



THE CALL OF THE CLAN: Challenges facing Somalia's fledgling democracy

By Rasna Warah



Somaliland's 2017 elections, which were generally hailed as successful, have prompted some to wonder whether the democracy model used in this self-declared independent state could be exported to Somalia. With its hybrid system of tri-party democracy and traditional clan-based governance, Somaliland could, in fact, be held up as an example that could work in societies that are deeply divided along clan lines. While clan, tribe, ethnicity, race or religion should ideally not form the basis of a democratic state, given the protracted conflict in Somalia, there are some elements of the Somaliland model that might just work in Somalia.

Somaliland has adopted a unique hybrid system of governance, which incorporates elements of traditional customary law (known as *xeer*), Sharia law and modern secular institutions, including a parliament, a judiciary, an army and a police force. The *Guurti*, the upper house of Somaliland's legislature, comprises traditional clan elders, religious leaders and ordinary citizens from various professions who are selected by their respective clans. The *Guurti* wields enormous decision-making powers and is considered one of the stabilising factors in Somaliland's inclusive governance model.

Michael Walls, the author of *A Somali Nation-State: History, Culture and Somaliland's Political Transition*, has described Somaliland's governance model as "the first indigenous modern African form of government" that fuses traditional forms of organisation with those of representative democracy. According to Walls, Somaliland "represents a strong counter-argument to the preoccupation with state failure and corrective external intervention, while also holding out the hope that an accommodation is possible between the discursive politics of tradition and a representative system more suited to the Westphalian state."

However, Somaliland's governance model is far from perfect: the consensual clan-based politics has hindered issue-based politics, eroded individual rights and led to the perception that some clans, such as the dominant Isaaq clan, are favoured over others. Tensions across its eastern border with Puntland also threaten the future stability of this former protectorate that opted to become part of Somalia following independence from the British in 1960 and then declared independence from Somalia in 1991.

In addition, because it is still not recognised internationally as a sovereign state, Somaliland is denied many of the opportunities that come with statehood. It cannot, for instance, enter into bilateral agreements with other countries, get multinational companies to invest there or obtain loans from international banks. (Some argue that this lack of official recognition may actually be a blessing as Somaliland is spared the arm-twisting and conditionalities of donors and international financial institutions, plus the exploitation of its resources by predatory foreigners, a phenomenon that has plagued so many African countries.)

Nonetheless there has been some debate about whether Somaliland's hybrid governance model, which incorporates both customary and Western-style democracy, can be exported to its southern neighbour. What type of governance system is most suitable for Somalia, which is not just divided along clan/regional lines, but where political/militant Islam and lack of functioning secular institutions threaten nation-building?

The perils of federalism

Federalism, that is, regional autonomy within a single political system, has been proposed by the international community as the most suitable system for Somalia as it caters for deep clan divisions by allocating the major clans semi-autonomous regional territories. The 4.5 formula for federal states proposed by the new constitution, which is based on the four largest clan groups (Darod, Hawiye, Dir and Rahanweyne), and (0.5) minorities does acknowledge the reality of a clan-based society, but as Somalia's recent history has shown, clan can be, and has been, manipulated for personal gain by politicians. (The 4.5 formula is itself contentious as some Somalis claim that the Isaacs, who are dominant in Somaliland in the northwest of the country, are part of the Dir family of clans, while Isaacs claim that they are a separate clan.)

As dominant clans seek to gain power in a federated Somalia, there is a danger that the new federal states will mimic the dysfunction that has prevailed at the centre, which will lead to more competition for territories among rival clans and, therefore, to more conflict. "As new lines are drawn on the map, new opportunities for clan, business and political networks to capture State resources have emerged," stated the 2015 UN Monitoring Group Report on Somalia.

Besides, the various federal states that have emerged in Somalia under the new constitution are beginning to look like clan enclaves that are disconnected from the centre, and which actually work to undermine the national government in Mogadishu. Fears that entrenched clan interests will dominate the future political landscape in Somalia have generated heated debates about whether a unitary system is more suited to a country that is so divided along clan lines and where minority

groups have been denied a say in national politics for decades.

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The bitter reality, however, is that the majority of Somalia's people have not experienced the benefits of a functional central or decentralised government for nearly thirty years; the concept of a state that provides services and protects the citizens is unknown to the majority of the country's youthful population, especially those in remote areas who are governed by customary law or the Sharia. In fact, it has been argued that with its strict codes and control over populations through systems of "tax collection" or "protection fees" combined with service delivery, Al Shabaab is the only form of "governance" the majority of Somalis have known since Somalia collapsed and descended into civil war in 1991.

