

WORKING PAPER
Volume **2009** Number **316**

Recreating Political Order: The Somali Systems Today

David K. Leonard
January 2009



CENTRE FOR THE
FUTURE STATE



Institute of
Development Studies

About IDS

The Institute of Development Studies is one of the world's leading organisations for research, teaching and communications on international development. Founded in 1966, the Institute enjoys an international reputation based on the quality of its work and the rigour with which it applies academic skills to real world challenges. Its purpose is to understand and explain the world, and to try to change it – to influence as well as to inform.

IDS hosts five dynamic research programmes, five popular postgraduate courses, and a family of world-class web-based knowledge services. These three spheres are integrated in a unique combination – as a development knowledge hub, IDS is connected into and is a convenor of networks throughout the world.

The Institute is home to approximately 80 researchers, 50 knowledge services staff, 50 support staff and about 150 students at any one time. But the IDS community extends far beyond, encompassing an extensive network of partners, former staff and students across the development community worldwide.



For further information on IDS publications and for a free catalogue, contact:
IDS Communication Unit
Institute of Development Studies
at the University of Sussex
Brighton BN1 9RE, UK

Tel: +44 (0) 1273 915637
Fax: +44 (0) 1273 621202
E-mail: bookshop@ids.ac.uk
Web: www.ids.ac.uk/ids/bookshop

IDS is a charitable company, limited by guarantee and registered in England (No. 877338).

IDS WORKING PAPER 316

Recreating Political Order: The Somali Systems Today

David K. Leonard
January 2009

Recreating Political Order: The Somali Systems Today
David K. Leonard
IDS Working Paper 316

First published by the Institute of Development Studies in January 2009
© Institute of Development Studies 2009
ISSN: 1353 6141 ISBN: 978 1 85864 571 9

A catalogue record for this publication is available from the British Library.

All rights reserved. Reproduction, copy, transmission, or translation of any part of this publication may be made only under the following conditions:

- with the prior permission of the publisher; or
- with a licence from the Copyright Licensing Agency Ltd., 90 Tottenham Court Road, London W1P 9HE, UK, or from another national licensing agency; or
- under the terms set out below.

This publication is copyright, but may be reproduced by any method without fee for teaching or non-profit purposes, but not for resale. Formal permission is required for all such uses, but normally will be granted immediately. For copying in any other circumstances, or for re-use in other publications, or for translation or adaptation, prior written permission must be obtained from the publisher and a fee may be payable.

Available from:
Communications Unit
Institute of Development Studies
at the University of Sussex
Brighton BN1 9RE, UK
Tel: +44 (0) 1273 915637
Fax: +44 (0) 1273 621202
E-mail: bookshop@ids.ac.uk
Web: www.ids.ac.uk/ids/bookshop

Typeset by IDS, Brighton UK. Printed by RPM Print & Design, Chichester UK.
IDS is a charitable company limited by guarantee and registered in England (No. 877338).

Recreating Political Order: The Somali Systems Today

David K. Leonard

Summary

The Somali pastoral system of production covers at least six political entities. Three of the formal ones are within the borders of the former Republic of Somalia and do not meet the full definition of states. Despite the warfare that has often engulfed the former Somalia, it is a mistake to think of the three political entities that occupy it as necessarily or wholly anarchic. Lineage institutions have survived from the colonial era and been resurrected to provide venues for negotiation, consensus-building and the reduction of interpersonal violence, even if not the authoritative imposition of decisions upon groups of the unwilling. After 17 years of centrality to the continuity of Somali governance and the recreation of quasi-state political authorities, however, these lineage institutions are showing signs of stress. As their great influence came to be recognised they were penetrated by patronage and used by warlords to prosecute sub-clan warfare. They no longer are able to provide consensus representation even in the peaceful political systems of Somaliland and Puntland. Somalis therefore have experimented with new political institutions that could provide a greater basis for cross-clan action and authoritative decision-making – regional nationalism and democracy in Somaliland and Islamic *sheria* in all the territories but especially by the now-deposed (but far from dead) Union of Islamic Courts. Indeed *sheria* now is a central, unifying ideology throughout the Somalis, even if there is conflict over its interpretation and the instrumentalities through which it will be enforced. Somali governmental processes thus are present, but weak in their ability to impose decisions and to project their authority into the rural areas. There are public goods that Somalis need which only states can provide. But the transformation of traditional order in the warlord conflicts of the last 17 years will make such states difficult to create.

Keywords: Somalia; Somaliland; social contract; clan; *sheria*; statelessness.

David Leonard is a Professorial Fellow in the Governance Team at IDS. Before coming to IDS he was Dean of International and Area Studies and Professor of Political Science at the University of California, Berkeley. Leonard has spent his career, dating back to 1963, working on governance issues in sub-Saharan Africa. He has lived for over a dozen years in four African countries and done short-term work in another 17. His graduate teaching and supervision of doctoral candidates (of which he has had over 60) have covered governance issues in the whole of the developing world. The theme underlying most of his work has been methods of improving the delivery of public services in the rural areas of Africa, both directly through managerial and policy reform and indirectly through partnerships with private actors. He has contributed to organisation theory, the New Institutional Economics, and comparative politics and administration (including decentralisation).

Leonard's books include:

2003 and Scott Straus, *Africa's Stalled Development: International Causes and Cures*, Boulder: Lynne Rienner Publisher

2000 (ed.) *Africa's Changing Markets for Health and Veterinary Services: The New Institutional Issues*, London: Macmillan

1991 *African Successes: Four Public Managers of Kenyan Rural Development*, Berkeley: University of California Press

Contents

| | |
|--|-----------|
| Summary, keywords | 3 |
| Author note | 4 |
| Acknowledgements | 6 |
| Abbreviations | 6 |
| 1 Introduction | 7 |
| 2 The political systems of the former Republic of Somalia | 7 |
| 3 How is everyday order created in chaos? | 9 |
| 4 Key Somali political actors | 12 |
| 4.1 Clans | 12 |
| 4.2 Warlords | 14 |
| 4.3 Rootless young soldiers | 14 |
| 4.4 Traders | 15 |
| 4.5 Diaspora | 17 |
| 4.6 Islam | 17 |
| 5 Creating order and states | 19 |
| References | 21 |

Acknowledgements

This paper is published by the Development Research Centre for the Future State, a project funded by the Department of International Development (DFID) UK, and based at the Institute of Development Studies UK. Since 2000, the Future State DRC has been working together with a number of international partnerships through research institutes in various countries. The main focus of the Future State DRC is to help reduce poverty, promote development and increase the rate of economic growth by helping to increase state capacity, i.e. by making public authority more effective, more accountable and more responsive.

