

STATE(LESS) DEVELOPMENT: SOMALIA AND NEW CONFIGURATIONS OF POWER

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## ABSTRACT

Since 1991, the spectre of Somalia's statelessness has haunted the inter-state system and the norm of the nation-state that has been its constitutive principle since the era of decolonization. Somalia provides a critical counterfactual for theories and practices of development that lay their foundation on the bedrock of the of the modern sovereign state's powers and institutional configurations. The collapse of this 'normative state' presents complex challenges both to institutions of global governance and the international development industry. In this article, I will use the Somali instance to reflect on the implications for development of the rupture in the mutually constitutive dynamics between state and development. While Somalia may be a particularly advanced instance of the challenges this portends, it is by no means an isolated case. It provides, instead, a critical lens through which to examine pre-existing normative assumptions about state and development and their reconfiguration through neoliberal practices.

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**TITLE:** State(less) Development: Somalia and New Configurations of Power

**ABSTRACT:** Since 1991, the spectre of Somalia's statelessness has haunted the inter-state system and the norm of the nation-state that has been its constitutive principle since the era of decolonization. As one instance of a wider trend that has accompanied the relative decline of the state and the emergence of new assemblages of power in the age of neoliberalism, Somalia provides a critical counterfactual for theories and practices of development that lay their foundation on the bedrock of the of the modern sovereign state's powers and institutional configurations. The collapse of this 'normative state' poses sharply the complex challenges this presents both to institutions of global governance and the international development industry. In this article, I will use the Somali instance to reflect on the implications for development of the rupture in the mutually constitutive dynamics between state and development. While Somalia may be a particularly advanced instance of the peculiar challenges this portends, it is by no means an isolated or aberrant case. It provides, instead, a critical lens through which to examine pre-existing normative assumptions about state and development and their reconfiguration through neoliberal practices.

## **INTRODUCTION**

In January of 1991, after his military forces had shelled residential neighbourhoods with artillery arrayed around Villa Somalia, the presidential palace, Siad Barre fled Mogadishu (Kapteijns, 2013:122-9). The civil war which had been contained in northern Somalia had spread all the way down to the capital on the southern coast, and it was no longer possible for Barre to hold his position. In the months leading up to the taking of Mogadishu by insurgent forces, Barre's influence had dwindled to the point that he, the president of Somalia, was derisively called 'the mayor of Mogadishu;' his efforts to maintain power over the country had been futile. With his retreat the government that had been in control of Somalia since the 1969 military coup, just nine years after independence from England and Italy, collapsed and Somalia had cleaved the fundamental category of the modern age. The nation-state had been blown apart; what remained in the geopolitical imaginary was the nation, the state nowhere to be found in the wreckage.

The stateless period of modern Somali history has undoubtedly been marked by predictable scourges – famine, piracy, terrorism, and extreme violence. But it would be an exaggeration to say that Somali society ceased to function, or suddenly became lawless. In the

absence of centralized governmental authority local forms of administration showed their resilience, and the Somali commitment to Islam provided some degree of security and safety. Traditional systems of governance based on *xeer*, or contract, continued to function in the hinterlands, and local sharia courts provided a mechanism for dispute resolution in municipalities. The nomadic pastoralists who make up the majority of the Somali population continued to raise their herds and export their products to the international market. The intervening years have, to be sure, been fraught and perilous; but to claim that Somali society collapsed with the state is to understate the strength and flexibility of Somali practices and local forms of governance.

The narrative just presented is a thumbnail of the standard telling of the story. It treats Somalia as a single, unified region which is everywhere the same. The reality of Somalia is considerably more complicated and since 1991 local efforts to secure particular regions have been successful. The most successful of these is the Republic of Somaliland in the northwest of Somalia which declared independence from the rest of Somalia roughly four months after the government collapsed. In time Somaliland established its own democratic government, secured its borders, and sought international recognition as a sovereign state.<sup>1</sup> To date, no such recognition has been forthcoming, even though Somaliland looks and acts very much like a state. Another area of relatively stable self-governance has been Puntland, in the northeast. While Puntland is an autonomous political entity in Somalia it does not seek independence like Somaliland and is still materially and ideally part of Somalia. In international relations, however, Somaliland and Puntland are no more than de-facto autonomous regions within Somalia.

These new assemblages of power pose critical conceptual questions about the nature of states and the roles they perform, both domestically and internationally. While the Weberian definition focusing on monopolizing legitimate use of physical force holds considerable sway in the established scholarship – even if its deployment usually ignores the specific historical context of 1919 Germany in which Weber wrote – and provides a helpful framework for recognizing states theoretically, it tells us nothing about the material markers which characterize the form that this monopolization takes, especially in the postcolonial reality of nation-states. It provides a

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<sup>1</sup> See Dill (2011) for more on governance in Somaliland and Puntland; Renders and Terlinden (2010) call into question the materiality of Somaliland's formal democracy while noting that it is still emerging.

well-accepted normative conception of what the state is and the institutional form it typically takes. This form is one in which state power is centralized, bureaucratic, legal-rational, and territorially bounded. These are the contours which combine to give shape to ‘the modern state.’ While these might be the material markers of contemporary forms of rule, they do not capture one of the most important aspects of modern statehood: legal inclusion in the interstate system. Here Somalia and Somaliland illuminate a breach in the normative framework of discourses of the state, for while Somalia is not thought to be a modern state in the material sense, it remains so juridically as a recognized entity in the interstate system. Somaliland, by contrast, presents the reverse of this situation.

A particularly fecund branch of academic inquiry is concerned with how it is that the modern form of state power has come to dominate the world. Different conceptions and theorizations abound in fields like Political Science, Anthropology, International Relations, and Sociology. A relative late-comer to this discussion is the interdisciplinary field of Development. Within academic discourses the development industry has been seen as a key driver of the spread of the modern state’s power; this analytic framework recognizes that development agencies have as a latent function the reproduction of systems of authority that enable the power of the modern state to operate. International development agencies like the World Bank, USAID, the UNDP, and the IMF operate through the specific form of power represented by the modern state, but are also essential to the creeping spread of this power. Techniques of development used by these agencies prioritize centralization of power, rational organization of people and space, impersonal bureaucratic hierarchy, and reliance on a peculiar construction of expertise.<sup>2</sup> This analysis, while accurate, ignores a crucial truth about the development industry: to function in the first place, the modern state must already be present. International development agencies require that the systems allowing the exercise of these techniques already exist. Without them, agencies are unable to find purchase because development’s operational logic is predicated upon the pre-existence of the modern state’s institutional framework. The lack of a centralized state authority in Somalia since 1991 thus provides a necessary counterfactual for examining the necessity of this configuration of power for international development agencies to implement their specific projects and the underlying project of reproducing the power of the modern state. Rethorizing

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<sup>2</sup> See Ferguson (1994), Mitchell (2002), and Scott (1998) for complete developments of these arguments.

how the state and development function together requires posing a question that has been heretofore unasked: whether 'development' in Somalia since 1991?

Answering that requires interrogating the relationship of the modern state to the development industry, as well as how non-normative configurations of power, like those present in Somalia and Somaliland, condition the strategies available for development. Examining the status and function of 'development' in the absence of a normatively enacted state lays bare two essential features of their mutual constitution. The first, outlined above, is that the development industry relies upon the modern state to function. In the absence of a normative state structure it cannot express its operational logic, which necessarily works through the institutional infrastructure of states to frame and produce solutions to specific types of problems, typically in collaboration with external actors. The second is that when alternative power structures emerge in stateless territorial spaces, development takes on an endogenous character that is shaped by economic dynamics, history and cultural practices that are negotiated both locally and globally. On display is the tension between what Cowen and Shenton (1996) identify as *doctrines of development* and *immanent development*, with the former term standing in for directed change towards specific ends and the latter for change as an almost evolutionary process unfolding through time.

This essay seeks to problematize the way in which the development industry relies on modern state power both to reproduce and legitimate itself, and show that, in the absence of a normative configuration of internationally recognized power structures, the development industry is unable to operate. Building on the work of Cowen and Shenton, Gillian Hart (2001) notes an essential bifurcation in the conceptualization of development. She identifies "big D" Development defined as a post-second world war project of intervention in the "third world" that emerged in the context of decolonization and the cold war, and "little d" development or the development of capitalism as a geographically uneven, profoundly contradictory set of historical processes' (ibid:650). Although it is reductive to consider the D/d distinction as a binary system, considering each term as a polar anchor of a continuum facilitates rethinking the conceptual limitation restricting D/development conversations to the health of the state. Hart's distinction, to be operationalized hereinafter, provides an essential analytic framework for this article. Both

Somalia and Somaliland have been sites of considerable development even as Development, and the normative state, has been absent.

This article will argue that Development works with—and through—the normative state, while non-normative configurations of power necessarily generate ‘little d’ development, as Development is not a strategy available to structures that do not emulate modern, normative statehood. The specific way this has unfolded in the Somali context will be examined to help illustrate the theoretical significance and analytic utility of Hart’s distinction. The argument will unfold in three parts. The first section of the paper clarifies the analytic framework and conceptual categories that animate the argument, focusing particularly on the ‘modern state’ and ‘D/development.’ This will be followed by a discussion of pre-1991 Somalia, focusing especially on the interaction between Development and the Somali state. The third section – focusing on the period since 1991 – explores the non-operation of Development, contrasting this with the non-normative structures of state power – like those in Somaliland – that have been able to provide their own solutions to problems of D/development. A concluding section resumes the central argument. While this manuscript limits its empirical consideration to Somalia, the disjunctures it exposes in discourses of both D/development and states has broad applicability, especially as the nation-state continues to see both its role and form reimagined on a global scale.

