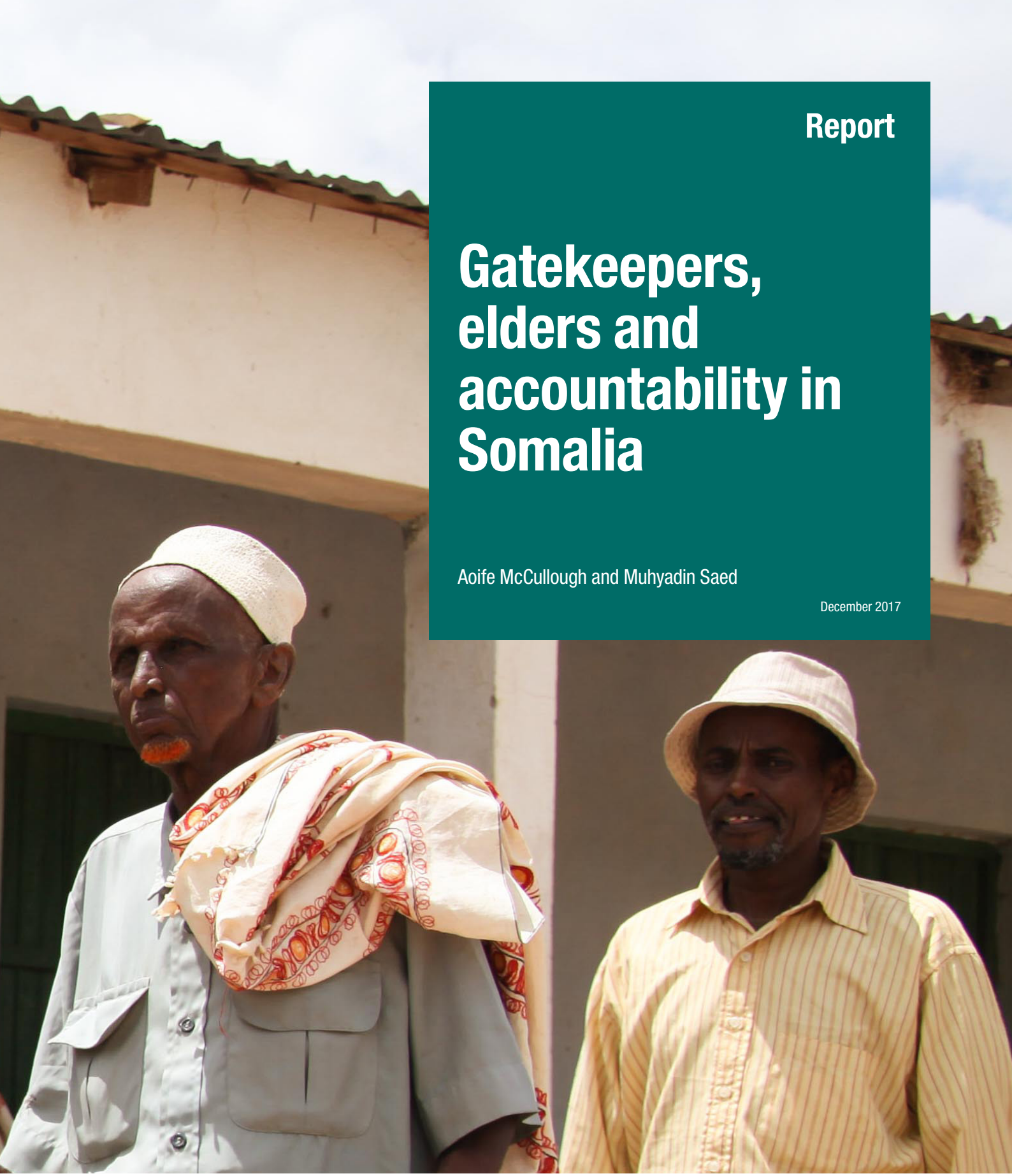
Report

Gatekeepers, elders and accountability in Somalia

Aoife McCullough and Muhyadin Saed

December 2017



ODI | IAAAP

Somalia Accountability Programme

Overseas Development Institute
203 Blackfriars Road
London SE1 8NJ

Tel: +44 (0) 20 7922 0300
Fax: +44 (0) 20 7922 0399
E-mail: info@odi.org.uk

www.odi.org
www.odi.org/facebook
www.odi.org/twitter

Cover photo: Elders from the Hlran region of Somalia walk to a meeting on October 9 hosted by AMISOM Commanders to discuss fighting between clans in the area. AU UN IST PHOTO / Ilyas A. Abukar, 2013

Acknowledgements

We would like to thank DFID for funding this research through the IAAAP programme, with particular thanks given to the IAAAP team including Damir Hadzic, Mohamed Harbi and Yasmin Sheikh. A debt of gratitude is owed to Miski Abdi who helped us with our thinking and framing at the start of the research. The authors are grateful to peer reviewers Jason Mosley and Mareike Schomerus. We are also grateful to George Richards and Hannah Caddick at ODI for their help in finalising and editing this report. Responsibility for the content of this report, as well as any errors and omissions, remains with the authors.

Contents

List of figures

Figures

Abbreviations

CDNA	Citizen Directed Negotiated Accountability
DC	District Commissioner
DFID	UK Department for International Development
FGS	Federal Government of Somalia
IAAAP	Implementation and Analysis in Action of Accountability Programme
iDC	Intermedia Development Consultants
ICU	Islamic Courts Union
IDP	internally displaced person
MoA	memorandum of association
MP	member of parliament
NGO	non-governmental organisation
TNG	Transitional National Government
UN	United Nations
UNOSOM	United Nations Operation in Somalia

Glossary

Caaqil	Wise man
Cuqaal	Wise men
Nabadoon	Peace-seeker
Samadoon	Promoter of wise judgement
Xeer	Somali customary legal system
Zakat	Islamic practice of giving a proportion of one's wealth to charity

Terminology

This report defines 'non-state' actors as those that have sufficient power to influence politics, either at local or national levels despite not belonging to any official state institution. This means that 'non-state actors' may refer to non-government organisations (NGOs) workers, business leaders, religious leaders and traditional authorities. The term is not restricted to those based within a state; it can also be used to refer to international actors, including diaspora. Thus 'non-state actors' are understood as distinct from civil society organisations.

About this report

This report aims to be useful for practitioners working on improving accountability in places where informal and formal governance systems overlap. It is most relevant for those practitioners working in Somalia but includes valuable lessons for working with non-state actors in other countries with limited state presence.

The report features a discussion of the opportunities and challenges in improving accountability in Somali governance through working with non-state actors. The lessons are drawn from three projects implemented through the Implementation and Analysis in Action of Accountability Programme (IAAAP), funded by the UK Department for International Development. If you have limited time and want practical examples of what works and what doesn't in accountability projects working with non-state actors, please refer to the following:

- For information on how to deal with gatekeepers in internally displaced persons (IDP) settlements, read the Accountability in Informal Settlements case study, implemented by Tana in Mogadishu (section 3.1).
- For information on how to increase accountability of local government representatives by involving community elders, read the Citizen Directed Negotiated Accountability (CDNA) case study, implemented by research-based consultancy KATUNI Consult in lower Jubbaland (section 3.2).
- For information on how to address vote buying through working with elders, read the Integrity Pact for the Somali Political Process case study, implemented by Marqaati in Mogadishu (section 3.3).
- For reflections on what these case studies tell us about how to increase accountability through working with non-state actors, see Chapter 4.

Methods and limitations

The evidence presented in this report is based on reviews of project literature and interviews with the directors of the three projects. In the case of the Citizen Directed Negotiated Accountability (CDNA) project, we carried out interviews with three project beneficiaries. The beneficiaries were selected by KATUNI Consult. In the case of the Integrity Pact project, we also consulted with project managers through the director. Unfortunately, due to security considerations, it was not possible to visit the project areas or interview a wider selection of stakeholders and beneficiaries of CDNA, Integrity Pact or the Accountability in Informal Settlements project.

Executive summary

In Somalia, the relationship between formal and informal spheres of governance are being renegotiated. In many areas, the formal state has been absent for a long time, or government agents only recently appointed by the Federal Government of Somalia (FGS). Meanwhile, there are powerful non-state actors who play roles in customary and informal governance systems, that in turn work to compete with, accommodate and influence formal state institutions.

Using case studies from the Implementation and Analysis in Action of Accountability Programme (IAAAP), a DFID-funded programme that made grants available to Somali and international organisations to trial interventions designed to increase accountability, this report examines how impact can be achieved through working with non-state actors.

Key findings

Working in places where formal and informal institutions overlap requires a different approach to supporting accountability. In standard accountability models, the state is expected to be the ultimate source of power and therefore the focus is on restraining the power of the state. Many accountability programmes work to restrain the power of the state by improving citizens' access to information on the performance of civil servants or politicians. The theory informing this approach is that, in a functioning democracy, information on poor performance can be used by citizens to make demands on political representatives or to sanction politicians during elections.

But when working in an environment where the state is not the ultimate source of power, i.e. where there are competing sources of power, the relationship between the state and its citizens may be more indirect. Non-state actors may work as power brokers between the state and citizens, or state representatives may be relatively powerless compared with non-state actors. In these situations, the sanctioning power afforded to citizens through democratic elections and delegated bureaucracies may be relatively in-effective. As a result, practitioners must think laterally about where and how power can be realistically restrained and for whose benefit.

Change happens through strengthening formal and informal relationships. In three IAAAP projects that worked with non-state actors, change happened through the strengthening of relationships between informal and formal structures. It did not happen through increasing citizens' access to information about their rights and about the role of elected and unelected officials. For example, in one project that aimed to increase the accountability of the local administration to the community, the IAAAP partner sought to educate community members and elders (non-state actors) on the rights of citizens and the role of government. Following this training, the community did not make demands on the local government. Instead, the elders collaborated with the local administration to demand increased accountability from a local NGO implementing programmes in their area. The programme afforded the elders an opportunity to liaise with the local administration and they used this alliance to demand that the power held by a non-state actor (in this case, an NGO) be more accountable.

The case studies demonstrate the importance of understanding power relations in terms of networks of dispersed relations rather than between those with power and those without. In each of the projects, actors with power were embedded in a complex web of power relations that created opportunities as well as constraints for practitioners aiming to increase accountability. By overly focusing on the power relationship between citizens and the state, practitioners potentially miss out on opportunities to create incentives for increased accountability.

