

DECENTRALIZATION IN SOMALILAND

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ABSTRACT

The main goal of decentralization is to shift power away from the national government and toward local or subnational ones. Based on the Somaliland context, this article highlights the decentralization of the administrative (de-concentration, delegation, and devolution) political, fiscal, market, and economic spheres. The literature on decentralization in Africa is the main subject of this investigation. especially Somaliland. Two times, Somaliland reclaimed its independence: first, on June 26, 1990, under British protectorate, it joins Somalia on July 1, 1960. Second it was in 18 May 1991, the Somali Republic's rule was overthrown by the Somali National Movement (SNM) following a protracted battle by the Somaliland community. On 1991, Somaliland reclaimed their sovereignty. This brief history will demonstrate the various historical administrative decentralizations that Somaliland has seen, beginning in 1951 with the British Protectorate. The theoretical conceptualizations found in the literature were used as a methodology in this study. Several countries including East African nations will be used as examples in this paper, with a focus on devolution and administrative decentralization. This paper will also provide you with an additional understanding of how Somaliland upholds democracy and permits its citizens to engage and utilize their rights throughout the nation. All the points that these paper covers will base Somaliland legal framework. The various notions of decentralization, inclusive administrative decentralization, political decentralization, fiscal decentralization, market and economic decentralization, and other concepts under the key concepts are finally explained and presented in this study.

Keywords: *Administrative, Political, Fiscal, Market and Economic-decentralization*

INTRODUCTION

While the civil war was still raging throughout the rest of Somalia, Somaliland declared its independence in 1991. Following its start of an institutionalization and democratic process,

Somaliland has distinguished itself from other regions of Somalia by mixing traditional and modern systems of administration into a hybrid entity. Hersi, M. F. (2018)

According to Hoehne M. (2015), Somaliland's clan representation is made up of members of the dominating Isaaq clan, members of the Dhulbahante and Warsangeli clans of the Darood/Harti family, and members of the Dir clan, Gadabursi, Issa, or Ciise group. plus, other marginalized communities like the Gaboye Vitturini E (2017). Isaaq is included under the Dir in some clan genealogy, although they are a clan family unto itself due to their size and political influence. In Hoehne M (2015).

During Somaliland's colonial era, legislation known as the Local Governance Ordinance of 1953 governed all six districts. However, two years before the law's establishment, in 1951, Somaliland's first advisory council was created by the British. When Somaliland joined Somalia on July 1, 1960, this statute circumvented its jurisdiction. The Republican, (2009): The Somaliland House of Parliament passed Law No. 23/2002, often known as the regions and districts law, following the foundation of the Somaliland government by its citizens in 1991. The name is the same even though it has been changed three times.

RESEARCH METHODS

The theoretical conceptualizations found in the literature were used as a methodology in this study. A fresh theoretical area that has not yet been examined is the post-conflict statues in Somaliland, which is typified by the complete collapse of institutional service to its populations and has been under construction for the entirety of its brief existence. The analysis and comprehension of Somaliland's decentralization and the many jobs it deployed following its independence in 1991 are the main goals of this paper.

Decentralization definitions:

Decentralization is the process by which the central government transfers responsibility and oversight for duties that are public to agencies of lower authority, groups that operate in a quasi-independent manner, or the business sector (Rondinelli, 1999: 2). This idea, pertains to the transfer of authority, accountability, and resources from the central government to local governments, is crucial to the functioning of the central government-local government relationship in the traditional sense (Eryilmaz, 2011: 103).

There are several ways to describe decentralization. Transferring powers and responsibilities moving from higher to lower levels of government is one of its broadest definitions. The goal of decentralization is to establish responsibility between local and central governments in addition to those between individuals, service providers, and subnational governments. European Scientific Journal (2014): This attribute dispels the notion that decentralization is only allocating funds to local authorities (World Bank, 2008: xiv).