### **SOVEREIGNTY, STATES, AND D/dEVELOPMENT**

Somalia’s statelessness is not simply an oddity to be glossed over with lax fascination. It is an important rupture in the global configuration of power that emerged and spread in the aftermath of the second World War, a period that also saw the emergence of the institutional project of Development. The unmaking of both the state and Development in Somalia provides scholars with a rare opportunity to examine, if only by negative example, the circulation of power in the absence of the institutions and structures that format it everywhere else on the globe.

Before taking up the issue of how D/development functions it is essential to understand the nature of the modern state across its material and ideal dimensions. The state’s material aspect is observed by David Held (1996:71) in a collection of ‘crucial innovations of the modern states system,’ Weberian tendencies adumbrated as: territoriality, control of the means of violence, an impersonal structure of power, and legitimacy in the minds of the governed. Held

confirms Weber's general definition of the state<sup>3</sup> while explicitly including domination through legal-bureaucratic rationality, enacted through the impersonal structure of power, as a defining feature of the modern state. The issue of legitimacy in Weber is well-covered elsewhere and will only be taken up briefly here; Weber identified three ideal-types of legitimate domination—traditional, charismatic, and legal – which can be quickly defined as legitimacy through habit, personal qualities, and abstract rationality, respectively (ibid:78-9,294ff). Weber is unambiguous that his typology of domination is ideal-typical and that none of the three types of legitimate domination can be found in pure isolation; the three ideal types interpenetrate in their material manifestations. Weber's definition of the state as an analytic category conspicuously leaves the type of legitimacy unspecified: for him 'modern "associations," above all the political ones, are of the type of "legal" authority ... the legitimacy of the power-holder to give commands rests upon rules that are rationally established' (ibid:294). Weber's definition of the *modern* state, as opposed to the state as a transhistorical configuration of power that encompasses, for example, early monarchical and feudal states, accords with the innovations identified in Held's definition.

Held's definition is as much an empirical as a normative structuring: to *be* a state, a configuration of power needs to conform to certain norms already embodied by *other states*. So while Weber's general definition has a certain ahistorical character and can be broadly applied to *any* territorial authority which is able to achieve that particular monopoly, the reliance on an impersonal structure of power and legal-rational authority temporally fixes what 'the modern state' is, and specifically excludes forms of power which are based on kinship or other relations of personal dependence. It is important to note that Held's account is descriptive; he makes no normative assertion about the form the modern state *should* take; the modern state can be a constitutional republic or an authoritarian military regime so long as its administration is reliant on impersonal, legal-rational procedures. Held's four aspects constitute what can be considered the *materiality* of the state: they describe the institutional form that it takes while keeping the last-instance function of the state rooted in its exclusive ability as the wielder of violence.<sup>4</sup>

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<sup>3</sup> Weber famously defined the state as 'a human community that (successfully) claims the *monopoly of the legitimate use of physical force* within a given territory' (1946:78, emphasis in original).

<sup>4</sup> For more on the violent state see Tilly (1985, 1990). Douglass North (1981) remains within the narrative of violence, arguing that the state emerges to guarantee property rights; Spruyt (1994) shows that the particular form of the modern state is unrelated to its capacity for organized violence, but that the

The normative conception of the state Held describes captures the material features of modern statehood, but it lacks the essential notion of juridical sovereignty in the interstate system. Juridical sovereignty is a key aspect of modern statehood; so essential is juridical sovereignty that in its absence no state can be said to exist, even if the material features of the modern state are present.

Krasner (2005: 70-71) identifies three dimensions of sovereignty operating at distinct scales for the state. The first is international-legal, which provides legal standing for a state to be recognized by other states and engage in formal interstate relations. The second is awkwardly<sup>5</sup> termed ‘Westphalian-cum-Vatelian’ and reflects the formal principle of nonintervention in the affairs of other states. The final aspect is domestic sovereignty, which is the idea that a state is able to choose its own power structures, and carries with it the implication that within a state there is a single, unitary power structure with the authority to operate at the international level.<sup>6</sup> These aspects combine to provide an international order in which states exist through mutual recognition but are prohibited from unbidden action within the territorial boundaries of other states. This understanding of the legal conception of sovereignty fits neatly with the normative state illustrated by Held. Krasner’s typology of sovereignty can also be considered a normative construction. Normative sovereignty confers international legitimacy upon the holder of domestic legitimacy, and the holder of domestic legitimacy is whichever group has shown itself most capable of militarily controlling the most territory within the political boundaries that constitute the geographic representation of the nation.

The persistence of Somali statelessness opens a space for reconsidering the theoretical underpinnings of both the material and juridical aspects of normative statehood. Since 1991, Somalia has continued to be a juridical entity in international politics, even as key features of the material state are absent. There has been no territorial monopoly on the use of physical force that encompasses the geopolitical entity Somalia. The groups that worked together to expel the Barre

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centralized bureaucracy provided advantages over competing forms of power (city states, urban leagues) in, for example, trade relations, leading to its wider adoption.

<sup>5</sup> This phrasing is acknowledged by Krasner as a ‘somewhat clumsy expression’ that ‘reflects a quirk of intellectual history.’ See Krasner (2005: n1) for more.

<sup>6</sup> Krasner (1999) identifies four aspects, not three. The more recent citation is being here used. The missing aspect from 2005 is ‘interdependence,’ which is the ability of states to control border transit of people, capital, and ideas.

regime ‘failed to fill the power vacuum because no faction ... had the power to dominate the other groups militarily’ (Elmi, 2010:18). This has fragmented Somalia into a shifting patchwork of territories controlled by competing interests, usually organized through clan affiliation (ibid:28), and two relatively stable areas—Somaliland and Puntland – that are ‘de facto independent, since Somalia lacks the capacity to intervene in either’ (Dill, 2011:289). The fact that the internationally recognized Somalia has two important regions outside of its control shows that it cannot be thought of as a material state or as juridically sovereign, in the normative senses outlined above. Conversely, Somaliland and Puntland’s autonomy and stability demonstrate that they meet the normative requirements of material statehood, despite (in the case of Somaliland) having no juridical sovereignty. The capability of Somaliland extends beyond simply monopolizing physical force. The government of Somaliland has effected ‘the demobilization of rival militias, cleared mines and repatriated refugees; facilitated the rebuilding of infrastructure, including functioning clinics, hospitals, schools, universities, power plants, roads and ports’ (Hesse, 2010a:350). Somaliland is not simply a territory with a centralized, unitary wielder of violence; it is a distinct area with an administration that materially improves the lives of its inhabitants. This leads ineluctably to the conclusion that the materiality of a state is less important than its juridical status in reckoning its claim to statehood.

#### **D/development and the State**

The claim to statehood is one of the primordial elements of Development. Hart’s Development definition can be bolstered by one provided by Cooper and Packard (1997:2) who define ‘development [sic]’ as ‘foreign aid and investment on favourable terms, the transfer of knowledge of production techniques, measures to promote health and education, and economic planning.’ Orthodox and heterodox theorists of Development assume the presence of the doubly-normative state. W.W. Rostow (1994:99) provided a widely-accepted taxonomy capable of classifying ‘all societies, in their economic dimension, as lying within one of five categories.’ His framework provided a hierarchy of societies, ranging from ‘the traditional’ to ‘the age of high mass-consumption’ in which ‘developing’ was synonymous with transformation from one stage to the next. Rostow’s conception informed what would be the dominant Development

paradigm in the period spanning roughly 1945-1965.<sup>7</sup> Development was the responsibility of individual nations, to be paid for largely through national public funds: ‘each nation was considered for itself: its “development” [sic] was largely an internal, self-generated, self-dynamizing phenomenon’ (Rist, 2008:74).

The domestic self-sufficiency period of development history gave way to an era of increased internationalization with a tripartite foundation based on ‘massive transfers of (mainly private) capital, exports of raw materials, and the comparative advantage supposed to benefit all market traders’ (ibid:113). During this period, international interdependence of the global North and South was expanded, while Development transitioned from the use of domestic funds to projects funded by international Development agencies. Comparing the level of lending undertaken by the World Bank, Eric Toussaint (2005:138) shows that the amount of Development dollars being distributed jumped sharply: from 1944 to 1966 the World Bank provided loan financing to 708 projects, totalling US\$10.7 billion; from 1968 to 1973 the Bank financed 760 projects, with a total cost of US\$13.4 billion. The total external debt held by the Global South doubled between 1961 and 1968, ending at approximately US\$47.5 billion. By 1980 this number had reached an astronomical US\$560 billion (ibid:137). Development orthodoxy shifted from self-funding industrialization efforts to externally financed infrastructure projects (ibid:139), which had the effect of deepening connections to global circuits of capital.

