

HYBRID SECURITY GOVERNANCE IN SOMALILAND

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Abstract

Somaliland communities have traditional system of governance, in which customary law and the clan system from which it derived provided the model for conflict resolution and a hybrid political order in general. This system of governance has gained prominence and space after the collapse of the formal institutions of then Somali Republic. After Somaliland proclaimed its independence from the rest of Somalia in 18 May, 1991; it was envisaged that the empowerment of the traditional governance systems as the only immediate way out of the multiple threats to public safety. Empowering traditional governance processes, elders in the of the clans of the Northern regions(former Somaliland British Protectorate) started their peace-building process, in which a reconciliation process in Somaliland assumed the form of a consensus-based structure, strategy, process, and leadership that allowed communities to settle their differences through inclusive clan meetings. That arrangement later morphed into rebuilding formal security institutions and creation of the basic infrastructure of hybrid security governance system as a part of a state and nation-building initiative. The research reveals how locally-owned peace-building processes preceded state-building initiatives that yielded a unique type of hybrid security sector governance. It also sheds a light on how the formal and non-formal security institutions interact and interface and how they function and cooperate in both urban and the rural context. It also provides an original analysis on the comparisons with Puntland,a region adjacent to Somaliland.

Key words: formal and informal, hybrid, security

1. Introduction

Although most African states claim authority within the boundaries of their internationally recognized territory, non-state institutions of governance have survived or emerged in large parts of the continent. The post-colonial state is characterised by “the rule of the ‘intermediaries’, a series of networks and polities that substitute and compensate for the lack of authority of the central, legally constituted state and its ability to deliver essential public goods and services”. These non-state systems effectively function as a ‘second state’ delivering public goods and services in a continually negotiated relationship with the formal institutions of governance. Somaliland’s hybrid security governance was a result of the peace initiatives conducted after the collapse of the Siad Barre regime and the Somali state. The Academy for Peace identified 39 peace conferences and meetings held in what became Somaliland between 1991 and 1997 (Bradbury, 2008). Using indigenous peace-making procedures, the various Somaliland communities held a considerable number of local meetings and national conferences to re-establish the peace between the different communities and laid the foundations for local security and governance in tandem with state building and national governance. It is the understanding arrived at in these meetings that have enabled Somaliland to establish peace and national governance.

The peacemaking conferences, which were concluded by 1997, were all held in the country without the involvement of the international community (APD and Interpeace, 2008). Hence, there is a need to take a critical look on how hybrid political order emerged and the emergent relationships between the various actors of hybrid security governance in Somaliland. Specifically, the research addresses the following questions:

- a) What are the networks and processes of security governance that span the divide between formality and informality?
- b) What are the roles of informal security institutions and what are the interactions and interface between them and the formal security institutions in Somaliland?
- c) How does hybridity impact on the security and entitlements of citizens, particularly in situations of vulnerability, exclusion and equity?

2. General Background

Somali culture has traditionally been a pastoral, nomadic one, with an overwhelming majority of the population engaged in the herding of camels (the prestige wealth par excellence), sheep, goats, and, in a few favorable areas, cattle. Somali social identity is historically rooted in paternal descent (tol), meticulously memorialized in genealogies (abtirsiinyo or, “reckoning of ancestors”), which determines each individual’s exact place in society. At the apexes of this structure are the “clan-families” (qabiil). According to the most generally accepted divisions, the following are the major clan-families among the Somali: Darod, Dir, Hawiye, Isaq, Digil, and Rahanweyn.

European colonial expansion into East Africa in the 1880s added yet another layer of division to the Somali, partitioning the lands they inhabited into five separate territories: the Protectorate of French Somaliland (Côte Française des Somalis), based in Djibouti; the British Protectorate of Somaliland, with Hargeisa as its principal town; the Italian colony (Somalia Italiana), eventually centered on

Mogadishu. The ambitions of the two powers (Britain and Italy) in the Somali regions were contrastingly different. Britain's strategic interest was simply tuned to keep any hostile power off from the northern Somali shores facing Aden, which might potentially disturb the supply of meat to its garrison in southern Yemen. To that effect, it had signed protection treaties with some of the Somali northern clans. Italians had a long strategy, which intended to consolidate their new Somalia and encourage settlers from Italy to start a new life; these settlers developed new agricultural plantations to feed fresh fruits to Italy.

However, Britain's strategic interest started to face armed resistance by Sayid Mohamed Abdille Hassan who mobilized among local tribes who were not signatories of the agreement with the British settlers. Sayid Mohamed had assembled a large Dervish forces and launched a fierce armed revolt against a number of military expeditions meant to defeat him. The 'holy war' as it was referred to by the dervishes continued for twenty years until Sayid Mohamed and his forces were bumped out of their stronghold in Taleh, which marked the first major airstrike in African soil against local forces (Aw Jama, 1976.) As the consequences of this revolt, Britain had felt forced to expand its authority into the hinterland, but regardless of the change of its original intent of limiting its authority to the coast, it didn't devote the required resources to develop social services particularly education with the extension of its authority into the hinterland. It was only in 1938 that the first government school was opened, and not until the 1950s that schooling for girls was introduced.

