

SOMALILAND COUNTRY REPORT:

By Hassan Farah Mohamed

Advocate and Legal Consultant, Somlegal Services LLP.

Hargeisa, Somaliland.

Email: hassan@somlegal.so, Tel: 00-252-63-4475005.

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I. Origins and Historical Development of the Constitution

A. Background

Somaliland gained its independence from the United Kingdom of Great Britain and Northern Ireland on 26 June 1960 and existed as an internationally-recognized independent state before uniting with the former Italian colony of Somalia. It declared its independence from Somalia on 18 May 1991, but has not been recognized by any state.

Somalia is generally classified as a typical failed state, or the ‘failure among the failed states’, as described by Menkhaus.¹ Many successive international support efforts toward state-building and reconciliation conferences have failed.²

Somaliland has emerged from conflict and is often classified as a model of successful state-building in the African context.³ Some scholars have even described Somaliland as ‘Africa’s best kept secret’.⁴ Without much international support, Somaliland has succeeded in establishing a form of state with all the attributes of modern statehood, with the exception of international recognition.⁵ These successful efforts at state-building are supported by local capacity and the underlying traditions of its society. Since 1991, Somaliland has taken the long road towards reconstruction after the civil wars destroyed all public and private institutions, property was looted, houses and building were reduced to rubble, and all infrastructure, including hospitals, schools, roads, and government buildings, was destroyed.

To recover from the conflict, Somaliland placed paramount importance upon the rule of law and security. Early on in its state rebuilding process, Somaliland demobilized clan militias and embarked on a state-building process that was anchored on its traditional society structures. The

¹ Ken Menkhaus, *Protracted State Collapse in Somalia: A Rediagnosis: Review of African Political Economy* (2003), available at www.somali-jna.org/.../Menkhaus%20StateCollapse%20ROAPE.02.doc.

² Rebecca Richards, *Challenging the Ideal? Traditional Governance and the Modern State in Somaliland* (University of Bristol, January 2009), available at http://www.researchgate.net/publication/260095566_Challenging_the_Ideal_Traditional_Governance_and_the_Modern_State_in_Somaliland.

³ Rebecca Richards, “Thanks, But No Thanks”: *Self-Led State Formation and International ‘Non-Intervention’ in the Creation of Somaliland* (University of the West of England, October 2009), available at http://www.researchgate.net/publication/260095588_Thanks_But_No_Thanks_Self-Led_State_Formation_and_International_%27Non-Intervention%27_in_the_Creation_of_Somaliland.

⁴ Iqbal Jhazbhay, *SOMALILAND Africa’s best kept secret, A challenge to the international community?*, available at <http://www.sirag.org.uk/SL-ASR.PDF>.

⁵ M. Bradbury, *Becoming Somaliland* (Oxford, 2008).

current Somaliland Constitution, which was approved in a referendum in 2001, enshrines the principles of democratic governance, human rights, and separation of power between the legislature, the executive, and the judiciary. Since 2001, Somaliland has successfully held five nationwide elections, including two presidential elections, two local council elections, and one Lower House, or House of Representatives, election. International observers have declared these elections to be credible according to international standards and ‘reasonably free and fair’.⁶ In the 2010 presidential election, the opposition party candidate won. The outgoing President accepted the results and after transferring power to his successor, simply walked home. This peaceful transfer of power is a unique phenomenon in the Horn of Africa.

Democratic governance has taken root within Somaliland since it introduced a multiparty election system in the 2001 Constitution. One of the characteristics of Somaliland’s Constitution is that it tries to incorporate the principles of a modern state without sacrificing the traditions, values, and beliefs of its people. The incorporation of an Upper House, known as the ‘*Guurti*’ (which is basically the traditional art of governance), is a unique example of a bicameral parliament with different constituencies.

1. Colonial Period

Somaliland was a former British Protectorate from 1884-1960. Somaliland territory was defined in the Anglo-French Treaty of 1888, the Anglo-Italian Protocol of 1894, and the Anglo-Ethiopian Treaty of 1897.⁷

During the colonial era, Somaliland was governed by a Governor on behalf of the British Queen. The Governor exercised all powers, including legislative, judicial, and executive powers.⁸ In 1946, the first Advisory Council, consisting of 48 members representing the different districts and clans, was nominated on a clan-based system.⁹ This Advisory Council had no legislative,

⁶ *Somaliland: Facing the Challenges of Free and Fair Elections*, available at http://soradi.org/attachments/article/71/Somaliland%20-%20Challenges%20of%20elections_1.pdf.

⁷ *A Self-portrait of Somaliland: Rebuilding from Ruins* (Somaliland Centre for Peace and Development, December 1999), p. 20, available at [www.somali-jna.org/downloads/SelfPortrait24.doc](http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.111.1820&rep=rep1&type=pdf); <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.111.1820&rep=rep1&type=pdf>.

⁸ Somaliland Law, *Somaliland Constitutional History: 1946-1960*, available at http://www.somalilandlaw.com/Somaliland_Constitutional_History_1946_1960.htm.

⁹ *Ibid.*

judicial, or executive powers. Its role was to encourage the people to participate in the public administration and help with the collection of taxes.¹⁰

In 1957, the first Legislative Council was established and the first Somaliland Constitutional Order, which was drafted in 1955, came into force.¹¹ The new Council had fifteen members and was presided over by the Governor. The rest of the members of the Advisory Council were from the administration and included three ex-officio members, five official members, and six unofficial members nominated by the Governor.¹² The first elections for the Council members were held in March 1959.¹³ The representatives were divided into six districts for twelve Council members.¹⁴ Males older than 21 years who lived in towns and owned dwellings, ten camels, ten head of cattle, or 100 sheep and goats were allowed to vote. The elected Council was presided over by the Governor and included two nominated unofficial members.¹⁵

In November 1959, the membership of the Council was increased to 33 members, while the number of appointed representatives was reduced to three members.¹⁶ The Somaliland Constitutional Order of 1960 came into force on 16 February 1960.¹⁷ This Constitutional Order established an Executive Council which comprised three ex-officio members and four other members known as ‘unofficial members’.¹⁸ The Executive Council served as the main policy body and exercised powers and duties as from time to time prescribed by the orders of the Queen.¹⁹ According to Article 6(1) of the Constitutional Order, the Governor would consult with the Executive Council in the formulation of policy and the exercise of powers under the Order. The ex-officio members of the Council were the Chief Secretary, the Attorney General, and the Financial Secretary, while the unofficial members were appointed by the Governor acting on his own discretion from among the members of the Legislative Council.²⁰ The Constitutional Order established a Legislative Council whose members included a Speaker appointed by the

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Annual Volume of Laws (Somali Republic, Northern Region, 1960) p. 7.