Non-state actors were incentivised to take action by the prospect of gaining increased legitimacy. In a project that aimed to increase the accountability of informal IDP settlement managers to IDPs, one NGO provided training on the principles of accountable and transparent governance. Some of the informal IDP settlement managers, more commonly known as 'gatekeepers', participated in the training enthusiastically and implemented training recommendations. The gatekeepers reported that they appreciated the recognition by an NGO of the role they play in managing settlements. The prospect of increased legitimacy associated with being recognised by an NGO incentivised gatekeepers to change their behaviour. In another project, elders from the villages that an IAAAP project had engaged with pooled their resources and constructed an office next to the local administration's headquarters. The chiefs recognised that closer collaboration with the local administration afforded them greater legitimacy and worked to literally cement the relationship between the two.

Projects supported through IAAAP played a role in formalising relationships between non-state and state actors. Governance environments where formal and informal institutions overlap, such as in Somalia, have been described as 'hybrid political orders'. Projects supported through IAAAP played a role in formalising relationships between non-state and state actors, and in

the process, are contributing to the ongoing construction of a hybrid political order in Somalia. This process involves both working with customary and informal institutions, while at the same time trying to produce a form of governance that is not intrinsic to those institutions. IAAAP projects seek to support increased accountability through working with institutions that are not accountable to all members of the community they represent. The institution of elders, for example, excludes women, youth and minority clans. However, it is clear that these non-state actors and the institutions of which they are part are powerful and will persist in Somalia for the foreseeable future. While the inclusion of informal actors, such as elders, in the governance system in Somalia is not necessarily more conducive to inclusive and accountable governance, it represents a reasonable way of drawing on existing power bases to build support for the FGS.

Recommendations

- To avoid contributing to a negative hybrid order that maintains unequal and exclusive power structures, accountability programmes need to focus on increasing the downward accountability of elders to their communities. Elders can only advance accountability if they become more accountable themselves, especially to women and young people in the communities they represent.
- Move away from accountability programmes that think in terms of 'states' and 'citizens'. Rather practitioners should recognise that power is dispersed among a range of actors in different ways in places where formal and informal governance overlap.
- Initiatives to increase accountability must therefore consider the range of accountability relationships that influence governance and work to identify those relationships that might be influenced.

1. Introduction

1.1. Standard accountability models and hybrid governance

Formal and informal governance systems overlap in Somalia in both new and old ways. For example, the final electoral process agreed for the country's 2016 elections involved 135 senior elders selecting 14,025 electoral delegates who then voted for Members of Parliament. This means that power is dispersed across state, customary and informal institutions and development programmes seeking to increase accountability of governance institutions will inevitably need to deal with customary and informal actors.

But while much has been written about how to improve accountability with state actors, (see, for example, Nixon et al., 2017) there is relatively little documentation about improving accountability relationships of non-state actors. Accountability is a means of restraining power, and because the state is 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, where citizens hold political leaders to account through periodic elections, and bureaucrats design and deliver public services with oversight by political leaders. Judiciaries and other organisations, such as electoral or human rights commissions support accountability in these processes. The standard model of accountability emphasises 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 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.[1]

But when working in an environment where the state is not the ultimate source of power, for example where there are competing sources of power, the relationship between the state and its citizens may be more indirect. Non-state actors may work as power brokers between the state and citizens, or state representatives may be relatively powerless compared with non-state actors. In these situations, the sanctioning power afforded to citizens through democratic elections and delegated bureaucracies may be relatively ineffective.

Governance environments where formal and informal institutions overlap, such as in Somalia, have been described as 'hybrid political orders' (Kraushaar and Lambach, 2009; Boege et al., 2008). Kraushaar and Lambach (2009) argue that hybrid political orders are a new state model beyond the Western state, where the so-called formal and informal spheres of governance are not treated as distinct but rather connected, intermingled and interpenetrated. In this way, hybrid arrangements should not be understood as a deviance from a model but as a new kind of political order, in their own right (see also Boege et al., 2008).

Hybridity is a constant process of negotiation as multiple sources of power compete, coalesce, mimic, dominate or accommodate each other (Mac Ginty and Richard, 2015). While the formal state tries to expand its presence through the posting of governors, administrators, police chiefs, etc., representatives of informal institutions recalibrate their roles in relation to the formal state. In their analysis of African chiefs and their relation to African states, Ray and Nieuwaal (1996) show how chiefs may integrate seemingly antagonistic political systems, world views and powers and mobilise them in their own interest or that of the people they represent. However, the process of negotiating hybridity should not just be understood in as an interaction between the formal state and local orders; international actors including NGOs, business people, and foreign military and security agents all compete and accrete in the construction of hybrid orders. Indeed, it could be argued that hybridity is, in fact, a feature of any political system. Grind and Johansen (1991) make a convincing case that many of the organisational and conceptual principles underlying Native American political confederacies influenced the founding fathers of US political institutions.

The concept of hybrid political orders raises key questions for practitioners working to improve accountability, namely: Do hybrid political orders facilitate more accountable governance? Should they therefore be supported as part of efforts to increase accountability?

1 Another approach, inspired by 'New Public Management' ideas, sought to make public services more 'business-like' in their operation, focused on improving the responsiveness of the bureaucracy to deliver through creating incentives to perform. Examples included improving management of civil servants through performance-based pay, creating grievance mechanisms or allowing the private sector to deliver components of services.

Some authors have been perhaps overly enthusiastic about the possibilities for hybrid political orders to 'deepen democracy' (e.g. Logan, 2009: 24), through connecting state power to power at local levels. Others argue that the turn towards recognising and accommodating hybrid political orders reflects the setbacks in liberal interventionism (Mac Ginty and Richard, 2015). While much of the liberal internationalism of the 1990s and the 2000s was righteous and confident, in the last ten years, there has been increasing tolerance and willingness to accommodate 'good enough governance'. Mac Ginty and Richard highlight how hybrid political orders can be captured by local elites who engage in and support intolerant and violent institutions. If manufactured as part of a top down peacebuilding intervention, they can lead to sham processes of democratisation and liberation. Iraq, Afghanistan and Bosnia Herzegovina all feature constructed hybrid political orders with dubious degrees of democracy and accountability.

Closer to Somalia, Hoehne (2012) describes how in Somaliland, the Council of Elders, who were integrated into the state governance system, were co-opted by successive presidents so that when faced with a vote on i) extending their term in 2006, and ii) postponing democratic elections in 2008, the Council of Elders voted in favour of both anti-democratic measures. The action of the elders in Somaliland described by Hoehne is not caused by hybridity per se, but is in fact a feature of the corruption of power that happens in any political configuration. If there were measures in place to require elders to demonstrate their continued support from their communities and their legitimacy, these measures could restrain the corruption of power within a system. We will return to the question of whether accountability programmes should work to support hybrid political structures after reviewing the case studies.

1.2. The meaning of 'non-state actors'

Since the early 2000s in Somalia, 'non-state actor' became synonymous with 'civil society'. This equation of non-state actor with civil society can be traced to successive EU funding programmes intended to strengthen civil society that were called the 'The NSA (Non-State Actor) Programmes'. At first the EU defined 'non-state actors' as 'structures that are created voluntarily by citizens, to promote an issue or an interest, either general or specific. They are independent from the state and can be profit or non-profit making organisation'.[2]

By 2012, this definition was tightened up to equate 'non-state actor' more specifically with civil society organisations and to exclude elders, traditional governance institutions and religious leaders. Gundel and Allen (2017a) point out that many of what are described as 'civil society organisations' in Somalia are in fact sub-contractors for international NGOs and would cease to exist once that funding dries up. They argue for more nuanced categorisation of non-state actors that distinguishes 'societal actors' from 'civil society organisations'. Using their framework, 'societal actors' include traditional clan-based, religious structures, and NGOs who function mainly as sub-contractors for international NGOs while civil society organisations are membership based and primarily rely on their own resources.

In this report, we do not equate non-state actor 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 belonging to any established state institution. As such, 'non-state actors' may refer to national and international NGOs, business or religious leaders, traditional authorities, workers' organisations, media, local community-based groups and networks, or diaspora. In international relations, 'non-state actors' is often used to refer to militia groups who challenge the legitimacy of a state and sometimes gain control over territories within a sovereign state. However, this is a rather one-sided way of understanding non-state actors; different actors will play supportive or antagonistic roles in relation to the process of state-building. We consider the broad definition of non-state actor useful for the analysis presented here as a wide range of non-state actors participate in the construction of the hybrid political order in Somalia.

The term 'informal actors' has gained currency in academia and the development industry since the early 2000s. It is often used interchangeably with 'non-state' in the development sector, and both are used to refer to locally embedded institutions and networks that provide communities with access to critical services (Albrecht et al., 2011).

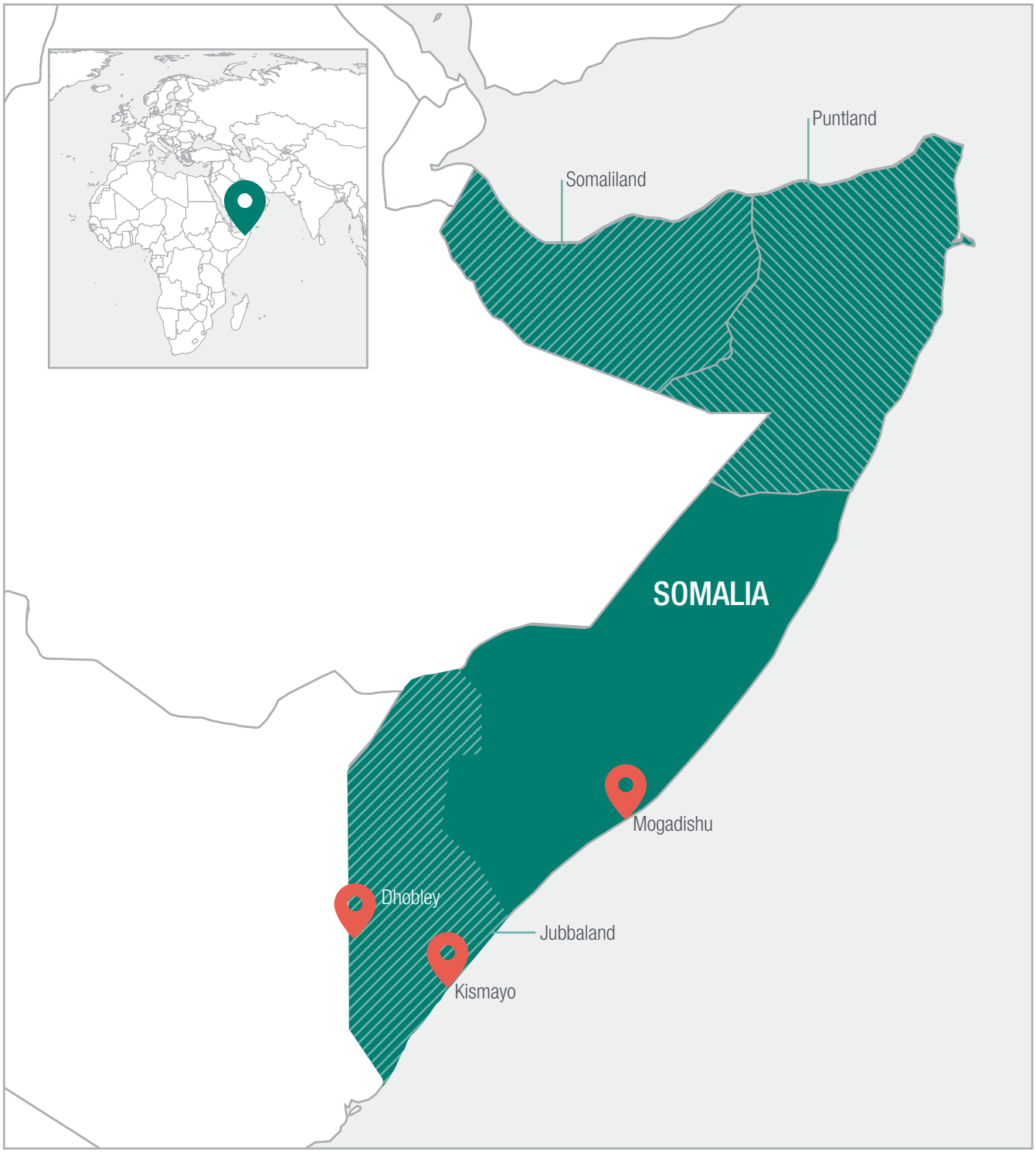
In many ways, the terms 'formal', 'informal', 'state' and 'non-state' are misleading. For example, the governance provided in many settings by elders in Somalia is only understood as 'informal' from a Western perspective; for many Somalis, the arbitration provided by elders and the *xeer* (Somali customary legal system) that informs it are more real than the formal rituals of the Federal State. As clan elders' roles are increasingly formalised into different state functions, the distinction between 'state' and 'non-state' becomes even more blurred. As Albrecht and Moe (2014) highlight, the post-colonial actor draws on, articulates and practises several registers of authority simultaneously including international discourse on human rights, religious doctrine, legislation passed by a parliament, party political agendas, and customary law.

