
BETWEEN CUSTOM AND CONSTITUTION: ETHNIC IDENTITY, POLITICAL LEGITIMACY AND THE *GUURTI* IN SOMALILAND

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ABSTRACT

Purpose of the study: This study examined how ethnic identity through the *Guurti*, Somaliland's Council of Elders, shapes political legitimacy and governance within a constitutional order that continues to rely on indigenous authority.

Problem statement: Scholarship on Somaliland has established the importance of clan institutions, reconciliation and hybrid governance, but it has less clearly explained how customary authority becomes political legitimacy in everyday governance and why that legitimacy is experienced differently across social groups.

Method/methodology: The study adopted interpretivist qualitative case study, conducted in Hargeisa. The method of the study was interpretivist qualitative case study. There were 35 in-depth interviews, 10 key informant interviews and three focus group discussions involving 15 participants which resulted in a total of 60 participants, and triangulated with documentary, media and observational evidence. Patterns of meaning across clan, gender, generational and institutional positions were developed through reflexive thematic analysis.

Results of the study: The five findings that emerged were interconnected, with legitimacy of 'Guurti' being linked to 'Xeer' (Elder authority), 'cultural mediation', 'hybrid governance', 'ethnic identity', and with legitimacy being unevenly distributed among social groups. The institution connects customary and constitutional power and women, youth and minority groups still face restricted access to deliberative power.

Conclusion and policy recommendation: Political legitimacy in Somaliland is best understood as a socially produced and performance-dependent relationship between custom and constitution. Reform should therefore preserve *Xeer*, consultation and elder mediation while improving transparent membership rules, accountability and structured participation for women, youth and minority communities.

Keywords: *Guurti*; ethnic identity; political legitimacy; customary authority; hybrid governance; Somaliland

INTRODUCTION

Somaliland is a unique modern governance challenge where customary authority remains a significant source of political legitimacy, a mediator of conflict, a representative of the community and a source of social acceptance despite the fact that the government is constitutionally based (Bradbury, 2008; Renders, 2012). The core of this is the *Guurti* (House of Elders) whose formal role within the bicameral Parliament is complemented by its power from the clan system, customary laws and accepted traditions of elder mediation (Republic of Somaliland, 1993, 2001; Academy for Peace and Development & Interpeace, 2008). As a consequence of this dual institutional nature, there is tension between formal institutional authority and customary institutional authority, which has a social embedded nature (Renders & Terlinden, 2010; Hoehne, 2013). The continuing acceptance of elder interventions, and differential experiences of the legitimacy of the *Guurti*, therefore, cannot be understood without reference to constitutional incorporation.

This tension has a contemporary dimension, as political representation, institutional accountability and social inclusion (Freedom House, 2024) are also main concerns. Traditionally, Somaliland's governance system has depended on clan networks and customary institutions to ensure reconciliation, negotiation and political settlement (Bradbury 2008; Academy for Peace and Development & Interpeace 2008). But such systems can result in differential access to deliberative power, including for women, youth, and minority communities (Mamdani, 1996; Freedom House 2024). The question is not however whether customary authority can coexist with constitutional governance, but how it becomes socially legitimate and how that legitimacy is shared between various constituencies (Lund, 2006; Meagher, 2012).

So, political legitimacy is an adequate conceptual approach to this issue, as authority does not rest solely on the basis of having an office or on the basis of coercive power, it also comes from socially accepted claims to rule (Beetham, 1991; Gilley, 2009). Political obedience may be based on different grounds of legitimacy as shown by classical theories of Traditional, Charismatic and Legal-Rational authority (Weber, 1978). Likewise, more recent scholarship places a heavy emphasis on the legitimacy which comes from a match between an institution's practices and its reputed practices and both its shared expectations and acceptable procedures (Suchman, 1995). In an African political context, these sources of legitimacy often coincide since statutory institutions are found in parallel with

customary authorities, religious institutions and community networks (Lund, 2006; Meagher, 2012). It is important to avoid automatically treating the persistence of traditional authority as a measure of weak state formation since citizens may also be accustomed to the state and traditional authorities as legitimate sources of public power (Logan, 2009; 2013; Baldwin 2016).

Somaliland is a clear case of institutional interdependence, since its political reconstruction since 1991 has been largely based on negotiated reconciliation and indigenous processes of conflict resolution (Bradbury, 2008; Phillips, 2013, 2016). Clan representation, clan deliberation, and clan mediation were anchored in the new political settlement of the Republic of Somaliland through the 1993 Borama Conference and the Academy for Peace and Development/Interpeace (2008). The House of Elders was then formally integrated into Somaliland's bicameral system in the 2001 Constitution (Republic of Somaliland, 2001). In the light of this, scholars have described Somaliland as a negotiated or hybrid political order, in which customary and statutory institutions are institutionally linked (Renders & Terlinden, 2010; Hoehne, 2013; Richards, 2015). In spite of this, this literature provides more of an explanation of institutional hybridity than it does of the social process of customary authority being transformed into accepted political authority in everyday governance (Bradbury, 2008; Hoehne, 2013).