The inability of indebted nations to pay back their loans forced the main lending agencies to adopt policy instruments that established ‘structural adjustment’ conditionalities in return for debt servicing. The so-called ‘Washington Consensus’ expressed this turn in Development practice and called on states in the global South to reform their fiscal and economic policies and make their markets more liberal and open to the movement of capital (Gore, 2000:789-790). These prescriptions functioned to cast the debtor nations as profligate and irresponsible. In order to service its debt the state was supposed to cede control of its resources to private interests, with the revenues from privatization being used for debt repayment. Privatization efforts were

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<sup>7</sup> It would be tempting to think that the Rostowian paradigm was historically limited to the time when his work was published, but the idea of societies progressing through stages toward an unchanging goal has not been displaced, ‘[t]he final goal remains the same and the means towards it (spread of technology, industrialization, exploitation of nature) have not changed ... essentially everyone acts as if it were true – that is, as if it were desirable, possible and achievable’ (Rist, 2008:103).

‘intended to produce a flood of capital investment. But the result for most has not been a boom in foreign investment. More often, it has been a collapse of basic institutions (including major industries as well as social infrastructure such as schools and health care) and an explosion of official illegality’ (Ferguson, 2006:35). The turn toward privatization, along with deregulation and increased integration into global markets, ushered in the age of ‘neoliberalism’ in Development theory and practice. The state had gone from being a key driver of Development, initially through its ability to marshal public funds for modernization, then thanks to its ability to borrow money to increase connectedness to international markets, to a liability for Development, and one that needed to be mitigated, through privatization of the state’s assets and services in order to repay its internationally-held debts.

Conceptually relegating the state to an accessory factor of Development and not a crucial driver produces flawed and incomplete analyses of the interaction between the modern state and Development in the age of supposedly self-regulating markets. The intermediate period of Development strategy from 1965-1980 relied on the state to integrate local markets into the global marketplace, clearing the ground for the current epoch of marketization and privatization. Although the piecemeal dismantling of state functions and assets can be seen as a signal that Development no longer needs the state, the current phase requires the state in three ways: as a source of liquidity through debt repayment, as a source of further assets and services for privatization, and as a guarantor of both physical security and property rights for the liberalized market. What has been undermined is not so much the Weberian materiality of the modern state, but its sovereignty.

State sovereignty has been moribund since the United States dropped the first atomic bombs, according to its theorists. Herz (1957:489) argues that the ‘impermeability of states seems to have gone for good’ since war can now be waged on anyone, from anywhere, and with total destruction as its outcome,<sup>8</sup> while John Ruggie (1993) and Saskia Sassen (1996, 2006) see the post-Cold War economic order shaped by new forms of global power in which territoriality has been supplanted by the global reach of capital. For Ruggie, the deterritorialization of financial transactions, and the accompanying reinforcement of financial links, provide a glimpse

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<sup>8</sup> Herz also notes that the process of undermining territorial sovereignty began in the 19<sup>th</sup> century, but this was a quantitative rather than qualitative change in the ways wars were fought. He remarks: ‘Now that power can destroy power from center to center, everything is different’ (1957:489).

of ‘a nonterritorial “region” in the world economy ... which exists alongside the spaces-of-places that we call national economies’ (1993:172). The European Community is, for him, a watershed moment signalling ‘the first truly postmodern international political form’ (ibid:140) in which ‘the unbundling of territoriality has gone further than anywhere else’ (ibid:171).

Sassen proposes a similar line of argument, noting that with the simultaneity of national and international spatial and temporal frames inherent in globalization, the state has begun producing ‘a new organizing logic’ simultaneous with ‘a partial denationalizing of national territory and a partial shift of some components of state sovereignty to other institutions, from supranational entities to the global capital market’ (1996:xxii). This creates a host of questions for theorists, but also brings the scope of the changes back to the lived experiences of citizens, whose political power is reduced while ‘markets now exercise the accountability functions associated with citizenship: they can vote governments' economic policies down or in; they can force governments to take certain measures and not others’ (1996:42). Sassen agrees with Ruggie that ‘the particular combination of power and legitimacy we call sovereignty is being decentered, partly redistributed onto other entities, particularly supranational organizations, international agreements on human rights that limit state autonomy, and the emergent private international legal regime for business transactions’ (1996:65). What emerges is not simply a private attack on state sovereignty, but a series of parallel constructions that problematize the once-sacrosanct notion of a singular state sovereignty.<sup>9</sup>

These critical perspectives help inform a new way of understanding Development as a process of simultaneously *expanding* the domain of modern state power, while *altering* the conception of bounded territoriality essential to the formation of the nation-state. To some degree it is appropriate in this lens to recast Development as a means of creating nationless-states; of stripping national characteristics of populations and rendering irrelevant the geographical distinctions that have underpinned traditional ideas of sovereignty. It is a logic which is unable to operate in the absence of a particular form of power, but which also seeks to reconsolidate that

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<sup>9</sup> Another view on this comes from Zacher (1992) who notes ‘[w]hether one calls the new international arrangements the latter Westphalian system or the post-Westphalian system makes little difference. The key is that states are becoming increasingly enmeshed in a network of collaborative arrangements or regimes that are creating a very different international political world than the one that has existed in recent centuries’ (100).

form within an altered spatial frame. Development cannot operate in the absence of the state but it is also increasingly intolerant of the exercise of state power in its opposition.

## **DEVELOPMENT AND THE STATE IN SOMALIA**

The experience of Somalia in the post-war period follows the twin trajectories of Development and states presented above. To understand Somalia in this timeframe requires exploration of the colonial legacy which gave rise to Somalia as it is understood today.<sup>10</sup> This account takes up the narrative in 1900 when ‘the Somali peninsula, one of the few extremely homogeneous regions in Africa, was radically partitioned into minilands – into British Somaliland, French Somaliland, Italian Somaliland, Ethiopian Somaliland (the Ogadeen [sic]), and, for good measure, what came to be known as the Northern Frontier District of British Kenya’ (Laitin and Samatar, 1987:53).<sup>11</sup> As colonies, British Somaliland and Italian Somaliland were never self-sufficient.<sup>12</sup> For the Italians this was a problem to be solved with export agriculture led by plantation-grown bananas; unfortunately, despite the use of slavery (see Pankhurst [1969] esp. 77-84, 118-132), the banana industry relied on efforts from the Italian government to support prices and demand (Laitin and Samatar, 1987:105-6). British Somaliland was also a colony dependent on imperial coffers to meet its expenses. Despite the British colonial mandate of self-sufficiency, the Dervish revolt (1900-1920) required considerable expenditures to suppress (ibid:59-60). Even in the post-revolt years ‘far from being self-supporting ... the Somaliland administration depended upon the Imperial Treasury for its fiscal health ... indicated by the fact that the only year after the end of the Dervish war that revenues exceeded expenses was 1937’ (Samatar, 1989:47). At independence in 1960, Somalia remained in the same position of relying on external funds to meet its expenses.

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<sup>10</sup> This section will be necessarily brief; excellent accounts can be found in Laitin and Samatar (1987:48-68), Lewis (2002:40-165; 2008:27-33), Little (2003:25-8), Pankhurst (1969) and Samatar (1989).

<sup>11</sup> What we now call ‘Somalia’ is the unification of British Somaliland and Italian Somaliland. French Somaliland is in what is now Djibouti, and Ethiopia still controls the Ogaden, while the Northern Frontier District remains part of Kenya.

<sup>12</sup> Britain and Italy also had wildly different intents for their colonial holdings. Italy saw Somaliland as a site for Development, undertaking ‘a series of large-scale development [sic] projects designed to lay the foundation for a prosperous colony’ while for Britain Somaliland was ‘an expendable asset, alternately to be traded...for higher imperial stakes in Ethiopia or to serve as “Aden’s butcher shop”’ (Laitin and Samatar, 1987:59-60).

The unification of the British and Italian territories in 1960 produced a state that lacked the tools to effect Development. The nascent Somali state ‘had almost no access to data specifying the structure of the economy, and it lacked technical personnel to interpret’ those data that were available (Laitin and Samatar, 1987:108) and ‘relied on external sources (foreign aid) to generate almost all its resources and growth’ (Samatar, 1989:83). Internal Development was ‘pursued ... with the help of foreign aid, mainly from Western countries’ (Lewis, 2008:36) in an attempt to create an industrial sector and to modernize farming practices. Somalis, however, quickly saw the benefits of working for the government. Salaried, public employment became responsible for a ‘hefty percentage’ of the recurrent budget, and by 1976 it was estimated that almost half of the paid work force (72,000 out of 167, 000) was drawing a government salary (Laitin and Samatar, 1987:107). In order to pay for this the Somali government played the superpowers of the Cold War against each other, ultimately procuring more per-capita international aid than any other African state (ibid:108). While some of this money went toward the construction of an industrial sector and the creation of semi-profitable export sectors, ‘by the closing years of the 1960s it had become apparent that ... development [sic] planning seems to have accentuated the state’s reliance on foreign assistance’ (Samatar, 1989:107).