For further information please visit: www.ids.ac.uk/futurestate/

Abbreviations

| | |
|------|--|
| FAO | Food and Agriculture Organization |
| FN | Field Notes |
| ICG | International Crisis Group |
| IGAD | Intergovernmental Authority on Development |
| LPI | Livestock Policy Initiative |
| NGO | Non-governmental Organisation |
| TFG | Transitional Federal Government [of Somalia] |
| UIC | Union of Islamic Courts |
| WSP | War-torn Societies Project |

1 Introduction

The territories of the former Republic of Somalia have been subject to disorder and uncertainty for over 15 years, leaving social scientists and actors alike scrambling for models to understand and predict what is happening. Outside observers all too frequently bring to the Somalis not only Western expectations about the functioning of state and society but Western philosophical baggage about the state as well. It is surprising how often even journalists and aid workers cite the seventeenth century proposition of Thomas Hobbes that without the state, there is war 'of every man against every man' and life is 'nasty, brutish and short' (1651: Ch. 13). The current political systems of the Somalis provide us with an unusual opportunity to re-explore the meaning of statelessness and social contracts and to rid ourselves of outmoded assumptions.

2 The political systems of the former Republic of Somalia

At least six political entities contain citizens of Somali ethnicity – the Transitional Federal Government of Somalia (TFG), Puntland (which nominally acknowledges the TFG but effectively sets its own policies), Somaliland (whose claim of sovereignty has not been recognised internationally), Djibouti (which includes people of Afar as well as Somali ethnicity), Region V of Ethiopia (the 'Somali National Regional State'), and the North-Eastern Province of Kenya. In addition, the Union of Islamic Courts, which was overthrown by Ethiopia on behalf of the TFG, remains a significant contestant for sovereignty. Since Somali herders and traders move constantly across the boundaries of these entities, there is significant economic and social continuity across these units, often making it useful to consider them collectively, not just discretely.¹

In this paper we will focus on the political economy of the four political systems that occupied the territory of the former Republic of Somalia in late 2006, but it will place that analysis in the context of the larger set of states that govern the Somali people. The paper is based on a month of fieldwork and on extensive consultation of relevant publications and documents. Over 40 interviews were conducted. The names of those interviewed are not given, as the political situation in the area makes confidentiality essential. Unfortunately, at the time the field research was undertaken the military conflict in the south of Somalia made it impossible for me

1 This paper grew out of research done in 2006 by me for the FAO and IGAD Livestock Policy Initiative. Of course the designations employed and the presentation of material in this article do not imply the expression of any opinion whatsoever on the part of either the Food and Agriculture Organization of the United Nations or the Inter-Governmental Authority on Development concerning the legal status of any country, territory, city or area or its authorities concerning the delimitations of its frontiers or boundaries. Similarly, the opinions expressed in this article are solely my own and do not constitute in any way the position of the FAO, IGAD, the Livestock Policy Initiative nor the governments studied. I am grateful for comments made on an earlier draft by Mick Moore and Nelson Kasfir.

to do work there and I was confined to Somaliland and Puntland. However, in the 1980s I had consulted in the Bay Region and Mogadishu, so I am not unfamiliar with that area and I also interviewed Somalis in Nairobi who are active there. Further, I was very fortunate to be able to draw on the publications of the War-torn Societies Project International (WSP 2001, 2004, 2005) which are based on a very extensive set of consultations it conducted in Puntland, Somaliland and to a lesser extent elsewhere in the former Republic of Somalia.

Somalia has not met the standard text-book definition of statehood since President Siad Barre fled the country in 1991 (Pérouse de Monclos 2001). Max Weber defined a state as an organisation that is able to exercise a monopoly over the legitimate exercise of force within defined territorial boundaries (1947: 156); and over the last 17 years no claimant to the mantle of succession in the domain of the Republic of Somalia has met those criteria. Instead the territory has been dominated by fragmentation and conflict, largely based on allegiances to clans, warlords and sometimes religion. Most of the country had been controlled by clan-affiliated warlords and their privately financed militias, who were backed by individual big businessmen and fought one another for control of the places from which they could extract economic rents (Lewis 2002). Somaliland, in the north-west of what was Somalia, declared itself independent in 1991 (WSP 2005: 14), has the organisational structure of a state in Awdal, Woqooyi Galbeed, and Togdheer Regions but is still contesting sovereignty over Sool and Sanaag in its east with Puntland and as yet has not been able to conduct elections there (see WSP 2004: 22; FNs 39 and 96).² In fact armed conflict over this contested territory broke out again in late 2007. Puntland is in the northeast and established a weak governmental structure in 1998 (WSP 2001: 11). It has reasonable control of Bari and Nugaal Regions but in late 2006 was fighting the Union of Islamic Courts (UIC) to retain control of Galkayo and the territory to its south in Mudug. At that time the UIC controlled Mogadishu and had expanded its control to the coastal southern areas of the country, but it had yet to create an organisational apparatus for state functions beyond its military and the Islamic courts. The Transitional Federal Government (TFG) was formed out of negotiations in Kenya in 2004 (WSP 2004: 2) and Ethiopia displaced the UIC on its behalf in January 2007. Nominally the TFG holds the allegiance of all of the former Republic of Somalia, save Somaliland. In practice it is little more than a group of former warlords and their delegates sitting as ministers. In late 2006 it controlled only the territory around Baidoa (Baydhabo, Bay Region), and Puntland backed it. It now has formal control of all the south but forces associated with the UIC and others contest its authority, particularly in Mogadishu (Muqdisho) and Kismaayo (OCHA 2007).

