Gauging the Feasibility of Local Ownership in Security Governance in Fragile States

A comparative study of south/central Somalia and Somaliland

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Table of Contents

Preface and Acknowledgements

This master thesis was written in partial fulfillment of the degree of Master of Science in Conflicts, Territories and Identities at the Radboud University Nijmegen. I started this degree in September 2008 and after a year and a half of taking courses, writing papers and going abroad for a study trip to Bosnia-Hercegovina and an internship in South-Africa, I am absolutely amazed by what I have learnt from all those people whose courses I took, whose advice I followed and whose friendship I cherish.

I became interested in the subject of local ownership when I became involved in research on a community-based approach to disarmament, demobilization and reintegration (DDR) in fragile states. This research formed part of the working group 'Community security and community-based DDR' of the Peace Security and Development in which I took part. This research internship exposed me to the policy debates relating to security provision in post-conflict fragile states. In particular, I became interested in the question of ownership in security provision. The concept is relatively undefined yet at the same time speaks for itself. This ambiguity in the nature of the concept drew my attention and was an important stimulus to start thinking about the subject.

My research internship at the Institute for Security Studies (ISS) in Pretoria, South-Africa, was another important factor that helped me formulate my research proposal. In Pretoria I was mostly working on Somalia and I was fascinated by a country so damaged by decades of warfare and still struggling to attain a better future. My stay at the ISS was an enriching experience because it exposed me to the workings of research institute. Moreover, the discussions with all the knowledgeable researchers of the ISS helped me to formulate my thesis research proposal.

However, this thesis would not have become reality without the help and encouragement of a number of people. First of all, I would like to thank Willemijn Verkoren for her excellent supervision. I am very grateful for her insightful comments and analytical remarks which provided so much direction during the writing process. Thanks also go out to my second reader, Mathijs van Leeuwen. My supervisor at the ISS, Paula Roque, helped me to become acquainted with Somalia and her expertise on the Somali studies was very illuminating. The many, many discussions with my co-interns at the ISS, Gitonga Muranga, Marelie Maritz, Jimmi Larsen, Philippe Asanzi, and especially Ottilia Maunganidze, have also been very stimulating in the formulation of my thoughts. Many thanks also go out to my great friends Tal Ullmann, who assisted me in the editing process, and José Dominguez Alvarez, who was of great moral support in the last moments of the writing process. Last but not least, I would like to thank my fellow students, parents and friends for their support and discussions on the subject throughout the last year. Thank you all!

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Abbreviations

AMISOM – African Union Mission in Somalia

ARS – Alliance for the Re-Liberation of Somalia

ARS- A – Asmara based faction Alliance for the Re-Liberation of Somalia

ARS-D – Djibouti based faction Alliance for the Re-Liberation of Somalia

AU – African Union

CHS – Commission on Human Security

DAC – Development Assistance Committee

DCAF – Geneva Centre for the Democratic Control of Armed Forces

DDR – Disarmament, Demobilization and Reintegration

EU – European Union

IGAD – Intergovernmental Authority on Development

ISS – Institute for Security Studies

NGO – Non-Governmental Organization

NSS – National Security Service

OAU – Organization of African Unity

OECD – Organization for Economic Cooperation and Development

RDRD – Remobilization, Demobilization, Reintegration, Disarmament

SNM – Somali National Movement

SRSG – Special Representative of the Secretary-General

SSDF – Somali Salvation Democratic Front

SSE – Security Sector Evolution

SSG – Security Sector Governance

SSR – Security Sector Reform

TFG – Transitional Federal Government

UDHR – Universal Declaration of Human Rights

UIC – Union of Islamic Courts

UN – United Nations

UNDP – United Nations Development Programme

UNITAF – United Nations International Task Force

UNOSOM – United Nations Operation in Somalia

US – United States

USC – United Somali Congress

Chapter 1

Introduction

Somalia has been a country without an effective government since the fall of Siyad Barre's regime in 1991. Multiple attempts to establish an administration with sovereign control over Somalia's entire territory have been undertaken but none of them has been very successful. Part of the reason is the complexity of Somali society, which is known to center around five major clans, each consisting of sub-clans and other groupings that change alliances per issue and over time. Over the past eighteen years many efforts have been made by the international community, notably the United Nations (UN), the United States (US), and the East-African Intergovernmental Authority on Development (IGAD), to restore legitimate governance in Somalia. Such interventions have been typified as top-down approaches to state-building. What is meant is that interventions have been state-centered both in the process and the product of state-building. As such, top-down approaches to state-building are designed and implemented at national level and aim to contribute to the legitimacy of the central state.

These top-down approaches to state-building have been criticized because they did not take the precarious nature of Somali society's clan interests into account. In particular, the consistent top-down approach to state-building in Somalia has been unrepresentative and exclusive in nature because in the process some clans were privileged over others, which inspired new rounds of conflict between clans. Whereas clan imbalances are perhaps unavoidable given the large number of clans and sub-clans, it is important that those imbalances are not perceived as unjust and regarded as potentially threatening. Processes to reconcile clans are instrumental in this regard but have mostly been neglected in attempts to resurrect a legitimate central government.

While the UN and US between 1991 and 1995 were primarily engaged with brokering political compromises between warring factions and ensuring the delivery of humanitarian aid in south/central Somalia, the north-western region of Somalia, a territory roughly corresponding to the borders of the former British Protectorate, had declared itself independent in 1991. The proclamation of the Republic of Somaliland has been followed, in stark contrast with south/central Somalia, by remarkable political, economic, and social development. The formation and consolidation of governance in this break-away region was the result of a lengthy process of conflict resolution that settled long-standing disputes before embarking on the question of governance and the accompanying division of power. Somaliland's secession has until today not been recognized by the international community. However, it has not been condemned either, because the former British protectorate is relatively democratic and has declared itself independent from a country dominated by lawlessness.

Lewis (2008, ix), who is considered to be a leading academic authority on the history

and culture of Somali people, and the Somaliland expert Bradbury (2008, 106) write that at the core of Somaliland's success lie the grassroots, bottom-up initiatives that were adopted by Somaliland clans to achieve political consensus. With bottom-up approaches to state-building I mean community-based, people-centered processes and products that are designed and implemented at local level and aim to promote security of the people instead of the state. In the case of south/central Somalia and Somaliland, a community-based approach implies a central role for the wider membership of clans and (sub)clans, including women, and is thus not limited to clan elites.

This thesis explores the seemingly intractable problems with security in Somalia. While security knows many dimensions, this thesis will limit itself to military security, i.e., the absence of war and the control of violence within the state, and legal security which is so necessary for political stability and therefore military security. Given the criticism top-down approaches to state-building in the Somali region have received, this thesis investigates how a community-based approach to state-building, and security governance in particular, can improve security in Somalia. It has been argued that Somaliland's success should be enough reason to reconsider the top-down, state-centred approach to state-building exercises in Somalia (Bradbury 2008, 243). Moreover, the successes of security provision that are characterized by local initiative, control and responsibility have been noted in both Somaliland and south/central Somalia (Menkhaus 2006, 68). This alternative approach to security governance has not received much attention in western-led state-building processes. Donor assistance to improve the security sector in fragile states is implemented through security sector reform (SSR) programs that are mostly state-centred in nature. This can be derived from the western origin of the concept of the state, but may not be applicable in non-western contexts. Indeed, the limited success of state-building exercises and SSR has been noted (Sisk and Paris 2007). Moreover, it has been acknowledged that there is growing evidence that the extent to which SSR is consistent with local norms and traditions contributes to the long-term success of SSR (Donais 2008, 282). Indeed, the situation in Somaliland is empirical evidence of the success of a bottom-up approach to state-building and security governance that warrants further investigation. Therefore, a community-based approach may prove valuable in relation to theory development with regard to state-building and security provision in fragile states.

This thesis will assume that the local perception on the presence or absence of security determines whether security in fact exists. During Barre's regime, who ruled between 1969 and 1991, and under colonial rule, perceptions of state security have often not corresponded to what Somalis themselves thought was necessary to improve security. This is because Somalis have in the past eighteen years been unconvinced that a revived national government would serve in the interest of the entire population rather than narrow clan interests. Somalis could not trust their government as security provider due to a long history of state repression and discrimination against minorities under Siyad Barre. In combination with the current context of eighteen years of ineffective government, Somali

people understandably distrust the state as provider of security. Arguably, it needs to be taken into account how local communities conceive of security and how this can be achieved in order to improve security and state-building in Somalia.

Therefore, the research goal is to investigate whether the involvement of local communities in the design and management of security governance enhances the legitimacy and effectiveness of security governance in fragile states, that is, states characterized by weak capacity and/or weak legitimacy. As such, this thesis aims to contribute to the debate about local vs. national, or bottom-up vs. top-down, approaches to state-building and security governance by means of a comparative study of south/central Somalia and Somaliland. By investigating the feasibility of "local ownership" in security governance practices, the thesis adds to an ongoing discussion on how to improve the effectiveness of security governance in fragile states. The demand for this knowledge is vindicated by one of the conclusions of a recently held summit on international security organized by the Geneva Centre for the Democratic Control of the Armed Forces (DCAF). Here it became evident that it remains unclear what local ownership of security governance means and that there is a certain reluctance to embrace local ownership principles by international policy makers. The argument appears to be that locals must take the lead on design, budget, monitoring and evaluation of security governance. However, doubts were raised about the feasibility of local ownership and about which locals are supposed to be in control. (Hendricks and Hutton 2009) More conceptual direction is needed on these matters. These issues will be embedded in the discussion on local ownership, which will be the theoretical focus of chapter two.

The empirical objective is to find how community involvement has been operationalised in south/central Somalia and Somaliland. The theoretical objective will be to investigate whether and how a local, community-based emphasis on security governance can improve the legitimacy and effectiveness of security provision in fragile states. This will be done by means of a comprehensive investigation of security governance in south/central Somalia and Somaliland, two regions that formally still belong to the Republic of Somalia. By comparing these two polities, which are inhabited by people from the same ethnic background and who speak the same language, but which have adopted very different approaches to security governance, valuable insight could be derived to improve the legitimacy and effectiveness of security provision in fragile states. Previous research in which I participated showed that for a local, community-based approach to work, it needs to be inclusive and the sources of local authority managing and governing the security sector need to be legitimate and representative (Willems et.al 2009). The extent to which this has occurred in security governance in south/central Somalia and Somaliland is central to this thesis. Hence, the research question is:

"What is the feasibility of a community-based approach to security governance in south/central Somalia and Somaliland?"

Sub-questions include:

(a) *To what extent is the success or failure of security governance in south/central Somalia and Somaliland attributable to the adoption of a local, community-based approach?*

(b) *How exactly is civilian control and oversight guaranteed in the context of security governance in south/central Somalia and Somaliland, and can this be fostered by a community-based approach?*

(c) *What does local ownership entail and how has this been operationalised in south/central Somalia and Somaliland?*

(d) *What are the contextual factors that explain Somaliland's success and south/central Somalia's failure in providing security?*

In chapter two the concept of local ownership will be discussed. More specifically, the feasibility of a local, community-based approach to security governance in fragile states will be elaborated on. In this discussion the concept of "security sector governance" (SSG) will be introduced as an alternative to SSR. Subsequently, a contemporary political history of security governance in south/central Somalia and Somaliland will be discussed in chapter three and four respectively. The theoretical discussion on local ownership from chapter two will be linked to security provision in these two regions from 1991 onward. A central theme in these two chapters is whether the extent to which community-based approaches have been adopted bears a significant positive impact on security provision or whether additional, contextual factors must also be taken into account to explain the difference between security provision in south/central Somalia and Somaliland. The cases attempt to demonstrate the (un)feasibility of a community-based approach to security governance in south/central Somalia and Somaliland, and aim to identify the factors that contributed to success in Somaliland and the failure in south/central Somalia. By means of doing so, this thesis aims to answer whether a community-based approach to security governance improves the legitimacy and effectiveness of security provision in fragile states.

Methodology

This thesis aspires to contribute to improvement of the theoretical view with regard to community-based security provision. It takes an inductive approach, with a clear intent to contribute to theory development within this field. Due to the limited number of publications, particularly with regard to applying the theory of community-based security and local ownership to case studies, it could offer valuable new insights. From a scientific point of view, a comparative analysis of security governance in south/central Somalia and

Somaliland has considerable value for the ongoing debate on questions regarding local ownership in security provision in fragile states. The challenge is to analyze the impact of a community-based approach by means of comparing south/central Somalia and Somaliland. Precisely by comparing the different approaches taken in different parts of Somali territory, the thesis potentially offers helpful input on how local approaches to security provision in fragile states can generate stability and prosperity in post-conflict environments.

Beforehand this thesis does not pretend to be a definitive analysis of security governance efforts in Somalia. There is a serious shortage of research on Somali studies due to the prevailing security situation. This thesis must be regarded as an attempt to consolidate existing scholarship with regard to security provision in south/central Somalia and Somaliland. The thesis is thus based on secondary sources. The value of this thesis lies in combining hitherto separate types of academic literature from various scientific backgrounds, including history, conflict studies, and development studies. Given the relatively limited number of scientific articles in which community-based approaches to security are applied to case studies, a theoretical discussion on local ownership combined with an enquiry in the nature of security governance in south/central Somalia and Somaliland may prove to be useful for theory development in the field of community-based security provision.

For a theoretical discussion of relevant concepts the thesis will draw on academic literature discussing local ownership in the context of security governance. Particularly useful in this regard was the 2008 Yearbook on local ownership and SSR by DCAF, edited by Timothy Donais. In addition, work by Bruce Baker and Eric Scheye, and UNDP's Carlos Lopes and Thomas Theisohn provided important direction in the discussion on the nature of security governance in fragile states and on local ownership respectively. For the comparative case study on south/central Somalia and Somaliland, various research reports, books, and other relevant publications have been used. A particularly valuable resource for this thesis was the publication by Maria Brons on sovereignty and security in Somalia. While written in 2000, it proved a very relevant resource still today. Her publication brings to light the limitations of the central state's position as social organization principle in fragile states. Mark Bradbury's publications on Somaliland and Ken Menkhaus' writings on security provision in south/central Somalia and the wider Somali region have been key resources in applying the theory of community-based security provision to the case studies. In addition, the range of publications by Interpeace on indigenous peace processes in the Somali region were overall important since the detailed account of the nature and history of peace processes in the Somali region was very insightful.

Chapter 2
Local Ownership and Security Sector Reform in Fragile States: Introducing Security Sector Governance

This chapter will first discuss the efforts by the international community to promote local ownership in SSR and the challenges it presents. This will evolve into an elaboration on the feasibility of local ownership in the context of SSR and whether local ownership is practicable in fragile states. Subsequently, I will introduce the concept of security sector governance (SSG) and explain its feasibility as a bottom-up, community-based perspective in the context of fragile states and suggest it as an alternative to the top-down, state-centred nature of SSR. Furthermore, the framework of security sector evolution (SSE) will be presented as a practical approach to underpin SSG. I will point out the advantages as well as the challenges that remain with SSG.

Local ownership as a principle of human security

In countries where states exercise sovereign control over their entire territory, the security apparatus is subject to democratic control via civilian oversight through national parliament. The army, police, special forces and other agencies trusted with the provision of law and order are answerable to parliament because of the separation of powers between the executive and legislative. Governance of the security sector can thus be closely monitored because of the accountability relation between the government and parliament. Perhaps as a result, traditional concepts of security regard the state, or national government, as the key actor in the administration of the security sector. This state-centred approach toward security does at first not only seem logical but also most feasible. National governments' first priority would be to protect people from internal and external threats. In order to do this effectively, it would make sense for the legislative to authorize national governments to be the sole security provider. The state's monopoly on the legitimate use of force is the concrete manifestation of the state's primary role to provide security to its citizens. At the same time, however, this monopoly allows the state to regard itself as the primary security objective rather than the people it serves. From a historical point of view, the state's central role in security governance can be deduced from the realist perspective on international relations; a discourse which significantly influenced inter-state relations in the Cold War era. However, with the end of the Cold War, the central role of the state in the conceptualisation of security, both as security provider and security objective, became subject to debate as the security of the individual became increasingly acknowledged and culminated in the development of the human security agenda throughout the 1990s.

The term "human security" was introduced in the United Nations Development Programme's Human Development Report of 1994 (UNDP 1994). The report equates security with people rather than territories and regards security as freedom from hunger,

disease, pollution, crime and repression. It considers security and development as mutually reinforcing: security promotes development and vice versa. In 2001 the Commission on Human Security (CHS) was launched with the objective to develop the concept of human security as an operational tool for policy development. The CHS defines human security as the protection of "the vital core of all human lives in ways that enhance human freedoms and fulfilment" and is based on a framework that centres around protection and empowerment (CHS 2003, 4). Human security is people-centred as opposed to the state-centred approach to security that was dominant during the Cold War. While the state remains the foremost custodian of security, its role as the object of security decreased when the human security agenda arose. The state itself is partly responsible for this: states are sometimes unable to live up to their security obligations and in some cases threaten the security of the people they are supposed to protect. As a result, human security broadens the focus of security from the security of states to the lives of people and communities living within and sometimes across states.

A key component of the human security agenda is the concept of empowerment. Human security aims to develop the capabilities of individuals and communities to make informed choices (Ibid., 11). Agency by local stakeholders is crucial in this regard. It has been argued that agency is limited if it amounts to participation in change processes defined by others, thereby limiting the agency it is supposed to promote (Biekart and Fowler 2009, 9). However, with agency I mean that local stakeholders have the freedom to formulate development policies and strategies according to their self-identified needs. Local stakeholders then have responsibility over the design, management and implementation of development activities and thereby increase their knowledge, influence and control over their own livelihoods. The increase in freedom is then coupled with an increase in responsibilities. It empowers people, because empowerment implies the power *to*, meaning the ability to enforce change, and the power *over*, meaning possessing control (Datta and Kornberg 2002, 2). According to the human security agenda, and specifically, the concept of empowerment, local people themselves should thus be central to the development process and can continuously adjust processes and plans according to their own learning processes and identified needs. This is considered to contribute to the sustainability of development initiatives because it builds on existing capacities and potential; creates a greater sense of ownership; and leads to greater commitment to the objectives and outcomes of development processes. As such, it fits well in the framework of 'civic driven change' with its emphasis on people's ability to "self-capacitate" and become the agents of development themselves (Biekart and Fowler 2009, 9).

Now, if we apply empowerment to the security sector, this means people decide what security and insecurity means; that people decide how they organize their security infrastructure; and that people themselves thus decide how their security is organized. However, states do not usually involve ordinary people in such tasks, because the centrality of the state as security actor is often too simply assumed, both by donors and national

12

governments (Ibid., 8). People's empowerment, however, requires good governance on behalf of the central government. According to the CHS, good governance and empowerment are mutually reinforcing concepts. Without effective governance, people will not be empowered, and when people are not empowered effective governance will remain an illusion (CHS 2003, 68). A conceptualization of security that is people-centred is thus a stimulus to empower people and communities to organize their own security. However, in the context of fragile states, this is a particularly daunting task. Violent conflict and state fragility are mutually reinforcing. State fragility means that states are unable or unwilling to deliver the core functions, including security, to their people (Vallings and Moreno-Torres 2005, 7). Certainly in these environments good governance and empowerment *by the state* seem farfetched ideals because such a state is often unable or unwilling to fulfill its security duties toward its people and may even engage in violence against its own people. Therefore, in fragile environments non-statutory security actors substitute for the state in order to meet the security needs of the people. However, this should not be seen as a panacea. As will be discussed later, security provision by non-statutory forces certainly suffers from its own shortcomings, such as the lack of oversight mechanisms that hold non-state security actors accountable.

The next section will elaborate on the principle of local ownership which has recently gained currency within security studies discourse. What will become clear is that local ownership implies quite a step away from previous efforts initiated by international donors that want to promote local ownership in their activities.

Ownership in theory

Formally, the language of local ownership was first adopted by the development community in May 1995. The Development and Assistance Committee (DAC) of the OECD issued the policy document 'Development Partnerships in the New Global Context', where it was acknowledged that "the people of the countries concerned must be the 'owners' of their development policies and programmes" in order for development to succeed (OECD 1995, 2). In addition, the World Bank suggested in 1998 to develop a holistic approach to development based on the principles that "each country should devise and direct its own development agenda based on citizen participation" and that "governments, donors, civil society, the private sector and other stakeholders should work together in partnership led by recipient countries to carry out development strategies" (World Bank 1998). The World Bank even regarded partner country ownership as the most important determinant of success, even more so than macroeconomic stability and governance (World Bank 1997). It was held that when countries own reforms, governments and their citizens would be committed to actively pursue these objectives. As it was phrased then, the people of developing countries are mentioned in conjunction with the state. What this would mean in countries where accountability mechanisms between governments and citizens are largely absent, such as in fragile states, was unclear. In a more recent policy statement, the OECD's DAC

acknowledged that "in some regions, particularly in Africa, [there] has been a lack of local input to and ownership of the emerging reform agenda" (OECD 2005, 13). Underlying these problems is that in theory the term local ownership means a lot of different things, which makes it harder to implement local ownership principles in practice. Local ownership has become a buzzword without ever being clearly defined or agreed upon.

In an attempt to clear up some of the confusion Chesterman (2007, 10) established a categorization of the different forms of local ownership. Accordingly, ownership ranges from responsiveness, consultation, and participation to accountability, control, and sovereignty and must be interpreted on a scale from passive to active involvement. Responsiveness refers to the most passive form of local ownership where policies are designed to be tailored to local circumstances and culture. With consultation, local actors have potential impact on policy design. It remains unclear, however, whether local actors are consulted on all aspects and at all phases of policy design and whether their inputs are actually incorporated into policy design. With participation local actors fulfill a continuous role in policy design. Yet this leaves open whether local actors stand on equal footing with international policy designers. Accountability implies that mechanisms are available to local actors to hold international staff responsible for their decisions, yet it remains guessing whether local actors can issue sanctions. Control implies local actors are clearly at the helm in the policy design and the international community's role is more facilitative. Finally, sovereignty implies that local actors have the power to demand the departure of international policy makers and staffers.

Underlying Chesterman's categorization of ownership is the extent to which a population believes certain policies to be their own, thereby adding a subjective dimension to the meaning of ownership. This categorization distinguishes between more or less ownership but does not define what this means in practice. Neither is it clear who or what is exactly meant with 'a population'; local communities themselves or their representatives in parliament or regional administrations? This is an important question because if representatives in parliament are meant, there is an additional layer, namely the accountability relationship between representatives in parliament and local communities, that adds to the already complex accountability relationship between donors and recipients. In addition, by adding the subjective element it remains difficult to determine what local ownership really is, because true local ownership within a community-based approach yields different outcomes in different contexts because the outcome is determined by each community itself.

Lopes and Theisohn (2003, 30) have come to a more concrete suggestion to what local ownership entails. Rather than distinguishing between more or less ownership, they identify multiple aspects of ownership: ownership of ideas and strategies; ownership of processes; ownership of resources; and ownership of outcomes. Ownership of ideas and strategies refers to the extent to which recipients are allowed to choose freely from a subset of available concepts of ownership and strategies to implement it. A problem associated with this is that it is debatable to what extent a choice is truly free as persuasion may be

common to convince local actors to pick one particular concept. More fundamentally, the liberty to choose can be questioned when others have already decided the range of possibilities. Ownership of ideas and strategies would be better guaranteed when locals can develop their concept of ownership and strategies to implement them freely without being influenced by donors. Ownership of processes means that recipients decide on the format of operationalising ownership, such as for example, the time-frames of capacity development projects. Ownership of resources refers to the availability of capacity and means available to take up ownership. This greatly affects the sustainability of reform projects. This is important for the entire process as the prospect of responsibility and accountability in the long-term makes actors more prone to work it out themselves. Finally, ownership of outcomes involves the extent to which locals feel responsible for the success or failure of the outcome of reform projects, which is a direct consequence of ownership on the other aspects.

In practice, however, during a period of transition there is generally a very low level of local ownership despite the rhetoric proclaimed at the beginning of many international interventions. Chesterman (2007, 17) mentions that the time-consuming and frustrating nature of 'consultation' under general conditions of urgency and time pressure is a factor explaining the difficulty of operationalising local ownership principles in practice. Other factors include the lack of contextual knowledge, and the desire for blueprint approaches to base intervention on. Furthermore, on a deeper level the relationship between donors and recipients of aid money makes local ownership problematic in practice. In essence there will always be the power differential that significantly impacts on the relationship between donors and recipients. While it could be argued that money will be spent better when locals get to decide how money is spent, this has yet to be proven to work (Van Rheenen 2009). Moreover, this would have important implications for the accountability relationship in donor countries. How can tax payers in donor countries be convinced their money is well spent when donors have no input in how the money is spent by recipients? Finally, another plausible reason why ownership is difficult in practice might be that the character of international interventions post 9/11 is moving away from serious consideration of local ownership issues in favor of protecting the security interests of intervening actors (Tschirgi 2004). This would imply that human security, conflict prevention and peace-building have taken a step back on the international agenda (Frerks and Klein Goldewijk 2007).

Ownership in SSR

After having discussed some of the theoretical foundations of local ownership principles and some practical challenges to implement it, this section seeks to elaborate on the manifestation of local ownership principles in SSR discourse and practice. In order to do this we first have to clarify what SSR exactly means. Throughout the Cold War there was little interest in using security assistance to promote democratic governance of the security sector since relationships with allies were mostly based on strategic interests. After the Cold War, the SSR agenda emerged within security policy circles at the end of the 1990s in recognition

of the important role of security provision for development goals, which gained increasing currency as a result of the Millennium Development Goals. (Ball 2009, 2) The core of SSR is to develop an affordable, effective and efficient security apparatus within the framework of democratic accountability in order to reduce the security deficits as well as democratic deficits, such as a lack of oversight over the security sector (Bryden and Hänggi 2005, 37; Holmqvist 2005, 63). This core translates into three major objectives for SSR: firstly, to provide security, which primarily involves the police and the military but also includes arms control; secondly, to ensure the respect for the rule of law and the principles of good governance in the delivery of security, such as transparency, accountability and professionalism; and thirdly, to ensure that security sector institutions perform effectively, efficiently and are accountable. (Brzoska 2006, 2-3)

However, the picture is not that clear-cut as others still debate the scope of SSR as well as what its objectives should be. A narrow conception of SSR reflects a traditional state-centred understanding of security, which focuses on statutory actors providing internal and external security as well as civilian bodies that are responsible for oversight, management and control. A broader understanding of SSR emphasizes governance over government, which means that the definition of the security sector expands to take into account non-statutory actors such as non-state armed groups and civil society (Bryden, Donais, and Hänggi 2005, 7-8). There remain, however, serious questions about the feasibility and desirability of such actors providing security, as is also discussed further on. Partly as a result of these limitations, the role of non-state security providers remains largely unconsidered in the current discourse surrounding SSR. SSR tends to be the exclusive domain of formal SSR practitioners working for international agencies. A survey held in 110 countries confirms this view. The survey suggests that this is due to "the piecemeal approach and ad hoc nature of SSR initiatives, the unaltered perspective that security is a field to be dominated by uniformed personnel" (Olawale 2008, 133). Clearly, this does neither correspond to the rhetoric of SSR as being people-centered and locally owned nor to the reality of security provision in fragile, post-conflict environments where non-state actors have become more dominant. In the context of post-conflict environments, some prefer to speak of security sector reconstruction instead of SSR due a legacy of armed conflict. The crucial difference here is that SSR in post-conflict situation assumes an additional goal: to re-establish the state's monopoly on the legitimate use of force. Now, this may be at odds with a community-based approach to SSG, and therefore the principle of local ownership, because in fragile, post-conflict states communities often do not entrust the government with the provision of their security due to the government's role in the past conflict.