In 1969 Siad Barre seized power in a military coup. His Supreme Revolutionary Council aimed to stamp out ‘the people’s real enemies: poverty, disease and ignorance’ (Lewis, 2002:208). In October, 1970, on the anniversary of his coup, Barre proclaimed his regime’s specific ideological stance: Scientific Socialism was ‘to unite the nation and eradicate its ancient clan divisions’ (Lewis, 1989:573). The alignment with socialism allowed Barre ‘to enhance the power of his army and to fund his first five-year plan’ through a series of agreements with the USSR (Laitin and Samatar, 1987:81-82). In the 1970-1975 period his regime achieved some notable successes, including standardizing a script for written Somali, rural and urban literacy campaigns, and management and mitigation of the devastating 1974-1975 drought.<sup>13</sup> The socialist program included a marked shift in Development funding: Somalia went from being 100 per cent reliant on foreign revenues to 83.8 per cent for the 1971-1973 period, and 67.4 per cent for 1974-1978 (Samatar, 1989:121, Table 22), with domestic funding coming largely from the rural pastoral sector. There was a corresponding shift in how the funds were spent.

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<sup>13</sup> See Lewis (2002:209ff, esp. 209-211), Laitin and Samatar (1987:81-88), Samatar (1989:116ff) for more detail on the early victories of the Barre regime.

Development spending went from being 60 per cent devoted to primarily urban industry programs in the 1963-1968 period, to 72 per cent committed to primarily rural programs for 1971-1973 (adapted from data in Laitin and Samatar, 1987:85, Table 4.1). These early successes would not last. The 1977-1978 Ogaden War with Ethiopia precipitated a shift in the alliances of regional players and global superpowers.<sup>14</sup> The socialist government that took power after the Ethiopian revolution ultimately gained the backing of a Russo-Cuban coalition that opposed the Somali invasion of the Ogaden. Likely knowing that his attempt to recapture the Ogaden was doomed without external military intervention, in October 1978 Barre coordinated with West German forces to recapture a hijacked Lufthansa plane that was being held at the Mogadishu airport. The tactical mission was successful, but the strategic goal of realigning with the West was not achieved: 'Ethiopia had moved from the American to the Russian camp. Somalia had lost the patronage of one superpower without ... gaining that of the other' (Lewis, 2002:242). At this point '[Barre] became a born-again capitalist and friend of the West ... He invited capitalist investments with open arms, and he did all this without once recanting his scientific socialism' (Laitin and Samatar, 1987:90). Menkhaus (2007:80) indicates that the Somali state had become above all 'a catchment point for foreign aid that was then diverted into the pockets of civil servants' by the mid-1980s.

By 1991 'Somalia's economy was devastated by serious economic crises that emanated from two decades of economic policy blunders' (Mubarak, 1997:2028). Mubarak provides three major reasons for the destruction of the economy in the twilight of Barre's rule: crisis in public sector management, alienation of the urban private sector, and neglect of the rural sector. While the 1960-1969 period had been marked by near-complete dependence on foreign aid, this period would see that taken to a new order of magnitude. The entire Somali education system would come to be financed by foreign aid, and aid would constitute 58 per cent of the GNP (Szafruga, 2016:412). The Somali state spent less than 1 per cent of its GDP on economic and social services in 1989, while defence and administration costs made up roughly 90 per cent of recurrent government expenditures (Mubarak, 1997:2028). Somalia's rural economy, the one undeniably productive sector, providing 95 per cent of exports, received an average of 1.2 per cent of the Somali GDP from 1974-1988 (ibid:2029). The Somali state had transitioned from

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<sup>14</sup> The following account of the reconfiguration of global alliances is largely taken from Lewis (2002:231-42)

being one that used external funding to attempt to generate internal development (and fund a sprawling bureaucratic apparatus) to one that ‘not only fulfilled no functions which could be considered necessary for economic development [sic], but also hampered private initiative’ (Szafruga, 2016:409).

The next section will show that Development activity stopped in Somalia with the collapse of the Barre regime, only to re-emerge once the normative state began its inchoate return. It will examine the presence of contested claims to power in Somalia, including the division between Somalia and Somaliland and the ramifications that the denial of legal sovereignty has for the former.

### **Somalia Since 1991: D/development and Non-State Power**

The Barre regime’s end may have seemed quick, but the fall was the result of almost 15 years of active resistance. Beginning in the wake of the 1977-78 war with Ethiopia over the Ogaden region,<sup>15</sup> armed resistance groups began to appear in northwestern Somalia (largely in and around what is today Somaliland) (Kapteijns, 2013:81-108). This area remained a hotbed of resistance. The government response culminated in a series of scorched-earth attacks in 1988: ‘Siad Barre’s ground and air forces carried out such heavy bombardment of the regional capital, Hargeisa, that it was known as the “Dresden of Africa”. Barely a wall was left standing and almost every roof of every building was blown off or looted’ (Harper, 2012:56). The General overseeing this violence, who received training at Fort Leavenworth in the United States, would earn the nickname ‘The Butcher of Hargeisa’ and ultimately become ‘one of Somalia’s most feared warlords’ once the Barre regime fell (Menkhaus, 2014:156). The massacre in Hargeisa forced the transition from open rebellion to civil war.

The coalition leading his ouster was unable to collaborate and form a new government, and none of the groups on their own was strong enough to overcome the others militarily. This created multiple spaces of power, with the effect that the unity of the nation as a political entity was destroyed. Mogadishu, the nominal capital of Somalia, became a site of perpetual conflict as factions tried to seize control of the city and eliminate their rivals. Dozens of peace conferences were convened in neighbouring states at great expense, some of which lasted for years, but the

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<sup>15</sup> The Ogaden is the region of Somalia that was apportioned to Ethiopia during the colonial partition.

fighting and factionalism persisted. Harper (2012:64) relates how these conferences ‘became a major industry for many of the Somali delegates’ providing abundant food and safe shelter and giving the ‘naively and arbitrarily’ selected delegates ‘a vested interest in dragging the meetings out for as long as possible.’<sup>16</sup> The efforts to broker peace were not limited to external peace conferences; the international response was largely based on the 1992 UN ‘Agenda for peace’ report that ‘conceptualized peacebuilding as large-scale, well-financed, long-term, internationally led interventions in conflict-affected states’ (Ahmad, 2012:313).<sup>17</sup> Paradoxically, as Ahmad notes, the external intervention may have been a driver of prolonged conflict in Somalia; ‘large interventions introduce enormous sums of money to the local economy, which can make the local security apparatus independent of its domestic constituency, thus allowing it to be more violent and predatory toward civilians’ (ibid:328). Recalling Tilly’s narrative of the emergence of European state as a form of protection racket, it appears that in this context dislocating the protected from their role as exploitable resources may reconstitute them as a reservoir for surplus violence.

Since 1991 there have been distinct phases in how violence has been predominantly organized in southern Somalia. Each of the successive periods to be illustrated should be taken as indications of tendencies; for example, the influence of warlord-controlled militias may have waned recently, but it is by no means gone. From roughly 1991-1995 ‘an economy of plunder developed, featuring violent banditry by armed gunmen and warfare waged principally over opportunities to loot’ (Menkhaus, 2007:80-1). Immediately after the collapse of the state, clan-based warlords engaged in armed conflict to secure territory. Fighters for their militias were sourced from within the clan and violence was directed against other clans. From 1995-2006 fighting ceased to be inter-clan so much as it was intra-clan, amounting to ‘extended family feuds’ in which ‘[p]illaging and looting are no longer as common, in part because little territory is gained or lost in localised clashes, and in part because commodities worth stealing are generally in the hands of businessmen with paid security forces protecting them’ (Menkhaus,

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<sup>16</sup> She recounts how Kenyan authorities organized a ‘farewell party’ for the delegates to politely signal the end of one conference which lasted over two years.

<sup>17</sup> The analytic linkage this creates between Development and international peacebuilding (or, perhaps, Peacebuilding) is not taken up here due to considerations of space. It suffices to note that the logics are strikingly similar, and appear to have roughly congruent outcomes.

2004:156). This can be attributed to the rise of private business interests controlling their own militias, militias owing allegiance not to clan or faith, but to cash.<sup>18</sup>

In 1999 business leaders in Mogadishu tired of paying protection to their clan militias and simply ‘bought out the militiamen from beneath the warlords and assigned the gunmen to the local sharia courts’ (Menkhaus, 2007:88).<sup>19</sup> This endowed both business and religion with considerable firepower and provided the military capacity that allowed the Union of Islamic Courts (UIC) to be so effective in defeating the remaining regional warlords in 2006.<sup>20</sup> Following the 2006 invasion by Ethiopia to remove the UIC from power, fighting has been largely between al-Shabaab and the externally-supported Transitional Federal Government and Federal Government of Somalia. The government-supporting forces have largely comprised the Somali National Army, supported by African Union Mission in Somalia (AMISOM) troops from other African nations (Al-Bulushi, 2014:33), while al-Shabaab’s forces are made up of three types of fighters: Somalis who have lived in Somalia their whole lives, Somalis from the diaspora,<sup>21</sup> and non-Somali foreign nationals (Shinn, 2011:209-10).<sup>22</sup> The AMISOM presence has renewed conflict over territory as attempts are made to defeat al-Shabaab militarily, with terrain frequently changing hands as the power of AMISOM and the TFG/FGS is largely confined to Mogadishu and the surrounding areas (Browne and Fisher, 2013:5).

[Figure 1]

While the sources of funding for AMISOM’s US\$700 million annual budget are readily discernible and international (see Al-Bulushi, 2014:33 for contributors), al-Shabaab sources its revenues both domestically and internationally. Tar and Mustapha (2017:286-7) indicate that al-

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<sup>18</sup> Leeson (2007:705) indicates that the costs to Somali businesses and citizens for security and usage of public roads, which can be considered a combination of tax, toll, and security, are ‘substantially lower under statelessness than they were under government’ and that they see a better return on the lower rate charged by warlords.

