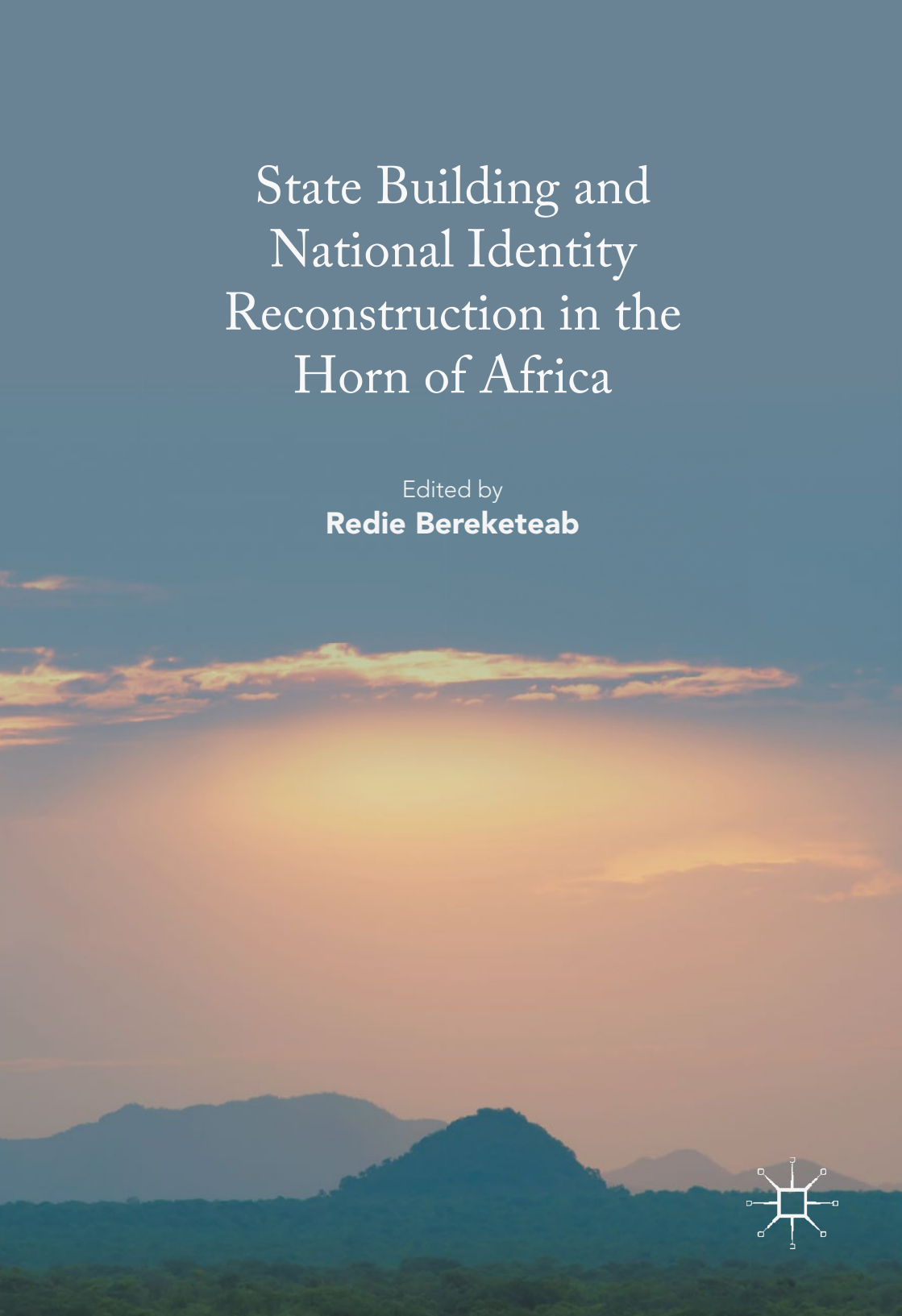
State Building and National Identity Reconstruction in the Horn of Africa

Edited by

Redie Bereketeab



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Abbreviations

AMISOM	the African Union's peacekeeping mission in Somalia
AU	African Union
BNS	Blue Nile state
CAR	Central African Republic
CPA	Comprehensive Peace Agreement
DDR	demobilisation, disarmament and reintegration
DRC	Democratic Republic of the Congo
EDS	East Darfur state
EU	European Union
FGS	Federal Government of Somalia
GNU	government of national unity
GOS	Government of Sudan
GOSS	Government of South Sudan
GRSS	Government of the Republic of South Sudan
IDP	internally displaced person
IGAD	Intergovernmental Authority on Development
MDG	Millennium Development Goal
MP	member of parliament
NCP	National Congress Party
NIC	National Interim Constitution
NGO	non-governmental organisation
OAU	Organisation of African Unity
PBUH	peace be upon him
SDS	South Darfur state
SKS	South Kordofan state
SNM	Somali National Movement
SPLA	Sudan People's Liberation Army

SPLM	Sudan People's Liberation Movement
SSAF	South Sudan Armed Forces
SPM	Somali Patriotic Movement
SSDF	Somali Salvation Democratic Front
SSP	South Sudanese Pound
SYL	Somali Youth League
TA	traditional authority
TAP	two areas protocol
TFG	Transitional Federal Government (of Somalia)
TI	traditional institution
TNC	Transitional National Charter
UAE	United Arab Emirates
UAR	United Arab Republic
UDUB	United People's Democratic Party (Ururka Dimuqraadiga Ummada Bahowday)
UIC	Union of Islamic Courts
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
USC	United Somali Congress
WKS	West Kordofan state
WNS	White Nile state

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PART I

Context and Concepts

In this part, state reconstruction, state building and national identity reconfiguration following secession and post-transition are explored. While state building relates to state construction *ab initio*, state reconstruction refers to the rearrangement of the state following state collapse and secession, as in Sudan and Somalia. National identity reconfiguration pertains to the political construction of an overarching supraethnic and supraclan identity following secession and state collapse.

CHAPTER 1

Introduction: Challenges of State Building, State Reconstruction and National Identity Reconfiguration

Redie Bereketeab

Introduction

This book seeks to examine the process of state building and nation building in the Horn of Africa, and to contribute to the general debate in the continent of Africa. This chapter in particular discusses state building, state reconstruction and national identity reconfiguration in Sudan, South Sudan, Somalia and Somaliland. South Sudan was once part of Sudan, and Somaliland was once part of Somalia.

South Sudan is the latest state in the world to secede, following a popular plebiscite in January 2011. It was immediately recognised by the international community. By contrast, Somaliland declared its independence following the collapse of the Somali state in 1991, but it has yet to obtain international recognition for its sovereignty (Walls 2014). Both Somaliland and South Sudan were instantly plunged into the arduous pro-

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cess of state building. Somalia has embarked on the resuscitation of the state following the end of its long transitional period in August 2012. The state-building process there also involves determining its relationship with Somaliland. Meanwhile Sudan, following the secession of South Sudan, is also engaged in state reconstruction. The ruling party in South Sudan is determinedly pursuing a unitary state-building project along the lines of modernity, while Somaliland combines modern and traditional institutions and authorities. Somalia and Sudan are both pursuing a federal system.

Overall, three distinctive models of state building, federal, unitary, hybrid of modern and traditional, are taking place in the four countries. In addition, the cases represent the two theoretical distinctions between state building and state reconstruction. While state building pertains to the building of a new state, state reconstruction refers to the rearrangement of the state following a split or state collapse. In practice, however, the distinction is blurred.

Studies of state building and state reconstruction demonstrate that there is a direct link between the nature of the state and festering conflict. This requires us to examine rigorously the nature and modalities of state building and state reconstruction. We need to take stock of three modalities that characterise the general literature on the subject in order to come closer to a propitious model of state building and state reconstruction that brings peace, stability and development following secession and state collapse.

The four countries (Sudan, South Sudan, Somalia and Somaliland) not only face the challenges of state building and state reconstruction but must also reconstitute their national identities following secession and transition. Post-secession identity reconstitution in both Sudan and South Sudan needs to be geared to a new dispensation and requires a new approach. In the case of Somalia, the challenge is the resuscitation of a national identity in the post-transition period when the country is trying to compose the different units that will constitute the post-transition federal state. With reference to Somaliland, the concern is how national identity should be reconfigured vis-à-vis the rest of Somalia.

The secession of South Sudan did not result in homogenous societies in either Sudan or South Sudan. Both countries need to reconfigure their national identities according to these new realities. South Sudan remains a multiethnic, multireligious and multilingual society. The same is true of Sudan following the separation of South Sudan. This societal setting poses a challenge to national identity reconfiguration.

Somalia is widely perceived to be ethnically homogenous. However, it has gone through a very destructive process that reflects the contested nature of national identity in that tormented country. Beyond any doubt it demonstrates national identity as a political issue, transcending ethnic homogeneity and cultural stringency.

The literature on national identity recognises its multilayered nature. Perhaps the civic versus ethnic conception of identity is a good starting point. It assumes that ethnic identity may serve at the subnational and cultural community level, while the civic constellation may serve at the national level and provide a supraethnic political national identity (Bereketeab 2011b, 2014).

In a nutshell, post-secession state reconstruction demands that the issue of identity be adequately addressed. Sudan and South Sudan must define and reconfigure their national identities following their split. Somaliland is engaged in a perpetual endeavour to reconstruct its national identity in opposition to the rest of Somalia. Somalia must also reconfigure its national identity to accommodate its post-transition reality.

In its methodological dispensation, the anthology adopts a multidisciplinary and mixed approach. The rationale for this multiplicity stems from the fact that the cases studied display a multitude of differences in historical, social, cultural and political formation, but also from the disciplinary variation among the contributors. The body of material that constitutes the data for the volume also springs from various sources. First, primary and secondary data are employed. Second, public and private information, and literature review data, are systematically used. Third, fieldwork, participatory and ethnographic data-gathering methods have enriched the data source. Fourth, the contributors have also drawn on their personal experiences.

The contributors come from different academic backgrounds. They are also involved, to various degrees, in their respective country's politics, conflicts, peace negotiations, civil society activities, development projects, state building and so on. This active participation in the affairs of their respective nation enables them to possess deep and valuable insights and information about their country, which have been of great value and strength to the work. Some of the scholars are also activists who have privileged knowledge about the political situation in which they are involved in shaping and reshaping the future of their nation. All of these have been fruitful assets in writing the chapters in the sense that the contributors are highly knowledgeable about their subject.

Conceptualising State Building, State Reconstruction and National Identity Reconfiguration

Here three concepts are in play: state building, state reconstruction and national identity reconfiguration. These are employed in this introductory chapter to denote three analytically distinct yet interlinked processes. For the purposes of this book, state building refers to building a state *ab initio*, while state reconstruction is understood as the act of rearranging an existing state following a split or collapse. It could also be said that the distinction draws on the tradition of state formation and state building, where the former concerns spontaneous, protracted and evolutionary development, while the latter concerns purposive, intentional planned construction. National identity reconfiguration, for the purpose of this anthology, is conceived as an endeavour to reset, rearrange and reposition national identity in the aftermath of a split or state collapse, and post-transition. Hence state building applies to Somaliland and South Sudan, and state reconstitution to the ailing states of Somalia and Sudan, while national identity reconfiguration addresses the challenge of reconstituting national identity in the overall process of nation building and nation formation. It should also be noted that while state building and state reconstruction denote setting national political institutions, national identity connotes feeling, sentiment, consciousness, cognition, belonging and commonality that generate the will to live together. In other words, while "state" denotes political organisation, "nation" denotes consciousness and sentiment (MacCrone 1998; James 1996). In this and the following two sections, I analyse state building and state reconstruction. The section that follows will then examine national identity reconfiguration.

Three basic conceptual genres loom large in the discourse on modern state building: institutionalisation, bureaucratisation and democratisation of the state. These three notions are the benchmark deployed to appraise modern states. A modern state, it is argued, should partly or wholly have these features.

First, institutionalisation relates to effective enforcement of state authority over society through specially created political structures and organs. From this perspective, political institutionalisation is understood as the state-building process par excellence (Kamrava 2000; Poggi 1978). It is taken to mean the development of a functioning and enduring state and societal institutions that lead to coherence and harmony. It is also

perceived as the process of constructing and reinforcing sustainable institutions.

Broadly defined, institutionalisation entails the setting up of social, political and economic institutions, such as legislative, executive and judicial arms, as well as civil society associations. It also involves functional, accountable and transparent banking/auditing systems, which are transaction regimes that coalesce to metamorphose the state. In the African setting, however, different aspects of institutionalisation need to be taken on board. These are invariably identified as informal, traditional, indigenous and modern—colonially imposed and post-colonially imported. The informal institutions were once formal but were relegated to informality by colonialism (Englebert 2000; Mengisteab 2009), yet they still have significant leverage, at least in rural society.

The second notion, bureaucratisation, is associated with a process leading to a system of rule by administrative office. This Weberian view of state building focuses on the development of the civil service and the routinisation of administration, which give rise to neutrality and objectivity in relations between the administration and the citizen, as opposed to the patrimonial, personalised and clientelist exercise of office. Bureaucratisation involves the promotion of administrative professionalism and meritocracy (Evans 1989; Chabal and Daloz 1999). It also denotes development of the rule of law, and officials who follow long career paths within the bureaucracy, generally operating in accordance with rules and established norms. The presumption is that the modern state presupposes the emergence of a secularised, non-personalised, meritocratic system of governance. Modernity brought with it bureaucratic centralisation whereby a dominant elite, with concentrated power, controls, steers and exercises power. A normative perspective is that a modern state is predicated on legal-rational authority (Weber 1948), whereby individuals entrusted with public office discharge their roles and power according to a legally defined hierarchy of roles and authority directed towards publicly acknowledged objectives. Bureaucracy, it is argued, demands that these public office holders obey strict rules and treat the office as being in the public domain (Evans 1989).

The third notion, democratisation, refers to the construction of institutions of divided power. It concerns the process by which a democratic governance system is set in motion. Democratisation refers to a genuine spreading of power in society, leading to enhanced popular control over national choices. It facilitates basic freedoms, such as those of expression,

demonstration and association, it minimises arbitrary and dictatorial rule, and it holds the ruling elite accountable for its actions (Bratton and Van de Walle 1997; Kohli 2003). It also ensures power sharing among diverse elites to foster state building. Although, historically, they were not conflated, it has increasingly become apparent that modern state building and democratisation are intimately connected (Mengisteab and Daddieh 1999).

However, this conflation has a downside in the state-building process in fragile African societies. Democracy, in its liberal version, presumes enfranchising the general populace as individuals with the aim of influencing decision making. This also presupposes the integration of various ethnic and societal groups in ways that define their relationship with the state and how decision-making is carried out. Democratic negotiation and compromises between various groups impinge on issues such as centralisation/decentralisation of power, individual rights, minority relations, electoral systems and state intervention in the private and public realms. This may render state building in Africa precarious. In this sense, it is proposed that African societies pursue their own variant of democracy that is harnessed to the project of state building. The overarching liberal democratic dispensation may at times have a counterproductive effect on state building and state reconstruction, at least in the short term. Significantly, in an African pluralistic setting, representation and equitable participation in the state and in state affairs should, rather, make democracy meaningful.

African reality may therefore require that democracy be arranged in a way that the rights of nations are respected without intruding on the rights of individuals and groups. This would enhance state building and nation building. Admittedly, democratisation renders the state more transparent and helps make it more suitable for advancing social interests. This transformation, in turn, strengthens the state both by enhancing its legitimacy and by integrating different entities.

Democratisation understood as building functional and sustainable state institutions stands at the centre of the state-building process. However, institutions in post-colonial African societies are divided into two types. The modern institutions that were transplanted by colonialism and imported by the post-colonial state were elevated to formality, while traditional institutions were relegated to informality (Mengisteab 2009; Englebert 2000). This spawned two publics: the urban and the rural (Ekeh 1975). This condition engendered fragmentation of institutions and, inevitably, institutional clashes. Viable state building therefore

presupposes striking a balance between the two institutional heritages (Bereketeab 2011a).

In addition to modern institutions and structures, we therefore need to take other dimensions into consideration when we talk of state building in African settings. One of these pertains to the role of traditional informal institutions, authorities, mechanisms and practices in state building. The significance of these traditional institutions is two-fold: (1) they cater to the overwhelmingly rural population and (2) they have proved to be resilient. All efforts by modernist state builders have been unable to completely dislodge them. These institutions set limits to liberal-democratic state building. However, they also serve to enfranchise and empower the rural population, thereby affording the state wider legitimacy. Another dimension to be taken into consideration in state building is the legacy of prolonged liberation struggle. In this case, the agents of state building are often the liberators, who derive their legitimacy from the fact that they brought independence. Thus the state-building process may assume different form and content. Two issues that need to be taken on board are the transition from liberation movement to civil governance and the transformation of the liberation political culture.

National liberation movements as bearers of state building derive their legitimacy from their revolutionary credentials (Johnson 1999). Revolutionary legitimacy is by its very nature unstable and fluid, and in time it needs to be routinised and institutionalised. The difficulty that national liberation movements-cum-state builders encounter is the transition to a regularised political culture and civic governmentality that heeds the extant societal context. It is this difficulty of transition that makes state building in post-liberation settings so challenging.

State Building: Somaliland and South Sudan

The phenomenon of post-secession state building is rare in Africa. From a strictly legal and theoretical perspective, few cases qualify as secession: indeed, it is only South Sudan that might fit such a definition of secession. In the case of Somaliland, secession seems not to fit because the territory was a colonial artefact. The principle of decolonisation conferred on it the right to construct its own statehood (Bereketeab 2014). Decolonisation resulted in the emergence of the sovereign state of Somaliland on 26 June 1960. After a mere four days of independence, it dissolved its statehood and voluntarily joined hands with Italian Somaliland to found the Somali

Republic on 1 July 1960 (Walls 2014). Here it could, of course, be argued that Somaliland exhausted the right to self-determination by voluntarily abrogating it.

Some 30 years later, in 1991, Somaliland declared its independence following the collapse of the Somali state. This declaration was perceived by nationals as retrieving what they had voluntarily given up, rather than as secession (Bradbury 2008; Walls 2014). Indeed, many inhabitants of Somaliland claimed that they joined the union on the assumption that the five territories inhabited by ethnic Somalis (Italian Somaliland, British Somaliland Protectorate, French Somaliland, Ogaden and the North Eastern Province of Kenya) would constitute the new Somali union. When this pan-Somali project failed, the union between Somalia and Somaliland also failed (Duale 2014).

The Somali National Movement (SNM), which participated in the overthrow of the Siad Barre regime, assumed power over the self-declared independent state. Somaliland thus embarked on the arduous process of state building anew. The SNM promised two years of transition that would be followed by an election. In 1993 it was compelled to hand over power to civilians, thereby paving the way for the installation of a civilian government. So far Somaliland has held four successful democratic elections (1993, 2000, 2003, 2010), strengthening the state-building process. It is a *de facto* state awaiting *de jure* statehood (Ahmed 2014).

Somaliland has two legislative chambers: the House of Representatives and the House of Elders (or *Guurti*). The latter thus became part of the formal political system. The *Guurti*'s original task was mediation and conciliation of conflicts. Thus Somaliland has combined traditional indigenous and modern institutions and authorities in its state-building process. In the *Guurti*, traditional elders selected by their clan exercise authority in their respective spheres of influence. Modern institutions are evidenced by the elected national legislative assembly. Many observers have commended Somaliland for combining modern and traditional (Walls 2014; Bradbury 2008). This conflation is believed to have contributed to the relative peace and stability in the country over the last 25 years.

More than 50 years of struggle for the right of self-determination culminated in the emergence of the Republic of South Sudan in July 2011. Unlike Somaliland, South Sudan was not a colonial artefact, and its quest for self-determination fully meets the definition of secession. It was part of the Anglo-Egyptian Condominium, although the territory was not adequately integrated (Johnson 2003). Indeed, under the British system

of indirect rule, South Sudan was ruled separately, an experience that possibly sowed the seeds of its separate territorial identity. The quest for self-determination was based on this identity.

The negotiated settlement of the secession involved the ruling National Congress Party (NCP) and the rebel Sudan People's Liberation Movement (SPLM), whose involvement conferred legitimacy on the movement's later role as state power bearer in South Sudan. The SPLM was the uncontested torch bearer of state building on the grounds that it led the final phase of the struggle (Rolandsen 2005). State building in South Sudan faces a number of challenges, however. One relates to establishing functional and viable state institutions. Unlike the SNM in Somaliland, the SPLM chose to pursue a different model of state building, predicated on two models. The first is a modernisation-informed centralist model, and the second ensures the dominance of the liberators. Former traditional institutions are at a formal level given at best a negligible role in state building, whereas in the transition to a civic state the transformation of the national liberation political culture is deferred.

Both models have crucial implications for the state-building project. It cannot be emphasised enough that modern and traditional institutions need to underpin the institutional dimension of state building if South Sudan is to be spared post-liberation crisis. In this regard, the additional challenge that the SPLM faces pertains to the transition from liberation movement and liberation political culture to civilian government and civic culture. Moreover, civil and civic state building will require a shift from SPLM/Dinka ethnic domination and embracing an inclusive, pluralist and equitable societal constellation.

State Reconstruction: Somalia and Sudan

The common hallmark of Somalia and Sudan is that they both experienced a split. While in the case of Sudan part of it was immediately recognised as a sovereign state, thereby foreclosing continuing disputes, Somalia is still grappling with the unfinished matter of the self-declared independent ex-territory of Somaliland. Both countries are also involved in the process of state reconstruction following these splits.

With the election of a president on 10 September 2012, the transition period in Somalia came to an end and the post-transition period officially commenced (Hammond 2013; Skeppström and Nordlund 2014). The transitional institutions (like the legislature) were made permanent, but

the constitution is still transitional. However, post-transition state reconstruction faces formidable challenges. It involves a federal dispensation that includes the Federal Government of Somalia (FGS), a transitional federal constitution and federal institutions. The FGS is now recognised by the United Nations (UN), the African Union (AU), European Union (EU) and the United States (USA) as the legitimate representative of the Somali people. This recognition rests on the territory that existed before the collapse of the Somali Republic in 1991, which complicates Somaliland's quest for recognition. The federal dispensation is much debated among Somalis because it is steadily assuming a clan form. Critics assert that federalism was imposed on the Somali people (Skeppström and Nordlund 2014: 25; Hammond 2013). Two challenges are highlighted: (1) what will the component units of the federation be and (2) will a federal dispensation be compatible with the Somali reality? Discord on these issues is negatively influencing the post-transition state-reconstitution process.

The proposed components of the emergent Somali Federal State are (1) Jubaland; (2) Southwest Somalia: Bay, Bakool and Lower Shebelle; (3) Hiran and Middle Shebelle; (4) GalMudug (Galgaduud and Mudug); and (5) Puntland. The status of Somaliland has yet to be resolved amicably. Hence a bilateral dialogue between Mogadishu and Hargeisa (the capitals of Somalia and Somaliland, respectively) has begun on the issue of state reconstruction but seems not to have led to serious negotiation. State reconstruction in Somalia is marred by conflict and contradiction because it involves heavy handed intervention by neighbouring states. Although Al-Shabaab has been driven out of the main urban centres and may be in retreat, it still controls large parts of the rural areas. It also carries out deadly attacks in the towns that it was forced to abandon, particularly Mogadishu. It seems therefore that the solution to the Somali predicament is political rather than military. All of these circumstances have highlighted the fragility of the post-transition state-reconstruction process (Menkhaus 2014). Consensus on state reconstruction among Somalis is distinguished by its absence. The federal structure faces strong opposition from those who fear that federalism will lead to balkanisation. These are primarily people from Mogadishu and its vicinity. Puntland and the emerging autonomous state of Jubaland are pushing for a highly decentralised federal structure that gives real powers to regional states. Critics fear that such federalism is entrenching clan rule and thereby undermining nation building. There is also a clear indication that clan and subclan demands for

self-rule are steadily increasing. As long as consensus among Somalis does not emerge, state reconstruction will remain extremely precarious.

Sudan has also entered a new era following the secession of South Sudan, and requires reconfiguration and restructuring as a "new state". The secession has failed to bring peace, stability and security to Sudan. The country is mired in regional conflicts in restive Kassala state, Darfur, South Kordofan and Blue Nile state (Sorbo and Ahmed 2013). Thus the state-reconstruction process is highly contested. Indeed, the future of Sudan remains bleak. As long as wars dominate political life there, state reconstruction will not begin in earnest. Rather, the state of emergency dictated by the need to address the conflicts will guide and define political practices. This in turn means that the dark shadow of further disintegration still hangs over Sudan.

The ruling NCP behaves in the same old way, instead of making genuine adjustments to create a new social contract that draws on the lessons of the past and demonstrates a real effort to accommodate the restive peripheries and marginalised *ethnies*. The NCP needs to realise that the rules of the game must change. Constitutionally, the state is predicated on federalism, yet it is run in a highly centralised fashion. As the South Sudan chapter was closing, conflicts in the restive regions exploded, yet again placing the country on a war footing. Bringing the leadership into the international criminal spotlight has further complicated the state-reconstruction process by delegitimising the president and his senior cohorts (Ahmed 2013: 73–74).

The constitution-making process, which was supposedly intended to respond to post-secession demands, needs to generate consensus across the political, ethnic and religious spectrum. Nevertheless, running conflicts are hindering consensus on reconstructing the state. The short-term task of peacebuilding is obstructing the consensus, negotiation and compromise needed to reconstruct the state. Stakeholders need to acknowledge each other's claims within the realm of politics rather than by violence if consensus is to develop.

Reconstituting National Identity

This section examines the reconfiguration of national identities following secession and transition. Concerning Sudan and South Sudan, the task is to explore how the two countries are reconfiguring their national identity following their separation. In the case of Somalia, it discusses

the resuscitation of national identity in the post-transition period, during which the various units that constitute the emerging post-transition Somali federal state are being put in place. This complex configuration presupposes a sophisticated and innovative rethinking of reconstituting national identity. With reference to Somaliland, too, the section looks at how national identity reconfiguration vis-à-vis the rest of Somalia is taking place. Particular attention needs to be paid to Somaliland's national identity project because of the unsettled relations with Somalia and also because both countries share a cultural identity which Somaliland is seeking to distance itself from. The focus here is on national identity as a political construct. National identity differs from other identities in that it is by definition a supraethnic (supraclan) and overarching identity. It is here understood as different from subnational cultural identities.

The secession of South Sudan did not lead to the emergence of homogenous nations in either Sudan or South Sudan. Thus both need to reconfigure their national identities according to the new realities. Even after separation, Sudan remains multiethnic, multilingual and multireligious. The same is true of South Sudan. This diverse setting poses a challenge to nation building and to forging a new national identity. It also indicates the prevalence of a duality of identities in both countries—that is, two coexisting and hierarchically structured identity formations (Bereketeab 2014).

This coexistence is represented by two levels of identity. One is the national level, often designated "political" or "civic". It is an overarching and encompassing identity that glues the diverse language, ethnic and religious groups into one nation. The other is the subnational level, where the disparate ethnolinguistic groups are compartmentalised. Identity at this level often goes under the designation "communal" or "ethnic". This is a sphere of identity in which disparate ethnolinguistic groups express and reflect the specificity of their cultural and linguistic identities. The two levels of identity represent universalistic and particularistic identities that are dialectically embedded in the national identity (Smith 1986, 1998; Greenfeld 1992; MacCrone 1998; Hobsbawm 1990; Anderson 1991). As Max Weber (1948) aptly noted, a nation is a political community. As such, it differs distinctly from a cultural community.

The challenges facing the reconstitution of national identity anew are how to balance, accommodate, recognise and celebrate the duality of identity in a manner that reflects the new reality. Both South Sudan and Sudan need to retune their post-secession identity formation and nation building. It is high time that a consensus among the various ethnolinguis-

tic groups is reached. The homogenising ideology of identity formation and nation building that was responsible for the crisis, conflicts and wars in post-colonial Sudan (Fluehr-Lobban 2012; Harir 1994; Johnson 2003) should be avoided. The politics of reconstituting national identity goes beyond an elitist political project. It has to involve all sectors of society. It needs to reflect the diversity of component identity groups and should accommodate bottom-up and top-down strategies, grievances, aspirations and compromises.

Somalia is widely perceived to be ethnically homogenous because of the supposedly monoethnic, monolingual and monofaith national identity of the Somali nation. Nevertheless, it has experienced unimaginable destruction that reflects the contested nature of its national identity. The contestability here relates to the culturalist perception of national identity and concomitant nation building. Somali history challenges the dominant conception of identity but also highlights one fact: national identity is by its very nature political, regardless of whether the component groups are culturally homogenous or heterogeneous (Smith 1986). National identity as political construct requires perpetual cultivation. Despite a presumed homogenous identity, Somalia has fared far worse than culturally heterogeneous states as a result of its failure to create a binding national political identity that fosters the will among the various clans to live together. Indeed, clan structure and identity seem to assume primacy in lieu of an overarching national identity. Increasingly, clan identity has come to dictate the politics of identity in Somalia (Menkhaus 2014). In terms of culture, Somalia and Somaliland may not differ much. With respect to national identity as a political construct, however, the two entities have been drifting apart. The conscious elitist engineering of political identity over the past 20 years or so may have given rise to a distinct political identity in Somaliland. The challenges to Somali national identity are therefore how, or if, it is possible to bridge the bifurcated identity and patch it into a common overarching national identity.

Somalia demonstrates a reality whereby loyalty is transferred from national to subnational identity formations—notably, the clan. The challenge facing the resuscitation of Somali national identity is casting it and nation building within political parameters that transcend cultural identities, yet in a manner that acknowledges and celebrates diversity, including clan structures and relations. Somaliland, too, has not been spared the politics of clan identity. There are clans that challenge its self-image as homogenous and united in its quest to be a separate nation state, and it

could easily look to Puntland or central and southern Somalia as alternative foci of identification (Hoehne 2015; Walls 2014).

The literature recognises the multilayered nature of national identity. Perhaps the civic versus ethnic conception of identity could encapsulate these layers. It is assumed that the ethnic constellation of identity may serve the subnational, cultural community level, while the civic constellation may serve the national level, the supraethnic political identity. National identity as a political construct therefore presupposes consensus across clan, regional, religious, class and gender formations so that all actors feel a sense of belonging and affiliation.

The contributions in this anthology seek to examine and analyse the arduous, diverse, and at the same time intimately connected, processes of state building and national identity construction in the four cases, which differ in many respects yet also display strong similarities. Collectively, the chapters address the complicated and messy process of separation and reconstruction in an environment of uncertainty. This anthology endeavours to see the process of reconstruction from a different angle and with different eyeglasses. In doing that, it challenges the old way of doing things and appeals for innovative approaches—for instance, conflating the civic and ethnic, traditional and modern, centre and periphery, indigenous and cosmopolitan. In this endeavour, this anthology hopes to bridge a significant gap that has been neglected by social scientists, and thereby serve beyond the four cases and beyond the Horn of Africa. The gap is therefore the problematic phenomenon of secession, and the subsequent challenges of state and national identity reconstruction, peace and stability.

Theme and Organisation of the Book

A common theme running through the cases in this book is the endeavour to rearrange the state, either by building it from the ground up or by reconstructing it, and to reconstitute national identity following secession and collapse. In Somaliland and South Sudan, rearranging the state requires a complete metamorphosis of state institutions so that they respond to the needs and interests of the people. The quest for secession was induced by real or perceived deprivation. The emerging states are therefore awaited to meet the expectations that include issues relating to identity, economy, security and peace. The post-transition period should meet the construction and reconstruction of the states

and national identities in a manner that reflect the different situations. The thing that unites the four cases is that they have embarked on reconstituting themselves in a fashion that responds to unfolding realities. In Sudan and Somalia, reconfiguration of the remains of the state must address the new reality and demands. All four cases, although highly varied, involve conflict. This defines the scope, depth and momentum of the state-building and state-reconstruction processes. It also determines the contours and parameters of the projects to reconstitute national identity and rebuild a nation. Thus peacebuilding is the prerequisite for, and concomitant of, successful state building, state reconstruction and national identity reconstitution. In this context, transcending the chronic conflict situation that defined the preceding state and landing in a post-conflict, peaceful and harmonious situation is the task awaiting all cases. The main focus of the book is the struggle to leave behind the conflictual life that very much characterised the post-colonial states and instead build new post-secession and post-transition life based on peace, harmony, democracy, equality, recognition of diversity, coexistence and development.

The book comprises twelve chapters split into three parts. Part I focuses on context and concepts. The central argument of this chapter has been that state building, state reconstruction and national identity reconstitution in post-transition societies and in countries that have split demands a radical reorientation. Pursuing the same ideologies of state building and national identity reconstitution that led to state collapse and division is not a sustainable option. Part II (chapters 2–6) deals with state building and state reconstruction, while Part III (chapters 7–12) addresses the reconstitution of national identities. The concluding chapter synthesises the previous chapters.

Chapter 2 analyses state reconstruction in Somalia. It critically examines the role of traditional institutions and authorities in this process, and how clans and Islam are playing a significant role in it. After decades of absent traditional institutions, clans and Islam are brought together in the state reconstruction process. Chapter 3 explores inter-Somali negotiations. It assesses the search for a way out of the stalemate between Somalia and Somaliland over the latter's quest for independence. Chapter 4 examines the process of reconciliation and peacemaking in Somaliland and the role of the SNM in state building. It also explores the role of the elders in peace and reconciliation conferences and the symbolic role of venue in grassroots peacebuilding.

Chapter 5 analyses the challenges to state building in South Sudan following its breakaway. It interrogates the political culture that informs the state-building endeavour, the suitability of federalism and the harmonisation of various state structures. Chapter 6 looks at the borderlands and state restructuring in Sudan following the secession of South Sudan. It argues that redrawing the borders should take place in a manner that serves a culture of resource sharing. In this sense, borderlands could contribute to interstate peace, cooperation and integration.

Chapter 7 examines the historical reconfiguration of national identity in Somalia. Identity there has increasingly been expressed with reference to the conflicting benchmarks of clanism, nationalism and Islam. The final features of a reconfigured Somali national identity that the post-transition government is dealing with involve territoriality, multiracialism, multiple citizenships, Islamism, federalism and an accepted role for traditional authorities.

Chapter 8 analyses the issue of national identity and the impediments to its establishment in Somaliland. It provides an overview of the historical, social and political pretexts for secession. Four factors are cited as impediments to the formation of a separate national identity for Somaliland. Two are endogenous to the processes leading to its birth and two are exogenous.

Chapter 9 examines national identity formation in post-secession Sudan. Successive Sudanese governments have sought a cultural Arab-Islamic national identity in denial of other identities, an approach that has led to conflict among identity groups and resistance by marginalised identity groups opposed to the enforced Arab-Islamic identity. The hegemonic identity discourse led to wars and divisions. The chapter concludes that Sudanism, spanning Arabism, Africanism and other contributory -isms, could foster unity within diversity. This chapter raises pragmatic concrete ingredients that are employed to enhance the reconstruction of national identity in South Sudan.

Chapter 10 examines national identity reconfiguration in South Sudan. It analyses the weakness and strength of national identity formation in the newborn country, and interrogates mechanisms of national identity reconfiguration following the split and associated with nation building in a pluralist society. The chapter highlights those elements that strengthen national identity following a bloody independence struggle. It critically examines the role of factors such as language, religion, history, national consciousness, symbols and culture in the construction of post-secession national identity.

Chapter 11 analyses the dynamics of national identity building in South Sudan. It explores the evolution of a distinctive South Sudanese national identity, and argues that this is still in formation and aims to mould the various ethnic groups into a functioning nation. The chapter complements the previous chapter by embedding South Sudanese identity within the general theoretical genre of identity formation. It focuses on the evolution of South Sudanese identity prior to secession that laid down the foundation for the independence of the Republic of South Sudan.

Chapter 12 synthesises and synergises the chapters in the book. It discusses experiences that led to wars, state collapse and secession, and it indicates what lessons could be drawn. At the same time it looks forward into how, on the one hand, past mistakes could serve as education and help remedy such mistakes and, on the other, the success of the new post-secession process of state building and national identity reconstruction could be ensured.

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PART II

Post-Secession State Building: Somaliland, Somalia, Sudan and South Sudan

In this part, post-secession state building and state reconstruction are analysed. It addresses the challenges the countries face following secession and post-transition. While Sudan and Somalia are grappling with state reconstruction in the aftermath of Somaliland's declaration of independence and South Sudan's secession, the latter two are grappling with building their own states.

CHAPTER 2

Reconstructing the National State of Somalia: The Role of Traditional Institutions and Authorities

Abdurahman Abdullahi (Baadiyow)

Introduction

Somalia is the classic example of a long collapsed state in the modern era. This dismal state of affairs is something of a paradox, given that in previous decades Somalia was thought by many to be one of the most unified states in Africa. It possesses in good measure the elements "which have in the past been assumed to be the essential ingredients for the nation" (Touval 1963: v). Somalia's peoples share the same language, adhere to the Islamic faith and, despite the country's numerous clans, belong mainly to one ethnic group. In the context of early modernisation theory, these factors were thought to be vital ingredients in nation building in the developing world. In this respect, the collapse of the Somali state in the early 1990s was puzzling. And, in the absence of the state, various armed militias, based on clans and their traditional elders, filled the vacuum by making war and peace.

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Somali traditional institutions (TIs) are founded on the Islamic faith and clan affiliation, the two basic pillars of "Somaliness", and their traditional authorities (TAs) have complementary roles and responsibilities.[1] At the outset of the nationalist struggle for the independence in 1960, TAs were regarded as perilous, emblematic of backwardness and antagonistic to modernisation and the modern state.[2] Hence a number of legislative measures were enacted, malicious policies adopted and mass public awareness campaigns launched to curtail TAs.[3] Nonetheless, TIs and related TAs resisted the various modernisation programmes undertaken by both civilian (1960–1969) and military (1969–1991) regimes aimed at curbing their role. In particular, during the authoritarian regime of Siad Barre, which adopted a socialist ideology and pursued vigorously anti-traditional programmes, conflict between state and society climbed to unprecedented levels.[4] Thus both elements of Somaliness—Islam and clan affiliation—were radicalised, producing various Islamic movements and armed, clan-based factions.[5] In particular, armed, clan-based opposition movements

[1] Abdurahman Abdullahi, "Women, Islamists and the Military Regime in Somalia: The Reform of the Family Law and its Repercussions." A paper available from http://www.scribd.com/doc/15418893/Women-Islamists-and-Militry-Regime-in-Somalia (accessed 5 June 2013).

[2] The approach of Somali nationalists with respect to tradition is derived from the "modernization framework [based on] the assumption that modernity and tradition are mutually exclusive polar opposites". See Abdul Rashid Moten, "Modernity, Tradition and Modernity in Tradition in Muslim Societies." *Intellectual Discourse*, 19, 1–13, 2011, 3.

[3] Three important laws were passed prior to 1969. The first was intended to reduce the authority of the tribal chiefs, the second to lessen tribal solidarity and the third resulted in banning political parties that utilised tribal names. The military regime enacted laws to liquidate *dabar-goynta*, with a view to eliminating clanism in Somalia; abolish the *Diya* (blood money) system; rename clan chiefs in rural areas; and introduce compulsory auto insurance and local government responsibility for funeral expenses. Above all, massive propaganda against clanism was undertaken in the name of the "socialist transformation" of Somali society.

[4] On the escalation of conflict between the military regime and Islamists in 1975, see Abdurahman M. A. Baadiyow, "Women, Islamists and the Military Regime in Somalia: The New Family Law and its Implications." *Milk and Peace, Drought and War: Somali Culture, Society and Politics (Essays in Honour of I. M. Lewis)*, edited by M. V. Hoehne and V. Luling, 137–160. London: Hurst, 2010.

[5] For example, the Majeerteen-dominated SSDF (1978), the Isaq-led SNM (1981), the Hawiye-based United Somali Congress (USC) (1986) and the Ogaden-dominated Somali Patriotic Movement (1989). The various Islamic movements included Islah (1978), Al-Itihad (1981) and Aala-sheikh (1982).

emerged in the 1980s, resisting the dictatorial regime until it finally collapsed in 1991.

Since then, Somalia has reverted to quasi-statelessness, and legitimate authority has been restored to the TIs, in particular the clan elders and their political leaders (known colloquially as "warlords"). Since then, clan elders representing TA took the lead in reconstructing local governance in their respective areas of influence. This was very evident in the establishment of the first two administrations: Somaliland (1991) and Puntland (1998). On the other hand, the Shari'a, which alongside customary law constitutes the basic legal foundation of Somali society, was introduced as the ultimate reference for the constitutions of these administrations.[6] The same process of clan power-sharing and adopting a Shari'a-based constitution has been evident at the national level since the Somalia National Peace Conference in Djibouti in 2000.[7]

In the reconstruction of national state institutions and local administrations, historic conflicts between the state, clans and Islam, previously considered antithetical, were reconciled. This marked a total paradigm shift from a state based on the concepts of modernisation to a tradition-sensitive state-building approach and the re-emergence of tradition. Ironically, traditional and modern elites were engaged in a new rapprochement involving mutual recognition, acceptance and cooperation, which reconstructing a collapsed state necessitates. In that context, comprehensive reconciliation between tradition and modernity was realised and state building in Somalia was guided by the spirit of collaboration and inclusiveness. Modern elites no longer eschewed the role of TIs or denied the role of Islam in politics.

Methodologically, this chapter adopts an historical perspective and studies the role of TIs within the historical evolution of the national state

[6] See Somaliland Constitution article 5:2: "The laws of the nation shall be grounded on and shall not be contrary to Islamic Shari'a." Available from http://www.so.undp.org/docs/Somaliland%20in%20English.pdf (accessed 5 June 2013). Also, see Puntland Constitution article 6: "Islam shall be the only religion of Puntland State of Somalia. No any other religion can be propagated in Puntland State, while the Islamic Religion and the traditions of the people of Puntland are the bases of law." Available from http://www.so.undp.org/docs/Puntland%202001%20English.pdf (accessed 5 June 2013).

[7] See Somali National Charter adopted at the Somalia National Peace Conference in Djibouti in 2000, article 2.2: "Islam shall be the religion of the state and no other religion or ideas contrary to Islam may be propagated in its territory." See also article 4:4: "the Islamic Shari'a shall be the basic source for national legislation" and "any law contradicting Islamic Shari'a shall be void and null".

of Somalia. It will not address the state-building experiences of Somaliland and Puntland. Also, it will not include the role of traditional Islamic scholars, who consider that there is a division of roles among TAs, even though at times these roles cross over and are complementary.

Conceptual Framework

Traditional Institutions and Authorities

The *Oxford English Dictionary* defines "tradition" as "the transmission of customs or beliefs from generation to generation, or the fact of being passed on in this way". It defines "authority" as "the power or right to give orders, make decisions, and enforce obedience." Thus TA as such refers to a power received and handed down from generation to generation. According to Max Weber's (1946: 78) sociological definition, tradition denotes "the authority of the 'eternal yesterday', i.e. of the mores sanctified through the unimaginably ancient recognition and habitual orientation to conform".[8] Conversely, Hobsbawm and Ranger (1994: 1) put forth what they termed "invented traditions", defined as a "set of practices, normally governed by overtly or tacitly accepted rules of a ritual or symbolic nature, which seek to inculcate certain values and norms of behavior by repetition, which automatically implies continuity with the past". Moreover, traditions are likely to be "invented" when and if a "rapid transformation of society weakens or destroys the social patterns for which 'old' traditions have been designed, producing new ones to which they are not applicable, or when such old traditions and their institutional carriers and promulgators no longer prove sufficiently adaptable and flexible, or are otherwise eliminated" (Hobsbawm and Ranger 1994: 45).

According to Max Weber, individual TAs who have the right to rule acquire their legitimacy solely from tradition, in contrast with other forms of legitimacy, such as legal and charismatic authority (Williams 2003). Adewumi and Egwurube (1985: 20) define TA as follows:

> The group referred to as traditional leaders/rulers … are individuals occupying communal political leadership positions sanctified by cultural mores and

[8] Max Weber, "Politics as Vocation." In Max Weber, Essays in Sociology. Translated and edited by H.H. Gerth and C. Wright Mills. New York: Oxford University Press, 1946, 77–128, 2. Available from http://polisci2.ucsd.edu/foundation/documents/03Weber1918.pdf (accessed on December 30, 2016).

> values, and enjoying the legitimacy of particular communities to direct their affairs …. Their basis of legitimacy is therefore tradition, which includes the whole range of inherited culture and way of life; a people's history; moral and social values and the traditional institutions which survive to serve those values.

Traditional Institutions in the State Framework

What space do TIs occupy in modern state intuitions? To answer this question requires exploring it within the civil society context. Civil society emerged in political discourse in the mid-1980s, although, to this day, its meaning remains controversial and confusing. Competing definitions are rooted in various currents of Western thought. However, alternative definitions are emerging, offering space to different cultures and localities. One conventional definition, presented by White, is that civil society is "an intermediate associational realm between state and family, populated by organizations enjoying some autonomy in relation to the state and formed voluntarily by members of society to protect their interests or values" (White 1994: 281). However, this excludes important types of civil society prevalent in Africa. Thus Chazan posits the existence of two levels of civil society. The first is primary groups that include indigenous institutions, such as kinship ties, traditional political institutions and authority structures (Chazan et al. 1992). The secondary level is social and economic organisations related to modern formal institutions. The primary group is termed community-based organisations in the current literature. Therefore, in a broad definition of civil society, TIs are part of it.

Background: Somali Traditional Institutions

The Somali people are scattered across four states in the Horn of Africa as a part of the colonial legacy: the Somali state, Djibouti, Ethiopia and Kenya. They are subdivided into four or five major clan families and many smaller clans, such as Jareer, Reer-Xamar, Boon, Tumaal and Yahar.[9] Somali TAs carry different titles in the different regions even though their functions are the same. For instance, in Somaliland, *Suldaan*, *Aaqil* and *Garaad* are the most popular titles, while in Puntland, *Boqor*, *Garaad*, *Beeldajiye* and *Issim* are used, and in south-central Somalia, *Duub*, *Ugaas*, *Nabadoon* and

[9] These four clan families are the Darood, the Hawiye, the Dir and Digil, and the Mirifle. Other classifications include the Isaaq and the Dir separately.

Malaaq are the most famous. Moreover, the role of TAs varies to a degree between pastoral populations, agropastoralists and urban inhabitants. The basic social unit in the Somali clan system to which every Somali belongs is the *Diya*-paying subclan.[10] This operates in rural areas and cities, and it is founded on either blood relations or alliances based on territorial attachment. Members of this unit act collectively through their clan elder in collaboration with the clan's Islamic scholars. The unit's sustainability and resilience in the face of pervasive Western modernity are based on its usefulness to its members and the services it offers.

