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Understanding Somalia's social contract and state-building efforts: Consequences for donor interventions

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Understanding Somalia's social contract and state-building efforts

Consequences for donor interventions

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Abstract: Building on a World Bank regional study in Africa aiming at measuring social contracts concepts and within the framework of reflecting on future donor interventions, this paper applies social contracts measurement and complements with qualitative assessments in Somalia. This paper uses the framework developed regionally to explore the citizen–state bargain and social outcomes in Somalia and is relevant for most fragile and conflict-affected countries. The qualitative parts describing the social contract in Somalia use the lenses of security, education, and taxes to describe the current setting. It is usually assumed that improved service delivery in fragile states should improve almost automatically state legitimacy and then reduce conflict likelihood. This paper shows that the security imperative prevails in such countries and that tax bargaining hardly exists in most cases. Citizens’ expectations are usually low, which explains that how service delivery is improved matters a lot for state legitimacy. This work draws lessons pertaining to past engagement, building on Somalia’s history and also reflecting on how aid may impact the country.

Key words: Somalia, social contract, security, tax, education, legitimacy, conflict

JEL classification: H26, N47, F52, P45

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1 Background and introduction

Since the collapse of the Somali state in 1991, recurrent cycles of conflict and instability have often threatened the achieved progress. Clan-based conflicts remain a common form of violent contestation in Somalia. These conflicts usually revolve around scarce resource allocation and access, and they remain a key source of mistrust across the Somali population. Al-Shabaab, the terrorist group that has been plaguing Somalia for more than a decade, capitalizes on these local conflicts. Thus, long-standing grievances and memories of past marginalization impede the progress towards reconciliation.

Finding a political settlement that supports a stable, central government has been a core challenge for Somalia. In 2000, a Transitional National Government (TNG) was launched, but failed to establish legitimate institutions and effective security measures. In 2004, a new interim government, the Transitional Federal Government (TFG), was established in Nairobi under the auspices of the Inter-Governmental Authority on Development (IGAD). The TFG was largely sustained by the African Union's deployment of a peacekeeping mission, the African Mission to Somalia (AMISOM) in 2007. This occurred at a time when Al-Shabaab was becoming a significant factor in Somalia. In 2012, after a devastating famine, the Federal Government of Somalia (FGS) emerged from the Provisional Constitution agreed upon in 2011 (World Bank 2018).¹

Since 2012 there has been some progress in federalism. Federal institutions are being established and state formation has progressed with the emergence of the Federal Member States (FMS) of Galmudug, Hirshabelle, Jubbaland, Puntland, and South West. However, chronic political crises and the ongoing insurgency by the extremist group Al-Shabaab poses a continuing threat to Somalia's state-building endeavour. The lack of movement on defining the respective roles and responsibilities of the various levels of government in the federal system has resulted in chronic conflicts between the FGS and FMS over issues such as security architecture and revenue-sharing arrangements. President Hassan Sheikh Mohamud, elected on 15 May 2022, publicly stated his intention to prioritize addressing key issues around inclusive politics, including Constitution, federalism, and security architecture.

This paper uses social contract analysis² to reflect on Somalia's development challenges and the role of donor engagement (Raballand et al. 2021). Building on the framework developed in a recent World Bank study on social contracts in sub-Saharan Africa (Cloutier et al. 2021), the paper explores the nature of the social contract in Somalia in quantitative and qualitative ways through three compasses: (1) the citizen–state bargaining process; (2) the social outcomes produced; and (3) the extent to which alignment between outcomes and expectations makes the social contract resilient. To be as concrete as possible, the social contract is analysed in relation to security, education,³ and taxes. Security is the *sine qua non* condition of a social contract; at its most fundamental level, citizens submit to state rule in return for basic security. Education is a proxy

¹ Despite the Provisional Constitution, numerous important decisions were left for the future. Moreover, at that time, only Puntland had been constituted, raising legitimacy problems for the FMS established after 2012.

² The focus of the classical social contract on individuals leads largely to a liberal set of values that may be disconnected from core issues needing attention in African conflicts, including the relationship that communities (rather than individuals) have with the state (Leonard 2013). However, it does not mean that improving accountability of the state to the clan or citizens are mutually exclusive. They can be complementary, although the state and clans in Somalia have tended to have exclusionary aspects.

³ Security and education are respectively the first and second highest priorities for citizens in the emerging FMS (USAID 2017).

for the nature of social outcomes and the extent to which it is provided in ways that meet expectations demonstrate the level of resilience. Taxation is a critical element of state capacity, while tax compliance is an important measure of the quality of the bargaining mechanism.

The main messages of the paper are the following:

1. There are multiple and overlapping social contract relationships in Somalia. At the national level the citizen–state relationship is heavily mediated by alternative authorities both at the local level through clans, militias, and member states, and at the transnational level through donor interventions.
2. The most resilient social contracts tend to be at the most local level, which is primarily within a clan. The clan intercedes on behalf of its members in interacting with other clans and the state and is the authority most looked to for accountability and protection in most Somali communities (Menkhaus 2007).⁴ Since 1991, Somalia has seen the re-emergence of the clan as a protector against violence. The strength of the contract within the clan is based upon clan capacity to utilize informal tax collection⁵ to keep its residents safe and solve some conflicts. But the clan is less effective as a mediator of citizen relations with larger entities (FGS or even FMS in some cases).
3. At the federation level, Somalia’s social contract is characterized by a weak bargaining mechanism. On the state capacity side, measures of state efficiency in Somalia are among the lowest as compared with its regional neighbours.⁶ Citizen capacity in terms of cohesion and collective action is weak and indirect. The formal bargaining mechanism—that of elections—gives citizens limited voice and is mediated by an electorate of elites. Poor social outcomes and low levels of trust indicate weak resilience. Given the extremely limited service provision capacity of the FGS/FMS, it is unsurprising that the social contract between the state and citizens is weak.⁷
4. The chronic political instability and insecurity that characterizes Somalia is deeply rooted in the short-term and exclusionary aspects of the elite bargain.⁸ As an example, the most recent federal elections were based upon an indirect electoral model that places a premium on financial means, political connectedness, and clan strength. At the same time, it excludes *de facto* women candidates (despite the 30 per cent quota in the Parliament) (Affi 2020). It also limits those who can participate to mainly clan elders and a narrow group of electors determined by political leadership and clans. The exclusion of large parts of the Somali population (including the poor, women, and marginalized clans) from political and economic life has fostered a set of grievances that have been exploited by armed groups. Inclusion has been increasingly integrated in the policy and programmatic circles, but much less in practical terms for learning and implementation on the ground (Majid and Menkhaus 2019).
5. Dependence on aid flows has historically undermined the formation of a strong social contract between the citizen and state in Somalia because service delivery is attributed to

⁴ Leonard (2013: 3) notes that ‘fundamental social contracts in Africa are not between the state and individuals alone, but by individuals with their communities and by communities with the state’. This is what Bandula-Irwin (2019) calls the social contract between local powerbrokers and the state.

