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Re-Creating Political Order: the Somali Systems Today
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Introduction

This paper explores the Somali experience over the last 17 years, focusing on the four political entities that occupied the territory of the former Republic of Somalia in 2006. It throws new light on the possibilities and limitations of order in stateless societies. Specifically, it examines the role of lineage institutions; the impact on them of a protracted conflict pursued by warlords and financed by big business; and the implications for establishing new state forms of social order.

Everyday Order in a Stateless Society

The Republic of Somalia has not met the key test of statehood -- the ability to exercise a monopoly over the legitimate exercise of force -- since the ousting of Siad Barre in 1991¹. But it would be an error to conclude that, because there is no longer a functioning state, anarchy reigns. The reach of the state, especially into the pastoral hinterland, has never been complete. When the Somali state collapsed, the segmentary lineage system (one which builds units of loyalty outward from the nuclear family on the basis of the degree of imputed biological relationship) sprang back into life, and became the fundamental organising principle for attempts at civil order.

In Somaliland and Puntland the end of the civil war saw the creation of new constitutions negotiated through the clans, which then designated legislative representatives (Somaliland subsequently moved to direct elections in 2005, thus weakening the role of lineage groups). Elsewhere in the former Republic of Somalia, clans provide the social structure for negotiating relationships among groups; can moderate violence by creating structures of deterrence; and can provide some support to commerce (in conjunction with the Islamic courts) by building trust and enforceable contracts. The Somali experience suggests that the absence of a state need not result in a Hobbesian war of all against all, nor is the state a precondition for the creation of property and wealth. Although the general populace has been impoverished by the conflict, big businessmen have prospered from the removal of state controls, especially those engaged in export and import trade.

But there are limits to what can be achieved without state authority. The role of clan elders (at different levels) is facilitative: they can enforce judgments through persuasion and legitimacy, but cannot impose them through the use of force. They are thus highly effective at conciliation and representation on issues that are not internally divisive; but they are not effective at imposing burdens for collective good, unless these command near universal consent. For example, they have not been able to respond to new sanitary standards on the export of livestock, imposed by Gulf states, which require collective action among traders.

¹ The Transitional Federal Government (TFG), which with Ethiopian backing displaced the Union of Islamic Courts (UIC) in January 2007, nominally holds the allegiance of all 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. Forces associated with the UIC and others contest its authority, particularly in Mogadishu, and Kismaayo.

Impact of Protracted Conflict

As the political significance of clan institutions, especially in the south, has become clear, they have been penetrated by the patronage of warlords and big businessmen, thus harming their integrity and effectiveness. The clan militias formed to oust Siad Barre were not a unified force, and fell to fighting amongst themselves for control of territory and revenues. They were financed by businessmen eager to secure control of the ports (and thus revenue from imports and exports), and highways for transport of livestock. The material interests of warlords and businessman are thus better secured by collection of economic rents than by enhancing the productivity of the broader population. Patronage by wealthy traders providing private goods to clients has undermined the pursuit of common interests through family and community systems. The growing Somali diaspora (providing remittances but also leadership independent of clan elders) is also altering the structure of clan governance. Meanwhile a substantial percentage of Somali young men are engaged in paramilitary activity, with no political authority strong enough to demobilise these militias. Poor pay (with the exception of Union of Islamic Courts (UIC) fighters financed by Middle Eastern donors) means the militias in Transitional Federal Government (TFG) areas and Puntland regularly resort to predation including extracting illegal levies on livestock trade.

New State Sources of Social Order?

The longer statelessness persists, the stronger and more influential the interests that benefit from it become. The transformation of clans into systems serving the particular interests of powerful patrons has undermined the ability of secular structures such as the TFG to command authority. When the politics of greed are no longer tolerable, and the limits of the politics of kinship become evident, society is fertile soil for ideologies that can promise civil order. In Somaliland, a new nationalist identification with the polity formed under British colonialism was eventually combined with democracy. For the south of the former Republic of Somalia, the only ideology able to rise above national sub-clan loyalties is Islam and the sharia courts. The emergence in 2006 of the UIC seemed to have the ability to impose order as religion reinforced social behaviour that considered entities beyond the extended family. (The UIC was controversial not because of its Islamic roots but because of its financial ties to Wahabi fundamentalists). Ethiopian rescue of the TFG is seen as a challenge to Islam from a predominantly Christian power, thus merging the potent forces of religion and nationalism, out of which new state order might be forged.

Implications for Policymakers

The Somali experience challenges preconceptions, based on Western models, about the conditions prevailing in the absence of states, and the nature of the social contract (which in Somalia was created by groups operating by consensus, not individuals). It highlights the persistence of structures of non-state governance, but also their limitations, and the way they are shaped by changing political and economic interests. Any attempt to understand the political economy of stateless societies such as Somalia, and the scope for the creation of new forms of state order, needs to take into account both these informal, "traditional" structures and their transformation under conditions of war.