

# **THE ROLE OF THE COUNCIL OF ELDERS 'GUURTI' IN SOMALILAND'S POLITICAL RECONSTRUCTION AND DEMOCRATIZATION**

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## DECLARATION

I **Abdishakur Hassan Abdi** do hereby declare that "*The role of elders 'Guurti' in Somaliland's political reconstruction and democratization*" is entirely my own original work, except where acknowledged and that it has not been submitted before to any other University or Institution of higher learning for the award of degree.

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## APPROVAL

This research report has been submitted for examination with my approval as the candidate's University Supervisor

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8<sup>th</sup> Oct 03

## DEDICATION

This piece of work is dedicated to my family especially my mom Asha H. Ismail Jirde.



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## LIST OF ACRONYMS

APD	Academy for Peace and Development
FGDs	Focus Group Discussions
NDC	National Demobilisation Commission
NGO	Non-Governmental Organization
NUF	National United Front
MP	Member of Parliament
SNA	Somali National Army
SNL	Somali National League
SNM	Somali National Movement
SOOYAAL	Somaliland War Veteran Association
SPM	Somali Patriotic Movement
SRSP	Somali Revolutionary Socialist Party
SSDF	Somali Salvation Democratic Front
UCID	Justice and Welfare Party
UDUB	United Democrats People's Party
UN	United Nations
UNDP	United Nations Development Programme
USC	United Somali Congress
USP	United Somali Party

## GLOSSARY

<i>Allaa Mahadle</i>	tribute be to Allah
<i>Beel</i>	Clan or tribe
<i>Caaqilo</i>	chiefs
<i>Calan cas</i>	'red flag' fundamental SNM faction
<i>Dhabar-jebinta</i>	'backbone breakers', a nickname of notorious repressive unit - military counter-intelligence
<i>Guulwade</i>	'Victory Pioneers' paramilitary that provided a system of Community-level observation
<i>Guurti:</i>	Assembly of traditional clan leaders and also Somaliland's council of elders is known as Guurti.
Koofiyad cas	'Red Berets' – presidential guard
<i>Qaadiyo</i>	judges
<i>Shir</i>	conference / gathering
<i>Shir-beeleed</i>	clan gathering or traditional lineage ad hoc councils participated by prominent adult men of the concerned parties.
<i>Suldaan (pl. suldaano)</i>	titled traditional leader among Isaaq
<i>Tawfiq</i>	understanding or consensus
<i>Xeerar:</i>	customary laws

## ABSTRACT

This study is an inspired effort to analyze the role of the council of elders '*Guurti*' in Somaliland's political construction and democratization, in the republic of Somaliland. The reconciliation and peace conferences (*shirbeeleedyo*) were executed by the traditional council of elders '*Guurti*'. The *Guurti* have for the past nineteen years largely taken over major roles of the country including: reconstruction, peace-building, country building, security, dispute mediation and others. Somaliland's transition from clan-based system to multiparty democracy. The purpose of this study is to examine the impact of politicisation of the *Guurti* to Somaliland's political system. A total of 205 respondents were selected and treated as sample population. The instruments employed included Questionnaires, and Focus Group Discussion.

The results of the study reveals that the council of elders engaged a vital role in the stages of national liberation struggle reconciliation of Somaliland clans, political and state rebuilding, and democratisation, politicisation of the *Guurti* will cause difficulties of somaliland's political structure, although *Guurti* done lots of crucial activities in the political system yet they are hindering democracy through extension of President's term of office, The *Guurti* members shouldn't be elected from parties, but they should be nominated from their clans. The study then concluded that Somaliland should rethink the future of the council of elders and their powers and mandate should be clearly stated and differ from those of the House of Representatives. The *Guurti* is a body which worked hard for saving us many difficult times and still we need it. If we employ the democracy we adopted alone the need for our traditional governance is vital in case of pitfalls of the democratisation.

The study recommended the need to create councils of elders in regional levels and district levels so that they always interact with their people and decentralize the traditional leadership in the system of governance. The House of Representatives, in



discussion with the traditional leaders, should also develop criteria for the identification of elders, in order to reduce the nomination of disqualified members joining the council of elders.

## CHAPTER ONE

### INTRODUCTION

#### *1.0 Overview*

In this chapter firstly, we will look the background information of Somaliland. Secondly, we identify the problem statement this study. Thirdly, we will point out the purpose of the research and its objectives. Finally, the scope and the significance of this piece of work will be shown.

#### *1.1 Background information*

The regime of Somali Democratic Republic fell and the state collapsed in 1991. Cruel civil war and drought held the people. Hundreds of thousands of immigrants fled the country. A decade of atrocities, anarchy and anguish arose, and – even though movement towards peace and reconstruction in some parts of the country, Somalia entered the 21<sup>st</sup> century as a war-torn and bloodshed on the international vista. However, 1991 was a year of rebirth for Somaliland. Government was restored and statehood domesticated, ushering in a period of healing, reconstruction, and growth. A decade of atrocities, anarchy and anguish run out. Hundreds of thousands of refugees returned home. Somaliland entered the 21<sup>st</sup> century with mounting self-reliance and anticipation.

More than a decade has passed since Somaliland embarked upon the path to recovery and the road has not been easy. In 1991, the government's war against the people of the north (Somaliland) had left the country physically devastated and socially scarred. Tens of thousands of people had been killed and hundreds of thousands displaced, their homes reduced to rubble, their property looted or destroyed, and their land sown with mines. The economy had virtually ground to halt. The army, police and civil service has disintegrated; most government offices, banks, hospitals and schools stood derelict, their contents ransacked, and even their windows, doors and roofs pillaged and sold for scrap. In those early days, the task of reconstruction appeared so immense as to be insuperable. But today it is easy to forget how far the country has come, and how much has already achieved.

## ***1.2 Statement of the problem***

The reconciliation and peace conferences (*shirbeeleedyo*) were executed by the traditional council of elders 'Guurti'. The conferences were chaired by a selected committee of elders. The *Guurti* have for the past nineteen years largely taken over major roles of the country including: reconstruction, peace-building, country building, security, dispute mediation and others.

Making the *Guurti*, a legitimate political body rather than nonessential individuals which the subsequently authorities can use them as they desire was a step forward for Somaliland's democracy.

After introducing multi-party system, the local, presidential and parliamentary elections took place contested by the political parties. Before the constitutional referendum in May 31, 2001, the members of the upper house (*Guurti*) were basically selected by their clans in the course of traditional system of elders. Now our present constitution says the *Guurti* – the upper house of our bicameral system – has to be elected, albeit under a special law. The three national political parties are interested to politicize this house and promote electing them through a general one-person-one-vote system.

To what extent did Politicisation of the *Guurti* will directly affect our political system which was a self-motivated mixture of modern form of governance and traditional essence.

## ***1.3 Purpose of the study***

The purpose of this study is to investigate the impact of politicisation of the *Guurti* to Somaliland's political system. The overall purpose of this study is to contribute a portion of knowledge to the general knowledge. And promote that war-torn societies can build peace through traditional administration systems without any external influences.

## ***1.4 Research objectives***

The study was guided by two sets of objectives; general and specific.

### ***1.4.1 General objective***

The general objective of the study was to highlight the role of the council of elders in Somaliland's journey to political reconstruction and democratization.

### ***1.4.2 Specific objectives***

- a. The core objective is to investigate the role of *Guurti* in Somaliland's political reforms and democratization.
- b. To produce an updated study on the traditional system of governance, by examining the changes that took place in contemporary post-independence period (1960-2009).
- c. To review the political processes documented by other scholars and try to predict the future – the impact of politicization of the house of elders.
- d. To explore relevance of traditional political leaders for consolidation of peace, reconstruction activities, institutional building and democratization..

## ***Research questions***

The research questions were framed within a traditional leadership analysis framework that aims to analyse the role of *Guurti* in Somaliland's political reconstruction and development and how changes of their way of electing will affect our political system of government.

The following points will be addressed

1. What was the role of the house of council of elders '*Guurti*' in the process of national liberation, reconciliation, independence, rebuilding, democratization and development?
2. What are the analytical experience of the *Guurti* within the political system and traditional leadership and its achievements?

3. What will be the effect of the politicization of the council of elders to our system of government which is mixture of modern constitutional democracy and traditional essence?
4. What is the way forward for the Somaliland's bicameral system of parliament?

### ***1.5 Scope***

Geographically this study was carried out in Somaliland. Theoretically this study will focus on the traditional leadership system of Somaliland's people and the role of the council of elders '*Guurti*' for the different stages that Somaliland's political reconstruction underwent.

This study was focused on the following factors: the importance of traditional leadership if handled well, using both traditional and modern form of governance together, the conflict resolution and peace-building experience in Somaliland.

### ***1.6 Significance***

This study was carried out in Somaliland its beneficiaries is the people of Somaliland because of it explores and describes the advantages of their traditional leadership and what effects of changes in their way of election will become. It spelt out the Somaliland's traditional conflict resolution systems and how to make them available to contribute the general knowledge. It also explains their merits on development towards better life would be. This study was revealed on knowledge creation, as well as on socio-economic value to the community.

### ***1.7 Review***

In this chapter we discovered the background information of Somaliland. We clearly stated the problem in which this study intended to deal with. We also declare the purpose of the research and its objectives. The scope and the significance of this piece of work finally stated. The next chapter provides the reviewed literature organized thematically.

## CHAPTER TWO

### LITERATURE REVIEW

#### **The *Guurti* and politics in the Somaliland Perspective**

##### **2.0 Overview**

This chapter firstly provide political history from pre-colonial era to restoration of independence and nullifying the unification with Somalia. Secondly, it will discuss the conflict resolution and peace-building. Finally, the chapter shows Somaliland's peace-building process, the formation of the council of elders and their achievements.

##### **2.1. Somaliland Political History**

The Somaliland history has been left unexplored, though archaeological work has been carrying out and found a historical site '*Laas-geel*'. It is believed that the country have an unfound ancient civilizations.

The country's history of politics is the product of time – approximately 80 years under British administration, nine years four months and 20 days of fruitless and disordered multi-party democracy after independence, 21 years of military dictatorship (including a decade of armed struggle against the rule).

Since the victory of SNM in 1991, the government in Somaliland has been a combination of modern-style constitutional democracy and traditional clan (*beel*) system.

##### **2.1.1 Pre-colonial time**

The Somaliland's society history before colonial period left without documentation because of their pastoralist life. Though clans had their leaders but there were no central government and the jurisdiction of the traditional system was *Xeerar* (customary laws) the decisions were used to be made by the *Shir* (gathering of council of elders) – the assembly.

When the British colonized Somaliland in 1884 they found the territory inhabited by a stateless society of nomadic people herding livestock in the semi-arid territory of the Horn of Africa. This nomadic society was organized on the basis of kinship and divided into 'clan families' (Lewis, 1961)

### ***2.1.2 Colonial history and towards independence period***

The British occupied major coastal towns from Awdal to Sahil, in order to strengthen themselves in the Bab-Al Mandeb, and to make sure of the meat supplies from Somaliland for their naval base in Aden. The British had first contact with the Somaliland coast in 1820. after five years, in 1825 the crew of the brig Mari-Anne were murdered near Berbera by the people of Somaliland to not allow the whites to enter their country

The relationship between the Somalis and the British were not always peaceful, and on 19<sup>th</sup> April in 1855 in the early hours of the morning the Somalis raided Richard Burton's party in Berbera. In that attack Lt. Stroyan was killed and Lt. Speke was severely wounded. Sir Richard Burton himself received a spear-thrust in the mouth. (Hujaale, 1986)

The British colonial administration conveyed primary adjustment to the stateless structure of governance. The establishment of a single centralised colonial authority in the British Somaliland Protectorate disrupted indigenous political structure. Colonial district commissioners (DCs) were appointed to rule over local clansmen, under the general supervision of the governor of the protectorate. The British practice of 'indirect rule' involved incorporating clan elders into the administration as salaried Chiefs (*Caaqilo*). They were further incorporated in to the system as judges (qaadiyo) through local courts. (Lewis, 1980) cited in WSP, 2005. It has been the exercise of all succeeding administrations since independence to include clan leaders, and therefore clans, into the administration through the appointment of *caaqilo*, *Sallaaddiin*, *Garraaddo* and *Ugaasyo*.

In 1939, when the Second World War broke, Italy momentarily took the protectorate after the British evacuation, but the British armed forces excluded the Italians in 1941 and reinstated the Protectorate under British administration. New nationalist political movements began in 1940s. The first Somaliland's political party was Somali National League (SNL) which was formed in 1952. Then National United Front (NUF) and United Somali Party (USP) were later formed. Their political campaigns were extraordinarily focused on the elimination of clanism, devotion to patriotism and pan-Somalism.

In 1954, the British administration surrendered the Hawd and reserve area – the rich traditional pastures of the clans of Somaliland – to Ethiopia. This was the cause that ultimately contributed the support of Somalilanders to the unification of all Somali inhabited territories under one flag – pan-Somalism.

The 33 member parliament of Somaliland Protectorate was elected in February 1960, contested by the three political parties. The SNL won 21 seats; the USP won 12 seats, and the NUF one seat. This ephemeral legislative body's centre of attention was the unification of the Somali territories in the Horn.

The state of Somaliland received its independence from the Great Britain on 26 June 1960, by the Royal Proclamation of Her Majesty Queen Elizabeth II. In accordance with United Nations procedures pertaining to decolonisation, the documents establishing the transfer of sovereignty were deposited with the United Nations. The New state of Somaliland was immediately recognized by numerous UN member states, including the five permanent members of the Security Council (Briefing paper, 2002).

The protectorate came to an end and the people of Somaliland became the first Somali people to become an independent nation and member of the United Nations.

### ***2.1.3 Post Independence***

The day after independence, the Somaliland parliament passed the *Union of Somaliland and Somalia Law*. This was intended to lay the foundation for a legal and political



union of the two territories. However, since the authorized representative of Somalia never signed this treaty, it remained without force in the South. Meanwhile, the legislature of Somalia approved on July 1<sup>st</sup> a significantly different document entitled *Atto di Unione* (Act of Union). This latter document was never signed in Somaliland. On July 1<sup>st</sup>, 1960, Somaliland and Italian Trust Territory declared their union forming Somali Republic. The unification was anticipated to lay concrete on the means of uniting all the Somali territories under one flag. This new Somali Republic was thus declared without a valid Act of Union having been enacted.

In order to give back for this essential lawful lacuna, the new state legislative body revoked the *Union of Somaliland and Somalia Law* and introduced a new Act of Union on January 1961. In June 1961, a referendum was held on the future unitary Constitution. The result of the constitutional referendum failed to resolve the new Somali Republic's fundamental statutory flaw because of the voter turnout was low and the ballots cast in Somaliland, 53% voted "no." (Briefing paper, 2002).

Early in the winter morning, on 9<sup>th</sup> December 1961, a group of young officers trained at Sandhurst, headed by *Mr. Hassan Abdi Walanwal (Kayd)*, divined that the current position of the north, that took the majority of the people twenty-five years to become conscious. The northern Lieutenants found themselves serving under Italian-trained officers of the south who had been posted to the north. The officer's attempt to stop the total transfer of the northern properties prompted their total seizure of peacefully seized power in Hargeisa. Unluckily, they were suppressed because of their inexperience and because they did not inform anyone of their attempt to withdraw from uncomfortable union of the south (Hujale, 1986). October 1962, northern ministers resigned.

The Great Somali dream was certainly not achieved. When Kenya received its independence from Britain in 1963, they had taken control of the Northern Frontier District. Djibouti also voted referendum not to join the unity after receiving their independence in 1977. At last Ethiopia's crushing defeat of the Somali army spelt the end of Somali designs on the Ogaden region (now Zone Five).

From the lawful point of view, the unity of the Somali Republic was a daydream because of the short of the legal requirements mandated by domestic and international law. Only the recognition of other states testified to the existence of the Somali Republic as a unified state.

Mr. Egal the Somali politician from north (leader of Somaliland) believed that the only way that Somalis could successfully make the case for greater Somalia was by reference to the core anti-colonial principle of self determination. Egal become the Education minister that he later resigns. After resignation he joined an opposition party known SNC and later joined SYL.

Egal's goal was to place in the ground a power sharing government. After, when his candidate won the presidential elections whose he campaigned from Somaliland people he was appointed the Prime Minister on 10<sup>th</sup> July, 1967.

15<sup>th</sup> October, 1969 president Abdirashid Ali Sharmarke was shot in Las'anod, Sool region of Somaliland. Six days later in Tuesday early morning about 3:00 a.m. on 21<sup>st</sup> October 1969, the military staged a coup, the Egal's government seized and military regime of Mogadishu took over the power, the coup was ordered by the commander of the national army Gen: Mohamed Siad Barre.

#### ***2.1.4 Military Revolution***

In the midnight on 21 October 1969 the military took over the power, suspended the constitution, imprisoned leading politicians and banned all parties. The revolution was written down in their charter that they will build a society based on justice and the right to work, to end corruption and tribalism, and to tackle the country's underdevelopment initially won broad public support. Siyad Barre proclaims Somalia a socialist state on October 20, 1970, "In our Revolution we believe that we have broken the chain of a consumer economy based on imports, and we are free to decide our destiny. And in order to realize the interests of the Somali people, their achievement of a better life, the full development of their potentialities and the fulfillment of their aspirations, we solemnly declare Somalia to be a Socialist State." In 1972 a standard Somali

orthography was introduced to raise desperate low level of literacy and this initiative won international plaudits.

