LUND UNIVERSITY

Department of Political Science   **Supervisor: Jakob Skovgaard**

MSc Development Studies

Hybrid governance in Puntland

Understanding the relationship between traditional and modern governance

Nasra Sheikh Ahmed

ACKNOWLEDGMENTS

Table of contents

Abstract

In an era of globalization and "modernization", there has been ample focus on developing and post-colonial countries in emerging into what is known as modern nation-states. Amid the high agenda of international organizations in promoting "good governance", democratic principles and forming state-building models, there has been certain pressure on post-colonial countries, often including post-conflict countries, to conform to the current standard of statehood and governance. While much of the current academic literature regarding this phenomena emphasizes the challenges and opportunities in the process of transitioning toward democracy and establishing peaceful and stable modern states. This thesis on the other hand, tries to highlight and understand the interactions between "traditional" and "modern" forms of governance that simultaneously co-exist, such as in the autonomous state of Puntland, Somalia, where this case-study takes root. Furthermore, it serves to explore the hybrid governance by analyzing the various institutions, authorities and structures that interact in a stateless and post-colonial environment. This research is based on a case-study method in understanding the dynamic social and political structures of the much complex governance system in Puntland and gaining insight in the specific context. Based on the theoretical framework of governance and post-colonial theory with a critical approach toward modernization theory and state-hood concepts, I attempt to analyze the relation between the contrasting systems of governance and explore whether they can become harmonized.

Keywords: governance, Somalia, traditional-modern relations, political systems, clan

Words: 18 761

I. Introduction

More than two decades has passed since the civil war broke out in Somalia and since then, the country has been troubled with instability, lawlessness, severe poverty and statelessness. In 1991 the former dictator of Somalia, Mohammed Siad Barre was deposed from the power by a military coup, which forced him to flee the country he had ruled for 22 years. Barre's authoritarian socialist rule was during the last years of his incumbency, characterized by nepotism, persecution, jailing and torture of political opponents and dissidents (CIA World factbook). This resulted in the biggest breakdown any country has had in modern history. In fact, that was the day that the Somali state ceased to exist. Still, till this day, Somalia lacks a central government, central bank or any other official administration (ibid; PDRC 2010: 17).

Since the downfall of its former president Siad Barre, Somalia has been inflicted with violent conflicts and insecurity, which has led to the fragmentation and disintegration of people (PDRC 2010: 9). Today, Somalia is a country of stark contrasts, while the south central region is still experiencing years of conflict and lawlessness, the two autonomous states in the north, Somaliland and Puntland, have achieved relative peace and stability. This gap shows both what is possible in Somalia as well as the challenges that lie ahead for a peaceful development in the country.

During pre-colonial time, before a central government was introduced in Somalia, this pastoral society was driven by traditional practices in which the political, economic, social and cultural sphere were all embedded. However, during the colonial rule as well as the first years of independence and later during Siad Barre's socialist rule, Somalia experienced western-type governance characterized by a centralized government.
Following the civil war and the collapse of state institutions, the people of Somalia had to fall back on their traditional system, which in reality never ceased to exist, but was not as widely practiced (Interpeace 2008: 30,43; Gundel 2006: 16). The political and social affairs of the society resumed to be ruled as it always had throughout the history of the country, by customary law and order (referred to as "xeer" in Somali) with much incorporation from the Sharia (Islamic jurisprudence), and the individual security of clan affiliation (Gundel 2006: 8).

With the absence of a centralized nation-state, regional administrations in different parts of the country were established to meet the needs of the population (Interpeace 2008: 25). Of these, the self-proclaimed state of Somaliland in the northwest has been the most stable and organized so far, with relatively well-functioning institutions (Richards 2008: 2). Puntland has also established an institutional structure of governance and administration but with weak capacity and has followed a different path than the modern and democratic transition of Somaliland. In south-central Somalia a central government with formal institutions exist, but are ineffective as the government authority in practice does not surpass the borders of the capital (ibid).

In general, all formal institutions in Somalia are fragile and lack legitimacy due to several reasons, mainly due to the inability of the government to provide security and basic services for their citizens, together with lack of trust in the state as previous experience of a centralized state was extremely oppressive and unjust. On the other hand, the traditional system (xeer) and the clan-configuration in which the political and social units of the society is based upon, is highly valued and entrusted. This immemorial customary system is deep-rooted in the social fabric of the society, functioning as the main and sometimes only form of governance that the Somali people are familiar with (WSP 2001: 58).

The northern parts of Somalia, namely the autonomous regions of Somaliland and Puntland, are usually described as type-examples of a bottom-up approach for governance, while the south parts of Somalia, which include the capital of Mogadishu, where the central government is located, have been heavily influenced and pressured by the international community to unite the country and therefore focused on a top-down approach (Richards 2008: 9). In the discourse of combining the old with the new, Somaliland has taken an alternative state-building process by incorporating traditional authorities within the parliament, creating a house of elders called *"guurti"*. In Puntland, however, these two institutions *"have not been merged; instead they are two different systems on each side of the society"* (Richards 2009:104).

Considering how Puntland, and Somalia as a whole, is a nomadic and pastoralist society with much reliance on the traditional system of political and judicial order, I am interested in exploring how these two structures interact in this globalized age that is much dominated by modern statehood and governance.

1.3 Formulation of Research Problem

This study is a case of the political structure of Puntland, which on an aggregated level tries to understand hybrid forms of governance that prevail in 'stateless' and post-conflict contexts. Within the framework of political science and development studies, I find this subject highly relevant in the current debate on what "governance" implies and what type of state-building models and political systems should be implemented in emerging and "developing" states. Particularly, in regards to fragile and post-conflict states, which are often characterized by complex and dynamic forms of governance.

There are two systems of governance that continue to operate parallel in Puntland - the informal and traditional governance, resting on historical, pastoral and nomadic politics and order, and the secular "westernized" formal governance based on democratic principles. These different forms of governance constitute the political, judicial, social and economic realms of the society. What is most interesting is that these different systems are contradictory in many instances as they are based on fundamentally different sets of norms and values. Furthermore, this hybrid governance incorporates cultural, historical and religious beliefs, values and codes of conduct on the one hand, and westernized structures of politics, ideologies and principles on the other. Accordingly, this thesis attempts to understand how these different forms of governance interact and whether they can become harmonized?

Puntland deviates from the normative values surrounding a government, due to its non-conventional and clan-based configuration. Although being a regional state of the Somali republic, the self-governing autonomous state aspires for a stable and united Somalia in which it will be a part of (unlike Somaliland that desires the secession of Somalia). Whilst the government in Puntland was created, with initiative from clan elders, to establish peace and stability in the territory, it is likely that pressure for modernization of government institutions could in the future, if not already, create tensions between the "old Somali" form of governance and the "new" democratic and formal government in the territory.

According to Kingston and Spears, the increased loss of control over territory in the development world has become a central topic within international relations (Kingston and Spears 2004: 34). However, the decline of central states does not simply result in anarchy, as there are often factions who are willing to provide some kind of order on a more local basis.

As a result, "states within states" emerge, due to sub-national movements that gain whole or partial control of part of a nation (ibid). Thus, the situation in Somalia reflects the construction of sub-states out of a situation of statelessness. Moreover, with its absence of a central government and the continuation of violence since the outbreak of the civil war, Somalia has been viewed as a country in a state of protracted anarchy.

The Somali state, as a Unitarian state, is at present much fragmented due to various reasons, the most obvious being the failed attempts to reconcile and unite the people, as a result the different clan-families, with their own historical and inherited territory, follow the path of Somaliland and Puntland with the purpose of creating environments of relative peace and stability. Consequently several sub-states or autonomous states have been formed with the ambition of becoming separate and independent political entities to form a future federal Somali state. These include Galmudug state (borders between Puntland and the Somali state), Khatuumo state (borders between Puntland and Somaliland in the north), Heeb and Himaan and the recently established Jubbaland state in the south of Somalia. Different clan-families dominate these different regions and thus creating conflicts both within and outside of the regions due to territorial borders and resource disputes.

However, in Puntland the process of institutional change and development came about much earlier and through locally driven efforts, with little interference from the international community (Richards 2008:4, WSP 2001: 41). These regional sub-state polities were established to provide order and safety in the regions and deliver basic services (ibid). Although these are the most evident and legitimate forms of order, there is a mosaic of informal entities and authorities that play part in the structure and governance of the society (Menkhaus 2007: 74). These include religious leaders (Qadis, Uluma) as the leaders of the Islamic system - Sharia, as well as the civil society which, broadly defined encompasses various groups and networks in the society such as international organizations, NGOs, businessmen, professionals and the Diaspora. Their role and authority is critical in providing the basic needs and filling the important gaps where the government fails to perform (ibid).

The focus of this thesis will consist of understanding the synergy between the traditional informal political system, which is based on kinship (clan) and the modern formal political system, i.e. the government of Puntland. Given the volatile situation of the region, few researchers have been able to get inside Somalia to conduct fieldwork, especially on issues

regarding the political environment; therefore this research is not only worthy of interest, but also necessary in understanding and identifying the current political setting in order to add research data where it is scarce. Also, the fact that Puntland currently is relatively stable, and more secure than other parts of Somalia it facilitates my visit considerably.

1.1 Aim and Research Questions

The purpose of this thesis is to understand and explore the relationship between, and the function of, traditional and modern governance in Puntland. In doing so, the notion of the "ideal" nation-state will inevitably be questioned.

This study, based on the abovementioned reasons, tries to understand and explain the following research questions:

(1) *What form of hybrid governance characterizes Puntland? (2) And in what way can these systems become harmonized?*

1.2 Delimitation of Research

Since the civil war and the exodus of different clans, Somalia as a nation has become deeply fragmented. Regional- and clan conflicts have caused disintegration of the people and separated the country into regional entities (PDRC 2010: 9). For this reason Somalia is a much diverse country, comprising of different "mini-states" that have followed different paths of development, state building approaches and have been influenced by different international actors and institutions (Harper 2012: 4).

The three larger regions (Somalia, Somaliland and Puntland) are quite distinctive and contrasting regions, and thus interesting cases to study, however the autonomy state of Puntland deviates from the normative values surrounding successful statehood in its unique setting of informal traditional political order co-existing simultaneously with a formal centralized governance. For this reason, I intend to focus on the political governance structure of Puntland in regards to its hybrid governance in a post-conflict and stateless context.

Other delimitations of the case and considerations regarding the selection will be further discussed in the methodological chapter.

2. Theoretical Framework

The theoretical approach will be based on a critical discussion on theories of governance, including the concepts of failed state, quasi-state and mediated state. These theories will function as analytical tools in conceptualizing, framing and situating the specific case. Furthermore, I find these theories valuable as they scrutinize the complexity of governance structures that exist in developing and post-conflict countries, as well as highlighting the different forms of systems (tradition/modern). Furthermore, these theories contribute to a deeper understanding of the subject matter and help identify how the different forms of governance function and interact.

2.1 Governance theory

The theoretical perspective that I find the most relevant for this research is "Governance theory", due to its broad yet ambiguous definition, this concept encompasses many aspects within political, corporate and societal order as well as it relates to various academic disciplines. The concept of governance dominates the current political debate and has become increasingly important within the academic literature, in that it includes a multiplicity of disciplines, ranging from development studies, political science to corporate management and institutional economics.

Although having significance in the policy debate of western democracies, governance and especially that of "good governance", has entered and sparked great interest in the policy arena of developing countries to higher degree (Stoker 1998: 18). Furthermore, theories on governance is becoming more and more important in today's globalized world in regards to conforming to international norms and order, in particular within the discourse of statehood, development, and that of "good governance", which are all important factors when analyzing the governance processes of a hybrid state.

Most international donors, such as the UN, EU, World Bank etc., that are conducting state-building and democratization projects, often presuppose that the modern "western nation-

state" is the model for "good governance" (Risse 2010: 8). Underneath these programs and policies lies the assumption of modernization theory that the modern state comes as "a package consisting of an effective government, the rule of law, human rights, democracy and market economy, which can only emerge through state-building processes" (ibid).

For western countries and the World Bank the concept governance is sometimes reduced to a commitment to "efficient and accountable government", and in US and Britain this term is mostly used to refer to "elected and unelected officials" (Stoker 1998: 18). Within the social sciences, however, the debate on governance, remains linked to an ideal type of modern statehood with full domestic sovereignty and the capacity to make, implement, and enforce decisions (Krasner 1999: 4). From a global as well as historical perspective, however, the Western modern nation-state constitutes the exception rather than the rule, apart from the developed OECD world, there are a number of weak states that lack domestic sovereignty and have limited statehood (Boege et al 2008: 2; Risse 2010: 1).