The question remains whether it is possible to have a long-term solution in which the state will not have a monopoly on the use of force. In addition, the question must be raised whether the end of any reform process should be democratic control over the armed forces by the people through national parliament. If the answer to this is yes, a possibility would be to revoke the social contract during a transitory phase. The social contract implies that

citizens give the state the monopoly on the legitimate use of force in exchange for protection against insecurity, meaning the absence of war and control over violence in society. In a transitory phase the monopoly on the use of force by the state is then replaced by an oligopoly on the use of force by self-identified localities, be it regions or otherwise demarcated polities, until citizens collectively decide to re-enact the social contract with the central government once trust and confidence in the ability of the state to provide security is restored. These questions have not been discussed thoroughly in academic literature but the upcoming case studies shed and interesting light on these subjects.

The normative underpinning of SSR

In more recent times the concept of local ownership has also entered the academic debate in the realm of SSR. A widely endorsed definition is yet to be agreed upon but Nathan's definition of local ownership of SSR is a good start. He states that "the principle of local ownership of SSR means that the reform of security policies, institutions and activities in a given country must be designed, managed and implemented by domestic actors rather than external actors" (Nathan 2008, 21). Whilst ambitious and commendable in practice, this definition indicates the very structure of the local ownership debate is situated around the relationship between donors and recipients. The point is that currently, this relationship privileges international actors, who are seen to possess all the agency in terms of how and when local ownership principles get put into practice. Ownership is sometimes viewed as a disciplining mechanism and rewards good behavior by locals once they agree to play by the rules set by international agencies. (Donais 2008, 287) It is therefore not surprising that it is widely acknowledged that there is a wide gap between policy and practice with regard to the promotion of local ownership principles in concrete SSR programming and SSR practice. For instance, a conclusion from a survey is that "in most recipient countries SSR is perceived to be a foreign-driven, often political process" and that reform mainly implies "spreading western norms and practices of how security institutions should be governed" (OECD 2005, 56, 64).

Part of the reason is the cultural divide along which the discussion between international donors and local actors is held. The conventional model of SSR as worked out by the OECD and clearly described in its Handbook on SSR, is based on values emphasizing human rights and the rule of law, which may be at odds with more communitarian values that characterize many of the environments where SSR is implemented. From a broader perspective then, the objective of SSR to promote security is embedded in a human rights agenda that reflects the aspiration of democracy promotion. Some even argue that SSR "cannot work on the assumption that security problems can and should be solved prior and independently of the level of modernity, degrees of democracy, or even an existing nation-state"(Brzoska 2006, 6). This will be an interesting subject to reflect on in the case studies. International institutions like the UN and the Development Assistance Committee of the Organisation for Economic Cooperation and Development (OECD/DAC), have adopted and

integrated the emphasis on a democratically governed security sector with respect for human rights into their policy documents on SSR. However, as Hansen writes (2008, 46), "this clear normative starting point […] may run up against the emphasis placed on local ownership". When local ownership in SSR is tied to an embrace of particular values, it is easy to see how local ownership does not really correspond to local ownership principles defined by Lopes and Theisohn (2003) since the freedom to choose the objectives and outcome of SSR is not respected. The international community may need to reconsider its acceptable margin of tolerance with regard to the outcomes this freedom may lead to, and explore in what ways human rights principles manifest themselves in local contexts. Local preferences on how to administer their security sector may not correspond to western models of governance and individual rights. What works in terms of security improvement could be a higher-valued criterion for local communities than whether it adheres to principles of security governance in more developed countries. As mentioned before, it is important that locals believe they have ownership over the outcome, which is a result of ownership of ideas and processes. When local ownership of the idea how the security sector should be governed is absent, donors' insistence on prescribed ways on how to conduct SSR becomes a mockery of the values of freedom of choice and democracy they hold dearly.

Nevertheless, the assumption held by donors that local ownership can only be exercised once recipients have adopted democratic norms of governance reinforces the perception that locals are objects to be transformed rather than the agents of transformation themselves (Donais 2008, 7). Once they have adopted a particular set of values, ownership can be transferred from donors to recipients when in the course of the process locals develop capacity and responsibility norms to be able to absorb SSR. This also assumes a relationship between actors judged to have the knowledge and skills and those who lack the capacity to provide security. It suggests that donors are the sole possessors of the wisdom to re-engineer the security sector, whereas the capacity of donors, particularly on contextual knowledge, needs to be developed as much as that of partner countries. (Olawale 2008, 135) The term 'reform' in the context of donor-recipient relations therefore typifies the asymmetrical relationship. It suggests an image of 'reformed reforming the unreformed', which undermines the very idea of local ownership in the first place (Donais 2008, 5). For this reason, it is understandable that those to be reformed are unwilling to embrace the normative underpinnings of SSR. They can legitimately argue that donor involvement in SSR is political interference in domestic affairs when reform is premised on the adoption of a particular framework of reference. Hansen (2008, 23) writes that unless donors are sensitive, respectful and supportive of local actors, the latter have a strong argument to resist donor intrusion in internal affairs. On the other hand they may be willing to accept donor involvement because of access to financial resources that comes along. Whether SSR is accepted or not depends on a cost-benefit analysis of the nature of the criteria that are implicit in accepting SSR and the financial funds that accompany SSR.

It thus becomes apparent that SSR is not necessarily a value-neutral endeavor. And

indeed, the OECD handbook states that "the overall objective of international support to SSR is to increase the ability of partner countries to meet the range of security and justice challenges they face in a manner consistent with democratic norms, and sound principles of governance and the rule of law" (OECD 2007, 21). Similarly, Hughes and Pupavac (2005, 883) argue that, "while responsibility for politics is to be placed back on the shoulders of local people, this is a disciplined politics, regulated by international norms." Local ownership seems to be much more about the responsibilities to live up to a particular *norm* of the *value* of democratic governance than about the freedom to choose among different, alternative norms of democratic governance. Thus, far from restoring autonomy to local societies, it rather implies SSR is foremost a political process because it is mostly dictated by donors what kind of blueprint-reforms need to be made and how this must be done. Donors are making critical and politically fueled decisions about the reconfiguration of power in countries with a legacy of conflict. While some argue there is no credible and coherent alternative to the model proposed by donors, the case of Somaliland may prove a different case in point, as we will see in chapter four.

Donor difficulty with operationalising local ownership

While the principle of local ownership has been clearly articulated, it proves more challenging to translate the theory of local ownership into practice. For instance, the OECD argued that an "open and collaborative dialogue by local authorities with civil society and with external partners about their shared objectives and their respective contributions to the common enterprise" forms the impetus of the operationalisation of local ownership principles (OECD 1996, 14). Even more so, it stated that "each donor's programmes and activities should then operate within the framework of that locally-owned strategy in ways that respect and encourage strong local commitment, participation, capacity development and ownership" (Ibid.). However, these statements are far from reality. Indeed, the UN acknowledged the difficulty of operationalising local ownership in 2004. In a report by the Secretary-General it was said that "we must learn better how to respect and support local ownership, local leadership and a local constituency for reform, while at the same time remaining faithful to United Nations' norms and standards" (UNSG, S/2004/616, paragraph 17).

The question is how the operationalisation of local ownership principles is implemented and managed in the context of SSR (Chesterman 2007, 7). Some factors are not making this easier. First, there is a great deal of diversity in the approaches of intergovernmental organizations to SSR. This is already reflected by the many different terms used for the same thing: while SSR is the most generally used term, the OECD speaks of security system reform; the UNDP of justice and security sector reform; and in an African context the term security sector transformation is often heard. These terms reflect the specific concerns of individual organisations: the OECD uses *system* instead of *sector* to de-emphasize the military connotations of the latter, while the UNDP uses the term *justice* to

underline that the process is as much about justice as it is about security and to avoid any notion of justice being securitized. Naturally, this does not promote inter-organizational efficiency because these different terminologies point to significant differences in approaches to SSR, which greatly impact on how programs are executed in reality. (Law 2007, 17) Secondly, not every organization possesses the same capacity in delivering SSR. SSR comprises several components and there is a strong divergence between organizations on what components they specialize in. No organization exists that has the necessary expertise to deal with all the components of SSR. They either tend to focus on some but not all of the security forces, or may only be concerned with the oversight functions of certain bodies, say the parliament, while ignoring those of the judiciary and civil society institutions. In fact, only two institutions – the OECD and the EU – have concrete SSR concepts, which informs us about the general starting assumptions regarding the organization of their SSR activities. Thirdly, and related to the second point, the lack of a common definition and working methods regarding SSR across institutions complicates communication between actors on the ground involved in SSR activities. It can thus be assumed that the coordination of activities is often far from optimal with disappointing performances as a result. Institutional cooperation can certainly be improved when international organizations such as the OECD, EU and UNDP find themselves working in the same country or region. (Ibid., 20)

These different conceptualizations and capabilities to address SSR make the implementation of local ownership principles all the more challenging. Laurie Nathan has come up with some interesting suggestions in this regard. First, the capacity of oversight institutions could be increased by sponsoring parliamentary committees with security in their portfolio (Nathan 2008, 27). By enlarging their research capacity, their ability to participate in debate is enhanced and their oversight capacity is improved. This is also in line with what developing countries have signaled. When parliaments would have a greater role in overseeing development plans, policy frameworks and national budgets, local ownership would be much stronger (Zimmermann 2007, 5). However, this does require proper functioning of parliament through which oversight is exercised, which is often not the case in post-conflict countries. Also, even though developing countries have signaled this need for fostering research and oversight capacity, this may be an end goal in the long-term but may be too ambitious in the short-term. Nevertheless, this example can work to improve the link between research and policy-making processes which, when weak, often undermine local ownership because knowledge generation may not spill over into drafting security policy because this remains an exclusive job of political elites.

Secondly, by financially supporting civil society organizations (CSOs) that are committed to security promotion, greater public participation may ensue which in turn increases pressures for security providers to account for their performance (Nathan 2008, 28-29). Again, participants have pointed out the necessity of civil society participation but also that many CSOs in post-conflict situations are faced with hostile environments where their right to assemble and freedom of expression remain insufficiently protected

(Zimmermann 2007, 5).

Finally, Nathan (2008, 30-31) calls on donors to support initiatives that make countries emerging from conflict learn how security models and laws were developed and implemented in other countries through peer-group comparisons. Instead of promoting their own security systems, donors should allow countries to learn from neighbors who have gone through the process before. This would expose recipients to a variety of models to base their own security framework on. This is empowering as it allows people to make their own choices and presents a unique learning opportunity.

In sum, these suggestions could contribute to the earlier signaled need to develop capacity to implement local ownership principles. Certainly, if security policies, institutions and activities must be designed, managed and implemented by domestic actors rather than external actors, capacity building strategies are a crucial first step toward that goal. Otherwise international actors may claim to promote local ownership principles in theory, while practical restraints slow this process. Nevertheless, while Nathan's suggestions point out the importance of the role of the state in administering the security sector, they may not necessarily be applicable in fragile post-conflict environments. His suggestions are safeguards for the long-term and imply an end goal of a democratically overseen security apparatus by a national parliament. In the short- to medium-term, however, these solutions may not be acceptable to non-statutory forces who, as mentioned before, may not necessarily consent to solutions that strengthen the role of the state.

Local ownership in the context of fragile and post-conflict states

In the previous section problems with operationalising local ownership have been identified. This section will discuss whether it is possible at all to implement local ownership in fragile states that suffer from capacity deficits and/or legitimacy deficits. One could argue that there are various degrees of fragility ranging from state weakness to state failure. There are various criteria by which to judge state failure. A state can be failed when it cannot or will not respect and protect peace, order and security (Jackson 1998 in Hehir 2008, 313). This would correspond to a conception of state failure as the inability to maintain control over its territory and thus implies a loss of the monopoly on the legitimate use of force. This in turn, may signal a state's weakness and lack of legitimacy in the eyes of groups who oppose state rule. Another conceptualization, framed in Hobbesian terminology, says that states fail if they are unable or unwilling to respect their obligations to the population with regard to the social contract (Gros 1996 in Hehir 2008, 313). Naturally, this will also affect its legitimacy in a negative way. Referring to the case study of Somalia discussed in chapter three, both apply and make Somalia perhaps the "quintessential example of state failure" (Langford 1999, quoted in Hehir 2008, 312). Somaliland, on the other hand can only be classified as a fragile state on the basis of its limited capacity. Yet it has certainly been gaining in both capacity as well as legitimacy since the beginning of the state-building process in 1991.

Taking local ownership seriously means grappling with the particular economic,

political and social realities of fragile states. Johnson and Wasty found that a structurally weak economy does not promote local ownership. Rather, political stability, support from different constituencies, and attitudes toward reforms are the factors most commonly associated with local ownership (Johnson and Wasty in Choritz 2002, 8). Naturally, this makes the implementation of local ownership all the more difficult because these factors are not in abundance in fragile and post-conflict states. Indeed, weakest ownership tends to be present in the poorest countries who have little capacity to address socio-economic problems which may directly affect the extent of political stability. In such circumstances donors are more likely to draw the initiative and control over reform processes toward them (Ibid., 9). This results in more conditionalities that are imposed by external actors before disbursing funds. Therefore, the poorer the state, the less ownership is likely (Helleiner 2000, 82). This is an impediment to success since numerous evaluations support the notion that increased country ownership improves the use of development assistance, and that conditionality has largely failed to produce lasting positive reforms or development results. Therefore, increased developing country ownership is a prerequisite for effective development. (Choritz 2002, 2)

From a societal point of view, the dominant actors in fragile and post-conflict environments could stifle progress toward local ownership. Anarchic conditions may at first seem irreconcilable with the principles of local ownership. This is not only due to the lack of capacity on part of security institutions but also because some local actors have a stake in continued chaos. Moreover, such spoilers are generally also the ones that were most active during a conflict and are most heavily armed. Similarly, the standard view of civil society as a universal force for good is often challenged by the politicized realities of post-conflict environments. (Prendergast and Plumb 2002, 328) In such conditions civil society organizations are subject to the same sets of political dynamics, constraints, and incentives that affect local political elites. Civil society may then just as easily engage in the type of factionalized, zero-sum politics that reinforce negative, conflict-producing elements of the economic and social structure of a fragile state. This may increase the already present division amongst parties to the conflict and may make the concept of SSG more applicable because it takes into account every existing security actor, state or non-state.

Next to these economic and social factors inhibiting local ownership from taking root, there are a number of conceptual and practical reasons why local ownership does not correspond to reality. Firstly, the principle of local ownership within the context of the partnership approach that has been advocated by the OECD and the World Bank as stated on page six of this thesis, assumes that a uniform 'partner' exists. In reality, however, post-conflict societies are much divided politically and socially due to different narratives regarding the roots of conflict. The extent of social fragmentation in fragile and post-conflict contexts is often underestimated and it is assumed that there is a commonality of purpose amongst domestic political and social forces. (Biekart and Fowler 2009, 13; Donais 2009, 11) In addition, there is the assumption that locals want reform. While local actors may be

relieved that a conflict has come to a standstill or a peace agreement has been signed, this does not necessarily mean that they are also willing to voluntary abdicate from their influential positions in the security sector infrastructure. (Scheye and Peake 2005, 241) What this means for establishing a democratically controlled security sector in the longer term is an interesting question that will be covered in the case studies.

Secondly, donors are mostly looking for strong partners which often reside in the top levels of government. This potentially confers undue political legitimacy upon an actor that is entirely unrepresentative in the eyes of the population. Political elites may lack legitimacy and as a result may see local ownership to be hijacked by unrepresentative individuals. However, political elites are often most accessible to donors, partly because they are already more accustomed to interact with them. However, such elites may not enjoy widespread public support (Hansen 2008, 45). This phenomenon of elite capture may therefore be self-defeating, since the interests of local elites may not be compatible with those of the vision of a professional, democratically accountable security sectors as held by the international community (Donais 2009, 4). In addition, this underscores the point that local actors have conflicting interests that are not necessarily aligned with those underpinning an SSR process. Spoilers may be opposed to reform for political or personal reasons and resist measures that may negatively affect their interests. For instance, elites that profited from the war economy will strive to consolidate their economic gains rather than work towards a sustainable peace. What this implies is that post-conflict security governance requires effective spoiler management which in turn requires in-depth knowledge of a given reform context if international actors are to avoid exacerbating domestic divisions. (Bryden 2007, 71)

Spoiler management is an activity where international actors can complement local actors as they may have a common interest in cornering and marginalizing spoilers that threaten to derail the peace process. Nonetheless, spoiler management may require quite strong involvement by international actors which may be rejected by the population because of anti-foreign sentiments. There thus seems to be a contradiction between the need for a more locally initiated and managed approach to SSR and the assistance it requires by the international community to achieve some of the most daunting tasks to do SSR successfully. It has become clear that combining international and local interests is far from an easy process. In addition, picking the 'right' local partner is a complicated task but not much efforts have been made to thoroughly assess potential local partners. Indeed, up to date, analysis of the specific identity of the relevant locals remains surprisingly thin (Donais 2009, 11).

Security Sector Governance and a community-based approach

Given the constraints in attaining local ownership in state-centred, donor-driven SSR projects that aim to restructure the security sector in fragile states, security sector governance (SSG) is an interesting alternative to current SSR endeavors. SSG refers to the organization and management of the security sector by all the bodies, state and non-state,

whose main responsibility is the protection of the state and its people, ranging from the armed forces, police and intelligence to those institutions that formulate, implement and oversee security policy – hence the term SSG. (Bryden, Donais and Hänggi 2007, 3) In an environment where the state enjoys no definitive decision making authority because it is unable or unwilling to project its sovereignty over its entire jurisdiction, many non-state actors, such as neighborhood watch groups, regional and community policing agencies, and vigilante groups, have substituted the state as security providers (Ibid.). The concept of SSG recognizes this reality and thus that the management of security issues involves a variety of security actors, statutory and non-statutory. Therefore, we speak of governance instead of government because governance captures the essence that security provision in fragile states is performed by a variety of actors and not solely by the state, as the term government would presume. An important feature of SSG is that it recognizes the central state's loss of the monopoly on the legitimate use of force as non-state local security actors sprung up. It therefore deals with security provision at national, regional and community level.

Particularly in fragile states communities may fall outside the scope of state security provision due to the limited reach of security provision by the state. In such environments security provision by the state may also be rejected because of the perceived oppressive nature of state rule. In fragile states therefore, community security may be better attained when communities have the freedom to design, manage, and execute security provision according to their self-identified needs. Such a community-based approach to SSG implies that in general the initiative, control and responsibility of overseeing activities related to the provision of security rests much more with local actors than with national governments. An important criterion is that community-based approaches are couched in local perceptions regarding security matters. Different actors have different perspectives on security and therefore a national government's view on security needs and objectives will differ from the perception of local communities. This also comes to the fore when we compare international and local perspectives on security. While international donors base their security operations on best practices and lessons learned, community-based approaches are based on local conceptions of security and locally identified security needs. They therefore reflect an understanding of security from the point of view of communities (Miller and Rudnick 2008, 37). In contrast, internationally designed security operations assume a given context and base their intervention on pre-fabricated security protocols while neither the actors to be made secure nor the actors designated as threats are pre-given. Nor is there agreement on what ought to be made secure. When communities decide on these matters themselves, an appropriate response is also more likely to yield improvements in security (Ibid.).

A community-based approach is not only cognizant of the reality of security provision in fragile states, but also may offer an alternative to state-building interventions, including in the security sector, by international donors. These have too often focused exclusively on building an effective central government and paid little attention to local capacities to realize

this (Schirch 2009, 26; Biekart and Fowler 2009, 8). In addition, the emphasis on the state has left security concerns at sub-state level unaddressed. This is attributable to a conceptualization of state-building as the creation of political order by strengthening the legitimacy and accountability of the state (OECD/DAC 2007, 2). What is often overlooked however is that state-building is on a fundamental level about rebuilding relationships, restoring people's trust and confidence in governance and the rule of law – in other words, peace-building. State-building and peace-building are both critical to the consolidation of peace and security in fragile post-conflict situations. In this sense, however, they are potentially contradictory processes – the former requiring the consolidation of governmental authority, the latter involving its moderation through compromise and consensus (Interpeace 2009, 5). Arguably, however, state-building has almost always taken precedence over peace-building, which is sometimes even ignored. The international community has been preoccupied with consolidating governmental authority, also because this is in line with the strategic and security interests of donors and the internationally community as a whole, which has perhaps shifted from a emphasis on human security to a renewed focus on state security after the 9/11 attacks. (Evans 2009, 192-193) Thus, international involvement mostly does not aim to rebuild relationships by promoting dialogue, collaborative negotiation and building trust as a precursor to state-building. As a result, local actors, as opposed to national elites in the capital, are mostly ignored by the international community's efforts to establish state legitimacy. An approach that does ensure that local constituencies are included from the outset and that strategies for post-conflict reconstruction processes are led from the ground makes attaining a legitimate state far more likely. Such a "bottom-up" approach may ensure that the intended targets and priorities of intervention are much more practical and linked to people's livelihood. (Ibid., 200)

The bottom-up approach of SSG means that locally-driven peace processes, based on local preferences are privileged over state-building interests of external actors. A bottom-up approach implies an understanding of political order that places society, not the state, centre stage. As will be discussed in subsequent chapters, a bottom-up approach of SSG may be justified in the context of Somalia, where a central government has been absent for more than eighteen years. A bottom-up approach of SSG relies on social contract theory in which society is considered the ultimate initiator of state-building processes. Social contract theory, as developed by Thomas Hobbes in the seventeenth century, is essentially society centered and sees the state functioning in the interest of society. It regards the legitimacy of the state as sovereign authority derived from the authorization of individual members of society. The most important determinant of authority is the ability to provide security. In social contract theory terms this means that citizens give the state the monopoly on the legitimate use of force in exchange for protection against insecurity, meaning the absence of war and control over violence in society. According to Brons (2001, 41-43) the latter is indispensable for political authority to be legitimate. When a state is consequently unable to

provide for the security needs of its citizens, the conditionality of state authority as vested exclusively in the state becomes apparent when people start looking for alternative security providers.

This raises the issue of whether an alternative to the state's monopoly on the legitimate use of force is feasible. Perhaps most important is the question of how to achieve this. The case study on Somaliland demonstrates the feasibility of a bottom-up approach where donors have not been involved in the state- and peace-building process itself and are only operating on a small scale in development and capacity-building projects since the state-building process is conducted by locals themselves. The question then becomes not how donors can promote local ownership, but rather whether they should be involved in promoting this and if so, how their involvement can be prevented from having a negative impact.

Security Sector Evolution

Wilson and Martin's (2008) suggestion of Security Sector Evolution (SSE) may be an option in this regard. SSE is an interesting practical framework to underpin SSG, because it recognizes both formal and non-state security actors and focuses on security provision itself rather than the reform process. SSE encourages local actors to respond to sources of insecurity by learning how to read, interpret and respond to signals from societies and communities rather than participating and implementing a reform program by others (Wilson and Martin 2008, 84). It thereby fosters the development of the capacity to provide security while at the same time ensuring local ownership over the design, management and execution of security provision. In the long-term this could lead to improved levels of security which is in the interest of donors as well because their funds are leading to sustainable and successful outcomes. It is an interesting approach because it focuses on the fundaments of security provision, namely the ability to identify what security and insecurity is, and combines it with designing responses to what ought to be made secure.

This approach would encourage people to learn to articulate social concerns regarding sources of insecurity. By focusing so much on the ability to respond to signals from society itself, a more vocal community of people may stimulate a more active civil society that is able to fulfil its function as an oversight mechanism of government policy (Caparini 2005, 86). SSE could encourage people's ability to participate in security provision. When this occurs and communities and civil society actors' suggestions are taken seriously and acted upon by security actors, local actors become much more able in governing their security sector. In the long run, this is a necessary capacity in order to have a democratically controlled security apparatus. This would also align with a community-based approach to SSG because strengthening civil society in fragile states means focusing on rebuilding communities that serve as the main constituencies of civil society. (Ibid., 77-78) Empowerment of civil society is therefore done by incorporating the visions of local populations into their activities. This way, empowerment is not merely an ideal striven for by

donors, but also sustained through input from communities that comprise civil society.

What is locally owned with SSE is not a top-down process of donor-transfer of knowledge and skills in the framework of capacity building, but the provision of security itself by enhancing local capacity to govern the security sector. This approach to reform and capacity-building entails an open-ended iterative process in which security providers adapt and evolve in response to pressures from security consumers. In Lopes and Theisohn's framework it would amount to complete ownership of ideas and concepts because locals develop these themselves. In addition, there is no definite outcome as implicit in the value-laden endeavour of traditional SSR. In the context of a community-based approach to security, this approach takes into account the way communities conceive of security. It also entails a more value-neutral process since neither the actors to be made secure nor the actors designated as threats are pre-given. Ownership over outcomes is also guaranteed since there is no agreement on what ought to be made secure. This is important for it helps us understand what communities themselves perceive to be necessary to achieve post-conflict stability and security. Finally, this is also in line with the OECD's aim to enhance "state and civil society capacities to address insecurity as defined and perceived by the people and communities affected by armed violence" (OECD-DAC 2008, 8; italics mine).