The *Guurti* is significant to this inquiry because it is linked with customary law, the reputation of elders, mediation, and remembering and constitutional office (Bradbury, 2008; Richards, 2014). *Xeer* offers a culturally understandable construct of responsibility and conflict resolution, and a form of elder authority is buttressed by the use of wisdom, mediation experience, moral standing and community recognition (Academy for Peace and Development & Interpeace, 2008; UNESCO, 2024). Bourdieu's notion of symbolic capital can help explain how reputation gained through social recognition might become a political power (Bourdieu, 1991). Social Constructivism also outlines how this legitimacy can be created through re-iterative interaction, shared meanings and institutional practice (Wendt, 1992, 1999). The theory of representation also suggests that political belonging is produced and maintained in terms of narratives, symbols and public practices as outlined by Hall (1997). The focus of this study is thus the *Guurti* and its production, communication and contestation of political legitimacy in the context of the current political governance in Somaliland.

Statement of the Problem

A vast amount of literature exists which suggests that Somaliland's political system has not only been negotiated, but also has been developed alongside clan structures and hybrid political systems (Bradbury, 2008; Phillips, 2013, 2016). It has been observed that traditional rulers can be beneficial for political settlement, institutional strength and traditional-statutory governance (Renders & Terlinden, 2010; Hoehne, 2013; Richards, 2015). The idealized view of state-building in Somaliland has been questioned by others in the literature, who emphasise the need to consider the coercive nature of state-building and the negotiation and institutional contestation by elites (Balthasar 2013; Hansen 2007). These two literatures are equally clear about the significance of the *Guurti* and neither gives much detail to the social process through which the *Guurti* acquires political legitimacy.

The formal incorporation of the concept of the public authority for an elder social entity, one of which had social origins before the modern state, is significant in that respect because it does not automatically clarify. Whereas legitimacy is based on a kind of Xeer or moral legitimacy, this can co-exist with constitutional legitimacy, but is not the same (Bourdieu, 1991; Beetham, 1991); constitutional legitimacy may co-exist with moral legitimacy. The same clan-based channels are responsible for silencing and marginalizing women's voice, and the voices of youth and minorities, and this gap is political as well (Mamdani, 1996; Freedom House, 2024). This empirical question is how ethnicity, as manifested in the *Guurti*, does produce, communicate and contest legitimacy in the governance system of Somaliland and how these boundaries do produce the social experience of legitimacy.

Research Objective

To examine how ethnic identity through the *Guurti* shapes legitimacy and governance within Somaliland.

THEORETICAL REVIEW

This section presents the theoretical examination adopted for the study. The study was primarily anchored on the social constructivism theory. Further, Bourdieu's theory of practice and symbolic capital and other theories complement the core theory.

Social Constructivism

Social Constructivism maintains that political identities, interests and authority are socially constructed rather than a priori given (Wendt, 1992, 1999). Institutions matter because actors rehearse and recite the same understandings of proper behavior, and legitimacy is thus an outcome of intersubjective recognition as well as formal design (Wendt, 1999; Hurd, 1999). This is helpful for Somaliland because the *Guurti* 's authority is constantly reinforced through consultation, mediation, and the interaction between elders and community members, as well as the public assessment of their conduct and performance. It thus calls into question how citizens recognize or contest the legitimacy of the government in the course of their daily life rather than taking constitutional recognition for granted.

Bourdieu's Theory of Practice and Symbolic Capital

Based on the work of Bourdieu, (1977, 1990), the concept of authority is established by the nature of the relationship between the social field, the habitus and the types of capital that become valuable for the participants because they are recognized as legitimate. Collective recognition of symbolic capital is particularly significant as status, reputation and moral standing can also be political resources and without constant force, authority can operate (Bourdieu, 1991). The elder who is trusted due to reconciliation experience, the knowledge of *Xeer* and perceived fairness has a capital that can't just be legislatively given. The *Guurti* can thus be interpreted as a political arena where symbolic capital can be accrued through a process of customarily built reputation or lost through performance.

Hall's Theory of Representation

Hall sees 'representation' as a way of creating and circulating meaning not just by reflecting it, but by language, symbols, stories and institutional practices (Hall, 1997). National identity is thus maintained through the repetitive enactment of culture, which gives citizens a sense of who and what is included in the nation, what histories are important, and what symbols are politically charged (Hall, 1997; Anderson, 2006). Askew's study of national

performance in East Africa also shows that national belonging is not confined to constitutional documents, but is also represented in everyday cultural and public life (2002). The view allows the study to specifically examine Somaliland's flag, commemorations, the public narratives, urban memory and institutional rituals in the production of political legitimacy.

EMPIRICAL REVIEW

The empirical literature on tax compliance among SMEs reveals that compliance behaviour is shaped by interacting institutional, behavioral, technological, and economic factors. This section reviews relevant empirical studies to establish existing findings, methodological patterns, and research gaps, with particular attention to Zambia and comparable developing-country contexts.