2.2 Operationalization of theoretical concepts

In order to understand the functions and order of a hybrid governance system, an understanding of different definitions on governance is necessary. Furthermore, I will discuss how these concepts relate and can be applied to this specific case.

Governance:

The use of the concept governance is two-folded; on the one hand it is an open, comprehensive and un-fixed term, which allows the research to mold itself rather than the theory molding the research. Furthermore a broad and rich concept such as "governance" is able to capture important and interrelated aspects that would have otherwise gone unnoticed. On the other hand, however, governance is also a "complex, vague and contested term as people hold different theories and values that lead them to ascribe different content to the concept of governance" (Bevir 2010: 1). Mark Bevir emphasizes the usefulness of the term

governance as it suggests a differentiated understanding of polity that stands in contrast to the Westminister model (Bevir 2010: 2). He further states that "the concept of governance has spread because new theories of politics and public sector reforms, inspired by these theories, have led to a crisis of faith in the state" (ibid). The definition of the term "governance" that is applied in this thesis is based on the reasoning of Mark Bevir as his demarcation provides a pluralistic approach, stating that: "the concept of governance is less focused on state institutions and more focused on the processes and interactions that tie the state to civil society" (Bevir 2010: 1). This can be further developed with Stokers definition on governance referring to "a complex set of institutions and actors that are drawn from but also beyond the government" (Stoker 1998: 9). I would like to emphasize Stoker's latter statement, referring to governance as going beyond the state, and not necessarily drawn from the state. Gerry Stoker offers another useful definition of the term, interpreting the concept as the following: "*Governance is ultimately concerned with creating the conditions for ordered rule and collective action. It signifies a change in the meaning of government, referring to a new process of governing or a changed condition of ordered rule. The governance concept points to the creation of a structure or an order which cannot be externally imposed but is the result of the interaction of a multiplicity of governing and each other influencing actors*" (Stoker 1998: 17).

Hybrid governance

In a setting where the 'state' does not have a privileged position, as the political framework that provides security, welfare and representation, instead has to share authority, legitimacy and capacity with other structures, we are confronted with hybrid political order (Boege et al. 2008: 10). Hybrid governance generally exists in fragile state-hood environments, in which diverse and competing claims to power and logics of order co-exist, overlap and intertwine (ibid). These structures of order are mainly composed by on the one hand a 'formal' state and on the other a traditional 'informal' societal order, but could also include other orders that are a result of globalization (e.g. transnational networks and organizations) and those associated with social fragmentation (e.g. ethnic, tribal, religious social groups)" (ibid).

I find the term "hybrid governance" useful in characterizing these political orders as it is broad enough to encompass a variety of non-state forms of order and governance, that origin

from different societal sources and thus follow different logics. Moreover, this concept affirms that these spheres do not exist in isolation from each other, but permeate each other and consequently form a distinctive political order (ibid).

The traditional-modern dichotomy

The literature on traditional and modern governance has tended to presume a clear dichotomy between traditional and modern political systems. However, these distinctions are not so clear and fixed, rather they are systems that have co-existed, interacted and developed since the colonialism in Somalia as well as in many other post-colonial societies (Höhne 2006: 2; UNECA 2007: 6).

The term "modern" refers, in this paper, to a democratic and liberal ruling (liberal economy) such as the western weberian state. With traditional, I refer to the comprehensive customary system that has prevailed in Somalia since centuries. This system is a set of rules and norms that regulate the society in all its spheres, including the environment, economy, judiciary and politics. This thesis however, focuses on the latter sphere of the society, namely the order and politics of the society as a whole, in exploring what systems and which authorities that constitute this system. The terms traditional and modern are rather complex, since notions of the traditional refer to the past and the modern refers to the current. While the western Weberian democratic modern-state represents the notion of "modern" governance in this thesis, it is in reference to the customary informal ruling a newer paradigm. Furthermore, the customary traditional structure in Somalia holds it legitimacy in its long-established, deep-rooted and conventional structure, thus the term "traditional" in this sense is rather affirmative.

This dichotomy, from a modernization perspective perceives this relation as the traditional being a backward situation, while the modern is perceived as the evolving and ideal path of development. Furthermore the idea that traditional institutions are to be rolled back as modernity progresses is deteriorating, as it is becoming increasingly recognized that traditional structures are often more legitimate than the state (Gundel 2006: 2). The challenge however, lies in harmonizing these structures to develop a cohesive society.

2.3 Limited Statehood, Quasi-states and Failed states

The Western governance discourse is not only heavily influenced by modernization theory; it also assumes modern statehood as a fully functioning state and as a prerequisite condition for societal and political governance. Stephen Krasner's work has opened up the debate by unpacking the concept of sovereignty and demonstrating that international, "Westphalian" and domestic sovereignty do not always go together and that there are many "varieties of sovereignty." This includes areas of "limited statehood", as Thomas Risse defines it (Risse 2010) or Quasi-states in the words of Robert Jackson (Jackson 1990).

Stephen Krasner (1999) claims that, while no state governs hierarchically all the time, states at least possess the ability to authoritatively make, implement, and enforce central decisions for a collectivity (Krasner 1999: 4). In other words, states control what Stephen Krasner calls "domestic sovereignty," that is, "the formal organization of political authority within the state and the ability of public authorities to exercise effective control within the borders of their own polity" (ibid). This means that a state has some form of legitimacy and effective authority structures on the one hand, and on the other, is internationally recognized. Both Risse and Potter, however, claim that failed states have neither (Potter 2004: 11; Risse 2010: 28). Failed states in this sense have, what Risse calls, limited statehood, that is, "the lack of capacity to implement and enforce central decisions and monopoly of the use of force" (Risse 2010: 28). While their international sovereignty is still intact, meaning the recognition by the international community, they still lack "domestic sovereignty" (ibid).

Robert T. Jackson was one of the first to emphasize the evident gap between empirical and juridical sovereignty in post-colonial states. While statehood previously signified an independent, effective government that controlled territory, rapid decolonization produced a set of states in which independence was guaranteed by the international system, rather than earned through a demonstration of empirical power and authority (Jackson 1990: 2). Jackson therefore, coined the term "quasi-states" to refer to these governments, due to the fact that they have never undergone a state-building process and lack the ability to provide public goods for their citizens. He further refers to statehood sovereignty in the Third World as "negative sovereignty", which stands in contrasts with the structure of "positive sovereignty" that emerged in Europe, along with the modern state implemented by western imperialists and colonial rulers (ibid). Thus, he questions the right to sovereignty in the third world, and argues

that the only reason for their (negative) sovereignty is due to support from international law and framework (ibid).

Jackson's theory on quasi-states is however too simplistic and euro-centric in explaining the weak statehood of states and especially African states. Through his typology, he ignores the different historical starting points and cultural context, the long period of time it took for European countries to develop into modern "nation-states", as well as the increased involvement of external actors and interests. In relation to domestic (negative) sovereignty and the lack of full sovereignty, Risse argues that, limited statehood does not equal the absence of governance, let alone political, social, or economic order. State weakness does not translate to the absence of political order, rule making, or the provision of basic services, nor does it mean anarchy in a Hobbesian sense. In failed states such as Somalia where limited statehood is all-pervasive different forms of governance still take place regularly and collective goods are provided to some extent (Risse 2010: 8).

Boege et al. makes a rational point in their discussion of failed and weak states, revealing that "weak states imply that there are other actors on the arena that are strong in relation to the state" (Boege et al. p.6). The state is therefore only one actor among others, and 'state order' is only one of a number of authorities claiming to provide frameworks for order, security, and social services (ibid). Statelessness does not imply anarchy or the complete absence of institutions; rather there are other non-state institutions that had existed prior to colonial rule and the formation of the modern state (ibid). Thus, post-colonial states should not be viewed as weak or failed states lacking capabilities; rather they should be viewed as "hybrid political orders whose sources of legitimacy are often more socially and culturally rooted" (ibid).

Risse emphasizes the system of governance in a country rather than the notion of statehood in order to understand "who is providing which rules, structures and which public services under these conditions of weak domestic sovereignty" (Risse 2010: 2). His theory on "limited statehood" examines the context and capacity within a state, rather than the relations between states from an international perspective, which most political scientist tend to do. Thus, this theory allows us to explore functional counterparts to the ability of consolidated states to further understand the context for effective governance by, and with, non-state actors. Governance in areas of limited statehood can be described as multilevel governance linking inter- and transnational actors to local ones in a variety of rule and authority structures (ibid).

The growing importance of institutions and state-formations within post-colonial and post-conflict states is according to Boege et al. an effect to and reaction of globalization and its complex interdependence (Boege et al. 2008: 6). This accentuates the fact that as the world is becoming more and more connected, which demands states to become more of the 'same' in order to facilitate the international order.

Within the discourse of fragile and failed states, it is clear that these states are being contrasted and measured against what seems to be successful and stable states, i.e. the western OECD type state. The discourses around statehood, sovereignty and good governance therefore refers to various representations of the 'classical' model of the western Weberian sovereign state, and other states are presented as deviant cases, "evaluated according to the degree to which they approximate the Weberian benchmarks" (Boege et al. 2008: 4). However, this is a normative judgment since a state and the governance of it only becomes meaningful in comparison to other states.

By comparing countries this way, it is forcing states to become a replication of other more "developed" states, not only within international settings, but in all sphere's of the state. This is to ignore the historical and cultural context of a distinctive and separate country, for the price of being "accepted" internationally by implementing the standardized model. State-building projects focus to much on implementing what is already known as the "best practice", rather than tailoring and applying the best practice suited for the specific country, without being perceived as deviant or "backwards". Moreover, while the processes of state-formation in Europe and the western world took centuries, western state models were often "delivered" like products to many parts of the Global South in a relatively short time span during the era of decolonization to replicate the European political models (Boege et al.2008: 6).

Somalia has become the archetype of concepts such as failed state, state collapse, fragile state, weak state etc., the list goes on. There are many categories and definitions of 'state failure' that have soared in the literature. State failure can occur in many dimensions such as security, economic development, political representation, income distribution etc, however in extreme cases of such as Somalia, failure has occurred in several dimensions simultaneously (Di John 2008: 4). For Zartman, state failure occurs when "'the basic functions of the state are no longer performed. It refers to a situation where the structure, authority (legitimate power),

law, and political order have fallen apart" (Zartman 1995: 118).

The famous sociologist Max Weber is known for emphasizing the use of force as a fundamental constituent of the state. His definition of statehood indicates that: *"a state [is] a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory' even when 'the right to used physical force is ascribed to other institutions or to individuals only to the extent to which the state permits it"* (Weber cited in Gerth and Mills 1991: 78). This means that in states where the monopoly of violence is weak or absent, the police, judiciary and other bodies serving to maintain law and order have either ceased to exist or are no longer able to operate.

2.4 Conceptualizing hybrid governance

Hybrid political systems are currently of great interest in various African settings, as it seems that there is a common predicament for developing countries in post-colonial contexts to find ways in coping with the co-existence of the traditional structures of the society and the rather contemporary political systems of governance. According to Manfred O. Hinz, there is no African country that is free of at least some elements that belong to western modernity (Hinz 2008: 62). He consequently draws the conclusion that, "African governments have, in one way or the other, make decisions about the legal and political position of both tradition and modernity in their social, political and legal systems" (ibid).

Ken Menkhaus, suggest in his article *"Governance without Government in Somalia"* (2007), a future model of governance for Somalia, which he calls a "mediated state". This model of governance is an unspoken and common practice in the Horn of Africa, where weak states struggle to control rural and remote areas, thus it is easier to cooperate with or subcontract to local non-state entities. Mediated states are intrinsically messy, contradictory, conservative, and generally not considered as ideal choices for governments, however Menkhaus emphasizes that this model often is the best of bad options for weak states. He further questions whether this mediated state formula will be an enduring part of the Somali political

landscape or merely a necessary transitional phase toward consolidation of formal state authority (Menkhaus 2007: 78).

Höhne elaborates this line of thought further as he states that, hybrid political systems may be effective in stabilizing politics during a transitory phase (i.e., after civil war or independence) as it seems to be the only and most appropriate alternative for many post-colonial and post-conflict countries (Höhne 2011: 5). However, this mix modes of legitimacy of different political actors and systems might in the long run, either undermine the democratic capabilities of modern states or seriously damages the credibility and effectiveness of traditional authorities (ibid).