2 Communication of the Commission on the 'Participation of Non-State Actors in EC Development Policy' (CEC, 2012).

1.3. About IAAAP

This report examines three projects that worked with non-state actors under the Implementation and Analysis in Action of Accountability Programme (IAAAP), a DFID-funded programme that aims to enhance the ability of Somali citizens to hold governance institutions to account. IAAAP seeks to achieve this by working across different spheres of economic and political interaction that the programme understands as benefitting from improved accountability. For example, the programme works to improve the ability of citizens to seek redress in situations of poor governance or corruption, while also working with Somali governance institution to increase their capacity to respond to these issues. The programme also aims to increase the accountability of aid agencies and international businesses to the Somali population, non-state actors in Somalia and how they influence accountability.

Figure 1: Map of Somalia and Jubbaland



2. Non-state actors in Somalia and how they influence accountability

While 'non-state actor' is defined broadly in this report, there is a focus on the key groups with which IAAAP projects engage in Somalia. In this section, some historical background is provided on each key non-state actor. There is also a brief analysis of the structures that facilitate or prevent these actors being more accountable.

2.1. Elders as promoters of accountability

The principal group of non-state actors with which IAAAP projects engage is elders. Due to Somali elders' historical role in arbitrating conflict and upholding agreements, they are often presented—and indeed present themselves—as natural counterparts for NGOs and contractors working to increase accountability. Several IAAAP projects engage with elders as part of their efforts to increase accountability of state authorities. As representatives of the clan governance system, it is often assumed that elders wield power that can be used to elicit responses from state administrators.

A quick examination of the history of the relationship between elders and the state indicates that the relationship has often been ambiguous. Colonial and post-colonial efforts to incorporate Somali elders into local administration and to curb or accommodate customary legal systems (*xeer*) produced varied results. During the 19th and 20th centuries, the British Protectorate in the north of Somalia tried to co-opt Somali elders by creating titular elders known as *cuqaal* (meaning 'wise men' in Somali, singular *caaqil*), and paying them stipends. After formal legislation was passed in 1921, the *cuqaal* acted as a link between the district administration and the protectorate's inhabitants. In the Italian Somali colony in the south, similar efforts were made to nominate loyal elders as links between the administration and the population (Lewis, 2003).

After independence in 1960, despite the Somali government's stated objective of eradicating 'tribalism', elders continued to navigate a role somewhere between the government and their communities, attempting to placate the government and promote the interests of their people (Bihi, 2000). In the early 1970s, the Siyaad Barre government abolished the offices of the *caaqil*, and replaced them with the offices of *nabadoon* ('peace-seeker') and *samadoon* ('promoter of wise judgment') (Farah and Lewis, 1993).

The same regime, however, armed the traditional leaders of loyal clans against its opponents, and recruited civil servants on clan basis rather than merits. After the collapse of the central government in the early 1990s, elders became the main governance structure that remained intact. In some ways, this helped to re-establish elders' position and legitimacy (Farah and Lewis, 1993; Renders, 2007). Throughout the 1990s and 2000s, many NGOs worked through elders to distribute aid, further institutionalising the power of this group and positioning them as local-level actors that could leverage influence over representatives of the state.

While elders could, in theory, use their power to make demands on state representatives, it is not clear that they would necessarily 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 (Gundel, 2006). It depends on the level at which the elder will operate, and is constantly evolving. Sometimes, characteristics such as experience, age, oratory skills, fairness and impartiality, ability to compromise and persuade, expertise in *xeer* and religious knowledge are necessary (Ahmed, 2001: 7). With respect to some specific elder functions, lineage matters.[3] One characteristic of the elder selection process that is consistent across Somalia is that women are excluded. Women cannot be selected as elders and cannot participate in the selection process at any level. In fact, as highlighted by one of IAAAP's implementing partners, women tend to be excluded entirely from customary governance structures (KATUNI Consult, 2016). As such, they are severely constrained in the ways in which they can make demands

3 The lineage system in Somalia is based on patrilineal descent. Each Somali is a member of a primary lineage that forms part of a sub-clan, clan and family clan (Lewis, 2003). See Gundel (2006) for a more detailed description.

on elders; often, their only means is to do so through their husbands, brothers or sons (Ibid).

Minority and low caste clans such as Bantus, Benadiri, Gabooye and Midgaan are also excluded at different levels within the Somali clan governance system. However, since the collapse of the state in 1991, some ambitious members of minority clans have taken to self-inaugurating themselves as clan elders (Bradbury, 2008). The result has been a proliferation of 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 accountability to the broader polity. Even for those involved in the selection process, there are limited sanctions 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 the application of 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 him. Several authors have noted how some elders manipulate their power to influence disputes, acting not only as peace-makers, but also as *war*-makers as they seek to maximise the benefits they can earn as mediators (Hagmann, 2007; Gardner and El Bushra, 2004; Marchal, 1998).

In absence of sanctioning power, restrains on elders' power are enforced through norms. Clan traditions inform these norms, as well as Islam. Where elders flout those norms and act irresponsibly, they may lose respect and influence in certain groups. However, they still retain their position and there is very little that members of their community can do to punish elders' behaviour beyond informal expressions of dissatisfaction, such as public displays of resistance to an elder's authority.

Most lower level elders operate at the community level, which makes them particularly efficient for actors seeking to access grassroots governance structures. Elders' position within the local governance structure means they are also necessarily enmeshed in complex linkages upon which their power is based (Smits and Wright, 2012: 7). This power is, in many cases, dependent on the elder conforming to norms of exclusion. Projects aiming to work with elders to support increased 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. Programme staff need to be cautious about claims of empowerment among elders. If those elders represent only a select group within a community, efforts to empower elders in the name of accountability may be self-defeating. As noted in the *Gender Equality and Social Inclusion Learning Brief* (Haegeman and Grant, 2017) produced by IAAAP, increasing the dominance of elders reinforces the continued marginalisation of women and young people.

2.2. Gatekeepers as service providers

Another key group of non-state actors that NGOs and contractors engage with in Somalia is gatekeepers of IDP settlements, referred to by Tana as 'informal settlement managers'. According to the Monitoring Group on Somalia and Eritrea (2011), gatekeepers are 'sophisticated networks of interference: individuals and organisations who position themselves to harness humanitarian assistance flows for their own personal or political advantage.' Gatekeepers first emerged in the 1990s when they interacted with aid agencies as representatives of IDP communities (Bryld et al, 2017). The large-scale arrival of IDPs between 2010 and 2011, their critical need for assistance, which was compounded by the limited humanitarian space due to insecurity and the operational choice by international humanitarian actors to remotely manage operations, allowed the gatekeeper system to develop further in the country's capital, Mogadishu. As the number of IDP settlements in Mogadishu continues to increase, the phenomenon of gatekeepers is unlikely to disappear.

Gatekeepers' main roles are to provide land on which to settle IDPs, manage security within their area of responsibility and negotiate with NGOs for assistance and services (Bryld et al, 2017). Depending on their commitment to the role, other additional services that gatekeepers provide include arranging funerals, supporting vulnerable people, assisting new arrivals, assisting in emergency situations such as births or illness, and resolving conflict between settlement residents (ibid). Gatekeepers 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. 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 men, land owners and former IDPs. In many cases, gatekeepers need to work to ensure that these members of the host community benefit in some way from the presence of the IDPs (ibid).

For some analysts, gatekeepers are just another example of the 'extraversion' of Somali elites—that is, the appropriation and redirection of foreign resources (Hagmann, 2016). Bryld et al (2017) defends Tana's decision to work with gatekeepers by arguing that 'gatekeepers have become the elephant in the room…. that development actors are forced to interact with to provide aid for IDPs but few, if any, admit that they do so' (p7).

Considering Bryld et al's (2017) observation, it is worth understanding in more detail the accountability structures with which gatekeepers engage. In older, more formalised IDP sites, gatekeepers are sometimes selected from the camp community, with the possible involvement of the District Commissioner (DC). In newer and less formalised camps, the gatekeeper is often the landowner, or

a speculator who has made a deal with a landowner (Tana and iDC, 2015). While there are limited mechanisms of downward accountability between gatekeepers and IDPs, gatekeepers are accountable to power-holders in the host community in myriad ways.

