havoc for the institution with spikes in proliferation and intra-clan conflict (interview).

On the other hand, politicians argue that this power to appoint MPs increases traditional leaders’ authority (interview). An elder refuted this statement saying that “the power lies in setting the quota, not allocating them” (interview). Elders argue that their involvement in the political system is manipulated to legitimize top-down politics. They say that they have no voice in policy making but are used as scapegoats for the unpopular 4,5 and clan-system (interview). Elders argued that they have little to do with the process and if they did “clans would have engaged in peace-talks before politics” but that it is “politicians that use clan-identity for political gain and use us to get positions” (interview). Nevertheless, the politically manipulated role in politics is not only humiliating but detrimental for their institution. The number of traditional leaders has significantly increased because of this politicization. For

instance, the clan Dhulbahante which had 4 *issims* before the civil-war had 14 in 2004 (Höhne, 2006).

There is a common belief among the political elite and diaspora that this proliferation of the traditional leaders is incentive and rent-seeking driven (interview). The New York Times published the article “milestone of corruption” about the elders role in Somalia’s election (Jeffrey, 2017). However, locals disagree and say that proliferation is politically driven and that it is “the politician with an agenda who corrupts the elders” (interview). Politicians manipulate them by asking their *nabadoons* to mobilize the sub-clans and establish their own *issim*, so that they as a clan can get political leverage. In this the *nabadoon* becomes an *issim* and the politician becomes the clan’s political representative (interview). This devolves the institution’s authority because when a clan splits, the *diya* paying process changes in which a *jilib* – that had one *nabadoon*, now has an *issim* and several *nabadoons*. Since the proliferation is politically driven and not a natural population increase, it has become unsustainable. A former parliamentarian explained that she refused to endorse her *jilib* in making an *issim* for mainly two reasons: it is politically “poisoning our sub-clan” and because “it is an expensive business” (interview). She said that “having more than one *nabadoon* is unnecessary and that people have become poor for financing them” (interview). Because of this, the public have become tiresome of the politicized traditional system which decreases the overall legitimacy of the traditional authority.

In spite of this, there is a common consensus that there should be a clear separation of power between the traditional and state authorities. The traditional authorities should “remain in the tradition” while the politicians should deal with the politics (interview). There is also consensus on ending the traditional authority’s role as legitimacy brokers so that the politicians can source their legitimacy directly from the public based on their performance and promises. A youth activist supporting this view said that the elders’ and the government’s “powers should be separated by the constitution” so that their actions become legal and transparent to the public (interview). Most participants thus view the informality of the hybrid system as unsustainable which corrupts the legitimacy of both institutions. They believe that Puntland should either institutionalize the role of the traditional authorities or complete the transition to a modern state system where the legitimacy is sourced through democracy.

### 5.3.5. The permanent transition to democracy

Democratic legitimacy is necessary for Puntland to save its fragile statehood by transitioning from the clan-based system to a democratic one. However, the implementation of the constitution and the democratization are still a work in progress. The democratization process for the past 20 years in Puntland has been demoralizing because people sense that “every time it gets closer, it gets pushed farther away” (interview). There are several factors that are hampering a ‘one-man, one-vote’ election. Some are explicit factors that need to be implemented before conducting a fair election such as voter registration, political association, electoral laws and commission and so forth (PDRC, 2015b). The others include underlying political issues, a lack of willingness, and structural problems which combined hamper the democratization process.

The previous administration has made significant progress in putting up the institutional framework necessary to conduct an election. Faroole’s government introduced the key institutions and laws necessary to set up a multi-party system. There was a transitional electoral commission in place and political parties were registered before the elections but these were called off due to an incomplete electoral process (PDRC, 2015b). Unfortunately, the current administration has done little to resume the process and address the issues that caused the electoral crisis. As an elder said – “to move from the clan-based system depends on the sitting administration completing the procedures” (interview). However, he pointed out that “there are realities that cannot be passed” such as “disarmament and safety” (interview). The state has not bothered to disarm the public nor provide safety and security. “Only an unarmed public can engage in healthy party debates, campaigns and opposition” (interview, elder). It is therefore too “risky to engage an armed population with party politics and elections” (interview). According to a poll by PDRC (2014), the *nabadoon*’s view is shared by the public in which their biggest concern regarding voting is insecurity. There is therefore a serious concern about potential flare-ups of conflicts during and after an election.