This means that even when Amisom forces liberate regions from the clutches of Al Shabaab, they essentially leave behind a power vacuum which neither the Federal Government of Somalia nor the emerging regional administrations can successfully fill. This has made these regions more prone to clan-based conflicts, which area are already apparent in Jubaland, where some members of the marginalised Bantu/Wagosha minority group have taken up arms in response to what they perceive to be a form of "ethnic cleansing" by both Al Shabaab and the new Ogaden-dominated administration of Ahmed Madobe.

Moreover, as the Qatar-based Somali scholar Afyare Elmi argues, in a country that suffers from a "trust deficit", and which has experienced dictatorship, people do not want to risk having the kind of highly centralised government that was prevalent during Siad Barre's regime. He proposes a "decentralised unitary system", rather than what he calls the "clan-federalism" proposed and supported by the international community. In this system, sovereignty and constitutional powers would remain within the central government, while administrative, political and fiscal powers would devolve to different entities and regions. This would lead to a "de-concentration of authority" that is more responsive to local needs. (However, to accommodate this governance model, the constitution would need to be changed.)

In 1999, the Somalia expert Matt Bryden predicted that the "building block approach" - first proposed in 1998 by the Ethiopian Ministry of Foreign Affairs - whereby the country would be divided into six "local administrative structures", would eventually "resemble a patchwork of semi-autonomous territories defined in whole or in part by clan affiliation": the Isaaq clan would dominate Somaliland in the northwest; the Majerteen in Puntland would dominate the northeast; the Jubaland and Gedo regions bordering Kenya would have a mixture of clans (though there are now fears that the Ogaden, who are politically influential along the Kenya-Somalia border, would eventually control the region); a Hawiye-dominated polity would dominate central Somalia; the Digil-Mirifle would centre around Bay and Bakool; and Mogadishu would remain a cosmopolitan administrative centre.

The bigger question, which no one has yet been willing to honestly confront is: Why should clan determine how Somalia is federated? How can Somalia emerge as a strong and united nation if clan forms the basis of state- and institution-building? How can Somalis convincingly argue that neighbouring Ethiopia and Kenya are supporting clan-based regional entities within Somalia when Somalis themselves implicitly support the creation of these entities based on clan domination? How can democracy advance in a country held back by parochial clan or individual interests?

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Some analysts argue that the proposed federalism will eventually lead to the balkanization of Somalia as clan-based fiefdoms start competing for more resources and territories. Other critics, such as the Somali scholar Abdi Samatar, have argued that federalism will lead to "institutionalised discrimination" against minority clans and groups, which would undermine national unity, citizenship and meritocracy.

There is also a concern that the larger (armed) clans could manipulate the system, entrench corruption and pursue their elites' agendas at the expense of the Somali people. One of the biggest dangers of an exclusionary political system is that rent-seeking and the grabbing of the spoils of war that have dominated Somali politics for decades may be replicated at the federal state level.

A game of musical chairs

Much of the UN-supported transitional governance period was devoted to drafting a new constitution that would set the parameters for statehood and citizenship. However, Somalia's UN-supported constitution-making process faced resistance, even before it was adopted in 2012, mainly because it was viewed by many as inconsistent, incoherent and difficult to implement.

Some say the constitution tries to unsuccessfully merge Sharia laws with democratic principles. For instance, the constitution precludes the prospect of religious freedom and tolerance in Article 2, which categorically states that "Islam is the religion of the state", that "no religion other than Islam can be propagated in the country" and that "no law can be enacted that is not compliant with the general principles and objectives of Shari'ah". (Somalia's Minister of Constitutional Affairs, Abdurahman Hosh Jibril, told me that the insertion of this article in an otherwise secular constitution was a strategy to "buy in" the support of Islamic religious institutions, which had to be accommodated if the constitution-building process was to be a success.)

Moreover, while the constitution recognises the president as the symbol of ultimate government authority, his relationship with his prime minister, who selects the cabinet, is not clearly defined. In-fighting in all of Somalia's transitional and post-transitional governments has led to the resignation or removal of several prime ministers and ministers, which has undermined governance. The general high turnover of ministers and public officials, both within the transitional and post-transitional governments, has led to other problems; with so many different prime ministers and ministers rotating, it is difficult to carry out long-term economic development plans or to ensure accountability. This has allowed opportunities for corruption.