The process by which the gatekeeper gains their position affects lines of accountability. For example, gatekeepers appointed by the DC are likely to be more accountable to the DC than gatekeepers who have gained their position by other means. Gatekeepers also have accountability relationships with clan elders in the host community: in many cases, clan elders control local militias and so, to ensure security, the gatekeepers need elders' support. Interestingly, if the IDPs are from the same clan as the host community, as is often the case, IDPs can exert pressure on gatekeepers by complaining to clan elders. Thus elders from minority clans hosting IDPs from the same clan will be accountable to those IDPs. However, elders in majority clans hosting IDPs from a minority clan will have limited responsibility for those IDPs.[4]

Gatekeepers are also likely to be accountable to local religious leaders and business leaders, although in more idiosyncratic ways. Religious leaders can demand that gatekeepers comply with Islamic norms in their treatment of IDPs and management of conditions in the camp. Accusations of being un-Islamic carry heavy weight in Somali society, therefore pressure from religious leaders could work as an effective incentive for gatekeepers to change or maintain behaviour. For example, at the height of the famine in 2011, religious leaders lobbied business leaders to provide water to IDP camps on the basis that they should provide *zakat* – the Islamic practice of giving a proportion of one's wealth to charity (Tana and iDC, 2015).

In some camps, settlement committees have been set up by the IDPs to assist gatekeepers in the management of camps (Tana and iDC, 2015). These provide some level of downward accountability to IDPs, especially in camps where the selection of committee members is open to all IDPs. As an institution, gatekeepers 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: many gatekeepers in Mogadishu are women (Tana estimates that 30-40% of gatekeepers are women).

2.3. Religious leaders as enforcers of accountability

Religious leaders are another group of non-state actors with which NGOs, as well as donors and the state, often engage in Somalia. Worth noting, however, is the fact that NGOs do not necessarily work *directly* with religious leaders to improve accountability or governance and often omit them from their Theories of change. This is surprising given the political clout religious leaders have in the country.

Religious leaders in Somalia include those following the Sufist and Salafist traditions. As Sufist orders have been active in Somalia since the 1850s (Loimeier, 2016), Sufist imams are often perceived as representing 'traditional Islam'. Salafists are the most recent major reform movement to arrive in Somalia and have been active since the 1950s (ibid). Both traditions include criticism of corruption and guidance on what to expect from leaders. Indeed, Islamic movements often position themselves in opposition to corrupt leaders. Having been active in Somali society for more than 150 years, Sufist leaders have integrated themselves into the clan system and are consulted by clan elders and the community regarding the application of *xeer* (Bryden, 2006). The Siyaad Barre regime actively supported Sufist orders, giving control of religious teaching institutions as well as mosques (Marchal and Sheikh 2015). Salafists were active and outspoken opponents of the Barre regime, particularly following its attempts to reform Somali family law. The regime responded by violently repressing Salafist organisations (Ibid).

In some instances, Sufist leaders may be in a position to hold elders to account, as they monitor elders' application of *xeer*. In situations where there are harmonious relations between elders and Sufist leaders, decisions on *xeer* are generally taken in consultation between these different parties. In Somaliland, both Sufist and more recently Salafist 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 Sufist leaders, thereby undermining religious leaders' willingness to challenge an elder on his application or use of *xeer*.

As representatives of a radical reform movement that challenges both the Sufist and clan hierarchy, Salafist leaders are often in a stronger position to hold elders and representatives of the state to account. In the 1980s, Salafist movements contributed to the downfall of Syaad Barre. Since the collapse of the central state, Salafist groups linked to the Gulf States have become active in Somalia, playing a significant role in service provision, such as education and health care, as a form of humanitarian development. This increases the legitimacy of Salafist groups at the local level among certain individuals. Salafist groups are particularly well organised among trader networks and were active in establishing the Islamic Courts Unions (ICU). Currently, there are multiple Salafist groups struggling for power and influence within Somalia. Some work closely with governments while others criticise the FGS for adopting Western forms of governance.

The positions that Salafist groups take can promote increased accountability, but at the same time strongly support ongoing exclusion of women. For example, in the recent Somali elections, some Salafist leaders actively tried

4 Most IDPs are from southern parts of Somalia and are usually from the minority clans.

to persuade MPs to vote for the most effective president rather than basing their choice on clan-based or financial incentives (Sheikh Bashir Ahmed Salad, 2017), while at the same time also lobbying against the 30 per cent quota for women. Sufist leaders, by contrast, have been less vocal on matters of political corruption but have tended to be more open to the inclusion of women in political processes. Sufist leaders did not take a position on clan-based voting or vote-buying but openly supported the 30 per cent quota (UNSOM, 2016). These examples demonstrate some of the complexities of working with religious leaders, but given the strength of their influence, there is certainly a case for doing so to support accountability.

2.4. Business leaders as demanders of accountability

Business leaders in Somalia wield significant influence in governance in Somalia. Since the state's collapse in 1991, the private sector has grown significantly—partly in response to the limited regulations and taxes. Despite the ongoing conflict in the country, business leaders have established businesses across clan and region lines. In fact, to pursue business across clan fiefdoms and political boundaries, many businesspeople adopted shareholder-based companies drawing on religious and old student networks (Hansen, 2007). There is disagreement among academics and commentators about the extent to which business leaders support state-building. On one side, it was argued that business leaders would lose out if there was a stronger state that imposed taxes and regulations (Menkhaus, 2003). Business leaders have a history of financing factions in return for protection across Somalia. On the other side, business owners also suffered from insecurity, theft and crumbling infrastructure. Business leaders played active roles in the Arta Peace Conference, the subsequent formation of the Transitional National Government (TNG) and later on, in support of the Islamic Courts Union (ICU). They have also contributed to building state infrastructure, for example trade routes to Berbera Port. Thus, others have argued that business leaders do not reject the rebuilding of the Somalian state but rather seek to limit its authority to impose higher taxes and greater regulation that threaten their profits (Hagmann, 2016).

As Somalia's principle tax payers, business leaders hold significant leverage over the local administration at the district level, local state governments and the FGS. If the local administration lose legitimacy among the business community, the administration loses one of its main sources of revenue. Businesses leaders want to see their taxes spent in ways that benefit them, for example in the upkeep of roads, the control of checkpoints etc., and so could in this way act as demanders of accountability. At the same time, business leaders often also work as 'spoilers', deliberately undermining efforts to improve transparency to preserve their business interests.

3. Lessons from IAAAP

This section looks at three IAAAP-supported initiatives that directly address accountability relationships and non-state actors in Somalia:

- Accountability in Informal Settlements, run by Tana;
- Citizen Directed Negotiated Accountability, run by KATUNI Consult; and
- Integrity Pacts for the Somali Political Process, run by Marqaati.

3.1. Working with 'gatekeepers' in informal settlements

3.1.1. About the project

The Accountability in Informal Settings project worked with 'gatekeepers' in informal settlements for Internally Displaced Persons (IDPs) in Mogadishu. The premise of the project was that IDPs needed increased protection from human rights violations and better living conditions in their camps, and that to do so, IDPs' access to recourse for injustices suffered would need to be improved. This meant working with existing governance structures in the form of gatekeepers and associated camp leaders and committees, and increasing the accountability of these actors to camp residents. The project understood that gatekeepers existed in a web of power relations. They calculated that by strengthening gatekeepers' links to the local administration—in particular the DCs—this would afford greater accountability for IDPs. The project also worked to expand the gatekeepers' capacities to respond to the needs of IDPs and increase the transparency of gatekeepers' taxation systems.

The project planned to introduce a certification system that would be managed by aid agencies and DCs. The theory was that this would increase transparency about camp management and pricing, helping IDPs make informed decisions about which camp to move to. Meanwhile, gatekeepers would be incentivised to meet certification standards by the possibility of increased status among international aid agencies and in turn, increased aid for their camps.

The project's Theory of Change was based on three assumptions:

1. The camps are a free market where IDPs can choose to stay or leave depending on what they were offered.
2. Local authorities are incentivised to increase their oversight of camps within their jurisdictions.
3. Aid agencies are incentivised to work with gatekeepers to improve gatekeepers' ability to deliver services in accordance with humanitarian principles.

3.1.2. What happened?

Tana trained selected gatekeepers in mechanisms for effective camp management, protection and service delivery. Tana then worked towards enhancing the transparency of the gatekeepers' taxes and camp rules by supporting them in establishing boards that outlined the gatekeepers' commitments to improve protection, transparency, and the rights of the IDPs.

Working with gatekeepers and treating them as camp managers who were interested in providing good services within their camps proved a successful approach. Following the training in human rights, gender equality and humanitarian principles, gatekeepers initiated awareness-raising sessions within their camps. DCs agreed to monitor gatekeepers' commitments to improving protection, transparency and IDPs' rights. In some camps, where there was already a direct relationship between gatekeepers and DCs, this relationship was strengthened. In camps, where gatekeepers had no contact with their DC, a formal relationship was established. Gatekeepers also began liaising more with settlement committees.

Project staff realised that the training gave gatekeepers additional legitimacy and the staff worked to raise the profile of gatekeepers who had attended the training. Project staff supported events that marked the erection of signs boards that outlined the commitments made by gatekeepers to enhance protection and transparency in their settlements.

However, as the project progressed, it became clear that some actors within the local district administration and the FGS were pushing back against the project. Within the local administration, some individuals felt that certifying camps would make what were deemed 'illegal' settlements more permanent. There were also concerns that the legitimisation of camps would counter the government's efforts to return IDPs to their place of origin. This meant that it was not possible to formalise a certification process that had the support and buy-in of local authorities.

