

# Building Democratic Accountability in Areas of Limited Statehood<sup>1</sup>

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## *Abstract*

*A growing body of multidisciplinary research is reinforcing the understanding that institutions of accountability are instrumental to achieving sustained development and stability. However, the starting point for many contexts of limited statehood – autocratic legacies, low social capital, and cultures of impunity – indicates that these societies are poorly positioned for progress. This paper examines the processes and types of accountability structures that have emerged in selected contexts of limited statehood. It does so by presenting a conceptual framework of key state-based and non-state based mechanisms of public accountability. This recognizes that in many contexts of limited statehood, such checks and balances must be directed at the executive branch, which historically has monopolized power and defied oversight. Case studies of the experiences of Somaliland and Liberia highlight the importance of non-state mechanisms of accountability – often traditional authorities – in the early stages of a reform movement or political transition. Media, information and communication technology, civil society groups, and external actors also play critical early roles in enhancing accountability and shaping political will. Noteworthy progress has also been realized with state-based mechanisms of accountability, however, these institutionalized processes generally take longer to become established. Unless other societally-based accountability measures can be mobilized in the interim, the momentum for reform is difficult to sustain.*

## **CULTURES OF IMPUNITY**

General Ahmad Zia Yaftali was suspended from his role as Surgeon General of the Afghan Army in November 2010 for allegedly stealing tens of millions of dollars worth of drugs from the country's main military hospital. The charge was especially serious since Afghan soldiers regularly died from simple infections at the hospital, which he ran, because they could not afford to bribe nurses and doctors to treat them.<sup>3</sup>

Despite the suspension of the politically-connected general, the investigation remained in limbo until a year later when Afghan President Hamid Karzai demanded to see the evidence – evidence that he had been shown when the allegations were first put forward.<sup>4</sup> The implication was that an

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<sup>3</sup> Rosenberg, Matthew and Graham Bowley. 2012. "Intractable Graft Hampering U.S. Strategy," *New York Times*, March 7, 2012.

<sup>4</sup> *Ibid.*

officer who was accused of letting his soldiers die so that he could enrich himself would never be tried. This despite a pledge by President Karzai at a major donors' conference in Germany just several weeks earlier to end the "culture of impunity" in Afghanistan.

The case illustrates the reality faced by many poor countries where the lack of accountability of political leaders and government officials undercuts the provision of needed goods and services contributing to chronic poverty, privations, and weak capacity. Corrupt government officials view public assets as their personal entitlement. Rather than condemning such actions, senior leaders themselves are often involved, providing the legal and political protection their underlings require to avoid punishment. Mirroring patterns exhibited nationally, weak accountability is also often pervasive at local levels.

Corruption is not the only implication of unaccountable governance. Other ramifications include policy priorities that systematically benefit a minority, using state resources to seek retribution against potential rivals, and politicizing ostensibly independent arms of government such as the judiciary, security sector, and anti-corruption commissions. Abuse of power, moreover, includes manipulating the mechanisms by which power itself is authorized via stolen elections, controlling the media, and denying individuals or certain groups basic freedoms such as the rights to speech, assembly, and political participation. Abuse of power may also take the form of political violence where individuals or entire communities are targeted with intimidation, imprisonment, torture, or murder. Acts of genocide are the most extreme form of such abuse.

Unaccountable governance persists when there are no alternative sources of power in a society, formal or informal, that can compel senior officials to act in a legal, transparent, even-handed, or public-spirited manner. Instead, they evade scrutiny because they are considered above the law. As this norm is accepted, a culture of impunity sets in.

The lack of accountability is not simply an obstacle to development in the short term. It creates negative legacies for decades perpetuating stagnant development, conflict, and autocracy.<sup>5</sup> Norms of corruption, cronyism, inequity, and illegitimacy are established. Youth learn that to get ahead they must participate in such networks. Groups that are excluded scheme for opportunities to 'get their turn' on top. With such winner-take-all stakes, competition for political power tends to become more violent and destabilizing. Accordingly, contexts marked by systemic impunity are often characterized by deep grievances and social polarization. In short, the lack of accountability is the institutional antithesis of what is needed for progress.

Meanwhile, there is a growing recognition among scholars, practitioners, and policymakers that good institutions and accountability are vital to achieve sustained development and stability. Strong divergences in performance can be traced to quality of accountability institutions. A central question, therefore, is how do countries that are in one stream cross over to the other? More precisely, efforts to build accountability are typically not starting from a neutral point but from a legacy of impunity and dysfunctionality that may be deeply embedded in a society. How can they break out of these negative cycles?

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<sup>5</sup> Siegle, Joseph. 2007. "Overcoming Autocratic Legacies," *Development Outreach*, World Bank Institute, Vol. 9(3), November 2007, pp. 6-8.

Contexts of limited statehood are not necessarily without accountability. However, including as they do, post-conflict environments and societies undergoing political transitions, a significant share of contexts of limited statehood face challenges of limited accountability. Nor are these contexts restricted to a few isolated locations. According to the State Fragility Index, 58 countries are categorized as facing moderate to severe levels of state fragility.<sup>6</sup> This represents roughly a third of all states in the global system today. In short, the challenges of governance in areas of limited statehood have relevance to a broad swath of national and subnational contexts with wide implications for stability, economic growth, and development. The focus of this paper is to probe the processes by which accountability structures have emerged out of such contexts of limited statehood.

The structure of the paper is to unpack the concept of accountability and why it is important to social goals. It will then put forward a framework for organizing the various dimensions of accountability. The paper then presents several case studies of contexts of limited statehood that have transformed from being highly unaccountable environments to ones in which accountability structures have emerged or are gaining traction. From this, the paper analyzes some of the priority drivers of these accountability mechanisms in each context and common patterns that emerge from each.

## **ACCOUNTABILITY MATTERS**

The very breadth and richness of the term “accountability” lends itself to numerous uses and interpretations. For that matter there are various levels of accountability – individual, group, professional, and corporate accountability to name a few. The focus of this paper is on public accountability, specifically the accountability of public leaders to citizens be they at the community or national level. Using this lens, this paper identifies accountability as mechanisms by which public authorities are obliged to be responsive to the preferences of the general public, maintain the transparency and fairness of public institutions, operate within established constraints, and face sanction for abuses of power.<sup>7</sup>

In practical terms, then, accountability is about effective counter-weights to the monopolization of power and fostering fairness in the conduct of public affairs. In this way, it is aimed at enabling and protecting the public interest. It also implies the real risk of penalty for actions found to be contrary to these priorities. As such, accountability is the antonym of impunity (i.e. exempt or free from punishment, harm, or loss). Accountability sets parameters on those in power. Colloquially, accountability involves incentives to do the right thing, constraints against doing the wrong thing, and means for corrective action when there are abuses of power.