⁵ Van den Boogaard and Santoro (2022) show the importance of informal taxation in Gedo district compared to official taxation (FGS and FMS).

⁶ Comparable data for Somalia is also limited.

⁷ According to Leonard (2013), bargains exist only when they produce immediate benefits for all parties, which makes them particularly unstable in fragile, conflict, or violence-affected states (FCVs). In such countries, individual allegiance to a community/state is often dependent on protection.

⁸ This is what Bandula-Irwin (2019) calls the social contract between the international community and the Somali state.

non-state actors (McLoughlin 2015). De facto heavy mediation from the international community of the social contract between citizens and the federal state in Somalia has probably contributed to a persistent weak legitimacy. The Somali state authorities lack the ability and legitimacy to gain sufficient state revenues through taxation. The taxation level is very low and as such fiscal bargaining hardly exists, with related low expectations of citizens from the federal state. Thus, it largely depends on foreign resources and is beholden and responsive to the demands of the international community as opposed to its own citizens (Bandula-Irwin 2019).

6. With the exception of Puntland and Somaliland,⁹ the FMS do not have control of their territories, in some cases failing to provide the most basic element of the social contract—that of security. They are more often restricted to the capitals and larger towns, with limited reach in rural areas. Somaliland and Puntland both seem to have a stronger social contract with their citizens, given the bottom-up nature of the state-building exercises in both regions (USAID 2017).¹⁰ For instance, the higher levels of state investment in public education and growing efforts to provide oversight of private schools have been reflected in higher levels of satisfaction with the provision of education.

This paper is organized as follows: Section 2 presents the conceptual framework and applies it to measure the social contract in Somalia using available proxies. Sections 3 and 4 provide qualitative analysis of the social contract from a historical perspective, followed by an analysis of the current situation, with a focus on the security, education, and taxation. The final section presents the main implications for donor interventions in Somalia and how civil society could play a stronger role in strengthening the social contract.

2 The conceptual framework

Recently, development partners have been integrating socio-political frameworks into their strategies and programmes to address development challenges and to better inform the programmes and strategies. In this regard, the World Bank's 2017 *World Development Report* (WDR) on governance and the law argues that 'policies that should be effective in generating positive development outcomes, are often not adopted, are poorly implemented, or end up backfiring over time', and that the radically uneven character of public policy formulation, implementation and enforcement is a matter of governance: namely, 'the process through which state and non-state actors¹¹ interact to design and implement policies within a given set of formal and informal rules that shape and are shaped by power' (World Bank 2017c: 41).

One particular socio-political framework attracting attention is based on the social contract. Within the World Bank, a recent report by the Independent Evaluation Group identified 21 Systematic Country Diagnostics that 'use a social contract framing to diagnose and explain complex development challenges such as entrenched inequalities, poor service delivery, weak institutions, and why decades of policy and institutional reforms promoted by external development actors could not fundamentally alter countries' development paths' (World Bank 2019: 7). The reason for this phenomenon is that social contracts relate to the literature concerning the nexus between

⁹ Somaliland does not consider itself an FMS.

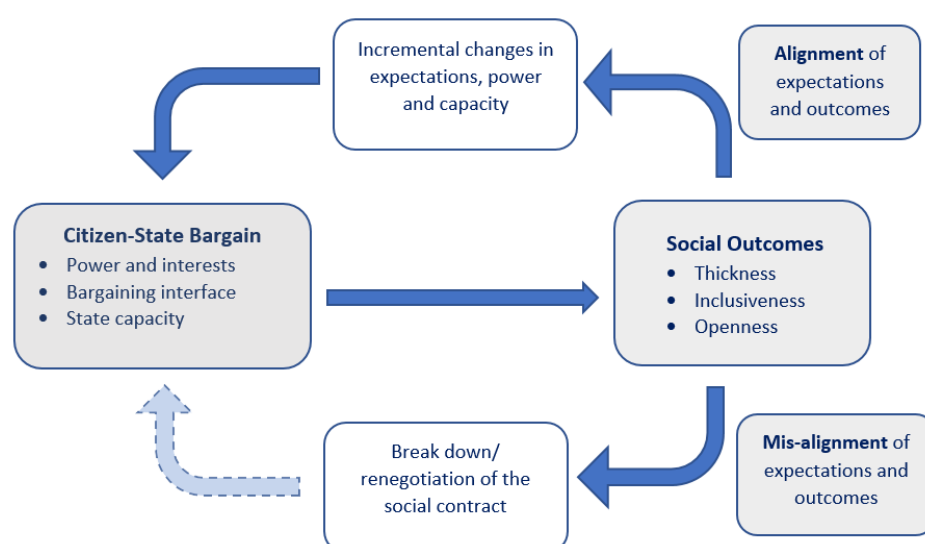
¹⁰ This was also confirmed by Gallup surveys—2016 for Somalia.

¹¹ A non-state actor is usually defined as an actor with sufficient power to influence politics at the local or national levels, despite not belonging to any established state institution. As such, 'non-state actors' may refer to national and international non-governmental organizations (NGOs), business or religious leaders, traditional authorities, workers' organizations, media, local community-based groups and networks, or diasporas (McCullough and Saed 2017).

politics, power relations, and development outcomes, while also bringing into focus the instruments that underpin state–society relations and foster citizen voice.

This paper adopts the definition and conceptual framework developed in a recent World Bank publication on social contracts in sub-Saharan Africa (Cloutier 2020) that examines how the citizen–state relationship translates into development outcomes. The framework presented below starts from the definition of social contracts as dynamic agreements between citizens and the state on their mutual roles and responsibilities. It highlights three main aspects of social contracts: (1) the citizen–state bargain characterized by power and interests, the bargaining interface, and state capacity; (2) the social contract outcomes characterized by the objective and perceived levels of thickness¹² and inclusiveness; and (3) the resilience of the social contract, depending on the alignment of citizen expectations and perceptions of the outcomes, as well as the responsiveness of the state to these expectations. These three aspects interact through feedback loops and self-reinforcing cycles as illustrated in Figure 1.

Figure 1: A social contract framework



Source: Cloutier et al. (2021), under the Creative Commons license CC BY 3.0 IGO.