¹⁹ Ibid., p. 8.

²⁰ Ibid., p. 11.

Governor, three ex-officio members, and thirty-three elected members.²¹ The qualifications required to be elected for membership were to be male, a British subject or a protected person, aged twenty-eight or above, who had resided in the Protectorate for a period of at least two years.²² However, the power of this Legislative Council was very limited. Section 39 of the Order stated that the Governor, with the advice and consent of the Legislative Council, made laws for the peace, order and good government of the Protectorate. Section 40 stated that both the Governor and the Legislative Council, while enacting laws, were to conform to the directions contained in any instructions under Her Majesty's Sign Manual and Signet, which could from time to time be addressed to the Governor. The first universal male suffrage occurred in February 1960, and three different political parties contested the Council seats. The Somali National League (SNL) won twenty seats, the United Somali Party (USP) won twelve seats, and the National United Front (NUF) won one seat.²³

For the first time, four different ministerial posts were held by Somalis.²⁴ Soon after it gained independence from Britain on 26 June 1960, the first Constitution of independent Somaliland was adopted. This was called the Constitution of Somaliland and came into force immediately on 26 June 1960.²⁵ Article 2(1) of the Constitution defined Somaliland territory as '[a]ll territory which on the commencement of the Constitution is comprised in Her Britannic Majesty's Protectorate of Somaliland'.

The 1960 Constitution established an executive branch headed by a Council of Ministers that consisted of a Prime Minister and other three ministers, who were collectively responsible to the Legislative Assembly.²⁶ The Constitution also established a Legislative Assembly which was vested with the authority of the legislature. This Legislative Assembly was composed of a Council of Ministers, a Speaker, and thirty-three elected members.²⁷ In order to be elected as a member of the Legislative Assembly one had to fulfill the requirements mentioned in the Constitution, which were to be a citizen of Somaliland, aged twenty-eight or older, and to have

²¹ Ibid., p. 19.

²² Ibid., p. 22.

²³ Somaliland Law, *Somaliland Constitutional History: 1946-1960* (n8).

²⁴ Ibid.

²⁵ Annual Volume of Laws (n18), p. 62.

²⁶ Ibid., p. 63.

²⁷ Constitution of Somaliland, 1960, Arts. 16, 17.

resided in Somaliland for a period of at least two years.²⁸ The Constitution also established a judicature headed by the Somaliland High Court, which also had unlimited jurisdiction in both civil and criminal matters.²⁹ Although this Constitution was short-lived, it marked Somaliland as an independent and sovereign state, and had great legal and historical significance when it came to the independence of Somaliland as a sovereign state.³⁰

2. Unification with South Somalia

Soon after it gained its independence, Somaliland united with Italian Somalia without condition, in search of what was known as Greater Somalia, or '*Pan Somalism*', which envisioned uniting all Somali ethnic groups that had been divided by the colonial legacy into one single state. These ethnic groups fell under the jurisdiction of different states: Ethiopia, North Eastern Kenya, and the Republic of Djibouti, which gained its independence from France in 1977 and chose to be a separate state. Thus, because of this overwhelming emotion for a Greater Somalia, the union between Somaliland and Somalia had not been well prepared. After initial discussions, the representatives of the two independent states agreed to sign an Act of Union which served as an international agreement between them.³¹ The Somaliland Legislative Assembly ratified the Act of Union between Somaliland and Somalia on 27 June 1960 and it came into immediate effect. On the other side, the Legislative Assembly of the Somalia Trust Territory decided to approve in principle the Act of Union on 30 June 1960.³² On 1 July 1960, the legislative body of the two states met in joint session and the draft Constitution, which was developed in Somalia, was accepted by acclamation. There were no discussions and a provisional president was elected.³³ The newly elected President issued a decree on the same date to formalize the union. However this presidential decree was never enacted into law since presidential decree laws were required to be presented to the National Assembly in accordance with Article 63(3) of the new Constitution within five days of their publication, or 'they shall cease to have effect *ab initio*'.³⁴ The result was that two different versions of the same law were in effect, although the agreement

²⁸ Ibid., Art. 20.

²⁹ Ibid., Art. 39(1), (2).

³⁰ Somaliland Law, *Somaliland Constitutional History: 1946-1960* (n8).

³¹ Ibrahim Hashi, *Somaliland and Somalia: The 1960 Act of Union*, available at http://www.somalilandlaw.com/Somaliland_Act_of_Union.htm.

³² Ibid.

³³ Ibid.

³⁴ Ibid.

was to pass the same Act of Union by both parties. The legal formalities were not properly finalized, as Contini explained: ‘The Union of Somaliland and Somalia Law did not have any legal validity in the South (Somalia) and the approval “in principle” of the Atto di Unione was not sufficient to make it legally binding in that territory.’

Cotran questioned the validity of the legislative acts establishing the Union, and stated:³⁵

- a) The Union of Somaliland and Somalia Law, and the Somalia Act of Union were both drafted in the form of bilateral agreements, but neither of them was signed by the representatives of the two territories.
- b) The Union of Somaliland and Somalia Law purported to derogate in some respects from the Constitution of the Somali Republic.
- c) The Somalia Act of Union was approved “in principle” but never enacted into law.
- d) The decree law of July 1, 1960, did not come into effect since it was not converted into law in accordance with the Constitution.³⁶

Almost a year later the National Assembly passed the ‘Act of Union’, which was promulgated into law on 31 June 1961 and made retroactive, contrary to the general principle that laws should not be retroactive.³⁷ The Act was different from that passed by the Somaliland Legislative Assembly. This retroactive Act of Union repealed everything that was contrary to the 1960 Constitution; specifically, the Act repealed the provisions of the Union of Somaliland and Somalia (Law No. 1 of 1960), with the exception of Article 11(4). This Article covered the agreements entered into by the independent Republic of Somaliland, and stated as follows: ‘all rights lawfully vested in or obligations lawfully incurred by the **independent Governments of Somaliland and Somalia** ... shall be deemed to have been transferred to and accepted by the Somali Republic upon its establishment’. This Article acknowledged that Somaliland was an independent state before the unification and had entered into agreements with other foreign governments during this period, including Great Britain.³⁸

³⁵ E. Cotran, *Somaliland and Somalia: The 1960 Act of Union – An early lesson for Somaliland* (1968) 12 International and Comparative Law Quarterly 1010.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Ibid.