The ease with which Siyad Barre assumed power in 1969 demonstrated that the army had become the most powerful and organised on force in Somalia. Compulsory military training impressed on the public the supremacy of the military. Its domination was reinforced by the legislation that established the military's legal control over state affairs and by an array of new security forces. The principle security agency, the National Security Service (NSS), was given unlimited powers to arrest and detain opponents without trail. The military police (nicknamed *dhabar-jebinta* – 'back breakers') and the paramilitary (*Gaawade* (Victory Pioneers), which grants a system of community-based inspection, both brought a culture of fear and silence.

In 1977 Siyad Barre declared a fateful war with Ethiopia over the Ogaden. The Somali army's swift progresses in Ethiopia became a high point of his reputation. But within a year Somali National Army was faced into a humiliating retreat after the Soviet Union switched its support to the new Marxist regime of Mengistu Haile Mariam in Ethiopia. In 1979 New constitution for socialist one-party state dominated by Somali Revolutionary Socialist Party (SRSP).

The defeat in Ogaden was a turning point for the Barre regime and the commencement of its failure. National unity began to dissipate as opposition groups took up arms against regime. A failed coup attempt in 1978 led to the formation of the Somali Salvation Democratic Front (SSDF). In 1981 the antigovernment Ethiopian-backed Somali National Movement (SNM) was formed in the north, followed by oppressive countermeasures by the government.

### ***2.1.5 National Liberation Struggle***

On 6 April 1981, a group of Isaaq emigres living in London formed the Somali National Movement (SNM), which subsequently became the strongest of Somalia's various insurgent movements. According to its policy, the SNM rebels wanted to put an



end to Siad Barre's dictatorship. Eventually, the SNM moved its headquarters from London to Addis Ababa to obtain Ethiopian military assistance, which initially was limited to old Soviet small arms. Additionally, the SNM advocated a mixed economy and a neutral foreign policy, rejecting alignment with the Soviet Union or the United States and calling for the dismantling of all foreign military bases in the region.

#### ***2.1.5.1 The UFFO Group***

A group of young professionals: doctors, teachers, intellectuals, civil servants and local business men) who had returned to Hargeisa, consisting three groups; (1) those who had just completed their education abroad and returned to work in the country; (2) those who had been transferred from the other regions of the country; (3) and those who have already been working in the region. These young professionals prepare themselves to improve health and education sectors of their city in 1981. They collected money to provide voluntary activities. They bought bed sheets and mattresses to the Hargeisa group hospital. They also carried out a campaign of cleaning Hargeisa hospital. Injustice of the regional government and its lack of concern for the region, and they resolved at the same time to solely rely on the public and not wait for government action, they then began a committee to kindness and good deeds inspired by the concern for people's welfare [charity] that collected money, material, medicine for the Hargeisa hospital.

The entire UFFO group (Hargeisa Self-help group) who volunteered their services to their homeland hospital was arrested from November 1981 – February 1982. On the scheduled day of the trial, February 20<sup>th</sup>, 1982, student protests erupted the city. Disorder and civil disobedience prevailed. Faqash (nickname of the armed forces) soldiers reacted by firing on unarmed demonstrators led by school children and women. People mostly, students, were beaten, arrested and imprisoned. This day, 20<sup>th</sup> February 1982, was the initial point of Somaliland people's calendar of struggle against Siad Barre. Disturbance had been going on for no more than two days, when students in the other main cities, like Burao, attached the protest. The group were sentenced from 3 years to life imprisonment.

What started on that day, 20<sup>th</sup> February, 1982, by the school children, teenagers and women, was an expected volcano to erupt. For the first time, people publicly reacted to the government's physical and psychological violations. An escalation of regional conflict in the north has been expected. The government's response to this popular mass movement in Hargeisa was with bullets, prison, curfew, and worse of all, creating new security apparatus to terrify more citizens.

In the late 1980s, the SNM adopted a pro-Western foreign policy and favoured United States involvement in a post-Siyad Barre Somalia. Other SNM objectives included establishment of a representative democracy that would guarantee human rights and freedom of speech.

SNM carried out many commandos operations in the northern part (now Somaliland) such as the operation of emancipation of 1000 political detainees from Mandhera prison as well as the one they rescued and took away from his cell Abdilahi Askar inside Hargeisa. People of Isaaq were systematically subjected to torture, rape and extortion. When ever Faqash army suffered defeats by SNM fighters they used to take their revenge against the unarmed civilian population. Outright harassment and reprisals were ruthlessly carried out by the security apparatus of the regime. Decent girls and respectable housewives were the victims of constant sexual misuse. They were further employed as secret service agents

On April 4, 1988, the two presidents Siyad Barre and Mengistu signed a joint communiqué in which they agreed to restore diplomatic relations, exchange prisoners of war, start a mutual withdrawal of troops from the border area, and end subversive activities and hostile propaganda against each other. Although Siyad Barre didn't want to negotiate with Mengistu. But it became crucial since the SNM operations become stronger and devastating, so he has to get ways to stop SNM's operations. Faced with a cut-off of Ethiopian military assistance, SNM leaders of both political and military met and discussed about the terrible event happened in Djibouti the need for SNM had to prove its ability to operate as an independent organization.

On 27 May 1988, SNM launched its major attack to the northern cities. Hargeisa and Buroa fell quickly. Civilians including women and children are being ruthlessly murdered with bombs from the air.

In 1989 the Somali Patriotic Movement (SPM) and the United Somali Congress (USC) were formed to contain the war to overthrow the regime. On 6 August 1990, the SNM, USC and SPM, meeting in Ethiopia agreed to form a united front against the regime. Rejecting offers by Italy and Egypt to mediate, the USC led by the late General Mohamed Farah Aideed, fought its way into Mogadishu on 3 December 1990.

On 27 January 1991 Siyad Barre fled from Mogadishu and his dictatorial regime came to an end

#### ***2.1.6 Restoration of Sovereignty***

On 29 January 1991 one faction of USC appointed Ali Mahdi Mohamed as president of Somalia for an interim twenty-eight days period, with Omar Arteh Ghalib as his Prime Minister. This unilateral action broke a deal between the USC, SNM and SPM to form a joint administration and precipitated an irrevocable rift within the USC. Finally in May 18 1991 SNM declared Somaliland's independence.

### **2.2. Conflict Resolution and Peace-Building**

Over past three decades conflict resolution and peace studies has received some overdue attention in various parts of the world. This is partly due to the ending violence, continuing growth and development of people's struggle in all concerns, since the United Nations decade for development (millennium development).

#### ***Conflict***

According to Kinicki and Kreitner "conflict is a process in which one party perceives that its interests are been opposed or negatively affected by other party". Conflict may be defined as a dissimilarity of favoured endings in a bargaining state of affairs. International conflicts will always exist. Violence is an effective form of leverage in some bargaining situations. So states develop capabilities for using violence in

international conflicts. The great majority of international conflicts do not lead to war, but are resolved in other ways.

To spell out some international conflicts let us divide into two parts (1) Those conflicts over tangible material interests and (2) those conflicts concern less-tangible clashes of ideas.

According to Goldstein “Conflict resolution is the development and implementation of peaceful strategies for setting conflicts – using alternatives to violent forms of leverage – are known by the general term conflict resolution”.

### *Peace*

Positive peace refers to a peace that resolves the underlying reasons for war – peace that is not just a cease-fire but a transformation of relationships. Under positive peace, not only do state armies stop fighting each other, but they stop arming, stop forming death squads against internal protest, and reserve the economic exploitation and political oppression that scholars in peace studies believe are responsible for social conflicts that led to war.

Peace studies connect war and peace with individual responsibility, with economic inequality, with gender relations, with cross-cultural understanding, and with other aspects of social relationships. Peace studies seek the potential for peace not in the transactions of state leaders but in the transformation of entire societies (through social revolution) and in trans-national communities (bypassing states and ignoring borders to connect people and groups globally) (Goldstein, 2004)

#### **2.2.1 What it Means to Build a Lasting Peace**

It should be noted at the outset that there are two different ways to understand peacebuilding. According the United Nations (UN) document *An Agenda for Peace* [1], peacebuilding consists of a wide range of activities associated with capacity building, reconciliation, and societal transformation. Peacebuilding is a long-term process that occurs after violent conflict has slowed down or come to a halt. Thus, it is the phase of

the peace process that takes place after peacemaking and peacekeeping. Many non-governmental organizations (NGOs), on the other hand, understand peacebuilding as an umbrella concept that includes not only long-term transformative efforts, but also peacemaking and peacekeeping. In this view, peace building includes early warning and response efforts, violence prevention, advocacy work, civilian and military peacekeeping, military intervention, humanitarian assistance, ceasefire agreements, and the establishment of peace zones.

In this specific sense, peace building is a process that facilitates the establishment of durable peace and tries to prevent the recurrence of violence by addressing root causes and effects of conflict through reconciliation, institution building, and political as well as economic transformation. This consists of a set of physical, social, and structural initiatives that are often an integral part of post-conflict reconstruction and rehabilitation.

To further understand the concept of peace building, many contrast it with the more traditional strategies of peacemaking and peacekeeping. Peacemaking is the diplomatic effort to end the violence between the conflicting parties, move them towards peaceful talks, and finally reach a peace agreement. Peacekeeping, on the other hand, is a third-party intervention to assist parties in transitioning from violent conflict to peace by separating the fighting parties and keeping them apart. Somaliland traditional leaders and council of elders use mostly this kind when two clans fought.

#### ***2.2.1.1 The Structural Dimension: Addressing Root Cause***

The structural dimension of peacebuilding focuses on the social conditions that encourage violent conflict. Constant peace must be built on social, economic, and political foundations that serve the needs of the populace. In many cases, crises arise out of systemic roots. These root causes are typically complex, but include skewed land distribution, environmental degradation, and unequal political representation. If these social problems are not addressed, there can be no lasting peace.

Thus, in order to establish durable peace, parties must analyze the structural causes of the conflict and initiate social structural change. The promotion of substantive and procedural



justice through structural means typically involves institution building and the strengthening of civil society.

#### ***2.2.1.2 The Relational Dimension***

A second important element of building peace is reducing the effects of war-related hostility through the repair and transformation of damaged relationships. The relational dimension of peacebuilding centers on reconciliation, forgiveness, trust building, and future imagining. It seeks to minimize poorly functioning communication and maximize mutual understanding. This is why SNM invited the traditional community leaders of all clans of Somaliland (including those who are supporting the government) into conference; the reason was termination of hostilities, promotion of peace, and for the resumption of exchange of trade and socio-economic activities.

In Somaliland people believe that reconciliation is one of the most effective and durable ways to transform relationships and prevent destructive conflicts. The essence of reconciliation is the voluntary initiative of the conflicting parties to acknowledge their responsibility and guilt. Parties reflect upon their own role and behavior in the conflict, and acknowledge and accept responsibility for the part they have played. As parties share their experiences, they learn new perspectives and change their perception of their "enemies." There is recognition of the difficulties faced by the opposing side and of their legitimate grievances, and a sense of empathy begins to develop. Each side expresses sincere regret and remorse, and is prepared to apologize for what has transpired. The parties make a commitment to let go of anger, and to refrain from repeating the injury. Finally, there is a sincere effort to redress past grievances and compensate for the damage done.

One of the essential requirements for the transformation of conflicts is effective communication and negotiation at both the elite and grassroots levels. As each group shares its unique history, traditions, and culture, the parties may come to understand each other better. In addition to looking towards the future, parties must deal with their painful past. Reconciliation not only envisions a common, connected future, but also recognizes

the need to redress past wrongdoing. If the parties are to renew their relationship and build an interdependent future, what has happened must be exposed and then forgiven. Indeed, a crucial part of peacebuilding is addressing past wrongdoing while at the same time promoting healing and rule of law. Having community-based healing justice processes in place can help to build a sustainable peace.

#### ***2.2.1.3 The Personal Dimension***

The personal dimension of peacebuilding centres on desired changes at the individual level. If individuals are not able to undergo a process of healing, there will be broader social, political, and economic repercussions. The destructive effects of social conflict must be minimized, and its potential for personal growth must be maximized. In traumatic situations, a person is rendered powerless and faces the threat of death and injury. Traumatic events might include a serious threat or harm to one's family or friends, sudden destruction of one's home or community, and a threat to one's own physical being. Such events overwhelm an individual's coping resources, making it difficult for the individual to function effectively in society.

Building peace requires attention to these psychological and emotional layers of the conflict. The social fabric that has been destroyed by war must be repaired, and trauma must be dealt with on the national, community, and individual levels. At the national level, parties can accomplish widespread personal healing through truth and reconciliation commissions that seek to uncover the truth and deal with perpetrators. If ignored, certain victims of past violence are at risk for becoming perpetrators of future violence. Victim empowerment and support can help to break this cycle.

#### ***2.2.1.4 Peace building Agents***

Peacebuilding measures should integrate civil society in all efforts and include all levels of society in the post-conflict strategy. All society members, from those in elite leadership positions, to religious leaders, to those at the grassroots level, have a role to play in building a lasting peace. Because peace-building measures involve all levels of society and target all aspects of the state structure, they require a wide variety of agents

for their implementation. These agents advance peace-building efforts by addressing functional and emotional dimensions in specified target areas, including civil society and legal institutions. Ultimately peacebuilding must be driven by internal forces – Somaliland experience in peacebuilding is to base the traditional customary laws and participated from bottom all the way up. It cannot be imposed from the outside – for the last nineteen years international community led by IGAD failed to reconcile groups in Somalia while ignoring that peace must start from those who need it ‘Somalis’.

While peacebuilding aims to transform various government structures, the government normally oversees and engages in this reconstruction process. A variety of the community specialists, including lawyers, economists, scholars, educators, and teachers, contribute their expertise to help carry out peacebuilding projects. Finally, a society's religious networks can play an important role in establishing social and moral norms.

Somaliland experienced that the greatest resource for sustaining peace in the long term is always rooted in the local people and their culture. Parties should strive to understand the cultural dimension of conflict, and identify the mechanisms for handling conflict that exist within that cultural setting. Building on cultural resources and utilizing local mechanisms for handling disputes – like Somaliland creation of Guurti - can be quite effective in resolving conflicts and transforming relationships.

## **2.3. The Somaliland Context**

### **2.3.1. Introduction**

Somaliland was one of the world's most terrible war-torn societies who recovered and made achievements in conflict resolution and peace-building. Since 1991, the council of elders '*Guurti*' played an unforgettable role of reconciliation, peace-building, disarmament, demobilisation, rebuilding the country and the journey of democratization that we reached.

Apart from the participation of the northern (Somaliland) peace-conferences by politicians, military officials and professionals who served past regimes, and the

adoption of techniques used in modern hall-conferences; nevertheless, they can essentially be described as traditional lineage ad hoc councils (Shir) participated by prominent adult men of the concerned parties. The *Guurti* play a central role in the peace processes, which harnesses the services of the sacred authority of the religious leaders and persuasive power of the distinguished poets. (Farah & Lewis, 1993).

Clans are institutions that have evolved through the ages and enabled us to survive. Unless the function clanism performs is replaced by other institutions it is not going away. But, we know it is a double-edge sword. Depending how it is handled by the leaders of the time, whether they are elders or politicians, clanism can be a good tool for peace, reconciliation and progress. Handled wrongly it is a powerful tool for fratricide and conflict. Just look at what is happening in Somalia (the former south). The question is what to do with this double edge-sword in our cultural tradition. It has been the genius of the SNM struggle to find a way out. Making the *Guurti*, representing traditional leadership, a constitutional political body, rather than peripheral individuals which the then authorities can use them as they wish, was a good solution born out of the SNM struggle. And that is one of the reasons that Somaliland is blazing a road much different from what our brothers in Somalia are going through (Samatar, 2008).

### **2.3.2. Brief history of the foundation of the council of elders ‘*Guurti*’.**

Most of the people of Somaliland believe that the council of elders’ activities start the day of rebirth – after victory of SNM – never! Those are misunderstood the history. The foundation of the council of elders started the years of national liberation led by SNM. There is a mutual feedback between the movement and the ordinary peoples. The movement brought together urban dwellers – the teacher, the army officer, the student, the medical doctor, the politician – into a rural area who then interacts with the clans and their elders. Here, at the level of the fighting unit, the SNM found the opportunity to of integrating traditional authority and methods into the democratic practices and needs of the movement.

These factors created opportunity to correct the divorce between civil society and the state. One of the tentative ideas that came about then was a greater role for the elders of the clans as autonomous decision-makers, and participants at various levels of the clan pyramid, parallel with and interacting with the various levels of the formal organisation of the movement. The experimentation with the role of elders was finally formalized in the form of the “*Guurti*”, that is, the senate or the council of elders, which is co-equal with the Central Committee, the legislative organ of the SNM. This parallel co-participation stretched from the lowest unit all the way up to the highest level. We see, then, that the vision of an alternative path of governance replaced the centralized, dictatorial regime. SNM provided an alternative system whose hallmark is participatory democracy from top to bottom. It was thus possible for it to carry over this tradition to national level after victory, providing avenues for dialogue and compromise while state structures were still weak. (Samatar 1997)

As cited from Y.D. Boobe’s DHAXAL REEB Horaad the council of elders founded in the year of 1984:

The 4<sup>th</sup> ordinary conference of SNM commenced in Jigjiga, Ethiopia on August 3, 1984. The sensitive debates of that conference were including establishing civil society groups (Students/youth, labour unions and council of elders), SNM realised not to rule the people by the previous styles because the occurrence of the tragedies, the armed liberation is the results of the regimes dictatorial style. Therefore, they sow the importance of changing the administrative systems of the previous regimes. This conference decides that the people have a right to decide how they will be administered. To make sure that this right is exercised it was agreed to add the national organs a council that represents the people who will be given powers on the decision making platform, the council of elders than selected from the civil society to be the representative of the people.