With governance signifying a change in the meaning of government and a new process in how a society is being governed, the governance structure and process in Puntland is likely to become more advanced with time. Though the political and democratic development in post-colonial countries incline more toward a traditional way of governing, many of these systems adopt and are built upon, certain principles of democracy. These include participatory (although not inclusive) consensus-building and localized decision-making process as well as political representation at multiple levels of local government, and also a system for electing local representatives (Höhne 2011: 6).

Traditional institutions play an important role in many African states today, as they are trustworthy actors involved in the politics and development cooperation on the local, national and international level (Höhne 2006: 2). However, along with the pursuit of developing into modern states, "Africa became a laboratory for new forms of governance, for better and for worse (Höhne 2006: 4). Höhne assumes that the partial or complete dissolution of the monopoly of violence in several states is the main reason for failure of the European concept of the "state" in Africa, thus he recognizes this phenomenon as the development of new and possibly more appropriate forms of governance (ibid).

Instead of adopting the narrow Euro-centric and state-centric view, which is currently guiding the failed state discourse, it is important to try to comprehend the context of what truly constitutes political order in those regions of weak governance. Max Weber distinguishes three types of legitimate authority, firstly legitimacy based on rational grounds; "resting on a belief in the 'legality' of patterns of normative rules and the right of authorities to issue command" (legal authority). Second is legitimacy on traditional grounds, which centers on the

belief of the inviolability of longstanding traditions and the legitimacy of those exercising authority under them" (traditional authority). The final type of legitimacy is based on charismatic grounds, emphasizing the "devotion linked to a specific individual with exceptional character and of the normative patterns and order that has been ordained by the individual (charismatic authority)" (Weber 1968: 46).

During the post-independence era the traditional leaders in many African states including Somalia, were largely discredited because they had often been incorporated into (indirect) colonial rule as instruments of the colonial powers (Boege et al. 2008: 10). Furthermore, the new political administrations of the independent states struggled to remove the traditional structures and authorities as reactionary forces of the past. However, customary forms of governance persisted, and the authorities of the independent states realized that it might be more promising to incorporate them rather than try to suppress and displace them. The "re-traditionalisation" in some African states demonstrates this tendency (Boege et al 2008: 10).

In an environment of hybrid political orders, the 'state' does not have a privileged position as the political framework that would otherwise provide security, welfare and involves representation; has to share authority, legitimacy and capacity with other structures (Boege et al. 2008: 8) According to Boege et al. the success of these state-building interventions has been generally unsuccessful (Boege et al. 2008: 9). What emerges instead in the developing world is a hybrid political order in which 'the state' is only one actor among others. As such, it does not have a privileged position; it has to share authority, legitimacy, and capacity with other structures (ibid).

Francis Fukuyama masters the ability to sketch a global and historical account of state-building processes in his book *"Origins of political Order"*, in which he claims that all countries, stretching from Norway to Japan, during different periods of time, have been tribal societies (Fukuyama 2011: 15). These societies owed primary obligation to their kinfolk rather than a state, and it was through a system of retributive justice that the people settled disputes, rather than through courts. Furthermore, the societal structures were based on the relations of kinships and collective units rather than individualistic ones. He further states that along with the wave of industrialization and democracy "institutions replaced individual leaders" (ibid). Although, clearly following the reasoning of modernization theory, Fukuyama states that developing countries today do not necessarily have to replicate the experience of the west in constructing modern states, instead emerging states should be able to explore new and alternative ways of governance (ibid).

2.5 Post-colonialism and Modernization theory

The domination of the Weberian modern state, and its expansion in developing countries can be seen as a post-colonial legacy. Loomba regards post-colonialism as the "contestation of colonial domination and the legacies of colonialism" (1998: 12). Post-colonialism can broadly be defined as a study of the effects of colonialism on cultures and societies. Some of the main critiques around post-colonialism has emphasized the confusion about the concept and condition of post-colonialism, whether it focuses on the postcolonial condition as a historical moment and continuing process, or on postcolonial discourse (Ashcroft et al 1995: 45). The latter including theories on the West having monopoly on the production of knowledge and thus being the point of reference of such it, as well as theories on postcolonial subjectivities, meaning the individual experiences of the postcolonial (ibid).

Post-colonial theory analyzes the process of de-colonization and the consequences, discourses and practices of the colonial aftermath. African institutions of governance were transformed significantly with colonial occupation and the proceeding fundamental restructuring of African political entities and socioeconomic systems. Consequently, the 'colonial state' brought the different African political systems mainly built on customary and decentralized structures under the rule of a centralized state (UNECA 2007: 6).

Bernstein defines modernization theory as holding the principal assumption that "modernization" is a total social process with advancing certain preconditions, including industrialization, urbanization, mass-communication and liberal democratic principles which leads to the development of a society (Bernstein 1971: 147). The modernization theory is conceived as a process in which modern elements accumulate, while traditional elements are displaced (ibid). Furthermore, modernization theory undermines older notions of the state and how it should be governed and developed.

3. Methodology

During the course of my data collection, my perceptions changed considerably, which was useful as I was able to complement the research with a wider coverage of interpretations. This allowed me to have an open mindset, rather than having a single-minded vision of what direction the study might take. Furthermore, it facilitated the exploration of various perspectives and issues within my case, to eventually extract the most relevant and applicable data for my research. The choice of method for this research study is of qualitative character due to its broad and holistic application and usefulness in capturing complex and problematic issues. For an in-depth analysis of the Puntland context, I conducted a field study over a period of two months in the towns of Garowe and Gardo. The selection of these cities was motivated by the fact that Garowe is the capital of Puntland, and as such it is where the government, ministries and other important administrations are located, while Gardo is a smaller town characterized by local governance.

One of the strengths of the case study design is that it can incorporate a wide variety of different approaches and methods to the phenomenon that is to be researched (Yin 2003:8). The basic structure of a case study method contains a detailed and in-depth study of one specific case, and is usually applied to capture the complexity and specific nature of the particular case (Bryman and Bell 2007: 64). The most common meaning of the concept "case" is associated with a case study of a certain place or location, e.g. Society or organization (ibid). In most case studies, as in this particular one, the purpose of the method is not to generalize but rather to establish an in-depth analysis of the complex dimensions and structures that provide a lifeline for the Somali nation. The purpose of this case study research is to contribute to broaden the knowledgebase about this particular subject field, by deducing facts from existing theories and combining it with empirical based data, collected through interviews, in analyzing the subject further.

One recurrent criticism against the use of case studies is that these kinds of studies can hardly provide the basis for generalization, as it is difficult to generalize from a single case. However, with most case studies, such as this one, the purpose is not generalize, rather it is to gain deeper insight in the specific context in order to understand and identify the important components of the case.

3.1 Method and material

The empirical data was collected through interviews, observations and literature reviews which I interpreted and scrutinized in my analysis. The informants consisted of a broad range of people, from different scope's and positions in the society, for the purpose of gaining a broader and nuanced understanding of the research subject through different perspectives. This further allows me to capture as much knowledge as possible and also understand the most central issues that are emphasized and recurrent across the various spaces. The chosen sources include: government officials, traditional elders, international organizations such as UNDP and various NGOs. These sources were chosen in order to gain insight of the political system in Puntland as well as the society as a whole. In analyzing the case, I applied relevant theories on governance to assess the socio-political environment in Puntland and investigate the political structures and governance dynamics that prevail in this region.

I interviewed various government officials within the Puntland administration, seeing as they have the most knowledge about the state structure of Puntland, its institutions and how it is governed and can thus provide general information, experiences and perceptions around issues concerning this matter. The purpose of conducting interviews was to inductively and subjectively interpret the selected and produced data to analyze and understand the specific subject in-depth.

Apart from government officials I also interviewed, international organization and NGOs with much knowledge and experience in state-building and governance processes and development. These include UNDP, PDRC/Interpeace and Diakonia. NGOs and civil society actors are extremely important actors in Puntland and play a vital role in providing aid and contributing in the re-construction of the region, especially in the social sector by establishing schools and health care facilities, but also by supporting reconciliation and peace processes through mediation and conflict-management. It is obvious that NGOs and other international agencies will continue to participate and contribute in the development of Puntland and Somalia for a very long time due to its fragile condition. Moreover, as the country is currently becoming more stabilized and peaceful, the role and engagement of these organizations is more critical now than ever. For this reason, I interviewed different representatives from the various organizations to provide me with knowledge in understanding the hybrid governance and the challenges and opportunities it brings.

I chose to conduct semi-structured interviews, as this type of interview method allows flexibility and openness, which is effective in obtaining a clearer and deeper understanding of the research objective. In semi-structured interviews the researcher normally proceeds from a set of specified questions but also has the liberty to further investigate the answers, as opposed to the structured interviews. The emphasis in semi-structured interviews is thus more on a dialogue with the interviewee. The interviewer can discuss further on certain questions to acquire both clarification and elaboration, which provides more qualitative information that can be used in the study. The benefit of the semi-structured interviews is that the interviewees are freer to express themselves in such setting, compared to a situation of a structured interview where this kind of liberty is not allowed. Furthermore, the semi-structured interviews offer a greater structure than the focused interviews (May 2001: 123).

The semi-structured approach is the most appropriate for this specific study, as it provides a degree of freedom in departing from the questions to acquire more elaborated answers, as well as it gives a framework for the interviews and thus makes the interviews more structured to stay within the topic of the research question. Furthermore, semi-structured interviews are flexible and open in character, thus allowing further discussions and follow-up questions for a deeper understanding. Although it is very useful and effective to record the interview as it allows the researcher to return, reflect and correct and "accurately get the responses of the interviewees" (May 2001: 137-138), it can also be an inhibiting factor for some people, as I noticed, and was therefore keen on asking whether or not is was permitted. In some interviews I was allowed and in some they preferred not to be recorded, however, this was not a problem since I was taking notes on all the interviews. The interviews were later transcribed and in order to make it more manageable and structured, I interpreted and analyzed the information which I thought was relevant and applicable for my thesis, in a thematic and sincere manner (Kvale 1997: 175).

3.2 Reliability and validity

The terms reliability and validity are central terms to take into consideration when conducting qualitative methods, as they measure the degree of authenticity in the study. Validity implies that what we say we will investigate actually corresponds with what we investigate, i.e. that the research's measuring instrument is appropriate and good enough to execute the investigation (Patel and Davidson 2003: 99). Reliability on the other hand involves how well the research method can resist random influences of different kinds, i.e. deficits that arise in the research due to factors which one has no control over (Patel och Davidson 2003: 100). The two concepts reliability and validity are very important to take into consideration when carrying out a qualitative research as they help to determine the objectivity of the research. Reliability and validity could be seen as two different instruments that illustrate the level of trustworthiness and credibility of a research (Bryman and Bell 2007: 34).

In this particular research, it might be difficult to achieve high reliability since the political scene and contextual setting, of the state as well as the country as whole, is likely to change from the time of the original research to the time of a second one. However in order to achieve high reliability in this thesis I intend on describing in detail the process of gathering data as well as how the interviews are performed. This detailed description increases the ability for other researcher to replicate this study under same conditions with comparable results. The primary data which consists of interviews provide relevant and authentic information through direct communication from the people concerned, while the secondary data gathered from reliable sources, adds previous knowledge and theories that either supports opposes the data.

An issue that I was prepared to face when conducting the interviews was the problem of misunderstanding or lack of comprehension concerning the central concepts in this thesis. Although, translating the questions in a comprehensible matter, it might still be insufficient as one concept can have two completely different meanings in very different contexts. Therefore, I was thorough in discussing the issues if they seemed unclear. Since it is important to let the informant form their own ideas rather than to impose or lead the informant into the researcher's ideas, I formulated the queries in an open-ended manner (in both English and Somali). This is further valuable in itself as it interesting to observe how the informants (government officials, traditional elders, international organizations/NGOs) perceive these concepts, as it conveys their realities.

3.3 The role of the Researcher

My own background as having Somali origin has its advantages and disadvantages. Some of the advantages are that given my Somali appearance and the fact that I speak the Somali language, I am able to blend in more easily as opposed to a non-Somali. As a Somali-Swede I have a lot of insight and knowledge on both cultures and can therefore compare the societies and be more considerate of their cultural context. As I am familiar with the norms and values of the Somali society I am more aware of them, whether they be apparent or not. Although having intrinsic knowledge of both cultures, I am new to the area of political science in the Somali context, hence my interest in choosing this subject.