The role of donors is to legitimize their advocated reform programs by supporting local actors who want to reform the way their security sector is governed. The best the outside international community can do is encourage from the sidelines and play foremost a facilitative role (Biekart and Fowler 2009, 15). In practice this comes down to supporting actors who want to implement locally driven initiatives; pressuring neighbouring and potential adversaries to let such initiatives run their course; and provide material and technical assistance where possible (Bellin 2008, 119). Promoting democratic governance of the security sector could be better attained when international actors appreciate the merits of an approach that helps people and communities to provide in their own security needs according to their own standards.

Understanding Security Sector Governance and the challenges that remain

Bo Rothstein's (2005) 'social trap theory' provides a plausible explanation why the provision of security by national authorities can remain problematic in territories characterized by lawlessness and the absence of security provision by the state. The theory assumes people use past experiences, accounts of other people's experiences and rumors to form information constructs guiding their decisions about social interactions. This then means that in a context of years of failed political leadership and failure to provide for a secure environment, a perception of security as a privately provided good develops. Individuals may be reluctant to trust government authorities with the provision of security and rather organize security at grassroots-level. Indeed, perhaps most relevant in the context of fragile states is that the provision of law and order is predominantly done by actors that are often not part of a state's security forces. More importantly, there is a demand for their services

because non-state actors are accepted and deemed more legitimate because they are the effective provider of security in the absence of security provision by the state. This is due to a variety of reasons, including their physical, linguistic and cultural accessibility, efficacy and timely judgment. Additionally, security provision by non-state actors may, though definitely not in all instances, be more democratic and accountable. For example, those who fail to offer effective provision, such as the village chief, may be voted out of positions of authority (Baker and Scheye 2007, 512). Naturally this depends on the type and nature of the local security actor; whether it is truly community-based or run by warlords who rule on the basis of fear.

Starting from the reality on the ground could lie at the basis of a more value-neutral approach to SSR. Rather than considering who should be providing security, international agencies perhaps need to work with actors actually providing security. Then it is not the state's capacity, but the quality and efficacy of the services received by the end user, regardless of who delivers that service, that matters (Ibid., 519). Having the capacity to provide security in fragile states does not necessarily equate to actual delivery on the basis of that capacity, because states may voluntarily choose not to. This understanding of SSR deviates from the state-centric nature of many SSR endeavors and the normative principle implicit to such an approach. It may also be much more in line with the immediate security needs of local people. Revitalizing the security sector does not occur overnight and in post-conflict fragile states people are not bothered by who provides security. Practical considerations such as what kind of security provision is available, what works best and what is affordable are much more urgent considerations. (Ibid., 515) Supporting such non-state security systems may therefore be the best means available to restore security in the short-term and may also be much more locally owned than externally-driven SSR initiatives.

Evaluating security provision by non-state actors

Nevertheless, the provision of security by non-state actors is not without problems. Because there is no statutory body overseeing their activity, the potential for corruption, abuse of power and manipulation is real and may endanger the quality and sustainability of security provision by non-state actors. Whether their services are reliable over a longer period is something that remains to be seen. However, without a careful examination of local political circumstances and capacities, it would be premature to believe the development of the non-state system is more onerous and difficult than that of statutory security providers. (Ibid., 517) For instance, with a community-based, bottom-up approach to SSR, non-state actors could relatively easily be mobilized. Currently, however, locals are an underexploited resource for peace-building because their knowledge about cultural contexts and societal dynamics are undervalued. Duffey (2000, 144) attributes this to the dominance of liberal internationalist ideas through which "cultural questions have principally been relegated to the background".

In the light of SSG, a bottom-up approach means that an opportunity for locals to

demonstrate the capacity to provide security in a way that is sustainable and sensitized to local conditions and customs needs to be supported. This way, it could come to light that rather than the absence of knowledge and skills on how to do SSR, what may be lacking are specific technical skills to implement SSR. Also, it may become apparent that local traditional systems of security suffice in the provision of security as long as they are allowed to run their course without unnecessary intrusion or insistence by donors upon a particular way of implementing SSR. Acknowledging beforehand the potential of indigenous approaches to security governance as well as the potential shortcomings of SSR in post-conflict environments signals a more respectful understanding in which local resources are not dismissed beforehand but respected as a useful tool to improve the quality of security provision, either through SSR or by alternative means.

For example, it could potentially be worthwhile to link indigenous systems to state systems of security provision, such as with state courts. Such hybrid forms of security provision that connects state actors with non-state actors could strengthen security provision because actors may complement each other. Similarly, where a state is not able, yet willing to fulfill basic services such as the provision of security, that state may outsource some governance issues to local actors in order to maintain law and order. In fragile states, this amounts to coupling informal systems of governance and security with formal state structures. Either way, it would imply that local authorities in this so-called 'mediated state arrangement' operate beyond the state, its legal code, and the monopoly on the legitimate use of violence within its territory (Menkhaus 2007, 70). Of course, for such a strategy on SSG to work the sources of local authority have to be legitimate and committed to inclusive governance. In addition, cooperation with statutory actors may be involved.

However, the legitimacy of local authorities and their willingness to cooperate with statutory actors, if present, may be the foremost problems related to security provision by non-statutory forces. Issues regarding oversight and legitimacy are likely to remain. It may turn out that non-state actors will not accept being overseen within such a mediated or hybrid state arrangement by statutory organs mandated with this task due to persisting distrust. Non-state actors may regard such organs illegitimate because they failed to provide security over their entire territory in the first place or may have deliberately attempted to repress communities by failing to provide security. The crucial issue then becomes how to overcome this distrust. Moreover, non-state security actors will have to be made accountable to legitimate local representatives in order to prevent it from becoming unruly. Either way, significant confidence-building mechanisms will have to be instituted to improve cross-community relations.

Concluding remarks

This chapter introduced the concepts of local ownership and SSG and sought to investigate how the two concepts can be linked in order to improve security provision in fragile states which are characterized by a lack of capacity and/or legitimacy. This question was raised

against the background of whether security provision by non-state actors could serve as a transitory phase toward an end state security provision through democratic control by national parliaments. The concept of SSG has potential in this regard. It takes the reality of security provision in fragile states as the starting point and thus acknowledges the valuable role played by non-statutory security forces who provide security to communities left unprotected by the state. The value of a community-based approach lies in the idea that security of communities who fall beyond the scope of statutory security provision can be much better attained when communities have the freedom to design, manage, and execute security provision according to their own self-identified needs.

The chapter has led to a number of new questions with regard to the feasibility of a community-based approach to security provision in fragile, post-conflict states. First of all, SSG can be at odds with a state's monopoly on the legitimate use of force. A state monopoly may not be acceptable to many local communities in the first place. A revocation of the state's monopoly, and re-installation after trust in statutory security provision has been restored may be a feasible option but it remains to be seen how this should be executed in practice. This does imply a democratically controlled security sector is the necessary end goal but it depends on the context of state-society relationship if such a goal is attainable. Related to this is the question whether the existence of a functioning state is essential for SSG to be successful.

Secondly, there remain many critical challenges pertaining to legitimacy and accountability with security provision by non-statutory security actors. The question is how non-statutory forces can be held accountable in the absence of a statutory oversight mechanisms. An accountability relationship between a non-state security actor and the people that it protects can easily be jettisoned if there is no national parliament to oversee its activity.

Third, this has repercussions for the quality and sustainability of security provision by such non-state actors. For instance, how can influential locals be persuaded to accept reform and voluntary abdicate from their position when this is required? Hybrid forms of security provision that combines formal security actors and non-statutory actors may be a solution in this regard. Nevertheless, problems may remain with regard to oversight and legitimacy as local communities may not support such hybrid forms of security due to persisting friction and distrust.

Finally, while a community-based approach centralises local approaches to security provision, the fundamental issue pertaining to the role of international partners – states, donors or NGOs – requires further investigation. The case of Somaliland suggests that local ownership may be better attained when international actors are not involved in SSR. This suggests states should at least restrict their involvement to a far more facilitative than directing role. Yet it remains unclear how such a hands-off approach can work. The alternative framework of community-based SSG is an interesting alternative in this regard. SSG takes the reality of security provision in fragile states as its starting point and therefore

may present a framework along which the international community can design its involvement. The suggestion of SSE seems promising in theory and will have to be tested against developments in south/central Somalia and Somaliland. However, what does seem clear is that such an approach needs to be endorsed by both local populations and local elites. A safe learning environment needs to be guaranteed if people are to learn to signal and respond to security threats. These are several issues that were raised during this chapter and that will be further researched in the case studies of south/central Somalia and Somaliland in the following two chapters.

Chapter 3

Security Sector Governance in South/Central Somalia

A central theme in this chapter is whether the extent to which community-based approaches have been adopted bears a significant positive impact on security provision in south/central Somalia. The case attempts to demonstrate the (un)feasibility of a community-based approach to security governance in south/central Somalia. This chapter will first discuss international efforts at conflict resolution from 1991 onwards and identify the factors that contributed to the persisting problems with security in south/central Somalia. Subsequently, the theoretical discussion on local ownership from chapter two will be linked to security provision in south/central Somalia by investigating to what extent sub-state efforts to restore peace and security have taken place in the absence of a central government. Of particular interests here is whether it has been possible to attain local ownership in the absence of a central government and therefore whether a functioning state is necessary to have SSG. After that, the potential of a community-based approach to SSG in south/central Somalia will be scrutinized. In particular, the question whether non-state actors can be held to account in the absence of statutory oversight mechanism will be discussed. The chapter will conclude with a discussion of current efforts to design an inclusive security sector apparatus in south/central Somalia.

International involvement in Somalia in the 1990s

International actors operating in Somalia inevitably need to deal with the divisive potential of Somalia's clan-based society. I will therefore briefly start with describing Somalia's clan system.[1] The clan is the most dominant identity marker in Somali society and is determined by paternal lineage. It can be subdivided in sub-clans and further sub-divisions. The main clans are Darod, Dir, Hawiye, Isaaq, and Rahanweyn and each form a demographic majority in a particular part of Somalia. For example, while Isaaq are dominant in north-western Somaliland, Hawiye are most abundant in central Somalia, including Mogadishu; Darod are mostly located in northeastern Somalia as well as the Ogaden territory in Ethiopia; Dir inhabit the most western part of Somaliland and some enclaves in southern coastal areas; and Rahanweyn are mostly located in the central western regions between the Juba and Shabelle rivers. (Brons 2001, 102) Clan identity is based on the belief of a common ancestry and plays a central role in Somali politics and society. Darod, Dir, Hawiye and Isaaq have pastoral, nomadic roots and are descendants from the legendary common ancestor 'Samale'. Rahanweyn have agricultural, sedentary roots and have descended from the legendary ancestor 'Sab'. (Lewis 2008, 109; Brons 2001, 18-19) The clan system is one of the most distinctive features of Somali society and is interwoven with the social, economic and

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[1] See Appendix for clan diagrams and a clan distribution over Somali territory

political life of the Somalis. According to Lewis (1961, 2), "[the clan system] represents the social divisions of people into corporate political groups. By reference to his ancestors, a man's relations with others are defined and his position in Somali society as a whole determined" (quoted in Brons 2001, 98). Assuming that Somalis trace their lineage from fictive, legendary ancestors, it can be derived that clan identity is an ideological construct. Nonetheless, these identities have been reinforced over centuries through historical narrative and symbolism. In addition, these different identities have been promoted by ruling groups throughout Somali history and have been reinforced by colonial and post-colonial governments for political purposes (De Waal 2007). Regardless of whether the distinctness in identity bears scientific validity, the existence of these separate identities is no less real. On the other hand, however, Somalis are regarded as a uniquely homogenous polity in Africa with one ethnicity, language, and religion. These commonalities may provide important factors in overcoming existing clan divisions.

Competition amongst clans is common and mainly stems from the colonial era when the British and Italian occupiers resorted to divisive tactics in order to maintain control (Quaranto 2008, 20). This competitive nature is also very much present in contemporary politics as well as a cause of the continuing instability in Somalia. As De Waal (2007) argues, "Clan politics is inherently a zero-sum game. While all will gain if there is a stable and representative government in Somalia, all military factions fear that they will lose heavily if state control goes to a rival faction". Therefore, clans always have an interest in opting out of any proposed agreement when their demands are not fully met. (Interpeace 2009, 20; Quaranto 2008, 14; De Waal 2007)

Clan and sub-clan divisions had become particularly manifest in the dying days of Siyad Barre's military regime which ruled between 1969 and 1991. Barre's divide and rule political strategy included a powerful clan-based element to reinforce and exacerbate clan antagonisms. (Menkhaus 2006/2007, 80) His legacy contributed to the disorder of Somalia after 1991 when clan divisions proved difficult to overcome as clan-based militias vied to fill up the political vacuum. During this time clan antagonisms persisted because of Barre's divide and rule strategy; the marginalization of civil society through brutal repression by the fighting parties; and the clan-based mobilization strategy of the secessionist Somali National Movement (SNM) who fought for the independence of northwestern Somaliland. These factors contributed to leaving the clan as the dominant identity marker. After Barre was ousted, Somalia inherited a fragmented political landscape where no coalition of political groupings, clan-based or otherwise, was able to fill the power vacuum because none of the groups would control much more people beyond those of the clan and/or region and distrust between clans remained intense. (De Waal 2007)

Without a dominant power in south/central Somalia, warlords soon contested each other over power and influence. It is in this context that international actors made several attempts to re-establish a legitimate central government via several attempts at conflict resolution and state-building. Under the auspices of the United Nations (UN), the first, low

profile, attempt at political reconciliation took place in 1992 when the leaders of the divided United Somali Congress (USC), Ali Mahdi and Mohamed Farah Aideed, signed a cease-fire. International engagement had intensified in 1992 as fighting and famine increased after the state system had collapsed. The first peacekeeping mission, the United Nations Mission in Somalia (UNOSOM) was established in April 1992 with UN Security Council Resolution 751, which later became a peace-enforcement mission when in December 1992 Resolution 794 added UNITAF under command of the United States (US) "to use all necessary means to establish a secure environment for humanitarian relief operations" (Fenton 2004, 69-70). This meant a change of approach from a peacekeeping force under Chapter VI of the UN Charter, which are supportive of UN-sponsored negotiations between warring sides, to a Chapter VII peace-enforcement mandate, which is considered a last resort to promote international peace and security. (Brons 2001, 230-232)

One way to explain the shift from a peacekeeping to a peace-enforcement mission was that the Chapter VI mandate was far from inclusive as it focused exclusively on those parties engaged in combat in Mogadishu. As a result, this attempt marginalized those leaders that had remained neutral during the conflict, such as clan-elders and less clan affiliated religious leaders who possessed significant legitimacy in the eyes of the population. Indeed, south/central Somalia had two different kinds of authority: political authorities who adhered to traditional, non-violent means of reconciliation but who were powerless because they were unarmed; and armed actors consisting of remnants of the military forces that had overthrown Barre, but no longer possessed the credentials gained from ending the dictatorship because of the continuing war and their fear-based rule over territories under their control (Ibid., 232). Additionally, UNOSOM neglected to take into account parties outside of Mogadishu who were now confronted with a different political reality and had to adjust their political strategies accordingly. The cease-fire was thus blinding the international community from the realities on the ground elsewhere as it was exclusively focusing on Mogadishu. (Lyons and Samatar 1995, 30)

Later, in March 1993, under auspices of UNOSOM's political division, the UN hosted a conference in Addis Ababa with the aim to re-establish a central government in Somalia. The aim was to elect a transitory National Council through district and regional councils which had been established prior to the conference. However, this attempt failed because the functions of the local councils remained unclear. The local councils were not expressions of authority vested in them by local communities but rather ad hoc organs dominated by actors motivated by financial and economic interests that would flow from international donors once stability was established. In contrast, local communities continued to rely on elders who were kept outside the peace process. (Brons 2001, 236) Moreover, the formation of legitimate authority was undermined by the military factions who translated their military dominance into political power. The Addis Ababa conference thus gave recognition and mandate to armed actors that were considered illegitimate by the people. Furthermore, concerning the issue of representation, the conference only allowed fifteen clan-based

factions to participate, thereby excluding many other (sub)clans. As a result, the UN favored militia leaders at the expense of civic and traditional authorities (Interpeace 2009, 19). Therefore, international involvement shortly after the collapse of the state was mostly done without due consideration of the extent of division and separation felt by ordinary Somalis. (Lewis 2008,76)

The international community's insensitivity to local circumstances was also reflected in the tactics adopted by western diplomats to reconcile General Aideed and Ali Mahdi, the two main protagonists. When international policy-makers argued the main purpose of the cease-fire was to facilitate humanitarian operations, they were not realizing that this included negotiations with warlords that are inherently political in nature. This gave undue legitimacy to warlords at the expense of many others that had abstained from using violence and remained neutral in the conflict and who were regarded as leaders by Somalis themselves, such as traditional clan-elders, religious leaders and businessmen. Despite such actions as mediating with militia leaders and brokering cease-fires, activities that are inherently political, the US officially claimed that it would remain unengaged in drafting a framework for political reconciliation (Lyons and Samatar 1995, 34). This was also reflected in Resolution 794 which defined the problem as a purely humanitarian one. Yet without tackling the insecurity felt by ordinary Somalis deriving from military and political instability, solving the humanitarian problems would be an illusion (Brons 2001, 234).

However, leaders in Washington insisted on short-term humanitarian goals without aiming to resolve the underlying political problems even though their representative, Robert Oakley, gave political actors legitimacy by publicly meeting with them. Several militia leaders were promised positions in the interim government in return for safety guarantees for unhindered humanitarian aid delivery. (Lyons and Samatar 1995, 31) This would greatly affect UN operations in Somalia at a later stage in the conflict as warlords soon reneged on their promises and the population consequently lost faith in the international community's credibility as it was not seen to work in the interests of the people. As Anderson (1999) has pointed out, aiming to separate humanitarian operations from the broader process of political reconciliation proves illusory as each inevitably affects the other. Therefore, the international community's intention to limit its involvement to humanitarian activities overlooked the need for simultaneous political reconciliation, even though its humanitarian activities inevitably favored warlords and militia leaders at the expense of traditional authorities because warlords controlled the delivery of humanitarian aid through checkpoints and road blocks.

The underlying reason is that the international community based its entire involvement in Somalia between 1991 and 1995 on two strategies for managing political transitions but committed too few resources to pursue both successfully. These two strategies are centered around the question whether political forces and institutions that have survived the collapse of the state in the aftermath of war can serve as building blocks for a new sustainable order. The 'Accommodate Existing Forces' model bases its strategy on

a positive assessment that the remaining political forces and institutions can serve as building blocks for a new order and therefore aims to promote a productive relationship between those forces surviving the collapse of the state with a minimum of time, money and casualties involved. The 'Encourage New Institutions' model does not regard the political actors and surviving institutions as buildings blocks for a new sustainable order. In this case, alternative structures from within the local society must be encouraged to step forward to provide a counterweight against existing groups or organizations that are deemed incapable to lead the transition, but cannot easily be removed from power. (Lyons and Samatar 1995, 60-61) Because of the insurmountable fact of existing actors who seized power by force of arms and intimidation, this latter strategy may not be yielding success when pursued alone. Perhaps because of this realization, the international community pursued a two-track strategy despite the seemingly mutually exclusive underpinnings of these two models.

In the case of the abovementioned attempt by the UN to achieve political reconciliation, the international community decided to work with the dominant political actors while at the same time encouraging the emergence of alternative leadership. The flawed estimate of the international community's own necessary commitment to resolve the conflict resulted in a reluctance to engage with more effort, money and mostly time to foster an environment in which the state-building exercise could have been successfully concluded. The international community's assessment that alternative leaders such as elders, religious leaders, women and professionals would provide a credible counterweight to the armed militia leaders proved false. The two-track strategy was not pursued with sufficient vigor. A more muscular approach that creates the security conditions for a more thorough investigation into what actors carried legitimacy, and thereby, a more sustainable approach to constructing a viable Somali state would have had a larger chance of succeeding.

Therefore, the activities of the international community in Somalia between 1991 and 1995 have had great implications for political reconciliation and state-building later on. The international community gave incongruous signals with its 'Accommodating Existing Forces' model by using force against militias while at the same time engaging with them to achieve political reconciliation. This carrot-and-stick approach to achieve political reconciliation between armed Somali actors failed because of contradictory underpinnings. Rather than complementing each other, they undermined political reconciliation. The stick facet failed because the continued violations of previously agreed cease-fires by warlords could not be credibly deterred. That would have put at risk the continued delivery of humanitarian aid which was the main objective of the entire operation. Moreover, the carrot facet of providing aid and assistance once a legitimate government could restore peace and stability failed as well and in fact contributed to ongoing fighting between militias over state control. In addition, the 'Encouraging New Institutions' part of the dual-track strategy was not successful because traditional leaders on their part viewed the close relationship between the international community and militias with disdain and were consequently not eager to take up a leadership role.

Furthermore, the tactics adopted to promote conflict resolution proved incompatible with Somali circumstances. The international community's efforts to solve Somalia's conflict was based on a strategy to create a national government from the 'top down' by negotiating an elite-level power-sharing agreement between the country's competing warlords. (Le Sage 2005, 24) The unintended consequence was that high expectations of statehood were introduced which in turn kept fueling the conflict because of the anticipated resources that would come with possessing control of the state. Moreover, the UN also tried to halt the fragmentation of the political landscape by awarding representation to already existing factions. The rationale was to stabilize the political process, but the effect was to preserve inherently unstable factions. The expectation among the armed political actors was that with a seat at the UN conference table resources would follow as long as a positive outcome was reached. This is because Somalis perceive the state as an instrument of accumulation and domination for those who control it and a tool to oppress those (sub)clans left out. Therefore, Somalia has many potential spoilers who fear losing out from a state-building exercises and want to ensure they acquire their share of power as well. (Quaranto 2008, 26) As a result, a manifold of political organizations are formed around very weak socio-economic bases as vehicles to compete for external recognition and the resources that accompany it. (De Waal 2007) Yet at the same time it fosters the entrenchment of factional groupings who are striving to have control of the state. This makes reconciliation a highly complicated task.

International Involvement between 2000 and 2008

In the new decade many new peace conferences were undertaken by various institutions at regional and international level, often on the assumption that this time the efforts would comprise an inclusive endeavor. However, these conferences usually failed the test of legitimacy. In 2000, the Arta conference held under the auspices of the Intergovernmental Authority on Development (IGAD), which consists of Sudan, Eritrea (currently suspended due to its present involvement in Somalia, which will be discussed later), Ethiopia, Djibouti, Somalia, Kenya and Uganda, appeared to have achieved a milestone by agreeing upon a representative quota for proportional representation of Somali clans in the central government. This so-called '4.5 formula' was purportedly designed to address the issue of clan representation. Accordingly, the four largest clans, Rahanweyn, Dir, Darod and Hawiye are allotted an equal number of places, with the rest reserved for minorities, such as the Isaaq, and women (Interpeace 2009, 17). What appeared to be a golden formula on paper, was less ideal in practice. As happened during the 1993 Addis conference, IGAD had not carefully assessed the representative character of the delegates. Most participants appeared to be self-appointed, which became clear when sixty percent of the 245 members selected to take part in the new assembly were former members of Siyad Barre's parliament (Lewis 2008, 82). Despite the fact that the assembly reflected political realities as membership was based on the 4.5 formula, upon taking office in Mogadishu they discovered the Somali

people were mostly unsupportive of the new 'Transitional National Government'.

In October 2002, the next international attempt to political reconciliation was launched in Eldoret, Kenya. This time all major warlords, also from outside Mogadishu, were included in the process. The inclusiveness of the conference was a welcome improvement compared to previous peace conferences. However, it was uncertain whether participants were willing to demonstrate their civic responsibility and cooperate for the greater public good. A new 'transitional assembly' was put together after massive vote-buying, foreign meddling and corruption. (Ibid., 84) Yet again, disagreements over representation threatened to derail the peace conference (Sabala, Ahmad and Rutto 2008, 135). Clan factions were appointed as the de facto decision-making body at the expense of other, unarmed participants, such as traditional authorities, including clan elders and religious authorities, and the business community.

The conference lasted for two years until the Transitional Parliament was inaugurated in August 2004 and Abdullahi Yusuf, from the Darod clan and a former colonel in the Somali army who had fled Somalia in 1978 because of a failed attempt to overthrow Siyad Barre, was appointed president of the Transitional Federal Government (TFG) in October 2004. Critically, his candidature was supported by the Ethiopians which turned out to be an ill-conceived decision as the Hawiye clan accused the TFG of being a 'puppet of the west'. The allegation was based on Yusuf's appeal for a 20,000 strong international peacekeeping force to stabilize Somalia, but fear for domination by the Darod clan lured in the background. This fear was fed by Yusuf's decision to relocate the seat of the executive to Baidoa instead of keeping it in Mogadishu, a Hawiye stronghold. (Quaranto 2008, 26) Nonetheless, despite the absence of an electoral mandate, the UN and European Union (EU) were very supportive, claiming they were funding the legitimate government of Somalia. This was contrary to the view of the general Somali public who were skeptical over its legitimacy. Because of this, the TFG failed to develop any viable administrative organization either at local or national level, thereby allowing warlords' criminal activities to flourish amidst a culture of impunity. (Lewis 2008, 85)

The formation of an alliance of local Islamic courts and local clan militias in 2006 must be understood against the background of the TFG's inability to enforce law and order in large parts of Somalia. In the process, the advent of political Islam as a home-grown initiative was initiated by local Hawiye clan members from Mogadishu (De Waal, 2007). It has been argued that, rather than an ideologically driven organization, the movement arose out of the lack of security which violated the interests of Mogadishu's powerful Hawiye business class (Barnes and Hassan 2007, 2) It was not a unified Islamic group but rather an amalgamation of clan factions and local Islamic courts with militias consisting of different clans, which demonstrates the cross-clan dissatisfaction with the lack of law and order (Van den Berk 2009, 53). Capitalizing on anti-foreign (Ethiopian) sentiments, they responded to the widening public call for security and social service provision and drove out the warlords. The movement became known as the Union of Islamic Courts (UIC) and quickly took control over

large swathes of south/central Somalia. The UIC brought together people from various branches of political Islam. Key actors within the movement, however subscribed to more radical, violent versions of political Islam, while Somalis themselves are generally quite tolerant Muslims and not adherents of the radical Wahabi-Salafi strand of Islamic thought. (International Crisis Group 2008, 15)

As a result, issues developed between court leaders and the local population when familiar freedoms were restricted, such as chewing khat, watching tv, and women going out unveiled in public. Therefore, the longer-term popularity of the UIC was by no means assured even though they met the immediate security needs of the people. Improved levels of security enabled trade to be resumed, resulting in lower food prices and the restoration of public services. Crucially, however, the success of the UIC had further eroded the legitimacy of the TFG in Baidoa. Also, neighbor Ethiopia viewed the developments with suspicion. Not only was Ethiopia President Yusuf's principle ally, they were mostly concerned by alleged Eritrean involvement with the UIC. (Barnes and Hassan 2007, 5) From the start Yusuf and Ethiopia branded the movement as radical, and accused it of harboring terrorists that had been implicated in bomb incidents in the past. On these prevailing perceptions Ethiopia and President Yusuf amassed international support against the UIC. The UIC, on the other hand, easily capitalized once more on anti-foreign sentiments and also sought and got support from Eritrea through the delivery of weapons and intelligence. (Dowden 2008, 123-124) In fact, the borderlines of a proxy war between Ethiopia and Eritrea in Somalia were drawn. When radical elements within the UIC called for a jihad, the Ethiopians were given the opportunity to shape the debate along the background of the 'war on terror'. The US endorsed the severity of the situation and did not take long before backing the Ethiopian invasion of Somalia in December 2006. (Quaranto 2008, 29; International Crisis Group 2008, 26) Almost two years of occupation ensued in which indiscriminate killing, violation of human rights and humanitarian abuse became common place and aggrieved the population even more.