Approximately the early days of September 1984, was when SNM achieved to lay the foundation of the first council of elders. That council was elected as speaker the late Suldaan Hassan Bulbul, The other traditional leaders who attended the Grand conference of founding the council of elders were include: Suldaan Mohamed Suldaan Farah, Suldaan Sahardiid,

(may Allah rest their soul in eternal peace. Aamin), Hassan Farah Duale (Hassan Bad-maah), Ahmed Liban (Gabax), Abdi-laangadhe, Jama Gaabane, Ahmed Muse Harun, Dhugad, Sheikh Khalif among others.

The decisions reached by the participants of that conference were include: to commence the annual conference and the 2<sup>nd</sup> council conference will be held in Rabaso village which the clan elders of that area invites to host the conference, and also to transfer the leadership in every conference and elect new leadership. (Boobe, 2007).

The council of elders were the essential pillar of the national armed liberation led by SNM. The council were effective in sympathizing, supporting the armed struggle, mediation of crises between tribes, pulled together new able men to be trained for the liberation, collecting of military equipment, visiting the warfare front line of the army to know their needs and what is going to be done, they also watchdog, work in and bring solutions of the SNM's internal conflicts, they were the jurisdiction of the SNM using the traditional *Xeerar* – customary laws.

### **2.3.3. Contemporary post-war performance analysis**

#### ***2.3.3.1 The Brotherhood Conference of Northern Clans***

One month after the collapse of the military dictatorship, the SNM invited the council of elders and other traditional community leaders of all clans of Somaliland into conference, held in Berbera in February 1991, the conference called Brotherhood of the northern clans for cessation of hostilities, for the promotion of peace, and for the resumption of exchange of trade and socio-economic activities. The SNM's idea was that traditional leaders discuss the challenging issue of inter clans and to set the schedule of a wider conference for Somaliland clans.

#### ***2.3.3.2 The Grand Conference of Northern Clans***

Two months later the council of elders opened Grand conference of the northern (Somaliland) clans, which held in Buroa between 27 April -18 May 1991. The conclusions of their conference (below) were presented to a subsequent meeting of the 2<sup>nd</sup> ordinary session of the SNM Central Committee and endorsed:

- Reconciliation of the warring parties to the conflict;
- Declaration of the Somaliland Republic on 18 May 1991;
- A transitional two-years rule by the SNM, and the accommodation of the non-Isaaq communities in the government structure during this period;
- Initiation of a separate reconciliation process for Sanaag region.

In the interim 2 years of SNM government disagreements of SNM factions emerged which then, turned to inter-clan conflicts in Berbera and Buroa. The conflict over Berbera was concluded in October 1992 at a peace conference held in the town of Sheikh. That conference was marked to Somalilanders as *Tawfiq* – meaning understanding or consensus. Forty elders from Gadabursi, Dhulbahante and Isaaq, along with religious leaders, gathered at Sheikh and brokered a ceasefire and political settlement between the Habar Yonis and Iise Muse. (Bradbury 2008) Tawfiq conference was another mission accomplished by the *Guurti*.

President Tuur had suggested a six-month extension to his government to complete the unfinished tasks like the constitution, but this was rejected by his rivals. Both factions of SNM failed to make a quorum for holding SNM Central Committee meeting; but they agreed a national convention of clans to be held and chaired by the *Guurti*.

#### ***2.3.3.3 The Grand Boorame Conference***

The Grand Boorame Conference held between January and May 1993 represents another turning point in Somaliland's improvement and progress. The conference was chaired by the late Sheikh Ibrahim Sheikh Yusuf Sheikh Madar. The authorized voting delegates were 150 Somaliland elders – the Somaliland Council of elders "*Guurti*" - from the clans of Somaliland accompanied by a further 150 formal observers and advisors. But an estimated 2000 people actually attended including women organizations and were hosted by the Boorame community. This conference was mainly financed by Somaliland communities. The conference permits the involvement by religious leaders and other facilitators to crack each gridlocks. Clan and sub-clan meetings were also allowed to happen as required.

For the period of five months of discussions, the 150-member *Guurti*, together with hundreds of delegates and observers from across Somaliland, agreed upon the following:

- The peaceful transfer of power from the SNM interim government to a *beel* (community) based system;
- Election of a civilian president (Maxamed Xaaji Ibrahim Cigaal – prominent politician, and prime minister of the last civilian Somali government in 1969) and vice president (Cabdiraxmaan aw Cali Faarax);
- Adoption of a National Charter and a Peace Charter, intended to serve as the basis for efforts towards peace building and state building during a further transitional period of two years.

We can remember no other example of a liberation movement which won control in the course of the drum of the gun and which was at the same time so uninterested in ruling with its gun. Transferring the rule to council of elders interprets SNM's hallucination for not to fight for a position but common interest which was to overthrow the dictatorial regime and restore the country's independence after 30 years. This conference made advance in tackling with the challenge of insecurity, by recognizing the clans' responsibilities for managing their militias, for avoiding acts of violence against other neighbours, and for defending Somaliland.

The *Guurti* also used the occasion to review and revamp the ongoing reconciliation processes in different parts of the country.

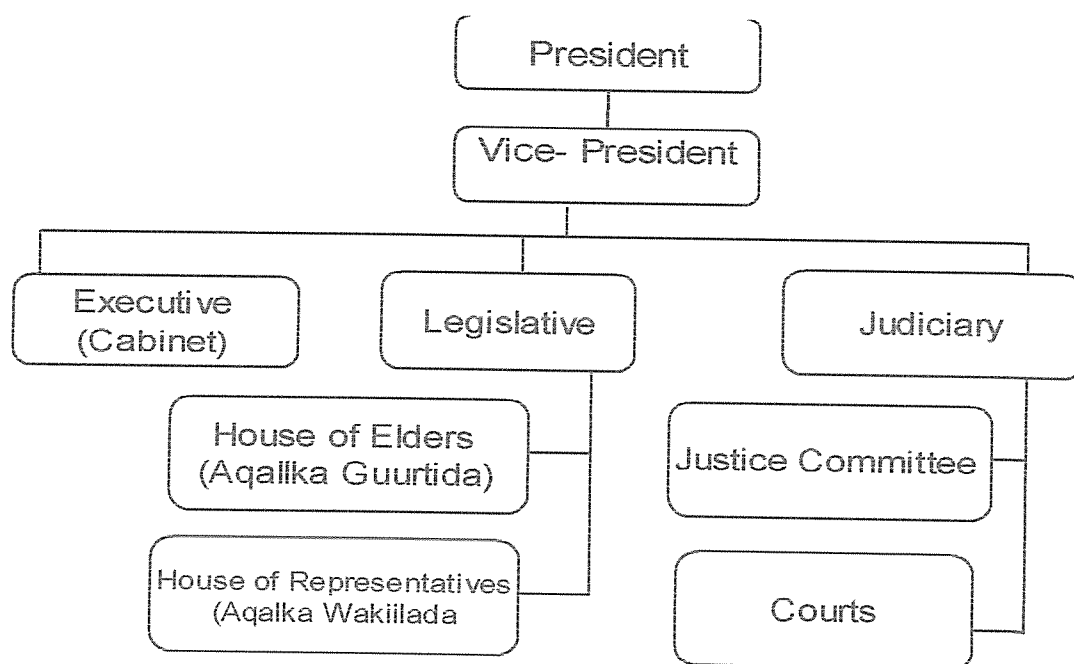


**Table 2.1 Major Reconciliation Conferences in Somaliland, 1991-1997**

	Clans	Meeting Place	Duration	Name of Meeting
1	<b>National</b>	<b>Berbera</b>	<b>15-27 Feb 1991</b>	<b>The brotherhood conference of northern clans</b>
2	Dhulbahante & H/jeclo	Yagoori	Feb 1991	
3	Gadabuursi & H/Awal	Boorame	17-19 Feb 1991	Guul Alla
4	<b>National</b>	<b>Buroa</b>	<b>27 April-18 May 1991</b>	<b>The Grand Conference of Northern Clans</b>
5	Warsangeli & H/jeclo	Ceel-Qoxle	10 May 1991	
6	Warsangeli & H/yoonis	Yube	18 June	Yube I
7	H/yoonis & Warsangeli	Yube	6-9 Oct 1991	Yube II
8	H/yoonis, H/jeclo & Dhulbahante	Oog	30 Oct 1991	
9	Dhulbahante & H/jeclo	Kulal/Awrboogays	1-22 June 1992	
10	H/jeclo, Warsangeli & Gahayle	Shimbiraale	16-22 Aug 1992	
11	Baha Samaroon & Jibriil Abokor	Boorame	17-19 Aug 1992	
12	Reer Nuur & Jibriil Abokor	Boorame	20-22 Aug 1992	
13	Dhulbahante & H/jeclo	Xudun	1 Sept 1992	
14	H/yoonis & Ciise Muuse	Hargeisa	4 Oct 1992	
15	Warsangeli & H/yoonis	Jiideli	6-9 Oct 1992	
16	H/yoonis & Ciise Muuse	Sheikh	28 Oct – 8 Nov 1992	Tawfiiq
17	H/yoonis & Warsangeli	Jiideli	5-9 Nov 1992	
18	Dhulbahante & H/yoonis	Dararweyne	2 Jan -5 Feb 1993	Khaatumo
19	<b>National</b>	<b>Boorame</b>	<b>24 Jan – May 1993</b>	<b>Allaa Mahadleh</b>
20	Gadabuursi & Ciise	Geerisa		
21	Regional (Clans of Sanaag Region)	Ceerigaabo	Aug – Oct 1993	Sanaag Grand Peace & Reconciliation Conference
22	H/jeclo, Dhulbahante, Warsangeli & Gahayle	Garadag	23 Nov-1 Dec 1993	
23	Ciidagale, other Hargeisa Clans & Guurti	Xarshin	1995	
24	Ciidagale & Peace Committee	Kaam-Abokor	1995	
25	H/yoonis & H/jeclo	Gaashaamo	1996	
26	H/yoonis & H/jeclo	Ballidhaaye	1996	
27	H/yoonis & H/jeclo	Duruqsi	1996	
28	H/yoonis & H/jeclo	Beer	1996	
29	Reer Nuur & Jibriil Abokor	Gabiley	26 May- 1 June 1996	
30	H/awal iyo Gadabuursi	Hargeisa	9-11 Sep 1996	

Source: (Jimcaale 2005)

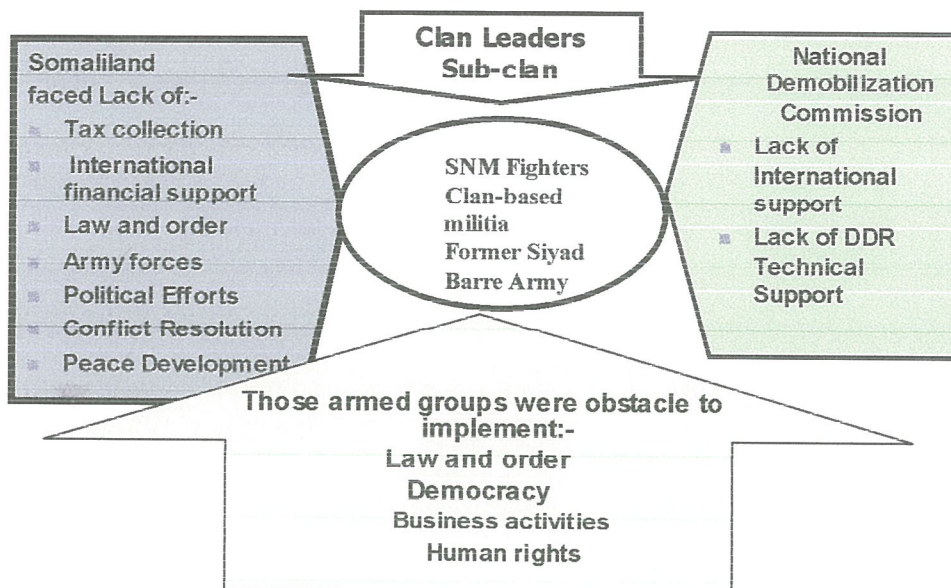
Essentially, the National Charter described a mixture system of government. This comprised a bicameral legislature including an elected house of representatives and a council of elders, or *Guurti*, a presidential executive, and an independent judiciary.



**Chart 2.1 Structure of Somaliland State** Source: (Jimcaale 2005)

#### 2.3.3.4 Disarmament and demobilisation

The intention that has encouraged the establishment of National Demobilisation Commission (NDC) organization was mainly originated from the Somaliland Grand Conference held in Boorame in 1993.its responsibilities were to register, disarm, demobilize and reintegrate SNM Ex-Combatants and to provide financial support to the war veterans and their dependants; the war widows; and the orphans SNM. SOOYAAL (Somaliland War Veteran Association) was established representing the interests of war veterans and their dependents; the war widows; the handicaps and the orphans.



**Figure 2.2 Somaliland Past Situation (1991 -1996)** Source (Warsame, 2006)

The government began to form regular armed forces (The police, the prison custodian corps and the national army) to disarm, demobilize and reintegrate all clan-based militias throughout Somaliland disarming. The first move to this crucial initiative was taken by the late Suldaan Maxamed Suldaan Faarax was disarmed the militias of his clan while others clans started to do the same.

Moreover, half of the heavy weapons of the Republic of Somalia were stationed in the current territorial boundaries of Somaliland. The possession of the firearms and light weapons is integral part of country – region Somalia life and particularly among the pastoral nomads. The disarmament process that was taken place in 1994; the clan-based militias were handed over their heavy weapons to Somaliland government. In this respect, those militias needed to be demobilized; the best option was to recruit a big number of the clan-based militias into the National Army.

Disarmament in the context of Somaliland means the surrender of heavy arms to the government. The heavy arms included: Heavy machine-guns, Antiaircraft, Surface-to-surface missiles, Tanks, Armoured vehicles, Launchers, RPJ 7&2, and Other modified

heavy arms. In February 1994, many militia groups handed over their heavy arms in a big ceremony held at Hargeisa Stadium; and about 700 men were encamped at Dararweyne Camp where they were receiving civic education, military discipline and military training. From 1994 to 1996 most of the heavy arms were surrendered to the government. NDC has played major role over this process by forming a data base for registering and the civic education for the disarmed militias.

Politicians of the clan of the former president - Tuur (H/yoonis) more or less immediately, stated their discontent with the appointment of Egal and their seats they got in the parliament and also the share of one ministry in the cabinet. Egal's accommodation in his cabinet of members of *Calan Cas* - red flag - faction of SNM who opposed Tuur, was seen some of H/yoonis politicians as a disappointment. In July 1993 they held a convention in Buroa and they avowed the pulling out of their cooperation from the government.

In November 1994, the fighting between the government and Ciidagale clan erupted Hargeisa. The main cause of this conflict was the government want to control the major public infrastructures including the Hargeisa airport which was ruled by the Ciidagale militia because it located the territory inhabited by this clan. In 1995 the civil war reached to Buroa. Neither the government nor the opposition was capable to succeed a significant triumph and in the end this brought the government to ask for a peaceful resolution.

In April 1995, a conference of Somalilanders in London concluded that in the absence of any genuine moves towards reconciliation between the government and the opposition an independent mission should be convened to broker dialogue between the warring parts and that was when the Peace Committee for Somaliland formed. Instead of mediating the government and the oppositions, the Peace Committee employed a strategy of lineage-based political make-up. They dealt with Hargeisa and Buroa conflicts differently.

They promoted talks between H/Yoonis and H/Jeclo to resolve the conflict in Buroa, and between Ciidagale and other Hargeisa clans to tackle the conflict in Hargeisa.

### 2.3.3.5 The Hargeisa National Conference

The Hargeisa National Conference between October 1996 and February 1997 fixed a schedule for the change over from the *beel* (clan) structure to a multi-party structure considered by free and fair elections. This conference was attended by 315 (150 members of the Parliament appointed in Boorame, plus 165 new) delegates. For the period of five months of negotiations, the delegates agreed upon the following:

- Adoption of new flag on 14 October 1996, (symbolising the Somaliland People's target for independence) .
- Re-elected of Maxamed Xaaji Ibrahim Cigaal as president and named Daahir Rayaale Kaahin as the new president for a period of five years.
- Appointed 164 members of the House of Representatives and Council of Elders – *Guurti* a further five years and six years respectively.
- The replacement of the National Charter with a provisional constitution.

The provisional constitution predetermined the legalization of the constitution by referendum, the introduction of a multiparty system, and the holding of elections within the term of office of the new government.