It is unlikely that the particular victor in the grand geopolitical contest over sovereignty in the former Republic of Somalia matters very much for the welfare of most Somali. Obviously peace would be hugely positive and in that sense it matters whether or not the 'grand game' reaches a final, stable solution. As and when stable state structures emerge to govern the Somalis, the transaction costs

2 FN designates the page number in the author's field notes of confidential interviews.

and risks of engaging in livestock trade, which is fundamental to Somali incomes, will diminish quite significantly and the conditions for the small amount of Somali crop production will improve (FN: 5, 13, 20, 33). All the contending entities offer such a peace benefit, however.

Furthermore, most of the territories occupied by Somalis are arid or semi-arid. Only in the area between the Juba and Shebelle Rivers in the south of Somalia do they engage in substantial amounts of sedentary agriculture. The Somali livestock production system is overwhelmingly transhumant, with herders moving their stock to access seasonal pastures and water points. Because the nature of these resources varies from year to year, as does the need for them, and because they are left unoccupied for substantial periods between uses, conflicts over access to them are common and sometimes deadly. While a herder is away, lands he is accustomed to using may be occupied by other herders or farmers and in a bad year it may be a matter of life or death whether or not he is able to reclaim them (Devereux 2006: 11, 15, 106–10). When it comes to stopping violent conflict over water and grazing on the savannah, none of the contenders for power are likely to be able to deliver dramatic changes, for neither the colonial powers in the past nor Kenya in the present (whose ‘stateness’ is unquestioned) established an effective monopoly of force in the pastoral hinterland.

It is true that the status of the ‘grand game’ at any given point does matter greatly for diplomacy and for the security of many international actors. Here we will pass over these macro-political matters, however, and focus instead on the issues of governance at the domestic level that exist today and will persist into the future, no matter who wins. What are the underlying social structures and the problems facing daily life, production and trade? How has order been maintained, production pursued and trade conducted in this chaotic setting?

3 How is ‘everyday order’ created in ‘chaos’?

It is an error to conclude that just because the Republic of Somalia is no longer functioning and because there are warlords and various types of factions in control of much of its territory, that anarchy therefore reigns. In industrialised states there are very few governance institutions between the individual and the state, so that in them the collapse of the state really does threaten anarchy. But in Somalia the reach of the state was never complete and governance institutions that pre-existed it have continued to persist or have been resurrected in the last 17 years. These ‘traditional’ institutions have been stressed by the persistence of violent conflict in much of the territory the Somali people occupy. But they continue to provide a powerful frame for human behaviour. As Manor (2007: 3–15) and his colleagues have found, even in fragile states surprising levels of constructive local potential survive conflict. Local institutions may be damaged by conflict but they do better than national ones. No new state entity ever creates its governing institutions from a *tablula rasa*; it must instead respond not only to patterns of individual interests but also to persisting structures of non-state

governance as well. If we are to understand the political economy of the present and future political entities of the Somalis, these persistent structures must be presented, analysed and weighted.

Journalists often cite Thomas Hobbes in discussing Somalia. Hobbes assumed that the universal (cross-cultural) and primary (coming before all others) motive of human beings is personal survival. But this fundamental assumption of his analysis was philosophically, not empirically rooted. It was derived and modified from the work of Grotius (Tuck 1989: 68–74). Rousseau, challenged the Hobbesian axiom, by insisting that it was too individualistic (Rousseau 1992 [1755], 2001 [1762]; Wokler 2001: 54, 56, 74; O'Hagen 1999: 101). Rousseau followed Aristotle in asserting that sociability is fundamental to humanity as well, that the generation of wealth requires collective, not just individual activity, and that humans have a natural propensity for empathy toward others when it doesn't conflict with their direct self-interests.

Evans-Pritchard's monograph on the *Nuer* did provide colonial-era data on behaviour in a stateless society. Contrary to the Hobbesian expectation he did not find a 'war of all against all'. This classic piece of social anthropology concludes that pervasive inter-group conflict among the Nuer is avoided through the negotiating prowess and religious authority of the 'leopard skin chiefs' (1940). Robert Bates has provided a reinterpretation of the Evans-Pritchard data and asserts that order instead is provided by the mutual deterrence of 'tit-for-tat' retaliatory behaviour by kinship groups (1983: Ch 1).

We also have the observations of I.M. Lewis in *A Pastoral Democracy* (1999 [1961]: 6, 28, 163, 168–70, 228–32) on statelessness among the Somali in colonial British Somaliland. His research doesn't fit either Hobbes or Rousseau perfectly: – the state probably does protect urban dwellers from violence better than other forms of political organisation, but neither colonial nor contemporary states in the Greater Horn of Africa have done an adequate job of protecting pastoralists in the savannah. In the absence of effective security from states, Somalis have not engaged in a 'war of all against all' but instead have sought protection from kinship groups. Lewis's findings are less optimistic than those of Evans-Pritchard (even though he was taught by him), nor do they confirm Bates' thesis about the universal efficacy of tit-for-tat retaliation as a solution to inter-group conflict. According to Lewis the payment of 'blood money' by Somali dia-paying groups³ may prevent the escalation of conflict, when that is what most of the segmentary lineage wants instead of revenge. But it doesn't stop the existence of considerable inter-personal violence in the system nor the callous disregard by dominant lineages of 'blood money' demands from weaker ones.

We shortly will see that clan groups emerged as the building blocks for re-negotiating civil order in Somaliland and Puntland. But we also will see, finally, that as the power of clan groups was recognised they came to be subverted by warlords and businessmen, thereby demanding a new level and form of organisation for creating security.

3 About which we will say more below.

People in the absence of the state and civil order do *not* seek to maximise their personal chances of survival or of individual wealth. Childless young men, who should be most self-interested, are the least cautious about their own lives and seem to be highly oriented toward their immediate social groups in their fighting and material accumulation strategies. Military sociologists have long told us that soldiers do not risk their lives for God (an abstract ideology), country (another social abstraction) or glory, but out of solidarity with, and to maintain the respect of, their peers in their immediate fighting units. Similarly sociologists and anthropologists studying Africa tell us that people seek wealth, at least in the first instance, in order to meet the social obligations to their kin that they accumulated while growing up and that they subsequently use it to purchase status in their communities (Marie 1997: 416; Berry 1993).

Thus wealth is not particularly valuable in its own right but instead is an instrument for extending, consolidating and gaining status within one's social network. And survival, which certainly is highly valued, will often be put at risk for the sake of this same network. Indeed, in most of the developing world and certainly in Africa, the kinship group and locality are not in conflict with personal survival but are seen as the basic units through which it is achieved (Elias in Marie 1997: 415).