The other issue is public awareness about democracy and electoral processes; according to the president Abdiweli Gaas, this was the main obstacle. He explains that the administration is “still having difficulty with people applying for political associations” and that “the people have to accept to develop this democratization process” (interview). This statement hints that

there is a lack of public readiness for democracy. He explained that in a multi-party system, people have to apply to a political association before, and for it to be approved, people have to associate by individual interest and political ideology instead of clan interest and clan politics (interview) (PDRC, 2014). Despite this, public participation in the democratization process is not the core issue. A poll from the previous election showed that almost 91% of respondents are willing to cast their vote and are supportive of the democratic system (PDRC, 2014). Instead the setback lies in the government's willingness to conduct awareness campaigns to mobilize and educate the public of the electoral process (PDRC, 2015b). Even though the president blames the public for being uncooperative in the process, his government has done little to raise awareness (interview).

The government's passive attitude towards the democratization process has been interpreted as maintaining the status-quo. A former parliamentarian said that "if the man in power really wants democracy, he would have started the process within the first year" (interview). A youth activist said that it is typical that "they all call for elections the last minute, so that they could extend time" (interview). This view is prevalent and is a public suspicion about an extension and has become a political talking point. The Puntland Focus Group (2018) has issued a press release stating that the president is "entertaining an illegal extension" of his term and warns that if attempted this could incite "public unrest and political instability" and another crises(p.1). This group consists of the opposition and presidential candidates. It is known that the political elite has an interest in maintaining the clan-based system which is much feasible for their political agenda and that could be disrupted by democracy (interview).

There are several underlying reasons behind the political establishment's preference of the clan-system over democracy. One is the fear of a rise in political groups with ideologies that do not fit Puntland's vision such as anti-federalist or Islamist groups (ICG, 2009). As an elder said "Puntland has many enemies" and therefore security and power can't be compromised" (interview). The government have to therefore monopolize violence and secure the population and the territory first. This is not only important to protect Puntland, but is vital for the democratic legitimacy of an election. The state has to have complete control of its territories and register its population for the election results to be representative of all Puntlanders. If the clans of the disputed territories are excluded from the election process, the fragile state legitimacy will be further weakened. It could either fragment Puntland or be viewed as an illegitimate attempt to establish a clan authoritarian rule.

The democratic system has to capture the totality of the clans claiming Puntland as much as the clan-based system does. This can be challenging because the hybrid system allows clan consensus and power-sharing. This pastoral democracy where every man has a say in policy and politics and authority is decentralized to the lowest level and is much closer to direct democracy. The Somali notion of democracy is contradictory to the democracy in a presidential system where the “winner-takes-all” (Linz, 1990, p.56). Presidential democracy favours the majority which can further marginalize minority clans by centralizing authority to the larger clan (ICG, 2009; Linz, 1990). This can potentially disintegrate Puntland into clan-politics; this identity is an existing reality and power-sharing is its solution. For this reason, the mayor of Galkacyo stated that “democracy is a western system that would not work in this country” (interview).

One might think that the traditional authorities have a conservative position against the transitioning process because of the mainstream view that regards traditional governance being inconsistent with liberal democracy because it undermines human rights, gender equality and disregards democratic procedures (Holzinger et al., 2016). Many diaspora officials have this view and conflate the illiberal practices with being anti-democratic. They also believe that the elders’ role in the clan-nomination system is an indispensable source of authority (interview). On the contrary, most Puntlanders including the traditional authorities aspire Puntland to be a democratic state and an *issim* said that they are “willing to assist the state with this process, if the government is ready” (interview) (PDRC, 2014). This shows that traditional authorities seem to be confident in their natural legitimacy and believe that their authority will remain relevant even after democracy (interview).

