

## **Continuity or Aggressive Reform:**

First 100 Days of President Muse Bihi Abdi

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### **I. The Establishment of Democracy**

Somaliland had inherited societal structure which had survived through the colonial era and into the independence period<sup>1</sup>, this culture remained intact during and after the war between Somali National Movement (SNM) and Siad Barre's regime. Since 1991, when Somaliland declared independence from the rest of Somalia, the country went through different stages of transformation, starting from grassroots tribal reconciliation, disarmament of clan militia groups, peacebuilding and laying the foundation of systematic procedure of shifting from traditional Charter to hybrid system of democratic state, where citizens elect government officials with a ballot paper

In May 1993, President Egal was elected to replace President Abdirahman Tuur, the last SNM<sup>2</sup>chairman and the founding President of Somaliland during the Borama Grand Conference, President Egal brought a new momentum of state-building with a clear and precise blueprint. His priority was militia disarmament and seizing the control of the main government sources of revenue, including the major ports, airports and border customs which were at the time controlled by various clan militias. Subsequently, President Egal started the democratization

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<sup>1</sup>Peter, Woodward. (2013) *"Crises in the Horn of Africa"*

<sup>2</sup> SNM was the freedom fighters aimed to overthrow Said Barre regime

cornerstone and succeeded to draft the first Constitution, which was endorsed by the people of Somaliland in a countrywide referendum on 31<sup>st</sup> May 2001.

As a result, the country shifted from the clan representation charter to fully democratic constitution with multiparty system. Despite the limited means of communication of that time, Mr. Egal's unique rhetoric in public speeches engaged people about the ongoing reforms and the philosophy of his regime, which made him widely popular. This robust direct form of communication with the people helped his government survive in the midst of harsh political turbulences.

After Egal's death in South Africa on May 3<sup>rd</sup>, 2002, his successor President Dahir Rayale Kahin maintained the mission of holding free and fair elections according to the constitution endorsed by majority of Somaliland people. These milestones were well received by the vast majority of communities in urban regions, as well as the traditional elders who were engaged in the process from the beginning. Eventually President Dahir Rayale Kahin achieved cementing the democratization process, as he held numerous elections, (Local Council elections in 2002, Parliamentary elections in 2005, and Presidential election in 2010) and ultimately peaceful transfer of power to an elected opposition leader.

In July 2010, Mr. Ahmed Mohamed Mohamoud (Siilaanyo) who was the Chairman of SNM between 1984-1990, become the 4<sup>th</sup> President since Somaliland re-claimed independence from Somalia in 1991. Silaanyo defeated the incumbent President and his ruling party in landslide election results that paved a trajectory that connects the historical freedom fighting and the aftermath state building and democratization processes in Somaliland.

During his term, among his many achievements, President Silaanyo succeeded in increasing the annual budget by close to 300% where the government tax collection skyrocketed in the period spanning 2014-2017. His administration also started major development projects including the Dila – Borama Road, and the Burao – Erigavo Road, while attracting donor countries to pool funds (SDF<sup>3</sup>) for development interventions across the country. Despite the economic growth and reforms he accomplished during his term, his administration was marked as the most corrupted in the history of Somaliland.

Due to prolonged droughts and unjustified political tactics President Silaanyo's administration delayed the election for almost two and half years after his term had ended. On the 13<sup>th</sup> of November 2017 the people of Somaliland elected the 5<sup>th</sup> President, H.E. Musa Bihi Abdi in organized and peaceful elections. This election process gained the praise of the majority of the European Union member states and the US government<sup>4</sup> for showing maturity and coordination, and were seen as holding an example worth following.

## **II. Post-election and Government Struggle to Gain Public Trust**

On the 21<sup>st</sup> of November 2017, The Somaliland National Electoral Commission (NEC) declared the preliminary results of November 13<sup>th</sup> Presidential Elections, Mr. Muse Bihi Abdi of Kulmiye party won 55.1%, where his closest rivalry contender Mr. Abdirahman Irro of Waddani party got 40.7% of the total votes casted. Although the election process and its outcome were praised by the international community, despite some minor irregularities, internally, the

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<sup>3</sup> Somaliland Development Fund (SDF) is pooled funds from UK, Denmark, Norway and Netherlands to support Somaliland Development Goals.

<sup>4</sup>[https://eeas.europa.eu/delegations/somalia/36342/somaliland-election-statement-international-partners\\_en](https://eeas.europa.eu/delegations/somalia/36342/somaliland-election-statement-international-partners_en)

Somaliland community was heavily divided during the election campaigns and after the results were announced.