Dramatic changes in the beginning and the end of the Second World War precipitated the independence of Somaliland Protectorate on 26 June, 1960 which voluntarily joined independent Southern part of Somalia seven day later on July1, 1960 to become the Somali Republic. Probably driven by the sentiment of Greater Somalia and feeling a sense of betrayal by the British on the handover of the Hawd reserve to Ethiopia the population of the protectorate became convinced that unification with the south would give political leverage to retrieve Hawd from Ethiopia. Nonetheless, Northern disenchantment with the union began shortly after independence. The former Protectorate's secondary influence in national affairs damaged northern pride and began to breed feelings of resentment.

In 1969 Mohammad Siad Barre led a successful coup d'etat. From the very outset the military displayed show-of-force as the only means to resolve the cumulative socio-economic crises in the country. The war of aggression against Ethiopia in 1977-8 aggravated the internal social and political crisis and ushered in a new period of escalation of inter and intra-state wars and consequent upheavals in the region. It has created a deep abyss between Somali clans, which reached its height in the 1981 with the rise of the Somali armed opposition movements. The first to emerge was the Somali Salvation Democratic Front (SSDF) in early 1980s in Northeastern region, today's Puntland, drawing its support from Majeerteen clan followed by the Somali National Movement (SNM), in January 1981 in predominantly Isaq Northwestern which led to the emergence of independent Somaliland..

3. Literature

3. 3.1 Networks and processes that span the divide between 'formality' and 'informality'

Security governance is based on a complex amalgame of statutory and non-statutory actors and institutions which form the security sector. (Honke, 2013). Bagayoko and Cormac (2012) established that formal and informal governance mechanisms characterise African security systems. Meanwhile, Barfield and Nojumi (2010) argue that, Governance is the manner in which communities regulate themselves to preserve social order and maintain their security while Government is the action of

ruling, the continuous exercise of state authority over the population it governs.

In the case of the British Somaliland Protectorate Lewis, (1961) observed that heer (local contract codes) were submitted in the form of petitions to the local District Commissioner and, District Offices maintain a file of local clan and lineage group treaties. Since the collective jural and political solidarity defined in these agreements was recognized by the government heer becomes a law. Dia-paying treaties are also often directly recorded by District Officers to guide them in their interpretations of 'political cases' and to ensure that their record of agreements was up-to-date.

In the reconstruction of Somaliland after its separation from Somalia, Hybrid Security Governance (HSG) started with the use of indigenous peace-making procedures; the various Somaliland communities held a considerable number of local meetings and national conferences to re-establish the peace between the different communities and lay the foundations for local security and governance in tandem with state building and national governance. It is the understanding arrived at in these meetings that have enabled Somaliland to establish peace and national governance. In its final overall study of the peace initiatives in Somaliland, the Academy for Peace identified 39 peace conferences and meetings held between 1991 and 1997. In contrast to Somalia where until 2012 numerous peacemaking conferences were held abroad with funding from the international community, Somaliland's peacemaking conferences, which were concluded by 1997, were all held in the country without the involvement of the international community (APD and Interpeace, 2008). Among the peace negotiators included were the local and national authorities who took over after the collapse of the Somali regime including the actors of war, which were primarily the Somali National Movement (SNM) and non-Isaq traditional elders, who were involved in inter-clan reconciliation amid in the height of the hostilities between SNM and government forces. Among these, was Garaad Abdiqani Garaad Jama of the Dhulbahante, who initiated a peace mission with the aim of ending these hostilities between the Dhulbahante and Isaaq.. But they also included traditional authorities, religious groups, and strong businessmen, remnants of the former state administration and the aspiring new government of the self-declared republic. Individually and collectively, these actors exercised authority in various ways (Hoehne and Markus, 2006b).

3.2 Roles of informal security institutions and the interactions and interface between these and the formal security institutions of the state.

The success of peace building and 'state-building' in Somaliland was to a large extent due to the involvement of traditional actors and customary institutions that are rooted in the traditional clan-based Somali society. Clan elders and their councils were the decisive actors in the peace building process, utilizing customary forms and mechanisms of conflict resolution. Given the positive role which the councils of elders played in peace building, they were also entrusted with important roles in the successive process of building political order, and today, they are constitutionally embedded in the political system of Somaliland. They are crucial elements of governance, in particular with regard to conflict resolution, but also with functions in the broader sphere of government and administration (Hagmann and Hoehne 2007, 24).

Hence, Somaliland provides a success story. Peace and state-building have invariably emerged from down-ward upward approach rather than being imposed through a top-down process and unusually, have taken place in the absence of a central monopoly of violence. The government "does not hold the monopoly of violence. 'Security in Somaliland is dealt with in a decentralized manner and is largely guaranteed by local politicians and elders'" (Hagmann and Hoehne 2007, 24). The result is an indigenous type of statehood that "amalgamates customary, Islamic and statutory norms and practices" and enjoys high levels of legitimacy in the eyes of the people.

The most interesting example of hybrid governance incorporating traditional authorities in formal government is in Somaliland, where elders' (Guurti) roles are enshrined in the upper house of a bicameral parliament. This was done in part to build popular trust and confidence in the nascent government and in part to influence and coopt the clan elders. It is this latter dynamic that worries some critics of hybrid governance who see in it a real danger of manipulation of traditional authorities, leading to a decline in their legitimacy (College and Menkhaus, 2010).