What we can conclude from all these interventions is that the international community has continuously neglected to develop a coherent strategy based on the realities on the ground. A proper analysis of the dominant forces and their capabilities to push for a credible reconciliation process has never been undertaken. The international community wrongfully assumed that by merely pacifying warlords, thereby transforming them into 'legitimate' political actors, a central government could easily be formed. The underlying issue here is clan representation. Since the first attempt at national reconciliation in 1991, every peace conference has seen an increasing amount of participants. While only four armed movements claimed victory over Siyad Barre in 1991, fifteen attended the peace talks in Addis in 1993, and more than thirty were present in 2004. This increase is a result of the persistent dilemma of how to ensure legitimate and authoritative representation in internationally sponsored Somali peace processes. The 4.5 formula has been the most concrete proposal, yet its effect is to solidify the clan structure which furthers inter-clan

division when no agreeable solution can be reached. Neither does the 4.5 formula prevent conflict at sub-clan level from emerging. The core of the problem of clan representation is that, as mentioned before, Somalis fear losing out in the state-building exercise because of the perception of the state as a tool of exploitation and oppression. The dilemma of representation manifests itself when too few groups are involved, the state-building exercise suffers inherently from a lack of legitimacy, while too many parties risk failing to reach an equitable outcome that is satisfying to all parties. While it is difficult to overcome this dilemma, a solution must perhaps be sought in the process of reconciliation and state-building. Up until today Somali peace conferences amounted to efforts of state-building without reconciliation (Menkhaus 2006/2007, 99). As the case of Somaliland will show, a reverse order of these two processes may yield more success.

Next to this, representation issues have generally favored warlords because they possess the most optimal mix of clan, military and financial power. The predatory behavior that we have seen in Somalia is therefore not a surprise in the absence of strong law enforcement by national and local authorities (Interpeace 2009, 23). One thing warlords were lacking though, was the crucial support of local constituencies. In reality little attention was paid to underlying motivations and grievances of the people - not to a small extent attributable to the warlords - that needed to be addressed. Part of the problem was that warlordism itself had become entrenched in Somali politics in the absence of law and order. It was not in the warlords' interests to have peace since the war economy ensured their businesses made huge profits. As established before, politics was a zero-sum game, making warlordism a rational and potentially lucrative activity.

The international community ignored this aspect of Somali politics when setting the terms for engagement with warlords. Warlords accepted these terms as they were far from incompatible with their own interests. With the rise of the UIC, a homegrown initiative was born that became increasingly popular for its ability to restore law and order and deliver services to the benefit of the population despite some trade-off with personal freedoms. The international community was again easily drawn into the conflict on the pretext of fighting terrorism. The perceived prospect of a radical Islamic state that would serve as a basis from which terrorists could plan their international operations provided the catalyst for support of the internationally backed Ethiopian intervention in December 2006. This policy choice was not accompanied by a strategy to reconcile clans. The perception of widespread support for the UIC was interpreted as an Islamist insurgency rather than the people's call for security that underlay the popularity of the UIC during that period. This shows the international community's narrow approach to the conflict since no solution that is based on an understanding of Somali culture and politics was devised. Consequently, the failure to devise a coherent strategy based on an accurate account of the realities on the ground has proven to be disastrous given the reality we see today. This lack of careful scrutiny of the legitimacy of self-appointed representatives made Somalis unconvinced that a revived state would serve in the interest of the entire population rather than narrow clan interests.

Current international involvement in Somalia

The UN-sponsored Djibouti peace process launched in March 2008 is the fifteenth attempt to reconcile fighting factions and establish a central government in Somalia. Nowadays the Djibouti peace process is considered the 'only game in town' for the international community and aims to consolidate the TFG into an all-inclusive national government embraced by all Somalis. The Djibouti peace process was driven by the realization that the Somali crisis would not be resolved without a negotiated settlement involving the Islamist groups, who deny foothold to the TFG in most parts of south/central Somalia. Brokered by the UN, the peace process culminated in the Djibouti Agreement signed between the TFG and the Djibouti-based faction of the Alliance for the Re-liberation of Somalia (ARS) under leadership of Sheikh Ahmed Sheikh Sharif. The ARS originated from the UIC and was formed when the UIC's political leadership had moved to Asmara and cut ties with the UIC's military commanders who remained in south/central Somalia to fight the Ethiopian troops in 2007. The latter would later rebrand themselves as Al-Shabaab and always refused to negotiate with the TFG and who aim to implement sharia law. (Marchal 2007) The Djibouti Agreement stipulated in article six that within thirty days from signing the Agreement, which occurred on 19 August 2008, "the termination of all acts of armed confrontation by the ARS and its allies and the TFG and its allies" would come into effect. Moreover, it codified Ethiopian troop withdrawal which occurred in January 2009. (UNPOS 2008) The Djibouti process finally led to the appointment of Sheikh Ahmed Sheikh Sharif as President in January 2009.

The Djibouti Agreement constitutes the first negotiated settlement that recognizes the armed Islamist opposition. However, the process was never completely inclusive as the ARS had broken up into ARS-A and ARS-D in early 2008 when disagreement arose over accepting to participate in the UN-sponsored Djibouti peace process. The hard-line Asmara-based faction of the Alliance for the Re-liberation of Somalia (ARS-A), under the leadership of Sheikh Hassan Dahir Aweys, who is on the US Department of State's terror list, had rejected peace with an internationally backed Djibouti faction of the ARS (ARS-D) in the first place. This rift within the ARS stems from earlier disagreements over ideology and tactics. The branch under leadership of Aweys (ARS-A) sensed the implementation of their radical interpretation of Islamic law, and demand for African Union's AMISOM troop withdrawal, which had been deployed in March 2007 to protect the TFG against the militant opposition, were unlikely to be fulfilled and rejected the offer by the UN, whereas the more moderate faction under Sheikh Sharif (ARS-D) did accept the offer. (International Crisis Group 2008, 9-10)

From then on Aweys capitalized on the perceived illegitimacy of the newly appointed government, which in fact, controlled little territory when compared to the Islamist extremists of Al-Shabaab who control large swaths of south-central Somalia. In the meantime, Al-Shabaab had formed a formidable fighting force consisting of disgruntled local youth supported by an increasing amount of foreign fighters, some with links to Al-Qaeda. (Black 2007, 16-17) Both Al-Shabaab and Aweys' party, Hizbul Islam, which is a coalition of

four parties that Aweys heads, have vowed to overthrow the TFG which is according to them, illegal, illegitimate and exclusive. On May 7 2009, Al-Shabaab and Hizbul Islam, commenced a new round of fighting with the TFG which is reportedly some of the heaviest in Mogadishu in years, killing already 200 and displacing more than 120,000.

Meanwhile, the 33-member International Contact Group on Somalia met on 9 and 10 June 2009 in Rome to discuss efforts to sustain Somalia's frail Transitional Federal Government and to bolster international support for a country that has been without an effective government since the fall of Siyad Barre's regime in 1991. The communiqué released after the meeting condemned "the recent attempt by extremist armed opposition groups to overthrow the legal, legitimate and internationally recognized Somali government". Moreover, it welcomed "the commitment made by the TFG to achieve political stability through an inclusive process and urged the parties to complete the process of national reconciliation by those who have yet to support and engage in the process". (UNPOS, 10 June 2009) These two statements are somewhat paradoxical as the legitimacy of any government is based on its representativeness. By stating that the process of national reconciliation is yet to be completed, the statement implicitly indicates the lack of representativeness of the current transitional government led by the moderate Islamist President Sheikh Sharif Sheikh Ahmed. Yet at the same time the international community puts its weight behind an actor that controls little territory on the ground by reaffirming the Djibouti peace process as the legal and legitimate framework for peace and reconciliation.

It thus becomes evident that the beliefs of the international community and militant opposition parties in Somalia are sharply opposed over the legitimacy of the incumbent government. The international community, by means of United Nations Special Representative of the Secretary-General (SRSG), Ahmedou Ould-Abdallah, has expressed its intent to consider a new approach to resolve the political crisis and address the dire humanitarian situation (UN News Centre, 9 June 2009). This could be an implicit acknowledgement that the many efforts the international community has undertaken to restore governance in Somalia over the past eighteen years are subject to reconsideration. These efforts were founded on the belief that the restoration of effective government could be realized by implementing models of governance that functioned properly in developed, western nations. These preconceived ideas about post-conflict governance were neither informed by local conceptions of governance nor took into account the intricate yet fascinating social dynamics that feature in Somali society. The opposition's rejection of the Djibouti peace process is contingent upon the perception that the international community is taking sides. Naturally, the African Union's peacekeeping force, AMISOM, cannot claim to be neutral as its mandate is to protect a peace agreement that was drafted without the inclusion of significant actors that control much of south/central Somalia.

However, as the communiqué of the International Contact Group on Somalia indicates, the international community puts its full weight behind the TFG (UNPOS, 10 June 2009). Naturally, the international community is caught up in a quagmire as a failure of the

Djibouti process would negatively affect the status of the UN. However, failing to learn from earlier blueprint approaches to political reconstruction in Somalia, the continuous support for the TFG is another manifestation of the top-down approach to state-building in Somalia. The Djibouti process allowed the empowerment of a single faction (ARS-D of President Sheikh Ahmed Sheikh Sharif) that controls little territory on the ground. Yet Mr. Ahmedou allowed this single faction to appoint 200 out of 275 new members of an expanded 550-seat parliament. Despite the fact that the ARS will allocate members among Somalia's different clan in accordance with the 4.5 formula, this move effectively delegitimized the government and makes it amenable to favoritism and patronage (Xinhua, 25 January 2009). Moreover, by explicitly calling for direct external aid to the TFG by supporting the training, equipment and stipends of security forces backing the TFG, the UN has positioned itself squarely and solely behind the TFG, thereby foregoing its neutrality by clearly taking sides in an ongoing civil war. (Menkhaus 2009, 4)

The international community's state-led, top-down approaches to state-building have been criticized for failing to take into account the precarious nature of Somali society's clan interests. They did not succeed to carefully appreciate the local context and, as a result, prematurely discussed re-establishing governance when inter-clan relationships were still far from optimal. The top-down approaches to state-building in Somalia have failed because they were unrepresentative and exclusive in nature, and sidelined legitimate local actors in the process. In fact, the tactics applied by the international community are reflective of an approach that prioritizes state-building, i.e. the establishment of legitimate authority, over peace-building, i.e. fostering cooperative relationships. (Quaranto 2008, 17) Most of the efforts by the international community have aimed to broker a quick power-sharing agreement under the assumption that this would constitute legitimate authority. This often occurred prior to the effective resolution of conflict and a common understanding that cooperation is an essential precursor to establishing legitimate governance. State-building and peace-building are mainly the responsibility of Somalis themselves and local efforts have been undertaken, as will be elaborated on later, yet most local efforts have been undermined by the failure to achieve reconciliation at national level. In order to achieve this goal, the international community can improve its involvement compared to past efforts by designing an alternative strategy of engagement with Somalia. One option could be to embrace a more scaled-back, facilitative approach and promote a Somali-driven process of conflict resolution and state-building to increase the likelihood of sustainable peace in the Somali region.

On a practical level this gives room for serious negotiations between the TFG leaders and various Islamist/nationalist rebel groups, and if successful, it could improve the representative legitimacy of a newly negotiated government once reconciliation and confidence building measures have provided sufficient safeguards against a return to violence. According to Lewis (2008, 4) this will not be demonstrated by "the usual EU and UN declarations" which carry so little weight with the Somali population. If international actors

are truly committed to an inclusive peace process it will have to come to terms with parties currently rejecting the peace process. At present, the international community's top-down approach lacks space for grouping based on ideologies perceived to threaten its own interests. Yet, the reality on the ground is clearly harming its interests to a far larger extent. As Marchal (2007) argues, this may imply the re-negotiation of the make-up of the central government. This may also have repercussions for state-governance in Somalia in general, and to the delegation of more responsibilities to local, decentralized governance structures. However, local power elites within the TFG may be unlikely to accept a more limited role for the central government. Clearly, TFG leaders are reluctant to give up power, certainly when they know international backers will not abandon them (Quaranto 2008, 52).

Furthermore, the role of the business community could also be important in the re-negotiation of power configuration in Somalia. As Brons (2001, 69) argues, options for peace or war, outbreak and control of violence, depend on the attitude of Somali traders *vis à vis* state authority because it is the most relevant economic sector in Somalia. Indeed, there is a reasonable argument to be made that without the involvement of the business sector, such as livestock and agricultural traders, and merchants and entrepreneurs in general, the formation of a central government is a troublesome and onerous task (De Waal 2007). The policy implication of this analysis is that the current strategy to address the Somali problem—namely establishing a national government—will only lead to another round of conflict. International recognition, including financial and military assistance to the government, is part of the problem. The donor reflex of pouring in funds to support the TFG and its institutions runs a serious risk that it will sharpen the conflict and create a new round of instability. An inclusive peace process that takes into account the interests of Somalia's diverse constituencies and starts with building peace instead of the state is ultimately the strategy to resolve the Somali crisis.

Having elaborated on the international community's past and present involvement in Somali affairs, this section sought to clarify how the international community's involvement has contributed to the (in)stability in south/central Somalia. What has become clear is a general predisposition toward a top-down approach to conflict resolution and state-building. Interventions were state-driven and hardly involved actors with legitimacy in the eyes of the population. They also foremost aimed at restoring a legitimate government but booked little success because of the failure to restore inter-clan relations first. The state was thus the primary focus as the product and process of conflict resolution and state-building. The next sections will discuss to what extent sub-state efforts to restore peace and security have taken place in the absence of a central government in the past eighteen years.

Local security governance in south/central Somalia

It can be argued that Somalia has ceased to exist as a de facto state while de jure it continues to exist. Somalia is still considered as a state with de jure sovereignty because of the legal recognition it receives from the international system of nation states (Brownlie

2003). However, Somalia is not de facto sovereign because it does not possess control over all its territory and is not considered as the sole authority entitled to use violence by Somali people. (Brons 2001, 48) This helps us understand the international community's efforts to rebuild the Somali state because it is key for the international system of nation states to maintain the cardinal principle of state sovereignty. In current discourse, this line of thinking is reflected by a renewed focus on state stability and consequently, the problematisation of state failure as a threat due to the alleged link between failed states and international terrorism (Quaranto 2008, 2). This triggers new attention to fragile and failed states, such as Somalia, after relatively little attention by the larger international community after its intervention between 1991 and 1995. It can thus be derived that the state-centred conception of sovereignty no longer holds in Somalia given the consistent failure of the state-building exercise. Somali society has delegated aspects of sovereign authority to local and regional institutions. Local and regional initiatives have sprung up because they are able to fulfill the basic need from which authority is derived, namely the provision of security, thereby establishing their legitimate authority. As the examples further below demonstrate, Somalia's case shows that the state is not necessarily the only source for security in fragile post-conflict states.

The mediated state arrangement

Restoring security on the ground is unquestionably Somalia's most urgent need. Given the reality on the ground and the lack of trust in national authorities, an alternative option to project authority for the frail TFG in the short and middle-term is through the mediated state arrangement. Hereby the state brokers deals with local non-state authorities in order to project authority and maintain law and order because the state does not have the capacity to do this (Menkhaus 2006, 88). For the longer-term mediated governance lacks the real capacity to address underlying causes of armed conflict for which sustained central state engagement may be necessary. However, that does not take away the argument that a mediated state arrangement could very well serve as a transitory solution that prepares the ground for the restoration of security governance at national level at a later stage. Transitory security arrangements have hardly been addressed in political negotiations to achieve a cease-fire (Interpeace 2009, 25). This leaves peace process vulnerable to armed actors' unreasonable demands, undermines commitment to the cease-fire and prevents progress toward stabilization, because each factions maintains its military capacity as a guarantee against an eventual monopoly of force by the clan who successfully captures control of the central government. For instance, while a Cessation of Hostilities was agreed upon during the Mbagathi peace process in 2002, it lacked implementation mechanisms, monitoring arrangements and supervisory institutions, thereby leaving violations of the agreement unaddressed. (Ibid.) Particularly in Somalia, where military capacity is widely dispersed, it is absolutely crucial to incorporate a negotiated approach to security sector management. Despite this, international mediation efforts have consistently treated security arrangements

as a "technical addendum" (Accord 2009, 6). The first serious attempt to arrive at a joint security arrangement was achieved only very recently in November 2008. This will be discussed elaborately at the end of this chapter, but it is a good signal that transitory security mechanisms are being addressed.

One major policy implication of the mediated state arrangement is the challenge to the state's monopoly on the legitimate use of force. During peace negotiations at the highest level a monopoly on the use of force has usually been the only acceptable option to international powers. In the Somali context of deep seated inter-clan animosity and a legacy of abuse under state rule, the insistence on a monopoly on the use of force by the state translates on the ground into a need to acquire control over the state to ensure clan interests are preserved. Implicitly the perception develops that the state is an object to control in order to protect the clan against exploitation by other clans, which again exemplifies the zero-sum nature of Somali politics. As a result, clans are understandably very hesitant to disarm because they fear other groups will cheat on their promises and fail to disarm, thereby becoming in a position to dominate other clans.

Whether the mediated state arrangement is an interim solution to the security and governance problems or part of a long term form of governance is something that needs to be decided by Somali people themselves. They have to decide which actors they deem legitimate representatives and entrust with governing the security sector. The end goal of the revival of a central government with a monopoly on the legitimate use of force, as donors would like to see, may not be endorsed by Somalis themselves. According to Brons (2001, 283), the genuine desire on the part of Somali communities to have improved security and a functioning government must not be conflated with a desire to have a revived national government. In fact, as will be discussed in the next chapter, the example of Somaliland challenges traditional conceptions of statehood that regard a central government with a monopoly on the use of force as the goal to be achieved. The next sections discuss the extent to which such sub-state, local initiatives to restore security and law and order have been undertaken in south/central Somalia.

Sub-state security provision: the security dimension

Despite the failure of internationally-sponsored efforts from 1991 onwards to re-establish viable arrangements for security provision in Somalia, several local security systems emerged in south/central Somalia following local and regional reconciliation initiatives. In a nutshell these initiatives were successful because they were founded on the idea to establish cooperative inter-(sub)clan relationships between the dominant and minority clans in each region prior to discussing a power-sharing agreement. These security initiatives were organized largely by local communities and took place in all parts of the country, fostering relative stability and peaceful co-existence between different communities at local level. (Interpeace 2008)

Given the relative success of these local initiatives, one internationally orchestrated

attempt to foster local security initiatives was undertaken by name of the 'building block approach' (Bryden 1999). At its core it aimed to develop local administrative structures as the basis for a decentralized approach to Somali unity. It was hoped that this strategy would lead to the emergence of zones of peace, such as in Somaliland and Puntland, by supporting local governance structures. The building block strategy aimed to create clan-based, territorial enclaves with regional administrations that would over time become part of a federal, unified Somali state. (Ibid., 136) The building block approach would effectively break Somalia down in areas controlled by dominant clans in specific areas but where minority clans are incorporated in governance structures as well. The capital Mogadishu would be administered separately as a cosmopolitan hub for all Somalis.

While promising, this internationally designed decentralized approach suffered from the same setbacks as earlier approaches: the building block approach never materialized as it was exclusively aimed at state-building; the initiative was not embedded in a larger reconciliation process. Clans could easily agree on sub-state autonomy, but possession of state control soon dominated agendas and led to (sub)clan animosity over representation. While federalism seems the least troublesome basis for governance for Somalia, it means clans and sub-clans will reassert control over their traditional territory to ensure their representation. When this is not done in agreement with other clans, it easily sparks violence, because clans have an interest in being seen as an influential player who are deserving of representation in new administrative structures. Again, it appeared that merely subdividing Somalia administratively was no substitute for improving inter-clan relations, building inter-communal trust and consensus, and ensuring the quality and legitimacy of (sub)national leadership.

Explaining the success of local security initiatives
In subsequent years, despite the ebbs and flows of ongoing conflict, communities in south/central Somalia did govern through traditional systems while international support kept focusing on reviving a national government. Indeed, the at times relative stability and coexistence of communities within the fragmented conflict dynamics of south/central Somalia is attributable to locally initiated reconciliation initiatives prior to the division of power via power sharing agreements. And as Nuredin Netaby (2007 quoted In Interpeace 2008, 14) writes "A unique feature of these local peace initiatives is the use of the bottom-up approach where local level leaders […] are the initiating and driving force. The bottom-up reconciliation process is fundamentally people-centred, advocating peace from within affected communities […]".

For instance, rivalry in 2005 between Hawiye sub-clans Jijeele and Gaalje'el in 2005 revolved around a number of issues, such as seat allocation to the Gaalje'el at the Arta national reconciliation conference of 2000, control over land and resources, and the rapid migration of the Abtisame sub-clan of the Gaalje'el into Jijeele territory without their permission. Fighting between them had erupted in the Hiran capital Belet'Wein and

affected all other sub-clans in the region as well due to deaths, displacements and the disruption of trade. The Hiran Council of Elders, which consists of traditional elders from the sub-clans living in the Hiran region, moved to end the violent conflict by agreeing on a peace process. Their appeal for an end of hostilities and call for dialogue was responded to positively and a 'green-line' was established that separated the Jijeele and Gaalje'el sub-clans. The green-line was established to ensure militias would not cross into each other's territory. A process of consultative dialogue between all sub-clans affected by the conflict was subsequently pursued under the mediation of the Hawadle sub-clan who was appointed by the Hiran Council of Elders and perceived neutral by all parties. The Hawadle also financed the peace process by relying on local business communities from all sub-clans who wanted to end the fighting. After several days of deliberation a peace agreement was signed after modalities to monitor compliance were agreed upon. In spite of the green-line, mobility and interaction between the Jijeele and Gaalje'el communities continued as soon as the peace accord was signed. (Interpeace 2008, 70-76)

The quality of the accord is that it was reached through a voluntary consensual approach. The wider clan community participated in peace deliberations, including women who often fulfilled an important mobilization role even though they were not allowed to formally sit in meetings with elders. Nonetheless, the peace accord remained very general in nature. Some aspects that were not covered include an exact demarcation of the land belonging to the two sub-clans, which may invite renewed conflict once tensions between the sub-clans re-emerge. On a more fundamental level, the conflict was related to developments at national level. In 2000 seat distribution agreed upon at Arta was perceived to advantage the Jijeele over the Gaalje'el. In addition, the prospect of federalism that came out of the Mbagathi peace talks in Kenya in 2002 may have contributed to Gaalje'el to reassert control over territory traditionally held by the Jijeele clan in order to ensure future representation in a national parliament. In the end, the dominancy of the powerful Hawadle as an impartial mediator, advocacy by women, and support by the business community ensured stability returned to Belet'Wein. (Ibid., 80-82)

More than ninety of such local reconciliation processes have been recorded between 1991 and 2007. They were predominantly initiated by elders and funded by stakeholder communities. (Interpeace 2008, 14) Some regions within south/central Somalia have had more peace initiatives than others, owing to the number and complexity of relationships between clans and sub-clans, the availability of resources and influence of national politics. However, the number of peace initiatives held per region may also have depended on the relative military strength of one clan, thereby making peace a more attractive option than continued warfare for the weaker (sub)clan.

Nonetheless, many local peace initiatives have been successful. Drawing on group discussions and interviews, the latest comprehensive research into local peace initiatives was conducted by Interpeace. Their findings obviously have to be replicated in order to gain more scientific validity. Since Interpeace is also involved in mediation efforts and dependent

on external funding, they have an interest in promoting their activities and underscoring the success of their approach to convince donors that their results are based on scientific research. This has to be taken into account but given the length and depth of their studies and involvement of local researchers, their findings are worthy of attention. From a series of publications they derive that critical factors to the success of local peace initiatives are, amongst others, the use of traditional governance systems, confidence in elders, impartiality of the mediators, and the absence of international interventions. In similar vein, those factors contributing to the failure of local peace initiatives include, amongst others, lack of impartiality of the mediator, lack of leadership, lack of community participation, and failure to address the root causes of the conflict. (Interpeace 2008, 19-20)

Furthermore, imbalances of power are also an obstacle to peace processes. If one group perceives itself to be militarily dominant over the other clan effective conflict resolution is unlikely. This is because unreasonable demands and conditions set by the dominant party may provoke confrontation and spoil reconciliation efforts. While power imbalances are a potential obstruction to the peace process, the method to prevent it from leading to violence is the degree of ownership by local communities. The inclusiveness of local communities in all stages of the peace process, deliberation as well as negotiation, yields higher levels of ownership. Indeed, a "fundamental element for the sustainability of any peace initiative and subsequent accord is the extent to which the parties in conflict "own" the process and its outputs" (Ibid., 78). While this does not dismiss the important role of other stakeholders, peace initiatives driven, managed and sponsored by the community are deemed a prerequisite for successful conflict resolution.

