Decolonial Subversions

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Reconstituting Somalia: The false characterisation of Somalia as a failed state

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Abstract

This essay examines the concept of the 'failed state' from a theoretical and empirical perspective arguing that the false characterisation of Somalia as a failed state has severe consequences on the future of state building. The popularization of 'failed state' in the political lexicon has proven to be problematic when analysing states such as Somalia, as the term has inbuilt contradictions and inconsistencies that makes it worthless as a political tool for analysis yet have severe and tangible consequences on state building. This article aims to debunk the myth of 'failed states' from a theoretical perspective by exposing the legacy of coloniality in statehood and the role of external agents in destabilizing Somalia, drawing on Constructivist and Post-Colonial theory to do so. Domestic state building projects in Somalia are repeatedly undermined and destabilized because the label of 'failure' has restricted the notion of governance to conform to a Western ideal. The Somali context demonstrates that the clan, a historic entity of socio-political order, and Islam are legitimate sources of governance and security beyond the state. By exploring indigenous state building projects, with a tight focus on clannism and the Islamic Court Union (ICU) movement, Somalia proves to be an arena for competing political realities showcasing that the reality of the situation is more complex than initially thought. This article examines the implications of using the 'failed state' as an approach, concluding that processes of state building are Western and extremely particular, and need to actively integrate the Somali identity in processes of state building and as such how governance is conceptualized needs to be re-evaluated.

Keywords: Somalia, 'failed state' approach, state building, Islamic Court Union (ICU), clan, Post-Colonial theory

Introduction

Somalia has been under the international spotlight since the early 1990s with the fall of the Siad Barré regime, the last time Somalia would experience a functional centralised government. The civil war of 1991 marked the disintegration of a centralised federal government in Somalia. The government of Siad Barré had become entangled in clan politics, concentrating power in the hands of some while marginalising others. This fuelled resentment across the nation, laying the foundations for civil unrest, suspicion and hostility towards the government. The Cold War context exacerbated the already turbulent situation, creating an unsustainable system of patronage and dependency on the Soviet Union and the United States (US), sowing the seeds for disintegration. Since the collapse of the government, Somalia has endured civil war, famine, drought, insurgencies and terrorist groups, and the international community and academics alike have painted Somalia as the poster child for state failure (Williams, 2013, p.257). As such, the conditions to create a stable political reality are far from ideal and are further complicated by a range of actors with a vested interest in perpetuating conflict, competing to secure their version of state-building. Despite these conditions, I argue that Somalia is not a lawless, ungoverned space, contrary to what the 'failed state' narrative perpetuates.

The label 'failed state' has had detrimental consequences for the development of Somalia. In order to examine how this is the case we must first begin our analysis by unpacking the conflicting definitions of state failure, arguing that the inability to define the phenomenon reduces its viability as a tool for analysis. The following section will explore decolonial theory, highlighting how imperial logic continues to manifest in the ways in which statehood is widely understood. Coloniality exposes how knowledge is produced and maintained through language and provides a deeper insight into how contemporary discourse around failed states has imperial origins that continue to dominate Somalia and the Orient at large. This is clearly evidenced in the failed state index, a ranking system that compares states against one another. This essay also discusses the skewed narrative of responsibility inherent in the failed state dialogue. The characterisation of 'failure' is seen as inherent to Somalia and its domestic factors, while alleviating external agents of any accountability. The main contribution of the article lies in the attention given to existing indigenous programmes of order and governance and in its consideration of what the failed state thesis has ignored in regard to state-building in Somalia, employing a tight focus on the clan system. The clan structure will be analysed to illustrate its tenacity as a political entity; further, its legal capabilities will be examined with reference to traditional methods of justice. The essay concludes by empirically citing the rise and fall of the Islamic Courts Union (ICU), an improvised system of religiously influenced law and order, to illustrate domestic projects of state-building, and to assess its success. The overall analysis challenges the idea that Somalia has 'failed'; rather, the failure is the inappropriate imposition of what a state should look like, and this calls for a necessary shift away from strictly Western ideas of statehood in an effort to recognise Somalia as a site of political absence rather than of blankness.

What's in a name? Defining state failure

Words have weight and meaning, particularly in politics, where words act as a framework that shapes how we think about a subject. In the academic realm, words are the basis for concepts and theories that aid our understanding of real-life events. The idea of the failed state is commonplace in the vernacular of academic discourse in contemporary international relations, despite its being both poorly developed with no theoretical arguments to ground it, and extremely politically provocative (Woodward, 2017, p.11). Our first obstacle towards understanding what state failure is, lies in its own definition. According to Woodward, there is no consensus on a clear definition of what the concept means (ibid). Within the literature, scholars have suggested a range of competing definitions to explain the phenomenon, offering descriptions fuelled with presumptions and biases. While the concept is vague, its consequences are severe considering how loosely the term is applied.