The question, then, is what is the fundamental character of the social network to which Somalis owe their allegiance under conditions of great stress. Are we looking at something like Richard Dawkins's *Selfish Gene* (1976), in which human behaviour at the extremes is designed to assure the survival and prosperity of those most like ourselves genetically? Or do humans socially construct the groups to which they pledge 'their lives and their sacred honor'? The general evidence tends toward 'social construction' of identity, but under conditions of considerable stress, when survival is most threatened, the *metaphor* (although most often not the strict substance) of the 'selfish gene' seems to be operative.

The large literature on race and ethnicity, not to speak of nationality, demonstrates that these superficially 'genetic' identities are as much or more cultural than biological constructs. They are artificial creations and do not need to have even an ostensible genetic root, as we can see in many forms of religious and other ideological convictions (Fearon and Laitin 2000). On the other hand, as we have witnessed the dramatic breakdown of social order in many places in the last century, it is striking that most often the 'reversion' unit for survival and coping is the extended family or the neighbourhood. In Somalia the structures of intra- and inter-clan governance had been seriously eroded by Italian colonialism (less so by British) (Huiliaras 2002: 158). They seemed to survive largely as 'socially constructed' identities – real in their social consequences but for a great many Somalis in the south of the country, lacking very much in social structure. Nonetheless when the Somali state collapsed and people were threatened with lives that were 'nasty, brutish and short' (as Hobbes would have it) the entire segmentary lineage system of clan governance sprung back into life and became the fundamental organising principle for attempts at civil order.

The preceding thesis of reversion under great stress to the social Darwinian evolutionary principle of struggle to perpetuate the 'gene pool' must be qualified, however. First, even a segmentary lineage system (one which builds units of

loyalty outward from the nuclear family on the basis of degree of biological relationship) is *socially* constructed in Somalia, for it is based on only *patrilineal* descent. Since Africa also has matrilineal descent systems (e.g., southern Ghana) it is clear that this way of defining and qualifying lineage is a product of culture, not just biology. The family as a motivating force thus seems to be more of a metaphor (Lakoff 2002) and thus a socially constructed ideology for motivating behaviour, with a powerful but only loose association with the instinct to protect one's kin. For example, Bernhard Helander asserts that a majority of the Hubeer clan in the inter-riverine area of southern Somalia probably are members by adoption, not descent, but that this does not alter their adherence to the clan (in Besteman and Cassanelli 1996: 50–1).

4 Key Somali political actors

4.1 Clans

The Somali segmentary lineage system is based on various breaks in the line of male descent. Somalis can trace their patrilineal line for up to 30 generations. The broadest lineage grouping is the clan family, which has symbolic and political significance but no organisation. One progresses to ever-smaller groupings – the clan, the sub-clan, the sub-sub-clan and finally the dia-paying group. The last is the subordinate and contractual part of the sub-sub-clan that handles claims for and payment of compensation for injuries. I.M Lewis provides the classic and authoritative description of the social functioning of these lineage groups in Somalia and there is no need to reproduce his account here (1999 [1961]).

There is frequent reference to the 'clan elders' in Somali politics but the meaning of the term varies by level. At the dia-paying level it simply denotes the collection of adult male members. At clan level it designates an *ugas*, 'sultan', or other hereditary, more-or-less honorary leader, who rarely plays a political role. In between would be people, such as a *nabadoon* in the south or a *beeldaajie* in Puntland, selected by the community to negotiate peace between lineage groups, to administer customary law (*xeer*), and to preside over the assembly of elders. Again, this type of role is facilitative rather than authoritative. Unless their standing has been eroded by too partisan a role in politics, these positions usually have enough influence to enforce judgements. But this is due to persuasion and legitimacy, not control of force (FN: 76).

Technically all adult *males* have the right of participation at any level of lineage assembly. Beyond this level of 'universal suffrage', 'clan elders' is a loose term connoting those who command respect in their communities and have been suggested to represent the lineage in some kind of representative function. They need not reside in the community proper and might even be self-made businessmen or from the diaspora (FN: 76).

A system of governance organised around segmentary lineage provides a social structure for negotiating relationships and social contracts (*xeer*) among groups, (although it has its limits) (Brons 2001: 120; Farah and Lewis 1997: 353; WSP

2005: 51). It can give relationships regularity and reduce violence by creating structures of deterrence. Commerce does extraordinarily well, using the clan system and Islamic *sheria* courts with agility to build trust and enforceable contracts (even across clans) (FN: 33, 51).

Furthermore, in Somaliland and then in Puntland the end of civil war and the creation of new constitutions were negotiated through clans. The clan elders in the sense of representatives and conciliators (the *guurti*) are responsible for the success of Somaliland today. They sold the idea of disarmament to the key clans and negotiated the representation of other clans. They play a similar but lesser role in Puntland. In circumstances in which it was very difficult and divisive to hold elections, legislative representatives in both authorities were designated in clan proceedings. The dominant lower house in Somaliland moved on in 2005 to representatives elected directly by the citizenry but in Puntland clan representation is still used (FN: 52, 77–8, 95).

As we contemplate the social contracts negotiated in the *guurti* by the clans in the northern Somali polities, we should note that these are different from the ones hypothesised by Hobbes (or even Rousseau). They were contracts among groups, not individuals, and thus differ from the philosophical foundations of the western liberal state (Lucy 2007: 20). This feature that order and the social contract is created by kinship or locality groups is shared by the Nuer (Evans-Prichard 1940; Bates 1983) and may be general, then, to stateless societies.

Nonetheless, the clans are weak at *imposing* order, despite their importance, especially on those who are willing to ignore or abuse the system. Among the Somali all adult males participate in the base level of clan deliberations and decisions are made by consensus. Even where the clan structures are strong, as in the north, north-east and Belet Weyne, it is difficult to impose burdens for the collective good that do not command nearly universal consent. And, of course, clan governance is a weak instrument for dealing with supra-clan problems.