The vision to unite all Somali ethnic groups failed and caused disputes between Somalia and Ethiopia. Somalia also supported Shifto wars in the Northern Frontier District (NFD) of Kenya. Somaliland citizens expressed their discontent with the posts they held with the government. For this reason, Somalilanders were never satisfied with their ill-fated marriage with Somalia. The attempted coup by a group of Somaliland officers in 1961 is a prime example of this discontent, which was widely demonstrated during the 1961 referendum on the 1960 Somalia Constitution, in which a majority of 52 per cent of Somaliland people voted no.

This dissatisfaction was heightened under the dictatorship regime of the late Mohamed Siad Barre, who came to power after a military coup in October 1969. Barre's regime targeted the scholars, elites, intellectuals, business people, and senior officials from Somaliland, and intentional killings, arbitrary arrests, and extra-judicial killings became common. The widespread discrimination and killings resulted in the revolt of Somaliland communities and the formation of the Somali National Movement (SNM), which waged a guerrilla war against the dictator and his regime from the early 1980s. By 1991 it became apparent that the Barre regime could no longer survive. The capital city was in turmoil and finally, in 1991, Barre fled from the country to Nigeria, where he died in 1995.

3. The Civilian Government from 1960-1969

The 1960 Constitution established a parliamentary form of government which was headed by a Prime Minister appointed by the President, but who held the confidence of the parliament. The President was also elected by the Legislative Assembly, with a majority of two-thirds of its members on the first and second ballots, or by an absolute majority of its members in a subsequent ballot.³⁹ The legislative power was vested in the National Assembly.⁴⁰ The members of the National Assembly were elected by the people through universal, free, direct and secret ballot.⁴¹ According to the Constitution the executive powers were vested in the government, which was composed of the Prime Minister and the Council of Ministers.⁴² The Constitution also

³⁹ Constitution of the Somalia Republic, 1961, Art. 70(2).

⁴⁰ Ibid., Art. 49.

⁴¹ Ibid., Art. 51.

⁴² Ibid., Arts. 77, 78.

established an independent judiciary which was vested with judicial power.⁴³ The Constitution granted the judiciary independence from the executive and the legislature.⁴⁴ The civilian government was in power until the 1969 military coup.

4. Period under the Dictatorship from 1969-1990

The military dictatorship seized power through a military coup in October 1969. The military leaders suspended the 1961 Constitution and assumed executive, legislative, and judicial powers. Under a decree dated 25 October 1969, issued five days after the military coup, the military assumed all powers (executive, judicial, and legislative). Article 1 of the decree stated that the powers of the Higher Judicial Council contained in Chapter 3 of the Organization of the Judiciary Law 1962 were to be exercised by the Revolutionary Council. Article 1(B) stated that the provisions that related to the Supreme Court, which served as the Constitutional Court or High Court of Justice, were not effective and that the Supreme Court was suspended. The Revolutionary Council was given the power to discipline, transfer, promote and recruit judicial staff, including judges. The military rulers also abolished the principle of *habeas corpus*.

Almost ten years later, in 1979, the military introduced a new Constitution which contained 114 articles. The new Constitution established a socialist government⁴⁵ and legalized the Socialist Revolutionary Party as the only party which could be established in Somalia. No other party or political organization was allowed.⁴⁶ The Constitution stipulated that the Socialist Revolutionary Party was to be the supreme power that would lead all aspects of the political, economic and social affairs of the Democratic Republic of Somalia.⁴⁷ The freedoms and rights of individuals were limited during the dictatorship period. Members of the population living in the northern regions (present Somaliland), in particular, experienced continual arbitrary arrests, extra-judicial killings, and many violent atrocities. For this reason the Somali National Movement (SNM) was formed in London in 1980. The SNM waged a guerilla war against the dictator's armed forces. The SNM insurrection was later joined by other insurgent groups and this resulted in the demise

⁴³ Ibid., Art. 92.

⁴⁴ Ibid., Art. 93.

⁴⁵ Constitution Democratic Republic of Somalia, 1979, Art. 1.

⁴⁶ Ibid., Art. 7(1).

⁴⁷ Ibid., Art. 7(2).

of the Siad Barre dictatorship in 1991 and the subsequent collapse of the United Somali Republic.

Somaliland regained its independence on 1991, following the collapse of the former dictatorial government of Somalia in early 1991. The collapse of the former central government of Somalia created anarchy in Somalia, and looting, warlords, clan militia, competition over resources, and retaliation on a clan-based system became widespread phenomena. Apart from some violence and anarchy in the beginning of the 1990s, the state of Somaliland has differed from the rest of Somalia in terms of peace, governance, and stability. Somaliland restored peace and order, reconciled the conflicts between the communities and residents (clans), demobilized the militia, and established a form of government capable of maintaining security and the rule of law on a purely clan-based democracy, and later introduced democracy based on a multiparty system, without much support from international donors or stakeholders.

5. Rebirth of the Somaliland State

When the former Somalia government ceased to exist, the SNM liberated the north-western regions of the country. There was initially widespread violence and effective rule of law to curb the violence was lacking. Most of the militias organized themselves on clan bases. The emerging Somaliland authority lacked central command and this created difficulties for effective protection of lives and transportation.

After the collapse of the Somali government on January 1991, Somaliland's elders and traditional leaders organized ad hoc committees and meetings to fill the governance vacuum and embarked on a peace and reconciliation mission aimed at restoring peace and order and the eventual reinstatement of a central governing authority. The consensus-building and peace-building initiatives started at the grass-roots level. During this time it had been difficult to organize conferences because of the division between those parts of the community that supported Siad Barre and those who opposed him. The division between the SNM and the formation of new militias was another big obstacle to peace-building and state-building initiatives. A safety valve to prevent an escalation of the conflict and to avert revenge was an immediate need. This role was played by the traditional leaders of the *Guurti*, who relied on their legitimacy and standing within their communities.