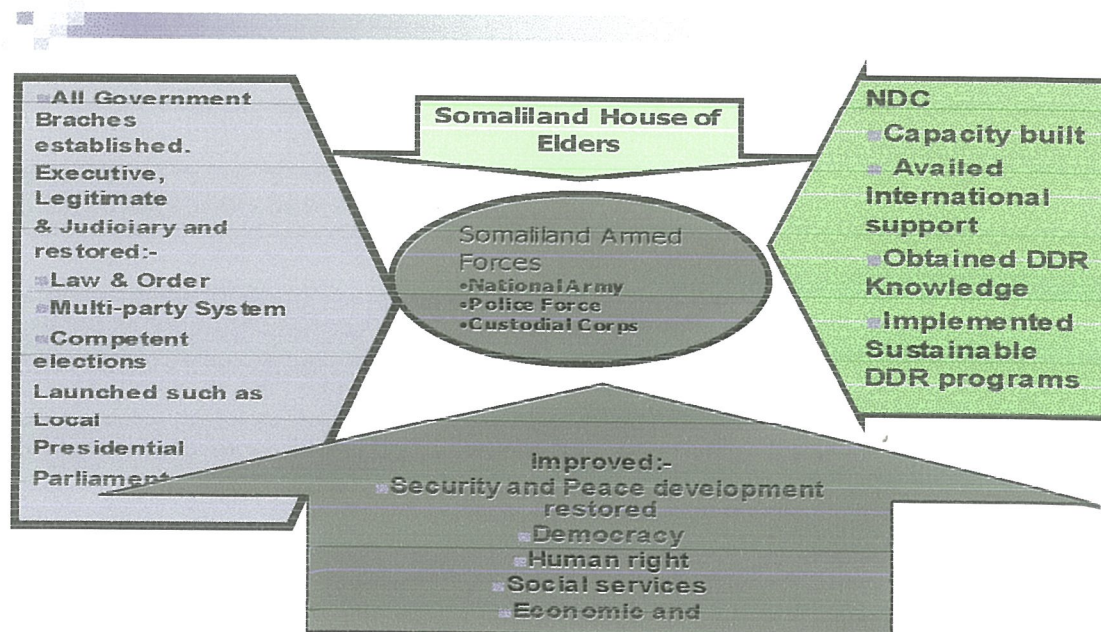


Figure 2.3 Somaliland Current Situation (2003 – 2006) Source (Warsame 2006)



The constitutional referendum of 31 May 2001 approved the provisional constitution with some modifications, by an overwhelming majority of 97.7 percent of the vote. Most people took concern merely in Article 1, which reaffirmed Somaliland's independence, and cast their votes in favour. The constitution gave a legal framework for the political system of Somaliland based on a multiparty democracy. In accordance with the new constitution, on 6 August 2001 the Somaliland Parliament legalised the formation of political organisations. After this move President Egal announced the formation of Somaliland's first political organisation: *Ururka Dimoqraadiga Ummadaha Bahoobey* – the United Democratic People's Party (UDUB). At the end of September 2001 additional six political organisations registered.

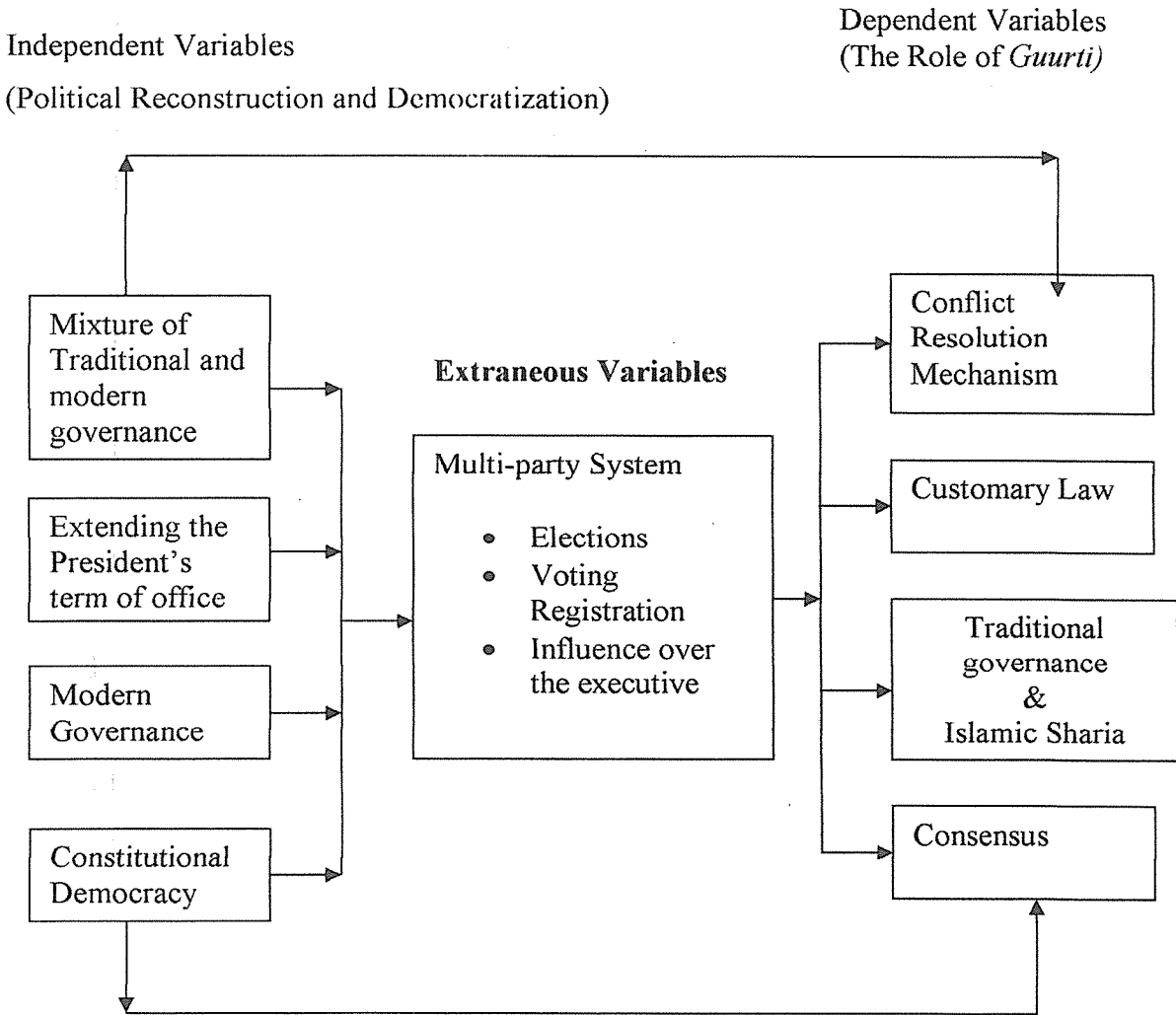
Political clashes between President, Parliament, opposition politicians and traditional leaders. In August 2001 two hot events took place: (1) Egal hardly survived a motion of impeachment in Parliament; (2) a group of powerful Suldaans – (Pl of Suldaan) confronted his administration, demanding that UDUB be dismantled and that clan-based meeting be held to settle on the future of the state. These political disputes were ended in the course of the mediations of elite leaders: political, religious, business and community activists.

An autonomous Somaliland National Electoral Commission (NEC) was sworn in on 18 December to administer the electoral process. The *Guurti* extended the term of the government for additional year to prepare elections. Sadly, Egal did not live to contest the elections. Egal passed way Friday morning 3 May 2002 at a Pretoria hospital from complications after surgery. In accordance with the approved constitution, both houses of the Parliament agreed Vice-President Daahir Rayaale Kaahin as his successor.

On 15 December 2002, six political organizations contested local elections (district elections) where UDUB, Kulmiye and UCID, the three organizations that received the most votes, lawfully became the three national political parties qualified to compete parliamentary and presidential elections. On 14 April 2003, presidential elections were took place. A closely fought contest, the vote was carried by UDUB's presidential runner, with a margin of only 80 votes. Although the outcome was contested by the second best

party, Kulmiye, Somaliland's Supreme Court defended the result. The September 2005 House of Representatives (Lower house of the Parliament) elections took place and the three political parties get the following seats: 33 seats by UDUB; 28 seats by Kulmiye and 21 seats by UCID. As a result of that the ruling party get the highest share, the opposition parties decide to make coalition so as they can chair the house; they elect an MP from UCID as speaker while the first deputy speaker and second deputy speaker are MPs from Kulmiye.

### The Relationship between the Independent, Dependent and Extraneous Variables



**Figure 2.4 Conceptual diagram**    Source: Researcher made

## **2.4 Review**

In this chapter we exposed the Somaliland's political history from the pre-colonial area to the multi-party system of governance. The chapter further discussed the conflict resolution and peace building focusing on the structural dimension; the relational dimension; and the personal dimension of peace building. It additionally addressed Somaliland's peace building context. The next chapter shows the methodology of this study.



## CHAPTER THREE

### METHODOLOGY

#### *3.0 Overview*

This chapter portrays out the criteria as procedures and methods that were employed in attempted to achieve the objectives of the study. It includes the research design, the type of respondents and research tools used, procedures for data collection, and methods of data analysis.

#### *3.1. Research design*

The study will be qualitative research in nature which employs descriptive survey design. The reason of using this design is to reach large population to obtain data, I also choose this design to observe and stress on getting the story behind a participant's experience.

#### *3.2. Sampling procedure*

This study employs both purposive/ judgemental and snowball sampling procedures. Clusters are used to group the sample to sub-populations.

#### *3.3. Sample*

The sample will represent from the wide target population. fourteen categories of respondents namely: Ranked traditional leaders (*Suldaan, Garaad, Ugaas and Boqor*), clan elders, *Guurti* members, politicians, intellectuals, poets, University lecturers, Business people, Journalists, NGOs (development workers), University graduates, Students and the religious leaders. This sample sizes are indicated in appendix E.

The study also focus another respondents for opinion poling questions from the general public both local and Diaspora citizens.

##### *3.3.1 Sample Size*

According to the '*Somaliland in Figures*' 2003, Republic of Somaliland had a total of 3.5 million people but a total of 205 respondents were selected and treated as sample population. This number will arrive at due to the wide area coverage and large number of

the country's population that could not be easily reached by the researcher due to a number of factors not excluding financial and time.

### **3.4. Research Instruments**

Informal interviews, formal interviews and focus group discussions will be used. Formal interviews were conducted with titled traditional leaders, clan elders, *Guurti* members, politicians, poets, intellectuals, religious leaders, business people and university lecturers because of their social status and to have time to know more about their individual views and experience relating the area or the objectives of the study. "An Interview is an oral questionnaire where the investigator gathers data through direct verbal interaction with participants, for example, teachers, pupils and parents. Instead of written responses, the subject gives the needed information verbally in a face-to-face relationship where the ideas are exchanged. The interviews are particularly useful for getting the story behind a participant's experience. The interviewer can pursue in-depth information around a topic. Interviews can be useful as follow-ups to certain respondents to questionnaires" (Amin, 2005 p.178)

Regarding journalists, NGOs (development workers), university graduates and students' focus group discussions and informal interviews were used. This focus group discussion will employ for three reasons: (1) it give the researcher chance to meet groups together and observe their interactions; (2) questions could be posed specifically to elders on their activities, needs and constrains; (3) focus group discussion require less time than individual interviews or questionnaires. "Focus group discussions (FGDs) discussion group brainstorm on the issues but the conclusion of the group findings are not the outcome of the group consensus but a synthesis of the researcher. Group discussions are useful when the topic to explore is general and the purpose is to stimulate discussions from multiple views from the group participants so that the researcher can examine and internalise the different views." (Amin, 2005 pp:186-7)

Opinion polling questions through electronic mails to Somaliland networks also used to provide a chance that the internet friendly citizens can participate the study specially

Somalilanders in Diaspora by answering the questions published in local papers and Somaliland news websites. The reason of using this is to allow those who are in abroad for study, work or reside will get chance to point out their views and ideas of this issue.

### ***3.5 Procedure***

This work was started on August 2008 after my university supervisor approved the topic of the study. The month followed the approval was departed to review the available literature to this area of study. In October the same year the proposal of this research submitted. That proposal was my entry point, and to undertake field survey.

The researcher travelled to Somaliland where the field of the study was located. Last days of January, additional review of the literature started in Somaliland. And by mid March the data collection series of activities took place. I research was ethically respected and the researcher did not have any influence over respondents they feel free to express their views. Formal interviews, informal interviews, focus group discussion and opinion polling were the sources of the study data collection. The data was gathered from available documentation concerning liberation, independence, peace-building conferences, rebuilding, and democratization in Somaliland and their impact on the related to the development issues. Thus information was obtained from books, journals, internet reports and relevant documentations.

The data was organised in a thematic way and it was analysed in a thematic analysis so that it might provide the answers to the research questions

### ***3.6. Data analysis***

The study utilized mainly qualitative methods of investigation and these were in depth interviews, focused group discussions, and direct observation. The quantitative method involved closed questionnaires to collect primary data as well as personal interviews from the government officials, opposition parties' politicians, members of the elders, titled traditional leaders, university lecturers, journalists, intellectuals, business people, students and NGOs. Direct observation technique involved internal examination of the role of council of elders in Somaliland's democratization and political reconstruction. This

method was also applied in order to relate the information already known to support the findings.

The close linkage between processing and analysis meant that the specific objectives together with research questions were used to guide the process of analysis through out the study. During analysis, its theses real ideas generated from the field that were ultimately arranged and grouped into sub-themes reflecting the whole theme for the study. Qualitative analysis was prominent because respondents had more than what was demanded from them. Therefore, these views had to be accommodated through this design to reflect the truth on the ground. Qualitative data analysis was expressed in tubular forms and in terms of statistical tools to include tables, pie charts, bar graphs that illustrate the data thematically, expressed inform of numbers or diagrams. Excel programs assisted in this exercise. Compilation of the report was a continuous process based on collected and analyzed information.

### ***3.7. Quality Control***

#### ***3.7.1 Content Validity index***

Validity of the instrument is the measure of the extent to which the instrument, measure what they are intended to measure (Charles 1995; Gay 1987; Kathuri & Palls 1993) as quoted from Amin. The content validity was judged by the supervisor from section to section to section. It was 0.83 for the focus group discussion guidelines, hence valid according to Kathuri & Palls, 1993 as the minimum value for acceptance was 0.7. Interview questionnaires were similarly validated at 0.8 and opinion poling questions at 0.9 hence the instrument was valid for the above reason.

#### ***3.7.2 Reliability Coefficient***

In order to establish the link of data, pre-test –post-test was conducted in covering University Graduates, Development workers and Students focus group discussions. A total of (30) respondents, 10 from each category were carefully selected for testing a consistency of the instrument. The post-test was done after 4 weeks and the responses

were consistent the coefficient of reliability of the instrument was established as satisfactory and fair.

### ***3.8. Limitations***

#### ***Methodological***

The sample population selected may not be adequate to represent the large population of Somaliland.

#### ***Practical***

Otherwise, the exercise of reaching the sample population was an expensive affair. The data collection was another constraint that the researcher faces since this involved moving from one person to another. The researcher also expecting large number of participants may partake the study on the opinion polling system by sending their views to the email of this research [research@somaliland.com](mailto:research@somaliland.com) but the number was not as much as expected.

#### ***Recommendations of the limitations***

Though the sample may not be adequate, however, it can be justified as the participants selected were mostly leaders of different categories of the population in the country.

### ***3.9 Reviews***

In this chapter we revealed the research design used this study which was qualitative, survey in nature. The sample procedure also discussed and the selection of sample size with its different target groups were expressed. We spell out that interview, focus group discussions and opinion polling questions were employed as instruments for data collection. In the procedure item the process of conducting this research also shown. Finally the data analysis techniques were discussed. The next chapter presents the findings of the study or the answers to the research questions.

## CHAPTER FOUR

### PRESENTATION, ANALYSIS AND INTERPRETATION

#### 4.0. Overview

This chapter is going to cover the findings of the research. The chapter points out the role of the council of elders ‘*Guurti*’ in the process of national liberation, reconciliation, independence, rebuilding, democratization and development. It also covers analytical experience of the *Guurti* within the political system and traditional leadership and its achievements. In this chapter we also discuss the effect of the politicization of the council of elders to our system of government which is mixture of modern constitutional democracy and traditional essence. We also predict the way forward for the Somaliland’s bicameral system of parliament.

#### 4.1. Answers to Research Questions

In this section the findings of the research questions will be presented. The first part will address the results of the role of the council of elders in the different situations that Somaliland underwent.

**Question 1:** what was the role of the council of elders “*Guurti*” in the process of national liberation, reconciliation, independence, rebuilding, democratization and development?

