10 Somalia, fragmented hybrid governance and inclusive development

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Somalia's political system is fragmented, in that those involved in governing do not have agreed authority relations and do not have agreed means of settling disputes over those authority relations.[1] The fracture lines are numerous – between the Federal Government of Somalia (FGS) and the Federal Member States (FMS); between the FGS and the internationally unrecognised Government of Somaliland (GSL); between all of these state actors and the Al-Shabaab insurgency; between the FGS/GSL and commercial actors; and between the FGS/GSL and the many governmental and non-governmental international actors present. Somalia's political system is also hybrid in that it involves multiple forms of authority that include both traditional forms (primarily clan, Islam and elders) and modern forms (specifically the executive, legislature and judiciary of the modern state representing and accountable to a national population).[2] The institutions of clan, Islam and elders have modern dimensions and, equally, state authority has traditional dimensions. Nevertheless, the distinction adopted in this chapter between "traditional" and "modern" is used as a matter of routine by scholars and analysts of Somalia, including those who are Somali.[3] It is not used here to imply that one is more valid or desirable than the other. Hybridity is officially built into the political system: the final electoral process agreed for Somalia's 2016 elections involved 135 clan, religious and community elders selecting 14,025 electoral delegates who then voted for 275 Members of Parliament. Furthermore, representation is based on the 4.5 formula (first adopted in the Somali political process in 2000) in which the four main clans are entitled to an equal share of government positions while minority clans are collectively entitled to half the share of one major clan.[4] While the FGS and international community are formally committed to having one person one vote elections in 2020 which do not use the 4.5 formula, there are no serious preparations for that change. Somalia's hybrid system involves governance in that multiple state and non-state authorities play roles in governing so that power and authority are dispersed across state and non-state actors, and up and down through levels. This contrasts with government, conceived of as ruling through the centralised political authority and coercive power of a state at all levels. Krasner and Risse claim that this kind of government (in their terms statehood) exists "only in some parts of the world".[5] In fact, the sovereign state with authoritative, legitimate final decision and coercive power over all other actors within its borders

and in relations outside its borders exists nowhere. The state in the 21st century is characterised by governance; pooled sovereignty in bodies such as the European Union and World Trade Organisation; and globalising dynamics that further compromise state sovereignty.[6]

Hybrid governance, understood as a mix of "traditional" and "modern" systems of political authority, is the reality in much of the world and will continue to be so for a long time to come in one form or another.[7] Hybridity and fragmented governance often go hand in hand as hybridity can produce parallel and competing systems of authority. But if we take hybridity as a given in Somalia, are there ways to work with it while promoting more coherent governance? We argue that it is possible to work with non-state actors to support increased coherence without necessarily negating their parallel systems of authority. Is coherent governance what Somalis and the international community should be aiming for? Coherent governance does not, in itself, produce inclusive development, defined by Hickey et al. as

> a process that occurs when social and material benefits are equitably distributed across divides within societies, across income groups, genders, ethnicities, regions, religious groups, and others. These benefits necessarily comprise not only economic and material gains but enhanced well-being and capabilities as well as social and political empowerment being widely experienced.[8]

Coherent governance assists political leaders in reacting to demands of coalitions and implementing policies that could promote inclusive development, while fragmented governance hinders the process. However, political settlement theory predicts that coherent governance in a settlement where elites are not driven by a developmental vision, or where the settlement is based on support from a narrow group, can result in more successful repression of demands from other groups.[9]

Somalia's political settlement can be categorised as a "limited access order",[10] i.e. exclusive, spoils-driven and personalised.[11] There have been periods in recent Somali political history where a political settlement with a degree of coherence or "purposive coordination"[12] around a shared vision among elites emerged. This was the case, for example, when the Islamic Courts Union gained control over Mogadishu and parts of south central Somalia in 2006. For the most part since then, coordination between elites (defined as those having concentrations of power at their disposal) has been based on a division of spoils leading to an unstable political settlement prone to outbreaks of violence between rival elite led militias. In such circumstances, inclusive development is improbable; elites are too busy struggling to control what exists or undermining what exists to deny it to their opponents. International actors are not outside and above the political settlement in Somalia; through backing different Somali politicians and factions, they are an integral part of it and thus fully implicated in its failures as well as successes.[13] Somalia is, as of 2018, mired in a political stalemate and breakdown of relations between the FGS and FMS as they

