

# State of Accountability in Somalia in 2020

Towards Authoritarianism

marqaati

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## Executive Summary

With poor rule of law and non-existent institutions to hold those in power accountable, bribe paying is on the rise in Somalia, especially in areas with strong state presence. While overall bribe-paying is 14%, it is a deflated number because the state is weak or not present in most of the country. In some districts in Mogadishu, where the state is strongest, bribe-paying is as high as 50%. Demand for bribes is highest with the federal government security forces, regional security forces, and Al-Shabab. The FMSs of Southwest State and the Banadir Regional Authority (a de facto FMS) see a disproportionate bribe demand, strengthening the assessment that heavier state presence is characterised by increase in incidences of bribe paying.

Securitisation without strengthening the rule of law is leading Somalia towards having a state that is unconstrained by law and unresponsive to the will of the people. Those investing in security in Somalia have a moral obligation to demand and invest more in the rule of law and democratisation, including anticorruption, or risk creating an authoritarian state. Such a state will not fulfil the aim of Somalia's donors, as terrorism will continue to go unchecked, and those in power will continue to misuse donor funds for their own security and not for the reason they received the funds.

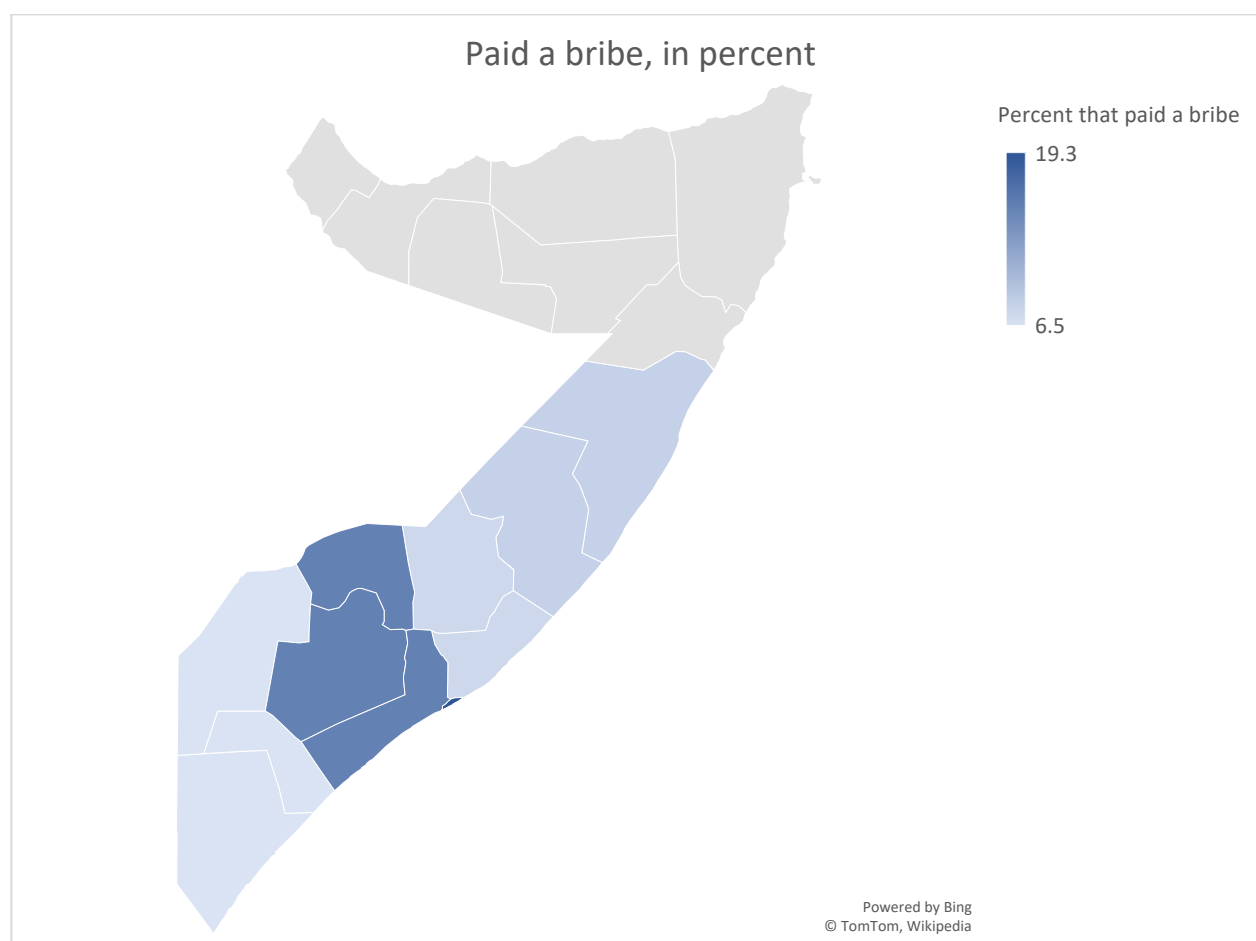


Figure 1 Percent that paid a bribe, by FMS

## Introduction

Somalia's state collapse in 1991 was preceded by 22 years of dictatorship that saw the suspension of accountable institutions and the erosion of the rule of law and the brutal use of the state's powers to keep the ruling elite in power. Unfortunately for Somalia, it seems little was learned from that chapter in our history. In the reconstituted Somalia, the bulk of investment has gone into strengthening the state without strengthening the rule of law or building its accountable institutions. This is analogous to building a car without safety features such as breaks and airbags. Without the necessary institutions to check the power of the security forces, public trust in the state and their willingness to respect the rule of law is diminished as state power is used against political opponents and the law favours bribe-payers.

The current trajectory of the reconstituted Somali state does not inspire confidence that the end result will not be state failure if and when international support is halted. This report will show that bribe-paying is not only very high across the country, but also significantly higher in areas where the state is strongest. This suggests that the disproportionate investment in security as opposed to the rule of law and democratisation has resulted in security forces that are unaccountable except to their paymasters; justice that is sold to the highest bidder; and a disregard for state authority by the citizenry.

While Somalia's international donors have spent a lot of their people's taxes on supporting democratisation in Somalia, little has changed in the past nine years. Members of parliament are selected by gatekeepers that have little to no representative authority. Without an accountable government, it is impossible for the public to affect their future or trust the government as representative of their interests.

## Methodology

We conducted a survey of 1200 people across Somalia, from 25-31 December 2020. These people were selected randomly from the range of Hormuud numbers. The range is made up of a possible eight million numbers, of which four million are active users according to Hormuud. We made 5653 phone calls: 578 did not answer; 402 rejected to be interviewed or were underage; 1200 were of age and gave us an interview; and 3473 numbers were either switched off after multiple tries or were out of service. This means that 2180 numbers out of 5653 were active, which means that almost forty percent of the numbers were active. This corresponds to Hormuud's estimation that half of the range of phone numbers it issues are active. Our sample was therefore adequately representative of Hormuud customers. Consequently, our survey covers the geographic area covered by Hormuud: all the FMSs, BRA, and FGS in Mogadishu. It does not cover Puntland and Somaliland.

With four million customers, this represents about 54% of the population in our area of focus. According to the demographic profile of Somalia, about half the population is less than 18 years old, which means that 3.65 million people are above eighteen in our area of interest.<sup>1</sup>

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<sup>1</sup> See <https://www.cia.gov/the-world-factbook/countries/somalia/> and [https://www.cia.gov/the-world-factbook/static/99d0d39fd79b9ffed5d78d680f0df8e5/SO\\_popgraph2021.pdf](https://www.cia.gov/the-world-factbook/static/99d0d39fd79b9ffed5d78d680f0df8e5/SO_popgraph2021.pdf)

Taking population growth into account, we therefore estimate that at least 97% of all adults in this area have mobile phones.