Although the Waddani opposition leader congratulated the Somaliland people for a peaceful election, in his press release he refrained from directly congratulating the President elect because of some irregularities he accused that NEC ignored during the election process. Nevertheless, he stressed that he accepted the results to avoid instability in the country. These controversial statements divided the Somaliland people and strengthened a historical alliance of two major clans<sup>5</sup>.

On the same day the election results were announced, President elect Muse Bihi Abdi held a press conference in his party headquarters where he praised the peaceful elections process and appealed for the cooperation of opposition leaders saying, “*the aim of our contest was to build a better Somaliland and I believe we can achieve that only if we work together*”. Subsequently, when the President elect met his local and diaspora campaigners, he articulated the type of government he is aiming to build in his speech as he told his campaigners the moto they used for the elections “Upholding the Rule of law” is the major test awaiting his administration. In such, he requested his supporters not to pressure him to take their suggestions in full and not to be disappointed if they don’t see their names in the upcoming cabinet lists.

Those different events and speeches of the President elect raised the expectations of the people, allowed the new government to regain public trust as most of the population welcomed his devotion to build his government without the pressure and interference of the traditional and political elites.

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<sup>5</sup>HabarJeclo and HabarAwal (Jeegaan)

A day after his inauguration, President Bihi appointed 23 of his first batch of ministries, those announced were a mix of his party members, ministers who served for the former President Silaanyo, as well as new faces from youth who did not actively participate in the Somaliland political atmosphere previously. The public responded with mixed reactions, some welcomed the cabinet because the majority of them were new to the political offices, another big number were disappointed by the lack of experience of his new cabinet, they saw it as a way for him to exercise full control of inexperienced subordinates and be on top of the decision making process. Critics saw transactional leadership traits where roles and tasks are strictly delineated to inexperienced members, and as a result he will be responsible for maintaining routine by managing individual performances and facilitating group performance<sup>6</sup>.

Another spectrum of the society put his cabinet under the scale of their traditional clan measuring, this part of the community looked only at clan allocation within the cabinet, scaling who is holding the biggest number of seats and those who were given the key ministries such as. Ministry of Interior, Finance, Foreign Affairs, Livestock, Energy, Health and Planning. Furthermore, they scaled the positions held in important agencies within the government, including military posts, aviation, ports, Presidential palace, and foreign liaison offices. All these calculations showed that the President gave larger shares to his major clan alliances, which further fueled the division of the community.

### **III. Breaking Promises and Legal Discrepancies**

In any democratic government, the President is merely responsible to uphold the supremacy of the constitution and other laws of the country. This is well defined in *Somaliland Constitution*

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<sup>6</sup> Pamela, Spahr. (November 25, 2014 in [Leadership is Learned](#)) "*What is Transactional Leadership? How Structure Leads to Results*". The St. Thomas University.

*part two of article 90, paragraph 14. “The President shall fulfil his duties in accordance with the Constitution and other laws of the land”.* This distinction between law and executive power and prerogative decree must be clear to the President. A failure to maintain the formal differences between these things must lead to a conception of law as nothing more than authorisation for power, rather than the guarantee of liberty, equally to all<sup>7</sup>.

Also, it is important to fully understand the hierarchy of laws, the head of state must be aware that all his actions and decisions are not colliding with the different laws of the country. In Somaliland’s context, excluding the culture and traditional norms, it is vital to understand the ranking of the three different types of laws:

1. The Islamic Sharia
2. the Constitution
3. Legislation passed by the Parliament (House of Representatives and the House of Elders-Guurti).

When exercising those laws, it is important to understand laws of higher precedence’s will automatically disqualify laws in conflict in the hierarchy.

The President has previously expressed his belief in the rule of law. However, during the first 100 days of his term, the President has taken numerous actions and decisions that are against or not in line with the Constitution and other laws of the country, for instance, the President swore in his ministers before he presented to the House of Representatives to confirm or reject their appointment, which is the procedure according to *Somaliland Constitution part two of article 94, paragraph 2, and 3*. Though the Chairman of the Supreme Court swore them in again

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<sup>7</sup>LJM, Cooray. (1988) “The Australian Achievement: From Bondage to Freedom”

after their confirmation with the presence of the President, but the initial move was completely against the law.