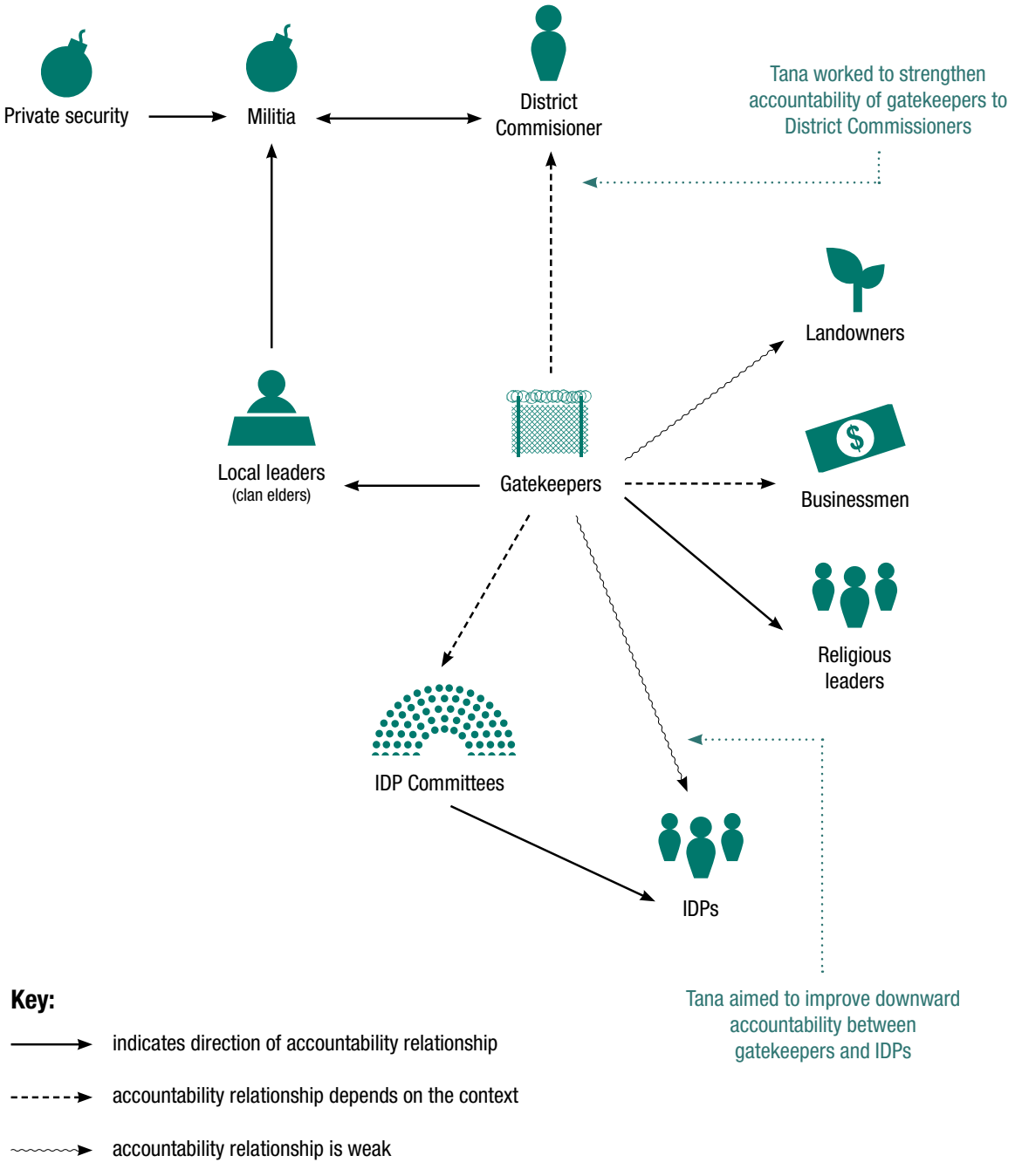
Another challenge for the project resulted from the assumption that IDPs were free to move between camps if they had access to information about a better service in another camp – an assumption that did not hold true. In fact, IDPs could only move between camps if an agreement was made between the gatekeepers. Moving camps also usually involved a cost for the IDP that may not be offset by better services at another camp. Further complicating

the issue was the problem of finding a camp where the dominant clan within a settlement was aligned with one's own clan. An IDP who moved to another camp where services were better, might, in the end, face discrimination if they were not from the same clan as the dominant clan.

3.1.3. How the project adjusted to challenges

When it proved difficult to establish a formal certification process in collaboration with local authorities, the project shifted its focus towards establishing a settlement monitoring committee in participating camps. The committee had oversight over several camps and was chaired by the DC. In this way, the project involved the local administration in more direct oversight of participating camps. The monitoring committee was a step towards establishing trust and mutual recognition between local authorities and gatekeepers.

Figure 2: Gatekeepers and accountability relationships in Mogadishu



Source: ODI

3.1.4. Did the gatekeepers become more accountable to IDPs?

The sanctions available to IDPs to punish poor-performing gatekeepers remained limited. IDP camps did not operate as a free market where IDPs could freely exit if they were unhappy with services. The establishment of a settlement monitoring committee chaired by the DC strengthened the links between the informal governance structures within the camps and formal state structures, thus promoting a hybrid governance structure that built on existing arrangements. In theory, these more formalised structures provided IDPs with an opportunity to voice grievances to the local administration and if these grievances were serious enough, the DC could act to remove the gatekeeper. In reality, removing poor performing gatekeepers would be politically difficult as they are usually backed by clan elders and associated militias.

Perhaps the more important change that the project achieved was in how gatekeepers who attended the training perceived their role. The formal recognition of aid agencies and DCs of gatekeepers' roles as service providers increased their legitimacy and provided gatekeepers with a standard that they could strive to achieve. Those who took pride in how they managed their camps were incentivised to work towards the standards discussed in the training. It should be noted, however, that the project targeted gatekeepers who were known to be 'good' gatekeepers—those who were identified as 'enablers' during the feasibility study. Those known to abuse camp dwellers, categorised as 'spoilers' in the feasibility study, were not targeted during the pilot. This strategy draws on ideas from political economy and the Thinking and Working Politically agenda[5] and certainly produced results during the implementation of this pilot project. The challenge will now be how to incentivise the 'spoilers' to adapt to the norms established by the 'enablers'.

Female gatekeepers also participated in the training, adding to their legitimacy as holders of power within a patriarchal society. The presence of women in this role opens up the possibility for increased female participation in decision-making in camps than is typical in Somali customary governance systems, and improved accountability of governance structures for women in general. This is an area that merits further investigation.

3.2. Working with elders to improve accountability of the local administration

The Citizen Directed Negotiated Accountability (CDNA) project aimed to improve the accountability of the local district administration for ten villages in the Dhobley Sub District in Lower Juba Region, South Central Somalia. The CDNA project addressed four key areas of governance that KATUNI Consult determined could have the biggest impact on the improvement of accountability, particularly at the community-level:

- Improving the ability of the community to express its needs to local authorities ('voice'),
- supporting the government to respond to these needs,
- creating space for engagement and negotiation between government and community representatives
- developing mechanisms for monitoring and sanctioning government representatives.

The overarching Theory of Change for this project was that if communities could agree on their needs and if there was a structure through which they could communicate their needs to local government representatives, then the government would respond. The project tried to move beyond the classic 'supply-and-demand' models of accountability, i.e. where the problem of accountability is not simply a matter of building generic capacities on both the supply and demand sides (the local administration and the community, respectively) but rather building the specific capacities of both side to engage with each other (Allen and Gundel, 2017b).

The project team was also clear about the need for a mechanism by which to enforce accountability. Based on its context analysis, KATUNI Consult understood elders as key actors who could ensure that negotiating parties would eventually uphold agreements both at the village level and between villages and Dhobley District Administration.

The key assumptions in this Theory of Change were that district administration representatives have the capacity and incentive to respond to citizens' demands, and that they would not face political and structural constraints in their ability to respond. It was also assumed that elders are incentivised to hold the local administration to account on any agreements made.

3.2.1. What happened

To improve the community's ability to express its needs to government representatives, KATUNI Consult project staff facilitated community planning sessions to develop action plans. These plans would serve as a starting point for their negotiations with the district administration and NGOs. In addition to these planning sessions, KATUNI provided civic education to increase people's understanding of citizenship, as well as of their rights and responsibilities regarding their district and village administration. To ensure that there was a structure at the community level that could engage with government representatives, the project supported the establishment of 'clan-neutral'[6] and inclusive village committees and an Association of Villages that brought together representatives from each of the village committees.

The project strove to avoid prescribing ready-made solutions but rather sought to find productive ways of

5 See twpcommunity.org for an explanation of the Thinking and Working Politically agenda.

6 I.e. Representative of all clans living in the villages.

working with political or social actors to achieve shared objectives. This created space for structures associated with the project to be shaped by local actors. For example, when setting up an 'Association of Villages'[7], association members asked the District Development Coordinator to join the association as they saw this as a good way to avoid a situation where the Association of Villages was viewed as a threat to the District Administration's authority. Thus, the structure was designed by members not necessarily for making demands but to facilitate better two-way relations between the communities and their local district administration.

During the second round of forums, the project team facilitated a discussion in which a group of elders from several villages explored the role they could play in strengthening local accountability. Elders decided to set up an association that would bring together elders from across the ten villages in which the project was working. Elders drew up a memorandum of understanding (MoU) and delineated members' roles and responsibilities. This highlighted elders'role in ensuring accountability in relation to international NGOs. In relation to Dhobley District Administration, there was no mention of improving accountability as such, but rather an emphasis on establishing a working relationship and on resolving conflicts.

Following the second round of forums, the Association of Elders met with the Chair of Dhobley District Administration and requested a plot of land upon which they could build an office for the Association. The request was granted and a small plot adjacent to the administration's office identified. The elders then collected contributions, and purchased cement, iron sheets and timbers to begin construction. It is clear that the elders understood the CDNA project as an opportunity to set up structures that located them both spatially and politically much closer to the local administration. Elders reported that their sense of mistrust in the district administration had reduced, when previously they had reported feeling side-lined by it. In this way, the CDNA project facilitated the formalisation of the relationship between elders and the local district administration.

As the project sought to increase the capacities of both citizens and the local administration to engage with each other, KATUNI Consult facilitated sessions to support the local administration in developing plans for their area of jurisdiction. By the end of the facilitation sessions with the local administration, an organisational chart and draft resource allocation plan had been developed.

When a meeting was eventually held between the Association of Villages, Association of Elders and Dhobley District Administration, another key group of influential non-state actors emerged: business leaders. The business leaders were willing to publicly question members of the administration; instigating a heated debate on the issue of taxation and service delivery. They demanded the administrators reveal exactly how their taxes were being used, as well as explain the apparent inconsistencies in taxation rates.

Following this session, officials at the local and at the federated state levels, such as the Jubbaland Administration, pushed back on the project. The Ministry of Interior in the Jubbaland Adminstration, required project activities to be suspended. The project team was aware that some of the issues raised during meetings with the district administration, such as revenue collection, were of concern to the local police commander who was benefitting from the opaque rules on tariffs on sugar importation. The police commander also had strong ties with the Jubbaland Administration in Kismayo. While the project could resume its activities after the temporary suspension by the Ministry of Interior, it was clear that achieving transparency on how tax revenue was spent was going to be politically difficult.

3.2.2. How the project adapted

When KATUNI Consult negotiated permission from the Ministry of Interior to resume activities, the project team realised that its work to support increased demands for transparency needed to be balanced with the political reality of what was possible, without the project being suspended. The team strove to find productive ways of working with the Police Commander by identifying shared objectives to reduce his resistance to the project. For example, while the Police Commander was keen to protect his economic interests in the area, he also acknowledged that the current way of doing things was a product of a post-conflict environment and was reducing his potential to achieve more legitimacy and thus greater influence. He agreed to participate in the process of establishing public financial management mechanisms.