An important aspect of local ownership that contributes to the success of local peace processes is local sponsorship. Local sponsorship makes locals more aware of the burden of peacemaking and enhances the likelihood the money is well spent since it concerns their own private funds. Local sponsorship also makes it more likely that it contributes to the sustainability of peace accords. The role of local business elites deserves particular mention with regard to sponsorship. Their involvement is based on the concern with the negative impact of conflict on their trade. In the 1990s the nature of economic activity had shifted because of the presence of the international community. This was an incentive for former business complicit in the war economy to switch to more legitimate businesses. The presence of UNOSOM between 1991 and 1995 resulted in many lucrative opportunities such as procurement, construction projects, property rental and private security. In addition, telecommunication industries developed rapidly in the 1990s and fostered the emergence of remittance companies, allowing the diaspora to send money back to family members. (Menkhaus 2004, 158)

Examples of local security initiatives

In Mogadishu, often characterized as the former cosmopolitan hub that stood example for inter-clan harmony, several initiatives to improve local security conditions have been

attempted. Civil society organizations and the business community have at many stages substituted for the state to exercise effective security governance (Accord 2009, 4). Clearly the growth of a powerful business class created incentives for controlled stability to ensure trade is not unduly disrupted (Menkhaus 2004, 158) So-called 'neighborhood watch schemes' divided territory into neighborhoods where small security teams, sometimes consisting of former young gunmen, were paid for by residents themselves. They often met the immediate security needs of the citizens because security provision was based on the insecurity perceived by locals and not driven by security concerns of the state. The role of women was particularly important in attaining the trust of the many local constituencies that live in Mogadishu. The large number of clans and sub-clans living in the vicinity requires persuasive mediation. Women fulfilled the primary role of peacemakers because their marriage ties across clan lines give them strong relationships and respect in different clans (Accord 2009, 4). While the fact that women are allowed to marry men from other clan is an indicator that clans are not per definition rigid groups. However, marriages across clan lines usually serve the purpose to increase bonds between (sub)clans in the aftermath of war. It could therefore be regarded as an important confidence building measure.

One concrete result has been the demilitarization of Bakara market, the infamous market where all types of weaponry are stalled in the open and which is a key centre for commerce in Somalia. The initiative was taken by civil society actors and women and led to heightened levels of security. However, this does not mean that security provision complied with international human rights standards. The business community's interests were prioritized, which means stability and security sometimes infringed on individual human rights. (Ibid.) Therefore, while immediate security needs were met, heightened levels of security did not mean that people felt entirely safe. For instance, street crimes including murders, carjackings, kidnappings perpetrated by gangs or individuals decreased, but 'white collar crimes' such as communal violence, land grabs by force of arms, the illegal export of charcoal, which is very damaging to the environment, and piracy still continued and were often committed by top political and business leaders (Menkhaus 2004, 158).

Another example of a locally driven security initiative was the Mogadishu Security and Stabilization Plan (MSSP) of 2005. The MSSP originated in response to the establishment of the TFG which was seen as partisan and favoring the Darod clan. While it is not entirely clear who took the initiative, the MSSP enjoyed widespread public support and was supported with business funds. Through clan mediation a council of sixty-four members was established that was tasked with electing a governor and to administer security in Mogadishu. However, the council's work was undermined by the TFG as well as the international community "who did not support the MSSP as they were intent on establishing the TFG's authority" (Accord 2009, 4). This demonstrates how external criteria and demands by donors can undermine local security initiatives.

In sum, local security initiatives have been periodically successful in south/central Somalia. Local sponsorship by the business community and the mobilizing role of women

sustained peace efforts and increased security and allowed trade to be resumed. However, these local security initiatives have been undermined by national politics supported by the international community. It is therefore no surprise that financial support from government funds or international donors has led to local suspicion about the nature of external funding. Local sentiments may have developed that regard external funding as an attempt to influence local peace processes in line with other agendas. (Interpeace 2008, 80)

Sub-state security provision: the legal dimension

This section will elaborate on the legal dimension that enhances political stability, thereby contributing to the absence of war and control over violence. Therefore, this section will discuss what type of justice systems have emerged at sub-state level to promote law and order.

Le Sage (2005, 14-15) has identified five justice systems that operate in Somalia. They include the traditional clan-based customary system known as xeer; sharia courts; ad hoc mechanisms established by Somali militias; civil society initiatives; and formal judiciary structures. The systems operate next to one another within the same region and different legal systems are applied to different type of conflicts. This multilayered justice system is a result of the central state's inability to administer justice and security matters throughout its territory. This is common in fragile states where decisions on what kind of security and justice they want is based on what options are on the menu. Security and justice provision is fragile states is therefore a complex pattern of overlapping justice and security agencies. (Baker and Scheye 2007, 515)

Of these systems, Somali customary law, or *xeer*, is the predominant justice system, also because rural populations do not have access to formal justice systems because they are predominantly based in regional capitals. Xeer is based on the traditional authority elders enjoy in the mediation of disputes. Elders mediate conflict on the basis of traditional law as established within and between clans. Xeer employs a mix of sharia law and 'homegrown' traditional law, in which precedence plays a significant part, and is applied to all types of conflict (Menkhaus 2006, 89-90). Xeer is enforced through the concept of *diya,* which are blood payment groups that collectively compensate for crimes committed by members of that diya in the form of livestock. As such membership of a diya creates peer pressure not to commit crimes as the costs are borne by all members of the diya.

The question is whether xeer is able to provide impartial enforcement when judgment is based on largely unchecked deliberation by elders. This type of justice could for example be influenced by the degree of military strength of the clans (Interpeace 2008, 14). Judgments by elders can thus be influenced by such calculations. Moreover, militarily strong clans may refuse to cooperate with judgments that favor a weaker clan (Le Sage 2005, 36). In addition, the nature of the role of elders makes it prone to bribery, which was in fact common during Siyad Barre's rule. Next to that, it can be argued that in some instances xeer conflicts with international human right standards. The collective responsibility imposed on

diya groups conflicts with values of individual responsibility as enshrined in human rights law. However, while xeer has its limitations, it has also contributed to a culture of consent to solve inter-clan disputes. For example, if elders from clans in conflict reach a common understanding, they propose mediation in a public meeting where they present their views on the conflict and elaborate root causes and their grievances. If the clan elders fail to reach agreement they may agree to mediation by a third party who will thoroughly examine the root causes for conflict. (Interpeace 2008, 13) Certainly in fragile states the benefits of xeer may outweigh the costs because the independence of the judiciary in fragile states is highly questionable. As long as elders are regarded as legitimate by their community, the decisions reached under their authority will be accepted.

Sharia courts have in the last decade become a more prominent mechanism to administer justice. The pertinent role of religion in international affairs contributed to this, but they are foremost a result of an attempt to improve local security conditions in order to maintain public support. Also, business leaders had an interest in a secure environment to be able to trade and not be bothered by uncontrolled militia extracting illegal tax levies on products traded. Sharia courts play a very limited role in mediating inter-clan disputes, which remain the prerogative of the clan elders. Sharia courts mostly operate in private, family matters, business disputes, and minor crimes. The Sharia courts fulfill three roles: first, they organized a militia to apprehend criminals; second, they pass legal decisions in both civil and criminal cases; and third, they are responsible for the incarceration of convicted criminals. (Le Sage 2005, 38) Controlled militias are thus the instrument to enforce justice. They are under the auspices of the court, which itself is appointed by elders from the clan in which the court operates, and are financed by communities who sign up for their services (Ibid., 40). The courts are overseen by a consultative group, *a shura*, of sixty-three Somali religious leaders, clan elders and businessmen. Whether this also translates into community oversight is the question. However, it seems improbable that armed actors are easily controlled by unarmed community oversight mechanism or merely by means of the authority of religious leaders and elders. In any case, the courts and their militias can easily be turned into instruments of repression, clan favoritism and patronage because they are not politically, militarily and financially autonomous. Clans can remove the authority of the court or recall the militia from the court which limits the ability to reach decision that go against the interests of the clan.

As a result of these limitations, sharia courts may be disbanded because they caused conflict. Community-based 'vigilante groups' or *madani* have sometimes been established as an alternative justice mechanism and were organized by local businessmen. They operate by arresting local criminals, responding to local distress calls, and chasing away militia that come from other clans and neighborhoods. The difference with sharia court-controlled militia is that they operate beyond the control of militia leaders and thus beyond the purview of the local elites, who, as I wrote in chapter 2, are often keen on preserving the status quo and oppose reforms. The madani differ in organization and effectiveness where

they have emerged. In general, it appears that the higher the level of communal support, the higher degree of success of the madani. (Ibid., 49) It remains to be seen, however, whether this system works in areas where militia leaders are in control. This mechanism may thus be hard to promote at regional or national level.

Lastly, the charter establishing the TFG does lay down matters pertaining to formal justice systems. Yet, when it was installed in 2004 no serious attempts to revive the formal judicial system has been made due to continued fighting and the dominance of the other justice systems. The charter lays down that sharia law is the basic source of legislation and guarantees the independence of the judiciary. It establishes a Judicial Service Council that appoints and manages judges and requires that judges must have been judges in previous Somali governments or have five years experience as an advocate. However, before the formal justice system is set to work properly, many challenges have to be overcome, including the lack of qualified legal professionals and legal resources, the courts' dependence on the executive branch for financing, thereby failing to curtail political interference, and limited parliamentary capacity to fulfill their oversight duties. (Le Sage 2005, 31-32)

While a multilayered approach to justice in fragile states may thus ensure ownership by local populations, in the case of Somalia, there are significant trade-offs with individual human rights. It cannot be concluded that Somali citizens are equal before the law because the multilayered organization of justice in Somalia also means there is a choice to be made about the applicable law in any given case. As pointed out above, this choice is influenced by the interests of the stronger party and how a solution preserves security. Injustice and impunity are not categorically excluded within the Somali system. Therefore, the protection of the individual cannot be guaranteed as clans, politicians and businessmen are in the position, due to the lack of autonomy of the systems, to exercise direct influence over how cases are decided. While this is not commensurate with international human rights standards, such normative considerations are not the core problem of security and justice in Somali society. Rather, as long as individuals are not equal before the law, trust in the judiciary as impartial arbiter is unlikely to develop, either at local or national level, which has significant repercussions for security. In essence, legal frameworks in Somalia are ultimately incapable of providing security because law enforcement is selective and thus unreliable (Accord 2009, 5). In addition, legal systems in Somalia do discriminate against women and minorities and therefore does not correspond to an equal, impartial, and independent legal framework and has the potential to undermine confidence in authorities and contribute to heightened insecurity.

Le Sage (2005, 54) proposes that harmonization of the various legal systems to arrive at a more predictable legal system would actually provide an opportunity to promote Somalis' participation and raise their level of ownership in the development of government structures. If locals get a say in merging the various legal systems, it will help ordinary people to solve practical problems encountered in daily life and generate wider acceptance for

harmonization in the first place. Widely consulting communities also ensures legal reform is not simply a matter decided by governmental elite. Yet while community consultation is definitely a strong means to a more bottom-up approach to erect government, it cannot be expected that immediate security issues can be resolved this way. Moreover, one cannot expect Somali elites, let alone Somali people, possess the capacity to implement legal reform. Legal empowerment of the Somali public can be encouraged via clinics, aid, translation and dissemination of laws and judicial procedures and cooperation with community-based justice initiatives (Ibid., 56). The international community could offer support by assisting those who advocate judicial reform with pressuring self-interested warlords and other militants to become stakeholders in the process instead of spoilers.

Current security provision in south/central Somalia

As mentioned above, mediation efforts by the UN in 2008 had led to a Joint Security Agreement between the TFG and ARS-D in November 2008 and provided the first serious attempt to draft a security arrangement to preserve peace. The agreement addressed a short-term ceasefire, medium-term transitional security management, and the longer-term 'final status of forces'. As such, it was the first time the critical question of security governance during the transitional phase was tackled in a comprehensive and accountable way. (Interpeace 2009, 31)

Despite the agreement, ongoing fighting with the Islamist insurgency that largely originates from the excluded ARS-A has made the implementation of the Joint Security Agreement difficult. Nevertheless, the TFG has taken steps to start SSR. In the Djibouti Agreement, the international community and the TFG under leadership of the moderate President Sheikh Ahmed Sheikh Sharif agreed on the establishment of transitional security arrangements. Thus far, they include a Joint Security Committee, a National Security Force and the Somali Police Force. Of these institutions, the Joint Security Committee, which will be chaired by the TFG jointly with the United Nations Political Office for Somalia (UNPOS) and AMISOM, has the most far-reaching mandate and oversees four working groups. They will be responsible for developing plans and recommendations regarding, respectively, professionalization of military forces; development of the civilian police; development of the security sector institutional framework, including relevant ministries and oversight bodies; and planning for future needs, including a possible future disarmament, demobilization and reintegration program.

The National Security Force consists of 3,300 personnel and include TFG forces and ARS forces and are deployed in the areas vacated when Ethiopia withdrew its troops in January 2009. There is ownership by local communities as these forces are managed by local security committees, yet it has not been detailed what this comes down to in practice. In addition, National Security Force personnel work alongside approximately 2,700 members of the Somali Police Force, trained by UNDP. While these arrangements have proved effective in filling the vacuum created by the withdrawal of Ethiopian forces, they have yet to be

formalized in line with the Djibouti Agreement.

Finally, with regard to the police, UNDP re-initiated its police training program with the graduation of eighty trainers who were trained in collaboration with the Ugandan Police Force. The goal is to train 4,000 more police officers in the intermediate term, utilizing existing facilities in Mogadishu now undergoing rehabilitation. Training of police cadets will depend, however, on confirmed donor support for stipends. (UNSG, S/2009/210, paragraph 28-30) Moreover, AMISOM deploys a police component to train 10,000 members of the Somali police force. In joint cooperation with UNDP, they develop a program of training, mentoring and advice for the Somali police, which comes forth from money generated at the Brussels donor conference on 23 April 2009 which resulted in $213 million in pledges for this purpose. The goal is to establish a national security force of 6,000 personnel and a 10,000 strong police force in Somalia by September 2009. (Security Council Report, 1 May 2009) The question is of course whether this measures up to principles of local ownership.

In general, however, progress on these tasks has been precluded by the prevailing lack of security in the country, in Mogadishu in particular. Nonetheless, it has been acknowledged that the "the priority is to build the basis of a legitimate locally owned and developed national security apparatus, consisting of the National Security Force and the civilian police, firmly committed to the rule of law […] and in accordance with principles of good governance and accountability consistent with international norms" (UNSG, S/2009/210, paragraph 42). In similar vein, the challenge to "foster Somali ownership and build the capacity of the transitional institutions, while also respecting the need for inclusion and enhancing legitimacy" has been articulated. (Ibid., paragraph 45) This demonstrates the UN has learned from previous mistakes when their action privileged some actors over others and overlooked the need to balance clan interests. Their commitment to build security institutions "as inclusive as possible" is therefore encouraging. In this regard UNPOS has created a working group that covers transitional security arrangements. (Ibid., paragraph 57). The deliberate choice by the UN to remain on the sidelines may be an encouraging decision given the results of past involvement . By assisting in building security institutions, and not deploying a peacekeeping force themselves, the UN strikes the right balance between delegating responsibility to Somalis themselves and assisting where it can without undermining reconciliation efforts initiated by the TFG. The deployment of a UN peacekeeping force would be highly divisive and play the opposition in the hand who mainly capitalize on anti-foreign sentiments.[2]

The current approach, in theory, places emphasis on Somali ownership and capacity-building. However, at the same time, the UN has realized the Islamist insurgency will continue its attacks and attempt to destabilize Somalia. This was to some degree expected given the exclusion of the insurgents from the Djibouti Agreement. As a result, it is unlikely that there will be a fully inclusive process in the short term. However, for sustainable conflict

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[2] For more information on the UN's general approach to the Somali conflict, see UNSG, S/2009/210, paragraph 83-85.

resolution to occur, these groups, including Al-Shabaab and Hizbul Islam, have to be incorporated at some point because they control large swathes of south-central Somalia. Moderates within these groups have to be persuaded to join government forces and while several times President Sharif has extended invitations to the insurgents for talks, the offers have continuously been rejected, giving ground to the assumption that the conflict is yet to "ripen" for parties to come together (UNSG, S/2009/373, paragraph 2).

Concluding remarks

This chapter started with discussing to what extent the international community has contributed to (in)stability in south/central Somalia. It was demonstrated that the international community has continuously neglected to develop a coherent state-building strategy based on the realities on the ground. Their efforts were mostly dedicated to top-down approach to state-building, i.e., establishing a legitimate central government, without engaging in the necessary prerequisite of peace-building, i.e. improving social relations amongst Somalia's diverse constituencies. The international community wrongfully assumed that by merely pacifying warlords, thereby transforming them into 'legitimate' political actors, a central government could be formed.

While the international community has neglected to spend sufficient time and effort on assessing the representative legitimacy of actors, it is by no means a simple task to determine which actors should be included in peace processes. The dilemma of representation manifests itself when too few groups included in peace conferences leads to a lack of representative legitimacy, while too many parties risk failing to reach an equitable outcome that is satisfying to all parties. Underlying this dilemma is that Somalis fear losing out in the state-building exercise because of the perception of the state as a tool of exploitation and oppression. The international funds that sponsored the fifteen reconciliation attempts did not lead to a realization on part of local communities about the burdens of peacemaking. In addition, the fact that these peace conferences were held outside Somalia shielded the conference participants from community pressures to come to an agreement. Moreover, international funds stimulated the war economy that benefited war economies. Warlordism had become entrenched in Somali politics in the absence of law and order. It was therefore not in the warlords' interests to have peace since the war economy ensured their businesses made huge profits. International involvement has therefore, perhaps unintentionally, contributed to a continuation of the anarchy in south/central Somalia.

This also has its implications for security governance in south/central Somalia. The legacy of abuse under state rule has made a state-monopoly on the legitimate use of force an unattainable goal in the short-term. In fact, that expectation fuels the conflict, because it translates on the ground into a need to acquire control over the state. As a result, clans have understandably been very hesitant to disarm because they fear other groups will cheat on their promises and fail to disarm, thereby putting themselves in a position to dominate other

clans. The anarchy in Somalia over the past eighteen years has proven that no militia can attain dominance over its rivals, which is currently evidenced by the stalemate pro-government forces and radical Islamists find themselves in. This serves as a reminder that the international community should reconsider its approach to state-building and show more restraint in aiming to establish a legitimate government without resolving underlying disputes between (sub)clans.

The chapter continued to discuss the ability of local level initiatives to achieve reconciliation. Sub-national efforts to achieve reconciliation have been successful in cases when a number of conditions are present, such as a strong an impartial mediator, local support by business elites, and involvement in the peace deliberation by the wider communities. These efforts have mostly been initiated at local level without further involvement by the central government. Such bottom-up, community-based approaches have significant local ownership as they are people-centered and involve the wider local community in the discussions under leadership of local elders. Another important factor contributing to the success of such initiatives is that they are locally funded. It makes people aware of the burden of reconciliation and empowers them by granting them the ability to determine processes and plans according to their own self-identified needs. At the same time it circumvents the accountability dilemma because there is no external funding from international donors. These are important factors that have largely been neglected by internationally sponsored and initiated peace conferences. Nevertheless, local initiatives have not proven to be very sustainable in the context of south/central Somalia as they have collapsed in the wake of failed attempts to achieve reconciliation at national level that did have the support of the international community. This is another indication the international community would be wise to act in a more reserved manner when it comes to directing state-building in Somalia.

However, while it has been demonstrated that local initiatives are possible in the absence of a functioning central government, there are also several critical remarks to be made about the level of ownership in security governance in south/central Somalia. For instance, accountability of non-state security providers to local populations has not been institutionalized. Rather, they seem to function as long as such initiatives foster relative security and stability. There remains a challenge to make security provision by non-state actors accountable in the longer-term. This comes to the fore in the various legal systems operating in south/central Somalia. None of them are independent because clans, politicians and businessmen are in the position to exercise direct influence over how cases are decided. Injustice and impunity are therefore not categorically excluded within the Somali system as the choice of the applicable legal system is arbitrary. Law enforcement is thus selective and unreliable which prevents a culture of trust in the rule of law from emerging.

The unpredictability of security provision and law enforcement in the longer-term make the concept of SSE inapplicable to south/central Somalia. SSE does require a relatively secure environment characterized by relatively sustainable security provision and reliable

law enforcement. Existing circumstances do not bode well for SSE because there is no space for local communities to become acquainted with learning how to read, interpret and respond to sources of insecurity signaled from society. If people are to develop this capacity they also have to be able to exchange views in a safe learning environment. In highly insecure environments characterized by unpredictability that also benefit spoilers such a chance may not be given by those with an interest in continued insecurity and impunity.

In conclusion, the local efforts at conflict resolution and security governance demonstrate the feasibility of a community-based approach in fragile states. The absence of the state is not a factor inhibiting such local initiatives from emerging. The concept of the mediated state arrangement has the potential to serve as a transitory security arrangement on the condition that local actors accept to be overseen by statutory organs. The local security initiatives that have been undertaken in south/central Somalia were not overseen by any civilian organ. There did therefore not develop an accountability relationship between local security actors and local communities, also because of the failure to achieve peace at national level. The fact that local ownership of the peace initiatives at local level did involve the wider local community under leadership of local elders provides an opportunity when transitory security arrangements successfully navigate through uncertain periods in the aftermath of conflict. However, it remains to be seen how in the longer-term non-state actors can be held to account in the absence of statutory oversight.

Chapter 4

Security Sector Governance in Somaliland

This fourth chapter on Somaliland is centred around the (un)feasibility of a community-based approach to security governance in Somaliland. The Somaliland state- and peace-building process has been characterized as a bottom-up approach. Therefore, this chapter will discuss the way local ownership in the management of the security sector has been operationalised in this self-declared independent republic. In particular, the question whether non-state actors can be held to account in the absence of statutory oversight mechanism will be discussed. Other subjects of this chapter include the nature of the state-building process; the structure of government, including the security sector; and the character of the peace process. The chapter will start with a brief overview of the history of Somaliland before elaborating on the several peace conferences that have been held. Thereafter the chapter will discuss the prospect of an internationally recognized Somaliland. Subsequently, the nature of the peace conferences will be analyzed before it will be discussed how sub-state security provision and the demilitarization of Somaliland society have been dealt with. Finally, current day security governance in Somaliland will be reflected upon.

The birth of Somaliland: 1960-1992

In order to understand Somaliland's internal political dynamics it makes sense to identify the main clans living in Somaliland first. For over four decades no population census has been undertaken and therefore the latest official figures date from 1961. British government statistics from that time estimate that the Isaaq clan comprises sixty-six percent of the population; Harti, who are technically part of the widely dispersed Darod, make up nineteen percent of the population; and Dir make up fifteen percent of Somaliland's population. That this division may be fairly accurate, even though the figures for Harti and Dir may have reversed, which is suggested by the outcome of the 2005 parliamentary election with Isaaq receiving seventy percent, Dir seventeen percent and Harti twelve percent. (International Crisis Group 2006, 11) While the Dir live mostly in the upper western region next to Djibouti, the Isaaq mostly live in the wider central region and the Harti inhabit Sool and Eastern Sanaag regions adjacent to the federal Puntland State of Somalia.

The Republic of Somaliland came formally into existence on 18 May 1991 when it proclaimed its independence from the Republic of Somalia. However, many Somalilanders will argue they did not declare independence, but rather dissolved themselves from the union with Somalia. This claim is based on the brief independence Somaliland enjoyed when it was formally granted independence by the United Kingdom on 26 June 1960. Somaliland was a self-governing sovereign state for five days and had been recognized by thirty-five governments within that short time-span (International Crisis Group 2003, 4). When Italian-

occupied south/central Somalia also gained independence on 1 July 1960, the two territories merged to form the Republic of Somalia. Almost immediately the dual colonial heritage became an obstacle to integration (Lewis 2002, 170, quoted in Bradbury 2008, 32). Both polities had been subject to different colonial experiences. Whereas Italian rule was rather intrusive, Britain's system of indirect rule had largely left local administrative structures intact. Moreover, Britain was more occupied with more prized colonies elsewhere on the continent. (International Crisis Group 2003, 3) Partly because of this different nature of colonial rule, southerners were much more intent on ensuring representation. As a result, only twenty-six percent of parliament seats were allocated to the north and northerners were also excluded from senior positions in the government. As a result, Somalilanders felt politically marginalized from the start and over the course of the following years this decreased confidence in the union, particularly once voices from the dominant Isaaq clan began to dispute the legal foundations of the 1960 reunification with Somaliland.

These secessionists argued that unification of Somalia and Somaliland had occurred rather hastily and was not in line with formal procedures. The respective legislatures had approved two separate Acts of the Union. A joint Act of the Union was not ready before unification on 1 July 1960, and was retroactively approved by Somalia's new national assembly, which was dominated by southerners. When northerners became increasingly frustrated with their limited role, they began arguing the Act of the Union did not constitute a legally binding document because it had not been approved by the Somaliland legislature. Somaliland argued this had invalidated the union and based their claim on the argument that the Act of the Union did not live up to the standards of an international treaty as laid down in the Vienna Convention on the Law of Treaties. (International Crisis Group 2006, 4) Proof of northern dissatisfaction became apparent during a constitutional referendum in June 1961 when more than half of the Somalilanders voted against the provisional constitution, whereas a majority in the south supported it. (Bradbury 2008, 33).

During the regime of Siyad Barre Somalilanders were heavily oppressed by his divisive clan-based politics. In particular, Barre aimed at reducing the influence of the relatively wealthy Isaaq, who had become rich from controlling the trade route with the Arab region through the port of Berbera. In response, the Somali National Movement (SNM), which was foremost an Isaaq movement, was formed in 1982 to fight Barre's increasingly brutal regime. The conflict escalated in 1988 when the SNM seized control of Hargeisa and other major towns. In a desperate attempt to hold on to power, Barre unleashed a war against the Isaaq. His scorched earth tactics led to many deaths, arbitrary detentions, execution of political leaders and mass flows of refugees into Ethiopia. This alienated Somalilanders even more and Barre's power crumbled further when the SNM defeated the Somali National Army in Somaliland and eventually seized control of Mogadishu in January 1991 with the help of the USC under leadership of General Aideed and Ali Mahdi, and the largely northeastern based Somali Salvation Democratic Front (SSDF) under leadership of Abdullahi Yusuf who would later serve as president of the TFG between 2004 and 2008. (Bryden 2004, 24)

In April 1991, SNM leaders gathered at Burco to formalize the cessation of hostilities with representatives from the Somali central government and discuss the future of the northern region. Secession was not on the agenda of the meeting as SNM leaders thought a decision to secede from Somalia would not be welcomed by the international community. (Bradbury 2008, 80) However, popular demand for an independent Somaliland grew stronger once many refugees returned and discovered the widespread destruction of their properties and cities. Meanwhile, a new interim government had established itself in Mogadishu without consulting the SNM leadership about critical issues concerning the future of Somaliland. As the state of Somalia was itself severely weakened, sentiments that Somalilanders would be better off alone grew starker during the Burco conference from May 1991 onward. Under weight of public opinion, the independent and sovereign Republic of Somaliland came into existence on 18 May 1991 under the leadership of SNM chairman Ahmed Ali 'Tuur'.