struggle over the distribution of power.[14] FMS leaders unilaterally formed a Council of Interstate Cooperation in 2017 so that they can bargain collectively with the FGS, or at a minimum simply resist interference by it and sidestep it. As state functioning at both levels is diverted into these struggles, Al-Shabaab continues to be able to engage in violence despite US, AMISOM and Somali military efforts.[15] The Senate of the FGS carried out a fact-finding mission of the FMS-FGS dispute in late 2018. In some respects, it identified a potentially shared vision around completion of the constitutional review process, consolidation of the security forces, judicial reform, preparations for elections in 2020, political party formation, economic development and national reconciliation.[16] However, the FMS-FGS power struggle took a particularly intense turn in December 2018, when FGS police backed by Ethiopian troops arrested Mukhtar Robow in Baidoa and flew him to Mogadishu. Robow, former spokesman and deputy leader of Al-Shabaab who split from the group in 2013 and defected to oppose it in 2017, was standing for election to the presidency of South West State of Somalia (the first such FMS election since their creation). With strong backing from his locally dominant Rahanweyn clan, Robow was expected to win the election which had been postponed three times by the FGS. The result has been violent pro- and anti-Robow clashes in Baidoa.[17]

Somalis (and those seeking to work with Somalis towards inclusive development) have to start from where they are – a governance system with conflicts of legitimacy, huge tasks and weak and/or competing institutions. Krasner and Risse argue that transnational governance efforts are more likely to succeed in achieving coherence when local actors perceive transnational governance as legitimate and when governance systems incorporate strong institutional design (i.e. are well resourced, on solid legal ground, flexible, independently monitored and with clear decision-making rules).[18] There is much to commend in these points for transnational governance actors. However, the approach proposed in this chapter is to consider how particular manifestations of hybrid governance advance or undermine inclusive development in the current, much less benign, context.[19] Through examining manifestations of hybrid governance in Somalia, and more specifically the degree to which these parallel governance systems are susceptible to restraint, we seek to identify ways in which Somalis and international actors can work within hybridity to achieve inclusive development.[20]

The analysis in this chapter is of wider significance beyond the case of Somalia in three ways. First, it draws attention to the fact the fragmentation or coherence of political authority strongly shapes dynamics of hybrid governance. If hybrid governance is fragmented, the ability to impose, negotiate or cooperate on issues around inclusive development will be limited. Indeed, struggles over political authority are liable to overshadow the substance of inclusive development. Second, it shows that the issue of accountability is a productive perspective from which to analyse relationships between hybrid governance and inclusive development. This is because in different yet related ways, debates about both issues are to some significant degree about accountability. Third, the chapter illustrates the value of taking an agnostic approach as to whether hybridity in governance should be promoted or resisted. As our empirical material shows, hybrid governance can have

negative and positive implications for accountability and inclusive development, and so a more nuanced and fine-grained approach than for or against hybrid governance is desirable.

Accountability

When governance systems are susceptible to restraint, they are in this sense accountable. Accountability can contribute to inclusive development because it increases the social and political empowerment that Hickey et al reference.[21] Without it, citizens will be subject to arbitrary power or, equally, without being accountable themselves, others will be subject to their arbitrary power. For Sen, and we concur, development includes the instrumental freedom of political freedom as it is necessary for the capability and opportunity to exercise reasoned agency.[22] In an ideal vision of inclusive development, there should be mechanisms for horizontal accountability, and both downward and upward vertical accountability. By horizontal accountability we mean accountability between powerful institutions and authority figures, while downward vertical accountability is accountability of the powerful to those they represent or affect, and upward vertical accountability is accountability of those represented or controlled by the more powerful. Of course, in any polity, there will be power differences so the extent to which all types of accountability can be achieved will always be limited.

The notion of representation at a general level is an important aspect of accountability, as representatives are expected to show that they are acting as required. However, an approach to accountability which conceptualises it solely in terms of citizens using information about the performance of the state to decide whether to reward or punish politicians or civil servants through elections or other forms of non-violent political expression is too narrow in two respects. First, as we have already pointed out, governance is about more than states. All societies – not just those in the Global South - are governed by formal and informal institutions and authority figures that include but also go beyond the state. International organisations, social movements, religious establishments, businesses, non-governmental organisations and clans all have power in various forms, including political power. State sovereignty – the final legal and practical power of authoritative decision-making internally and externally – is everywhere compromised, though to varying degrees. The extent and nature of the accountability of that power is a crucial aspect of how politics functions within, across and between states. For example, the FGS and GSL have very limited ability to hold international donors to account. Even if that accountability was increased, FGS and GSL efforts are liable to focus on ideological, political or material interests rather than contributing to achieving officially stated development goals. Second, accountability is influenced by whether authority is integrated in a hierarchical way or fragmented into different centres of authority that may operate either in different spaces or concurrently in the same space. When authority is fragmented, accountability in one sphere does not extend effectively to other spheres. In much of Somalia, the state is

effectively absent, with religious, elder, clan and armed militant groups vying for control. Hence, even if elected politicians are accountable to the electorate, there is little prospect of these politicians using that mandate to exercise accountability over other elites for the electorate. Coherent governance can contribute to extending whatever horizontal or vertical accountability may exist in one sphere to another, even in a hybrid system. Non-state actors, as we now explain, can work to extend accountability from one sphere to another, thus potentially increasing coherent governance.