Indigenous Institutions and Political Legitimacy in Africa

Regimes of governance in Africa are increasingly being theorized as ways in which traditional authority does not necessarily fade as electoral and bureaucratic institutions grow. Several Afro barometer surveys reveal that traditional leaders, even those who are not elected, are also supported by many citizens, meaning that legitimacy is not mutually exclusive, but layered (Logan, 2009, 2013). In a similar vein, Baldwin (2016) shows how chiefs have been able to continue playing a significant role in democratic processes by offering localized coordination, information and brokerage that formal institutions cannot deliver. The findings lend support to an alternative analytical framework that does not categorize customary institutions as modern or traditional, but rather focuses on their relationship with the state and on citizens' perceptions of their effectiveness.

Ethnic Identity and Governance

Ethnic identity can offer political organization, as it helps to establish categories of belonging, networks of obligation, and more discernible channels of representation, but it can have unpredictable effects based on the institutional environment (Horowitz, 1985; Brubaker, 2004). Constructivist ethnic politics scholarship focuses on the role of political agents in creating and contesting identity categories in institutions and through narratives of contestation and competition rather than through the mere transmission of identity categories (Chandra, 2012). In the process of state formation in Africa, these identities can help to play a role in building bargaining power and local governance, as well as shaping uneven citizenship and access to power (Mamdani, 1996; Herbst, 2000). The analytical

task becomes one of determining when ethnic identity is a social infrastructure for governance, and when an ethnic identity is a boundary that limits participation and/or recognition.

Hybrid Governance and the *Guurti* in Somaliland

There is no doubt that negotiated indigenous institutions have been given particular importance by Somaliland scholarship, which has long focused on their role in the political order that took the place of the Somali state (Bradbury, 2008; Renders, 2012; Hagmann & Hoehne, 2009). The Borama settlement of 1993 integrated clan authority into a political charter and facilitated the co-construction of an institutional framework of clan negotiation and statutory governance (Republic of Somaliland, 1993; Academy for Peace and Development & Interpeace, 2008). Renders and Terlinden (2010) explain it as negotiation of statehood in a hybrid political order, and Richards (2014, 2015) highlights the conscious use of traditional governance in state building. These studies make the *Guurti* as more than an informal relic of the past as it is also socially embedded and constitutionally institutionalized.

Empirical Research Gap

The literature reviewed generates three gaps. First, scholarship presents a picture of the interaction of customary and statutory powers, but less emphasis is paid on the two-way communicative process in which concerns of the community move into the national arena and decisions of the state are brought back down to the community in socially acceptable terms (Renders & Terlinden, 2010; Richards, 2015). Second, current literature has established the significance of clan institutions, but not as well as linking *Xeer* and symbolic capital in the form of elders to the creation of political legitimacy in day-to-day governance (Bradbury, 2008; Hoehne, 2013). Third, although some inclusional issues are recognized, the connection between exclusions and differential legitimacy experiences of women, youth and minority groups in Somaliland are not adequately incorporated into the collective understanding of Somaliland's hybrid order.

RESEARCH METHODOLOGY

The study used an interpretivist-constructivist perspective and a qualitative case study approach due to the question that was being studied: How is legitimacy, authority, identity and governance understood in their lived political contexts? Qualitative case study research can be used when institutional processes are set in historical, cultural and relational

contexts, and it is not possible to detach the processes from the meanings that participants attach to them (Hennink *et al.*, 2020; Patton, 2015). Fieldwork was conducted in Hargeisa, Somaliland, between May-June 2026 and was available to the *Guurti*, State institutions, Civil society organizations and various community actors. The design focused on depth, comparison across social positions and triangulation and not on statistical generalization. The final sample included 60 participants, including 35 in-depth interview participants and 10 key informants and 15 participants who participated in three focus group discussions. *Guurti* members and elders, government officials, scholars and historians, peacebuilding and civil society actors, women leaders, youth leaders and youth participants from Isaaq and non-Isaaq community, were recruited through purposive and criterion and snowball sampling. This diversity was vital because legitimacy is relational, and legitimacy may have been lived and felt differently by clan position, gender, generation and institutional proximity. The principal thematic categories were filled with sufficient depth and variation in the sample for interpretive analysis, and pilot participants were not included in the final sample.

Table 1: Participant and Evidence Profile

Evidence stream	Coverage	Analytical contribution
In-depth interviews (IDI)	35 participants	Lived experiences of identity, legitimacy, customary authority and governance.
Key informant interviews (KII)	10 participants	Institutional, historical, peacebuilding, elder, women, youth and minority perspectives.
Focus group discussions (FGD)	3 groups; 15 participants	Collective and contested interpretations across generations, clans and social roles.
Observation	Hargeisa, May-June 2026	Everyday deliberation, elder interaction, public symbols and institutional practices.
Documentary evidence	Constitutional, policy, historical and scholarly sources	Institutional history, legal architecture and independent corroboration.
Media evidence	Domestic and international governance coverage	Contemporary contestation, electoral governance and public accountability discourse.

Note. The 60 participants comprise 35 IDI participants, 10 key informants and 15 FGD participants.

Documentary, media and observational evidence were used for triangulation and were not counted as participants.