While accountability applies to a whole host of issues, to sharpen the discussion, this paper highlights six key focal areas where the expectations of public accountability are greatest:

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<sup>6</sup> Marshall, Monty G. and Benjamin Cole. 2011. *Global Report 2011: Conflict, Governance, and State Fragility*. Vienna, VA: Center for Systemic Peace.

<sup>7</sup> Siegle, Joseph. 2001. *Democratization and Economic Growth: The Contribution of Accountability Institutions*. Doctoral thesis, School of Public Policy, University of Maryland; World Bank. 2011. *World Development Report 2011: Conflict, Security, and Development*. Washington: World Bank.

- Policy priorities (i.e. the degree to which policies are inclusive and equitable)
- Use of public funds (i.e. controlling corruption)
- De-linking economic opportunity to political allegiances (i.e. cronyism)
- Equality before the law (i.e. independence of the judicial sector)
- A level playing field in the process of competing for political power (i.e. elections)
- Preventing the deployment of the coercive capacity of the security sector for political ends (i.e. human rights abuses, intimidation)

Pursuing accountability is important for more than ethical or ethereal ends. As put forward in classic works by Mancur Olson, Douglass North, and Robert Putnam institutions based on norms of transparency, fairness, and consistency will be more productive and can be expected to realize a more efficient allocation of resources generating a higher return on their human and physical capital.<sup>8</sup> They are similarly less susceptible to the sclerotic effects created by the disproportionate influence of entrenched particularistic interests.

The construct holds that more equitable, transparent, and participatory institutions create incentives for investment in public goods and services that generate more consistent and broad-based development. In addition to the long-term benefits that enhanced human capital provides to economic growth, more even-handed institutions foster greater economic competition, innovation, and productivity. This results not only in a more efficient allocation of public resources but a more equitable allocation of opportunity. Combined with established mechanisms for addressing grievances, this institutional foundation is less prone to societal conflict.

Checks on the chief executive, likewise, place curbs on the extended pursuit of radical policies that can have devastating effects on an economy and society. Such constraints also limit the scope by which those in power can use their position to seek reprisals against political rivals. This reduces the winner-take-all nature of politics characteristic of so many developing countries. The regulation of power also enables politics to become a viable platform for competing interests to pursue their goals rather than other, including violent, means. Similarly, the establishment of a credible and systematized manner for the competition of political power adds stability to a society by creating strong disincentives, in terms of illegitimacy and lack of authority, for extralegal attempts to gain power.

Cross-national analysis largely substantiates this theoretical construct. Countries with stronger institutions of accountability have tended to experience more rapid and stable economic growth, more broad-based development, and less conflict than countries with weaker mechanisms of accountability.<sup>9</sup> Controlling for income, this translates into 45 percent more rapid growth, 15-40

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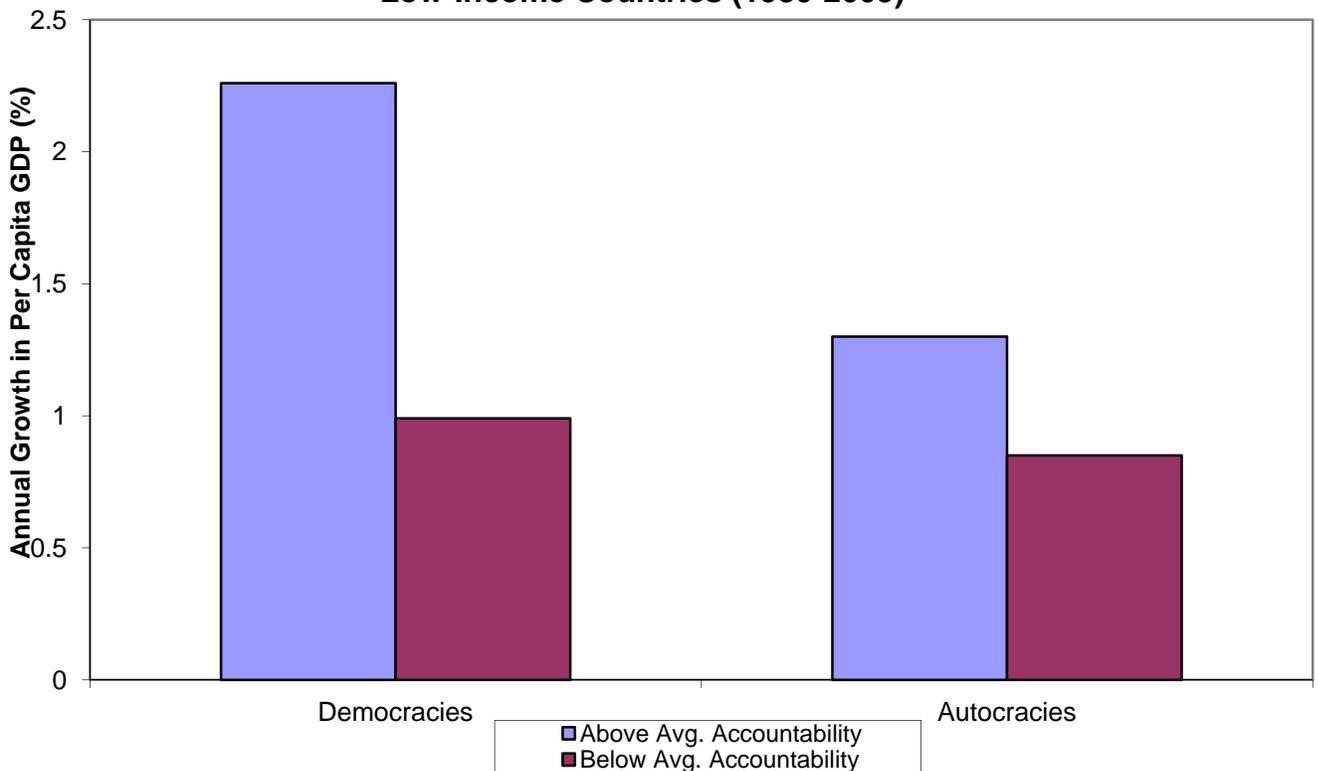
<sup>8</sup> Putnam, Robert. 1993. *Making Democracy Work: Civic Traditions in Modern Italy*. Princeton: Princeton University Press; Olson, Mancur. 1993. "Dictatorship, Democracy, and Development," *American Political Science Review*, Vol. 87, No. 3; North, Douglass. 1990. *Institutions, Institutional Change, and Economic Performance*. Cambridge: Cambridge University Press.