The term was first mentioned by Gerald Helman and Steven Ratner in 1993, in a publication titled 'Saving Failed States', propelling the idea of political discourse to the forefront. Helman and Ratner give a generic indication of a failed state, describing it as an entity that is "utterly incapable of sustaining itself as a member of the international community" (Helman and Ratner, 1995, p.5). William Zartman, a prominent commentator on failed states, suggests that it is when a state "can no longer perform the functions required for them to pass as states" (Zartman, 1995, p.5). Similarly, Robert Rotberg measures the condition of a state "according to the levels of their effective delivery of the most crucial political goods" (Rotberg, 2004, p.2). Michael Ignatieff suggests that state failure occurs when "the central government loses the monopoly of the means of violence" (Ignatieff, 2002, p.118). Robert Jackson describes it as occurring when the state "cannot or will not safeguard minimal civil conditions for their populations: domestic peace, law and order, and good governance" (Jackson, 2000, p.296). Branwen Gruffydd Jones describes state failure as a process whereby states can no longer "secure boundaries, ensure the protection and security of all of the population, provide public goods and effective governance, maintain law and order throughout the territory" (Jones, 2008, p.180). These interpretations of state failure have varying implications; Ruth Gordon summarises the points above by outlining which functions are judged necessary to be in place in order for a state not to be classified as 'failed':

> [To] exercise sovereign control over territory; have sovereign oversight and supervision of the nation's resources; exercise the effective and rational collection of revenue; maintain adequate national infrastructure, such as roads and telephone systems; [and] have the capacity to govern and maintain law and order. (Gordon, 1997, p.915)

From the definitions above it becomes increasingly clear that state failure is based upon the Hobbesian social contract theory. According to this principle, individuals relinquish their private rights in exchange for protection from the state (Martin, 1980, p.391). The state is considered the principal agent in mitigating the inevitable violence that is inherent in the state of nature. The ways in which academics have theorised state failure reflect the notion that the state of nature is a state of war because when the state breaks the social contract, anarchy is inescapable (Schouten, 2013, p.555). Moreover, there is significant importance placed on the strengthening of state institutions to guarantee the survival of the state. This reproduces the idea that liberal political and economic institutions promote peace and order in the

international system and should therefore be replicated (Doyle, 1989, p.1163). Based on this, scholars who theorise in this way can be grouped into a school of thought that upholds Western political philosophy. In regard to regime type and state-building, there is clearly a presumption according to which a certain type of governance is seen as 'good' and, as such, the mainstream literature marginalises alternative forms of political order while promoting the liberal order.

In this light, how should we understand what is said when we refer to state failure? In one regard, when the term 'failed state' is applied, it gives us an insight into the minds of those who wield the term, both policy makers and academics alike. The 'failed state' label "suggests that when governmental infrastructure collapses, the state, its people, and its leaders are solely responsible; it is the 'state' that has 'failed'" (Wilde, 2003, p.425). However, on a more critical level, the term 'failed state' is a designated label from a Western perspective. By understanding state failure in this way and unpacking the origins and implications of the application of this title to Somalia, it is evident that the notion of state failure has destructive consequences on state-building.

The legacy of coloniality in Somalia

The epistemology of the concept of the 'failed state' is deeply rooted in a much wider colonial history of 'othering'. The binary that is created between failed/successful states is intimately linked to the concept of coloniality/modernity. This idea, first introduced by Quijano and further developed by Mignolo, highlights the relationship between colonialism and the narrative of modernity. Mignolo describes "modernity/coloniality as an imperial package" as colonialism was the cultural, economic and intellectual backdrop of modernity and, as such, the concepts that emerged under the umbrella of modernity are directly informed by colonialism (Mignolo, 2018, p.17). Because ideas on rights and governance are considered a marker of modernity, knowledge production and the language of statehood have imperial origins (Gilroy, 1993, p.43). The conceptualisation of statehood is underpinned by liberal thinking, by the outlining of new forms of governance through ideas such as democracy and the notion of a social contract between state and citizen, which is inherently a Western European experience (Dinç, 2007, p.82). Therefore, coloniality remains a durable form of domination because the rhetoric of modernity and the subsequent concepts that evolved from it, are infused with colonial logic and Western biases (Mignolo, 2007, p.449).

Therefore, knowledge production about failed states is neither neutral nor apolitical and was designed for a specific purpose and intent. Language is the vehicle through which we understand physical reality and the medium in which social identity is generated. Language also creates ideas and builds a framework for what is considered legitimate and what is not. As a system of communication, language, scholarship and literature are devices weaponised by the colonial powers to create norms and systems of hierarchy, not only physically but also linguistically (Mazrui, 1995, p.28). Encoded within the discourse about the Orient is a power dynamic that results in language patterns such as binaries. Binary opposites are hierarchical pairs whereby one term is deemed to be superior and more valuable when compared with the other, which is considered inferior and undesirable. The term 'failed state' in itself points to a

false dichotomy between a successful/failed state, which perpetuates the idea that to fall short of the Western model is synonymous with failure and to subscribe to the Weberian model of statehood is, by definition, successful. These patterns persist and recur and are clearly demonstrated in analysis of how mainstream leading academics engaged in the study of failed states describe the phenomenon as it pertains to Somalia.