Examining the sub-national and local-level social contracts can greatly enrich the analysis. The framework presented in Figure 1 can be applied to any scale (national, regional, and local) and to any issue. This adds a great deal of heterogeneity in terms of who the parties are, how the bargains occur, how the outcomes are reached, as well as the level of resilience. It is assumed that each governed space of a group of people with a governing authority has a social contract, which means that countries may include multiple overlapping social contracts.

This framework has the advantage of offering quantifiable and measurable variables, as well as a cohesive structure by which to interpret them. It can be measured at the cross-country level and through a time series along the following dimensions:

- *Civil capacity* captures the bargaining power of citizens and how effectively they can mobilize, cooperate, and organize to resolve the collective action problem and hold the state accountable.

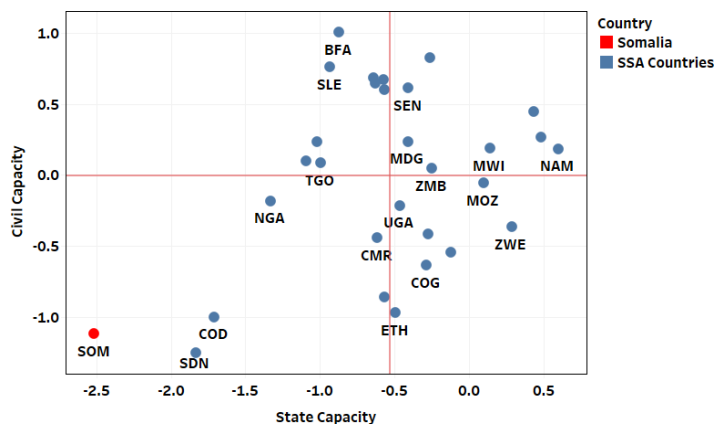
¹² Thickness refers to the quantity of public goods and services that are provided by the state.

- *State capacity* captures the state’s capacity to effectively collect and deploy resources over its territory.
- *Thickness* captures the quantity of public goods and services that are provided by the state.
- *Inclusiveness* captures whether the social contract is geared towards the benefit of the few or everyone; it includes equality of opportunity, abuse of power, and corruption.
- *Openness* captures the level of openness of the state to different opinions, as well as respect for human rights and freedom of the press and expression.
- *Alignment* captures whether perceptions about the outcomes of the social contract are aligned with expectations. It includes indicators of civil compliance or disobedience and popular support.

These dimensions are paired together to measure each of the three aspects of the social contract, using a variety of datasets including Afrobarometer, Varieties of Democracy (V-DEM), and Worldwide Governance Indicators.¹³ In Figures 2–4 the red line denotes the median score based on 2018 data. Each dimension can also be disaggregated into its components or measured over time.

Somalia’s social contract is characterized by an overall low civil and state capacity. The main driver of low civil capacity is the citizen cooperation score, which indicates high levels of fractionalization among citizens. Regarding state capacity, measures for state efficiency are among the lowest in the region.¹⁴

Figure 2: Citizen–state bargain compass (sub-Saharan Africa)



Source: the underlying indicators for civil capacity are taken from the V-DEM dataset and the Fragile States Index (FSI). For state capacity the index is constructed from variables from V-DEM, FSI, and the Economic Intelligence Unit (EIU). More details on the composition of the sub-indexes can be found in Appendix A.

The empirical analysis for the social outcomes compass suggests that Somalia’s social contract is thin and extractive,¹⁵ meaning that measurements for the provision of public goods and services, social safety nets, equal opportunity, impartiality of the courts, and corruption are all below most

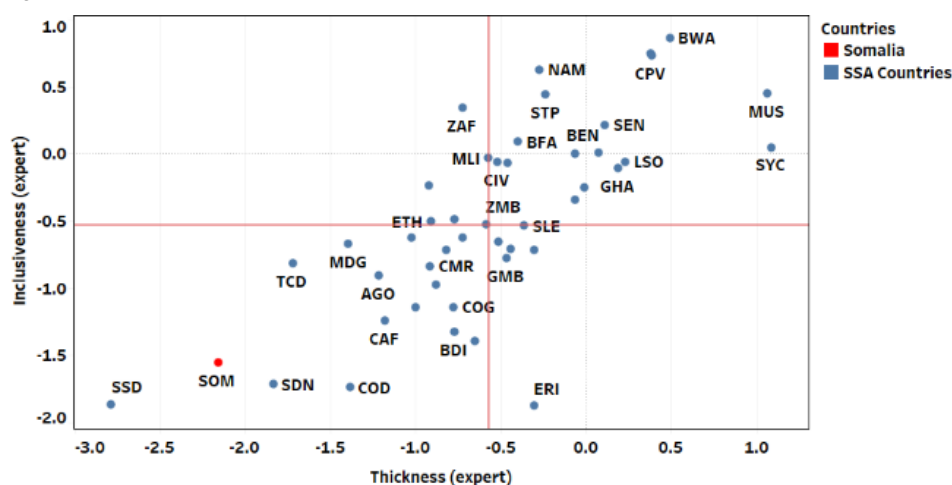
¹³ The composition of each of the indicators and the measurement source are presented in Appendix A. The quantitative methodology is detailed more thoroughly in Cloutier (2020).

¹⁴ The latest available data for the state resources indicator is 2015, which is used in Figure 3.

¹⁵ We measure inclusion on the basis of fairness of opportunity (impartiality of the courts, protection of property rights) (which are also similar to the ideas of Acemoglu and Robinson) and the absence of abuse of power (such as corruption and clientelism).

of the countries in the region. When combined, these factors lead to the low scores presented in Figure 3.

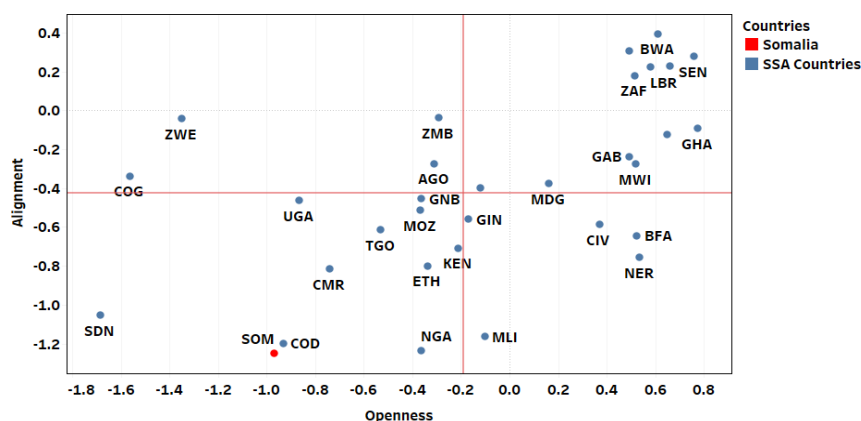
Figure 3: Social outcomes compass



Source: the underlying indicators for the inclusiveness index come from V-DEM, Transparency International, and the Fraser Institute. The thickness index is composed of indicators from V-DEM and the Fraser Institute. More details on the composition of the sub-indexes can be found in Appendix A.