In February 1991, less than two weeks after the fall of Siad Barre, the first reconciliation conference was convened by the elders for the different tribes of Somaliland and was held in Berbera. The main objectives of the conference were to set the basis for a formal conference and the cessation of ongoing hostilities. Elders from villages and towns and delegates from regional and district level communities were invited. The SNM leadership was involved in making arrangements and the *Guurti* was responsible for the overall proceedings. The Berbera conference played a vital role in building confidence and trust between the different clans, and was pivotal in establishing peace and security in Somaliland. It formed the basis of power-sharing between SNM-supporting clans (largely *Isaaq*) and clans outside the sphere of the SNM.

While the SNM and northern communities were working to establish order, the United Somali Congress (the USC armed movement, largely composed of the Hawiye clan and allied with the SNM) unilaterally formed a government in Mogadishu and elected Ali Mahdi, a Mogadishu businessman, as the President of Somalia.

6. Declaration of Somaliland as an Independent State

With the formation of a Somalia government in Mogadishu, Somaliland elders and SNM commanders organized a major consultative conference in Burao, dubbed the '*Shirweynaha Walaaleynta Beelaha Waqooyi*' ('Bringing Together the Brotherly Clans of the North conference'). The Burao conference was held from 27 April to 18 May 1991 and brought together all the traditional leaders (Sultans, Ugases, Garads, and other traditional and religious leaders) representing Somaliland clans and tribes. These traditional and religious leaders were well-versed in customary law and conflict resolution and their legitimacy and representation was also unquestionable. The Northern communities, which had been mired in conflict for more than a decade and were completely destroyed and war-ravaged, had a huge interest in the outcome of this pivotal meeting. People travelled *en masse* to Burao from all regions of Somaliland to witness the proceedings.

The main significance of the Burao conference was that it was where the elders declared Somaliland's independence as a separate state from the rest of Somalia.⁴⁸ The draft conclusions

⁴⁸ APD, *Reconciliation, Peace-building, and the Introduction of the DDR Process in Somaliland*, p. 6, available at <http://apd-somaliland.org/wp-content/uploads/2014/12/Sudan-DDR-training.pdf>.

of the elders were presented to a parallel SNM central committee meeting, which lasted for two consecutive weeks and ended with the endorsement of the elders' proposals. The following issues were agreed:

1. Endorsement of the elders' decisions;
2. Restoration of Somaliland's sovereignty and independence back to the status of independence it received from the United Kingdom on 26 June 1960;
3. Declaration of the formation of the new Republic of Somaliland;
 - a) Formation of the government of Somaliland by which the Chairman and Vice Chairman of the SNM would become the first President and Vice President, respectively;
 - b) The inclusion of the SNM central committee to non-*isaaq* clans to serve in a constituent assembly;
 - c) Transitional rule of two years led by SNM leadership and incorporation of non-*isaaq* clans to the newly-formed government, to serve all people;
4. Reconciliation of the warring parties to continue;
5. Continuation of the peace-building process; and
6. Initiation of a separate peace-building process in the Sanaag region.⁴⁹

B. The Road to Development: The Borama Conference

From January to May 1993, 500 delegates from the full cross-section of the different clans and tribes in Somaliland were invited to attend a national consultative conference in Borama. The purpose of this conference was to transfer power from the SNM central and executive committees to a civilian authority and to begin the process of writing a constitution for the Somaliland Republic.⁵⁰

The Borama conference was chaired by prominent members of the *Guurti*, known as Chairing 'Shir-Gudoon', presided by the Chairman of the *Guurti*, Sh. Ibrahim Sh. Yusuf Sh. Madar.⁵¹ The Borama conference was a unique Somali exercise in reconciliation and became a model for future Somali meetings. It was managed entirely locally with no international assistance or

⁴⁹ Ibid.

⁵⁰ *Search for Peace* (APD, Interpeace 2007) p. 21.

⁵¹ APD, *Peace in Somaliland and Indigenous Approach to State Building*, p. 51, available at <http://apd-somaliland.org/wp-content/uploads/2014/12/Peace-in-Somaliland-an-indigenous-Approach-to-State-building-.pdf>.

intervention, was largely funded by businessmen and Somaliland diaspora communities, and relied on traditional methods of decision-making by consensus rather than by majority voting. The legitimacy of the *Guurti* members themselves through their tribes was also a major contributor to the success of the conference.

The various clan or factional disputes were managed separately but within the conference, and there were many side meetings and long periods of interruption for side issues to be resolved, and to build consensus. This traditional process was long and time-consuming; the conference lasted more than six months. Unlike the conferences initiated by the international community for South Somalia, held at expensive hotels with participants receiving *per diems*, this conference was held at public schools, and side discussions and consensus-building ad hoc committees met in residential houses or public places.

The Borama conference resulted in a major shift in Somaliland governance. Power was transferred from the SNM leadership to a new President and Vice-President elected by the Borama delegates. Mohamed Ibrahim Egal, the last elected Prime Minister of Somalia (who was overthrown by Mohamed Siad Barre in 1969), became the new President, and Abdirahman Aw Ali, a former army Colonel and a prominent SNM commander, became Vice-President. Egal hailed from the Isaaq clan, while Abdirahman Aw Ali came from the Awdal region, paving the way for a power-sharing arrangement that has endured.

In addition to the transfer of power from the SNM to a civilian authority, a National Charter ‘*Axdi Qarameed*’ was adopted to be used in the interim period before a full constitution was written and approved in a nation-wide referendum. A Peace Charter was also adopted, which was a technical road map to be used in the reconciliation of all future conflicts. The road to state-building was not an easy experience. There were no institutions, revenue collection was nonexistent, and there was no army or police force to maintain the security of the country. The newly-formed government was not relying upon and did not receive the support of external powers, either regional or international, and had to quickly bring things to order to survive.

President Egal, the *Guurti*, and the Representative Assembly decided that demobilizing the various militias was their order of business. Relying heavily on local businessmen, the *Guurti* and other traditional elders, President Egal convinced many of the clans to voluntarily disarm

their militias and turn over their weapons cache to the government.⁵² In exchange for disarming their militias, clan elders accepted a compromise through which some of the young armed men could be conscripted into the new national army and police forces. All heavy artillery and technical and main weapons caches were turned over to the government. To build confidence among the various clans, major disarmament rallies were held in the capital's football stadiums, where each clan would parade its newly disarmed militias and publicly turn their weaponry over to the government.