The data collection methods used were semi-structured in-depth interviews, key informant interviews, focus group discussions, observation, documentary analysis and media analysis. Through semi-structured interviewing, participants were able to share their lived experiences and experience the possibility of follow-up of culturally specific concepts like

Xeer, *shir*, *wada tashi*, *diya* and elder authority (Kvale & Brinkmann, 2015). Document analysis focused on constitutional documents, peacebuilding records, policy reports and scholarly materials (Krueger & Casey, 2015; Bowen, 2009), and focus groups allowed for the comparison of communal and generational interpretations. The analysis focused on both the media and the observation of how the *Guurti* and Somaliland identity were represented and discussed in the public space, thereby building on methodological triangulation of the multiple sources of evidence.

Thematic analysis was used, following the approach of Braun and Clarke (2021) which involves an iterative process of familiarization, coding, development of themes, review and interpretive refinement. Coding involved deductive codes of legitimacy, ethnic identification, customary authority and governance as well as emergent inductive codes from the participant stories, such as codes of performance-based trust, cultural translation, differential legitimacy, and generational renewal. The analysis did not exclude or sideline contradictory accounts since the voices of the minorities, women and youth were analytically significant to challenge the boundaries of dominant accounts.

Methodological triangulation, member checking of selected interpretations, audit trail, reflexive documentation and comparison across participant categories (Lincoln & Guba, 1985; Shenton, 2004) were used to enhance trustworthiness. Participants' identities were concealed using codes of IDI, KII and FGD that were assigned to them and removed identifying information where it could cause political or social risk. Ethical approval and research permissions were secured via Somaliland authorities and relevant university, and informed consent was considered as a continuous process throughout recording, transcription and reporting. The analysis thus aimed to ensure participants' culturally specific meanings were not distorted while at the same time respecting their anonymity and confirming that the participant's interpretations were separate from those of the documentary or scholarly evidence.

FINDINGS

The study identified five themes that help to explore how the *Guurti* impacts on political legitimacy and governance in the Republic of Somaliland. The themes that were covered included customary legitimacy, institutional bridging, hybrid constitutional governance, ethnic identity and symbolic representation, and inclusion-exclusion tensions. The findings from the interviews, key informants and focus groups were most congruent in terms of

presence of customary authority and role of the *Guurti* as a bridging figure, and least congruent in terms of the representation of women, youth and minority communities. Table 2 summarizes the mechanism represented in each theme, prior to detailed qualitative evidence.

Table 2: Thematic Findings and Legitimacy Mechanisms

Theme	Core legitimacy mechanism	Empirical meaning
Customary legitimacy	<i>Xeer</i> , elder wisdom, moral standing, performance-based trust	Authority is socially recognized before and beyond constitutional office and must be renewed through fair conduct.
<i>Guurti</i> as bridge	Two-way communication and cultural translation	Community concerns move upward; state decisions are translated downward into culturally intelligible forms.
Hybrid governance	Constitutional embedding plus indigenous deliberation	Statutory authority and customary legitimacy operate together but can create ambiguity over institutional boundaries.
Ethnic identity and representation	Clan networks, collective memory and public symbolism	Identity supplies representation and belonging while shaping narratives of Somaliland political community.
Inclusion and exclusion	Differentiated access by gender, generation and clan position	Legitimacy is uneven when major constituencies participate indirectly or experience unequal representation.

Note. Themes are derived from reflexive thematic analysis of IDIs, KIIs and FGDs and were compared with observation, documentary and media evidence.

Customary Legitimacy as the Foundation of *Guurti* Authority

Participants have always been able to distinguish between the social authority of the *Guurti* and the constitutional office authority of law. Elders, scholars, and community actors found the core of the institution's legitimacy in *Xeer*, which accumulated a lot of experience in reconciliation and the moral obligation for respected elders to hear, mediate and safeguard communal relations (KII-07; IDI-31; FGD3-P1). This authority was said to be outside the current constitutional system, and that it continues to have a role in everyday conflict where communities tend to go to elders first before to formal systems. The evidence thus suggests

that incorporation of the Constitution added to and institutionalized a legitimate source of power, not the reverse.

In my view, the Guurti derives its authority because it is rooted in customary law - Xeer - which people understand and accept as part of their social order. When elders speak on matters of reconciliation or political stability, their words carry moral weight because they are seen as neutral actors who prioritise peace over personal or political interest.

(KII-07, Habr Awaal Clan Elder, 2026)

The importance of performance was also evident as the participants didn't accept the notion of unconditional legitimacy that comes with age. Legitimacy is accepted where elders are seen as fair, patient and honest (KII-02; KII-03); while today's legitimacy relies on maintaining public trust and allowing for younger voices (KII-03). A Gaboye former government official also illustrated that perceptions of institutional reputation are different from social minority roles for which the historical narrative of *Guurti* legitimacy may not hold true with respect to representation (KII-09). Historical legitimacy was said to generate an initial pool of trust, which must be restocked by subsequent actions, hence the formulation of the concept of customary legitimacy as cumulative but conditional.

Legitimacy in our society is earned through conduct. When elders act fairly, listen carefully to all sides, and avoid favouring one group over another, people tend to accept their guidance. I have personally witnessed situations where Guurti representatives were trusted not because of political power, but because of their reputation for patience and honesty in resolving disputes.