DECENTRALIZATION IN SOMALILAND

A unitary democratic state is what Somaliland is. Numerous copies of the draft constitution were sent throughout Somaliland by President Egal's administration in August 2000 so that the populace could evaluate and consider it. Somaliland's self-declared independence and definitive split from Somalia would be ratified by one crucial clause of the 130 separate articles of the constitution, restoring the country's independence for the first time since 1960. President Egal scheduled the constitutional referendum for May 31, 2001, towards the end of March 2001. Somaliland held a referendum on its constitution on May 31, 2001. (December 14, 2017, BBC News)

The referendum was held on a proposed constitution that upheld Somaliland's independence from Somalia, according to African Elections (2022). In the referendum, 99.9% of eligible voters cast ballots, and 97.1% of them supported the constitution. There are five chapters in the Somaliland constitution, each having its components. The organization of district, regional, and administrative councils in addition to the division of administrative power are the main topics of Chapter 5, Part 2. The following are the articles: Article 110: The Management of the Regions and the Districts Article 109: The Organization of the Nation Section 111: The District and Regional Councils Article 112: The Dispersal of Executive Authority. Somaliland constitution (2001):

FORMS OF DECENTRALIZATION

1. ADMINISTRATIVE DECENTRALIZATION

The goal of administrative decentralization is to divide up the power, accountability, and financial resources needed to deliver public services among the many governmental tiers. It denotes the handing over of planning, funding, and management of some public functions from the central government and its agencies to agencies' field offices, lower-level government departments, and public companies having a certain amount of autonomy or functional, regional, or local authorities. There have been three main types of administrative decentralization explained. Earth Institute, Wayback Machine (2013)

Decentralization of Administrative Powers is stated in Somaliland Constitution Article 112. Sub-article 1 further states that, to the extent that regions and districts are able, they will be in charge of administering community services, including health, education up to the water, power, communication, internal security, animal husbandry, and elementary/intermediate schools. There are three types of administrative decentralization discussed below using Somaliland context with some examples of other countries.

A. Reconcentration administrative decentralization

The weakest type of decentralization is called decentralization administrative, which transfers decision-making, funding, and execution of some governmental duties from representatives of the national government to those in districts that are already in place, or if needed, new ones that are directly under the central government's supervision. Buonomo, Giampiero (2004) Despite the declarations of additional districts and regions by different governments, Art. 9 of Law 23 of Somaliland states that the nation is made up of the six (6) regions listed below, along with the number of districts within each region:

1. Region of Maroodijeex (19 districts with grades A 2, C 2, and D 15).
2. The Togdheer Region, comprising 22 districts with grades of A, B, C, and D.
3. Sanaag Region, comprising 19 districts with grades of A, B, and D.
4. The Awdal Region, consists of 12 districts classified A, B, C, and D.
5. The Sool Region comprises 21 districts, ranked A, C, and D.
6. The Saaxil Region (grades A, C, and D).

The administration of Somaliland has not altered the state structure, which was adopted from the British Protectorate and the Somali Republic under dictator Siyad Barre. In addition to the political autonomy enjoyed by Somaliland residents, the government's organizational framework fails to provide services to all Somaliland communities; this suggests that, except in Districts A, B, and C, there are no regional or community representations. Article 16 of Law 23 stipulates that the central government will designate the chairman, vice chairman, and general secretary of the region in addition to the elected members of the regional council. as stated in Article 111 of the Somaliland Constitution.

For the first 11 years following its 1991 independence restoration, Somaliland used this form.

B. Devolution administrative decentralization

The legislative Power transfer from a sovereign state's central government to subnational governance, including regional or municipal governance, is known as devolution administrative decentralization. BBC Academy (2019): It is a type of decentralization in administration. Higher levels of autonomy are granted to devolved territories by enabling them to enact laws pertinent to the region. Devolution: A Beginner's Guide (2019): According to Somaliland Law 23/2019, devolution is used in the administrative decentralization of the Somaliland government. The country is divided into regions and districts under the constitution and Law No. 23, but only district counsels specifically, those in A, B, and C districts are chosen to serve as their counsels. The regional authorities are nevertheless nominated by the national government.

