

# FAILURES OF THE STATE FAILURE DEBATE: EVIDENCE FROM THE SOMALI TERRITORIES<sup>†</sup>

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**Abstract:** Much of the current literature on state failure and collapse suffers from serious conceptual flaws. It ignores the variegated types of empirical statehood that exist on the ground, it conflates the absence of a central government with anarchy, it creates an unhelpful distinction between ‘accomplished’ and ‘failed’ states, and it is guided by a teleological belief in the convergence of all nation-states. Particularly African states figure prominently in this debate and are frequently portrayed in almost pathological terms. Proposing a comparative analysis of politics in the Somali inhabited territories of the Horn of Africa, this article challenges state failure discourses on both theoretical and empirical grounds. We draw attention to the multiple processes of state-building and forms of statehood that have emerged in Somalia, and the neighbouring Somalia region of Ethiopia, since 1991. The analysis of the different trajectories of these Somali political orders reveals that state formation in Africa contradicts central tenets of the state failure debate and that external state-building interventions should recognise and engage with sub-national political entities. Copyright © 2008 John Wiley & Sons, Ltd.

**Keywords:** state failure; state-building; political order; Somali politics; Horn of Africa

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*‘The once broadly accepted Weberian definition of the state as that authority with the legitimate monopoly of violence over defined territory seems to be undergoing challenge in many global regions’ (Kapferer, 2005; 286).*

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## 1 INTRODUCTION

The debate on state failure and collapse gathered momentum in the mid-1990s. Thereafter, state failure 'was held responsible for just about every threat to international peace and security that existed: civil war, mass migration, ethnic conflict, environmental degradation, drug smuggling, arms trafficking and terrorism' (Gourevitch, 2004; 255). African states have occupied a prominent place in the discussion about state failure, collapse and reconstruction.<sup>1</sup> According to the dominant rhetoric in the aftermath of the Cold War, African states have fallen prey to criminalisation, globalisation, privatisation and endemic violence that threaten both human and global security. Consequently, academic and policy discourse nowadays portrays post-colonial African states in virtually pathological categories; they are perceived to be threatened by 'collapse', 'failure', 'fragility' and 'weakness' as they degenerate into nightmarish 'shadow', 'quasi' or 'warlord' states (Jackson, 1990; Zartman, 1995; Reno, 2000; Rotberg, 2004; Krasner and Pascual, 2005).<sup>2</sup> Western governments and aid organisations consider state failure in Africa both as 'a moral catastrophe' and, in the post-2001 geopolitical context marked by the US-led 'war on terrorism', as 'a security threat' (Williams, 2006; 37). The state failure discourse has penetrated not only foreign policy and development strategies (François and Sud, 2006), but also gave way to scientific attempts to rank failed or failing states globally.<sup>3</sup>

It undoubtedly holds true that contemporary African statehood is 'weaker' when compared to European statehood and when evaluated against the background of an ideal-typical, rational-legal state apparatus as described by Weber (1947 [1922]). Similarly, the incapability of many impoverished states in Africa, but also in Eastern Europe, the Caucasus and South America, to deliver public services, to represent society at large, and to uphold law and order represents a major development challenge. In this respect the literature on failed states deserves merit as it (re-)emphasises the vital role of public authority and institutions in furthering peace, development and prosperity. However, we argue that the failed states debate has failed to provide the appropriate analytical tools for a better understanding of contemporary African statehood. For the most part, the debate reveals a dogmatic assumption and wishful thinking that all states will—in the long run—converge towards a model of Western liberal democracy. This model serves both as the institutional guideline for external state-building and reconstruction efforts, and as the intellectual benchmark against which all existing forms of statehood are evaluated. This article challenges this belief in the 'state convergence' thesis by drawing attention to the conceptual weaknesses of the state failure discourse as well as to the distinctive forms of empirical statehood that are observable if one substitutes 'armchair empiricism' (Korf, 2006) with immersion in local realities. Rather than equating the erosion of legal-rational domination (as embodied by the nation-state) to anarchy and social anomy, we call for a more differentiated approach to statehood that renders intelligible variegated trajectories of political authority within and beyond the nation-state.

<sup>1</sup>Very similar phenomena of state failure were observed in Eastern Europe, Russia and the Caucasus (Koehler and Zürcher, 2003).

<sup>2</sup>In his taxonomy of failed states Gros (1996) distinguishes between 'anarchic', 'phantom', 'anaemic', 'captured' and 'aborted' states.

<sup>3</sup>Since 2005 the Fund for Peace and Foreign Policy publish the Failed State Index, which ranks 177 countries based on a mix of social, economic and political indicators. The consecutive rankings and methodology are available at <http://www.fundforpeace.org>.