Especially in the south, as the political significance of clan institutions has become clear, they have been penetrated by the patronage of warlords and big businessmen, thus harming their integrity and effectiveness. Thus the authority of southern clan elders has been eroded by their being co-opted into partisan political combat (FN: 45, 78). Some believe that the clans were manipulated and bought in the creation of the TFG, compromising the legitimacy of the latter. On the southern coast clans were able to do no more than create truces between warlords and have shown limited ability to resist either the warlords or the Islamists.

In the north and northeast legislative representatives had been nominated from the sub-sub clan, highly contested and then selected at a higher, senior elder level. This is still true for Puntland and the TFG. In Somaliland the selection of legislative representatives has moved from sub-clan consensus to citizen secret ballot, and in doing so the coherence of the lineages has weakened. Individuals from different parties represent the same clan in the lower house in Somaliland elected in 2005. Although there certainly is an element of clan underlying political allegiances, the parties in the legislature are mixed by clan, demonstrating that the clans as *bodies of collective decision-making* now have diminished

significance (Abokor and Kibble 2006: 9–21; FN: 52–3, 77–8, 98). From this we can conclude that clan elders can be highly effective at conciliation and at representation on issues that are not internally divisive, but that the effectiveness of the institution breaks down if it is used for partisan competition or to impose (rather than negotiate) settlements. Clan elders can help to negotiate consensus on issues of common interest but they don't act by majority rule and they can't impose a decision on an organised group.

4.2 Warlords

A variety of clans and parties were instrumental in the overthrow of Siad Barre in 1991. The militias they formed were not a unified force and once Barre had fled they fell to fighting with one another for control of territory and revenues. The most valuable terrain was and is that which contains the major ports, for the most important tax revenues in Somalia always came from duties on imports and exports. In addition those who controlled a port could determine who was able to trade through it and gain commercial advantage in the markets it served. Thus many of the warlords were financed by important businessmen (WSP 2004: 10).

Tragically, the material interests of the warlords and their business partners were better served by the collection of 'economic rents' than by enhancing the productivity of the general population. In Somaliland the local military leaders in the overthrow of Barre (even if they were clan-based) handed over rule to a civilian government after the Burao meeting of the region's elders, intellectuals and politicians in order to declare the secession of Somaliland from the Somali Republic. In Puntland the warlords at least were able to gain enough control to assure peace to those who inhabited and used their territory. But in the south and particularly in Mogadishu, control and thus peace have been elusive.

4.3 Rootless young soldiers

After a decade and a half of civil war it should come as no surprise that a substantial portion of Somali young men are engaged in paramilitary activities. None of the Somali political systems are secure and stable enough to demobilise the militias in which these men serve, and their upkeep consumes considerable resources. Even in Somaliland, where the militias have been absorbed into a fairly disciplined army, over 70 per cent of all monies collected by the government go to the 'security services' (FN: 93). If these young men are poorly paid, as they have been in the TFG and Puntland, they may prove unreliable in combat or spend their extra hours setting up rogue roadblocks to extract money from commercial vehicles for their daily *qat* (a mild stimulant). It is thought that one of the reasons that the fighters for the Union of Islamic Courts were initially so effective and did not set-up roadblocks is that Middle East donors pay them substantially more than the forces of the other political actors in the region do (FN: 6). One of the things that made the UIC very popular with traders, even those in the north and northeast, was that it did not allow its soldiers to 'tax' livestock being moved to the ports. (Under the TFG a lorry moving up the south-north spine road would face 30 roadblocks and a total tariff of about \$1000.)

These young men do not exert any direct influence on economic policy. But indirectly they raise the transaction costs of trade and eat up the various governmental budgets (even in Somaliland) which might otherwise go toward public goods.

Military predation and the inter-group warring that goes with it prompt one to reflect on the history of state formation in Europe. A number of years ago Charles Tilly (1992) suggested that in its early stages the state looked more like the protection rackets of organised crime than some great project for the social good – peasant and merchant communities provided for their own social order and ‘state builders’ imposed themselves on these basic units in a manner that was frequently predatory and initially did not add much social value. Groups that had a choice between communal autonomy and the ‘protection’ of a proto-state generally preferred the former (Magagna 1991). In Africa what people under disorder seem to want most is not that the warlords and their youth militias create states but that they stop fighting over the top of them, cease predating on their commerce, and leave them alone to lineage and religious systems of order.

4.4 Traders

Hobbes felt that the state was a prerequisite to the creation of property and wealth (1651: Ch 13). Rousseau (1755, 1762) hypothesised instead that states were formed in order to protect wealth and inequality (e.g., Wokler 2001: 51). Although most social theory has sided with Hobbes in seeing civil order as a prerequisite to capitalist growth (North 1990), the experience of the Somalis has been closer to Rousseau’s expectation. As the state collapsed Somali businessmen exploded into extraordinary income-seeking efforts. The general populace has been impoverished by the conflicts of the warlords, but certain types of big businessmen have prospered from the removal of state controls on their endeavours. If the states in Somalia are an outgrowth of ‘organised crime’ (*a la* Tilly), it is the big businessmen who are financing the predatory efforts of the warlords. Both may be preying on society; in any case we don’t see warlords being terribly effective in taking advantage of rich traders. Of course, the extreme *laissez-faire* environment of Somalia probably made some forms of capitalist expansion easy at the expense of others. Those that have done best are those who engage in various forms of export and import trade, turning the whole country into a kind of duty-free port. Business growth also may have been facilitated by the ability to ‘park’ capital in other, secure states, and has reached its limits now. (Parking is achieved literally by Daallo Airlines, a very successful, Somali owned, private enterprise, which keeps its planes in the Saudi peninsula.) Thus investments in fixed assets and production in Somalia proper are uncommon (save for mobile phone towers) (Nenova and Harford 2004; Grosse-Ketler 2004). Even in the livestock trade, the sanitary standards now being imposed by the Gulf states require collective action among traders that will be difficult to accomplish without more effective states (FN: 32). Nonetheless, any *simple* assumption that statelessness is ‘bad for business’ cannot be sustained from the Somali evidence.