Analysts such as Helman and Ratner equate failed states to "a serious mental or physical illness", whose symptoms spill over and endanger regional and global communities (Helman and Ratner, 1995, p.12). Similarly, Zartman likens the process of state collapse to a "long-term degenerative disease" (Zartman, 1995, p.8). Gros describes the breakdown of government in Somalia and other ex-colonies as "decaying" (Gros, 1996, p.455). These analogies are significant because they emphasise the difference between successful states and failed states with negative terminology. These leading academics in the discourse of failed states have created parallels between failed states and the image of ill-health, disease and sickness; in doing so, they have juxtaposed successful states as healthy, potent and prosperous. As such, failed states are presented not only as different but also as abnormal (Hill, 2005, p.148). The imagery and language used in academia perpetuates a false binary: of former colonial states as inferior, deviant, regressive and of the West as superior, normative and acceptable (ibid). As a result, a dichotomy emerges casting the Orient as stagnant and backward and, in doing so, the image of the 'Other' is constructed, as opposed to the 'Self' of the European colonisers, portrayed as dynamic and progressive (Said, 1979, p.2). The emphasis on the use of language and its implications demonstrates explicitly the dangerous assumptions that Orientalist scholarship has perpetuated concerning our conceptions of Somalia, and its governance, statehood and state-building.

The legacy of the coloniality of knowledge in the false characterisation of Somalia as a failed state is widespread and materialises once again when we consider terminology such as the 'failure index', which is the further classification of states using a ranking system. Firstly, state formation is a long and ongoing historical process. The state as a form of human organisation is a dynamic, multifaceted and, most importantly, a context-oriented process that cannot be quantified or measured numerically. The different positions of Somalia and the United Kingdom (UK) on the 'fragile state index', ranked 2nd and 150th respectively, cannot fully be captured by the parameters of numbers as this neglects key agents such as historical context, identity and domestic factors (Fragile States Index Annual Report, 2021). Secondly, the charting of states against each other on an index serves as a continuous reference point by which to chastise states that are not currently replicating the Westphalian model. The state centrism of the liberal tradition limits our political imagination, and leads us to accept the state as the only viable provider of governance and adequate state-building. By categorising states in this way, there is a clear message being presented, which highlights that the state has developed into its weakest and terminal form and implies that there is an "end state" (Mañoso Gimeno, 2017).

There is an aura of finality in the term 'failure', proposing that Somalia has degenerated and is resting at the lowest level of statehood. To label Somalia as 'failed' is incorrect because it reinforces the neoliberal stereotype that Western 'developed' states reflect modernity and, as such, African states such as Somalia are unfit for modernity (Duffield, 2005, p.294). The link between security and underdevelopment is that failed states supposedly lack political modernisation and are at risk of collapse and, in doing so, they are potential perpetrators of

instability and insecurity. The appropriate methodology by which to tackle this crisis, for Western leaders, is the promotion of development that is synonymous with liberal state-building, reinforcing the expansions inherently linked to liberal modernity (Boettke and Coyne, 2007, p.36). As well as limiting development options, the failure index is extremely problematic in its portrayal of the ongoing Somali experience. The finality of failure depicts Somalia as a "blank canvas upon which new institutions may be imposed due to the lack of existent governance structures" (Byrne, 2012, p.113). This is a misguided notion, as the situation in Somalia is in a constant state of flux; to infer, using Western logic, that it is a blank canvas implies a stagnant, static condition, which is far from being the case. The label of 'failure' conflates political absence, which is what Somalia is currently experiencing, with a state of blankness (ibid). Somali society is very much intact and, as such, has the capability to build a "polity without technocratic imposition" (ibid). The need to reject the failed state discourse is clear, as it gives a false illustration of the ongoing nature of Somali existence.

Coloniality is a testament to the power/knowledge nexus that Foucault investigates. Foucault explores the bipartite relationship between power and knowledge, asserting that these two concepts reinforce each other and cannot be divorced from one another (Foucault, 1991, p.194). He demonstrates that knowledge production is designed to amplify a dominant voice, present its logic as objective truth and establish it as the mainstream model (ibid). This narrative is durable because the West has become the gatekeeper of what is considered legitimate knowledge as it has declared itself to be the expert. The strength of Western discourse lies within its ability to silence alternative voices and discredit any thought outside of the framework it has set (Said, 1979, p.3); in doing so, subaltern voices are muted and demonised. Knowledge production rests upon a constant power struggle between the Orient and the Occident to determine discourse (ibid). While this struggle was originally a product of colonial activity it has evolved into an imperial institution, as discourse maintains and reproduces a structure of Western domination over Somalia that controls the narrative of governance and statehood and is highly problematic when the future of state-building is concerned.

A skewed narrative of 'failure': Examining the role of external agents

The idea that failure is inherently linked to the state of Somalia needs to be debunked. By labelling it as a 'failed state' there is a suggestion that Somalia is exclusively responsible for the breakdown of its governmental infrastructure. The terminology of state failure reflects a conscious effort made to shift all accountability for said 'failure' towards Somalia and to dismiss the role of external actors. There is a clear indication that the Somali state, its people and its leaders are culpable for the absence of a sovereign power; essentially that it is the "state" that has "failed" (Wilde, 2003, p.425). The legacy of foreign agents destabilising Somalia needs further exploration, as there is an omitted history that needs to be revived.