Knowing that the language facilitates not only the communication and understanding of myself and the informants, but also reduces chances for misunderstandings or loss of information since a second language that requires alteration of concepts or a translator to intermediate would not be necessary in my case. However there are some disadvantages such as not being received well in the Somali community as a "Diaspora-researcher", as well as my background may introduce bias perspectives. As a researcher it is important to refrain from preconceived ideas and biasness in order to get a broader understanding of the research subject. Therefore, it is extremely necessary for me to be self-critical and conscious of my role as a researcher, how I influence the research and interpret and analyze the data in order to become more objective.

3.4 Ethical considerations

I have applied Kvales (Kvale, 1997), ethical principals concerning qualitative studies as I find his strategies to be useful and clear guidelines that facilitate the interview method. As these principals are important to consider in any qualitative study, they are especially important in interview methods in order to make the process more comfortable for the research participants as well as for the researcher. Kvale demarcates three main guidelines: informed consent, confidentiality and consequences, which I will further discuss below.

Informed consent implies that researcher has to inform the study subjects (informants, participants etc.) of the general purpose of the investigation, how it is organized at large and the risks and benefits that may be associated with participation in the research project. It also means that the research participants have the right to withdraw from the bottom at any time (Kvale, 1997: 87). Confidentiality suggests that private data that could identify the participants in the survey will not be revealed. If data from a survey will be published that could potentially be recognized by other studies to investigate people accept this information to be disclosed (Kvale, 1997: 88). I have taken all these important steps to inform my interviewees of their rights and to assure that they understand the purpose and procedure of the interview, the research as well as their role as informants.

Furthermore, I have deliberated the consequences of the research regarding the participants, which means that the study person should suffer no damage, or at least as little as possible (Kvale, 1997: 89). This was done by judging the impact of the study and the possible implications of harm for the interviewees. As I am aware of the much delicate and complex issues in the local context, I am indebted to all my informants for discussing topics that may have been sensitive and personal.

4. The political development of the state of Puntland

Somalia gained independence from the union of Italian Somalia and British Somaliland protectorate in 1960 (PDRC, 2010: 9). The first government of an independent Somalia enjoyed a fairly modern and democratic system (ibid). However, due to poor performance and weak capacity of the government, the 9 years of democratic and civilian rule it ended abrupt with a military coup lead by Siad Barre on 21 November 1969 (ibid). The new self-acclaimed president abolished the national constitution and dissolved the parliament by imprisoning them as well as other politicians and oppositions and led the country by a military rule based on a socialist system (ibid).

Although many scholars state that Somalia was a failed state before the civil war broke out, it became a definite fact once a ruling and central government became absent. Without a juridical and political order, combined with an unsuccessful economy, these factors brought on the inevitable fate of the collapse of the state. Moreover, the civil war caused social and political disintegration along clan lines and huge internal displacements and emigration as people were forced to flee the factional fighting and seek refuge in their ancestral territories (PDRC 2008: 9). Though peaceful and stable compared to most parts of Somalia, Puntland has seen its share of violence and instability, in particular during the period of the re-election of the former war-lord and Puntland's first president in 1998 (as well as the first president of TFG in Somalia in 2002, Abdullahi Yusuf. Succeeding the first president there have been two other presidents, all from the dominant Majerteen clan in Puntland.

Puntland declared its territory an autonomous state in 1998, to create peace and stability and deliver services in a region that was not as damaged from the war as other parts of the country, to contribute to the people in what the former government of Somalia failed to do. Since the establishment of the Puntland government, a Puntland charter was formulated, as a form of constitution in transition towards a more democratic system. This charter has been altered a few times during the different administrations, however all having the common intention to form the constitution of Puntland. The recent election of Puntland's current president Abdirahman Mohamed Farole in January 2009, the state advanced its
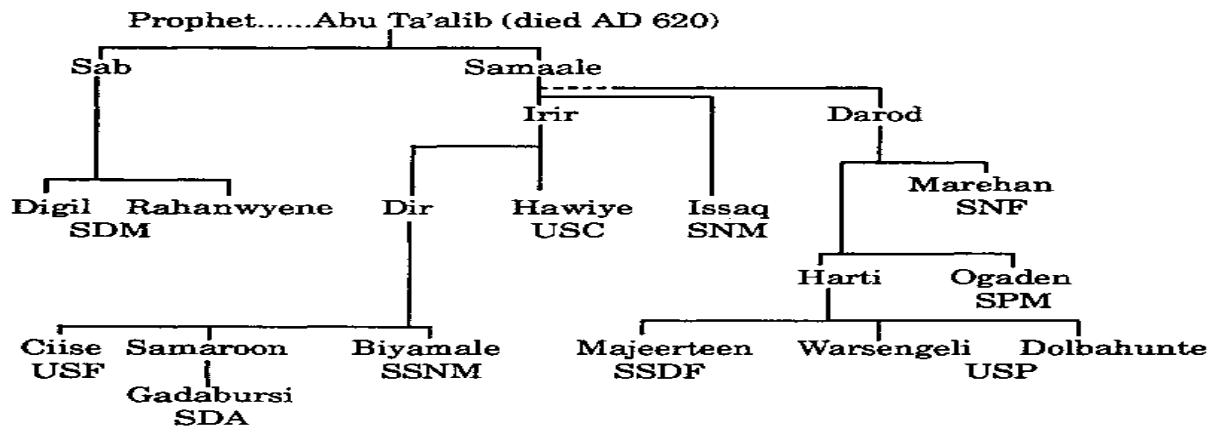
democratization process and allowed a transition from the clan-based political system to a multiparty system, however it has not yet been implemented (PDRC 2010: 10).

Puntland has remained fairly stable and secure since the collapse of the Somali state in 1991 and the establishment of the Puntland state of Somalia in 1998. However, in recent years, the situation has exacerbated due to an increased number of clan-based conflicts, the emergence of militia groups (Al Shabab being at the forefront) engaged in piracy and kidnapping of foreigners, killings of political figures and other authorities (traditional, religious, businessmen etc. (PDRC 2010: 12). The reason for these increased insecurities in the region are various, however a key factor is the weak governance system and the absence of resources and capacities to manage these problems (ibid).

The root cause of the conflict in Somalia is a combination of clan governance, abuse of power, resource competition, militarization, external and internal regional conflicts, as well as divergent international commitment (WSP 2010: 63). At present, the basic problems remain unchanged, as government institutions are either absent or dysfunctional, security is limited and corruption is widespread. Parts of the country have developed relative peace and security even in the absence of a central government, due to the development of local governance, particularly in Somaliland and Puntland. The traditional clan structure is an intrinsic part of the Somali society, thus it is an important factor to account in contributing to stability and development, on the other hand, this system constitutes a barrier to participation and inclusion of marginalized and vulnerable groups such as women, youth, IDPs and minorities.

Somalia's history of corrupt and opportunist political leadership has prevented an agreement on a centralized state (WSP 2001: 53). The country's modern experience of governance has been less than satisfying ever since the concept of a modern state and governance was introduced to the country, through colonialism, dictatorship and warlordism. It can therefore be said that Somalis have not had a government of the people and for the people for more than 100 years (ibid). Rather they have suffered the extremes of government corruption, incompetence and subjugation. Thus making the people more known to obligations of loyalty and obedience to the authorities rather than rights and demands (ibid).

```
          Prophet......Abu Ta'alib (died AD 620)
        Sab                    Samaale
                        Irir           - - - - -        Darod
                                                              Marehan
                                                                SNF
  Digil    Rahanwyene    Dir    Hawiye    Issaq
   SDM                           USC       SNM         Harti    Ogaden
                                                                 SPM
  Ciise  Samaroon    Biyamale      Majeerteen  Warsengeli  Dolbahunte
   USF                SSNM            SSDF                     USP
       Gadabursi
          SDA
```

The clan-structure of Somalia is composed by five large clan families. The Darood are located in the north-east provinces of Somalia, namely Puntland. The Hawiye in Central Somalia (including the capital Mogadishu), the Isaaq in Somaliland, the Dir in both Somaliland and Djibouti and lastly, Digil-Mirigle/Rahanweyn that are located in the southern parts of Somalia. There are several sub-clans, all clans according to different historical myths descend from the prophet Mohammed (Gundel 2006: 5).

4.1 The traditional structure in Puntland

Although the Somali people have a strong sense of cultural, religious and linguistic unity and is known to be one of the most homogenous countries in the world, it did not convince them to form a single political unit, i.e. nation-state. As such there was no Somali state before the colonialism during late 19th century. The pre-colonial Somali pastoral society is historically characterized and based on the ideology of kinship (clan), shaping all sectors of the society, and linking the relations between economic structures, judicial procedure, political norms and cultural values.

The most basic and functional lineage unit is the diya-paying group, meaning blood-compensation. Clan solidarity is maintained in part by diyah paying institutions, "blood ties", whereby the lineage has collective obligation to support each other in political and juridical responsibilities, mainly by paying and receiving compensation for acts committed by members of one group against another (Gundel 2006: 5-6). The most overriding rule for the unity of diya-paying groups is that all other conditions usually are subordinate to the need to maintain solidarity in the face of an external threat (ibid).

Politically, Puntland is the homeland of the Darood clan-family with the majority of Harti clan that comes under the administrative jurisdiction of Puntland State. Since the establishment of the Puntland state, the traditional system of governance and order has been much prominent in the region. This is due to several reasons, one obvious reason being that the traditional elders had a vital role in founding the state as they worked with professionals, businessmen, religious leaders and Diasporas etc. toward establishing a peaceful environment (WSP 2001: 59).

Secondly, the absence of prolonged violent conflicts in the northeast region has contributed to Puntland's stability, as it was virtually uninhabited before the civil war, however the different clans were eventually forced to retreat to their ancestral regions. Thirdly, the relatively homogenous clan composition of the area and a respected and trusted political and traditional leadership, had allowed the traditional elders to fill the gap when state authority collapsed. Fourthly, the relatively resilient economy and the important seaport allowed the provision of people's basic needs, and redistributing the resources fairly equitably due to clan-relationships and agreements (ibid).

Traditional systems, are often perceived as based on unequal, un-inclusive, in-cohesive grounds that conflict with human rights and democratic principles. As the leaders attain power based on their heritage rather than fair elections, and the informal institutions operate under no legal or political control, i.e. not being accountable for the people, indicates that this system of governance contradicts with that of a modern government.

However, the traditional governance in Somalia has proved the power of resistance, by demonstrating its continuance for centuries and has been the only constant, although undermined in certain cases, governance even during colonialism, Siad Barres socialist state and during the civil war that lasted over two decades. Despite colonialism and its policy of restricting and limiting the power of traditional authority and despite the attempts made by some post-colonial modernists to declare traditional governance and customary law as something of the past that has to become abolished, traditional governance and customary law have resisted and surprisingly survived. This is at least an indication that the traditional system will also resist some of the new challenges and create another form of alternative modernity.

Traditional societal structures and traditional authorities, such as the elders, determine the

everyday social reality of large parts of the population in developing countries even today, particularly in rural and remote peripheral areas (Boege et al 2008: 7). On many occasions, therefore, the only way to make state institutions work is through utilizing kin-based and other traditional networks (ibid).

The persistence of customary law and politics due to its significant function of Somali pastoral and nomadic society in resolving issues, cases and conflicts by mediation and negotiation in a informal manner led by traditional elders or religious leaders who are known to be wise and fair and as such attain respect and authority (PDRC 2010: 5). Despite not being codified in written laws, xeer has been regulating pastoral and agricultural communities' way of life for centuries (PDRC 2010: 61).

5. Empirical Analysis

In this chapter I will discuss the dynamic governance structures of Puntland, in particular the role of the state and traditional authorities, however also including other actors and spaces that influence and take part in this hybrid system. At the end of this chapter I attempt to analyze the hybrid character of the Puntland governance, by highlighting the various dynamic mechanisms that interact.

5.1 The state vs. traditional structures

The Somali society is based on the structure and relations among clans, which is reflected in the social, economic and politic life. This traditional system reflects the collective identity of kinship and the social need for mag-paying groups and clan security.

In comparison to other African countries, Somalia during colonialism had limited experience of being a "state", due to large parts of the country being "protracted benign neglect" and the centralization of state structures mainly being limited to the capital. Therefore, colonial and post-colonial state structures (modern state) became less ingrained into the Somali social fabric (WSP 2001: 30).

