

Institutional governance and state-building in Somaliland

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ABSTRACT

Governance is the combined principles of the effective rule of law within a framework of institutional capacity for legal entity, Institutional governance encompassed both administrative aspect and legal framework of institutional development linked with the state-building development. Institutional governance entails accountability, transparency to the demands of effective monitoring process, the aim of the paper is to know how institutional governance affect state-building in Somaliland, institution governance framework and the role of institutions to stat-building follow to accountability, transparency, rule of law and participation. The paper exams to understand the dynamics of institutional governance and state-building idea of governance in state-progress, state-building determinate, institutional Legal frameworks, discrepancies affecting institutions and the consequence. Somaliland is post-conflict country, the consequence from the destruction of infrastructural development brought some basic facilities including, peace, schools and institutional governance has destroyed, the paper presents the role of government bureaucrats (Civil Service)¹ in institutional building, peace restoration and institutional development, finally one of the ideas of paper discussed is the how citizens involved state-building and state-development.

Keywords: Institutions, State-Building, Governance, Legal Framework.

1 INTRODUCTION

Somaliland is a sovereign state situated in the Horn of Africa and shares its borders with the Republic of Djibouti, the Federal Republic of Ethiopia and Somalia to the east. Somaliland is a functioning democratic political entity situated in the north western part of Somalia which declared its independence from the apprehensive south Somalia in 1991. It has since embarked on an ambitious project to create a democratic and successful state in the post-conflict environment.

The leaders and the people of Somaliland have since succeeded not only in maintaining peace and stability, but also in building institutions of government (legislative, judiciary and executive and, other

¹ <https://csc.govsomaliland.org/>

The Somaliland Civil Service Commission is a Somaliland government agency established in 1993 that oversees the employment of civil servants and lead reforms in Somaliland's decentralization process. The head of the agency is chairman and is appointed by the President of Somaliland.

legal institutions) and the foundations of democracy that has led to a succession of elections, peaceful transfers of power and a consolidation of democratization.

Institutional governance is an important part of state-building and Somaliland is in the process of infrastructural development. It aims to promote people's wellbeing and establish public institutions to restore public services. Somaliland is a hybrid state that brings together traditional and modern forms of governance, but within this, it also balances external demands and internal necessities.

The Somaliland National Development plan (NDP II, 2017)² outlined the framework of institutional governance, describing how the legislative, executive and judiciary branches will operate with other political institutions to serve national development and encourage state-building. NDP II detailed the needs of modern institutions reflecting citizen priorities and aiming to provide equitable public services to citizens.

After the restoration of Somaliland independence from Somalia in 1991 following the fall of the Siad Barre regime³ of Mogadishu, state institutions were non-existent and institutional governance had completely collapsed. As a result, Somaliland institutions needed to be built from scratch, including the framework of institutional policies, regulations and bylaws of governmental institutions.

In the early 1990s the concept of institutional governance emerged and focused on western countries linking the high standard of citizens' needs within a deliberative policy making process (Dryzek, 2000; Hajer & Wagenaar, 2003; Healey, 1997).

Political institutions have a mandate to develop a legal framework and put in place judicial institutions such as courts, to make orders and to monitor and enforce the law (Hyden, 2004; Ostrom, 2005), to emphasize the legal structure and maintain its legitimacy and to explain social interactions and the behaviors of the community. Individuals, groups and institutions in economic and social arenas make their choices and strategies in accordance with rules structured by state legislation and law. The legitimacy of rules is a core issue in institutional governance and state-building (Hyden, 2004). Without governance and public institutions, citizens may be reluctant to accept the legitimacy of rules, which may lead to the rule of law being imposed by force (North, 1991; Ostrom, 2005).

State-building represents the process of creating and upgrading government institutions for better services and development. One of the determinant factors of state-building is the public institution framework and the status of political institutions. Since the 1970s, an international reform movement called New Public Management (NPM) started criticizing the inefficiencies of public sector institutions

² <https://mopnd.govsomaliland.org/article/ndpii-1>
Somaliland National Development Plan II

³ Siad Bare regime was a military rule/the president of Somalia, he become the power in October of 1969-1991 before the Somalia central government collapse and then Somaliland restored it's independent from Somalia in 1991. After the collapse of Somali central government.

and argued that public organizations were managed without taking into account the benefits to citizens or resource consumption. The proponents of this approach argued that services provided by the private sector were more efficient and effective (Hood, 1991). Consequently, the reform process resulting from this movement aimed to introduce competition and market reforms into public institutions, as well as encourage the adoption of private-sector management techniques.