The population size in our area of interest is 7.3 million.<sup>2</sup> The confidence level – the probability that our sample accurately reflects the views of our population – is 95%. Therefore, the margin of error – how much we can expect our results to differ from the views of the overall population – is 3%.

#### Population distribution

The number of respondents does seem to represent the population ratios of some areas while over-representing others. While some of this may be due to population changes since 2014 when PESS was conducted, some of it appears to be because of economic factors. The over-representation of the BRA – the Mogadishu area – as compared to Southwest State suggests that more people have phones in Banadir than do in SWS.

*Table 1 Population reflection in samples*

State	Population <sup>3</sup>	Share of population	Share of interviewees
JL	1350000	18.3	12.6
SWS	2367000	32.2	22.3
HSh	1036000	14.1	13.3
GM	940000	12.8	11.2
FGS/BRA	1650000	22.4	40

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<sup>2</sup> See <https://reliefweb.int/sites/reliefweb.int/files/resources/Population-Estimation-Survey-of-Somalia-PESS-2013-2014.pdf>

<sup>3</sup> The populations are based on the Population Estimation Survey of 2014.

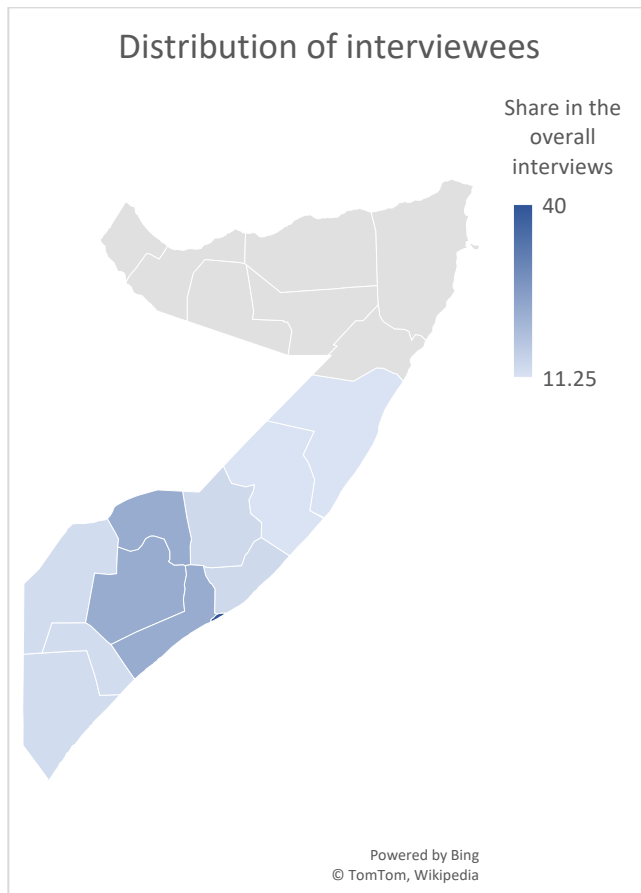


Figure 2 Distribution of interview subjects

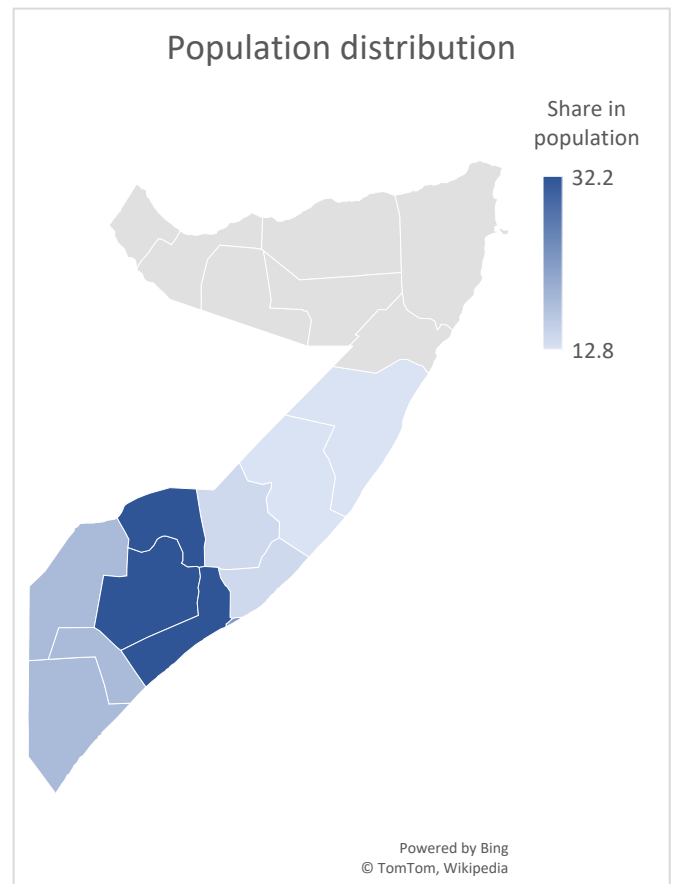


Figure 3 Population distribution in the area of interest

However, if we were to look at responses by district, we start seeing how the distribution is more reflective of population. Below are the 30 districts with the most interviews. These districts gave a combined 976 interviews, which is 81.3% of the total. They also represent 87.5% of the corruption reports.