The repressive and predatory character of the Somali state under the rule of Siad Barre left a deep mistrust among the Somalis toward the state as an institution (Menkhaus 2007: 94). Consequently, although aware of the benefits that a revived central state may bring, many Somalis are reluctant toward a centralized state in which the control is in the hands of rival clans and factions (ibid).

According to Fukuyama "ideas are extremely important to political order, as it is the perceived legitimacy of the government that binds populations together and makes them willing to accept its authority" (Fukuyama 2010: 10). Hence, if the people of Puntland are unfamiliar with concepts such as democracy and government and do not trust the state apparatus and its institutions, it is not unexpected that a legitimate government is absent. This

was affirmed by one informant who stated that "nobody follows the constitution, whether the Federal or Puntlands, because people are not informed of its meaning and those citizens that are informed about its meaning do not act upon it" (Interviewee, Mohammed).

The extensive and dynamic structures of local and traditional governance in managing conflict and providing security in a context of state collapse are often overlooked by external observers since they often focus on the role of the state, which according to Menkhaus, is the structure that provides the least amount of governance to Somalis (Menkhaus 2007: 87). The traditional system is not based on a set of static and conventional rules and values, it is system that is flexible, open to changes and varies throughout time and within different regions and clan-lineages (ibid). What is clear however, and explicitly stated by all informants, is that a harmonization of traditional and modern governance structures will not show immediate results. Furthermore, clannism was seen as fundamental and never-ending feature of the Somali society, and would take even longer to eradicate.

Most of the literature regarding the discourse of "good governance" emphasizes that in order for successful and sustainable post-conflict development to be achieved, it requires building stable polities and representative political institutions that are transparent, accountable and responsive to ensure efficient policy implementation (Gundel 2006: 56). Furthermore, stable and good governance must also be legitimate, socially inclusive, respect human rights, be based on rule of law and division of powers, which all in theory are related to modern governmental institutions. However, according to Gundel, Somali traditional structures do possess aspects of good governance, and can complement modern institutions with legitimacy and checks and balances (ibid).

Nowadays, the traditional authorities themselves emphasize that they cannot stand-alone in the long run, and need a functional government to ensure that their traditional laws and orders are enforced (Gundel 2006: 46). This was elaborated by one of the elders who stated that the traditional elders have become disempowered in the efforts of modernizing and democratizing Puntland, as their role within political decisions has become marginalized since power has become more centralized at government level (elder, Mohamed "af diinle"). Most of the informants were of the opinion that institutionalizing the traditional system within the formal political government, such as the Somaliland experience, would not be an ideal solution for Puntland. This is because the historical context and the current political agenda of Puntland differ greatly from that in Somaliland.

Although effective in managing conflict, environmental and pastoral issues as well as providing collective security, the traditional governance is rather inconsistent as the rules and regulations are subjective rather than objective and based on a clan-hierarchy. This adds to the non-inclusiveness and disproportion of the clan-structure and its traditional politics and order. Furthermore, this form of governance does not encompass a system to protect the rights of the citizens or provide public services and basic needs.

In developing and post-conflict countries such as Somalia, the state is often weak, and its presence in rural areas is often small. However, the absence of the state does not mean that there is no social or political organization. In Somalia, the traditional structures survived the colonial as well as the post-colonial period, and the people maintained their traditional forms of social organization (Gundel 2006: 56). Hence, after the state collapse, the traditional structures were revived as the most important socio-political structure in organizing the society at all levels, despite efforts to re-establish modern state structures. Furthermore, the fact that the two most stable state-administrations in Somalia today, Somaliland and Puntland, were largely on the initiative of the traditional leaders, support the idea that traditional and modern political structures can indeed be complimentary rather than contradicting (ibid).

There are however negative aspects with this system as marginalizes women, young adults and minority people, making it in clear contradiction with the values of human rights, international humanitarian law and women's rights (ibid). Moreover, as it is based on the notion of clan-lineage, it is highly competitive and hierarchical.

Gundel argues that supporting the ongoing modernization efforts by the traditional authorities could be far more effective than trying to establish or improve modern state structures top down (ibid). Thus Gundels, line of reasoning relates to Menkhaus's theory on mediated states, whereas the traditional structure, although not an ideal governance system, is an integral part of the Puntland society. Furthermore, it is a necessary component in the development of a good governance for Puntland, thus its role and significance cannot be ignored.

The Puntland constitution stipulates that the state is the executive power that withholds the absolute power (Puntland Constitution 2009: 19), however in practice this is far from the truth. There are various authorities' in Puntland, having different amount of power within different context. The problem is that the power-sharing predicament has not been treated, thus making it extremely confusing for the people to build trust in relation to these various "structures" and institutions and to know where to turn for what issues. This is especially

apparent within the judiciary system where three different systems operate simultaneously. Allowing people to pick and choose whether they want to adhere to Somali traditional customary law (xeer), Islamic law (shari'a) or secular (modern) law.

Furthermore, the executive, legislative and judicial powers which are suppose to be separate entities, are in practice one entity in which the executive power controls the other powers (former vice president, Yusuf Haji Noor). Consequently, the institutions, which are presumed to assist as well as oversee the executive power, meaning the state, are not operating as they should. Moreover, these institutions are being appropriated by the leading power, which makes it easier for the state to manipulate and exploit (ibid).

According to Yusuf Haji Noor, the Puntland Charter was comprehensively formulated when the state was first established, which included the separation of power (the executive, legislative and judiciary branches) as well as a system of check and balance. However, the charter was poorly implemented and not fully respected due to little awareness of its meaning, but also because of the extensive practice of traditional politics. During the incumbency of the successive presidents of Puntland a new constitution was drawn but had even less substance as the government became less organized and ineffective.

5.2 The Role of Traditional Elders

Traditional leaders were largely discredited in the post-independence era due to their incorporation into the (indirect) colonial rule by the colonial powers as instruments of their authority, thus diminishing their legitimacy and trust with the people. Furthermore, the new political elites of the independent states attempted to dispose of with them as reactionary forces of the past. Nevertheless, customary forms of governance persisted, and consequently state authorities realized that it would be more reasonable to incorporate them rather than try to suppress and displace those (Boege et al. 2008:8).

According to one elder, "the role of the clan elders is clear and known to most Somalis, as there are no written or formal rules and guidelines regarding our role and responsibilities, these rather flexible undertakings are known amongst the people of a certain community". He

further states that: "although our role is highlighted during times of conflicts or crisis we are at the disposal of the people in all matters during all times of the day, whether it be mediating in land, crime or political issues" (interviewee, elder Ismail).

As important actors within the political system to steer the political agenda, the elders hold the decisive word, mostly when crisis's and conflicts erupts, which in a clan-based society occurs often, the clan elders have the ultimate political power, although not publically announced or visible, it is an unspoken and informal code. However, the legitimacy of the clan elders is starting to diminish as the elders have proliferated to the point that it is becoming unclear who the "real" and "false" elders are? (Interviewee, Mohammed). Clan elders are generally not interested in politics and wish to stay out of the formalized political system, however, they "do not wish that their role in consulting and mediating decreases" (interviewee, elder Ismail).

The dynamism of the Somali society indicates that it is constantly adapting to changing circumstances, causing the clan elders to adapt as well to enable them to fulfill their roles in the changing environment. Regardless of these changes, however, clan elders continue to maintain importance in Somali society, largely in the arena of peace and reconciliation. As long as the clan remains the primary ordering principle in Somali society, clan elders will continue to be of vital importance to stability (Richards 2008: 104).

"The elders do not have formalized power but they have substantial informal power. If they were to become institutionalized they would lose their legitimacy (interviewee, Abdirahman). Abdirahman further notes that "the role of the traditional elders is crucial in maintaining cohesion and peaceful co-existence of the society" (ibid). According to the elders themselves, as well as other informants, the elders enjoy much power locally, where they are often perceived as the leaders of their community withholding much knowledge and experience in customary law and order, and expertise in peace-making and conflict management.

The Minister of Education in Puntland made it clear that: "We are a tribal society, thus the role of the elders will not diminish due to the presence of a modern governance system" (interviewee, Puntland Minister of Education). The strong belief in the persistence of the traditional system was emphasized by most of the informants.

The elders in Puntland are the focal point of resource when crisis or conflict occur, but are also involved in the daily issues of local governance (ibid). The traditional authorities will still regulate community life, control access to land and maintain security through customary conflict resolution mechanisms, even where there are formal governmental structures (Gundel 2006: 56). The challenge is how to maintain the role of the traditional authorities in keeping peace, security, and ensuring rights, and at the same time maintain their integrity in terms of legitimacy, identity and trust.

5.2.1 Clan politics in Puntland

The Somali politics can be described as clan (family) politics. When asking one of the informants if they find the political structure in Somalia and Puntland to be based on clan dynamics and nepotism, he replied that the Somali politics indeed is based on clan, however it attempts to always be fairly balanced. Emphasizing that in all societies there are groups of majority and groups of minority, in the forms of class, ethnicity, tribes etc., in which the majority most often has the upper hand. He further stated that the clan structure is an structure by birth, which you can neither abandon nor join (interviewee, Abdirahman). The clan-family loyalties play a major role in the modern politics of Somalia (Gundel 2006: 5). Clan-members derive their identity from their common ancestry (jus sangui) rather than the sense of territorial belonging (jus soli) (WSP 2001: 54). One informant upheld that, "A clan-based system is the only system that works for us, it is the way in which our entire society is constructed, and the only rule we have ever known" (interviewee, elder Ismail).

The clan-system functions as a political unit due to its ability to create an implicit governance structure which is embedded in the cultural values and norms (Gundel 2006: 5). This can be compared to the idea developed by the English political philosopher, Thomas Hobbes, and his classic theory of the 'social contract', focusing on the relationship between the state and its citizen. Hobbes argued that individuals living without a state and a rule of law find themselves in a situation of war, of all against all in which life is solitary and brutal (Hobbes cited in Boege et al 2008: 3). His idea was that individuals would voluntarily make a social contract with an absolute sovereign government - the state – by giving up some of their

freedom in exchange for guaranteed peace and security (ibid). This is much like the clan-system and its central function in the Puntland region, having an unspoken code of conduct based on historical and traditional structures, between the people and the governing authorities, in this case the traditional elders.

Clan loyalty is far more important than formal government loyalty, furthermore, the history of governance in Somalia demonstrates over and over the centrality of clan system in the governmental structure. Thus, the ongoing modernization and democratization process in Puntland, a country with a dominant nomadic and pastoral culture and a political system that is based on clan power sharing, will be facing difficult challenges in disempowering or removing the deep-rooted clan system (ibid).

The paradox of the Puntland constitution is that it was written and ratified by the current president, Farole, In 2009, but the state has since then not been governed by it. Instead, "the words and actions of the president are what rules" (interviewee, Hassan). The few ones, who understand what the constitution entails and how to implement it, do not conform to it because they have become accustomed to the informal and crooked governance system. Moreover, the elite, being intellectuals, professionals, businessmen etc. often have high positions within the society and thus "benefit from this asymmetric form of governance" (ibid). Creating institutions of a formal character can assure that they are more transparent and held accountable, thus reducing corruption, nepotism and patronage. In an illustrative manner the predicament of the Puntland constitution, was described by one informant as "daah", meaning curtain, merely being beautiful phrased words for appearance rather than to act upon, in which the real practice of the government is done behind the curtains (interviewee, Faduma).

5.2.2 Democracy and Good Governance in Puntland

From the onset of this thesis, I had been interested in exploring the unique socio-political context of Somalia, and in particular Puntland. This is not only due to its hybrid governance, but because this country is the type-example of a failed and stateless state. Thus there have been many experiments in how to revive the state, and when that has failed, regional

territories hosted by specific clans have formed sub-states, characterized by a bottom-up approach.

However, while choosing this subject I had no idea that this topic would be so current and critical due to the ongoing tensions and turbulent events regarding the first "democratic" multi-party election in Puntland (at municipal level). By initially promoting and voting for the existing parties on a municipal level, the ambition is to subsequently hold an election on state level to install the leading party in the government. The transition from a clan-based towards a multi-party system was much anticipated as it is written and ratified in the constitution by the president in 2009, and was discussed long before the his post by former authorities as well as formulated in the Puntland charter.

Nevertheless, according to some of the informants, the people of Puntland are not as receptive to the idea as previous, due to several reasons. The most important being that it is occurring too soon. This is because, people are not registered voters, they do not possess any identification certificates, most people do not know how to vote, much less the meaning of party-elections and democracy as they are not accustomed to these practices. Furthermore, qualified and competing parties have not been established except a few parties, however, they are recognized as being biased to the either the sitting government, certain clans or religious groups. Moreover, people are not showing interest and the government is not taking much effort to include the people in the democratization process and create awareness around the election.