Corruption within the government is partly due to the fact that the brief tenures of most presidents, prime ministers, ministers and senior government officials encourage them to make money through corrupt means in the shortest period of time. They enter public service with a "here today, gone tomorrow" attitude, which makes long-term planning difficult, and severely diminishes the government's ability to be transparent about its finances, including donor funding. Critics have also noted that political leadership in Somalia is like a game of musical chairs; ministers who are sacked are often re-appointed in another ministry shortly afterwards, which makes the gravy train of corruption harder to track or derail.

In addition, unlike Somaliland, Somalia has been unable to hold a one-person-one vote election both during its transitional phase (2004-2012) and in its post-transitional period since 2012, mainly

because the country is not yet equipped to carry out such an election, given the countless challenges facing the country, including lack of a voter registration system and insecurity.

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Elections in Somalia are also usually marred by vote buying, intimidation and violence. Prior to the 2017 election, for example, a Somali official claimed that the more than 14,000 so-called "Electoral College" delegates who were voting for members of parliament were voting for the highest bidder; votes were apparently being bought for between \$5000 and \$30,000 each. The election of Mohamed Abdullahi Farmajo last year raised hopes that he would succeed in eradicating both clannishness and corruption within government, but these hopes are increasingly being dashed by in-fighting and myriad other challenges.

The Italian connection

Some say that Somalia will take years before it has a functioning government because the country has little experience in representative democracy and because recent attempts to revive a democratic culture are coming a little too late. Many blame Italy, Somalia's colonizer, for failing to leave a legacy of functioning governance structures and institutions in its Somali colony.

Very little is known about the Italian colonial period in Africa because the Italian government restricted access to colonial records for most of the post-Second World War period, which led to a widely circulated myth that Italian colonisation of Eritrea in 1890, of Somalia in 1908 and of Libya in 1912 was much more gentle and inclusive than the colonisation of Africa by Britain, France, Belgium or Portugal.

Some historians believe that Italy's fascist doctrines of colonial racism, its emphasis on prestige (rather than on institution-building) in both the liberal and Fascist eras, and the country's lack of experience in colonial administration, led the Italians to adopt anti-assimilationist policies in their colonies that forestalled the formation of an educated labour force that could take over the reins of power once the colonialists left.

Italy's intentions in Somalia were to create a settlers' colony, which were in sharp contrast to Britain's intentions in Somaliland, which were to protect the vital sea trade routes in the Gulf of Aden and the Red Sea, and not to settle as such. Thus in the south, "Italians pursued a policy of social engineering, including an education system and missionary work intended to prepare the territory for Italian settlement", rather than a policy of "civilising" and training the colonised people who could be relied on to provide skilled labour to the colonial project. Although many of Italy's Somali subjects learnt to speak Italian, formal teaching of Italian, and indeed all schooling, was very limited, unlike in neighbouring Kenya, also a settlers' colony, where the colonial project was accompanied by - and indeed, propped up by - the many missionary and other schools that were set up to educate not just the white settlers' children, but also the "natives", who were expected to become future colonial administrators.

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Under Benito Mussolini, who ruled Italy from 1922 to 1943, Somalia was governed by a fascist colonial government that failed to install democratic structures and institutions that would carry the country forward to independence. Italy's rule over Somalia was also disrupted after World War Two when Somalia became a UN-administered trusteeship. After Italy lost the Second World War, the Italian colonisers were replaced by a British military administration. In 1950, Britain transferred authority over what was known as the Trust Territory of Somalia back to Italy. However, because Italy's colonies in Africa were seized by other European powers after the Second World War, they did not undergo a successful "decolonisation" process that would entail a smooth transfer of power to local elites and to the establishment of institutions that would govern the newly independent states.

The Siad Barre era and its aftermath

From 1950 till independence in 1960, there were attempts to "Somali-ise" governance. The first municipal elections were held in 1954, where 20 parties competed for 318 seats in 35 councils; 281 of these seats were held by Somalis, 23 by Arabs, 10 by Italians, 3 by Pakistanis and 1 by an Indian.