The resilience compass suggests that Somalia's social contract is under a lot of pressure (Figure 4). The alignment score is the lowest of the sample. The openness score is also low, but higher than other countries such as the Congo, Sudan, and Zimbabwe, suggesting that a renegotiation of the social contract through dialogue is unlikely. What is clear is that Somalia's social contract is experiencing significant pressure, with citizens expressing a high level of discontentment.

Figure 4: Resilience compass



Source: the alignment index is composed of indicators from the Worldwide Governance Indicators and the PRS Group. The openness index is composed of indicators from V-DEM. More details on the composition of the sub-indexes can be found in Appendix A.

A surprising feature of Somalia's social contract is the stability of its measurements over the past 15 years. Generally, most countries display trends over the past decade, either worsening or improving along particular dimensions. The only variation observed in the Somalia data is a sudden fall of the alignment dimension around 2007, and then a jump back up to 2006 levels around 2012. These dates correspond with deterioration of security and the deployment of AMISOM in 2007 and the establishment of the FGS through the Provisional Constitution in 2012. In 2021, the alignment dimension dropped once again due to lower popular support for the state in opinion surveys and likely due to tensions exacerbated by the COVID-19 pandemic.

3 A brief history of social contracts in Somalia

To understand the current setting of the social contract in Somalia, a historical perspective on the provision of two key social outcomes—security and education—is instructive. Somalia has been described as *a nation in search of a state*. Until the emergence of the Republic of Somalia in 1960 the vast majority of Somalis did not live under a ‘state’ (Laitin and Samantar 1987; Leonard and Samantar 2011). Siad Barre’s regime is viewed paradoxically today: on the one hand, under the ideology of scientific socialism, investments in social sectors in the 1960s through the early 1980s was unprecedented and progress was made in ensuring the rights of marginalized groups in society, such as women or marginalized clans (Majid and Menkhaus 2019). On the other hand, accusations of clan favouritism and the perceived use of the government to oppress dissident clans contributed to societal fracture and ultimately to the collapse of the state in 1991. In addition, the tendency of the Barre government to concentrate government investments and public services in Mogadishu deepened a sense of centre–periphery inequities that persists today.

Regarding security, it is crucial to note that the clan has provided the defining social system for the traditionally nomadic-pastoral and agro-pastoral communities since long before independence. The *Xeer*, the unwritten customary law, has formed the backbone of a set of mutual obligations that was designed to promote peace and prevent conflict between the clans (Lewis 1961).¹⁶ Clan-based identity persists because Somalis believe that in view of the weak or non-existent governmental institutions, it is the only way to protect oneself. The clan system is perceived as a network that fosters individual survival in an environment characterized by failing, inadequate, or repressive formal institutions (Affi 2020). The group mediates conflicts, negotiates compensation, and/or carries out revenge for perceived wrongdoings committed by outsiders (Gundel 2009).¹⁷ At the community level, clan elders utilize the revenues from *qaaraan* (clan ‘dues’) to cover the convening of clan meetings, conflict resolution, compensation to clan members in case of loss of property or life, as well as support for the most vulnerable members. Whether or not an individual is able to pay *qaaraan*, she or he is still able to receive the benefits from the collective resources at the disposal of clan leadership (van den Boogaard and Santoro 2021).

The military coup of 1969 that brought Siad Barre into power also raised the profile of the security organs in the state-building process and the ‘militarization’ of the state. In the mid-1970s, there were approximately 15,000 police officers divided among the 18 regional districts. Officers were focusing on the basic rule of law and security, such as patrolling, criminal investigations, and traffic duties (Hills 2014). The armed forces grew from an estimated 22,000 in 1976 to 123,000 in 1985 (Adam 1998).¹⁸ Throughout the 1980s, Barre replaced many of the key positions within the military with people close to him. As a result, many Somalis viewed the army as an extension of Barre’s clan networks. This perception eventually tarnished the military’s reputation as a national institution (Africa Confidential 1986).

After the collapse of the central government in the early 1990s, the provision of basic security and justice reverted fully to kinship and customary law. Somaliland was able to develop a nascent social contract with relative security, and Puntland followed. The south-central regions have remained

¹⁶ Members of a sub-clan can usually trace their lineage to a common ancestor up to eight generations.

¹⁷ The clan structure is nominally divided into clan family (largest unit), followed by clan (political unit), and sub-clan (blood-paying unit). Somali clans are indigenous to the Horn and can be found in Somalia, Ethiopia, Djibouti, and Kenya.

¹⁸ In the 1980s there was a strong shift to increase government spending on defence- and security-related areas, which reduced the available funding for other sectors. In 1974, spending on economic and social services was 24 per cent and 16 per cent, respectively. By 1988 that had been reduced to 11 and 4 percent (Raballand et al. 2021).

more fragmented, with a fluid set of actors and contestants. At the community level, clan elders worked alongside religious leaders to resolve conflicts and adjudicate claims. Clan militias stepped in to provide protection for communities and the business sector (Keating and Abshir 2017). The clan thus re-emerged as the most legitimate and reliable authority.

However, the limitations of the clan as the sole providers of community protection became apparent in the 1990s and 2000s, particularly in south and central Somalia as conflicts (and the growth of warlords) contributed to widespread insecurity. In this vacuum, Islamist organizations emerged, seeking to restore some semblance of law and order. Across Mogadishu, and in the surrounding areas, Sharia-based courts began to emerge and to attract the support of the business community. Due to their ability to maintain sufficient order to allow for a relative normalcy of activity, the court grew in popularity and influence, forming a union in early 2006 under the banner of the United Islamic Courts (UIC) (Hassan 2017). In December 2006, Ethiopian troops entered Somalia and recaptured Mogadishu from the UIC. Al-Shabaab took advantage of this vacuum, and the inability of the TFG to provide basic security led to the deployment of several thousand Ugandan and Burundian troops to Mogadishu under the banner of AMISOM. The 2011 Provisional Constitution led to the establishment of subsequent governments (federal and then FMS). A more relative stability among the clans through power-sharing arrangements and gradual development of a federal structure was reached. However, this unfinished and still fragile effort at state-building has failed to curb the ongoing threat from Al-Shabaab.