4. Methodology

4.1 Study Design

Given the nature of the study, descriptive cross-sectional case study design was deployed. To capture cross sectional views of the public, APD employed the following qualitative data collection methods such as: focus group discussion (FGD), unstructured interviews and key informant interview. APD also carried out some limited quantitative data collection in both of the case study areas (Hargeisa and Dilla). The quantitative method is meant to validate the findings from the qualitative data collection findings with the quantitative data collection results.

4.2. Study Area

The study was conducted within four major Districts out of eight Districts of Hargeisa City and Dilla district. Hargeisa City is the capital of Somaliland. It is situated in Maroodi Jeeh region which is among the six regions of Somaliland. The study was also conducted in Dilla district in Awdal region. The selection of Hargeisa as a case study is justified on that it is the biggest town in Somaliland and about a quarter of the population in Somaliland live there. It is the seat of all formal institutions (Police, Judiciary, Guurti and the army) and it has the last gathering of informal institutions (traditional elders, religious leaders, Sharia courts) as the well the headquarters of the national political parties.

Dilla is small rural district; the population is predominantly Rer sub-clan of Gadubursi clan, agro-pastoral is the main livelihood system in the area. The selection of Dilla as a case area is premised on the peculiarity of its security situation. The district borders with the Ethiopia on South, where there is less presence of informal institutions. Dilla also borders with Gebily to the East and there are number of land-based conflicts on the inter-district border areas. Given the sheer presence of informal institutions and the predominance of informal institutions in the area, the district is to reflect a different a structure of hybridity than that of the urban case study.

4.3. Study Population

This study targeted the key leaders in both the informal and formal security governance positions; a total of 83 interviews. Data triangulation was done as a means of verification of the information given on security governance in the community by conducting Focus Group Discussions (FGD) to groups of women, youths and elders.

Table 2. Study participants' list

Key Informant Interviews (KII)	FOCUS Group Discussions (FGDs)
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Informal security governance leaders:

- Informal security directors
- Youth security guards
- Chiefs/sultans/Aaqils

Formal security governance leaders:

The House of Guurti
 Ministry of Defense
 Ministry of Justice
 Ministry of interior
 Districts chairpersons
 The political party chair persons

Women groups

Youth groups

Elderly men

No	Category	Number of participants
1.	Traditional authorities	12
2.	Business actors;	8
3.	Women activists	6
4.	Youth	12
5.	Political parties	6
6.	Religious leaders	4
7.	Unclassified respondents	19

4.4. Sample and Sampling

The study adopted non-probability sample with purposive sampling technique to obtain the key leadership role players in security governance positions and the women, youths and elderly person.

5. CASE STUDY A: Hargeisa City

I. Profile of the case study location

Hargeisa is the capital city of Somaliland and the economic hub where most of the economic and business activities in the country are concentrated. All the INGOs and the UN agencies have their offices in the city. About a quarter of the population in Somaliland live in Hargeisa²

II. Formal Institutions

² Somaliland statistics

a) Hargeisa Local Government

b) Police Force;

There is a police station in each of the seven districts in the city; there is also a centralized police hotline service in the country. Besides that there are purposely built security units within the police structure like: the SPU (Special Protection Unit) which is responsible for the security protection of international organizations operating in the country and the RRU (Rapid Deployment Unit) which counteracts potential terrorist attacks. However, the police force feels overstretched in containing the security situation in which quarter of population in Somaliland live³. Given the large number of business establishments which demands private security services, more than 1,600 policemen are attached to private business establishments which cannot employ private security according to the law⁴.

c) Judiciary

Besides Hargeisa is the seat of Judiciary, It is also the regional capital of the Marodijeh region and by that regional and district courts operate there, people in the city have wider options than the rural dwellers to lodge their cases in either in formal judiciary system, customary law or through Sharia courts.

III. Informal institutions

a) Youth Vigilantes

The informal security team are volunteers who obtain no financial support from any source except their security directors and the deputy who are paid by the local government. The youths guard the homes at night and collect contributions of 1000 Somaliland currency from each and every home every night or \$5 per month. Although this is less malign, it is like the 'protection rackets' that organized crime gangs run in developed countries. The youths, especially men, work as guards providing security to different homes at night. They work in a group of four guarding 100 homes within an estate and provide security patrol throughout the night. These guards are well conversant with occupants of every house in their areas of jurisdiction. This gives them great confidence in their work especially in prevention of theft. In case of any emergency security threats, they call the police directly. On functional mechanism, vigilante groups have team leaders, and these team leaders report directly to the police in case of security incident. In selecting new recruit for vigilante group primary condition is to belong to the main sub-clan in the neighborhood and to be sponsored by his clan elder. The sub-clan loyalty is what frames the behaviour of the new recruit to be trusted.

b) Neighborhood committees;

This team is usually found in all the districts of Somaliland consisting of 35-45 members. The women, just like other team members, are volunteers of informal security governance and play very important role in security surveillance. They are always very meticulous in security issues. In the urban areas neighbourhoods are of specific sub-clans, if someone comes to Hargeisa he/she has to join a constituent clan neighborhood by marital relation. They, together with the children always notice any stranger in their neighbourhood and report immediately any suspected strangers occupying a new house or any residential premises to the nearest police station. They also report family disputes, youth fighting, land disputes, rape cases and theft. Depending on the case, they report to the community elders, the informal security director and if there is emergency security