The strongest set of economic interests visible in most of the Somali polities are those associated with commerce. At the most basic level ‘traders’ represents the

collection of people who perform a trading function in Somali society. This includes people who have little or no capital of their own and act as agents or guarantors (*jeeble* and *dilaal*) for those who do international trading in livestock. Then there are those who trade for themselves in local markets (Peter Little in Besteman and Cassanelli 1996: 101–5). But our interest here is in those who engage in export and import trade internationally. Freed from the regulatory repression of the Barre regime, Somali business has undergone explosive growth, so that Somalis are the dominant traders in the region and control major finance and transport systems as well. Far from being at the mercy of the warlords in the disintegrated Somali state, they have frequently emerged as their patrons. Politics within the Somali political systems is heavily influenced by these individuals, who are able to use their resources to purchase protection, personal consideration, elected offices, and policy attention. Their hand could be seen in the debates about the new Veterinary Code in Somaliland and they control the port of Bosasso (Boosasso) (FN: 50, 57, 87). On the other hand, traders are not a unified block – they compete intensely with each other, and as international markets shift and reward different sets of personal connections, new traders become dominant. This is seen most dramatically in the reversals in fortune between livestock traders with the shifts in access to the Saudi market (FN: 85). Although Somali trade did extremely well when freed of the regulation and economic repression of Barre, it seems now to have reached the limits of what pure *laissez-faire* can deliver (if *laissez-faire* also includes the unregulated purchase of war-lord power). There are a number of areas, particularly in livestock exports, where public goods in the form of internationally-recognised disease control and inspection are needed for the next stages in economic development, and traders do not find it easy to enforce collective action on one another without some kind of state-like authority. Even the proto-state political systems of Puntland and Somaliland have a difficult time when they do attempt to enforce regulations on this group. The strongest pressures on them to do so are coming from the competition of another Somali system – Djibouti – which now has a livestock inspection system that the Kingdom of Saudi Arabia (with its vastly profitable market for goats for the *haj*) now recognises (Brass 2008).

Extreme inequalities of wealth pose large challenges to the ability of extended family/ community systems to define and defend their ‘general will’, as expressed through the consensus of the assembly of adult males. Of course, inequality is a basic feature of pastoral societies, but this wealth is expressed in cattle, the holdings of which vary considerably over an individual’s life. The current patterns of inequality are not rooted in livestock production and are much greater. They can stimulate predation – not on the wealthy, who can hire others to defend them – but on the ability of people at the bottom to identify and pursue their common interests, distorted as they come to be by patron-client relations. The wealthy can provide jobs, handouts, and discrete benefits to individuals or small groups, thereby using patronage to command their support and leading them to sacrifice their collective interests (such as higher prices or peace) for the sake of (ultimately less valuable) private ones (Bates 1981; Leonard 2006; Migdal 1974). Thus the political actions of this trader group and of the Somali diaspora politicians are well described by a patron-client model of politics (Leonard 2006).

Of course the longer a conflict persists, the more likely it is that the businesses

that are damaged by it will fail and will no longer have the resources to press their interests very effectively. The corollary is that businesses that do well in a conflict environment will grow in strength and, the longer it persists, will be likely exert an influence that makes the resolution of the conflict more difficult.

4.5 Diaspora

Another group that persistent conflict has led to distort the structure of clan governance is the Somali diaspora. Given the instability and insecurity of life in Somalia proper over the last 17 years, large numbers of Somalis have spread out over the globe seeking economic opportunity and safety. The remittances provided by this diaspora are critical to the welfare of a very large number of Somali families (Medani 2003). In addition, the economic and intellectual leadership of this group play surprisingly large roles in Somali politics. Over half the cabinet ministers in the various Somali governments are from the diaspora and hold double passports. Approximately half the elected members of the Somaliland lower house are highly educated and rich individuals from the diaspora (FN: 52). The fact that these individuals are chosen to represent their clans is a sign of the respect in which they are held by those left behind, but it also often is a consequence of the resources they have contributed in the past or are expected to bring in the future to their communities. The dynamics here too are of a patron-client variety. Unlike the traders, diaspora leaders may not have self-regarding or even mutually-consistent agendas, but their policy positions can be independent of anything the electors or average clan elders expected in selecting them. As a group they are not tied to the interests of their constituents, which generally lie in herding. But it also is true that only some of them are traders, so they act as a counterweight to that group and to the warlords. They are a weighty but ultimately unpredictable element in livestock policy, for example.

4.6 Islam

With the inability of the clans to bring peace to the south of Somalia, in 2006 we saw the emergence of a new form of Islam in the form of the Union of Islamic Courts (UIC) that made a very powerful ideological claim on society. The UIC had the ability to impose greater order than *any* secular social structure seemed able to create and was easily the most important instance of state-creation in the centre and south of the country since the fall of Barre. Sociologists of religion have suggested that when death seems to become random and without regular cause, people have a strong need for spiritual beliefs and practices that will explain the inexplicable and give them some psychological tools for controlling the uncontrollable. Thus religious systems of order may be a natural part of the deep structure whereby people seek to bring environments of extreme danger under control and to create extra incentives for sociable behaviour.

Religion and other ideologies serve to reinforce social behaviour that considers entities beyond the extended family. The nature and boundaries of that social behaviour are defined by the particular, socially constructed ideology used. We must assume that the incentives generated by these ideologies may be less

powerful than those of the extended family but are strong enough that they must be considered in models of human behaviour. Among the Somali, kinship is the first and foremost focus of socialisation, but Islam comes close behind and has the virtue, at least as much as language, of being a historical unifying force for them.⁴

With the weakening if not disintegration of state courts in some parts of the former Republic, Somalis have turned to *sheria* ones, as they always did for family law matters in any case. Together with the clans, these religious courts have provided an important element of order and through the enforcement of contracts have facilitated business, not only within the former Republic of Somalia but throughout the Muslim world. These courts were a natural rallying force as disdain for the warlords and disappointment at the stalled progress of the TFG grew. What made the UIC controversial, therefore, (even in Somaliland and Puntland, where it never prevailed) was not *sheria* itself but the questions of which interpretation of *sheria* (WSP 2004: 7; WSP 2001: 68) and who lies behind it. *Sheria* courts are the primary form of adjudication in all the Somali polities, even in the Transitional Federal Government (TFG) which was reinstated when the Ethiopians overthrew the Islamist UIC.