(KII-02, Dhulbahante Clan Elder, 2026)

Legitimacy production was also found in the everyday public sphere and not just in parliamentary institutions, as evidenced by observation and interview data. Participants talked about informal political discussions, *fadhi ku dirir* and community consultations as spaces where citizens are assessing the fair behaviour of elders as well as political disagreements being settled through dialogue (IDI-01; IDI-02). It is an everyday assessment that renders the *Guurti*'s moral legitimacy open to interpretation by the public, instead of being protected by constitutional office. The finding expands the scope of the meaning of legitimacy in public authority from formal rules and lived governance to ordinary deliberation and reputation and in the process it offers another argument against institutionalism.

The *Guurti* as a Bridge between Customary Authority and the Constitutional State

The second discovery was a two-way bridging function in the processes of community networks and formal state institutions. Since elders connect the issues of the area to the political, they were also heard talking about local issues to the political leaders and also conveying the information of the state's decisions in clan familiar terms and relationships (IDI-01; KII-01; KII-03). The translation role was particularly vital in those instances where legal or administrative decisions made by others impacted on the relations between the clans, on land, on political competition, and on those matters where formal authority was not enough to assure social acceptance. The *Guurti* is thus not only an advisory body but also an institutional medium for the constitutional processes to reach the social sphere with greater understanding.

The Guurti occupies a distinctive place within Somaliland's governance because it provides a bridge between constitutional institutions and long-established customary practices. Rather than replacing state institutions, it helps connect different sources of leadership that might otherwise operate independently. This collaborative approach has strengthened conflict resolution by promoting consensus, preserving social legitimacy, and supporting political stability in ways that resonate with Somaliland's historical and cultural context.

(IDI-01, Habr Awal Scholar, 2026)

Participants from within and outside dominant clan networks described the relationship as complementary rather than simply competitive. Formal institutions were associated with law, administration and electoral authority, whereas the *Guurti* was associated with social trust, mediation, local knowledge and community acceptance (IDI-04; KII-02; FGD3-P4). A Dhulbahante elder described statutory institutions as providing structure and the *Guurti* as supplying social legitimacy, while a youth leader noted that the same overlap can make institutional boundaries and accountability difficult to identify (KII-02; KII-08). The bridge therefore strengthens governance when it connects distinct sources of authority, but it can weaken clarity when customary and statutory responsibilities are not sufficiently defined.

In my view, this interaction shows that governance in Somaliland is hybrid. Statutory institutions provide structure, while the Guurti contributes social legitimacy. As an elder, I have witnessed how this relationship helps prevent gaps between state authority and community acceptance from turning into instability. The Guurti serves as a connecting bridge, ensuring that decisions made at the national level remain socially acceptable at the clan level.

(KII-02, Dhulbahante Clan Elder, 2026)

Hybrid Indigenous and Constitutional Governance

The third theme showed that hybrid governance in Somaliland is institutionally embedded rather than merely informal. The Constitution recognizes the House of Elders as part of the bicameral Parliament, while participant accounts show that customary practices of consultation, mediation and elder authority continue inside and around statutory processes (Republic of Somaliland, 2001; KII-07). Field observations of elder deliberation also reflected extended consultation, seniority, gradual articulation of positions and efforts to build sufficient agreement before decisions were settled. These practices demonstrate that statutory rules and indigenous deliberative norms operate within the same governance environment rather than as completely separate systems.

Participants nevertheless experienced hybridity differently according to social position. Elders emphasized continuity between customary authority and national governance, officials emphasized administrative complementarity, and younger participants were more likely to identify uncertainty about institutional boundaries and accountability (KII-07; KII-08; FGD3-P4). Women and minority participants generally acknowledged the stabilizing and communicative value of the hybrid arrangement while questioning whether the channels of representation were equally accessible to all communities (KII-01; KII-09). The finding therefore rejects both romantic and dismissive readings of hybridity: it is a productive governance arrangement whose legitimacy is conditional on how clearly and inclusively its multiple sources of authority are connected.

The Guurti does not compete with government. It carries what government cannot carry alone: the trust of communities that have known these elders across generations. A decision reached through consultation with respected elders will be obeyed not because it is law but because the community recognises the authority of those who reached it.

(KII-07, Habr Awaal Clan Elder, 2026)

Ethnic Identity as a Political and Representational Resource

Ethnic identity was reported as useful for the practical governance of the state and as a possible political frontier. Recognizable community networks were established with clan affiliation which enabled clan leaders to consult with communities, enlist obligations, negotiate compensation, and select representatives for inter-clan dialogue (KII-07; IDI-31; FGD2-P5). The *Guurti* does not abolish clan identity, but redirects it through *shir*, *Xeer*, *diya* and elder mediation, to allow for negotiation and collective responsibility to be based on lineage. These networks can, however, reinforce powerful family lines and require social networks more than equal civic engagement to achieve access to power.

In my peacebuilding work, I have experienced ethnic identity as both a resource and a challenge. It provides established channels for dialogue during conflict, yet it can also reinforce boundaries between communities when misunderstandings arise. I have found that the Guurti plays a valuable mediating role by transforming clan relationships into opportunities for reconciliation, strengthening social trust at the community level while contributing to broader political stability in Somaliland.