<sup>19</sup> Menkhaus further indicates that warlords who controlled sources of revenue apart from simple protection rackets (for example, their own businesses or those who maintained nominal political office allowing for local tax collection) were weakened less by this ‘coup’ than those who derived their resources from their clans or other external sources.

<sup>20</sup> The UIC is referred to alternately as the Islamic Courts Union (ICU) or Supreme Council of Islamic Courts (SCIC) in the relevant literature.

<sup>21</sup> This includes Somalis from Greater Somalia.

<sup>22</sup> Shinn (2011:209) indicates the ‘85 member executive council of al-Shabaab includes 42 Somalis and 43 foreigners.’

Shabaab runs lucrative extortion and protection rackets while controlling the seaport in Kismayo, facilitating their illegal charcoal export business, and their operations to smuggle sugar into neighbouring Kenya. These are supplemented by their own sources of state funding from ‘sponsors including countries such as Saudi Arabia, Eritrea, Syria and Qatar’ (ibid:286).

Against this backdrop of widespread conflict and enduring strife a few key aspects of Somali society—clan, *dia*, and *xeer* – supplied ways to order interactions and provide governance in the absence of a unitary government. Somali pastoral rangelands ‘have never come under the effective control of a state’ (Menkhaus, 2004:156), lessening the effect of formal statelessness. Traditional structures of governance proved to be capable operating frameworks for the countryside while ‘the most durable, legitimate, and functional political authorities in the eastern Horn have emerged at the town, city, and municipal levels’ (Menkhaus, 2014:165-6). At the limited scale of cities and towns governance is ‘seen as a positive-sum game for local actors, whose interests are served by organized markets, rule of law, and public order’ while ‘[i]nstitution-building at higher levels tends to threaten interests, and is perceived in more zero sum terms, and hence is much harder to accomplish’ (ibid:166). Menkhaus (2007:86-7) has characterized the emergent political configuration as

a loose constellation of commercial city-states and villages separated by long stretches of pastoral statelessness. In the towns, the sharia courts and municipal authorities do what they can to impose basic rule of law. Across the towns, business partnerships weave extensive commercial ties, which transcend clan and conflict across the countryside.

The situation in Somalia is thus a complicated mixture of competing sovereignties and jurisdictions being constantly negotiated out of self-interest, in which clan plays a major role. This appears to remain true even as al-Shabaab and AMISOM forces have reshaped the landscape of power in recent years.

Clan is the overriding feature of Somali identity.<sup>23</sup> It is structured along patrilineal lines, with all clans tracing their genealogy back to a single legendary Muslim-Arab founder, although the identity of this founding member varies by clan. Most scholarship identifies five or six major

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<sup>23</sup> This does not necessarily hold in the diaspora. See Berns-McGown (1999, 2013) for more on this, and it obviously does not preclude the idea of intersecting identities. However, clan is the atmosphere through which other identities are mediated in Somalia.

clans<sup>24</sup>, which are then fragmented further until one gets to the smallest organizing unit of Somali society, the *dia* paying group. Clan is a means of personal identification, but it also mediates relationships with others. Somalis are largely ‘homogeneous in terms of religion, culture, and language’ (Elmi, 2010:29) and clan provides a way to locate others (and be located) within in a grid of wider social networks and relationships. Clan is so dependable a marker of identity that it can be used as a type of address for sending mail and money (Lewis, 1982:2; Elmi, 2010:32). Clan is also an essential means of organizing political alliances, to the point that efforts at promoting a national identity have variously discouraged or outlawed using clan as a means of identification (Lewis, 2002:167-168, 209-210).<sup>25</sup>

Internally, clans have a broadly flat hierarchy. Despite the honorific title Sultan, clan leaders ‘are normally little more than convenient figureheads and lack any firmly institutionalized power’ (Lewis, 2002:10).<sup>26</sup> Clan decision making is effected through elders, a group that comprises almost all of the adult men in a clan, making the traditional governance process ‘democratic almost to the point of anarchy’ (ibid). Clan identity is also mobile; one is a member of a clan family, clan, sub-clan, primary lineage group, and ultimately *dia* group.<sup>27</sup> The post-91 configuration of Somali social and political organizations of power has proven inimical to the recentralizing project of the international community..

*Dia* (or *diya*)<sup>28</sup> paying groups are the implementing structure of *xeer* (or *heer*). The *diya* group is the group which is responsible for restitution, should one of its members transgress against a member of another group.<sup>29</sup> It is a collective with shared resources to cover any assessment levelled against a member. *Xeer* is a codified, yet informal, system of law and

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<sup>24</sup> These are (in alphabetical order) the Darod, Dir, Digil, Hawiye, Isaaq, and Mirifle. The 5-6 discrepancy arises from whether Digil and Mirifle should be combined or left separate. See Elmi (2010:29) for more.

<sup>25</sup> When this first began, during the era of early independence (ca.1960) it became acceptable to ask about a person’s ‘ex’ clan; under Siad Barre (1969-1991) the ‘ex’ was officially outlawed.

<sup>26</sup> This is the case for the nomadic pastoralists who make up the majority of the population. Laitin & Samatar (1987:29) note ‘Chiefs of agricultural clans ... exercise real authority as compared to the largely ceremonial – and therefore powerless – sultans of the pastoral clans.’

<sup>27</sup> This should not be taken as a complete accounting of Somali clan identity, it is simply an illustration of how kinship networks can be the locus of multiple, sometimes competing, identity claims.

<sup>28</sup> *Diya* is from Arabic, with *dia* being the Somali orthography, and appears to be a loan-word in common use. The Somali is *mag* and although this is in widely-used in speech it does not appear widely in the literature.

<sup>29</sup> Lewis notes that while the *dia* group is primarily responsible for payments in *xeer*, it may also occur ‘at other levels of segmentation within the general field of clanship.’ (1982:127)

conflict resolution through which elders are able to mediate conflicts between *dia* groups. *Xeer* typically demands the payment of livestock, in particular camels—the *ne plus ultra* of nomadic Somali wealth and status—as a means to redress grievances. Since the resources of any one member may not be able to fully cover the sanction imposed, *dia* groups can be thought of as a form of insurance for members. *Xeer* also functions to instil collective responsibility through collective punishment. Even during the period of modern statecraft in Somalia *xeer* existed alongside Islamic law and formalized legal-rational codes. This meant that, even after the collapse of the state, Somalia was not thrown into lawless chaos; *xeer* and *sharia* law were still being recognized and practiced. The degree to which these institutions have been reconfigured to address the new materiality of stateless Somalia appears to be an open question.

*Xeer* and clan work directly with the material reality of how the majority of Somalis derive their subsistence. While it is difficult to acquire data for the stateless period, Lewis estimates that ‘60 to 70 per cent of the population are nomadic or have nomadic affiliation, even though many today live in urban centres for part of the time at least’ (2008:3). The World Bank has consistently used similar numbers in their reporting; these estimates are in line with what Thurow et al. (1989) found, although their total population was only pegged at roughly 5 million people. The most recent estimate by the CIA Factbook puts the total population of Somalia at roughly 11 million, with the caveat that this figure is based on a 1975 census.<sup>30</sup> *Xeer*, in the context of a predominantly mobile population, provides a similarly transportable adjudicative structure, and the relative flexibility of clan identity provides a means of assessing relationships on the frontier.<sup>31</sup> The rest of Somalis belong to historically agro-pastoralist clans settled in the inter-riverine southern area, although these groups are looked at with disdain by the nomadic pastoralist clans. This relationship, however, does not preclude exchange based on mutual interest (Lewis, 2002:14).

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<sup>30</sup> Estimating Somali population is a notoriously difficult task for a number of reasons. Chief among these is the area through which the nomads move. International borders are largely unimportant for Somali herders as they travel through the Greater Somalia region which includes Somalia, eastern Ethiopia (the much-contested Ogaden), northeastern Kenya, and eastern Djibouti, which means at least half the Somali population fades into and out of ‘legibility’ to the modern state.

<sup>31</sup> Hesse (2010:249-250) writes ‘Somalis need to have durable yet malleable ways to negotiate limited opportunities and limited resources ... evident in the traditional Somali greetings: “Is it peace?” and “What is your lineage?”’

Islam is another key factor of governance in the post-state period. Islam can be considered the strongest single unifying force in Somalia. Practically all Somalis are Sunni, and the founding histories of clans go back to Sufi saints. Religious observance, while variable between pastoralist and agro-pastoralists, is near-universal, and *sharia* law works alongside *xeer* in dispute mediation. Islam in Somalia has also been mobilized politically, as in the case of Sayyid Muhammad ‘Abdille Hassan, the leader of the 1900-1920 Dervish Revolt, who fought against British, Ethiopian, and Italian colonizing forces, and—more recently—the Union of Islamic Courts.