Thus, it is clear that Puntland is not ready for an election at present; as such people are opposing this process, which is demonstrated by upheavals, protests and shootings. By some, the election is seen as a necessary action to commence the pro-longed democratic transition, by others it is seen as a false and nascent democracy that is doomed to fail, while the rest are not interested in any democratic change, as they are content with the traditional structure and order of the society.

Democracy is not a new concept to the Somalis, since it has been implemented during the first years of the country's independence, it is however a very ambiguous and delicate concept as it is often linked to the centralized state that was forced upon the Somalis during the colonialism and subsequently under the suppressive rule of Siad Barre. However, most of the informants were of the idea that democracy is something positive, that Puntland is ready for a change, and want democratic governance in order for them to become more included, empowered and

able to influence their own lives. This is further confirmed by the evident support and positive responses from local people in Puntland regarding the decision to transition from clan-based system to democratic multi-party system, if implemented appropriately.

Most researchers familiar with the Somali culture and its traditional institutions and norms are unlikely to declare it incompatible to democracy, on the contrary they would describe Somalia as having a surplus democracy, almost to the point of anarchy. I.M Lewis describes Somalia as a "pastoral democracy" and is often described as a "non-state" that does not easily pursue the development of state structures (Lewis cited in WSP 2001: 82). Somali traditional politics exemplifies a democratic and participatory approach toward decision-making processes, however it is far from inclusive and can be largely questioned whether or not there is a political hierarchy as many groups of the society are often excluded within political processes. Furthermore, the Somali culture values the importance of reaching consensus, which is shown through participation at grass-root level (ibid).

These characteristics put together create a type of governance that enables a highly participatory and consensus-based but also a very slow decision-making process. While this governance system suits the pastoral way of life, it has difficulty to adapt to the development of formal state structure and politics such as the western model. The Somali political process is underpinned by three fundamental institutions; clan, customary law and ad hoc consultations by clan elders called "shir". Although, the traditional governance system is seen as highly participatory and democratic, leadership in Somalia is almost exclusively a male domain (WSP 2001: 83).

The transition from clan system to democracy would require the integration of customary law, Sharia and principles of democracy in a coherent legal framework that is consistent with the structure of the state, thus harmonizing the inconsistency that exists between the different governance systems (PDRC 2010: 50). Apart from considering the exercise of power and the establishment of various political dimensions and institutions of democracy such as free elections, multi-party system and civil rights, Puntland would also have to battle the legacy of poverty, illiteracy and the socio-economic underdevelopment present in the region (ibid).

The transition will be especially difficult in the context of Puntland and Somalia as a whole, since the clan system is a way of life embedded in the social fabric of the people. Thus it is not only a political system, but a system of life and coexistence. Therefore, the clan system

will not simply disappear from the social and political life of the people with the introduction of multi-party system and elections, since strong forces to challenge this system are not yet in place.

Puntland, like many other African states, struggles to reconcile traditional social institutions with the principle of nation-state democracy. However, it is becoming increasingly difficult to maintain the institutionalization of a system that combines elements of traditional 'pastoral' male democracy in the context of the Westphalian and Weberian nation-state. Nevertheless, Puntland proves that other forms of governance than the western model of formalized and centralized governance can exist and function relatively well.

The Somali people have differing views on democracy, which is mainly due to little knowledge and awareness around the concept and also as it is a sensitive and loaded concept that for many seem to contradict with Islam. However, Islam and democracy have many components in common, especially the basis of the ideologies. Decision-making processes are traditionally localized and based on consensus building. Thus these processes are very participatory and engaging of local people. However the definition of "local people" is a narrow one, which exclusively constitutes senior men, where local authorities (elders, religious leaders, businessmen, politicians, professionals, intellectuals) that are respected or have status or power, have most influence. Half of the population, being women are often excluded from such processes. Furthermore, young men who are often perceived as not mature enough for traditional politics, as it requires years of experience and knowledge to understand and engage, are also excluded from such processes. Likewise, minority clans and other marginalized groups are seen as unfit to partake in such processes, both local and central, the former being more confined to traditional norms.

5.2.3 The Role of the Civil Society and Religious Leaders in Puntland

At present, the traditional customary system and the modern political system are not the only structures that exist; religious leaders and civil society also enjoy high authority as they provide spiritual guidance and basic social needs. Most schools, universities, hospitals, health clinics and environment and resource management that have been established since 1991,

have been created by International Organizations such as the UN, Save the Children and several INGOs/NGOs. Under conditions of a failed state, governance requires the inclusion of non-state actors, e.g. civil society, local and traditional leaders, in the provision of collective goods and the regulation of social and political issues (Boege et al 2008: 9).

The civil society has taken the role to fill the gaps in which the government fails to perform. The United Nations, in particular, with its enormous power and authority has taken an extensive role, as they are equipped with the resources, which the government lack, they are able to develop tools and policies to deliver these resources and services and build capacity. For this reason, the civil society is functioning as a semi-government, with much authority and respect. Due to the implemented activities and delivered resources, the results of the actions performed are visible, thus these organizations build a relationship of trust and support with the local community on a grass-root level.

Nevertheless, these various authorities and systems of governance can become unclear and confusing for the citizens as to who and where to turn when in need of certain services, making claims and most importantly in holding an institution accountable. Different governance systems and authorities with different power positions that are unbalanced, not only confuses the people but also makes the different systems illegitimate and in-cohesive. Somalia is generally considered to be one of the most homogenous countries ethnicity, linguistic and religion wise. About 99% of the Somali population are Muslim and are known to be highly spiritual and devoted Muslims (CIA World factbook). Islam is therefore, a central and important component and creates the basis for all values and norms incorporated in the Somali society. Furthermore, it is the fundament in which the customary system lies upon. Hence, the leaders of this dominant belief are highly respected and entrusted, and for this reason they hold a high position in the society, in particular within the legal system (Interviewee, Mohammed).

According to several informants, the Qadis, Uluma and Sheikhs are very influential within the legal systems, as the Sharia constitutes the fundament basis of the legal framework in Somalia and the primary source of legislation, while the secular law is generally applied it is perceived as a secondary system, and although the traditional law is highly valued and supported, it ultimately rests on the Islamic belief. The religious leaders are therefore much entrusted due to recognition of their deep knowledge of the Sharia and how is to be applied in the society,

however the informants were sure to state that the majority of the religious leaders are not well-educated within Sharia nor practical in how to incorporate or harmonize this system with the other legitimate and functioning judiciary systems (customary and secular), which is a comprehensive system of belief that encompasses spheres of the society (ibid) and requires much knowledge and practice.

"There is no communication or contact between the people and the government, they do not cooperate nor serve the people. On the other hand the civil society has roots in the community, they are the ones supporting and providing the people." (interviewee, Mohammed).

The bond between Somalia and the United Nations, is a longstanding one, which began 60 years ago during the last decade of colonialism, when Somalia was held under UN trustee-ship. Since then it has had a high position of mandate through several UN peacekeeping missions, humanitarian assistance and reconciliation efforts, and earned much respect within the Somali community in its efforts to contribute to peace and stability. This power position has seemed to grow stronger due to the protracted statelessness. A clear illustration of the UN's current power position, was during the preparations of the democratic elections in Puntland in July 14th, when the UN Resident and Humanitarian Coordinator, Mark Bowden, stated that the elections were called off, due to the unforeseen upheavals and violent conflicts around the bigger cities of Puntland in demonstration of the event happening holding of elections. One of the informants stated the important role of the UN and that their possession of power is due to their significance in delivering services, supporting development and security in the region, which they can withdraw if the reasons are legitimate. Furthermore, besides from being a respected institution that regulates international law and order, the UN represents the international community as a whole. Thus, their authority and statements are taken into serious consideration.

Furthermore, the important role of the Diaspora lies in their unbreakable bond with their native country and close or extended family members (member of clan, distant relative, friend etc.), which is demonstrated through their regular sending of remittances. Providing a vital lifeline and most often the only income for some households, remittances are considered one of the country's most important incomes as it is also used in investments of the country and constitutes 40 % of the country's GDB (CIA world fact-book).

5.2.4 Women and governance in Puntland

Women are widely excluded in the Somali traditional system, not only because of the patriarchal culture, but because the clan-lineage would dissolve if a women was to become an elder or leader of a clan (which is hereditary) as her clan does not descend to her children. Thus male elders will prefer a man in political representation and decision-making, whom they trust will be fully loyal to their clan (Gundel 2006: 17). Women and young adults are often excluded from participation in the decision-making assemblies ("shir") often presume to be represented by their husbands and fathers, respectively, and are customarily (UNECA 2007: 8).

According to one of the informants, the women are the backbone of the Somali society, both economically and socially; therefore it does not make any sense that they are excluded politically (Interviewee, Hassan). Currently there is only one female minister out of 26, only two female members of parliament out of 66 and no female elders as it is strictly a male-based structure (UNDP 2013: 6). Therefore the ways in which they can influence within politics is very limited. By giving women more seats in the Parliament and high employment positions based on competence, within all sectors, leadership and power would then ultimately be given to the most suited and competent person instead of the simple reason of ones gender or clan affiliation.

5.3 Conceptualizing a harmonization of governance

External actors have tended to focus on formal political institutions and structures. Although these are important, it is essential to recognize that much of the political activity in Somalia, much like most African countries, takes place according to informal norms and systems. Whilst formal political systems are generally publicly announced, for example in laws, regulations and codes, informal systems are embedded in socio-cultural institutions, norms and standards.

The harmonization of the modern with the traditional is becoming an increasingly urgent matter, and although this alignment is much needed for several reasons, it is nevertheless difficult to realize. Some of the reasons of why it is required is because of the increasingly globalized world, with an interdependent political relations resting on international law and universal ideologies and values, not to mention the effects of intensified migration and hybridity of cultures. Apart from this, is the fact that the Somali state is becoming more and more urbanized and modern, particularly within technology and telecommunications where this business is not only flourishing, but is also the most important and often the only mean of communication and trade.

Furthermore, the new generation, young educated people are becoming more aware of their rights and more convinced to share universal and human rights values, and thus become more critical of the negative aspects of the traditional system (Gundel 2006: 26). As one informant stated: "the clan-system is an old system, with old people" (interviewee, Hassan). The new generation have not seen the bloodshed of their ancestors and are not as colored by the clan-mentalism (ibid). This category also includes the Diaspora, who are also important actors in the development of Puntland. Hence, they tend to support the establishment of modern governance as to provide democratic and equal rights and opportunities rather than basing rights and opportunities on clan-lineage, gender or age. Most of the informants agreed that the traditional and the modern system can be complementary and eventually become harmonized, however it requires creating distinctive boundaries, separating roles and forming rules and regulations for how these institutions should operate and coordinate. Although it will take much time and effort, an alignment is nonetheless necessary in the development of the state and its governance.

According to the head of the supreme court in the Puntland administration, "the combination of a customary clan-system and a modern governance is challenging as they do not interact

well, however having two systems is better than no system at all" (interviewee, Abdulqadir Sheikh). Some of the informants emphasized that the current decision-making processes are centralized to the government, however others, including the minister of Education stated "it is rather relative, depending on what kind of issues and decisions that are of concern" (interviewee, Puntland minister of Education). Thus making the authority and accountability of the state unclear, even for a government minister. As each sub-clan most often owns and controls its distinct territory/ies, especially if it is a larger sub-clan, the decentralized structure of governance in Puntland is further strengthened. Consequently, the sub-clan and its members will feel more obliged to conform to their own local governance rather than a centralized one. This has to do with the lack of trust and confidence in the state and government as an institution, but also perceiving the sub-clan as the primary political unit (Gundel 2006: 5).

Most of the informants acknowledged the fact that the hybrid governance structures and authorities can cause complexity and confusion in regards to the management and power-sharing relation between the various institutions. Furthermore, it produces ambiguity and distrust among the people, the civil society and the government regarding their role, rights and responsibility in the society. However, most informants were also aware of the negative aspects of the traditional system and shed some light on their effects. The marginalization of women, youth and minorities within the clan-based politics and the customary judicial system is one example. Other negative aspects include that leadership of a titled elder is given through heritage, rather than basing on competence and the amount of support through democratic election. Although one of the informants added that the titled elders often develop the merits of their position due to the amount of responsibility and respect that is attached to it (interviewee, Hassan). Furthermore, the lack of formality and cohesiveness of the traditional structures produces a "laissez-fair" environment.