Independence had become a reality in a rather ad-hoc manner and the hasty declaration of independence was taken without careful consideration of the possible consequences. Nevertheless the break with Somalia shielded Somaliland from the protracted conflict in south/central Somalia and provided some stability as a basis for rebuilding the country. Although the SNM was a clan-based response to the autocratic regime in Mogadishu, its political objectives and internal organization distinguished it from the opportunistic and predatory armed factions that emerged in southern Somalia. (Bradbury 2008, 61) The SNM was a popular political movement with the ability, capacity and interest to built an effective government, whereas southern parties were more militant than political and carried little popular support. The SNM was well organized since it had been in existence since 1981 to rebel against the Barre dictatorship that had become increasingly unpopular after the lost 1977 Ogaden war with Ethiopia. Yet Somalis disagree whether the SNM represented a truly 'national' movement or was a vehicle to promote sectarian Isaaq interests. The SNM's stated goal was the establishment of a democratic government after the ousting of the tyrannical oppression under Barre. The SNM charter states that membership was open to every Somali who subscribed to its objectives and also states that it "shall oppose any division of the country into regions or mini-states that are prejudicial to the unity of the country" (SNM constitution in: Bradbury 2008, 66) Nevertheless, the SNM was founded by Isaaq and remained an almost exclusive Isaaq organization. This would also reverberate in the coming two years and factionalism within the SNM was to come to a head in January 1992. Federalists intent on reuniting with Somalia went to war with a faction that favored independence until tensions were resolved in November 1992 at the Sheikh peace conference. (International Crisis Group 2003, 9)

Post-independent Somaliland

The Burco conference that eventually proclaimed the independence of Somaliland also meant the start of a process of grassroots reconciliation amongst the various groups

inhabiting Somaliland. National peace conferences dealt with a range of constitutional and civil issues, such as agreeing on a power sharing agreement between the clans living in the region, the creation of mechanisms for elders to participate in governance and establishing systems for security provision. In addition to and often in preparation for these national conferences, numerous regional, district and municipal meetings took place between clans and sub-clans organized by elders, public intellectuals, religious leaders and women's groups. While the national conferences were mostly organized to establish legitimate sources of authority, these local grassroots conferences served to improve relations among the various local constituencies. The local conferences were managed and paid for by communities themselves and primarily aimed to discuss civil issues such as opening trade routes, foster social relations, restoring property to owners and the restoration of law and order. (Bradbury 2008, 96)

When the SNM mandate to govern for two years expired in April 1993, a national conference was organized at Borama, which is inhabited by Gadabuursi, a sub-clan of the Dir. During this conference issues left unresolved were on the agenda, such as power sharing, the structure of government and a smooth transfer of power. The location of the conference in a territory inhabited by a Dir sub-clan ensured minorities felt their rights and input into the conference would be taken serious. While scheduled to last a month, the conference took over four months, owing to the elastic conception of time that Somalis have. However, this also ensured broad public participation to discuss complex and contentious substantive issues without time pressure. Officially 150 voting delegates from all clans in Somaliland participated and were accompanied by another 150 observers. In total, more than 2,000 people participated, including many people from the diaspora and women, who were immediately recognized as strong advocates for peace. (Ibid, 98)

The outcome of the Borama conference is widely recognized as a watershed event for Somaliland (Academy for Peace and Development 2008; Bradbury 2008; Progressio 2006). It effectively established Somaliland as a democratic state with a presidential system under the leadership of Mohamed Haji Ibrahim Egal, a former Prime Minister of Somalia, a bicameral legislature with 75 members each, and an independent judiciary. Moreover, the conference adopted a Transitional National Charter which reaffirmed the sovereignty and independence of Somaliland and outlined the structures of government during a new two year transitional period until a constitution was drafted and ratified. The conference managed to harmonize a more western style of democratic governance with traditional governance structures by creating the Guurti, the Upper House of Parliament, which consisted of 75 clan-appointed elders charged with maintaining peace and security. Over time the Guurti would grow into the moral authority in Somaliland. (Fadal 2009, 4) This system of governance incorporates clans and their leaderships into the system of governance, thereby acknowledging clan kinship as a fundamental organizing principle in Somali society. (Bradbury 2008, 99) In the Lower House of Parliament, seats were allocated on a clan basis. A genuine multi-clan parliament was established which in essence was a non-

party legislature until the parliamentary elections of 2005 were held and political parties had been established. Therefore, until 2005 non-Isaaq clans were enjoying more power because they had been allocated a greater share of seats than under British rule, who left many local administrative structures that were dominated by Isaaq intact. Awarding non-Isaaq with relatively more parliamentary created an incentive for all to be stakeholders in the peace process. (International Crisis Group 2003, 11)

However, the structure of government agreed during the Borama conference did leave some issues unaddressed. Corresponding to local cultural norms, women were excluded from parliament. While their role has been acknowledged as crucial to the peace process due to their cross-lineage affiliation in Somalia's paternal lineage system, this was not awarded with parliamentary representation at the time. Furthermore, while creating a stable basis for governance, the system of equitable clan representation caused new problems between clans. While the Gadabursi felt appreciated for being allocated the post of Vice-President, the Dulbahante and Warsangeli sub-clans from the Harti felt unequally treated with the post of Speaker of the Lower House because they were comparatively less well off than under British rule when they were considered second only to the Isaaq. This would contribute to their sense of alienation from Somaliland in the following years (Ibid.) Also, amongst Isaaq sub-clans there was dissatisfaction with the portion of seats received. Habr Yonis and 'Idagalle politicians from the Garhajis (Isaaq) sub-clan felt they were given a disproportionate share of parliamentary seats and used this grievance to mobilize opposition to the government. The unrest was fueled by former President Tuur, who now sided with Mohamed Farah Aideed's government in Mogadishu and advocated a return to Somalia under a federalist system. (Bryden 2004, 24; International Crisis Group 2003, 11) Eventually this triggerd a civil war and peace was only restored when parties agreed to a conference in Hargeisa at the end of 1996. The number of seats in each house of parliament was increased from 75 to 82 to accommodate the concerns of minority clans. The number of Garhajis representatives was increased. This heralded a new period in which Somalilanders learned to govern with each other and experienced a remarkable economic prosperity and, political and social progress. (Fadal 2009, 5)

Explanations for the success
The successful conclusion of the Borama conference signified the beginning of civilian rule and blended western political institutions with traditional Somali systems of clan representation. All this occurred without support from donors who have been reluctant to support the democratization process in Somaliland, because they are weary that any support would be interpreted as accepting the secession from a sovereign state. (International Crisis Group 2003, 7) Nonetheless, the absence of international involvement allowed Somaliland to achieve peace on their own terms and pace. In addition, clan dominance of a single class (Isaaq) and the common experience of the horror inflicted by Barre's scorched earth policies are factors that contributed to Somaliland's success. The clan dominance by Isaaq did not

make them unduly dominant or aggressive. They did strive to attain a peaceful transition by incorporating minority clans into the state structure. This approach resulted partly from the continuing mayhem in south/central Somalia and the commonly experienced horror under Barre's rule who brutally targeted Isaaq because of their dominance in the SNM andrelatively wealthy position. These factors contributed to a determination to prioritize peace over anything else despite some of the setbacks experienced.

Alex de Waal (2007) has offered further insights in Somaliland's success by pointing out the crucial role played by business interests and the low expectations of foreign funds that would become accessible once independence was proclaimed. There was no struggle amongst clans to ensure control over the state, because it was very unlikely independence would be recognized by the community of nation states. Thus, there was no expectation that state control would give access to resources in the form of large amounts of aid and other funds from the international donor community. As a result, the commercial class had an interest in maintaining peace to prevent the collapse of their revenues and collaborated in providing joint security. This is an explanation that adds to our understanding why in 1991 at Burco and 1993 at Borama the SNM and Somalilanders were more interested in peace than in war. However, once the perception arose that access to resources would not be equally distributed conflict erupted. Disagreements over Berbera port revenues and Hargeisa airport revenues in 1992 and 1994 respectively, were the issues that triggered conflict. As outlined above, in 1992 internal SNM divisions over the question of unity with Somalia, and the unresolved issues of power sharing in 1994 were the catalysts for conflict over resources. In addition, the issuance of a new Somaliland currency contributed to the continuation of conflict that started in 1994 (Bradbury 2008, 116). Both conflicts were started over imaginary resources the Somaliland government would dispense. In 1992, the fissures gave rise to perceptions that the state was indeed a site of accumulation. In 1994, the new Somaliland currency, was the serious first instance that the Somaliland government would distribute financial resources. However, according to De Waal both conflicts were resolved in favor of stability because The imaginary and real rents from the state in 1992 and 1994 respectively, could not compete with the real incomes deriving from the livestock and remittance economies (De Waal 2007).

In this regard, the close interaction of local level conflicts over access to financial resources with national level issues over political representation and state control is interesting. Kalyvas' hypothesis that "the less powerful and centralized the political (i.e. national) actors fighting a war, the less able they will be to impose direct control and hence the more likely they resort to local actors for support" is to some extent applicable to Somaliland (Kalyvas 2003, 487). The Somaliland government itself had a very limited budget and was dependent on the mercantile class that mostly consists of livestock traders for service provision. The conflict in 1992 and 1994 and subsequent restorations of peace also demonstrate their influence over state structures. This is also exemplified by local rivalries that tied in with state-building dynamics at national level. Whereas the Isaaq are the

dominant clan in Somaliland, many sub-clan rivalries within the overarching Isaaq clan were present in the first years of state-building. For instance, while the Garhajis sub-clan of the Isaaq has been more prominent in government and civil service, the Habar Awal were the most urbanized Isaaq clan and were mostly prominent businessmen. When the Garhajis started taxing and harassing commercial and aid flights, Habar Awal businessmen were seriously affected because the economy of Hargeisa crumbled. However, the Habar Awal were crucial for Egal's ability to re-establish government institutions because they provided food for the army and police and that's why he mediated in the conflict. (Bradbury 2008, 119) The control over Hargeisa airport revenues is thus a clear example of how sub-clan rivalries at local level have an impact on national issues of state-building.

Democratization and state-building since 1997

While President Egal's first term in office from 1993 to 1997 was largely unsuccessful due to party struggles within the SNM and the war thereafter, his second term in office between 1997 and 2002 proceeded much more positively. Whereas in his first term he was held back by the civil war and many constitutional issues, such as elections, referenda and a new constitution, his second term has been characterized by remarkable levels of economic recovery and growth and subsequent positive developments in the democratization process. The political consensus arrived at in the beginning of 1997 at the Hargeisa conference led to the resumption of trade with the international community. The improvements in security meant that merchants were able to trade without disruption which was clearly in the interests of merchants but also Somaliland as a whole because peace and stability made Somaliland attractive for investment. Perhaps most important was the construction of a telecommunication network throughout Somaliland wide. This enabled the diaspora to send remittances, thereby further stimulating Somaliland's local economy. (Bradbury 2008, 149)

Because of this stability, President Egal's second term in office between 1997 and 2002 could focus on the democratization process. The development of a new constitution was at the top of the agenda. While in previous years both parliament and the executive had written draft constitutions, it was not until 2000 that finally an acceptable merger between the two drafts became possible. In May 2001 the constitution was put to a referendum and overwhelmingly supported by 97 percent of Somalilanders, who regarded the referendum as a vote on independence (International Crisis Group 2003, 12). Nevertheless, the landslide victory does not accurately represent territory-wide support for the constitution. Notably in Sool and eastern Sanaag region, which are predominantly inhabited by Dulbahante and Warsangeli clans, the turnout was very low. These populations feel much more in common with the Harti population of Puntland and feel marginalized by the Isaaq majority because of earlier disagreements over clan representation.

The limitations of constitutional rule

In addition to the lack of support by some minority clans, the constitution itself suffers from some limitations that are at odds with democratic norms of governance. First, while parliament voted in favor of a bill legalizing the formation of political parties, article nine of the constitution limits the number of political parties to three. While an unlimited number of political parties may compete during local district council elections, only the top three parties of these elections can be registered as parties vying for national representation. (Fadal 2009, 6) The rationale is to prevent parties from emerging that are evidently clan-based and thereby halt possible intensification of division along clan-lines. Article 9 thus serves to ensure political parties have a national constituency rather than a local one based on clan affiliation. This measure is reinforced by the electoral law which stipulates that political organizations must obtain at least twenty percent of the votes in each of Somaliland's six regions. (International Crisis Group 2003, 20) However, this limitation also directly contradicts the constitutional right of the freedom of association (Progressio 2006, 24) Furthermore, these restrictions seem to be inflexible in allowing additional political parties from emerging. The three parties currently meeting these criteria, UDUB, Kulmiyeh and UCID, enjoy eternal life this way even though they are supported nation-wide. The greatest concern is that it could stimulate a winner-takes all style of politics like in south/central Somalia where a powerful executive has little respect for legislative oversight and deploys manipulation tactics for political purposes, thereby sidelining the rule of law.

A second serious drawback for constitutionalism is the manner in which the Guurti, the Upper House of Parliament, is elected. Article 58 stipulates that the members of the house of elders, i.e. the Guurti, will be elected in a manner to be determined by law, but thus far this law has never been drafted. (Fadal 2009, 16) The Guurti is a powerful legislative body and can veto legislation from the Lower House of Parliament that is not passed with a two-thirds majority. The Guurti is appointed by clan elders rather than elected legislative institution and was established to allow room for a traditional form of governance and is charged with the maintenance of peace within a larger, more formal method of governance (Human Rights Watch 2009, 17). While in theory this could mean minority groups and women could be compensated for political imbalances caused by the ballot, in reality the elders taking seat in the Guurti are largely appointed along clan balances and are exclusively men. (Progressio 2006, 23). However, this may be unavoidable and not necessarily discomforting because it could be more worrisome when clans are not sufficiently represented, as with the Garhajis that caused a civil war in 1994. Elders are chosen by their clan because of particular attributes such as wisdom, skills, wealth or piety for which they enjoy moral authority (Interpeace 2009, 38). This also points to the fact that, even though the Guurti's authority is not based on a popular vote, as described above, its authority is no less legitimate in the eyes of the people. (Bradbury 2008, 226) Further, the constitution also states that Guurti membership is made up of "elders" but does not clarify what exactly an elder is and what its function should be. It states that any adult male can be considered an

elder and his task description is limited to having an equal right to speak within a council of elders. The vagueness of the term leaves too ample space for arbitrariness in appointment which is potentially politically explosive.

Aside from these constitutional drawbacks, the political process leading up to the formation of the constitution does not correspond to the months-long conference-style peace processes that fabricated peace and reconciliation during the 1990s. According to Fadal (2009, 10) the constitution "has been put together in haste and in a top-down process that lacks popular debate and input". As a result, the people of Somaliland are not necessarily committed to the provisions of the constitution and instead consider alternative standards to be of more importance, such as religious norms and clan customs (Ibid., 11). This has clear implications for the development of respect for democratic norms of governance. It also may hinder the firm application of the rule of law by staffing public institutions with people who are lax about constitutional principles.

Moreover, while article nine of the constitution, which limits the number of political parties to three, has proven to be able to avoid party formation along clan lines, it may also breed clan antagonism in the future because the purpose of the limitation of political parties, namely to overcome social fragmentation along clan lines, may be defeated because three political parties cannot cater for the many more different positions that (sub)clans may have on a certain issue. The existing three political parties will hardly ever promote the interests of all (sub)clans, which may prove to be fertile ground for new disagreements and disputes. This will not necessarily be the case but at some point it may be required to revoke the restriction as laid down in article nine. On the other hand, it remains a truly unique system of governance that has proven to suit Somaliland conditions thus far.

Democratic transitions of power?

The persistence of the link and tension between constitutional politics and clan politics came again to the fore in 2009 after several scheduled presidential elections were postponed because of problems with voter registration. During earlier presidential elections in 1997 and 2002 voter registration was thought to be neither necessary nor feasible (International Crisis Group 2003, 17). The underlying reason for the postponements is that the voter registration process would lay bare relative clan power because they wanted to register kin affiliation as well. In fact the registration process thus amounted to a census which had not been held since 1961. Ever since, the political system in Somaliland has been based on an assumed weighting of clan numbers that translated into formulas for clan representation in public institutions. Clan and party affiliation are thus intricately linked due to the politicization of clan affiliation for party-political gain. (Walls 2009, 8-9)

Even so, the adoption of the constitution was regarded by President Egal as a crucial step toward international recognition as it was proof of Somaliland's democratic intentions. International observers regarded the "yes" vote more as an endorsement of independence and a rejection of rule from Mogadishu (International Crisis Group 2003, 12) The presidential

elections scheduled for 2002 would be another moment to firmly built Somaliland on democratic foundations. Egal's unexpected death prior to the presidential election caused an impasse but the peaceful succession by his vice-president Dahir Riyale Kahin demonstrated Somaliland could deal with a transition by adhering to constitutional provisions although it remains debatable whether they applied the right articles to navigate such a transition.[3] Kahin was a Gadabuursi from the Dir minority which in itself is commendable because it signaled again that Somaliland was democratically mature enough to pick someone from a minority clan to serve as president. The trajectory from selected representation under Presidents Tuur and Egal, who were appointed by the SNM Central Committee and the Guurti respectively in 1991, 1993 and 1997, to elected representation was successfully navigated with the local district elections in December 2002, which was won by the governing UDUB party headed by Kahin with forty one percent of the votes, and presidential elections in April 2003, which were also won by Kahin but only with a very tiny majority of 218 votes. While narrow, the opposition's candidate accepted his defeat, again showing respect for democratic processes and avoiding a potentially catastrophic conflict like the one in south/central Mogadishu caused by the rivalry between USC leaders Aideed and Ali Mahdi. This demonstrated the elite's determination to settle political differences through constitutional means rather than resorting to violence (Progressio 2006, 8).

Nonetheless, it would be too optimistic to argue these two elections were run perfectly smoothly. There were accusations of fraud by political elites back and forth because of the somewhat unexpected win by UDUB. The very tight margin of 218 votes only fueled such suspicions of foul play and severely questioned the oversight role of the National Electoral Commission (NEC) who were accused of dropping votes in favor of UDUB (International Crisis Group 2003, 24). Nonetheless, eventually the runner up Kulmiyeh accepted its defeat. The district council elections implied a significant step in the direction of decentralized forms of governance that allows much more opportunity for local people to hold their local leaders to account. Another positive point is that women turned out to vote in larger numbers than men even though only two women were elected to the 379 council seats (Progressio 2006, 8). However, because women constitute a majority of the voters and because they contribute significantly to local government revenues, President Kahin appointed three women in his cabinet (Bradbury 2008, 215).

Somaliland and international recognition

Despite some imperfections, it remains remarkable how Somaliland has been able to govern and make significant progress on political and economic fronts. The experiment with democracy may not be entirely successful, its own version of relatively democratic rule, the elections and referenda that have been held and the fact that Somaliland has drafted a constitution within quite a short period augur well for the country, particularly when

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[3] See International Crisis Group 2003, p.13 for more details on this matter

compared with south/central Somalia. Yet Somaliland's two decades of self-rule have not been awarded with legal recognition by the international community despite several appeals from Somaliland authorities. In fact, while Somaliland does possess all the attributes of statehood and does not have legal status, Somalia lacks many attributes of statehood but continues to be accorded de jure sovereignty. The borders of Somalia remain the reference point for international organization such as the UN, African Union (AU), Arab League, and the wider international community (Bradbury 2008, 6; Bryden 2004, 25).

The debate on this subject is ongoing and it deserves to be mentioned here as it has important implications for both internal as well as external security matters. Thus far, Somaliland has not been recognized as a functioning sovereign state even though there are valid arguments to be made in favor of its case. Somaliland's claim to statehood has been made on the basis that the territory has enjoyed independence before, namely in June 1960 before it joined with Italian Somalia to form the Republic of Somalia. As such, Somaliland's case would not set a precedent that is relevant for the rest of Africa, because secessions after a decision to unite have not occurred before on the African continent (Human Rights Watch 2009, 51). Somaliland authorities therefore present the quest for international recognition as an effort to negotiate the dissolution of the union with Somalia, rather than an attempt by a break-away region aiming to secede from an existing state. This is understandable as a request for secession from an existing state would stand no chance due to the sanctity of the principle of territorial integrity in international relations.

A good case can be made for the international community to give up its refusal to grant Somaliland juridical sovereign state status whereas it has established de facto sovereignty on the ground (Menkhaus 2006/2007, 19) Indeed, when Somaliland invited the AU for a fact-finding mission in 2005, its report was surprisingly positive and acknowledged that the lack of recognition clearly obstructs Somaliland's efforts to achieve its reconstruction and development goals. Moreover, the report stated that Somaliland's case was sufficiently unique and self-justified in African political history and that the case should not be linked to other cases out of fear to set a precedent that would complicate peace and security on the continent by emboldening secessionist movements in other African countries. (International Crisis Group 2006, i)

On the other hand, there are political and legal arguments to be made against awarding Somaliland legal recognition. On the political side, Somali authorities in south/central Somalia contend that only a referendum could approve the new status of Somaliland. However, staging a referendum in Somalia would require a constitutional amendment on part of the Transitional Federal Parliament in Mogadishu that needs to be approved by two-thirds of both houses of parliament (Ibid., 19). Another issues is that Somaliland is embroiled in a dispute with Puntland over the status of the regions Sool and eastern Sanaag. These areas are inhabited by Harti sub-clans Dulbahante and Warsangeli and while arguments can be made that a separate Somaliland is not itself a divisive force because of the separate historical experiences between Somalilanders and southerners, the

Dulbahante and Warsangeli may identify more with Puntland than with Somaliland (Hoyle 2000, 84; International Crisis Group 2006, 8). The Puntland state of Somalia, as its official name goes, clearly states in its interim constitution that it is part of an anticipated Federal State of Somalia and that it is striving for the unity of the Somalia people. (Ibid.) The limited authority that Somaliland exercises in Sool and eastern Sanaag undermine the sovereignty and territorial integrity of Somaliland (Bradbury 2008, 199). The question therefore remains whether Somaliland people are united in their intent to dissolve from the Republic of Somalia, which may be a necessary condition before Somali parliamentarians in Mogadishu can be pressured by international sympathizers to accept Somaliland's call for a referendum on the question of independence.

The 1933 Montevideo Convention on the Right and Duties of States provide the legal requirements for whether a state can be granted de jure sovereignty. The four criteria include: a permanent population; a defined territory; a functional government; and the capacity to enter into international relations. (Hoyle 2000, 82) The first two criteria can easily be met by Somaliland: Somaliland's territory is similar the former British colony and its people generally identify with that territory despite abovementioned sentiments for Puntland among some clans. However, while Somaliland has relatively effective government, it remains debatable whether it provides effective governance over all its territory. The disputed territories of Sool and eastern Sanaag are partly administered by non-governmental actors and the occasional flare ups in violence between government forces and local actors proves this point. Lastly, Somaliland's capacity to enter into international relations is subject to debate by international legal scholars. While the criterion to have the capacity to enter into international relations is not questioned in the case of Somaliland, its ability to do this certainly is. In this regard, recognition by other international states remains a critical factor in attaining statehood. Therefore it may not be so much the capacity to enter into international relations that matters, but the ability to do so that prevents Somaliland from meeting all four criteria for statehood and thereby become accepted as a member of the international community of nation states.

As mentioned, Somalia's lack of legal recognition strikes as ironic when compared to the continued recognition of Somalia, even though a report by the UN Secretary General from 1999 has stated that Somalia lacks all the criteria of statehood (Ibid., 83). The reasons for this remain unclear but it has been suggested that international law depends on the continued existence of states and that revoking statehood from a member of the international community of states amounts to recognizing the extinction of a state. States are very reluctant to do this because there is a presumption in favor of the continued existence of states (Bruce 1997, 476). In Somaliland's case this means that the right to self-determination has to give way to the territorial integrity of states. The precedence of the territorial integrity over the right to self-determination has also been advocated by the Organization of African Unity (OAU) in 1999 and has been maintained by the AU, although the 2005 AU fact-finding mission acknowledged the lack of recognition negatively impacts on

economic development. Nevertheless, the principle of self-determination exists as the theoretical basis of the right to secede. For example, the Preamble to the Universal Declaration of Human Rights (UDHR) does recognize the right to rebel against a government guilty of egregious violations of human rights. The question remains whether this is currently the case in Somaliland. While south/central Somalia has collapsed it cannot be argued it commits egregious violations of human rights against the people of Somaliland, like happened during the Siyad Barre era. In addition, while the UN Charter acknowledges the right to self-determination, it also guarantees the territorial integrity of its Member States. (UN Charter, Articles 1.2 and 2.4) Consequently, member states are obliged to uphold the integrity of Somalia even though that international law does not protect the continued existence of states always and in every case (Bruce 1997, 476). A final legal argument against the case of Somaliland is the view of the AU that self-determination can only be exercised once, namely at the time of decolonization from Europe. (Hoyle 2000, 85) As such, Somaliland has forgone its opportunity to secede again after it chose voluntarily to reunite with Somalia on 1 July 1960 after having opted for independence only five days before. Thus, the conclusion can be drawn that self-determination is not designed to be subject to continuous review.

Peace-building in Somaliland

The refusal by the international community to grant Somaliland de jure sovereignty has in an odd way contributed to the success of peace-building in Somaliland. Even though the international donors have been involved in relatively small scale capacity-building projects after 2000, the absence of any international involvement in the state- and peace-building process ensured Somalilanders were able to conduct their own peace conferences on their own terms, without pre-set criteria, deadlines or any other demands or expectations. The processes were open-ended and focused on the restoration of trust between previously warring clans. Moreover, they did not discuss power-sharing arrangements before lingering disputes were settled. The longer term process of peace-building also contributed to its overall success. The initial focus was on solving local conflicts over social and economic matters first before returning to civil and constitutional matters. The processes involved a wide range of people, including elders, businessmen, religious leaders and other members of the community, including women. According to Lewis (2008, ix), who is considered to be a leading academic authority on the history and culture of Somali people, Somaliland's success in peace-building is mostly based on the community-based approach that it applied. This means it was people-driven as opposed to top-down programs that are externally driven.