From the colonial to the authoritarian state

The Somali state was a product of colonial activity. The borders of the Somali nation were defined by colonial powers establishing new frontiers administered by foreign governments. The colonial state reflected the interests of the colonisers, who created systems of governance that were exploitative in nature. In this regard, state-building in modern Somalia proves to be a difficult challenge as the North (formerly under British Somaliland) and the South (formerly under Italian Somaliland) were administered under different styles of governance, which resulted in a divergence in how the two regions developed. This legacy is still felt today, in the contrasting political culture of Somalia and Somaliland. Having declared independence in 1960, Somalia became a prize during the Cold War and was opened up as another arena in which the Soviet Union and the US could compete in securing their interests. The Soviet Union provided the Barré regime with military capabilities, strengthening their military alliance, which emboldened Somalia to launch the 1977–78 Somali–Ethiopian war with Ethiopia in order to reunify the Somali people, who had been divided by colonial frontiers. Somalia became a client state, insofar as being economically, politically and militarily dependent on the Soviet Union, as the Somali government was in perpetual financial crisis and increasingly dependent on foreign assistance to meet its operating budget and ensure its survival (Mohamed, 2009, p.11). When the Soviet Union, and the Eastern bloc, withdrew their support for Somalia and aligned themselves with Ethiopia, political ties, and more importantly aid, between Moscow and Mogadishu were severed. The bipolar world order ensured that the US would naturally fill the gap of patronage towards Somalia. The US provided the Barré regime with economic assistance with which to sustain the government and military aid to protect Somalia from Ethiopia. With the support of the US, Barré's regime survived through the 1980s "receiving grants and flexible loans from the World Bank and International Monetary Fund (IMF), and food aid through USAID22" in return for a naval base in Berbera (Hancock, 1989, p.24).

From its existence as a colonial state through to that of an authoritarian state manipulated by Cold War rivalries, the infrastructure of the Somali government was a castle built on sand. The government was not built to sustain itself, rather it was a conduit for the pursuit of strategic interests. When the Soviet Union disintegrated in 1991, so did the polarisation of world politics; the US, therefore, no longer needed to sustain Somalia, which made it convenient for them to withdraw. In doing so, the security apparatus of the Barré regime collapsed, enabling rebel forces to take over the government. The collapse of the government resulted in warlords fighting and competing against each other for power and control, sinking Somalia further into a state of chaos (Samatar, 1994, p.118). Undoubtedly, the legacy of colonialism, the influence of the Cold War and the role of external agents in manipulating the process of state-building is undeniable. The failed state thesis primarily downplays the role of all external stakeholders and places the responsibility for failure entirely on the domestic environment (Hashi, 2015, p.82). This skewed notion of responsibility has been a persistent trope that became magnified during US and United Nations (UN) interventions in Somalia during the 1990s, exacerbating the challenges that the nation was already facing both politically and economically.

Western intervention

The US re-evaluated its foreign policy following the end of the Cold War and the start of US hegemony. The US intervention in Somalia coincided with this growing movement, in which the US embraced human rights as being linked to foreign policy. The 1990s experienced a liberal moment, which became concerned with "enhancing human security, promoting human rights, strengthening humanitarian law, preventing conflict, and fostering democracy and good governance" (Woodward, 2017, p.40). Somalia experienced a devastating famine in 1992 calling for UN humanitarian intervention to aid those who were starving, particularly in the countryside. President Clinton transformed the situation from a humanitarian to a military mission when he ordered the arrest of General Aideed, a military man who was responsible for the overthrow of the Barré regime (Mohamed, 2009, p.11). In response, General Aideed successfully mobilised Somalia's clans, including rival clans, as "old clan rivalries gave way to unity against the common threat...clans are separate pieces of one shared, regional culture; here is where they become *Somali*" (ibid, p.19). The US, leading the UN deployment, escalated the conflict by carrying out increasingly aggressive assaults. This led to the infamous Battle of Mogadishu with the shooting down of Black Hawk helicopters (Bowden, 2000, p.90). The policy of military intervention that the US pursued left Somalia decidedly worse off.

International organisations such as the UN also play a role in destabilising the Somali state. The peacekeeping and humanitarian missions over the years have proved to be challenging as well as dubious. Lee Wengraf questions the integrity and reputability of the UN in carrying out humanitarian operations due to the misappropriation of funds which were supposed to be dedicated to saving lives and rebuilding Somalia's civil society. Of the "$1.5 billion earmarked by the UN for 'humanitarian' intervention in Somalia, only 10 percent was spent on lifesaving work" (Wengraf, 2018, p, 195). The funds allocated were spent on bolstering the US's military capabilities, with the majority of the funds going to "more than 28,000 troops that occupied Somalia, including the deployment of over 100 tanks, armoured vehicles, attack helicopters, airborne gunships, and an aircraft carrier" (ibid). De Waal summarises that "Somalia is a striking manifestation of a new doctrine in international affairs, which we might call 'humanitarian impunity,' where aid-givers and peacekeepers, not local civilians, are becoming the beneficiaries of international law" (De Waal, 1997, p.65).