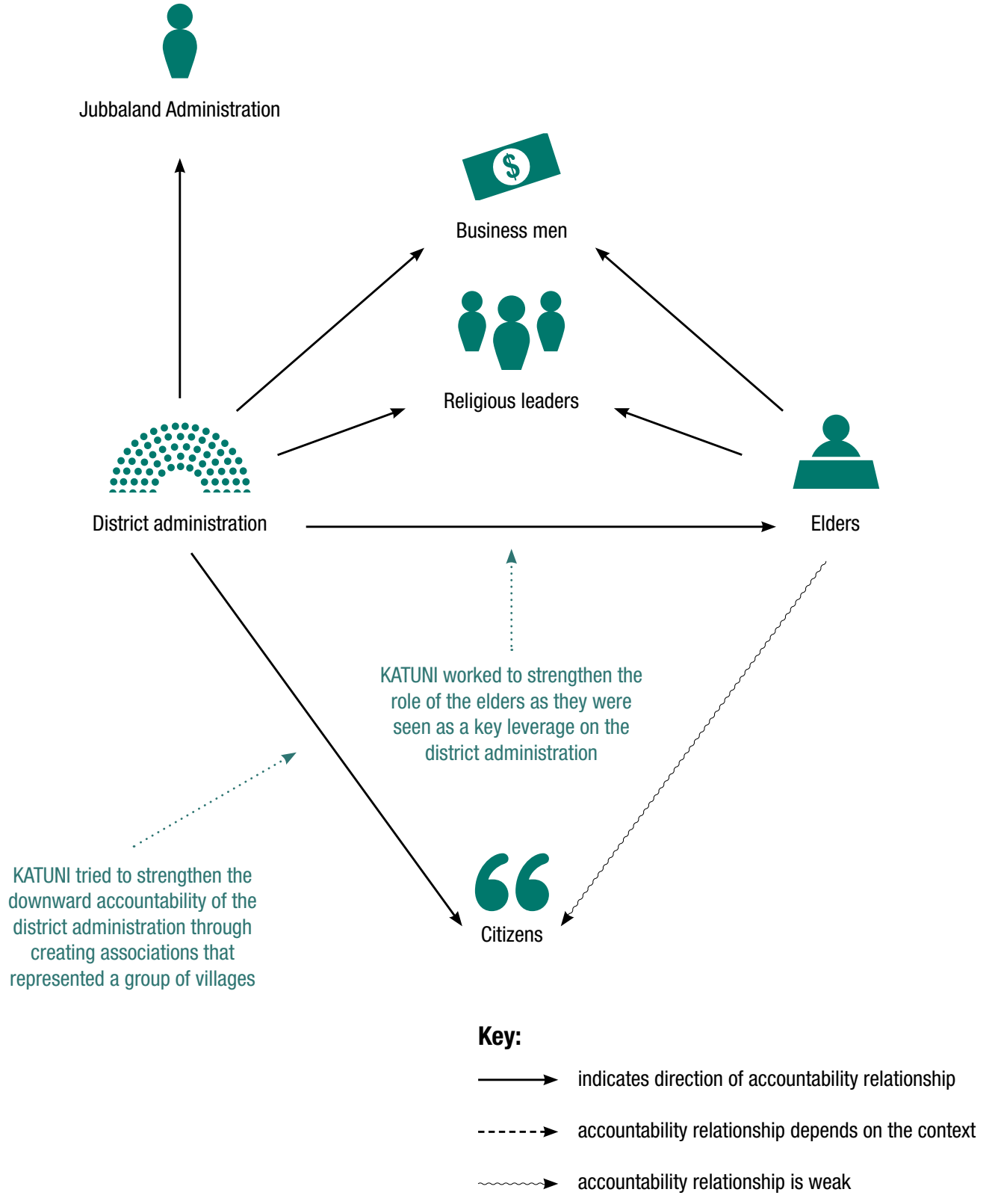
3.2.3. Did the local administration become more accountable?

Given the project's relatively short timeframe it is too early to assess the impact it could have had on enhancing local governance and accountability in the longer term. There was only one recorded example of an agreement between the Dhobley District Administration and the Association of Villages. The agreement was that the district administration would tax goods travelling through Dhobley, the economic capital of Lower Jubbaland and use the revenue to increase the number of police in the market areas. In exchange, the business community agreed to paying taxes according to a standardized rate and on a more regular basis. The agreement was written into the *xeer* for the area. It is not clear whether the elders were able to enforce both sides of this agreement.

Aside from this agreement, it was evident that political constraints prevented Dhobley District Administration from responding to many of demands made during the facilitated meetings. Indeed, the two other agreements negotiated by the Association of villages were with NGOs

7 The Association of Villages included representatives from each of the 10 villages involved in the CDNA project.

Figure 3: Elders and accountability in Lower Juba Region



Source: ODI

and not with the district administration. At one meeting, minority clan members raised concerns that a local NGO was distributing cash vouchers unfairly. The Association of Elders called the NGO to a meeting and asked them to explain their method for distribution, requesting that they adhere to fair practices in the future. Following the development of a community action plan, one community set up a water committee, which then worked with Dhobley District Administration to negotiate with an NGO to build a borehole in its area.

The reality was that Dhobley District Administration had limited resources and power, meaning the relationship of power and therefore the need for accountability was not so much between Dhobley District Administration and the elders/citizens, but between the NGOs and the elders/citizens. The project activities helped to develop structures that formalised the hybrid political order between Dhobley District Administration and the elders, which was then used to negotiate with NGOs.

The Council of Elders was more inclusive of a wider group of clans which ultimately provided more minority clans with direct access to the district administration. Before the establishment of the Council of Elders, most of the contact between Dhobley Administration and elders had been with the elders of the two dominant sub-clans.

3.3. Working with elders to increase accountability in the Somali political process

Marqaati, a Somali NGO based in Mogadishu, focuses it work on anti-corruption initiatives, and, in particular, on reducing corruption in elections. Prior to the 2016 parliamentary elections, Marqaati succeeded in convincing 29 political parties to sign an 'Integrity Pact'. The pact committed them to financial transparency and stated their opposition to vote buying. IAAAP funded Marqaati to widen the initiative's target group, to include House of People candidates,[8] presidential candidates and clan elders. Marqaati recognised certain elders' as influential electors and so included them in its overall strategy to increase electoral transparency.

Marqaati's Theory of Change was that if Lower House/Presidential candidates signed an Integrity Pact, they would abstain from vote buying during elections. If elders signed an Integrity Pact, they would abstain from taking bribes from electoral delegates during elections. In the absence of vote buying, candidates for the Lower House would need to convince electoral delegates to vote for them based on policy pledges. This would create a relationship of accountability between candidates and electoral delegates.

3.3.1. What happened

Marqaati convinced 55 MPs, 37 elders and two presidential candidates to sign Integrity Pacts. Thirty-one political parties also signed agreements. Some of the MPs used Marqaati's messages about the drawbacks of vote buying and criticised MPs who continued to engage in it. Marqaati publicised both the signatories and those who refused to sign.

But despite the negative coverage, the majority of candidates—including the incumbent president—declined to sign the pact. Marqaati concluded that Integrity Pacts had limited impact as all candidates did not sign. As some candidates continued to pay electoral delegates to vote for them, it was difficult for those who had signed the Integrity Pacts to compete without also paying electoral delegates.

Two of the assumptions in the project's Theory of Change did not hold true in practice. The first was that the commitment expressed through signing an Integrity Pact would override the incentives within the current Somali electoral system to engage in vote buying. As vote buying is an effective way of assuring votes, committing to abstain while competitors continue to use this strategy was high-risk for those candidates who signed the Integrity Pacts. As in the Prisoners Dilemma game[9], cooperation is only advantageous if all players cooperate. Without assurance that all candidates would sign a pact, it is understandable that many chose to abstain, even if that meant negative coverage.

The second assumption was that, in the absence of vote buying, candidates would focus on policy to convince electoral delegates to vote for them. However, many candidates in Somalia do not perceive vote buying as corruption.[10] As elders select the delegates, some candidates simply distribute cash to the elder and his assistants who will select the delegates. In this way, vote buying is understood as a form of redistribution of national state resources within the clan.

3.3.2. Did elders become more transparent in their voting?

Elders did not become more transparent in their voting during the parliamentary elections. There weren't enough incentives built into the project to overcome the strong economic and social incentives that produce vote buying. That said, the project was right to include elders as they are key actors in the political economy of vote buying, often being paid directly to select delegates who will vote for a particular candidate.

Marqaati's campaign to address vote buying in the presidential election the following year, in 2017, yielded better results. Moving away from a focus on Integrity Pacts, they focused instead on the anonymous voting that MPs enjoy in electing the president, which meant that, in theory, bribing would have less influence. In the end,

8 The House of People is composed of an Upper and Lower House. In 2016, there were elections for the Lower House and a Presidential election.

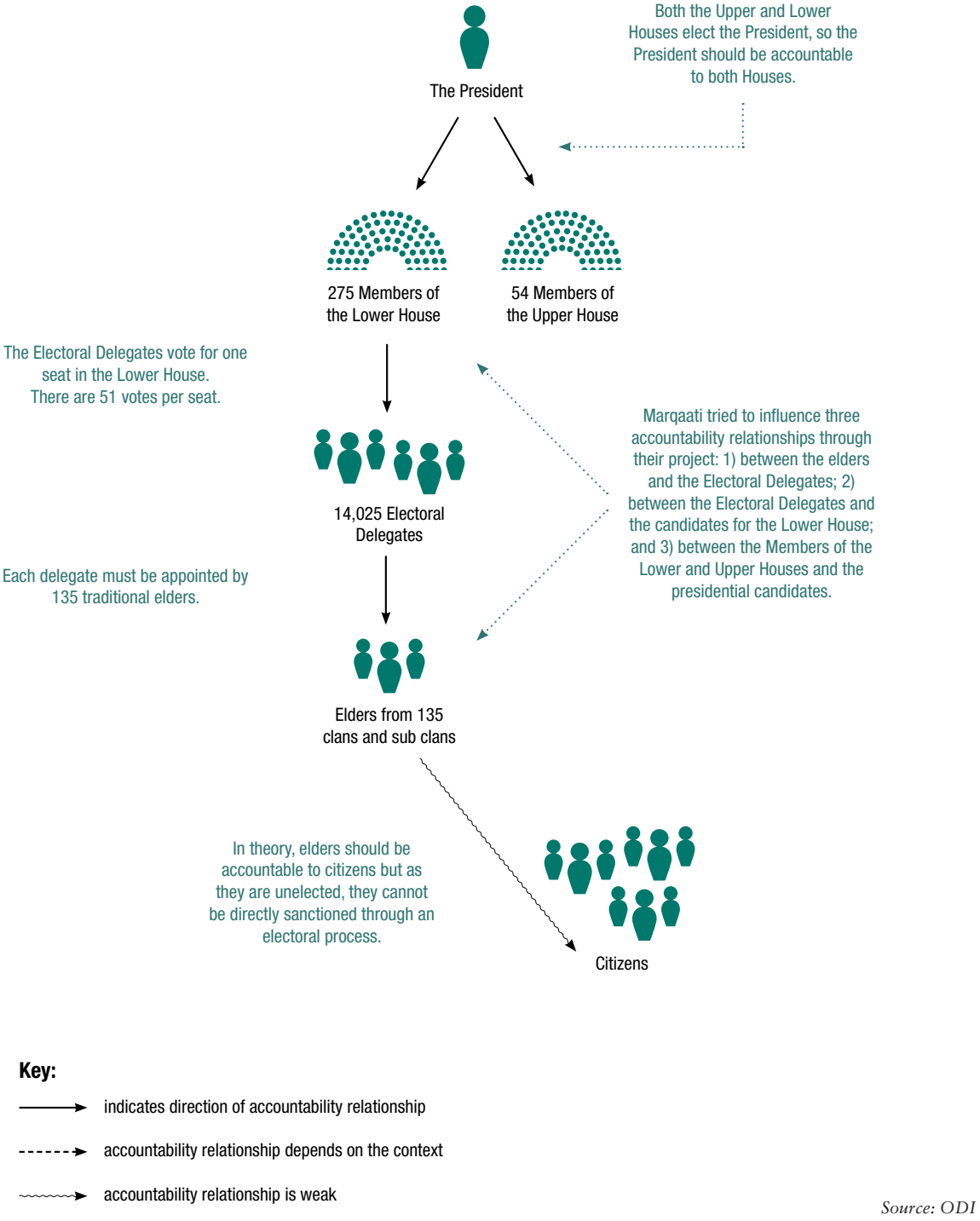
9 The prisoner's dilemma is a standard example of a game analyzed in game theory that shows why two completely "rational" individuals might not cooperate, even if it appears that it is in their best intinterests to do so.