Local politicians and the president agree with the elders and state that traditional authority’s power and influence over politics will diminish with democracy but that does not reduce their legitimacy because “their role will stay because it’s a traditional” (interview). There is statistical support from Afrobarometer for this view, which shows no association between the preference for democracy and the support of traditional chiefs in Africa (Logan, 2013). Democracy is a process where the citizens’ input of governance wishes, and preference for elections and based on authority’s output give consent (Weigand, 2015). Democracy is more of a threat to Puntland’s political elites than the traditional authorities as they lack both instrumental and popular legitimacy.

The political establishments have, unlike the traditional authorities, been preoccupied with external and political relations rather than public relations. Instead, the state authority tries to maintain its public legitimacy through the elders, and external legitimacy by presenting an institutional framework for democracy. However, the current administration is facing immense pressure from the public and international community to implement the framework and transition from the clan-based system. With time running out, the president has compromised by saying that “ if we cannot hold ‘one man, one vote’ election by 2020, we will try to hold something better than the one we used to, if God wills” (Horseed-Media, 2017, p.1). It is evident that with the remaining timeframe, that this administration will not be able to hold a democratic election. However, the main question is how both the public and the political elite will accept the president’s ‘better than before’ election which is not the clan system, or democratic system. This confirms a former minister’s statement “if a leader propagates the idea of democratization and for instance this being ‘one-man, one-vote’ policy but does the opposite, is in itself an obstruction of democracy” (interview). To maintain a lasting political order, Puntland’s state authority in “the strategic procurement of legitimacy”, is responding to the demand of the public and its external supporters (von Haldenwang, 2017, p.273).

## **6. Conclusion**

### **6.1. Paradox in Puntland's political system**

Puntland prides itself with stability and the peaceful transfer of power thanks to the hybrid system. The system was initially an ad-hoc part of the state-building process necessary to establish the state. However, two decades later Puntland is still at a transitional phase with the hybrid system governing and legitimizing the state. Despite being a mediated state with no democratic legitimacy or formalized hybrid order, Puntland still claims a Weberian prospect on statehood and has not reconsidered its hybrid status. However, there is a paradox in this, as the state has made little progress in transitioning from the hybrid system and is still heavily dependent on it.

Depending on whom you ask, there is either a lack of public readiness or a lack of state willingness to transition from this system. As discussed, politicians point out that the public is not ready for democracy because of the deeply engrained patrimonial views of authority. Even though the public disagree by saying that they are ready to cast their vote. There is a truth regarding the readiness and resistance to change. While many Puntlanders say that they want a strong stable state, there is a resistance against a strong centralized authority. People are highly sensitive against authoritarianism and this has caused several crises in previous attempts to transition. This is not only based on the experience of repressive dictatorship, but also on the traditional view of legitimate authority which is consensus-based and lacks coercive power. This view is reflected in Puntland's political system, in which the state's authority is legitimized through clan consensus and no means of power is transferred. Thus, the people's demand of a strong state without handing over power is paradoxical. Similarly, the view of power-shared authority and consensus-based legitimacy means people want democracy without the rule of majority which is also at odds with presidentialism. Nevertheless, it all boils down to Puntland being a clan-based state, in which citizens and territory are defined by clan-identity and legitimacy is sourced through clan-identity which happens to be the state's strongest and only source of substantial legitimacy.