However, one decade of democratic governance was not enough to prevent Somalia from descending into political turmoil. Somalia's relatively peaceful and democratic first ten years after independence were abruptly disrupted by the assassination of President Abdirashid Sharmake in 1969, just two years after he had taken over from the first post-independence president, Adan Abdulle Osman (also known as Adan Adde).

Barely a week later, Siad Barre gained control over Somalia through a bloodless military coup. Barre suspended the constitution, dissolved parliament, banned political parties and nationalised the economy. Parliament was replaced by the Supreme Revolutionary Council, the ultimate decision-making authority in the country.

Although Barre's "Scientific Socialism" experiment is credited with many progressive reforms, such as the promotion of women's rights and the introduction of the Latin script for the Somali language, he failed to bring about democracy in Somalia, and is also blamed for pitting clans against each other through favouritism, political patronage and the persecution of certain clans.

In 1977, when Barre ordered his army to invade Ethiopia in a bid to claim the ethnic Somali-dominated Ogaden region in Ethiopia, Soviet-backed Cuban troops marched in to support the Marxist regime of Mengistu Haile Maryam. The Soviet Union, which had been supporting Barre militarily until then, quickly switched sides, which proved to be a major blow for Barre's government. (Soviet withdrawal of support to Somalia gave an opportunity to the United States to play a more influential role in Somali affairs.)

After losing the Ogaden war, Barre became more hard line and paranoid, and began arresting, torturing and killing his opponents, including the Isaaq in Somaliland who responded to his repressive tactics by declaring independence from Somalia. By the time he was ousted in 1991, the country was fragmented, and no one, not even the Americans, could prevent the mayhem and destruction that followed. This set the stage for Barre's ouster in 1991 by the United Somali Congress (USC) led by Mohammed Farah Aideed and Ali Mahdi, who, depending on who you ask, are seen as either heroes who liberated Somalia from the clutches of a dictator, or brutal warlords who unleashed violence and lawlessness in the country.

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When a power struggle between Aideed and Mahdi ensued, UN peacekeepers were brought in to stabilise the situation, but they too withdrew after American soldiers were killed in the infamous "Blackhawk Down" incident in October 1993. Lawlessness and anarchy reigned supreme as Somalia returned to what Somali-Canadian commentator Mohamud Uluso calls a "precolonial fragmentation", where clan warfare and predatory competition over scarce resources (particularly foreign aid) became the norm and where people sought safety in kinship and clan affinity.

After more than a decade of anarchy and increasing religious extremism, a transitional government backed by the United Nations was instituted in 2004. But, as we have seen, even it could not deliver the much-needed peace and stability as it proved to be weak and ineffectual. The ouster of the Islamic Courts Union (a conglomeration of Muslim clerics and businesspeople who were keen to restore security in Somalia and who sought to replace the Transitional Federal Government) by US-backed Ethiopian forces in 2006 made the situation worse; its recalcitrant offspring, the terrorist group Al Shabaab, gained control of most of southern and central Somalia, making governance difficult, if not impossible.

Some argue that state-building efforts in Somalia have been hampered by a "pastoral ethos" characterised by competition, inter-clan rivalry, disdain for authority (except for traditional elders or religious leaders) and a deep mistrust and suspicion of outsiders. In his seminal book *A Pastoral Democracy*, first published in 1961, I.M. Lewis claimed that Somali society lacked "judicial, administrative, and political procedures which lie at the western conception of government." While acknowledging the importance of kinship and clan loyalty in the political organisation of traditional Somali society, Lewis was pessimistic about whether these could deliver Western-style democracy to Somalia. In Somalia's lineage politics, he argued, "the assumption that might is right has overwhelming authority and personal rights...even if they are not obtained by force, can only be defended against usurpation by force of arms". Are the current clan-based leaders with their own armed militias a manifestation of this thinking, where political power, once obtained, must be secured through the threat of violence?

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Critics of this "Somali exceptionalism" thesis argue that Lewis and other Western anthropologists fail to recognise that other pastoralist societies have successfully adopted modernisation and democratic forms of government and that by blaming pastoralism for Somalia's woes is to assume that Somali society is stagnant and incapable of reinventing itself.

Donors and foreign interests

One of the challenges facing Somalia, which the international community is reluctant to admit, is that any government that is put in place in Mogadishu under the current circumstances will remain a puppet government with no real authority and little capacity to carry out governance functions or to provide services. Manipulation of Somali politics by foreign countries, such as Kenya, Ethiopia

and some Arab countries, has hindered the development of a national vision on the way forward and generated suspicion and resentment.