⁴ Interview with member of the committee of promotion of virtue and prevention of vice.

threat, they inform the police directly.

c) Traditional Elders;

The elders take role in dialogue or conflict resolution. They sit in the traditional courts while clan chiefs mediate in land disputes and as well inter-clan disputes for different causes. In the urban setting, where issues are more complex than in the rural areas, traditional elders are mainly involved in complementing formal security institutions.

d) Religious leaders

Religious Leaders coordinate security issues within the community and advocate for peace during their deliveries in the mosques. They solve disputes taken to Sharia courts situated in each and every district headquarters. Each district consists of five Sharia courts allocated within the sub districts. Every Sharia court consists of two judges who are sheikhs, three assistant judges and one messenger who acts as a link person between the community and the court. He communicates the court decisions back to the community.

e) Religious courts;

All the above team work under the ministry of justice and they are given some token in appreciations to their work. The Sheria courts handle marriage disputes including divorce cases; family issues, fighting within the community, sexual offences cases etc. Where possible, they involve issues of compensation depending on the offenses, in a bid to argue in favour of their dominant role or otherwise.

f) Promotion of virtue and prevention of vice committee

The committee was established in 2004 and spread its operations in Marodijeeh region, with now 14 offices across the region. The committee is self-organized religious leaders and the leadership is elected among them. The entity operates on public donations (like transport, fuel and cash donations). Members are not paid but work on voluntary. The committee has good working relationship with the police force in Hargeisa. As Abdirahaman Mohamed, a member of this committee highlighted, “the commander of Somaliland police forces have ordered all police stations to respond to our calls whenever we need”.

The committee focuses its activities on the following:

- Use and Sale of alcohol;
- Adultery;
- Insulting of Islam;;
- Awareness raising on the prevention of vice; and
- Rehabilitation of street boys.

d) Cooperation between informal and the formal

The cooperation between the state and traditional leaders in the domain of security is institutionalized through the latter being registered with the Ministry of Interior, and receiving a modest payment from the state. This signifies state recognition of the traditional leaders’ legitimacy. It is at the same time a residue of colonial indirect rule practices of the state co-opting traditional leaders.

6. CASE STUDY B: Dilla District

I. Profile of the case study location

Dilla district is a small village that lies between Hargeisa and Borama, it is 140km to Hargeisa and 28Kms to Borama. Its agriculture is rain-fed farming, while cattle and sheep are the main livestock breeds in the area. The population of the district is predominantly Gadubursi, particularly Reer Nour Sub clan. To the south of the district, the inhabitants are predominantly Jibril Abokor of Sa'ad Muse subclan of Habar-Awal. The revenue base of the district is low, meager local taxes come from market dues and livestock market surcharges. The district has no court and cases are referred to the nearest formal court in Borama.

II. Formal institution

- a) The District Administration: the district administration is headed by ministry of interior appointed mayor; he is responsible for the overall security of the district. He reports to the governor of Awdal region residing in Regional capital Borama. The mayor closely works the traditional elders in the district on the issues of security; the mayor regularly consults with the traditional elders and religious leaders in resolving conflicts and raising public awareness on security. These consultations usually unstructured happen at the office of the district Commissioner and only when security issue arises.
- b) The District Police Commission: The district has small police force of 12 men, who are exclusively male and mainly belong to the predominant constituent sub-clan. The police station is a normal building with no reinforcement as a typical police station. The district police force has no transport and special telecommunications of its own. There are 13 rural villages under the jurisdiction of Dilla , the sheer number of police force is to cover all rural areas in the district.

III. The informal institutions active in the district are:

a) Traditional Elders

There are two tiers of traditional authorities, the upper tier is the Suldan.Ugas or Garad who is mostly urban based and involves issues of politics and the clan destiny, the lower tier is the Akil is closely attached to the clan communities defending their interest. He is more involved in managing every-day affairs, leading mediation and conflict resolution process on behalf of the clan community members.

b) Religious Leaders

Because of their known neutrality, religious leaders support on the maintenance of security by invoking morality based on Islam. Given their high moral ground, their legitimacy transcends the interests of the clans they belong to. In the event of local security crisis, they use irregular religious gathering and through Friday sermon to calm down a tense situation and draw the attention of the local population on the value of peace in communal life.

c) Adhoc Religious Courts

During the colonial period, in the interior, a sheikh or wadaad living with his kinsmen performs all those duties fulfilled by government Kadis in the towns. Lewis (1961). They solemnize marriage, advise on the interpretation of Shariah in divorce, and to a limited extent in inheritance, and they assess compensation for injuries. Through the continuation of that practice; Nowadays individuals or teams of religious men are selected for their neutrality, integrity and knowledge in Shariah to setup ad hoc Shariah court, a precondition for convening this court is the mutual consent of the parties of the case. It is very uncommon that Judges compromise verdicts with personal interest or are lenient to lineage plaintiffs.

IV. The nature of main conflicts in the area:

The main causes of the conflict in the area are:

- Land based conflicts;
- Violent inter-personal conflicts;
- Theft of livestock

V. Cooperation between formal and informal institutions

The cooperation between the state and traditional leaders in the domain of security is institutionalized through the latter being registered with the Ministry of Interior, and receiving a modest payment from the state. This signifies state recognition of the traditional leaders’ legitimacy. It is at the same time a residue of colonial indirect rule practices of the state co-opting traditional leaders. Given the small size of the police force in the area; security is more of collective responsibility of the traditional elders and the district administration. The traditional elders are the first port of call of security incident in the area.