<sup>9</sup> Kaufmann, Daniel, Aart Kraay, and Massimo Mastruzzi. 2006. "Governance Matters V: Governance Indicators for 1996-2005," World Bank Policy Research Working Paper #4012; Rodrick, Dani. 1999. "Institutions for High-Quality Growth: What They Are and How to Acquire Them," paper prepared for the International Monetary Fund Conference on Second-Generation Reforms, Washington, D.C. November 8-9, 1999; Clague, Christopher, ed. 1997. *Institutions and Economic Development: Growth and Governance in Less Developed and Post-Socialist Countries*. Baltimore, MD: Johns Hopkins University Press.

percent superior performance on social indicators, and rates of conflict twice as low.<sup>10</sup> Notably, while not universal, institutional checks and balances tend to move together. Accordingly, gains in checks on the chief executive are also typically accompanied by greater autonomy of the private sector and a free press, etc. Similarly, while each individual component measure of accountability is positively linked to superior economic and social performance, it is the composite index of accountability that carries the greatest explanatory power.<sup>11</sup> In other words, it is the “density” of accountability structures that is most important, rather than a singular focus on any one dimension.

Unsurprisingly, there is a strong overlap between countries with more robust accountability structures and democratic institutions. Democracies on average have demonstrated accountability levels three-fold as strong as autocracies. Among developing countries the differences are less, though still substantial – roughly twice as large. This reflects the relatively younger state of democracy and less mature accountability institutions. Nonetheless, while strengthening institutions is a slow incremental process, these institutional measures show that discernible gains can be made within individual countries over the course of a decade.

**Figure 1. Divergence in Growth Rates by Accountability Level, Low-Income Countries (1980-2005)**



Source: Halperin et. al. 2010.

<sup>10</sup> Halperin, Morton H., Joseph Siegle, Michael M. Weinstein. 2010. *The Democracy Advantage: How Democracies Promote Prosperity and Peace* (revised edition), New York: Routledge.

<sup>11</sup> Siegle, 2001. Accountability is instrumentalized as a 50 point scale with equal weightings of five different institutional measures: checks on the chief executive, independence of the civil service, autonomy of the private sector, independence of the judiciary, and freedom of the press.

Perhaps more meaningfully is the great variance in accountability levels within regime types. Developing country democracies, for example range from 20-45 in their accountability scores on the 50 point scale. Similarly, low-income autocracies diverge in their accountability performance with scores between 10-30. These divergences translate into stronger economic performance. Among democracies, those in the top tier of accountability scores average economic growth rates twice as fast as those in the bottom tier (see figure 1). For autocracies the differences are also pronounced. Those with relatively stronger accountability structures realize growth rates 50 percent higher than those with weaker accountability structures.<sup>12</sup> The same patterns apply for countries undergoing political transitions. That is, the degree to which countries undergoing a democratic transition can establish accountability structures, the far more likely they are to realize rapid growth, improvements in social conditions, avoid conflict, and realize a successful political transition.<sup>13</sup> In other words, it is the depth of accountability structures created, more than the establishment of an electoral democracy, that explains democracies' generally superior development and stability performance.

### **ACCOUNTABILITY FRAMEWORK**

While the goal of accountability may be uncontroversial, the process of establishing these systems is elusive, especially in contexts without a legacy of such values and institutions. The dynamics surrounding the patterns of accountability in a society fit closely within the narrative of collective action.<sup>14</sup> Power in societies often coalesces around a minority who are able to maintain their privileged position because of their close-knit networks and access to information (be it budgetary, sources of funding, contracting mechanisms, licenses, sales of public assets, etc). Consequently, they are best positioned to take advantage of public monies and services. This results in a disproportionate allocation of resources and opportunities in a society. In many societies, these elite networks are established as forms of patronage where access to state resources is provided as a quid pro quo for political support of a political leader or party. Often these networks are organized around a common bond of ethnicity, political allegiances, or geographic origin. To be sustained, they require support from key actors in the political, business, and military arenas. Being small and well-connected, these networks are relatively easy to organize and mobilize toward a given goal. Actors within the network recognize the degree to which they benefit from the privileged arrangement and therefore are highly motivated to work to keep the system in place.

Such arrangements work to the disadvantage of the majority, however, who receive disproportionately fewer benefits as a result. This exploitation persists because of the organizational dynamics involved in mobilizing a large group. Individuals are highly dispersed and unknown to one another. Moreover they have access to only a fragment of information. Therefore, they are initially unlikely to even be aware of the degree to which they are subsidizing

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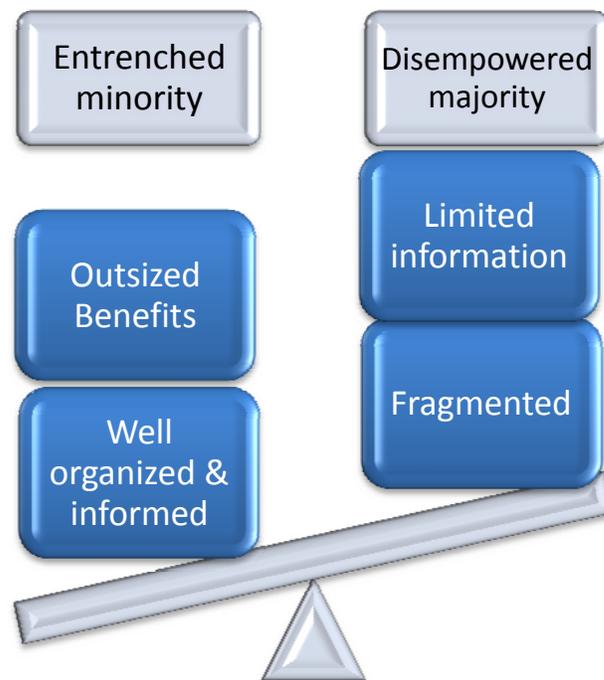
<sup>12</sup> Halperin, Siegle, Weinstein, 2010.

<sup>13</sup> Siegle, 2001; Siegle, Joseph. 2007. "Explaining the Variation in Economic Performance of Developing Country Democratizers," paper prepared for the Community of Democracies Seminar on Democracy and Development: Poverty as a Challenge to Democratic Governance, Bamako, Mali, March 29-30, 2007.

<sup>14</sup> Olson, Mancur. 1964. *The Logic of Collective Action: Public Goods and the Theory of Groups*. Cambridge: Harvard University Press.

the minority network. Lacking the specific information about how much they stand to gain from a more equitable allocation of public monies, they are not highly motivated to try and redress the situation. Even when individuals come to understand the degree of their disadvantage, the value of these benefits are unlikely to outweigh the personal costs involved in attempting to do something about it. It is the flipside of the Tragedy of the Commons dilemma. Each individual would be better off under a more equitable arrangement. However, the costs to the individual for taking the initiative to organize sufficient numbers of the majority are a disincentive. The privileged network, in turn, has incentives to keep these costs high. Moreover, the organizational challenges of identifying, informing, educating, and cohesively mobilizing a large number of people is an enormous undertaking requiring skill, energy, and sustained commitment. All said, the minority has the clear advantage (see figure 2).