Saudi Arabia, Qatar, the United Arab Emirates, and increasingly Turkey, have been financially supporting various factions and politicians in Somalia for their own political and economic interests. (The recent rift between Qatar and its neighbours Saudi Arabia and UAE also spilled over to Somalia, where President Farmajo was expected to take sides.) It has also been claimed that some of these countries have exported religious fundamentalism to Somalia to appease radical factions within their own territories.

Some donors, particularly Turkey, have done a commendable job in rebuilding Somalia's broken infrastructure and institutions. However, overall, donor support to Somalia has had a mixed record – much of the donated funds have found their way into individual pockets or gone towards supporting the donor countries' Somalia operations in Nairobi, not in reconstructing Somalia. While security is currently being provided by Amisom forces, this support is also likely to dwindle in the near future.

There is also the issue of vested commercial interests of donor countries, such as Britain, that are keen to exploit Somalia's largely untapped oil reserves and the United States, whose "war on terror" has Somalia at its epicentre; these interests often play out in the politics of the country. In 1999, Matt Bryden wrote that attempts by foreigners to fix Somalia have ranged from the "mediocre" to the "disastrous". Some of these attempts, he said, have been sinister, some benign, others simply incompetent, but all have been ultimately unsuccessful.

Donor-dependency is unlikely to diminish as domestic revenue collection remains a challenge. Since the UN-backed transitional government was installed in 2004, no transitional or post-transitional Somali government has had a credible revenue collecting authority or well-functioning ministries. Most Somalis rely on charities (many of which are based in Saudi Arabia, Qatar or the United Arab Emirates) or local entrepreneurs for services such as water provision, healthcare and education. Somalia does not even have a national curriculum for its schools; donor countries supporting schools introduce their own curricula, which had led to the bizarre situation where Somali children are sitting for exams set in Doha, Ankara or Riyadh, not at Somalia's Ministry of Education.

Oil discoveries have made these foreign interventions more complicated in recent years. There is widespread suspicion that oil looms large in Britain's dealings with the Somali government, and that the former may be willing to overlook corruption and bad governance in the latter in order to preserve its economic interests. Somaliland and the semi-autonomous Puntland, have already been granting licences to oil companies. Competition over an oil block that stretches across Somaliland and Puntland has increased tensions in these regions. In the absence of agreed-upon legal frameworks, the oil factor is likely to be a source of conflict in Somalia's oil-producing regions in the near future.

While it is becoming increasingly apparent that foreign interests are to blame for much of the mayhem in Somalia, laying the bulk of the blame on foreigners is unfair and insincere. If the Somali government had used foreign aid and its vast natural resources to rebuild the country and taken it to the next level, Somalia might have emerged from the ashes.

Many people within and outside Somalia also prefer to maintain the status quo because they profit from protracted conflict, informality and the absence of regulations. A strong and well-governed state with in-built checks and balances would threaten their business and personal interests.

What's worse, none of Somalia's notorious warlords and corrupt politicians have been made to account for the atrocities and plunder that they carried out. No national or international institution

has charged them with any crime. The International Criminal Court, which has vigorously pursued suspects in other African countries, is mute about the crimes against humanity that have been occurring in Somalia for the last three decades. Its silence lends credence to the assertion that the ICC is only interested in selective justice.

Ultimately, the Somali people themselves have to fight for the government they desire. Having experienced only nine years of peaceful democracy from 1960-1969, maybe it is too much to ask Somalia to be fully fledged functioning nation when it barely has the institutions or the resources to run a government, and where clan rivalries and fiefdoms have entrenched a culture of “winner takes all”.

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Islam could have been a unifying factor in Somalia, but it is unlikely that an entity like the Islamic Courts Union will be allowed to take root again, especially because it would be associated with Al Shabaab (which is generally loathed by the majority of the country’s citizens who blame the group for carrying out attacks that have resulted in the death of hundreds of innocent Somalis in Mogadishu and other places) and also because the United States and its allies will not allow it.

Is the current Western- and internationally-supported political dispensation that is emerging from nearly five decades of dictatorship and anarchy a “fake democracy”? Can Somalia be salvaged through more home-grown solutions, like the ones in Somaliland, which has managed to deliver relative peace and stability to its citizens for almost 30 years? These are the million-dollar questions no one has been able to answer adequately.

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