Table 4.1 the role of the council of elders “*Guurti*” in the different situations that Somaliland underwent

	Outstanding	Good	Average	poor	Very poor	I don’t know
Liberation	83	79	37	2	0	4
Reconciliation	117	81	6	0	0	1
Independence	187	6	5	2	4	1
Rebuilding	172	31	0	0	0	2
Democratization and development	87	30	5	37	45	1

In the above table of the answers of the question one, the *Guurti* played a big role in the different stages Somaliland underwent independence, rebuilding, reconciliation, democratization and development, liberation respectively. In the first stage of liberation

the members of the *Guurti* were from the Isaaq clans who fighting against the Somali regime and they were formed to support SNM liberation movement. In the reconciliation stage other clans of Somaliland who were not members of SNM joined the *Guurti* after the victory of the movement then they start reconciling the confronting clans. In the Grand National conference of Somaliland clans in Buroa 1991 they were not legislative body, the council was only traditional decision making body. They proposed the four points to the subsequent meeting of the 2<sup>nd</sup> ordinary meeting of the SNM central committee. These points were as follows: reconciliation of the warring parties to the conflict; declaration of the Somaliland Republic on 18 May 1991; a traditional two-years rule by SNM, and the accommodation of the non-Isaaq communities in the government structure during this stage; initiation of a separate reconciliation process for SANAAG region. Later the council of elders became legislative body – upper house of Somaliland parliament – which make led them to the crucial role in Somaliland government structure. They also took part the democratization of the country by holding clan-based conferences and allowing politicians to state their candidature and contest in the conferences, and they were the legitimate voters in the conferences.

Let us take a look the result of the following questions which will equip us the view of the interviewee in the case of the effect of politicisation of the *Guurti* to the Somaliland's system of government which is combination of modern constitutional democracy and traditional governance.

**Question 2:** what will be the effect of the politicization of the council of elders to our system of government which is mixture of modern constitutional democracy and traditional essence?

**Table 4.2** the effect of politicization of the council of elders to our system of government

Make things easier	Nothing will change	Cause difficulties	I don't know
11	17	176	1

In the above question most of the interviewee replied that politicizing the council of elders will cause difficulties to the structure of the state. In this ground they reasoned that the lying cause of originating this body was to link the traditional essence and democratic system of governance. In the liberation period they used to control the SNM's internal democracy and be representatives of the general public of supporters of the movement. The council of elders were initiated to set a foundation of fresh political scheme constructed upon indigenous cultural values of collaboration rather than oppression; a method which prominent the Somali concept of *Xeer* or inter-family communal bond in which no man employed political authority more than another excluding according to launch law and norm, to the state level.

In this context, most of the participants of this study believe that politicisation – electing members of *Guurti* from the political parties through modern one-man-one-vote system of democracy – will cause difficulties to Somaliland's political system of government. It will be copying the house of representatives (lower house of Somaliland parliament).

**Question 3:** what are the analytical experience of the Guurti within the political system and traditional leadership achievements?

**Table 4.3 Guurti achievements within political and traditional leadership systems**

	<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>
Reconciliation	198	7	0
Rebuilding	145	58	2
Reconstruction	137	63	5
Conflict resolution	194	9	2
Empowering Law and order	157	21	27
Protecting Human Rights	134	58	13
in charge to watchdog the customary laws and sharia as well	172	21	12
Endorse democratization	110	79	16
Hindering democratization via presidents extension to office	123	5	77



**Question 4:** what is the way forward for Somaliland's bicameral system of parliament?

**Table 4.4 the way forward for the council of elders**

	Answers
To politicise the Guurti and elect them from the political parties	19
Electing them through nomination by the clan elders	154
Politicising them and forming new body for traditional essence	11
The council of elders is no longer required in Somaliland	21

In the above table focusing on the way forward for Somaliland's two houses of parliament most of the respondents agreed to elect members of the council of elders through nomination by the clans elders as they were used to elect previous. Although small number of the participants of this study replied the following: there is no longer needed the council of elders in Somaliland; electing them from political parties which is politicizing the council of elders; and politicising them and forming new body for traditional essence.

**Question 5:** in what particular areas are Somalilanders themselves looking for change?

To this question 49% of the interviewees replied that they look for change by making some amendments in the articles of the constitution. 32.3% of the answers were stated they look for change in the government structure. Lastly, 18.7% replied that they look for change in the customary law. According to the above arguments we believe that there is a need for constitutional changes because there are some crises in the articles while the competing parts address articles that approve their debates.

Reflecting from the angle of customary law, As the Somaliland traditional leaders as cited from national declaration of Somaliland traditional leaders (see appendix F) announce: -

1. That revenge killing is totally abolished and prohibited

2. that the perpetrator of revenge killing should not be assisted, protected or facilitated to escape justice; From now on, the killer on revenge immediately loses the clan protection and will be considered a criminal
3. The payment of blood compensations already agreed upon by the concerned parties must be promptly paid on time, without delay, to avoid more bloodshed
4. All pending inter and intra conflict cases must be resolved as soon as possible by the concerned traditional leaders
5. All properties looted or taken over in time of conflict must be returned to the original owners
6. Judicial judgments passed on the killers and other criminals should be executed without much delay by government
7. Legal action must be taken against those who propagate revenge killing or offer assistance or protection to the perpetrators
8. Regular advocacy campaigns must be made by the traditional leaders to raise the public awareness on the implementation of the revised customary law codes through out the Somaliland districts.

The customary law is the jurisdiction that helps the government in resolving many internal issues and it's the conflict resolution mechanism of Somaliland.

If we look at the government structure which is three parallel arms namely: the executive, legislative – upper house (council of elders) and lower house (House of Representatives) – and the judiciary. Its president and his cabinet of ministers which are not members of parliament, independent judiciary and bicameral parliament which is combination of traditional and modern systems.

The structure is well designed but its problem is some of its arms are passive or they don't implement the mandate they had. The judiciary is independent but influenced by the executive.

**Question 6:** are there present challenges facing Somaliland in terms of democracy particularly the council of elders?

The respondents provided some challenges facing Somaliland in terms of democracy particularly the council of elders which are as follows: The influence of executive over Guurti; membership of young unqualified members in the Guurti. This means that the executive organ always try to influence the council so that they can easily attain their goals by securing the votes of the council of elders. That influence hinders the democratic process because opposition parties may not have the same influence over the council of elders as the ruling party does. The other challenge is the young members substituting the deceased elders of the *Guurti* as a result of clans.

The influence over the executive is real and no one can reject its existence. The government must respect the powers of the council of elders and stop intervening and influencing over the debates and issues in the house.

Reflecting from the challenge of membership of young men, we need to have criterion of council of elder's membership. This will help selection of competent members in this crucial institution. They will perform the way the first and second council of elders used to perform – being neutral to all parties and respected by all.

**Question 7:** what are the qualities you desire that the members of the Guurti must have: educationally, traditionally, religious and age?

The participants suggested that the following qualities should the members of the council of elders has: they should have enough knowledge of customary laws; they should have good knowledge of Islamic sharia, they should be 40 years of age and above. Educational background is desirable.

## 4.2. Reviews

In this chapter we discovered that council of elders “*Guurti*” played a prominent role in the different situations of this country particularly in the national liberation, reconciliation, and rebuilding stages. It further determined that politicization of the council of elders will cause difficulties in the Somaliland political system. We also came across the achievements of the *Guurti* within political and traditional leadership systems. The next chapter discusses the findings draw conclusions, and makes recommendations from the study.

## **CHAPTER FIVE: DISSCUSSION, CONCLUSIONS AND RECOMMENDATIONS**

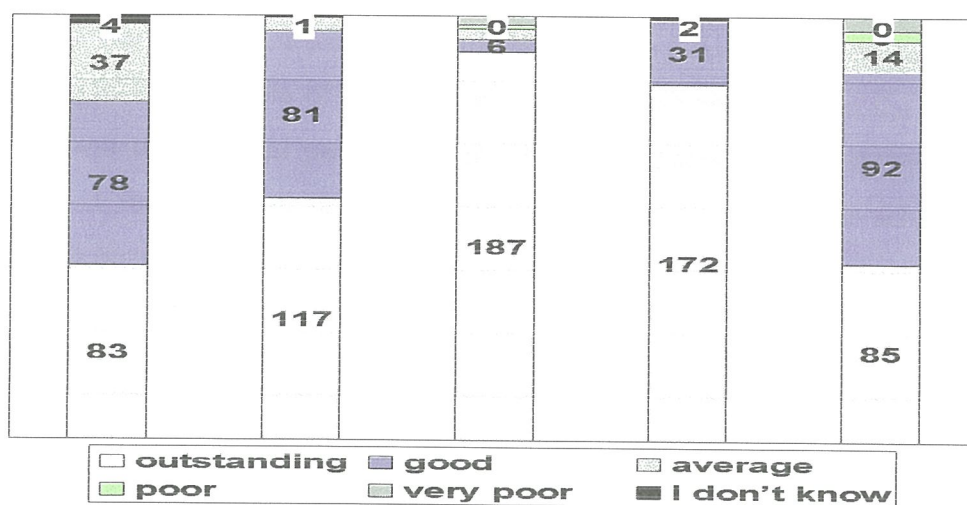
### **5.0 Overview**

This chapter is going to cover the interpretations of findings of the research. Discussions the chapter discusses the findings relating to the role of the council of elders '*Guurti*' in the process of national liberation, reconciliation, independence, rebuilding, democratization and development. Then conclusions drawn in the second item of this chapter. Furthermore the recommendations from the study are made in this chapter.

### **5.1. Discussion**

This paper's focus is the roles of council of elders in Somaliland contemporary and past and an assessment of what consequences that politicising *Guurti* will introduce. This is touching the background of how traditional consensus based democracy (especially native pastoral system) has helped (or maybe slowed down) Somaliland's progress to democracy and reconstruction. It stresses that as the external environment could not brought peace and stability but it needed that it should be generated and keep the drive from bottom-up (from grassroots all the way up to the elite leaders).

As shown in the in the below chart which reveals the outcomes of the collected data the respondents state their view of the role of the council of elders in the stages of liberation, reconciliation, rebuilding, reconstruction, democratisation and development. The alternative answers were outstanding, good, average, poor and very poor. The most answers given by the interviewees were outstanding and good. Using the literature we had used and putting into account the outcome of the questionnaire interviews and focus group discussions used in the research the council of the elders accomplished more than they were expected. Its they who mobilised the different activities of the liberation movement whether it is collection of animals, recruitment of new fighters, mediating the SNM factions and controlling the internal democracy of SNM elections.



**Figure 5.1 the role of the council of elders “*Guurti*” in the different situations that Somaliland underwent**

In the reconciliation stage the *Guurti* members formed by SNM contacted to the elders of non-SNM clans so that talks for reconciliation, termination of hostility and building the nation together. They were administered excellently for the peace and reconciliation conferences in Somaliland. They were impartial to the politicians and they were representatives of all clans in Somaliland. They were an engine that forced the political reconstruction and state rebuilding of Somaliland. Knowing that Somaliland inhabited different clans whose interests and priorities diverse, *Guurti* was best option to build a tight connection between them. Pastoral Somali communities use customary laws to manage their activities in the clan and inter-clan and the *Guurti* was the joining body interacting with traditional leaders and executive as well. In the early years of the national rebuilding as well as the formation of the *Guurti*, it was accommodated an elderly members who know much about the historical events of this country and the customary laws – some of the titled traditional leaders were part of it – so they were mature and they used to think about the effect of their deeds.

To day is there any difference? Certainly yes most of the respected elders of the above mentioned members were not with us today. The problem which needs to be solved is – when a pillar of the *Guurti* passed away his clan didn't substitute a qualified member

synchronization and cooperation led to a creation of clan councils (*Guurti*) in Somaliland, which were given the responsibility for arbitrating on intra and inter-clan disputes.

I can recall better example than the Somaliland's political situation today; where the ruling party and the two opposition parties failed to agree the electoral related crises. Members of the House of Representatives are contesting contradicting motions based on the doctrine of their respective political parties. But the point I want to utilize is the communiqué that *Guurti* sent to the three political parties on 5 September 2009, which promoting a dialogue between the parties to settle the crises. In that document they also declared that if the three political parties fail to negotiate *Guurti* will use their powers mandated by the constitution. Imagine a council of elders elected from political parties and a county in political misunderstandings like those of today – they possibly will compete like the other house in the policies of their Parties. The declaration seems to me the perfect and good step but this kind of decision is what we are lacking in many times when the *Guurti* experience influences and favours to some one such as the extension of presidential term in three times.

*Guurti* was the safeguarding and mediating institution of –, the increasing politicisation and influences from the executive organ undermined the credibility of *Guurti* as a sincere and impartial agent between the competing factions.

Reflecting from the achievements of the *Guurti* in the political system the following themes were considered: Reconciliation; Rebuilding; Reconstruction; Conflict resolution; Empowering Law and order; Protecting Human Rights; in charge to watchdog the customary laws and sharia as well; Endorse democratization; and hindering democratization via presidents extension to office.

In the conflict resolution perspective, the *Guurti* partake many initiatives to resolve inter-clan clashes in Somaliland. We all remember how they worked hard in Gaashaamo conflict between two Somaliland clans. Our distinguished elders –*Guurti* played a critical role in extinguishing fires related with the warring clan factions resulted the failed former

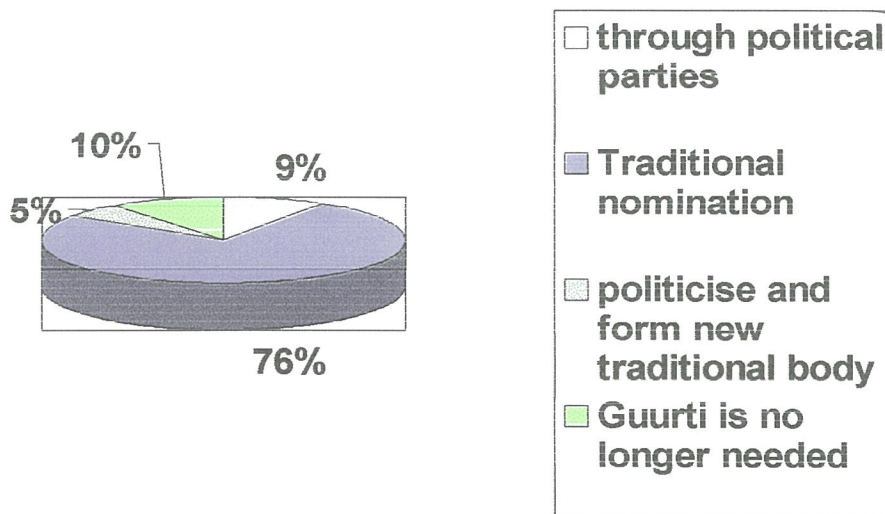
Somali regime. They had contributed so much in rebuilding Somaliland and their effort will never be ignored and it has been marked in our history. The most attractive answer is the council of elders support democracy at the same time hinder the process of democratisation. 60 percent of the respondents said that *Guurti* hinders democratisation through extension of president's term. Let us take a look some resolutions of the council of elders inline with this view:

- On 27 April 2002, passed a resolution under Article 42(3) of the Constitution extending the five year term of office of the House of Representatives, which was due to run out in May 2002, by one year.
- On 3<sup>rd</sup> March 2003, again under Article 42(3), but this time, it extended the term of office of the House of Representatives for a further period of two years from the date of expiry of the term which was on 25 May 2003.
- On 28 May 2005, after when National Electoral Commission (NEC) announced by that the election of the House of Representatives will not be held until 15 September 2005. Using Article 42(3), the *Guurti* resolved again, that the term of office of the Representatives will be extended further from 25 May 2005 until 15 October 2005 (i.e an additional 143 days)..
- On 6 May 2006, The Guurti, which is an lawmaking body, mandated with in-depth legitimate powers, considered a presidential decree extending their term of office for another 4 years up to October 2010 and promptly voted to endorse it.
- March 28, 2009, Guurti extended the President's term by six months. This is the third decision of its kind.

The above mentioned events were the resolutions made by the Somaliland council of elders and most of the respondents basing their ideas in these grounds. I personally believe that this is because of the manipulation over the *Guurti* and the increasing number of it members becoming weak individuals which the government or opposition parties can use them as they wish.



As a result of these collected information states that 76 percent of the respondents selected the *Guurti* should be nominated by traditional elders in their respective clan. While 10 percent of the respondents said that for this stage of multi party democratic system the role of *Guurti* is no longer needed in Somaliland. And another 9 percent said that they should be elected from the political parties which is politicising the *Guurti*. The last 5 percent of the respondents stated that the council of elders should be politicised and a new traditional body should be formed.



**Figure 5.3 the way forward for Somaliland’s Council of Elders**

In this context the most respondents declared the importance of not politicising the council of elder and that signifies their members should not join political parties because it’s contradictory with the *Guurti*’s role.

This council of elders with the help of SNM’s voluntary willing to transfer power is the key means that the people of Somaliland brought peace in the course of native and understood types – dialogue mechanisms, tribe structures, elders. Parliament should develop the electoral law for *Guurti* elections. This will settle on the dispute of the term of their office, the criteria of their members, their roles will be clearly defined and their powers and boundaries might be reviewed to avoid contradictory powers of the two

houses of the parliament. Although the *Guurti* members are not officially members of the political parties, but sometimes they looked part of the executive organ. The Somaliland parliament must reverse their current dominant for the executive organ and must call upon all political parties for further consultation of what ever has to be tackled next, to rescue the country from political unrests.

Neutral committee organized them selves and draft political resolution to break the different disputing parties. Three political parties always gave their word and acceptance to these committees because of the Somali tradition of *Ergo* – meditation, but the points they produced were later dishonoured by one side. There is no need for neutral committees but the weakening and nearly politicising of the *Guurti* produced the need for these self-organised committees.