Thus, some thirty-nine peace conferences took place in Somaliland between 1990 and 1997 and they were all paid for by Somaliland communities themselves (Academy for Peace and Development 2008, 11). The international community did not contribute resources as it was committed to the unification of Somalia. In hindsight, however, the fact the conferences were funded by Somalilanders was beneficial for a number of reasons. Most

importantly, participants were acutely aware of the efforts put in to overcome differences. In other places in Somalia, external funding allowed participants to forget the burden of peace-making, and thus the importance of their own role in it. All responsibility was put on Somalilanders themselves. No one else could be blamed for failure. Secondly, it allowed Somaliland elders to set their own terms of process. The process was allowed to proceed organically, with little external pressure to meet deadlines. Voluntary participation of key figures from the clans affected was welcomed and decisions were taken by broad consensus amongst delegates. (Ibid., 24) As such, it was a truly locally owned, as defined in Chapter 1, and locally operated mechanism for settling disputes.

The method of conflict resolution and reconciliation also contributed significantly to the success. Clans agreed to clusters of localized conferences that prepared the ground for the five national and regional meetings (Ibid., 26). Meetings were designed to avoid divisive statements in the beginning. Sub-clans could thus resolve their immediate disputes and agree on terms of future discussion before moving on to tackle issues of government and of more complicated matter. This allowed for the re-establishment of trust as the resolution of disputes on small matters demonstrated each other's intent to come together. In addition, there was hardly any material benefit from the process beyond those accruing from stability itself, meaning that there was little incentive for anyone to unnecessarily delay the process. Naturally, this bodes well for peaceful reconciliation on relatively simple matters in the beginning. However, the progress made may easily be reversed at a later stage of the peace process when more contentious matters are discussed that have the potential to re-ignite violent conflict. Nonetheless, the initial successes in Somaliland have proven to be elementary for peaceful reconciliation and the subsequent revitalization of the economy.

Furthermore, the role of women should not be underestimated. Their role has taken many forms but clearly helped to push the male-dominated groups by maintaining communication channels as they frequently delivered messages between clans. Women in Somali society have ties to more than one clan – one through marriage and one through paternal lineage – and could thus facilitate communication between warring parties. Inter-clan marriages are not uncommon in Somaliland and often serve to cement stronger inter-clan relations between previously warring clans. Women were less fearful to be harmed when crossing clan boundaries because of their multiple clan affiliations. (Ibid., 88) In addition to communication, women also played a significant role in resource mobilization. However, while the role of women bore fruit at initial stages of the peace process, the fact that women are not allowed to participate in conferences directly also makes their role limited in that they cannot do much to maintain peace once serious conflicts arise. This is also reflected by the fact that so few women actually hold seats in parliament. Their function as peace-makers seems to work well when inter-clan relations are improving, but it is questionable whether inter-clan marriages are a sufficient confidence-building measure to maintain peace when disagreements arise.

Other factors that help explain the success of Somaliland's peace conferences were

the clout of the SNM that guided negotiations between clans, familiarity with conflict resolution procedures because they were based on xeer; and the insistence on the principle of *xalaydhalay*, or forgetting grievances and starting afresh. (Ibid., 89) This last principle allowed delegates to discuss contentious matters without resorting to blaming each other for things that had gone wrong in the past. Such a tabula rasa approach with respect to past deeds, which in effect amounted to a blanket amnesty, may serve as a good starting principle for establishing security after the end of wars. On the other hand, it also allows former spoilers to return to dominant positions where they are able to shield themselves from prosecution for crimes committed in the past once the decision to undertake an investigation against such people takes hold. Further, as will be discussed later, it has allowed such people to continue their malpractices albeit in a more covert way.

Sub-state security provision: the security dimension

Now that we have discussed how successful peace-building has contributed to the success of Somaliland's progress, this section will investigate how critical matters relating to state-building, i.e. the establishment of legitimate government, have made this initial progress more robust. I will limit myself here to the security dimension of this process, discussing the demilitarization of Somaliland and how security management mechanisms have developed.

Post-conflict state-building is a multidimensional process of complex social, economic, military and political recovery in countries emerging from conflict. Arguably one of the first objectives of state-building is the demilitarization of society for it is the threat and use of violence that present the biggest challenge to the restoration of effective government. The transformation of militarized societies is a complicated task revolving around regaining trust. In Somalia, this is a daunting task as the state's credibility among Somalis is minimal due to a history of state oppression under Siyad Barre and state failure after his ousting. The previous chapter explained how previous experiences with the state negatively affect trust in Somali authorities. This has serious implications for demilitarization programs that aim to disarm sub-state military groups in order to develop central authority.

It implies that the state will not possess exclusive control over the legitimate use of force. Such an oligopoly on the legitimate use of force may work in the case of Somalia because the restoration of trust is dependent on disarmament. Disarmament is a prisoner's dilemma in the case of Somalia where factions have been unable to put faith in each other for more than eighteen years and disarmament does not take place out of fear of reprisal by a cheating opponent (Sabala, Ahmad and Rutto 2008, 138-139). Somaliland provides a sound example of how the prisoner's dilemma regarding disarmament could be overcome. Awaiting international recognition, it is remarkable how Somaliland has come from a clan-based system of governance to a multiparty democracy within a relatively short time-span. Its success is largely attributable to the resolution of disputes and conflict through *xeer* as explained in the previous chapter. With regard to security matters, xeer has led to the

development of the principle that each clan is responsible for whatever is committed in their territory (Academy for Peace and Development 2008, 52).

I have already discussed the importance of the Borama conference for Somaliland and this is certainly also because one concrete outcome of the conference was the Somaliland Communities Security and Peace Charter, which formalized principles for security governance in a regulatory framework. Its stated purpose was to rectify past mistakes that had bred insecurity and to promote "the strengthening of security and stability and peaceful coexistence among all the communities inhabiting Somaliland" (Somaliland Peace Charter, quoted In Bradbury 2008, 99). It required every community to take an oath not to attack another community and gave elders the responsibility for settling disputes and mediating conflicts. The Charter outlined a national security framework by providing instructions for the registration and storage of weapons, demobilization and the formation of local police forces. (Ibid.) Its key principles stated that:

- Each community would take responsibility for the actions of bandits in their territory; each would establish a security council to oversee law and order; and a clan-based police force was to be created by each which would ultimately become part of a national force.

- Each community would disband their militia; all militia weapons would henceforth be considered government property; and arms would no longer be carried in urban areas or at public gatherings.

- Each community would cooperate in resisting any incursion from outside Somaliland and each community vowed not to attack each other. (Academy for Peace and Development 2008, 52)

These principles are the result of two years of conferencing on how to reconcile clans and discuss means to restore legitimate security governance. In effect, the maintenance of peace and security became a direct joint responsibility of each clan community, with an Inspection and Monitoring Committee overseeing the discharge of clan responsibilities (Ibid., 53). However, it is unclear how appointments in this committee would be regulated, so it cannot be determined to what extent this committee is truly independent.

In areas inhabited by more than one (sub)clan, responsibility for peace and security was entrusted to a multi-communal ad-hoc force. In regions inhabited by several clans such as in eastern Sanaag, where two Isaaq clans cohabitate with two Harti clans and together form the four most populous of the sixteen clans that inhabit the region, the Erigavo conference decided to establish a regional security force, consisting of police and custodial corps, that was composed of all the communities of the region (Ibid., 93). By resolving issues at community-level before attempting to tackle issues of regional and national concern, trust between clans gradually returned. This order is also reflected in the first principle, which stipulates that a national police force is the goal *after* a transitory period to rebuild trust. In

reality this meant that peacekeeping in the districts was the responsibility of their respective communities until a regional police force was sufficiently capacitated and trusted to take over. Control over the clan's security forces in this interim period was purely based on mutual trust and for Somaliland it proved to work.

The successful conference held at Erigavo is proof that even in the harshest circumstances, where tensions over land and water resources have lingered for decades, situations are not irreversible. The unique situation of eastern Sanaag makes it an illuminating case study of reconciliation whose insights contain valuable lessons for the peace-building process in other areas of Somaliland. The Erigavo peace process illustrated that peace could be achieved despite the complexity of the situation. Persistence and open-endedness allowed for peaceful deliberations. This is important because it allowed mediation groups and committees that were set up to arise more or less spontaneously. They were not institutional bodies but were more akin to ad-hoc initiatives driven by the people's conviction peace was in the interest of all. (Ibid., 62) The lack of institutionalization in Somaliland thus proved fruitful in this particular context but it would remain a challenge to institutionalize an organ with the conflict resolution capacity for the future. Indeed, what became apparent (and will be discussed in more detail later), is that in the transition from informal to more formal institutions, not every branch of government would be strengthened to an equal extent. Within the constitutional system of Somaliland, the executive's powers have not been matched by corresponding increases in power by parliament and the judiciary, thereby creating a situation in which parliamentary oversight is weak and law enforcement by the executive is not scrutinized sufficiently against constitutional provisions that limit the power of the executive. (Accord 2009, 5)

Demilitarization of Somaliland

International organizations such as the UN and multilateral initiatives such as Multi-Country Demobilization and Reintegration Program (MDRP) have designed formal disarmament, demobilization and reintegration (DDR) programs aimed to achieve post-conflict stability. DDR is usually the first process implemented as part of peace-building once a cease-fire has been agreed upon. In traditional discourse on DDR it is assumed that DDR involves a reduction in the number of armed forces of the army and police. (Kingma 2000, 27) However, in a transitory environment it may be wiser to maintain the size of the armed forces by allowing the army to be the vehicle to reinsertion and reintegration into society after combat. Instead of discharging people outright, keeping people in the army can help to rebuild a shattered society. By providing extensive vocational training ex-combatants are far better prepared for a successful return to society.

This also occurred in Somaliland where factions were absorbed into military and police service at the conclusion of the Borama conference. At this conference, demobilization and disarmament were priorities for the new government who sought to address the problem through a security framework run by community elders (Bradbury

2008, 113). However, once he took office, President Egal did not intend to form a national army, because there were too few funds to support a new army. However, as economic recovery picked up the policy changed a few months later when an agreement was struck with militia commanders and elders to absorb their forces in Somaliland's new security forces where they would receive vocational training. They were afforded the opportunity to work in the national military or the police force, before they were demobilized and reintegrated once they wanted to leave. Central to this achievement was an agreement between the government and militia leaders on paying off owners of the armored landcruisers that proved so effective in waging war. Whether this meant owners of these 'technicals' were paid to hand them over to government authorities or not to use them is unclear. However, the success was evident when the cantonment of forces moved rapidly: militia members were aware of the benefits of retraining and employment in the new security forces. In September 1993 there were 3,000 members encamped at cantonment sites, a month later this figure had doubled (Ibid., 113-114).

Thus, Somaliland managed to disband militias, remobilize them into a national army under central command, create jobs and thereby generate stability. In fact, its approach to this particular post-conflict challenge leans more toward a remobilization, demobilization, reintegration and disarmament (RDRD) approach to DDR. The remobilization phase provided the jobs necessary to keep the peace in a fragile transitory environment. Job opportunities in turn offered the best guarantee against the financial attractiveness of rejoining militias and local management, instead of international stewardship, ensured the process was well attuned to local circumstances (Sabala, Ahmad & Rutto 2008, 141). In the end, clans publicly agreed to abandon the display of weapons in public. However, it rarely involved physical disarmament or when this was done, it happened in the understanding that communities could withdraw their weapons and fighters if the agreements reached were violated. While the danger of escalation remained, in the context of eighteen years of failed leadership and wrecked relations, it may have been too early to agree to irreversible disarmament. In a transitory phase reversible disarmament may be a mechanism that generates sufficient confidence for the peace agreement to be sustained. Accompanied by other confidence-building mechanisms such as the establishment of green lines, buffer zones, the exchange of prisoners and the cantonment of militia, gradually commitment to joint management and responsibility of cease-fires and security developed. (Interpeace 2009, 44)

Nonetheless, the program was not entirely without shortcomings. The process had been uneven across the country. The RDRD approach did not take place in Sool and eastern Sanaag territories inhabited by the Harti minority because clans did not agreed to be incorporated in a Somaliland national army. Also, the reintegration process did not meet the needs of many of the demobilized militia men. Only a minority of those 6,000 encamped in October 1992 were recruited into the police forces, while the remainder became unemployed. In early 1995, some 10,000 militia members had yet to be demobilized (Gilkes 1995 in Bradbury 2008, 115) Secondly, reintegration efforts were turned around when war

broke out again in 1994. A rise in soldiers deserting the army led to the re-emergence of clan militias along clan lines. Many soldiers have therefore never been demobilized. Only years later in 2003 did these clan militia forces agree to be incorporated in a Somaliland security forces. Yet the recruitment of these soldiers into the army, police and custodial corps took up seventy percent of Somaliland's $28 million national budget (Menkhaus 2004, 160). This meant that few additional resources were available for other development needs. Yet at the same time, it prevented these 17,000 soldiers from becoming a predatory force.

Sub-state security provision: the legal dimension

As briefly indicated before, the Somaliland judiciary does not enjoy an oversight role commensurate to the executive powers for law enforcement. This section will describe the nature and functioning of Somaliland's legal code and the Somaliland judiciary. Like in south/central Somalia, the legal code in Somaliland is a mixture of laws and procedures from different sources, including British and Italian law, Islamic sharia law and traditional xeer. The constitution stipulates that the laws of the nation shall be grounded in sharia law and considered invalid when they contradict sharia law. (Academy for Peace and Development 2002, 3) However, the application of a variety of legal codes continues and interpretation of the law is often ad-hoc, not based on jurisprudence and therefore highly subjective (Le Sage 2005, 27). This is also because there are no written instructions for lawyers on how to interpret the law and it is therefore no wonder that different judges apply different standards of judgment. Other evidence that formal legal traditions do not take precedence over customary clan justice is that guilt and innocence are unfamiliar operative concepts in the Somali conception of justice. Judges frequently attempt to arrive at a win-win solution for both parties. Naturally this affected Somalilanders' confidence in due process and damages the credibility of judges as independent arbiters of disputes. In addition, it allows the executive behavior to go unchecked. (Fadal 2009, 13)

Because of this nature of Somaliland legal code, there is hardly any incentive for the executive to change the system because that would restrict the allowable level of arbitrariness in their own decisions. This is also reflected by the fact that the judiciary is the least budgeted branch of government (Ibid., 12). This results in several shortcomings, such as the lack of qualified personnel; no legal association that can promote the interests of the legal community; lack of basic equipment and facilities; few legal resources; and a poor working relationship between actors within the legal system. In addition, the executive by means of the Ministry of Justice controls the funds of the courts and has the authority to dismiss and appoint judges. Similarly, when President Kahin became interim president in 2002, one of his first acts was to appoint a new Chairman of the supreme court and the replacement of all six judges (Bradbury 2008, 195). This amounts to a balance of power between executive and judiciary that leans heavily toward the former and openly subordinates the latter (Academy for Peace and Development 2002, 7-8). A concrete example of the judiciary's limited competences on constitutional matters was its judgment

after the highly contested presidential elections that were won by Kahin by only a very small margin. At first it was thought the margin was eighty votes but later it announced without explanation Kahin had won by 217 votes, giving rise to suspicions of political interference and corruption (International Crisis Group 2003, 27).

Parliamentary oversight also is significantly limited, giving the executive a somewhat free hand in ruling the country. Parliament suffers from a lack of institutional memory, as only fourteen members were re-elected during the 2005 parliamentary elections. (Progressio 2006, 22) Furthermore, the performance of the House is constrained by the lack of adequate working space and lack of facilities, such as computers. This does not help to offset the already meager set of lawmaking skills that most parliamentarians suffer from. Reportedly there are only three trained lawyers among the 82 members of parliament that were elected in 2005. (Fadal 2009, 20) While you do not need to be a trained lawyer to be a parliamentarian, the lack of capacity, skill and experience clearly works against the desire to implement local ownership principles. Nathan's suggestions as mentioned in chapter two also clearly link to the abovementioned problems and therefore deserve to be taken serious.

As mentioned above, international donors have been involved in capacity-building projects in Somaliland after 2000. Currently, international efforts are undertaken to increase the number of legal professionals and to inform the people of their rights in order to enhance confidence in the judiciary. The UNDP's Rule of Law and Security Programme is running since 2002 and will continue until 2011. According to its website[4], it provides trainings in legal analysis, trial practice and evidence standards to the legal community. It also supports the Law Review Committee that is harmonizing several forms of law and has helped establish a Women Lawyers Association in Somaliland. This association is a milestone achievement as it helps participation of female lawyers in the legal profession and aims to improve their status in society by assisting them to exercise their equal rights. Nonetheless, the entrenchment of constitutional governance still have a long way to go as informal law can still override formal law. In addition to these tasks, the Rule of Law Programme aims at raising awareness by providing access to legal clinics, aid and translation at the community level.

Security provision in Somaliland: the challenges that remain

Earlier I wrote that a blanket amnesty with regard to past deeds may serve as an important confidence building measure to improve inter-clan relations. Nevertheless, it is equally true that repressive organs may resurface after a while, thereby rendering the idea to start with a clean sheet dangerous because it gives formerly regime- or warlord-controlled organs, which may have committed egregious human rights violations, a chance to take root in a new situation (Bryden and Hänggi 2005). This section will explore how currently security is provided for in Somaliland under leadership of Dahir Riyale Kahin, the current President of

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[4] http://www.so.undp.org/index.php/Judiciary-/-Access-to-justice.html

Somaliland and served as Vice-President under President Egal between 1997 and 2002 before being elected president in 2003.

As may have become clear from the above, Somaliland finds itself in a transition period in which constitutional principles of government are succeeding clan-based principles of governance. I have already pointed to some ambiguity in the executive's wide margin of discretion when it comes to justifying policies and practices, including the dominant position it has compared to the judiciary and parliament. This section will give some more insights on this matter specifically by zooming in on the security sector.

Previously the discrepancies in effective power by the three branches of government was illustrated. The courts and legislature have markedly less ability to fulfill their role as check upon the executive and perhaps it is therefore no surprise the presidency is criticized for its consistent and brazen refusal to abide by the rule of law (Human Rights Watch 2009, 3). Somaliland society would of course be the major catalyst of dissatisfaction yet the biggest impediment to openly challenge government policies is the fear of threatening Somaliland's hard-won peace and damage its chances of international recognition. In effect, Somalilanders have thereby become "hostages of peace". (Ibid., 4) Taken together, the absence of credible oversight and popular opposition have given the executive ample space to undertake extralegal practices without restriction. Perhaps the clearest example of this is the use of Security Committees. The Security Committees are implicitly used to maintain domestic security even though their purpose is nowhere mentioned. They exist without a sound legal basis and are only accountable to the President. The absence of public oversight puts the committees in a position to ignore to a large extent freedoms guaranteed in the Somaliland constitution. (International Crisis Group 2003, 33)

As previously indicated, President Kahin has a history of employment in Somalia's security sector. In the 1980s he served under Barre as the highest-ranking officer of the National Security Service (NSS) in the Berbera region. Under his supervision, security agencies carried out mass arrests, torture and extrajudicial killings of suspected SNM supporters yet he has never offered an account for this role in all this (Human Rights Watch 2009, 13). During the campaign for the elections in 2002 questions were raised about Kahin's past involvement in the NSS, which shows the concerns and grievances due to alleged crimes for which he has not been punished (Bradbury 2008, 201). This makes it even more surprising he became president of Somaliland, because he was a high ranking security official in the regime the SNM sought to defeat. However, Somaliland's current Regional and District Security Committees do not inflict the same kind of terror and arbitrary actions as in the past. They are mostly used to deal with criminal cases to spare the government the problem from proving charges in court. They thereby serve as instruments of repression and help to put dissidents behinds bars without due process and a fair trial. Perhaps needless to say, the committees can easily be used to incarcerate members of opposition parties, detain people arrested during anti-government demonstrations, and serve as a cover to fight turf wars with minority clans, although the latter has nowhere explicitly been mentioned.

With regard the management of the Security Committees, the National Security Committee is chaired by the Minister of Internal Affairs and Regional Security Committees are chaired by regional governors appointed by the Minister of Internal Affairs. These lower level committees consist of six members including the governor, mayor, police chief and three local security offers. What remains unclear is whether these six form a representative sample of the various clans and sub-clans within the region. It is thus not clear to determine whether these security committees are instruments to subdue other clans or whether they serve in practice as an instrument to subdue politicians of the opposition and critical journalist that criticize the government.

All these acts are in clear contradiction to government obligations as laid down in its own constitution and international human right provisions (Amnesty International 2009, 6). Although Somaliland obviously is neither party to international human rights treaties nor a member of the UN, the Somaliland government is bound by customary international human rights law. In addition, Article 10 of the Somaliland constitution explicitly stipulates it will act in conformity with international law and respect the UDHR and has indicated the acceptance of the International Covenant on Civil and Political Rights (ICCPR) (Human Rights Watch 2009, 28). Furthermore, Article 21 of the constitution provides that articles relating to fundamental rights and freedoms contained in the constitution "shall be interpreted consistent with international conventions on human rights, and that the legislative, executive and judicial branches of both state and local government of the regions and the district at all levels shall be bound by these provisions".

Nonetheless it is true that the UDHR allows for derogations from its provisions under Article 4. However, this can only occur in specific circumstances such as a state of emergency, which the government has never proclaimed. But even then strict conditions imposed by international human rights standards must be obeyed, such as respect to the right to life, prohibitions of arbitrary detention, torture, unfair trials and ensure the right to freedom of expression, association and assembly. Clearly, the abovementioned arbitrary detentions, the absence of a fair trial and the reluctance on behalf of the government to present evidence of illegal conduct before a regular court, are in stark contract with provisions in the ICCPR that stipulate the principle of being presumed innocent until proven guilty[5] and not to be subject to arbitrary detentions[6]. Detainees held for periods between six months to a year without charge or trial are therefore clearly contradictory to international human rights provision. In similar vein, the arrest of critical Somaliland journalists does not correspond with the freedom of expression as laid down in these legal documents[7].

It has already becomes apparent that oversight of these security committees is very limited. Nonetheless, some efforts have been undertaken to improve this. The Upper House of Parliament, the Guurti, maintains a committee on Human Rights and functions as an

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[5] Article 14 ICCPR; Article 11 UDHR, Article 26 Somaliland Constitution
[6] Article 9 ICCPR; Article 25 Somaliland Constitution
[7] Article 19.2 ICCPR; Article 32 Somaliland Constitution

oversight body to monitor human rights records of the executive branch (Amnesty International 2009, 18). Yet, crucially to demonstrate its true independence from the executive, this committee has no clear procedures of appointment and its exact mandate also remains unclear. Its independence from governmental influence is thus far from guaranteed.

Concluding remarks

The remarkable levels of peace and stability in Somaliland contrast starkly with the continuing mayhem in south/central Somalia. While there remain significant hurdles to be taken, Somaliland's self-generated prosperity and democratization are impressive achievements. This chapter sought to clarify how this occurred and what challenges still remain.

One critical factor was the nature of the state-building process that kicked off at the Borama conference in 1993. The community-based approach that has been applied built stronger inter-clan relations from local communities upwards, thereby gradually widening the arena of political agreement and political consensus. The conferences involved wider local constituencies, women, the business communities and were held under the stewardship of respected clan elders. Without any international involvement, Somalilanders were able to achieve peace on their own terms and pace without having to meet external criteria. The fact that they were locally funded clearly helped people realize no one else could be blamed for failure, thereby taking away a potential feeding ground for anti-foreign sentiments on which spoilers could capitalize. What is particularly important is that the locally funded conferences also cemented the accountability relationship between local leaders and wider local constituencies. And because there was no international sponsorship the question of how to ensure accountability to local communities when the money comes from donors was easily circumvented.

In fact, there was no international involvement in the peace- and state-building process of the 1990s because the international community respected Somalia's sovereignty and territorial integrity and did not wish to become accused of supporting secessionist movements. However, lack of international recognition has given Somalilanders the opportunity to build their own system which aligns democratic norms of government with more clan-based administrative arrangements such as the Guurti. In addition, without the prospect of international recognition Somalilanders did not expect to gain access to funds from international donors. The zero-sum, winner-takes-all type of politics of south/central Somaliland was thereby averted.

The Borama conference also resulted in the Somaliland Communities Security and Peace Charter, which formalized principles for security governance in a regulatory framework. The maintenance of peace and security became a direct responsibility of each clan community. This sheds an interesting light on the feasibility of an oligopoly on the legitimate use of force. The oligopoly on force implies that the state will not possess

exclusive control over the legitimate use of force. This may be the only option for Somalia because such a monopoly is only attainable when trust in state security provision is restored. An oligopoly of controls on the legitimate use of force may be an alternative solution during a transitory period. When Somali actors abstain from using violence, the persisting mistrust that prevents disarmament to take place out of fear of reprisal by a cheating opponent gradually dissolves so that trust amongst Somalilanders in security provision by the government can be restored. This also came to the fore during the Erigavo conference where it was agreed that a national police force could be established *after* a transitory period to rebuild trust. In reality this meant that peacekeeping in the districts was the responsibility of their respective communities until a regional police force was sufficiently capacitated and trusted to take over. Control over the clan's security forces in this interim period was purely based on mutual trust and for Somaliland it proved to work. Whether it works at national level depends on national authorities. They have to be willing to endorse this mediated state arrangement in which the state brokers deals with local non-state authorities in order to project authority and maintain law and order because the central state itself does not have the capacity to do this. Clearly, authorities in south/central Somalia did not, whereas in Somaliland it is regarded as an efficient measure given the rather low budget of the national government.

Nevertheless, important challenges remain for the future. Underlying these challenges is the fact that the transition from informal clan-based forms to more formal democratic forms of governance presents serious challenges. We have already seen that an important reason why the Erigavo conference was quite a success was the spontaneous, ad-hoc nature of the peace initiative. The transition to institutionalization forms a problem which may be due to the fact that with institutionalization comes the formalization of power structures that could incite new disagreements. This is also evidenced by the continuing delays of presidential elections because of the sensitivity of a voter registration process that would lay bare relative clan power. In addition, while the governance structure suits Somaliland conditions, it also suffers from two major democratic deficits: the restriction on the number of political parties, and the fact that the Guurti is appointed and not elected. Next to that, the parliamentary elections in 2005 changed an important fundament of Somaliland's state-building story from the 1990s. Part of that success was that there were no political parties and that therefore non-Isaaq clans were enjoying more power than under British rule. This created an incentive for all clans to be stakeholders in the peace process. The parliamentary elections in 2005 changed this because for the first time political parties participated in an election based on proportionate representation and gave minority clans less power than before. This made them feel dominated and threatened by the Isaaq clan and made minorities fearful of losing their role as equitable partners in government.