On May 31, 2021, Somaliland hosts the local district council elections in conjunction with parliamentary elections nationwide, except in the Laas Qoray, Badhan, and Dhahar conflict

districts. Figure 2 shows the distribution of local council seats. These districts hold the A, B, and C rankings. Districts with a D ranking lack a local council.

No	District	TOTAL
1	Erigavo	13
2	Las Anod	13
3	Salahlay	9
4	Garadag	9
5	Oodweyne	11
6	Lughaya	9
7	Zeila	11
8	Baligubadle	9
9	Baki	9
10	Sheikh	9
11	Aynaba	9
12	Hudun	9
13	Taleh	9
14	Buhotle	11
15	El Afweyn	11
16	Borama	13
17	Burao	13
18	Berbera	13
19	Gabiley	13
20	Hargeisa	17
21	Las Khorey	Not Elected
22	Badan	Not Elected
23	Dhahar	Note Elected
	TOTAL	220

Figure 1. Districts voted their local councils (Source of SLNEC 2022)

There are 101 districts in the nation of Somaliland; subtracting the districts that held council elections yields 81 districts, including three Sanaag districts that are unable to hold council elections due to ongoing conflicts between the Puntland state of Somalia and Somaliland. The opportunity to choose their local council members is denied to the residents of each of those districts. This suggests that there are no local elected councils in 75% of the districts in Somaliland. This would prolong the poor quality of service that the majority of Somalilanders have experienced since their state's reunification in 1991.

Let's examine Uganda's devolution administrative denationalization process., separated the powers at various levels. Uganda is considered to have implemented " one of the developing world's most comprehensive local government reform initiatives," according to James and Francis (2003).

Whether an administrative region is rural or urban determines the type of local government organization that applies in Uganda. There are five tiers to the local government system: except

Kampala City, which has its special administrative structure created by the Kampala Capital City Authority Act of 2010. In rural areas, the village council (LC1) is at the lowest level, followed by the parish council (LC2), the sub-county council (LC3), the county council (LC4), and finally, the district council (LC5). In contrast, the village council (LC1), ward or parish council (LC2), municipal or town division (LC3), municipality (LC4), and district council (LC5/mayor) are the first in the hierarchy of urban districts.

W. UTomu, (2009). Complied with the different concepts of devolution and de-concentration based on international institutions and experts in the field. See Figure 1.

Table-I: Definition of decentralization / devolution and de-concentration

Source	Decentralization/Devolution	De-concentration
World Bank (1999, found in many internet sources)	Is the <i>transfer of authority and responsibility</i> for public functions from the central government to subordinate or quasi-independent government organizations and / or private sector.	Is the weakest form of decentralization – redistributes <i>decision making authority and financial responsibilities</i> among different levels of the national government.
UNDP (199:67)	Concerned with the <i>political</i> as well as the <i>economic</i> (and <i>administrative</i>) arguments.	Concerned mainly with the <i>administrative</i> rationale and to some extent with the <i>economic</i> arguments.
Hellmut Wollman (2007: 2-3)	Powers and functions (as well as resources) are assigned to <i>sub-national bodies and actors</i> that posses some political autonomy in their own right. It also know as <i>full municipalization</i> .	Administrative functions being done through the establishment of <i>regional or local "field offices"</i> (also known as <i>limited municipalization</i>).
Robertson Work (2002:6)	Refers to the <i>full transfer of responsibility, decision-making, resources and revenue generation</i> to a local level public authority that is autonomous and fully independent of the developing authority.	Can be seen as the <i>first step in a newly decentralizing</i> government to improve service delivery.
Hutchcroft (2001:30)	Involves a much more <i>extensive transfer</i> of decision-making authority and responsibility to <i>local government units</i> (commonly regions, provinces, and / or municipalities).	Involves an <i>intra-organizational transfer</i> of particular functions and workloads from the central government to <i>its regional or local offices</i> .

Figure 2: different concepts of deconcentration and devolution.