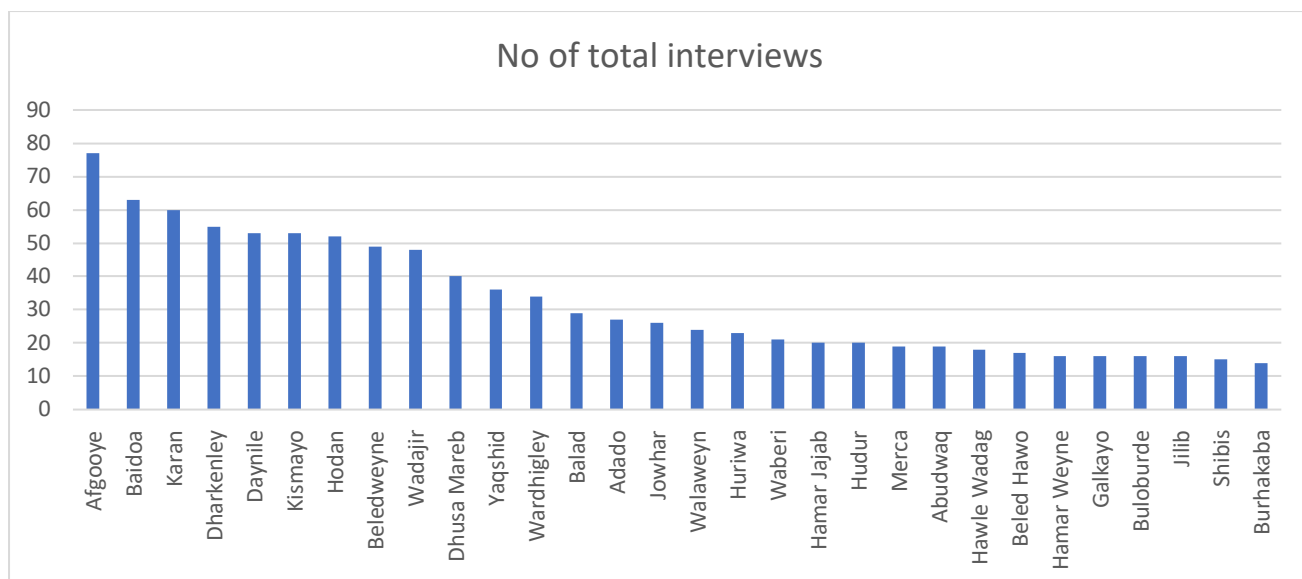


Figure 4 Interviews per district

#### Age and gender distribution

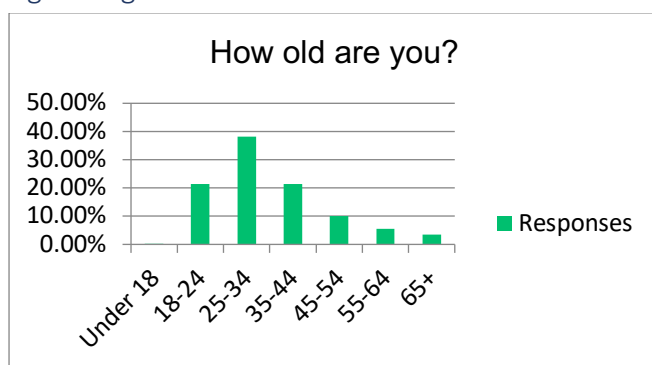


Figure 5 Overall responses

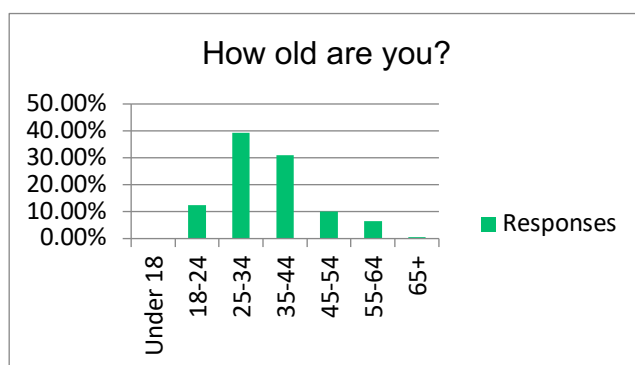


Figure 6 Bribe-payers' responses

There was a slight over-representation of men compared to women. Again, this seems to be because of economic reasons. Men have more access to phones than women. Nevertheless, this male bias was less pronounced compared to our online campaigns, which see men represent up to 70% of the online population. This suggests that men not only have more phones than women, but that almost all their phones are smartphones while most women use phones without internet capability.

The economic disparity between genders is again reflected in the over-representation in male subjects in the paying of bribes. This seems to correspond with female labour force participation in Somalia.<sup>4</sup>

<sup>4</sup> See <https://data.worldbank.org/indicator/SL.TLF.TOTL.FE.ZS?locations=SO>

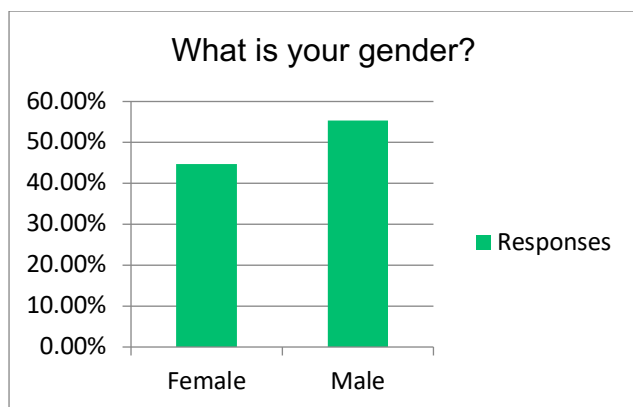


Figure 7 Overall response

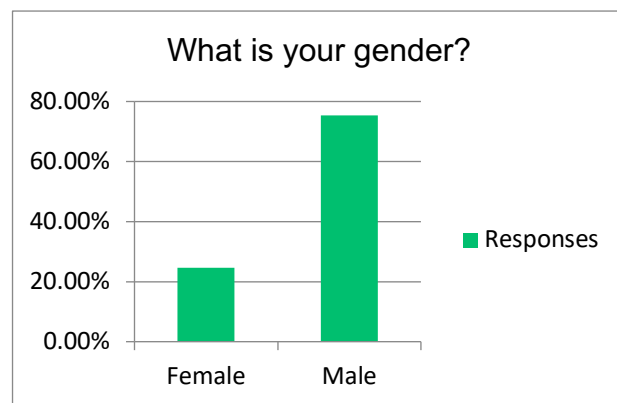


Figure 8 Bribe-payers' response

### Employment status

The unemployment rate of the respondents corresponds with the UN estimate of unemployment in Somalia.<sup>5</sup>

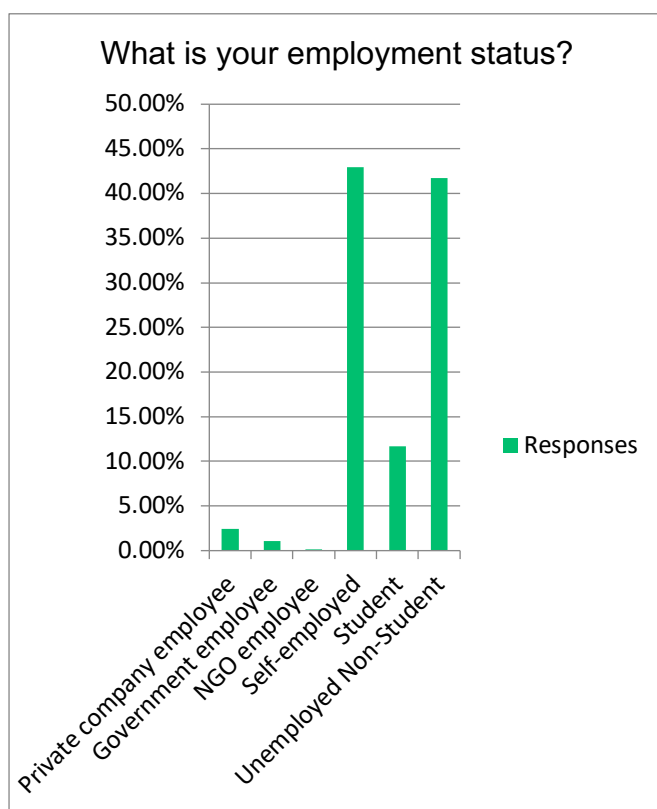


Figure 9 Overall response

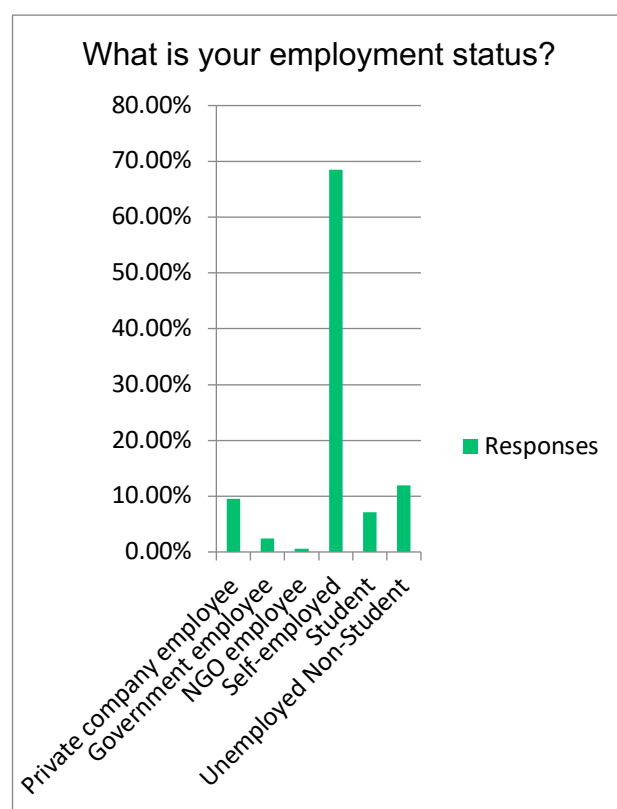


Figure 10 Bribe-payers' response

<sup>5</sup> See [https://reliefweb.int/sites/reliefweb.int/files/resources/Thematic%20briefing\\_youth\\_final.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/Thematic%20briefing_youth_final.pdf)



### Payment of bribes

Overall, 14% of all people in the country paid bribes in the year of 2020. However, this does not reflect the severity of the problem. This is because of two main reasons: firstly, the presence of the government is limited largely to urban centres; and secondly, within those urban centres, government presence is limited to safer areas and concentrated around government installations. For instance, in Mogadishu government presence is concentrated around certain districts. As we shall see later, these areas have significantly more cases of bribery than do other areas.