The failed state narrative perpetuates the image of rescuing, and new norms of intervention are becoming quickly established in international politics. Efforts to provide 'aid' in Somalia have been concerned with securing interests at the expense of state-building and peacekeeping within the Somali nation. The irony of the US–UN coalition is that these operations are masked in liberal terminology such as human security, good governance and democracy, yet in actuality Somalia's situation has worsened, giving further fuel to the failed state thesis and the argument that Somalia is incapable and/or unwilling to successfully develop a state-building programme. Hence, Mohamed Omar Hashi clarifies that the label of 'failed state' applied to a nation such as Somalia "exonerates Western countries…and the international financial institutions they control with regard to whatever actions these actors may have carried out that contributed to the so-called failure by the state concerned" (Hashi, 2015, p.83).

Rethinking clannism

The failed state narrative parrots the idea that the absence of a state in Somalia is synonymous with lawlessness and a lack of order. In actuality, Somali culture has an indigenous clan system, a form of governance and a political and social order tracing back to paternal lineage. It has "traditionally been the basis of the organisational and legal structure of Somali society" that has survived from the pre-colonial era till now (Harper, 2012, p.39). The significance of tribes in Somalia demonstrates that clans are not simply a product of heritage; rather, they are a source of socio-political power and order as the clan structure represents the intersection between identity politics and political expression. The systems in place have the potential to be integral to a sophisticated government or a framework for state-building, one that embraces Somali identity. Using identity as a tool for analysis is useful because "identity relations explain…security communities, cooperation on security and non-security issues, and failure to reach such agreements" (Hopf and Allan, 2016, p.4). Through social construction, political actors can redefine their identities and shared norms (Wendt, 1999, p.1–4). Classifying Somalia as a failed state erases domestic programmes of governance that continue to take place.

Clan structure as a political entity

The pre-colonial political culture of the Somali nation was corroborated through a network of nomadic clan structures within the national territories. This system is based on five major Somali clan-families, which are *Hawiye, Darood, Isaaq, Rahanweyn* and *Dir*. Generally, every clan cluster lives within defined territories; therefore, clan loyalty is fundamentally connected to land. The clan structure is based on the principle of common ancestral origins and kinship ties gained through patrilineal lineage. Genealogies define the membership of kinsmen to particular clans, in accordance with the ancestors from whom they originate. These networks are maintained through social relationships that "extend over clan territories marked with fluid borders, within the national territory. The knowledge of one's genealogy several generations back is an important identity reference for the individual and the clan community" (Ssereo, 2003, p.32). 'Clannism', henceforth, will refer to the political ideology based on clan affiliation that is intrinsic to the fibre of Somali society, making identity politics deeply interconnected with Somali political culture, arguably inseparable (Mazrui, 1995, p.30).

As the clan structure is an indigenous Somali political system that fostered a stateless society, the formation of the nation state was forcibly imposed on the Somali people. For Western colonisers, the existence of a stateless society was an enigma as their liberal assumptions preconditioned them to believe that the state is the principal agent in preventing oppression and tyranny. These colonial powers struggled to manage stateless societies: as a British colonial officer remarked about Somalia, "Somalis, they no good; each man his own sultan" in reference to clan affiliation (Laitin, 1977, p.30). Despite the colonisers placing certain 'elite' clan members in power in order to legitimise their own position and establish dominance, what resulted from this was the existence of a group of influential people that were at once equals as tribes, now imposing themselves on wider groups of people. The reason for these elites' lacking authority is rooted in their disassociation from the clan

structure. As they moved away from clan politics and towards state politics they alienated themselves from traditional forms of governance and were perceived as "external representatives for an alien government" (Ezeanya-Esiobu, 2019, p.70). A form of government was implemented and left behind that was deeply at odds with the existing indigenous political psyche of Somalia.

Somali clans are politically independent units with each clan consisting of an ad hoc grouping of paternal members as authority figures and leaders. The ties of kinship that clan membership offers entail a certain type of social contract, ensuring that fellow clan members are entitled to security and protection, responsibilities, duties, rights and liabilities amongst other fundamentals. Conceptualising security from this perspective is a juxtaposition to the Hobbesian notion of the social contract as the Somali context emphasises collective security in the interests of maintaining the strength of the clan as an entirety (Martin, 1980, p.391). Hobbesian logic, underpinned by liberal principles, propagates the idea that individuals relinquish their rights to the sovereign state in return for protection against conflict and disputes, which are seen as being the result of the premise that the state of nature is a state of war (ibid). The idea that the state rather than the clan should be given legitimacy and sovereignty in matters of rights, justice and protection is ill-fitting in the Somali context. The sovereign state, in fact, hindered Somalia rather than fulfilling the promise of promoting peace. "Instead of mitigating the likelihood for violent death, [the state] has functioned as an instrument for predation" (Ali, 2016, p.14). The Somali context indicates that power, sovereignty and, most importantly, legitimacy are found in the clan-families and not in the centralised state.