Diya paying serves two important functions. First, it satisfies the basic human need for affection, and a sense of belonging and identity, to such an extent that it is extremely difficult to live in Somalia without this belonging. In fact, individuals who do not belong to strong clans are despised and looked down on.[11] Second, it generates solidarity among its members by providing social welfare and common security in the absence of state institutions that are capable of doing so. Interclan relations are regulated by customary law called *Xeer*, which resembles the Shari'a in most of its clauses.

Clan attachments generate three major sentiments in individuals and have some bearing on their behaviour. First, the fame and glory of an individual is derived from "the fame and the glory of his ancestor" (Goldziher 1910: 22). Accordingly, clan members glorify their forefathers, make annual sacrifices to them, build their tombs and sometimes raise them to the level of saints. This culture is rooted in the "indigenous Cushitic religion, a monotheistic system of belief in which God was called Waaq" (Ehret 1995: 249). Glorification of the forefathers is used as an effective means of propagating Islam by sheikhs of the Sufi orders who annually bring together pastoral populations at their ancestral

[10] This unit is called *Diya*-paying since its members collectively participate in paying and receiving blood compensation for killed individuals. Full blood compensation is equal to 100 camels for men and 50 camels for women, payable also in monetary values. Nonetheless, often, neighbouring clans agree on lesser values, such as 50 camels for men and 25 for women. The concept is derived from Islamic jurisprudence.

[11] The caste groups in Somalia, called *Nasab Dhiman*, comprise the weaker or smaller clans and individuals from a variety of technical professions cast out historically by other stronger pastoral clans. These clans include the Tumaalo, the Yahar, the Boon and the Yibir. See Asha A. Samad, "Brief Review of Somali Caste Systems: Statement of the Committee on the Elimination of Racial Discrimination." August, 2002. Available from http://www.madhibaan.org/faq/somalia-brief-2002.pdf (accessed 5 June 2013).

tombs. Every year at these locations, Islamic programmes are organised, conflicts settled and religious services provided. Second, there is the inviolability of family duties and ties, which generates what Ibn-Khaldun called *Asabiyah* (*esprit de corps*), a social bond that can be used to measure the strength and capabilities of social groupings (Baali 1988: 43). This localised loyalty sometimes creates chauvinism and bigotry among clans and ignites intertribal wars. Third is the role of blood revenge as a deterrent, and to maintain the collective honour and dignity of clan members. This conduct weakens individual responsibility for crimes committed and results in sheltering members from penalty, which, in turn, presents the entire community as responsible and therefore makes it susceptible to revenge killing.

Tribal sentiment is dynamic and ambivalent in its scope and level. It reaches up to a greater clan confederacy and sometimes descends to a small family unit, depending on context and conditions (Laitin and Samatar 1987: 30). In the pre-colonial era, clans were the only sociopolitical unit and often functioned in small geographical areas because of the camel-based transportation system and lack of modern communication technologies. However, on occasion, larger units emerged with a rudimentary system of governance, encompassing much more than the current politicised major clan families, such as the Darood, the Hawiye, the Dir and Digil, and the Mirifle,.

The Somali clan system can be classified into pastoral, agropastoral and urban dweller groups. The social system of the pastoral clans is a classical segmented system where "cultural unity exists, but [is] politically diffused and broken down into a number of smaller political units whose basis of membership is kinship" (Pathlom 1976: 14).[12] The nature of this system involves a high propensity among members to compete for political domination, fissiparousness at times of crisis and weak territorial attachment.[13] In agropastoral areas the political structure emphasises common socialisation processes, which require official integration into the clan system. Agropastoral clans practise mixed farming and therefore develop a stronger sense of territorial attachment (Lewis 1980: 13). The main

[12] This classical segmented system is not peculiar to Somalia but is found in other African societies, such as the Kuru in Liberia and the Nuer in Sudan. Fortes and Evans-Pritchard pioneered the study of the acephalous societies of Africa.

[13] The difficulty of uniting various segments in the face of an outside threat is well illustrated in works such as Chinua Achebe's *Things Fall Apart* (London: Heinemann, 1958) and Elechi Amadi's *The Great Bonds* (London: Heinemann, 1969).

distinction between pastoral and agropastoral clans is their different ecological settings, which have produced distinct economic cultures and linguistic dialects.[14] The urban dwellers, the Banaderi and Barvani people, have developed an identity linked to the Somali culture, and to Arab and Persian merchants. This culture has also absorbed many urbanised nomadic populations through intermarriage and socialisation.[15] The major activities of the urbanised people are commerce, fishing and small industries.

Traditional Authority: From Marginalisation to Empowerment

This section explores the historical evolution of relations between TAs and the national state over more than half a century between 1960 and 2012. It looks at the dynamics and interactions of modernity and tradition in three historical periods. The first is between 1960 and 1991, when the post-colonial national state was intact and the idea of Western modernisation was dominant. The second is the first decade after the collapse of the state in 1991—one that witnessed statelessness and civil war until 2000, when the first national state was reinstituted through the Somalia National Peace Conference in Djibouti. Finally, the third period is between 2000 and 2012 after the establishment of the national state and through various subsequent regimes.

Marginalisation of Traditional Authorities (1960–1991)

Clan divisions are neither evil nor good but, rather, are a neutral and natural social setting, and are prevalent in many societies, particularly among Muslims, who place strong emphasis on family values. This neutral entity can be utilised either positively or destructively. I. M. Lewis wrote (2004: 508):

[14] Pastoral Somalis mainly speak the *Maxaay* dialect, while many agropastoral clans speak the *May* dialect of the Somali language. See Lee Cassanelli, *The Shaping of Somali Society: Reconstructing the History of a Pastoral People, 1600–1900* (Philadelphia: University of Philadelphia Press, 1982), 23.

[15] For details of the history of the urban dwellers of Banaderi, refer to Scott Reese, "Patricians of the Banadir: Islamic Learning, Commerce and Somali Urban Identity in the Nineteenth Century," (PhD thesis, University of Pennsylvania, 1996).

> If further progress is to be achieved in state formation, Somali politicians will surely have to come out of "denial" and start seriously exploring how clan and lineage ties can be utilized positively. Perhaps they could learn from their nomadic kinsmen who unashamedly celebrate these traditional institutions. Here a less Eurocentric and less evolutionary view of lineage institutions by Western commentators, social scientists, and bureaucrats might help to create a more productive environment for rethinking clanship (i.e. agnation) positively.

Moreover, Abdul Rashid Moten (2011: 3) states that "tradition and modernity need not be polar opposites. A society will contain both traditional and modern elements, and individuals may operate with remarkable effectiveness in two discrete worlds of experience through a process of compartmentalization."

Historically, the visible polarisation of Somali society took place after independence with the emergence of non-Islamist and Islamist elites who implemented different educational curricula, and administered Italian and English language schools and Arabic schools, respectively. With the development of the nation-building process, bifurcation of the elites occurred gradually, as illustrated in Fig. 2.1. Four basic types of elite formation are observed in Somalia. The traditional elites consisting of clan elders and traditional Islamic scholars constitute TAs and the foundation of Somali TIs. Modern elites comprising non-Islamist elites and Islamist elites constitute the two superstructural elites, created mainly through modern education. As the figure indicates, the historical praxis of power and the dynamics of Islam (traditional and modern), the clan (represented by elders) and the state (represented by secular elites) represents a challenging

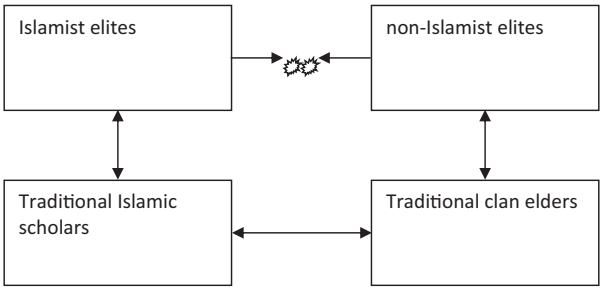


Fig. 2.1 Diagram of TAs versus modern elites in Somalia

equation in Somalia in terms of integrating these elements into the state reconstruction project.

In fact, relations between traditional elites, clan elders and traditional Islamic scholars are generally cordial and collaborative in the interests of maintaining community cohesion. On the other hand, secular elites and Islamic elites are antagonistic because of their different visions of the nature of the state. Secular elites, the inheritors of the post-colonial state, eagerly pursue the preservation of the state's secularity, whereas Islamists zealously advocate its Islamisation (Abdullahi 1992: 92–101). As a rule in dictatorial regimes, Islamists are oppressed and are denied basic freedom of expression, and thus have operated underground. However, TIs remain an insurmountable power base and are indispensable to competing elites. In spite of this, the extreme wings of the Islamist and secularist elites consider traditional elites to be antagonistic to puritanical Islam and the modern state, and therefore pursue policies to marginalise them.[16]

Ironically, during the struggle for independence, TAs were portrayed by Somali nationalists as an incurable cancer, and a pervasive and inescapable threat to national cohesion. This notion presupposed and emphasised the incompatibility of and conflict between tradition and modernity. The political culture created during the formative period of the Somali state still contaminates political performance. Gradually, clanism became inescapable, preying on every Somali politician because of the clan-based political culture of the elites inculcated over the years. In academia, scholars such as Lewis and Said Samatar blame primordialism for most Somali ailments. This viewpoint is lucidly expressed by Samatar, who wrote, "Somali polity is shaped by a single, central principle that overrides all others, namely the phenomenon that social anthropologists call 'the segmentary lineage system'."[17] The implications of such perceptions were severe: they led to the failed policy of *Dabar-goynta Qabyaaladda* (eliminating tribalism) initiated by the founding father of the nation in the manifesto of the Somali Youth League (SYL).[18] However, implementation of this policy was vigorously pursued by the military regime (1969–1991), which tried to stamp

[16] For instance, the Salafia movement (Wahabia) focuses on confronting the beliefs and practices of the Sufi orders and considers them to be a deviant sect.

[17] Said S. Samatar, "Unhappy Masses and the Challenges of Political Islam in the Horn of Africa." Available from www.wardheernews.com/March_05/05 (accessed 8 June 2013).

[18] See SYL Constitution. Available from http://somaliyouthleague.wordpress.com/2011/07/14/constitution/ (accessed 10 June 2013).

out clan identity in favour of the ideology of nationalism. Paradoxically, the regime was implanting and practising clanism in the highest echelons of state institutions by creating an inner circle of cronyism while officially advocating its elimination. This double standard polarised the society along clan lines and radicalised many clans, which opted for armed resistance against the state, resulting in its collapse in 1991.

Re-emergence of Traditional Authorities (1991–2000)

After the collapse of the state and the outbreak of civil war, tradition was reinvented and new roles emerged in the power configuration of the clan structure. I observed that many TIs had integrated with the political elites. For instance, the power configuration of some clans during the civil war was structured as follows:

1. The political leader of the clan was often called a "warlord" if he commanded armed militias, advocated for the clan's political interests and participated in political conferences. Also, unarmed clans developed their political leaders, *hogaanka beesha*, who expressed their grievances and interests in reconciliation conferences.
2. The social leader was the traditional elder who managed clan affairs socially and cooperated with the political leader to mobilise members of the clan for war and peace.
3. The spiritual leader was usually a traditional Islamic scholar of the clan who performed certain functions in the community and played a complementary role during the war. Often these scholars legitimised the war from an Islamic perspective as defensive and obligatory. At times, some scholars offered blessings (*baraka*) to the warriors, promising a victorious outcome and persuading them to work towards its achievement.
4. Economic leaders of the clan were business individuals who financed the war and the agenda of the political leader. They created their own internal networks and usually had a coordinator, who collected contributions from individual businesspersons and disbursed them through the clan network. Clan members in the diaspora played vital financial roles in sustaining the actions of the clans in critical times.

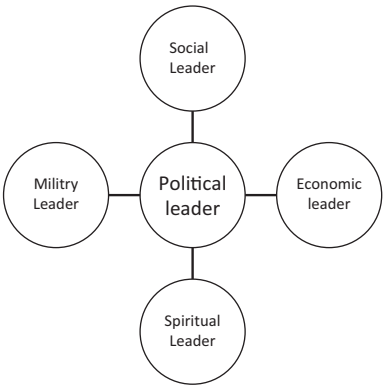


Fig. 2.2 Power configuration of the clans during the civil war

5. Military leaders ruled over the clan militia, and were responsible for waging war and defending so-called clan interests. The militias were usually ruthless and undisciplined. They committed various human rights violations, including indiscriminate killings and looting. And, according to customary clan laws, crimes committed by these militias become the collective responsibility of their clan. During the civil war, the highest authority was vested in the political leader; while in peacetime the clan elder had such authority (Fig. 2.2).

This configuration may have had the upper hand during the civil war, when the clan system became the only model for power sharing among Somali clans in Somaliland, Puntland and during the national reconciliation conferences since 2000. The clan power-sharing formula was based on the famous 4.5 system, recognised and affirmed in the Transitional National Charter (TNC) of 2000. This system represented a temporary victory of the traditionalist approach over transformational discourse. Nevertheless, continuous change is occurring in Somali political thought, and other identities such as Islamism and nationalism are re-emerging rapidly. The future may usher in a hybrid system that would amalgamate the three components of the Somali equation—Islam, clan and nationalism—and avoid criminalising or marginalising any one of them.

Contested Role of Traditional Authorities (2000–2012)

The role of TAs oscillated between complete empowerment (2000–2004), marginal complementarity (2004–2009), total marginalisation (2009–2012) and complete empowerment (2012). After the civil war the historical Somali state was divided by the international community into three major regions: Somaliland, Puntland and south-central Somalia. In the latter region, whose territory begins south of Gaalkayo city and extends to the Kenyan border, Somalia remained in turmoil and was made up of fiefdoms in the hands of continuously fighting warlords who answered to no central authority until 2000. On the other hand, Somaliland and Puntland successfully overcame the challenges represented by armed factions such as the SNM and the Somali Salvation Democratic Front (SSDF), respectively, and established peaceful and thriving but fragile administrations based on clan-based power sharing. It can be argued that the early recognition by the elites of these two regions of the roles of clan elders and Islamic scholars has contributed to the successful reconstruction of state institutions, while at the same time preventing the empowerment of extremist elements.[19] On the other hand, in Somalia, after more than 12 failed conferences, a new approach to reconciliation was set in motion with the Djibouti-sponsored peace initiative in 1999. This officially adopted a clan power-sharing formula based on the famous 4.5 system.[20] This means that the clan factor was recognised and affirmed in the TNC. The change in the elite's views on state–society relations not only has practical relevance in the absence of modern political institutions but

[19] Islamists participated in the formation of Somaliland, and their influence is evident in the adopted flag and constitution. With respect to Puntland, the SSDF's armed faction was disbanded and the Al-Itixaad Islamic organisation weakened in the bloody war of 1992.

[20] The 4.5 power-sharing formula was strongly criticised by many scholars, including Omar Enow, Mohamed Enow, Abdi Samatar and Ahmed Samatar. However, they failed to come up with an acceptable and practical approach to power sharing in the absence of political institutions. Also, it is important to note that the 4.5 formula offered women and minority clans more seats in parliament and the so-called dominant clans comparatively fewer. In the final analysis, 4.5 was a temporary democratisation measure for traditional society and was never intended to be a permanent approach for a future political model. See Mohamed A. Enow, "*Inclusive But Unequal: The Enigma of the 14th SNRC and the Four Point Five (4.5) Factor*", and Abdullahi A. Osman and Issaka K. Souare (Eds.), *Somalia at the Crossroads: Challenges and Perspectives on Reconstituting a Failed State* (London: Adonis and Abby, 2007).

also affirmed the victory of the traditionalist approach over sophomoric modernist mythology.

The Somalia National Peace Conference in Djibouti in 2000 was sponsored by the Djibouti government. It came after ten years of catastrophic civil war and espoused an innovative approach to Somali reconciliation. This turned out to be a remarkable milestone in political realism because the conference departed from the warlord-driven process, the concept of a "building block" and the radical nationalist perspective. Consequently, hitherto underestimated political divisions and taboos, such as clans, minorities, religion and the status of women, were accounted for, recognised and addressed in the power-sharing arrangements. Djibouti's president, Ismail Omar Guelleh, in his capacity as chairperson of the Intergovernmental Authority on Development (IGAD), maintained in his speech at UN headquarters on 22 September 1999 that any Somali reconciliation conference would be driven by Somali civil society. The subsequent Somalia National Peace Conference in Djibouti was in two phases. The first was inaugurated in March 2000 with the intention of mobilising ideas and garnering support for the conference from a variety of Somali groups. The second phase was launched on 2 May 2000, when more than 2500 Somalis participated.[21] The most difficult part was resolving the criteria for participating in the conference. However, after long discussions and consultations to explore all of the options available, clan-based representation ultimately prevailed.[22] It was accepted that Somalia has four major clan families, namely the Darood, the Hawiye, the Dir and Digil, and the Mirifle. Moreover, the existence of numerous other smaller clans was also accepted. The 4.5 power-sharing criterion was agreed on, with four equal quotas for the major clans and half a quota for the alliance of all other small clans. Women lobbied to have separate clan status because the clans did not include them on their official delegations, and they gained that privilege with the strong support of Djibouti's president, Guelleh.

[21] Official delegates numbered 810, consisting of four clan delegations of 180, each including 20 women, and 90 minority clan alliance representatives, including 10 women. Among the 810, women accounted for 90 delegates, or about 9 % of the total. In addition, more than 1500 observers were allowed to attend the conference.

[22] An alternative option, which did not receive enough support, was proposed by Abdulqadir Adan Abdulle, son of the former Somali president, Adan Abdulle Osman, who presented a paper to the first intellectual conference in preparation for the 2000 Somalia Peace Conference in Djibouti. His concept was based on sharing parliamentary seats according to region and based on the historical seats in 1960, as adjusted by agreement.

For instance, women were well represented in the Charter Drafting Committee and the Steering Committee of the conference. The quota system adopted by the conference and recorded in the TNC adopted at the conference allocated 44 seats to each of the four major clans, 24 seats to the minority clan alliance and 25 seats to women. In addition, 20 seats were designated for select individuals as an adjustment and reconciliation gesture.

The TAs played a role at this conference by reconciling conflicting clans, discussing and agreeing on the power-sharing formula between major clan families, and reaching down to the local level until the elders could assign members of parliament (MPs) to specific subclans. Organisation of the conference was led by the Somalis, while Djibouti's role was one of facilitation in resolving difficult conflicts. The following structures were established to administer the conference. At the national level there was (1) the National Steering Committee, which was responsible for chairing conference proceedings, consisting of six individuals from the four major clans, and representatives of the alliance of smaller clans and of the women; (2) the National Technical Committee, consisting of 14 intellectuals responsible for overseeing and facilitating various conference activities, such as charter making and taking notes on the conference; (3) the National Charter Committee, consisting of 30 educated individuals drawn from all clans, in addition to the quota assigned to women; and (4) the National Commission of Arbitration and Conflict Resolution, consisting of 40 TAs from all clans, responsible for verifying and arbitrating disputed power-sharing among various clans, subclans and subsubclans. This national arbitration commission could not be effective without lower-level conflict and arbitration mechanisms among various clans. These lower strata descended top-down through clan family elders, subclan family elders and subsubclan elders. It could be concluded that without the TIs and TAs, reconstituting the Somali state would not have been possible. The failure of more than 12 warlord-dominated initiatives since 1991 testifies to the essential role of TAs in reconstituting the state.

In the reconstruction of the Somali national state and Puntland regional state, TAs were not incorporated into state institutions and were intended to play the role of "civil society", intervening in the affairs of state whenever conflict arose and their services were needed. On the other hand, Somaliland incorporated TAs into state institutions as the upper house, and they were given ultimate authority over certain important

issues. In the national state reconstruction, the role of TAs diminished again after the Somalia National Peace Conference in Djibouti in 2000. For instance, at the Somali National Reconciliation Conference in Kenya in 2004, warlords were empowered over TAs and an exclusively warlord-dominated conference concluded with the formation of the Transitional Federal Institutions. The roles of the TAs were nominal and complementary to the dominant positions given to the warlords. Moreover, with US financial and political support, some warlords formed an anti-terror alliance in February 2006 against Mogadishu-based Islamists, notably the Union of Islamic Courts (UIC) and its allegedly Mogadishu-based backers. However, this initiative provoked an unprecedented surge of Islamic rage in Mogadishu under UIC leadership and the US-backed warlord programme was aborted. Thus the political environment of Somalia changed dramatically with the outright victory of the UIC over the warlords and its uncontested power in Mogadishu and surrounding regions. Nevertheless, UIC jubilation was short-lived, with the impasse in peaceful dialogue and escalation into total war involving the Ethiopian military, with tacit US support. The conflict between the Transitional Federal Institutions supported by Ethiopia and the armed insurgents opposing them continued until a new Peace and Reconciliation Conference was held in Djibouti in 2008.

This second Somali conference in Djibouti between the FGS and the Alliance for the Re-liberation of Somalia replicated the Somali National Reconciliation Conference in Kenya in 2004 by empowering armed groups. Nonetheless, there were two differences: the number of seats in parliament was doubled from 275 to 550, and the armed groups were empowered to select additional MPs. No role was given to TAs. Indeed, this conference totally ignored TAs and their legitimacy for the clans, even though the clan-based division of power continued. However, the role of TAs re-emerged in the national conference in Mogadishu in 2012. TAs participated in the constitution-making process and also were given the ultimate role of selecting MP taken away from them during the Reconciliation Conference in Kenya in 2004.

However, limitations on TAs have been growing since 2012 in terms of selecting MPs. Many TAs created political conflict in their communities by favouring some members over others without the consent of the majority of clan members. Also, allegations of corruption and favouritism were

rampant, particularly at the last conference of 2012, which undermined the cohesion of many communities and tainted the TAs' image. Given the inherent weakness of selecting MPs by clan elders, what approach will be available for Somalia by 2016 if conducting free and fair elections is not possible? And what will be the role of TAs? There is no quick answer, but it is obvious that repeating the same faulty process will not offer the legitimacy that is essential to reconstituting the Somali state.

State Building or State Reconstruction: What Type of State?

In studying the reconstruction of state institutions, a number of terminologies are used, such as "state building," "nation building" and "peacebuilding". State building refers to creating the state *ex nihilo* and to interventionist strategies to restore and rebuild the institutions of state. On the other hand, nation building refers to the creation of a cultural identity that relates to the citizens of the state. Lastly, peacebuilding terminology, used widely in security studies literature, is often used as a synonym for "state building" (Scott 2007: 6). However, its more precise definition is "actions undertaken by international or national actors to institutionalize peace, understood as the absence of armed conflict and at least a modicum of political process" (OECD 2008: 13). However, these terminologies at times converge and at others have distinct meanings in different fields of study. In this chapter, the more precise terminology of "state reconstruction" is preferred.

State reconstruction entails restoring a collapsed state to functionality, which includes "actions undertaken by international or national actors to support the economic and, to some extent, social dimensions of post-conflict recovery" (OECD 2008: 13). The term is more appropriate to the Somali situation in that only national state institutions collapsed in 1991, while the other two components of the state—its population and the physical landmass—remained unchanged. The three components that any state must have are (1) the idea of the state (the political, economic, religious and social ideologies that lay the foundation for the state in the minds of its people); (2) the physical landmass of the nation state, including territorial borders, natural resources and the manmade wealth within these boundaries; and (3) the institutional entities of the nation-state: the executive, legislative, administrative and judicial branches of the state. In the Somali case, the idea of the state, although weakened, and the

physical landmass remain intact while the institutions have collapsed. Attempts to reconstruct the nation-state have been ongoing since 2000 and the skeleton of the state has been in place since then. Currently, Somalia has an internally recognised government moving into a post-transition phase. Indeed, state reconstruction is a long process that entails ending conflict, holding elections, deploying international security forces, returning refugees, constructing national institutions, and reconstructing the infrastructure and economy.

The role of TIs will depend on the nature of the state to be reconstructed in Somalia. The failed Somali state was founded on four basic pillars: centralisation, secularism, curbing clanism and the "Greater Somalia" project. Centralisation related to the governance system; secularism constitutes its ideology; while curbing clanism and seeking Greater Somalia were aimed at unifying Somali people internally and externally. The assumption was that curbing clanism would foster nationalism and lead to the unification of all Somali territories divided under colonialism.[23] However, these basic principles have fallen one after the other subsequent to the breakdown of the state in 1991. For example, a decentralised system of governance has been adopted since 2000 and the official name of the state has the prefix "Federal". Moreover, secularism as the state ideology has also completely fallen away, and constitutions compliant with Islamic principles have been adopted in Somaliland, Puntland and at the national level.[24] Furthermore, the project of curbing clanism to foster nationalism had been totally dropped with the acceptance of power sharing based on clan affiliation and the adoption of the 4.5 formula. Finally, Greater Somalia has been derailed since the formation of the independent Republic of Djibouti in 1977, the adoption of ethnic federalism in Ethiopia (where the Somali region became one of the federated states) and the integration of the North Eastern Province into the Kenyan nation-building process.[25]

Thus the idea of the Somali state has been changing since its collapse and the outbreak of civil war in 1991. The millions of Somali refugees who have flooded into Kenya and Ethiopia since 1991 have gradually

[23] Somali-inhabited territory was divided among four powers in the nineteenth century—namely, Britain, Italy, France and Ethiopia. British Somaliland Protectorate and Italian Somaliland were united to form the Somali Republic in 1960.

[24] See the constitutions of Somaliland and Puntland, and the Federal Constitution adopted in 2012.

[25] Djibouti, the Somali Region in Ethiopia and the North Eastern Province in Kenya were considered to be parts of the Greater Somalia project.

weakened the hostility between Somalia and its neighbours through social and economic interactions.[26] After more than 20 years it seems that most Somalis have abandoned the old version of Greater Somalia as a political idea. The new vision of Greater Somalia accepts that Somalis are scattered across the Somali Republic, Djibouti, Ethiopia and Kenya, not to mention in substantial numbers throughout diaspora communities.[27] Alternatively, the new vision entails regional integration as the best way of achieving the dream of Greater Somalia through the free movement of goods and people. Moreover, economic opportunities and cultural interactions would be realised. Indeed, the new interpretation of Greater Somalia is a total shift from the previous conception that the wellbeing of Somalis depends on Somalia's political unification to the notion that regional peace and integration offer incalculable advantages in the era of globalisation. This vision obviates the distressing burden of territorial disputes with neighbours that led to war and conflict, and played a crucial role in the collapse of the Somali state and the prolongation of its recovery. Therefore the state to be reconstructed in Somalia is the territorial state that was internationally recognised in 1960 and one that accepts the Organisation of African Unity's (OAU's) resolution on the sanctity of colonially inherited borders.[28]

On the other hand, even though burying the unitary state has gained public acceptance, alternative governance systems remain contentious. Most Somalis concur on adopting a decentralised system of governance but disagree on the choice between federalism and regional autonomy. Federalism was officially introduced into the Somali National Charter at the Somalia National Peace Conference in Djibouti. However, the

[26] In 2013, registered Somali refugees in the Horn of Africa totalled 998,343 (193,776 households), and most of them were in Kenya (471,914) and Ethiopia (245,068). See "Refugee in the Horn of Africa: Somali Displacement Crisis." Available from https://data.unhcr.org/horn-of-africa/regional.php (accessed 16 September 2013).

[27] It was estimated that 14 % of the Somali population lived in the diaspora, qualifying it as "a truly globalized nation". See UNDP-Somalia's "Somalia's Missing Million: The Somali Diaspora and its Role in Development." Available from http://www.so.undp.org/content/somalia/en/home/library/poverty/publication_3.html (accessed 10 June 2015).

[28] The clause on border disputes among African countries states, "Solemnly declares that all Member States pledge themselves to respect the borders existing on their achievement of national independence." See the OAU's resolutions adopted by the first ordinary session of the assembly of the heads of the state and government held in Cairo, United Arab Republic (UAR), 17–21 July, 1964. Available from http://www.au.int/en/sites/default/files/ASSEMBLY_EN_17_21_JULY_1964_ASSEMBLY_HEADS_STATE_GOVERNMENT_FIRST_ORDINARY_SESSION.pdf (accessed 16 September 2013).

heated public debate about federalism persists even though the current provisional constitution reaffirms it.[29] Proponents believe that federalism and the federal system will resolve the issues of clan mistrust and the post-civil war syndrome. Opponents argue from a national unity perspective and fear that federalism will lead to a more divided Somalia. However, the priority of reconstructing the Somali state should not be viewed from a governance system perspective. Instead, it should be approached from a national reconciliation point of view and in terms of what will promote a united Somalia. From this perspective it is evident that federalism should be pursued as the best strategy for reconstructing the Somali state, and it is also the unwavering demand of Puntland, the Juba administration and other regions.

So the state to be reconstructed is seen as federal and territorially linked to the borders of 1960. Let us now explore the nature of the state from the perspective of internal dynamics. As a matter of fact, a Somali society based on the clan system and Islam, and the modern nation-state founded on a secular ideology and a European model of statehood, seriously strained state–society relations.[30] The pervasive penetration of the state into the society collided with the clans and Islam, and led to the emergence of three competing ideologies: clanism, Islamism and nationalism. Indeed, the state collapsed as a result of conflict with armed clan-based factions and growing Islamic movements. Thus, to avoid past mistakes, reconciliation between state and society is necessary.

There are three possible scenarios for the kind of state to be reconstructed in Somalia. The first envisages moving society towards the state experimented with during the post-colonial state-building phase. This approach is intended to transform traditional communal society into modern society based on equal citizenship. This state model was

[29] Federal Republic of Somalia, Provisional Constitution, August 2013, articles 1 and 3. Article 1 states, "Somalia is a federal, sovereign, and democratic republic founded on inclusive representation of the people, a multiparty system and social justice." Also, article 3 on founding principles states, "The Federal Republic of Somalia is founded upon the fundamental principles of power-sharing in a federal system."

[30] State–society relations can be encapsulated in six scenarios ranging from extreme cooperation to extreme conflict: (1) mutual collaboration; (2) mutual engagement; (3) conflictual engagement; (4) mutual disengagement; (5) enforced disengagement; and (6) resistance-revolutionary disengagement. See Tracy Kuperus, *Frameworks of State-Society Relations*. Available from http://www.acdis.uiuc.edu/Research/SandPs/1994-Su/SandP_VIII-4/state_society_relations.html (accessed 14 February 2011).

inherited from the colonial powers and was considered to be the ideal form, and a precondition for socioeconomic development and political stability, according to modernisation theory. However, this model has been a total failure because it was the model for the collapsed Somali liberal democratic state (1960–1969) and for the socialist-oriented period (1969–1990). The second approach is moving the state towards society, which means building modern state institutions on primordial clan affiliation and traditional structures. This indigenisation approach is not effective in building a modern state that must function in a globalised world. For instance, building state institutions on the traditional structures in Somaliland was useful in the initial stages of recovering administrative structures but it could not be sustained. As a result, modern political parties have been established in a move away from a clan power-sharing formula in order to create a democratic state. The same shift is occurring in Puntland and at the national level. Finally, the third scenario is moving state and society towards each other. This model likely offers the best prospects and requires an innovative process of integrating tradition and modernity through comprehensive reconciliation between state and society.[31] The last approach has to a certain extent been adopted in Somaliland, and has yielded peace—an impressive accomplishment—by creating a legitimate democratic state. Conversely, at the national level, the state reconstructed in a top-down process did not gain popular legitimacy, even though TAs were given a leading role. Although reconciliation between state and society is accepted conceptually, the model's practical application and appropriate mechanisms have yet to be developed.

In conclusion, any state project in Somalia is expected to have democratic, Islamic and federal characteristics that allow local communities and their TAs always to play an important role. Indeed, they have played that role during the initial period of state reconstruction by legitimising the authority of state institutions. Moreover, they always help to defuse and resolve conflicts at local and national levels. On the other hand, the state to be reconstructed in Somalia must abide by international law and be at peace with itself and its neighbours.

[31] Abdurahman Abdullahi and Ibrahim Farah, "Reconciling the State and Society: Reordering Islamic Work and Clan System." Available from http://www.scribd.com/doc/15327358/Reconciling-the-State-and-Society-in-Somalia (accessed 4 June 2013).

Conclusion

TIs and TAs are located in civil society and play a vital role in the social and political spheres. It took more than 50 years after independence in 1960 for Somalia to recognise that without comprehensive integration of modernity and tradition, a stable state will not materialise. Between 1960 and 1991, TAs were marginalised, but they re-emerged vigorously after the collapse of the state in 1991, becoming the only legitimate authorities in Somalia. Besides their traditional role of resolving conflicts and managing the affairs of their clans, they have engaged in reconstructing local and national institutions. In fact, wherever their authority was accepted by political elites and armed factions were abolished, functioning administrations were established. This was the model for reconstituting state institutions in Somaliland and Puntland, and succeeded in restoring peace and community cohesion in 1991 and 1998, respectively. By contrast, the south-central regions, where armed factions remained intact and TAs were diminished, lawlessness and hostility lingered. The difference between these three political regions in terms of institution building and peacefulness was contingent on the different roles that TAs played. Even though the legitimising role of the TAs was indispensable during initial state formation, such a role is not sustainable in a modern democratic state. Hence Somaliland has progressed towards direct elections and party politics on the basis of "one person, one vote". The continuation of the selection of MPs by TAs negates the concept of the modern state based on citizenship rather than traditional representation by members of kinship groups. Moreover, it was noted that the power conferred on TAs is not compatible with the creation of viable and responsible parliament and at the same time it tarnishes the image of TIs (Hohne 2006: 22).[32]

Thus the role of TAs should be confined to the TIs, and the state should keep a balance between their politicisation and marginalisation. Moreover, the reconstructed Somalia should be based on territoriality and federalism. Additionally, it should be based on a new reconciliatory model that accommodates social structure, Islamic values and democracy. Finally, it should be at peace with its neighbours and promote regional integration.

[32] "The more intensively TAs get involved in politics beyond their control, the higher is the probability that they have to make unpopular decisions and therefore loose [*sic*] the support of the community they claim to represent."

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CHAPTER 3

Somaliland—Negotiating with Somalia: Is it an Option or a Foreign Imposition?

Nasir M. Ali

Introduction

The root causes of the troubled relations between Somaliland and Somalia go back to the creation, on unequal terms, of the Somali state in the second half of the twentieth century, and its subsequent evolution, which deepened the asymmetrical relations between the two. The result was suspicion, worry, and incompatible and fragile relations for decades to come that left the outcome uncertain (Dualeh 2002). The state of Somalia, which emerged from the union of British Somali Protectorate in the north and Italian Somaliland in the south, and the unjust distribution of power between the two regions in 1960, was the source of future conflicts and served as the midwife of Somalia's protracted civil war and its subsequent disintegration. This war not only created a power and authority vacuum in the south-central regions but also saw massive waves of displaced persons moving into other Horn states and also more distant countries (Lewis 2002; ICG 2008; Harper 2012).

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The decades-long standoff between Somaliland and Somalia's warring factions, and even the successive transitional governments, have been shaped by Somalia's political instability since the collapse of central government in 1991. This dilemma dates back to the early decades of Somalia's creation. On the other hand, the collapse of the Somali state as a result of civil war and strife has caused not only the disintegration of the state and institutions, but also thousands of innocent Somali people to perish while others fled their home country by crossing national and international borders to find refuge, including in neighbouring countries, which hosted most of the Somali refugees (Haldén 2008; Harper 2012). Given the harsh environment faced by Somali citizens, they lived in abject and destitute conditions, while the warring factions engaged in bloodshed and conflict (Menkhaus 2003). Thus conflict and hopelessness lingered in Somalia and thousands of Somali citizens lived in limbo.

With nothing to lose, Somaliland, united with Italian Somalia in 1960 to form the Somali Republic, has withdrawn, claiming the boundaries that it inherited from the British (Dualeh 2002; Bulhan 2008). This withdrawal could be attributed to the injustices and grievances experienced during the 30 years of union with the erstwhile Italian Somaliland. The withdrawal has never been accepted by southern leaders, including the warlords who controlled most central and southern regions before the UIC drove them from their strongholds in 2006–2007. These warlords and successor leaders claimed repeatedly that the unity of the Somali state is sacred.[1] Unfortunately, southern leaders have failed to give effect to this reality or to accept that Somaliland and Somalia were two separate entities that emerged and voluntarily united in 1960. The union was part of the Somali popular dream to realise a Greater Somalia in the Horn region.

On the other hand, from the very beginning, Somaliland interacted with both regional governments and countries far beyond the boundaries of the region. Yet it seems obvious that successive governments of Somaliland have failed to tackle all of the weaknesses and gaps in the country's foreign policies and its approaches to achieving recognition. Clearly, its foreign affairs are inseparable from the domestic political legitimacy of the policymaking circles, which has sometimes been undermined (Ali 2013). Diplomacy needs a constituency both within government and

[1] The president, prime minister and speaker of Somalia's federal parliament echoed the sacredness of Somalia's unity during the celebrations for the 53rd anniversary of south Somalia's independence from Italy on 1 July 2013.

among members of the broader public willing to assert that recognition must be a more integral part of Somaliland's interactions both regionally and internationally.

Since its establishment in 1991, Somaliland has adopted an orthodox foreign policy that isolates it from the crises in Somalia's affairs, including not attending reconciliation conferences, even if invited. This aggressive isolationist policy has helped the country to shield itself from its neighbour's upheavals and contributed to its long-lasting peace and stability. From 1991 to 2012, Somaliland never attended a "Somali conference". This can be linked to the adoption of laws by the two houses of the Somaliland parliament prohibiting the attendance at or participation in any Somalia peace or reconciliation conference by Somaliland citizens, including politicians. These laws have served as a barrier separating Somaliland from the social and political chaos in the Somali state. However, to enforce these laws, the authorities of Somaliland have detained dozens of citizens for attending Somalia peace conferences, including notable politicians and traditional leaders, such as sultans and garads.

The central objective of this chapter is to explore Somaliland's negotiations with Somalia, and aspects of Somaliland's efforts to achieve recognition. The study attempts to find answers to critical issues, including how Somaliland engages with Somalia in negotiations vis-à-vis its quest for recognition, how it carries out these policies and what outcome can be expected from the negotiations. These are measures taken to consolidate the process of separate state building and national-identity construction in Somaliland.

Therefore the study has four interrelated major aims:

1. to understand the major factors that challenge Somaliland's efforts to win international acceptance, even though it has built durable democratic institutions and sustainable peace, while the south engages in civil war;
2. to identify the major gaps and weaknesses in the negotiation frameworks of Somaliland and Somalia;
3. to uncover the influence and involvement of foreign actors in Somali internal affairs;
4. to examine the possibility of agreement between the two entities, and whether or not Somaliland's demands for separation will be accepted by its southern partners.

These four key aims are central to understanding Somaliland's and Somalia's negotiations and the expected outcome. The chapter further suggests that Somaliland's policymakers need to establish proactive and aggressive foreign policy strategies, including ongoing negotiations that, if managed professionally, will ultimately enable the country to translate its ambitions into reality and bring about the long-awaited recognition.

Negotiating after Two Decades

During more than two decades of state failure and collapse in Somalia, despite several weak internationally backed governments, the Somaliland government has neither accepted nor attended any Somalia conference since 1991. Recently the London Somalia Conference came into being, after protracted and persistent prodding by the British government. This conference in 2012, the first officially attended by Somaliland, attracted delegates from more than 50 countries, plus regional, international and intergovernmental organisations.

Somaliland, despite its traditional foreign policy stance, accepted the British invitation to the conference following further clarification of the agenda: the position of Somaliland and its status. This clarification was necessary to avoid jeopardising the claims of Somaliland as an independent state, according to Somaliland's leaders. After lengthy discussions with the British government, Somaliland officially agreed to attend. Prior to this, the government repeatedly invited the country's elites—political parties, traditional leaders, civil society foundations and religious figures—and sought national debate and discussion of the issue. This engagement was aimed at persuading the public and revealing the sympathies of state leaders to their fellow citizens.

Subsequently, the two houses in joint session ratified the government's proposed agenda. Surprisingly, the houses also revoked the former laws outlawing attendance at any Somalia conference. In this regard, though the government as a political entity was permitted to attend Somalia conferences, revoking the laws met with criticism from various fronts. According to the public and opposition politicians, the laws had not prohibited the state or government from attending a conference but were ironclad as regards citizens and independent politicians interested in engaging with Somalia's fluctuating situation and claiming to be representatives of Somaliland.

Following the attendance of Somaliland in its first ever Somalia conference in 2012, article 6 of the conference communiqué urged the Somaliland government and the Transitional Federal Government (TFG) of Somalia to enhance direct negotiations to determine their future collaboration. In this regard, the London Somalia Conference was the precursor to meetings held in Dubai and Ankara in 2012 and 2013, respectively. Against this background, current endeavours, such as dialogue with the Federal Government of Somalia in the interests of both nations, need to be fine-tuned and expanded. To some extent the London Somalia Conference was an important trigger for the current debate on Somaliland's new policy to engage with its neighbour, the Somali Republic, but for many citizens this was not the right time to engage in such negotiations.

In short, this was seen as a foreign-imposed agenda. But what was the motive for organising this conference? At least two factors might have influenced the British decision to host it:

1. The British realised the growing influence of the Turkish government in foreign policy. Turkey has a pan-Muslim, or neo-Ottoman, ideology.
2. The Europeans recognised the resources present in Somali territory—in particular, oil.

These appear to have been behind the British plan to organise the conference and invite all of the Somali administrations, including Somaliland.

Negotiations from the Point of View of Somaliland's Citizens

Without doubt, Somaliland has a long history separate from its southern partner. It is worth noting that it was one of Britain's colonies in Africa and its creation can be traced to the nineteenth century, when European powers undertook the Scramble for Africa (Pakenham 1991; Schoiswohl 2004; Harper 2012). As a result, Somaliland remained a British protectorate for more than 76 years before achieving its independence on 26 June 1960. That state was the first-ever independent Somali state in world history, duly registered by the UN Security Council and recognised by more than 35 independent countries (ICG 2006; Tannock 2009).

One might ask why Somaliland unified with Italian Somaliland. This needs a little clarification. After the Second World War there was a massive wave of pan-Somalianism favouring the creation of a Greater Somalia, an idea wholly proposed by the British government.[2] Nevertheless, this agenda was defeated by opponents in the UN Security Council, including the USA and France, in deference to their allies in the region, in particular Ethiopia, which strongly opposed the creation of a Greater Somalia state on its borders. This could be attributed to Somalia's longstanding claim to the Somali region in its eastern regions. Despite the failure of the British proposal, the Somali population never gave up its desire to create a greater Somalian state in the Horn, stretching from Babel-Mendab in the north to the Indian Ocean in the south, the Red Sea in the east and the remote heartlands of Ethiopia to the west.

Thus Somaliland's enchantment with uniting with its partner to the south can be linked to the Greater Somalia ambition, which animated the hearts of the entire Somali population prior to independence. On the other hand, a major mistake was made as regards the legal frameworks that would determine the unification of the two entities. The two assemblies of the two newly independent states ratified two separate acts, which do not define the legal frameworks relating to the union (Contini 1969). This failure was the first step towards creating a non-functioning union, plus the monopolisation by southerners of key government positions, with northern euphoria soon changed into disenchantment and disappointment (Dualeh 2002). Several factors went wrong during state formation: the adoption of two different acts of union and the maldistribution of key government positions. However, the Somali state functioned until its final collapse in 1991, after decades of armed struggle against the military regime that ruled the country from 1969 to 1991. In many respects the most dangerous seeds of Somalia's collapse were planted during the period of military rule.[3]

Against all the odds, Somaliland decided to establish its own state institutions after decades of armed struggle, plus 30 years of subjugation and political and economic marginalisation. Notwithstanding these grievances experienced by Somaliland's citizens, the international community neither

[2] Retrieved from a video of an interview with Somalia's late president, Mohamed Ibrahim Egal, on 20 January 1994. The interview was conducted by three Djiboutian journalists in Djibouti.

[3] Ibid: 2.

recognised the country's separation nor criticised the atrocities committed by Somalia's leaders (Nim'ale 2013). Despite all of this there were efforts to reconcile the divergent ideas of the Somalis, including Somaliland. These efforts lie behind the ongoing negotiations, which have yet to produce tangible results beyond the statements outlining the eagerness of the negotiating parties to continue further dialogue and debates about the issue. In this regard it appears that no one will predict the outcome of the negotiations owing to the changing nature of Somali politics.

It is worth noting that the case of Somaliland has attracted opposing ideas regarding separation. However, it appears that Somaliland has not separated from a parent state but has, rather, withdrawn from a failed union and restored the political boundaries it inherited from the British in 1960. For this reason, Somaliland's case violates neither international law nor the OAU Charter, in particular the article adopted by the African heads of state in Cairo in 1964, which recognises the sanctity of the boundaries that African states inherited from their colonial rulers. Somaliland does not contradict that article: its political boundaries are those it inherited from the British government before it voluntarily threw in its lot with another entity towards an unknown future. Moreover, the country has a permanent population and a defined territory, demarcated in three colonial treaties signed between the British and the French (1888), the British and the Italians (1894), and the British and the Ethiopians (1897) (Ali 2014). Finally, as Mesfin Wolde-Mariam (1977) argues, the boundary between Somaliland and Ethiopia remains one of the best demarcated in the world.

Somaliland contends that it is a legal anomaly, whose recognition would set no precedent for the rest of Africa. It argues that it is simply returning to its previous status as an independent state and that its existence in no way threatens the inviolability of inherited colonial boundaries (HRW 2009). Moreover, pro-independence Somalilanders often rely on moral and historical grounds, believing that their case is exceptional and is not secession. They argue that Somaliland emerged from the ashes of a failed union, as a consequence of which it suffered more than it ever did at the hands of the British.

Given the above statement, in an interview conducted by Al Jazeera television with Somaliland's president, Ahmed Silanyo, on the 22nd anniversary of the country's withdrawal from the failed union, the president emphasised that Somaliland has a different history from south Somalia. It was a separate entity under British protection for over 76 years while

the south was colonised by the Italians. He repeatedly mentioned that Somaliland's citizens had sacrificed their destiny and independence for the creation of Greater Somalia, but that their euphoria had quickly dissipated.[4] He argued that the Somaliland Republic and its citizens would not return to the failed union of 1960, even if the world did not accept the country's right to exist.