While the UIC didn’t emerge until 2006, the critical social role of Islamic courts extends back to the beginning of the stateless period. Elmi (2010:63) traces their emergence to the period of ‘the immediate aftermath of the state collapse in 1991’ while Leonard and Samantar (2011: 573) confirm, telling us that in the absence of ‘state courts’ ‘Somalis have turned to *sheria* [sic] ones, as they always did for family law matters in any case.’ A 2005 report commissioned by the Centre for Humanitarian Dialogue notes that *sharia* courts have fulfilled three key functions: organizing militias to ‘apprehend criminals,’ passing legal decisions ‘in both civil and criminal cases,’ and taking responsibility for ‘incarceration of convicted prisoners’ (LeSage, 2005:38); the report goes on to note that *sharia* courts’ ‘political role has generally been limited ... reluctant to involve themselves in political issues and large-scale security problems’ (ibid:39). The exception to this aversion to politics was the courts of Mogadishu, where in 2006 ‘a new Islamist movement emerged’ and ‘within the short span of six months, these newcomers accomplished what more than a dozen internationally sponsored peace processes could not: they centralized political control over the majority of the Somali countryside’ (Ahmad, 2015:90-91). The accomplishment of the Union of Islamic Courts was extraordinary. Pham (2013:14) notes ‘for the first time since the fall of Siyad Barre, Mogadishu was united under a single administration.’ The stability brought by the UIC was, however, to be short-lived:

In January 2007, the United States backed an ill-devised Ethiopian invasion to overthrow the Islamic courts and reinstall the TFG [Transitional Federal Government] warlords. The fragile new ICU government was crushed by the powerful Ethiopian offensive. The invasion, however, also galvanized al-Shabaab field commanders, who subsequently adopted a more extreme transnational agenda and welcomed an influx of foreign fighters into their ranks. (Ahmad, 2015:113)

### **Somaliland, Development, and sovereignty**

When the Somali state collapsed, the northern region which had been subject to such extreme brutality in the final years of the Barre regime seized the opportunity and declared its independence. It took only five months for the Republic of Somaliland to make the decision to secede from the rest of Somalia, and the borders used to demarcate their sovereignty were aligned with those imposed by the colonial partition. Somaliland's territory was coterminous with that of former British Somaliland, leaving the rest of Somalia in the confines of ex-Italian Somaliland.

The road to stability was fraught and subject to the same 'banditry of roving independent militias and local warlords which ultimately destroyed the south' (Lewis, 2008:93). By January of 1993, however, a peace conference was convened in the city of Borama that lasted five months and out of which emerged 'a system which fuses Western-style institutions of government with traditional forms of Somali social and political organization' (Hesse, 2010a:352). The Borama peace conference was conducted without international intervention, something which has become a point of pride for citizens and government officials alike (Ahmad, 2012:328). Lewis (2008:95) briefly contrasts the divergent outcomes of peace conferences in the north and south, concluding 'a crucial difference ... is clearly the dominant role played in Somaliland by the local authorities, the "stake holders" in the pompous jargon of developers [sic].' Part of the stability of Somaliland is rooted in the process of its creation which was driven by Somalis, for Somalis, and in Somaliland.<sup>32</sup> While Somaliland is still subject to the same sorts of political conflicts as any other government, the participants 'continue to opt for words and legalistic manoeuvrings over bullets and militias, and their rhetoric is arguably no more shrill than what is heard in, say, today's United States Congress or British House of Commons' (Hesse, 2010a:354).

The secessionist stance taken by Somaliland has been clear and unchanging. One particularly striking example comes from the story of how UNESCO/UNICEF was forced to print two different versions of their textbooks for use in Somalia. The reason for this duplication was that 'the Ministry of Education in Hargeysa [Somaliland's capital, sic] refused to accept textbooks that contain similar content to the rest of Somalia' (Elmi, 2010:114-5). For Somaliland

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<sup>32</sup> This is an abridged version of the story of Somaliland. The structure of the government was decided in the 1993 conference (and overwhelmingly confirmed in a 2001 referendum) but there have been conflicts, especially between and within clans. Lewis (2002:282-9) provides considerable detail.

it is not enough to be territorially distinct from its southern neighbour, the manufacturing of national consciousness, effected in no small part through education, has to use different raw materials. This has not come without its disadvantages, however. Somaliland has been largely unable to attract the significant quantities of external funding that Development provides. Heleta (2014) draws attention to Somaliland's success in establishing internal security and providing basic resources, but goes on to note that the government of Somaliland lacks adequate funding for major infrastructure projects. Heleta (ibid:73) pegs the average annual amount of external assistance received by Somaliland at roughly US\$30 million with the caveat that 'half of this money was spent ... on international organisations' overheads.' The Somaliland Development Fund (SDF) provides a way for international aid donors to assist Development efforts in Somaliland; to date the fund has received less than 5 per cent of the US\$1.19 billion required by the National Development Plan (2017).

The difficulty in obtaining external funding is the result of two related problems. The first of these is that the issue of Somaliland's sovereignty creates a thorny situation from the perspective of international agencies. Supporting Somaliland with Development funds makes a statement about the as-yet unrecognized claim to sovereignty, and is tantamount to recognizing that Somaliland is a full-fledged actor in the interstate system. For this reason other states are unable or unwilling to provide Development assistance. Doing so would actively undermine the international effort to recreate a unified Somalia. The second reason has to do with the way that Development agencies themselves function. As argued earlier, Development agencies depend upon the presence of a normative conception of the state, which has material and legal markers. While Somaliland meets the material markers, certainly to a greater degree than its southern neighbour, the key legal marker – internationally recognized sovereignty – is not there.

This renders Development inoperable, in part because assistance would lead to the same intractable political issue – a de-facto recognition of a claim to statehood and power over a given territorial jurisdiction – in the absence of any legal standing of Somaliland as a political entity within the international community. While Somalia, considered as a politically and geographically unified entity, has retained its sovereign status, Development requires a legal entity with international standing to take on debt for project financing, which Somaliland plainly is not. Until Somaliland either renounces its claim to statehood, or gains legal recognition

internationally, it will likely remain in this unenviable position vis-à-vis the international Development complex, a position of ‘negligible access to external capital whether through official development assistance (ODA), rents for either strategic or natural resources, loans from international lending bodies such as the IMF, or foreign investment’ (Philips, 2016:629).<sup>33</sup>

### **Power and D/development: 1991-2015**

As outlined above, Development funding in Somalia was shut off when the Barre state collapsed.<sup>34</sup> This presents an analytic dilemma, providing space to examine the operations of Development agencies in the absence of a state that is complete materially and juridically. Somalia shows that, in the absence of the material markers of the modern statehood, Development as a project cannot find purchase, even while international legal sovereignty persists. Somaliland presents the reverse of Somalia’s situation, leading to the same conclusion regarding the necessity of modern statehood’s components. This evidence bolsters the theoretical argument that Development is not simply a process of extending and expanding the power of the state, it is reliant on the presence of a normative state consisting of both material and juridical markers of statehood to begin this project of expansion.

[Figure 2]

While state-secured Development may have been dormant in Somalia since 1991, awaiting the reformation of the normative state, Somalia has been the site of a considerable form of immanent development. This section will focus on the three best-documented sectors: Livestock, telecommunications, and finance/banking.

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<sup>33</sup> There is tremendous irony in the World Bank’s 2016 report ‘Somaliland’s Private Sector at a Crossroads’ which identifies a number of impediments to the continued growth of private enterprise while noting that Somaliland has declared independence but ‘is not a member country of the World Bank’ (2016b: xi, fn). Looking at every ‘World Development Report’ from 1991-2016, Somaliland is mentioned only in the reports for 1999/2000 and 2011, both times as a footnote. Only in 2017 did Somaliland make it into the main text. Similarly, other Bank documents (Somalia – Interim Strategy Note [2007], Somalia – Interim Strategy Note 2014-2016 [2013]) recognize that Somaliland (and Puntland) present the best sites for Development (2007) and that ‘[o]n its own, however, humanitarian action cannot develop the sustainable livelihoods necessary for poverty reduction. For that, Somalia needs stability and investment in legitimate institutions that can enable basic service delivery, infrastructure financing and inclusive growth... **The binding constraints to poverty reduction are stability and the rudimentary elements of state-building**’ (2013:4, emphasis in original).

<sup>34</sup> This section will be brief by necessity. There simply hasn’t been much Development – in the formal state-secured sense—in Somalia during the ‘stateless’ period.

Raising and exporting livestock has long been the lifeblood of the Somali economy. During the period of statehood ‘Somalia derived more than 80 percent of its export earnings from the livestock sector’ (Little, 2003:37).<sup>35</sup> According to Samatar (2008:130) ‘Livestock production has been the dominant sector of the Somali economy in terms of employment and foreign exchange earnings for a long time.’ Today, while estimates vary regarding the precise proportion of the Somali economy that stems from livestock production, there is no disagreement regarding its importance to Somali livelihoods.<sup>36</sup> It is of little surprise that the nomadic pastoralism characterizing the Somali mode of livestock production has been resilient in the absence of the state. The state, as suggested earlier, provided little in the way of funding for rural livelihoods. In the absence of the state, marketing of livestock continued much as it had before. Little shows that in northern Somalia (Somaliland and Puntland) international trade has grown in the post-1991 era (Little, 2003:89), while cross-border trade in Kenya doubled in southern Somalia (pp.91-6, esp. Table 5.2) during the 1991-2000 period.