Non-state actors in Somalia

Contrary to much of the practice in international development, we do not equate non-state actors with civil society. We define a non-state actor as an actor with sufficient power to influence politics, either at local or national levels, despite not being part of a state institution. As such, "non-state actor" may refer to national and international NGOs, business or religious leaders, traditional authorities, workers' organisations, media, local community-based groups and networks, or diaspora. They may also be armed, as in the case of clan militias or Al-Shabaab. This broad definition is useful, as a wide range of non-state actors participate in producing Somalia's fragmented hybrid governance and in shaping development towards or away from inclusivity. The line between actors who form part of state institutions and those who do not is blurred. As clan elders' roles are increasingly involved in different state functions, the distinction between "state" and "non-state" has become difficult to pin down. Political actors draw on, articulate and practise several registers of authority simultaneously, including international discourses of human rights, religious doctrine, legislation, party political agendas, and customary law.[23] These observations highlight the more general point that a binary distinction of state versus non-state is an analytical tool rather than a simple reflection of reality.

While much has been written about how to improve the accountability of state actors, there is relatively little on improving the accountability of non-state actors. Accountability is a means of restraining power, and, because the state is usually expected to be the ultimate source of power in modern states, standard accountability models tend to focus on the relationship between the state and its citizens. This model is based on expectations of a representative democracy, in which citizens hold political leaders to account through periodic elections while bureaucrats design and deliver public services with oversight by political leaders. From this perspective, judiciaries and other organisations, such as electoral or human rights commissions, are conceived of as supporting accountability in these processes. Standard models of accountability emphasise the role of sanctions, such as elections or legal action, in restraining state power. Most accountability programmes are designed to address the failures identified in relation to this standard model, with many focused on improving the ability of citizens and state actors to access information on civil servants' or politicians' performance so they can threaten sanctions where performance is poor. This approach relies on the idea that bureaucracies are part of a delegated governance system, and that bureaucrats could suffer repercussions for poor performance through

political representatives' reactions to dissatisfaction among their constituencies. However, when working in an environment where there is fragmented hybrid governance, the state is not the ultimate source of power and the relationship between the state and its citizens is limited, indirect or absent. Non-state actors may work as power brokers between the state and citizens, or state representatives may be relatively powerless compared to non-state actors. A powerful example of this is the fact that Al-Shabaab has the most efficient "tax"-gathering bureaucracy in Somalia (the quotation marks emphasise that this "tax" gathering lacks a legal and democratically-mandated basis and is criminal extortion).[24] Somali citizens and businesses plus international organisations and international non-governmental organisations all pay taxes to Al-Shabaab. It enforces downward vertical accountability on tax-payers coercively, using violence, and the formal state is bypassed completely. A major component of this tax-gathering system is the use of *isbaaro* (unofficial road blocks, as opposed to official Government check points). The fact that Al-Shabaab, clan militias, criminal gangs and often out-of-control federal or local government forces gather taxes or simply blatantly extort individuals, businesses and humanitarian agencies using the roads[25] underlines the point that a narrow standard notion of accountability as citizen control of the state through elections is of limited value in Somalia.

The next part of this discussion examines the roles of some important non-state actors in Somalia, namely Al-Shabaab, elders (who in most cases are clan elders), religious leaders (some of whom are in Al-Shabaab), business leaders and informal settlement managers. The aim is not to provide a comprehensive overview of the most important non-state actors but to illustrate aspects of the relationships between Somalia's fragmented hybrid governance, inclusive development and accountability.

Al-Shabaab

In important respects, Al-Shabaab is a state-like non-state actor. It does more than undermine government. It also acts as a government over substantial parts of south central Somalia. For mobile phone company Hormuud Telecom to operate in areas Al-Shabaab controls directly or has influence, it must negotiate with Al-Shabaab, which for security reasons and to try to control information flows banned smart phones in 2013 (including for its own members).[26] Al-Shabaab taxes trade in charcoal, sugar, and khat; trades in charcoal itself; taxes sales and salaries; imposes registration payments and taxes on humanitarian organisations (including those of the international donor community); taxes ports and commercial and private road users at illegal checkpoints (*isbaaro*); engages in systematic theft framed as *zakat* (obligatory charitable contributions for observant Muslims); and kidnaps for ransom.[27] It carries out some of these commercial activities in league with elements of district authorities and the Kenyan Defence Force presence. Its commercial activities have been squeezed through military pressure and its loss of direct control of Kismayo, but it has responded by increasing its other taxes. Al-Shabaab collects