The president also mentioned that, "due to the injustice shown by southern leaders, the greater Somalia ambition collapsed". Moreover, any Greater Somalia project should include Djibouti, the Somali region of Ethiopia and north-eastern Kenya, an irrational proposition. Instead, the president prayed for the Djiboutians to remain in peace and prosperity, and encouraged the Somalis in Ethiopia and Kenya to live with their fellow brothers and sisters in those countries. In light of that, he expected southern Somalia to accept reality in the form of five Somali regions living side by side in the Horn and collaborating with each other like the Arabs.[5]

In the same way, the citizens have strong emotional ties to preserving the hard-won Somaliland state. For instance, a resident of Hargeisa was interviewed by Somaliland national television shortly after the ardent celebrations for the 22nd anniversary of Somaliland's withdrawal from the failed union. The resident declared without hesitation that Somaliland had God's recognition, and ignored the absence of any other form of recognition.[6] Somaliland's citizens, young and old, men and women, boys and girls, have no appetite to reunite with their former partner. On the other hand, by the time Somaliland marked its 23rd anniversary of withdrawal, a strange factor was apparent and needs to be noted—namely, the emergence of a new generation with no knowledge of Mogadishu or even the history of the Somali state, including Somaliland, except for the history of the massacres, subjugation and military annihilation perpetrated by Somalia's military junta from 1969 to 1991. Nevertheless, the younger generation, comprising more than 50 % of Somaliland's population, believes that the re-

[4] Retrieved from Al Jazeera's English interview with Somaliland's president, Ahmed Mohamed Mohamoud a.k.a Silanyo, on 18 May 2013. The interview was conducted in Hargeisa, Somaliland.

[5] Retrieved from the president's public speech on 18 May 2013, an ardently patriotic celebratory event organised around the world by the Somaliland government.

[6] Retrieved from a Somaliland National TV interview with a Somaliland citizen in the heart of Hargeisa.

emergence of Somaliland is the outcome of a long armed struggle.[7] For instance, in 23 February 2012, when the British government hosted the London Somalia Conference, in which the Somaliland government participated, a young citizen told the BBC that Somaliland is not a gift but rather a plant nourished by the blood of heroes who sacrificed their lives to liberate their home country from an "indigenous ruthless military".

Given the loopholes in the state's formation in 1960, on the other hand, Somalia's military junta used the state apparatus to commit atrocities and indiscriminate crimes, and there are concerns about grave violations of human rights, particularly under military rule. In a panel discussion organised by Horn Cable TV on 26 April 2013 about the Somaliland–Somalia negotiations, Fatuma Said, an opposition figure and chair, and founding father of the indigenous Organisation for Development and Humanitarian Affairs, raised a number of issues that would need to be acknowledged before any form of negotiation with the southerners was pursued. These include (1) acknowledgement of the atrocities perpetrated by Somalia's military junta and allowing justice to be done; (2) acceptance of a two-state solution; and (3) commencement of dialogue on how to settle pending issues, including the division of Somalia's state properties across the world.[8]

Similar views have been expressed by Mohamed Hashi Elmi, one of the five founders of the SNM in London in April 1981; a civil engineer and former mayor of Hargeisa; the minister of trade and industry in the United People's Democratic Party (UDUB)-led government, and the first finance minister of the Peace, Unity and Development Party (Kulmiye)-elected government in 2010.[9] In a panel discussion facilitated by the BBC, he critically rejected any form of negotiation with Somalia's current or future governments.[10] The minister linked his rejection to the long failure of southern politicians to acknowledge the atrocities committed by the southern-led government. Indeed, the FGS has extended an amnesty

[7] Retrieved from an interview by the BBC Somali Section, 23 February 2013, Hargeisa.

[8] I participated in the debate, which took place on 26 April 2013 in Hargeisa.

[9] The abbreviation for the United People's Democratic Party is from the Somali name, Ururka Dimuqraadiga Ummada Bahowday. Kulmiye is a shortened version of the Somali name, Kulmiye Nabad, Midnimo iyo horumar iyo.

[10] Retrieved from the panel discussion moderated by the BBC Somali Section on 19 April 2013 regarding the Somaliland–Somalia negotiations organised by the Turkish government on 13 April 2013.

to those who committed crimes against humanity, such as Mohamed Ali Samater,[11] who has been convicted by a US court for crimes alleged by Somaliland citizens, who lost family members during Somalia's campaign against the Somaliland people in the 1980s.

Similarly, Colonel Ibrahim Abdilahi Hussein, one of the military commanders of the SNM's military wing, gave an interview with *Haatuf* newspaper on 21 May 2013, during which he strongly condemned any form of negotiation with southern leaders, who frequently denied the realities (Dhegaweyne 2013). The colonel cited a Somali proverb, "Aan Wada headline waa aan heshiino", roughly meaning, "Where there is negotiation, there is hope for agreement." Therefore any negotiations with the leaders protected by AMISOM (the AU's peacekeeping mission in Somalia) were illegal and contrary to Somaliland's interests and the will of its people, he stated.

As far as the issue of recognition is concerned, those in charge of Somaliland refer to the case of Eritrea as a typical example. Eritrea has a clear advantage over Somaliland in terms of international recognition. In May 1993, it translated its *de facto* statehood into *de jure* statehood. In this regard, Eritrea's and to a lesser extent Somaliland's claim to self-determination is grounded in the historical consciousness of oppression and of surviving attempted military annihilation by indigenous systems of oppression (Hussein 1994). Unlike Biafra and Katanga, Eritrea and Somaliland also have stronger juridical claims: each had existed for 80 years or more as a distinct colonial territory.

From a practical point of view, Somaliland has a strong legal argument, which, if wisely deployed, can help it in its struggle for *de jure* recognition. For this purpose, international legal experts and firms engaged in international relations and politics are required. The country existed for 76 years as a British protectorate before it gained independence on 26 June 1960. This kind of engagement will help Somaliland to earn appreciation of its hard-won peace, stability, democratisation and successful state-building projects, all achieved without international engagement. On the other hand, the frequent, ardently patriotic anniversary celebrations for Somaliland's separation are direct and tacit messages to the southern

[11] A crucial official in Somalia's military government, he served as a general in the Somali armed forces, as defence minister from 1980 to 1986 and as prime minister from 1987 to 1990. He was one of the 25 officers who overthrew Somalia's last civilian-elected government on 21 October 1969.

population, including their politicians and leaders, who ignore the realities on the ground.

Indeed, the Somaliland population, from political figures to ordinary people and military personnel to civilians, are tired of so-called Somali unity and show solidarity at the various events organised by Somaliland citizens around the world to commemorate the country's withdrawal from the failed union. Somalilanders have agreed that not in 100 years will Somaliland return to any kind of union with the brothers and sisters in Somalia.[12]

In Search of Recognition: The Major Challenges

Challenges from Within

In its negotiations with Somalia, the major goal of Somaliland, as is already known, is to gain recognition from Somalia, just as Ethiopia and Eritrea resolved their differences in 1993, and Sudan and South Sudan in 2011. But there are gaps and weaknesses that challenge Somaliland's efforts to achieve recognition. The country's foreign policy has confronted changing political manoeuvres by Somalia, not to mention many domestic actors, including unprofessional state politicians contending with the leadership of the incumbent regime, which has not been generally favourable to Somaliland's quest for recognition.[13]

On the other hand, while bilateral and multilateral international actors have shown interest in establishing close relations with Somaliland, the country has failed to develop concrete external policies aimed at improving relations and deepening cooperation with international actors and maximising the strategic benefits that it could derive from this relationship. This may be attributed to the lack of committed, talented and professional diplomats, plus the absence of written foreign policy objectives. The result has been that Somaliland's diplomacy has been very underdeveloped and weak over the past two decades.

The country remains part of the geostrategic Horn region, and its strong emphasis on safeguarding its internal security, collaboration with

[12] Comments in *Geeska Afrika* newspaper by Colonel Omar Mohamed Nim'ale, former interior minister of the Somaliland Republic, 26 May 2013, Vol. 6, *Geeska Afrika*, Hargeisa.

[13] Observed from the practice of Somaliland's foreign policy and the general situation in the wider region.

regional countries against common enemies and winning the hearts and minds of Somaliland citizens has taken precedence over developing an effective diplomacy that is articulated in many other ways. As a matter of fact, its strategic location may offer Somaliland new diplomatic opportunities, provided it redesigns its foreign policy to overcome structural weaknesses and meet new challenges. Indeed, the political dilemmas, gaps and weaknesses that have existed within policies and institutions could, left unchecked, undermine the long-term existence of Somaliland as a state.[14]

In this regard, Somaliland's moves and Somalia's countermoves in reaction to Somaliland's assertion of a right to exist can be attributed in part to the lack of a clear position among negotiating figures and weaknesses within decision-making circles. One may observe that Somaliland's main obstacle to achieving *de jure* recognition can be linked to those actors representing the country in regional and international forums.[15] On the other hand, the debate about its emergence as an independent state following Somalia's state collapse in 1991 has dominated Somali politics and the politics of those interested, involved or benefiting from Somalia's chaos and crisis, including countries in the region and those further afield, such as certain dominant Arab states, in particular Egypt and Saudi Arabia, and European countries such as Italy (HRW 2009).

Nevertheless, one of the most distressing features of the Somaliland state, and one that has profoundly affected its policies and strategies, has been the seemingly endless parade of incompetent diplomats, the institutional disorder and the countless foreign relations expenditures that have characterised the country's external relations for many years. Without change and action, especially in the form of a written foreign policy and diplomatic service reform, the likely scenario is that *de jure* recognition of Somaliland will remain in limbo.[16]

As far as recognition is concerned, it appears that establishing a concrete foreign policy and effective diplomacy could help Somaliland to attain legal recognition and end its diplomatic isolation. Apart from clear foreign policy objectives, a professionalised diplomacy may be a leading factor in convincing international actors to answer the country's longstanding

[14] Ibid: 15.

[15] Ibid: 1.

[16] Somaliland's foreign policy was hijacked by a small number of people who move from one place to another without considering the interests of the state.

quest for international recognition, support for moral rules and respect for established practice in international relations (Ali 2013). These rules include the constitutional ones relating to the right to self-determination as a state and as a sovereign people, plus the rules of coexistence, such as those requiring respect for sovereignty and the will of the majority.

Such changes would indicate a true paradigm shift towards greater openness and engagement in international politics. The emerging process would not be easy because it would involve overcoming the usual efficiency constraints, developing foreign policy objectives and institutionalising diplomacy. Somaliland cannot afford to abide by the maxim that the "diplomacy of a weak state is also weak" because it faces a number of formidable challenges on the road to regional and global integration, including the lack of politically committed, professional and skilled diplomats and the legacy of inward-looking politicians, who have hampered the internal political dynamics of this tiny unrecognised nation and also the *de jure* recognition that it has demanded since its establishment in 1991.[17]

The fact remains, however, that since 1991, Somaliland has been content to host permanent diplomatic missions from some regional and distant nations, such as Ethiopia and Denmark, and consular outstations.[18] Yet the international community still fails to respond to its quest for recognition. Apart from the ups and downs of the international community, this failure can be attributed partly to domestic politics in the country, including the absence of clear foreign policies that would advance the nation's cause. It is important to acknowledge that diplomacy alone cannot resolve these problems, which require sustained and systematic action by all interested parties. However, diplomacy could place Somaliland more prominently in the limelight, and attract the attention of those whose interests might be adversely affected by its diplomatic isolation.

To this end, one needs to rethink and reformulate issues to create a positive public posture in the country and design new forms of cooperation with international actors. Absent that collective will, Somaliland's

[17] In Somaliland politics, there is a kind of tit-for-tat policy or, in a broader sense, an "inward looking" politics among politicians and political parties. Such politics not only hamper the nation's promising recovery but also undermine healing and confidence-building efforts among citizens.

[18] Somaliland has entered into formal and informal cooperative arrangements with a variety of states and intergovernmental organisations, including Djibouti, Ethiopia, Kenya, South Africa, Denmark, the UK, the USA and the UN. Cooperation has included security, trade, immigration and development assistance.

future may easily remain in limbo. In many regards, written foreign policy objectives and diplomacy as a practice are not "deniable tools" and are no different from education, health, the environment and other strategic policies (Ibid). However, diplomacy is indispensable and cannot be neglected. It is more vital to state survival than military might, especially in times of crisis and isolation.

Challenges from the Old Partner, Somalia

As we have seen, after the collapse of the Somali state in 1991, Somaliland announced its withdrawal from its union with the former Italian Somaliland dating back to 1960. The major challenge to the country's dream comes from the southern part of Somalia, which claims the territory of Somaliland (ICG 2006; Ali 2011). The authorities in Somalia, from warlords to fragile internationally backed governments, have consistently opposed any formal dismantling of the larger Somali state. Despite the claims that Somaliland was part of the Somali Republic created in the second half of the twentieth century, the leaders in southern Somalia fail to acknowledge or even recall that Somaliland was a separate entity under a different colonial power with different administrative traditions before it merged with the south.

Indeed, Somalia's argument has no legal basis and is contrary to the OAU Charter, which clearly underlines the fact that the boundaries inherited from colonial powers remain intact (Carroll and Rajagopal 1993). In this regard, one fails to understand Somalia's argument, since Somaliland's independence would not create a dangerous precedent in terms of redrawing the African map.

Somalia has no legal grounds for its claims to Somaliland's territory other than the (groundless) anxiety of the international community about becoming involved in the legal breakup of the Somali state. On the other hand, its claims may be linked to a foreign claim fabricated by certain dominant Arab countries. This may be understandable, given that Egypt, which remains one of the main actors, is principally concerned about the Nile and is not interested in seeing a divided and disintegrating Somalia.[19] The Saudi role is believed to be strategic, and

[19] This can be observed in the current practices of Egypt with regard to Somalia's politics and the ongoing hot debate between Ethiopia and Egypt about the construction of the Renaissance Dam in northern Ethiopia.

Saudi Arabia remains a key obstacle to Somaliland's withdrawal from the union. Not only does the kingdom object to the secular democratic model promoted by Somaliland but it is a strong ally of Somalia, which is a member of the Arab League and the Organisation of the Islamic Conference. Saudi Arabia supports the FGS financially and politically (Tannock 2009). Saudi involvement in Somali affairs is not new; it goes back to the creation of the modern Somali state in 1960: the Saudis gave unlimited petrodollar support to the TFG prior to the state's collapse in 1991 (Habte Selassie 1980).

It is equally important to mention an emerging and active Arab actor in the post-Arab revolution era. In early 2013, Qatar, a tiny and wealthy emirate in the Persian Gulf, extended financial support to the FGS as part of its engagement with the region, with its instability and conflagrations. This Qatari financial package was intended for the importation of weapons and munitions from Egypt, which is an arch foe and traditional enemy of Ethiopia over the Nile.

The Somaliland/Somalia issue, with its claims and counterclaims, is relevant to the geopolitics and engagement of distant powers that are intent on protecting their national interests. The most important factor is that certain dominant Arab states, in particular Egypt and Saudi Arabia, are reluctant to accept the reality and empower Somaliland through recognition because they see it as an Ethiopian ally, and they do not wish to strengthen Ethiopia's regional position (Tannock 2009). According to their point of view, a united Somalia will counterbalance Ethiopia's claims to being the aspiring regional power.

However, when the idea that Somaliland was a separate polity before 1960 is added to the argument that it was part of the Somali state system until its total collapse in 1991, it seems impossible to avoid the conclusion that Somaliland was not only outside the social and political system of Somalia but also ill-disposed towards creating a Somali state for all (Dualeh 2002). Thus the people of Somaliland were not only alien but also hostile to Somalia's rules, institutions and ways of doing state business.

Somaliland has adopted an orthodox foreign policy in response, based on the intention to determine the relations between it and Somalia, and also to demonstrate continuous opposition to those who advocate the unity of Somalia. This is why Somaliland has taken no part in any peace and reconciliation conference with Somalia's warring factions. I therefore conclude that Somaliland, which has not been part of the Somali state since its total collapse in 1991, does not share its rules and institutions,

and that is why it has, or is supposed to have had, a negative attitude towards negotiating with Somalia.[20]

A Strategy for Sustainable Negotiations

The London Somalia Conference held on 23 February 2012 publicly urged the Somaliland government and Somalia's TFG to start dialogue and negotiations over their future relations. To sustain the momentum, several countries, which also had their own national interests to protect, officially invited both parties to start fresh talks. The first country to host the first face-to-face Somaliland and Somalia negotiations after the London Somalia Conference was the United Arab Emirates (UAE), which has a long history of engagement with the Somalis. The communiqué released by the two governments' presidents expressed the hope that these negotiations would be a precursor to future direct talks and debates between the two parties.

In continuation of that meeting in Dubai, on 13 April 2013 the Turkish government invited the negotiating parties to resume their talks. At the end of these meetings, the two presidents issued a seven-point communiqué. It mentioned the willingness of the parties to resume the talks within 90 days, and it urged the two sides to halt the propaganda against one another and expressions that could undermine the spirit of the negotiations. Surprisingly, the president of Somalia who signed the agreement in Turkey was the first to violate it.

Negotiations between Somaliland and Somalia will never be fruitful unless and until both accept the status quo and acknowledge each other's existence. Somalia's official acceptance of Somaliland as an independent sovereign state remains in limbo, while the decisions adopted by the two parties collectively will determine and reshape long-term future relations between them.

Most of Africa's boundaries were drawn at the Berlin Conference (1884–1885). The colonial powers carved out political boundaries that separated families, clans and sometimes ethnic groups, and allocated them to different political entities. This Scramble for Africa sowed the seeds of future conflict, chaos and enmity in the continent in the post-independence period (Pakenham 1991; Meredith 2006). As evidence of

[20] Observed from the practices of Somaliland's political system since the country's inception, and the perceptions of its citizens about Somali unity.

this mess created by Europeans, Somalia has claimed the Somali-inhabited parts of Ethiopia and Kenya by characterising them as "Lost Territories". This has led Ethiopia and Somalia to fight over territory in 1964 and 1977–1978. In the period that followed the creation of African states, Somalis, regardless of their homogeneity, remained under different political entities for decades. Thus accepting the inherited colonial boundaries, as the charters of the AU and its predecessor, the OAU, require, will serve to promote future peace and stability not only in Somaliland and Somalia but also across the entire region.

In conclusion, achieving a strategy for sustainable negotiations between Somaliland and Somalia depends on the brightness of the negotiators and their willingness to overcome pressing issues. This means that the two countries need to promote a policy of brotherhood and friendship. Such policies could serve as a milestone in strengthening the region's long-term peace and security, and they may end the wars, or the fears of war, that have characterised the Horn for decades.

Conclusion

The negotiations are seen as very important, and as possibly saving both the state and Somali citizens at large. The solution to the decades-long standoff between Somaliland and Somalia should be initiated internally, and will require a number of sacrifices from the parties involved. To achieve success, first endogenous methods and the local knowledge of facilitation should be applied in order to bridge the ideas regarding separation and counterseparation that have existed over the past two decades. Second, in deciding outcomes, grassroots society should be given a chance for its voices to be heard and wishes to be respected. Third, although the root causes of the suspicion between Somaliland and Somalia have various dimensions, the "Somalisation" of the issue is the most significant factor that needs to be taken into account. International backing is necessary to help the dialogue process, provide resources and create a conducive space for the negotiators to generate a lasting, locally initiated solution. However, foreigners should neither dictate nor impose their decisions in a matter that is of a distinctly Somali nature. This means that internal Somali problems cannot be resolved by external actors, who tend to aggravate the situation. What is needed is Somali solutions to Somali problems.

Translating these initiatives into action will serve as a bridge that could avert political tragedy for the people on both sides. In the short term they

could at least ease Somaliland–Somalia tensions and the impasse in the region, and perhaps allow the two to trust one another and to concentrate on negotiations instead of spending their meagre resources and time on mutually hostile propaganda campaigns.

Without doubt, the case of Somaliland is exceptional and different from other cases of secession. It was a separate, recognised state before its unification with the southern part of Somalia, which aimed to form Greater Somalia. It is not a surprise to say that the case of Somaliland is no different from some other cases in Africa, such as the unification of Senegal with the Mali Federation, Egypt with Syria, the separation of Eritrea from the rest of Ethiopia, and recently South Sudan from Sudan. Although Somaliland is a legally established entity and comprises the territory, boundaries and people of the former British Somaliland Protectorate, defined by the Anglo-French Treaty of 1888, the Anglo-Italian Protocol of 1894 and the Anglo-Ethiopian Treaty of 1897, this is not enough. Convincing and achieving the consent of both regional and international actors, including Somalia, is necessary to obtain the *de jure* recognition the Somaliland has been demanding for the last two decades.

Putting Somaliland's state structure and policies in order should remain an ultimate goal, if those running the state wish to see it recognised in the Horn of Africa but the signs of a willingness to do this are discouraging. Thus there are domestic as well as regional factors challenging Somaliland's quest for international recognition. And just as charity begins at home, domestic challenges need to be addressed before other countries and organisations are petitioned to recognise Somaliland.

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CHAPTER 4

Reconciliation and Peacemaking: The Somali National Movement and the Somaliland Experience of State Building

Abdirahman Yusuf Duale (Bobe)

Introduction

Somaliland's success in state building following the dissolution of its union with its counterpart state of Somalia (formerly Italian Somaliland) is the result of a combination of historical chance and eternal Somali conflict-resolution mechanisms. The SNM, which spearheaded the liberation of the Somaliland territory between 1981 and 1991, served as a relatively unified, well-organised, legitimate and powerful force for initiating reconciliation and demobilisation, as well as building a government. At the same time, the particularities of traditional Somali conflict resolution provided trusted and legitimate mechanisms for intercommunal peace to be achieved.

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This chapter will address in detail the macro- and microfactors that coalesced to create an environment in Somaliland where peace and stability would arise. A comparison will then be made with the attempts to establish peace and order in Somalia, where internationally driven processes, dislocated from the indigenous context, have ended in failure, with the possible exception of the current government in Mogadishu. The material used in this chapter has been drawn primarily from personal correspondence, as well as from my experience both of attending the reconciliation conferences under discussion and as a veteran of the SNM.

Brief History of Somaliland and the Somali National Movement Liberation Struggle

The British Somaliland Protectorate was established in the second half of the nineteenth century as a potential source of fresh meat for the British garrison stationed across the Red Sea at Aden, a key naval coaling station on the route to India. The British colonial authorities entered into a series of agreements with the traditional leaders of the area's clans so as to legitimise their colonial ambitions. As early as 1889 the British colonial authorities were confronted with vigorous armed and political resistance. With the emergence of indigenous political parties in the second half of the 1940s, the struggle for independence gained momentum (Walls 2014; Bradbury 2008).

Somaliland gained its independence on 26 June 1960, eventually deciding to merge with the Italian trusteeship of Somalia on 1 July 1960 to form the Somali Republic. The unification of Somaliland and Somalia was predicated on the promise not of a bilateral treaty but rather a multilateral one, which envisaged that the three remaining Somali territories would also ultimately be incorporated (Geshekter 1997: 71–73). In 1963 the British granted independence to Kenya, including the mainly Somali-inhabited North Eastern Province, disregarding their pledge to respect the findings of an independent commission, which demonstrated that an overwhelming majority of the people in the province sought unity with Somalia. In 1964 and 1977, Ethiopia and Somalia engaged in large-scale military action over the disputed Somali-inhabited region of Ethiopia, in which the Somali armed forces were shown to be incapable of annexing the territory. In June 1977, Djibouti gained its independence from France

and declared itself an independent republic, ushering in the total collapse of the dream of a pan-Somali state.

The nascent Somali Republic was soon facing great difficulties at home. During the short nine years of parliamentary rule (1960–1969), the imported Western form of democracy proved poorly adapted to the clan-based system of Somali politics and was soon corrupted. With popular discontent growing all over the country, the president was shot on 15 October 1969 by one of his bodyguards in Laas-Caanood. On 21 October, General Maxamed Siad Barre, the commander-in-chief of the army, seized power in a bloodless coup (Ahmed 1999: 239–240).

Siad Barre and his Supreme Revolutionary Council initially received a warm welcome from a large cross-section of Somali people, who saw the change as a possible reprieve from the failures of the previous regime. Unfortunately, this popularity was short-lived. In direct response to popular discontent over rule under the civilian administrations, Siad Barre implemented policies during the first years of his leadership that matched the aspirations of the Somali people. The hopes engendered by this early promise subsequently turned sour as the political and economic situation worsened to the detriment of the nation.

In brief, Siad Barre's military regime was transformed into a ruthless dictatorship that imposed a reign of terror for almost 21 years. Evidence of such rule can be seen in the following policies and actions:

1. the introduction of state-centred economic development under the banner of "Scientific Socialism", which won the backing of the Soviet Union and also legitimised and allowed for the build-up of a formidable army;
2. the establishment of notoriously oppressive state institutions, such as the National Security Service and the Security Court;
3. the denouncement, appropriation and reform of all aspects of Somali private or public identity, including culture, family life, TA, social organisations and religious beliefs, on the grounds that such institutions were either anachronistic or subversive;
4. the development of a highly manipulative system of corruption and clan politics behind the formal political sphere; sweeping nationalisation of industries all over the country in order to institutionalise patronage networks; and the appointment of close relatives of the regime's leaders as managers and directors;

5. the initiation of the Ogaden War of 1977–1978 (between Somalia and Ethiopia), an economic, political and humanitarian disaster, which marked a watershed in the decline of the regime and the state that the Somali people had fashioned for themselves less than two decades previously;
6. the massive influx of refugees following the war. By 1981 they constituted 40 % of the national population (with about 400,000 settling in the north);
7. the creation of tension between Somalis in the north and incoming refugees through the degradation of the former to aliens in their own land of birth and the promotion of the refugees to first-class citizenship (Lewis 2008: 38–69; ICG 2006: 5–6).

When combined with the regime's unaccountable and indiscriminate violations of the basic human rights of its citizenry, the people had no choice but to resort to popular uprising in order to topple the regime. To this effect, the SNM was founded in London on 6 April 1981 after an endless round of consultations among northern Somalis that took place mainly in the triangle of Somalia, Saudi Arabia and Britain (Walls 2014). Following its establishment, the SNM launched a popular war on the regime that went on for a decade (1981–1991) and ended in victory with the liberation of the northern regions in the first week of February 1991.

From its inception, the SNM sought to establish a democratic regime and by-and-large respected democratic principles in the management of its internal affairs. Its leadership's practice of collective decision-making and its dependence on popular participation in mobilising the war effort paved the way for subsequent Somaliland administrations to employ a form of government based on consensual rule. In this connection, Ibraahin Meygaag Samatar, a leading SNM figure, had this to say: "If self-reliance, internal democracy and resolution of problems through dialogue and compromise are the characteristics that today differentiate Somaliland from Somalia, it is because these qualities were learned and practiced by the SNM in the heat of the struggle for liberation."[1]

Why is Somaliland Peaceful and Somalia Not?

It was during these formidable years of the SNM's struggle to undo the state structures that had marginalised the northern Somali people that

[1] Personal recollections of the writer as founding member of the SNM.

many of the conditions underpinning Somaliland's successful state-building project arose. These conditions contrasted with those in the south of Somalia in many crucial ways, with differing historical experiences setting the scene for divergent post-merger paths of peacebuilding, institutional development and social harmony.

The most important factor, as will be outlined below, was the stability and coherence in the make-up of the warring parties, which provided consistent, credible and respected leadership with which to negotiate. The reconciliation efforts which occurred in Somaliland in the 13 years leading up to the Hargeisa National Conference in 1997 proved durable because traditional mechanisms for resolving disputes were allowed to flourish without being corrupted by spoilers and outsiders. Trusted representatives of the warring communities, such as elders and religious leaders, were allowed to negotiate in an environment conducive to peaceful dialogue.

To elaborate, in Somaliland, the number of forces fighting was limited. There were two main combatants: the SNM, and those armed forces and clan militias supporting Siad Barre. In the end, one side emerged victorious—the SNM—an organisation that had developed experience in both governance and reconciliation efforts with assistance from the Council of Elders (*Guurti*). These peacebuilding initiatives after the SNM's victory continued these past successes, with the experience and legitimacy of the combatant leaders, fatigued by war after a decade-long military struggle, allowing for structure and direction in the peaceful political resolution of the conflicts (Renders 2012: 59–86).

This coalescing of military and political support and power around a single legitimate and experienced victor left Somaliland with a grassroots governance institution from which to structure the state-building and reconciliation processes once the war ended. Somaliland's early experiences with statehood would be dominated by the traditional/indigenous character of political reconciliation efforts, in which outside intervention—including by the diaspora—was minimal, and limited to financial and moral support.

In Somalia, on the other hand, state collapse led to fragmentation of the state and conflict. There were more than 16 competing actors, most of which were formed late in the struggle by opportunistic warlords, enjoyed little popular support and did not aspire to a political resolution. There were therefore no core, unified entities from which to build support for reconciliation (Menkhaus 2003: 405–410). Furthermore, with the long

history of delegitimising traditional leaders under Italian rule, southern Somali peoples no longer had strong TIs to lead the reconciliation and peacebuilding processes. Instead, such processes were left to the international community and other external actors, with little accountability or knowledge of how to manage political issues in the Somali context (Ahmed and Green 1999: 121–123).

In what follows, a more detailed account of the history of reconciliation in the creation of the Somaliland state, as well as the general process of mediation in the Somali context, will be provided, focusing particularly on the venue and other environmental factors. This will serve to demonstrate how the general political climate of Somaliland allowed traditional forms of peacebuilding and reconciliation to flourish, a phenomenon also noted elsewhere by other scholars (see e.g. Helling 2010).

Pre-liberation Reconciliation Initiatives

By the end of 1989, ineffective liberation movements had been mushrooming all over Somalia, taking up arms against the despotic regime of Siad Barre. As the SNM counted down what it saw as the last days of the regime, it realised that laying the foundation for a post-Barre political dispensation would require urgent reconciliation and peacebuilding among the Somali clans that had taken opposite sides in the decade-long civil war. Thus the SNM initiated its reconciliatory efforts well before the liberation of the country (1991) from the repressive Barre regime was achieved. These efforts targeted two fronts.

Eastern Front

Although the SNM and the regime's forces were the main adversaries in Somalia's civil war, the conflict took on a clan dimension due to the garnering of allegiance to each cause through appeals to clan identity. The Isaaq clan, mainly concentrated in central Somaliland, was an ardent supporter of the SNM, while some non-Isaaq clans in the eastern and western regions of Somaliland fought for the regime. To avoid a bloody aftermath, the SNM, through its subclan supporters, arranged reconciliatory meetings with the eastern clans that had given their support to the military regime.

The most famous of these meetings was held between representatives from the Central and Executive Committees of the SNM and a delega-

tion led by a very distinguished traditional chief, Garaad Cabdiqani Garad Jaamac, at the SNM headquarters in Balli-gubadle. The peace and cooperation agreements between these two parties in September 1990, as well as successive peace agreements with subclans from the east, had a huge impact on the course of the war. Because of these peace agreements, the SNM's early 1991 offensive was able to secure Somaliland's territory without having to go beyond Isaaq-inhabited areas, an endeavour that saved many lives and sowed the seeds of mutual respect and brotherhood between two fraternal clans.

Western Front

The SNM spared no effort to carry out the same reconciliatory initiatives on the western front. These endeavours continued up until the late hours of the war, when a delegation of representatives from the Council of Elders engaged in talks and correspondence with its Borama-based clan counterparts. The main aim of this dialogue was to reach agreement with the community in Borama before the emboldened SNM forces, fresh from military victory in Berbera, moved into other towns. Unable to prevent a military offensive into the western regions of Somaliland, the reconciliatory efforts of both the SNM and Council of Elders were decisive in minimising the human and material damage of the conflict on both sides.

Post-Barre Reconciliation and Peacebuilding in Somaliland

Berbera Reconciliation Conference, February 1991

Soon after the liberation of the country, the SNM appointed a comprehensive preparatory committee to arrange a preliminary ceasefire and organise a reconciliation conference attended by all northern clans in the port town of Berbera. The *Guurti* took primary responsibility for running the SNM-sponsored meeting and leading peacemaking efforts. By the time the conference had concluded, a formal ceasefire had been established, and the dates for a larger Burco-based conference of elders and an SNM Central Committee meeting had been agreed and a preparatory committee to prepare the ground for such a conference had been created. Additionally, the Berbera Reconciliation Conference called for the cessation of hostilities,

the promotion of peace, and the resumption of trade and socioeconomic activities between northern communities.

Grand Conference of Northern Clan Elders, May 1991

The Grand Brotherhood Conference of the Northern Clan Elders was held in Burco between 27 April and 5 May 1991. It attracted distinguished representatives from each of the clans from the northern regions of Somalia. More than 20 titled traditional elders of various ranks attended, as did participants from other sectors of society, such as artists, intellectuals, military officers, delegates from the diaspora and businesspeople, who provided most of the financing. The following resolutions by the conference attendees were passed on to the SNM Central Committee for endorsement:

1. The northern regions should reaffirm their independence and sever all political relations with the south.
2. The Shari'a should be introduced throughout the country.
3. The security of the country should be well sustained by united armed forces.
4. A new government should be established to administer the peoples of the north.
5. Each clan should receive equal representation in all government structures.
6. Peacebuilding and reconciliation efforts in the Sanaag region should be encouraged and consolidated.
7. SNM combatants should be given priority in the recruitment of government employees.

Second Somali National Movement Central Committee Meeting

These draft resolutions of the elder's conference were passed on to the SNM Central Committee. Having prepared its own agenda incorporating the elder's conclusions, the meeting ultimately agreed on the following after two weeks of serious debate:

1. endorsement of the elders' resolutions;
2. restoration of the sovereignty and independence that Somaliland enjoyed following decolonisation by the British on 26 June 1960;

3. declaration of the formation of the Republic of Somaliland;
4. formation of the Somaliland government, which would initially take the following form:

    - The chairman and vice-chairman of the SNM became, respectively, the president and vice-president of the republic.
    - Enlargement of the SNM Central Committee would include non-Isaaq members, the enlarged body to serve as the constituent assembly.
    - The SNM would rule for a two-year transitional period, during which a formalised governance structure was to be established that would accommodate non-Isaaq communities in the political structure.

5. Reconciliation between the warring parties to the conflict.
6. Continuation of the peacebuilding process.
7. Initiation of a separate reconciliation process for the Sanaag region.

Although the agreements reached in Burco remain the cornerstone of the peace and stability that prevails in Somaliland to this day, their initial impact was the creation of a common political framework, not the immediate erasure of differences or cessation of hostilities. Reconciliation and peacebuilding efforts would continue relentlessly throughout Somaliland's regions and districts for many years to come.

These efforts were successful in neutralising the potential for violent clashes between the Isaaq and their clan counterparts, but they did not resolve the latent tensions within the SNM and the Isaaq. A year later, armed clashes took place in both Burco and Berbera between SNM factions motivated by narrow group interests. The leaders of these groups intentionally played on clan identity to mobilise support for their particular aims, using false pretences and cultivating centuries-old, forgotten clan animosities to instigate brutal armed conflicts between friends and brothers who had earlier fought side by side. These conflicts may have looked like interclan warfare on the surface but for those on the ground it was obvious that the real motivation was factional competition between self-interested elites.

The resolution of these conflicts ultimately required a similar mechanism to that used by the belligerents: a strategic combination of political and clan tactics. A meeting (*Kulanka*) between the warring factions was arranged in Hargeisa, attended by 30 representatives from both government

and opposition. It paved the way for conclusive mediation efforts by clan elders through the Council of Elders. In the end, it was agreed that a reconciliation conference of elders would be held in the town of Sheikh.

Sheikh Clan Elders' Conference, October 1992

At this point it is important to emphasise that all of these post-liberation internal conflicts were fought between factions with little support from their respective clans (Bradbury 2008: 61). The absence of deep clan character in the violence engendered confidence among non-Isaaq clans by proving to them that neither the SNM nor the Isaaq had a hidden agenda that targeted them specifically. As a result, non-Isaaq clans, specifically those inhabiting Borama, were more than willing to come to the rescue of their brothers by organising a ceasefire and facilitating reconciliatory meetings attended by all clans.

These meetings took place in Sheikh, attended by representatives of the supposedly warring clans and a clan elders' committee established to mediate between the combatants. Taking advantage of every traditional and religious conflict-resolution mechanism at their disposal, those attending the conference decided the following:

1. Fixed assets taken during the war by both sides must be returned to their previous owners.
2. Militias should be withdrawn from the battlefield.
3. All roads must be cleared of armed militias and opened for traffic, especially that between Berbera and Burco.
4. Prisoners of war must be exchanged.
5. A reconciliation conference should be held in Borama within a short period.

Elders' Peace and Reconciliation Conference, January–May 1993

As mandated by the SNM Central Committee meeting in Burco in May 1991, the transitional period of the SNM administration lasted from 18 May 1991 to 18 May 1993. This meant that while the Sheikh Clan Elders' Conference rounded up its sessions, the expiry date of the transitional period was fast approaching. The SNM Central Committee, which held all legislative powers, was so caught up in resolving internal conflict that it failed to set the date for the seventh congress of the SNM, where the

political future of the country was to be decided. Because of this vacuum, the Council of Elders took the lead and engineered the National Reconciliation and Peace Conference, at which all issues related to the establishment of a functioning government were resolved.

The Elders' Peace and Reconciliation Conference in 1993, held in Borama has been described as the watershed in the peacemaking success and political development of Somaliland (Farah and Lewis 1993). It not only oversaw the peaceful transfer of power from the SNM to a new civilian administration but also provided the platform for the deliberations that put an end to interclan fighting. After five months of highly participatory and consensus-oriented deliberations, it resolved the following:

1. peaceful transfer of power from the SNM interim government to a community (*beel*)-based system;
2. election of a civilian president, Maxamed Xaaji Ibraahin Cigaal, and vice-president, Cabdiraxmaan Aw Cali Faarax;
3. adoption of the National Charter, which served as the working constitution for Somaliland for the period 1993–1995;
4. endorsement of the Peace Charter, which laid down the provisions for peace agreements between Somaliland's clans and their mediation by the *Guurti;* the charter also set out the methods and procedures for conflict resolution, demilitarisation and disarmament; it was intended to serve as the basis for efforts towards peacebuilding and state building during a further transitional period of two years.

The above exploration highlighted the main national conferences held in the name of conflict management, reconciliation and peacebuilding, but the efforts of the Somaliland people in these areas encompassed a far larger set of meetings. A chain of regional, district and/or subclan dialogues throughout the country contributed greatly to the success of these national conferences. They certainly laid the foundations for state building.

Introduction of Demobilisation, Disarmament and Reintegration in Somaliland

The 1993 Peace Charter served as the basic document for the demobilisation, disarmament and reintegration (DDR) process that would later be carried out. This process, one so unique and context-specific that it can

hardly be compared to similar processes elsewhere, was characterised by the following environmental setting:

1. There was a unified governing authority and army in the negotiations but not a unified opposition militia.
2. There were more than 30 military groups scattered throughout the country acting under separate and individual command structures.
3. The size and importance of these military groups were highly dependent on situational factors that developed over the course of the state-building process.
4. The military groups were of diverse nature and composition, mainly ex-servicemen, ex-SNM combatants, clan militias and many others across the society who succeeded in getting small arms.
5. The was a lack of formal rule of law throughout the country, but a prevalence of a traditional leadership structure at grassroots level from which traditional negotiations and reconciliation could take place.
6. There existed diverse centres of influence or power with divergent interests and motivations.
7. There was a total absence of logistical/technical support from the international community.

The uniqueness of DDR in Somaliland, which had a decentralised negotiation process in which the government leadership facilitated elder-to-elder negotiations with a diversity of actors, also lies in the fact that the course of events does not match the typical stages elsewhere. As traditionally conceived, demobilisation follows the encampment, registration, disarmament, discharge and reintegration stages (UNDPKO 2000: 18–19). In Somaliland's case, the chain of events went from the assembly of armies (encampment), through reintegration and registration, culminating in discharge and disarmament (which has yet to be fully completed). For those who demobilised themselves, the progression was even shorter: registration followed by reintegration measures (Bradbury 2008: 112–115). It should be noted that the diverse nature of the combatants meant that different groups may have been at different stages of demobilisation at any given time. DDR is a vital element in the pacification of society that strengthens the state-building process.

Successful Transition from Military to Civilian Rule

The success of Somaliland's consolidation of peace following a decade of war and post-independence internal tension was as much about political leadership as about Somali traditional reconciliation efforts and the military success of a unified insurgent movement (Gilkes 1995). Unable to carry out its transition tasks by the self-imposed deadlines, the SNM opened up a political vacuum which Somaliland's traditional elders filled.

The developments leading up to this transition from military to civilian rule began with the delaying of the seventh SNM congress, which was due to take place in May 1993. This particular date had been decided on at the previous congress, in Balli-gubadle from 31 March to 28 April 1990, in line with the established precedent of holding such meetings every three years. This date was to coincide with the end of the post-independence two-year transitional period granted to the SNM for instituting the country's governance structures. However, as the date approached, factional differences prevented the SNM from reaching a consensus on these structures, even after the Central Committee exercised its right to postpone the congress for six months in the event of developments considered satisfactory by the Executive Committee.

The postponement in itself was cause for concern because it had happened only once before in the history of the SNM (in August 1986) and under similarly extreme circumstances. Yet this time the SNM leadership was unable to overcome internal rifts, leaving Somaliland's state building in serious danger of collapse. It was at this point that traditional elders were able to step in and assume the legislative powers of the country for the first time, with the endorsement of an SNM leadership that saw such a transfer of power as the only way to hold the country together. This was followed by the establishment of a civilian political leadership that sought to build a government with the guidance and oversight of the *Guurti*.

By May 1993 a civil administration had been established that included a House of Elders, a House of Representatives, a president, a vice-president, the Peace Charter and the National Charter, without the holding of the SNM Central Committee meeting. The congressional period had expired by the end of that May, and the Central Committee was thenceforth dissolved. In short, the SNM withered away without any real struggle or outcry from the public and was replaced by a highly legitimate, inclusive

civilian and traditional administration that was capable of holding the country together (Walls 2009: 374–385).

The appointed president, Mohamed H. I. Egal, was then given two years to develop a constitution, conduct a referendum, form political parties and hold democratic elections. While this period proved too short, Egal's shrewdness allowed him to keep the country together while an extended transition was carried out, culminating in the Hargeisa National Conference in 1997. The key here was including the House of Representatives and *Guurti* in the decision-making process, thereby adding democratic legitimacy and transparency to the extension.

Venue and Logistics: More than Meets the Eye

In Somali conflict resolution, the venue is as important as any other component of the peace initiative. In fact, for Somali societies, the outcome of every conflict resolution meeting is reported in the following fashion: "The meeting in Venue 'X' has ended successfully/unsuccessfully." This shows that, in the last instance, the success or failure of an event is attributed to the role played by the venue as much as by any other determining factor. This is because much effort is put into making the environment one in which neutrality and open dialogue are invaluable resources. As such, different levels of success in externally based and indigenous reconciliatory efforts can in part be attributed to the level of engagement and commitment found in the venue's environment.

As mandated by Somali traditional values, the ethics and culture behind reconciliatory efforts are maintained by the elders, who therefore take a leading role in hosting the meeting. Thus what makes a venue important is not primarily the physical location but the presence of responsible and industrious people who are willing to take on a neutral and concerted role in hosting a meeting (as the Somali proverb goes, "a peace mission eats what is given to them and takes what they are told"). This means that those controlling the venue should not resort to profit-seeking tactics that use tedious delays to make money. Instead, the first concern of those managing the venue is that the meeting should end as soon as possible with a resolution that is acceptable to all sides. The hosts must also be willing to bear the social burden that comes with hosting the meeting, as well as the possible negative reputation and defamation that can arise when reconciliatory efforts end in failure. It is these risks that inspire the Somali proverb "a peace mission is a curse", and those communities willing to bear such

a burden will therefore become interested and accountable parties whose fate is tied to that of the sides they are mediating.

Since time immemorial, the "Somali Tree" has traditionally served as the venue for public meetings and mediation conferences (APD 2007). The tree itself, isolated from the community, does not serve any purpose apart from its shade, which protects the participants from the hot sun. What makes a particular tree important is its ability to come to symbolically represent the constituencies surrounding it. The tree becomes a focal point through which the communities of the encampment come to direct their efforts and consciousness. Here, the wise men and women play a vital role in facilitating and enhancing the environment of the meetings, or mediation efforts, taking place under the tree, the men traditionally serving as advisors and technicians, and the women managing the logistics and accommodation, while also informally serving as envoys, intelligence gatherers and consultants (through their husbands). The tree cannot be taken out of its context and transported to a desert or conference room; it must be embedded in the community. Even today, in urban settings such as Hargeisa, those conducting mediation efforts leave the city centre to seek out trees on the outskirts, so long as they remain in the community.

Part and parcel of facilitating the reconciliation process is exacting penalties if the parties fail to reach agreement. Thus, before the dialogue begins, mediators will collect the *dood-qaad* from each conflicting party, a contribution in the form of camels, money or other items of value used to facilitate and provide for the needs of the mediation. The longer the reconciliation process, the more is paid, thus creating incentives to resolve the dispute as quickly as possible. In acute situations, such as murder, the mediation committee may request that prominent elders from each side be temporarily sequestered with it as security against retributive killings. Such mechanisms bind all parties and their fates together in the outcome of the process.

The venue and logistical support are not merely technical issues but form the backbone of larger concerns regarding trust, ownership, accountability and democratic participation. As such, the selection of delegates in the traditional Somali conflict-resolution process is through communal consensus and involves well-respected elder statesmen, not those coming from abroad and speaking for a community that they are far removed from. A well-qualified representative will have his family living in the community directly affected by the conflict, and these leaders will have to be

able to face their community and present to them whatever decision is reached. This engenders accountability among negotiating agents.

Additionally, the agenda of the reconciliatory meetings must be set by the parties themselves to ensure that underlying tensions are addressed. The meetings must be presided over by credible observers with deep knowledge of how to interpret the situation in order to make appropriate interventions when needed. This includes exposing and criticising spoilers and employing the "interval effect", which involves having the parties vacate the meeting place during periods of recalcitrance and heated emotion so that informal talks and recitations of poems and religious readings can calm the situation. The venue must also be one in which affected populations have access to both knowledge of developments and channels of communication with their representatives in order to hold them to account. In the Elders' Peace and Reconciliation Conference in Borama in 1993, the open negotiating environment put pressure on all parties to reach an agreement that would keep them away from conflict. In modern times, the media has allowed Somalilanders to maintain an awareness of how their representatives are protecting their interests in political issues.