VI. How the government regulates informal institutions

The ministry of interior is responsible for the activities of the traditional elders. There is a department of traditional elders in that ministry, one thousand and four hundred the traditional elders are registered in this department, however there are about traditional elders who are not registered in the ministry and yet command more respect among the community than the registered traditional elder. The ministry of religion and endowments is responsible for the oversight of the religious elders activities.

VII. How the traditional and informal institutions play, interact, contest and complement?

Informal institution	How it interfaces with the formal
Traditional elders	Complement
Religious leaders	Contest/complement
Religious courts	Compete

Religious leaders complement the informal institutions, by raising public awareness on issues on issues of public security; given their legitimacy among the public, the government the assistance of

religious leaders through the Ministry of Religion and Endowments to draw public attention and sensitize the public specific security issues. However, the acceptance of the religious leaders depends on the compliance of the issue with the religious norms.

7. Comparative Analysis on Urban and Rural Areas

a) Structural difference of the security order setup between rural and urban settings

In the urban setting, crimes may be like, youth vandalism, conflict over sports, and inter family conflicts. Citizens in the big towns have more access to security services; the security is perceived the responsibility of the public institutions. Cases of crimes are firstly reported to the nearest police as often happens however traditional elders try to intervene before the police begin to investigate the case, if the parties of the case agree to resolve the matter outside the formal system they have to sign an agreement to withdraw the case from the police station. Then the traditional elders begins to resolve the case through customary law the parties of the case has to sign an affidavit signifying that they will consent to the judgment of the traditional elders. If the case has economic substance, the traditional elders have to call religious leaders or take the matter to a Sharia court to pass judgment according to the Sharia law; the traditional elders have to sanction the decisions of the Sharia.

In the rural areas the pattern is vice versa, given the limited access to formal services, a case in the rural areas is first brought to the attention of the traditional elders either by one party or both parties of the case. At this stage, the traditional elders try to resolve the case through customary law before it proceeds to the formal system, they call the support of Sharia experts if the matter relates economic dispute. In this hybrid setting within the informal institutions, agreement of consent is signed from the parties of the case, then with the presence of the traditional elders the Sharia experts start to hear the case; after they finalize the hearing of the case through the norms they pass judgment and the attending traditional elders have to co sign the decision, in the sense that they have to observe the fulfillment of this decision. If the traditional elders fail to have the mutual consent of the parties of the case to resolve it through the customary law, then the plaintiff side has to take the matter to the nearest police station.

b) Operational capacity of the Police force

Most of the efforts of the police are saturated in the urban centres, every urban police station has a transport of its own, and offices are equipped with desk top computers. Upon call the police station has the capacity to be deployed anywhere in its area of jurisdiction. Given the proximity, communities are well connected to the police station. While in the rural areas, the police commission of the district is characterized by operational deficiencies and in capacity. Police commission at the rural districts does not have its own transport. in the case of emergency it has to resort to use private transport, sometimes only one private vehicle might be available; but if it belongs to or is associated with one of the parties of the case, the police cannot use it as it would appear to give up its neutral status.(interview with Dilla Police Commissioner.

Another indicator of the difference of operational capacity of the police commission between the rural and urban setting is the experience and the knowledge of policing. Given the remuneration of the policeman, most of the police favor to be located in the urban areas, because for right or wrong reason, a typical station in Borama the regional capital is more busier-meaning more informal income for the policeman working as a consequence of this the trend is that most of the skilled police commission are saturated in the urban areas, while the less skilled and experienced find their

way to the rural areas.

c) Access to security services

- ✓ In the rural areas the security is more of collective responsibility than in the urban areas
- ✓ In the absence of transport, the mobile service (telecommunications) facilitates communication b/w the security forces and the traditional elders who are the collaborators of the security forces.
- ✓ The plaintiff has to bring transport and pay the fuel.

On the access to security services in the rural areas, the number of police stations are few in number and far apart in distance, for the Dilla police is the only police station in over thirty rural villages, rural communities have a long distance to lodge a complaint at the nearest police station, while in the urban it is a matter of phone or walk a maximum of three kilometers to lodge a complaint in police station. With the mindset that the case will end up a court which is even further from home, the rural communities have the tendency to revert to informal institutions for resolving their cases. In the rural areas, the security is more of collective responsibility than in the urban areas the first port of call for problems in security are the traditional elders. Traditional authorities try first to resolve conflicts through customary law.

In the in Hargeisa city communities have an easier access to security services. An urban dweller has to lodge a complaint to the nearest police station or call directly to urban police patrol. An advantage for the urban communities is the availability of the private lawyers. Urban dwellers in Hargeisa are less time conscious to see their cases processed at the formal courts they live close to the court. Also, the urban dwellers have the opportunity to withdraw their case from the court and resort to customary law if the formal court procedure too protracted.

d) The role of informal institutions

The importance of traditional authorities in the hybrid security in the rural setting is self-evident, if there was not the support of traditional elders with the security forces, the security forces couldn't cope with the immense of security in the rural areas. The point is that traditional elders are the custodians of the security order in the rural areas and the police only add to their value. The religious leaders also play important role in the hybrid security. In the urban areas (such as: Hargeisa city the sharia courts in hybrid security are structured on established courts registered in the ministry of Justice, while in Dilla district the sharia courts are assembled on ad-hoc basis. Usually Sharia court procedure begins with the oral consent that the parties of the case will agree on the judgment of the court; once the consent is secured, the case is assigned to panel of judges that listen to the facts and arguments presented by both parties of the case.