Secondly, the President replaced Law No. 71/2015 without using the legislative procedures in place, and ordered the new ministries to implement it accordingly, his decision to replace the law has now become highly debated, with many academics and government officials across the country arguing his legal ability to do so, where some prominent law academics are accusing the President overstepped his place in the government. The amendments made to Law No. 71/2015 “Law on the Delineation of the Organization of the Government and of the Independent Public Bodies” has dual angles. In one aspect the Constitution gives the President the authority to shape his cabinet according to his strategy and vision, that includes merging a number of ministries under the responsibility of one Minister according to *Article 94 of the Constitution*, the other aspect which is very critical in the government and the theory of checks and balances is the amendments made to the original text of Law No. 71/2015 without using the adequate procedures of amendment. This move is indicating that the Executive is willing to dominate the legislative powers separated by Constitution.

To further enlighten, the Offices are created by law and not by contract, that means a Public Office is the right, authority and duty created and conferred by law<sup>8</sup>, it is very important to understand that the delegated legislation (also known as regulations or subordinate legislation) is created by executive officers or bureaucrats under authority granted by legislation. Delegated legislation is void if it contradicts or overrides either primary legislation or the constitution<sup>9</sup>.

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<sup>8</sup>Floyd, Mechem. (1990) “*A Treatise on the Law of Public Office and Officers*”

<sup>9</sup> Matthew J, Bransgrove. (2015) “*Principles of Good Governance: An Elementary Book of Public Right*”.

Therefore, the President cannot amend any laws without following the country's legislative procedures.

Another legal case happened during the first 100 days, the President merged the National Demobilization and Reintegration Commission(NDRC), an independent agency/commission under the Ministry of Defense, this was another legal blunder knowing that the NDRC is created by a Law No. 48/2011 and ratified by Presidential Decree No. 0126/042011. This law is giving the commission a full independence from any other government organs, if the President wants to merge independent agencies under a ministry, it has to go through the legislative procedures of the country by amending the law and forwarding the draft amendment with a Decree indicating the rationale behind the amendment and requesting the House of Representatives to approve.

Above listed moves are putting the new government in a legal dilemma, and unless the President seeks legal advice on the current issues and takes proper correction steps, the problem will pile up and create more pressures in the future of his government.

#### **IV. The Immanent Internal Challenges Waiting His Government Ahead**

Because of the heavily contested Presidential elections and the noticeable division of the community the government is in a very challenging situation. The President is accused of favoritism / nepotism as some people believe that in order to maintain the clan coalition, he allocated equal shares of positions in his last appointments.

As a result, there are ongoing calls for clan conferences in the country fueled by the current political division, some contenders are using these clan platforms for political gains, others may play more harshly to invite external players to threaten the stability of the country.

Though some of the prominent Sultans send their early warnings that anyone who wants to invite external players or seek financial support from outsiders will not be part of the conference, but it is foreseeable that the ongoing geopolitics of the region are not “business as usual” and the new reckless players will not leave Somaliland deal with its issues alone, that era became history.

Similarly, the market inflation and the loss of Somaliland currency value against the US dollar is another major challenge facing the new government, to tackle the economic crises the President appointed committee from his cabinet and the governor of the Central Bank to assess the situation and bring solutions in the short-term and market regulatory procedures for the longer-term. After several meetings the committee spontaneously issued new measurements targeting the amount of US Dollars people can send/receive through mobile money transfer services. Those decisions created outcry in the public and impacted the purchasing power negatively where the demand for dollar currency increased in the exchange market. Some local economic experts accused the government of misleading the public by issuing fake mitigation measures that will not change the market crises, so far, the early market indicators showed increase in the exchange rates and continued loss of Somaliland currency against the US dollar which is contrary to the government expected outcome. Another group of the local community believed the government economic measures imposed to the market has ulterior motive to pressure specific companies because of clan affiliation aspects.

Those realities are threatening the country’s stability and community cohesion. Therefore, there is a need to engage proactively with the Religious Leaders, Businessmen and to stimulate the role of the Guurti in reviving the community bonds and to bring their cohesion through building social bridges, taking positive actions that will win the hearts and minds of the

youthful generation affected by the election euphoria and remove the clan barriers dividing integration. There is a need for immediate action to defuse those internal tensions before it escalates to external players' bargaining concert.

## V. Geopolitics of the Horn and the Country's International Relations

The historical prolonged conflict in the Horn of Africa was the result of the western influence starting from the colonial era, the cold war and the recent single power and economic ties that lead sometimes war and famine in the region. Still, the US is politically involved the essence of the states through democratization and budget injection, where the becoming socialist power (China) is replacing the role of the Soviet which is another trend of competing resources in the Horn<sup>10</sup>.