## **5.2. Conclusions**

The council of elders fulfilled and acted as a rolling machine in Somaliland's political reforms and democratisation. What we need is to clearly state the roles and responsibilities of the *Guurti* in this multi-party system. The constitution gave them crucial powers but there should be restrictions and duties to those powers. Being impartial and reflecting a well-defined criterion of the member before he nominated may sharpen their effectiveness and credibility.

If we elect the members of this council from the political parties it will be duplication of the House of Representatives "*Aqalka Wakiilada*" – don't we need another body to represent our traditional clan system for which we have a Sociological need? Nomination of the *Guurti* members by their clans would be genuine choice to avoid losing their reason of existence.

If one was to single phenomenon in which the Somaliland is unique among war torn societies, it is the extent of its self-reliance – building peace without external intervention, the creation of *Guurti* was a genuine idea to mix traditional and modern governance in rebuilding the country. The *Guurti* took a huge role in the different stages

that Somaliland democratisation and political rebuilding underwent – liberation, reconciliation, rebuilding, democratisation and development.

### **5.3. Recommendations**

The following recommendations can be drawn from the outcome of this study:

#### **1) To council of elders – *Guurti***

- Though council of elders represent all the clans of Somaliland. But they reside in Hargeisa (Capital) city and never look back the districts they represent until problem to be sent delegates from *Guurti* emerged. We need to create councils of elders in regional levels and district levels so that they always interact with their people and decentralize the traditional leadership in the system of governance.
- The *Guurti* s members should be impartial to the political parties.
- They should not allow the interventions from the executive organ.
- When producing resolutions on extension of president's term, they should examine why the election period delaying if it is negligence of the executive we need to put in place laws to govern that issues – care taker president, interim shared government and so on.
- Legal training, harmonization of modern parliamentary procedures and traditional *Xeer*, should be implemented.

#### **2) To Somalilanders at large**

- The system of *Guurti* was engineered during the SNM struggle in the 1980s as a way of mobilizing and mediating the clans, and also reconciling the SNM's military and political wings and controlling internal democracy of the movement. After SNM victory they were represented clans in regional and national inter-clan peace conferences. In this multi-party system of democracy they should be a neutral agent between political parties and watchdog Somaliland's democratization.

- Members of the *Guurti* should have a good command of customary law, good knowledge of Islam, adult (40 and above), security treasured. This criterion should be respected when clans are nominating their members.
- I recommend that the *Guurti* should be indirectly selected by the clans in an under an agreed procedure, which, if necessary, can be the same we used in the Hargeisa Conference and whereas we cannot hold a conference, a process where titled clan elders in consultation with the elite clan intellectuals nominate their members.
- The parliament, in consultation with the traditional leaders, should either develop criteria for the recognition of elders, in order to reduce the nomination of disqualified members joining the council of elders.
- I recommend further researches to these areas
  - 1) How to harmonise of traditional customary laws, Islamic sharee'ah, and the civil law?
  - 2) What would be the best roles and responsibilities of the council of elders?
  - 3) The need and effect of decentralisation of the *Guurti* to regional and district legitimate bodies like local councils.

#### 5.4. Review

This chapter argued that the council of the elders accomplished more than they were expected. They were administered excellently for the peace and reconciliation conferences in Somaliland. They were independent to the politicians and they were representing of all clans in Somaliland. Talking the politicisation of the council of elders it was predicted that it will cause difficulties to our bicameral system of parliament. *Guurti* was the safeguarding and mediating institution of –, the increasing politicisation and influences from the executive organ undermined the credibility of *Guurti* as a sincere and impartial agent between the competing factions.

The chapter further discovers that the council of elders support democracy at the same time hinder the process of democratisation. This is because of encouraging the political parties to peacefully contest the elections and also hindering democratisation through extension of president's term. The chapter concluded to define the roles and

responsibilities of the council of elders, to nominate them by their clans. Finally the chapter recommended identifying the criteria of elder; the indirect election of *Guurti*; the creation of regional and local levels of councils of elder. The study recommends three further researches for related area.

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## APPENDICES

### Appendix A: Instruments

#### I. Focus Group Discussions Guidelines

- 1) Did the council of elders perform the historical duty they were in-charge?
- 2) If yes, how well did they perform it?
- 3) What would be the new role of the Council of elders since the country's Political system is multi-party system?
- 4) How do you think we should elect the members of the council of elders since our Constitution stated – they must be elected?
- 5) What would be the effect if the Council of elders elected through one-man-one-vote system?
- 6) If we elect the members of this council from the political parties it will be duplication of the House of Representatives "*Aqalka Wakiilada*" – don't we need another body to represent our traditional clan system for which we have a Sociological need?



## II. Interview Questionnaires

### Questionnaire Sample of the questionnaire used in the study

Dear respondent,

The purpose of this questionnaire is to study the role of elders in somaliland's political reconstruction and democratization. Please respond these questions as objectively and correctly as possible as this will be used in my partial fulfillment of the requirements of obtaining my masters degree. Thank you for your time and respond.

Name \_\_\_\_\_

Criterion \_\_\_\_\_

sex

Male : \_\_\_\_\_

Female : \_\_\_\_\_

1. What was the role of the council of elders "*Guurti*" in the process of national liberation, reconciliation, independence, rebuilding, democratization and development?

<input type="checkbox"/> Outstanding	1 _____	2 _____	3 _____	4 _____	5 _____
<input type="checkbox"/> Good	1 _____	2 _____	3 _____	4 _____	5 _____
<input type="checkbox"/> Average	1 _____	2 _____	3 _____	4 _____	5 _____
<input type="checkbox"/> Very poor	1 _____	2 _____	3 _____	4 _____	5 _____
<input type="checkbox"/> Poor	1 _____	2 _____	3 _____	4 _____	5 _____
<input type="checkbox"/> I don't know	1 _____	2 _____	3 _____	4 _____	5 _____

2. What will be the effect of the politicization of the council of elders to our system of government which is mixture of modern constitutional democracy and traditional essence?

<input type="checkbox"/> Make things easier	1 _____	2 _____	3 _____	4 _____	5 _____
<input type="checkbox"/> Nothing will change	1 _____	2 _____	3 _____	4 _____	5 _____
<input type="checkbox"/> Cause difficulties	1 _____	2 _____	3 _____	4 _____	5 _____
<input type="checkbox"/> I don't know	1 _____	2 _____	3 _____	4 _____	5 _____

3. What are the analytical experience of the Guurti within the political system and traditional leadership achievements such as conflict resolution, Empowering law and order, Protecting Human rights, Safeguarding customary laws and Sharia, and Hindering democracy ?

<input type="checkbox"/> Strongly agreed	1 _____	2 _____	3 _____	4 _____	5 _____
<input type="checkbox"/> Agreed	1 _____	2 _____	3 _____	4 _____	5 _____
<input type="checkbox"/> Disagree	1 _____	2 _____	3 _____	4 _____	5 _____

4. How do you think we should elect the members of the council of elders since our Constitution stated – they must be elected?

<input type="checkbox"/> From the political parties through One-man-one-vote election by clans	1 _____	2 _____	3 _____	4 _____	5 _____
<input type="checkbox"/> For nomination by the traditional leaders	1 _____	2 _____	3 _____	4 _____	5 _____
<input type="checkbox"/> We no longer needed, since peace and stability have been attained and institutions of government established.	1 _____	2 _____	3 _____	4 _____	5 _____

5. In what particular areas are Somalilanders themselves looking for change?

<input type="checkbox"/> Customary laws	1 _____	2 _____	3 _____	4 _____	5 _____
<input type="checkbox"/> Government structure	1 _____	2 _____	3 _____	4 _____	5 _____
<input type="checkbox"/> Amendments of some article of the constitution	1 _____	2 _____	3 _____	4 _____	5 _____

6. Are there present challenges facing Somaliland in terms of democracy particularly the council of elders?

<input type="checkbox"/> The influence of executive over Guurti	1 _____	2 _____	3 _____	4 _____	5 _____
<input type="checkbox"/> Joining of young unqualified members	1 _____	2 _____	3 _____	4 _____	5 _____

### III. Opinion Polling Questions

#### PARTICIPATE A RESEARCH RELATING TO THE COUNCIL OF ELDERS OF THE REPUBLIC OF SOMALILAND



THE AIM OF THIS STUDY IS PARTIAL  
FULFILMENT WHICH THE  
RESEARCHER WISH FOR TO ATTAIN  
THE AWARD OF MASTERS DEGREE  
(MA Development Administration and  
Management)

#### TITTLE OF THE RESEARCH

“THE ROLE OF THE HOUSE OF  
ELDERS ‘GUURTI’ IN SOMALILAND’S  
POLITICAL RECONSTRUCTION AND  
DEMOCRATIZATION”

**ABDISHAKUR HASSAN-KAYD – Researcher**

**MA Development Administration and Management - Student**

**Kampala International University (KIU)**

**Kampala, Uganda**

1. According to your point of view, what was the role of the council of elders ‘Guurti’ in the process of national liberation, reconciliation, independence, rebuilding, democratization and development?
2. What will be the effect of the politicisation of the house of the elders to our system of government which is mixture of modern constitutional democracy and traditional essence? *Reason your view so as to clarify your argument*

3. What are the logical experience of the *Guurti* within the political system and the traditional leadership achievements?
4. What is the way forward for Somaliland's bicameral system of parliament?
5. What are the qualities you desire that the members of house of elders must have: educational, traditional, religious, age etc? reason your point

### Instructions

1) If you are Somali Lander who resides in Somaliland:

- your fullname
- Region you reside (you registered in)
- Your telephone number

2) If you are a Somaliland citizen who resides in abroad:

- Your full name
- The country you live in
- Your telephone number

Send your answers attached with the above instructions to this email address:

guurti\_research@hotmail.com

THANK YOU

### NOTE:

“Your name, address and the information so gathered will be held in strict confidentiality and in no way will be transferred to third party. It will be used only in this study. Your rights are reserved.” **Abdishakur Hassan-Kayd**

## Appendix B: A Time-line for Somaliland

### A TIME-LINE FOR SOMALILAND

9/10<sup>th</sup> Century AD – Arab families settled in ports along the Somali coast spreading Islam

14<sup>th</sup> Century AD – Arab traveller, Ibn Battuta, provides vivid contemporary descriptions of life in the towns of Zeilla and Mogadishu.

1854

➤ Richard Burton visits Berbera and Zeilla on his way to the Muslim city of Harar. “first footsteps in East Africa” by Burton describes Somali society and culture, and people said to be a “fierce and turbulent race of republicans”

1874 – 1875

➤ The Egyptians was controlled Berbera and Bulahar

1820

➤ The British had first contact with the Somaliland coast in.

1825

➤ The crew of the brig Mari-Anne was murdered near Berbera by the people of Somaliland to not allow the whites to enter their country.

In 1884

➤ Two years later supplementary treaties were concluded. In fact the liberation movement began during the first days the British arrived on the Somaliland coast. This stemmed from the agreements that the Isaaq families had entered with the British. In order to administrate the protectorate the British stayed six months in Berbera and six months in Sheikh, which was the capital of the protectorate before being moved to Hargeisa

1895

➤ Ina Abdullah Hassan come to Berber from Arab country. Berbera, at that time was a commercial city with a peaceful environment. The activities and business of the city were dominated by Qadiriya philosophy. He began preaching Salihya doctrine, which he borrowed from Sudan. He accused the people of Somaliland an irreligious mode of life. Addressing the citizens with mystical actions, he initiated a great confrontation with Qadiriya fundamentalists (Somaliland people).

1896

Ina Abdulla Hassan mass murder Ahmaddiya settlement at Sheikh city for their rejection of his new doctrine that he borrowed from Sudan.

1899

- Ina Abdulla Hassan and his followers occupied Burao.

1920

- Nationalist Hajji Farah Omar became active.

1922

- DC of Burao was shot because of direct taxation.

1938

- Education department was established.

1939

- Demonstration in Buroa three Somalis was killed.

1940

- British administration evacuated Somaliland and Italians entered some parts of Somaliland.

1941

- Italians evacuated the protectorate.

1945

- Nationalist fighter Sheikh Bashir was killed.

1952

- Somali National League was founded.

1953

- Legislative Council was elected in Berbera.

1954

- The Somaliland's grazing land in Reserve area was surrender to Ethiopia.

1955

- National United Front was formed. Sultan Abdurrahman, Sultan Abdullahi, Michael Mariano and Abdirahman Ali (Dubeh) were delegated to London.

1957

- Unofficial legislative council was appointed for districts.

1959

- S.N.L. boycotted legislative council 15th April 1960 – legislative council adopted motion calling for independence and union with south.

December 1959

- S.N.L delegated members of the party leaders to Mogadishu. They were to inform their brothers in Somalia, that they would boycott the coming legislative council and they would discuss the ways and means of unifying Somaliland with the Somalia.

#### April 16<sup>th</sup> - 22<sup>nd</sup> 1960

- A conference was held in Mogadishu between. before the independence of the two states, it was agreed that when both territories had got their freedom, they would be united under one flag, one president, one parliament and one government.

#### 26th June 1960.

- Finally the protectorate came to an end. Thus, nearly four months after the general elections, British Somaliland became an independent state, with Mohamed H. Ibrahim Egal, the S.N.L. leader as the prime minister

#### 1<sup>st</sup> July 1960.

- Somaliland united with Somalia and formed the Democratic Republic of Somalia.

#### 9th December 1961

Early in the winter morning, a group of young officers trained at Sandhurst, headed by Mr. Hassan Abdi Walanwal (Kayd), divined that the current position of the north, that took the majority of the people twenty-five years to become conscious

#### 1961

- While the new constitution was overwhelmingly ratified in the previous Italian Somalia, it was soundly defeated in Somaliland evidencing the dissatisfaction of the populace there to the terms of the union into which their nationalist fervor had precipitously impelled them.

#### October 1962

- Northern ministers resigned.

#### 1964

- The first war between Somalia and Ethiopia over the Haud and reserved area, which Britain had ceded to Ethiopia, despite promises to the contrary to Somaliland prior to independence, broke out in.

#### 1964

- General election for parliament took place.

#### 10<sup>th</sup> July, 1967

- Egal's goal was to place in the ground a power sharing government. After, when his candidate won the presidential elections whose he campaigned from Somaliland people he was appointed the Prime Minister.

#### 15<sup>th</sup> October, 1969

- president Abdirashid Ali Sharmarke was shot in Las'anod, Sool region of Somaliland.

21<sup>st</sup> October 1969

- Six days later in Tuesday early morning about 3:00 a.m. the military staged a coup, the Egal's government seized and military regime of Mogadishu took over the power. The coup was ordered by the commander of the national army Gen: Mohamed Siyad Barre.

October 20, 1970

- Siyad Barre proclaims Somalia a socialist state on, "In our Revolution we believe that we have broken the chain of a consumer economy based on imports, and we are free to decide our destiny. And in order to realize the interests of the Somali people, their achievement of a better life, the full development of their potentialities and the fulfillment of their aspirations, we solemnly declare Somalia to be a Socialist State."

1972

- The country underwent a severe drought that caused 20,000 died in drought.

1977

- Siyad Bare proclaimed a war against Ethiopia over Ogaden.

1978

- Defeated in eight-month war with Ethiopia fought on behalf of Somali guerrillas in Ogaden to the southwest. Armed insurrection began in north and hundreds of thousands became refugees.

1979

- New constitution for socialist one-party state dominated by Somali Revolutionary Socialist Party (SRSP).

On 6 April 1981

- A group of Isaaq emigres living in London formed the Somali National Movement (SNM), which subsequently became the strongest of Somalia's various insurgent movements. According to its policy, the SNM rebels wanted to put an end to Siad Barre's dictatorship.

1981

- A group of young professionals organised themselves to tackle with some issues concerning the public. UFFO group (Hargeisa Self-help group) who volunteered their services to their homeland hospital was arrested from November 1981 – February 1982.

February 20<sup>th</sup>, 1982

- The scheduled day of the trial, student protests erupted the city. Disorder and civil disobedience prevailed. Faqash soldiers reacted by firing on unarmed



January - May 1993 In In 1989.

- The Grand Boorame Conference in Boorame town represents another turning point in Somaliland's improvement and progress. This conference resulted SNM transferred of power to civilian president.

In February 1994

- The clan-based militias were handed over their heavy weapons to Somaliland government. And national army formed. Many militia groups handed over their heavy arms in a big ceremony held at Hargeisa Stadium; and about 700 men were encamped at Dararweyne Camp where they were receiving civic education, military discipline and military training.

In November 1994

- The fighting between the government and Ciidagale clan erupted Hargeisa. And in early 1995 reached Buroa

October 1996 - February 1997

- The Hargeisa National Conference fixed a schedule for the change over from the *beel* (clan) structure to a multi-party structure considered by free and fair elections.