The current and previous governments of the Puntland state have failed in the aspect of accountability and transparency. The elders, however, have an advantage as they are seen as communication channels between the state, the pastoral society and the relatively urban communities, as they are accessible, trusted and rooted in the community (WSP 2001: 150). The two practices or institutions of governance, within the political as well as the judicial sector, are complete sets of systems comprising of comprehensive rules and norms that not only differ widely, but also contradict in many instances. Therefore, Somalia is forced to

practice the traditional clan-based system because it is the only system the people are used to, seeing as the modern system is not a suitable governance model at present.

One informant (Interviewee, Abdirahman) indicated that the modern way of governance, politically and legally have existed ever since the colonialism and have attempted to be implemented as the only form of governance from many governments after the independence, with much support from international actors, however it has failed to prosper every time. This demonstrates that this form of governance is not as supported as the traditional system as it persists even in a much-globalized world dominated by modern democratic states. However, these systems can become harmonized by attaining useful and beneficial segments from each institution and remove the negative aspects in order for the two systems to compliment and strengthen each other. Consequently Puntland could embark on an alternative path of development that is appropriate for its unique context and which it feels ownership of.

Almost all the informants evidently agreed upon that the two forms of governance are extremely diverse and in many junctures contradicting, however as both structures of politics and law and order are present and will continue to persist parallel, it is crucial to find a middle way. Furthermore, most informants were also of the idea that the modern system enables a more equal society based on human rights, rather than a society based on a system of male-biased and class-hierarchical structure. The people that benefit and support a modern and democratic governance system are often those that sense a type of marginalization by the clan-system, such as minority clans, women, youth and IDPs. As these social-groups, some more than other, do not enjoy the same privileges and security as the more dominant clans, and in particular the senior men within these clans.

Furthermore, the educated and the youth, being the new generation, are seeing the clan-system much differently than those who are enmeshed in and have been brought up by the idea of kinship, collectivity and clan. The educated are more likely, however not resolute, to share the same views as the western world regarding ideas such as human rights, democratic principles and equality, thus inclining toward a modern form of governance. People whom encourage the prevalence of the clan-system, on the other hand, are often the dominant clans who benefit from the hierarchy and security of the clan-structure. The older generation women and senior men in particular, who value and recognize the importance of culture and history and are accustomed to the traditional structures, hence desiring to preserve the legacy.

Furthermore, the pastoralist and nomads that dominate the region and constitute approximately 60 % of the Somali population (CIA world fact-book), favor the informal and customized traditional governance in rural and remote areas.

5.4 Characteristics of Puntland's hybrid governance

There are several truths on why and how this hybrid governance exists in Puntland and what characterizes it. The following discussion pinpoints three central features. The first being, the fundamental and all-encompassing social contract based on blood-lineage i.e. the clan-system. Seeing that it encompasses many functions such as constituting a political unit, forming an identity (in the absence of national or regional citizenship), providing a safety net etc. The second being the need and significance for a mediated state, in which different institutions and entities strengthen each other and the society by filling the empty gaps. The third truth is recognizing the existence and equal importance of both rural and urban domains with distinct forms of governance. Although the traditional and informal system of politics and order is still the dominant and most supported structure, the understanding and receptive of modern and formal institutions is increasing, especially in the urban and industrialized areas.

Social contract by blood:

The social contract in Puntland is between the people and the clan-system, the titled elders and the norms and regulations of the traditional customary politics and order. Hence, it is within this system the trust and loyalty lies and rather than state. However, if the social contract would change in either establishing a social contract between the citizens and the state, or developing strong hybrid governance, it is important that the people feel ownership of whichever governance is to develop.

Even when implementing a formal constitutional government in Puntland it is based on the clan-system, known as the 4.5 formula in the Somali Federal government, thus detaching the clan-system completely within the structure of politics and order seems unreasonable. The Somali people, in Puntland in particular, understand and value the clan-system and its traditional norms and institutions rather than modernization and democratic principles, thus it is obvious that the customary system and "clannism" (meaning the practice and mentality of the clan-system as the main point of reference) will not easily disperse. Seeing as Somalia historically is a nomadic and pastoral community, the deep-rooted traditional system based on kinship, will continue to be an integral part of the society for some time.

For the government to become more legitimate and stronger in its capacities and responsibilities, apart from the fact that the state has provide for its citizens and be held

accountable, is that the current social contract that is embedded in the society, being the clan-system and the kinship loyalty, norms and regulations that come with it, has to transform to state loyalty, a sense of public responsibility and unity based on citizenship and nationality rather than blood-lineage.

Mediated state:

To complement Menkhaus' theory on mediated state, I would argue that instead of the government sub-contracting certain services and authority, it is more of a situation of a weak government and institutions that create the need and space for alternative institutions. The mediated state model assumes that "the government relies on partnership (or at least coexistence) with a diverse range of local agents and rival sources of authority to provide core functions of public security, justice, and conflict management in much of the country" (Menkhaus 2007: 78). Thus, Menkhaus' theory of statehood transpires to be an accurate description of the complex governance system that currently functions in Puntland.

The governance in Puntland is characterized by a weak and obscure hybrid rule. The lack of capacity and (military) control of the government creates a power vacuum but also countless gaps in performing its responsibilities, which international organizations such as the UN, NGOs, traditional elders, religious leaders and other local entities attempt to fill by delivering services, safeguarding security and providing law and order in the region. Through these actions, the various entities possess legitimate authority in which they perform semi-governmental functions. This system however, as Menkhaus argues, is not a sustainable solution in the development of a functioning and effective government. On the contrary, it leads to the government becoming less legitimate as it no longer serves its purposes. This puts the "limited statehood" or "quasi-state" that characterizes Puntland in an even worse condition, making the already weak domestic sovereignty even weaker. Furthermore, the control of the government diminishes as power becomes scattered on different levels and between different actors and institutions.

Thus, a more harmonized system of governance is critically needed in which these various and distinctive entities can collaborate in order for a more cohesive and coherent society, in particular in the urban areas of the region. However, it is important that this transpires without the persistence of external actors to import standardized political, judicial and other state-building templates to replicate their own system of conduct. This approach has shown to be

unsuccessful throughout the history of Somalia and Puntland, it would be an unwise route to embark once again. Furthermore, ownership in that the Somalis collaborate and work on their own terms in building a functioning state, with international actors is of significant values, as it would enhance its legitimacy through the support and participation of the people.

In perspective of Risse's classification of limited states defined as governments lacking domestic sovereignty, i.e. the capacity to implement and enforce central decisions and ultimately the monopoly of the use of force (Risse 2010: 1) is accurate in the case of Puntland. Apart from the state military which in themselves are several due to the various regional de-facto and autonomous states in all parts of Somalia including Puntland, there are several other armies and militias in the country. Ranging from religious militias (Al shabab, Akhwaan al Muslilmeen, Al Itihad, Al Sunnah Wal Jama'a), oppositional armies (Mu'aradiin), International Peace-keeping forces (AMISOM, UNISOM), warlord militias, clan-armies etc.

Authority in the sense of monopoly of violence is in the case of Puntland and Somalia as a whole, not restricted to the state, on the contrary there is a oligopoly of power (Boege et al 2008: 9), making security not only worse but the authority and legitimacy of these different groups of society and institutions becomes ambiguous and unreliable. Every individual that can afford a weapon owns one, and as one informant pointed out, "every individual is his own state" (Interviewee, Abdirahman) in the absence of one. Thus, the danger of having both a weak state incapable of delivering security and basic services, and a traditional societal structure that has been undermined, it is likely for people to turn to other social entities for support, such as war-lords and religious militias (ibid).

Rural vs. urban:

Somalia, and in particular Puntland, is currently experiencing a unique predicament where the deep-rooted clan-system is the social fabric in which all spheres of the society and the code of conduct among its people are based upon, is parted in one rural and urban world. Furthermore, many researchers and international donors, in their efforts and schemes to haste development and state-building processes in replication their way of governance and democracy, often forget that Somalia as well as most African countries, is dominantly rural.

With approximately 60 % of the population being pastoralist nomads living in rural and remote areas, the traditional system is not likely to disappear in the near future.

The urbanization of the cities is rapidly growing concurrently with the transition toward a democratic government that is already centralized, modern and formal and becoming more and more secular. Thus, understanding that both systems will prevail, how ever having different roles and importance depending on where in the region, it is crucial that the people of Puntland and their authorities find balance in power-sharing relations and the governance of the state. Due to the limited outreach and the weak capacity of the Puntland government to meet the needs of the majority population, e.g. the pastoralist and nomads in rural areas, the government consequently loses popular legitimacy.

What is clear in the case of Somalia and Puntland is that the formal state governance, is restricted to the capitals (Mogadishu and Garowe), where they have more power and control with its monopoly of violence as well as more institutions to oversee problems. This is both for good and bad, as one clearly stated, "the capitals of Somalia are the real states, as it is where all the money and investments in re-building the country goes" (interviewee, Mohammed). However, beyond its border, the government lacks capacity and influence on other cities, not least in the most rural and remote areas. Consequently, other cities and rural areas continue to live according to traditional structures to form a local governance.

In the predominant rural areas, the constitutional and legal structures do not affect the majority of the citizens, as they are more concerned with their traditional (nomadic, pastoralist) way of life and thus conform to these structures and the elders for development, settlement of disputes, allocation of land, financial support to the needy and other elements of social insurance. Thus, no concept of governance or development in Africa will be complete without acknowledging the role of traditional authorities. It is therefore important to critically look for convergences between the modem state and the traditional state.

While urbanization and modernization of the Somali society in itself poses a major challenge to the traditional structures, and as long as the government is too weak to effectively broadcast its power to the urban and rural areas, there will be a demand for the continued services of traditional leaders.

6. Discussion and recommendations

What would be the best solution in terms of harmonizing the hybrid governance system in Puntland is to create a strong legal framework in which these systems can regulate consistently and cohesively. Thus, the different governance systems and power-sharing authorities are able to coordinate and find synergies where they best can benefit from their cooperation. For instance within security and conflict management the expertise of the elders in mediating is a useful resource for the government in confronting these issues effectively, due their elders much knowledge, trust and respect in this matter.

Within service delivery and resource management the government should take a bigger role involving more responsibility in performing its duties to provide the citizens with basic services and security. The citizens will then be able to trust and develop loyalty towards the government and consequently a more a legitimate and accountable government will develop. Furthermore, the government should cooperate with the civil society, local governance organizations and public institutions in particular, in an integrating way so to ensure the best outcome for its citizens. Consequently, this will develop a government that is more connected with its people and their needs, and become more effective in providing basic needs and services.

If Puntland is to transition from a clan-based political system towards a multi-party system, boundaries need to be drawn in an explicit way, in order for the distinctions between the "traditional and informal" vis-à-vis the "modern and formal" becomes clear, thus decreasing tension and power struggles between the different authorities as well as diminishing confusion amongst the people. Furthermore, the absence of reconciliation and unity among Somalis and in between clans, the diffuse power context with multiple and ineffective authorities and institutions as well as the lack of consensus regarding constitutional principles lead to unclear understandings, unresolved issues, prolonged tension and can ultimately trigger conflict.

The Somali society is based on the structure and relations among clans, which is reflected in the social, economic and political life. Currently this traditional system reflects the collective identity of kinship and the social need for mag-paying groups and clan security. If the state promoted the following four fundamental criteria's, the traditional clan-system would not be

regarded as fundamental as it currently is and instead make room for formal institutions and politics that might nurture a more inclusive and equal society. Firstly, if security and basic services were to be delivered, the system of mag-paying would not be needed. If the state is able to provide what the people need and demand, the people's trust in the state would grow stronger, and consequently the state would become more legitimate. As long there is a social need for the *mag*-paying group, the traditional structures will persist. The clan-system ultimately exists due to its exceptional system of protection, a safety-net for all members to help each other in need or strengthen each other in power. This means that the larger a clan-family or a mag-paying group is, the more security and power it withholds. Thus, this system will always be hierarchal, in which the dominant clan will preserver, while the smaller clans will be become marginalized and weak in the eyes of the society.