C. Delegation administrative decentralization:

The term "delegation" describes the transfer of political authority to autonomous or local organizations that report to but are not entirely within the jurisdiction of the federal government (Schneider, 2003: 38). This type of administrative decentralization is ineffective in Somaliland, where the Siilaanyo's regime assigns businesses to handle certain government functions that the government was unable to adequately administer.

Airport parking services, airport security services, and oil storage facilities are a few examples of these services. The President Bihi administration returned private authority to government agencies in the areas of oil storage facilities, airport parking, and airport security. Goobjoog, 2018.

2. POLITICAL DECENTRALIZATION

A decrease in national governments' power to make policy is known as political decentralization. This process is carried out through the implementation of reforms that either grant subnational levels of government some degree of significant decision-making autonomy or give people the ability to choose representatives at a lower level, such as municipal or regional ones (Spina, Nicholas, July 2013). Treisman Daniel (2007) Depending on the nation.

Decentralization, or the ability of the people to choose their representation, policies, services, and mode of governance, is a fundamental component of the logic of democratization. Ensuring sufficient mechanisms of accountability, openness, and responsiveness by all society players is crucial while developing decentralization methods. UNDP (1998)

Although its population is unable to exercise, Somaliland has delegated political and democratic issues to a lower level of its governmental system, in line with Article 22 of the Somaliland Constitution. Declares residents' political, economic, social, and electoral rights; this encouraged community involvement in the most recent elections, in which Somaliland's opposition unexpectedly prevailed in long-overdue local and parliamentary elections on May 31, 2021. The vote proceeded peacefully and was a significant turning point in Somaliland's democratic transition, even after years of delays. A vote on the speaker of parliament on August 3rd was also very simple. Crisis Group Africa (2021)

Article 22 of the Somaliland Constitution contains sub-articles that define the rights to politics, economy, society, and culture.

1. Under the laws and the Constitution, every citizen shall have the right to take part in political, economic, social, and cultural concerns.
2. The right to vote and to be elected (to a public office) belongs to every person who complies with the law.

Some political decentralization or political rights are also stated in Article 32 of the Somaliland

constitution, which reads as follows: " Freedom of the Press, Other Media, and Public Protest and Opinion Expression." This decentralization of politics

The six primary processes mobilization, organization, articulation, participation, contestation, and aggregation of interests that are carried out by all political systems have varying geographic ranges. This perspective defines decentralized political systems as those that exhibit extensive local exercise of these functions, at least in part autonomous from those at the national level (Fox and Aranda, 1996; Schneider, 2003). Treisman (2002) defines electoral decentralization as " the percentage of tiers where executives (or legislators who select an executive from among them) are chosen through direct elections." about this problem (p. 11). Based on the high voter turnout in the most recent election, which took place on May 31, 2021, Somaliland has a high degree of political decentralization. Africa Crisis Group (2021)

No	District	Parties			TOTAL
		UCID	Kulmiye	Waddani	
1	Erigavo	2	5	6	13
2	Las Anod	3	5	5	13
3	Salahlay	3	4	2	9
4	Garadag	2	4	3	9
5	Oodweyne	1	4	6	11
6	Lughaya	2	5	2	9
7	Zeila	3	4	4	11
8	Baligubadle	2	4	3	9
9	Baki	1	3	5	9
10	Sheikh	3	3	3	9
11	Aynaba	3	4	2	9
12	Hudun	0	7	2	9
13	Taleh	0	6	3	9
14	Buhotle	2	4	5	11
15	El Afweyn	3	5	3	11
16	Borama	3	5	5	13
17	Burao	4	4	5	13
18	Berbera	3	6	4	13
19	Gabiley	4	5	4	13
20	Hargeisa	4	6	7	17
21	Las Khorey	No elections were held (disputed with Puntland)			
22	Dhahar	No elections were held (disputed with Puntland)			
23	Badhan	No elections were held (disputed with Puntland)			
TOTAL		48	93	79	220

