Traditional clan based governance is one of the main systems along which people in Somalia organize their social life. In the era of colonialism, European colonialists subjected people in the Horn of Africa—Somalis—to modern state systems. Imposing the modern state system on Somalia was part of the process of colonization. In the post-colonialism era, many African societies failed to comprehend and materialize the concept of the modern state. Somalia is among the states that collapsed in the era of post-colonialism. According to the 2013 Failed States Index published by Foreign Policy Magazine, Somalia is number one on the list of failed states in the world. However, there is political stability and non-conventional governance in some parts of Somalia, based on the traditional clan system. In this paper, I will argue that the failed state discourse in its analysis fails to incorporate the success of non-conventional governance in Somalia.

This paper also examines the social processes and mechanisms that are based on non-conventional authorities in Somalia. I will demonstrate the success of traditional clan based authorities in Somalia, which have restored peace, law, and order in many parts of Somalia. In the analysis of this success, the paper also examines the critical need for balance between traditional clan-based institutions and modern-state institutions in the process of reconciliation and state building in Somalia. Furthermore, I will shed light on the critical need for revising the current strategies taken by the international community towards Somalia to rebuild modern-state institutions.

According to the Foreign Policy Magazine, Somalia is number one on the list of the 2013 State Failed Index. Today, Somalia is classified as a country where warlords, Islamic extremists, piracy and suicide bombings prevail: “Somalia is the longest-running instance of complete state collapse in the post-colonial era” (Menkhaus 74). As Menkhaus
explored, the causes of the current instability and civil war include colonial legacy, political, economic and social factors. Somalia has not had a central government since 1991 (75). Since 1991, different clans, led by warlords, have fought against one another. From the time of its independence 53 years ago, Somalia has had only 9 years of multiparty democracy, 21 years of military dictatorship, and almost 23 years of anarchic civil war.

The failed states discourse does not consider the possibilities of non-conventional governance and authority that is beyond the concept of modern state because it is based on the dichotomy-state and non-state analysis. Failed state discourse is problematic because “the traditional interpretation of ‘failed states’ such as DRC and Somalia is closely tied to a view of the modern state system that assumes that all states are essentially alike and function in the same way” (Merton 444). So using this dichotomy between the existence of state and no-state in analyzing the social and political realities in Africa misses the opportunity to incorporate the effectiveness of non-state governance that exist in many so-called failed states (Hagmann and Hoehne 55).

This dichotomy—no state and modern state existence—assumes anarchy in all parts of Somalia since there is no central government, which should impose law and order. As Merton has illustrated, failed state is characterized by its inability to control its territory and provide basic services to its citizens (447). Therefore, state failure discourse needs to incorporate the sub nation entities that function in many parts of Somalia. Using such analysis allows us to recognize and embrace the progresses of non-conventional governance that exists in many parts of Somalia.

It is important to reflect on the possibilities and opportunities that traditional clan systems could play in the process of peace building and restoring law and order. Beyond failed state notion towards Somalia, Hagmann and Hoehne argue “Our analysis of sub-national political orders in the Somali-inhabited territories demonstrates that state formation evolves in contradiction to the ‘state convergence’” (53). For example, since
1991, there is relative peace and clan based administrations in the north east and west of Somalia. These administrations are called Somaliland and Puntland respectively. Somaliland declared its independence from Somalia in 1991 while Puntland, a semi-autonomous state, is a member of the federal states of Somalia. Both administrations succeeded to restore and maintain peace and political stability in the areas they control. They also succeeded in providing some basic social services to the people. What are the social and political mechanisms that contribute the formation of such local administrations in Somalia? What is also the political structure that guides them? To answer these questions, we need to understand the traditional social structure in Somalia.

Social and political structures in Somalia are based on traditional clan authority and customary laws. As British anthropologist I M. Lewis explored, Somali traditional structure can be summarized into three main elements namely: clan, customary laws and traditional authority (12). Before Europeans colonized Somalia, traditional governance was based on these social structures, which still continue to play an important role in Somali life today. Somali culture is based on a nomadic life style. Individuals and families belong to clan, which provides the necessary government. Before independence, as Powell, Ford, and Nowrasteh noted “Somalis preferred to be known as Isaaq, Darood, or Bantu rather than Somali because loyalty to one’s clan, village, and ethnicity took precedence over loyalty to the national government” (658).

Clan formation in Somalia is based on the concept that its members share common family lineage. Clan lineage is based on male descent: “The Somali segmentary lineage system is based on various breaks in the line of male descent” (Leonard and Samantar 567). Under this lineage system, clan encourages individuals to reside in close proximity to their families. This is what creates close families who live in the same village. The fear from hostile clans forces individuals to live in the village of their forefathers. Traditionally, disputes and conflicts within this clan structure are resolved through customary laws (Lewis 11).
Somali customary law in clan systems is a contract between individuals and between groups. Clan elders employ social contracts when conflicts between individuals or between clans arise (Lewis 11). The nature of this conflict may take in the form of social, political and economic interest. The principle that guides Somali customary law is to protect social cohesion among the clan. Decisions made through this customary law are based on consensus among the clan elders. As Lewis illustrated, resolution made by elders may involve forgiveness, formal release of the problem and an arrangement of restitution (Lewis 12). In the era of colonialism, Europeans weakened the effectiveness and the role of Somali customary law. Using western-style institutions, colonialists replaced customary law with western laws which are incompatible with Somali traditional justice system (Bereketeab 376). After the collapse of the state in Somalia in 1991, clan elders reclaimed their traditional authority and played an effective role in mediating rival clans during the peak of the civil war in many parts of Somalia, particularly Somaliland and Puntland regions.