These conditions for successful mediation were present in Somaliland's successful state-building experience and absent in Somalia's failed attempts. In the latter, internationally led attempts to form a government allowed opportunists with ties abroad (and therefore the opportunity to flee if the situation was unfavourable) to have a disproportionate influence on the negotiations (Bradbury 2008: 48–49). With meetings held in foreign hotels, many individuals were able to claim the right to participate without endorsement by the communities they were supposedly speaking for. The external venue and dominance of international institutions such as the UN in observing the mediation and agenda-setting roles precluded traditional mechanisms of trust building, accountability and democratic participation (Ahmed and Green 1999: 124). While international support was indeed needed in such a volatile environment, such interventions would have been better off providing the space for traditional conflict-resolution mechanisms to flourish instead of crowding them out with externally imposed blueprints.

Conclusion

This chapter has attempted to combine my accounts of both the SNM's reconciliation initiatives and the traditional Somali peace process. The goal was to show how these two factors intersected in key ways during and

after Somaliland's experience with resistance and civil war, with the latter providing a suitable backdrop from which the former could operate. This coalescing of forces that helped turn post-independence Somaliland into an example of successful African peace, stability and democracy was historically specific, and it highlights just what an anomaly Somaliland is. This is something that the international community should bear in mind when intervening in the region. Taking this experience for granted, assuming that it can be easily replicated in Somalia and disregarding Somaliland's continued development in order to focus on rebuilding Somalia would miss the point that what happened in Somaliland was a rare occurrence and should be nurtured.

Somali peace processes, while highly adaptable to modern conditions, still require strict adherence to the "rules of the game". This demands strong, coordinated and mutually respected leadership, as well as a community deeply embedded in the process. As Somaliland has also experienced with the changing nature of its House of Elders, modern conditions can alter the character of traditional processes and the bearers of tradition that guide them. In the case of the *Guurti*, this has been by politicising their position (Jama 2010: 89–90). Such changes may delegitimise and undermine the elders' ability to operate as a respected tool within the social sphere. In the case of Somalia, the traditional conflict-resolution techniques described above were not able to work because the splintering of traditional communities, as well as the appearance of warlords and militia heads acting as unelected and force-driven leaders, tainted the character of such leaders and provided little room for traditional practices to operate (Menkhaus 2003: 405–410).

Any strategy for comprehensively building a stable and secure Horn of Africa must keep these stark differences and their implications in mind. Attempts at reuniting Somaliland and Somalia would mean fundamentally altering the former's political and social climate, with potentially negative consequences for the continued functioning of traditional conflict-resolution mechanisms. The scars of 20 years of civil war still plague Somalia, and traditional bonds have been severed in many ways (Menkhaus 2003: 405–413). As a result, the political cultures of Somaliland and Somalia are now so far apart that forcing them to interact and accommodate one another in a single political entity will only unravel what took decades of military and peacetime struggle to achieve in Somaliland. The different colonial experiences created enough political incompatibility between the two parties to contribute to the collapse of the union under the Somali

Republic (Bradbury 2008: 32; ICG 2006: 5). This time, the gulf between the two countries is even wider.

This is not to say that Somaliland's approach to peacemaking, disarmament, demobilisation, reconstruction and democratisation does not provide powerful lessons for other post-conflict countries, particularly in Africa. In fact, many other scholars working on Somaliland have shown just how powerful these lessons can be (see Helling 2010). However, it must be kept in mind that it is not only about how these peacebuilding initiatives are made but also about who is leading the interventions. Somaliland's struggle to build peace and governance was owned by its people, with very little external political or financial support. It unfolded over a long period, and focused on slowly building lasting and trusted partnerships between parties that would lay the foundation for a political and social compact. This compact would serve as a necessary precondition for later establishing a new system of governance. While the international community can certainly play a part in helping to create the conditions for these locally owned initiatives to flourish, they must understand the limitations of their position. No matter how thoroughly they study the techniques used by others to create peace and stability, such awareness is no substitute for the constant bargaining, negotiation, trust building and political repositioning that can only come from the indigenous parties on the ground. This process of peacemaking was eventually translated into institution building. Institution building in turn enhanced the process of state building, as state building is institution building. The state is understood through its component institutions.

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CHAPTER 5

State Building in the Republic of South Sudan: Challenges and Aspirations

Faiz Omar Mohammad Jamie

Background: Secession and Self-Determination

Despite the long history of war and armed conflict in Africa, actual state secessions and partitions have been relatively few compared with Europe or Asia. The breakaway of Eritrea from Ethiopia in 1993, after some 30 years of war, is the only successful example. There were other attempts, such as Katanga from the Democratic Republic of the Congo (DRC), Biafra from Nigeria, Casamance from Senegal and Southern Sudan from Sudan. Although Somaliland practically seceded from Somalia in 1991, it is having to wait quite some time to gain international recognition. This is more or less the most important secessionist struggle in post-colonial Africa.

Nationalism and territorial sovereignty are frequently used by ruling elites in Africa to counter arguments in support of secessionist inclinations and movements, coupled with the international legacy that promotes principles of sovereignty and the territorial integrity of states. Moreover, the OAU further reinforced these principles, especially in holding inherited colonial boundaries between countries as sacred. However, global political

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and juristic traditions have established the right of self-determination for groups/minorities to be achieved through what could be called voluntary "internal self-determination," along the lines of regional autonomy whereby groups/minorities attain some level of political, social and cultural independence within the framework of an existing state (Mueller 2012). To what extent does the principle of self-determination imply the right of "external self-determination" whereby minorities/regions are enabled to secede and become independent or join another state? This matter remains a subject of debate in current international law.

Advocates favouring unilateral secession follow the theory of just cause, focusing on the remedial right to secede of minorities that have suffered injustices, such as violation of human rights. For example, the peoples of Kosovo and South Ossetia have claimed that the encompassing state has failed to ensure basic human rights and secure the survival of a group. In both regions there were many human rights violations associated with wars, and in Kosovo's case there was even massive population displacement (around a million people). Another argument in support of unilateral secession would be the "choice theory of justified secession", which presupposes the explicit intention of a territorial group to secede through a referendum or plebiscite, just as happened in what became South Sudan.

If we turn to consider contemporary circumstances giving rise to secessionist movements, we can identify political transition and democratisation, which make central states vulnerable and weak. One would expect democratic regimes to be less likely to be affected by this phenomenon, but the persistence of separatist movements in the UK, France, Spain and Canada suggest otherwise. Natural resources, including minerals and oil, are always in play, leading peoples of resource-rich regions to believe that they will be better off if they break away from any given country: this is most evident in the DRC, Nigeria and South Sudan.

Pierre Englebert and Rebecca Hummel (2003) argued that there were two significant moments in Africa when principles of territorial sovereignty were at their weakest, making separatist options more appealing for elites. The first was in the 1960s immediately after decolonisation, as exemplified by the DRC. The Biafran case, although much later, also belongs to this period. The second moment was in the 1990s, which witnessed the end of the Cold War after the collapse of the Soviet Union. Examples include Somaliland, the Casamance conflict in Senegal of 1991, the Azawad People's Movement in Mali and the Islamic Arab Front of Azawad.

Comprehensive Peace Agreement, 2005

The 2005 agreement was signed by the Government of Sudan (GOS) represented by the NCP, and the SPLM representing southern Sudan, after two decades of war between the two parts of the country. This was a war that caused the loss of lives of men and women, destroyed infrastructure, drained the resources of the country and, above all, damaged relations and created an unbridgeable degree of mistrust between the elites in both parts of the country. At 250 pages, the Comprehensive Peace Agreement (CPA; Navaisha Agreement) is a detailed document. It was sponsored by IGAD, IGAD's partners, the AU, the UN and the governments of Norway, the USA and the UK.

The agreement comprises six protocols:

1. Machakos Protocol on broad principles on government and governance (signed in 2002);
2. Power-Sharing Protocol (signed in 2004);
3. Wealth-Sharing Protocol (signed in 2004);
4. Protocol on the Resolution of Conflict in Abeyie (signed in 2004);
5. Protocol on the Resolution of Conflict in South Kordofan and Blue Nile state (signed in 2004);
6. Agreement on Security Arrangement (signed in 2003, in addition to the ceasefire and security arrangement implementation modalities and appendices signed in 2004, and the implementation modalities and global implementation matrix and appendices signed in 2004).

On the basis of this agreement, a referendum was held in 2011 on the self-determination of South Sudan. An overwhelming majority of southern Sudanese opted for an independent state, and the Republic of South Sudan was declared to be a successor state with full sovereignty. Southern Sudanese all over the world were tempted to return to their new home country. Of special significance was the mass return of southerners from Sudan, who were honoured by their colleagues and friends in Khartoum and held farewell celebrations, revealing the social cost of the partition.

Sudan and South Sudan are now two neighbouring sovereign states after 55 years of union (1956–2011). People of Sudan call this "separation/secession", whereas those in South Sudan prefer to call it "independence". Whatever the terminology, 2011 marked the emergence of two states, which the USA calls "the two Sudans". Sudan,

the "predecessor state", was the first African country to recognise the new "successor state". Contrary to all expectations, bilateral relations between the two states were from the very beginning antagonistic, undoubtedly because of the very many unsettled issues carried over from the pre-referendum interim period (2005–2011) during the last years of union.

Regional Autonomy of the Southern Region, 1972

The war between the two parts of the country had passed through an earlier stage, from 1955 to 1972. In 1972, the Addis Ababa Agreement was signed between the then GOS under the Nimeri regime and the Anyaya Movement representing the southern part of the country. That agreement established some sort of regional autonomy for the southern region within a unitary state, although the southern elite had demanded a federal relationship between the two parts of the country. That demand was strongly rejected by the central government in Khartoum, which later drove southerners to take up arms in pursuit of their demands.

The 1972 agreement established a regional government, including a council of ministers known as the High Executive Council, a unicameral legislature (the Regional Peoples' Council) and a judiciary headed by a supreme court. Thus the south was ruled along centralised lines, and the three provinces (Equatoria, Upper Nile and Bahr Al-gazal) were directly ruled from Juba through local government councils led by administrative officers, who were accountable to provincial commissioners.

After some years the performance of the centralised government in the region gave rise to complaints such as the dominance of bigger tribes (Dinka and other Nilotics) in terms of government resources and opportunities. These were taken seriously taken by the national government in Khartoum. In an attempt to resolve the issue of dominance, Khartoum went so far as to decentralise the region into three areas, contrary to the provisions of the Addis Ababa Agreement, which had established one autonomous region. The step was widely interpreted as unilateral violation of the agreement by Khartoum and as favouring Equatorians over Nilotics. Soon after, in 1983, war started again and was led by the Nilotics of Bor, a Dinka stronghold. Later came the formation of the Sudan People's Liberation Army/Movement (SPLA/SPLM) and the war continued until 2005, when the CPA was signed in Kenya.

There is strong evidence that these complaints arose again during the current statehood episode, as we shall see in the discussion about federalism below.

Republic of South Sudan: The New State

The emergence of the new state of South Sudan was the realisation of a long-held dream for the people living in the southern regions of Sudan after more than half a century as Sudanese within a unitary and later federal state. The overwhelming majority in the region voted for that dream when the chance arose through the CPA. Between 2005 and the date of secession, 2011, the Government of South Sudan (GOSS) was established, with the political elite of the south participating in both the federal government of Sudan and the GOSS, a dual engagement that proved invaluable in terms of providing the southern ruling class with political experience and expertise, which they could then deploy in the new state.

The declaration of the new state was internationally celebrated, with most of the sponsors and partners of the CPA as well as regional organisations and actors in attendance. Of special significance was the presence of the Sudanese president, the personification of Sudan's recognition of the new state. The secession was actually an aspiration of the people and a challenge to the ruling elite, which was supposed to provide good leadership to meet the expectations of an emerging nation state. Support from the international community can be traced to the interim period, with the Joint Assessment Mission for South Sudan costing $8 billion between 2005 and 2011 (Morton 2013: 4). Nonetheless, after 2011 the challenges were very real.

The SPLM had gained only modest governing experience during Second Sudanese War (1983–2005), and now had to change from leading a military movement to governing a civilian population. Its armed wing, the SPLA, intended to wage guerrilla warfare, had to be transformed into a regular army, while a professional police and law-enforcement sector needed to be built from scratch. South Sudan's infrastructure had been poorly maintained and was limited to a few urban centres, and its approximately 8 million inhabitants lacked access to even the most basic social services. All of these challenges have had to be addressed concurrently with the process of state building.

Constitutional Dimension

The Government of the Republic of South Sudan (GRSS) inherited the GOSS's Interim Constitution, drafted immediately after the CPA. It established a technical committee to revise the Interim Constitution to delete every reference to a united Sudan, and recast existing regional government structures in the south as institutions of a sovereign nation state. The Transitional Constitution of South Sudan came into force in July 2011 on the day of independence, and it established a system of rule headed by a president, who is the head of state and government, and army commander-in-chief.

The system has much in common with the Sudanese mode of governance, as both Sudan and South Sudan owe their origins in their current form to the CPA, which is included in the post-2005 Constitution of Sudan. It goes without saying that the Transitional Constitution opted for a decentralised federal type of administration in line with the predecessor Sudanese state.

The constitution prescribed ten states with three levels of government:

1. the national level, which will exercise authority in respect of the people and the states;
2. the state level of government, which shall exercise authority within a state, and render public services through the level closest to the people;
3. the local government level within the state, which shall be the closest level to the people, comprising:

    - the counties;
    - the payams (districts);
    - the bomas (villages).

    (Transitional Constitution of the Republic of South Sudan)

The constitution establishes a bicameral legislature, comprising a directly elected National Assembly and a Council of Representatives of the states, a typical post-2005 Sudanese touch. There is a supreme court as well as an executive body, the Council of Ministers. These three branches of government are to perform in a complementary fashion, particularly at this stage of state building. The military experience of the leaders of the ruling SPLM has had much influence on this performance. Of the ten state governors

elected in 2010, eight were high-ranking SPLA members, as were many ministers and MPs. Divisions going back to the period of earlier struggle continue to play an important role in the current political situation.

The Legislative Assembly does not seem to pay adequate attention to supervising and assessing the performance of the executive, and some see it as the place where ex-freedom fighters find a place in retirement.

Debate about Federalism

The merits and demerits of a federal type of governance were the subject of heated debate among intellectuals in South Sudan. Advocates of federalism argue that because South Sudan now has about 60 different ethnic groups of varying sizes, diversity management is particularly important (UNOCHA 2010). Thus the delivery of public goods and services by the government in such a complex environment involves many challenges. Moreover, to effectively address the immense human development obstacles that the new country faces, the government has to design and implement governance structures in which civil servants and political elites are accountable to both citizens and the constitution. Such structures must also allow for broad participation by the citizenry in social, political and economic affairs. The understanding is that a decentralised system would achieve these desired outcomes in South Sudan. These are more or less the arguments raised by those supporting the federal type of rule (Kemney 2012).

Opponents of federalism raise issues such as the cost of federal administration, the development of unnecessary competition among states and the uneven distribution of national wealth among them (*Sudan Tribune* 2012). The current controversy is an echo of the 1970s debate over the redivision of the then Southern Sudan Autonomous Region into three regions, rather than the three provinces prescribed by the Addis Ababa Agreement. That debate was presumably between the dominant Nilotic tribes, which preferred centralised rule, and the smaller Equatorial tribes, which preferred decentralised rule.

In South Sudan the debate about the political mode necessarily requires profound analysis of the feasibility of whatever structures are chosen. Protracted discontinuity of administrative arrangements as a result of war and bad security helps to explain the weak and sketchy administrative culture in the country. Although federal arrangements are meant to ensure peaceful coexistence among heterogeneous cultures, that cannot be taken for granted in all cases. Of paramount importance is the context in which

these structures are to operate. In South Sudan, for example, it appears that by adopting the federal option, the government will be geared to serving the Equatorians at the expense of the Nilotic tribes. Thus whichever mode of governance is chosen will be given an ethnic interpretation. This is a difficult challenge.

On the other hand, local institutions such as counties and payams collect taxes, but nobody at the higher level of government knows to whom the collectors should be accountable, and how much tax and from what sources they are collecting. On the other hand, state governments seem to retain a large proportion of the transfers from Juba intended for the counties (Wolfram 2012).

Oil Politics

South Sudan is among the few African states whose oil production preceded independence. Its total oil reserves are the third largest in Sub-Saharan Africa, amounting to 6.8 billion barrels of proven oil (John 2012). It also possesses gold deposits and other minerals. The country is rich in water resources and fish stocks.

Almost all of the resources of both Sudan and South Sudan are concentrated in the border area between the two countries. Whereas oil exports account for up to 98 % of South Sudan's budget, they account for about 50 % of Sudan's. While the oilfields are located in South Sudan, most of the necessary infrastructure—pipelines, refineries and ports—lie in Sudan.

In January 2012 the GRSS unilaterally suspended oil production at a time when relations were deteriorating between the two governments. This step was intended as a negotiation tactic. There were differences over transit fees, coupled with accusations and counteraccusations. For South Sudan's citizens, the decision to halt production dispelled any expectation that independence would quickly bring improvements to their daily lives. Later the GRSS announced that service delivery and planned development activities would be suspended for at least 30 months, and that salary reductions in civil and security services were a logical result. On the other hand, the UN has warned that shifting government priorities following the freeze on oil production could worsen existing food insecurity (Christian 2012). The GRSS now has to find a way to make up a monthly loss of $650 million (De Waal 2012), This was an irrational step to take during this stage of state building. The government even considered constructing another pipeline southwards to facilitate oil exports through the Kenyan port of Lamu. However, technical difficulties raise doubts about

the feasibility of this option. It is no longer a secret that the political elite expect increased foreign aid to partly offset the shortfall in oil revenue. If the understanding is that Western powers will ally with South Sudan and provide support in aid, the chances of normalising bilateral relations between the two states seem even less likely.

Despite talks and agreement earlier in 2013 about the resumption of oil production as part of a larger deal, including progress on other bilateral issues between the two states, the GRSS did not give up on the alternative pipeline through the Kenyan territory. President Salva Kiir referred to this point during the visit of the newly elected Kenyan president to South Sudan (*Sudan Tribune* 2013) and shortly after two significant incidents:

1. the attack and seizure of Abukarshula area in the border state of South Kordofan of Sudan by an alliance opposing the G.O.S; the latter suspected that the attack was backed by the SPLA from South Sudan;
2. the unexpected blockade of oil flows from South Sudan through Jebelen in Sudan, which the latter attributed to technical problems.

Both incidents were unfortunate. However, a visit by the South Sudanese minister to Khartoum in May 2013 seemed to cool the resultant tensions. What matters most is the fact that oil was and is used more as political asset than as an economic commodity. This may be normal in international politics, as in the case of the Arabs in the 1970s pressurising those who backed Israel in the Middle East struggle. In current Sudan–South Sudan relations, the use of oil as a political weapon is destructive to both economies, as is evident in rising inflation in Sudan and loss of the main, if not sole, source of revenue for the South Sudan economy. State building would be adversely affected if this attitude of risking the country to political tactics were to last long.

State Building and Security Apparatus

It goes without saying that security usually has a high priority in normal polities. However, in South Sudan, where the newborn state was under serious internal and external security challenges, security was two-fold:

1. Internal public security and rule of law have to be maintained.
2. Efficient and professional apparatus has to be built or inaugurated to protect the country.

These two missions are closely interrelated. Which comes first is a logical and legitimate question. The decades-long war in the country produced many factions within the SPLA, which fought wars against each other. However, during the current phase of statehood, all of the factions are taking part at different levels in the political leadership. The positive aspect of this is that everyone feels that their record during wartime is recognised, so they are keen to protect the system. The negative aspect of is that this very feeling may, if overestimated, lead to the emergence of multiple power centres within the system.

Professionalising the SPLA, later renamed the South Sudan Armed Forces (SSAF), should involve demobilising a considerable proportion of the current 250,000 troops, including 800 generals (Hemmer 2012). This task, though necessary for state building, will face resistance in the absence of alternative civilian livelihood opportunities for long-serving combatants. Nor will the GRSS tolerate any downsizing of troops in light of the persistent threat along the northern border with Sudan, whose professional army has a long tradition of combating the SPLA. Apart from the SPLA's scepticism about the adequacy of DDR programmes, the political and military establishment is reluctant to downsize the army because some feel that South Sudan has not yet entered a post-conflict situation where such measures are warranted.

The GRSS receives strong international support from donors in different fields, including security. In most cases the objectives sought by donors face challenges in the transitional situation in South Sudan. In the security sector, one of the main issues is that civilian control of SPLA soldiers and officers is non-existent, and there is no evidence that SPLA soldiers who are responsible for human rights violations have ever been brought to justice. Interestingly, none of the donors pay attention to this.

Conclusions

South Sudan seceded from Sudan on the basis of an internationally recognised referendum on self-determination in 2011. This circumstance is unique in post-colonial Africa, except for the secession of Eritrea from Ethiopia. Somaliland still lacks international recognition.

Although state building can be considered to have started after secession, it actually began six years earlier, during the interim period (2005–2011) prescribed by the CPA. South Sudan had prior experience of regional autonomy from 1972 to 1983, when the civil war restarted,

in which it was led by the SPLA/SPLM. The current government structure owes its origins to the Sudanese practice of adopting federal principles.

Shortly after independence, heated debate started among the South Sudanese elite about the suitability of federalism to South Sudan. The controversy is essentially between advocates of a federal South Sudan, drawn mostly from non-Nilotic tribes, including the Equatoria region, which argue that federalism suits the heterogeneous society of South Sudan, and advocates of a unitary South Sudan, who come from the presumably dominant Nilotic group, including the Dinka. They argue that federal institutions are costly relative to the current resources of the country.

Oil could have been used to fund state-building processes. However, most of the time this resource was used as a political weapon in the ever-deteriorating relations with Sudan. Disputes about transit fees and the like led the GRSS to freeze the production of oil in 2012, thus depriving the budget of its main source of revenue. Consequently, government priorities underwent change and many services were suspended.

Security, a priority concern, requires professionalisation of the SSAF as an offspring of the SPLA. This needs to be closely coordinated with the DDR programme. Much remains to be achieved in this regard in light of generous donors and a supportive international community. Moreover, the police and prison services are in pressing need of rehabilitation and capacity building.

The most important challenge in the whole process of state building in South Sudan is the development of an appropriate political culture that supports informed internal harmony and government performance for the various political, cultural, tribal and military components of the resource-rich country.

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CHAPTER 6

Borderlands and the Restructuring of Sudan following South Sudan's Secession

Abdalbasit Saeed

Introduction

When South Sudan seceded on 9 July 2011, the state of Sudan was left economically and politically bankrupt. The National Interim Constitution (NIC) was no longer sufficient for governing a state that had abruptly been left to survive on only 25 % of the oil revenue that had formerly accrued to it, mainly from South Sudan. War violence returned in full force to the South Kordofan and Blue Nile states, adding to the misery that had already been plaguing the people of Darfur.

The argument here is that Sudan has to mend fences by restructuring state apparatus in order to build peace as well as earn the respect of its people and neighbours. Failing that, it will continue to be the pariah state that it currently is. This chapter also argues that the present situation and future prospects for residents of Sudan's borderlands with Eritrea, Ethiopia, South Sudan, the Central African Republic (CAR) and Chad, a land area estimated at 670,000 square kilometres, where an estimated

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25 million people live on both sides of the border, demands the uncovering and analysis of the factors contributing to political turbulence in the region. Also relevant are the legitimate social and political concerns in these turbulent "spaces", which require a strategic shift in Sudan's perspective, including on water resources, renewable energy, pasture and forests, petroleum and minerals—and the pollution they generate—as well as the huge impact of such projects on populations and land resources. Such a shift, including restructuring the state apparatus, is necessary for peacemaking. The chapter[1] recognises also that the split between the two Sudans has created political, economic and security challenges, and that these have been insufficiently addressed by Sudan over the past five years. It is suggested that scholars therefore need to define and identify the "borderlands" as a legitimate space for research into social and economic interactions among diverse peoples and forms of livelihoods—peoples who are marginalised and entangled in crises beyond their power to control.

The primary assumptions for restructuring the state of Sudan after the separation of South Sudan are two-fold. First, being geographic neighbours with a problematic borderline extending for more than 2010 kilometres, the two Sudans understand the need to promote cooperation and collaboration in the place of past confrontations. The objective of this would be to dilute longstanding mistrust and ill will, and also to build a mutual understanding of common border interests in order to streamline laws and synchronise each other's positions, as well as facilitate smooth and peaceful cross-border collaboration between local communities. Following from this is the view that coordinated, smooth and legal transborder trade, supported by the necessary infrastructure, would be the main antidote to violence and would build peaceful neighbourly relations across the borderlands. The second assumption is that the internal war violence in the post-secession years necessitates a new constitution that recognises and fulfils the values cherished by SPLM-North and the Sudan Revolutionary Front, and entrenches principles of political, legal and socioeconomic justice not only to replace the religion-based doctrines crafted by the Islamists of the ruling NCP but also to transcend them.

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My personal experience triggered my interest in the ethnography of the peoples of Sudan's borderlands. Rather than looking into the ethnographies of isolated communities, my focus has been on economic pursuits and livelihood constraints, as well as opportunities. The latter might be made available through the concerted efforts of state parties in the borderlands to maximise the individual and collective use of common resources in the context of the AU Policy Framework for Pastoralism in Africa (2010) and the N'djamena (Chad) Declaration on pastoralists (29 May 2013). In this context, and while recognising that its neighbours have their own internal destabilising factors, Sudan seems to have been most affected by internal conflict over the past three decades, a situation that needs to be assessed and analysed.

Justification for Constitutional Restructuring of the State in Post-Secession Sudan

The answers in favour of restructuring the state of Sudan revolve around the following points:

1. After the signing on 9 January 2005 of the CPA between the GOS and the SPLM/SPLA, the state of Sudan was restructured through the NIC. The latter was written with the primary objective of "making national unity attractive" to the southern Sudanese. The country failed to achieve this overarching objective, and the CPA ended when South Sudan declared its separation (9 July 2011) on the basis of the NIC provisions to hold a referendum on self-determination. The vote was 98 % in favour of independence. South Sudan thus became the youngest sovereign state in Africa, with 8 million people and a third of the total land area of the former Sudan (2008 census). The current land area of Sudan is 1.88 million square kilometres: it had been 2.5 million square kilometres before separation. Thus because the land area and population have changed substantially, the mandate of the state should follow suit. On the date when the CPA ended, the NIC ended as well. However, the umbrella governing coalition under the NCP decreed otherwise in the legislative assembly. The NIC continues to be the basis of governance in Sudan. If the insurgents in the South Kordofan and Blue Nile states and Darfur are to agree to stop the conflict and come to a durable compromise, a new, consensual democratic constitution is necessary.

2. The second reason the country needs a consensual constitution is a corollary of the first: the state is plagued by multiple internal wars centred on the absence of socioeconomic and political justice for the majority of the population in the South Kordofan and Blue Nile states and Darfur. In these borderlands, 16.5 million (or 50 % of Sudan's total population) live in 11 states covering 40 % of the current total area of the country. A durable peace agreement requires a relevant constitution as the basis for governance.
3. Six decades of unwinnable wars involving the centre and the borderlands, and the failure to make national unity attractive, call for the redefinition of future directions; restructuring the state, starting with a new constitution; and a new role for Sudan's fertile borderlands in a new, just socioeconomic development paradigm.
4. Addressing internal and transboundary issues is critical to stabilising relations between Sudan and its neighbours, and to securing the country's regional influence. The country's future food production and food security depend on the borderlands and the inter-Nile domain. Thus a transformational perspective is needed to move Sudan from being a chronic recipient of food aid (exceeding an annual $100 million since the 1970s) towards securing sustainable food production, in place of the perpetual genocide to sustain the "vampire state". The entry point for this shift is reinterpreting Sudan's internal wars, which not only ushered in dismemberment of Sudan, starting with South Sudan's separation in 2011, but also amplified two other challenges: the so-called Sudan Borderlands Burden and the Sudan Borderlands Debate. Once such a perception has taken root, it could guide the new regime's processes of change. Hence Sudan's borderlands, which used to be described as the "Forgotten Periphery", could be transformed from a centre of security concern and cross-border trade contention into a centre of interstate collaboration. The borderlands, therefore, must be redesignated and treated as the centre of action in the restructuring. This would have implications for trade and development planning by the two Sudans, but also for research and development. What is needed is a concerted Borderlands Development Plan supported by the two countries, Sudan's other neighbours and the donor community.

Restructuring the State of Sudan is Imperative for Building Peace

The central proposition here is that the two Sudans need to faithfully draw the border between themselves so as to create a culture of resource sharing, and forthwith establish a demilitarised zone extending 35 kilometres on both sides of the border. The immediate task for Sudan is to bring an end to the internal wars in the South Kordofan and Blue Nile states and Darfur. This requires a ceasefire, safe corridors for humanitarian access to civilians caught in the war zone and the commencement of direct negotiations without preconditions under the auspices of the relevant AU high-level panel. To reach a durable settlement it is proposed that Sudan must be pressurised or persuaded by the AU, the UN Security Council and the international community to agree to four requirements:

1. Sudan should restructure the state by writing a consensual federal constitution and a bill of rights to secure democratic governance. It should also strengthen regional autonomy in the three regions bordering South Sudan, namely South Kordofan, Blue Nile and Darfur. Each of these regions should be able to draft its own regional constitution, without interference by the central government or preconditions regarding the state–religion nexus, and be allowed to conduct free elections within six months of signing a peace agreement.
2. Strengthened regional autonomy and self-government should be sustained through the restructuring of resource sharing, wealth sharing and revenue sharing. Specifically, 50 % of the net revenues from surface and subsurface resources in a particular region should be allocated to that region. This will not only strengthen regional autonomy but allow regional government to rest on the principle of social and economic justice for the people of these regions.
3. The state of Sudan should be restructured with respect to economic growth, sustainable human development, and basic social and economic services by implementing positive discrimination at the regional level. This would also involve positive discrimination in favour of local communities where a particular resource is found and exploited. Thus 20 % of the 50 % of resource revenues indicated above would accrue to those communities.
4. Progress in sustainable socioeconomic development should be standardised in each of South Kordofan, Blue Nile and Darfur on the

basis of the internationally agreed Millennium Development Goals (MDGs), and the 18 associated targets and 48 indicators, in order to measure medium- and longer-term improvements in economic and financial equity, and to strengthen regional autonomy based on social and economic welfare for the people of these beleaguered regions.

Return of Violence After Separation

The main challenge for the two Sudans has been the return of war-related violence in South Kordofan in June 2011, only six weeks before the end of the interim period of the CPA. Blue Nile followed suit in September 2011, and joined South Kordofan in the fight against the central government. The recurrence of violence is a function of the Borderlands Burden.[2] However, at face value, war recurred because of people's disillusionment with the NCP and SPLM for wasting six years through multiple failures to implement the CPA. As such, conflict does not just happen out of the blue. Rather, it is purposive and premeditated, as in South Kordofan and Blue Nile. Each side has its own justification for the escalation of events. Whichever way one looks at it, the recurrence of violence is a major development of the decade in Africa.

However, the renewed violence is a product of multiple complex factors, including weaknesses in the CPA's text; non-ownership of the CPA by the people; the NCP's and SPLM's multiple failures to implement the CPA, leading to popular dissatisfaction with the CPA; and weak political will, generated by mistrust and ill will, contradictory interests and

[2] Andrew Natsios (*Sudan Vision*, 28 August 2012), the US special envoy to Sudan in 2006–2007, says: "Currently … government is under attack by various rebel armies with an estimated combined strength of 60,000, as well as protests sparked by the withdrawal of gas subsidies, massive budget deficits, failed harvests and steep increases in food prices. Bashir's days may be numbered. Yet his removal would not end the conflict; it could even trigger a new civil war. The groups challenging Bashir are united by their common hatred of him and his party rather than by a shared vision for Sudan's future. But were they to topple him, they would soon be at odds with one another over a longstanding, unresolved debate that has haunted Sudan from its founding: the proper relationship between Islam and the Sudanese state … The rebel coalition that is now at war with Khartoum includes pro-democracy groups that advocate a secular state, respect for fundamental freedoms and human rights, a multiparty political system and a secular civil code—principles that are included in the coalition's manifesto … If they, and their allies in the West, want Bashir out, they should have no illusions about prospects for a democratic, peaceful future for Sudan."

unfaithful implementation of signed agreements by both the NCP and the SPLM. The result has been that both movements have been criticised of too much "politicking" and not enough good politics.

The governing elite in Khartoum bears the main responsibility. It made empty promises to the peoples of the south, west and east of the country. These promises were broken, agreements were abrogated, and injustice and marginalisation remain rampant. The main trigger for the renewed violence was the perception by the SPLM-Nuba Chapter in South Kordofan that the election results of June 2012 had been rigged by the NCP.

In retrospect, one is tempted to add one further catalyst to the return of violence: South Sudan's invasion of the Hijleej oilfields (May 2012). This can be seen as a case of incomplete independence owing to disagreement about the borders on the day South Sudan seceded from Sudan. Additionally, the SPLM's own failure as NCP partner to address the unresolved border differences, in terms both of the disputed status of the Abyei territory and in drawing international attention to post-secession difficulties, can be seen as a driver in the first showdown with Sudan over the Hijleej oil hub. Political independence can only be consummated through stable state formation and state building, starting from zero. Evident in this situation is the cumulative negative impact of the Borderlands Burden on both Sudans.

During the interim period (2005–2011) stipulated by the CPA, relative peace prevailed in the transitional zone (now the borderlands) between Sudan and South Sudan.[3] Attention was focused on attempts to secure recovery, reconstruction and development. Two months prior to the separation of South Sudan on 9 July 2011, war-related violence returned to South Kordofan. In September 2011, two months after separation day, war violence returned to Blue Nile. War continues to rage against the central government in Khartoum. South Sudan had its own return to destructive war-time violence in 2013.[4]

[3] The chapter uses evidence contained in fieldwork notes and the findings of a study on Factors Contributing to Conflict among Pastoralists, Agro-Pastoralists and Settled Farmers, to Mitigate Conflict in Sudan. (Nomadic Peoples: special issue, Vol.13 Issue-1, 2009: 173–176). The study was contracted to the French company Egis Bceom International and financed by the World Bank during 2009–10. The author participated for 18 months as leader of the research team.

[4] In 2015 the International Defence Exhibition was held in Abu Dhabi, UAE. Sudan, defined as the third largest weapons producer in Africa, showcased products made by its Military Industry Corporation,displaying a range of weapons and military equipment, including small arms, light weapons and ammunition, six military vehicles, two naval boats,

However, the return to violence in Sudan has two dimensions. First, that between the GOS and the armed movements in South Kordofan, Blue Nile and Darfur is the manifestation of deep-seated distrust, ill will and contradictory interests. The second dimension, involving Sudan and South Sudan, such as in the invasion of the Hijleej oilfields by the SSAF in May 2012, is premised on the principle of protective and anticipatory annexation (Magdoff 1978: 7), as claimed in the constitutions of both countries.

After separation, Sudan accelerated oil and mineral exploration in the borderlands to compensate for losses amounting to 75 % of pre-separation production levels. Meanwhile, neighbouring countries, notably Ethiopia, also started exploiting hitherto unutilised resources, including the waters of the Blue Nile by means of the Greater Ethiopian Renaissance Dam. Controversy over water sharing in the Eastern Nile Basin has driven neighbours to pursue new collaborative policies and strategies regarding resources in borderlands, including those abutting Sudan. Borderland peoples, particularly livestock herders, stand out as the primary losers, not only because of the insecurity created by warring armies but also because of differences between Sudan and South Sudan over the demarcation of the border (Fig. 6.1).

Restructuring State Apparatus is a Legitimate Pursuit after Separation

The Second Sudanese-Civil War (between the GOS and the SPLA: 1983–2005) ended, as noted earlier, in the CPA, which gave birth to the NIC as the basis for restructuring the state and the system of governance. At the end of the CPA interim period, South Sudan became independent after an overwhelmingly favourable referendum vote. The predecessor state had to restructure itself. Sudan not only lost a third of its former area and a quarter of its population, but 70 % of the retained area was desert. The CPA had stipulated that during the six-year interim period a government of national unity (GNU) would rule. Other key features agreed in the CPA involved the sharing of power at a number of levels, from the presidency and cabinet through the legislature, other national

communications and optical equipment, and an electronic firing range simulator. The Small Arms Survey documented launchers among the weapons used by the South Sudan Liberation Movement/Army in Unity state in April 2013. The Human Security Baseline Assessment investigators have also documented many of the weapons on display in countries such as Côte d'Ivoire, the DRC, South Sudan and Somalia.

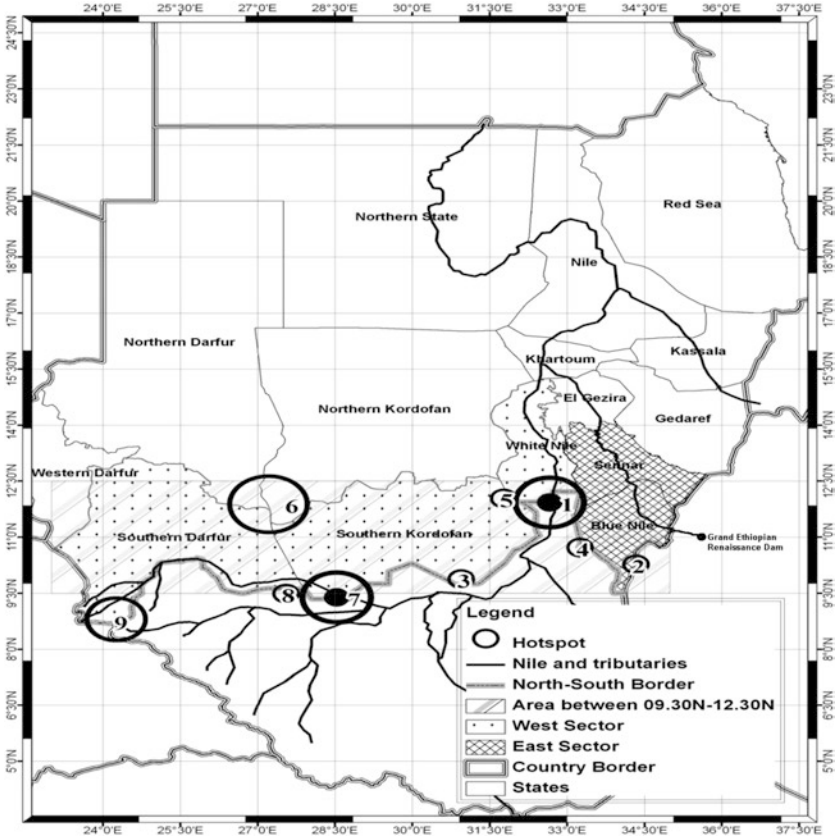


Fig. 6.1 Potential hotspots and disputed sectors in the borderlands. *Source*: Created by the author, first published in Saeed, Abdalbasit (SR 2010: 1)

institutions and the states. According to the functional assignments in the power-sharing agreement, the GNU had competencies such as national security, foreign policy, naturalisation and immigration, constitutional and national courts, international trade policy, currency, monetary policy and the central bank, international debt management, interstate transport and national institutions. Although the functional jurisdiction of the northern states was no different from that of the ten southern states, they had a direct link with the GNU, in particular through fiscal transfers and oversight of policy and programming responsibilities.

After separation the "new" country—as predecessor state—determined to inherit not only the name, flag and emblem but also the superstructure and infrastructure left behind by the preceding pre-separation Republic of Sudan. The country also decided to continue giving effect to the NIC with only cosmetic changes, hence the need to restructure the state. Sudan also inherited the challenges of sustaining national unity as evidenced by the return of war in South Kordofan and Blue Nile. Furthermore, there is also the need to restructure the socioeconomic fabric, as well as to address the country's sociocultural diversity.

Of course, chronic internal war has obstructed Sudan in achieving development. Multiple challenges face the country in spite of significant human capital, vast natural resources and enormous development potential. The country has huge and largely unutilised mineral reserves, as well as oil. As officially estimated, economic growth averaged 7 % between 1995 and 2004, double the Sub-Saharan Africa average. Education achievements are modest. Deep-seated structural disparities, localised conflict and governance issues have compounded the huge cost of decades of civil war, estimated at $50 billion in public foreign debt, as well as the enormous human suffering associated with it. Sudan's isolation through boycotts and sanctions by international finance institutions and from development assistance adds fuel to fire.

Constraints on the traditional farming sector include weaknesses in land policy; high costs of production and marketing; and the continued export monopoly in the gum arabic sector. Also relevant are weak public support services, such as marketing infrastructure, research and extension services, and veterinary services. In addition there are severe limits on access to seasonal credit; insecurity and local conflicts; and lack of enforcement of environmental laws and regulations. All in all, by 2015 the country was unable to achieve the 8 MDGs and the 18 targets for sustainable development, largely because of failings in the major production sector, agriculture, which has been unable to feed the country's people.

Describing Sudan's Borderlands

Sudan's borders with its five southern neighbours stretch for some 5750 km, of which 1936 km are shared with South Sudan. The estimated land area of Sudan facing South Sudan is 436,000 square kilometres or 20 % of Sudan's pre-secession landmass. There are 14 states in the borderlands between Sudan and South Sudan. Some 20 million people live there, pur-

suing various livelihoods. About 16.5 million live on the Sudanese side—that is, 50 % of the current population of Sudan. The average population density is 28 people per square kilometre, almost double the national average (16 per square kilometre). Regarding the border with South Sudan, an estimated 1355 km is with South Kordofan (40 % of the border) and South Darfur (28 %). Upper Nile State in South Sudan has 32 % of the border, which is also shared with Blue Nile, Sinnar and White Nile on the Sudan side. The River Nile is the historic livelihood hub for the peoples and civilisations of the Central Nile Valley and has huge development potential. The borderlands have the required natural and human resources that could propel self-reliant development, provided that appropriate cooperation policies and strategies are created and supported by the two Sudans.

The Sudan–South Sudan borderlands produce 100 % of the countries' oil, but local communities no longer receive the 2 % dividend that accrued to them during the CPA period. Consequently, marginalisation and economic injustice prevail. Some 90 % of Sudan's hydroelectric power is produced by Rosaries Dam in the borderlands of Blue Nile, but local communities get none of the revenue. The regional governor of the state, currently the leader of the SPLA-North insurgency, informed me in 2010 that if the state were given only 2 % of the total electricity-related revenue from Rosaries Dam, it would be able to meet all of the basic development needs of its population. The borderlands of South Kordofan and Blue Nile are home to 80 % of mechanised farming in Sudan (70 % of employment in the country is in agriculture) and 70 % of the national livestock herd in the dry season, as well as the majority of wildlife and game reserves.

Whereas the Borderlands Burden revolves around the unmet resource-driven socioeconomic demands of the people, the Borderlands Debate arises from what is to be done by the two Sudans to address additional challenges. These arise directly from Sudan's inability to determine priorities and future emphases for the borderlands and Darfur, including the Bahr-al-Arab River, the only international waterway between the two Sudans. Moreover, Blue Nile and South Kordofan are governed under the two areas protocol (TAP), while the disputed Abyei area is governed under the special Abyei Protocol through the presidency. All three areas are currently engaged in wars against the central government in Khartoum. The challenge posed by the TAP requires that the rulers in the two Sudans make crystal clear their positions and intentions regarding what they

intend to make of the borderlands, now and in the near future, whether they intend to transform them into the breadbasket of the two Sudans through reconstruction and development, or whether they intend to leave the borderlands, including the TAP areas, to degenerate into a cockpit of resource-based competition and conflict. The latter would mean that the TAP areas will continue to fight against the central government and live on humanitarian aid and food stamps. This option is not good for anybody and is doomed to fail. This is the real challenge for any responsible government (Table 6.1 and Fig. 6.2).

Constrained Livelihoods for Pastoralists and Farmers in the Borderlands

The rural economy of the borderlands is dominated by pastoralists and rural smallholders who are respectively dependent on traditional mobile herding, both long and short distance, and subsistence agriculture. The average per capita income is only $310 per year. Poverty is evident in terms of both insufficient income and weak human development indicators. It is also reflected in the regressive and unequal distribution of assets and access to productive resources, unemployment or low-wage employment as well as weak transportation infrastructure and communications, which affect access to markets and basic social services. In addition, persistent violence and insecurity since independence in 1956 have led to a serious deterioration in social services, infrastructure and market networks, and have played a significant role in perpetuating poverty. The African Union promulgated a programme in support of pastoralist communities in Africa that could prove useful for pastoralist in Sudan.

> The Policy Framework for Pastoralism in Africa contains guiding and cross-cutting *principles*, two main *objectives*, and a set of *strategies* for each objective. The two objectives of the framework are as follows: Objective 1 Secure and protect the lives, livelihoods and rights of pastoral peoples and ensure continent-wide commitment to political, social and economic development of pastoral communities and pastoral areas. Objective 2 reinforces the contribution of pastoral livestock to national, regional and continent-wide economies.

The following conditions are relevant to identifying development challenges for pastoralists relative to farming communities in Sudan's borderlands. First, macroeconomic constraints are evident in the country's

Table 6.1 Three sectors of Sudan's borderlands

Eastern Hinterland domain East Sudan sector				*Inter-Nilean domain White Nile/Blue Nile sector*			*Western Hinterland domain SKS—Bahr-al-Arab sector*	
	Red Sea	*Kasala*	*Gedaref*	*Sinnar*	*WNS*	*BNS*	*SKS (WKS)*	*SDS (EDS)*
Area (km^2)	218,020	42,330	71,000	40,680	39,700	38,000	144,000	137,842
Population	1,396,110	1,924,450	1,348,378	1,408,560	1,730,588	800,000	2,508,268	4,093,594
density (km^2)	**6.4**	**45.5**	**19.0**	**34.6**	**43.6**		**17.4**	**30**
Man/land ratio/in fedan $4200m^2$	37	5	13	7	5		14	8
					4,812,111		4,779,528	4,427,025

Note: It is apparent that the population in each domain is in the range of 4–5 million people

Source: Created by the author.

Abbreviations: WNS: White Nile state; BNS: Blue Nile state; SKS: South Kordofan state; WKS: West Kordofan state; EDS: East Darfur state; SDS: South Darfur state. The two states appearing in brackets were created after the 2008 census so they do not have separate tabulations for population



Fig. 6.2 Sudan's borderland states (post-separation). *Source*: Created by the author

mounting external debt of close to $50 billion and the ineligibility of the Bank of Sudan to borrow from international consortia as a result of international sanctions since 1997. Sudan's inability to produce enough food for its own people has led to prolonged dependence on chronic food aid from UN agencies and international non-governmental organisations (NGOs) amounting to $100 million every year since the 1970s. Since separation the borderlands are the only part of the country capable of producing enough food to feed the population, but warfare and violence hamper food production.