Little provides other figures showing how robust livestock trade has been in the post-state period: Somalia provided ‘60 percent of all livestock exports from East Africa during the 1990s’ (p.37); ‘overseas trade in small stock (goats and sheep) from Somaliland and neighbouring Puntland was larger in volume than before the government’s collapse’ (p.131). In 1987-1988, average sales of cattle by Somali traders were about 434 head, by 1998 that number would rise to 855 (p. 117, Table 5.7). The available data, although generally sparse both before and after the collapse of the state, suggest a picture of increased activity in livestock production after the fall of the state. The relatively static nature of Somali livestock production has been enhanced by ‘the addition of the mobile phone as an essential part of the nomad’s kit as it allows them to remotely check livestock prices’ (Harper, 2012:119). This combination of longstanding practices with new technologies is a key element of what allows Somalia to produce a thriving industry in the absence of a regulatory state structure.

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<sup>35</sup> Lewis (2002:259) indicates that 80 per cent was the peak of livestock’s share of export earnings, achieved in 1983. While there may be disagreement about the precise figures, there is consensus that the livestock sector was a major component of Somali GDP.

<sup>36</sup> The CIA World Factbook estimates livestock at ‘40% of the Somali GDP and 50% of export earnings’ (2017), while the World Bank (Randa et al., 2015:10) says it is ‘the largest sector in Somalia, the largest employer in rural areas with nomadic cultures, and the largest export ... accounting for more than 80 percent of total exports.’

Since 1991 Somalia has also become a regional leader in the telecommunications sector. Harper (ibid) attributes this partially to ‘the lack of state regulation and the need for people scattered so far across the globe to stay in touch with and support each other.’ Hesse (2010a:343) agrees, pointing out that ‘mobile phone penetration rates in Somalia far outpace those seen in neighbouring countries,’ including Djibouti, Egypt, Eritrea, Ethiopia, Kenya, and Sudan. Powell et al. (2008:663) similarly find that Somalia ranks 16<sup>th</sup> and 11<sup>th</sup> in mobile phone and Internet usage, respectively, among African countries; this is not simply an effect of a general technological boom: Somalia ranked 27<sup>th</sup> in households with televisions. Telecommunications is a major industry for Somalia. Pricing is competitive and service is excellent. In 2005 the Economist reported that ‘a call from a Somali mobile phone is generally cheaper and clearer than a call from anywhere else in Africa’ while Harper (2012:125) notes ‘it is often easier to get through to a remote location in Somalia than to a sophisticated capital city elsewhere in Africa.’ Some of this can be attributed to the relatively low cost of starting a cellular company. Hesse (2010a:343) indicates that it costs roughly US\$100,000 to buy the ‘microcellular networks in a box’ necessary to support over 1000 subscribers. The equipment itself requires ‘little technical know-how as one box can be plugged into another’ (ibid:344)

This profusion of telecommunication services is taken to be part of the consequence of not having a state monopoly on telephone services (Szafruga, 2016:410; Powell et al., 2008:663). Clearly, in the area of telecommunications, the absence of a normative state has not been problematic. In fact, the available literature points to the opposite conclusion, especially in comparison to neighbouring countries whose states remain intact. A 2004 report by the BBC points out that ‘[i]t takes just three days for a landline to be installed [in Somalia]—compared with waiting-lists of many years in neighbouring Kenya, where there is a stable, democratic government.’ While operators may have to pay local militias and warlords protection money, ‘most warlords show restraint in what “rates” they charge ... even the harshest Somali warlord wants to have a working mobile with the best cellular network possible’ (Hesse, 2010a:344). Internet and cell phones are essential for Somalis not only because they facilitate communication

and information transmission,<sup>37</sup> but because they have become a way to move money around the globe in the absence of a formal banking sector.

Somalia is heavily reliant on remittances from the diaspora. Estimates vary, but there is general agreement that the annual total of remittances is around US\$1 billion (Harper, 2012:120; Hesse, 2010b:249; Lewis, 2008:134; Randa et al., 2015:10). The fact that so much money moves into an area without much formal banking means that inhabitants have had to become both creative and comfortable with alternative methods of storing and receiving (not to mention paying) money. The World Bank estimates that 38 per cent of Somalis who were paid wages received them via their mobile phone (World Bank, 2016a:207). Figure 3 shows Somalia's adoption of both mobile phone and mobile payment technology in relation to neighbouring countries. Cellular technology has facilitated the continued operation of a longstanding informal banking sector, much in the same way it has allowed traditional nomadic pastoral herding practices to link up to the regional and global livestock economy.

[Figure 3]

During the waning years of the Barre regime the informal sector was able to offer the most competitive environment for foreign exchange (Little, 2003:7; Mubarak, 1997:2029). Today, although the whole of the economy is 'informal'<sup>38</sup> the movement of money is done efficiently using a combination of mobile payments and *hawala*<sup>39</sup> brokers allowing for the quick and reliable transfer of international funds. Sending money through the *hawala* network 'might take only a matter of hours, but more likely a day' (Hesse, 2010a:346). In the absence of a state,

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<sup>37</sup> They have also become a source of employment; the World Bank (2016a:106) notes that 'Hormuud Telecom – the largest operator in Somalia – employs 5,000 staff.'

<sup>38</sup> Roitman (2005:19 and *passim*) rejects 'informal' as a designator, preferring instead 'unregulated' to describe activity which falls outside of the purview of the state. In the case of Somalia, it is unclear which applies. Generally the literature on Somalia uses 'informal', a convention followed here.

<sup>39</sup> *Hawala* is Arabic for 'trust', which is the key component of this international system of value transfer. A typical *hawala* exchange operates without money actually moving; money is given to a broker (*hawaladar*) in one country, who contacts a broker in another country and relays information about to whom the money should be given, and the quantity. This informal system operates based on a running tally of debits and credits and requires little more than a phone and ledger to function. There are also more formal businesses which operate under the name *hawala* (the largest has been Dahabshiil) which bear a closer resemblance to companies like Western Union. See Harper (2012: 120-4) for more.

trust has become one of the main ways business is done, extending from livestock herding<sup>40</sup> to transferring money, both essential elements in the Somali economy.

Finally, development in Somaliland has followed much the same pattern as Somalia. Somaliland is heavily reliant on remittances, and it is a major site of livestock production; Somaliland has also seen the same profusion of telecommunications technology.<sup>41</sup> This can be attributed to the paucity of Development which is due to the lack of internationally recognized statehood. Somaliland has ‘developed’ because ‘Development’ has not been an option. Menkhaus (2014:164) points out that, although foreign investment has been ‘slow to arrive ... the government [of Somaliland] has operated with some effectiveness its seaport, international airport, and customs revenue collection.’

The evidence presented here supports the three central points of this text. The first is the conceptual argument regarding Development’s reliance on a normative conception of state power to function. The fact that Somalia saw such drastic declines in funding from Development sources during the period of complete statelessness, coupled with the inability of Somaliland to capture Development funding, shows that a specific configuration of power – that found in the normative state that is marked by monopoly of violence and international legal sovereignty—must be present for Development to operate. Following from this, we can see that development continues even where the power of the state is weak, or where sovereignty is formally denied. The areas in which Somalia and Somaliland outshine their neighbours illustrate that, when denied other options, populations will find their own solutions to the problems of Development. The third, illustrated by the experience of the UIC and the continued efforts to reconstitute Somalia as a single political entity, is that the international political order is thoroughly committed to maintaining the normative form of state power and is intolerant of configurations that deviate from this model.

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<sup>40</sup> See Little (2003:103ff) for detailed accounts of herd-management strategies and herder-trader-broker-marketer relations.

<sup>41</sup> The 2016 World Development Report uses as its cover image a photograph of ‘migrants in Djibouti straining to receive cellphone signals from Somalia’ (World Bank, 2016a:205). It must be remembered that while Somaliland is Djibouti’s neighbor, the Bank has not generally recognized Somaliland’s sovereignty.

## CONCLUSION

The material experience of Somalia since the collapse of the Barre regime is one that allows theoretical reconsideration of the factors allowing modern states to exist, as well as the co-constitution of the modern state and Development. The linkage between the modern state and Development prevents the latter from operating without the former, thus requiring Development to establish a normative form of state power. Somalia and Somaliland provide, too, a window for examining the effect of statelessness, conceived dually as a lack of Weberian state function and international-legal recognition, on the immanent process of development. Scrutinizing development and statelessness shows that, in the absence of a modern state, development continues – although not without its own challenges. Further, as the case of Somaliland shows, the external influence exerted by the Development apparatus, including that of state making itself, can brake local efforts to provide the same services and outcomes. While this does not mean that Development and the modern state are superfluous instruments – a fact demonstrated by Somaliland’s unfulfilled desire to attract Development funds – it does suggest that as state sovereignty continues to be reconfigured, and the role of the modern state is renegotiated, Development may find itself unable to find purchase in a world of its own creation. Somalia is not simply a cautionary tale of internal strife and failures of international intervention, it is a reminder of the resiliency local forms of governance, and the lengths to which international institutions will go in re-establishing the normative structure of the modern state, which appear increasingly to be under assault. Thus, while Somalia may provide a single case study for the consequences of statelessness on D/development, it will surely not be the last or only example.