This intellectual endeavour requires distancing oneself from ‘methodological nationalism’ (Wimmer and Glick-Schiller, 2002), which propagates nations and nation-states as foundational units of analysis. Instead we follow von Trotha’s plea (2005; 33) to investigate new African forms of political domination ‘beyond the state’. In many cases and particularly in the Somali context, the emergence of such ‘new forms of governance beyond the state’ (Engel and Mehler, 2005; 87) has been accompanied by longstanding violent conflicts. As Lund (2006) points out, political authority in Africa and elsewhere often manifests itself in the form of ‘twilight institutions’ that transcend conventional dichotomies between ‘state’ and ‘non-state’, ‘formal’ and ‘informal’ or ‘public’ and ‘private’. For external observers such institutions may seem disorderly, dysfunctional and irrational. However, they must be, as Chabal and Daloz (1999; 155) remind us, understood as ‘the outcome of different rationalities and causalities’. Although modern states claim exclusive and universal sovereignty within their territory, bureaucratic, customary, religious and kinship institutions often coexist, each providing particular norms and procedures for managing public affairs and organising collectivities (Bierschenk and de Sardan, 2003). As statutory law, customary law recognised by the state, and socially embedded rules compete for institutionalisation, there is a need to understand the dialectic relations between plural types of authority and law (von Benda-Beckmann, 2001; Benjaminsen and Lund, 2002). Consequently, we conceptualise a political order as the sum of institutionalised, yet dynamic power relations that one can empirically grasp at a given time and place. It involves international legal arrangements as well as everyday practices of ordinary people and processes on the local level, often across but rarely without reference to national boundaries.

Our argument is divided into four sections. The first section unearths four key problems of the failed states debate in Africa and elsewhere. In the second section we provide a summary overview of the recent political history of Ethiopia’s Somali region, Somaliland, Puntland and southern Somalia since the collapse of the Somali Democratic Republic and the Ethiopian socialist *Derg* regime in 1991. The third section offers a comparison and discussion of the different trajectories of these Somali political orders. The last section concludes by highlighting the need to recognise and engage both politically and intellectually with non-state political orders worldwide.

## 2 FAILURES OF THE STATE FAILURE DEBATE

The state failure debate is confronted by empirical, analytical, normative and practical shortcomings of considerable proportion. First, the discursive labels that are used most prominently in the state failure debate gloss over important differences between existing states rather than accounting for these differences. For instance, many so-called ‘weak’ African states boast security apparatuses that are capable of considerable political repression. On the other hand, unrecognised or *de facto* states that are described as ‘fragile’ may enjoy more popular legitimacy than their recognised counterparts.<sup>4</sup> Much of the state failure discourse grasps neither these empirical contradictions nor the variegated historical

<sup>4</sup>According to Pegg (1998; 4) *de facto* states are ‘entities which feature long-term, effective, and popularly supported organized political leaderships that provide governmental services to a given population in a defined territorial area. They seek international recognition and view themselves as capable of meeting the obligations of sovereign statehood. They are, however, unable to secure widespread juridical recognition and therefore function outside the boundaries of international legitimacy’.

trajectories of state formation and erosion. Authors and external observers tend to assume that the driving forces of state collapse are to be found within a given state or society. The fact that emerging, as well as failing, states are embedded in the 'world system' (Schlichte, 2005) is rarely considered. Endogamous factors such as civil war, ethnic identity or authoritarian rule are given precedence over exogamous factors such as the international political economy, external interferences and various transnational forces. Thereby, the institutional breakdown of the African state is implicitly but wrongly linked to a breakdown within African society (Raeymaekers, 2005; 4).

Second, because most analysts equate the absence of central government with anarchy, false conclusions are drawn once a state has been classified as 'failed' or 'collapsed'. Rotberg (2002; 90), one of the prominent authors on this topic, describes collapsed states as 'a total vacuum of authority' and 'a black hole into which a failed polity has fallen'. Scholars from traditionally state-centred disciplines such as political science or international relations have great difficulty imagining that life may continue in the absence of the state: 'Western eyes find it hard to view the inversion or cessation of the institutional state as anything but a backward step into anarchy' (Baker, 1999; 136). The idea that state collapse is tantamount to civil strife, human insecurity and political disorder is deeply embedded in Hobbesian assumptions about the need for a Leviathan. In reality, however, alternative actors perform the core state functions that the state no longer fulfils when it abandons a certain space (Clapham, 2001; Engel and Mehler, 2005).<sup>5</sup> Contrary to the idea of chaos and anomy associated with state retreat, non-state actors are often capable of providing basic governance and security at a local level. This observation does not imply that statelessness is socially desirable or without dire consequences for the population concerned. The prolonged humanitarian disaster in Somalia is a case in point. Yet Somalia also demonstrates that a population can survive despite the absence of a functioning government and public administration by creating and reactivating 'informal systems of adaptation, security and governance in response to the prolonged absence of a central government' (Menkhaus, 2006; 74).