taxes even in areas outside of its direct control and punishes non-compliance, whereas the FGS generally fails to collect taxes systematically or on a large scale. Due to the weakness and lack of discipline of FGS forces, Al-Shabaab provides often state-like order, monopolises violence, asserts the legitimacy of that monopoly and finds ways to work with clans. Similarly, it is able to provide more systematic and reliable security and justice than the FGS though it does so to a great extent through coercion and intimidation and in an exclusionary manner. The fact that it manages to induce widespread cooperation with its approach underlines that it is a state-like non-state actor. The strength of its role in the governance of South Central Somalia is reinforced by the fact that, in contrast to the FGS, it has a clear ideological vision that it implements ruthlessly and in a disciplined way. That said, al-Shabaab has a much easier task than the FGS because the scope of its engagements is much narrower (for example, it does not have to deal with the World Bank and so on), as is its geographical scope.

The prospects for negotiating Al-Shabaab's integration it into coherent hybrid governance for Somalia are limited at present. One barrier is the existence of internal factions driven by rejectionist ideology. Another is the existence of financial self-interests associated with its continued separate existence as an organisation. At present the FGS and international community evince little interest in a negotiated end to the conflict and prefer to focus, at least rhetorically and rather unconvincingly, on defeating Al-Shabaab by force. The situation is one of a fluid stalemate – some movement but no prospect of resolution – with no tipping point in sight. If humanitarian actors are to gain access to populations in dire need in much of south central Somalia, engagement with Al-Shabaab, including registration and large payments of money, is unavoidable. Due to the political unattractiveness of such activities, higher authorities in the international donor system have tended to leave it to aid workers at a more local level to negotiate such arrangements. The more that humanitarian efforts are associated with counter-insurgency (through such framings as stabilisation) rather than neutral humanitarianism, the more likely those efforts will face exclusion or attack by Al-Shabaab.[28]

Elders

Due to Somali elders' historical role in arbitrating conflict and upholding agreements, elders are often presented—and indeed present themselves—as natural counterparts for those working to increase accountability. As representatives of the clan governance system, elders wield power that potentially could be used to elicit responses from state administrators.

While elders can, in theory, use their power to make demands on state representatives, it is not clear that they make demands on behalf of all members of their community. Elders are only selected by a minority of members within a community. In Somalia, the selection process varies across the country.[29] It depends on the level at which the elder will operate and is constantly evolving. Sometimes, characteristics such as experience, age, oratorical skills, fairness and impartiality, ability to compromise and persuade, expertise in *xeer* (clan-based customary law)

and religious knowledge are necessary. Women cannot be selected as elders throughout Somalia and cannot participate formally in the selection process at any level. In fact, women tend to be excluded from all clan governance structures.[30] As a result, women are severely constrained in the ways in which they can make demands on elders; often their only means is to do so through their husbands, brothers or sons. Minority and low caste clans such as Bantus, Benadiri, Gabooye and Midgaan are also excluded at different levels within the Somali clan governance system. Since the collapse of the state in 1991, some ambitious members of minority clans have taken to self-inaugurating themselves as clan elders.[31] The result has been a proliferation in the numbers of elders and clan leaders, and tensions between those chosen by members of majority clans and those who have self-inaugurated.

The exclusive selection process for elders limits their downward vertical accountability to the broader polity. Even for those involved in the selection process, only limited sanctions are available if an elder transgresses his responsibilities. Once selected, there is no established procedure for retiring an elder if his performance is unsatisfactory. Elders also play a key role in customary legal proceedings and in upholding the rule of law, which further compromises the sanctioning power of community members. If elders transgress customary law, there is no additional structure within the clan that can punish them.

Despite their limited downward vertical accountability and lack of representation for large groups in their communities, elders can play a part in increasing coherence in governance systems, and in the process extending access to horizontal accountability to more members of the community. To cite one example, a series of meetings brokered by an international donor-funded external consultancy company between elders from a group of villages resulted in increased agreement about the sources of authority and modes of cooperation in their local area.[32] As a result of this increased coherence, elders cooperated to raise funds to build an office next to the District Commissioner's office. The symbolism was clear; elders were locating themselves spatially and politically alongside the District Commissioner, and in the process further embedding the hybridity of governance. The elders then worked with the District Commissioner to use their extended horizontal accountability to demand increased transparency, not from the state, but from local NGOs. Increased cooperation between these elders did not include new agreements about how to resolve disputes over sources of authority, a defining feature of coherent governance. However, the increased cooperation indicated an increase in agreement about the sources of authority in their local area and thus represents a move towards increasing coherence of governance. In this instance, the increased coherence of governance resulted in demands for increased horizontal accountability of local NGOs to elders and the district administration.