Nationalizing the militias gave the government a means to quickly build a unified army composed of all the clans, as required by the Somaliland Communities Security and Peace Charter formulated at the Borama conference. Among the principles of the Peace Charter were the following:

- Each community would disarm its militias and bandits and establish elders to oversee their activities. Such militias and bandits and their weapons would be transferred to the government to form the national police and the national army;
- Each community would not attack other communities and their property; and
- Each community would cooperate if external forces attacked Somaliland.⁵³

Aw Ali has estimated that around 70 per cent of different militia voluntary participated in the disarmament process.⁵⁴

1. The First Charter

The first National Charter was approved by 150 delegates at the 1993 Borama Grand Conference, and it came into force on 3 May 1993. Article 5 of the National Charter stated that it would be enforced for a period of two years and would be replaced by a constitution ratified through public referendum.⁵⁵ This constitutional referendum was not able to be realized by the end of the two years, so the House of Elders extended the period of the Charter and the term of

⁵² Ibid., p. 55.

⁵³ Ibid., p. 52.

⁵⁴ Ibid., p. 55.

⁵⁵ Somaliland National Charter, 1993, Art. 5, available at http://www.somalilandlaw.com/Axdiga_Qaranka.pdf.

the President for another 18 months. At the end of the 18 months extension, a Grand Conference was convened in 1997 that was attended by a constituent assembly of 315 members and delegates from Somaliland communities. The Constituent Assembly then re-elected the President and a new Vice President, Mr. Dahir Riyale Kahin, who would later become President, and adopted a new interim Constitution. On 30 April 2000, both Houses adopted the new Constitution which was finally put to a referendum on 31 May 2001. The 1993 National Charter established a presidential form of government, with a bicameral parliament and an independent judiciary. The Charter also enshrined most of the United Nations human rights conventions, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.⁵⁶ The fundamental rights and freedoms recognized under the National Charter included individual freedom of speech, association and peaceful demonstration; freedom of belief, with the exception of propagation of any religion other than Islam; privacy of home and communication; the right to legally own property; and the right to participate in the political, economic and social affairs of the country.⁵⁷ The Charter also established a free market economy and gave priority to the individual right to own property.⁵⁸

2. The Drafting of the Somaliland Constitution

The Somaliland Constitution followed a long path to the current final version. There was much rivalry between the legislature and the executive led by the President. The House of Representatives appointed a Constitutional Committee composed of ten members who were advised by a 25 member advisory board from different backgrounds. In the same year, the President hired a Sudanese constitutional lawyer to draft the first state constitution. The result was two different drafts; the difference mainly related to the balance of power between the legislature and the executive.⁵⁹ The 1996 Grand Conference of Somaliland communities mandated a constitutional committee to incorporate the two drafts and present a final version. The final version was later endorsed as a final Interim Constitution of Somaliland.⁶⁰ This Interim

⁵⁶ Ibid., Art. 8(1)(B, T, J).

⁵⁷ Ibid., Art. 8(2) (B, T, J, X, KH).

⁵⁸ Ibid., Art. 29.

⁵⁹ Ibrahim Hashi Jama, *Somaliland Constitution: Experience to date and Future Developments*, 2 (2008), available at http://www.somalilandlaw.com/SL_CONSTITUTION_paper_0608.pdf.

⁶⁰ Ibid.

Constitution was to be applied for a three year period and then put to a referendum.⁶¹ The executive presented a revised constitution which had 156 articles. This draft went through long debate and consideration. The Constitutional Committee, which was composed of 25 members from both Houses, refined the final version with 130 articles. This was adopted by both Houses on 30 April 2000 and put to a referendum on 31 May 2000, and was approved by an overwhelming majority of 97 per cent of the voters.

II. Fundamental Principles of the Somaliland Constitution

The Somaliland Constitution is based on the following principles, which are mentioned in its Preamble:

1. Islamic *Sharia* is the supreme law of the land. Enacted legislation cannot be contrary to the *Sharia* law, as provided for in Article 5(2) of the Constitution;
2. Consensus and consultations. Somaliland state-building was characterized by continual consultations and consensus; this is also enshrined within the Constitution;
3. Separation of power between the different organs of the state: the legislature, the executive, and the judiciary. The Somaliland legislature is a bicameral parliament of which the Lower House, the 'House of Representatives', is elected through nationwide elections, while the Upper House, the 'House of Elders', is chosen through clan-based selection. The Constitution separates the power of the different organs;
4. Decentralization of government administration;
5. Guarantee of private property rights and protection of the free market;
6. Sanctity of human life through the entrenchment of fundamental rights and individual freedoms; and
7. Peaceful and proper co-existence with the states in the region and worldwide.⁶²

A. Equality of Citizens

The equality of Somaliland citizens under the law is one of the cornerstone principles of the Somaliland Constitution.⁶³ The Constitution prohibits discrimination based on the grounds of

⁶¹ Ibid.

⁶² Somaliland Constitution, 2001, Preamble.

⁶³ Ibid., Art. 8.

colour, clan, birth, language, gender, property, status, opinion, etc.⁶⁴ The Constitution also obliges the state to initiate programs eradicating long-lasting bad practices based on precedence and discrimination on grounds of ethnicity, clan affiliation, birth and residence.⁶⁵ The Constitution extends the same rights to foreigners lawfully residing in Somaliland, with the exception of political rights.⁶⁶

B. Multi-Party System

Somaliland is a democratic country. These democratic principles stem from the Constitution, which is based on a democratic and multi-party system. Article 9 of the Constitution stipulates, among other things, that the political system of the Republic of Somaliland shall be based on peace, co-operation, democracy, and plurality of political parties.⁶⁷ The Constitution limits the number of political parties to three.⁶⁸ Although Somaliland is not a member of the United Nations, the Constitution states that Somaliland shall act in conformity with the United Nations Charter and international law and shall specifically respect the Universal Declaration of Human Rights.⁶⁹ The Constitution stipulates that Somaliland observes all treaties and agreements that the former Somalia government concluded with foreign countries, provided that these do not conflict with the interests and concerns of the Republic of Somaliland.⁷⁰

The Somaliland Constitution is based on the principles of peace and self-determination. It specifically underlines that Somaliland accepts that all political disputes which arise shall be settled through dialogue and peaceful means, and that it respects the territorial integrity of other countries.⁷¹ The Constitution states that Somaliland shall oppose terrorism and similar acts, regardless of their motives.⁷² The Constitution declares that the national economy shall be based on the principles of free market enterprise and the joint working of private property, public property, the national wealth and foreign investment to realize growth and productivity, raise the

⁶⁴ Ibid., Art. 8(1).

⁶⁵ Ibid., Art. 8(2).