Third, the 'state convergence' thesis leads to the biased notion that the modern state as it has developed in Europe and North America over recent centuries is 'accomplished', 'mature', and 'stable', while the state in other regions of the world is 'undeveloped', 'pre-modern' and 'fragile'. Thereby, 'the state' becomes a reified idea, a 'thing', which is *a priori* assumed and taken for granted. As a result, media reports and academic debates tend to overlook the often violent and unforeseen processes which, historically, have accompanied the formation of states. With the notable exception of scholars like Tilly (1975, 1992) or Eisenstadt (2003 [1988]), political scientists for long tended to ignore the historical normality of state collapse and the fact that state formation has never followed a universally applicable 'recipe'. Migdal and Schlichte (2005; 12) point out that this biased perspective offers no way 'to theorise about arenas of competing multiple sets of rules, other than to term these as negative, as failures or weak states or even non-states'. Particularly African societies are frequently portrayed as incompatible with modern nation-statehood and, consequently, as the 'deviant other' of Western societies (Hill, 2005). Since sovereign nation-states are 'represented as the key to modernity' (Berger, 2007; 1213), the discourse on African state failure reinforces the stereotype that Africans are unfit for modernity (Duffield, 2005; 294). The conclusion that modern European states

<sup>5</sup>Even in 'strong' states security and service provision are increasingly delegated to private companies on behalf of the state, both domestically and in the context of foreign military interventions (Kapferer, 2005; 293).

developed gradually from empirical to judicial statehood, while African states suddenly and somewhat undeservingly came into existence by colonial fiat (Jackson and Rosberg, 1982; 23) furthermore sustains this viewpoint.<sup>6</sup> However, European history indicates that violence, war, military expansion, social exclusion and economic exploitation lie at the heart of the processes of state formation, much as they did in pre-colonial Africa and indeed in the foundation of African colonial states (Cramer, 2006). Niemann (2007) recently employed Tilly's model of European war-making and state-making to analyse contemporary civil wars in Africa. With certain qualifications, he demonstrated that the current situation in the Democratic Republic of Congo can be understood as a struggle over territorial rule, access to resources and political belonging and therefore as wars of state-making.

Fourth, reflections on state failure and collapse frequently culminate in recommendations on how to strengthen or repair fragile or collapsed African states. As state failure is perceived to be 'contagious' (The Economist, 2005), analytical tools are proposed that aim at diagnosing domestic conflicts and political dynamics in the states 'under treatment'. Methodologically, these indexes measuring state (in-)stability and conflict risks are highly questionable. At the practical level, recent experiences with blueprints for state reconstruction in Afghanistan, Iraq and Somalia have demonstrated that the external engineering of political processes does not bring about the desired results, at least not in the manner anticipated nor within a relatively short timeframe. Despite these failures, policy-makers cling to top-down state-building scenarios that leave little room for alternative models of statehood. Furthermore, peace and state-building are often, but wrongly assumed to be parallel, mutually reinforcing processes, buttressed by liberal and market economy solutions (Paris, 2004). At the policy level, the false notion is entertained that a disinterested, well-meaning 'international community' has set out to help rebuild states in the troubled areas of the world for purely humanitarian motives. However, the dynamics of external intervention in Somalia since 1991 illustrate that, while humanitarian motives cannot be completely dismissed, external engagement is strongly linked to the complex domestic and foreign policy agendas of the interfering powers (Hoehne, 2002).

The following section provides a brief overview of the multiple political orders that have evolved across the Somali inhabited territories of the Horn of Africa.<sup>7</sup> Our focus is on the period since the disintegration of the Somali Democratic Republic and the coming to power of the new Ethiopian regime after 1991.

### 3 EMPIRICAL STATEHOOD IN THE SOMALI TERRITORIES

Somalia and the adjacent Somali region of Ethiopia provide interesting examples of empirical statehood within and beyond the nation-state. Somalia not only represents the most protracted case of state collapse, but has witnessed the emergence of multiple local governance systems, both formal and informal, which are seldom recognised internationally or acknowledged in the state failure debate. Furthermore, the *de facto* existence of a 'greater Somalia' (Little, 2003) based on a shared cultural identity, religion, cross-border kinship relations, and a regional trade, transport and finance networks, allows

<sup>6</sup>The idea of an imported African state is strongly contested by Bayart (2000).