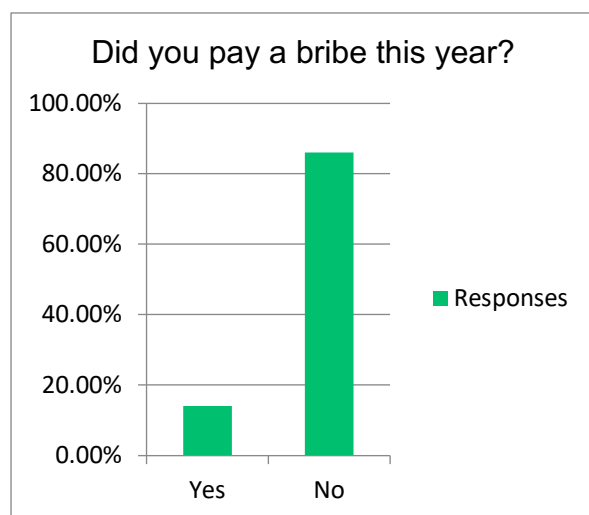


Figure 11 Overall response

### Complaints of bribes

More than 95% of the people that paid a bribe said that they did not complain about the bribe they were forced to pay. This is because they do not know to where they could complain: more than 83% said they did not know to where they could lodge a complaint.

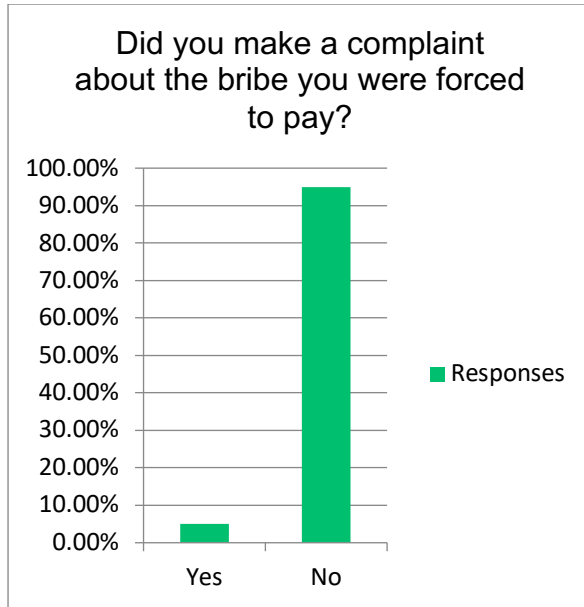


Figure 12 Bribe-payers 'response

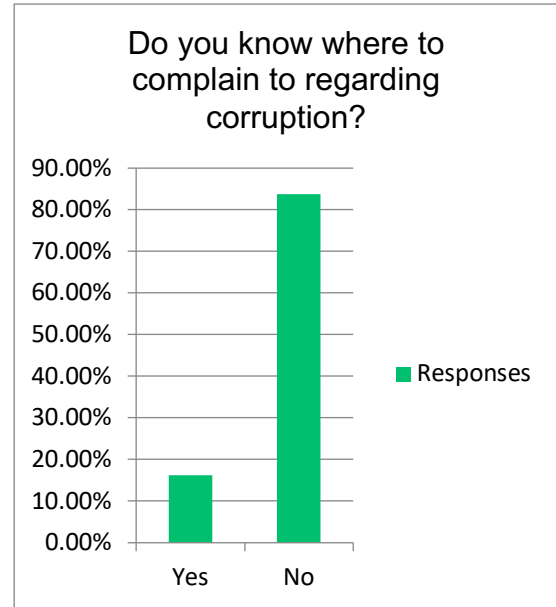


Figure 13 Bribe-payers response

### Trend in bribe-payments

About two-thirds of people that paid a bribe said that it is the same as the preceding year or has increased. Understandably, those that did not pay a bribe perceive it to have decreased.

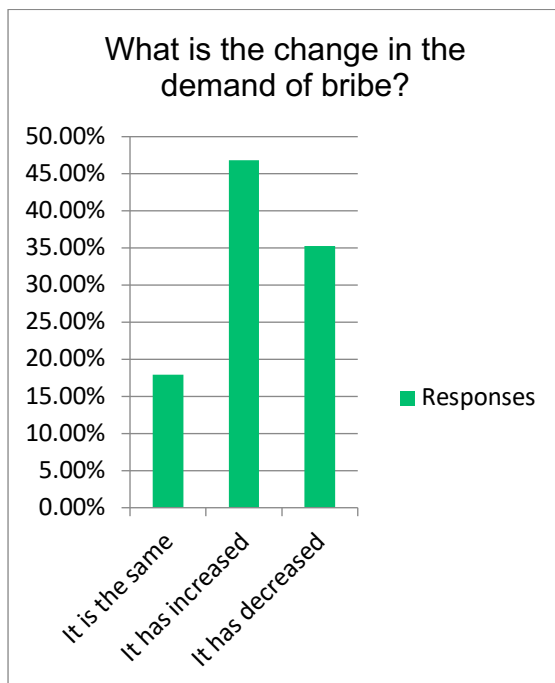


Figure 14 Bribe-payers' response

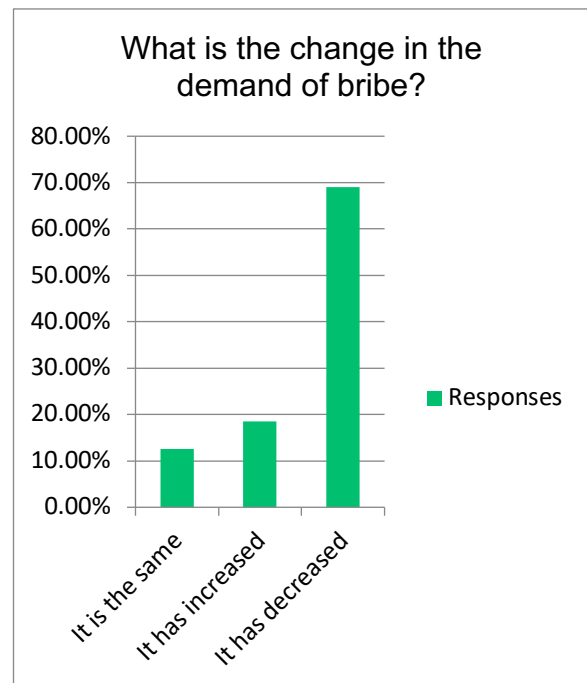


Figure 15 Overall response

### Frequency and amounts paid

Most bribe-payers paid a few times a year; however, 12.5% paid a bribe once a month, while 5% paid a bribe once a week. Those that paid daily represented 0.6% of the people that paid a bribe.