**Figure 2. The Collective Action Imbalance**



In practical terms, given the legacy of consolidated political authority in many developing countries, most threats to the abuse of power and influence occur from the executive branch – often localized in a single leader. Rather than government authority being divided between ‘branches,’ as is commonly portrayed, in fact, the executive is the font of power, with the legislature and judiciary serving as de facto appendages (see figure 3). Likewise, the executive office in unaccountable systems endeavors to absorb and politicize usually independent functions like the media, private sector, and security sector. The preponderant focus of accountability measures, therefore, is designed to curb the monopolization of political authority by the executive. This discussion, therefore, assesses key accountability measures vis-à-vis their capacity for balancing the executive. These are categorized by those that are state-based or formal domestic political structures versus those that are non-state or societally-based.

## STATE-BASED ACCOUNTABILITY

*Elections.* Vertical accountability is established by creating incentives for political leaders to respond to priorities of the general population. This link is most clearly made via elections. With periodic, competitive elections in which the executive (and legislative representatives of the public) is chosen and can be replaced, political leaders are compelled to present a policy agenda and conduct themselves with values that are consistent with the interests of voting citizens. In addition to elections, citizen preferences shaping vertical accountability are articulated through various media outlets and civil society channels (discussed further below).

*Legislatures.* Legislative assemblies are both an indirect means of vertical accountability as well as an institutionalized horizontal check on executive power. With the intent of establishing multiple poles of authority, many constitutions stipulate divisions of responsibility between the legislative and executive branches that require negotiation, cooperation, and oversight. These include legislative approval of national budgets, initiation and approval of laws, vetting of nominees for senior government positions, the ability to subpoena government officials to testify before the legislature, and the responsibility to conduct hearings and debate on policy matters or other public concerns, among others.

*Courts.* A common third branch of government is the judiciary – endowed with the authority to interpret laws and rule on the legality of executive actions – thereby serving as a further horizontal mechanism of accountability in the public sphere. By so doing, the judicial system is intended to further reinforce a separation of powers and the principle that political leaders are beholden to rather than above the law. Establishing a rules-based culture creates predictability and credible means of recourse for redressing grievances in a society.

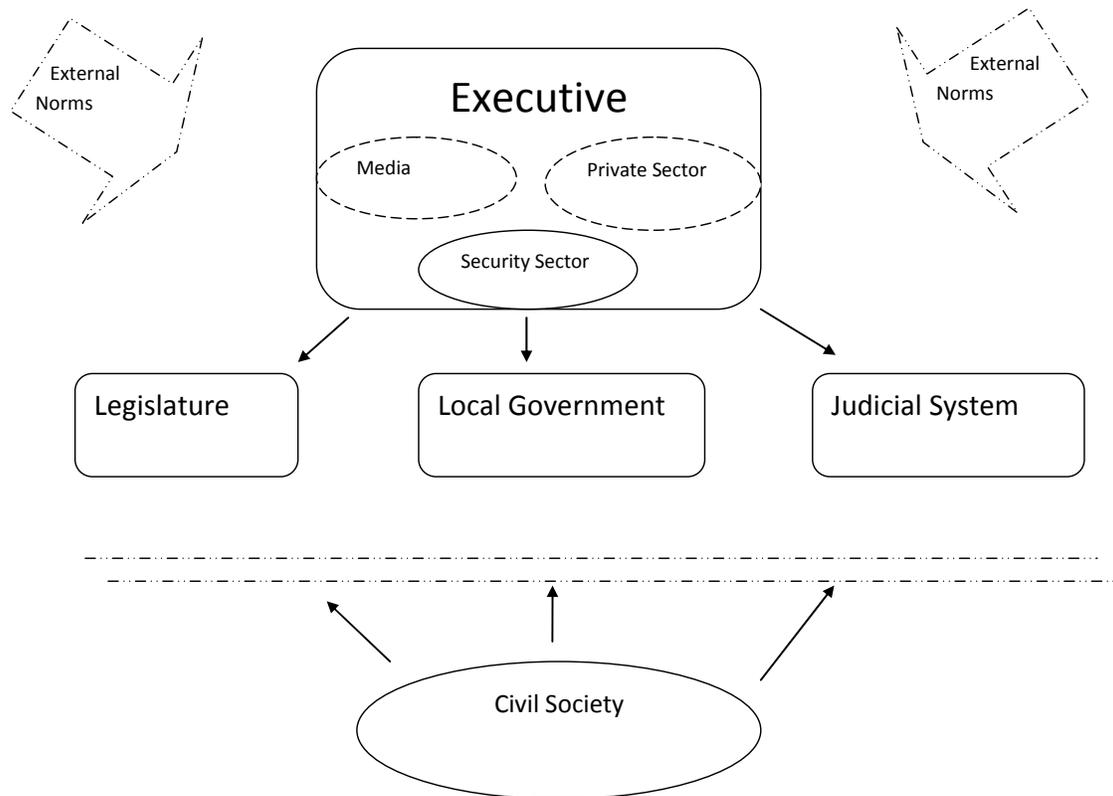
*Political Parties.* Political parties that want to maintain a strong reputation for honesty and effectiveness with the public and by so doing enhance the long-term electoral prospects for themselves have an incentive to rein in executives who are pursuing radical, unpopular, or embarrassing policies. More generally, parties have incentives to recruit and set standards for party members that will enhance the party's credibility with the general public. The norms and standards of the parties, in turn, influence accountability norms in society. When standards in political parties remain weak and governing practices opaque, they serve as poor training grounds for political leaders as they take public office.

*Sub-National Government.* In many developing societies, including those with limited statehood, power is often centralized not just within the executive branch but in the capital city. The diffusion of political, financial, and administrative authority to sub-national government entities is considered a means of correcting against a single center of power in a society. Decentralized systems also aim to enhance accountability by locating decision-making authority closer to the citizens affected by these choices, thereby also generating greater responsiveness. (This assumes local leaders are elected. The incentives for appointed leaders, in contrast, are to the executive, making them more delegated executive authorities than genuinely independent actors). Decentralization is also designed to reflect the diversity of preferences in a society, giving parties out of power at the national level a shared responsibility for governance. This, in turn, fosters the

need for negotiation and compromise not only between the center and sub-national entities but between parties, both serving as checks on executive authority.

*Merit-Based Civil Service.* A key means of public corruption is through the redirection of funds intended for the provision of public goods and services to government officials or allies in the private sector via contracts or outright embezzlement. Politicized government ministries are also more likely to concentrate public monies on groups or geographic regions with close ties to a ruling party, fostering inequities and grievances. The awarding of government positions is itself a form of patronage and means for self-enrichment. Merit-based, autonomous civil service systems are designed to constrain these deleterious activities. Public employees are hired and promoted based on established standards and their demonstrated capabilities. It is on the basis of this expertise that decisions and funding allocations are made to maximize the public interest. An established career track, in turn, provides government employees a rewarding and respectable career of service independent of their political allegiances – or nature of political party in power.