Institutional governance and state-building is specific approach that has emerged from the social sciences and humanities. They are part of the process of political and institutional consolidation and stabilization and aim to work towards a sustainable development of states. Within the historical and political sciences, there are several theoretical approaches to complex questions related to the role of various contributing factors, such as geopolitical, economic, social, cultural, ethnic, and religious issues, that all influence the state-building processes and state reconstruction.

Institutional governance and state-building are two related dimensions in Somaliland, as it is post-war reconstruction country and has previously been lacking in infrastructural capacity. The biggest issue was restoration of the country's infrastructural facilities and public utilities, as well as the re-establishment of institutional capacities to access public services and provide basic facilities for the community. Since its independence, Somaliland's main state-building priorities were to create an institutional framework, build institutions within this, re-engineer the county's governance situation and enforce the rule of law.

2 METHODOLOGY

The methodological process of this paper revolves around a participatory approach of collecting information related to the core issue under investigation. This paper involves a review of important literature on institutional governance and state-development in Somaliland. In the discussion section the paper presents an examination of three-dimension *Governance, State-Building, State-Development* and the institutional governance contribution to state-building in Somaliland. It has three main topics to examine:

- the contribution of institutional governance to state-building in Somaliland;
- government officials and their role of institutional governance and stat-building;
- the role of citizens in institutional governance and state-building.

The study collected data using different techniques, mainly interviews and questionnaires, that were designed around the research aims. The methods of sampling were stratified and purposive sampling, since the researcher wanted to analyze feedback from the respondents. Both primary and secondary sources of data were analyzed.

The target population of the study included people working in public institutions, the local council in Hargeisa, and the good governance commission, which provided a representative sample. Adopting a

correct sample size is the process of selecting members of a population to be included in a sample (Paul, 1997). Sampling also is the process of choosing elements from a population in such a way that the sample elements selected represent the whole population (Amin, 2005). According to the research population and the sample size of the research. The sampling procedure of the study was purposive sampling, which aims to find a sample of people that can be representative of the population.

Stratified sampling is a probability sampling technique where the researcher divides the entire population into different subgroups or strata, then randomly selects the final subjects proportionally from the different strata.

It is important to note that the strata must be non-overlapping. Having overlapping subgroups will grant some individuals a higher chance of being selected as a subject. This completely negates the purpose of stratified sampling as a type of probability sampling.

The source of the data collection was used field work visit to obtain information from the first hand (people that are involved in institutional governance and state-building in Somaliland). Using interview and questionnaires techniques

The literature investigated includes a historical perspective of Somaliland democratization and the state-building process. In addition, it has utilized interviews with key people, the interviewed people from the government institutions such good governance and public institutions provide public service, the people and their information are an important because they know the facts in the grounds on questions of Somaliland institutional governance and history of Somaliland institution after independent from Somalia in (1991), where institutional capacity was destroyed and become ineffective

3 REVIEW OF INSTITUTIONAL GOVERNANCE AND STATE-BUILDING IN SOMALILAND

In Somaliland, the ideal model of state-building is a hybrid approach where traditional-and modern governance mixed with the state. Local elites are the main drivers and secure legitimacy from the population. Interplay within the formal and informal sectors produce a complex social and political process within the country.

Somaliland lacks international recognition yet the country is the sole example of a functioning sovereign state in the Horn. Somaliland began its reconstruction with bottom-up participatory approaches. It has functional institutions and a functional structure of governance. The unrecognized state of Somaliland “has now functioned since 1991 as a self-sustaining state and has repeatedly received positive attention from the international media for the way it has embarked upon post-conflict reconstruction” (Doornbos, 2002). This is largely due to the bottom-up approach at state-building that derives its legitimacy from local clan elders and the local ownership of civil institutions, including stable economic,

political, security and social welfare institutions. Compared to international attempts at imposing a western style government on Somalia, the Somaliland State-building process was more bottom-up and does function as a state (Kibble, 2001). The methods for state formation in Somaliland may provide the best model for stabilization efforts in greater Somalia.