⁶⁶ Ibid., Art. 8(3).

⁶⁷ Ibid., Art. 9(1).

⁶⁸ Ibid., Art. 9(2).

⁶⁹ Ibid., Art. 10(2).

⁷⁰ Ibid.

⁷¹ Ibid., 10(3), (4).

⁷² Ibid., Art. 10(7).

standard of living, and create jobs and advance the national economy.⁷³ Article 11 obliges the state to provide social benefits and economic opportunities in a just and equitable manner in order to avoid an economic system which leads to the exclusive enrichment of a group or small section of the public, and to prevent the creation of economic classes and widening the difference between urban and rural communities.⁷⁴ The last paragraph of Article 11 obliges the state to ensure the security and protection of foreign investment in Somaliland, which will be regulated by special law.⁷⁵ In accordance with this Article, Somaliland passed the Foreign Investment Law (Law No. 29/2004) to promote, protect, and guarantee foreign investment in Somaliland.

III. Protection of Fundamental Rights

The Constitution establishes that the legislative, executive, and judicial branches of the state and local governments of the regions and districts of the Republic, at all levels, shall be bound by the provisions of the bill of rights.⁷⁶ The Constitution provides that fundamental rights and freedoms shall be interpreted in a manner consistent with the international conventions on human rights and the international laws referred to in the Constitution.⁷⁷ The Constitution grants citizens the right to participate in the political, economic, social and cultural affairs of the country in accordance with the Constitution and the laws of the country.⁷⁸ The Constitution also provides that citizens who fulfill the requirements of the law shall have the right to be elected to public office and to vote.⁷⁹ The Constitution recognizes freedom of movement, and grants the right to every person who is a lawful resident of the country to freely move or settle at any place of his or her choice, or to leave or return to the country at will.⁸⁰ The Constitution grants Somaliland citizens the right to form, in accordance with the law, political, educational, cultural, social and occupational or employee associations.⁸¹ However, it prohibits associations having objectives

⁷³ Ibid., Art. 11(1).

⁷⁴ Ibid., Art. 11(2).

⁷⁵ Ibid., Art. 11(3).

⁷⁶ Ibid., Art. 21(1).

⁷⁷ Ibid., Art. 21(2).

⁷⁸ Ibid., Art. 22(1).

⁷⁹ Ibid., Art. 22(2).

⁸⁰ Ibid., Art. 23(1).

⁸¹ Ibid.

contrary to the national interest or which are secret or military in nature or are otherwise against the law, whatever their outward appearance might be.⁸²

The bill of rights recognizes the right to life, security of the person, and respect for reputation, and prohibits the crimes against human rights including torture, extra-judicial killings, mutilation and other similar acts, which have no limitation periods.⁸³ The Constitution grants the right to liberty, and prohibits arbitrary arrest without warrant by a competent judge, except when the accused is caught in *flagrante delicto*.⁸⁴ The Constitution also obliges the state to guarantee rights and freedoms to all its citizens and provides that punishment for any of their infringements shall be determined by law.⁸⁵ However, the Constitution states that the exercise of these freedoms shall not violate the laws protecting public morals, the security of the country, or the rights of other individuals.⁸⁶ The bill of rights includes the right to be recognized as innocent until proven guilty by the court of law having competent jurisdiction.⁸⁷ The Constitution also stipulates that crimes and their punishment shall be laid down by the law, and that no punishment shall be administered in a manner which is contrary to the law.⁸⁸

The Constitution also protects the rights of detained persons or persons in custody. These rights include the right to meet his/her legal representative, relatives, or other persons for whom he/she asks.⁸⁹ The accused person must be brought before a competent court within a time limit of 48 hours.⁹⁰ The Constitution enshrines the right to institute proceedings in a competent court of law, and the right to defense. This obliges the state to provide a *pro bono* legal defense in matters defined by law. The Constitution also states that court fees may be waived for poor people.⁹¹

The Constitution stipulates that private homes and dwellings are inviolable, and thus prohibits their surveillance, search and entry without a reasoned order from a competent judge, and in the

⁸² Ibid., Art. 23(4).

⁸³ Ibid., Art. 24.

⁸⁴ Ibid., Art. 25(1).

⁸⁵ Ibid., Art. 25(3).

⁸⁶ Ibid., Art. 25(4).

⁸⁷ Ibid., Art. 26(3).

⁸⁸ Ibid., Art. 26(1).

⁸⁹ Ibid., Art. 27(1).

⁹⁰ Ibid., Art. 27(2).

⁹¹ Ibid., Art. 28(1), (2), (3).

event of search based on such an order, the order must be read properly to the proprietor or occupier before entry is conducted.⁹² The Constitution recognizes the right to freedom of communication, and prohibits interfering with a person's private written communication, postal letters, or telecommunications except if they were obtained with a reasoned order from a judge.⁹³

The Constitution grants every person the right to lawfully own property, and prohibits unlawful expropriation.⁹⁴ Expropriation is allowed only when such property is required for the public interest, provided that the state grants proper compensation.⁹⁵ The Constitution further sets out that the law shall determine matters that are within the public interest that may bring about expropriation of private property.⁹⁶

The Constitution recognizes the freedom of public demonstration and expression of opinion, and freedom of the press and other media. The Constitution grants every citizen the freedom to express his/her opinion orally, visually, artistically, in writing or in any other way in accordance with the law.⁹⁷ It also grants the freedom to organize or participate in any peaceful assembly or demonstration in accordance with the law.⁹⁸ It further provides that the media and press are part of the fundamental freedoms of expression and that they are independent, and prohibits all acts that interfere with them.⁹⁹ The Constitution allows freedom of belief and states that no person shall be compelled to adopt another belief. However, the Constitution states that *Sharia* law does not allow a Muslim person to renounce his/her belief.¹⁰⁰

Duties of Citizens

The Constitution imposes on citizens the duty to strengthen the unity of the nation, the protection of sovereignty of the state, and the defense of the country and the religion. It further obliges

⁹² Ibid., Art. 29.

⁹³ Ibid., Art. 30.

⁹⁴ Ibid., Art. 31.

⁹⁵ Ibid., Art. 31(2).

⁹⁶ Ibid., Art. 31(3).

⁹⁷ Ibid., Art. 32(1).

⁹⁸ Ibid., Art. 32(2).

⁹⁹ Ibid., Art. 32(3).