Through traditional clan based governance and conflict resolution, Somaliland and Puntland achieved success in terms of peace and development. The two regions broke away from the rest of the country and now operate independently. In the process of their formation, clan elders in these regions held conferences in which clans reached agreements to form non-conventional governance which is based on customary laws and modern institutions (Hegman and Hoehne 56). For example, Somaliland formation originates from the Burao and Borama conference which was held by clan elders in 1991. At this conference a constitution was written which led to lasting peace in Somaliland. As Michael Walls notes “However imperfect, the process of conflict resolution, peace building and state building in Somaliland in the periods up to and including the conferences in Burao and Borama offers a clear demonstration of a form of consensus-based democracy in practice” (389). The methods used during the Borama conference shows the role of customary law in conflict resolution, and the traditional authority of elders.
Similarly, Puntland state was formed following the conference of Garowe which was held in 1998 by traditional clan elders. After several years of civil war in Somalia, clans in this region who share common ancestors decided to move forward in building their own local administration based on customary laws. Puntland state had four successive government elections since its formation. The process of government formation follows in these steps: clan elders of Puntland select members of parliament, then parliament elect president who will appoint his ministers. The result of Borame and Garowe conferences shows the need for traditional authority mechanisms in the process of modern institution building in Somalia. As Bereketeab argues, there is a need in balancing between traditional institutions and modern institutions in Somalia when it comes to restoring peace and political stability. Bareketeab argues that “that the problem with the state-building project in the Horn of Africa (Somalia) is the absence of functional harmony between the competing constitutive institutional elements… the pre-colonial indigenous institutions and the colonially transplanted foreign institutions are two component parts that have to find ways and means of coexistence”(376).

The existence of balance between traditional institutions and modern institution is what distinguishes Somaliland and Puntland from the rest of the country. Areas of Somalia where traditional institutions and clan elders do not play effective roles are characterized by instability and insecurity. For example, people in the southern parts of Somalia still live in political instability and civil war because clan elders in the region have lost their legitimacy and traditional authority. As Michael Walls notes:

However, in contrast to the situation in the south and elsewhere in the Somali territories, Somaliland’s success is notable…..peace and security in Somali society will be best served by strengthening those emerging political structures that already have the firm backing of their inhabitants. (373)
Thus, lack of traditional authority in Southern areas of Somalia has contributed to prolonged instability and mayhem in the capital city of Somalia- Mogadishu and its surrounding regions. This paper critiques the conventional approach of state building in Somalia. The conventional approach the international community followed for many years to rebuild the so-called “failed states” from capital cities to hinterland areas has failed (Morten, 444). Reflecting on the lack of traditional authority by clan elders in Mogadishu, this approach by the international community to restore peace and government institutions will most likely fail. As Morten observes, this approach should be reexamined because the realities on the ground are different from what this approach preaches (445). In Somalia, some hinterland areas such as Somaliland and Puntland, managed to restore peace and stability through traditional social processes.

Challenges persist in Somalia because the international community failed to consider the role of traditional social processes in the process of reconstructing a stable state. In the last twenty years, there have been several efforts to restore peace and the rule of law in Somalia. Mostly, these efforts were championed by the international community and neighboring countries (Leonard & Samantar 566). However, most of the reconciliation conferences ended in failure. For instance, the Somali reconciliation conference in Nairobi in 2002 was the longest reconciliation conference for Somalis. After two years of negotiation, Somali delegations in Nairobi, signed the first federal constitution for Somalia. The next step in this conference was the formation of the transitional federal government of Somalia (TFG). Since 2004, different transitional governments came in to power. None of them succeeded to bring back the security and the rule of law in Somalia.

One of the reasons for this failure is lack of consideration for traditional social processes by international community in in the last 20 years. As Leonard and Samantar demonstrate, the international community should recognize and help local traditional authorities if they want to help Somalis. They note that:
Somehow the international system has to find a way, on the one hand, to give empirical (if not juridical) standing to non-state political authorities, learning how to deal with them effectively and supportively, and, on the other hand, to empower international surrogates that can act as trustees for the interests of the ‘citizens’ of the non-existent states. (580)

These observations demonstrate that the international community could also support the economic and social development set in motion by local authorities over the last 20 years. Through traditional clan based governance, people in Somaliland and Puntland realized great gains in terms of entrepreneurship and economic development. Such developments did not exist in these regions before state collapse in Somalia in 1991. There is some irony that Somalis in the current stateless situation develop economic mechanism by using their traditional ways of doing business. Consequently Leeson argues “Somalis are better off under anarchy than they were under government. Renewed vibrancy in critical sectors of Somalia’s economy and public goods in the absence of a predatory state are responsible for this improvement” (707). Therefore supporting economic development nurtured through traditional based governance could be effective strategies for international community in their effort for stabilize Somalia.

Overall, the failed state index list ranks Somalia as a country where anarchy and distraction prevail. On the other hand, we can see there is possibility of success beyond failed state discourse. In Somalia’s case there is a functioning traditional clan based governance in northern part of the country- Somaliland and Puntland administrations. Local clans in Northern part of Somalia employ their social contract mechanism build traditional institutions which maintain law and order in their area. The existence of the sub-entities in Somalia shows how traditional social structures could play an effective role in restoring peace and development in Somalia. The success of Somaliland and Puntland demonstrate the critical need for balance between traditional institutions and modern institutions in the
process of reconciliation and state building. Finally, the success of traditional clan based governance in parts of Somalia illustrates the need to change the current strategy by the international community towards Somalia. That way United Nations agencies and other stake holders in Somalia could support the economic and social development in the regions where traditional clan based governments are in control. Such support by the international community may lead to rebuild modern state in Somalia in short period of time.
Works Cited


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