(FGD2-P5, Ciise/Issa Peace Actor, 2026)

The evidence also revealed the existence of a broader framework of collective memory, public symbols and narratives of Somaliland identity that produce legitimacy. Political belonging was associated with experiences of conflict and reconstruction, the national flag, the national anthem, independence day, religion and public space naming (IDI-01; IDI-02). These symbols were observed daily in the public sphere, and civic events were organised around these rhythms of Islam and the nation state, in Hargeisa during June 2026. The practices suggest that the *Guurti* is involved in a political order that is not only legal, but also cultural and representational; citizens are constantly reproducing ideas about themselves and about which institutions represent their collective past.

Somaliland identity is not simply a legal status. It is a lived experience of belonging to a community that has survived extraordinary challenges and built its own institutions of governance from within. The flag, the anthem, the celebration of 18 May and 26 June, and the naming of our streets after our heroes are all part of how we continuously tell ourselves and the world who we are. The Guurti is central to this because it is the institution that carries and transmits the authority of that identity across generations.

(IDI-02, Habr Je'lo Scholar, 2026)

Inclusion and Exclusion within the *Guurti* Legitimacy Architecture

The fifth theme confirmed that being recognised for their historical contribution does not automatically bring the *Guurti* a sense of political inclusion for everyone. Women participants indicated that they may be impacted by peace and governance decisions, but not necessarily be involved in the decision-making that leads to such decisions (IDI-10; FGD-01; KII-03); youth participants indicated that they were impacted by peace and governance decisions, but not necessarily involved in the decision making that leads to them (IDI-10; FGD-01; KII-03). They do not demand the eradication of *Guurti* , but a wider notion of consultation that brings in more visible participation from historically indirect communities in decision making. The finding therefore takes inclusion as a part of the legitimacy itself, as the exercise of authority is harder to see as a collective representation if major groups are not included as such but only through intermediaries.

The Guurti remains important, but women also contribute to reconciliation within families and communities. Their voices should become part of formal peacebuilding discussions.

(FGD-01, Habr Je'lo Women's Leader, 2026)

Minority-clan participants introduced an additional distinction between recognizing an institution in principle and experiencing its decisions as equally representative in practice. A Gaboye former government officer argued that dominant lineage structures can marginalize smaller communities and alter how fairly decisions are perceived, while participants from Gadabuursi, Dhulbahante and Ciise backgrounds similarly stressed that legitimacy varies by social position (KII-09; FGD3-P1; FGD2-P5). External governance assessments also document political marginalization of minority clans and continuing concerns about women's political participation, providing independent context for these participant accounts (Freedom House, 2024). Differential legitimacy is therefore not an exception to the broader findings but a test of whether customary and constitutional authority can remain credible beyond the social networks that historically anchored the *Guurti* .

From what I have observed, another challenge is unequal representation. Clan-based systems often prioritize dominant lineage structures, which can unintentionally marginalize smaller or minority communities such as the Gaboye. In my interpretation, this affects how fairly decisions are perceived and who feels included in governance processes. Sustainable state formation must always be rooted in fairness, representation, and shared responsibility across all communities.

(KII-09, Gaboye Former Government Officer, 2026).

A summary of the thematic analysis is shown in Figure 1:



Figure 1: Thematic Analysis Summary

The visibility of terms like customary, *Guurti*, authority, legitimacy, and elders in the center of the cloud validates the analytical observation that the cloud's participants consistently placed the legitimacy of the *Guurti* outside of constitutional structures and electoral mandate, but in the realm of culturally embedded customary practice. The relative weight of community, dialogue, reconciliation, and trust continues to confirm that for the

participants of FGD, legitimacy is a relational and performance-based, rather than institutional, outcome.

Documentary and Media Triangulation

The five themes of the documentaries were supported by the institutional and historical aspects, and some of the interpretations made by the participants were qualified. The National Charter, 1993 and the Constitution, 2001, make it official that elder authority is part of the political system of Somaliland, while APD and Interpeace (2008), Bradbury (2008), Renders (2012) and Walls (2014) record Somaliland's negotiated customary pillars of governance. While not necessarily a validation of all *Guurti* practices, the UNESCO inscription in 2024 for *Xeer* Ciise gives contemporary international recognition of Somali-Issa customary law as a very structured body with political, justice and social-conduct aspects. These sources confirm that customary norms are substantive governance resources, but do not address representation or institutional adaptation questions.

Both the functioning and contestation of the hybrid Somaliland's political system were captured separately by media and governance sources. The Africa Center for Strategic Studies (2024) has documented the framework for the 2024 elections for Somaliland, and the International Crisis Group (2024) has analysed the peaceful transfer of power there, alongside other ongoing clan and institutional tensions. Freedom House's 2024 report also noted recurring election delays, minority marginalization and restrictions on political participation, giving an outside perspective to the rare stories that emphasised indigenous legitimacy, while maintaining a positive tone. (Freedom House, 2024). Triangulation, therefore, adds to the central interpretation, because the *Guurti* provides culturally informed authority and institutional connections, but is vulnerable to pressures of accountability and inclusion.