8. Comparison of blood compensation between colonial period and the post-conflict Somaliland

On injuries

Lewis (1961) cited that in the cases of assault tried under the Indian Penal Code, when a fine is imposed by a government court a proportion may be paid as compensation to the aggrieved party. The latter are also able to file a suit claiming additional compensation to subordinate court. Here the

plaintiff has resort first to a Government Kadi's Court where damages are assessed according to the Shariah.

In the current Somaliland situation, in case of injuries, if the parties agree to settle their dispute outside the court they go to the Shariah court to assess the injury, usually valuation is made against medical assessment signed by medical officer. If the parties disagree on the settlement of the injury, the police intervene and apprehend the culprit; the police record the case and send the plaintiff to a medical doctor to assess the damage. Usually traditional elders of the two sides agree to withdraw the case from police and settle it before it proceeds the court, they make formal agreement at public notary, and the case is taken to Shariah court to make the valuation on the damage. The Shariah court effects valuation in terms of camels, to pay the compensation if *beer* exists between the parties, the *beer* is followed; however, if there is no established *beer* government stipulated valuation is followed.

On homicide

Lewis (1961) stated that compensation for physical injuries and homicide is based on the Shariah, being assessed by sheikhs and Government Kadis according to standard Shafi'ite authorities. The Shariah tariffs apply generally with local variations and the specific compensation rates embodied in the *beer* treaties of different groups are based upon them. Although the rates most generally current today in northern Somaliland are 100 camels for the homicide for a man and fifty camels for a woman (or their equivalent in other currency. In principle, all Somali accept that another man's life is worth 100 camels although compensation may in practice only be exacted under threat of retaliation or through government intervention.

In the case of homicide, the Somaliland government sanctioned capital punishment, but through hybrid security, if the aggrieved party agrees to receive compensation for the homicide victim /dia/ the court facilitates that the two parties agree on the compensation of the blood-wealth. The nominal blood-wealth still stands on 100 camels, while woman is for 50 camels. The valuation of the camels depends on existing *beer* between lineages, it is now-a-days rare to pay dia in stock of camels, usually blood-wealth is paid in dollars when the value of a camel is agreed. If the murderer is in custody of the government, it augments the bargaining position of the aggrieved party to claim higher value per camel if not sanctioned by existing *beer*. Equally, if the two two parties wrangle over the monetary value per camel; imminence of retaliation and the strength of the aggrieved party will likely make the murderer's lineage yield to the demanded valuation of the blood-wealth. In addition to the payment of blood wealth, murderer in the hands of the government will serve five years in prison. The following case had happened in Hargeisa three years ago⁵:

An elected local councillor who was said to be intoxicated had shot another man of the same kin with dia-paying group. The murderer was immediately caught and put in custody. Some of the relatives of the deceased demanded capital punishment; however, the murderer's relatives resisted and finally after negotiation, they had paid US\$64,000 equivalent to monetary value of two hundred camel.

On accidental homicide

Lewis (1961) noted that the Somali make no distinction between deliberate and accidental homicide in the amount of compensation held to be payable or in the way it is paid. This is not strictly true. Between hostile groups whether a killing is accidental or premeditated is of a little moment. But within a small, closely integrated group such as the dia-paying group, some consideration is often

⁵ Interview with traditional elder in Hargeisa

given to the circumstance of the death. Thus in some dia-paying group treaties accidental death carries a lower blood-wealth than deliberate murder. And especially between close-kin, although the amount of compensation payable may remain the same, accidental deaths are more susceptible of amicable settlement than premeditated homicides.

In the current Somaliland situation distinction is made between accidental and deliberate homicide. Between dia-paying lineages, accidental homicide is to be compensated with the benchmark value of 100 camels for man and 50 camels for women, however accidental homicide within close kin group only a third of this value is to be paid. Accidental homicide does not usually cause hostility between the lineages of the murderer and the victim.

On retaliation

Lewis (1961) observed that inevitably Government intervention eventually halts fighting between groups and causes compensation to be paid, but this is little deterrent to continued bloodshed. The standard rate of bloodshed represents a considerable amount of capital. The spread of responsibility by contract means that those directly implicated often bear little liability. Indeed, the larger groups are and the wider the range of contractual obligations recognized, the less those who shed blood are generally required to pay. Equally, the murderer's contribution to the compensation offered by his lineage tends to decrease as the structural distance between the groups increases. This means that the obligation to pay blood-wealth for killing is not necessarily a very strong sanction, especially where the groups concerned are large and structurally remote. Moreover, when lineage has lost one of its members the prospect of receiving a hundred camels hardly outweighs the gain to name and honour which is brought by retaliation. Particularly where groups are large, the profit from accepting compensation is slight compared with the satisfaction obtained by revenge.