Furthermore, the blanket amnesty approach to past deeds was regarded as one of the important pillars of successful reconciliation. However, the presence of Security Committees under President Kahin, who served in the NSS during the Barre regime, can be

regarded as a re-manifestation of oppressive organs that have not been excluded from government because of the blanket amnesty. Another point in this regard is that over the last couple of years the executive has gained power relative to parliament and judiciary who both suffer from major capacity shortcomings. More important however, is that the executive by means of the Ministry of Justice controls the funds of the courts and has the authority to dismiss and appoint judges. This amounts to a balance of power between executive and judiciary that leans heavily toward the former and openly subordinates the latter. This undermines the development of a culture of rule-based governance and significantly impact on people's faith that the governance serves in the interests of all clans rather than merely powerful elites. This in turn, has significant implications for the legitimacy and accountability of security provision by national authorities, particularly in the legal dimension.

Whether SSE is a feasible practical approach depends largely on the fact if Somalilanders can shake off the hostages of peace syndrome they have. Somaliland society can be a major catalyst of dissatisfaction yet the biggest impediment to openly challenge government policies is the fear for threatening Somaliland's hard-won peace and damage its chances for international recognition. However, the conditions of a relatively safe environment may be present although it is questionable whether such an environment persists when SSE policy approaches are implemented. The existence of Security Committees does not make this prospect more reliable.

Chapter 5

Conclusion

In this thesis I have explored the seemingly intractable problems with security in Somalia. Due to the protracted conflict, Somalia is considered to be the quintessential example of a failed state. The underlying reason is that from an historical perspective, security and law and order have not been upheld In the interest of the majority, but to the advantage of a minority. It explains why state collapse is so endemic because every (sub)clan strives to be that minority. It also explains why distrust between clans is so persistent even though relations may improve from time to time. The fear of being cheated on once the common interests evaporate is always luring in the background, and also explains why a sustainable resolution of the conflict in Somalia may take quite some time to come.

International interventions in Somalia during the 1990s have not been able to contain violence and contribute to sustainable peace efforts. Perhaps the major lacuna their efforts in south/central Somalia have suffered from is the problem with establishing legitimate authority. The international community has often focused on establishing a legitimate central government without engaging in the necessary task of improving social relations amongst (sub)clans. State-building was executed without peace-building and even though the processes seem to be about contradictory goals, namely strengthening governmental authority and moderating governmental authority respectively, it is the sequence in which state-building and peace-building operate that bears a significant negative impact on establishing peace in Somalia.

Indeed, a reversal of this order, i.e. peace-building prior to state-building, occurred in Somaliland and represents a challenge to international efforts at state-building in Somalia by questioning the basis for, and nature of, the state by demonstrating an alternative route to state-building that prioritizes local reconciliation to build cross-clan cooperative relations over establishing governance structures. In the absence of a state, these bottom-up, community-based approaches succeeded in containing violence and resulted in negotiating consensus on an expanding amount of issues, discussing civil issues prior to more complicated constitutional issues. This removed central government control as an object of conflict, thereby allowing social relations to be restored first. In turn, the restoration of social relations was key to stimulating economic development by opening roads, restoring property to rightful owners and reducing livestock raiding. It was thus the absence of effective government that allowed these local processes to succeed.

There thus come to light a number of differences between peace processes in south/central Somalia and Somaliland. While in south/central Somalia peace efforts were mostly designed to meet external agendas, were externally financed and oriented toward establishing a central government, in Somaliland peace processes were locally designed and managed by local clan-elders who carried legitimacy in the eyes of the population, and

financed by local business communities; they involved wider local constituencies who selected locally respected elders to negotiate the terms of peace; and accepted the need for a long-time frame. Another major difference is that in Somaliland there were strong incentives for peace and security which is connected to the desire for international recognition of an independent Somaliland. Such an incentive was absent in south/central Somalia where control of the state kept fueling conflict because of the anticipated access to financial resources from international donors. Moreover, warlords inside and outside government positions also had an interest in the perpetuation of a war economy.

Nevertheless, both in south/central Somalia and Somaliland, Somalis have been able to establish local forms of governance despite of and thanks to the absence of central government in south/central Somalia and Somaliland respectively. This shows that despite the widespread oppression under Barre, indigenous systems of conflict resolution and governance remained strong. Also, it can be established that locally financed and managed processes in Somaliland were more effective than externally sponsored national conferences in south/central Somalia. What has become apparent is that local funding is an important contributor to the success of reconciliation efforts because it makes people aware of the burdens of peace-making that are not realized when peace conferences are externally funded. In addition, in the context of Somalia, anticipated access to financial resources from international donors fuels conflict and reinforces the zero-sum nature of Somali politics.

This leads to the question whether donors should be involved in state- and peace-building processes in the first place. Clearly, it has proven to be difficult to incorporate local ownership principles in practice. In fact, the presence of international involvement in south/central Somalia has contributed negatively to the state-building process whereas the absence of international involvement was part of the success of state-building efforts in Somaliland. The case of Somaliland has shown that local ownership may be better attained when international actors are not involved in SSR. This suggests states should at least restrict their involvement to a far more facilitative than directing role to promote local ownership in SSR and other state-building activities even though it remains unclear how such a hands-off approach can work.

Another option is that the international community refrains from intervention in state- and peace-building activities. International intervention in Somalia could not establish legitimate authority because the governments they installed could not maintain law and order. In addition, the presence of AMISOM today and internationally sponsored peace conferences in the past, have undermined the legitimacy of the Somali government and peace conferences respectively. On the contrary, the absence of any international involvement was a critical factor in the success of Somaliland's peace- and state-building process. Somaliland had the opportunity to design a peace process without the pressure of external demands and timeframes. In addition, the absence of legal recognition precluded Somaliland from access to international funds which could potentially have a negative effect on peace in the region. In 1992 and from 1994 until 1996 Somaliland also experienced

internal turmoil because of rivalry over the control and division of financial resources. Nevertheless, since 1997 Somaliland has experienced twelve years of recovery and made significant steps in the democratization process. One particular factor contributing to this is the fact that state formation in Somaliland has been consensus driven, rather than an imposed state structure from above. However, serious challenges remain in relation to the transition from informal clan-based forms to more formal democratic forms of governance. The transition to institutionalization forms a problem as it entails the formalization of power structures. This may imply the re-negotiation of power which is a highly sensitive subject for Somali clans and reverberates until today as evidenced by the several postponements of the presidential election that were originally scheduled to take place at the end of 2008.

With regard to seemingly intractable problems with security, the community-based approach of SSG in combination with the practical framework of SSE presents an interesting alternative conception for the international community to design a hands-off approach to security around. SSG takes the reality of security provision in fragile states as its starting point and provides sufficient room to promote local ownership because it acknowledges the valuable role played by non-statutory security forces who provide security to communities left unprotected by the state. The value of a community-based approach lies in the idea that security of communities who fall beyond the scope of statutory security provision can be much better attained when communities have the freedom to design, manage, and execute security provision according to their own self-identified needs.

A principle lesson to be learnt from community-based SSG in south/central Somalia and Somaliland is that in order for peace to hold there must be the willingness on part of national leaders, be it politicians, businessmen or warlords, to accept the authority of clan elders who enjoy public trust and are reliable representatives of the population. In south/central Somalia the traditional authority of clan elders has always been marginalized when there was a central government. A complicating matter is that political faction leaders may only be interested in accepting the authority of local elders once its costs do not outweigh the benefits from remaining in power. Faction leaders may be reluctant to accept the authority of elders given the access to resources and anticipated benefits control of the state brings. This is why Somaliland has been a relative success whereas Somalia is still mired in fighting. Strictly speaking in legal terms, the Republic of Somalia is still considered the sole actor recognized by other states. The access to accompanying funds that comes with being regarded as legitimate representatives of the government of Somalia gives faction leaders and warlords a motive to secure their position. It also explains why faction leaders do not accept that claim to legitimacy to be tarnished by allowing the legitimacy of local elders to be exposed to international donors. However, while the absence of international recognition therefore does have benefits for peace and stability in Somaliland, it also has negative consequences for attempts by Somaliland to attract foreign investment. International businesses are reluctant to invest in a Somalia that is designated as a war zone. While the situation is far from that reality in Somaliland, its judicial system cannot guarantee a safe

investment environment because of its lack of independence from political actors, thereby making any investment subject to political interference and obstruction.

In the light of these findings what is the feasibility of a community-based approach to security governance in south/central Somalia and Somaliland?

Many successful local efforts to security governance have been realized in south/central Somalia and Somaliland in the past eighteen years. Despite a highly ineffective government in south/central Somalia, and the absence of governmental authority when Somaliland began its state-building endeavor, local communities have been able to achieve security under the leadership of clan elders. In Somaliland peace processes were locally designed, managed, and financed, and incorporated the wider local constituencies, including women, in the deliberations and selection of locally respected elders to negotiate the terms of peace on their behalf. Similar initiatives have been undertaken in south/central Somalia, both by the international community as well as local actors. International peace efforts that have not succeeded were mostly designed to meet external agendas and were sponsored with international funds. However, locally initiated peace processes and security mechanisms have had some initial success but have not proven to be very sustainable in the context of south/central Somalia as they collapsed in the wake of failed attempts to achieve reconciliation at national level.

The cases of Somaliland and south/central Somalia also provide possibilities for hybrid forms of security provision in which state actors cooperate with non-state actors. The mediated state arrangement, whereby the state brokers deals with local non-state authorities in order to project authority and maintain law and order because the state itself does not have the capacity to do this, is a feasible method to attain a community-based approach to security governance in fragile states. Central governments in fragile states suffer from weak capacity or legitimacy but if they desire to project authority in states that are not under their direct control, the mediated state arrangement represents a solution. However, the relationship between central government and local partner warrants careful management if it is to be sustainable. Such hybrid forms of security governance can easily fall prey to dissenting actors on both sides of the agreement. It requires sufficient trust and dialogue to maintain this arrangement if it is to lead to a restoration of a monopoly on the legitimate use of force by the central state. The fact that this has yet to occur in Somaliland demonstrates the formalization of security control under one actor may only be feasible when sufficient confidence-building measures have been installed.

To what extent is the success or failure of security governance in south/central Somalia and Somaliland attributable to the adoption of a local, community-based approach?

The continuing problems with security in south/central Somalia are the result of an interplay of factors at local and national level. The failure to achieve peace at national level is to a large extent attributable to the failure of the international community to adopt a more inclusive approach and come to terms with parties currently rejecting the peace process. In

addition, local level peace initiatives have not proven to be sustainable as they often disintegrated in the wake of national peace conferences and talks aimed at establishing a national government. These caused local power balances to shift which led to renewed disputes and fighting. A community-based approach that allows local actors and governance structures to gain legitimacy may yield more success. However, current Somali elites may be unlikely to accept a more limited role for the central government. Clearly, these national leaders are reluctant to give up power, certainly when they know international backers will not abandon them. A more community-based approach would not give these leaders the certainty they will be backed by international actors because a community-based approach does not support such a pre-existing fact. Therefore, the failure of security governance in south/central Somalia is to a significant extent attributable to the neglect to adopt a community-based approach to state-building and security governance in south/central Somalia.

In Somaliland, numerous successful attempts at reconciliation have take place on the basis of a community-based approach. Mediated by strong an impartial mediators, supported by local business communities, and drawing on support of the wider local community, including women, they have often led to the restoration of social relations and resumption of trade. An important factor that allowed a community-based approach to run its course was the absence of international recognition as an independent state. Somaliland could not rely on the international donor community for access to funds and therefore had to cooperate in order to avoid the scourge of war that continued unabated in south/central Somalia. The success of security governance in Somaliland is thus to quite some extent attributable to the adoption of a community-based approach to state-building and security governance although the absence of international recognition worked in Somaliland's favor, because the zero-sum nature of Somali politics that was reinforced by access to international donor funds in south/central Somalia was averted.

How exactly is civilian control and oversight guaranteed in the context of security governance in south/central Somalia and Somaliland, and can this be fostered by a community-based approach?
Somaliland's continuing stability owes much to the political consensus achieved during the Borama conference. The inclusive and public meetings and its emphasis on consensus and dialogue have instilled a high degree of accountability and local ownership in Somaliland's peace process from 1991 onwards. Clan elders were selected by wider local communities to facilitate meetings, resolve disputes and broker negotiations in case there is a need for them. They represent legitimate authorities even though they do not stand under direct scrutiny by an formal institution overseeing their activity. With regard to the security sector, joint security committees have been established in regions contracted under the mediated state arrangement. These joint security committees operate under Independent Monitoring Committees even though it is unclear how these people are elected. This stands in stark

contrast to the Security Committees operating at national level. These are only answerable to the president and are not overseen by parliament nor are its actions questioned by the judiciary because it stands under direct control of the Ministry of Justice. South/central Somalia is currently dependent on AMISOM for its own security provision. These are thus not overseen by local civilian actors and neither has the national security apparatus in the past been subject to democratic control by parliament. For the question whether civilian control and oversight can be acquired through a community-based approach we have to turn to Somaliland.

The consensus-driven peace process and inclusive nature of security governance in Somaliland has been fostered by the community-based approach of SSG. This ensured a high level of accountability between local elders negotiating the terms of the peace and the wider local constituencies. The challenge that remains is to formalize this accountability relationship by means of a statutory body overseeing the role of clan elders. Indeed, while clan elders have successfully brokered joint security arrangements at local level, they are not answerable to an independently operating civilian oversight body. The role of the Independent Monitoring Committee is too ambiguous to be regarded as truly independent and therefore one cannot speak of a formal accountability relationship. Moreover, it remains doubtful whether this can be promoted by a community-based approach because the accountability relationship has not yet been institutionalized in Somaliland. As noted before, the formalization of power structures is likely to lead to tensions because it implies the re-negotiation of power which is a sensitive subject in Somaliland. It cannot be taken for granted that clan elders will voluntarily accept a cap on their current power. The Security Committees that operate at national level are perhaps the result of the lack of a credible oversight mechanism that cements the accountability relationship between security actors and civilian oversight organs. When such a accountability relationship would have existed such committees would certainly stand under greater public scrutiny than currently is the case.

What does local ownership entail and how has this been operationalised in south/central Somalia and Somaliland?

A key ingredient of a community-based approach to SSG is the principle of local ownership. While local ownership principles are often acknowledged by international policy making agencies as crucial to success in post-conflict environments, their implementation in practice has proven to be more difficult. A normative approach to implementing SSR by western donors often ignores the capacity of local peace-building resources which may prove very valuable in the success of improving security provision. Local ownership is thus a much endorsed ideal but rarely proactively sought after. Local ownership principles imply that local perceptions and ideas of security and insecurity in combination with local ownership over resources leads to locally designed frameworks, processes and strategies that are applied to administer the security sector. When donors facilitate instead of direct reform

projects, their involvement could yield much more success because they are supported by local communities themselves. In particular, security provision in south/central Somalia and Somaliland may benefit from an approach characterized by local ownership, because often security provision by the central government is deemed suspect because of its oppressive rather than protective intentions.

Local ownership principles have thus clearly been present in the state-building exercise and the way the security sector is administered at local level in Somaliland, and at times in local peace initiatives and security arrangements in south/central Somalia. Part of the reason why local ownership could be operationalized is the ad-hoc nature of peace initiatives that allowed large local constituencies to participate in peace processes because of their informal, yet inclusive nature. In fact, what we can conclude from south/central Somalia is that formal peace processes initiated by the international community have largely failed because of a reluctance on part of Somali leaders to accept the legitimacy of clan elders. Instead, Somali leaders undermined the legitimacy of clan elders because it would dilute Somali leaders' claim to be legitimate representatives of the Somali people. Because of the legitimacy of clan elders in the eyes of Somali people, the operationalization of local ownership principles has actually been obstructed at national level in south/central Somalia.

In Somaliland, the operationalization of local ownership was not hampered by clan dominance of the Isaaq. Rather, Isaaq involved minority clans in the peace process and incorporated them into the state structure. This approach resulted partly from the continuing mayhem in south/central Somalia and the commonly experienced horror under Barre's rule. These factors contributed to a determination to prioritize peace over anything else. Moreover, the state- and peace-building process allowed local ownership principles to be operationalized because the absence of any international involvement ensured Somalilanders were able to conduct peace conferences on their own terms, without pre-set criteria, deadlines or any other demands or expectations. The peace processes were therefore open-ended and focused foremost on the restoration of trust between previously warring clans.

What are the contextual factors that explain Somaliland's success and south/central Somalia's failure in providing security?
Next to the already mentioned factor of having access to international funds through recognition by the international community, another factor that explains the differences in success of providing security is the particular colonial experience of the two regions. Somaliland was occupied by the British until 1960 whose rule was less intrusive than Italian rule. Britain regarded Somaliland more as a protectorate than a colony and left many local administrative structures in tact while the Italians introduced their own forms of governance. As a result, local governance system are better preserved than in south/central Somalia. In addition, Somaliland is more homogenous than south/central Somalia in terms of clan population. This has resulted in more conflict than in Somaliland as more (sub)clans had

an interest in capturing state control and imbalances of relative clan power more easily emerged. As a result of the more protracted fighting in south/central Somalia and the larger number of displacements as a result, more areas are occupied by clans who have no historical claims to the lands they now control. Clan elders who claimed land from warlords on behalf of their constituency negotiated from positions of weakness because they had to negotiate with powerful armed warlords rather than their peers in their attempts to restore properties to the rightful owners. However, warlords were not interested in such reconciliatory initiatives because they gained from the war economy by means of plunder and extortion. At the same time, clan elders from regions occupied by warlord militias neither possessed the authority nor the interest to negotiate peaceful relations with the groups whose lands they were occupying. Clan elders did not have authority because they were unable to prevent warlords from continuing warfare, and did not have an interest in negotiating with warlords because they could potentially lose credibility by negotiating with more powerful actors to whose interests they would have to concede.

Theory development: discussion and questions for further research

This thesis was based on an inductive approach with the intent to contribute to theory development within the field of security governance in fragile states. This has led to a number of new questions. First, is it possible to have a long-term solution in which the state will not have a monopoly on the use of force? In relation to this, should the end of any reform process be democratic control over the armed forces by the people through national parliament? If the answer to this is yes, a possibility would be to revoke the social contract during a transitory phase. The monopoly on the use of force by the state is then replaced by an oligopoly on the use of force by self identified localities, be it regions or otherwise demarcated polities, until citizens collectively decide to re-enact the social contract with the central government once trust and confidence in the ability of the state to provide security is restored. This suggestion has been made in this thesis and the case studies have shed an interesting light on this subject. However, it remains a theoretical question that needs to be corroborated by practical evidence that demonstrates whether it works and if it is applicable when governmental authority is still present.

Secondly, the success of Somaliland's peace- and state-building process without interference from international actors should be appreciated in the context of its relationship with south/central Somalia. It remains debatable whether donor involvement in state-and peace-building should necessarily be discarded but at least it needs significant reconsideration. What, for instance, if the international community disengages from Somalia and lets the conflict burn itself out? Would that suddenly lead to a locally designed peace process? And can external actors be persuaded to let Somalis solve their problems even though vital interests of external actors may be threatened this way? On the other hand, if international actors remains involved what kind of approach would work best? Should it purely be involved on humanitarian grounds or may intervention be justified by fears of
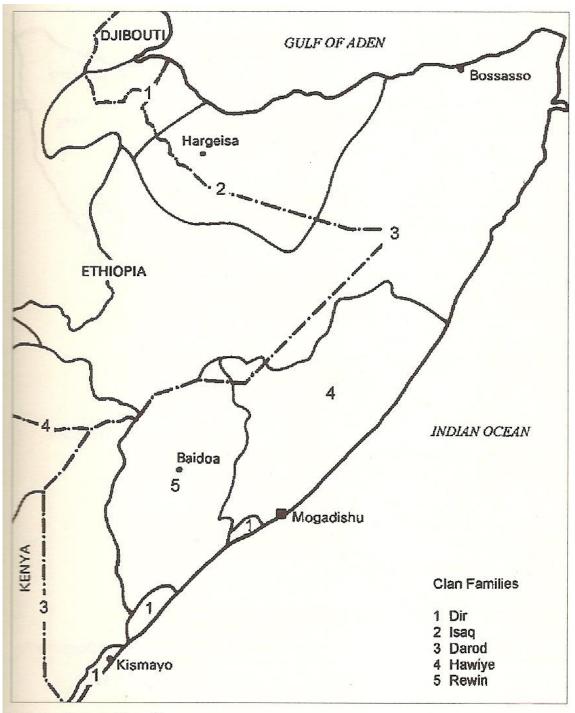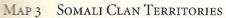
militant fundamentalism?

Thirdly, it is questionable whether sufficient local funds can always be generated for local peace processes. The advantages of local sponsorship have clearly been explained. However, it cannot be assumed locals are always willing and able to contribute financially to peace processes. They may for instance believe external or national actors they regard responsible for the chaos should provide sufficient financial resources to facilitate peace processes. However, in the case of south/central Somalia we have seen the destructive effect of foreign sponsorship and the accompanying conditions that come along. The question then becomes how locals can achieve ownership over externally funded peace processes while still meeting the conditions set by donors. Indeed, local ownership seems unrealistic when recipients are financially dependent on donors. Indeed, an important political factor restraining progress toward local ownership includes accountability demands by tax-payers in donor countries. While this is inevitable, the manner in which accountability demands are translated into conditionalities could be changed to meet the needs of recipients better. Currently, these political conditionalities are often in the form of time-frames, deadlines and process and reform criteria. The point is that reform cannot be dependent on funding cycles of donors, because short timelines and pressure for results are inimical to the development of local ownership. Donors thus may need to move away from short-term projects and funding cycles and instead support longer-term SSR processes in which the involvement of local stakeholders is more important than any visible output in the short term.

Finally, there always remains the danger that we are judging developments according to our own culturally bound concepts and beliefs. This also relates to the question mentioned before of whether democratic control over the armed forces by the people through national parliament should be the end goal. Somalis themselves may think otherwise. For instance, the assumption that the legitimacy of any government is based on its representativeness may be greeted with disbelief by Somalis themselves, whose population consists of a large amount of people who have experienced war throughout their lifetime and have no conception of what representative government means.

In conclusion, this thesis sought to find answers to the apparent dichotomy regarding security in Somaliland and south/central Somalia. The results of this research clearly give some food for thought for international involvement in state- and peace-building activities and SSR, especially in Somalia. Local ownership is a fashionable term in current international relations discourse, yet the intricacies of the concept need more careful consideration if its value is to become functional to the people in less fortunate circumstances we profess to help with our carefully, yet somewhat cyclopically designed assistance programs.
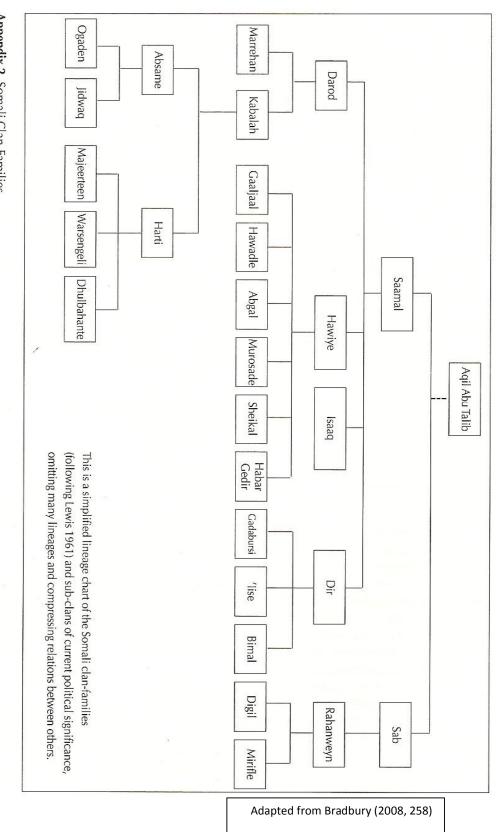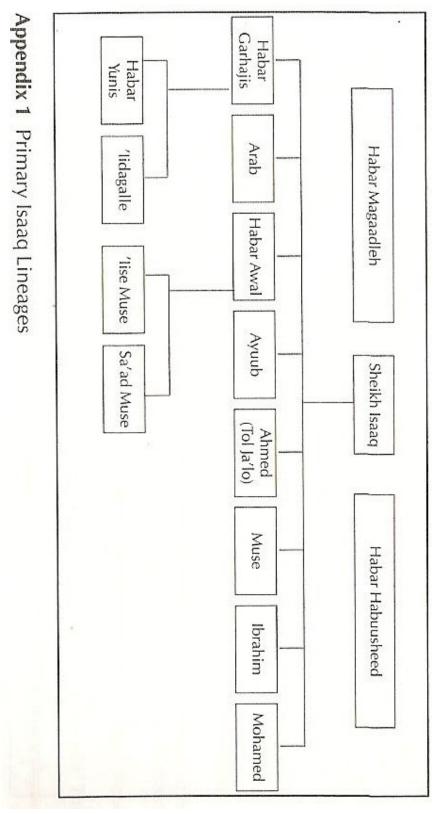
Appendices

MAP 3   SOMALI CLAN TERRITORIES

Clan Families

1 Dir
2 Isaq
3 Darod
4 Hawiye
5 Rewin

Adapted from Brons (2001, 15)

Appendix 2 Somali Clan-Families

Aqil Abu Talib

Ogaden
Jidwaq
Absame
Marrehan
Kabalah
Darod
Majeerteen
Warsengeli
Dhulbahante
Harti

Gaaljaal
Hawadle
Abgal
Murosade
Sheikal
Habar Gedir
Hawiye
Saamal
Isaaq

Gadabursi
'Iise
Bimal
Dir

Digil
Mirifle
Rahanweyn
Sab

This is a simplified lineage chart of the Somali clan-families (following Lewis 1961) and sub-clans of current political significance, omitting many lineages and compressing relations between others.

Adapted from Bradbury (2008, 258)

94

Appendix 1 Primary Isaaq Lineages

Adapted from Bradbury (2008, 257)

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