This potential for increased accountability across spheres of governance through increasing coherence is enmeshed in messy dilemmas. For example, the power of elders is, in many cases, dependent on the elder conforming to norms of exclusion. Projects aiming to work with elders to support increased governance coherence and accountability may therefore need to compromise on inclusion of

women, youth and minority clans. Working with elders from minority clans could mitigate some exclusion at the clan level but if those elders are self-inaugurated, projects risk supporting increasing exclusion at the community level. If elders represent only a narrow group within a community, efforts to empower elders in the name of accountability may be self-defeating. Increasing the dominance of elders reinforces the marginalisation of women and young people.[33] Although Somaliland appears to have had some success in integrating clan governance into a modern state system, such as through establishing a House of Elders in its Parliament, this ultimately acts as a barrier to generating political programmes and services for all citizens.[34] Furthermore, elders have an incentive to maintain their mutual relations of political patronage with politicians rather than to press politicians to fulfil their official state duties effectively.[35]

Religious leaders

Religious leaders (including but not limited to those of Al-Shabaab) are important actors in the governance of Somalia. They include those following both Sufi and Salafi traditions. Sufi orders have been active in Somalia since the 1850s while Salafism, the more recent major movement, has been active in Somalia since the 1950s.[36] Both traditions include criticism of corruption and offer guidance on what to expect from leaders, and so have the potential to play a role in increasing coherence of governance. Indeed, most religious movements aim to achieve increased coherence of governance. During different periods in Somalia's history, Sufi leaders have achieved increased coherence between both clan and state governance, and governance based on Sufi Islamic values. For example, in the past Sufi imams were consulted by clan elders and the community regarding the application of *xeer*.[37] The Siyaad Barre regime actively supported Sufi orders, giving them control of religious teaching institutions as well as mosques.[38] Salafism, as promoted by Al Shabaab and other Islamist groups, represents a competing interpretation of how one attains authority and how disputes over that authority are resolved, based on a more direct interpretation of the Koran. For their part, Salafis have also worked on integrating themselves into both clan and state governance systems, albeit, often using violent or coercive strategies.

There are several examples where coherence between sources of Islamic authority and sources of clan or state authority resulted in increased accountability. For example, in the 1980s, Salafi movements collaborated with elders to contribute to the downfall of Siyaad Barre. In Somaliland, both Sufi and, more recently, Salafi religious leaders have been involved in post-election mediation—particularly of the presidential elections—to convince defeated candidates to accept the results. However, it is possible that corrupt elders may co-opt Sufi leaders, thereby undermining religious leaders' willingness to challenge an elder on his application or use of *xeer*.

While increased coherence between Islamic sources of authority and clan and state sources of authority has resulted in increased horizontal accountability, this increased coherence can result in the further exclusion of women. The messiness and

dilemmas of increased coherence of governance were well illustrated in Somalia's 2016 parliamentary elections. Some Salafi leaders tried to persuade MPs to vote for the most effective president rather than basing their choice on clan or financial incentives, while at the same time also lobbying against the 30 per cent quota for women.[39] Sufi leaders, by contrast, did not take a position on clan-based voting or vote-buying but supported the 30 per cent quota for women.[40]

Business leaders

Business leaders in Somalia wield significant influence in governance. After the central state's collapse in 1991, reliable data on the economy became unavailable. A simplistic myth has arisen that the absence of state regulation and taxes has enabled Somalia's private sector to boom. To the extent that data does exist, it refutes that claim. Economic activity is based mainly on agriculture, livestock, remittances, telecommunications and international aid. GDP is not suitable as a measure of inclusive development because it says nothing about distribution of benefits. However, it is suitable for challenging the claim that a weak state, weak regulation and almost non-existent state taxation is particularly conducive to economic activity. Despite being predominantly peaceful with its own government in place since 1991, in 2014 Somaliland's GDP was still only around US$327 per capita, among the lowest in the world.[41] Somalia's GDP per capita was roughly US$435 in 2013[42] and it had reached something like US$499 in 2017.[43] GDP figures usually exclude estimates of the informal economy. However, there is no reason to think that the informal economy is booming in Somalia or Somaliland either, even if it encompasses the bulk of economic activity – extreme poverty is the norm. This demonstrates that the absence of the state or having a state with extremely limited capacity, as in the case of the GSL as well as FGS, does not encourage the economy to grow rapidly. It also shows that peace without coherent governance is not enough for economic development. Specific entrepreneurs will be able to profit from weak or absent regulation and taxes. However, for the economy as a whole to flourish at a much higher level of productivity, businesses need infrastructure, security, an educated population, predictability, low levels of corruption and low costs of doing business (e.g. ease of securing legal protections for their activities).