Figure 3: Local Government Elections 2021

Every ten years, Somaliland has three political parties, yet occasionally, due to political disputes between the government and political parties, they manage their operations for longer than ten years. The political parties won various local councils in 21 districts with grades of A, B, and C in the 2021 elections. 93 local councilors are part of the ruling Kulmiya party in the Somaliland region. With the largest opposition party having 79 local councilors and the UCID party having 49 local councilors, Somaliland has 202 total elected councilors. The fact that just three seats were elected by women in the 2021 Somaliland local elections is another issue that you can comprehend. The men are dominating the nation more and more and that there are huge cultural barriers against women. Abdulkarim Ahmed Moge the current mayor of the capital city of Somaliland Hargeisa, got the most votes out of all candidates in Hargeisa and Somaliland. He is from the largest opposition party in Somaliland Waddani.

Since the last parliamentary election in 2005, the Somaliland elections have been provisionally scheduled and repeatedly postponed. Before the NEC announced that the vote could not take place that year, it was originally slated for March and then August 2019. The NEC decided to conduct an election in May 2021 in response to lobbying from all three parties in 2020.

On May 31, 2021, local district elections were held in Somaliland concurrently with parliamentary elections. As the country held its first parliamentary election since 2005, parties cited the results as proof of Somaliland's political stability. 246 candidates were submitted by three parties to fight for 82 seats in the House of Representatives: the incumbent liberal Kulmiye Peace, Unity, and Development Party, the center-left Justice and Welfare Party (UCID), and the populist Somaliland National Party (Waddani). Out of the approximately four million residents, over a million registered to vote. The National Election Commission (NEC) said on June 6 that Waddani had won a majority of seats, with 31; Kulmiye had received 30, and UCID had garnered 21. Since no party had secured a clear majority, Waddani and UCID declared they united in politics. Stebach, Adèle (31 May 2021)

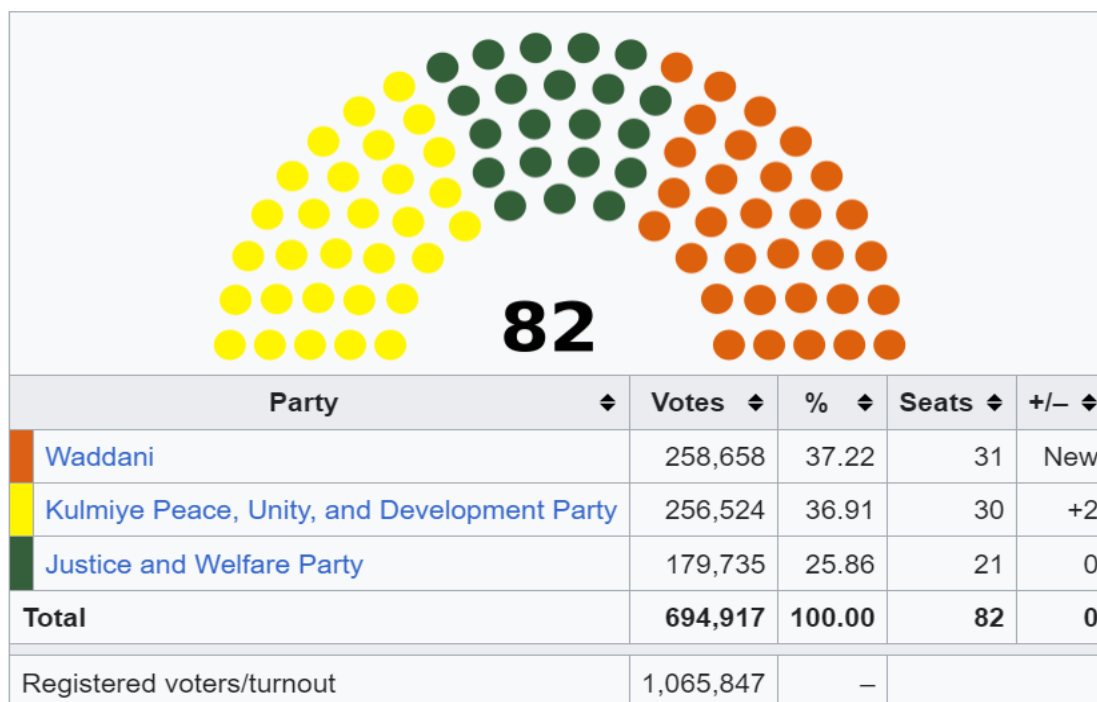


Figure 4: Somaliland voters and seats of parliament (Source SLNEC 2022)