**Figure 3. Dominant Role of Executive Branch in Contexts of Limited Accountability**



*Security Sector.* A particularly critical dimension of a merit-based civil service is the security sector. As the sole entity in society mandated with the legitimate use of force, the security sector has enormous power. The politicization of the security in many developing countries has given political leaders pointed leverage over their political rivals. To maintain loyalty, political leaders may attempt to appoint military officers from the same ethnic group or geographic origin.

Security officials may also be incorporated into patronage networks providing lucrative benefits for allegiance. This results in security sectors emphasizing protection of a regime rather than a state, the constitution, or citizenry. To prevent this pattern from emerging, priority is given to establishing a professional security sector. This is realized through rigorous competency as well as ethical training, establishing an ethos of professionalism and independence, transparent promotion standards based on ability, parliamentary oversight over nominees for senior military posts, and ethnically and geographically balanced recruitment, among other approaches.

## **NON-STATE-BASED ACCOUNTABILITY MEASURES**

*Independent Media and Access to Information.* Independent information is the lifeblood of accountability. Without independent information, legislators are unable to conduct meaningful debates on the effectiveness of government policies and options. Without information inquiries into government wrongdoing cannot be substantiated. Information is a prerequisite to budget oversight. Advocacy groups require information to hold government officials accountable for corruption and other abuses of power. More generally, information is a critical ingredient to educating ordinary citizens of how they are affected by government policies, thereby enabling them to organize in support of their interests.

Independent media plays an indispensable role both in gathering independent information and in disseminating this to a mass audience, effectively empowering the broader society. Both out of public service and in the interest of generating attention, media has incentives to expose corruption, injustice, and abuses of power. Public exposure of corruption and ineffectiveness in the headlines of newspapers, radio, and television broadcasts serves as a very powerful catalyst to spur government responsiveness. Even though it is just four years old, Mozambique's most popular newspaper, @Verdade (Truth in Portuguese), has helped change the public dialogue by covering household issues like bread subsidies, electricity prices, and crime in the slums.<sup>15</sup> Its investigation into the poor service of the state electricity provider led to an official inquiry and improved service. This feedback loop is one of the reasons democracies are much better able to mitigate humanitarian crises. As Nobel laureate economist, Amartya Sen, famously observed, "There's never been a famine in a democracy with a free press."<sup>16</sup>

The explosion in information and communication technology (ICT) in the developing world over the past decade is reshaping accountability relationships in dozens of countries.<sup>17</sup> Even in the world's poorest region, half of all African adults have access to mobile phone – as compared to less than five percent a decade ago.<sup>18</sup> Internet transmission capacity has expanded tenfold over the past four years. Facebook subscriptions have been growing by more than 50 percent every six months in a number of Africa countries.<sup>19</sup> There are now thousands of community radio stations

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<sup>15</sup> Baldwin, Katherine. 2010. "How One Newspaper Wants to Change Mozambique," *Time*, December 28, 2010.

<sup>16</sup> Sen, Amartya. 1989. "Food and Freedom," *World Development*, 17 (6):pp. 769-781.

<sup>17</sup> Livingston, Steven. 2011. "Africa's Evolving Infosystems: A Pathway to Security and Stability," Africa Center for Strategic Studies Research Paper No. 2.

<sup>18</sup> International Telecommunications Union. 2010. *Measuring the Information Society: ICT Development Index*. Geneva: International Telecommunications Union. Siegle et. al. 2011. "Africa and the Arab Spring: A New Era of Democratic Expectations," Africa Center for Strategic Studies, *Special Report No. 1*.

<sup>19</sup> "Africa Facebook Statistics," Socialbakers.com, accessed October 2011, available at <http://www.socialbakers.com/countries/continent-detail/africa>.

in Africa compared to only a handful in 2000.<sup>20</sup> This greatly expanded access to information, which mirrors patterns seen in every region, is empowering individual citizens and civil society groups in an unprecedented manner. This is dramatically reducing the cost of accessing and disseminating information, which is helping to realign the collective action imbalance. Greater access to information is translating into more active political participation. Surveys indicate that individuals who use social media are more likely to vote, be aware of government policies, and access the justice system.<sup>21</sup>

The capacity for video photography available with most mobile communications devices has also dramatically expanded the potential surveillance and oversight coverage citizens of their governments. By capturing abuses of power that can then be quickly disseminated to viewers globally, this technology has generated an unprecedented accountability tool. It was this tool that captured ballot-stuffing by Vladimir Putin's Unity Party during legislative elections in December 2011.<sup>22</sup> The episode went viral in Russia and beyond, mobilizing massive social protests and badly damaging Putin's credibility and political capital. A rapidly expanding array of other ICT tools with accountability-enhancing applications are reshaping the relationship between citizens and the state.

*Civil Society.* Civil society groups such as neighborhood associations, business associations, research organizations, labor unions, and advocacy groups play an instrumental role in actualizing accountability. Acting on the information and analysis they generate themselves or they consume from media or ICT, civil society organizations invigorate an array of accountability mechanisms. Research organizations and think tanks contribute to the policy debate with independent analysis that may force government officials to respond to unwelcome data or options. Watchdog groups provide the technical expertise to monitor public expenditures and assess the degree to which these are meeting societal priorities. Activist groups may document and confront security sector agencies for abuses of citizens, highlight corruption or injustices in the court system, and advocate for reforms. Professional associations of journalists, teachers, and lawyers can set standards for their fields while accelerating the pace at which best practices and lessons are learned are disseminated. By identifying bottlenecks to accessing licenses, credit, or regulatory approvals, business associations representing mid and medium-sized enterprises help level the economic playing field, spurring innovation, productivity, and jobs. By strengthening the middle class, they are also developing a potentially powerful constituency group for reform. Similarly, by pursuing the interests of and mobilizing workers around targeted goals, labor unions are helping to balance the collective action equation.

The horizontal and vertical networks that these organizations create have the potential to link societies across ethnic, geographic, and class boundaries amplifying the effects that any one organization could realize. By doing so, these civil society groups are amplifying a societal "demand" for better governance and accountability. Individuals trust their own networks and it is on the basis of this trust that they will get involved. It is by linking these networks up around

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<sup>20</sup> Myers, Mary. 2009. "Radio and Development in Africa: A Concept Paper," International Development Research Centre, March 2009.

<sup>21</sup> Ismail, Zenobia and Paul Graham. 2009. "*Citizens of the World? Africans, Media and Telecommunications,*" *Afrobarometer Briefing Paper No. 69*. Pretoria: Afrobarometer.