Secondly, is the need for the state to establish effective institutions both local and central, the former being the most important during a transition of political system as the society still remains decentralized to a high degree. Institutions are needed in order to hold the state accountable and transparent. Moreover, public institutions are not only provider of services (education, health, justice etc.) as some might think but more importantly they constitute the link between the people and the state. Thirdly, if the Puntland state provided jobs and opportunities to its citizens in order to provide for themselves, the society would focus more on the individual rather than the collective, i.e. the "collective identity" of clan, collective punishment and the system of mag paying groups would not be necessary. It is always important to see the individual for what he has accomplished alone, for if he is always included in a collective, it diminishes the individual's own goals and abilities since he is always tied to a social group in all matters.

Fourth, the state needs to promote equality and inclusiveness, for all people to participate in political and decision-making processes that affect their lives. Only then can they feel involved and part of a larger unit (the nation, state etc.) rather than a small social group, based on clan lineage, in which they will always have to refer themselves to. Women, youth, minority groups and IDPs are then part of the society and can have a voice of their own, in contrast to the current structure in which they are completely discounted.

The comprehensive modernized political system characterized by formal institutions and democratic principles is not, at present, suitable for a highly nomadic and pastoralist society such as Somalia. The informal traditional structures are effective in coping with the rural

population, while formal modern institutions are more appropriate and effective in organizing a densely populated society that responds to people's needs and provides security, basic services and a legal system that is cohesive, consistent and equal for all members of the society. Therefore, a hybrid governance system is more appropriate for a country in "transition", with a combination of different authorities and systems of political and judicial order.

Rather than institutionalizing traditional structures, which would compete with the development of the state, or de-formalizing the state structure that would be in conflict with traditional systems, it is important that the different institutions maintain their integrity and legitimacy to make them more effective in the long run. However, the challenge lies in finding a balance of power and discovering synergies to complement each other, rather than to compete in an incoherent system of rivalry. Thus, a more constructive procedure would be to develop a legitimate and accountable government with the capacity to perform its responsibilities towards the people and place order in the needed urbanized areas. By complimenting this modern governance with traditional customary order, in issues of legal and social character, rather than political issues were they are more likely to coincide. Hence, the different forms of governance would strengthen each other and become more effective.

7. Conclusion

This thesis has scrutinized the hybrid governance and relationship between traditional and modern systems of governance in Puntland. The thesis concludes that Puntland is currently experiencing a peculiar predicament where it is finding itself in a political crossroad. However, what has become evident through this thesis, is that no system seems capable to make it without the other. For this reason, it is critical to find a middle-way in coping with the many challenges that face the development of Puntland. This can be realized by creating an alternative system of governance, based on a cohesive and comprehensive legal framework and a well-organized political system that is suitable for the Puntland context. However, this needs much further research in order to explore future possibilities.

Furthermore, the absence of reconciliation and unity among Somali clans, the diffuse power-sharing context with multiple (and ineffective) authorities and institutions as well as the lack of consensus regarding constitutional principles, lead to unclear understandings and unresolved issues of governance and power. This can, in the long run induce prolonged tension and ultimately trigger conflict.

Nevertheless, the notion that Somalia is an "ungoverned space", has through this paper been demonstrated to be a false premise. The roles of traditional structures still remain important in the governance of Puntland by maintaining stability and providing a form of political and social order. What has been more difficult to pinpoint however, is the procedure to harmonize the traditional structures with the modern state, in which they can compliment each other for a more effective and cohesive governance system. To discover such approaches these two systems need to establish spaces where they can meet and interact, in order for a harmonized co-existence to become realized. Furthermore, the governance predicament in Puntland has been overlooked far too long. As it poses major challenges and threatens the future development of Puntland if not executed accordingly, it is therefore important to give this matter immediate attention.

8. References

Ashcroft, Gareth G. and Helen Tiffin (1995), *The post-colonial studies reader*. Routledge, London.

Bernstein, Henry (1971), *Modernization Theory and the Sociological Study of Development*. Journal of Development Studies 7:141-60.

Bevir, Mark (2010), *Democratic Governance*. Princeton University Press, Oxford.

Bryman, Allan and Emma Bell (2007), *Business Research Methods*. Oxford University Press.

Di John, Jonathan (2008), *Conceptualizing the causes and consequences of Failed States: A critical review of the literature.* School of Oriental and African Studies. Working Paper No.25

Fukuyama, Francis (2011), *The Origins of Political Order. From Pre-human Times to the French Revolution.* Farrar, Straus and Giroux publishing.

Gerth, Hans H. and Charles Wright Mills (1991), *From Max Weber: Essays in Sociology.* Routledge Publishing.

Gundel, Joakim (2006), *The predicament of the Oday – the role of traditional structures in security, rights, law and development in Somalia.* Danish Refugee Council and Novib-Oxfam Report.

Harper, Mary (2012), *Getting Somalia Wrong. Faith, War and Hope in a Shattered State*. Zed Books Ltd.

Hinz, Manfred. O (2008), *Traditional governance and African customary law: Comparative observations from a Namibian Perspective.* Windhoek Macmillan, Namibia

Interpeace (2008), *The Puntland Experience: A Bottom-up Approach to Peace and State Building.* Peace Initatives in Puntland 1991-2007.

Jackson, Robert H (1990), *Quasi-states: Sovereignty, International Relations and the Third World*, Cambridge University Press.

Krasner, Stephen (1999), *Sovereignty – Organized hypocrisy.* Princeton University Press.

Kvale, Steinar (1997), *Den kvalitativa forskningsintervjun*. Lund Studentlitteratur.

Loomba, Ania (1998), *Colonialism/Postcolonialism*. Routledge, London.

May, Tim (2001), *Social Research: Issues, Methods and Process*. Maidenhead Open University Press,

Menkhaus, Kenneth, 2007, *Governance without Government in Somalia: Spoilers, State Building, and the Politics of Coping.* Journal of International Security, Vol. 31, No. 3, pp. 74-106.

Patel, Runa and Bo Davidson (2003), *Forskningsmetodikens grunder*. Studentlitteratur AB.

Paul Kingston and Ian Spears (2004) *States within States: Incipient Political Entitites in the Post-Cold War Era.* Palgrave Macmillian, London.

PDRC (Puntland Development Research Center) (2010), *Interpeace Puntland Note: Mapping the Foundations of Peace Challenges to Security and Rule of Law, Democratisation Process and Devolution of Power to Local Authorities*.

Potter, Donald W. (2011) *State Responsibility, Sovereignty, and Failed States.* In School of Government, University of Tasmania.

Richards, Rebecca (2009). *Challenging the Ideal? Traditional Governance and the Modern State in Somaliland.* PhD Dissertation at the University of Bristol.

Risse, Thomas (2010), *Governance without a State? Policies and Politics in Areas of Limited Statehood*. Columbia University Press, New York.

Stoker, Gerry (1998), *International Social Science Journal.* Volume 50, Issue 155, pages 17-28, March 1998. Blackwell Publishing, Oxford.

Yin, Robert K. (2003), *Case Study Research: Design and Methods*, London: Sage Publications, Third Edition.

Weber, Max (1968), *On Charisma and Institution Building.* University Of Chicago Press

WSP (2001), *Rebuilding Somalia: issues and possibilities for Puntland*, HAAN Associates, London.

Zartman, William (1995), *Collapsed States: The Disintegration and Restoration of Legitimate Authority*. Boulder: Lynne Rienner Publishers.

Internet Sources

Boege, Volker et al. (2008). *On Hybrid Political Orders and Emerging States:State Formation in the Context of 'Fragility'.* Berghof Research Center for Constructive Conflict Management - Berghof Handbook Dialogue No. 8
Accessed May 23, 2013http://www.berghof-

handbook.net/documents/publications/dialogue8_failingstates_complete.pdf?LANG=eid=269

Central Intelligence Agency. *World Factbook: Somalia*. Accessed May 2, 2013.

https://www.cia.gov/library/publications/the-world-factbook/geos/so.html

Höhne, Markus V. (2006) *Traditional Authorities in northern Somalia. Transformation of positions and Powers*. Max Plank Institute for Social Anthropology. Accessed: June 19, 2013. http://www.academia.edu/312393/Traditional_Authorities_In_Northern_Somalia_Transformation_of_Positions_and_Powers_Max_Planck_Institute_for_Social_Anthropology_Working_Paper_No._82_

Höhne, Markus V. (2011) *No Easy Way Out: Traditional Authorities in Somaliland ant the Limits of Hybrid Political Orders.* DIIS WORKING PAPER 2011:18. Danish Institute for International Studies, DIIS. Accessed June 19, 2013. http://www.diis.dk/graphics/Publications/WP2011/DIIS%20WP%202011-18.sk%E6rm.pdf

UNECA (2007). *Relevance of African Traditional Institutions of Governance.*
Accessed June 14, 2013
http://repository.uneca.org/bitstream/handle/10855/3086/bib.%2025702_I.pdf?sequence=1.

UNDP (2013) Gender in Somalia report. Accessed June 12, 2013.

http://www.so.undp.org/docs/Gender_in_Somalia.pdf

List of informants:

Interviewee "Abdirahman" – works within UNDP

Interviewee Yusuf Haji Nur - Former Vice President of Puntland and currently a legal adviser within the government.

Interviewee elder Ismail – clan elder in Qardo.

Interviewee elder Mohammed "af diinle" – clan elder in Qardo

Interviewee "Faduma" – works within NGO

Interviewee "Hassan" – works within NGO

Interviewee "Mohammed" – works within NGO

Interviewee, Abdulqadir Sheikh - Head of Puntland Supreme Court

Interviewee, Abdi Farah – Puntland's Minister of Education

9. Appendix.

Interview queries for government officials

- What forms of governance exist in Puntland?

- Do you perceive that a plural/hybrid systems of governance and power sharing (between different actors/levels) exists in Puntland? If so, are they compatible or contradicting?

- How do you perceive the decision-making process in Puntland? Is based on more centralized or decentralized political processes?

- Have you noticed any changes since the government transitioned from clan-based system to a multi-party system? If so have they been positive/effective or the opposite?

- How can, if at all, the "traditional" and "modern" governance systems become more harmonized?

- How, if at all, is Sharia incorporated in the Somali traditional decision-making?

- How is the Puntland state governed?

- Can Puntland learn from Somaliland in regards to incorporating the traditional instiution within the formal government? Or is it preferred for Puntland to have both system operating parallell as it does in present?

- What are the opportunities and challenges in the governance system of Puntland?

- Is a certain institution (modern/traditional/sharia) more effective, i.e. having more authority and legitimacy than any other?

- How can marginalized groups in the society such as women, youth, minority clans and IDPs, become more included in political and decision-making processes?

- How does, if at all, the clan system and its impact on the political and judicial order and the society as a whole?

- How, if at all, do the different forms of governance complement/overlap each other?

Interview queries for elders

- What is your role and what kind form of authority do you have, within the decision-making and political processes in Puntland?

- What are you views on the mixture of traditional and modern governance?

- What are your views on whether Puntland should establish formal and modern/democratic governance?

- Is Sharia incorporated in the Somali traditional decision-making? If so, to what degree?

- What are the opportunities and challenges within the Puntland governace system?

- Do you perceive a certain institution (modern/traditional/sharia) stronger and more effective, i.e. having more authority and legitimacy than any other?

- How can Puntland's state develop a harmonized governance system?

- How can marginalized groups in the society such as women, youth, minority clans and IDPs, become more included in political and decision-making processes?

- Do you perceive that the people of Puntland have a voice in the decision-making process or is the governance ruled by an elite?

- How do you perceive the clan system and its impact on the political and judicial order and the society as a whole?

Interview queries for international organizations and NGOs

- Does your organization work with governance capacity building and the harmonization of the different institutions (traditional/modern, central/local) in Puntland? If so, how?

- How has/can NGOs/international organisations/women's organisations influence and contribute in regards to advocating for "good governance" in Puntland?

-How does the organization you work with perceive "good governance" and how can it be implemented in Puntland?

- How do you view the governance system in Puntland? What are the opportunities and challenges?

- Do you perceive a certain institution (modern/traditional/sharia) stronger and more effective, i.e. having more authority and legitimacy than any other?

- How can Puntland's state develop a harmonized governance system?

- How can marginalized groups in the society such as women, youth, minority clans and IDPs, become more included in political and decision-making processes? And does your organization battle these specific issues?

- How do you perceive the clan system and its impact on the political and judicial order and the society as a whole?

- How do these different forms of governance complement/overlap each other?

- Do you perceive the dual/plural systems of governance and power sharing (between different actors/levels) compatible or contradicting? To what degree are they compatible/contradicting and under what circumstances do they overlap?