Second, natural ecosystem constraints include environmental degradation, desertification, erratic and undependable rainfall, and successive dry spells north of 12 degrees latitude. There has been one dry year in every three since the most severe drought of 1984/1985. Nowadays, dry years occur every other year in some areas. Such drought patterns impose constraints on settled farmers and pastoralists, leading to increased competition for diminishing pasture and land for cultivation. Poor and erratic rainfall, added to the cost of farm inputs, including high fuel costs for large-scale farmers, reduce cereal production, thereby precipitating food shortages in the borderlands, particularly in the Central Kordofan Basin, which includes the northern parts of South Kordofan and Darfur.

Third, political constraints are reflected in Sudan's status as a pariah state and its isolation. This situation must be seen against the backdrop of the US-led definition of the country as a condoner of terrorism, which has led to trade boycotts and sanctions, as well as caps on the import of lethal arms. Moreover, multiple internal wars in the south, east and west of the country since independence in 1956 have not only resulted in 3 million deaths but also fostered a culture of violence, intolerance and sociocultural exclusion of minority groups.

Lastly, internal conflict and war have disrupted investment in agricultural and pastoral production systems. They continue to be characterised as low-input/low-output subsistence regimes. State-level revenues and financial resources cannot finance the full range of investments required to achieve regional priorities and objectives. Development constraints can also be seen in illiteracy, ill health and harsh living conditions, which, when added to widespread disease and high infant mortality, result in a low quality of life among pastoralists and settled farmers in the borderlands. Hence it is logical that the younger generation seeks marginal employment by scratching for gold or joins the armed movements in the bush.

Role of the International Community and Prospects for a Durable Settlement

There is thus sufficient justification to set these problems and constraints in a regional context in terms of possible collaborative actions for sharing surface and subterranean natural resources, including with pastoralists and sedentary communities, on the basis of restructured and justice-driven resource and wealth sharing. The regional dimension has become instrumental through mediation to achieve a durable settlement of the AU, mandated by the UN Security Council and the two Sudans. Security Council Resolution 2046 also includes the GOS and SPLM-North in this initiative.

The AU High-Level Implementation Plan's mediation leads to three expectations regarding the future prospects of the war-affected peoples in the borderlands between Sudan and South Sudan:

1. that a durable peace settlement in 2015 would end the ongoing war in Sudan's borderlands, thereby eliminating serious human insecurity and consolidating peace;
2. that a durable peace settlement would establish some form of strengthened regional autonomy whereby the people of the borderlands in South Kordofan, Blue Nile and Darfur would within a year of signing the agreement freely elect regional governors, legislatures and local commissioners who could in a sustained manner stabilise the borderlands, rebuild livelihoods and pull the whole range of vulnerable pastoralists and smallholders out of poverty;
3. that Sudan's borderlands would be sufficiently supported by the UN, donors, international NGOs and government organisations in terms of safe borders, trade relations and basic services, including education, water provisioning, increased food production through improved seeds and appropriate technologies to open up employment opportunities during the transition period (2015–2018), thus paving the way to ending or reducing the chronic exclusion from which the borderlands suffer in terms of economic inequity and social inequality.

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PART III

Reconfiguration of National Identity in Sudan, South Sudan, Somalia and Somaliland

This part analyses the endeavour of reconfiguration of national identity following secession and post-transition. It seeks to provide an analysis of the need for reconfiguration of national identity that reflects the new reality. It addresses the need for national identity configuration by the emerging states of Somaliland and South Sudan, on the one hand, and the necessity for rearranging their national identity by the older states of Sudan and Somalia as a consequence of split and state collapse.

CHAPTER 7

Somalia: Reconfiguration of National Identity

Abdurahman Abdullahi (Baadiyow)

The Somali people have experienced many changes over the last century, such as colonisation by a multitude of different countries, a struggle for independence, the unification of northern and southern territories, and military dictatorship. This has had a major impact on Somali culture and the country's social system, thus influencing Somali identity (Friederike Teutsch 1999).

Introduction

In the chronicles of Somali history, 10 September 2012 will feature as the day on which the first presidential race was held and concluded in Mogadishu since the collapse of the state in 1991. The process leading up to this remarkable event was extensive and challenging. First, a new parliament had to be selected, and then a new president elected. As planned in the roadmap to end the transition signed on 6 September 2011, the new administration won swift recognition from the USA and the international community at large, sealing the end of 12 years of successive transitional governments

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Hence this historical landmark is assumed to be the closing stage of past Somali political history, which witnessed multiple shifts following the outbreak of civil war in 1991. The political landscape of the last two decades has been characterised by the dominance of warlords, separatist tendencies, building regional administrations, the emergence of a vibrant civil society, the ascendancy of Islamic militancy, piracy, multiple foreign interventions and weak transitional governments. Moreover, the new post-transition administration was expected to be the culmination of the protracted transitional period that began with the successful civil-society driven Somalia National Conference in Djibouti in 2000. Since then, three transitional governments have been formed. On the domestic front, the established post-transition state had evoked immense public enthusiasm and unprecedented expectations. Likewise, the international community welcomed the culmination of a process for which it had provided technical, financial and military assistance.

The former UN envoy to Somalia, Mohamed Sahnoun, compared Somali society to a vase that had been smashed into small fragments (Luling 1997: 292). Recementing these shattered pieces, representing clans and communities, is extremely challenging but should be a priority of the post-transition administration. Post-transition tasks are demanding and require an infusion of enormous human, financial and technical capacities, and their prudent use to remobilise society and create a conducive environment for national unity. Unfortunately, such capacities are unavailable and/or underutilised. Moreover, the post-transition administration is trapped between a reconfigured national identity with high societal expectations on the one hand, and the persistence of the previous state model and political culture of the predatory elites.

Indeed, Somalia is building and reshaping its national identity, which is still in flux with the regeneration and recycling of social conflicts. The national identities constructed during the struggle for independence were dismantled after the collapse of the state in 1991 and replaced by reconfigured national identities. For instance, secularism was replaced by Islamism; the unitary structure of the state was abandoned in favour of federalism; multiple identities took over from the single national identity; and the role of clans denied earlier was recognised and employed as a means of power sharing. Yet the reconfiguration of national identities is still contested and it attracts assiduous public debate and discussion. Nonetheless, trends in the reconfiguration of national identity are evident in the two National Charters of 2000 and 2004 and the Provisional Constitution of 2012.

This chapter attempts to examine the historical process of reconfiguration of the national identity from the pre-colonial era until the post-civil war period. However, this topic cannot be given satisfactory coverage unless the historical context is provided and the concept of identity is defined.

Background

Somalia is located in the strategic Horn of Africa, connecting Asia, Europe and the rest of Africa. The country was constituted through the unification of a former British protectorate and an Italian trusteeship territory, both of which gained independence in 1960. However, the state totally collapsed in 1991 after 30 years, ushering in a fragmented society, clan wars, gross violation of human rights, massive refugee crises and the emergence of extremists in the name of Islam and clans (Le Sage 2001). Paradoxically, Somalia is the longest failed state in the contemporary era, even though it was known as one of the early democracies in post-colonial Africa and was created on the basis of unifying factors, such as common race, language and religion (Samatar 2016). Ethnic Somalis, estimated to number more than 25 million, are scattered across four Horn countries: Somalia, Djibouti, Ethiopia and Kenya. In addition, more than a million live in the diaspora, mostly in Europe and North America.

The history of the post-colonial Somali state is usually studied in two consecutive phases. The first is known as civilian rule, beginning in 1960 with independence and ending in 1969 when the Somali army seized power from the democratically elected government in a bloodless coup d'état. During this period the state was characterised by an emerging democratic culture, low economic performance, a scarcity of trained human resources and the strong influence of Cold War superpower rivalry (Mohamed 2009; Nkaisserry 1997). The second stage, military rule, continued from 1969 until the state's total collapse in 1991. During this period the military regime curtailed freedoms and banned all social and political organisations. Moreover, in embracing and implementing rigorous socialist and nationalist programmes, the regime developed closer relations with the Soviets and initiated clan-loaded socialist programmes. Its repressive course began most clearly with the enactment of the notorious Law of 26 Articles, adopted on 10 September 1970 (Ingiriis 2016). Consequently, identity politics based on political clanism strengthened, while Islamic revivalism received new impetus with the emergence of Islamic political movements,

strengthened after the execution of the Islamic scholars in 1975 (Abdullahi 2010: 137–160). Thus both traditional pillars of Somaliness—Islam and the clan—were employed in combination or separately as the ideology of resistance to the military regime, and gradually they were pushed towards extremism, rending the social fabric of Somalia. However, the defeat of the Somali army in the Ogaden War of 1977–1978 was the beginning of the end for the Somali state and it undermined one of the basic tenets of Somali nationalism: Greater Somalia. The war with Ethiopia was disastrous, creating irreparable conflict between political elites and polarisation in society along primordial lines. As a result, in the 1980s, clannish armed factions such as the SSDF (1978), the SNM (1981), the USC (1989) and the Somali Patriotic Movement (1988) established bases in Ethiopia one after another. Thus clan attachments were employed excessively as a political tool by both the ruling clique and the armed opposition, and this contributed to the final collapse of the state in 1991.

Between 1991 and 2000, Somalia underwent ruthless civil war, multinational armed interventions and numerous warlord-driven and abortive reconciliation conferences. During these stateless years, clan warlords gained power and monopolised the political scene in the absence of alternative political entities: they were given a monopoly in deciding the future of the Somali state. Gradually the role of civil society grew. Meanwhile the warlords became fragmented, and by the end of the first decade of the civil war their influence had diminished. As a result, a paradigm shift towards Somali reconciliation occurred in 2000 when the civil-society driven Somali National Peace Conference was held in Djibouti. This produced the Transitional National Government, which was constituted through "traditional democracy". This type of democracy is based on select members of the parliament through a 4.5 clan quota where clan elders appoint these members according to a consented quota and, subsequently, the president is elected by the parliament. This formula was exercised for the first time at the national level at the Djibouti conference in 2000.

In the following decade or so (2000–2012), three unsuccessful transitional administrations were created by recycling the same formula of clan-based traditional power-sharing. These administrations were under the leadership of President Abdiqasim Salad (2000–2004), President Abdullahi Yusuf (2004–2009) and President Sheikh Sharif (2009–2012). In this decade, as a consequence of the Global War on Terror, which designated Somalia a safe haven for terrorist groups, the UIC emerged to counter the local Somali armed factions. It later divided into what were

termed moderates and extremists. The moderates accepted their role in the widened TFG and their leader, Sheikh Sharif Sheikh Ahmed, was elected as the new Somali president. The extremists proclaimed their true nature and embraced the ideology of Al-Qaida under the name of Al-Shabaab, and they were committed to toppling the government and to establishing their version of an Islamic state. Again in 2012, a tradition-based selection process was held in Mogadishu, where the new selected parliament elected the incumbent, President Hassan Sheikh Mohamud. Since then, Somalia has entered what was thought to be a post-transition period and the FGS was recognised as a full member among world states in January 2013.

Conceptualisation of National Identity

Most scholarly literature concurs that identity is conceptually murky and slippery, so it has been left entirely undefined, and various academic fields approach it from their different perspectives. For instance, the psychologist Erikson, who was a key figure in popularising the term, expresses the difficulties of its conceptualisation by writing that identity is "a process 'located' in the core of the individual and yet also in the core of his communal culture, a process which establishes, in fact, the identity of those two identities" (Erikson 1968: 22). However, by and large, identity is agreed to be a "relational concept" that has emotional functions (Welsh 1993: 66; Brown 2000: 745–778). Also, it is a popular term that signifies the concept of "us" versus "them", and "I" versus "him/her", thereby incarnating social and personal identities. Personal identities can be as broad as gender or religious affiliation (Muslim/Christian), or as narrow as membership of a family, village or neighbourhood. On the other hand, social identities may extend to countries, ethnic communities and religious groups.

Nonetheless, it should be understood that personal and social identities are interlinked and influence one another. Individuals who share collective identities are expected to act collectively, as though they have a common interest and a common fate. Moreover, it is assumed that they relate to those designated as outside their group, or the "other", in a collective manner. Some identities are nested within each other in harmony. Others are mutually exclusive, competing with and contradicting one another. This leads to an "identity crisis" (Kriesberg 2003). Erikson, who coined the term, asserts that the crisis of identity "is now being accepted as designating a necessary turning point, a crucial moment, when development

must move one way or another, marshalling resources of growth, recovery, and further differentiation" (Erikson 1968: 16). Generally, identities can be classified into particularistic identities, which relate to some segments of the society, and general identities, which encompass most of the society. Moreover, identity that distinguishes citizens of states is called national identity.

The theory of national identity and the nation state was first studied by Hans Kohn, and other scholars such as Benedict Anderson and Ernest Geller have also contributed to the field (Kohn 1944; Anderson 1983; Geller 1983). Central to the debate about national identity is the distinction between constructionist and primordialist arguments, even though attempts are being made to bridge the theoretical gap (Calhoun 1994; Hall 1990: 222–237; Rutherford 1990: 9–27). Primordialist concepts emphasise primordial attachments, such as common history, culture and language (Lentz 1995: 306). On the other hand, constructionists emphasise the construction of social identity under specific historical conditions. Such identity is based on a civic culture that requires a group of people to be joined voluntarily in a community based on respect for the rule of law.

In fact, scholars conclude that the two criteria that signify a nation's identity are collaborators in the journey towards nationhood and in the pursuit of the establishment of a nation state. For nationalism to be successful it must involve an interplay of the principles of both civic nationalism and ethnic nationalism, rather than these components acting as mutually exclusive concepts (Nikolas 1999). Thus the emphasis shifts to the study of the effect of identity, whether primordial or constructed. In that context, national identity delineates who is a national of a nation state and who is not. Accordingly, the legitimacy of nation states is founded on "the self-identification of a community of people who see themselves as having an observable sovereignty and identification of a political unit housing a culturally homogeneous group" (Nikolas 1999). This means that a certain degree of popular homogeneity is essential for a cohesive nation state. In this way, nation states create national identities based on what Benedict Anderson has called an "imagined community", for nation states are distinguished "not by their falsity/genuineness, but by the style in which they are imagined" (Anderson 1983: n. 62, 6).

Theoretically, even though some modernisation scholars tend to identify nationalism with secularism, others claim that strong nationalism is created through overlapping religion and ethnicity (Geller 1983; Hobsbawn 1990; Anderson 1991: 10–11). For example, Smith writes that modern

national ideologies tend to use the pre-modern arsenal of ethnic symbols (Smith 2003: 4). Moreover, he writes, "It is in the sphere of 'religion' that we must seek primarily the sources of national attachments. Behind and beyond ethnicity, language, and state, albeit entwined with all three lie the fundamental sacred sources of national identity" (Smith 2003: 5). Indeed, other scholars articulate the importance of religious elements and symbols in the formation of modern national identities (Hastings 1997; Friedland 2001: 125–152; Gorski 2003; Marx 2003). However, theorising the issue of national identity in Somalia requires complex synthesis, symbiosis and synergism between Somaliness, Islam and the nature of the modern state in an innovative way.

Historical Evolution of Somali Identity

In the pre-colonial era, Somalia existed as segmented city states in the coastal regions and as various independent principalities in the interior. These geographical settlements in what is known today as the Horn of Africa were porous and not demarcated. They continually shifted in tandem with pastoral migration from the northern barren plateau to the southern pasturelands. However, geographic localities were acknowledged and every clan and subclan protected their homelands from the incursions of others. The pastoral way of life compelled this mobility in search of pastures within their territories and beyond. Generally, Somalis were identified by outsiders by their ethnicity, Islamic faith, language and culture. Ethnic Somalis are divided into four major clan families and a number smaller clans. The four clan families are the Darood, the Hawiye, the Dir and Digil, and the Mirifle. Other relatively small clans include the Jareer, the Reer-Xamar, the Boon, the Tumaal and the Yahar. Yet the basic operational social unit in the Somali clan system is the *Diya*-paying subclan. It takes this name because its members participate in paying and receiving blood compensation for killed individuals collectively. The full blood compensation is equal to 100 camels for men and 50 camels for women, also payable in monetary values. This unit functions in rural areas and cities, and it is founded on either primordial blood relations or contractual alliances. Somali clans are administered by a collective and cohesive leadership of clan elders and Islamic scholars, who play different roles and have clearly defined responsibilities in their community. On the other hand, Islam distinguished Somalis from non-Muslims, namely Christians and believers in African religions among neighbouring eth-

nic communities. Somalis have an affinity for the global Muslim nation (*Ummah*), in particular with the Arabian Peninsula, whence Islam was introduced into Somalia in the late 800s. However, the mass conversion of Somalis to Islam occurred between the eleventh and thirteenth centuries (Abubakar 1985: 9; Laitin and Samatar 1987: 8). Most of the social norms, attitudes, customs and gender roles among Somalis derive from Islamic tradition, along with complementary local customary laws known as *Xeer*. Traditional Islam in Somalia is a combination of the Al-Ash'ariyah school of theology, the Al-Shafi'yah school of jurisprudence and various Sufi brotherhoods. The Ash'ariyah theology was founded by Abu al-Hassan Al-Ash'ari (873–935) in reaction to the extreme rationalism espoused by the school of Mu'tazilah, one of the early theological schools in Islamic theology. The Al-Shafiyah school of jurisprudence is also one of the four major Sunni schools of jurisprudence and is rooted in the methodology and teachings of Abu-Abdallah al-Shafi (767–820). Sufism appeared as a reaction against the luxurious lifestyle that became prevalent in the Islamic urban centres when Muslims became powerful and wealthy, and were exposed to the influences of other cultures. Moreover, the Somali language is one of the Cushitic languages shared by the peoples of East Africa. Somalis generally speak one language, but with two distinct regional variations: Maxaa and Maay. Pastoral Somalis in the central, northern and north-eastern regions speak the Maxaa dialect, while many southern clans (south of Mogadishu) speak the Maay dialect (Cassanelli 1982). Somali culture includes their distinct way of life, food, dress, strong clan identity, rich oral tradition and sense of individual liberty that at times tends to be anarchic. Characteristically, it also includes strong commitment to the Islamic way of life, nomadic culture based on the freedom of movement, resilience, adaptation to the harsh environment and entrepreneurship.

The three major triggers for the reconfiguration of Somali identities are its geostrategic location, the schism between state and nation, and the tension between state and society (Abdullahi 2016). First, its strategic location between Asia, Europe and Africa became a curse for Somalia. It attracted multiple colonial powers, which carved out parts of Somali territory in the late nineteenth century. As part of the Suez Canal and oil-rich Gulf region geopolitics, Somalia became one of the hotspots in the Cold War from the 1950s onwards. It was drawn into the Nile River political tension between Egypt and Ethiopia (Abdullahi 2005). Moreover, it became a place where the double identity of Arabness and African-ness compete and conflict

(Farah 2009). Furthermore, it is where the Christian-Muslim borders are drawn, even though Muslims and Christians mostly coexist peacefully.

The second trigger is the mismatch between state and nation, in that the latter was divided between four colonial powers. Multicolonialism provoked not only a nationalist movement but also irredentism. Thus nationalist sentiment aspired to a Greater Somalia state in the Horn. The original notion of Greater Somalia was based on liberating Somalis from various colonial occupations through the peaceful principle of self-determination and promoting unification with the mother country, Somalia. However, during the military regime, militarism prevailed and Somalia pursued the Greater Somalia project by military means. However, this venture put Somalia on a collision course with international conventions on colonially inherited borders. In pursuing its nationalistic objectives, Somalia did not endorse the declaration of the OAU on the sanctity of the colonial borders adopted by the first ordinary session of the assembly of the heads of the state and government in Cairo in 1964 (Touval 1967: 102–127). The resolution bluntly repudiates Somalia's claim and "Solemnly declares that all Member States pledge themselves to respect the borders existing on their achievement of national independence" (OAU 1964). The national objective of realising Greater Somalia placed Somali state in direct conflict with its African neighbours. The most terrible consequence of this policy was the Ogaden War of 1977–1978 between Somalia and Ethiopia, and the subsequent outbreak of proxy wars in which both countries supported the armed oppositions of the other country. The result was the collapse of the Somali state in 1991.

As to the division between state and society, Somali traditional society is based on a decentralised clan system and Islam, and the modern nation state is founded on a centralised European model of statehood with a secular ideology. This divergence has strained state–society relations (Kuperus 1994). The pervasive penetration of the state into the society ineptly collided with the traditional clans and Islam, and instigated the emergence of extremism in the name of clans and Islam, thereby ushering in three competing ideologies—clanism, Islamism and nationalism—even though these ideologies are dynamic, cross-cutting and often overlap (Abdullahi 1992). The cumulative consequences of these three triggers, which had been increasingly evident since the 1900s, was the collapse of the state and the outbreak of civil war. The conditions of statelessness created a favourable environment for the emergence of new ideas, political

rearrangements and the reconfiguration of national identity, which departs from the ideals of the fathers of Somali nationalism.

Reconfiguration of National Identity, 1888–1991

Italy and the UK began to claim parts of Somali territory as their protectorates in 1888 (Hess 1966; Bradbury 2008). Italy began to claim southern Somali territories as its protectorate after signing a treaty of the Sultanate of Hobyo Yusuf Ali Kenadid in 1888, while the UK also considered northern Somali territories as its protectorate in 1888 after entering into treaties with various clan elders, such as Mohamud Ali Shire of Warsangeli Sultanate. Colonial powers introduced the modern state concept founded mainly on a secular unitary state, a new economic system, alien values and modern education. The initial Somali reaction to colonial incursion was confrontational, but traditional elders and Islamic scholars were gradually absorbed into the colonial system (Abdullahi 2016). Early anti-colonial movements were led by Islamic scholars. The most notable among these was the Darawish, led by Sayyid Mohamed Abdulle Hassan (1900–1920). These movements were remarkable in awakening Islamic consciousness and stirring nationalist sentiment, which emerged in organised form in the 1940s. The most prominent nationalist movement was established in 1943 under the name of the Somali Youth Club which in 1947 became a political party, the SYL.

In the struggle for independence, Islam and nationalism were intertwined as anti-colonial ideologies and, as a result, Islamic scholars took the lead in the struggle for independence. For instance, Sheikh Abdulqadir Sakha al-Addin and Haji Mohamed Hussein were two prominent Islamic scholars among 13 founding members of the SYL. However, the romanticism of Somali nationalism and awareness of it superseded consciousness of Islam and its role in politics. The basic principle of Somali nationalism was the homogeneity of the Somali people in terms of ethnicity, language and religion as idealised by the founding fathers of the nationalist movements and theorised by the early scholars, such as I. M. Lewis, who stated that Somalis had "traditionally, a strong sense of cultural and linguistic unity" (Lewis 1993: 25). Nationalism had been the ideology that shaped European nation states, and also became the ideology of the anti-colonial liberation movements. As a result, Somali nationalist movements were influenced by secular ideologies and torn apart by the competing ideologies of socialism and liberalism during the Cold War. Furthermore,

traditional clan identities were disparaged by the nationalist movement on the assumption that shaming clanism would inevitably advance nationalism. Thus degrading clanism and promoting nationalism were the primary objectives of Somali nationalists. This was the beginning of the new trend towards Westernisation and secularisation based on modernisation theory that belittles the role of tradition, which in the Somali context refers to Islam and clans (Black 1966; Bernstein 2002: 141–160). Modern colonial schools provided secular education, and new elites, who followed the cultural norms of the colonisers, were growing. In parallel, Arabic and Islamic education was intensifying. Thus the first reconfiguration of Somali national identity began in the process of creating the Somali state.

The state, a child of colonialism in terms of its structure, laws and policies, did not acclimatise to, or satisfactorily incorporate, the culture and values of its society (Abdullahi 2016). It had inherited transformed Somali identities in the long process of more than 70 years of colonial rule. Reconfigured pre-colonial identity produced a Somali society wherein Somaliness acquired supplementary meaning and manifestations. It did not merely stand for Muslim clans speaking the Somali language and living in a porous territory in the Horn of Africa; it signified that Somalis, after being colonial subjects, became citizens of the Somali Republic with a demarcated border (although this border was much disputed with its neighbours). Moreover, it meant that Somalis lived under a centralised system of governance that favoured secularism.

Somali nationalism emerged as anti-colonial cultural nationalism and went through three stages: romantic, strong and weak. The beginning of Somali nationalism was romantic and idealistic, aiming for the liberation of the Somali people under the rule of multiple colonial powers and uniting them under one unitary state. Its prominent objective was to realise internal unity by eliminating clanism, and external unity by uniting all Somalis who were then under multiple colonialism. However, when it achieved its first goal of gaining the independence of two of the five Somali colonial entities, Somali nationalism gained new impetus, being convinced of the attainability of its goal and thereby strengthened substantially. The new independent Somali state set its strategic priority as the liberation of the Somali colonial entities that remained under foreign rule to prepare for their political unification. The ideology of Somali nationalism was strengthened through its systematic propagation via mass communications, songs, poetry, arts, folklore, education, new national institutions and the symbolism of national heroes, national carriers, national sport teams and so on.

The homogeneity of the people, religion and culture were the hallmark of the nationalist discourse, the narrative that was challenged later by some Somali revisionist scholars (Ahmed 1995; Eno 2005). In fact, the title of the book co-authored by Said Samatar and David Laitin, *Somalia: A Nation in Search of a State*, captures the true vision of Somali nationalists.

With the formation of the national state, despite disputes with neighbouring countries, the Somali Republic acquired an international border recognised by the international community. However, the Somali people remained borderless, moving across international borders in search of pasture and following their traditional way of pastoral life. In the first Somali Republic (1960–1969), nationalist goals were pursued through peaceful means. The Constitution of 1960 stipulates that "The Republic repudiates war as a means of settling international disputes" (article 6:1), and "The Somali Republic shall promote, by legal and peaceful means, the union of Somali territories and encourage solidarity among the peoples of the world, and in particular among African and Islamic peoples" (article 6:4). However, during the military regime (1969–1991), Somali nationalism was radicalised and pursued military options, as evidenced by the Ogaden War of 1977–1978. After the defeat of the Somali army, nationalism gradually waned, ushering in a polarised society wherein certain clans dominated state power while others opted for armed opposition. The implementation strategy of national goals to unite all Somalis in the Horn of Africa ultimately yielded a more divided nation and weakened nationalism, the culmination of which was the collapse of the state in 1991.

Moving away from mere clan identification, Somali nationalism promoted and legally established Somali citizenship. With the formation of the state, even though clan attachments remained intact, a neologism had appeared among Somalis: Somali citizen (*Muwaadinka Somaaliyeed*). Citizenship is based primarily on patrilineal descent and is granted to any person whose father is Somali and who can trace his genealogy to one of the Somali clans. This means that Somali citizenship is broadly based on the concept of *udhashay* (born to a family, clan and nation). Thus Somalis settling in various countries had the right to Somali citizenship. Multiple citizenship was not accepted, and the rights and obligations of citizens and their equality before the law were adopted in the national constitution. The new elites began to identify themselves as Somalis, and clan identification was derided and vilified.

Moreover, Somali nationalism, seen by its proponents as the overriding ideology, adopted some form of secularism within a Muslim society.

According to the first Constitution of 1960 (article 1), Somalis were to be governed in accordance with "the general principles of Islamic Shari'a". It also affirmed in article 94 that "laws and provisions having the force of law shall conform to the Constitution and to the general principles of Islam". However, constitutional principles were not fully implemented in the first nine years, even as the constitution affirmed the indispensable role of the Shari'a in the state. Nonetheless, the modern nation state and the secular tendency through the practices of the elites reconfigured the religious traditions, religiosity and normative values of the urban population. New Western values that contradict Islamic values were tolerated while Islamic values were not officially violated. The military regime that took power in 1969 adopted socialism and marginalised Islam by enacting a number of secular laws that contradicted the Shari'a. These included socialism and dictatorial rule, the curtailment of citizens' freedom, nationalisation of private property, prohibition of women's dress code (*hijab*), abolition of the *Diya*-paying system and adoption of secular family law (Abdullahi 2015). Moreover, in the second Constitution of 1979, developed after ten years of military rule, secularisation was dominant in accordance with the ideology of socialism. It offered only lip service to Islam by confirming in article 1 that "Islam shall be the state religion".

Upsurge in Islamism and Political Clanism

With the dominance of nationalism and the adoption of Western ideologies, the reconfigured Somali identity of Islam and clans resurfaced as authentic and sought political traction. Groups associated with politicised Islam demanded the application of the Shari'a to all aspects of life, and revision of the laws of the land in compliance with Islamic principles. Alternatively, the clan-based political movement arose in reaction to the usurpation of power by a clique belonging to certain clans, leaving the others marginalised. The grievances caused by clan marginalisation and dissatisfaction along with the threat to core beliefs in the society were the main animating impulse in group consciousness and were expressed in the vocabulary of Islamism and political clanism.

Islamism is a controversial term and is defined differently as part of the terminologies produced by Western scholars to signify modern developments among Islamic movements. "Sometimes Islamism is used as synonymous with political Islam even though their diverse definitions make it difficult to come up with a concurred one. Its simplified definition used

here is a popular movement advocating the reordering of Muslim societies and states in accordance with the principles of Islam" (Abdullahi 2016). Islamism poses challenges to the post-colonial secular state by advocating its Islamisation, and to traditional society through puritanism, reform and revivalism. The streams of ideas and groups belonging to this category are numerous and diverse. However, in Somalia the two main conceptions of Islamism are rooted in Salafism and the Muslim Brotherhood.

First, as part of Somalia's recent development, the Salafia school appeared in Somalia in the second half of the twentieth century and grew exponentially in the 1980s. It was introduced to Somalia as part of the rising influence of Saudi Arabia in global politics, and it was spread by students who had received scholarships from Saudi Islamic universities. Salafism also influenced a great number of Somali migrant labourers working in Saudi Arabia during the economic boom of the 1970s. To realise the official policy of spreading Saudi influence worldwide, many graduates of Saudi Islamic universities were employed to spread Salafism in Somalia and were provided with enormous resources, such as ample Islamic literature, spacious mosques and other incentives, such as scholarships and training. Numerous organisations belong to the Salafia persuasion. However, the mother organisation, Al-Itihad Al-Islami, split into more than four organisations after the militant period of the 1990s. The most prominent among them are Al-Itisam and Al-Shabaab. The most notorious extremist organisation, *Al-Shabaab*, is a mixture of Salafia Jihadist and al-Takfir elements.

Second, the Muslim Brotherhood was founded in 1928 by Hassan al-Banna in Egypt. It reached Somalia in 1953 through Egyptian teachers and Somali students who had graduated from Arab universities. The Muslim Brotherhood, which promotes Muslim unity among various groups, avoids divisive Islamic discourses on doctrinal and legal matters within its ranks. Indeed, its main approach is to promote collaboration between various Islamic groups and organisations to attain a great vision: the promotion of Islam in society and its application at state level. Prominent organisations belonging to this faction are the Islah Movement, its splinter wing Dam-Jadiid (New Blood) and al-Tajamu al-Islami (Aala sheikh).

On the other hand, the identity politics of clanism appeared in 1950s when most political parties based their organisation on clan divisions, with the exception of the SYL. Identity politics have been growing in parallel with nationalist consciousness, articulating nationalist ideals and sentiments, and expressing localised sentiments (Lewis 1980: 146). During

the struggle for independence, political clanism was portrayed by Somali nationalists as an incurable cancer, a pervasive and inescapable plague that afflicted national cohesion. The implication of this perception was severe—,namely the adoption by the military regime of the policy of *Dabar-goynta Qabyaaladda* (eliminating tribalism). The kleptocratic regime further instigated radicalisation of the clans, and the whole of Somali society was divided into the ruling clans and armed opposition based on clans. The Somali state was the victim of political elites using clan sentiment to gain or preserve their own power. Clan-based armed factions formed after the defeat of the Somali military in the Ogaden War. These factions were the SSDF, the SNM, the USC and the Somali Patriotic Movement. Other factions, such as the Somali Democratic Movement, were also organising by the end of the 1990s. These clan-based factions, with the help of Ethiopia, finally toppled the Somali state in 1991.

In conclusion, the original Somali identity based on Islam, ethnicity, language, culture and geography were vastly reconfigured between 1900 and 1991. Islamism had appeared in the domain of traditional Islam to confront growing secularism at the state level and to reform religious conceptions in Somalia. Rural clanism developed into urban clanism and further into political clanism. The latter was initially expressed though clan-based political parties, and gradually influenced state bureaucracy and created power disparities among the clans. As a result, clan grievances mounted, leading to the establishment of clan-based armed factions by 1978. The revival of clanism weakened Somali nationalism, and the Somali state finally collapsed after bloody conflict between clan-based factions and the clan-dominated state. The remaining qualifiers of Somali national identity, such as language, culture and geography, have also been transforming. For instance, the oral Somali language became the official language of the state and was committed to writing in 1972. Moreover, the Somali people's historically fluid territory in the Horn of Africa was quasi-demarcated by state borders and was respected as such.

Reconfiguration of National Identity, 1991–2012

After the collapse of the state and the outbreak of the Somali Civil War in 1991, Somali nationalism waned ideologically and atrophied physically. The state-related vocabularies, such as citizenship and rule of law, disappeared completely, and a polarised society engaged in full-blown conflict became the order of the day. As a result, the two basic pillars of

Somaliness—Islam and clans—which had been shifting and reconfiguring since the colonial era, were further politicised and radicalised. Hence the vacuum left by the state was filled by clan-based armed groups claiming to protect their clan interests, and Islamic movements contending to advance Islamic Shari'a. Nonetheless, the collapse of the state should not be equated with the total death of Somaliness, which is real and lives in the minds and hearts of millions of people in the Horn of Africa and among the Somali diaspora. It invariably stirs impassioned emotions when evoked, particularly against foreign invasions. It has merely been reconfigured from the colonially constructed or adopted version of the Somali nationalists to place-based national identity. The following are the major components of the Somali national identity recognised in the National Charters since 2000 and adopted in the Provisional Constitution of 2012.

Territoriality of the State

A shift occurred whereby Greater Somalia was defined less by its political objective of unifying all Somali ethnics and more as an expression of cultural unity and regional integration. This new interpretation advances the notion that regional peace and integration offer incalculable advantages to the peoples of the Horn in an era of globalisation. This vision removes from the Somali leadership the distressing burden of territorial disputes with neighbours, which historically led to wars and conflicts and played a crucial role in the collapse of the Somali state. Thus the post-transition state tacitly accepts the internationally recognised borders of the Somali Republic dating to 1960 and acknowledges the OAU's resolution on the sanctity of colonially inherited borders.

Recognition of Diversities and Minorities

Post-civil war Somalia is totally different from the country before 1991. Revisionist scholars refuted the myth of its homogeneity and the primordial nature of Somali nationalism (Ahmed 1995). As a result, the constructed national identity founded on homogeneity has been revisited and debated, and linguistic diversity and minorities have been recognised (Kusow 1995: 81–106; Hill 1997). The Provisional Constitution acknowledges minorities and their rights by affirming that "The state shall promote the cultural practices and local dialects of minorities" (article 13:3). Moreover, the unilingual description of Somaliness was also contested and regional variants

of the Somali language officially recognised. Accordingly, the Provisional Constitution affirms the two main Somali language variants—Maxaa and Maay—as the official languages of the country (article 5).

Multiple Citizenship

One of the most difficult questions in reconstructing the state is how to define who is a Somali citizen and who is not. This arises from the colonial legacy that divided Somali ethnics among four countries: the Somali Republic, Djibouti, Ethiopia and Kenya. As a result, borders between the Somali state and its neighbours cut across Somali ethnic territory, with Somalis living on both sides. This situation makes delineation of Somali citizenship complex, particularly given the psychology of Somali ethnic nationalism. In terms of this psychology, Somali citizenship cannot be denied any individual belonging to Somali ethnic communities anywhere. The issue has been complicated by the huge Somali diaspora, estimated to be more than a million people, who have acquired citizenship from other countries. These circumstances demanded that the leadership consent to multiple citizenships in the Somali Constitution. Thus the constitution permits multiple citizenships and stipulates that "A person who is a Somali citizen cannot be deprived of Somali citizenship, even if they become a citizen of another country" (article 8:3). These hyphenated Somalis from the diaspora, such as Somali-Americans, Somali-Canadians and Somali-Norwegians, dominate the economy as well as the political arena in the post-transition era.

Islamism

Besides Islamic social movements, which had been growing and propagating Islam since the 1950s, Somali national charters and provisional constitutions since 2000 offer Islamic Shari'a as the ultimate reference for the laws of the land. This is a victory for the Islamic movements that strove for the Islamisation of society and the state. This drastic shift began during the Somalia National Peace Conference in Djibouti in 2000. The National Charter of 2000 affirms that "any law contradicting Islamic Shari'a shall be void and null" (article 4:4). However, the Transitional Federal Charter adopted in 2004 adjusts this clause and affirms only that "Islam shall be the religion of the Somali Republic" (article 8:1), and that "the Islamic Shari'a shall be the basic source for national legislation" (article 8:2). Conversely,

the role of the Shari'a was reaffirmed in 2009 when Somalia's parliament unanimously approved the implementation of the Shari'a across the country. Finally, the role of Islamic Shari'a is placed above all other laws in the Provisional Constitution of 2012. It states, "The Constitution of the Federal Republic of Somalia is based on the foundations of the Holy Quran and the Sunna of our Prophet Mohammad (PBUH) and protects the higher objectives of Shari'a and social justice" (article 3:1). Moreover, "No law which is not compliant with the general principles and objectives of Shari'a can be enacted" (article 2:3).

Acceptance of the Role of Traditional Authorities

The fathers of Somali nationalism, in their drive for national unity, considered clan divisions and related clanism "as perilous, emblematic of backwardness and antagonistic to modernization and the modern state" (Abdullahi 2013: 2). However, after the breakdown of the state, the role of clan elders grew rapidly. What happened was a total paradigm shift from the state based on concepts of modernisation to a tradition-sensitive state-building approach wherein TA acquired a dominant role. Ironically, "traditional and modern elites were engaged in a new rapprochement of mutual recognition, acceptance and cooperation" (Abdullahi 2013: 3). In that context, comprehensive reconciliation between tradition and modernity was accomplished, and the modality of state building in Somalia was guided by the spirit of partnership between traditional and modern elites. The clan-centric perspective dominated during the civil war, when the clan system became the only model for power sharing among Somali clans in Somaliland, Puntland and in the national reconciliation conferences since 2000. The clan power-sharing formula based on the 4.5 system, recognised and affirmed in the TNC of 2000, was a temporary victory of the traditionalist framework over the modernist state-building approach (Enow 2007).

Federalism

Somalia has been experiencing difficulty in creating and maintaining any form of workable government structure: its centralised system adopted after independence decayed, and alternatives such as regional autonomy and federalism are still contested. After the collapse of the centralised state, modern elites sought the help of traditional leaders, who took the

responsibility of representing their clans in the participatory clan-based reconciliation conferences. Since then the traditional approach to state building has been reclaimed and refocused on decentralisation. The concept of adopting federalism was put forth in 2000 during the Somalia National Peace Conference in Djibouti. Nevertheless, federalism became very controversial, polarising Somali society into centralists, regional autonomists and federalists. In such circumstances, clan factors play a great role in shaping group thinking about which type of state is preferable. For example, clans inhabiting the capital city and the south-central regions are mostly centralists or regional autonomists, while other clans on the periphery are either federalists or secessionists. Nonetheless, the Provisional Constitution of 2012 affirms the nature of the Somali state by stating that "Somalia is a federal, sovereign, and democratic republic founded on inclusive representation of the people, a multiparty system and social justice" (article 1:1).

Conclusion

Somaliness in the pre-colonial era was characterised as Muslim Somalis living in the Horn of Africa. They were identified by their language, culture and ethnicity. However, national identity was constructed and evolved following the colonial incursion into the Somali territory of the Horn. Italy, the former UN trustee of Somalia, and the UK, with its protectorate in Somaliland, established the Somali Republic in 1960. The new state was founded on new concepts: territoriality, monocitizenship, centralisation and secularism, while TAs were marginalised. Moreover, Somali nationalism, which was born of European nationalism, placed great emphasis on unifying all Somalis living in four neighbouring Horn of African countries. The instituted Somali state further adopted ambitious goals of modernisation, which collided with the basic tenets of Somaliness—,namely Islam and clans. The Somali national identity had been reconfigured, and conflicting identities of clanism, nationalism and Islamism had been growing in parallel. Yet secular nationalism had been withdrawing gradually from the battle of ideas until it reached breaking point in 1991 with the collapse of the national state.

The national identity reconfigured after the collapse of the state was a continuation of emerging trends since 1970s. The final features of the reconfigured Somali national identities that the post-transition government is dealing with are territoriality, multiracialism, multiple citizenship,

Islamism, federalism and an accepted role for TAs. These components of national identity show the conclusion of the lengthy struggle by the Somali people for a state system that represents and respects their cultural heritage, diversity, societal values and social decentralisation. Acceptance of and agreement on these elements of national identity in post-transition Somalia will presumably contribute to the democratisation and stability of the state. This chapter refutes the prevalent notion that one cannot be a true Somali nationalist unless one negates one's clan identity. It also denies that a modern state must be inherently secular. It posits that the first step on the road to democracy begins with the recognition of the national reality—with its complexities and multiple dimensions intact—and dealing with it prudently.

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CHAPTER 8

Crisis of Identity in a Hybrid Polity: The Case of Somaliland

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Introduction

A separate "national" identity that distinguishes it from the rest of Somalia has been an important pillar of Somaliland's quest for statehood as well as the country's appeal for international legitimacy (Adan 2009). The attempt to seek legitimacy through the creation of a separate national identity has proved elusive, however, mainly because a sizeable proportion of the population has never felt a sense of belonging to the new political entity. Somaliland was born via a struggle driven by grievances of the dominant Isaaq clan against the military government of General Mohamed Siad Barre. Other clans in the country have shown little enthusiasm for secession and have consistently voiced solidarity with the people of the rest of Somalia. To the extent that social and political solidarity influence a population's perception of itself and its sense of national identity, therefore, Somaliland has faced a political conundrum since declaring independence on 18 May 1991.

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The issue of identity has been closely entwined with that of territory. In declaring independence from Somalia, the new Republic of Somaliland claimed sovereignty over all the territory of the former British Somaliland Protectorate, which, following independence on 26 June 1960, merged with Italian Somalia to form the Somali Republic on 1 July 1960.

From one perspective of international law concerning requirements for legitimacy, this made sense, as the OAU Charter of 1963 affirmed respect for colonial boundaries in determining the status of *bona fide* nation states. However, in other equally important respects, this act of territorial demarcation served only to knit the web of complex social and political relationships that has so far proved impossible to navigate. The social and political minefield that this act of territorial claim represents could permanently forestall the establishment of a separate national political identity for Somaliland and may also undermine the country's quest for recognition.

This chapter will not consider the merits or demerits of the political or legal case for independence. Rather, it will focus narrowly on the issue of national identity, and the impediments to the establishment of such an identity in Somaliland.

After an overview of the historical, social and political pretexts for secession, four factors will be cited as impediments to the formation of a separate national identity for Somaliland: two that are endogenous to the processes leading to its birth, and two that are exogenous to it. They are as follows:

1. The secessionist sentiment comes primarily (perhaps only) from the Isaaq clan and is not generally shared by the other main clans of Somaliland—the Gadabursi, the Dhulbahante, the Warsangeli and the Isse.
2. Reliance on the traditional or customary laws (*xeer*) for settling interclan disputes has kept alive clan consciousness within all institutions of the state created in May 1991. As a competing source of identity, the clan, so far, has trounced the concept of a shared "national" identity.
3. Somaliland's troubled relations with Somalia and with neighbouring Puntland have created serious roadblocks to the formation of a separate Somaliland identity as well as to its recognition.

4. Relevant international organisations—the UN, the AU and the Arab League—have all reaffirmed the commitment of their members to the unity and territorial integrity of Somalia.

Somaliland and International Law Criteria for Statehood

No entity called a "Somali state" existed prior to 1960. Ironically, the first *de jure* Somali state was the former British Somaliland Protectorate, which achieved independence on 26 June 1960. Both the USA and the UK extended official recognition to Somaliland at the time as the world's newest independent state (Carroll and Rajagopal 1993). It was also recognised as a separate political entity by the UN (Eggers 2007).

Somaliland's separate geopolitical existence began in 1897 after the UK concluded a series of treaties with Italy, France and Abyssinia that were aimed at demarcating a British sphere of influence in East Africa (Bryden 2004). The separate existence lasted until the union with Somalia on 1 July 1960, except for a seven-year interruption by the Italian conquest of large tracts of territory in Ethiopia and Somalia between 1941 and 1948.

Following secession and "reclamation of her lost independence" from Somalia in May 1991, Somaliland has strived to build up and maintain all fundamental self-governance capacities associated with legitimate statehood. These include (1) establishment of law and order through peace among the clans cohabiting in the former British Somaliland Protectorate—in contrast with the prolonged armed conflict and anarchy that had prevailed in southern Somalia throughout the 1990s and beyond; (2) establishment of a functional government remarkably characterised by a democratically elected legislative branch, an independent judiciary and a fairly responsive executive branch that maintained effective control—directly or by proxy through clan elders—over all of its territory with a population of 3.5 million; and (3) notwithstanding the absence of international recognition as an independent state, entry into agreements with other states (notably Ethiopia), NGOs and various international organisations, such as the United Nations Development Programme (UNDP), the United Nations High Commissioner for Refugees (UNHCR) and the IGAD. Furthermore, the last two presidents of Somaliland travelled extensively through Africa in search of recognition and have generally been received as heads of state.

This combination of factors may enable Somaliland to claim that it meets all of the criteria for statehood under international law. The seminal international document defining statehood is the Montevideo Convention on Rights and Duties of States signed in 1933 (165 LNTS 19; 49 stat 3097 (1933)). Article 1 of the convention says that a state "should possess the following qualifications: (1) a permanent population; (2) a defined territory; (3) a government; and (4) the capacity to enter into relations with other states.

At least in terms of the spirit (if not the letter) of international law, therefore, Somaliland presents a strong case for independence—perhaps stronger than the case made by South Sudan in its successful break with Sudan in 2011 (Abdo 2011).