<sup>7</sup>We only consider the Somali territories in Ethiopia and in the former Democratic Republic of Somalia, where we conducted field research or, with regard to southern Somalia, can refer to a reliable body of empirical literature. The two remaining predominantly Somali inhabited territories, which are not considered in our analysis, are the North Eastern Province in Kenya and Djibouti.

to draw comparisons between comparable sub-national political orders within and outside of Somalia. While Somalis living in eastern Ethiopia formally belong to a sovereign state run by a functional central government, most rural inhabitants of Ethiopia's Somali Regional State live beyond the effective reach of state administration. Conversely, inhabitants of the self-declared Republic of Somaliland in northwestern Somalia enjoy a relatively higher degree of statehood but are deprived of international recognition. Puntland, Somaliland's neighbour to the east, has emerged as an embryonic public administration supported by an alliance of different Darood/Harti clans. According to its constitutional charter it remains a part of Somalia. Finally, the international community has undertaken several attempts to re-establish a central government for Somalia. Most recently, the Transitional Federal Government (TFG) has been given international recognition and has received massive Ethiopian military support in an endeavour to crush an Islamist movement within southern Somalia, particularly in and around Mogadishu.

### **3.1 Ethiopia's Somali Region**

Ethiopia's Somali Regional State came into existence when the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) federalised the country on an ethno-political basis. In June 1992, Somalis in what was formerly known as the Ogaden Province elected their own regional administration for the first time. The Ogaden National Liberation Front (ONLF) had ruled the regional state until 1994 when they fell out with the Ethiopian federal government, which opposed their secessionist agenda. Consequently, an alliance of non-Ogaadeen clans supported by the EPRDF took over the regional state, while the ONLF retreated to the bush and waged an armed rebellion (Samatar, 2004). Since 1998, the EPRDF-friendly Somali People's Democratic Party (SPDP) has controlled all key administrative positions within the Somali Regional State. Although the SPDP has won successive regional and local elections, the region has been characterised by chronic political instability and violent conflicts. Despite an ongoing decentralisation program, state expansion within the Somali Regional State remains rudimentary. Outside major urban centres such as Jijiga or Godey, public service delivery is extremely limited, if not non-existent. In rural areas, state presence is mostly limited to sporadic food aid deliveries, federal military camps in the region's district capitals, and occasional campaigns to halt clan conflicts.

Besides recurrent clan conflicts over land and water resources, the introduction of 'ethnic federalism' in Ethiopia's Somali lowlands exacerbated competition for political resources throughout the 1990s. As access to state budgets and political representation within the region depends on the ability to occupy a distinct territory, clan groups fought increasingly for control of administrative structures such as villages or districts. In addition, the ONLF rebellion has gained momentum in recent years, thereby effectively excluding considerable portions of Ogaadeen clan territory from direct Ethiopian military control. While the northern and southern stretches of the Somali Regional State have remained largely peaceful, central parts of the region are still in a situation of 'no peace, no war' (Richards, 2005). Local political decision-making is mostly taken care of by elders who may support either clan, government or ONLF interests. Conflict resolution and security maintenance are delegated to customary authorities, namely clan elders, some of whom are nominated and remunerated by the regional government. A neo-patrimonial logic animates the political order of the Ethiopian-Somali lowlands where party cadres, federal military officials and Somali elders confront and co-opt each other in the pursuit of their particular political agendas (Hagmann, 2005a).