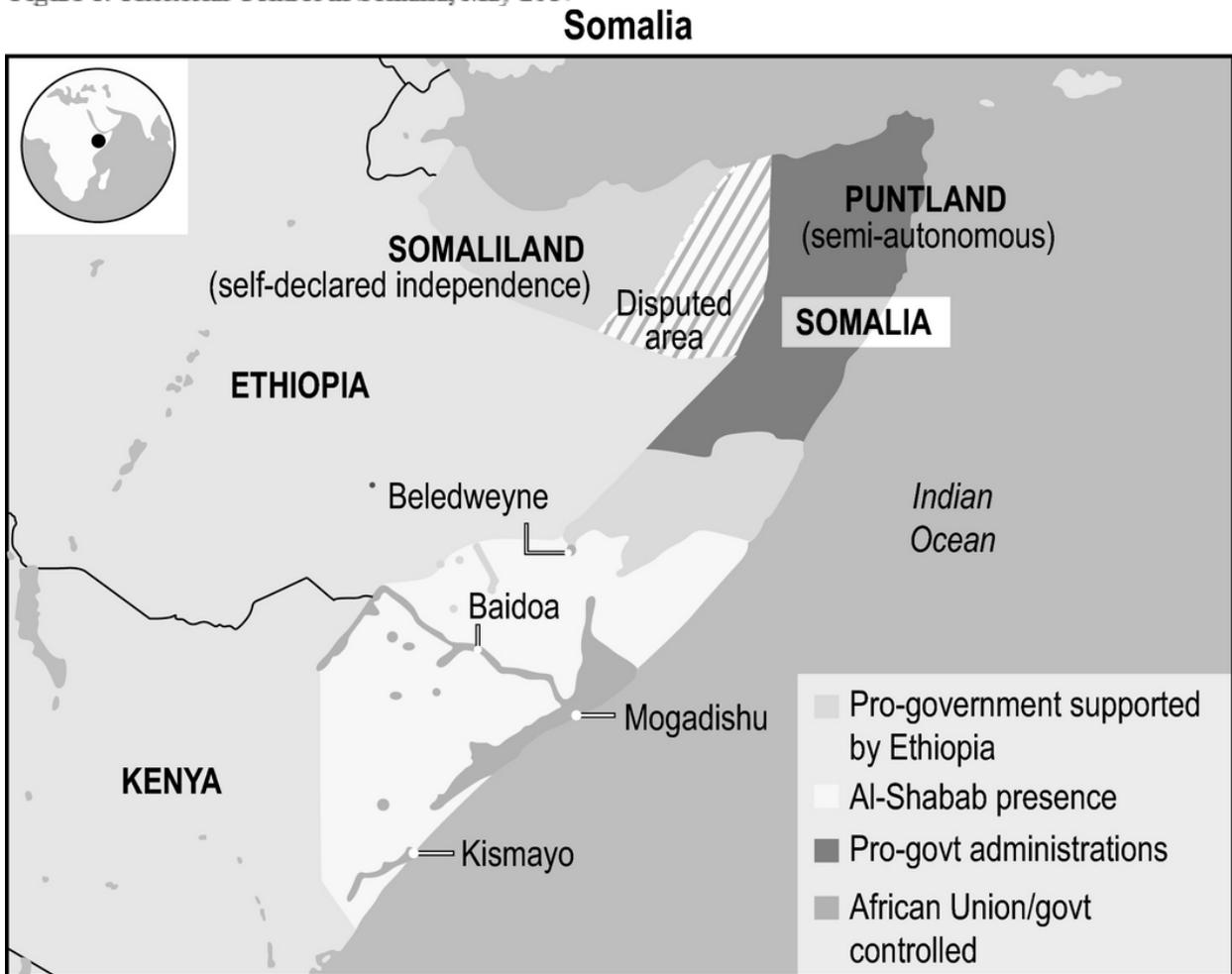
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Figure 1. Territorial Control in Somalia, May 2017



Source: Africa Research Bulletin (2017:21409)

Figure 2. World Bank Somalia Project Funding, 1965-2015 (Constant 2015 Dollars)

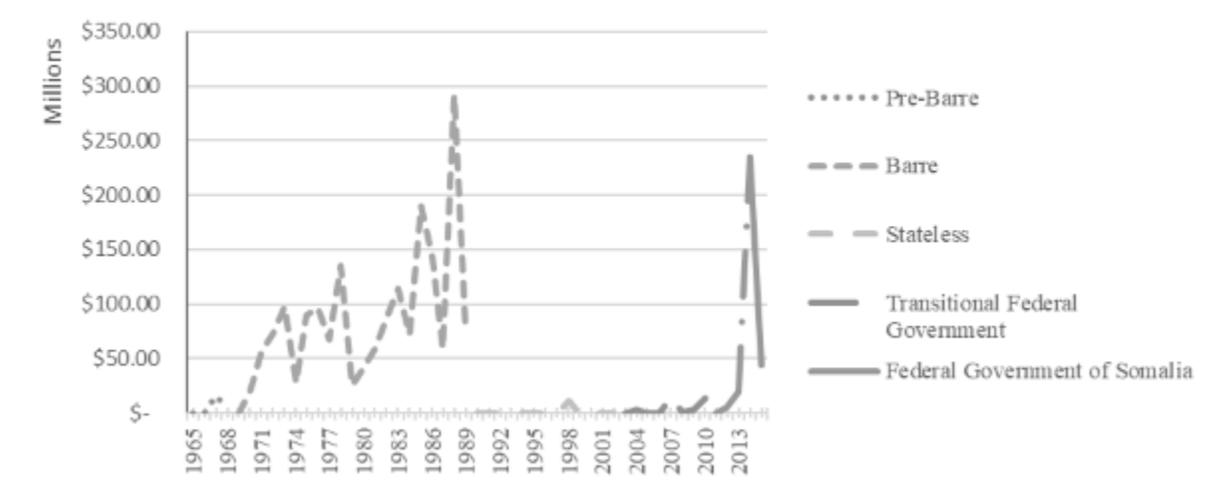
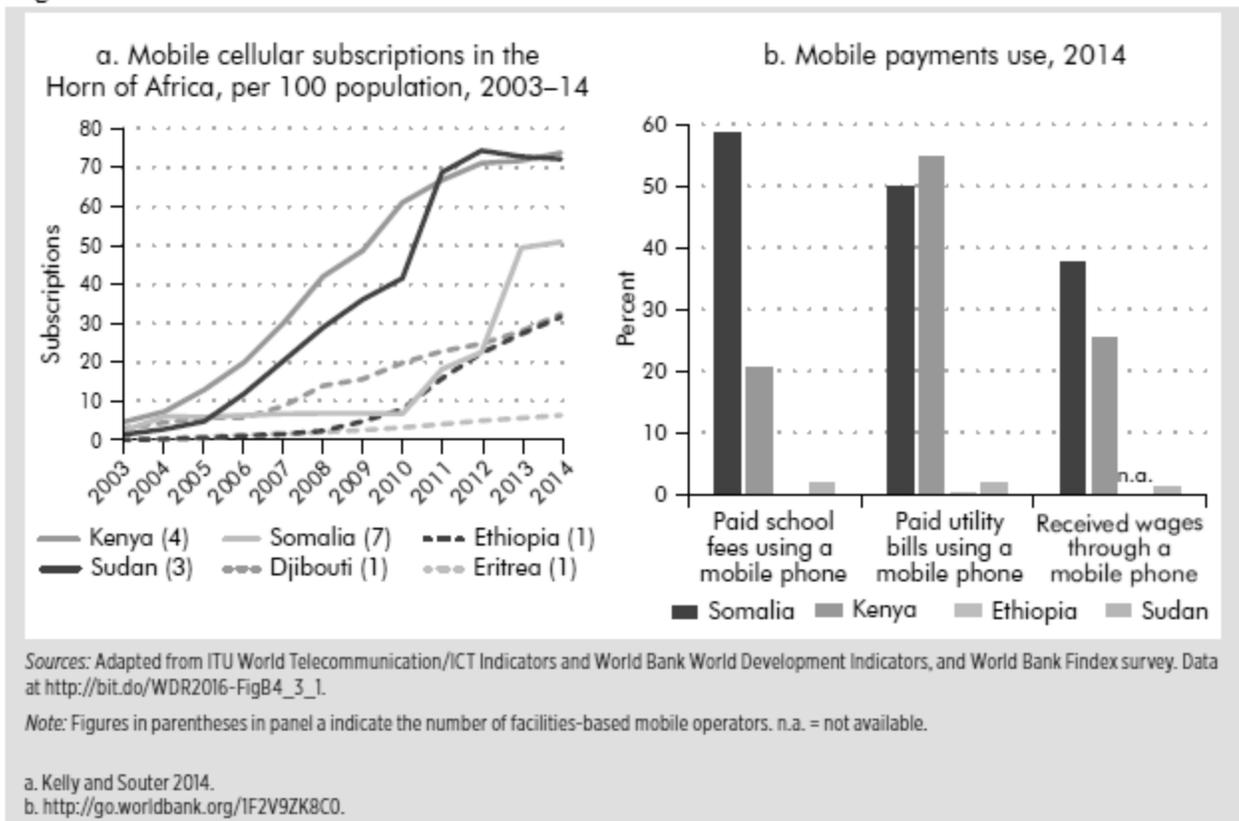


Figure 3. Mobile Phone Use in the Horn of Africa



Source: World Bank (2016:207)