In pre-colonial Somalia elders took the responsibility to educate the children through the informal transmission of social and cultural values using examples and storytelling. In addition, communities prioritized the teaching of the Quran and Islamic practices. During the colonial period in Somalia, the colonial powers targeted their education investments mainly to the elite to fill positions within the administrations. When colonial governments partnered with Somali religious leaders and communities, their efforts to introduce non-religious education were successful but still mostly focused on elites (Cassanelli and Abdulkadir 2007).

After independence, the education sector in Somalia developed relatively rapidly. Both the civilian and military governments invested in the construction of schools, hiring and training of thousands of teachers, as well as a successful campaign to formalize Somali script while carrying out a nationwide literacy campaign (Abdi 1998). Under the Siad Barre regime, the textbooks and a harmonized curriculum were designed to strengthen a pan-Somali identity and to possibly limit the influence of clans (World Bank 2017a). The Barre regime made education free and compulsory for all children between the ages of 6 and 14. During the first decade of Barre's rule (1970–79), primary school enrolments increased significantly, from 40,000 in 1970 to nearly 300,000 in 1979. The percentage of female school children also rose from 20 per cent of all primary school children in 1970 to closer to 40 per cent in 1979. The number of female teachers also increased from 10 per cent in 1969 to 30 per cent in 1979 (Cassanelli and Abdulkadir 2007).

Somalia decreased funding for the education sector in the 1980s when the regime became increasingly militarized and spending focused increasingly on security. This resulted in a decrease in the number of primary schools countrywide, from 1,407 in 1980 to 644 by 1990. The public funds allocated per pupil declined from US\$27 in 1982 to US\$3.50 in 1990, in large part due to increased military spending and declining economic output (UNESCO 2000).

In the immediate aftermath of the state collapse in 1991, the provision of education all but stopped in most areas of the country, as communities experienced a descent into violence and displacement. When communities realized that the reconstitution of the state would take longer, they started to organize themselves to ensure that basic elements of the state, such as education and security, would be provided. The expectation of the state's ability to provide for these services gradually declined (Abdinoor 2008). In the early 2000s, the more stable areas of Somaliland and

Puntland re-emerged as the primary providers of education. By 2001 there were over 70,000 students enrolled in primary and secondary schools in Somaliland. In Puntland there were an estimated 50,000 students enrolled in primary and intermediate schools in 2004 (Cassanelli and Abdulkadir 2007).

4 The current setting: a weak and exclusionary citizen–state bargaining mechanism results in a thin social contract

Using the examples of security, education, and taxation, the current social contract between the authorities and the population in Somalia is thin and largely exclusionary. It can be largely explained by a weak state–citizen bargaining dynamic characterized by very poor state capacity and low demand for services.¹⁹

4.1 A thin social contract

A critical characteristic of both security and education provision in Somalia is the very limited role of the formal state. Put another way, to the extent these outcomes are delivered, it is necessarily through a co-production of an array of actors, public and private, community- and clan-based, and local and international resources. These actors in turn have varying levels of representation, authority, and legitimacy, and are at times complementary and at times in conflict with each other. This has some negative consequences on state legitimacy, including perceptions of the state by the populations. As explained by McLoughlin (2015: 341), the common wisdom is that the provision of vital public services necessarily improves the legitimacy of a fragile, conflict, or violence-affected state (FCV). In practice, however, the relationship between a state's performance in delivering services and its degree of legitimacy is nonlinear. 'This relationship is conditioned by expectations of what the state should provide, subjective assessments of impartiality and distributive justice [...] how easy it is to attribute (credit or blame) performance to the state, and the characteristics of the service.' In many FCVs, 'unpopular' functions such as taxation are attributed to the state, whereas 'popular' functions are perceived to stem solely from donors or NGOs.

The key role of the clan in providing security

Security issues remain crucial in Somalia. Although the FGS spends the bulk of its budget to improve the security situation,²⁰ insurgents and armed groups have not yet been defeated. Therefore, security spending is costly for the authorities but with incomplete results. Between 2011 and 2016, Al-Shabaab lost control of most of the major towns in the south and central areas of Somalia as a result of Somali National Alliance (SNA)/AMISOM offensives and localized militia efforts. Yet, despite this rapid shrinkage in the administrative control of populations, Al-Shabaab continues to attack civilian government targets, as well as AMISOM and the SNA. In addition, the group maintains a disruptive presence in the areas surrounding major towns and cities across most of the FMS (Hassan 2017). In rural areas, communities still rely almost fully on clans for the provision of security (Hills 2014).

¹⁹ This section will not focus on state capacity and low demand for services. This is developed in more detail in Raballand et al. (2021).

²⁰ Somalia spends more on the security sector as a percentage of its budget than any other fragile state, except for Afghanistan. The largest budget item within the security sector is the estimated 40,000–45,000 armed personnel (army, police, paramilitary) who receive some level of compensation from the state (World Bank 2017b).

Many of the ‘formal’ military and police units are composed of former clan militia because of their ability to come into the SNA with their own weapons. Despite being under FGS/SNA administrative and budgetary control, many of these units have informally remained under the command and control of the clan to which they belong (World Bank 2017b). The make-up of Somalia’s security forces is not representative of the country’s diverse communities.

The few public perception surveys designed to gauge public opinion about the police are undertaken in areas where internationally funded police have been trained and deployed. These surveys suggest that those who perceive the police to be representative of their clan or the different clans within their neighbourhoods are more likely to not only trust the police, but also to rate their performance well. Conversely, in areas where communities have little to no representation in the police, respondents reported dismal ratings of police performance (Sahan Foundation 2019). The SNA has long been accused of engaging in extortion and gender-based violence, especially when deployed in regions that do not reflect the clan make-up of the military units. Communities that have most often accused the SNA of engaging in predatory behaviour come primarily from marginalized or minority groups in south and central Somalia (US State Department 2017).

Some evidence indicates that growing investments in improving civilian–military relationships of the SNA have paid off. During the military campaign undertaken by the SNA between 2019 and 2020 in the Lower Shabelle region aimed at dislodging Al-Shabaab, careful efforts were made to ensure the clan composition of the battalions reflected the communities into which these forces would be inserted. Community members from towns that were recovered from Al-Shabaab praised the SNA for positively and proactively engaging with residents. The SNA deliberately avoided taxing the town’s local natural resources, relying instead on support from stabilization partners to construct new wells (UNSOM 2020).