Somaliland government had enforced capital punishment, if the murderer is captured by the security forces or surrendered to the government by his relatives this usually fends off retaliatory action. However, if the murderer escapes from the scene and remains fugitive, vengeance is not waited for the perpetrator but retaliation is exacted against one of the closest kin of the murderer. Traditionally old men women and the minors were spared from vengeance, but nowadays this norm seems to be fading. Retaliation is usually taken by immediate family members of the deceased like brothers or sons; the main motive of retaliation is to maintain the pride of the victim's family of primary lineage group⁶.

9. FINDINGS

9.1. How informality is embedded in formal security and justice provision?

Somaliland hybrid security governance comprises informal and the state security governance actors. This system of governance follows the old Somaliland rule that comprised the Traditional and the British type of governance. The traditional governance is still embedded in the traditional value which is adhered to by the government and the elite like the former British governors. These deeply-rooted traditional values contributed immensely to the success attained in the struggle for peace and democracy in Somaliland.

The informal institutions that work with the formal security and judiciary are as follows⁷:

⁶ Traditional elder in Dilla district

⁷ Interview with supreme court judge

- ✓ Neighborhood committees;
- ✓ Vigilante groups;
- ✓ Committee on Promotion of virtue and prevention of vice;
- ✓ Traditional authorities and
- ✓ Religious elders.

The strength of the traditional system of governance makes it to be outstandingly valued and recognized in the region besides the state governance. Besides, Somalilanders are Allah fearing people; this commitment was accentuated by one of representatives (the Guurti) that works alongside the state authorities to influence the state decision making process and policy implementation.

In the current shape of the hybrid security order in Somaliland, informality is deeply embedded in the formal security and justice provision; informal institutions use their legitimacy to underpin the provision of security in the country. For example, Somaliland police force have recorded 15,234 criminal cases across the country, 45% of these were withdrawn from the police stations and resolved outside the formal system⁸.

According to Somaliland criminal law, case is either personal injury-initiated or state-initiated. On the personal-injury initiated cases, the police force encourages that parties settle their cases outside the formal system and avoid the dragging process of the judiciary system. Under the auspices of Somaliland criminal law, traditional elders can directly inform the regional security to intervene in threats to public security⁹.

On the formal justice provision, informal institutions, particularly traditional elders support the formal judiciary institutions to:

- support the courts in apprehension of the culprits:
- be instrumental in settling cases out of court if the two parties of the case agree; and
- take parole of the cases and settle it out of the court.

Informality is also reflected in the composition of the panels of the courts, for example in the civilian court the panel consists of three functional judges and I community judge, while in the appeal court, there are three functional judges and two community judges in the panel.

According to the public perception, informal institutions are indispensable partners in the provision of security and justice by the formal institutions.

Level of embeddedness of informal institutions in the formal institutions that provide security and justice

Level of embeddedness	Dilla	Hargeisa
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⁸ 2016 annual police report, Hargeisa, Somaliland

⁹ Interview with eastern division police commander, Hargeisa

Deeply embedded	72.3%	65%
Slightly embedded	16.5%	24.6%
Not embedded at all	7.8%	7.5%
No opinion	4.5%	8%
Number of respondents	40	25

. Forty interviews were carried out in Dilla district, while twenty-five interviews were carried out in Hargeisa.

The categories are stated in the methodology section.

9.2 What role do ‘non-state’ or ‘informal’ actors and institutions play in security, policing and justice; and how do they interface with the formal security institutions of the state (i.e. complement, accommodate, compete with or substitute for formal security provision by the state)?

In Hargeisa district, the informal security governance is composed of different members with distinct roles. The major role they play is to provide explicit security protection to the community through informal actors. The informal group of security governance (neighborhood committees) is headed by security director; usually a male, deputized by a female and they have a secretary, always male. These three are appointed to these positions by the director of the security based at the municipal council. Their selection criteria is in respect to their good reputation within the community, honest and handwork in security support. They have an office at the district headquarters with the district chairperson under the sub-committee of security and social affairs. They coordinate issues of security and other developmental services within the district. They are community representatives at the district headquarters, municipal council and the district police stations.

In Dilla district, the security is more of collective responsibility than in the urban areas the first port of call for problems in security are the traditional elders. Traditional authorities try first to resolve conflicts through customary law. If they cannot resolve the conflict they have to report the case to the nearest police station-meaning plaintiffs have to walk long distance or hire a vehicle incurring extra costs.. In the urban areas, police stations have their own transport to bring crime suspects to the police station In the urban areas, communities have an easier access to security services. An urban dweller has to lodge a complaint to the nearest police station or call directly to urban police patrol, the traditional elders may later engage with police to solve the problem before it is submitted to the court.

An advantage for the urban communities is the availability of the private lawyers. Urban dwellers are less time conscious to see their cases processed at the formal courts as they live close to the court. Also, the urban dwellers have the opportunity to withdraw their case from the court and resort to customary law if the formal court procedure is too protracted. Rural people have the same rights, but somehow they feel detached from the security and jural services. For lodging their complaints at the nearest police station or opening their cases at the nearest district court, rural dwellers have to take more time and incur most costs. Hybridity exists in the urban setting, but it is matter of choice

whether one has to use solely either the formal institution or informal institutions or to resort to hybrid.

In the urban areas the sharia courts in hybrid security is structured on established courts registered in the ministry of Justice, while in the rural setting sharia courts are assembled on ad-hoc basis. In usual Sharia court procedure begins with the oral consent that the parties of the case will agree on the judgment of the court; once the consent is secured, the case is assigned to panel of judges that listen to the facts and arguments presented by both parties of the case.