Historical Pretexts for Secession and the Question of National Identity

Prior to independence the question of a separate national identity for Somaliland was not on the cards for the overwhelming majority of ordinary people in the region. Instead, a strong popular surge in Somali nationalism fed a pervasive pan-Somali sentiment that raised hopes of reaching the goal of a Greater Somalia (Adam 1994). Much of the nationalist literature that informed public consciousness on this issue originated in Somaliland (Lewis 1988). For example, the most enduring legacy of the renowned Somaliland poet Abdullahi Sultan Timacadde is his independence-day serenade of the blue Somali flag with the white star emblazoned at its centre to signify the unity of all ethnic Somali people of the Horn of Africa (Lewis 1994).

When Somaliland gained independence on 26 June 1960, therefore, it was this strong pan-Somali sentiment of the public that forced the unconditional union with southern Somalia against the advice of the leading political figure in Somaliland at the time, Mohamed Ibrahim Egal (Adam 1994). Egal had called for the former British Somaliland Protectorate to establish itself more firmly as an independent state first, and then enter into merger negotiations with the south on more favourable terms. He was overruled and yet selected to lead the Somaliland delegation that went to Mogadishu to formalize the act of union with the south on 1 July 1960.

No sooner was the union "consummated" than narratives of dissatisfaction emerged in Somaliland. A few months after the union, Abdullahi

Suldan Timacadde recited *Dardaaran* (roughly translated as "Parting advice"), a poem full of recriminations about the country's experience with union. He bemoaned the "undeserved neglect" of Somaliland by the leaders of the Mogadishu government where both the president and prime ministerial posts went to south Somalia. Timacadde lamented the lack of reciprocation of the love northerners felt for their southern brethren at the time of union when Egal's delegation (of which Timacadde was a member) was left stranded at the hotel by their southern hosts. This was followed by a series of political and economic sleights that quickly disillusioned many northerners. Expressing this discontent in *Dardaaran*, the poet said that the neglect was a sad prelude to a nightmarish political marriage for Somaliland. A short excerpt from the poem says:

Maalintii dabku qiiqay Een isticmaarka diidney
(When fires of freedom burned, and we rejected colonialism)
Duligii isticmaarkiyo Daharkiiba ka siibaye
(We shed the cloak of darkness and reclaimed our dignity)
Karal daaqad ka saarnaye Ee dudadaanu ahayne
(By tossing Carl out of the window in our moment of rage)
Dabuubaan u maqlaynaye Dareen baan ka qabnaayoo
(We now hear mumblings causing us consternation)
Dugsigii baarlamankiyo Dekedii Xamar baa leh
(That Mogadishu is both the seat of government and the main port of call)
Berbera daadku ha qaado Dooni yaaney ku weecan
(Berbera fell into disrepair, starved of marine traffic)
Duqeydii baarlamaankaay Labadaa kala daayoo
(Oh parliamentarians, you cannot have it both ways)

On 20 June 1961 the results of a referendum on a new Somali constitution clearly brought out the alienation that northerners felt from the political union. All majority Isaaq towns in Somaliland (Hargeisa, Burao, Berbera and Erigabo) voted overwhelmingly against the constitution as a means of registering their disaffection (Adam 1994: 25). Then in December of the same year a group of young northern military officers from the Isaaq clan staged the first ever attempted coup in Sub-Saharan Africa, the purpose of which was to rescind the union and break off from Somalia (Adam 1994). Observers believe that both the outcome of the referendum and the actions of the coup plotters were inspired by Timacadde's poetry (Xassan 2014).

Perhaps in an attempt to placate popular discontent among northerners regarding the union with Somalia, the post of prime minister went to Somaliland for the first time following parliamentary elections in 1967. However, Prime Minister Egal had been in office for only two years when on 21 October 1969, a military coup led by General Mohamed Siad Barre overthrew his civilian government. A catalyst for the coup may have been the assassination of President Abdirashid Ali Shermarke about a week earlier on 15 October 1969 in Las Anod, a town in Somaliland.

Military Rule and the Isaaq Struggle for Survival

General Barre's Supreme Revolutionary Council very quickly declared "scientific socialism" as the political and philosophical framework guiding its economic and social policies for Somalia. In this context, banks, oil companies and other important sectors of the economy were nationalised. Import and export trade and affiliated commercial activities were also brought under government control.

These policies, limiting freedoms and entrepreneurship, constituted the first points of friction between the military government and the Isaaq clan of the north, which, incidentally, had a significant commercial entrepreneur class that maintained far-flung trade links with Arabia, East Africa and South Asia (Ahmed and Green 1999).

However, the most serious alienation of the Isaaq occurred during the two phases of the police state regime imposed on the region in the late 1970s and throughout the 1980s.

The western Somaliland region served as the primary launching pad for the Ogaden War of 1977–1978. The largest military garrisons and the main base of operation for the Western Somali Liberation Front were both located in the vicinity of Hargeisa, Somaliland's capital. The war disrupted ordinary lives of the citizenry so much that the region received a special reprieve from the commercial regulations instituted under scientific socialism. Individual merchants were given permission to operate import/export businesses in order to ease shortages of food and consumer goods in the north.

However, this accommodation of northerners was short-lived. After the Somali military foray into Ethiopia was crushed early in 1978, a group of officers attempted to stage a coup in April 1978 to overthrow General Barre. The failed coup was led by senior army officers from the Majerteen clan. The swift reprisals by General Barre's regime included execution of

many of the ring leaders following sentencing by a hastily arranged military tribunal. These incidents triggered the first full-blown civil war after surviving leaders of the failed coup regrouped in Ethiopia and launched the Somali Salvation Front, an armed guerilla movement.

Meanwhile, tensions between the Isaaq and the Barre regime mounted precipitously on many fronts. First, the Isaaq were very unhappy about the poor shape in which the war had left their region (Ghalib 1995; Ahmed and Green 1999). By far, the north-west region endured the worst ravages of the Ogaden War and its immediate aftermath. Not only did hundreds of thousands of refugees from the Ogaden region place a great strain on the environment and natural resources, but the region's proximity to Ethiopian air force bases meant heavy aerial bombardments by fighter jets throughout the period of the war and beyond. Perhaps a bigger source of friction was the government's decision to organise a militia from among the refugees from the Ogaden region and manage them as part of its security forces. The refugees were co-opted as General Barre's political allies in his grand clan-manipulation schemes designed to maintain himself in power (Lewis 2003; Ghalib 1995). The undisciplined and underpaid militia units engaged in widespread violations of rights in the form of extortions, arbitrary arrests, beatings and even murder (Alasow 2010). Furthermore, too many restrictive curfews were imposed to limit freedom of movement, ostensibly in order to maintain security. Thus "the resentments at years of social, economic, and political injustices, coupled with gross human rights violations against the Isaaq" would drive the Isaaq into armed rebellion very soon after the Majerteen (Alasow 2010: 27).

The military defeat in the Ogaden and the subsequent coup attempt drove General Barre's government to retreat inward in a fit of paranoia about "internal enemies" (Ghalib 1995). The regime grew increasingly repressive, instituting ever more draconian measures against political speech and freedom of assembly throughout Somalia (Greenfield 1991). For example, in the early 1980s, the government instituted a series of restrictive laws, including one in which no more than three people were allowed to meet and have a conversation about any subject. Many educated civil servants, businessmen and traditional leaders were targeted in extralegal roundups and disappeared without a trace. Others barely survived months of torture in a terror campaign aimed at stifling dissent. Most of the repression was initially directed at members of the Majerteen clan, soon to be followed by the Isaaq (HRW 1990; Ghalib 1995).

It was in this context that exiled Isaaq officials founded the SNM in London in 1981 (Lewis 1994; Adam 1994). The SNM quickly relocated to Ethiopia to mount a guerrilla war against General Barre's regime. This transition, which happened in 1982, elicited more repression from the military government. By 1984, Somaliland got a military governor close to General Barre with full powers of arrest, confiscation, torture and execution (HRW 1989). The nadir for the Isaaq had begun.

By the mid-1980s the government had reached an accommodation with the Majerteen clan and the SSDF in order to concentrate more fully on putting down the Isaaq rebellion in the north (Lewis 1994: 213). All important administrative positions from governor through mayor to senior civil service jobs were filled by military officers loyal to the Barre regime. This meant the removal of all Isaaq male employees from any position of authority throughout the two main provinces in the north with headquarters in Hargeisa and Burao.

With every escalation of the war between the SNM and Barre's security forces, the regime tightened the screws of its oppressive machinery of control over the civilian Isaaq population (Africa Watch 1990). The SNM fighters mounted effective hit-and-run operations targeting military officers who were members of the Darod umbrella clan (Marehan, Majerteen, Ogaden, Dhulbahante and Warsangeli). For its part, the government and its security forces abandoned any pretence of enforcement of law and order with regard to the Isaaq civilians. The security forces were given a free hand to enter homes at will and ransack them as a means of harassing the Isaaq. Isaaq males were routinely arrested and placed in detention centres, where they were subjected to various forms of torture, including electrical shocks, beatings and submersion in cold water (HRW 1990).

Towards the latter part of the 1980s, mass executions of Isaaq men (and later women and children) became routine. After a massive SNM offensive on 31 May 1988 dislodged government forces from their bases in and around Hargeisa, the official purpose for continuing the war was to shift dramatically. Between May 1988 and March 1989, government troops massacred an estimated 50,000 civilians while forcing about 0.5 million to flee to Ethiopia (HRW 1990). In the words of one international humanitarian law expert, "The Somali Army retook Hargeisa on July 13, 1988 after genocidal killings of Isaaq civilians" (Alasow 2010: 31). A prominent Somali historian concurred with that assessment, noting that "the sheer joy in sadistic excess, not even chastened by expediency,

meant that the military regime deserved the label 'fascist' or 'neo-fascist'" (Adam 1994: 29). The widespread and indiscriminate killings were partially accomplished through an air campaign using former Rhodesian fighter pilots who had been recruited as mercenaries from South Africa (Greenfield 1989; Drysdale 1991). According to independent human rights agency estimates, thousands of men and boys were rounded up in villages and from nomadic settlements, bound up in ropes and summarily executed (US General Accounting Office 1989; Amnesty International 1989; Africa Watch 1990). Government security forces were no longer targeting SNM fighters but all Isaaq who were seen as complicit in giving aid and cover to the guerilla fighters. It was frustration with the SNM's ability to infiltrate Isaaq towns and cities that led to the carpet bombing of Hargeisa in May 1988 when 95 % of the city's buildings were either destroyed or damaged by aerial bombardment and artillery shells (US Department of State Dispatch 1990).

Meanwhile, General Barre's government supplied arms to the militias from other northern clans who harbored animosity towards the SNM as a subversive movement. The political and military alignment of these clans with a government that the Isaaq considered to be hell bent on their annihilation deepened both the physical and psychological isolation of the clan, and it was this isolation that crystallized for the Isaaq the idea that they had been thrust into a struggle for their very survival.

The literature on national collective identities suggests that the issue of a group's survival is a necessary if not sufficient condition for the establishment of a sense of belonging. No collective political identity can be established in its absence (Nevola 2011; Beran 1987). Although northern Somali clans share most elements needed for collective identity formation, such as (1) a culture which includes "language, literary and artistic tradition, habits, rules of social behavior, religion, historical memory, various beliefs, myths, rights and symbols, etc.," and (2) a common territory where "space hosts and nourishes the identiary roots of a group and gives structure to a privileged communicative field" (Nevola 2011: 23), a political dimension (especially in the context of nation states) that is averse to an atmosphere of coercive domination and control is also required. This is because political identities invariably deploy force or power to produce needed (i.e. compulsory) attitudes and behaviors which group members accept as legitimate (Tussman 1960; Walzer 1970; Beran 1987). The voluntary acceptance emanates from "loyalty attitudes and behaviors whose

purpose is to defend the group's integrity, well-being, and survival when it is subject to threats … from within or without" (Nevola 2011: 24).

In Somaliland, therefore, any political identity bonds that the Isaaq may have shared with other clans were thoroughly shredded by deep clan cleavages that General Barre's regime cultivated and exploited to induce mutual hate, suspicion and fear between the Isaaq and their neighboring clans (Lewis 2003).

The Isaaq Character of the SNM

Perhaps the strongest single determinant of the question of national identity for Somaliland is the unmistakable clan profile of the militia movement that wrested control over the territory from General Barre's forces and the central Somali government in Mogadishu in 1991. The SNM armed rebellion that drove General Barre's forces out of Somaliland and that facilitated the secession was an entirely Isaaq movement fighting to redress Isaaq grievances. The clan identity of the SNM defined the resultant state and the secessionist sentiment that produced it (Lewis 1994; Adam 1994). From the outset, the SNM fighters were recruited in the spirit of clan solidarity and according to traditional Somali lineage and kinship rules (*xeer*). As Lewis (1994: 215) observed, in the movement's initial constitution, it was agreed that all Isaaq subclans would have their own units and that

> clan units should be respected and cooperation between clans based on traditional contractual treaties (*xeer*). This gave the traditional elders an important role as grass-roots decision-makers as the SNM has found throughout their struggle.

Indeed the role of traditional elders in assembling the SNM fighting force raised the SNM's clan profile. As Renders and Terlinden (2011: 181) noted,

> Isaaq clan elders became deeply involved in the movement … which had established an advisory board (the *Guurti*) of self-selected politically active clan elders, representing the various sub-clans of the Isaaq. From 1988 onwards, the *Guurti* actively participated in the war, providing moral, logistical, and military support against government troops and their allied clan militias from the Dhulbahante, Warsangeli, and Gadabursi clans.

The involvement of clan leaders in building its fighting force gave the SNM its distinct identity as an organisation that would become synonymous with the Isaaq clan.

And so the battle lines for a war of survival had been drawn—initially for the Isaaq and later, in light of the eventual SNM victory in 1990, for the Dhulbahante, the Warsangeli and the Gadabursi clans.[1]

These grim realities meant that the requisite political culture to support any claim of a shared national political identity in Somaliland had been dealt a serious blow by the civil war and its outcome. The in-group/out-group frame of mind has become so hardened that we see serious talk of secessions within the secession as reflected in the aspirations among some Gadabursi for an independent "Sultanate of Awdal", and a similar desire among the Warsangeli to set up their own "Maakhir state", and for the Dhulbahante their own "Khatumo state".

The Egal Government and the Search for a Common Political Identity

The best efforts at establishing a common cultural and political identity in Somaliland were made by President Mohamed Ibrahim Egal following his election at the second major reconciliation conference, the Elder's Peace and Reconciliation Conference in Borama in 1993. Egal's selection was made by the all-Somaliland *Guurti* (Council of Elders), which was instrumental in securing the peace between deeply hostile clans after a decade of mutual bloodletting.

One important criterion that made Egal's election more palatable to all clan elders was his non-involvement with the SNM (Renders 2012; Adam 1994), which had set up the first government in Somaliland as a breakaway state in 1991. The SNM quickly lost public confidence during its tenure in government because under its rule, "statehood was little more than a nominal claim" (Renders 2012: 117). The SNM leadership

[1] In a Somali debate forum called the Fagaaraha, Mohamoud Gaildon made the point that during the first Grand Brotherhood Conference of the Northern Clan Elders in Burco in 1991, armed SNM fighters were very much in control of the venue of the meeting. As a result, the non-Isaaq participants acquiesced to the secession under duress. Any agreements reached under those circumstances should therefore not be considered to reflect the true will of the people. (See Gaildon's contribution, Fagaaraha Forum June 18 (2015) episode, "Somaliland jihadee ayey u socotaa?" Available at https://www.youtube.com/watch?v=RcxmhOL238E.)

ceded all responsibility for governing to traditional clan associations as "Somaliland was run by clan elders through clan institutions with little meaningful competition from any other actors" (Renders 2012: 117).

The SNM made no attempts to build state institutions and seek to enforce state authority. A state that represents the interests of all segments of society would have served as a focal point for forging a common national identity. Instead the clan militias that comprised the SNM fighting force continued to be organised and operated as extensions of their clans, and public infrastructure such as seaports and airports were controlled by various clan militias that were accountable only to their local clan commanders.

Egal's first priority as president was to strengthen state institutions and state authority by diminishing the profile of clan militias and the prominence of clan institutions in people's lives (Renders 2012). To consolidate state power he moved to demobilize the various clan militias by offering to incorporate them into a newly created Somaliland National Army. With the backing of clan elders, heavy weapons were collected from clan militias and placed under the control of national army commanders who were accountable to the state.

Egal used his position of authority to frequently condemn clanism directly and its insidious effect on Somaliland's aspiration to assert its right as an independent nation (Egal 1999, 2001). He urged the people to give their loyalty and support to the common interests represented by the state and to abandon the pursuit of "myopic clan interests" that would undermine their quest for statehood and the only route to a more viable future (Egal 1999).

The president's dilemma was that he needed a substantial infusion of funds in order to carry out his vision for a strong state that was immediately capable of affecting people's lives in tangible ways. However, without international recognition, Somaliland could not secure funding from donor countries in the form of loans or even direct economic assistance.

Thus the champion of modern state institutions in Somaliland quickly found himself in need of falling back on traditional kinship bonds and informal clan channels to secure his own legacy as president. Egal called on wealthy businessmen from his own Habar Awal clan to raise the money to pay for dismantling clan militias and building Somaliland's national security forces (Renders 2012). Almost all of the money raised was paid as salaries to the new Somaliland National Army units in a transparent effort to buy peace (Renders and Terlinden 2011).

Although this may appear as contradictory in principle, it was more substantively a masterful display of skill in an amalgamation of formal and informal spheres of governance. In this hybrid political order, Egal sought to use traditional sources of authority to erect the formal structures of a state. This was inevitable in a sense because hybridity had been built into the governance structure agreed on at the Elders' Peace and Reconciliation Conference in 1993 in Borama that elected President Egal. Delegates at that conference agreed on creating a bicameral parliament with a house of popularly elected representatives and a house of clan-appointed elders (*Guurti*). As final arbiters of disputes and negotiated settlements, the *Guurti* exercise inordinate power in maintaining the stability and peace which have been the hallmarks of Somaliland's existence (Lewis 2003; Renders 2012).

Although Egal worked well with TAs, he nevertheless openly campaigned to diminish their role in the public arena. His concern about forging a common political identity in Somaliland was perhaps most evident in the nature of political parties that emerged under his leadership. He wanted political parties that could not be identified with clans so that the electoral process would not serve as another theater for clan rivalries. None of the three major political parties established on his watch was built along clan lines. His own UDUB had members from all of Somaliland's clans, as did the two opposition parties at the time: Kulmiye and Ucid. These parties' ideologies and political platforms were quite similar. The primary motivation for their inclusivity, therefore, was to forestall potential clan rivalries and thus strengthen perceptions of a common Somaliland identity, regardless of which political party was in office.

Egal's influence and his legacy were at their pinnacle when his vice president, Dahir Riyaale Kahin, succeeded him as president and as head of UDUB. Riyaale is from the Gadabursi clan but he defeated two Isaaq rivals for president of Somaliland in open and fair elections in 2003. This was a remarkable success for both the concepts of formal statehood and its implications for a shared national political identity.

However, attempts by Egal and his successors to forge a common Somaliland identity have had to contend with outside detractors, not least of which is the political friction with Somaliland's neighbour to the east—Puntland—a state that declared its autonomous status in 1998 as a safe haven for the Harti clans of the Darod family umbrella. As such, Puntland claimed political and administrative jurisdiction over territory inhabited by Harti clans (Warsangeli and Dhulbahante). This was mainly the eastern

Sool and Sanaag regions of Somaliland. It is noteworthy that representatives of both the Dhulbahante and the Warsangeli were active participants in the processes leading to the formation of Puntland as an autonomous province of Somalia, thus clearly favoring identification with their geneological kin over Somaliland (Horne 2003). Puntland's appeal had been strengthened by the clan-based cleansing that gripped much of Somalia at the height of the civil war.

However, some Dhulbahante and Warsangeli elders remained less committed to identifying with Puntland, partly because of apprehensions about getting suckered into a Majerteen hegemonic sphere of influence. This point was explicitly made by the late Garaad Abdulqani Garaad Jama of the Dhulbahante in a BBC interview in 2000. To date, divided loyalties have produced a stalemate that has left the status of parts of Sool and Sanaag regions in political and legal limbo, and which has cast an ominous shadow over Somaliland's quest for a common political identity.

National Identities in Theoretical Perspective

To the extent that a common national identity defines the viability of a nation state, Somalia has frequently been cited as a unique example enjoying remarkable advantages vis-à-vis its Sub-Saharan African neighbours. The country is widely seen as the most homogeneous African state whose people speak the same language, follow the same religion, and share similar traditions and customs (Lewis 2003). Anthropologically, Somalis are one ethnic group comparable to the Amhara of Ethiopia, the Kikuyu of Kenya or the Iteso of Uganda. However Ethiopia, Kenya and Uganda have numerous other ethnic groups that speak different languages, with different religious affiliations, and different customs and traditions.

Somalia's cultural homogeneity was supposed to facilitate the construction and maintenance of a common national political identity. So sociologists and political analysts have been puzzled by the complete failure of the Somali state in contrast with the apparent viability of its more heterogeneous and pluralistic neighbours.

In the literature, definitions of ethnic identities vary. One important source of variation can be found in the categorisation schemes adopted by different social scientists. At a broad level we have objectivist and subjectivist definitions of ethnicity and ethnic identities (Ross 1980; Burgess 1978). Objectivists consider ethnic groups as "social and cultural entities with distinct boundaries characterized by relative isolation

and lack of interaction" (Jones 1997: 57). These social anthropologists take the liberty of defining ethnic identities based on the researcher's perception of social and cultural differentiation, hence relying on an *etic* perspective. Subjectivists, on the other hand, define ethnic identities based on self-categorisation of the group being studied—an *emic* perspective.

In the Somali or Somaliland contexts, relying on the *etic* perspective in identifying *bona fide* political identity groups could affect the validity of observations made by analysts.

The centuries-old pastoral lifestyle of Somalis has codified a rigid primordialist view of self-consciousness based on kinship ties only, not on a common language, culture or religion. The relevance of kinship ties for Somali pastoralists has been closely tied to their survivalist grit that evolved in the perpetual competition with other clans for pasture, water and livestock. This is why Lewis (1994) has argued that the Somali segmentary lineage system is inherently incompatible with the notion of a nation-state and the concomitant concept of national identity that it symbolises and that must transcend clan boundaries.

It needs to be pointed out that the state has existed mostly in the abstract for a majority of Somalis in nomadic and rural settlements. The clan or subclan has remained the main form of group organisation through which individuals receive physical, economic and psychological security. It is in this context that Lewis (1994: 223) asserted that "the collapse of the colonially created state represents a triumph for the segmentary lineage system and the political power of kinship". Samatar (2005), too, is in awe of the power of kinship in Somali political culture, noting that one's political identity is determined "by a single central principle that overrides all others, namely, the clan lineage system". And Yohannes (1997: 225) explained the elusiveness of a common Somali national political identity along the same lines: "Somalia is a country of clans where the beginnings of a modern state have been only in the making in the midst of capricious forces of history."

This is why the secession of Somaliland unwittingly added an extra layer of complication to the task of forging a common political identity for the breakaway state. The numerous *Guurti*-brokered reconciliation efforts may have succeeded in ensuring peaceful coexistence between and among the clans and subclans, but not nearly in creating a shared consciousness around one Somaliland polity. On this score, however, Somaliland is not unique in Sub-Saharan Africa.

Conclusion

Perhaps the overarching problem for post-colonial African states has been the challenge to forge a durable national identity around whose character and institutional symbols all citizens can unite. This problem has been underscored by the long and bitter civil wars in the majority of Sub-Saharan African states and, at a minimum, contributes to acrimonious inter-ethnic relations in the remaining countries.

African states constitute the majority of "weak" and "failed states" in the Fragile State Index in 2016 compiled by the Fund For Peace, an independent research and educational organisation that monitors violent conflicts around the world (FFP 2016).

At the root of many African state conflicts is the international system of recognition for states without considering the internal structural integrity of those states. The OAU Charter of 1963 stipulates that colonial boundaries should be maintained and respected in the post-colonial era as a means of preventing a potentially unmanageable level of border disputes in the newly independent states. Nonetheless, today there are 17 such border disputes between neighbouring African states, many of which have resulted in long interstate and intrastate wars (*The Economist*, 13 November 2013).

The problem is that the international system for the recognition of state sovereignty that the OAU adopted evolved around European and North American norms that emphasised internal democratic legitimacy built on foundations of the rule of law. The principles laying the foundations for the "internal sovereignty" of dominant states were inherited from the ideals espoused in the French and American revolutions (Ruggie 1983: 196). When the peace was secured in the Peace of Westphalia of 1648, for example, "the modern state was codified as internally sovereign and externally recognized by other states" (Holm 1998).

Thus the established norms for state recognition were tailor-made for a higher order of democratic and legal evolution than was the case for the multiethnic and newly independent African states. By and large the new African states lacked the "internal sovereignty" that comes from social, economic, legal and political structures and institutions that harmoniously maintain an internal equilibrium to support legitimate functions of a state. The lack of internal sovereignty or internal structural integrity of many African states—primarily because of the continuation or exacerbation of

traditional ethnic rivalries—has forestalled the possibility of creating viable national identities in much of the continent.

In Somaliland the bitter fresh memories of a civil war and interclan wars in which unspeakable horrors were visited on all groups complicate the attainment of the country's "internal sovereignty". The tensions in the Sool, Sanaag and Awdal regions belie the lack of internal structural integrity on which to build a viable state and a legitimate polity as far as significant segments of the Gadabursi, Warsangeli and Dhulbahante clans are concerned. This lack of legitimacy for significant segments of Somaliland's population renders the issue of a common political identity so much more beyond reach for the foreseeable future.

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CHAPTER 9

Identity Formation in Post-Secession Sudan

Hamed Omer Hawi

Introduction

Successive Sudanese national governments since independence in 1956 have been accused of trying to impose an "Arab-Islamic" identity on a community that is diverse in terms of culture, ethnicity and religion, leading to a conflict of identities. This conflict was sharpened by socioeconomic marginalisation policies that are themselves a product of colonial policies and pre-colonial processes. The inequitable post-colonial processes that favoured the central region resulted in socioeconomic and development disparities between this region and the peripheries. Other identities and regions in Sudan rejected and resisted these attempts at assimilation, and the structural socioeconomic inequalities. War, formerly in the southern region, currently in the South Kordofan and Blue Nile states and Darfur, has been described from that perspective.

The Islamist regime under El Basheir was accused of escalating the Arab-Islamic quest to dominate the public sphere in Sudan. This hegemonic identity discourse also created tensions among liberal, nationalist and secular elites in central Sudan, and even among other Islamic groups, in this case over which school of the Shari'a is to dominate.

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At a public rally in El Gadarif on 19 December 2010, President El Basheir declared that the "identity of Sudan after secession has been determined: Islamic Shari'a will be decisively implemented". He implicitly indicated that religious and ethnic plurality no longer existed in Sudan owing to the secession of the southern region. At that time, war in South Kordofan, Blue Nile and Darfur was still going on, and identity has been described as one of the major causes of these conflicts. Moreover, a compromise between the adoption of the Shari'a and the preservation of human rights, citizens' rights and liberty is still far from being achieved. Religious and ethnic homogeneity, even after the secession of South Sudan, is still not a reality among the Sudanese people.

Based on secondary data and a descriptive analysis, this chapter seeks to examine the process of identity formation in post-secession Sudan. That process is expected to face significant challenges that will require broadening of the public sphere to include a much wider range of diversity and foster a civil democratic government that will preserve human rights and equal rights for all citizens, and include all identities, otherwise state collapse is the likely result. The chapter concludes that Sudanism, with Arabism, Africanism and other identities contributing to it, can serve as a platform for unity in diversity.

Nation State and National Identity

A nation state consists of a group of people living together in one place, ruled by a government that is internally and externally sovereign. During the last four centuries the state has been at the centre of the social formation, the key to integration and central to nation building. Integration and nation building mean unifying people who are culturally, ethnically or religiously different under one central government and creating a sense of belonging within and loyalty to the nation state. Since nation states are often not composed of one nation, the issue of national identity has become one of the most important and debated issues concerning nation states. Minorities found it difficult to show loyalty to the state unless it reflected their identity and aspirations, which is why the configuration of national identity formation and its requirements has become one of the most debated issues in the process of nation building.

National identity means shared characteristics such as ethnicity, religion, language, traditions, lifestyle, types of relationship and history of a specific people living in one place and bound together by rights and obli-

gations under one political system (Awad 1999). According to Hoogvelt (1978: 24–25), identity is always grounded in a common cultural (or religious) orientation shared by the membership. In other words, the social community defines who "we" are and who "they" are. To Awad (1999: 246), sharing common cultures or ethnicity is not as important as the common feeling of sacred unity and loyalty. For example, Americans are diverse in culture and ethnicity but they are united around what they call "The American Creed".

The search for identity and intensified debate about it signifies state crisis, the failure to build national unity and thus the failure of the state to undertake its most important role of achieving unity within social diversity. That is, the state has failed to blend different configurations into one social structure with a new sense of collective belonging to one nation and a new national identity that transcends sectarianism, kinship relations and other sub-state loyalties.

The achievement of a basic loyalty and commitment to the nation state is closely tied up with the creation of an effective and legitimate government, for it is only such a government that can command the loyalties of the people, motivate them to make sacrifices, and enforce those laws necessary for mutual coexistence and collaboration. A core problem faced by new nations is precisely that which Lipset has called the "crisis of legitimacy" (Lipset in Hoogvelt 1978: 27). According to Max Weber, there are essentially three ways in which power might achieve legitimacy, but none of them is relevant to the case of Sudan:

1. Through traditions—that is, norms and habits acceptable to all individuals and used to justify authority. In Sudan, concerning the acquisition or transmission of power, there are no rooted and agreed on traditions except for tribes and other subgroups.
2. Through a charismatic leader who can symbolise the nation or embody its values and aspirations. This is also absent in Sudan.
3. Through a rational-legal system, where those in power are obeyed because of generally acceptable rules. At this stage of societal evolution, according to Weber, kinship relations, traditional authorities, religious authorities or charismatic leaders are not sufficient to hold social groupings together. Only bureaucracy, institutionalised authority and interdependency can do this. Institutionalised authority can define the membership and provide neutral measures and criteria of the rights and obligations of membership of the society.

> A bureaucratic administration that can institutionalise authority in an office and clearly distinguish between "office" and other aspects of the personal status of the incumbent justifies authority and provides equal rights and obligations (Weber in Hoogvelt 1978: 27).

According to Weber, a formal legal system does not depend on petty interpretations based on ritualistic religious or magical considerations, or on politically powerful personalities. Fundamental to the formal legal system is a set of universal values which are seen to apply to all members of society independent of their social status—that is, generalised moral values and the inclusion of all individuals in the community with equal rights. To Weber, only when a society has such a formal legal system can it effectively develop and administer the legal codes of contract and property on which the full emancipation of the economic sphere rests (Hoogvelt 1978: 27). This process leads to a legitimate, inclusive government, but that is not the case in Sudan, as the process of nation building since independence reveals.

In most Third World countries, state building involves the imposition of an alien new social formation that differs from the indigenous social order. The traditional system was collapsing because of colonialism, but the new is not yet set. These societies appear to have lost internal coherence and consistency as a result of the shock of modernity before they have adapted themselves to it.

In much of the developing world, state structures are generally weak, inefficient and not inclusive of all citizens. The state has failed to play its role in the development of civil society and to revive its organisations, since state power doesn't mean the ability to repress but the effectiveness, legitimacy and neutrality of state institutions. To achieve national coherence and stability, states in most Third World countries resorted to coercion and assimilation policies. The reaction is resistance among some social groups and continuous erosion of state legitimacy. Thus the mission of the nation state is reversed: governments strive to impose certain policies and a superficial identity on the community. The state came into clear confrontation with society and the process of identity formation resembles assimilation.

The issue of identity in Third World countries sometimes appears to be an elitist discourse since there is a wide gap between the capital city and other parts of the country. Sometimes the state has no control over parts of its territory, with the relationship between those remote areas and the capital being legalistic and superficial: remote rural areas can hardly

imagine a national sovereign state. For example, in Sudan, certain areas are not yet covered by national television or radio broadcasts. Indeed, the situation there can be described as a pre-nation state.

According to Zartman (1995), the state in Africa, at late 1990th, has collapsed as an indicater to any of the following:

1. a decision-making centre, where it is paralysed and inoperative;
2. a symbol of identity;
3. a central sovereign organisation assuring the territory's security;
4. the authoritative political institution, having lost its legitimacy;
5. a socioeconomic organisation, since the functional balance between inputs and outputs has been destroyed.

Generally we can say that building national unity requires mutual acceptance by social groups and the willingness to live together; an efficient, legitimate government; a clear system of rights and obligations; and inclusion of all individuals and groups in the community with equal rights. These principles constitute benchmarks against which this chapter will examine the situation in Sudan.

Identity in Sudan

In terms of history, the newly independent Sudan was the result of the unification of a multitude of independent kingdoms and sultanates under Turko-Egyptian rule (1821–1884) and British colonialism (1899–1956). Jaaleen, Manaseer, Merfab, Tegali, Musabaat and Fur are just some examples of these pre-existing polities. They had in the past been independent, autonomous and self-reliant. Sometimes they competed for land, resources or supremacy, and sometimes they collaborated as independent and equal bodies. Wherever there was centralised authority, it must have succeeded or persisted either through repression or through the recognition of and respect for the rights of the component polities as sovereign entities. These types of confederation were defeated by the power of colonialism, and all groups were subjected to centralised colonial rule. Colonial hegemony was unfamiliar with the habits, characteristics or history of these Sudanese groups. That is why resistance to this type of rule was serious and persistent until independence was achieved in 1956. And it was the shared struggle against colonial oppression that was the only thing that united Sudan's diverse independent components.

In spite of the abovementioned facts, slavery and Islam gave Arabism a higher status and superiority over other cultures. During Islamisation, which occurred peacefully through traders, migrants and Sufi sects, Arabic gained spiritual prestige as the language of the Qur'an, and gradually became the state's official language and the *lingua franca* across many parts of the country. The practice of enslavement imposed further meaning onto social, cultural and religious differences, and served as the basis for redefining the society and its polity. Idris (2005: 30) noted that "during the *Turkiyya* the slave population in the north was drawn very largely from southern Sudan, and in the popular mind slaves and 'blacks' were synonymous. Even southern Sudanese who became Muslims or exercised some power in the colonial society—as those in the army certainly did—were stigmatized by their slave status or slave origins." To Idris, brutal slave raiding, corruption and economic exploitation characterised Turko-Egyptian rule in Sudan. The majority of Turkish, European and other foreign merchants and slave traders were forced to leave the south in the hands of traders from the north, the so-called *jallaba*.

To Sharkey (2008), at that time to be an Arab was to be free, and, ideally, it was to claim an Arab pedigree. Arabs, in short, were not slaves, and the term "Arab" connoted high status. The categorisation and practice of slavery continued even under British colonial administration. That was because the British tolerated existing practices of domination, including slavery, so as to avoid a renaissance of Mahdism. Because of this policy, a particular version of political identities was maintained and utilised whereby people in Sudan were divided into categories in terms of rights: enslaveable and freemen, non-Arab and Arab (Idris 2005: 33). Also, the British were convinced that a sudden abolition of the slave trade could lead to economic collapse. They liked order and discipline, and they wanted to see production increase and habits of thrift and industry encouraged. All of these seemed attainable under a system of domestic slavery. The slow decline of slavery only began when wage labour emerged in the 1920s. Most of this cheap labour was drawn from non-Arab groups such as West African immigrants (Idris 2005: 34).

According to J. Winder, a British officer, "the north possesses ethical foundations of a society, and the south does not". He further claimed that, in the north, Islam controlled the lives and habits of the people. Consequently an administrator, having once learnt the basic features of Islam, had the key to understanding the society they worked in. In the south there was no such common ethical foundation to assist the administrator. Furthermore, in the north, the Shari'a governed personal behav-

iour, while in the south there was no single code—only diverse tribal customs (Idris 2005: 36). The early objective of colonial rule was to continue the centralising policies of the Turko-Egyptian and Mahdist regimes.

In line with that, Nubian tribes in central and northern Sudan participated in the Arabisation process or even defined themselves as Arabs. According to Idris (2012), after northern Sudan became Arabised and Islamised in the sixteenth century, Islam and an imagined Arab identity played a major role in grouping people into two categories: Muslims and non-Muslims. Northerners began to produce genealogies of their imagined Arab ancestry and Islamic identity, perceiving their cultural norms and social practices as superior to those of non-Muslims and non-Arabs. The only group that benefited from the British policies of preferential treatment for Arabs were the Nubians in the north-central parts of Sudan (lately named *awlad-al-balad*). Southerners and other groups educated in Arabic were left unable to compete with educated native Arabic speakers.

According to Sharkey (2008), British officials respected the local status hierarchies and reinforced them through education policies. They did so by favouring high-status "Arab" males for an academic education that would lead to administrative jobs. Meanwhile they steered those of slave descent, whom the British in the early years of the twentieth century variously called "Sudanese" or "detribalized blacks", into army careers and manual jobs. O'Fahey (1995: 96–99) agrees that "the British Colonial establishment accepted the awlad-al-balad's perception of themselves as orthodox Muslim Arabs vis-à-vis the other inhabitants of the Sudan". This can simply be understood as a matter of pragmatic colonial policy because, as O'Fahey observes,

> One of the least understood – and studied – aspects of modern Sudanese history is the "unspoken" pact that was arrived at between the British and the awlad al-balad elite in the immediate aftermath of Karari … The British provided "law and order," for the awlad al-balad this meant the disciplining of the "Westerners," their greatest nightmare, for the British they acquired a class of collaborators who genuinely could "deliver" through their tribal linkages, anti-Mahdist networks, their rural compatriots. (O'Fahey 1995: 96–99)

The British policies on education and colonial government employment had long-term political consequences: by favouring self-defined Arabs at the expense of everyone else, the British cultivated a group of men who had the literacy and the political know-how to develop and articulate nationalist ideologies.

At independence, certain groups that had been working for the British colonial administration and secured the associated privileges in terms of education, urbanisation and bureaucratisation attempted to control the public realm by imposing its identification and interests as common public interests, in the process excluding other groups. According to Sulaiman Mohammed (in Matoch 2006: 112), elites that dominated the state and market in Sudan after independence were mostly of Arab origin and Arabised Muslims who lived in central Sudan along the Nile Basin. Owing to their political and economic dominance, these elites imposed their Arab-Islamic culture on others. To Abusabib (2001), the central riverine inhabitants were not true Arabs but Nubians or "culturally" Arabised Sudanese. It is their self-perception as Arabs that provided the social, economic and theocratical framework for the northern elite to develop ideologically the concepts of Arabisation and Islamisation and have their political perceptions of the country built on them.

Thus the state apparatus at the time of independence mainly comprised people from the Nile Valley and the north, and most services were concentrated in those areas, while other areas—especially the south, west and east—were deprived of state services and employment opportunities in government.

According to Niblock (1994: 138) the imbalance and disparity in socioeconomic development had important political effects. The limited educational opportunities in the least developed areas deprived the people there of employment opportunities in government, especially senior positions, and most administrators and traders were from the Nile Valley and the north. To many thinkers, this domination lay behind the feeling among many Sudanese that they were being treated as second-class citizens. The identity divide in the country was sharpened by the socioeconomic marginalisation that flowed from self-serving colonial policies and inequitable post-colonial processes (Madibbo 2012). As Salam (2008: 118) asserts, the British colonial administration concentrated most socioeconomic activities in the central region of the country. Additionally, educational, communication and health services were abundantly available in that region. This modernisation was carried out at the expense of the rest of the country, which was left largely disadvantaged. Subsequent post-colonial governments, such as the Nimeiry and *Inghaz* regimes, followed these patterns of modernisation by continuing to favour the central region, a process that resulted in the current socioeconomic and development disparities between this region and the peripheries (Madibbo 2012).

This socioeconomic marginalisation is not coincidental in that it not only follows geographical lines but also corresponds with racial and ethnic axes. That is an expected consequence. According to Idris (2005), even in the USA it has become widely acceptable in academia to argue that the racism and inequality facing African Americans cannot be separated from the question of power, the state and the allocation of resources. Ismaeil (2013: 53) called this "structural marginalization and inequality".

This situation was accentuated by the lack of capacity among other groups (lack of organisation, education, awareness, financial resources, links and relations with other national or international powers). The policy of domination by one group, marginalisation of other components or privatisation of the public sphere led to grievances and rebellion right after independence in all parts of the country, starting in Southern Sudan with a brutal civil war and the appearance of regional or tribal organisations demanding the right to participate in power or wealth distribution, or even just to be recognised culturally.

The failure of successive national governments to recognise and consider the diversity of Sudanese society and the historical evolution of group self-autonomy also jeopardised the situation. Following independence, national governments failed to create an inclusive identity and shared values that are distinct from religious, ethnic and tribal ties that could attract the interest and loyalty of other groups. They also failed to build a democratic system based on freedom, equality and the rule of law, protection of human rights, peace and good governance. Instead the post-colonial state institutionalised the racial, ethnic and cultural centralisation that started with slavery and continued with colonialism. That is why political violence persisted in Sudan. The excluded groups in South Sudan, Darfur and, more recently, the states of Southern Kordofan and Blue Nile protested their exclusion, and invoked the history of enslavement and subordination. This process explains the intersection of identity, citizenship and violence (Idris 2012: 44). The Arabisation policy sharpened non-Arab and self-consciously "African" identities (Sharkey 2008).

Arabism as a Tool of Superiority

To some writers and some Sudanese people, Arab ethnic identity came to resemble Arab racism against non-Arabs. Idris (2005) has pointed out that racism in the Sudanese context is rooted in local histories of slavery, and in the unequal distribution of wealth and power between regions and

social groups. Because of this, some non-Arab Sudanese have appeared to look on northern riverine Arab elites as outsiders, enemies, colonisers and usurpers, both before and after secession. Although Islam does accommodate all cultures and races, according to Western thinkers, some of its followers give preference to its first origins—,namely language and culture.

According to Nyombe (2013), the northern Sudan Arab government, which constitutes the *de facto* central government, has been obsessed since independence with the political need to project Sudan to the outside world as a homogeneous Arab nation—a nation with one language (Arabic), one religion (Islam), one culture (Arab-Muslim culture) and, most importantly, one race (Arab). The reality is, of course, very different.

Arabisation was seen as the main characteristic of cultural changes in Sudan, and was seen as "progressive" and "commendable". This in turn consolidated deep-seated racist attitudes and underpinned the longstanding policy of the ruling northern elite, civilian or military, to "unite" the country. This unity, according to the elite, could not be sustained unless the other cultures were obliterated by Arabisation and Islamisation. It was the Arabs who salvaged the others from the abyss of ignorance (*jahiliyya*) and the "Dark Ages", converted them to Islam, and endowed them with the Arabic tongue and "noble traits" now constituting the Sudanese ethos (Abusabib 2001).

In Sudan, to Idris (2005: 16), history has always been associated with the institution of the state and the ruling elites. Thus the production of national history by the state has become a vehicle for nation and state building. To him the culture of the Arabised northern Sudanese and Islamisation have been presented as the unifying genius of Sudan in bringing together diverse "primitive" tribal groups within a common identity. In this sense, Arabisation and Islamisation became sanctioned state policy. The subordinated groups resisted this new imposed "national identity" (Idris 2005: 16).

According to Sharkey (2008: 42), "successive Sudanese governments, parliamentary and dictatorial alike, have glorified the history and culture of the Sudanese 'Arab' so much that they have insisted on assimilation as the only tool to national integration". Indeed, in Sudanese culture there are still people who believe in racial purity and superiority. Worse, they think this gives them the right to own and enjoy resources of the country and rule over others who are simply subordinate and have no right to object. They are even ready to fight to keep these alleged preferences. And that is why southern Sudanese feel they have been treated as second-class

citizens and voted 98 % in favour of secession. The insistence of African tribes in Darfur to keep their sovereignty and rights over their land has led to sharp polarisation and a destructive war with Arab tribes backed by central government.

According to dominant public culture in Sudan, it is widely considered that anyone who does not speak fluent Arabic, or understand Islam and Arabic culture, is of lesser standing. This affects the rights of those who are not purely Arab (as identified by physical features, skin colour, hair or Arabic pronunciation) to equality, citizenship, consideration and respect. The crisis of identity and the sense of humiliation among non-Arabs is deepened, as is their sense of injustice, rejection and alienation in their country. Many members of the elite on the peripheries, such as Yousuf Kua Meki, Daoud Bolad and Khaleil Ibrahim, have found it difficult to accept a culture that marginalises them and their people.

Baldo and Ushari (1987: 30) reported the deaths of more than 10,000 Dinka refugees during the Al-Dain Massacre by *Rizaigatt* tribesmen. Also, in early 1999 during the Second Sudanese Civil War in the south, 14,000 women and children were reported missing, most likely kidnapped and enslaved by *Bagaria* and *Misyria* tribesmen (Matoch 2006: 21). As a result of pressure from international NGOs and human rights commissions, negotiations took place between the GOS and the EU. The result was the use of the term "Women and child abduction" rather than slavery, and the government agreed to form a commission aimed at putting an end to this phenomenon (Matoch 2006: 68).

Violence in Darfur, according to Christian (2013), is directly related to issues of psychosocial identity formation. To him the issue is evident between and within those who identify themselves as Arab and those who identify themselves as African. In fact, the war in Darfur is not necessarily between Arabs and Africans because there are no pure Arabs or Africans there but a mixture of both. Such labelling is just false consciousness related to identity and the racist struggle over superiority, backed by a culture of segregation emanating from the centre of Sudan.

Mamdani (2009) argues that issues of race, identity and ethnicity are distorted and that the conflict is best understood in a political utilitarian context of cultural elites working to mobilise support for political movements and liberation armies. Darfurians now found it difficult to accept the identity adopted by the central government, an identity that classified them as "not pure Arabs" and as "second-class citizens" not deserving of equal access to government services, recognition or respect. The cen-

tral government trained, funded, armed and supported the Arab militia that ravages their villages, kills their people and rapes their women. The same complaints can be heard from the people of South Kordofan and Blue Nile. Rebel movements there are demanding not only equal citizenship rights but also recognition of special rights, including claims to land, autonomous government and the maintenance of ethnonational identities.

Narrow Conception of Arabo-Islamism under the Current Regime

Islam and Arabism are at the centre of the debate concerning identity in Sudan, and instead of playing a unifying role have been used as a means of fragmentation. Islam has either been subjected to an extremist interpretation or hijacked by one group and (mis)used as a means to legitimise usurped political power. Arabism has been racially defined and used to entrench superiority. To Matoch (2006: 13), race and religion have been used to achieve political goals during the war in the south. To him, ethnicity has been used to achieve power and religion has been used for political reasons (Matoch 2006: 118).