Now there are ongoing trends and new reconfigurations of the geopolitics of the Horn of Africa. New active players and emerging powers also want to control the strategic passages of the Horn that connects Europe, the Arab Peninsula, Asia and the African continent at large. These new phenomena started to unveil the sectarian hostility of the Sunnis led by Saudi Arabia and the Shia led by the Iranian regime during the Arab Spring. The ongoing Yemen war is a result of this sectarian conflict and it is likely to extend to new frontiers easily. On the other hand, the recent Gulf crisis created coalitions and proxy political tensions where the influence of UAE and Saudi on one side, and Qatar with the support of Turkey and Iran on the other side is visible in the region.

The Nile water distribution and the ongoing renaissance dam is also escalating the conflict between Ethiopia and Egypt, and it is another factor attracting external influence to

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<sup>10</sup>Vicint, Khapoya and Baffour, Agyemen-Duak. (1985) *"The Cold War and Regional Politics in East Africa"*

destabilize the region. The Horn of Africa has been an easy playground for players outside the region and outside Africa<sup>11</sup>. Also, there is no doubt that the increasing military bases established in the past decade alongside the coastal ports in the Horn of African including USA, China, UAE, Turkey and Saudi Arabia are creating a battle for intelligence and economic gains. In a recent congressional meeting, a U.S. Army General for Africa told lawmakers on March 6<sup>th</sup>, 2018 that the American military base in Djibouti could face “significant” consequences, should China take over Doraleh port after Djibouti seized control of port management operations from DP World<sup>12</sup>, this ongoing competition is likely to increase the number of paths for ambitious actors to access external support, making it more difficult for the region’s politicians to maintain control. The market heats up too much and may threaten a crash as too many actors vie for power and position<sup>13</sup>.

At this point it is important for President Muse to assess the current dynamics in the region and revisit the country’s foreign relations policies and strategies, this will identify the path this country will take in the coming years, whether the country will take part of the ongoing coalitions or it will stay neutral and build confidence and trust among the actors considering mutual interest and economic growth. In both situations it is important to conduct robust analyses before taking political position, there is a need to evaluate the current situation of the region and the new political prophecy, especially, the ongoing Gulf conflict is unusual to the political norms and the global International Relations, still the international community is

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<sup>11</sup>Alexander, Rondos. “The Horn of Africa - Its Strategic Importance for Europe, the Gulf States, and Beyond” <https://www.cirsd.org/en/horizons/horizons-winter-2016--issue-no-6/the-horn-of-africa--its-strategic-importance-for-europe-the-gulf-states-and-beyond>

<sup>12</sup> Reuters (March 2018) ““Significant” consequences if China takes key port in Djibouti: U.S. general” <https://af.reuters.com/article/africaTech/idAFL2N1QO1S7>

<sup>13</sup> IRIS (March 2017) EAST AFRICA AND THE HORN IN 2022: An Outlook for Strategic Positioning in the Region

divided on the essence of their dispute which has no legal bases whatsoever, secondly, the ongoing dispute between Djibouti and UAE on Doraleh Port managed by DP World<sup>14</sup> is another factor which can drag the region into conflict.

The political differences and the increased international interest in the region is giving Somaliland a strong position it can leverage. Somaliland's geographic location places it in a strategically unique position to build strong relations within regional states and other countries who are interested to invest in the region. It is important not to play the basis of first come first serve, rather it is more beneficial to analyse each offer and critically review the individual interests of each of these countries.

Therefore, the President and his government must think wisely and see those dynamics and how best his foreign policy is well tailored to the regional demands and the international interest, I believe the current foreign relations structure inherited from his predecessor is not bringing change to the table, there is doubt that they can fetch new momentum to strategies of the foreign policy and strengthen the existing relations with countries in the region, and the rest of the world

A very good example is the press conference of President Bihi's visit to UAE where he jumped to a conclusion that Qatar is an "enemy" to Somaliland and DP World Agreement. Historically there is no doubt Somaliland people had trade ties with Saudi Arabia and UAE and there was no problem if the President wanted to strengthen that historic relations, but it was very dangerous to burn future bridges when it is predictable that Gulf countries will resolve their

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<sup>14</sup> DP World is Dubai owned company operates 77marine and inland terminals in more than 35 countries.

internal issue and the unjustified political stand towards Qatar will remain in Somaliland diplomatic basket forever.

## **VI. Opportunities to Reform Government Institutions and Build Viable Economic Hub in the Region**

The current President has enormous opportunities to change the inherited stagnant government behaviors, it became a norm for the government institutions to work less than five hours a day (30 hours a week) with limited skilled staff, secondly the former government established new agencies and extended the number of ministries without defined goals, but spending the people's money on salaries without providing the basic services. These are issues that need to be addressed immediately and seriously.