It should not be assumed that, just because some businesses have managed to become established in the current circumstances, that they will be opposed to the establishment of strong coherent governance. A major determinant of the attitude of businesses is whether coherent governance will give them at least a reasonable opportunity to continue to operate and become more profitable. However, it will not be the sole determinant, and it is possible that some businesses will prefer the benefits of exclusive elite capture or feel that they have to reinforce that system to survive. Indeed, business more generally in Somalia and Somaliland is entwined with clan and patronage politics and backing politicians, so its role in relation to coherent governance and inclusive development is ambiguous.[44]

Somalia's intertwined telecommunications and finance sectors provide a good illustration of the importance of the private sector in facilitating at least some aspects of coherent governance and inclusive development. Somalia, Somaliland and Puntland enjoy a complex mix of central banks, money transfer operators with international bank accounts, mobile money companies with local business operations (Dahabshiil in Somaliland and Hormuud in south central Somalia); and (the main source of income for Somalis) diaspora remittances through these systems. This financial ecosystem includes the traditional informal *hawala* system in which money is moved not through cash or electronic transfer but payment to a money broker in one location and payment by another money broker in another location. This hybrid financial governance has come under heavy pressure to de-risk especially in relation to money laundering and funding of terrorism, at significant humanitarian cost, when a risk management approach would provide a more humane and effective balancing of priorities.[45]

Telecommunications companies – Telesom in Somaliland, Hormuud Telecom in south central Somalia and Golis Telecom in Puntland – are the most successful businesses in the country. Establishing effective mobile telecommunications and numerous related services (most notably money transfer without needing a smart phone) has been a huge achievement against all the odds. Despite these successes, however, the companies are often portrayed by political actors within and beyond Somalia as monopolists, taxation avoiders, money launderers, terrorism funders, inflation generators and underminers of the local currency. No proper evaluation has been carried out about how valid any of these claims are.

These telecommunications companies have something to offer about how to achieve inclusive development because they have already delivered it in the form of wide penetration of mobile phone and mobile money transfer use in which even those with very low incomes can participate without discrimination in relation to clan, gender and other markers of exclusion. The limits of inclusivity in banking can be seen by the fact that what little lending there is in the banking system is to the already wealthy rather than being pro-poor.[46] On another measure of inclusion, these companies have to engage all communities to expand their businesses, including hiring across clans. In addition to being good for business, it is in effect cross-clan cooperation. That said, the transfer of learning from business to government is not straightforward because these are different kinds of activity. With regard to demands for transparency from businesses as part of accountability and governance, business leaders correctly retort that this is unreasonably dangerous in a country where the state cannot be trusted to keep commercially sensitive financial data secure and use it for legitimate purposes. Indeed, Western states are complicit in allowing tax avoidance through such means as tax havens and other opaque financial arrangements which means that the largest corporations and richest individuals in the world pay tiny amounts of tax, while enormous sums from corruption and other forms of crime globally are hidden in this system.[47] The selectivity and silences in accountability demands are an impediment to addressing this issue proportionately, overall and in a way best suited to promoting coherent governance and inclusive development. Thus far, Somalia's telecommunications companies have done little to

make their case to or participate in the development activities of the international donor community, although they are showing increasing interest in finding ways to do so. Keeping their distance fuels suspicions that they may prefer the existing state of affairs.

Informal settlement managers

A less obvious group of non-state actors to consider is that composed of managers of informal settlements. Bryld et al argue that "development actors are forced to interact with Gatekeepers [informal settlement managers] to provide aid for IDPS [Internally Displaced Persons] but few, if any, admit that they do so".[48] Furthermore they conclude that "In spite of their poor reputation and lack of formal recognition, informal settlement managers remain one of the most resilient informal governance structures at local level in Mogadishu."[49] For this reason we need to reflect more deeply on their roles. They first emerged in the 1990s when they interacted with aid agencies as representatives of communities of IDPs. Their roles developed due to the large-scale arrival of IDPs in the vicinity of Mogadishu between 2010 and 2011, the limited humanitarian space due to insecurity and the operational choice by international humanitarian actors to remotely manage operations.[50] As the number of IDP settlements in Mogadishu continues to increase, informal settlement managers are likely to become increasingly important. As an institution, managers are in some ways more inclusive and less bound by tradition than the institution of elders, and as a result offer opportunities for women to gain positions of power. Nevertheless, it is possible that women who are gatekeepers may in effect be proxies of their husbands or male relatives.[51] The managers' main roles are to arrange land on which to settle IDPs, manage security within their area of responsibility, and negotiate with NGOs for assistance and services. Managers earn money from the services they provide, either through diverting aid before it reaches the beneficiaries or by charging beneficiaries directly for the services provided.[52] They function as part of a system of individuals who seek to benefit from humanitarian assistance in one way or another. These individuals may be local business people, land owners and former IDPs. In many cases, managers need to work to ensure that members of the host community benefit in some way from the presence of the IDPs. Gatekeeping is central to the role of informal settlement managers, that is, they exert a significant amount of control over who has access to IDPs and to whom IDPs have access. This can be to the mutual benefit of all concerned but it can also be a form of elite capture for rents – indeed, settlement managers can be violent and exploitative.[53] However, there is more to the role of managers than gatekeeping. Depending on their commitment to the role, some managers arrange funerals, support vulnerable people, assist new arrivals, assist in emergencies such as births or illness, and resolve conflicts between settlement residents. This is why we refer to them in this chapter as managers rather than just as gatekeepers.