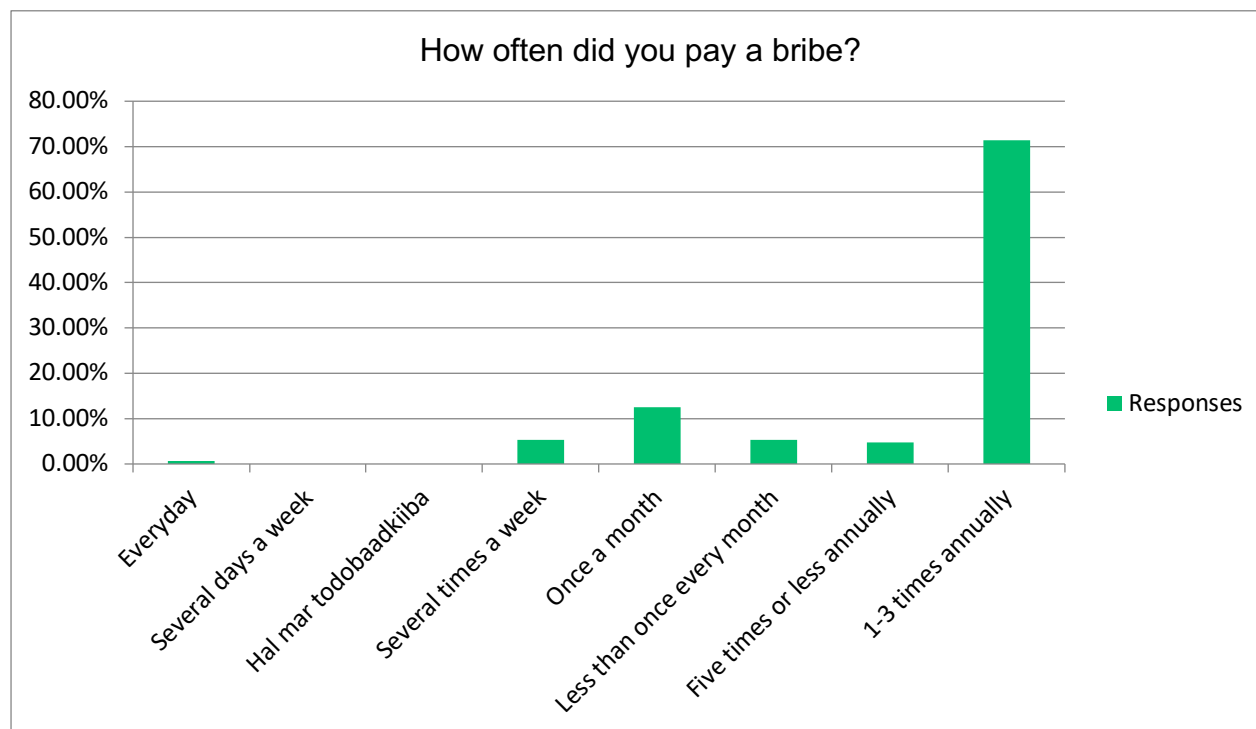


Figure 16 Frequency in bribe payments

While most bribe payments seem small, more than a third of bribe-payers paid monies that amount to between 12% to 37.5% of the annual average per capita income in Somalia.<sup>6</sup>

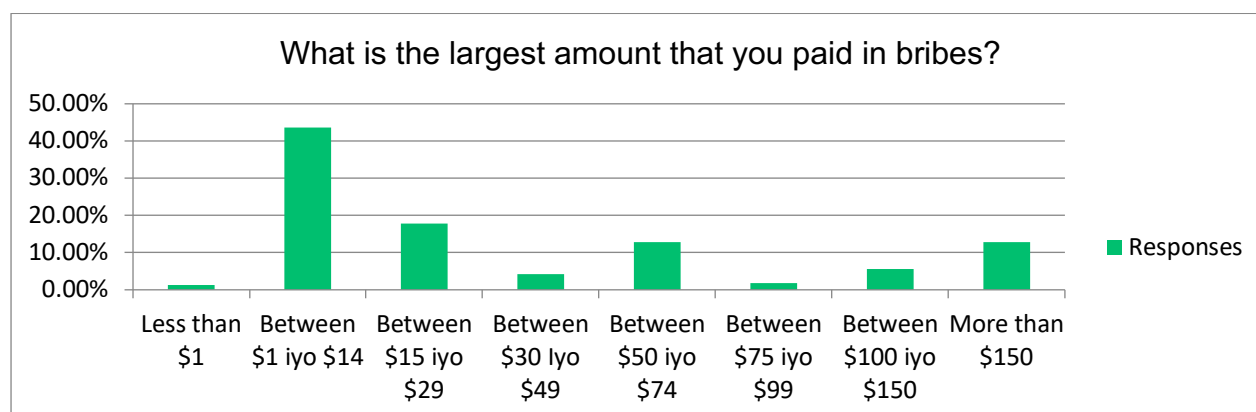


Figure 17 Largest amounts paid

<sup>6</sup> See <https://www.afdb.org/en/countries-east-africa-somalia/somalia-economic-outlook>

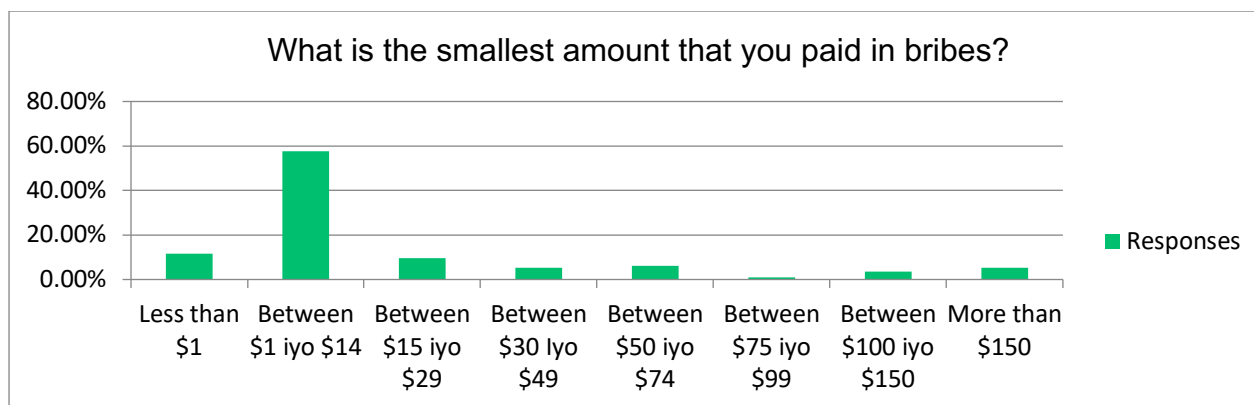


Figure 18 Smallest amounts paid

### Bribe-takers

As can be seen from the below chart showing how the payment of bribes was spread across different entities, the power and presence of an entity across the country was directly proportional to its bribe-taking.