<sup>22</sup> White Gregory and Rob Barry. 2011. "Russia's Dubious Vote," *Wall Street Journal*, December 28, 2011.

specific reforms that civil society groups overcome the collective action challenge. Civil society organizations of many types also typically have networks outside a country. This accelerates the access to best practices, technical assistance, and funding that can help balance the accountability challenge versus what would otherwise be the case. As strengthening accountability norms and institutions is a long term process, these trusted civil society networks are also critical to sustaining public engagement and pressure for change. In this way, civil society groups are the necessary complement to media and information organizations before accountability reforms can take hold. On its own, information rarely generates change. Rather, it is when this information fuses with an organizational network that it can be converted into progress.

*Social Capital.* Distinct from civil society, the depth of social capital in a society (i.e. the level of cohesion and trust) lays the foundation for how accountability challenges are overcome. Social capital often defines the starting norms of cooperation, equity, transparency, and social goals. Societies that are more cohesive have greater consensus on the direction in which they want to go and willingness to cooperate to get there. Accordingly societies with greater social capital have lower thresholds for overcoming the informational and organizational challenges facing collective action.

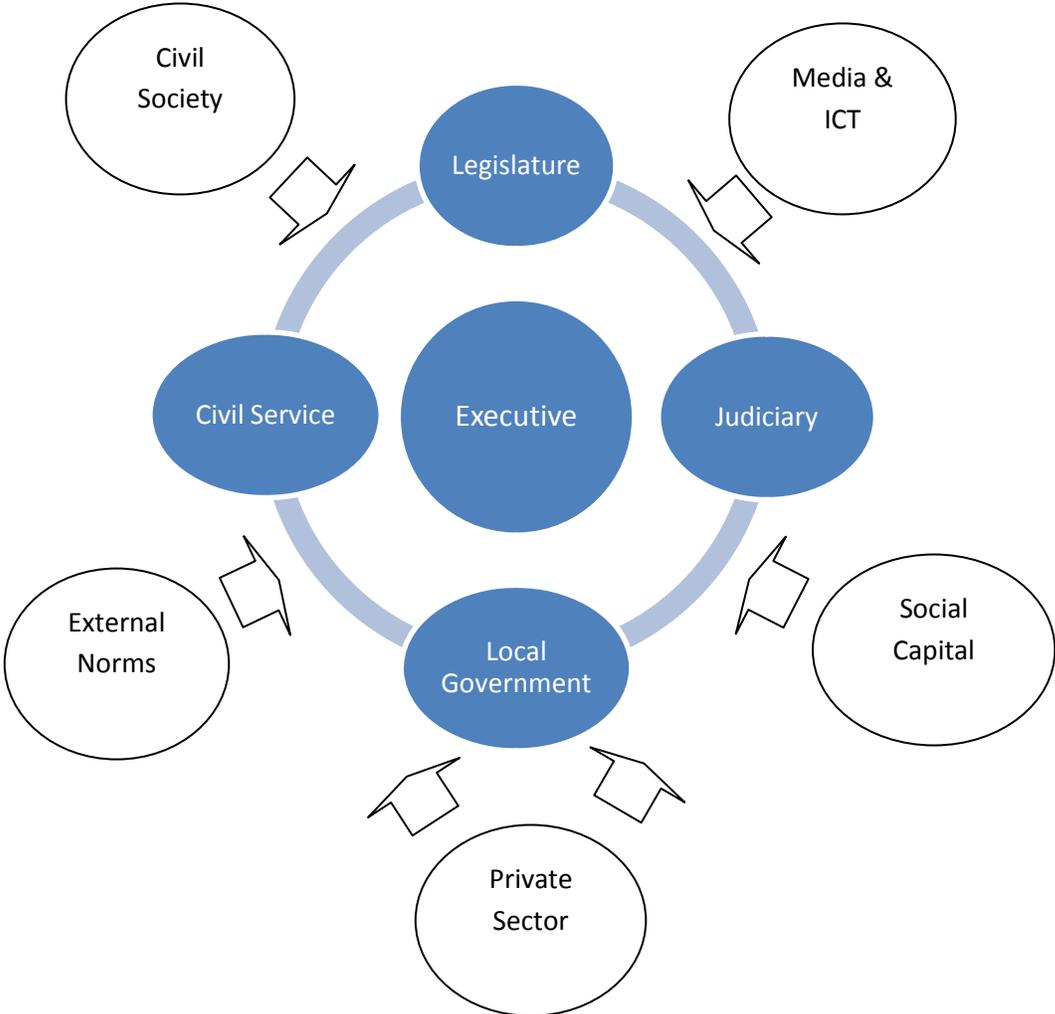
*External Accountability.* External partnerships may also play an important role in augmenting accountability. International donors provide funding and technical support that enhances the ability of state- or non-state-based mechanisms of accountability. In the process, domestic actors gain exposure to a broader spectrum of standards (e.g. legal frameworks, audits, reporting requirements, and oversight mechanisms) than they may have previously known. This is particularly so in contexts with legacies of low accountability. Increasingly regional groups such as the EU, the OAS, the African Union, or ASEAN are also setting governance standards for their members. As these regional standards are raised, individual member states are compelled to elevate their norms, as well. Membership in regional or global groups also creates aspirational incentives to raise standards, such as the lure of accession into the EU did for Eastern European countries and the potential of qualifying for large compacts from the United States Millennium Challenge Corporation does for dozens of other developing countries. With expanding ICT networks, international partners are also much more aware of governance abuses such as stolen elections, high-level corruption, or gross human rights violations. As this information is disseminated into households around the world, international awareness and pressure on responsible parties tends to escalate more rapidly than in previous decades. This and the full range of potential political, economic, and military sanctions that this represents adds further impetus for strengthening accountability.

Collectively, state- and non-state-based mechanisms provide complementary rings of accountability in a society (see figure 4). In this layered arrangement, while the executive branch is still at the center of government policy and national leadership, there are multiple levels of constraints on these actions. By ensuring state-based mechanisms (i.e. the inner ring in the figure 4) have the capacity to enforce these parameters, a genuine power sharing governance structure emerges in contrast to the hierarchical arrangements (see figure 3) typical of many developing country or autocratically governed settings. Meanwhile, non-state factors (i.e. outer ring of figure 4) shape the context in which government actions are undertaken, effectively reinforcing another layer of accountability. When both rings are in place, accountability is not

dependent on any single mechanism and so the accountability “safety net” is more resilient and stable over time. The multi-ringed nature of the relationship also conveys that while the various platforms of accountability may be iteratively linked, these mechanisms do not unfold in a specific determined sequential pattern. Individual accountability structures will evolve differently depending on context.

Let us now turn to the experiences of several case studies of limited that have made noteworthy gains in establishing accountability. While not a large enough sample from which to draw extended conclusions, they provide insights into the challenges and drivers to transformations from cultures of impunity to greater accountability.