The clan system presents an obvious obstacle to the imposition of a centralised sovereign authority in Somalia. Clans are far from rigid entities; rather, they are in a constant state of flux because "membership is not permanent, and alliances shift frequently" (Mañoso Gimeno, 2017, p.11). Clan confederations are also very fragmented as they branch out and subdivide themselves repeatedly, with a collection of families differentiating themselves as individual units with distinct family names. In this way, clannism is not a stable structure, yet it is its fluid nature that makes it dynamic and inherent to the Somali identity, ensuring that it is a durable and adaptable framework in any given political context within Somalia. Subsequently, when a foreign system of political organisation is presented it is "immediately transformed by the clan, which is stronger and more durable than any other form of government" (Harper, 2012, p.11). Clans are flexible and dynamic and have proven to be durable entities, from pre-colonial, colonial and authoritarian regimes through to the collapse of the state altogether. This highlights that, as a form of governance, clans are perpetual sources of socio-political strength and endurance despite Somalia's fluctuating and turbulent conditions. Yet, their tenacity proves their relevance in the utilisation of their structure for governance.

Legal capabilities of clans

Along with political responsibilities, clans also have legal and judicial functions. Somali customary law, known as Xeer, is a pre-colonial legal system that consists of contractual agreements between tribes developed between traditional elders to "mediate peaceful

relations between Somalia's competitive clans and sub-clans" (Le Sage, 2005, p.32). While Xeer has no formal institutional structure, its implementation is conducted by traditional tribal elders and authority figures. This legal practice has never been fully codified and remains an oral tradition passed down from one generation to the next. Xeer is still commonly used throughout Somalia, and is particularly important in rural areas due to there being weak modern political institutions in those places. Yet, even in urban areas Xeer is still utilised during the process of reconciliation and conflict management (ibid, p.12). The primary objective of the Xeer agreements relates to "collective defence and security and political cohesion in general" (Lewis, 1961, p.162). In this regard, Xeer expresses "a body of explicitly formulated obligations, rights and duties. It binds people of the same treaty together in relation to internal delicts and defines their collective responsibility in external relation with other groups" (ibid, p.162).

As a legal structure Xeer is a multifaceted system that is composed of key principle tenets derived from hereditary precedent. The first tenet addresses "collective payment for blood compensation in the event of death, physical harm, theft, rape and defamation" (Le Sage, 2005, p.32). The second tenet refers to the "family obligations including payment of dowry, the inheritance of a widow by a dead husband's brother, a widower's rights to marry a deceased wife's sister" (ibid). The third tenet describes "resource-utilisation rules regarding the use of water, pasture and other natural resources; provision of financial support to newlyweds and married female relatives" (ibid). The Xeer ascribes legal liability to acts that result in an infringement of rights and utilises compensation to resolve disputes. As Somali society has a deeply Islamic nature, sharia law has become infused in the legal characterisation of Xeer and is administered and assessed by sheikhs in cases of homicide and physical injury, to name a few instances (Lewis, 1961, p.162). As such, the Xeer structure establishes restorative justice and promotes peace in both intra- and inter-clan relations. The active use and implementation of Xeer is common across many parts of Somalia. The durability and commitment to traditional structures such as clans and Xeer is intimately linked to the Somali nomadic pastoral identity.

Academics such as Van Notten suggest that many scholars, thinkers and politicians have failed to accurately understand what is happening in Somalia today. He states that "foreign observers believe that Somalis have been trying to establish a democratic government and have been constantly failing to do so. In reality, the chief aim of many Somalis is to clean the indigenous legal and political system of its foreign elements" (Van Notten and MacCallum, 2005, p.139). The colonial experience has proven that the attempt to simply transfer the Western model onto Somalia without considering its pre-existing political character will be a doomed process, until the model is internalised and made meaningful for the people. The clan legal and political systems of law and order are mischaracterised as outdated and archaic structures, rather than being understood as a foundation for stability and security.

The rise and fall of the Islamic Courts Union

Following the disintegration of the Barré regime, Somalia became a site for the competing political visions of a range of actors with varying vested interests, aiming to secure their version of state-building. One such actor was the Islamic Courts Union (ICU), a movement

characterised by political Islam that had social and political goals, and sought to create peace and stability following the collapse of the authoritarian regime. The emergence of sharia-led courts was one of the first responses to the breakdown of the state. At its core, the ICU was a domestic programme and a mechanism for restoring order in the Somali capital. Local Islamic clerics formed the first fully functioning sharia court in Mogadishu in 1994 with the establishment of the ICU in 2000 (Barnes and Hassan, 2007, p.151).

The success of the ICU lies in their ability to successfully amalgamate the dual clan/Islamic identity of the Somali people into a viable and workable political entity. The strength of the ICU, both politically and militarily, can be attributed to their willingness to harness existing sources of authority and legitimacy, namely the clan system. As the ICU was an organic programme, it naturally reflected the reality of the clan system for a political foundation. When the first clan in 1994, the *Muddulod* of North Mogadishu, developed a sharia court they successfully managed to bring security to the region (Afyare, 2010, p.64). Prior to the introduction of the court there was a dangerous road in the area called *SiiSii* which inspired an infamous saying:

> *Siraadka Qiyaama iyo Siisii Allow na mooti* (Translation: "Oh God, save me from the troubles that are associated with the Day of Judgement and those of Siisii Street".)
> (ibid)

The stabilising of this notorious area created a ripple effect across the capital. Different clans began to develop their own localised courts and eventually "each subclan had its own court, its own appointed judge, and its own hired militia to enforce its rulings" (Ahmad, 2009, p.59). The success of these courts was recognised beyond the capital, as the phenomena expanded into the Lower Shabelle region (ibid). Additionally, the removal of checkpoints, the success in dealing with criminality, and the implementation of a system to remove garbage from the streets demonstrate the initiation of social welfare programmes developed by an authority beyond the state (Skjelderup, Ainashe and Abdulle, 2020, p.560).