The inability of authorities to provide basic education services

Given the relatively limited domestic revenue potential over the mid- to long-term perspective, it is highly likely that the FGS and the FMS will continue to focus on security spending at the expense of social sectors. As such, they will remain a relatively marginal player in delivering social services (Raballand et al. 2021). Citizens instead rely on their local mix of informal clan structures, NGOs, and private sector actors for basic needs and services. As a result, the formal state—the FGS and FMS—produce little by way of social outcomes for the population, and citizen expectations remain low.

Although there have been improvements in basic education indicators over the past decade, Somalia still ranks near the bottom in terms of gross enrolments, with three million children out of school according to UNESCO (out of an estimated 4.7 million school-aged population). One out of every five Somali student-aged children is displaced (USAID 2017). Moreover, education provision is of low quality, mainly due to the high number of unqualified and untrained teachers, multiple curricula, poor education infrastructure, and weak capacity for service delivery (GPE 2020).

The share of students enrolled in government-managed primary schools across all of Somalia is estimated at less than 50 per cent. Apart from Somaliland and Puntland, where most schools are public, only 7.4 per cent of primary students are enrolled in government schools, with the remainder enrolled in some form of private or community schools (World Bank 2017a). Chronic conflict and limited state resources have resulted in uneven access to education in Somalia. This is especially acute in south and central Somalia, where hard-to-reach regions are afforded limited educational support by state or international actors. Extremely high rates of poverty in communities across Somalia also make it difficult for parents to afford school fees. Nomadic pastoralists account for about 65 per cent of the Somali population, and only 22 per cent of

pastoralist children receive a formal education (Borgen Project 2018). Furthermore, there are significant inequities in the distribution of educational resources (for example, schools, teachers, learning materials, water facilities) between rural and urban areas.

Girls' participation in education is significantly lower than that of boys. According to Intersos (2016) survey results, the main threats to girls' education are financial challenges (49.5 per cent), child and early marriage (29.2 per cent), insecurity (13.1 per cent), the negative attitude of parents (12.5 per cent), cultural barriers (9.2 per cent), the need to perform household chores (4.3 per cent), and the lack of educational opportunities (1.6 per cent).

By contrast, in Somaliland and Puntland the provision of education has been relatively more inclusive (World Bank 2017b), although investments in urban areas (where population numbers are high) are proportionally much greater than in rural areas. Because resources are still limited, communities raise funds from the diaspora and the business community to pay salaries and/or construct schools in remote areas. In Somaliland and Puntland, the Ministries of Education partially subsidize teacher salaries, ensure harmonized curricula, provide testing certification, and ensure basic infrastructure support. Both regions allocated an estimated 7 per cent of their budgets to the provision of education, while the FGS allocated less than 1 per cent. The FMS and FGS provide limited oversight, depending instead on engagement with private sector and community-led schools (World Bank 2017a).

4.2 An exclusionary and weak citizen–state bargaining mechanism: the absence of a fiscal contract

Poor social outcomes have tended to reproduce themselves through a feedback loop of low expectations, fragmented capacities, and exclusionary politics. This can be illustrated through examination of taxation and the absence of a fiscal contract, and of the fragile political settlement that relies on a narrow elite bargain.

As in most FCVs, the current tax-based social contract in Somalia between the federal state and its citizens is weak (van den Boogaard and Santoro 2022). It is influenced by the fluid political and security context that limits the writ of the formal state in major population areas, the fractious political relationships between different levels of the state, and the ongoing armed insurgency.

From colonial times through independence, Somalia has had low levels of domestic revenues due to strong resistance from the population as well as limited economic opportunities (Kakwenzire 1986). FGS domestic revenues have grown relatively rapidly from near zero to approximately US\$250 million in 2019. Yet, internally generated revenues are still dwarfed by official development assistance to Somalia. Compared to donor funding (including humanitarian aid), domestic revenue amounts to 12.5 per cent of total revenues (25 per cent if Somaliland is included) (World Bank 2020a). A large part of service delivery thus depends on donor financing. Due to a lack of trust and acute capacity constraints, implementation of donor-funded programmes is often achieved through international and local NGOs. The knowledge that it is non-state actors that are largely responsible for services further undermines tax compliance and the broader citizen–state social contract (Baird 2010).

Both the FGS and the FMS source most of their tax revenues from the business community and consumers through the imposition of import and customs duties, which represent more than 50 per cent of total domestic revenues (World Bank 2020a). At the FGS level, tax revenues primarily cover government operations (including salaries) and co-payments to national security forces. Outside the primary tax base of the FGS in Mogadishu, there are usually few visible services provided by the national government.

At the FMS level, the scope of services provided to its residents is limited because of the lack of capacity, resources, and access to rural areas due to the presence of armed groups and poor road networks. Apart from Puntland and Jubbaland (which have large ports) FMS collect at most a few million US dollars, with FGS fiscal transfers to the FMS accounting for 70–90 per cent of the states' total revenues. As a result, the FMS leadership is largely accountable to the FGS—rather than their own citizens—and vulnerable to political pressure.

The misalignment of expectations is evidenced by low rates of federal tax compliance by the private sector.²¹ Although business owners acknowledge the critical role that tax revenues can play in the state-building process, they complain that taxes paid to the formal state are not reaping dividends because the government cannot guarantee their safety (Abshir et al. 2020). At the same time, they are forced to pay multiple levels of taxes and fees to an array of state and non-state security actors to allow for the movement of goods. The payment of taxes to Al-Shabaab is seen by many citizens as the most illegitimate and extractive of those made to non-state actors because of the threat of violence—even to businesses located outside their areas of control. Yet, the ability of the group to honour its side of the bargain, especially security for goods and the movement of people along their road networks, makes them a relatively predictable service provider (Hiraal Institute 2020).

Somalia's multiple actors in fees/tax collection reveal a hybrid formal–informal taxing and service delivery arrangement that exists when there are weak or non-existent formal institutions. Non-state actors, whether the private sector or NGOs, are the primary providers of basic social services in large parts of the country (van den Boogaard and Santoro 2021). Partnerships between various local authorities in tax collection are common and Somalia is largely a collection of 'island economies' based on cities and/or districts (World Bank 2020b). At the community level, there are high levels of collaboration in service provision between both formal and informal authorities. For example, local governments often work with clan elders to supplement security forces through militias. It is not unusual for the local administration and private sector (including the diaspora) to provide in-kind goods or cash for community infrastructure projects. Community members and civil society groups then contribute labour for construction (Jordan 2016).