10 Email exchange with Mohamed Warsame, 2017.

the presidential candidate who paid the most lost. One candidate who had not participated in vote buying got the third largest number of votes.[11] Further research would need to be done to establish whether this outcome was the result of Marqaati's work or simply a function of the increased anonymity of the presidential election.

Vote buying is extremely difficult to address. Even in well-established democracies such as Ghana, political patronage is widespread—there is even some evidence to suggest that patronage has increased throughout the period of democratic rule (Lindberg, 2003). Vote buying generates a distinct political economy with a strong set of incentives that are difficult to overcome (see McCullough et al., 2016). And in Somalia, with an indirect electoral system that breaks the direct accountability relationship between MPs and voters, addressing vote buying is even harder still.

Figure 4: Elders and accountability relationships in the Somali electoral system



Source: ODI

11 Ibid.

4. Reflections on working with non-state actors to increase accountability

4.1. Moving away from standard models of accountability

The successes achieved in increasing the accountability of non-state actors in these case studies did not conform to what would be predicted by standard models of accountability. The changes achieved in these IAAAP projects were not achieved through citizens gaining access to information, but rather through strengthening the relationships between those with power and key non-state actors.

In the Accountability in Informal Settlements case study, it was not more information about camp management that increased IDPs sanctioning options and thus the downward accountability of gatekeepers. Rather it was the formalisation and legitimation of the role of the gatekeepers that incentivised them to take more responsibility for the transparency of camp governance.

In the CDNA case study, despite providing communities with information about their rights and about the responsibility of local government, this did not result in communities nor elders making demands on the local administration. Instead, the increased contact between the elders and the district administration helped to foster increased trust and greater collaboration between the two institutions. Elders used the structures that were created during project (an Association of Villages and an Association of Elders) to demand increased accountability from local NGOs.

4.2. On recognising the influence of dispersed power relations

Where formal and informal governance overlaps, the relationships of power are dispersed across a range of actors. The context analyses carried out for the IAAAP projects demonstrate an awareness of the complexity of power relations not only between non-state actors and state actors but also among non-state actors themselves.

The Accountability in Informal Settlements case study highlighted how gatekeepers were accountable to landowners, clan elders of the host communities, business people and sometimes the local administration. The political economy analysis conducted in preparation for the CDNA project, described the links between traditional authorities (elders and clans leaders), business leaders, NGOs and the state administration.

But in the final design of both projects, the focus was very much on strengthening the relationship between a specific group of non-state actors and representatives of the state. In the Accountability in Informal Settlements project, the relationship of power that the project influenced was between IDPs and gatekeepers, and between gatekeepers and the DC. The project didn't draw on the potential influence of religious and business leaders to exert power over gatekeepers. For example, Somali business people are expected to pay *zakat* to help people less fortunate than themselves. It is likely that those business people would be interested in paying *zakat* to well-run camps rather than to badly run camps; thus, business people could potentially be a force for greater accountability of gatekeepers. In interviews for a feasibility study for the Accountability in Informal Settlements Project, IDPs talked positively about religious leaders and the role they could play in improving the situation of IDPs. They observed that aid agencies did not engage with religious leaders on the matter of gate keepers and IDP protection (Tana/iDC, 2013). In the Accountability in Informal Settlements project, religious leaders were used in awareness raising on anti-FGM by the gatekeepers but they weren't included as actors that could influence the behaviour of gatekeepers.

Similarly, in the CDNA project, the focus of the project was initially between citizens and the local administration with elders acting as arbitrators. In the end, the only agreement that the District Administration struck was with business leaders. Meanwhile community members directed their efforts towards restraining the power of a local NGO. Apart from one consultation with a religious leader in one of the villages, the project did not engage with religious leaders.

The latest thinking in accountability best practice is that there is a need to move away from programmes that think in terms of 'states' and 'citizens' and instead recognise that the production of public goods involves a range of actors including NGOs and the private sector (see for example Joshi, 2017). In areas of limited statehood, development actors need to think more laterally about how power is dispersed across different groups, and which actors are likely to be incentivised to restrain the power of others. By overly focusing on the power relationship between citizens and the state, projects are potentially missing out on opportunities to create incentives for increased accountability.

4.3. On constructing hybrid political orders

Projects supported through IAAAP played a role in formalising relationships between non-state and state actors, and in the process, are contributing to the ongoing construction of hybrid political order in Somalia. In the Accountability in Informal Settlements project, relationships were formalised between the gatekeepers and the DCs through the establishment of a settlement monitoring committee, of which the DC was a member. In the CDNA project, the establishment of the Association of Elders made it easier for the elders to liaise with the district administration. Indeed, reflecting the evolving process of negotiating hybridity, the elders used the opportunity presented by the CDNA project to set up their own office beside the district administration office – a concrete symbol of their formalised relationship. In the Integrity Pacts project, the project recognised elders as actors that are involved in political corruption around elections. The inclusion of elders in programmes to improve electoral accountability contributes to the process of legitimising and formalising their role in the electoral process.

But is it a good thing that projects aiming to support increased accountability contribute to the construction of a hybrid political order? The non-state actors that NGOs and development actors work with in Somalia are part of institutions that are exclusive and have limited downward accountability to their communities. However, it is clear that these non-state actors and the institutions they are part of, will persist in Somalia for the foreseeable future. If anything, these informal actors, and in particular, elders, are likely to increase their power over the short term. Excluding them from the political settlement[12] would make the re-establishment of stable governance more difficult. So, while the inclusion of informal actors, such as elders, in the governance system in Somalia is not necessarily conducive to more inclusive and accountable governance, it represents a reasonable way of drawing on existing power bases to build support for the FGS. International aid projects funded by Western donors, for the most part, support the FGS. As such, Western international actors are non-state actors that compete with other non-Western international actors for influence.

Mac Ginty and Richmond (2015) distinguish between positive and negative pathways of hybridity. Positive pathways of hybridity feature emancipation and the emergence of hybrid institutions based on progressive values. Northern Ireland is cited as an example of a positive pathway of hybridity. Negative pathways of hybridity maintain unequal and exclusive power structures. While working with non-state actors that represent customary institutions may contribute to stabilising the FGS, there is a risk that international actors are participating in steering Somalia on a negative pathway of hybridity. A recent report on Somali women's participation in politics found that the politicisation of clan identity (clannism) was perceived to be one of the most significant barriers to women's political participation (Social Development Direct and Forcier, 2017). Through adopting a voting system of fixed proportional representation by clan and candidate vetting that is controlled by clan rather than political party, the influence of the clan national level politics has been formalised. As the clan system excludes women, the space for women to participate meaningfully in politics (Browne and Fisher, 2013).

Of course, not all informal institutions are exclusive in the same ways. Gatekeepers seem to be less bound by tradition and allow women and younger people to take positions of authority. Programmes that seek to promote inclusive governance could aim to work with a range of non-state actors. Programmes could consider actively collaborating with less well-established informal actors as there may be greater opportunities for including those currently excluded from traditional institutions. Working to make traditional institutions more inclusive is another way of mitigating the risks of deepening a hybrid political order.

4.4. On working with traditional authorities

Of all non-state actors, NGOs and development actors are most likely to work with elders, particularly on programmes to strengthen governance. Elders can play a role in restraining power, but IAAAP projects show that elders are not necessarily focused on restraining state power. The CDNA case study showed that elders saw themselves as collaborators with district administrators rather than as whistle-blowers. The Elders Association's memorandum of understanding did not mention holding the Dhobley District Administration to account. The elders' behaviour in relation to the district administrators in Lower Juba region aligns with Logan's analysis of popular perceptions of traditional and elected leaders in Africa as 'two sides of the same coin' (2009). Given this relationship, it is possible that elders will not necessarily be incentivised to hold representatives of local government to account. The Elders Association's MoU did, however, include a commitment to holding NGOs (both national and international) to account.

12 The balance of power between contending groups and classes in society, based in part on implicit, ongoing bargains among elites and non-elites about how power is organized and exercised. See Kelsall (2016).

Recognising that elders are likely to act more as collaborators with government representatives than whistle-blowers should inform how practitioners think about the design of accountability programmes in Somalia. Elders may be better placed to increase the accountability of international non-state actors—such as NGOs, the UN and donor agencies based in Somalia—or the private sector.

Of note is that corruption among elders is common at all levels in Somaliland and in Somalia. Any programme seeking to work with elders to increase the accountability of international actors or the private sector needs to include measures to prevent elders being co-opted by those they seek to hold accountable, whether through stipends or through perks such as free accommodation in urban areas.

Elders are likely to play an ongoing role in Somalia's hybrid governance system, but they can only advance accountability if they become more accountable themselves. One focus of accountability programmes could therefore be on increasing the downward accountability of elders to their communities and in particular to women and young people. In Somaliland, a small number of women joined the Council of Elders through the death of their husbands. Programmes such as IAAAP could support processes by which women can ascend to positions of authority comparable to that of an elder.

4.5. Using the prospect of increased legitimacy as an incentive

Many sociologists and anthropologists mistakenly attribute the legitimacy of non-state actors such as elders to either 'tradition' or 'charisma' (e.g Hoehne, 2012). This is based on Weber's theory that the source of authority is either tradition, charisma or a rational-legal code. A more comprehensive theory of legitimacy understands it as constantly negotiated and acted out through interactions between those with authority and those without (see Beetham, 2013).[13] In this sense, non-state actors—even those drawing on traditional or customary practices—need to constantly negotiate their legitimacy. The case studies made clear that the opportunity to increase one's legitimacy incentivised non-state actors to change their behaviour.