The graphic below will clearly illustrate the allocation of seats and the regional popular vote for each party, in addition to the overall number of voters and citizens' ballots throughout entire countries. In Somaliland, there isn't a single female among the 82 members of the parliament. Barkhad Jama Batun, who garnered one of the Maroodijex region seats, became the first member of parliament to be elected in a poll with over 20,000 votes.

Party name	Awdal	Sahil	Marodi Jeh	Togdheer	Sanaag	Sool	Total
Waddani	Seats: 5	3	7	7	5	4	31
	Vote: 37.43%	28.51%	37.59%	43.23%	37.98%	30.58%	37.22%
Kulmiye	Seats: 5	4	8	4	4	5	30
	Vote: 41.33%	40.39%	38.04%	29.87%	32.85%	42.55%	36.91%
UCID	Seats: 3	3	5	4	3	3	21
	Vote: 21.24%	31.11%	24.36%	26.91%	29.17%	26.86%	25.86%

Figure 5: Seating arrangements and popular votes by party and region (Source SLNEC)

3. FISCAL DECENTRALIZATION

"The extent to which Governments allocate a certain amount of budgetary authority to non-central government bodies, giving them the power to control and manage funds." is known as

fiscal decentralization (Schneider, 2003, p. 33). A more precise definition can be obtained by highlighting the fact that, when viewed through a wider economic lens, state rescaling encompasses four primary functions: regulation, financing, administration, and service provision (Philip, 1954).

The foundation of any reform to the public sector that is truly supportive of the decentralization process is the establishment of efficient and transparent financial management. A system for decentralized financial management should have the following fundamental features: (a) transparency of allocation (c) Local decision-making authority over resource use; and (b) consistency of the amounts accessible to local institutions. The distribution of funds ought to follow open and transparent procedures, as opposed to the common practice of ad hoc awards motivated by politics. Furthermore, in contrast to the often-unpredictable nature of most central-to-local transfer mechanisms found in developing nations, the procedure ought to give local institutions a heads-up on the amount of funds that will be available for the upcoming multiyear planning frame. This elevates local. In addition to making strategic planning feasible, this funding ceiling gives local communities the freedom to decide for themselves how best to spend their scarce resources. U.N. (UNDP 1996 and DDSMS 1996).

Law No. 23/2019, Article 87, specified the Revenue. This article grants subnational organizations or local governments the ability to collect taxes inside their borders. Six subsections in this article provide a detailed explanation of local government revenue or fiscal decentralization. According to sub-article 1, local council revenues consist of A. District council revenue. B. revenue from the owner; and C. fiscal transfer between governments D. Debts related to Aid E or other financial support. The way local governments assumed the loans is outlined in Article 90 Law No. 23/2019. The constitution says that local governments should handle basic services, but the central government has been doing most of it because of money issues and the fact that local governments aren't as good at it. In Somaliland, the constitution lays out how the government is set up in different areas, but the rules about changing district boundaries haven't been followed like they're supposed to.

23 districts with grades A, B, and C are called electoral districts because their district council is chosen through a democratic vote. The grade D districts, on the other hand, are independent but still connected to their parent district (A, B, or C) when it comes to elections. They have control over taxes and management, but they are part of the main district during voting. These smaller districts struggle to cover expenses and provide social services due to their limited economic resources, which leads to high administrative costs. The new local government law suggests that these grade D districts should only be approved after a positive assessment and clear border demarcations.