Table 3: Documentary and Media Triangulation

Source	Type	Primary theme(s)	Analytical contribution
Somaliland National Charter (1993)	Founding charter	Customary legitimacy; hybrid governance	Documents the negotiated political settlement through which elder authority was institutionalized.

Constitution of Somaliland (2001)	Constitutional document	Bridge; hybrid governance; representation	Confirms the House of Elders within the bicameral legislature and the constitutional-symbolic architecture of the polity.
APD & Interpeace (2008)	Policy/history report	Customary legitimacy; bridge	Documents indigenous reconciliation and locally negotiated statebuilding practices.
Bradbury (2008)	Scholarly monograph	Customary legitimacy; bridge	Provides historical evidence on elder-led reconciliation, clan negotiation and state formation.
Renders & Terlinden (2010)	Peer-reviewed article	Hybrid governance	Conceptualizes Somaliland as a negotiated hybrid political order.
Hoehne (2013)	Peer-reviewed article	Hybrid governance; inclusion	Identifies the limits and tensions within hybrid political ordering.
UNESCO (2024), <i>Xeer Ciise</i>	International heritage record	Customary legitimacy	Recognizes Somali-Issa <i>Xeer</i> as a highly structured customary system governing political, justice and social relations.
Africa Center for Strategic Studies (2024)	Policy analysis	Hybrid governance	Documents the 2024 electoral framework and Somaliland's multiparty trajectory.
International Crisis Group (2024)	Policy analysis	Bridge; accountability	Documents peaceful political handover alongside institutional and clan tensions.
Freedom House (2024)	Governance assessment	Inclusion; accountability	Provides independent evidence on election delays, minority marginalization and political participation concerns.

DISCUSSION

The results show that the *Guurti* is not just a traditional institution that was brought into the modern state of Somaliland but is also an active process of social construction and legitimization of the political order in Somaliland. Reconciliatory, clan negotiation and early institutionalisation processes also contribute to the notion that Wendt (1992) propounds, namely that political identities and interests are created by repeated social interaction rather than being pre-existent. This reading reflects on Renders and Terlinden (2010) who view Somaliland's statehood as a "negotiated process" between formal and informal institutions, and Richards (2015) who also portrays Somaliland's journey towards state building as being flexible and responsive to local expectations. The present findings build on this existing literature by demonstrating that the *Guurti* has not only shaped institutional structures but also the shared perspectives and understandings of political community on notions of authority, stability, and legitimate statehood in Somaliland.

In Bourdieu's view, the impact of the *Guurti* goes beyond the formal constitutional power and can be explained as largely based on symbolic capital. Traditionally, recognition was accrued by lineage knowledge, conflict mediation skills, custom knowledge and actual or perceived ability to speak for communities. Bourdieu (1989) states that symbolic power is grounded in the socially recognised authority which allows certain actors to establish legitimate classification and representations of the social world. Institutionalisation of the *Guurti* thus converted customary prestige into state-authorized authority in the fledgling state. This finding corroborates with Renders (2007) who identifies clan elders as significant actors in reconciliation and institutionalisation of Somaliland. But it casts doubt on any assumption that this capital is permanent: symbolic authority hinges on continuous recognition, and as representatives grow further from their constituents or are seen as closer to the political elites, their symbolic power can be undermined.

The results also help to clarify the connection between the *Guurti*, representation, and collectivity. Hall's (1997) theory of representation focuses on the creation of collective identities as a process of the formation of systems of meaning. In this context, the *Guurti* has served as a symbolic embodiment of indigenous political continuity, clan-based consultation, reconciling, and a unique political pathway in Somaliland. Walls and Kibble (2010) also note that the role of customary elders facilitated a reconciliation of clan-based social structure with those of institutions linked to representative democracy in Somaliland.

This representational role is however controversial. The symbolic representation of the *Guurti* as a representative of the collective tradition is not synonymous with the representation of all social groups equally, especially the women or younger generations, or minority groups or groups whose political affiliation with Somaliland is still unclear. Representation can thus serve as a glue and a place of exclusion.

These tensions make celebratory readings of Somaliland as an unproblematic model of 'hybrid governance' difficult. The results are consistent with research which states that customary institutions in tandem with formal institutions played a significant role in peace-building and early state formation, especially in negotiating settlement and locally legitimate institutions (Renders & Terlinden, 2010; Biruk & Getachew, 2024). They also follow Hoehne's (2013) logic that while hybridity can create institutional imbalances, the customary system can become entrenched in a formal political system without a parallel system of democratic accountability. This is the very point of the *Guurti*: it can offer culturally based legitimization AND conflict management skills, but can also present challenges regarding renewal, representation, accountability and democratic consolidation. The concept of hybrid governance should then be interpreted as a process of ongoing negotiation of legitimacy that is not necessarily replicated in a formula of institutions.

The study therefore adds theoretically in this context to the link between social constructivism, symbolic capital, representation and hybrid governance in one explanation of Somaliland's contested state formation. While a number of earlier studies have focused on the *Guurti* as an institutional innovation or as part of a hybrid form of governance, the current study shows that the *Guurti* also serves as a source of political meaning and the transformation of customary recognition into institutional power and the production of specific understandings of identity and states legitimacy. In practice, the results demonstrate that the contribution of *Guurti* cannot be judged strictly on its formal constitutional role alone but that it should also be examined using the evolving social recognition that makes its work possible. This is a more critical analysis of the reason why Somaliland is resilient: the sustainability of its institutions is the product of an ongoing negotiation of the legitimacy, inclusiveness and representational credibility of who occupies the space between them.