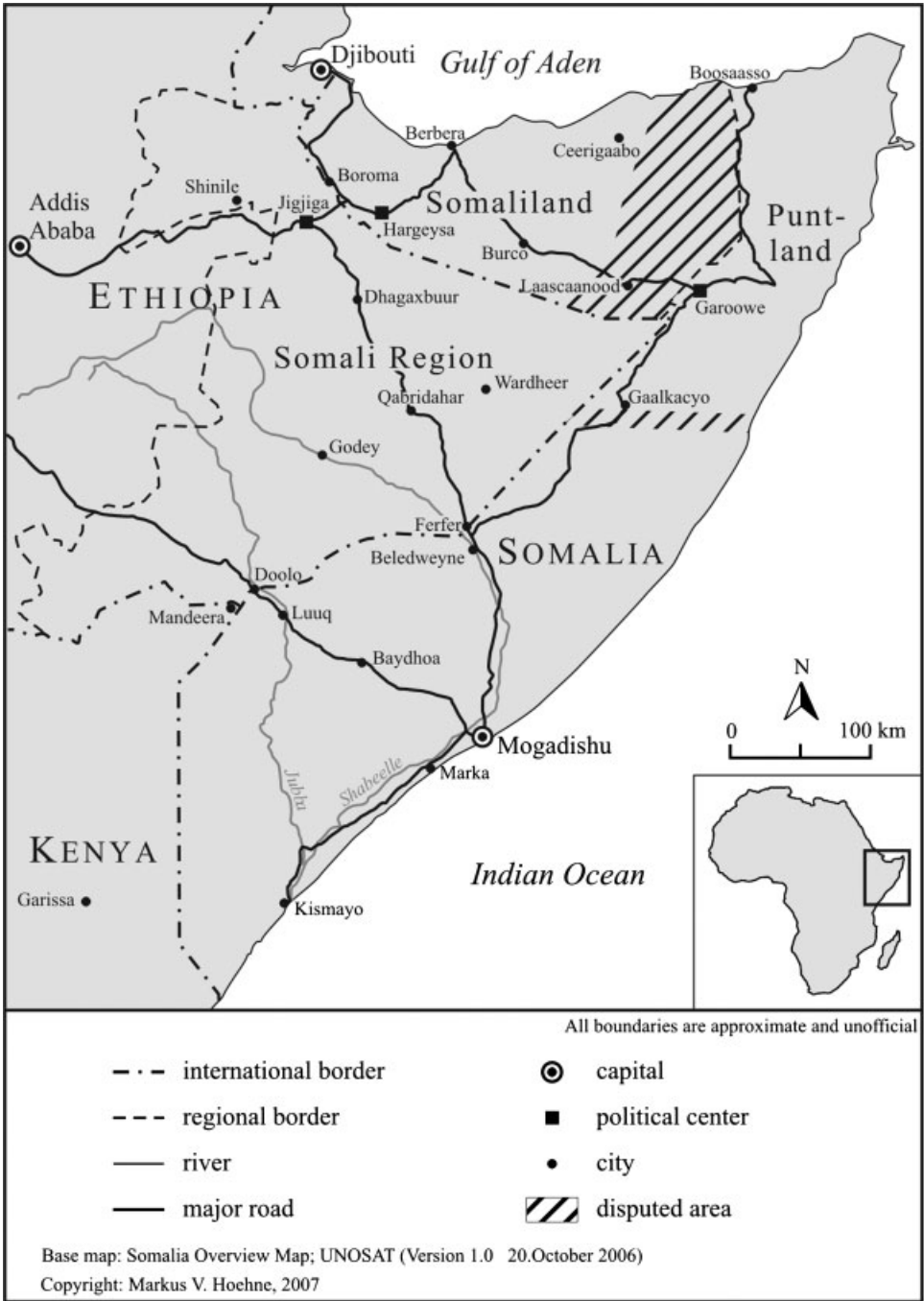


Figure 1. Somali Political Orders in the Horn of Africa.

### 3.2 Somaliland

In the northwest of the former unitary state of Somalia, the Somali National Movement (SNM), a guerilla organisation dominated by members of various Isaaq clans, took control in January 1991. Following their victory, SNM and Isaaq clan leaders engaged in peace negotiations with representatives of the region's other clans who had supported the former Siyad Barre government (Farah and Lewis, 1997). As a result of a series of local meetings, the continuation of the civil war in the northwest was prevented, and on 18 May 1991 Somaliland was declared an independent republic encompassing the whole of the former British Protectorate.<sup>8</sup> In 1993, after two years of rather chaotic SNM rule and contained conflict, a clan conference elected Mahamed Haji Ibrahim Egal, an experienced civilian politician, as President. Under his rule a stable political framework was established and peace spread throughout Somaliland. The members of the republic's bi-cameral parliament, the House of Elders and the House of Representatives, were partly selected by their respective clans and sub-clans, partly hand-picked by President Egal. Other government positions were allocated in line with 'clan proportion'.

The demobilisation of former guerillas and the creation of a national army and police, as well as the introduction of a new currency, fostered the internal consolidation of Somaliland. This state-building process occurred through cooperation between traditional authorities such as elders and *sheikhs*, politicians, former guerillas, intellectuals and ordinary people who decided to put their guns aside and solve problems peacefully, and with only marginal external support from international organisations. Other initiatives, such as diaspora committees for peace, newly established independent newspapers and a radio station in the capital Hargeysa, as well as a host of local NGOs and associations all over the country (focusing, for example, on human rights or environmental protection) complemented the state- and later the nation-building process. In 2001, the current Somaliland constitution was adopted in a public referendum. This began the transformation of the 'clan democratic' system of governance into a multi-party democracy. Between 2002 and 2005, political parties flourished and three elections including presidential elections were held (WSP International Somali Programme, 2005).

Nevertheless, the Somaliland government does not hold the legitimate monopoly of violence, and most inhabitants keep their guns privately. Security in Somaliland is dealt with in a decentralised manner and is largely guaranteed by local politicians and elders. These groups intervene immediately when conflict between individuals or groups arises. If a person has been injured or killed, clan militias and police forces are sent to capture the perpetrator(s). At the same time, negotiations over blood compensation start between the clan groups involved (Renders, 2006). Only in exceptional cases, when the integrity and stability of Somaliland is at stake, do central government institutions such as the House of Elders or the national armed forces intervene directly. The relatively stable environment of Somaliland has enabled local and diaspora entrepreneurs to invest in the country. Large shopping malls and the latest telecommunication technology can be found in Hargeysa and other towns in Somaliland. While some taxes are collected from businessmen and house owners, state revenue depends largely on the taxation of *khat* trade and the imports and exports transiting through Berbera port. However, the state cannot provide much in terms of social services; hospitals, universities and schools are mostly built and run by private investors.