The adoption of the 12.5% customs duty subsidy for local governments in Somaliland dates back to the early years of state development when checkpoints collecting taxes were located in nearly every region. Following the removal of these checkpoints, a decision was made to budget this proportion and allocate it to local governments by the evaluation that was made at the time based on the many trucks that were being transported to each local government. Law 12/2000 at the time specified only seven districts and their corresponding percentages for this allocation: Hargeisa (51.26%), Burao (21.39%), Gabiley (9.87%), Borama (9.86%), Sheikh (3.75%), Seyla (2.18%), Baki (1.69%). However, these allocations underwent modifications by various Interior Ministers. Abdiwahab Ali and Khalid Ahmed (2020)

In JPLG, they have programs like education and health services that are spread out across different areas, and projects funded by the Local Development Fund. These projects are mostly focused on electoral districts, including the new ones that have recently separated. Sometimes, the mayors of these districts don't pay much attention to the rural areas where the break-away districts are located because they see themselves as independent and don't collect taxes since they were appointed by the ministry.

4. MARKET AND ECONOMY DECENTRALIZATION

The term "market decentralization" describes the privatization or deregulation of private functions by the government, as was the case with the forest sector in New Zealand. (World Bank 2000; see Gregersen et al. for more) In addition to stating the Regional and District Councils, Somaliland Constitution Article 111 also makes clear the decentralization of the market and economy in Sub-Article 4. It declares that district and regional councils shall, notwithstanding the existence of regional councils chosen by the people, have the authority to organize their economic and social affairs.

Market and economic decentralization come in two flavors:

I. Privatization

The term "market decentralization" describes the privatization or deregulation of private functions by the government, as was the case with the forest sector in New Zealand. (World Bank 2000; see Gregersen et al. for more) In addition to stating the Regional and District Councils, Somaliland Constitution Article 111 also makes clear the decentralization of the market and economy in Sub-Article 4. It declares that district and regional councils shall, notwithstanding the existence of regional councils chosen by the people, have the authority to organize their economic and social affairs. Market and economic decentralization come in two flavors:

Somaliland privatized a variety of organizations and businesses, including the energy, health, education, and telecommunications sectors. The private sector controls the majority of such industries; at the moment, the government of Somaliland is having difficulty precisely collecting taxes from these businesses due to the technological technology these businesses use.

II. Deregulation

Deregulation is the process of reducing or doing away with government authority in a certain industry; it is typically implemented to increase industry competition. The conflict between proponents of government nonintervention and regulation has changed the nature of the market over time. In the past, the financial sector has been among the most closely examined in the US. Deregulation proponents contend that burdensome regulations hurt rather than aid the economy by limiting investment opportunities and stifling economic progress. In fact, until the 1929 stock market crash and the ensuing Great Depression, the American financial industry was not subject to extensive regulation. Franklin D. Roosevelt's presidential administration passed numerous financial regulations, including the Securities Exchange Acts of 1933, in reaction to the biggest financial crisis in the nation's history. 3 and 1934 as well as the 1933 U.S. Banking Act, also referred to as the Glass-Steagall Act. United States Securities and Exchange Commission. D.C., Washington, 2000. Since the 2001 vote, Somaliland has not amended its constitution or added new laws to enhance privatization; neither large foreign investors nor multinational corporations (MNCs) have any influence over Somaliland's legal system.

5. CONCLUSION

Different levels of decentralization of authority exist globally and in sub-Saharan Africa. Some nations continue to practice decentralization administrative, which is the weakest type of decentralization and prevents citizens from exercising their political rights. These nations also oppose market decentralization. Despite having some of the poorest administrative decentralization among those nations, Somaliland has been a unitary democratic state for the past thirty years. This suggests that the region of the states (not elected governors), districts especially those in grades A, B, and C are elected their councils but D-ranked districts and villages do not enjoy their political rights, the chairman of districts through consultation with villagers appointed the chairman of villages. The advancement of civilization is not supported by this design. This paper looks at all the issues related to Somaliland's decentralization inclusive administrative decentralization with its types, fiscal, political, market, and economic decentralization

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