Analytical Synthesis

The overall results confirm the sequential approach to the production of legitimacy that we had hoped to see in the model, which associates customary norms as the normativizing framework, respected elders as symbolic authority, consultation and mediation as the practice that grounds that symbolic authority, and community acceptance as the condition that links the practice of consultation and mediation to constitutional governance. This sequence follows those of Bourdieu, whose work on conversion of recognized capital to effective authority, and Wendt, whose work on reproduced social meanings, and Hall, who talks about political identity as representationally constituted (Bourdieu, 1991; Wendt, 1999; Hall, 1997). Political legitimacy thus arises from among none of the three but through the interaction between them: normative recognition, institutional performance, and cultural translation and symbolic belonging. This analytical synthesis is presented in Table 4, along with the conditions that make the conversion process socially credible: inclusion, accountability and continued performance.

The model also explains the article's contribution towards the existing Somaliland scholarship. The impact of locally negotiated statebuilding and hybrid institutions is recognised in previous research, while in the present analysis, the micro-to-macro mechanism that makes socially embedded authority usable political legitimacy within the constitutional order is specified (Renders & Terlinden, 2010; Phillips, 2013; Richards, 2015). It also demonstrates that the conversion is incomplete if social groups are not able to be part of the deliberative network in which authority is recognized and communicated. Legitimacy for Somaliland is therefore a relational, negotiated and unequal process and this accounts for the durability of the *Guurti* as well as for the pressure for institutional renewal.

Table 4: Analytical Synthesis of Legitimacy Production through the *Guurti*

Stage	Institutional process	Legitimacy effect	Condition / risk
1. Normative base	<i>Xeer</i> and culturally shared obligations	Provides a socially intelligible basis for authority	Weakens if customary rules are perceived as unfair or inaccessible.

Stage	Institutional process	Legitimacy effect	Condition / risk
2. Symbolic authority	Elder wisdom, reputation and reconciliation experience	Converts social recognition into moral authority	Requires continual impartiality and demonstrated competence.
3. Deliberative practice	Shir, wada tashi, mediation and consultation	Transforms authority into negotiated decisions	Can privilege established elder and lineage networks.
4. Institutional translation	Community-state communication and constitutional incorporation	Connects customary legitimacy to statutory governance	Boundary ambiguity can weaken accountability.
5. Public reproduction	Everyday evaluation, collective memory and political representation	Renews or contests legitimacy across society	Sustainability depends on inclusion of women, youth and minority communities.

CONCLUSIONS

This study finds that the political legitimacy of the *Guurti* is not created by customary authority alone nor by constitutional governance alone, but through the interplay of the two. *Xeer* offers a common, normative language, elder reputation gives moral backing, consultation and mediation transforms that into recognition and acceptance of decisions by communities. Constitutional incorporation provides the *Guurti* with formal institutional power, but this power is not effective unless there is a degree of social trust that ought to be sustained through the proper and responsive exercise of that power. It is therefore best to think of the *Guurti* as to be an institution that produces legitimacy, one which is neither a relic of custom nor a regular legislative chamber.

The study also demonstrates that ethnic identity is a source of governance resources and a political experience boundary. Clan networks support representation, obligation and communication, and symbols, collective memory and public practices help to shape a more inclusive Somaliland political identity. But, the production of customary legitimacy is relational, as women, youth and minority communities have unequal access to the deliberative spaces where it is made. The ongoing power of the *Guurti* , then, will rely on its ability to maintain culturally-based frameworks of trust while expanding participation, defining responsibility and meeting evolving political representation demands.

RECOMMENDATIONS

The rules and procedures that determine who may or may not be a member of the *Guurti* , its succession, the terms of service and accountability of the *Guurti* , should be explicit and more intelligible to the public by the *Guurti* and constitutional institutions. Reform should maintain the proven ability to exercise wisdom, to have experience in reconciliation, to have cultural competence and understanding of customary law as desirable requirements and reduce the uncertainty about the entry and tenure of representatives in the institution. Renewal in the institutions could take place within a consultative process that involves elders, Parliament, civil society and community actors, the same way the *Guurti* has always been sustained, through a culture of negotiation. This would reinforce the separation between the continuity of custom and institutional continuity which is not sufficiently explained to the public.

There should also be institutionalized processes to ensure women and youth, as well as representatives of the Gaboye community, have direct engagement in deliberations around peace, governance and community reconciliation. This involvement may entail participation in standing consultative forums, as well as in the formal processes of community submissions and House of Elders advisory contributions on these, without taking away from the authority of the elders. Relevant government agencies need to also clarify the referral and coordination processes between *Xeer* mediation and local administration, statutory justice institutions and national political institutions. The changes would ensure the *Guurti* 's culturally intelligible legitimacy and expand the social base on which political authority is generated and judged.

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