The current regime (post-1989) escalated the use of Arabo-Islamic discourse and exploited it to the maximum. According to Abusabib (2001), the political and military situation in the country since June 1989 has shifted the Arabo-Islamic identity from a state narrative to a decisive moment of action. This has paved the way for South Sudan to secede and has created identity tension between it and other Islamic groups beside ethnically shadowed conflicts in Darfur, Blue Nile and Southern Kordofan. The creation of the "New Sudanese" required the current regime to abandon those heretical ethnic, linguistic, social and indigenous religious traditions and replace them with allegiance to Islamist ideology as defined by the National Islamic Front. Islamists introduced a complete ideology to indoctrinate, shape and control the Sudanese in all aspects of life (Collins 1999: 105–123).

The regime implemented extremist totalitarian "Islamic" policies, excluding moderate Islamists, non-Muslims, liberals and others internally. It also engaged in hostilities and confrontation with neighbouring countries and the international community.

Elsadig El-Mahadi, the head of another Islamic rival group, accused the government of implementing a "narrow perception" of Arabo-Islamism leading to polarisation among other Sudanese groups. This narrow conception

was reflected in a paper presented by Abdelraheim Hamdi to a conference the conference of the economic secter/National congress Party organised by the ruling party's economic sector in Khartoum on 11–12 November 2005, calling for the use of funds promised by donors for post-war rehabilitation programmes after signature of the CPA for the development of central Sudan, termed "Hamdi's Triangle of Dongula-Sinar-Kordofan". To him, this is the core of Sudan that implies Arabo-Islamism, so as to encounter foreign interventions aiming at the reformulation of Sudan according to the will of minorities. After the secession of South Sudan, the government think that there will be no resistance to the implementation of its policy in Blue Nile or South Kordofan but only in Darfur, now the reality prove otherwise.

In Sudan, and since most of its population is Muslim, the present regime finds it easy to project itself as the embodiment or servant of high spiritual morality, subject to no human or popular accountability, and to no orientation or guidance except from the Qur'an. The regime says that it wants to implement Islamic teachings (the Shari'a). Therefore whoever opposes the regime is considered to be against the Shari'a, the "teachings of God" and the will of the Sudanese population. They can justifiably be detained, dismissed from office or even killed if they use force to change the regime. Privacy is used to counter accusations by the international community that the regime violates people's human rights. All of these actions are taken under the name of the "Shari'a and the general will of the Sudanese people". In practice, the will of the ruling elite was being implemented and its interests preserved, and the alleged general will (Islamic or whatever) proved to be a mask to hide private interest(s) and a means to exclude others.

Centralisation of Power and Authority

The main causes of conflict in the south, Darfur, Blue Nile, South Kordofan and other places are the attempts by the centralised riverine elite, encouraged during the colonial period, to dominate communities that have a long history of independence, autonomy and self-reliance.

El-Zain (2003) found that although there is much rhetoric about decentralisation, regional and local government, Sudan still suffers from excessive centralisation. This is the result of the dominance of the centre over national financial resources and administrative decision making. For now more than 85 % of the top civil servants are estimated to be from central Sudan. Economist Mohammed Ibrahim Abdo Kabbage in his research found that the central government spends the equivalent of 93 % of the

budget according to its will. This leads to uneven regional development and complaints of marginalisation.

The current federal system has been applied under totalitarian rule that does not allow for popular participation. Governors of regions and ministers are appointed, one way or other, by the centre. The criteria are political loyalty to the regime and ruling party, making these officers unaccountable to the people in their areas (Bilal 2003: 143).

The "Black Book", with unknown authors, was secretly circulated in Khartoum in 2002. It deals with the concentration of power in the hands of the central riverine elite and the use of power in all its facets to make the power imbalance a reality, and to stigmatise any appeal to justice as racism and regionalism. The book is believed to have prompted the Justice and Equality Movement to wage the war in Darfur against the central government.

Generally, identity formation reflects increasing racial and religious polarisation, leading to a critical sense of fragmentation that is worse than under colonialism. In Sudanese politics the values and interests of the ruling party were imposed, with the latter being held as a synonym for the state. The ruling NCP of today was used as a synonym for "the country" or "the nation", and its narrow Arabo-Islamic identity was used as "the core identity of population in the Northern-Central Sudan" and even of "the whole of the Sudanese" as a form of complete hegemony or occupation of the Sudanese public sphere.

Regionalism, Tribalism and Ethnicisation of Politics

Regionalism

Sudan found itself divided into four main regions: north, south, east and west. Although this is normal and does not preclude cooperation, equality and justice, the semantics of use and practice made these loaded terms, filled with negative connotations. Thus, north, south, east and west became discriminatory typologies rather than neutral geographical descriptions.

The regionalism of today is reflected in marginalisation discourse and has implications for citizenship and loyalty to the state. This societal grading system, which considers southerners as "slaves or slave descendants", westerners as "*Garaba*-like Darfurians" of low social ranking and, consequently, with fewer rights, led to the rebellion started in South Sudan

and later spreading to eastern Sudan, and still going on in Darfur, South Kordofan and Blue Nile. Regionalism in Sudan must either be recognised and incorporated into the government system—as in Ethiopia's adoption of regional federalism—or modern state institutions, party systems, civil society organisations, and measurements of equality and competency should be followed.

Tribalism

Military and authoritarian regimes have contributed significantly, directly or indirectly, to the tribalisation of politics. Dissolving political parties or denying them rights strengthens the tendency to use tribes in political struggles. Moreover, such political systems tend to use tribes to confront political parties and trade unions, and thus tribes become the basis for political appointment and recruitment in return for their support for the government. People also have to resort to their tribes as a means of protection against an oppressive government. Thus tribes became the sole legitimate representative of the people in the absence of political parties and other civil society organisations.

The current regime in Sudan used tribes in its war against its opponents, particularly in Darfur, where the government enlisted Arab tribes and militias to confront rebellious movements. The decentralisation and expansion of local and provincial governance was overshadowed by tribalism and led to a sharp polarisation along tribal lines. The tribe was also sometimes used to jeopardise modern institutions, and a degree of dominance was achieved by privileging some over others.

Identity Formation in Sudan: Basics and Future Trends

The process of building a nation state in Sudan has failed because it has been unable to gain legitimacy and to root its institutions in the common culture, and other social groupings have not yet been blended into the new structures (national state institutions). In terms of identities, Sudan is diverse ethnically, culturally and religiously. This makes it difficult for the country's people to develop an inclusive, homogeneous and equitable public sphere. Successive governments since independence have failed to manage this diversity. Idris (2005) sees the source of continuing conflict as the attempt by a racialized state to impose its ideology on a diverse society.

Given the GOS's track record in attempting nation building since 1956, Christian (2013) concludes that its efforts to construct a unified national identity have failed after the 2011 separation of the south. Its immature and clumsy attempts to use physical force to coerce the peoples of Darfur into a unified whole have resulted in the disintegration and near disestablishment of African tribal identity and the polarisation of their Arab neighbours.

It is true that the majority of the Sudanese population is Muslim: Arabic culture is spreading widely. However, it is also a fact that Sudan is multicultural, multi-religious, multi-tribal and multi-ethnic, even following the secession of South Sudan. The Sudanese history of autonomy and freedom has shown that these identities and communities cannot be ignored, suppressed, melded or subjected. All attempts to create a homogenous identity have failed as a result of the assimilation methods adopted and the selfishness of the centralised elites.

For example, the dominant ruling party of today, which alleges representation of the general will, won only about 20 % of the votes in the last general election of 1986 and came to power through a military coup in 1989. In spite of that, it has declared that the identity of Sudan after the secession of South Sudan is becoming very clear: the Shari'a will be implemented unhesitatingly (unlike when South Sudan was still part of the country and pressure was put on the regime to respect the rights of Christians, as well as secular and other ethnic minorities). The ruling party, which seeks to put an end to the controversy around identity, represents only one of many Islamic schools (let alone other religious traditions), espouses a certain conception of Arabism (without taking into consideration other cultures and ethnicities) and represents only the central Sudan elite, not the peripheries and the rest of the country. This tendency is dangerous and threatening to the very existence of Sudan unless it is stopped.

The evolution of identity formation in Sudan in 2013 resulted in tense ethnic and religious polarisation, leading to a sharp divide within society and among cultural groups in the country. For now there are moderate Islamists; nationalists; liberals; secular elites; the Revolutionary Front (composed of rebellious groups from Darfur, Blue Nile and South Kordofan), claiming to represent marginalised regions and armed groups; and the fundamentalist Islamic groups represented by the Front for an Islamic Constitution, which calls for an Islamic constitution that envisages the sole function of the state as the implementation of Islam, its defence against secular and animist groups and depriving other citizens of their

rights. All of these groups, from extreme left to extreme right, share few if any values or principles, making compromise on the issue of identity difficult. Any attempt to impose a controversial set of identity principles will lead to war or fragmentation of the country.

In heterogeneous societies with pervasive illiteracy and poverty, a general will can be formed or determined by active members of the society or by those who are able to usurp power and control the economy, mass media and so on. Issues of public concern, including identity, will be determined by these elites. These imposed formulations cannot lead to peace and stability. To Al-Naeim (2010: 54), although identity is used to describe a clear, fixed and stable dispensation, people always attempt to organise their lives in more flexible and open ways. This offers them a vast range of alternatives that are religiously and culturally justifiable. In light of this, identity can be redesigned, reoriented or amended, but after a real sociocultural shock. What has happened in Sudan in the last few years, including the loss through secession of a third of its territory, atrocities in Darfur, torture and human rights violations, has been a real shock of the sort that qualifies as being relevant to a new identity-formation process. Identity in Sudan has to be rebuilt or redefined so as to be more inclusive, and that is the only way towards societal reconciliation.

Sudanism as an Inclusive Identity

Collins (1999: 7) observed that "the Sudanese have learned by their terrifying sacrifices of two million people during the past half century that the best definition of 'Sudanese' is perhaps no definition at all. This emerging concept of unity in diversity, symbolised by a passport, is neither mystical nor unobtainable." That is to say, Everyone can have his own identity but when we talk about national identity we mean that people must suppress their small sub identities and to aspire to an overall unifying identity. In this national identity, everyone should feel a sense of belonging, and that is why many thinkers call for "Sudanism" (A/Salam 2008: 127). This is the identity that accepts contributions from all Sudanese cultural, ethnic and religious diversities without discrimination or exclusion. Equity and multi-culturalism are a commitment to include minority ethnic groups in societal spaces and institutions. Affirmative action and anti-discrimination measures are undertaken to ensure equal participation, and the revival and development of heritage languages and cultures.

A female participant interviewed by Madibbo (2012: 12) about the components of identity in Sudan stated:

> Yes, you have to take into account the Arab and African heritage, but you can't say that the Sudanese are Arabic, as you can't say we're African. You can't even say that we're Afro-Arab. But we can say that we are just the Sudanese. You have to acknowledge factors like the ancient Nubian history of the Sudan that can neither be qualified as Arab nor as African, and consider other cultures and immigrants like the Eritreans and the Greeks, that have all contributed to the making of the Sudan. Many civilisations and ethnicities have been fused and produced something unique, it is the Sudanese identity. This means that we [the Sudanese] have embraced common values and goals … that we have rights and obligations toward our country.

Madibbo (2012: 12) further noted that while research participants do not deny the Arabic and African heritage of Sudan, civic Sudanese acknowledge that what they construct differs from Arabism and Africanism in a number of ways. First, Sudaneseness is not reified into Arabism and Africanism; it is a broader and elastic identity that extends to groups such as the Nubians, who have been in Sudan since several millennia prior to the expansion of Islam and Christianity into the country. Second, it acknowledges the input of various groups of immigrants from other countries, such as Greek and Indian settlers, to the formation of the Sudanese identity and society. These immigrants are regarded as Sudanese—full citizens who can legitimately benefit from the rights of citizenship within the country. Third, the Sudanese identity mirrors the concept of a melting pot—a fusion of large numbers of people into a whole with a common culture. Within this oneness, no aspect of a single culture, whether it be Arabism, Africanism or another form of identification, can be distinguished from any other. These three factors indicate that the civic Sudanese identity is more inclusive than Arabism and Africanism, and it defines the Sudanese as one large entity with a single shared identity that is not dominated by any particular ethnic group or culture. That is why to Abusabib (2001), Arabic has to be dissociated and removed from its ethnoreligious ideological role, set in a new democratic context and transferred into a domain of cultural interaction free from coercion.

To Willis (2003: 1),

> Sudan's conflicts are between those who occupy the physical and political centre of the postcolonial state, and those who live on its margins. Those at the centre—who have come to be routinely characterised as "the riverine Arab elite"—dominate the state and monopolise its resources; those who

> live on its margins—whether they are westerners, southerners, non-Arabs or rural people generally—struggle against chronic exclusion.

The identity discourse on Africanism and Arabism opens up the issue of racial discrimination, which is expressed at the institutional level of politics and policies in terms of the exclusion of minority ethnic groups from the structures of power. It also encompasses socioeconomic processes that have forced groups such as the Nuba and the South Sudanese to move to northern Sudan's urban centres, where many have been humiliated as domestic servants in households, or occupy degrading jobs in many cities. Terms such as *Gharaba* (westerners, referring to the people of Darfur) or *Abeed* (slaves) are racial connotations that target Darfuri groups. They are also aimed at the Arabs of Darfur, who are then relegated to second-class status in comparison with the Arabised elite of central Sudan.

According to Assal (2011), discrimination is also based on class and colour. Poor and lower-class people, especially those with darker skins, are more susceptible to random police checks. One can thus talk about some form of institutionalised racism in Sudan. As a result of widespread stratification and discrimination, nationality and citizenship issues in the country are sensitive. In Sudan, when you ask someone about an official document, they immediately fear there must be a problem. The negative attitudes reflected in these labels (*Garaba*, *janowbein*, *shimalei* etc.) influence law-enforcement agencies and contribute to inequality of access to social services provided by the state. To Assal (2011), laws and constitutions provide the legal basis for equality, but in practice there is discrimination against the less privileged in Sudan, whether defined on a regional, racial/ethnic or individual basis. This inequality has been one of the main drivers behind civil wars and political instability in the country, and that is why there is a need to review the manner in which laws are enforced. There is also a need for more accountability on the part of law-enforcement agents. Structural inequality needs to be addressed for sustainable development.

Conclusion

The process of building an inclusive state requires (1) a legitimate government; (2) public awareness raising; and (3) the enhancement of civil society organisations.

The only possible alternative is the concept of "Unity within Diversity". This is a very broad and loose type of coordination among restricted public

concerns enjoying autonomy or self-determination. It is better to seek a kind of agreement over a few highly generalised principles to be accepted as a minimum requirement for collaboration, and leave wide room for the interlinked groups to shape and govern their public sphere(s). By this means the only possible "Unity within Diversity" could be reached

Competitive liberal democracy in these early stages of nation building might not be suitable. Consociational democracy that provides room for all societal components and minorities might help to achieve stability (Al-Abdein 2013), the necessary precondition for the development of a mature public awareness.

There are many principles to be observed:

1. recognition of diversity;
2. equal citizenship regardless of religion, race, colour and so forth as a basis for rights and obligations;
3. the legitimacy of government to be achieved only through democratic measures;
4. equal participation in the political system, individually and collectively;
5. greater autonomy and decentralisation;
6. civil service to be neutral, inclusive and national, and recruitment to be according to qualification and competence, not loyalty or tribal affiliation;
7. equal distribution of power and wealth;
8. commitment to international conventions and standards.

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CHAPTER 10

National Identity Reconfiguration in South Sudan: Strengths and Weaknesses

Dhieu Mathok

Introduction

On 9 July 2011, South Sudan seceded from Sudan after the protracted Sudanese Civil Wars that began in 1955 (Young 2012; Sorbo and Ahmed 2013; Malwal 2015). The conflict claimed 2.5 million lives, during which the national identity crisis registered as a significant issue. The south, which is predominantly inhabited by ethnicities of African origin, was in conflict of identity with the north, which perceives itself as of Arab origin. However, after the secession the debate about national identity in South Sudan—about how national unity was to be maintained—was revived because in the past it was the long history of oppression by the north that brought together the tribes and different ethnicities of Southern Sudan[1] to fight the war of liberation.

Before the outbreak of the South Sudanese Civil War in December 2013, in South Sudan, government policies were initiated to pre-empt any

[1] Southern Sudan is the name used to refer to South Sudan before it achieved independence on 9 July 2011.

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potential rupture, including constitutional reforms and a national healing and reconciliation programme. Many states, especially in the Equatoria region, demanded federation as a system of governance to address local needs.

This chapter discusses the strengths and weaknesses of national identity reconfiguration in South Sudan following secession, and suggests policies that could support national unity among the South Sudanese. In addition, significant issues regarding national identity reconfiguration in South Sudan, such as national symbols, national identity certificates and currency, are discussed.

National Identity: Concept and Scope

In political philosophy, two trends that explain national identity exist. While Max Weber (1946), among others, regarded nationality as a belief in common ancestry or ethnicity, Ross Pool and Paul Gilbert (Dahbour 2002) believe that nationality is a malleable term without fixed properties. The strict definition provided by Weber and his colleagues of the same school explains the scope of national identity in societies that are characterised by homogeneity in their social and cultural formation. Nations possessing this type of ethnic configuration are rare, and such circumstances should be considered as much a blessing as being gifted with natural and mineral resources. The formation of national identity under such favourable conditions doesn't require concerted political mobilisation because the state finds it easier to achieve national unity. However, harmony and national unity are not automatic, even where a country is ethnically homogeneous. There are many such states whose unity and political survival is at stake. Somalia is blessed with one ethnic group but has failed to achieve harmony and unity for decades. Therefore there are other factors behind harmonious national unity in a country. Weber and his colleagues were not alone in stressing the importance of certain conditions in the creation of national identity. They considered these as resulting from "common points" in people's daily lives: national symbols, religion, language, national colours, the nation's history, national consciousness, blood ties, culture, music, cuisine and style of dress (Anderson 1991; Smith 1986; Gellner 1983).

Ross and Paul's view of national identity as malleable allows for wide political manoeuvring, especially in a divided nation. The definition gives space for decision makers and policymakers to fashion and consolidate policies of nation building and national identity, some of which are

irrelevant to the circumstances on the ground. Such policies, developed on the assumption that the fabricated national identity will promote peace, harmony and national unity, serve individual interests. The result in many countries is resistance to these imposed policies by the disadvantaged population, which may result in war. Fabricated national identity has continued to be evident in Sudan since its independence in 1956.

The issue of national identity as part of nation-building strategies should be based on the common points mentioned above. Hutchinson and Smith (1994) identified five parameters for a group to be considered homogenous: a common proper name, a myth of common ancestry, shared historical memories, one or more elements of a common culture and a link with homeland. However, it is uncommon for all of these parameters to exist in a particular community at any given time. Indeed, some are manmade, such as shared historical memories. These are the result of life experiences over several generations.

By applying Hutchinson and Smith's work to the situation in Sudan before the independence of South Sudan, one will find evidence of these parameters, especially in terms of national identity reconfiguration and subsequent state policies to support national unity. By pursuing cultural assimilation and exclusion policies to resolve national identity crises, Sudan embarked on a suicidal political course.

One convenient policy tool to reconfigure national identities in an ethnically divided nation is constitutional arrangements focusing on decentralisation. Instead of imposing assimilation policies, known benignly as "integration", it is advisable to adopt a decentralised system or federation to allow each ethnic group to administer its own affairs and to take account of local peculiarities within specific contexts.

The issue of whether the reconfiguration of national identity is influenced by national symbols, language, religion, history, national consciousness and culture will be examined critically in relation to South Sudan following its independence.

Political Domination, Cultural Assimilation and Economic Exploitation

The question of national identity dominated Sudan's politics before and after its independence in 1956. Southern Sudan, which was ruled either by centralised tribal institutions or by decentralised systems, in some areas maintained a separate identity from the rest of Sudan. The centralised

kingdoms were found among the Shilluk (Cello), Anyuak and Azande. The Dinka and the Nuer tribal administration was decentralised.

The Turco-Egyptian administration failed to invade and establish an organised administration in most parts of Southern Sudan, but it cooperated with Arab merchants in the slave and ivory trades on the peripheries of the region's major towns. The cooperation was based on systematic raids on local communities. Douglas Johnson (2003: 4) has asserted that "it was only Egyptian power which was able to penetrate beyond these into Upper Nile basin, bringing in its wake European, Egyptian and northern Sudanese merchants and adventures for the commercial exploitation of the Sudan". He further argued that it was during this period in the nineteenth century that we can identify the beginning of the north–south divide in Sudan (Johnson 2003: 4).

The Mahdist regime was resisted in Southern Sudan on account of its Arabism and Islamic ideology. Mohamed Ahamed al Mahdi, the leader of the revolution,[2] intended to establish a state that focused on the Middle East. As a result, he failed to recruit tribal leaders, except for a few in western and northern Bahr el Ghazal and northern Upper Nile.

Anglo-Egyptian colonial rulers, whose priority was the economic exploitation of the territories, recognised the cultural and social differences between south and north and worked to create parallel administrations in the two parts of Sudan. They enacted the Closed District Ordinance to protect Southern Sudan's cultural identity against the influence of Arab culture and Islam. Northern elites, by contrast, advocated pan-Arabism, contrary to the perception of southerners, who considered the state's identity as African.

In August 1955, shortly before independence, the Equatoria Corps mutinied at Torit because of the northern domination. General Ibrahim Abboud seized power in 1958 and intensified the Arabisation and Islamisation policies in Southern Sudan, which subsequently contributed to the Anya Nya Rebellion. The Addis Ababa Agreement was signed in 1972, granting autonomy to the Southern Sudanese (Malwal 2015). Its violation led to the launching of another rebellion by the SPLM/SPLA (Rolandsen 2005).

[2] The Mahdiyya or Mahdi revolution refers to the Islamic revolution led by the Imam Muhammad Ahmed Mahdi in the eighteenth century against Turco-Egyptian rule and later British colonialism. It was reported that Chief Chak Chak of Nyamlell sent his daughter Awet to Mahdi in recognition of the revolution. Mahdi renamed his new wife Magabolla, meaning "the gift accepted."

The SPLM manifesto defined and articulated the Sudan problem as one in which national identity crises played a central part. Competition over the proclaimed national identity left the real Sudanese identity muddled, the manifesto added. The SPLM/SPLA leader John Garang frequently argued that the two groups (pan-Arabist and pan-Africanist) should put aside their ideals and work for the unity of the country.

The SPLM/SPLA's negotiating position during subsequent peace talks provided two scenarios. The first revolved around the creation of a secular democratic state where basic rights are based on the citizenship. The second, fallback, scenario centred on self-determination for the people of Southern Sudan to be endorsed in a referendum after an interim period. The first scenario was aggressively attacked and dismissed by the GOS, which saw it as a strategy to change the Arabised and Islamised national identity of the country into an African identity. Sudan's ultimate acceptance of South Sudan's secession was based on a political calculation that this was better than changing Sudan's national identity. In the event, the people of Southern Sudan overwhelmingly voted for secession in January 2011, and independence was declared on 9 July of that year.

Elements of South Sudanese National Identity

The Republic of South Sudan is a multicultural, multifaith, multilingual country, lying within the boundaries of the former southern provinces of Bahr el Ghazal, Equatoria and Upper Nile. These boundaries are known as the "1/1/1956 south–north colonial boundaries". The country borders Sudan in the north, Ethiopia in the east, Kenya in the south-east, Uganda in the south, the DRC in the south-west and the CAR in the west. It has unresolved border disputes with Sudan in many areas, and with Kenya over the Ilemi Triangle. It also needs to delineate its borders with Ethiopia and Uganda to avoid future conflict.

The country covers 644,329 square kilometres, the equivalent of 8.5 % of Africa and 1.9 % of the globe. It is the eleventh largest state in Africa. More than 70 % of the land is suitable for agriculture. There are seven ecological zones: green belt, central hills, ironstone plateau, flood plains, mountain slopes and hills, semi-arid south-east plains and central rain land. The country possesses abundant natural and mineral resources, many of them unexploited. These include oil, iron ore, gold, silver, copper, aluminium, coal, uranium, chromium ore, copper, zinc, mica, diamonds,

quartz and tungsten. Oil accounts for 90 % of the country's annual budget and 99 % of its exports. In addition, South Sudan possesses forests, fisheries, livestock and wildlife. The River Nile and its tributaries, the lakes and the Sudd contribute to the wellbeing of the people. This rich resource endowment should enable the emerging nation to stand on a solid ground in its endeavour to rebuild the war-torn country.

Despite the abundant resources, the poverty rate is 50.6 %, making the country one of the poorest in the world. The literacy rate is reported to be 20 %, and high rates of illiteracy contribute to tribal conflicts in many states in the country. Its low human development index poses insurmountable hurdles in the quest for development. The new nation no doubt faces monumental challenges.

South Sudan, after the controversial population census of 2008, was reported to have 8.26 million people out of a total of 39.15 million population for the whole of Sudan. The results were disputed by the SPLM, especially in relation to South Sudan, Nuba and Blue Nile. The party believed that there were political motives behind the reduction of the population in those areas, where support for it is high. It blamed the NCP for trying to manipulate in advance the scheduled elections and referendum. The UN estimated the figure to be 10.3 million in 2012. This estimate was more accurate because South Sudan has accounted for one-third of the population of Sudan since independence.

The country is inhabited by 64 tribes speaking more than 60 languages (Jok 2011: 2). These tribes are grouped into three ethnic designations: Nilotic, Nilo-Hamitic and South-Western Sudanic (Bantu). The three groups have distinctive cultural and social heritages. The Nilotic group comprises the Dinka, Nuer, Shilluk, Murle, Kachiopo, Jie, Anyuak, Acholi, Maban, Kuma, Lou (Jur), Bango, Bai, Ndogo, Gulu, Endri, Forgee, Chod (Jur), Khara, Ngorgule, Forugi, Siri, Zandi, Benga, Agar, Pakam, Gok, Ciec, Aliap, Hopi, Guere, Atuot, Apaak, Lango, Pari, Otuho and Ajaa. Included in the Nilo-Hamitic group are the Bari, Mundari, Kakwa, Pojulu, Nyangwara, Kuku, Latuko, Lokoya, Toposa, Buya, Lopit, Kuku, Kakwa, Nyabgwara, Tennet, Lopit and Didinga. The South-Western Sudanic group includes the Kresh, Balanda, Banda, Ndogo, Zande, Madi, Olubo, Murus, Mundu, Baka, Avukaya and Makaraka.

There is no common language spoken in South Sudan. Arabi Juba[3] is spoken in the rural areas and English is used widely in the Equatoria region and in major towns. In the Northern Upper Nile, Northern, Western Bahr el Ghazal, Unity and Warrap states, which border Sudan, a minority speak Arabic as a result of the influence of Arab culture.

Christianity is the majority religion in South Sudan and there are a good number who believe in traditional religions. There are also many Muslims in the cities and towns, most of whom arrived as traders then settled during various colonial interludes.

Few tribes are centralised administratively, most favouring a decentralised tribal system in which chiefs are traditional, elected or appointed. The Shilluk kingdom, the Anywak and the Azande are centralised chiefdoms, while the tribal system in the Dinka and Nuer lands is decentralised. It is worth mentioning that during the colonial era, all of the tribes fought to defend their territory. The sacrifices of the SPLM/SPLA, which finally brought independence to South Sudan, are a case in point (Malwal 2015: 203).

Imposed National Identity and Assimilation in South Sudan

Like the colonial rulers who administered Sudan between 1821 and 1956, successive Sudanese regimes adopted nation-building policies that promoted assimilation and imposed a national identity on the country (Harir 1994). The Sudanisation[4] policies in Southern Sudan sent a message that another colonial era was starting. After southern representatives on the advisory council in Khartoum failed to convince their northern counterparts of the importance of a federal system to the unity of Sudan, the reaction of the southerners was deadly. Civil war erupted during the Sudanisation process (Malwal 2015; Akol 2009). In the replacement of British and Egyptian administrators in the south by northeners, indigenous citizens saw the substitution of the old colonisers with the new. The changes prompted a mutiny at the Torit garrison of the Equatoria Corps

[3] Arabi Juba originated in Juba town. It is a mixture of Arabic, English, Kiswahili and local dialects.

[4] Sudanisation was a policy introduced by the government just before independence whereby Sudanese nationals took over government positions from British and Egyptian administrators.

led by Lieutenant Emidio Tafeng, whose deputy was Second Lieutenant Ali Gbatala. The mutineers targeted northern merchants in Torit and Nzara because these traders were considered to be the agents of the new colonial power (Johnson 2003).

The elected government of Ismail el Azhari didn't survive long because of the parliamentary conspiracies between his Democratic Unionist Party and the National Umma Party of Abdalla Khalil. The demands for federation by southern representatives played a central role in the mobilisation of MPs. Subsequently the elected government collapsed and the National Umma Party invited the army under General Ibrahim Abboud to seize power. The Abboud era is remembered in South Sudan for its forced Arabisation and Islamisation. Apart from establishing Islamic schools in major towns of Southern Sudan, the government ordered the closure of the missions in the region. Before the October Revolution of 1964, about 300 missions were shut down in Southern Sudan and the Nuba Mountains, and the personnel were asked to leave the country. The governor of Equatoria province, Ali Baldo, was quoted as saying: "Thank God, by virtue of the marvellous efforts of the revolutionary government, the country will remain forever united." The understanding among the regime's elites of the southern problem was naïve: it was based on the miscalculation that if assimilation policies were designed and implemented properly, there would be integration (Malwal 2015; Akol 2009; Johnson 2003).

The second democratic government, led by the National Umma Party (1965–1968), was marked by more bloodshed in the south. In June 1965 the assembly passed a resolution to restore law and order in Southern Sudan, and the security forces were given a free hand to pursue that goal. Massacres occurred in Juba, Bor, Wau and many other towns. Some schools were either closed or transferred to the north. Rumbek Secondary School and Juba Commercial School were moved to Khartoum. Many students and intellectuals fled the country and joined the rebellion, or lived in exile as refugees.

Some pan-Arabist politicians in the north had the mistaken belief that Southern Sudan had no identity and should be assimilated and integrated into Arab culture and identity. The British took a different view. The British administration seized major towns in the south in the 1900s and didn't reach the rural population until the 1930s. In 1922 the Native Administration Ordinance was enacted. Areas were divided into chiefdoms, and chiefs were appointed to enable the authorities to reach down

to the people. The British authorities were also keen to protect the cultures and norms of the indigenous South Sudanese, and this closed district ordinance was meant to achieve that (Wassara 2015).

The effective lifetime (33 years) of Anglo-Egyptian rule in Southern Sudan was approximately half that of subsequent Sudanese governments: 54 years. During the latter period, great damage was inflicted on South Sudanese indigenous cultures and social heritage: the GOS adopted policies aimed at changing values, norms and cultures so that the South Sudanese would become Arabised and Islamised citizens. They wrongly assumed that by this means national identity and national unity would be fostered. The chiefs in Southern Sudan were urged to adopt Arab names. Their religion was targeted such that they converted to Islam. Arabic was introduced and made compulsory in schools. *Jallabiya* and *toub*[5] were introduced as the national dress for males and females, respectively. Christians were not allowed to marry Muslim girls unless they converted to Islam. Circumcision, an important requirement of Islam, was introduced, starting with the chiefs, their families and then the entire community, especially in areas where it was unpopular or non-existent (Wassara 2015).

Under the NCP government, the situation became more extreme, to the extent that Islam was an essential precondition for appointment to senior government positions. Few resisted and escaped Islamisation. For example, a politician who served as an advisor to the state governor faced this situation. He publicly espoused Islam but retained his Christianity. He would go to the mosque for prayers but pray using a Christian missal at home. Also, a governor who embraced Islam was asked to convince his children to do likewise, but his family opposed the idea, leading to psychological stress, sickness and the father's subsequent death.

Many Islamic NGOs moved into Southern Sudan to promote the Islamic agenda. During the war, the Any anyanya I, (1955–1972), these organisations worked in coordination with the security forces to intimidate those who were opposed to Islam. It was during the NCP era that many youths, women and elderly people were mobilised to profess Islam. However, the majority of these new converts reverted to Christianity after South Sudan attained independence. In the north, some internally displaced persons acquired two identity cards, the first bearing an Arab name and Islamic religious affiliation, and the second showing an indig-

[5] The *jallabiya* is a long garment worn by Arab men, while the *toub* is a loose dress that covers a woman's entire body, including her head.

enous name and giving Christianity as the religion. The identity cards were used interchangeably according to the circumstances: when dealing with Islamic relief organisations they used the Islamic card, while the Christian card was used for Christian NGOs

Arabic was imposed on all institutions in Southern Sudan without notice. The University of Juba was among those affected. Lecturers and administrators were exposed to Arabic (Fluehr-Lobban 2012; Akol 2009; Malwal 2015). Those given a one-year course in Arabic were expected to teach in that language. Many professors left the university and moved abroad, where they remained until the CPA came into force.

Similarly, government officials were required to undergo military training, which was also compulsory for secondary school leavers before they went on to university. During the training period, all possible means were used to convert trainees to Islam.

National Identity and Constitutional Reform

A constitution is the supreme legal document regulating relations between state and citizens. It defines the functions of various organs of government. It is intended to explain the role of institutions, civil society and political parties. Simplistically, a constitution is a mirror in which society can view itself. It represents the ideals and ambitions of peoples. It may be written or unwritten. It shouldn't be static: a good constitution is one that can absorb changing circumstances.

Constitutions always try to shape national identity by defining the political, social, cultural and economic realities of a society. Areas of societal commonality are stressed, especially when the state is homogenous. This shouldn't preclude the drafting of a constitution that acknowledges diversity and pluralism in heterogeneous states. Theorists of constitutional law sometimes call these measures "affirmative action". It is a constitutional obligation on states that contain a diversity of communities to design and apply constitutional strategies that serve national peace, harmony and unity. The best way of doing this is through a decentralised system of government that addresses the concerns and needs of local people. Some countries undermine diversity and neglect minority needs by adopting constitutions that focus on assimilation or benign integration. Such constitutions, like their decentralised counterparts, can succeed or fail based on how the policymakers design the implementation mechanisms. In countries where nation-building policies undermine and exclude certain

elements of a community, diversity becomes a curse. However, policies that favour inclusivity generate national consensus, peace and harmony. This type of national identity, if achieved, is a blessing.

In Ethiopia, for example, the state adopted ethnic federalism and the constitution allows ethnicities the freedom to organise along ethnic lines, while at the same time protecting national unity (Gudina 2003). Usually the fears of opponents of this approach are based on the possibility of future disintegration. They believe tat such arrangements promote a sense of independence among the ethnicities, who will opt for secession in the long run. Such opponents are reminded that policies favouring political marginalisation and under-representation are more likely to give rise to a quest for secession. This is exactly what happened in Sudan after a long history of marginalisation and political domination of Southern Sudan.

Sudan after independence launched a quest for national identity by introducing policies that led to wars separated by short-lived peace agreements with the south. The constitution that best achieved consensus in relation to nation building and identity was that enacted following the Addis Ababa Agreement of 1972 (Oromo 2015). The assumption was that the leader of the May Revolution of 1969, a socialist, would seek to promote social justice. Unfortunately, Field Marshal Nimeiri ended up an Islamist and divided citizens along religious lines. The Constitution of 1973 was framed to accommodate diversity and give regional autonomy to Southern Sudan. After ten years the same regime announced the implementation of the Shari'a across the country, thus ignoring the peace agreement with the south. The president abolished the regional autonomy Act of 1972 and divided Southern Sudan into the Bahr el Ghazal, Equatoria and Upper Nile regions, a move that fuelled rebellion (Johnson 2003; Fluehr-Lobban 2012).

Another important episode involved the so-called first Permanent Constitution of Sudan of 1998, drafted by Hassan al Turabi, leader of the Popular National Congress. This was enacted after the Khartoum Peace Agreement of 1997 was signed with southern factions. Although Islamic, the constitution unclearly exempted Southern Sudan from the Shari'a. It also established a loose executive body, the Southern Sudan Coordinating Council, which lacked power. The right to self-determination of the people of Southern Sudan was to be exercised through a referendum after a four-year interim period. However, many observers believe that this was a deception to sow the seeds of more division in the SPLM/SPLA. The

constitution's provisions defining state functions, language, religion and national identity were intended to serve one ethnic group: the Arabs (Malwal 2015).

In time, the Permanent Constitution gave way to an interim constitution that was incorporated into the CPA. This provided for a symmetrical system of governance (One Country, Two Systems), with Southern Sudan being autonomous. The GOSS was established with executive, legislative and judicial branches, and its own armed forces. Juba, the traditional capital of Southern Sudan, was made the seat of government (Grawert 2010).

The new constitution authorised two parallel systems: Islamic in the north and secular in the south. Microeconomic and monetary policies ran in parallel. The north adopted the Islamic monetary system, the south the conventional banking system. English was declared an official language in the south. Although the Southern Sudan Interim Constitution of 2005 was silent on the role of religion in politics, Christianity was dominant in other aspects of life. During the transition, the region forged an identity that was different from that of Sudan. The national identity of the south was oriented towards East Africa.

The parties to the Khartoum Peace Agreement disagreed about Sudan's fifth population census. The leadership of Southern Sudan wanted to include human development indicators that would be helpful in shaping national identity, including ethnicity, language and religion. However, the GOS refused, fearing exposure of the national identity. The idea was dropped, and the census went ahead without a column for registering ethnicity.

According to the CPA and the Interim Constitution of 2005, foreign affairs was a national function. The SPLM was approached to nominate a minister for this portfolio. Lam Akol was put forward and appointed. He couldn't continue because of power struggles within the party and confusion over the direction that the country's foreign policy should take. He was accused by senior party members of promoting NCP interests, then removed and replaced by Deng Alor. The head of Sudan's diplomatic mission in Washington, Ambassador John Uguac Lueth, also an SPLM nominee, suffered the same fate because of the contradictions in foreign policy.

Following the referendum of January 2011, the president of the GOSS formed a committee to revise the Interim Constitution of 2005. The committee's membership included various stakeholders from political parties and civil society, with the ruling party having the lion's share. During the deliberations, tensions rose. Some representatives of non-SPLM political

parties suggested the inclusion of Arabic as a second national language. They went as far as to demand a provision allowing South Sudan to be a member of the Arab League. They claimed that most South Sudanese speak Arabic in their daily lives and further argued that "even the president on many occasions addresses the nation in Arabic, because it is the language average South Sudanese can understand" (Representatives of Political Parties in the Constitution Review Committee, South Sudan, Juba, April 2011). Those who made these proposals were considered to be traitors and were outvoted. The group walked out and boycotted the process. However, the committee proceeded with its tasks and the constitution was passed unanimously.

The demand to include Arabic as a second national language may have been driven by the reality that the South Sudanese had been subjected to half a century of Arab colonisation, during which Arab cultures, traditions and norms were consolidated. Thus someone from Unity state can communicate in Arabic with someone living in Western Equatoria. This is a reality that the leadership needs to recognise and work to correct on the ground. Arabic needs to be phased out through educational policies, including curriculum changes that emphasise and impose a real South Sudanese identity.

The situation is out of control in the states. Despite the constitutional provision prohibiting Arabic in government institutions, its use is widespread. Recently a group of politicians from Lakes state accused the governor of violating the Transitional Constitution of 2011 by introducing Arabic as an official language in the state. The group, which includes legislators, ex-ministers and civil society activists, urged the national president to intervene and dismiss the governor. All of this confusion is the result of the absence of a common unified syllabus in South Sudan during the interim period. States used curricula drawn from Kenya, Uganda and Sudan.

The controversial situation in Lakes state together with the proposal to join the Arab League by highly educated persons on the constitution review committee reveal how much damage northern domination has done to South Sudanese indigenous cultures, beliefs and norms. The problem with these Arab institutions is that they not only restrict political and economic cooperation but also touch on the identity of nations. That is why it is difficult for the people of South Sudan, having ended Sudanese social, political and economic exploitation, to return voluntarily to an institution associated with Sudan. There are citizens in the country who

still criticise the cooperation agreements signed between South Sudan and Sudan in September 2012; they would rather see all ties with Sudan cease. Future generations may want to reassess the situation and have closer ties with Sudan if they are convinced that the previous political exploitation and marginalisation has ended, but that is not true of the current generation that fought the war of liberation.

Another conflict in the constitution review committee was over federalism as a system of governance in South Sudan. As noted earlier, southerners have demanded and been prepared to fight for a federation since Sudan gained independence. Many South Sudanese, especially intellectuals from Equatoria, advocated a federation and expressed their concerns at many conferences. The same position was reiterated in a letter read to the committee by one of its members, Prof. Taban Loliyong of the University of Juba. He warned of the danger of neglecting Equatorian aspirations and pleas, which were strongly criticised and dismissed by other committee members. The position was reiterated in the Greater Equatoria conferences at Nyakuron Cultural Centre in 2012 and 2013: delegates insisted that their votes in the 2015 elections would go to candidates favouring the federal agenda.

The SPLM leadership was accused of resisting demands for a federation and advocating loose decentralisation. In response, the leadership was silent, except for Riek Machar, the party's deputy chair, who came out in support of the federal system.

In the Transitional Constitution of 2011, reference to the judiciary, part of the state government under the Interim Constitution of 2005, was deleted. This raised concerns about the seriousness of the new nation in respecting one of the key principles of the liberation struggles.

It is also vital to mention the growing demands of the Muslim minority for fair representation in government. The Muslims, who celebrated the appointment of Abdella Deng Nhial as minister of the environment, admitted that they had been marginalised since the independence of the country. However, Nhial's appointment addressed the problem, they concluded. A few individuals are asking the permanent constitution committee to find a solution to minority concerns.

The proposition that South Sudan is homogeneous is untrue: there is cultural and social diversity. This reality should not be ignored if the country is to avoid the scenarios experienced by Sudan. A South Sudanese professor teaching in the USA was quoted as saying that the hatred and wars against Sudan were what united the people of Southern Sudan (Jok 2011). Putting this statement in the context of national identity reconfiguration,

the common history of struggles against domination has been significant for national unity in South Sudan. The government now needs to formulate and implement policies to strengthen national unity.

National Healing and Reconciliation, and National Unity

The war years were characterised by the militarisation of the civil population in Southern Sudan. Tribal militias grew up in the country's ten states. Some elements were armed, especially after the differences in the SPLA over its ideological orientation in 1983. The split in 1991 involving the Nasir faction[6] further fuelled the tension. The movement also committed atrocities in liberated areas during the course of the struggle. There were, and are, individual and group enmities within South Sudan that need to be healed (Moro 2015; Malwal 2015).

After independence, Sudan was accused of continuing its proxy insurgency through the militia groups. The GOS justified its actions in terms of South Sudan's support for the SPLM-North.[7] This South Sudan–Sudan conflict destabilised the security of both states.

There were incidents of cattle rustling and child abduction in a number of states. In Jonglei, thousands lost their lives during the last six years of CPA implementation. Insecurity increased in "The Cow Death Triangle", an area spanning parts of the Lakes, Unity and Warrap states. The deadly cow culture shifted to Eastern and Central Equatoria, where certain pastoralist tribes live. Ethnic conflict erupted in Western Bahr el Ghazal in 2013. Western Equatoria continued to be destabilised by the Lord's Resistance Army, the militant movement based in Uganda. The state of Northern Bahr el Ghazal, bordering Sudan, was a target for Messeriyia and Reziegat tribes, who constantly search for pastures and water. The situation was made worse by internal differences within the SPLM during the 2010 elections. Many candidates who lost their seats revolted against the government, especially in Jonglei and Unity states (Young 2012).

Within communities there were misunderstandings about many issues. The different groups that came home brought back alien cultures. Those

[6] The Nasir faction refers to the movement that split from the SPLM/A and was led by Dr. Riek Machar and Dr. Lam Akol.

[7] This refers to a group of northerners who fought against Sudan alongside the Southern Sudanese and who formed SPLM-North after South Sudan's secession.

that were in Khartoum are seen as Arabs and have difficulty in integrating. The East African group is considered to be dishonest and untrustworthy. Those in the diaspora are considered to be cowards who ran away during the liberation struggle, looking for a better life. Misunderstanding exists in every corner in South Sudan. This necessitates a national initiative to reconcile people, to bring at least average persons on board. It was on these grounds that the president, General Salva Kiir Mayardit, appointed a committee headed by Archbishop Daniel Deng Bul to promote national healing, peace and reconciliation in South Sudan. In his press release the archbishop said, "This is emphatically not a political process. It is based on spiritual values … found in our Christian, Islamic and … African traditions. This is why we begin with a National Day of Prayer on Monday 8th July 2013, … the eve of our celebration of Independence" (Statement by Grace Archbishop Daniel Deng Bul, Chair of the National Healing, Peace and Reconciliation in South Sudan). He continued, "Let us build a united and a prosperous nation where everyone will be proud to belong, and where all tribes and all citizens live harmoniously". Looking at the task of the committee and the growing conflicts in South Sudan, one realises the difficulties ahead.

There have been many criticisms of the committee by the public and by stakeholders, some procedural and some substantive. First, there are those citizens who criticise the leadership. They argue that since Archbishop Bul had earlier failed to bring peace to Jonglei state, how can he be expected to bring peace and harmony to all of South Sudan? They think that retired Archbishop Farede Taban, who currently deputises for Daniel Deng on the committee, should be chair. A second group went as far as to criticise the very idea of entrusting so critical a responsibility to churchmen. National healing and reconciliation is a political, social and cultural process that requires political determination and is not just a religious issue. Third, the majority holds that justice must be done before forgiveness is possible, and that instead of basing accountability on communities it should be based on individuals, such that each person answers for their bad deeds. Processes should start with the admission of mistakes, should narrate the truth and should allow victims to respond. After that, the quest for forgiveness will take place. The procedure should take the form of concert performances, where people gather, dance and disperse.

Fourth, as a substantive point, there is a debate between advocates of the rule of law and of the theological principle of forgiveness on how peace and harmony can be maintained in the community. The rule of law group

thinks that justice should be in place before anything else. They argue from the principle that if criminals are allowed to escape justice, this will set a bad precedent for others contemplating or engaged in crime. This attitude is especially dangerous in communities that are beset by conflict and chaos. The theological group rejects the rule of law as a good mode of peacebuilding. Rather, in divided communities where crimes are common, it is the Word of God that will neutralise criminals and make them good citizens. The application of justice will fuel the problems. They substantiate their argument by reference to the biblical principle of overcoming evil through goodwill and forgiveness.