Much of the UIC's finances are thought to have come from Wahabi fundamentalists and an important minority within the movement was allied with al-Qaeda. At the leadership level it still seemed unclear in 2006 as to who would hold the real reins of power, obviously a question of great importance to the Americans and Ethiopians (ICG 2005). Somalis, particularly rural ones, are largely Sufis, however, a form of Islam held in disdain by Wahabis. The question of whether under the UIC the *sheria* courts would become fundamentalist or would remain traditional and more tolerant therefore seemed open to many observers in at that time.⁵ In addition, the UIC had been successful in gaining control only of territories in which the Hawiye clan family is predominant. The president of Puntland argued to his people that the UIC was part of a Hawiye plot to take over Somalia (FN: 23). So whether or not clan issues would have merged with Islamist ones and how this would have affected the political future of the Somalis is unknown. Obviously the TFG and its Ethiopian and American allies became persuaded that the fundamentalists and those allied with al-Qaeda were predominant, leading them to unite in a military operation to overthrow the UIC. This decision has thrown Mogadishu (and occasionally Kismayu) into civil war again.

It is plausible that the emergence of Islam as a major factor in Somali regime politics is a direct consequence of the transformation of internal clan governance during 15 years of conflict. The clan councils (*shirs* and *guurti*) are no longer

4 There are two dialects of Somali: Sab and Saawale, but the most persistent focus of resistance to colonialism was Islam (Lewis 2002: 13–14, Ch IV).

5 It is highly likely that the overthrow of the UIC and its re-emergence as an insurgency against the TFG has greatly strengthened the radicals within the movement and weakened the moderates. If, as we suspect may be the case, the UIC eventually prevails against the TFG, the Ethiopians and the US therefore will have achieved exactly the opposite outcome to the one they intended.

egalitarian structures. As those with political, military and economic power have recognised the important role that clans are playing in mobilising people, resolving disputes, and brokering the emergence of new regime, they have moved in on them and transformed them into patron-client systems. This means that what was once a system for the aggregation of the 'general will' is now instead an instrument of the particular interests of patrons. The warlords and major patrons then are brought together into negotiated structures like the Transitional Federal Government (TFG) only by offers to advance those particular interests, which leaves them without the stability and staying power that an endorsement by an egalitarian clan structure would have provided. Islam then enters as the only other force in Somali society that can cause warlords and patrons to honor their commitments, look to the long run, and serve some kind of 'general interest.'

5 Creating order and states

The Somali experience restructures much of what we thought we knew about the absence of states. Statelessness does not automatically mean disorder. The extended family (or the locality), not anarchy, is the alternative to the state.

Consistent with the expectations of Hobbes (and Rousseau), humans do use contract to find order in the face of conflict. Nonetheless, the social contract made in these circumstances is forged by groups, not by other-regarding individuals, and therefore provides a different kind of philosophical foundation than that provided by the social contract theorists for the Western liberal state. These groups operate more by consensus than either hierarchy or democracy.

Nor is statelessness necessarily completely bad for business. Some economic interests prosper in these conditions. The foundation for average Somali livelihood is pastoral livestock production. As we noted at the outset, there are seven Somali polities (if we include the insurgent UIC) and Somali herdsmen and traders constantly move across their boundaries in search of pastures and markets. Sheep and goats move out of the Somali region of Ethiopia through Djibouti, Bosasso (Boosaaso) in Puntland, and Berbera in Somaliland to markets throughout the Middle East, as they always have. In return duty-free products from Dubai, Oman, etc. move back the other way through the same Somali ports and trade routes. Somali cattle from north-eastern Kenya and southern Somalia used to go out of Mogadishu and Kismayu to these same Middle Eastern markets, but the urban demand of Nairobi, Kenya is now such that they mostly move there instead. Even so duty-free goods are still flowing through the Somalia ports and sustaining the wealth of its traders.

Much of this herding and trade was never adequately governed by states, even in the colonial era. Thus the fact that Somali clans, dia-paying groups, and Islamic *sheria* courts are maintaining some degree of order and facilitating and enforcing contracts is not new. The role of these other institutions has expanded, however, and adapted to the much greater instability that now plagues the Somali people. Sometimes traders now turn to *sheria* courts in the Saudi peninsula to arbitrate their business disputes. And we have seen that the great wealth of the traders who finance warlords in order to gain control over key ports and the lesser wealth

of the many successful Somalis in the diaspora has shifted the formerly egalitarian dynamic of sub-clan institutions into patron-client ones instead. It may surprise some to see patron-client relations dominating politics even in non-state systems, but patronage really depends only on inequalities in the distribution of life-sustaining resources and the need of elites for some kind of support from the less-advantaged in return.

In some ways, the Somali polities with sea ports resemble the city-states of the Italian renaissance. But their authority is more fragile and life in them is more violent. These polities find it difficult to enforce policies in the common-good against the interests of individual members of the economic elite. This has made it very difficult to develop disease control and inspection systems that give Somali livestock secure access to Middle Eastern markets (Leonard 2008).

In addition those elites who have built militias fight one another to monopolise key resources – in Somalia most often the ports and the highways that transport livestock to them. The violent conflict that ensues is largely between the contestants for these monopoly powers – not against citizens – but the predation that is necessary to support these militias and that follows from the establishment of monopoly can be a substantial burden to any who generate income. (The latter is exemplified by the cumulative \$1,000 collected at road blocks from cattle trucks on the road running along the western border of Somalia to the northern ports.) Thus states do have benefits to offer to the Somalis.

The longer statelessness persists, however, the stronger and more influential the interests that benefit from it become. Most producers and traders benefit from the kinds of peace a state can provide, but those interests wane in strength and influence as conflict endures and those activities produce less income.

Under extreme stress the effectiveness even of kinship units of survival will erode and be subject to the allied manipulations of the force of warlords and the patronage of big businessmen. It then may become difficult to mobilise either individual or kinship interests on behalf of state forms of social order. When the politics of greed no longer is tolerable and the limits of the politics of kinship become evident, society is fertile soil for the implantation of ideologies that can promise civil order. In the case of Somaliland, those ideologies were a new nationalist identification with the polity forged under British colonialism, followed by democracy. For the south of the former Republic of Somalia, the only ideology that proved able to rise above narrow sub-clan loyalties was Islam and its *sharia* courts. The Union of Islamic Courts did seem able to deliver peace and increased order to a troubled land after 15 years of struggle between warlords. For better or worse the Somalis see the Ethiopian rescue of the Transitional Federal Government as a challenge to Islam from a predominately Christian power, thereby merging the potent forces of religion and nationalism. In the modern world it is hard to imagine any other forces out of which a state could be indigenously developed.