It therefore makes sense that the state is not willing to compromise this identity-based legitimacy and relies solely on instrumental legitimacy. Politicians have therefore refrained from actually working on the criteria of modern statehood and laying the foundations for democracy. The state, rather than limiting hybridity by building capacity and taking over basic governance from the traditional authorities, has been increasing hybridity by



outsourcing capacity to external actors such as FFFs to cover governance issues outside of the traditional authority. Thus, there is a major paradox in claiming to transition from the hybrid system by involving more actors in the system instead of monopolizing violence and governance. It is similarly contradictory for the state's authority to be so over reliant on institutions that are not a part of the state apparatus. This justifies the argument that excluding the traditional authorities from the state is due to the fear of a power struggle and not for aspirations of a legal-rational state.

However, the state says that the elders' relentless work in daily governance and conflict resolution is acknowledged and accounted for, while the elders say it is all verbal. Despite this disagreement, there is a relationship between the two institutions that perpetuates the hybrid system. While it seems contradictory to actively maintain a detrimental system that manipulates and marginalizes ones' authority, traditional leaders in their defence, say that they are the ones who established Puntland and chose to be excluded from the political platform and can therefore not abandon it. Traditional authorities claim that it is their altruistic work, community-embedded relations and political impartiality which makes their legitimacy resilient. However, this is compromised in the hybrid system as their role has become politicized.

## **6.2. Declining legitimacy**

However, civil society and traditional leaders have equally expressed frustration about the prolonged hybrid system. The public feel disenfranchised and want through direct legitimization processes, to be able to elect and hold the politicians accountable. They therefore feel that the traditional leaders' role as legitimacy brokers is maintaining the system. Moreover, people blame the politicians' unprofessionalism and corruption partly on the elders as they are the ones who put them in office. Many are also becoming tiresome of the traditional justice system, which might be an ideal system in rural-areas but has become problematic with an increasingly urbanizing and diversifying population. Therefore, the state outsourcing governance in security and law enforcement overburdens the elders and negatively impacts the institution's instrumental legitimacy. Similarly, their unofficial role in politics in sustaining the unpopular clan-based system portrays the elders as politicizing and advocating clannism which damages their substantial legitimacy. Both the public and the elders suggest a legal separation of roles and responsibilities between traditional and state

authority by either integrating the traditional authorities in the state apparatus or completely transferring to a legal-rational system of statehood.

The traditional institution is referred to as “*marjac*” (a place of return) because of its resilience throughout Somalia’s political history (interview). It is viewed as the safety-net and the source of peace, stability and statehood in Puntland. The elders’ declining legitimacy is alarming especially when the state lacks monopoly of violence. The traditional authority maintains social order of an armed society based on voluntary compliance without any coercive means. Their legitimacy is therefore critical for Puntland’s existence. The traditional institutions should therefore (as the founding *issims* requested) be safeguarded from political manipulation. Politically driven proliferation from Puntland’s twenty year-long transition plus the Federal states nomination system, might damage the resilience of the traditional institutions. The state should therefore end outsourcing governance to the elders by monopolizing violence and end the clan-nomination by seeking democratic legitimacy. Another option for the state is to admit the structural shortcomings and reconsider the political system. Because the informal hybrid system functions to delegitimize both authorities, it is unsustainable and should be dealt with before it reaches its threshold.

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## **Appendix:**

### **Interview guide:**

#### **Politicians**

How is your relationship with the traditional authorities?

How would you describe the role of the traditional authorities in the governance and politics of Puntland?

What is in your opinion obstructing the transition to democracy?

What is your position regarding institutionalizing the role of the elders?

#### **Focus group: Elders**

What is your role in the governance and politics of Puntland?

What is your opinion regarding the democratization process and what do you think is obstructing it?

How would you describe the relationship between you the elders and the state?

What is your relationship with the public?

What is your opinion regarding institutionalizing your role in governance?

#### **Youth and Women:**

What is your view on the informal relationship between the elders and the politicians?

What do you think about the current clan-based system?

What is in your opinion obstructing the democratization process?

What do you think the role of the elders would be after democracy?

What is your opinion regarding institutionalizing the traditional authorities?

How is your relationship with government officials vs the elders?



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