Around the world, the main aim of institutional governance and state construction has been to move from traditional administrations inherent in third world countries to modern institutionalized governing bodies. Somaliland is classed as a third world countries that is economically poor and has poor levels of infrastructural development.

Institutional governance within Somaliland to encourage state-building/reconstruction is focused on formalising the structure of Somaliland institutions based on the legal framework of the country and to promote economic growth. The country is recovering from a long period of destruction from the military regime, yet has begun to build a basic foundation of institutional governance. Somaliland's government has been deeply shaped by its political and institutional settlement, which was the outcome of negotiations between business elites and political leaders. Government institutions are generally operational but fragile, suffering from a lack of technical, political, and financial capacity to implement relevant laws. Government has succeeded in providing peace security but basic service delivery beyond this is very limited.

Some notable institution building has already taken place, although many institutions remain relatively weak. For example, the National Electoral Commission is one of the more competent institutions in the country and is viewed as operating inclusively and transparently (Kaplan, 2008). A civil service commission has been established to train civil servants and improve the capability and professionalism of the civil service sector. However, clan leaders continue to hold considerable political power, which hampers the modernization of Somaliland's government institutions and the establishment of a more meritocratic civil service (Kaplan, 2008). There also appears to be some incidence of government institutions being misused for personal financial and political gains, and the government lacks the capacity and political will needed to address corruption.

The study discussed the concept of institutional governance and state building in Somaliland. The first concept examined by the study is institutional governance in the country, as recently Somaliland has concentrated its institutional reforms on areas such as a reframed institutional legal framework, institutional development, public services and the functions of institutions in delivering those services. The study concentrates on how this concept can be used to manipulate the structure and function of Somaliland's institutions and examine the possible reactions of citizens to changes to the institutional governance in Somaliland.

State-building is a term used in state reconstruction and state development. It described the construction of a functioning state with the performance of its institutions. For Somaliland, this is vital concept to examine as the country is one of the smallest in the horn of Africa and is recovering from a long period of war and destruction. One of the major functions of state building in Somaliland is to continue improvement of institutional performance of public service delivery and social development. The study considers the political and non-political factors and their role in state reconstruction. It consolidates the factors that states need to utilize to obtain the best levels of reconstruction and state-building through different processes, as well as considering rule of law and governance:

- **institutions:** Institutions present government bodies with the regulatory provisions to allow for proposed targets to be achieved, and involve different departments that are organized and connected with state-building activities and the development of the country. Therefore, government institutions have important roles in state-building and national development. The term institution represents the concept of the relevant of governance and state-building in Somaliland. It also reflects the process and development of national reconstruction;
- **governance:** States need governance principles and an effective rule of law within their framework of good governance. The term governance reflects the administration and structure of governance institutions, such as those that can enforce and direct the rule of law. Connecting this with the concept of state-building, governance provides important underpinnings to accountability, transparency, inclusiveness and participation;
- in the study the **state** represents the existence of a national-based institution that takes on the role of development and can impose rules and regulations over its population. A **state** has characteristics including population, sovereignty, territory and government. The study examines how the state can play its role in institutional governance and state-building to improve the development and national progress of the country. The study connects the relationship of institutional governance concepts to state-building;
- **state-building:** The state-building concept is the process of identifying state reconstruction with institutional building and the strengthening of necessary activities of state development, including the promotion of infrastructural economic, social and political development. The study examines how institutional governance can bring about state-building and national development.

4 DISCUSSION AND FINDINGS

It has been argued that the purpose of governance (Kim, 2005; Ekpe, 2008) is to create a conducive climate for political and socioeconomic development and to increase the efficiency and effectiveness of

development programs in a society. Kim (2005) and Ekpe (2008) argued that the concept of governance is used to characterize the interplay of the best practice in the administration of a state or nation for sustainable development. This shows the importance of governance to state-building and development in a society.

There is an identified gap in Somaliland's institutional governance and state-building, which has an impact on development and affects the progress of performance service delivery. It also impacts institutional mandates, the rule of law and the performance of the intuitional legal framework. This problem highlights the importance of a discussion in measuring institutional governance and state-building in Somaliland. It is important to examine the factors that underpin institutional state development, including level of institutional capacity, institutional performance, rule of law effectiveness, citizen engagement, the role of government officials, governance characteristics of accountability, transparency and participation.