¹⁰⁰ Ibid., Art. 33(1).

citizens to respect the Constitution and laws of the country, to pay taxes and other imposed duties, and to care for the environment.¹⁰¹

IV. Separation of Powers

The Somaliland Constitution establishes three different organs of government, which are vested with different powers. Each organ exercises the powers granted by the Constitution exclusively and independently from the other organs of the state.¹⁰²

A. Legislature

1 Bicameral Parliament

The Somaliland Constitution establishes a bicameral parliament, which is comprised of the Upper House, better known as the ‘House of Elders’ or the *Guurti*, and the Lower House, known as the ‘House of Representatives’, which is vested with legislative powers that cannot be transferred to the other organs of the state.¹⁰³ The House of Representatives is elected, while the House of Elders is selected. Each House submits to the other House laws they have passed and each House has the power to amend, review or pass without modification the laws submitted by the other House. The two Houses of Parliament pass laws and send these to the President to sign and publish. Both Houses conduct their duties under the national Constitution and each House operates under its own internal rules. There are no joint working rules, although they can have joint sessions.¹⁰⁴ The Constitution defines the important objectives and duties of the Parliament. Article 38(4) provides that the most important objectives and duties of the Parliament are as follows:

- a. The protection of the peace and security of the Republic and the Republic’s sovereign rule over its land, sea and air.
- b. The adoption by the Republic of all the laws necessary in a Muslim state.
- c. The implementation of the laws of the Republic and the genuine achievement of justice, which is the foundation of the Republic’s general stability, and the confidence that the members of the Somaliland public have in each other and their reliance on each other.

¹⁰¹ Ibid., Art. 34(1), (2).

¹⁰² Ibid., Art. 37(2).

¹⁰³ Ibid., Art. 38(1).

¹⁰⁴ Ibid., Art. 38(2), (3).

The two Houses have different members, sessions, and powers, but have joint sessions. Article 38(6) of the Constitution sets out the occasions on which the two Houses are to have two sessions:

6. The two Houses of the Parliament shall sit jointly when considering matters such as the following:

- a) The receipt of the Report of the President on the opening of the two Houses;
- b) The debates on the Republic of Somaliland joining international or cross regional organisations, or the ratification of international or regional treaties;
- c) The Resolution on and declaration of a state of war when the Republic of Somaliland is faced with war;
- d) The debates on natural disasters;
- e) The debates relating to emergency laws;
- f) The confirmation of the appointment of the Chairman of the Supreme Court; [and]
- g) Any other matters considered by the two Houses as meriting joint sittings.

Normally a bill passed by one House goes to the other House to review, with the exception of financial bills, for which the House of Representatives has designated special powers. Each House either approves or proposes amendments.¹⁰⁵ The House of Representatives has special powers in regard to finance, budget, and the approval of Ministers and other government officials, with the exception of the Chief Justice who must be ratified by both Houses of Parliament. The House of Elders has special powers in regard to religion, culture, and security and also has exclusive powers concerning the extension of the terms of the other organs (the Lower House, the President, and local councils).

2 House of Elders “*Guurti*”

The Somaliland Constitution creates a bicameral parliament where the House of Elders ‘*Guurti*’ is incorporated into the governance system: the first time a bicameral legislature has been introduced in Somali territory. The main objective of the *Guurti* is to represent the clans and maintain culture, traditions, and customary law. The *Guurti* is very active in the resolution of

¹⁰⁵ Ibid., Art. 78(1)(a).

conflicts between Somaliland clans, political parties, governmental institutions, and the Lower House, and traditional conflicts based on land and grazing areas, water points, and revenge killings. For this reason the *Guurti* serves as a safety valve for Somalilanders.

The reasons behind the introduction of House of *Guurti* are various. The first was to reconcile traditional governance and leadership with the contemporary form of government, which is based on a representation system. This is an innovative system of state-building, where the modern state organs have been incorporated into a traditional, clan-based system of governance. For this reason the House of Representatives is democratically elected, while the House of Elders is basically selected on a clan-based system. This hybrid method of governance has been successful. The second reason was to provide each clan that resides in Somaliland with a representative from the Elders, irrespective of their number. Thus minority clans that would otherwise be dominated by the election and votes were able to secure their representation in the Upper House.

The success of the Somaliland government and its peace-building initiatives could be attributed to the role played by the *Guurti*.¹⁰⁶ There is a need to check the Lower House and executive agendas so that they do not conflict with traditions, values, and religion.

2 Executive

The executive branch of government is headed by the President and consists of the Vice President and the Council of Ministers appointed by the President.¹⁰⁷ The President and Vice President are elected jointly through direct general elections,¹⁰⁸ which are based on a ‘first past the post’ system. Elections are organized by the Somaliland National Electoral Commission, which is an independent statutory body mandated to conduct elections, declare results and organize voter registration, among the other mandates. According to the Constitution, elections are supposed to take place one month before the end of the term of office of the outgoing President.¹⁰⁹ Although Somaliland has held democratic elections, there have been periodic extensions given to the outgoing Presidents and other councils. These extensions have caused

¹⁰⁶ I. M. Lewis, *A Modern History of the Somali* (2002) p. 282.

¹⁰⁷ Somaliland Constitution, 2001, Art. 81.

¹⁰⁸ Ibid., Art. 83(1).

¹⁰⁹ Ibid., Art. 83(2).

contention between the opposition parties and the ruling party, and are usually resolved by the House of Elders, which is the institution mandated to grant extensions. The term of office for the President and the Vice President is five years, and there is a two term limit.¹¹⁰ The President is the head of state and he/she is vested with all the powers to appoint and remove members of the cabinet and senior governmental officials such as the Auditor General, the Attorney General, the Chairman of the Central Bank, the Chairman of the Civil Service Commission, the Chief Accountant, the Director Generals of ministries and government agencies, the Commanders of Army Forces and their deputies, Ambassadors, and other senior officers.¹¹¹ The President is also the Commander in Chief of the Armed Forces.¹¹²

3 Judiciary

The Constitution establishes an independent judiciary whose function is to adjudicate disputes between the public and the government and between members of the public.¹¹³ The judiciary consists of the courts and the Prosecution.¹¹⁴ The judiciary has the power to interpret the Constitution and other laws passed by the legislative organs, to adjudicate disputes between the members of the community and the public, and to adjudicate conflicts related to the interpretation and compliance with the Constitution.¹¹⁵ The judiciary is headed by the Chief Justice. The courts consist of the Supreme Court, which is also the Constitutional Court, the appeal courts of regions, regional courts, district courts, and courts of the national armed forces.¹¹⁶ The Prosecution consists of the Attorney General and his deputies.¹¹⁷ Article 107 of the Constitution establishes the Judicial Commission as the body which oversees the administration of the judiciary. The Judicial Commission consists of the following members:

- a) The Chairman of the Supreme Court, who is also the Chairman of the Judicial Commission;
- b) The two Supreme Court Judges who rank highest in seniority;

¹¹⁰ Ibid., Art. 88(1), (2).