<sup>8</sup>In colonial time the Somali inhabited territories were divided between French, Italian, British and Ethiopian administrations (Lewis, 2002 [1965]).

### 3.3 Puntland

Puntland draws its major political support from the local Majeerteen, Dhulbahante and Warsangeeli clans and was established by a clan conference in 1998. Constitutionally, Puntland is part of Somalia and its government is working towards rebuilding a unified Somali state. From 1998 to 2004, Colonel Abdullahi Yusuf presided over Puntland. As a military officer and former leader of the Somali Salvation Democratic Front (SSDF), who had defeated the Islamist Al-Itihad in northeastern Somalia in 1992, he relied strongly on the support of the army and his Majeerteen sub-clan. Puntland has a parliament and officially, major political decisions are taken by clan representatives who are either members of parliament or convene as traditional authorities. But after Abdullahi Yusuf decided to stay in office in 2001—despite a clan conference's decision to nominate a rival politician for presidential office—Puntland developed into a kind of 'clan dictatorship'. In October 2004, Abdullahi Yusuf was elected President of Somalia by the internationally sponsored Peace and Reconciliation Conference for Somalia held in Kenya (2002–2005). General Mahamuud Muuse Hirsi 'Adde' was elected President of Puntland by the parliament and was welcomed as an integrative and 'peace-oriented' figure (Doornbos, 2006; 185–191).

Until today, however, no substantive political reforms have taken place in Puntland. No political parties are in place and local radios and newspapers do not enjoy much political independence and wide circulation, but are politically restricted. The security situation is similar to that in Somaliland. Most people own guns, but local politicians and elders keep the peace. At the same time, internal corruption scandals have repeatedly triggered mutinies by soldiers and government officials. Since 2006, the deployment of Puntland troops in southern Somalia in support of Abdullahi Yusuf's TFG has weakened the regional security architecture and led to lower levels of security in parts of Puntland. Education, health care and economic activities in Puntland are, as in Somaliland, mostly in private hands or managed by NGOs. The main state revenue is based on tax collection at Boosaaso port. While Somaliland and Puntland are internally largely peaceful, their bilateral relations have deteriorated because of repeated clashes over the control of the Sool and Sanaag regions, which are, depending on one's political position, part of either eastern Somaliland or western Puntland (Hoehne, 2006).

### 3.4 Southern Somalia

In southern Somalia the prolonged civil war and instability, particularly in and around the capital Mogadishu, have become eponymous for the Somali state collapse. Surprisingly, even in southern Somalia, political orders backed by force and based on warlord rule emerged throughout the 1990s (Bakonyi and Stuvøy, 2005). Somali warlords mostly drew their support from clan militias and related businessmen. They ruled by means of violent exploitation of resources and military domination over weaker groups. By the end of the 1990s, Islamic Courts and powerful businessmen who had profited from the radically deregulated local economy emerged as important political groupings in Mogadishu. Both of these commanded their own militias. In the past decade, many of the notorious southern Somali warlords participated in the internationally sponsored peace processes. Although they had an interest in the continuation of a stateless situation (Menkhaus, 2003), the warlords skilfully mobilised international recognition and resources, which bolstered their

domestic positions. In recent years the local population began to blame much of the continuous small-scale fighting on the narrow interests of the warlords whose popular support increasingly waned.

All the same, in the 2002–2005 peace conference in Kenya, the warlords were granted important ministerial positions in Abdullahi Yusuf's cabinet (Schlee, 2006). In parallel, the Islamic Courts expanded their power base within Mogadishu: the population—including wealthy and influential businessmen—was willing to accept *shari'a* rule in exchange for basic security administered by the Courts. In early 2006, the confrontation between a coalition of US-backed Somali warlords-*cum* ministers and the Union of Islamic Courts (UIC) escalated into full scale war in Mogadishu. Unexpectedly, the UIC managed to expel the warlords from the city and successively established authority over large parts of southern Somalia. In doing so, the UIC challenged Abdullahi Yusuf's weak government based in Baydhoa in central Somalia, which drew strong support from the Ethiopian army. By deploying well-organised militias, evoking popular national sentiments against Ethiopian troops on Somali soil, and providing public order, the UIC gained legitimacy, strengthened its outreach and for the first time since the collapse of the Syiad Barre government pacified the war-torn south of the country. Inconsiderate diplomacy by the UIC in a context of regional and international fears of growing Islamic militancy in Somalia eventually triggered Ethiopia's massive military intervention in December 2006. With the assistance of Abdullahi Yusuf's TFG soldiers and US intelligence, the Ethiopian army defeated the Islamists and captured Mogadishu. Since then the capital's security has deteriorated drastically as militant Islamist fighters and oppositional clan militias have begun to engage Ethiopian and TFG troops in a series of deadly attacks (Barnes and Hassan, 2007; Marchal, 2007a). By the beginning of 2008 the situation in southern Somalia had developed into the worst fighting since the outbreak of the civil war in 1991, leading to large scale displacement and a renewed humanitarian crisis.