The practice of paying *qaaraan*, or family contributions to the clan, is seen as a kind of member dues for a social insurance policy. According to perception surveys and studies, of all the informal payments, these payments consistently rate as the most legitimate. That is why some cities/districts collect millions of US dollars per year, whereas FMS have difficulties collecting US\$1 million in the same geographical area (World Bank 2021). Contributions at the clan level are also credited with playing a constructive role in building social cohesion. Individuals or families can negotiate the payments, and refusal to pay is rare, given the social sanctions that would be incurred (Jordan 2016).

Payments such as *zakat* (taxes on earnings) and *sadaqa* (alms) are also deeply embedded in Somali society and are considered religious requirements. In addition, citizens provide ad-hoc payments to the religious community for the construction of mosques or religious learning centres. The leaders have high degrees of social trust and are often seen as neutral actors in the community (Abshir et al. 2020).

4.3 An exclusionary political settlement

The chronic political instability and insecurity that characterizes Somalia is most probably rooted in the short-term and exclusionary aspects of the elite bargain. The lack of movement on finalizing

²¹ Citizens and private operators pay more to local authorities than formal taxes to federal authorities.

the Constitution and defining the federalist architecture of the country has resulted in extra-constitutional electoral processes that are prone to disputes, as rules are developed by the parties keen on participating in or influencing the outcome of the election process. This fragile, elite-driven process has the potential to contribute to insecurity, as groups can use the threat of violence to strengthen their bargaining positions (Menkhaus 2018).

At the federal level, Somalia has had successive electoral processes that have resulted in the relatively peaceful transfer of power since 2012. The country has utilized a variation of clan-based, indirect election models to select members of Parliament, who in turn select the federal president. In 2012, the entire electoral process took place in Mogadishu and included 125 clan elders who were elected to the Parliament. In an attempt to widen the enfranchisement of Somalis and to devolve the selection process, the 2016 elections process included 14,000 electors (selected by clan elders) who elected the Parliament from the FMS capitals.

The '4.5' power-sharing formula among the clans is the basis for the division of seats within the federal Parliament, and is also utilized to select members of the federal cabinet and other government institutions.²² In practice, the (self-declared) four large clan families divide the posts of president, prime minister, deputy prime minister, and speaker of the Parliament. The indirect electoral model places a premium on financial means, political connectedness, and clan strength.²³ It was estimated that up to US\$20 million 'changed hands' during the parliamentary elections in 2016, including formal fees for running and informal funds for attracting clan elders and politically connected individuals (Gettleman 2017). The model makes it difficult for women and minority groups to reach leadership positions within the federal government (Affi 2020; McCullough and Saed 2017). Women are largely de facto excluded from political processes, despite the establishment of a 30 per cent quota for women. The exclusion of large parts of the Somali population (the poor, women, and marginalized clans) from political and economic life has led to a set of grievances that have been exploited by armed groups, thereby contributing to an ongoing insurgency that continues to hamper progress.

At the FMS level, electoral processes have followed similar clan-based selection models for legislative and executive positions. Insecurity due to the presence of Al-Shabaab has resulted in the electoral processes occurring primarily in the capitals. The formation of the FMS was based on political settlements between elites.

5 Implications for donor interventions and recommendations

Although trust in institutions remains low and the federal model undefined, some new trends are starting to challenge the status quo, namely: (1) a stronger demand from citizens for improved service delivery (starting with security and education) at a time when tax payments have started to increase; and (2) with the heavily indebted poor countries (HIPC) decision point, inflows to the FGS have increased rapidly, significantly changing the power balance in favour of the FGS at the expense of the FMS.

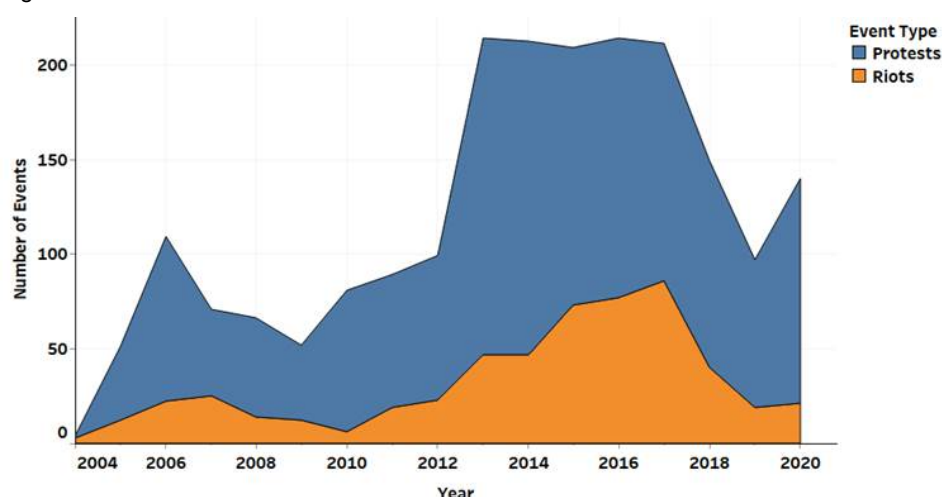
On the demand side, communities have begun to protest poor service provisions from the police and military (see Figure 5 on the increasing number of protests since 2012). Internally displaced communities in Mogadishu have started to form associations to engage directly with the police to

²² For the historical aspect of this formula and its impact, see Elmi (2010).

²³ In theory, elders should be accountable to citizens. However, as they are unelected, they cannot be directly sanctioned through an electoral process.

improve access to security and human rights. In Somaliland and Puntland, where tax collection is more robust than in the other regions, citizens have increased expectations of government capacity in the education sector (USAID 2017). In parallel, the increased capacity of the FGS to collect taxes, primarily in Mogadishu, is placing a growing strain on the relationship between the federal government and the residents of the capital, who feel they bear the brunt of the tax burden with little in the way of public services in return (Abshir et al. 2020).

Figure 5: Protests and riots between 2004 and 2020



Source: authors' compilation based on data from the Armed Conflict Location & Event Data Project (ACLED).

The lack of progress in elaborating revenue-sharing arrangements between the FGS and FMS has resulted in double taxation, raising tensions between the various levels of government. By reaching the HIPC decision point in March 2021 more resources have been flowing into the FGS, strengthening its standing vis-à-vis the FMS. Through growing fiscal transfers, FGS is using these resources to increase leverage over the FMS leadership, thereby further weakening the FMS–citizen social contract.