The South Sudan national healing, peace and reconciliation project opts for the latter approach, as evidenced by the president's appointment of priests to lead it. Those demanding the application of the rule of law believe that the process would be more successful if led by a retired politician with a legal background, such as former judge Abel Alier, previously vice-president of Sudan and president of the Southern Sudan regional high executive council in the 1970s.

Both groups are wrong in direction in that principles of the rule of law and of forgiveness are needed. Peace and harmony in a community are the responsibility of church people and they don't need to be appointed to do the job—it is part of their normal church duties. Some people think that a churchperson appointed to do what God has already asked will lose public respect. However, it would equally be a mistake to leave the work of peace and reconciliation to politicians alone and to exclude significant institutions such as the church. There is a level of reconciliation that does not require the application of the rule of law or sophisticated political measures. This is where the church can come in. The national healing, peace and reconciliation process should make space for two trends so that the efforts of both faith groups and politicians can converge.

The fifth criticism of the programme, also substantive, was made by individuals who thought that the process was nonsense and had no political morality. They thought that most of the atrocities were committed during the liberation struggle and that there was no need for such healing and reconciliation because the people of South Sudan have gained their independence. They argue that it is for individuals to step forward voluntarily and apologise, as Riek Machar did to the Bor community. The group further argue that in a situation of high illiteracy the process will become violent. Nobody can guarantee compliance by the whole

family of the victim with the principle of forgiveness, which may be dishonoured by someone committing a crime against the identified culprit. They suggested that a new page be turned so that there is the rule of law and equal treatment for all people regardless of sex, tribe, colour, religion and political affiliation. This is how real national unity will be attained, the group believed.

Finally, this national healing, peace and reconciliation agenda is very significant to the new nation for the reconfiguration of national identity. If properly addressed, the initiative will serve the interests of the people and national identity, but it will become a curse if it is mishandled.

Some Issues regarding South Sudan's National Identity Reconfiguration

The issue of nation building and national identity draws attention to significant national instruments and symbols. I summarise them below.

Constitutional Review

The committee to revise the Transitional Constitution of South Sudan of 2011 carried out consultations with stakeholders at the national and grassroots levels. Citizens' views are being recorded with the aim of integrating them into the constitution. Some of the critical issues that are emerging are the type of state and system of government, public participation in decision making, human rights and gender equality.

There have been calls to revisit the name of the country. Suggested alternatives include the Kush[8] Republic, the Nile Republic, the New Sudan Republic, the Republic of Imatong[9] and the Republic of Sudanile.[10] However, many citizens believe that the name South Sudan should be maintained because it demonstrates the historic struggle against mar-

[8] Kush is an ancient African kingdom situated between the Nile and its tributaries and mentioned in Isaiah v. 18 as a land of tall, black people. Some believe this is a prophetic reference to South Sudan and the South Sudanese people.

[9] Imatong is the tallest mountain in South Sudan and was known as a military training centre during the Anya Nya Rebellion. Many people think that, but for the mountain, the war of liberation would not have succeeded.

[10] Sudanile is a name once used by the Anya Nya liberators. Currently there is a Sudanile Party, which advocates this name change.

ginalisation and exploitation. Plans are under way to shift the capital to Ramciel.[11]

Other issues arising during the constitutional review were the eradication of rampant corruption and controlling the influx of foreigners, who are associated with crime in Juba. As an important factor of national unity, employment policies were revised to achieve harmonisation. Previously, these policies were viewed as favouring certain communities. Lastly, the issue of land grabbing, a factor in the conflict in many parts of the country, was considered. The committee was expected to finish its work ahead of the general elections that was expected to take place in 2015, although this election never took place. Indeed, the outbreak of war in December 2013 has shattered the prospect. According to the peace deal there will be 30 months of transition that began in early 2016.

Flag

The flag was designed during the liberation struggle to represent aspirations of the marginalised people of Sudan and their national identity. SPLM/SPLA ideology and philosophy were geared towards the creation of a new Sudan in which the majority African ethnic groups would be included in the political process. Unfortunately the separation agenda dominated the referendum, which resulted in the secession of South Sudan. The SPLM abandoned the flag for the new nation.

The flag comprises six colours, each with an important connotation. Black represents the black African people of South Sudan; white represents peace, for which many lives have been lost; red represents the blood of the gallant freedom and justice fighters who were lost in the many years of struggle; green represents the agricultural potential exemplified by the fertile soil and rich vegetation adorning the South Sudan countryside; blue represents the River Nile, which is the main source of livelihood in South Sudan; and the star represents unity. The flag therefore signifies one nation of black Africans united in the struggle to perpetuate peace and prosperity for all of the people of South Sudan.

[11] Meaning “midpoint” in Dinka, a reference to its central location in the country.

Coat of Arms

Before independence the government formed a committee to commission a coat of arms. The successful candidate was young Chol Anei Ayii from Tonj North county, whose prize has never been awarded because a certain influential politician claimed ownership of the symbol. The government confiscated the coat of arms. Chol went to court but lost the case. He is the victim of an emerging culture of denial preached by some of not recognising the achievements of others. Otherwise the property rights in the coat of arms would be registered in the name of Chol Anei Ayii.

The coat of arms consists of an African fish eagle standing against a shield and spears. The bird is looking towards its left shoulder with wings outstretched, and holds in its claws a scroll bearing the name of the state. The eagle signifies strength, resilience and vision, with the shield and spears representing protection of the new state.

National Anthem

The national anthem of impressively recounts the suffering and blessings of the people of South Sudan. The first section praises God for giving a land of great abundance to the people, and asks him to unite them in peace; the second reminds people of their responsibility to uphold justice, liberty and prosperity; and the third part praises the sacrifices of the fallen heroes, heroines, war wounded and war disabled. Finally, there is a promise to protect South Sudan. Staff and students of the college of music and drama at the University of Juba composed the anthem.

Currency

After secession, South Sudan shifted from the Sudanese pound to the South Sudanese pound. The transition wasn't easy and preparations began before independence. There are seven notes, all bearing the head of the late John Garang, the symbol of the South Sudanese struggle who died in a plane crash on the Ugandan border just 21 days after his appointment as the first vice-president of Sudan and president of South Sudan.

Oil is almost the only export commodity, accounting for 90 % of the country's exports. The value of the South Sudanese pound was SSP 2.91

to $1, and SSP 4.5 to $1 on the parallel market. The central bank issued an order to equalise the official rates and the rates on the parallel market, but this was rejected by parliament in November 2013. Following the outbreak of the South Sudanese Civil War in December 2013 and the subsequent decline of the economy, the value of the currency has plummeted.

Nationality Documents

South Sudan has three nationality documents: a nationality certificate, a national identity card and a passport. Issuance of these documents started in January 2012. The law allows their acquisition on the basis of both paternal and maternal descent. Many tribes straddle the borders with other countries: the Nuer and Anyuak with Ethiopia; the Acholi, Madi and Lango with Uganda; and the Kakwa with both the DRC and Uganda. This tribal intertwining makes it difficult to devise ways for transborder tribes to acquire documents. Local chiefs were given the responsibility of identifying their people, yet complaints still arise. This is a sensitive issue requiring urgent consideration by the authorities.

Conclusion

The marginalisation, political exploitation and social exclusion that lasted 190 years (1821–2011) was of critical importance in the passionate quest for independence. The government and people of South Sudan shouldn't underestimate the great damage that was done to the national identity. It is up to the government to correct this

Like any newly independent country, South Sudan urgently needs to build up its national identity so as to consolidate a society divided along lines of ethnicity, religion and adopted culture. Nation-building policies need to consider this reality in shaping a national identity that allows everyone to feel a sense of belonging. Despite all of the challenges, the steps already taken by the authorities to address significant issues—revision of the constitution, flag, coat of arms, identity documents—are positive and help in shaping national identity, strengthening territorial integration and maintaining social stability. National identity could also be affected by curricula and media. By changing curricula to educate citizens on the importance and needs of the country as well as by influencing the media, the authorities may help to determine what citizens understand, believe and

treasure. Nevertheless, the three years of civil war have done considerable damage to the nation-building project.

It is also important to recall that South Sudan is a country of ethnic diversity. This is evident from the recurrent conflict and disruptive political instability in many regions, the last instance being the explosion of violence on 15 December 2013 that plunged the country into bloody war. It is the role of government to devise and implement policies that promote ethnic collaboration for the good of the community by bringing together various abilities, experiences and cultures in a way that leads to innovation and creativity. From this endeavour, if faithfully pursued, a colourful unity that embraces diversity will be attained.

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CHAPTER 11

The Dynamics of National Identity Building in South Sudan

Faiz Omar Mohammad Jamie

Introduction

This chapter attempts to analyse issues pertaining to national identity building in the new Republic of South Sudan. It is worth noting that the country emerged out of a long struggle for self-determination, a struggle that was essentially over identity between Sudan, the predecessor state, and South Sudan as a successor state. The chapter will touch on the theoretical aspects of identity within different social science disciplines and will then test and explore where and how Southern Sudanese awareness of a distinct identity emerged within pre-secession Sudan, and how that led the country to embark on the longest civil war in Africa and the Third World. It is argued that national identity in South Sudan is still in the making because the country is currently preoccupied with state building. Nonetheless, what is and was most clear is that South Sudan's national identity is more African than Sudan's, which is Afro-Arab. Components of a common culture include religion, language, history, territory and descent, and these have still to interact in South Sudan to produce the basis for a cultural identity.

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Conceptual Framework

From an academic point of view, identity could be called an ideology rather than a social reality. Sociologists, social anthropologists, social psychologists and political scientists all have their own angles on identity (Bechhofer and McCrone 2009). We can share the view that "identity becomes an issue when it is in crisis", and that nations in which there are identity issues are necessarily in transition. This may help to explain the persistent preoccupation of the Third World elite and scholars with the issue. This does not imply that identity is not an issue in industrialised countries. Rather, it may simply indicate that it is relatively more apparent in some countries than others. Gaiysar Musa asserts that national identity issues are tenser in situations of ethnic diversity, where the centre around which this diversity revolves is not strong enough to establish a stabilising orbit (Musa 2010). However, new challenges for national identities have emerged worldwide in recent years as a result of the unprecedented levels of large-scale migration around the globe, leading to *de facto* diversity and multiculturalism in globalised social and economic communities, to the extent that we now speak of hybrid identities (Papademetriou 2012).

As identity is basically about affiliation with and membership of a category/group, some scholars tend to emphasise the personal level, with identity mostly associated with profession, class and so forth, whereas others emphasise the national level by concentrating on religion, language, territory, descent, history and so on. The question of whether identity is a static/dogmatic reality or dynamic in nature is a source of controversy among scholars. In addition, identity most often involves sociocultural dimensions that are vulnerable to political interpretation in relation to territory and state. Marxist writers are sceptical about national identity, which they describe as "false consciousness, less real … than social class, gender, ethnicity, used by the ruling elite to further their control of the minds of the ruled classes" (Bechhofer and McCrone 2009: 4). In this they are unlike Max Weber (1864–1920), who saw identity as dynamic and highly dependent on socioeconomic situations and realities, but not necessarily related to class in the Marxian understanding. Furthermore, Weber was of the view that belief and moralities determined social realities, not vice versa, therefore identity precedes class formation, just as Protestantism precedes capitalism (Weber 1978: 928–930).

The debate about identity continues into the post-ideological present, and we can trace two schools of thought to summarise the salient

trends. On the one hand there is the Essentialist school, according to which predetermined conditions and inflexible attributes define the sociocultural entity (Andrews 1997). For this school, identity implies (among other things) ethnicity, which is deeply rooted in human and historical experience, as well as religion as an instrument providing mankind with a cosmological framework for moral and social values. Yet religion is not necessarily as predetermined as physical attributes in that it can be changed or acquired. However, this school does not consider this aspect, most probably because changes in beliefs are exceptional in social histories.

Second there is the Constructivist school, which holds that ethnic origin and religion are non-static attributes that owe their origin to human thinking, discourse and social action—that is, they can be constructed to serve social and personal interests. This is because identity is mostly understood in relation to other identities and has no independent existence by itself. This logic goes to the point that, since identity is designed or constructed in relation to other actors, the chances are great that any change in an independent variable will necessarily tend to change the dependent variable.

Africa: From Partition to Secession

The current map of Africa owes its origin to the famous Berlin Conference of 1884, at which the European powers divided Africa between themselves. This was done purposely by the colonialists to serve their own interests. However, a century later, after the attainment of political independence and the emergence of the OAU, Africa declared that these colonial boundaries should be maintained as they were and be held as sacred (Asiwaju 1984). The OAU Declaration was objected to by four states on the grounds that these boundaries did not reflect the national integration of African peoples based on their own experience. Another consequence of the arbitrary partition is that most African countries are multiethnic and multicultural, and they possess minorities and marginalised groups in border areas. More often than not, this situation leads to identity-related complaints.

So much for the colonial legacy. Of more significance is the current post-independence phenomenon of secession, which is nothing less than the further partitioning of already partitioned African states nearly a century and a half after the Berlin Conference. Despite the fact that secession

is much less common in Africa than in post-Cold War Europe, it may be a growing trend in the context of rising human rights activism in a progressively globalising world, and of the recent UN declaration on the rights of indigenous peoples, which offers alternatives to existing polities and requires consultation and collaboration as new deliberative forms of governance (Asiwajo 1984: 4).

It can be observed that secessionist movements more often than not emerge in border areas where state organs are weak, and where allegiance to the centre faces challenges. These challenges emanate from complaints about peripheralisation by groups and communities in border areas that consider themselves to be disadvantaged citizens. Coupled with the evident multiculturalism in Africa, divergent identity-related visions often develop along centre–periphery lines. Some theorists argue that "secessionist movements are triggered or exacerbated by the regional dynamics of different groups in relation to the state, and that backward groups in backward regions are the most prone to secessionist movements" (Engelbert and Rebecca 2003: 10).

South Sudan: Sociocultural Background

South Sudan has a population of about 8 million, some 50–60 % of whom are in livestock-herding communities, with most of the rest in subsistence farming. Around 85 % of the inhabitants live in rural areas (Lancher 2012: 7). There are more than 60 ethnic groups of varying size. These shared the bitterness of civil war with Sudan and now aspire to nationhood in the context of the successor state following the 2011 secession. Thus the prime concern of the new state is in fact two-fold: state-building in terms of government institutions, a constitution, a legal system, the army and police; and nation-building in terms of a common national sentiment, minimum shared values, a sense of pride in history, and mutual recognition of and respect for the different languages and religions within the country. A complicating factor is that the south is experiencing accelerated urbanisation as a result of the repatriation of refugees from abroad and the influx of returnees from Sudan. Consequently, cities such as Juba are experiencing unprecedented expansion, leading to conflicts between newcomers and existing citizens.

The people of South Sudan belong to two ethnic categories. First there are the Nilotics, comprising the Dinka, Shulluk and Nuer tribes, which live more or less on the northern frontier of South Sudan. They

therefore have more contact with the Sudanese. Deng, a prominent figure, wrote a book entitled *Africans of Two Worlds: The Dinka in Afro-Arab Sudan* to show that the Dinka have this dual link with African and Arab cultures. They are the most numerous tribe among the Nilotics and, some claim, in Africa. Each of the tribes speaks a different language and adheres to African local religions, but the Nilotics, unlike the other group, believe in one superior god (Omar 2013). They supported the Mahdi, a nineteenth-century Sudanese religious leader who liberated the country from Turco-Egyptian rule, under which the Southern Sudanese had been badly treated.

Second there are the Equatorians, comprising the Bari-speaking group and the Azande-speaking group. They live in the southern part of South Sudan, bordering on Ethiopia, Kenya, the DRC and the CAR. They have stronger cultural contacts with their neighbours than with the nationals of Sudan. This group did not support the Mahdi, making it easier for the Belgians to conqueror the Lado area close to Rajaf in the Equatorian region. There are two main languages and an array of local African religions. The Equatorians do not believe in one superior god. Instead, the Bari have an earthly god and a sacred god, and the Azande have multiple gods.

Most South Sudan tribes did not have centralised power systems, with the exception of the Azande and Shulluk, who had traditional centralised, monarchical structures. Under British colonial rule, tribal chiefs were absorbed into the indirect rule system, whereby they were used as intermediaries between the colonial power and the colonised masses. This system survived independence and was only abolished in the early 1970s by the Nimeiri regime (1969–1985). Later, traditional chiefs were instrumental during the SPLM/SPLA struggle in recruiting warriors and providing logistical support to the army and the movement.

With the attainment of independence in 2011, South Sudan is supposed to develop into a full nation state in which tribes have to coexist in a nation-like situation under the auspices of a just and effective government. Even more difficult than that is the creation of a shared national identity that leads the South Sudanese to see themselves as members of a nation and to transcend their primary affiliations to tribes and ethnic groups. Attaining real nationhood is a long-term project, representing a challenge and a responsibility for the new state and the people.

Dynamics of National Identity in the New State

As already explained, national identity can be viewed through the lenses of the Essentialists, who believe that it is static and derives from given variables, such as culture, language and religion, or it can be understood from a Constructivist perspective, wherein identity is a social construct and can be tailored to match the dynamic nature of sociocultural and economic life. I would add that identity can change over historical episodes as a result of successive human movements from one place to another for countless reasons and motives (Omar 2007: 13). The old Sudanese kingdoms (Alwa and Al-Muqara), for example, used to be Christian and non-Arabic speaking, reflecting the identity of the society at the time. Within two centuries, two Islamic and Arabic-speaking kingdoms emerged in Sudan: that of the Funj and later the Fur. These polities reflected the changing demographic and cultural variables of Sudanese society owing to the Bedouin immigration from Egypt, Chad and the Arabian Peninsula. The current national identity of Sudan owes much to this period.

This very identification of Sudan with the Arab and Muslim world seems to have caused a lot of trouble between and within the Sudanese elite in the north and the people of the south (Deng 1995; Frahm 2012). We can trace the divergent visions about identity in Sudan back to British colonial policies. It was quite evident that the British followed two different sets of policies in governing the two parts of colonial Sudan. Mazrui (2006: 31) has drawn our attention to the fact that British administrators used two different terms to describe those policies: "developing the North" and "civilising the South". Thus the colonisers focused their policy in the north on building economic, social and cultural infrastructure (to serve their interests), and in the south on promoting the English language and Christian religion (Omar 2007). In response to nationalist uprisings in Egypt and northern Sudan, Britain instituted the so-called "Southern Policy", segregating the south from the north while devoting precious few resources to development (Woodward 1979: 10–12; Collins 1983). This is more or less the historical starting point of the conflicting national identities in Sudan between the Muslim, Arab-oriented north and the (supposedly) Christian, English-speaking south. This very conflict over national identity was the core cause, along with other secondary factors, of the decades-long north–south civil war in Sudan.

However, now that South Sudan has become a separate country, what are the dynamics that may lead to the realisation of nationhood among

the people, starting with the question of national identity? As already indicated, identity comprises the characteristics that an ethnic group, society, tribe or nation is proud of, and accepts and opts to be associated with, such as language, religion, descent, territory and shared history. In the case of South Sudan, certain components are visible, such as the shared history of the slave trade and of colonial past, and a territorial distinctiveness before and after separation. Other components are not yet visible because there are as many languages, religions and descent affiliations as there are tribes. In fact, this situation is prevalent in most of Sub-Saharan Africa, not only in South Sudan. The Transitional Constitution of South Sudan defines the country as "a multi-ethnic, multicultural, multi-lingual, multi-religious and multi-racial entity where such diversities peacefully coexist" (GOSS 2011).

In relation to language, South Sudan is a complex case. The colonialists wanted it to be an English-speaking region, and English has remained the official language since then, apart from six years (1958–1964) when the first military government, led by General Abboud, launched a policy of introducing Arabic and Islamic education. English was restored as the official language by the Addis Ababa Agreement of 1972, then recognised as such by the 2005 CPA. Yet English in South Sudan, despite this long history, remains a government and elitist language rather than the *lingua franca* for day-to-day social interaction. Arabic is used in most urban centres, and it has even been indigenised over the decades in large towns such as Juba. In the latter an Arabic grew up among urban residents that is widely known as "Juba Arabic". Some believe that this is most used in the Equatorial region, rather than across South Sudan. However, the fact that Arabic is used as a medium of communication between different (tribal) language-speaking groups is unmistakable. The use of Arabic was reinforced during the civil wars, when millions of Southern Sudanese moved to the north as "displaced citizens". These internally displaced persons (IDPs) spent more than two decades in an Arabic-speaking environment in northern Sudan, interacting culturally with locals and sharing their way of life. Indeed, these IDPs coexisted peacefully within their host societies (Omar 2007).

The lesson here is that there are three levels of language within South Sudan: (1) official government circles and the educated class use English; (2) urban residents use Juba Arabic and other Arabic dialects; and (3) indigenous groups in rural areas use their tribal languages. The current constitution of South Sudan recognises English as a language of govern-

ment. However, its refusal to grant official-language status to Arabic or even Juba Arabic, and the ministry of education's decision to discontinue teaching in Arabic in secondary schools (*Upper Nile Times* 2011), is somewhat problematic, not least when considering the large number of returnees from the north. I am of the opinion that the GOSS needs to adopt sounder language policies that recognise the realities on the ground in order to better serve the social interests of the people. On the other hand, many South Sudanese in power and in the diaspora will encourage this trend because they associate Arabic with Islam and the north, and as a symbol of the "other" from whom liberation and independence was achieved. Indeed, this policy owes a lot to the understanding of many of those in the diaspora that a major cause of the civil wars that drove millions of them into refuge was the Arabisation and later enforced Islamisation of Sudan (Deng 1995).

European languages were and are widely spoken in Africa. It seems that Africans did not find this practice inconsistent with their national identities, or were prepared to accept it as a compromise instead of using countless ethnic languages. However, in Ethiopia, Emperor Haile Selassie managed to impose Amharic as the sole language for primary education in 1943, instead of other European languages, and even requested the church to use it. In East African countries, Swahili is used as the common African language. Both languages became part of the identity of these countries. In South Sudan it seems that English will remain the official language of government, education and politics, but as a language for daily interaction it still has a long way to go. Juba Arabic will be the language of urban societies and a common language between tribes.

As far as religion is concerned, we can identify three in South Sudan: Christianity, Islam and local African religions. Reliable statistics on each category are not available because during the civil wars, and even now, circumstances conducive to genuine surveys never arose. It is worth noting that in the last census in Sudan in 2008, questions about religious and tribal affiliation were omitted at the request of the SPLM/SPLA. This request is consistent with the declared secular policy of the SPLM, which was later adopted by the GOSS. Muslims have a sizeable presence in South Sudan and may be considered the largest religious group compared with the Christian denominations. Christianity dates back to the late colonial period (1889, under Anglo-Egyptian rule), whereas Islam was introduced by the Mahdist national government, which was subsequently defeated by those Anglo-Egyptian conquerors. Muslims, Christians and the followers

of other religions have lived peacefully ever since. Within South Sudan, religious tolerance is a salient feature of social life. Different members of one family may belong to different religions, by and large because religion in South Sudan, as in Sudan, was/is not ethnically compartmentalised but cuts across tribes and clans. Religious diversity is acceptable in South Sudanese society, a trend reinforced by the government's adoption of secularism, and despite complaints by Muslims who feel under-represented in government organs, the bureaucracy and public offices.

One aspect regarding Islam was that the southern elite in pre-secession Sudan used to associate it with Arabic ethnic descent because Islam was introduced by early Arab immigrants from Arabia and Egypt. That association was invested in the north–south conflict in that Islam was portrayed as the ethnic religion of the mostly Arabic-speaking northerners. Thus, according to this reasoning, non-Arab southerners did not embrace Islam. This argument was practically refuted in the post-2005 period when Africans from neighbouring countries streamed into the country as traders, businessmen and technicians in search of new opportunities. The fact that most of these newcomers from neighbouring Kenya, Uganda and Ethiopia were Muslim contradicted the earlier perceptions and the exclusive association of Islam with ethnic Arabism. This experience has helped to clarify the true image of Islam and helped people to move beyond the legacy of the conflict with Sudan. Of late the Muslim community has started to organise itself in harmony with the social and legal context of the new state. Despite its declared policy towards religion, the GOSS may need to develop a sound religious policy and contextualise secular policies within South Sudan's sociocultural setting.

Another approach that the South Sudanese elite adopted to establish the identity of the new nation is the linking of South Sudan with the ancient Sudanese Christian kingdoms, particularly the Kingdom of Kush, a Nubian state that formed part of the Egyptian Empire for much of its existence. Indeed, it had earlier been suggested that South Sudan be named the Republic of Kush, Kush being a son of Noah the prophet. The argument was that the Kingdom of Kush consisted of Nilotic tribes that were later forced to move south from modern Egypt and Sudan. To some, "Kush is a name with [the] ability to unite South Sudanese as people of the same land and destiny" (Kwot 2011: 3). Some South Sudanese even likened their struggle for liberation to the decades-long search by the Israelites for their homeland, as mentioned in the Bible. In this scenario, the late John Garang is equated with the Prophet Moses, and President

Salva Kiir with Joshua (Kwot 2011: 3). This line of reasoning is appealing to the generally observant South Sudanese Christians, and it cements the would-be national identity very effectively. However, this trend poses challenges, not least given the declared secular orientation of the state. Moreover, this thinking implies exclusivity, in the sense that it privileges a version of history that reflects religious divisions, in contrast to the official acceptance of diversity.

Renaming states in post-colonial Africa is not uncommon. The DRC, for instance, was named after an indigenous ethnic group, the Kongo. President Mobutu renamed the country Zaire in 1971 after the Portuguese corruption of the Kongo word *nzadi*, meaning "large river".

Transcending Tribalism and Moving towards Nationalism

In post-colonial Africa, nationalism is often associated with the movements that led the struggle for national liberation. In the case of South Sudan, it was the SPLM/SPLA that took up arms against the GOS. Therefore, it is expected that everybody in South Sudan is indebted to that movement for this glorious step towards nationhood and statehood. The immediate task of the movement-cum-government is to how to keep the new nation united, despite obvious and strong tribal and ethnic affiliations. These affiliations were suppressed during the war, owing to the shared view of the GOS as the "other". The moment this "other" disappears, tense secondary contradictions among the elements/tribes of the nation tend to emerge. An estimated 1000 people were killed in ethnic clashes in South Sudan in 2011, primarily between the Lou Nuer and the Murle tribes in Jonglei state (UN 2011). Such tensions have often arisen when liberation movements assume power throughout Africa. Because most of these movements grew out of an ethnic base, ethnic symbols and political culture creep into the dominant ideology and nation-state formation, as has happened in South Sudan (Salih 2003: 18). The political divisions within the SPLM leadership that led to the outbreak of war on 15 December 2013 immediately assumed an ethnic character, thereby demonstrating the fragility of the society.

Fears of, and complaints about tribalism in South Sudan date back to the days of the war and were evident in the ranks of the movement itself. After independence, SPLM/SPLA leaders urged all South Sudanese to give up thinking like tribal followers, During the independence celebra-

tions, President Salva Kiir addressed the citizens of South Sudan thus: "You may be a Zande, Kakwa, Lutugo, Nuer, Dinka or Shulluk, but first remember yourself as a South Sudanese" (*Sudan Tribune* 2011). This request presupposes the prevalence of such tribal tendencies and reflects the government's concerns about their impact on national politics in South Sudan. Everywhere one goes in the country, one hears of the domination of the Dinka among the Nilotics, and it is not uncommon to hear about "Dinkanization" or "Nuerization". This is partly because the Dinka are the largest tribe, and partly because they are the most influential within the SPLM/A politburo and other organs. Some even attribute the internal conflict in South Sudan to alleged Dinka domination of political affairs and describe the SPLM politburo as "a rubber stamp used by one ethnic group to dominate others by using their numbers to impose decisions" (*South Sudan News Agency* 2011).

All these issues are relevant to the strong efforts to establish a nation state in which everybody feels at home. Nonetheless, that endeavour sometimes entails the loss of human lives, as is most evident in the currently rising rates of tribal—and other—violence in South Sudan. It is vital that the Dinka elites engage in wide-scale social dialogue to reassure other groups that South Sudan belongs to all South Sudanese, including the Dinka who happen to be in the leadership, but within a democratic setting wherein access to power rests on consensual competitiveness. That will help to build a sense of belonging in the new state among other groups. The fears of those other groups were provoked by what people heard about the Dinka teaching their children that "they are born to rule".

Identification and Belonging

As indicated earlier, national identity is only contested when it is in crisis, meaning that normally there is hardly any need to provoke controversies over it. In the case of pre-independence Southern Sudan, fighting erupted when cultural identity was challenged, otherwise the people of the north and south shared a range of similarities. Now in the current situation of the new Republic of South Sudan, which is not unlike other African countries as far as ethnic diversity is concerned, a sense of belonging to the new nation needs to be developed, and this will not happen overnight. What is more urgent is unity among different ethnic groups, unity meaning acceptance of peaceful coexistence, the very essence of an inclusive

nation. Then, later come issues of shared identity and integration, processes requiring a longer tradition of living within a common sociocultural and political setting such as a state.

It goes without saying that identity discourse is continuing throughout Africa and the Third World. In Sudan itself, the controversy over Arabism and Africanism, or even Sudanism, will be long-lasting, without definite conclusion. Indeed, I would say that identity has been an elitist preoccupation for the last four decades, informing literary, intellectual and academic concerns, rather than having an actual impact on the ground.

Conclusion

Having said that, it was unfortunate that before I could submit this chapter for publication, violence broke out in South Sudan within and beyond the ruling SPLM/SPLA. The current conflict is between President Salva Kiir and his deputy, Riak Machar. Despite the fact that the conflict is a struggle for political power within the elite, it was rapidly transformed into a tribal quarrel between Dinka and Nuer communities, the two largest ethnic groups in South Sudan. The fighting spread throughout the homelands of these tribes. South Sudan is a new state that had emerged just two years earlier after seceding from Sudan following a decades-long struggle to achieve nationhood. The current conflict indicates that the sense of belonging among South Sudanese to a wider nation is still in the making. That is true of most African countries. The government has started to draw the outlines of a national identity through the constitution, flag, national anthem and currency, and by glorifying the patriotism and sacrifices of those who fought for independence, such as the late John Garang. However, the conflict that erupted in December 2013 will slow that process in many ways. That is, however, another story.

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CHAPTER 12

Conclusion: From Deconstruction to Reconstruction

Redie Bereketeab

Introduction

In this concluding chapter, I endeavour to synthesise and synergise the various chapters that individually address the process of state building and reconstruction of national identity in Sudan, South Sudan, Somalia and Somaliland. The rationale behind the title "From Destruction to Construction" is to reflect the trajectory through which the four cases have gone. This is represented in two phases. The first relates to the struggle to secede from the post-colonial state. The second phase relates to the reconstruction that follows secession. The aggregation of the thematic parts, simultaneously indicates the disjunction and connectivity of unity and division of the cases. The essays in this anthology examine the two distinct, yet intimately related, themes of state building and national-identity reconstruction following secession and post-transition, and protracted conflicts and wars.

In the case of Somalia, the dream of pan-Somalism, on the one hand, propelling the emerging Somali state into conflict with its neighbours

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and, on the other, attempts to build a nation state out of clannish and pastoralist formation, the result of which became endemic conflicts and division, coupled with dictatorship, eventually led to state collapse (Elmi 2010; Ismail 2010). State collapse gave way to two diverging political processes. The first represents the self-declared independent Somaliland that entered into the political process of constructing a separate state and national identity formation (Bradbury 2008; Walls 2014). The second process, represented by the remaining territory of Somalia, was one of reconstructing the collapsed state and consolidating constricted national identity (Abdullahi 2015; Ismail 2010; Elmi 2010).

In Sudan, the birth of a post-colonial state was infected with a serious ailment while still in the womb of the colonial mother as a result of suspicion and mistrust between the political elite from the north and south with regard to the management of the affairs of the emerging state (Sorbo and Ahmed 2013; Ryle et al. 2011). Eventually, five decades of bitter struggle produced two states: the Republic of the Sudan and the Republic of South Sudan (Young 2012; Thomas 2015). As in the case of Somalia and Somaliland, Sudan and South Sudan are also engaged in state reconstruction/building and national-identity reconstruction.

This conclusion revisits the chapters with the aim of aggregating them into coherent essays, integrating the various themes in order to build coherent and flowing text. It also takes a glimpse into the future with a focus on what future challenges look like and how to address them. In terms of the latter, it aims to explore the question of what lessons can be drawn from the failed state-building and nation-building projects carried out in the post-colonial era, leading to the split. Further, the chapter gives hints of what should be done, and what mistakes should not be repeated in order to embark on a successful state-building, state-reconstruction and national-identity reconstruction endeavour.

State Building, State Reconstruction

The post-colonial states of Sudan and Somalia were plunged into a series wars generating a crisis of state building and nation building. State crisis is intrinsically related to the origin of the state. The state structure moulded by colonialism, transferred to the post-colonial period without any form of modification, in a number of dimensions, proved to be incompatible with societal structures and needs (First 1983; Davidson 1992). This incompatibility emanates from the irreconcilability of bifurcated struc-

tures that coexisted. The bifurcation was primarily centred in urban-based, modern elite catering, power and structure, on the one hand, and rural-based, indigenous informal institutions, authorities and practices, on the other (Mengisteab 2013; Ekeh 1975; Herbst 2000; Englebert and Dunn 2013). It also relates to the concomitant conflict-generative domination, marginalisation and alienation where ethnic, religious and geographical peripheries, which constitute the majority of Sudan, were systematically excluded from centres of power (Harir and Tvedt 1994). This exclusion generated festering wars throughout the country. Five decades of war in Sudan thus culminated in the secession of South Sudan in July 2011 (Young 2012).

Nevertheless, following the split, Sudan and South Sudan retained their multiethnic, multilingual and multireligious characteristics that mean that the quest of the state-building project is still very pertinent. The problem that the decades of long war set to resolve still prevails. This presupposes that post-secession state building necessitates careful design in order to reflect, accommodate and represent societal diversity. The post-colonial state building in Somalia perhaps differs from that in Sudan in a number of ways. This difference relates to the fact that Somali society is culturally homogenous. Societal homogeneity is presumed to facilitate the state-building enterprise. Arguably it was presumed in the classical form of nation-state formation that the state would duly represent the nation (Gellner 1983). In spite of cultural homogeneity, however, Somalia was plunged into bloody wars. Clan politics coupled with military dictatorship brought state collapse. The civil wars in Somalia led to the collapse of the Somali state and emergence of self-proclaimed independent Somaliland. The Somali experience demonstrates the contested nature of state building even in an ethnically homogenous society. The breakdown of the Somali state into several components, and the subsequent endeavour to reconfigure those elements into autonomous entities, indicates the continuous validity of state building in that troubled country. As the chapters in this book cogently demonstrate, state building as a political process needs to be based on and reflect the specific history, culture, socioeconomic, political and structural context. Further, local, national, regional and international actors also play a decisive role.

Somaliland and South Sudan are engaged in the process of state building. Sudan and Somalia, on the other hand, are engaged in reconstruction of what remained of their statehood. Somalia commenced the post-secession and post-transition resuscitation of its collapsed state,

which is still marred by war, and identity-based contestation. The four cases follow three distinctive models of state building. Sudan and Somalia follow a federal dispensation. South Sudan opted for modernist unitary, while Somaliland introduced a hybrid combination of modern and traditional authorities and institutions. Apart from Somaliland, they seem to be pursuing the failed endeavour of post-colonial state building. Although Somalia was lacking in ethnoreligious multiplicity and diversity, it suffered the most horrendous division and bloody wars, the origin of which could be found in clan structures and politics. Clan politics was instrumentalised in elite political rivalry with devastating consequences.

The pursuit of a modernist model of state building, particularly in South Sudan, demonstrates the elite's failure to draw lessons from past mistakes. It also shows how specific context where a leadership produced plays a decisive role. After all leaders are products of specific historical processes. South Sudan represents a case of failed transition from a national liberation political culture to a civic national political culture where the rules of running a national state dramatically change. It also demonstrates the need for democratic state formation.

It is important to acknowledge how liberal external involvement considerably complicates the state-building process in all four cases. State building is by its very nature a domestic political process that is intimately related to political power. As political power, therefore, it presupposes negotiations, dialogue, bargains and compromises among national stakeholders (Call and Wyeth 2008). The representation and genuine participation of component ethnoculture and sociopolitical forces and groups determines the functionality and sustainability of the state-building project.

National Identity Reconstruction

In terms of national-identity construction, all four countries seem to be pursuing a homogenising strategy, in denial of the plurality and diversity of their societies. The homogenising strategy of nation building is a replication of the failed post-colonial models of nation building that engendered chronic conflicts, state crisis and secession in the first place, as highlighted in the various chapters in this book. National-identity reconstruction presupposes propelling or promoting dual interrelated strategies. Successful national-identity reconstruction is measured by the balance it strikes in the duality. One strategy concerns laying the foundations for an overarching, inclusive, representative and mediated national identity. Identity as a

cognitive and sentimental state of mind binds people together through a set of abstract symbols that repeatedly need to be renewed in a plebiscital praxis (Smith 1986; Anderson 1991).

The second strategy concerns particularistic multiple subnational communal identities. These concern primordial community identities (Bereketeab 2014). Successful national-identity construction needs to celebrate and respect the diverse layers of identities. The predicament of the post-colonial nation-building project has been its neglect of the multiple layers of identity and its attempt to build it (nation-building) around a single dominant identity narrative. Reconstructing national identity should then balance the two strategies and multiple layers.

Nationalist leaders of the post-colonial state were confronted with an unenviable choice of division and disintegration, or construction of an integrated and coherent nationhood out of polyethnic, polyglotic and polyreligious societies that were put together forcibly by colonial machinations. The diverse ethnic entities that were tied together had no previous experience of living together. They were completely strangers, and in some cases outright enemies. Some were even compelled to abandon their languages and learn an alien one, and to adopt a foreign culture, at the expense of their own.

Language, instead of serving as a tool of communication, assumed an intrinsic value. This intrinsicality was in turn translated into superiority and inferiority in language relations. While one or two languages were elevated to supremacy, others (the majority) were degraded into inferiority and oblivion. In this respect, language served as tool of domination, marginalisation and suppression. A combination of language (Arabic), religion (Islam) and race (Arab) complicated the construction of an overarching common national identity in Sudan. Non-Arab speakers, non-Muslims and blacks were relegated to second-class citizens. This faultline in nation building to a major degree contributed to identity-based conflicts in Sudan. The Khartoum-based elites' inability to manage diversity plunged the country into identity crisis (Ahmed 2010).

In Somalia the constellation of identity formation differs considerably from that in Sudan. Somalia is unique in that it epitomises the very few cases in Africa that could rightly claim classical nationhood. This is defined by linguistic, ethnic, religious and cultural homogeneity (Gellner 1983). Yet national identity as a political construct has to undergo a rigorous politicisation process. It requires transcendence from cultural to political (Smith 1986). In addition, clan structures never had the chance to

develop into national structures. In the pre-colonial as well as the colonial era, Somali clans never had the opportunity to morph into a national identity. Colonialism simply grafted the pastoral and clan communities into territorial communities that were devoid of a cognitive reference point. Territoriality created by colonialism is the only thing that binds the clans together (Lewis 1961). The post-colonial nation-building project was intended to engender this evolution.

The post-secession and post-transition nationalist leaders are faced with problems similar to those of the post-colonial leaders. The latter's failure to engender coherent nations rather than the disintegration of society under their tutelage and unfulfilment of the project still render post-secession and post-transition national-identity reconstruction challenging.

What the Future Holds, the Way Forward

Post-colonial state building and nation building in Sudan and Somalia displayed profound deficiencies, thereby generating festering conflicts, civil wars, state collapse and splits. The post-colonial malfeasance that the countries suffered from therefore could be said to be primarily a result of the failure of the state-building and nation-building project. First, the colonial model of state building and nation building was simply replicated. Second, it remained a top-down elitist enterprise where the overwhelming majority were not involved, making it none of their business. This lack of popular participation and exclusion denied the state-building project societal legitimacy.

The colonial state-building model that rested on failed centralism, hierarchy, unitary, urban-centred and elite-centred approach failed because the state became the property of a few privileged. The model of nation building centred on homogenisation, cultural domination and marginalisation, and it also ensured that the nation rested on a single culture and identity. The cultural and identity domination of many groups by a single group induced the emergence of centrifugal forces challenging the centre.

The marginalisation, alienation and domination of many identity groups gave way to resistance and ultimately to a demand for separate statehood and nationhood from the periphery. The resistance engendered splits, with the emergence of a *de facto* nation state (Somaliland) and a *de jure* nation state (South Sudan). This process entailed the deconstruction of the post-colonial state and identity formation. The deconstruction was followed by reconstruction. Nonetheless, in each case the split did not

resolve the problem of state building and nation building in those countries. This means that the reconstruction process is encountering serious difficulties. Now, broadly speaking, the same old model of state building and national-identity reconstruction is being pursued in all four countries, generating new centre–periphery cleavage. Somaliland has adopted a slightly different route. There are therefore a number of challenges to the reconstruction endeavours. One is the continuation of conflicts, along with the concomitant problems of economic stagnation, underdevelopment, environmental degradation, poverty, displacement, lack of representativity and inclusivity, and so on. In other words, the post-split state still suffers from a lack of legitimacy.

The state therefore needs to gain legitimacy, which has two sources. The first relates to the international dimension. The national state needs to elicit legitimacy from its counterparts in the world state system. This is done by gaining membership in the global club of states. The absence of international legitimacy is conspicuously evidenced in the case of Somaliland and underpins the country's absolute focus on eliciting international recognition. Indeed, Somaliland's statehood is squarely contingent on its joining the club of states. The other requirement for international legitimacy is behavioural. The state must behave in a certain way that is defined as normal by, at least, the dominant Western powers. Deviation from this norm will cost the attainment of a respectable position among equals—external legitimacy. This will lead to isolation and sanctions, which in turn will render state building dysfunctional. This dysfunctionality further generates conflicts, instability and disintegration.

The second source of legitimacy is internal, societal. Society confers legitimacy on the state based on the latter's ability to provide basic services and functions (Olowu and Chanie 2016). This ability rests on the three basic conditions: (1) the provision of basic services, such as health, education, equitable wealth distribution and creation of equal opportunities for all citizens; and (2) ensuring human, political, economic and civic rights as part of the cardinal responsibility of the state. (3) The state is also required to ensure territorial integrity and protection from external threat, thus creating security, stability and development.

The post-split state is yet to prove its capability to provide basic services and functions. So far it has failed in eliciting both sources of legitimacy like its predecessor. The failure could be attributed to a number of reasons. First, the state is still pursuing failed models. The second reason is its lack of capacity, both material and human. The concerned

societies suffer from abject poverty, a dearth of resources, illiteracy, poor vocational proficiency and so on. This is intimately connected with another reason: chronic conflicts. A society beset by festering conflicts obviously cannot properly and efficiently utilise its scarce resources to alleviate citizens from socioeconomic pathologies. Nor is it in a position to develop the skills and professions necessary for its development. The third reason, which is also directly related to domestic affairs, is diplomatic relations. This has to do with the state's relationship with neighbouring states as well as the larger world state system. Interstate relations in the Horn of Africa are characterised by tension, conflicts and wars. Resources and capacities are sapped in dealing with these issues rather than used to alleviate socioeconomic problems. The states need to pool their resources and capacities to deal with their common challenges; intrastate problems are often connected with interstate ones. Another dimension is international intervention. There is too much geostrategic-driven intervention that aggravates and disrupts the domestic state-building and nation-building process. State building is by its very nature domestic and political (Call and Wyeth 2008). As political, it is related to power. In polyethic, polyglotic, polyreligious societies, power is contested. This contestation demands negotiations, bargains, compromises and coalitions among various identity groups in order to reach some kind of consensus on some basic issues. International intervention hinders consensus among stakeholders, thereby disturbing the equilibrium between the groups.

To avoid repetition of the post-colonial state mistakes that contributed to the vicious circle of conflict, insecurity, poverty and underdevelopment bedevilling the region, the post-secession and post-transition states perhaps need to craft certain strategies and devices, such as:

- Avoid failed models of state building and national-identity construction.
- Recognise, respect and celebrate linguistic, religious and ethnic diversity to engender a cohesive and harmonious nation.
- Promote equal and genuine representation of identity groups.
- Enhance the decentralisation of administration and devolution of power to ensure real power sharing.
- Actively promote the empowerment of marginalised peripheries.
- Create a balance between the centre and the periphery.
- Reconcile institutional and structural cleavages.

- The chapters in this anthology, on the one hand, in descriptive and analytical manners, deal with the past, and on the other, in a future-oriented fashion, offer an anticipatory analysis. Their collective contribution is therefore to seek innovative ideas and models that contribute to sustainable and functional state building and national-identity construction in the Horn of Africa. From a future and prospective perspective the cases discussed here demonstrate not only past failures that brought wars, state collapse and splits but also the need for innovative, relevant to society, contextual, sensitive to history, socioeconomic, cultural and structural reality models and mechanisms.

Conclusion

A growing consensus is emerging that recognises that failure of state building and nation building stems from the ontological and epistemological origin of the model used. In addition, the misfit between state and nation where arguably state failed to reflect the nation constitutes a source of conflict and crisis. Conflict and state crisis led to collapse of the state in Somalia and the secession of South Sudan. This necessitates revisiting the underlying ontologies and epistemologies of the models. It is advisable that the post-collapse and post-secession states devise different models that serve their new realities. The innovative mechanism of state building that combines modern and traditional institutions devised by Somaliland may provide a valuable lesson to the perennial state and identity crisis. However, the post-secession and post-transition reality in Sudan, South Sudan and Somalia speaks a different language—that of simply pursuing the same old failed models while Somaliland remains denied of the right to form *de jure* statehood. It is not only the respective states that remain adhering to the proven failed models but the global state system that denies Somaliland *de jure* statehood, on the basis of the traditional system that regulates statehood and also conservatively remains attached to the old outdated system.

This chapter demonstrates that the four cases continue to face the challenges of state building and national-identity reconstruction. It is clearly shown that the problems that existed before state collapse and secession remain. Therefore new epistemic and ontological models, mechanisms and thinking are required to transcend the failures of the past. Finding appropriate models would ensure harmony among identity

groups, peace, stability, democracy and development in those societies. This concluding chapter therefore recommends a search for innovative ways to achieve this.

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