Informal settlement managers relate to processes of hybrid governance and inclusive development in a variety of ways. Some of this can be observed through

the prism of accountability. In older and more formalised IDP sites, managers are sometimes selected by the settlement community, with the possible involvement of a government-appointed District Commissioner. In newer and less formalised settlements, the manager is often the landowner, or a speculator who has made a deal with the landowner.[54] There is only limited downward vertical accountability of manager to IDPs, whereas there are numerous ways in which horizontal accountability of managers to the host community operate. The process by which the manager gains their position affects lines of accountability. For example, managers appointed by the District Commissioner are likely to be more accountable to the District Commissioner than ones who have gained their position by other means. Managers also have accountability relationships with clan elders in the host community. In many cases, clan elders control local militias and so, to ensure security, such managers need elders' support. If the IDPs are from the same clan as the host community, as is often the case, IDPs can exert pressure on managers by complaining to clan elders. However, most Somali IDPs around Mogadishu are from the south and usually end up in areas where they are in a minority with respect to local clans. Managers are at times horizontally accountable to local religious leaders and business leaders, although in more idiosyncratic ways. Religious leaders can demand that managers comply with what they see as Islamic norms in their treatment of IDPs and management of conditions in the settlement. Accusations of being un-Islamic carry heavy weight in Somali society, and so pressure from religious leaders can be an effective incentive for managers to change or maintain behaviour. In relation to downward vertical accountability of managers to IDPs, in some settlements, IDPS have set up committees to work with managers.[55] In settlements where the selection of committee members is open to all IDPs the potential for accountability is more inclusive.

Conclusion

Somalia is a long way from coherent hybrid governance or inclusive development. Somaliland has achieved more in terms of integrating traditional and modern governance, but this has not been converted into much in the way of inclusive development or even exclusive development. Instead, in both cases, elite capture of rents predominates. This indicates that we need to aim for more than coherent governance. Our argument incorporates and goes beyond the notion of overcoming "limited statehood."[56] We reject the idea of hybrid governance as a deviant form of governance that necessarily has to be re-ordered and corrected. Instead, we see the practice of hybrid governance as a normal feature of political systems, and which, over time, may work to reinforce or move away from hybridity.

Instead of seeking to overcome limited statehood and forms of hybridity, we suggest exploring manifestations of hybridity to look for ways in which non-state actors can be incentivised to be more accountable. While increased cooperation between different sources of authority can result in extending accountability in one sphere (e.g. elders' limited accountability to parts of their communities) to another sphere (the accountability of NGOs to elders), this increased accountability can be

selective and based on exclusionary norms. Even though coordination between elders from different villages enabled them to use their collective power to make demands on NGOs, thus increasing the accountability of NGOs to some members of the community, the institution of elders continues to work to exclude women. The case of Salafi imams supporting increased accountability for male MPs and the marginalisation of women in politics highlights the selectivity and messiness of aiming to advance inclusivity through increased coherence.

Traditional authority forms such as clan, elders and religious actors generate upward accountability for a limited polity due to the strength of their legitimacy as well as coercive power. In contrast, the reach of the state is much more limited, even in Somaliland, to hold citizens accountable through laws, regulations and policing. Furthermore, the exercise of power in the name of state authority is frequently and often blatantly in the service of elite capture of rents. At the same time, international donors can be tempted or fooled into rewarding elite capture of rents masquerading as coherent governance and inclusive development.

Adding to the complexity of the situation is the multi-dimensional role of Al-Shabaab as a state-like non-state actor that exerts considerable though narrow power far beyond its areas of direct control and that does far more than inflict death and destruction. The fact of Al-Shabaab's strength, reach and resilience is a reason to consider whether at least some elements of it can be induced to participate in a negotiated resolution of the armed conflict and their integration into governance. However, that very strength, reach and resilience, grounded in an exclusionary ideology and material interests in rent-seeking, is an incentive for those dominant within it to refuse such engagement. As long as this is the case, much of Somalia will be mired in fragmented governance and the absence of inclusive development.

In contrast, the telecommunications and finance sectors in south central Somalia, Somaliland and Puntland have already contributed to inclusive development in terms of providing services that do not discriminate in terms of clan. Better engagement with them to enhance their positive contributions rather than merely berating them could be productive. The private sector more generally is tangled up in the processes of elite capture and clan politics, and what economic development there has been has failed to benefit the vast majority of Somalis, who remain extremely poor.