#### 4 TRAJECTORIES OF SOMALI POLITICAL ORDERS

Despite important variations, a number of common denominators are identifiable across Somali political orders in Ethiopia, Somaliland, Puntland and southern Somalia. First, at local level all Somali territories rely heavily on non-state actors who are embedded in the fabric of Somali society, particularly clan elders and *sheikhs*, to uphold security. Security, conflict management and justice are strongly decentralised and shouldered by traditional authorities and local politicians, sometimes also businessmen, who amalgamate customary, religious and political norms and practices. Second, as the case of Somaliland forcefully demonstrates, successful peace and state-building have since 1991 invariably emerged from below—rather than being imposed through a top-down process—and have taken place in the absence of a centralised and legitimate monopoly of violence. The international community's state-building blueprint, according to which externally sponsored peace negotiations give way to a government of national unity, which then pacifies Somalia, has proved unworkable. Third, the initial establishment of purposeful political institutions at local level has built on a coupling of national and clan politics. Particularly in Somaliland and Puntland, clans and clan representatives were not excluded from and perceived as antagonists of modern state formation as during the post-colonial period. Instead they were recognised as legitimate and stabilising political powers that are compatible with modern state institutions. In this way hybrid and effective government

institutions were created. Fourth, in all Somali territories security remains relatively fluid as law and order evolve in parallel to the political economy of peace and conflict within and across the region. Because of the existence of a close-knit web of cross-border links enclosing all Somali inhabited territories, major shifts in one political setting cannot be contained, but sooner or later reconfigure the entire region.

In spite of these similarities, the post-1991 trajectories of the Somali political orders differ markedly. While a detailed review of the political history of the Somali inhabited Horn of Africa is beyond the scope of this paper (Lewis, 2002 [1965]), the following table offers a cursory overview of the multiple types of judicial and empirical statehood as well as the major state-building and political processes that have been at work in Ethiopia's Somali region, Somaliland, Puntland and southern Somalia (Table 1). The overview discloses variegated configurations of empirical statehood that are only partly explained by the judicial status of the entity to which they are attached to. The juxtaposition of Ethiopia's Somali region and neighbouring Somaliland illustrates this point. Although the first formally belongs to a democratic federal political system, political representation is monopolised by the ruling SPDP. In contrary, Somaliland remains unrecognised internationally, but features a lively multi-party political system and an independent media. Likewise, although the TFG claims to represent the entire territory of the now defunct Somali Democratic Republic, its bureaucratic outreach is severely limited even within southern Somalia. The identification of master state-building processes in the four Somali political orders reveals the multidirectional processes of state formation and erosion over time. While to the casual observer all Somali territories may seem 'weak' in terms of their bureaucratic institutions, the longer term and empirically informed view suggests that fundamentally different state-building and political processes have materialised since the beginning of the 1990s. The causal explanation for these variations requires more systematic comparative analysis that is able to identify a set of variables accounting for these different trajectories.

Somali area specialists have lingered between a 'traditionalist' interpretation that explicates Somali politics by reference to genealogy on the one hand, and a 'transformationalist' perspective that emphasises the importance of colonial experiences and the integration into the global capitalist economy on the other hand (Samatar, 1992). As an additional hypothesis we suggest that local political orders must be explored in terms of institutionalised power relations between revived traditional authorities (Buur and Kyed, 2007), 'violent entrepreneurs' (Volkov, 2002) such as warlords or militias, and state and party officials.

The multiple political orders observed within the Somali inhabited parts of the Horn of Africa contradict the idea that state collapse and failure are tantamount to anarchy.<sup>9</sup> Central tenets of the state failure debate are called into question by the empirical analysis of local Somali politics, which do not conform to the alarmistic and deterministic scenarios offered in the literature (Marchal, 2007b). Since 1991, a Somali type of statehood that amalgamates customary, Islamic and statutory norms and practices has emerged. Somali statehood is shaped by local and global forces, and is also distinctly modern in the sense that Somalis have radically decentralised politics, privatised public services, and internationalised their economy within a very short time span (Hagmann, 2005b). Hence, as Menkhaus (2006) rightly underlines, conflict and civil strife have not only destroyed the Somali central state, but

<sup>9</sup>Commentators rarely fail to speculate that stateless Somalia provides a safe haven for terrorists (Simons and Tucker, 2007). As a recent report by the Centre for Combating Terrorism at West Point (2007) demonstrates, this assumption is wrong. In the first half of the 1990s Islamic terrorists' efforts to mobilize Somalis for *jihād* were severely frustrated by the dilapidated infrastructure, volatile clan, and conflict, and distrust on behalf of Somalis towards foreigners.