5 THE CONTRIBUTIONS OF INSTITUTIONAL GOVERNANCE TO STATE-BUILDING IN SOMALILAND

Institutional governance is understood to mean the exercise of power for the management of a nation's affairs (World Bank, 1989). This is not to be confused with government, which is the governance instruments used by, for example, the security forces, the civil service, the justice system and so forth. Institutional governance in our globalized world involves a multiplicity of actors, local and global, invited and unwelcome, who share responsibility to govern. This is especially so in Africa where relatively new and sometimes fragile states are often dependent upon external partners and organizations for technical support.

The process of governance results in local policy outcomes that are often unconnected to the actions of central governments but more connected to conditional partnerships, memberships, networks, or private and informal relations (Rhodes, 1996). This includes membership of multilateral organizations such as the World Bank, which has remained central to the promotion of good governance in Africa for several decades. Since 1989, the governance narrative has been centered on development and the reform of institutional governance to achieve sustainable growth (World Bank, 1989).

To discuss and examine the contribution of institutional governance and state-building in Somaliland, one of the objectives of this article is to reflect on the contribution of institutional governance to state-building in Somaliland, examining the various questions of institutional governance mechanisms and state-building in Somaliland, as well as exploring the institutions that work to provide public services and administrative functions.

The analysis is that effective institutional governance promotes service delivery to the citizen and brings about better institutional performance. A number of key points can be made:

- somaliland institutional governance is less focused on institutional regulations, but rather on personal authority;
- there is less respect in enhancing institutions into regulatory bodies that promote governance activities;
- somaliland institutions do not have indicators of governance and institutional performance;
- the administration and authority of institutions do not consider a hierarchical structure;
- government officials participate in institutional governance, yet public institutions do not prioritize citizen engagement on development projects in the community;
- people's expectations of institutions are higher than the actual performance of institutions;
- this is no regular framework structure covering the rule of law, accountability, transparency and participation of public institutions.

The purpose of the first objective of the article is focused on “*institutional governance and state-building in Somaliland*”, with detailed mechanisms related to institutional governance (accountability, transparency, rule of law and participation). The first objective of the article detailed the contribution of institutional governance in state-building and development. Most respondents mentioned that institutional governance does not play a role in state-building and development because there is gap between institutional governance and state-building in Somaliland. It was agreed the institutions do not have good performance which can promote state-building and state development.

The researcher used interviews to obtain data on institutional governance and state-building. The interviewees were the target people of the study which are the people worked on the public institutions and provided service to the society.

The interviewees mentioned “that there is no strong institutional governance in Somaliland”, which makes it difficult to preserve citizen priority projects and the rule of law. It was found that government institutions do not obey the rule of law in providing effective service delivery. Some interviewees underlined the argument for the Somaliland institutions do not formulate effective Public Policies.

Accountability is one of the key determinants of governance. The interviewees mentioned “that one of the functions of a government institution is to execute service delivery to the community and be as accountable as possible”. The interviewees stipulated that there are linkages among government institutions, service delivery and the community, although occasionally government actions do not improve the standards of governance. It is likely the on occasions society does not get effective and efficient service from government, which is one of the gaps identified in this study.

6 GOVERNMENT OFFICIALS AND THEIR ROLE OF INSTITUTIONAL GOVERNANCE AND STATE-BUILDING

The second objective is focused on “*government officials address institutional governance in Somaliland*”. This objective is focused on the importance of government officials to institutional governance in Somaliland.

Most respondents mentioned the government officials do not rank institutional governance during the planning development projects. The interviewees reflected that government officials do not consider institutional development and capacity building of institutions in terms of planning, employee training and development, internal regulation of institutions and the implementation of policies.

An analysis from the interviewee responses found that there are some doubts of state-building in Somaliland. One of the questions focused on a relationship between peace, development, democracy and state-building. The target interviewees mentioned that there is a relationship between peace, development, democracy since Somaliland has peace, democracy is important to have a strategic agenda of state-building in Somaliland.