References

- Abokor, A.Y. and Kibble, S. (2006) *Further Steps to Democracy: The Somaliland Parliamentary Elections September 2005*, London: Progressio
- Bates, R.H. (1983) *Essays on the Political Economy of Rural Africa*, Cambridge: Cambridge University Press
- (1981) *Markets and States in Tropical Africa: The Political Basis of Agricultural Policies*, Berkeley: University of California Press
- Berry, S. (1993) *No Condition Is Permanent: The Social Dynamics of Agrarian Change in Sub-Saharan Africa*, Madison: University of Wisconsin Press
- Besteman, C. and Cassanelli, L.V. (eds) (1996) *The Struggle for Land in Southern Somalia*, London: Westview Press
- Brass, J.N. (2008) *The Political Economy of Livestock Policy: The Case of Djibouti*, Addis Ababa and Djibouti: Intergovernmental Authority on Development Livestock Policy Initiative
- Brons, Maria (2001) *Society, Security, Sovereignty and the State in Somalia: From Statelessness to Statelessness?*, Utrecht: International Books
- Dawkins, R. (1976) *The Selfish Gene*, Oxford: Oxford University Press
- Devereux, S. (2006) *Vulnerable Livelihoods in Somali Region, Ethiopia*, IDS Research Report 57, Brighton: IDS
- Evans-Pritchard, E.E. (1940) *The Nuer*, Oxford: The Clarendon Press
- Farah, A. and Lewis, I.M. (1997) 'Making Peace in Somaliland', *Cahier d'Etudes Africaines* 146
- Fearon, J.D. and Laitin, D.D. (2000) 'Violence and the Social Construction of Ethnic Identity', *International Organization* 54.4: 845–77
- Grosse-Kettler, S. (2004) *External Actors in Stateless Somalia: A War Economy and Its Promoters*, Paper 39, Bonn: Bonn International Center for Conversion
- Hobbes, T. (1651) *Leviathan, or the Matter, Forme and Power of a Commonwealth Ecclesiastical and Civil*, London: Andrew Crooke
- Huliaras, A. (2002) 'The Viability of Somaliland: Internal Constraints and Regional Geopolitics', *Journal of Contemporary African Studies* 20.2
- International Crisis Group (ICG) (2005) 'Counter-Terrorism in Somalia: Losing Hearts and Minds?', *Africa Report* 95, Brussels: International Crisis Group
- Lakoff, G. (2002) *Moral Politics: How Liberals and Conservatives Think*, 2nd edition, Chicago: The University of Chicago Press
- Leonard, D.K. (2008) *The Political Economy of Livestock Policy Among the Somalis*, Addis Ababa and Djibouti: Intergovernmental Authority on Development Livestock Policy Initiative

- (2006) *The Political Economy of International Development and Pro-Poor Livestock Policies: A Comparative Assessment: Revised and Expanded*, Pro-Poor Livestock Policy Initiative Working Paper 35, Rome: Food and Agriculture Organization
- Lewis, I.M. (2002) *A Modern History of the Somali Nation and State in the Horn of Africa*, Athens, Ohio: Ohio University Press
- (1999 [1961]) *A Pastoral Democracy*, Oxford, Muenster-Hamburg: James Curry Publishers, International African Institute
- Lucy, Benjamin (2007) 'Building Post-Conflict Democracy: The Case of Somaliland', unpublished MA Governance Paper, Brighton: IDS
- Magagna, V. (1991) *Communities of Grain: Rural Rebellion in Comparative Perspective*, Ithaca: Cornell University Press
- Manor, J. (ed.) (2007) *Aid That Works: Successful Development Strategies in Fragile States*, Washington, DC: The World Bank
- Marie, A. (ed.) (1997) *L'Afrique des Individus*, Paris: Editions Karthala
- Medani, K. (2003) 'Globalization, Informal Markets and Collective Action: The Development of Islamic and Ethnic Politics in Egypt, Sudan and Somalia', PhD dissertation, Department of Political Science, University of California, Berkeley
- Migdal, J. (1974) *Peasants, Politics, and Revolution: Pressures Toward Political and Social Change in the Third World*, Princeton: Princeton University Press
- Nenova, T. and Harford, T. (2004) *Anarchy and Invention*, Public Policy for the Private Sector 280, November, Washington DC: The World Bank
- North, D. (1990) *Institutions, Institutional Change, and Economic Performance*, New York: Cambridge University Press
- Office for the Coordination of Humanitarian Affairs (OCHA) – Somalia (2007) *Situation Report 38*, 4 May, Nairobi: OCHA – Somalia
- O'Hagen, T. (1999) *Rousseau*, London: Routledge
- Pérouse de Montclos, M.A. (2001) *Interprétations d'un Conflit: Le Cas de la Somalie*, Pessac, France: Centre d'étude d'Afrique Noire, Université Montesquieu-Bordeaux
- Rousseau, J-J. (2001 [1762]) *Du Contract Social*, presentation par Bruno Bernardi, Paris: Flammarion
- (1992 [1755]) *Discours sur l'origine et les Fondements de l'inégalité Parmi des Homes*, Paris: Livres de Poche
- Tilly, C. (1992) *Coercion, Capital and European States: AD 990–1992*, revised edition Cambridge MA: Blackwell
- Tuck, R. (1989) *Hobbes: A Very Short Introduction*, Oxford: Oxford University Press

War-torn Societies Project International Somali Programme (WSP) (2005) *Rebuilding Somaliland: Issues and Possibilities*, Lawrenceville, NJ and Asmara, Eritrea: The Red Sea Press and WSP International

—— (2004) *Dialogue for Peace: 'Wada-tashiga Nabadda'*, National Project Group Meeting, Geneva and Nairobi: WSP International

—— (2001) *Rebuilding Somalia: Issues and Possibilities for Puntland*, London: HAAN Associates and WSP International

Weber, M. (1947) *The Theory of Social and Economic Organization*, trans. by A.M. Henderson and T. Parsons, New York: The Free Press of Glencoe

Wokler, R. (2001) *Rousseau: A Very Short Introduction*, Oxford: Oxford University Press