Donors, even unintentionally, have contributed to a change in the balance of power²⁴ that could potentially create further tensions regarding the social contract in Somalia. Moreover, as long as the bulk of donor investments in service delivery are implemented through NGOs and non-state actors, perceptions of the weakness of the state structures and their possible irrelevancy will continue to persist within the population.²⁵ Foreign aid and external stabilization have become so entrenched that donors and a range of external actors aiming to influence political developments in Somalia have become an integral part of these processes (Hagmann 2016).²⁶ As emphasized by Van de Walle and Scott (2011: 17), ‘service provision is an inherently political process, even more so in fragile or state-building contexts’.

Within the literature on this topic on Somalia, there has been a recurrent call for working more at the local level due to its higher legitimacy and potential for service delivery. Menkhaus (2014b)

²⁴ Even more so with the HIPC process and budget support operations, which have contributed to a large inflow of funding.

²⁵ Deserranno et al. (2020) also show how aid can sometimes undermine state capacity by ‘poaching’ government staff (for instance in the health sector) to work for aid agencies at the expense of local state capacity.

²⁶ The international system grants the privileges of statehood to many countries that are, in fact, unable to exercise a monopoly over their full territory. Therefore, they cannot exercise the legitimate use of force that the concept of statehood requires (Leonard 2013).

advocated a strategy based on municipalities. Bandula-Irwin (2019) called for a bottom-up, organic, disjointed negotiation of indigenous governance solutions. However, this approach would not solve a major problem in Somalia, which is unequal economic and social development and the need to redistribute resources. As highlighted by Leonard and Samantar (2011: 561), ‘alternative governance systems [non-state actors] may be less effective than *some* states in delivering certain forms of economic development and aspects of social welfare’. Therefore, state-building in Somalia is the ‘art of the possible’, and it may have little choice but to work with flawed, contested governments of dubious legitimacy for the time being (Menkhaus 2014a).

The inclination to strengthen what is already working (e.g. focus on enhancing a relatively durable social contract at the community–clan level) is also fraught with potential risks. The tie of kinship is deeply embedded in Somali history and culture, with clear expectations of the reciprocal benefits. The traditional clan elders have played a critical role in providing some level of stability in the aftermath of the state collapse in large part because they are seen as an indigenous institution that continued to exist while most other aspects of the state and society proceeded to rely greatly on international donor efforts. At the FGS and FMS levels, the elders play a formal role in the selection of representatives in Parliament. This context makes it all the more important to exercise maximum caution in how institutions and donors work with elders to avoid the kind of distortions that were common through colonial forms of indirect rule. If elders are seen as an adjunct of politicians in power or donor recipients, they cannot be effective in maintaining peace or addressing justice.

Donor efforts to support more inclusive and resilient social contracts (at the FGS/FMS/district levels) should aim to strengthen the quality of the citizen–state bargaining process—that is, the first main aspect of social contracts set out in the conceptual framework. This requires strengthening citizen collective action capacity, state capacity, and more inclusive political institutions.

There is no clear prescription for achieving this; actions would need to be adaptable and hybridized and attuned to the complex societal factors that shape outcomes. The following are guiding principles for the design of interventions aiming to strengthen the social contract.

Political accountability

- Move towards a rule-based division of power and resources among the entities by facilitating the definition of a more inclusive and functioning federal model of the state including revenue-sharing arrangements and equalization mechanisms.
- Facilitate movement towards more inclusive and representative election models, including for women, minority clans, and internally displaced persons.²⁷ A key lesson of recent engagement is that improved political inclusion will be achieved gradually and no particular model should be transplanted.
- Policies to strengthen the functioning of media markets can be a crucial part of strategies to foster healthy political engagement. Policies that encourage the provision of information and access to media can improve the political process (Khemani et al. 2016).

²⁷ To ensure compliance with quotas, women should be included in electoral commissions with a mandate to reject male candidates for women’s seats (Affi 2020).

- State service delivery should selectively focus on security/education, given that a full model of public delivery will remain unachievable for years to come.
- Given the robust role of the private sector in social services, donor support should aim to bolster the government's regulatory capacity to enhance quality, access, and targeting.
- There is ample scope for innovative approaches through performance-based contracts and community oversight for locally delivered social services. Transparency is critical to establish expectations and a basis for monitoring performance.
- Support oversight mechanisms at the FGS, FMS parliamentary, and district levels on fiscal allocation, which include representation from elders and civil society organizations. To increase transparency and reduce corruption, both the FGS and the FMS should consistently publish data on governmental decisions and public expenditure (Heritage Institute for Policy Studies 2021).
- Involve the Somalia National Bureau of Statistics in benchmarking progress related to transparency and strengthened citizen–state relations.
- Tackle exclusion in any donor-supported activity. As the sources of instability in Somalia are intimately tied to exclusionary behaviour by the elites, development actors should reflect on how programming can advance the wider enfranchisement of people in political and economic life.
- Donors should limit competition and fragmentation of support to avoid strengthening part of the elite at the expense of others or citizens/clans, which ultimately makes the situation more unstable and fragile.

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Appendix A: Indicator composition

Indicator	Sub-indicators	Data source
Civil capacity	Citizen mobilization	V-DEM Engaged citizen
	Citizen organization	V-DEM CSO Participatory environment
	Citizen cooperation	FSI Intergroup grievances
State capacity	Deployment of state authority	V-DEM Control over territory EFW Reliability of police
	Mobilization of state resources	EIU Budget revenues
	State effectiveness	PRS Bureaucratic quality EIU Government effectiveness
Thickness (perceived)	Public goods and services	Gallup Perceptions on health, water and education
	Welfare and safety net	Gallup Perceptions on welfare policies and poverty
Thickness (expert)	Public goods and services	V-DEM Education equality, health equality
	Welfare and safety net	V-DEM Particularistic or public goods, V-DEM Access by socio-economic group
Inclusiveness (perceived)	Equal opportunity	Gallup Perceptions on opportunity and diversity
	Absence of corruption and abuse of power	Gallup Perceptions on corruption and impartiality of the courts
Inclusiveness (expert)	Equal opportunity	V-DEM Impartial public administration, V-DEM Respect of property rights
	Absence of corruption and abuse of power	Transparency International Corruption perceptions index V-DEM Clientelism
Openness	Absence of repression and respect of human rights	V-DEM Physical violence index
	Freedom of expression and of the press	V-DEM Freedom of expression and alternative sources information index
Alignment	Absence of civil disobedience	WGI Political stability and absence of violence
	Popular support and public opinion	Gallup Perceptions on leadership PRS Popular support

Source: authors' compilation.