The gatekeepers with whom Tana worked were willing to accept increased scrutiny of their operation to gain greater legitimacy as service providers in the eyes of aid agencies and the local administration. Similarly, the elders in Lower Jubbaland were willing to invest in establishing an office next to the administration to emulate the outside image of authority and thus establish their legitimacy in a broader context. The possibility of increased legitimacy is clearly a strong incentive for behaviour change in non-state actors. This incentive may be deployed in creative ways to incentivise non-state actors to produce progressive behaviour change. This could, for example, include the introduction of accountable structures such as the committees and signs by the gatekeepers in the Accountability in Informal Settlements. However, as legitimacy is constantly evolving and renegotiated, the strategies used in a project to incentivise behaviour change through legitimacy would need to be continually reviewed. Further, if those strategies do not produce measurable behavioural change in non-state actors, activities should be adjusted immediately. Simply providing non-state actors an opportunity to consolidate their power without corresponding increases in restraints on their power would lead to potentially disastrous results.

4.6. Ensuring ongoing sustainability of accountability projects with non-state actors

Achieving sustainability in accountability programmes is an ongoing challenge. This challenge becomes especially acute when working with non-state actors that do not function within a defined institutional structure. It is not clear that the change in the gatekeepers' and the elders' behaviour will be sustainable once the project has finished. In the Accountability in Informal Settlements project, the training conferred legitimacy on the gatekeepers who reacted by installing signs and liaising with camp settlement committees. It is not, however, clear whether this was due to the 'Hawthorne effect' – that is, when individuals change their behaviour in response to their awareness of being observed. In this case the observer is Tana and when the project finished, the gatekeepers may revert to less accountable modes of camp management. Beyond the increased legitimacy that the association with an international NGO offered the gatekeepers, there were few tangible incentives for gatekeepers to continue with more accountable camp management. As the project continues, it remains to be seen whether those gatekeepers who participated in the project remain more responsive to IDPs' needs than those who did not.

In the CDNA project, resources were invested in establishing relations across communities and between elders and the District Administration but it was unclear whether elders will be incentivised to facilitate and monitor agreements between the District Administration and the Villages Association once KATUNI Consult had stopped funding the project. More resources need to be invested in this initiative to understand the project's long-term impact and the incentives that would need to be in place to capitalise on the Elders Association and the Association of Villages structures.

There is one feature of the Somali informal governance system that may be harnessed to increase the sustainability of governance programmes that seek to work with non-state actors. This is the practice of incorporating other legal practices into the *xeer*. Elements of sharia have already been incorporated into the *xeer*, setting a precedent for the incorporation of additional legal traditions, including, for example, human rights law.

13 See McCullough, 2015 for a summary of the different ways to understand state legitimacy.

References

Ahmed, I I. (2001): Somaliland, Puntland and Southern Somalia. Conflict Prevention, Management and Resolution: Capacity Assessment Study for the IGAD Sub-region, Leeds: University of Leeds

Ahmed Salad, B. (2017) In-person interview with the Sheikh Bashir Ahmed Salad (*BBC*, 7 February 2017) (www.bbc.com/somali/war-38890156).

Albrecht, P., H.M. Kyed, D. Isser and E. Harper, 2011. 'Perspectives on Involving Non-State and Customary Actors in Justice and Security Reform'. International Development Law Organization, Rome.

Albrecht, P., and Moe, L. W. (2015). The simultaneity of authority in hybrid orders. *Peacebuilding*, 3(1), 1-16.

Allen, S. and Gundel, J., (2017a). Civil society and civic engagement in accountability in Somalia. Katuni Consult/IAAAP DFID.

Allen, S. and Gundel, J., (2017b). Enhancing District Level Governance and Accountability in Somalia. A case study on citizen-directed negotiated accountability project. KATUNI Consult/IAAAP DFID.

Beetham, D. (2013). The Legitimation of Power (2nd Edition). New York: Palgrave Macmillan.

Bihi, Adam J. (2000) 'WSP Somali Programme in Puntland' *Building from the Bottom: Basic Institutions of Local Governance.* Geneva: WSP/UNRISD.

Boege, V., Brown, A., Clements, K. and Nolan, A. (2008) *On hybrid political orders and emerging states: state formation in the context of 'fragility'*. Berkhof Research Centre for Constructive Conflict Management

Bradbury, M. and Catholic Institute for International Relations (2008) *Becoming Somaliland*. London: Progressio.

Browne, E. and Fisher, J., 2013, 'Key actors mapping: Somalia' (Birmingham: GSDRC, University of Birmingham)

Bryld, E., Kamau, C., Knudsen Moller, S. and Mohamoud, M.A., (2017) *Engaging the Gatekeepers – using informal governance resources in Mogadishu*. DFID IAAAP.

Bryden, M. (2006) 'No quick fixes: coming to terms with terrorism, Islam, and statelessness in Somalia *Journal of Conflict Studies,* 23(2).

Cengage Learning (2002) 'Nonstate actors' *Dictionary of the Social Sciences*. Cengage Learning (www.highbeam.com/doc/1O104-nonstateactors.html).

Farah and Lewis (1993) *Somalia: the roots of reconciliation*. London: ActionAid UK and ActionAid Somaliland offices.

Gardner, J. and El Bushra, J. (2004) *Somalia-the untold story: the war through the eyes of Somali women*. London: Pluto Press.

Gundel J. and Omar Dharbaxo, A.A. (2006). The predicament of the Oday. The role of traditional structures in security, rights, law and development in Somalia. Danish Refugee Council and Oxfam Novib.

Haegeman, E. and Grant, E. (2017). Gender Equality and Social Inclusion Learning Brief. DFID IAAAP Somalia.

Hagmann, T. (2007) 'Bringing the Sultan back in: Elders as peacemakers in Ethiopia's Somali Region', in L. Buur, and H.M. Kyed (eds), *Recognition and Democratisation: 'New Roles' for Traditional Leaders in Sub-Saharan Africa.* Copenhagen: Danish Institute for International Studies (DIIS).

Hagmann, T. (2016). Stabilization, Extraversion, and Political Settlements in Somalia. Rift Valley/Political Settlements Research Programme.

Hansen, S.J. (2007). 'Civil War Economies, the Hunt for Profit and the Incentives for Peace: the case of Somalia'. AE Working paper no. 1, Department of Economics and International Development, University of Bath.

Hoehne, M. V. (2013) Limits of hybrid political orders: the case of Somaliland, *Journal of Eastern African Studies,* 7:2, 199-217.

Joshi, A. (2017). Seven challenges for accountability 2.0. IDS Blog. https://www.ids.ac.uk/opinion/seven-challenges-for-accountability-2-0 . Accessed 27.11.17.

Kelsall, T. (2016, January). Thinking and working with political settlements. London: Overseas Development Institute. https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/10185.pdf

Kraushaar, M. and Lambach, D. (2009) *Hybrid political orders: the added value of a new concept*. Brisbane: Australian Centre for Peace and Conflict Studies.

Lewis, I. M. (2003 [1965]) *A Modern History of the Somali: Nation and State in the Horn of Africa.* 4th edn. Oxford, UK: James Currey.

Lindberg, S. I. (2003) '"It's Our Time to 'Chop'": Do Elections in Africa Feed Neo-Patrimonialism rather than Counter-Act It?' *Democratization*, 10(2): 121-140.

Logan, C. (2009). Selected chiefs, elected councillors and hybrid democrats: popular perspectives on the co-existence of democracy and traditional authority. *The Journal of Modern African Studies,* 47, pp 101-128

Loimeier, R. (2016) *Islamic reform in twentieth-century Africa.* Edinburgh: Edinburgh University Press.

Mac Ginty, R., and Richmond, O. (2016). The fallacy of constructing hybrid political orders: a reappraisal of the hybrid turn in peacebuilding. International *Peacekeeping*, 23(2), 219-239.
Marchal, R. (1998) *A Few Provocative Remarks on Governance in Somalia.* Nairobi: United Nations Development Office for Somalia (UNDOS).
McCullough, A. (2015) *The legitimacy of states and armed non-state actors: Topic guide*. Birmingham, UK: GSDRC, University of Birmingham (www.gsdrc.org/topic-guides/the-legitimacy-of-states-and-armed-non-state-actors).
McCullough, A., Harouna, A., and Oumarou, H. (2016) *The Political Economy of Voter Engagement in Niger.* London: Overseas Development Institute (https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/10304.pdf).
Menkhaus, K. (2003). State collapse in Somalia: second thoughts'. Review of African Political Economy 39/97 (2003): 405–22.
Monitoring Group on Somalia and Eritrea, *Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution,* UN Doc S/2012/544 (13 July 2012) (www.un.org/ga/search/view_doc.asp?symbol=S/2012/544&referer=http://www.un.org/sc/committees/751/mongroup.shtml&Lang=E).
Nixon, N., Buffardi, A., Wales, J. and Pasanen, T. (2017) *Supporting accountability in fragile settings: a review for the Somalia Implementation and Analysis in Action of Accountability Programme.* London: Overseas Development Institute.
Ray, D.I. and E. Adriaan B. van Rouveroy van Nieuwaal (1996) 'The New Relevance of Traditional Authorities in Africa: The conference; major themes; reflections on chieftaincy in Africa; future directions' *The Journal of Legal Pluralism and Unofficial Law* 28(37-38): 1-38.
Renders, M. (2007) 'Appropriate "Governance-Technology"? Somali Clan Elders and Institutions in the Making of the "Republic of Somaliland"' *Africa Spectrum*: 439-459.
Tana and iDC (2015). *Making Gatekeepers Accountable – Feasibility Study.* Tana Copenhagen
Tana and iDC (2013). Gatekeepers in Mogadishu. The Cash Consortium
UNSOM – UN Public Information Services (2016) 'Somali religious scholars defend 30 percent quota for women'. Press release (8 October 2016).

ODI is the UK's leading independent think tank on international development and humanitarian issues.

All ODI publications are available from www.odi.org

Cover photo: Elders from the Hlran region of Somalia walk to a meeting on October 9 hosted by AMISOM Commanders to discuss fighting between clans in the area. AU UN IST PHOTO / Ilyas A. Abukar, 2013.

Overseas Development Institute
203 Blackfriars Road
London SE1 8NJ
Tel +44 (0) 20 7922 0300
Fax +44 (0) 20 7922 0399

UKaid
from the British people

This material has been funded by UK aid from the UK Government, however the views expressed do not necessarily reflect the UK Government's official policies.