¹¹¹ Ibid., Art. 90(2), (3).

¹¹² Ibid., Art. 90(4).

¹¹³ Ibid., Art. 97(1), (2).

¹¹⁴ Ibid., Art. 99(1).

¹¹⁵ Ibid., Art. 98(1), (a, b, c).

¹¹⁶ Ibid., Arts. 100, 101.

¹¹⁷ Ibid., Art. 100(3).

- c) The Attorney General;
- d) The Director General of the Ministry of Justice;
- e) The Chairman of the Civil Service Commission;
- f) Two members selected from the public by the House of Representatives: one from the intellectual community and one from the business community; and
- g) Two members selected from the public by the House of Elders: one chosen among those who are well versed in the traditions and the other selected among the religious scholars.

According to Article 108 of the Constitution, the Judicial Commission is responsible for the appointment, promotion, demotion, transfer and discipline of judges of the lower courts (appeal, regional, and district) and the deputies of the Attorney General. Article 107 is a challenge to the constitutional guarantee of judicial independence, since the Judicial Commission includes officers from the executive branch who are directly appointed by the President. The other problem that has been identified is that the judiciary is not financially independent, since its budget is directly under the Ministry of Justice.

V. Decentralization

Somaliland has a unitary form of government. The country is divided into a number of different regions and each district is sub-divided into districts, towns and localities. Each region is governed by a regional governor and each district is governed by a district commissioner. Each district also elects its district council, which elects the mayor and deputy mayor of the town. The Constitution decentralizes the administration of community services to the regions and districts. The services mentioned in the Constitution include health, primary education, livestock husbandry, internal security, water, electricity, and communication.¹¹⁸ The Administration of Regions and District Law (Law No. 23/2002) defines the relationship between the central government and the regions and districts and demarcates the decentralization enshrined in the Constitution. The demarcation of regional and district boundaries is based on the 1960 demarcation, while the Law enables the Ministry of Interior to make new demarcations in consultation with the other Ministries, which may serve as technical bodies, and these must be

¹¹⁸ Ibid., Art. 112(1).

ratified by Parliament.¹¹⁹ The regional governors are part of the executive and come under the administration of the Ministry of Interior.¹²⁰

VI. Constitutional Adjudication

The Constitution enshrines the Constitution as the supreme law of the country, and states that it shall be based on Islamic principles, and any law contrary to the Constitution shall be null and void.¹²¹ The Constitution also stipulates the provisions which cannot be amended or abrogated. Article 127 provides that no proposal to amend or correct the Constitution shall be made that includes the following provisions:

- a) The principles of Islamic *Sharia*.
- b) The unity of the country (territorial integrity).
- c) Democratic principles and the multi-party system.
- d) Fundamental rights and individual freedoms.

The Somaliland Constitution establishes a Supreme Court which also serves as the Constitutional Court of the country.¹²² The Organization of Judiciary Act (Act No. 22/2003) defines the jurisdiction, composition and function of the Constitutional Court. The Constitutional Court is composed of the Chairman and all Judges of the Supreme Court.¹²³ The Constitutional Court has the power to decide cases related to administrative and legislative decisions which are contrary to the Constitution on the application of the concerned parties, and to interpret the Constitution and other laws of the country when their meaning is challenged.¹²⁴ The Constitutional Court has adjudicated a number of constitutional cases related to the interpretation of different decisions and acts which have been challenged by different stakeholders.

VII. Regional Integration and International Law

Somaliland has been an independent self-governing state for more than two and a half decades, but according to international law, Somaliland is not recognized by any country. Lack of recognition limits the state in exercising its sovereignty and participating in international and

¹¹⁹ Administration of Regions and Districts Act, Art. 9 (Law No: 23/2002).

¹²⁰ Ibid., Art. 14.

¹²¹ Somaliland Constitution, 2001, Art. 128(1), (2).

¹²² Ibid., Art. 101.

¹²³ The Organization of Judiciary Act, Art. 6(1) (Act No: 22/2003).

¹²⁴ Ibid., Art. 6(4).

regional organizations and dealing with the international community as a sovereign state. The Somaliland Constitution defines Somaliland as an independent state. Article 10(6) states:

The state of the Republic of Somaliland is an independent republic which has its place among the Arab nations, and the peoples of Africa and the Islamic World, and shall accordingly endeavor to join the United Nations, the Organization of African Unity, the Arab League and Organization of Islamic States.¹²⁵

The House of Representatives ratifies all international treaties related to political, economic and security agreements or those agreements that impose new financial burdens which have not been covered in the Budget, or which involve promulgation or amendment of legislation.¹²⁶ The President is vested with the power to sign international treaties in accordance with the Constitution.¹²⁷

VIII. Conclusion

The Somaliland Constitution reconciles the principles of a modern state, with separation of powers between the legislature, the executive, and the judiciary, with the traditional art of governance. The legislative organ is a bicameral parliament which comprises the House of Representatives and the House of Elders. The Elders, known as the ‘*Guurti*’, is based on a traditional art of governance and represents the tribes that reside in Somaliland. This hybrid system represents a new approach of bottom-up state-building without sacrificing local skills, attitudes and modes of governance.

Since the adoption of the Constitution on 31 May 2001, Somaliland has guaranteed a bill of rights enshrined within the Constitution. The bill of rights includes the right to life; security of the person; sanctity of the home; protection of private property acquired through legal means; freedom of speech, association, and belief; equality under the law; and the right to participate in the political, economic, social and cultural affairs of the country, which are to be exercised in accordance with the Constitution. The Constitution is based on democratic principles and a multi-party system, as a result of which Somaliland has conducted five nation-wide free and fair elections based on one-man-one-vote since 2001.

¹²⁵ Somaliland Constitution, 2001, Art. 10(6).

¹²⁶ Ibid., Art. 53(3).

¹²⁷ Ibid., Art. 90(6).

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