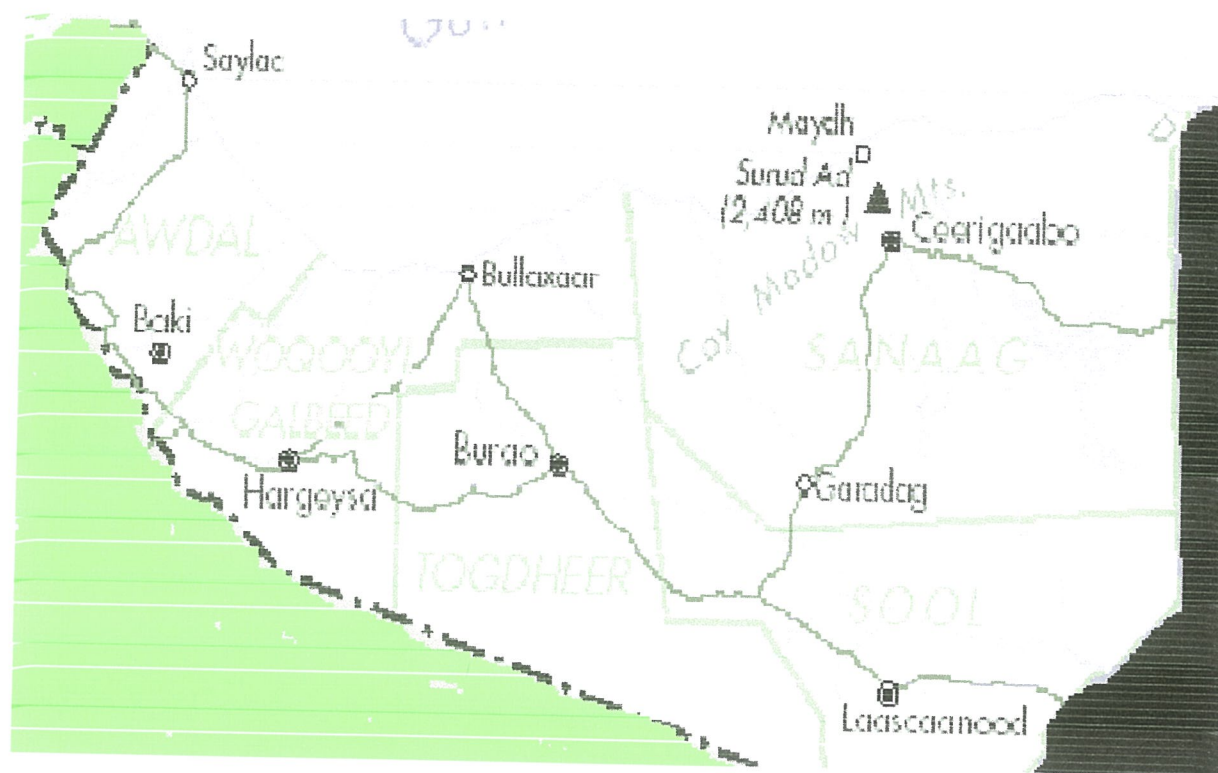
In 14 October 1996

- Somaliland adopted new flag (the present flag)

31 May 2001

- the constitutional referendum approved the provisional constitution with some modifications, by an overwhelming majority of 97.7 percent of the votes.

## Appendix C: Map of the Republic of Somaliland



## Appendix D: Photos (pastoral conference and Council of Elders Meeting)



Meeting under shade tree – Traditional conference - (source: Geeska Africa News paper)



Meeting of Somaliland Council of Elders – *Guurti* (source: Geeska Africa News paper)

## Appendix E: Break down of the Research participants

1. Titled Traditional leaders,	3
2. Clan elders,	15
3. <i>Guurti</i> members,	7
4. Politicians,	6
5. Poets,	4
6. Intellectuals,	18
7. Religious leaders	8
8. University lecturers	5
9. Journalists	5
10. NGOs (development workers)	19
11. University graduates	21
12. Business people	12
13. Students'	30
14. Opinion polling questions through email networks	52
<b>Total:</b>	<b>205</b>



## Appendix F: National declaration of Somaliland Traditional Leaders



Shirweynihii madax dhaqameedka Somaliland ee dhawrista xuquuqda aadamaha iyo adkaynta nabad gelyada Dec , 2006 , Hargeisa , Somaliland. (Ambassador Hotel).

### National declaration of Somaliland Traditional Leaders

December 4<sup>th</sup> – 10<sup>th</sup>, 2006, Hargeisa.

#### Declaration

The first ever national conference for the Somaliland Traditional leaders was held in Hargeisa from December 4<sup>th</sup> to 10<sup>th</sup>, 2006, funded by DRC, UNDP, and UNHCR and implemented by the local NGO Haqsoor.

The traditional leaders participating in the conference included Aqils, elders, Sultans, Boqors, Religious leaders, intellectuals, cultural experts, representatives from the Legal and Environment committees of the Somaliland parliament, representatives from the

social affairs committees of the Guurti, head of the Supreme Court, judges from Hargeisa Regional Court and representatives from the office of the Attorney General.

The vice president of Somaliland, H.E Ahmed Yussuf Yassin, officially opened the conference. He was accompanied by the Ministers of Interior and Justice, by Chief Aqil Haji Abdi Husein (Abdi Waraabe, the most elderly member of the Guurti), the commander of the Somaliland Police Forces, high ranking representatives of some international and local non-governmental organizations and eminent women and youth organizations members

The objectives of this conference were:

1. To unite and standardize the revised xeer in the customary law.
2. To adopt a national declaration on the united and revised xeer.
3. To establish a national networking body for the traditional leaders

The following Agenda items were tabled: -

1. Review and deliberation on practices of the Somali customary laws (Xeer) that are contrary to the international human rights standards and the sharia law such as: -
  - Revenge killing
  - Intentional killing
  - Payment and receiving of blood compensation (Diya).
  - Denial of the rights of Women, Children, Refugees, IDPs, and Minorities.
2. Standardizing the differing codes of the Somaliland customary laws.
3. Approval of a common national "Xeer" that will govern the damages caused by traffic accidents.
4. Ensure protection of the environment, both land and sea, wild games, proper management of urban land grabbing and land disputes and protection of the public properties.
5. Establish a frame work for a sustainable collaboration and dialogue among the traditional leaders

6. Support the establishment of permanent links between the traditional leaders and other relevant national institutions such as the parliament, police, judiciary, and the ministers of interior, justice, and environment.
7. Establish a frame work for conflict resolution among clans in proximate geographic locations
8. Capacity building for the traditional leaders with a view to empower them to professionally tackle their tasks.
9. Support the proper up keeping of healthy social norms and the elimination of unhealthy mal-practices such: - drugs, importing and watching obscene films, the application of the harmful skin whitening creams and the private mingling of young men and women in public and private places.

After an in-depth and prolonged deliberation among the traditional leaders and other concerned parties, the adopted resolutions were grouped as follows: -

- a) Some resolutions were addressed to the lawmaking institutions for the purpose of codifying them into a law.
- b) A group of resolutions aimed at strengthening the collaboration of the traditional leaders among themselves and at establishing more cooperation with the other concerned parties were set aside for the traditional leaders to implement.
- c) Specific recommendations addressed to the government institutions, international and local organizations were made.

The traditional leaders agreed to nationally standardize and adopt the following customary law codes (XIFER): -

**Revenge killings: -**

The traditional leaders realize that this is a criminal act against an innocent person in retaliation of a crime committed by his relative(s).

### **Main causes of revenge killings: -**

The Somaliland traditional leaders identified the main causes of recurring revenge killings as follows:

- The perpetrator enjoys clan protection and is not arrested and brought to face justice
- Where compensation for a prior case is not paid or kept dragging for a long period of time.
- Where the property taken over or looted in time of conflict is not returned to the original owners.

### **The Somaliland traditional leaders declare: -**

- a) That revenge killing is totally abolished and prohibited
- b) That the perpetrator of revenge killing should not be assisted, protected or facilitated to escape justice. From now on, the killer on revenge immediately loses the clan protection and will be considered a criminal.
- c) The payment of blood compensations already agreed upon by the concerned parties must be promptly paid on time, without delay, to avoid more bloodshed.
- d) All pending inter and intra conflict cases must be resolved as soon as possible by the concerned traditional leaders.
- e) All properties looted or taken over in time of conflict must be returned to the original owners.
- f) Judicial judgments passed on the killers and other criminals should be executed without much delay by government.
- g) Legal action must be taken against those who propagate revenge killing or offer assistance or protection to the perpetrators.
- h) Regular advocacy campaigns must be made by the traditional leaders to raise the public awareness on the implementation of the revised customary law codes through out the Somaliland districts.



**If the killer escapes justice, the traditional leaders agreed to take the following steps:**

1. If the perpetrator escapes, the responsibility of pursuing him to get arrested to face justice lies with his immediate clan/sub-clan members, including his traditional leaders. The support of the government authorities, the police and the community are deemed to be necessary to arrest the criminal and take him to court.
2. If the clan or the sub-clan fails in their pursuit and the situation is relatively calm, their elders are required to give a solemn oath that they have honestly tried their best to arrest the criminal and have exhausted all other means of getting hold of the killer. The other party is also required to accept the oath of the suspected killer's elders and the proceedings of blood compensation should soon follow.
3. If, however, potential confrontation and an inflamed situation prevail among the two disputing parties, it is advisable for the police and other concerned local authorities to take all necessary measures to contain the conflict. The traditional leaders approve the temporary arrest of close relatives of the killer and some of his elders if this can contribute to the general security or the safety of some members from the two sides to calm down the situation. But the option is always open for the family of the victim to wait for the arrest of the killer as long as they wish without receiving any blood compensation.
4. If the murder case is resolved in agreement with both parties, the traditional leaders consider it as closed case regardless of the position of the local authorities.

**Killings committed by the armed forces and the police members: -**

The traditional leaders declare that, resolving the killing cases, committed by the members of the armed forces and the police members fall under the responsibility of the government. This includes the arrest and the trial of the killer and the payment of the blood compensation.

**Killings by the government employees:**

The traditional leaders declare that resolving cases of killing committed by the government employees falls under the responsibility of the perpetrators and their clans.

This includes the arrest and the trial of the killer and the payment of the blood compensation.

**Standardization rate for the blood Compensation:**

- Compensation payment for both death and injury whether accidental or deliberate to a male or a female, is determined by applying the Sharia..
- Compensation should be borne by the perpetrator in the first place, while he might plead for assistance from his/her kinsmen as ordained by the sharia.
- It is agreed by the traditional leaders that the cost of Diya for a male is fixed at 100 camels according to the Sharia.
- The traditional leaders propose that the price recently determined by the Supreme Court for the cost of a camel in diya paying to be 500,000 Somaliland.Shillings be revised and reduced to 300,000 per head.

**Traffic and marine accidents: -**

Following the disintegration and the break down of the insurance system, the traffic and marine accidents and the consequential rules all fall within the customary laws realm at present.

There are difficulties to classify accidents as negligence, deliberate, or unavoidable. In the event of the driver's death, compensation on his part stands. Compensation payments and the determination of those who can be held responsible for it (driver and vehicle owner) vary from region to region. The same problem prevails in the case of marine accident.

The traditional leaders support the recent endeavors taken by some vehicle owners, in some districts like Gabiilay, on the establishment of special funds raised by an association of drivers to meet this problem.

**The traditional leaders' resolution on Traffic accidents: -**

The traditional leaders agreed that the traffic police report must be sought and the content of such report is binding to all concerned parties. But the cost and responsibilities of the damages caused by such traffic accidents must be dealt through the Sharia laws.

In the rural areas, where it is difficult to get the required traffic police report, the Sharia law is then the only binding rule. The traditional leaders all confirmed that the reports from the traffic police are considered by them to be reliable.

- The report of the traffic police is the source referred to, to determine whom to blame on the responsibility of a traffic accident and the damages that may follow it. Compensations paid for the damages incurred during the traffic accidents should be in accordance with the Sharia
- The traditional leaders agreed to refer all traffic accident cases to the traffic police, respect the police report and then proceed to solve them according to the Sharia law.
- The traditional leaders call the government authorities to stream-line, strengthen and make fully effective traffic and marine laws.

The adjurations of this issue under the traditional system are hence forth waved and the above mentioned points of xcer will be applicable.

#### **Rights of Women: -**

The traditional leaders declare that the rights of women must fully be protected in accordance with the Sharia law. This will cover violations such as: -

- Rape, slander, harassment, inheritance rights, forced marriage.
- Arranged marriage, divorce, and dowry payment.

The parliament must pass the applicable provisions on these issues.

The current secular law will be applied on all violations on the rights of women until the passage of the new provisions on these issues by the parliament.

The traditional leaders call for the full protection of the rights of women in Somaliland. They are also committed to advocate for the implementation of all the changes made in the harmful codes in the customary law that promote more protection on the rights of women.

## **Children rights: -**

The major problems besetting the children are: -

- a) Illegal imprisonment, maltreatment in prisons, and undesirable practices gained from the detention centers.
- b) Heavy and burdensome work, low salary or lack of payment, and without redress.
- c) The total lack of health, educational, and welfare services.
- d) Lack of awareness of their legal rights.

## *Redress measures:*

In this context the traditional leaders propose: -

- The launch of country wide advocacy campaigns to raise public awareness on the rights of children and their proper upbringing and guidance.
- The traditional leaders see that the traditional system is best suited to deal with juvenile justices. They call the police and all concerned parties to settle all cases that involve children through the customary law before passing them to the police stations and public prisons.
- Special juvenile centers should be established for children in conflict with the law. These centers must aim to properly educate and reform the delinquent children and provided with adequate educational, health and recreation facilities.
- A formal law should be promulgated to handle violation against children.
- The children should not be engaged in works with negative and damaging impact on their health physical and moral well being. The traditional leaders condemn all sorts of child labor in Somaliland.
- The traditional leaders urge the government to speedily ratify the international Child Rights Convention (CRC) law passed by the parliament.
- The traditional leaders call for the Ministry of Justice to establish a special office that would take care of the protection for the rights of the children and their general welfare.
- The government, business persons, the community, and religion authorities should co-operate on the establishment of special fund to help the poor, neglected and street children in Somaliland.

- The traditional leaders commit themselves to work hard for the protection and taking proper care of the children. They call the general public, international and local organizations to assist the traditional rulers in their engagement in the promotion and protection of the welfare of children.

### **The rights of Refugees, Foreign Humanitarian Workers and IDPs:**

The traditional leaders declare:

- Traditionally, the foreigners, including refugees, in our country are considered as our guests. They must therefore be treated well, in accordance with the courtesy and hospitality enshrined in our customary law and culture.
- Any action or utterance that poses a threat to the security, property or dignity of refugees, IDPs and foreigners is absolutely prohibited.
- Except for the right of citizenship, the refugees, IDPs and foreigners are entitled to equal rights with the citizens in regard to their safety and pursuit of their individual rights and assignments.
- Their protection is the responsibility of the society at large, the national institutions, and the traditional leaders and human rights organizations.
- To be constantly informed on their daily state of affairs, the refugees and the displaced persons, the traditional leaders recommend them to form among themselves a team of elders who would liaison with other Somaliland institutions and with other traditional leaders for the protection of their rights.
- It has become apparent that district committees linked to the police through the Community Based Policing Policy, as already established in Burao, could play a vital role in offering protection assistance to Refugees and IDPs in Somaliland.
- Full advocacy campaigns must be conducted by the traditional leaders to raise the public awareness on the rights and the protection of the refugees and the IDPs in Somaliland.
- It is incumbent on the refugees and IDPs to respect the laws, the culture and the faith in their host country.

### **The rights of Minorities:**

The traditional leaders unanimously declare that all forms of discrimination are hereby abolished: -

- The traditional leaders acknowledge that little progress has been made so far on the free inter- marriage with the minority groups. They call for the social reintegration of the minority groups in all aspects of their daily life.
- The traditional leaders call the parliament to pass a law on discrimination to legally protect the rights of the minority groups.
- The traditional leaders call for a proportional quota to be granted to the minority groups in the elected parliament and local council bodies, so that they could have political representation.
- To raise the social status of the minority groups, they must be granted with specific portion of employment opportunities in all formal institutions.
- Since they do not possess their own geographical constituency, development organizations, international and local agencies should devise special target projects that will enhance the capabilities of the minority groups in all possible respects.
- The traditional leaders believe that a lot has to be done before the minority groups fully get reintegrated into the rest of the Somaliland community. Therefore, some long term programs on health, education, shelter and human rights awareness and promotion are required for them to attain equality with the rest of the society.

### **The preservation and Protection of the Environment:**

The traditional leaders were united in addressing the disastrous devastation afflicting both land and sea environment. The livestock sector, which constitutes the single livelihood source for more than 70% of the pastoral population of Somaliland and is the foreign currency earner, is in total disarray and needs immediate interventions. Failure in this aspect will determine the fate of Somaliland society for the worst. Environment disaster is proceeding from the following:



1. Ever-expanding desertification following from over-grazing in the communal grazing lands.
2. The drainage of rain water through vehicle created tracks turning into gullies that drain water to areas outside the grazing lands.
3. The establishment of illegal individual grazing enclosures in the communal grazing land.
4. The burning of the green trees for commercial charcoal production.