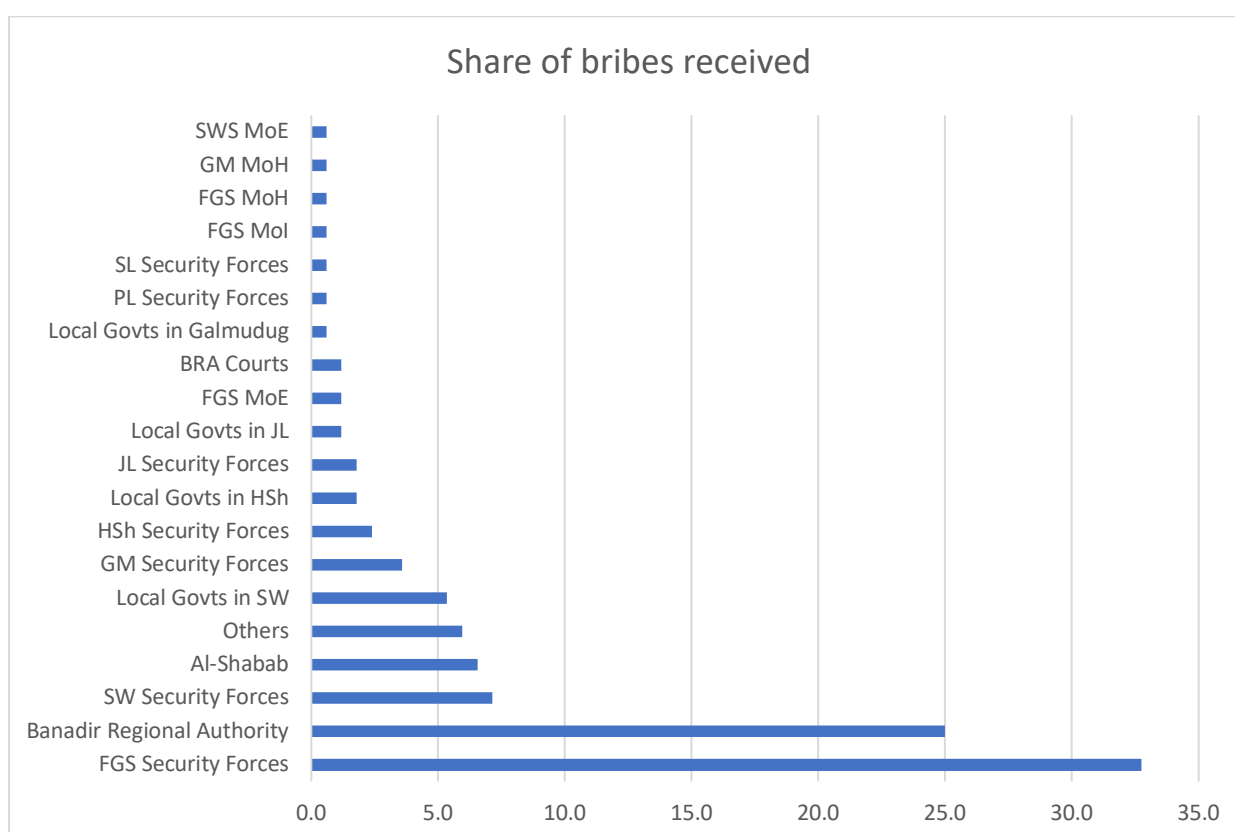


Figure 19 Share of each entity in bribe-taking

## Bribe payers by state and district

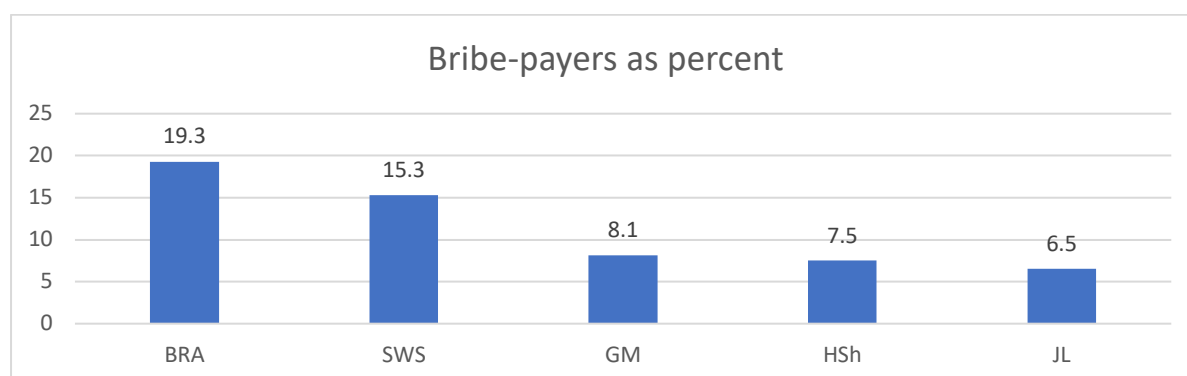


Figure 20 Percent that paid a bribe, by region

Banadir and Southwest State saw the highest rate of bribe paying. This is because Banadir has the largest economy and SWS has the largest population, aid recipient, and farmlands. This and the heavy security presence in both places provide more opportunity and opportunists present in these areas than in others.

This proliferation of bribe paying in wealthier and more securitised areas becomes even more apparent when we look at individual districts within a state and look at the most bribe-paying districts in the country. The top 25 bribe-paying districts represent 86% of all bribe-payers in the country.

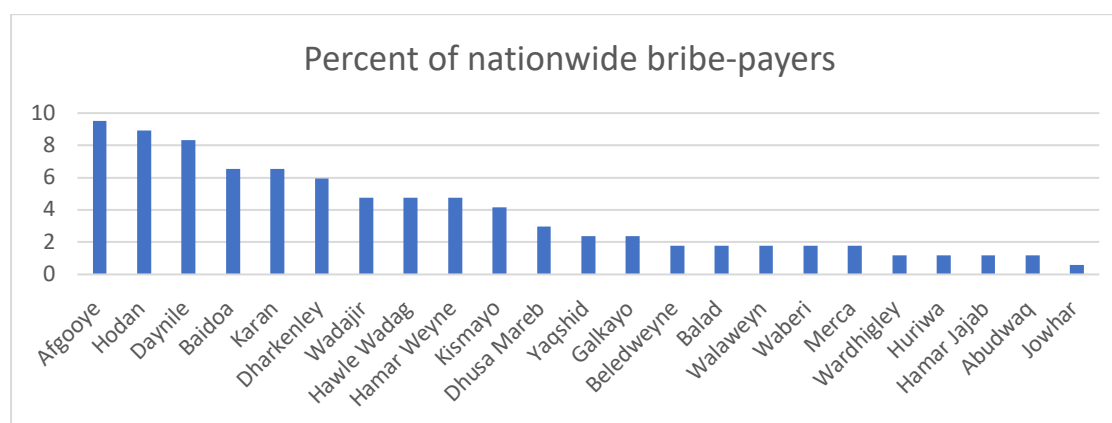


Figure 21 District share of nationwide briber payers

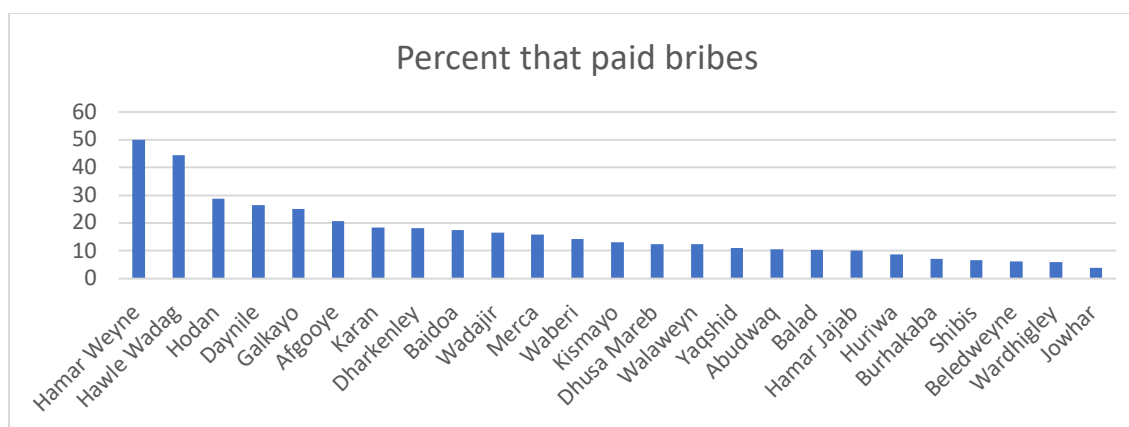


Figure 22 Highest bribe-paying districts <sup>7</sup>

As can be seen from the figures above, most bribe-payers countrywide are located in wealthier districts with strong government presence. And to make matters worse, the rate of bribe-paying is also very high in these districts. Looking deeper into the Federal Member States gives us further insight into this issue. Smaller districts that see a handful of reports see a higher rate of bribe-payers. For instance, in a district with only one report of a bribe-paying, the rate will erroneously show as 100%. Since the sample is too small, we have decided to disregard it as reflecting the actual situation. However, we will show some of these in the individual state's section.