While the informal settlement manager is not the first category of important non-state actor that springs to mind, considering the vast scale of internal displacement, such managers are influential at key points in the distribution of aid, and hence can influence inclusive development. They also have potential to improve governance by increasing the extent to which other actors such as international humanitarian agencies are more accountable to IDPs. In this way, inclusivity of development can be improved, especially if women can act beyond being the proxies of men, if IDPs can articulate the ways in which they are assets to the wider community, and if informal settlements become permanent.

Overall, if progress is to be made towards more coherent governance (whether with a greater or lesser degree of traditional-modern hybridity) and inclusive

development in Somalia, it will be the outcome of dynamic and unpredictable relational changes between state and non-state actors rather than the implementation of a top-down master plan.

Notes

[1] Herring and Rangwala, *Iraq in Fragments*. Herring and Ismail gratefully acknowledge the support of UK Economic and Social Research Council grant ESRC ES/L003171/1.

[2] Boege et al., *Hybrid Political Orders*.

[3] For example Hussein, *Impact of the Role of Traditional Leaders*.

[4] Menkhaus, "Elections in the Hardest Places," 143; Menkhaus, "Crisis in Somalia," 360.

[5] Krasner and Risse, "External Actors," 545.

[6] Krahmann, "National, Regional, and Global Governance".

[7] Meagher, "Strength of Weak States".

[8] Hickey et al., "Exploring the Politics of Inclusive Development".

[9] Kelsall, *Thinking and Working with Political Settlements*.

[10] North et al., *Limited Access Orders*.

[11] Menkhaus, *Elite Bargains*.

[12] Booth in Kelsall, *Thinking and Working with Political Settlements*.

[13] Hagmann, *Stabilization*; Menkhaus, *Elite Bargains*.

[14] HIPS, *Options to End Somalia's Current Political Stalemate*.

[15] Matfess, *Same Tune, New Key*.

[16] Goobjoog News, "Senate Report".

[17] Bearak, "Somalia Scrambles".

[18] Krasner and Risse, "External Actors".

[19] See MacGinty and Richmond, "Fallacy" on positive and negative pathways of hybridity.

[20] In addition to the other literature cited, this chapter draws on McCullough and Saed *Gatekeepers, Elders and Accountability in Somalia* and the authors' reviews of UK Department for International Development's Implementation and Analysis in Action of Accountability Programme (IAAAP) in Somalia 2014-19 projects literature, plus interviews or informal discussions with project managers, directors or staff. In the cases of Herring and Ismail, the chapter also draws on their related projects, including some funded by IAAAP, and distils some of the thinking generated since 2015 through the joint University of Bristol and Transparency Solutions initiative Somali First, which aims to promote Somali-led development.

[21] Hickey et al., "Exploring the Politics of Inclusive Development".

[22] Sen, *Development as Freedom*.

[23] Albrecht and Moe, "Simultaneity".

[24] Hiraal Institute, *AS Finance System*.

[25] Transparency Solutions, *Beyond Isbaaro*.

[26] Canada, *Somalia*; Ingiriis, "Building Peace".

[27] Fanusie and Entz, *Al-Shabaab*.

[28] Jackson, *Humanitarian Negotiations*.

[29] Gundel and Dharbaxo, *Predicament*.

[30] Allen and Gundel, *Enhancing*.

[31] Bradbury, *Becoming Somaliland*; Hussein, *Impact of the Role of Traditional Leaders*.

[32] Katuni Consult.

[33] Haegermann and Grant, *Gender Equality*.

[34] Hoehne, "Limits".

[35] SIDRA, *Impact of the Role of Traditional Leaders*, 16-17.

[36] Loimeier, *Islamic Reform*.

[37] Bryden, "No Quick Fixes".

[38] Marchal and Sheikh, "Salafism in Somalia".

[39] BBC, *Interview*.

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40 UNSOM, *Religious Scholars.*
41 World Bank, *New World Bank GDP.*
42 World Bank, *Somalia Economic Update*, 8
43 World Bank, *GDP Per Capita.*
44 Musa and Horst, *Role of Business.*
45 El Taraboulsi-McCarthy, *Challenge of Informality.*
46 Musa and Horst, *Role of Business.*
47 Shaxson, *Treasure Islands.*
48 Bryld et al., *Engaging the Gatekeepers*, 7.
49 Bryld et al., *Engaging the Gatekeepers*, 17.
50 Bryld et al., *Engaging the Gatekeepers.*
51 Bryld et al., *Gatekeepers in Mogadishu.* 31.
52 Bryld et al., *Engaging the Gatekeepers.*
53 Human Rights Watch, *Hostages of the Gatekeepers.*
54 Tana and iDC, *Making Gatekeepers Accountable.*
55 Tana and iDC, *Making Gatekeepers Accountable.*
56 Krasner and Risse, "External Actors".

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