**Figure 4. Layered Accountability Structure**



**SOMALILAND CASE STUDY**

Somaliland is an autonomous, though as yet internationally unrecognized, state northwest of Somalia. It has garnered widespread acclaim for its ability to establish a stable, peaceful,

economically-vibrant, and democratically-organized state from the ashes of Somalia's brutal civil war – despite a devastated infrastructure, limited natural resources, and little external assistance. In the process, Somaliland accomplished difficult tasks such as demobilization, the restoration of law and order, the management of a deregulated economy, and the ratification of a constitution.<sup>23</sup> It has issued its own currency, collected taxes, built functional ministries, provided basic services including a public school system, established a respected police force, and municipal governments.<sup>24</sup> These achievements are all the more remarkable when juxtaposed with the experience of Somalia, which has been convulsed with nearly continuous internal conflict and the absence of a viable state for the past two decades – the quintessential failed state.

Somaliland emerged as an independent entity out of the armed resistance to the brutal and predatory dictatorship of Siyad Barre who had come to power in a military coup in 1969. The resistance to the Barre's repressive tactics deepened the social cohesion in this region. To lead the rebellion against Barre's highly centralized regime, the clans inhabiting the northwestern territories, formed a military arm, the Somali National Movement (SNM). In this way, the SNM was representative of a broad-based movement – and institutionally connected the political and military struggle with the popular consciousness.<sup>25</sup>

For this, they faced withering attacks from Barre's security forces, including an aerial bombing campaign in 1988 that destroyed the regional capital in Hargeisa, killing an estimated 50,000 people and generating approximately one million refugees and internally displaced people. Deeply unpopular throughout the country and weakened by the drop in Western assistance following the end of the Cold War, the Barre regime fragmented in 1991 leading to the disintegration of the state of Somalia. Rather than concluding the fighting, however, the defeat of the Barre government sparked inter-clan fighting among the various rebel factions seeking control of Mogadishu, the central state apparatus, and the patronage opportunities therein perceived to be the spoils of victory. Despite a massive international military intervention, assistance, and reconciliation efforts, much of Somalia degenerated into control by clan-based warlords and persistent insecurity.

It is here that the path of Somaliland and its 3.5 million people diverged markedly. With the fall of Barre, SNM forces returned to the North rather than seek influence and authority in Mogadishu. Within a month after the defeat of Barre in January 1991, the SNM convened the first of many inclusive clan conferences aimed at addressing mistrust between the clans resulting from the civil war and building peace and reconciliation.<sup>26</sup> As one former SNM general explained, "SNM was a liberation movement, not a political party. We had not prepared to make up a government."<sup>27</sup>

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<sup>23</sup> Ibrahim, Mohammed Hassan and Ulf Terlinden. 2010. "Somaliland: 'home-grown' peacemaking and political reconstruction," ACCORD, Issue 21: 76-79.

<sup>24</sup> Menkhaus, 2006. "Governance Without Government in Somalia: Spoilers, State Building, and the Politics of Coping," *International Security*, Vol. 31, No. 3 (Winter 2006/07), pp. 74-106.

<sup>25</sup> Prunier, Gerard. 1994. "Somaliland: The Birth of a New Country," in Gurdon, C. (ed), *The Horn of Africa*. London: UCL Press.

<sup>26</sup> Moe, Louise Wiuff. 2009. *Towards Alternative Precepts of Statehood in Africa: The Role of Traditional Authorities in Reconstituting Governance and State in Somaliland*. Master's thesis, Stellenbosch University.

<sup>27</sup> Ibid.

Drawing on their history as a British protectorate from 1888-1960, political leaders reasserted their independence as a new state in May 1991. Somaliland leaders argue that the union that joined Somaliland and Somalia in 1960 (forged under the aspiration for a unified greater Somalia, including parts of Ethiopia and Kenya) was never ratified. Indeed, the northerners faced marginalization almost from the beginning of the union with the south, a situation that grew only more acute when Barre came to power. In the view on Somaliland leaders, then, the declaration of independence was simply a reversion to the status quo.

Somaliland's distinct colonial legacy has shaped this determination for independence. After European powers divided up Africa in the late 19<sup>th</sup> century, the British took over Somaliland in 1888 while the Italians gained control over Somalia. Whereas the Italians established a full-fledged colonial administration and made Mogadishu an economic hub, the British managed Somaliland mostly as a protectorate and strategic military outpost on the Red Sea. With just 200 senior officials overseeing the protectorate in 1955, the British relied mostly on clan chiefs to govern.<sup>28</sup> While relatively poorer than Somalia, Somaliland's traditional, decentralized, and horizontal governance institutions remained intact. Traditional structures in Somalia (and the accountability mechanisms they upheld), in contrast, withered with the supplanting of authority to a modern, urbanized state structure.

Desiring independence and recognizing it needed the support of the clan structures in order to govern, the SNM established an advisory council of wise men from every clan, called the guurti, which soon evolved into an official decision-making body.<sup>29</sup> Building on customary law (xeer), effectively a negotiated social contract that binds clans together and defines their collective responsibility, and traditional governance systems in which clan elders reconcile differences and maintain social order – well-suited to the sparsely populated nomadic society – the guurti became the glue that held Somaliland together in those early years. The elders were respected and therefore commanded the cooperation of the various militias, with the supportive pressure of parents, grandparents, and family members.<sup>30</sup> As opposition political leader (and future president) Ahmed Mohammed Silanyo noted, “They were a cushion. Whenever there was friction, these old men would step in and say, ‘What’s wrong with you boys? Stay together.’”<sup>31</sup>

Institutionally, the guurti was a key innovation in that it created a mechanism by which traditional rules that applied within clan networks could be applied to interclan relations. That the guurti was also empowered to convene decision-making assemblies in the event that government departments were underperforming introduced another layer of accountability over the executive branch. The stability created by this inclusive and trusted leadership council provided the platform from which Somaliland was able to build a government. In 1991, the chairman of the SNM, Abdirahman Ahmed Ali “Tuur,” was appointed by consensus by the elders to be interim president for two years.

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<sup>28</sup> Reno, Will. 2003. “Somalia and Survival in the Shadow of the Global Economy,” Queen Elizabeth House Working Paper No. 100 (February 2003). Chicago: Northwestern University.

<sup>29</sup> Gettleman, Jeffrey. 2007. “The Other Somalia: An Island of Stability in a Sea of Armed Chaos,” *The New York Times*, March 7, 2007.

<sup>30</sup> Moe, 2009

<sup>31</sup> Gettleman, 2007.