#### Southwest State

Most reports from SWS are from its main cities of Afgoye and Baidoa. While most see towns see the number of people interviewed there being proportional to its share in interviews conducted across the state, wealthier districts see disproportional bribe-paying reports.

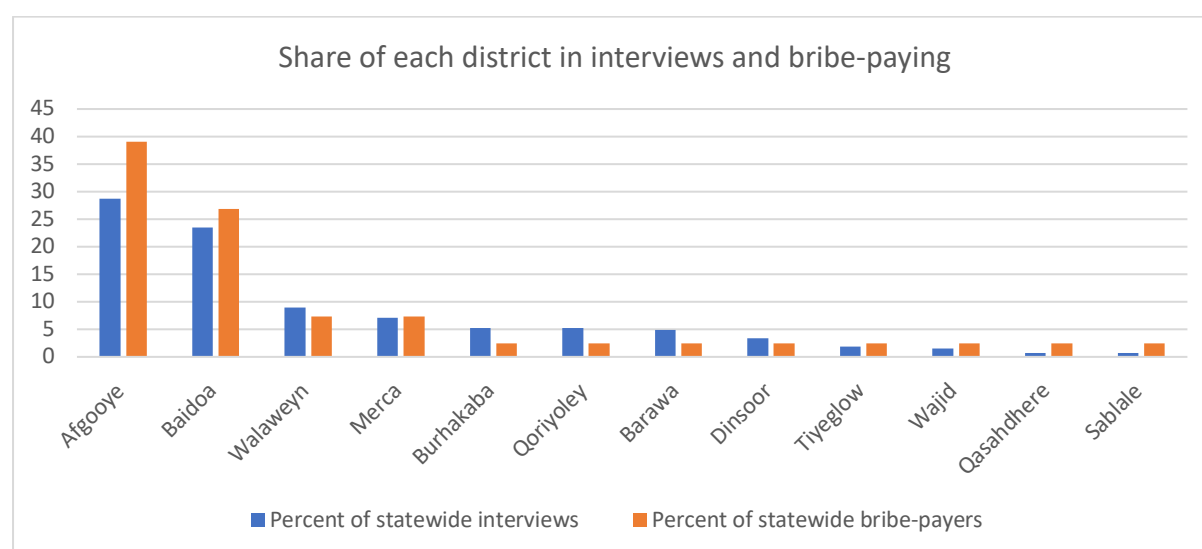


Figure 23 Southwest state interviews and bribery reports

<sup>7</sup> This is based on the top 25 districts with the most interviews.

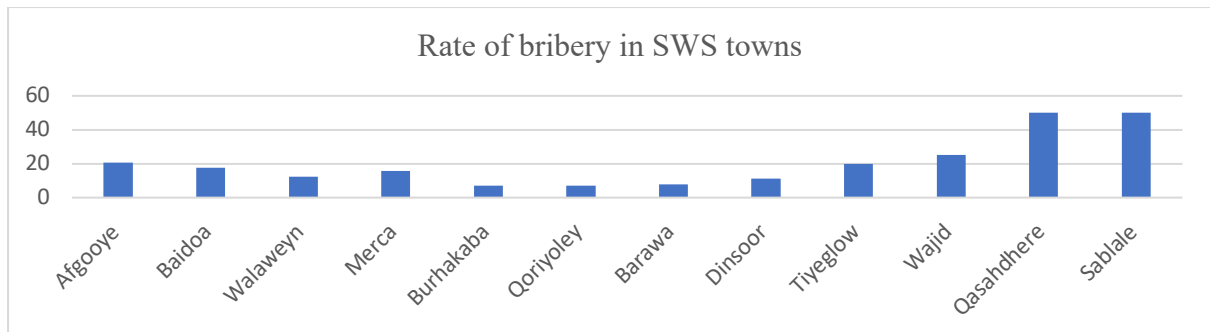


Figure 24 Bribe-paying rate in SWS districts: biased towards smaller samples.

#### Jubbaland State

Nowhere is the effect of development and state presence without the presence of accountability in increasing bribery more evident than in JL. As can be seen below, only four districts that represent just half the interviews represent 100% of the bribe-paying. Three are government-held and one AS-held.

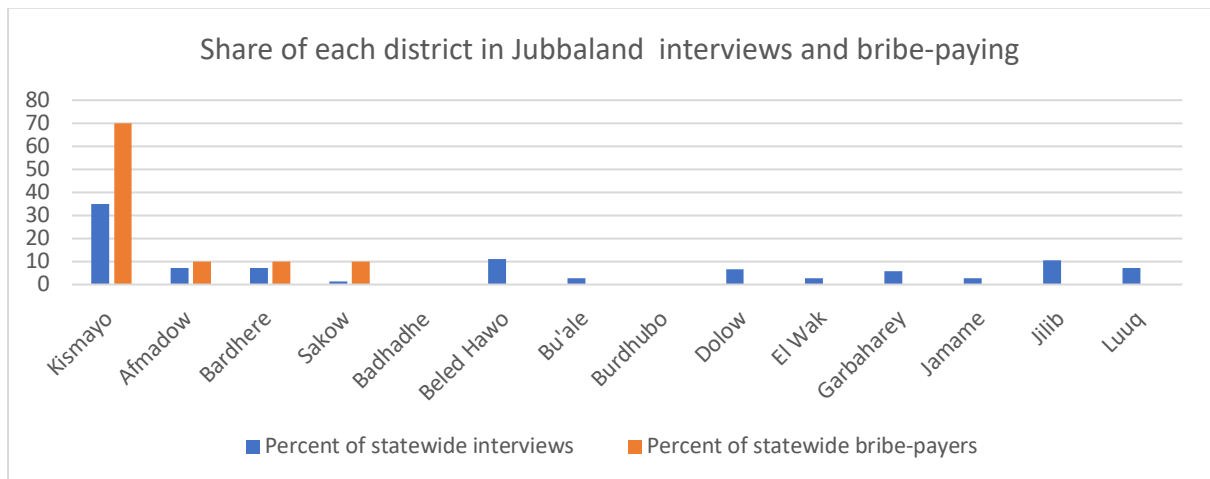


Figure 25 Jubbaland state interviews and bribery reports

#### HirShabelle and Galmudug

Much of HSh and GM is not controlled by the government, with the state being weak where it is present. The weakness and absence of the state can be noticed in the absence of low incidence of bribery.