The traditional leaders resolve the following: -

- 1) That charcoal burning and cutting down of green tree is henceforth banned.
- 2) The Somaliland law-making institutions are requested to promulgate a law on the preservation of the environment. A provision on the total prohibition of charcoal exports and imports and transporting should be passed by the ministry of rural development and environment; while existing laws must be fully implemented.
- 3) The traditional leaders should form a committee of elders in all districts to protect and monitor the environment and take immediate action against all perpetrators.
- 4) Law making institutions should pass a law directed at those involved in charcoal trade, in transporting charcoal and those who actually engage in burning green trees
- 5) The Government should urgently look for, and provide alternative sources of energy, such cheap tax exempted kerosene and stoves for cooking, mining of local coal deposits, solar and wind energy.
- 6) The government, in collaboration with international and local agencies, should provide alternative employment opportunities for youth engaged in charcoal production.
- 7) The government is requested to ban the import of all the soft shopping plastic bags as they pollute both land and marine environment.
- 8) Rain water management projects that could have the dual purpose of providing livelihood support and diverting the flow of rain water through the gullies should be under-taken in the communal grazing land areas.

### **Illegal Grazing Enclosures:**

To properly address the illegal enclosures that some individuals made in the communal grazing lands, the traditional leaders declare the following:

1. The traditional leaders call for the concerned ministries of agriculture, livestock, rural development and environment and the ministry of water and mineral resources to make a definitive demarcation between agriculture and grazing lands through out the country.
2. The law making institution are required to promulgate a law rendering the activities of the private enclosures inside the communal grazing lands as a criminal act that could be dealt with adequate punishment provision.
3. The previous forestry guards should be re-established to take care of the proposed seasonal grazing reserves.
4. The previous seasonal grazing reserves should be re-instated and others established.
5. All necessary measures must be made to stop burning and cutting down green trees for charcoal production and new efforts must be made to plant new acacias trees and grass for pasture.
6. All illegal enclosures should peacefully be removed to open all the available communal grazing lands for the common pasture of all.
7. The traditional leaders should under-take advocacy campaigns and raise the public awareness to properly rehabilitate the environment.
8. The international organizations, LNGO and the Government should adequately invest in the preservation, rehabilitation and protection of the environment.

### **Protection of Game and Prohibition of exporting female animals:**

1. The traditional leaders prohibit hunting for game or pleasure to give more time for many species to breed.
2. The natural habitat ideal for the breeding of the wild game must be rehabilitated and protected.



**Illegal Grazing Enclosures:**

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3. The ban on the export of female livestock heads should be fully enforced.

#### **Marine Resources:**

The major prevailing issues are:-

1. Massive illegal fishing in our seas.
2. Devastating fishing methods
3. The dumping of chemical and nuclear waste in our waters.

After lengthy discussions, the traditional leaders urge all concerned to:-

1. The strengthening of effective implementation of the marine laws.
2. The constant inspection and monitoring of the fishing methods of fishing vessels in Somaliland waters.
3. The Somaliland coast guides be fully equipped and trained to prevent both illegal fishing and dumping of chemical and nuclear waste in Somaliland waters.

#### **Urban land disputes:**

The traditional leaders, who are always involved in conflict resolution, are very much aware of the current and excessive land grabbing going on in urban areas. This practice is a real and tangible burden for the secular, traditional and for the Sharia courts. Land disputes are thought to be fuelled by the high unemployment level in urban areas, made worse by the migration of rural people to urban centers and the scarcity of resources in the country.

The traditional leaders note that the weak land management policy of the local district councils contributes to recurring land disputes and related conflicts. They call the local government authorities to formulate the applicable land policies to address the land disputes in all districts of Somaliland.

The traditional leaders acknowledge that:

1. Land is originally owned by Allah.
2. Only the government and its mandated offices take the responsibility of land management.

3. The council members in the local governments are expected to make the necessary and accurate land registration and issuance of property certificates.

**Social Norms and conduct:**

The traditional leaders are aware of the undesirable and socially damaging practices seeping into our social frame work and which need to be addressed as soon as possible.

The traditional leaders urge:

1. Parents should take all possible measures to educate their children in socially healthy norms.
2. Intensive campaigns should be undertaken to educate the communities on the desirable social norms.
3. Rehabilitation centers should be established for delinquent persons.
4. Appropriate provisions should be passed by the law making institutions directed at such undesirable social practices.
5. To prohibit by law, the trading and use of all types of narcotics, the display of immoral films, the use of skin whitening drugs that pose health risks to the users.
6. To pass legislation with heavy punishment for acts and utterance that defiles the religion, God and the prophet.
7. The communities must unite to combat all forms of immoral social practices.

**Working relationship between the traditional leaders, different organs of the state, international organizations:**

1. The traditional leaders, hereby, pledge to double their efforts on reconciliation, peace building and conflict resolution.
2. They are willing to strongly build and promote better working relationship among themselves, and to establish viable working relations with the Sultans, Garaads, Boqors, Sheikhs and other traditional leaders, government authorities and the parliament of Somaliland.

3. The government is requested to strengthen the role of traditional leaders and to provide them with adequate support, including increase of their modest salaries, which will enable them to exercise and fulfill their indispensable responsibilities.
4. The traditional leaders call all concerned to provide them with the required support to get fully and freely engaged on promoting peace, human rights and conflict resolution
5. The traditional leaders believe that proper programs should be developed to enhance the close collaboration between them and the other key players of peace, human rights and good governance. They advise for better working relations with the government organs, the parliament, the police and the judiciary.
6. The traditional leaders recommend the construction of meeting centers (Houses for Aqils) in all regions of Somaliland. The House for the Aqils in Burao built by the government and the one in Borama built by the Danish Refugee Council (DRC) are good examples of these centers.

#### **Implementation of the revised and standardized customary law codes:**

The traditional leaders agreed on that the implementation of the revised codes and other calls would be processed into different components as follows: -

1. The traditional leaders set aside some of the codes for them to adopt in their day to day activities as usual.
2. The traditional leaders would pass some of the revised xeer to the Sultans, Boqors and Garaads before taking them to the parliament to pass them into laws.
3. The traditional leaders would make the necessary lobbying in the parliament to put some of the codes discussed in the national conference and approved by the Sultans, Boqors and Garaads, into a law before implementing them.
4. The traditional leaders asked several government ministries including the ministries of interior, justice, rural development and environment and other concerned institutions to take the applicable and appropriate actions to practically support and adopt the recommendations of the traditional leaders on addressing

some of the xeer in their national declaration. from district, regional and national levels

5. The traditional leaders request their followers, the local, international and UN organizations to support them to successfully implement their initiatives of promoting more respect for human rights, peace and protection for the vulnerable groups in the community. The traditional leaders make their commitments to continue to act as agents of change and human rights defenders.

**The traditional leaders summarize the fruitful and immediate out put of this national conference as follows:**

1. Holding this historic national conference was an unprecedented milestone opportunity for the traditional leaders from the six regions of Somaliland to meet under one roof and to know each other and share their experiences.
2. It contributed to open the doors, for the first time, to a sincere dialogue between the high ranking government national authorities and the traditional leaders.
3. The traditional leaders were glad to meet and listen to the valuable ideas, advice and opinions from the civil society and other stake holders like the attending poets, religious leaders, members of the women organizations, representatives of internally displaced persons, and officers from the local, international and United Nations organizations.
4. The traditional leaders acknowledge that their attempts in revising and standardizing the customary law codes were much easier in contrary to their expectations. Thanks to the expertise of the facilitators in managing to smoothly and tactically run through the sensitive issues. This approach gained the confidence and trust of the traditional leaders and other participants and helped them to feel comfortable to avoid quarrelling among each other and they reached common and amicable consensus agreements.
5. The traditional leaders appointed a national 30 member committee equally distributed for the six regions that would make the coordination for all the activities of the traditional leaders in the future.

The traditional leaders and other participants thanked the Danish Refugee Council (DRC), United Nations Development Program (UNDP), United Nations High Commissioner for Refugees (UNHCR) for funding this important and historic traditional leaders' conference and to Haqsoor local NGO for preparing and facilitating. They also express their thanks to the ministry of interior for the vital role to make this conference a success.

**Appendix G: Seminar of Peace and Human Rights for the Aqils and Traditional Leaders of Hargeisa Region**

**REPUBLIC OF SOMALILAND**

**SEMINAR OF PEACE AND HUMAN RIGHTS FOR  
THE AQILS AND TRADITIONAL LEADERS OF  
HARGEISA REGION.**

Hargeisa Aqils and traditional leaders gathered to attend the 4<sup>th</sup> seminar of peace and human rights held at Ambassador Hotel, Hargeisa from June 22-24, 2004. This seminar was the last one of a series of workshops held for Hargeisa traditional leaders. The seminar was financed and supported by DRC and facilitated by Haqsoor NGO. Also, representatives for the Ministries of Interior and Justice and Hargiesia administration tirelessly assisted in the arrangement and organization of the workshop.

During the three days of the workshop, the Aqils and the other participants of the seminar thoroughly discussed many issues. These include consolidation of peace, respect to human rights, revitalizing the customary law and elimination of the bad rules that are not compatible with Islamic teachings and human rights principles. These practices sometimes create clan-based clashes and as a result murder, revenge killing and delay of Diya payment becomes widespread. The participants also discussed human rights violations such as abuse of women's rights. These include rape, denial of their share in inheritance, widow inheritance etc. In addition to these, the Aqils discussed: the rights of children, discrimination and prejudice imposed on minority clans, strengthening of social services, marriage accessibility, violations committed against the rights of foreign expatriates and all the foreign guests, environmental degradation, land dispute, Hargeisa water problems and consolidation of peace and stability.

We, the Aqils and the traditional leaders of Hargiesia region attended this workshop, do hereby summarize the points we agreed upon:-

1. We ratify the enforcement of Islamic Sharia law, strengthening peace and stability, respect to human rights believing the international conventions of human rights as prescribed in the constitution of Somaliland Republic.
2. We agreed upon the elimination of all bad xeers in our customary laws that are against the Islamic religion and violate the rights of individuals.
3. We acknowledge the importance of having a unified traditional leaders and Aqils who are committed to consolidation of peace, ensuring justice and contributing to the country's development and respect to human rights.
4. We agreed upon to prefer the national interest to individual benefits and at the same time serve our country and our community in a sincere and genuine manner.

After the Aqils extensively discussed the above-mentioned topics, they ratified this resolution and the subsequent points:-

### **1. Customary Law.**

All the captions of the customary law that are contrary to Islamic teachings and human rights principles are null and void.

### **2. Revenge Killing.**

To eliminate the culture of revenge killing and ban it while harsh punishment is taken against those who encourage it. The culture of revenge killing is against the Islamic religion, human rights principles and the safety of the general public. Also, it creates hostility and enmity among the community.

### **3. Intentional Killing.**

Intentional killing and all kinds of crimes are direct violation of the rights of individuals, Islamic teachings, and all the principles of human beings. Therefore, we unanimously call for the Aqils and traditional leaders to bring the murderers to justice. The murderer should not be given support and protection on the basis of clan affiliations. If the murderer could not be brought to justice after all efforts to bring him to justice exhausted,



the family of the murderer should swear in the name of Allah that they sincerely failed to catch the murderer. Similarly, the family of the deceased person should believe the swear.

#### **4. Compensation.**

The ultimate aim of compensation is to help the family of the deceased person forget the misery and grievance caused by the death of their beloved ones and relieve them the burden. However, this could not be perceived support and protection extended to the murderer.

- a) Intentional killing in which the concerned parties agreed upon a general consensus, the murderer should be the first one who feels the financial burden that stemmed from his act and pay the Diya. His clansmen should assist him in paying ONLY what he could not avoid.
- b) Anyone who commits serious crimes should not be set free instantly if and when the parties reach consensus.
- c) The compensation of unintentional killing should be paid collectively by the clan.
- d) The value of Diya is hundred (100) camels or equivalent price no matter how important the deceased person was. As Islamic Sharia states, there is no compensation above this and no one can demand it. In other words, the status of the deceased person has nothing to do with the price of Diya.
- e) Only the family of the victim is entitled to receive the compensation when deducted the expenses incurred for the purpose of collecting it as Islamic Sharia law and human rights conventions instructs us.

#### **5. The Right of Women, Orphanage and Children.**

The rights of women, orphanage and children should be respected.

- a) Every possible effort should be made in order to give care and protection to the children scattered throughout the streets, caring after the orphans, reviving the orphanage centers, boarding schools, extension of basic education to both rural

and urban areas and at the same time ensuring that both girls and boys have equal access to education. The community should fully participate in education programs, protection of schools and the welfare of teachers.

- b) We have to restore our culture that based on protection and the welfare of the family because it is now apparent that men neglected their responsibility and women were left performing domestic jobs and earning income as the sole bread winners for the family.
- c) The inheritance should be divided as the Sharia law states. We have to be careful about the violations that result from the denial of inheritance.
- d) The widow whom her husband dies is free to decide her second husband, as she was free in selecting her first husband without pressure or intimidation.
- e) Anyone who violates the rights of women and commits crimes such as rape should be hardly punished while greater respect is given to women as our previous culture that complied with human rights principles and Islamic teachings prescribed.

## **6. The Rights of Minority Groups.**

The Gaboye communities do have their constitutional rights just as other clans according to Islamic Sharia law and international conventions of human rights. Therefore: -

- The Aqils and the traditional leaders are calling for the elimination of all discriminatory measures imposed on the minority clans contained in our culture.
- We have to assist them in realizing their basic rights of intermarriage, education, employment and all social services.
- Harsh steps should be taken against anyone who violates these rules such as those violently discouraging the intermarriage of the minority groups and other Somaliland community.
- We have to assist them in re-obtaining their confiscated assets.

## **7. Strengthening Public Services.**

There are many problems encountered by the poor people in the delivery of social services. These include uneasy access to affordable health and education services. The poor community lacks the means to reach private health clinics and private schools due to the financial hardships on the ground. Doctors and the teachers give the first priority to private health clinics and privately-owned schools - a choice which is not feasible for the vast majority. To this end, we call upon to strengthen the existing public services while it is quality and accessibility is upgraded so that the poor people could take advantage of it. Doctors should consider their position and devote more time to care their community.

### **8. Easy Accessibility of Marriage.**

It is equally important to make the marriage something feasible and payable and eliminate all unnecessary costs such as unaffordable dowry and other marriage costs. Also, the youth should be trained so that they can work independently.

### **9. Care and protection of Public Property.**

- a) We have to improve the awareness of our community so that they can develop a sense of ownership and protect public properties such as schools, health clinics and government buildings.
- b) The local community should participate in the development and sustainability of education, health and water projects.
- c) Also, when such projects are to be implemented, the local communities should be consulted with so that they can prioritize their needs.

### **10. Environmental conservation and Livestock rearing.**

Livestock constitute the backbone of our economy though it is now apparent that they are on the verge of extinction due to the recurrent droughts coupled with the damage we caused to the environment. All the communal grazing lands were fenced and the livestock don't have land to grass. Therefore, the Aqils issued the following points:-

- a) Agricultural areas and grassing lands should be differently marked while the illegally fenced lands should be immediately removed. In the cultivated land, when the crops are harvested, the area should be set free for all livestock to grass.
- b) Generally, when cultivated land is harvested, the livestock should have an unconditional access to grassing.
- c) Cutting trees down for charcoal and all the harmful acts that damage the environment should be put to an end and banned while the communal grazing land and forestry forces are to be restored.
- d) We have to think of finding and devising an alternative energy to substitute the use of charcoal such as solar system energy and electric utensils.
- e) Stiff measures should be taken against those export charcoal while harsh measures are to be imposed on all those who are contributing to the destruction of the environment
- f) The livestock should be cared of, better fed and protected so that they will not extinct.
- g) Aqils are ready to collaborate with the government in destroying the fenced communal grazing land, stopping cutting down the trees for charcoal purposes and eliminating of all the measures that damage our environment

## **11. Land Dispute.**

Land is a publicly owned asset and the responsibility of its proper management lies on the shoulders of the government. Therefore, it is necessary that the central government manage its utilization so as to everyone can have a plot to live in. It is the belief of the Aqils that there is no land scarcity in our country but the problem is that a feasible and working strategy to manage the land is not in place. Aqils and the traditional leaders are ready to assist the government in adopting this strategy. When land dispute arises between two individuals, it should not be perceived as if though it is a dispute between two clans. The concerned government agencies should be allowed to exercise their constitutional rights and manage the problem.

## **12. Hargeisa Water Problem.**

The government should pay every possible effort to satisfy the water needs of the residents of Hargeisa, the capital city. The problem of water scarcity in Hargiesa is deteriorating and it is putting a lot of pressure on the community particularly women and children who spent a great deal of their time in fetching water.

### **13. Foreigners and foreign Expatriates.**

Development and progress can only take place when communities interact with each other while backwardness results from isolation. Thus, as the teachings of Islamic religion and human rights principles instruct us, we must:-

- a) Respect the rights of foreigners in our country. We have to protect their lives, properties and their dignities. We must make our community feel the importance that foreign expatriates have on our country's development and our quest for recognition.
- b) We have to put the highest alert possible in place and keep a close eye on those undermining our peace and stability and hunting down our guests. We must pay every possible effort to bring the perpetrators who committed crimes against the lives of foreign expatriates in our country before justice.
- c) We have to give their due respect to foreign expatriates and all foreigners in our country.
- d) All the foreigners in our country are on their hand required to comply with the rules and regulations of the country and respect the culture and norms of the society.

### **14. Consolidation of Peace.**

Peace and stability are pre-requisite factors for progress and development in terms of individuals and community levels. We believe that every individual is in dire need to have a security and peace. Thus, it is important to work for the strengthening of peace and stability. We have summarized here some important points we considered to be contributing to the consolidation of peace:-