Alongside clan identity, the Islamic political and legal character of the courts, in particular the application of sharia law, needs further exploration. As a nation, the Somali people possess a rare feature in that the entirety of its people follow the religion of Islam. Unlike clannism, Islam has a unifying divine quality that is embraced by the Somali population in the midst of social, political and economic turbulence. As such, the Islamic identity of the courts and the authority of sharia law as the legal language was not perceived as a foreign or alien concept (Menkhaus, 2007, p.371). The strategy underpinning the ICU is the use of sharia law in dealing with criminal, family and business affairs in an attempt to strengthen the Islamic faith and Islamic institutions with sharia law at the heart of the state-building project (Massoud, p.162). The ICU practised sharia law in an empowering and liberating way as they were able to successfully mitigate the absence of rule of law, adjudicate disputes and tackle criminal activity (Ahmad, 2009, p.59).

Naturally, the stability, order and security that the courts provided translated into support and popularity amongst the general public. Their ability to gain public support legitimised their authority and capability to establish social law and order because their policies were welcomed and supported in localities beyond the capital as they "extended their influence across the majority of Somalia [even managing to] establish an alliance control over the

disputed Ogaden region in Ethiopia" (Ahmed, 2009, p.60). The ICU, who were competing with the US-backed warlords, were seen as significantly favourable amongst the public and had considerable grassroots support. Foot soldiers associated with the ICU were deemed more honourable than the militias under the warlords backed by the US (Menkhaus, 2004, p.113). These soldiers created and maintained a reputation that was in line with the Islamic principles underpinning the system of the ICU and, as such, physically represented their ambition to foster social order in the midst of wider political instability. The support for the ICU soldiers was also reflected militarily. During periods of conflict, large subgroups of the *Hawiye* tribe supported the ICU against rival US factions by supplying soldiers and military technology (Skjelderup, Ainashe and Abdulle, 2020, p.560). The validity of the ICU was strengthened by its comparison with the infamous militias supported by the US, who had a reputation of exploitation, sexual violence and using violence as a tool to exact revenge on rival clans, contrasting with the ICU militias, who had earned the trust of their people (Ahmed, 2009, p.59). As the courts had managed to win public support by combining both the clan and the Islamic identity of their people, a common phrase became popularised "If you want peace, establish an Islamic Court" (Afyare, 2010, p.65).

The international reaction to the ICU

The growing strength of the ICU and their popular support were quickly framed as Islamic terrorism, in the context of the 'war on terror' engaged in by the US and Ethiopia (Malito, 2015, p.1867). Both states had a vested interest in dismantling the ICU: Ethiopia was concerned, firstly, as a Christian nation; secondly, using the logic of the 'state failure' concept, it was concerned that conflict in Somalia would spill over into neighbouring countries, threatening their sovereignty and effectively destabilising the region (Deforche, 2014, p.114). The US and Ethiopia were under a coalition and placed their support with the ICU's rival faction, the Transitional Federal Government, in order to challenge the ICU. Ethiopia took military action to eradicate the ICU and deployed troops on Somalia's soil. The escalation of conflict resulted in a clear defeat for the ICU, due primarily to the asymmetry in military capabilities. The ICU's potential to reconstruct order in Somalia was destabilised by external agents. Cedric Barnes and Harun Hassan stress that "genuine multilateral concern to support the reconstruction and rehabilitation of Somalia has been hijacked by unilateral actions of other international actors — especially Ethiopia and the United States — following their own foreign policy agendas" (Barnes and Hassan, 2007, p.151). The ICU was considered a threat to the Western-backed government, and so was interpreted as a sign of statelessness rather than order.

While the ascent of the ICU was short-lived there are a few key points to reflect on. Firstly, the success of the ICU presented the reality that domestic state-building projects are capable of establishing law and order (Menkhaus, 2004, p.115). Secondly, these entities do not mimic the Western design and still possess legitimacy to govern. Thirdly, the role of external agents in deliberately destabilising state-building efforts was based on indicators that pointed to Somalia as a prototype 'failure', namely, that it was becoming a breeding ground for terrorism. Fourthly, external actors are deliberate in their understanding of Somalia through

their own biases as the ICU was quickly framed as a terrorist organisation linked to the 'war on terror' and Islamic militarism and extremism. The political imagination of Somalia was stifled, so as to prevent exploration of clan-based and Islamic-based forms of governance, concepts that are intrinsically linked to the Somali identity. While the ICU had its own problems, they quickly became overshadowed by the chaos that ensued following the arrival of the US and Ethiopian coalition-backed Transitional Federal Government in Mogadishu. The legacy of the ICU is considered by many a "'Golden Age' as the installation of the Transitional Federal Government was marked by further violence" (Barnes and Hassan, 2007, p.157).