Resolving those challenges provide an opportunity for the current government to reduce the government spending and divert those funds to development projects. The President had already abolished some public bodies while he merged others, but it is important to review how the current institutions work and deliver services, this will help the new government identify the gaps and find new and better ways of managing their work. The ongoing civil service reform is a great window of opportunity to reform the government institutions and to make them more efficient and effective. In parallel, institutions must develop their strategic plans based on NDP - II and maintain full compliance on their implementation processes.

As the saying goes, ships can only make safe to the shore with the command of one captain. The new government needs to streamline communication with the outer world whether it is diplomatic relations with other states or dealing with foreign investors. The way it is structured now can damage the image of the state, and compromise international trust. For instance, there are important roles colliding in different ministries (i.e. Ministry of Foreign Affairs and

International Cooperation and Ministry of Investment), there is a completely conflicting role on who has the official mandate to enter in investment agreements which only serves to confuse potential international investors. Secondly, there must be a clear strategy on foreign investment and the government's sector priorities must be defined, youth employment must be the core goal of attracting investment to the country.

Creating an enabling environment for investors is another potential area for the current government to innovate on. This has mainly three thematic areas (1) initiating laws giving protection and incentive to foreign investors (2) reducing the bureaucracy of registration and using the model of Rwanda where a business can be registered and legally established through a two-step procedure in 48 hours<sup>15</sup> (3) and lastly to prepare the youth for future labor demands through establishing technical institutes and centers to train them on skills and ethics that include self-discipline and good manners.

Improved service delivery is the only way to connect the people and the government, this is an important role the current government can play to regain public trust. The local governments become parasite to the major towns and the delayed elections extended the corruption and the lack of accountability, this could be an entry point for the current government to pressure the current mayors to scale up the service delivery.

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<sup>15</sup> UNCTAD, (2012) "An investment guide to Rwanda opportunities and conditions"

## **VII. Conclusion**

Any reform cannot be materialized without strong leadership, the need for a visionary leader is the basis of achieving strategic objectives, constant review and guidance is required to avoid mismanagement and corruption, it is also the responsibility of the President to lead by example and encourage behavioral change, transparency and accountability.

It is obvious that the people of Somaliland are getting mature year-after-year, moreover, the number of local university graduates are increasing rapidly, hence most of the public are becoming more aware of what is expected from the government and what are the obligations required from each individual citizen. This will give the current government a window of opportunity to introduce new measures to the right direction without facing much resistance from the public.

Therefore, it is high time to set a clear and sound vision for the country both in the short - term and long-term and implement accordingly.

## **VIII. Acknowledgments**

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## IX. References

Peter, Woodward. (2013) “*Crises in the Horn of Africa*”

Somaliland Development Fund (SDF) is pooled funds from UK, Denmark, Norway and Netherlands to support Somaliland Development Goals.

<http://www.somalilanddevelopmentfund.org/>

Joint Statement of the European Union Mission of Somalia/Somaliland on Somaliland Election, (November 28<sup>th</sup>, 2017). [https://eeas.europa.eu/delegations/somalia/36342/somaliland-election-statement-international-partners\\_en](https://eeas.europa.eu/delegations/somalia/36342/somaliland-election-statement-international-partners_en)

Pamela, Spahr. (November 25, 2014 in [Leadership is Learned](#)) “*What is Transactional Leadership? How Structure Leads to Results*”. The St. Thomas University

LJM, Cooray. (1988) “The Australian Achievement: From Bondage to Freedom”

Floyd, Mechem. (1990) “*A Treatise on the Law of Public Office and Officers*”

Matthew J, Bransgrove. (2015) “*Principles of Good Governance: An Elementary Book of Public Right*”.

Vicint, Khapoya. and Baffour, Agyemen-Duak. (1985) “*The Cold War and Regional Politics in East Africa*”

Alexander, Rondos. “The Horn of Africa - Its Strategic Importance for Europe, the Gulf States, and Beyond”<https://www.cirsd.org/en/horizons/horizons-winter-2016--issue-no-6/the-horn-of-africa---its-strategic-importance-for-europe-the-gulf-states-and-beyond>

Reuters (March 2018) ““Significant” consequences if China takes key port in Djibouti: U.S. general”  
<https://af.reuters.com/article/africaTech/idAFL2N1QO1S7>

IRIS (March 2017) EAST AFRICA AND THE HORN IN 2022: An Outlook for Strategic Positioning in the Region

UNCTAD, (2012) “An investment guide to Rwanda opportunities and conditions”