Table 1. Trajectories of Somali political orders, 1991–2007

Entity	Judicial statehood	Empirical statehood	Master state-building process	Master political processes
Ethiopia's Somali region (Ogaden)	Federal state within the Federal Democratic Republic of Ethiopia	Authoritarian single party state; considerable part of territory controlled by rebels; very limited state taxation and service delivery	Top-down decentralisation in the framework of 'ethnic federalism' implemented by state and party officials	Creation and co-optation of Somali-Ethiopian elite; neo-patrimonial rule involving military, party cadres and local elders; securitisation of politics and political repression
Somaliland	Self-declared independent republic with internationally contested legal status	Multi-party clan democracy; with exception of eastern border area most of the territory pacified; very limited state taxation and service delivery	Inclusive bottom-up institution building and democratisation shouldered by clan elders and politicians	Establishment of democratic institutions combining modern politics and clan; creation of public sphere based on media and civil society organisations
Puntland	Self-declared 'autonomous region' belonging to the Somali Democratic Republic	Single clan dictatorship; instable security situation; very limited state taxation and service delivery	Parochial bottom-up state-building driven by clan elders, warlords and politicians	Establishment of some representative institutions; limited democratisation combined with clan dictatorship
Southern Somalia	Somali Democratic Republic	Strongly contested, internationally recognised transitional government; continuum of volatile local security situations including large scale fighting between government and insurgents; no state taxation and service delivery	Externally sponsored attempts to restore central government on the basis of proportional clan participation and inclusion of warlords	Economy of plunder and clan fighting; radical decentralisation of politics and security in the hands of local businessmen, warlords and Islamic courts; occupation of Ethiopian troops

have also given way to new political institutions and local state-building processes shouldered by elders, businessmen, *shari'a* courts and other actors.

## 5 CONCLUSIONS

We have argued that there is a need to critically engage with central tenets of the state failure discourse by looking at empirical emanations of statehood within and beyond the nation-state that emerge after or during state collapse. Our analysis of (sub-)national political orders in the Somali inhabited territories demonstrates that state formation evolves in contradiction to the 'state convergence' thesis criticised at the onset of this article. Somali and other African political orders defy Western models of the state in many respects. Nevertheless state collapse does produce serious social costs with regard to citizenship, national identity and sovereignty. Both the absence of a functioning central

government in southern Somalia, and the non-recognition of Somaliland have negative repercussions on individuals' lives. For example, to this day Somalis face major constraints when crossing state borders because they lack valid—that is, internationally recognised—travel documents. Further, belonging to a collapsed state poses problems with regard to people's identification with their nation-state (Gordillo, 2006). Not being part of an internationally recognised state also renders Somalis close to 'invisible' in the current world of states. Finally, without an effective government a country becomes easy prey to foreign interference, both by state and non-state powers.

How then should the international community engage with such political orders? In her critique of the liberal concept of the recognition of minorities within nation-states Fraser (2000) argues that resource inequality and the reification of identities are the negative by-products of the 'politics of recognition'. She proposes an alternative model of recognition that aims at equal participation in the social, economical and political arenas. Transferring this idea from the debate about multiculturalism to international politics, we argue that external programs proclaiming to 'rebuild' or 'repair' failed states on the basis of an ideal-typical nation-state model will hardly succeed. 'Quick fixes' and short-sighted state-building interventions ignore the complex and contested political issues at stake in conflict situations accompanying state failure and collapse (Gourevitch, 2004). Southern Somalia and other cases reveal that ill-informed external engagements tend to reify power imbalances and contribute to conflict escalation. Purposeful state-building and international assistance must first and foremost recognise state failure as a globally embedded phenomenon (Bilgin and Morton, 2004; 175) that surpasses local manifestations of the collapsed state. Before proposing solutions, prevailing political orders and variegated degrees of statehood have to be understood as they are, and not as they are wished to be. Following this, we support Herbst's (1997; 140–141) call for the increased recognition and participation of 'sub-national units, be they breakaway regions or simply units such as towns or regions that have been largely abandoned by their own central government' in international politics. Whether we like it or not, current types of African statehood, often considered to be pre-modern aberrations, may well in the end endure and even become models for future political orders (von Trotha, 2001).

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