There is an uncomfortably familiar pattern of external agents corrupting domestic reconstructive programmes while shifting the responsibility for 'failure' onto indigenous factors. The role of external actors is non-existent in the concept of state failure and needs to be exposed. The failed state narrative erases the accountability of external agents and presents the problems faced by Somalia as being inherent to the Somali state, people and government. In doing so, it not only reflects how unequal our world is, but reinforces such inequality. States and international organisations must be held liable for actively taking a role in impeding domestic state-building projects in Somalia. So long as the inability and unwillingness to reframe our political thought to challenge and question Western biases and logic remains, indigenous state-building programmes will continue to be mischaracterised as the problem rather than looked to as potential solutions. Fundamentally, the ICU was an indigenous initiative that presented a "viable and coherent framework for a national identity based on religion" and, most importantly, demonstrated a political order that was workable within the Somali context (Ahmad, 2009, p.60).

The future of state-building

As demonstrated above, governance is intrinsically linked to the Somali identity, which is underpinned by two primary characteristics, clan affiliation and the Islamic religion. These two identities have proven to be durable, practical and widely accepted amongst the nation. When conceptualising systems of governance that are workable in the Somali context, it is imperative that we divorce our political imaginations of statehood from normative Western tropes. For example, nationalism, as a political principle and ideology, is widely considered a necessary component in the formation of the nation state. The Somali people have a shared language, culture and religion, and these elements have the potential to generate nationalistic sentiments. However, the Somali republic that was created under colonial experience was unable to overpower the commitment and esteem that the Somali people had for traditional structures. The primacy of clans and their durability and tenacity in Somali society, in addition to sharia as the basis of state legislation that we still see today, demonstrate that governance and authority lie beyond the state.

While I argue that the prominence of the clan and Islamic identities are at the core of contextualising the future of governance in Somalia, these concepts can be conflicting. Islam is a totalising and unifying force whereas clan chauvinism has the opposite effect, of being divisive. Therefore, conceptualising a political and theoretical framework that sustains both

of these identities within the state system will be a challenge. While the development of political imaginations for the future of Somali statehood remains beyond the scope of this essay, it is worth mentioning because consideration of these ideas highlights a fatal flaw in the failed state narrative. The general acceptance of Somalia as a failed state tells us what Somalia is not, rather than what it is. The label of 'failure' does not increase our knowledge about Somalia; rather, it erases the reality of domestic initiatives that are capable of creating positive progress towards promoting socio-political order. Ultimately, the lack of a centralised government and institutions does not equate to the absence of order.

Conclusion

In conclusion, the term 'failed' in the context of failed states holds a distinct meaning. 'Failure' is a label ascribed to states that do not replicate Western conceptions of statehood. The controversy that decoloniality addresses is that the failed state discourse finds its intellectual authority in the Westphalian vision of statehood, narrowing our political imagination for state-building significantly (Halden, 2008, p.12). The consequences are that state-building projects are restricted to conformance with Western ideals of governance based heavily on centralised institutions, a practice that has been proven to be ill-suited to Somalia. Governance and state-building in Somalia cannot be seen as being necessarily unsuccessful, simply by virtue of not being a duplicate of the Western design. Success and failure are defined by Western scholarship, which produces knowledge and norms that reinforce the power dynamic in favour of the West.

The failed state literature, in essence, consists in a comparative view that measures states against a Western ideal. As an analytical tool the failed state thesis is faulty because it tells us simply what something is not, rather than what it is. This approach does not aid our understanding of the socio-political factors that a state may have developed. Instead, the failed state thesis, firstly, tells us that Somalia is different from Western states and, secondly, condemns it for this difference. The concept and label of the 'failed state' does nothing to explain why states are undergoing social, political and economic problems that have led to the characterisation of failure (Mamdani, 2010, p.55); on the other hand, it creates the false illusion that domestic programmes of state-building are absent or insignificant. As such, the term itself distorts the reality of Somalia and does not provide a useful foundation upon which to begin the process of state-building. Somalia has been a victim of this false characterisation, and the assumption that the goal for states that are considered 'failing' is that they should aspire to achieve governance in the form of a Western liberal democracy.

The future of Somalia state-building cannot be divorced from the Somali identity and traditional structures of order. Domestic programmes of governance have been delegitimised and securitised, reflecting the insecurities of those seeking to intervene. Indigenous initiatives to establish order, the rule of law and peace are hijacked and destabilised as they do not mimic the Western model. The fall of the ICU is a testament to how outside interventions force the abandonment of domestic state-building if it does not conform to Western ideals and interests. The challenge that this narrative brings to Somalia is that it perpetuates the idea of Somalia as a lawless and ungoverned anarchical space that requires intervention to manage it.

The inability of the sovereign state to leverage genuine authority, legitimacy and support from the Somali nation is the true failure. The imposition of a style of governance that created the groundwork for violence rather than its mitigation was neither appreciated nor desirable for many Somalis. The failed state literature is rigid and uncompromising in its conceptualisation of governance, which makes it dismissive of the clan system as a source of socio-political order. Therefore, Somalia did not fail; rather, what failed was the Western-style imposition upon Somalia of what a state should look like.

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