7 CITIZEN’S ROLE OF INSTITUTIONAL GOVERNANCE AND STATE-BUILDING IN SOMALILAND

The third objective examines the “*citizen’s role of institutional governance and state-building in Somaliland*”.

The study was targeted towards a group of people involved in institutional governance, service delivery and institutional performance. interviewees stated that citizens are not able to take part institutional governance and state-building in Somaliland, because there are some uncertainties for the role of citizens in institutional governance and state-building in Somaliland.

The research is to examine institutional governance in Somaliland, and the respondents said “that most citizens are not able to take on a role of institutional development or state-building”.

The target institutions said it was important for citizens to take on their role in institutional governance in order to understand their rights and responsibilities of citizenship, with participation in public policies and the developmental agenda of state-building. They also said it was important to participate during the planning session of developmental programs, such as the National Development Plan (NDP)⁴.

⁴ <https://mopnd.govsomaliland.org/article/ndpii-1>

Somaliland National development plan II is an official document detailed the strategic directions of Somaliland vision and mission for five years, each five years developed NDP

The interviewees agreed that there are relationships between institutional governance and state-building in Somaliland in terms of an institutional policies framework, a legal framework, and the institutional performance of conducting public services. One of the factors identified during the study was the need for institutional capacity and institutional development.

8 FACTORS AFFECTING INSTITUTIONAL GOVERNANCE IN SOMALILAND

The paper investigated the factors affecting institutional governance in Somaliland. This charge was based on identifying information and factors affect institutional governance:

- **corruption:** some interviewees discussed the affect that corruption has on institutional governance in Somaliland, because the officials of institutions do not apply the rules, regulations and standards of their institutions, leading to misuse of power and occasionally financial misuse;
- **transparency:** the target group argued that transparency is one of the factors that determine or affect institutional governance in Somaliland. It is important to follow rules and regulations of the institutions and to follow the governance principles to create participation and inclusion. For example, when the civil service needs new staff, they need to advertise the position and hire the right persons on qualification and merit;
- **participation:** interviewees agreed that there is no equal participation of institutional activities of performing public works and policy implementation. This shows that institutional governance in Somaliland is absent, since the community is not able to understand what is going on nor take part in development;
- **tribalism and clans:** this are mostly used during setting the agenda of the institutions and the institutional program, rather than using the institutional framework and policy strategies which detail the directions of the institutions, vision and mission.

9 CONCLUSION

The study examined institutional governance and state-building in Somaliland. This study covered public institutions mainly involved in public service and institutional governance. The findings of the paper reflect Somaliland governance activities, and the paper has important recommendations to improve Somaliland governance and the behavior of good governance to improve state building and state development.

The aims specifically were to find out around institutional governance and state-building in Somaliland. The findings of the paper show that there is hope of institutional governance and state-

building in Somaliland. Most respondents proposed that Somaliland needs to practice a modern governance system in order to improve state building and state development.

The paper showed that institutional governance and state building needs transparency, accountability, participation and the rule of law. The interviewees agreed that Somaliland needs to re-structure its governance system and improve governance among its government intuitions. The country needs to re-design its governance development in the community, enhance public service d, and give power to citizens to act on their rights and responsibilities.

10 RECOMMENDATIONS TO INSTITUTIONAL GOVERNANCE AND STATE-BUILDING IN SOMALILAND

The following recommendations are made:

1. there is a need for the Somaliland government to evaluate and re-structure governance and state-building;
2. government encourages participation of citizens and there is a need to give priority to the citizen needs of government participation;
3. the government needs to tackle corruption, which can sometimes backfire in the Somaliland governance system;
4. the government should carry out further assessment on Somaliland governance and the process of state-building to design institutional governance approaches and follow international standards of governance that can bring development and progress for the country;
5. it is recommended that public institutions follow the rules, regulations and standards of governance in Somaliland, rather than using personal authority from the head of the institutions. All documents of the institutions should be written down;
6. it is recommended to practice transparency, accountability, participation and to follow the rule of law in public institutions of the Somaliland government;
7. the paper recommends that Somaliland citizens should participate in governance issues and show their role in government offices;
8. government should establish program of governance orientation to the community in order to understand the real aspects of governance and state-building;
9. the paper recommends the establishment of a civic education program and civic engagement.

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