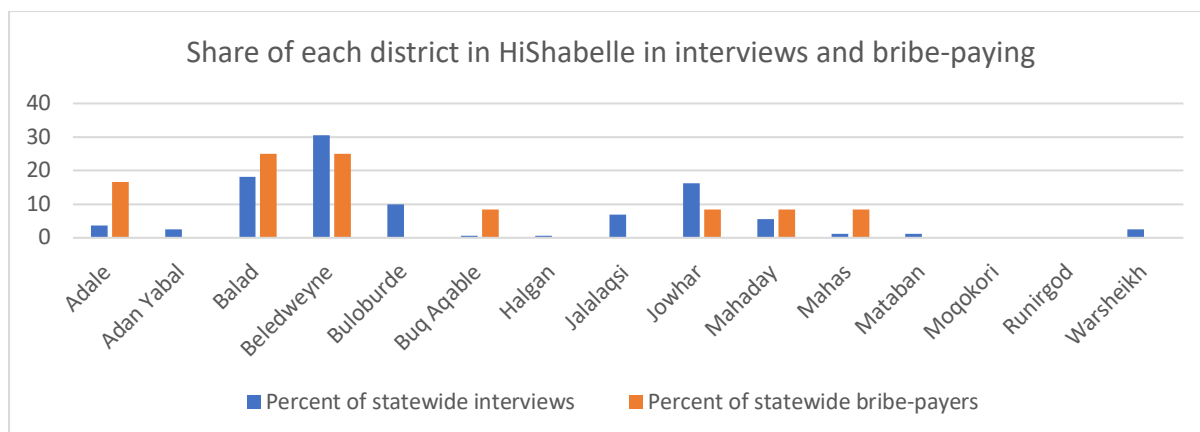


Figure 26 HirShabelle state interviews and bribery reports

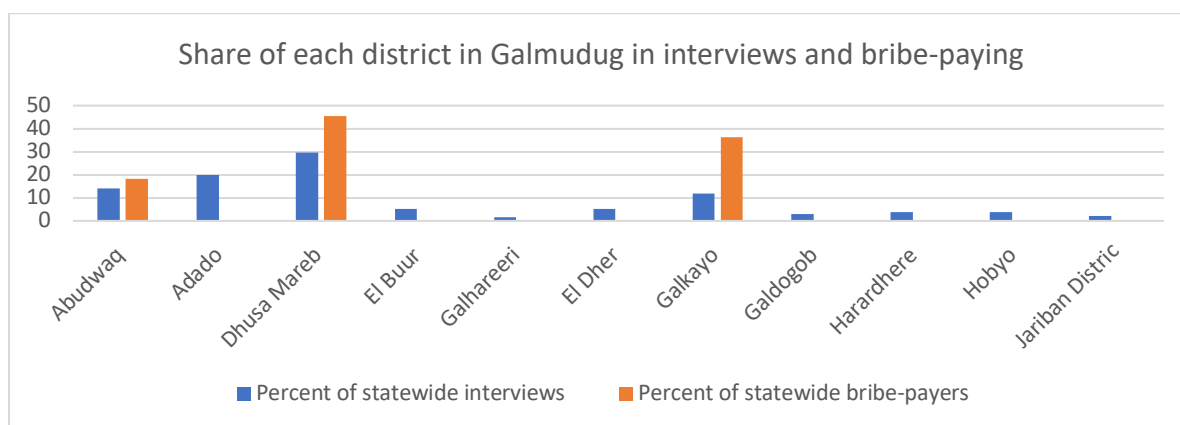


Figure 27 Galmudug state interviews and bribery reports

### Banadir

In Mogadishu, the state is strongest south of Wadnaha Street – bribe paying is highest in these areas. Hamarweyne and Hawlwadag, where you have the two main markets see half of the people paying bribes. These are followed by AbdiAziz and Hodan – the entertainment and economic centres, respectively.

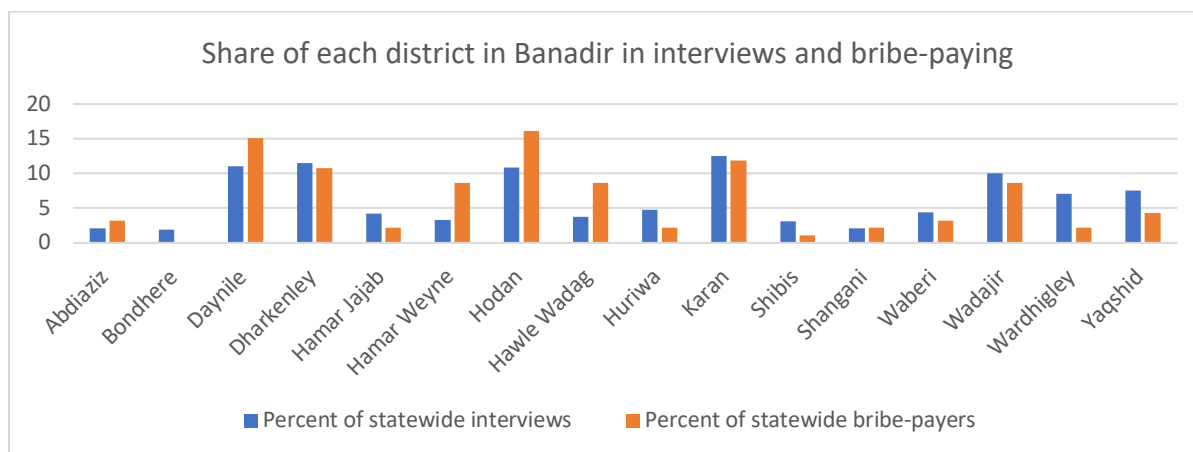


Figure 28 Banadir interviews and bribery reports



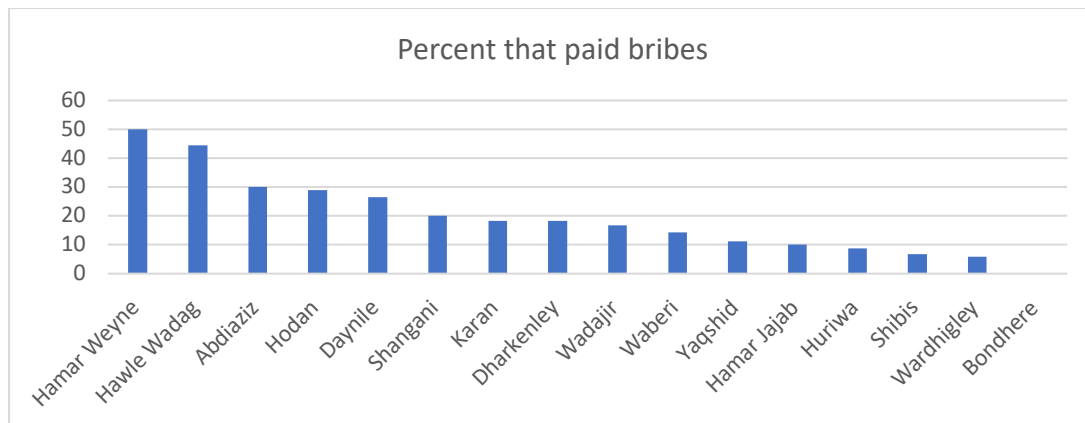


Figure 29 Bribe-paying by districts in Banadir

## Conclusion

The current trajectory of state building that is unrestrained by the rule of law and representative government is already showing signs of deviation towards authoritarianism. Individual officers take the law into their own hands, at best, extorting the public and intimidating them; at worst, civilian drivers are gunned down for minor traffic violations. At the strategic level, political leaders use the security forces to intimidate their opposition and unconstitutionally maintain their hold on power.

As in our last corruption report, we are saddened to repeat some of the recommendations from the last report. Had our recommendations been heeded, the rule of law would have been strengthened. It is therefore essential that Somalia's friends push the political leadership to enact these recommendations, otherwise their support could lead to the creation of a brutal authoritarian regime. We are simply asking that the existing provisions in the constitution be implemented; the government would not be doing anything extraordinary by taking the steps we are recommending.

Our recommendations, returning from last year, are as follows:

1. Complete creating the still-uncreated accountability institutions, especially the Judicial Service Commission, the Ombudsman's office, and the anticorruption commission, whose underlying legal framework was signed into law by the President;
2. The elections should be transparent, and civil society given the access to monitor it;
3. The constitutional review should clearly define the powers of the PM and the President; further clarify FGS-FMS relations and separation of powers; and create a conflict resolution mechanism between FGS-FMS;
4. Individuals implicated in corruption should be fired and prosecuted;
5. Asset declaration of officeholders should be enshrined in law;
6. The financial accountability mechanisms in the FGS should be implemented at BRA as it is a major loophole in the system;

7. The OAG's recommendations should be implemented in full;
8. Somalia's international partners should use their influence in encouraging the FGS to adopt these recommendations otherwise their state building efforts will continue to be wasted.

As can be seen from the above recommendations, which are from last year, the problems are recurring and predictable. Ignoring these will worsen the situation and only waste the resources of all involved parties.