It is important to note that in Somaliland, even though the state security plays a great role in security provision, it is the informal institutions that wrestle with the great responsibility of keeping the entire community safe, by solving conflicts, assisting the police to apprehend suspects and even supporting the police to enforce court decisions. The roles of the informal and formal security governance are embedded within each other. They work as a team with good working relationship complementing each other in effective security provision within the country. This was supported by all the study respondents and the focus group discussants. Both the parties apply a down-ward-upwards approach where by security issues are communicated from the informal security team who are volunteers in security issues and are community members within their communities where they reside. They do this to the leaders of the informal group who communicates to the district chairpersons then to the police. The informal members are not armed and have no legal mandate to enter anyone’s home or apprehend anyone rather than to report to the police. The police would collect the criminal to the police cells and carry out ensuing investigation where other procedures would be followed to the courts depending on the crime.

On assessing how different actors cooperate with, complete with or alternatively compete with official security and justice institutions; the interviewees agree on the following pattern:

Informal actor	How the informal interface with the formal
Traditional elders	Cooperate/ complement
Youth vigilante	Complement
Neighborhood committees	Cooperate/ complement
Committee on promotion on virtue and prevention of vice	complement
Religious leaders	cooperate
Religious courts	Compete

In the case of cooperation both the traditional elders and Neighborhood cooperate with police in solving conflicts, for instance if the traditional elders and neighborhood committees solve conflicts within their communities they seek the cooperation of the police to enforce their decisions.

9.3 Impacts of hybridity on the security and entitlements of citizens, particularly in situations of vulnerability, exclusion and equity.

Before independence minorities in pastoral communities had experience of colossal injustice in relation to Somali majority clans as Lewis (1961) noted, traditionally only *sab* bondsmen (Midgaans, Tumaals, and Yibirs) are excluded from direct participation in the political affairs of the noble

Somali lineage to which they are attached. But, nowadays, through employment in government service or trade in towns, some *sab* have amassed considerable wealth and have increased their status sufficiently to gain admission to the councils of the lineage of their traditional Somali patrons. During the years of Siad Barre these groups had actualized a high degree of political emancipation; however in the post-conflict situation the revival of clan politics had put them again in a disadvantaged position.

In the face of the current Somaliland politics clan-based power relationship regulates every aspect of life. Given that women and minorities are underrepresented in the formal institutions, these groups on the support of the informal institutions like the traditional elders to give them weight and take their case to the formal institutions. If the case doesn't have the support of political elite, who can wield more power in the formal institutions, the victim's relatives have to recourse to the traditional (informal) means in which everything hinges on the power relationship between the clans of the victim and the perpetrator¹⁰. In the clan-based traditions of the Somali society, if victim is a weaker position or from minority, it is unlikely, that he/she will take retributions or revenge and with the presumption his argument is not considered seriously.

The UNDP office in Hargeisa funds a project that supports victims of gender-based violence, it gives both clinical and legal support, however do not the victims do not this support on the fact that revealing to others is supposed to stigmatize the victim. The police and the health workers are trained in victim consulting and that itself discourages victims to use the services provided by this project ¹¹

On the assessment who benefits or who loses from the hybrid security order; the public are the first to benefit from the hybrid security order for the fact informal institutions augment the capacities of the formal institutions with no or minimum cost. Informal institutions also benefit from the hybrid security order, given the fact it boosts their legitimacy among the public. For example, traditional elders found themselves playing prominent role is resolving or helping to resolve local conflicts. Meanwhile, because of the inefficiency associated with the formal courts, many people resort to Sharia and in that sense, Sharia courts have found a space to compete with the formal justice institutions,.

However there are others that loose in the Hybrid security order, for example women are not entitled to have equal rights with men in front of customary court or Sharia court. Another group that said to loose are the minorities who are not counted as equals in the front of customary courts. The minority communities will benefit only if the hybrid is accountable, but currently the system is not accountable to anyone. An interview with minority traditional lamented that “*minority communities are not represented in the formal institutions and so these institutions do not turn the spotlight on their cause, while under the customary law the power relationship between the minority and other clans is factored into the decisions.*”¹²

Hybrid security governance in Somaliland is a fact of life, where many political and social transactions (not least in the security sector) take place in the context of informal norms and systems, and where a wide array of institutions operates alongside or within nominally formal political institutions. In this regard there is a great deal of continuity from the past. Although some

¹⁰ Interview with protection officer of the Voice of Somaliland Minority Women Organization

¹¹ Women rights activist in Hargeisa

¹² Interview with traditional elder of minority community

elements of the hybrid security governance that Lewis described in 1961 have evolved in the capital, the rural areas are still very similar to what he observed. We already know, for example, that aspects of *beer* (custom) that concern compensation for crimes (including murder) and the possibility of revenge still persist. This gives us evidence of a system that is not very different from what I.M. Lewis observed there in the late 1950s. This speaks to the strength of these 'traditional' institutions and their ability to provide even rural Somalis with some degree of order and security in the face of the very limited capacity of formal security institutions. It also is important that the formal and informal are largely complementary, although with some developing tension with Sharia courts now that Wahhabi influence is growing.

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