From the outset, Somaliland leaders' perspective of government was shaped by the vivid experience of the highly centralized, intimidating, and predatory regime of Siad Barre. That is, the state was used by those controlling it to enrich themselves while exploiting the rest of the population. Accordingly, an intentional effort was made to limit the authorities of the state while establishing multiple poles of power and oversight.

The first priority was disarmament of a population inundated with weapons. They undertook the process incrementally, starting with heavy weapons, then lighter arms, leaving small arms in the hands of the people. The clan-sanctioned disarmament, demobilization, and rehabilitation (DDR) process involved comprehensive and parallel demilitarization of all major clans. This created trust and confidence among all of the clans and ensured predictability between them.<sup>32</sup> The process of demobilization was accompanied by an effort to integrate the militias into a national army, thereby further augmenting stability while building another important feature of statehood. The approach of pursuing a limited government based on power-sharing along clan lines, with only a minimum of authority and functions, while prioritizing local processes and reconciliation driven by traditional authorities, helped avoid turning the process of state formation into a zero-sum conflict-producing exercise.<sup>33</sup>

Then came the need for a collection of basic laws articulated in charters. In 1993, each of the four main clans in Somaliland sent delegates to the town of Borama for a national guurti, or council of elders. The Grand National Clan Conference of Borama dealt with issues of governance structure and power sharing including plans for the peaceful transfer of power from the SNM to a civil administration. In total, roughly 2,000 people attended. While the apportionment of delegates was based on relative population size, decision-making was by consensus over the course of the four months in which the assembly met.<sup>34</sup> In this watershed gathering, leaders adopted a hybrid system of governance with a lower and upper house of parliament. In addition, participants signed a peace charter that detailed the responsibilities of elders for settling conflicts and required all communities to take an oath refraining from attacking any other clans.

It was through this participatory process that Mohammed Ibrahim Egal was chosen as president. Egal had been the former president of Somaliland back in 1960 when the country first gained its independence from Britain and was later the democratically-elected prime minister of Somalia between 1967 and the military coup in 1969. Widely respected domestically, his selection provided the new republic a degree of continuity, harmony, and international credibility. He in turn oversaw the creation of a viable government administration, including the introduction of a new currency, and the attraction of needed investment for the young country. (The diaspora provides 70 percent of the government's budget in the early years via remittances, amounting to \$1 billion annually).<sup>35</sup> Thus, Somaliland followed a sequence whereby peace and stability were first established locally and became a precondition for a state, rather than the other way around.<sup>36</sup>

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<sup>32</sup> Tadesse, Medhane. 2008. "The Somaliland Orchestra: An African Masterpiece in Democratic Elections," *Current Analyst*.

<sup>33</sup> Ibid.

<sup>34</sup> Pham, Peter J. 2009. "Somaliland: What Somalia Could Be," *World Defense Review*, July 16, 2009.

<sup>35</sup> "Somaliland Country Profile," *New Internationalist*, Vol. 263 (December 2003), p. 36.

<sup>36</sup> Moe, 2009.

Later came the emergence of a constitution. The constitution was hammered out over a four month period during a national assembly of senior clan leaders. While an extended process, the participation and dialogue involved in crafting this governing document created a strong sense of ownership over the final product. The constitution was approved by 97 percent of voters in a popular referendum in May 2001. The constitution institutionalized a series of checks and balances. It formalized an executive branch of government consisting of a directly elected president and vice-president and appointed ministers. It also established a bicameral legislature with a directly elected lower house and an upper chamber of elders, the guurti. An independent judicial branch was also stipulated.

In an effort to institutionally check clan divisions, in 2002 Somaliland leaders limited the number of political parties to three. The intention was to provide incentives for political parties to form around ideology rather than tribe and to avoid a repetition of the political fragmentation of the 1960s when Somalia had more than 60 political parties, essentially representing one for each sub-clan.<sup>37</sup> To oversee the electoral process in an even-handed manner, an Independent Electoral Commission was established to plan, prepare for, and conduct the nation's municipal, presidential, and parliamentary elections.

Somaliland passed another important institutional test when President Egal died in May 2002. Power was smoothly transferred to his deputy, Dahir Riyale Kahin. In April 2003, the first presidential elections decided by popular ballot were held resulting in a victory for the party of President Dahir Kahin who won by only 80 votes out of nearly half a million cast. Remarkably, the process was contested peacefully. Once challenges were reviewed by the courts, the main opposition party publicly accepted the results. Reflecting the independence of the newly established electoral institutions, the new president's party won only 33 of the 82 seats in the House of Representatives in elections in September 2005. Further institutionalizing the commitment to a transparent, systematized process of political competition, all three political parties signed onto an electoral code of conduct in July 2009. In July 2010, incumbent President Dahir Riyale Kahin was defeated in presidential elections by Ahmed Mohamed Silanyo. In the view of some, President Kahin lacked the character, integrity, and competence of his predecessor.<sup>38</sup> Through his replacement, then, Somaliland demonstrated the institutional sophistication by which accountability can be systematically applied and democratic self-corrections can occur. In other words, Somaliland's success cannot simply be attributed to "good leadership."

The role of the guurti, whose 82 elders are appointed by their respective clans, was formalized into an upper house of Parliament. The broad support for these elders and the stature they carried, gave the emerging government legitimacy in the eyes of most Somaliland residents. The guurti were empowered to block laws passed by the elected House of Representatives, though the representatives could override this veto with a two-thirds vote. In this way, the guurti served as an institutional safeguard to ensure accountability and resiliency in the emerging political system. The Somaliland political system thus represented a hybrid model incorporating elements of both traditional and modern governance structures.

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<sup>37</sup> Gettleman, 2007.

<sup>38</sup> Medhane Tadesse, 2008.

Over time the guurti was transformed into an elected body with the aim of moving politics from a clan basis to an institutionalized, national foundation. This was further motivated by growing concerns that once enshrined as an Upper House of government, the unelected guurti leaders were less accountable to the public and began operating more like politicians than clan elders. This was compounded by the fact that as original Guurti members died or retired, their sons would inherit their positions. So while the initial elders were seen as from the community and highly trusted, that link weakened over time.<sup>39</sup>

The transformation of the guurti reflected the tensions in instituting accountability structures in this context of limited statehood. The reliance on traditional authorities and structures was seen as inhibiting state formation. Yet, as the guurti was folded into the upper house as an elected body, many of its political powers were usurped by the executive, risking the overconcentration of power that Somaliland founders had sought to avoid from the start.<sup>40</sup> Still the process has proven resilient with the growing influence of civil society and the continuing informal role of clan elders.

Given weak state capacity and perception that the judiciary has not established sufficient independence from the executive, traditional authorities handle 80 percent of disputes and criminal cases outside the formal court system using the traditional legal code (xeer).<sup>41</sup> The relative security in Somaliland, therefore, is more a reflection of these strong traditional practices and civil society than a strong state security sector.<sup>42</sup> Nonetheless, the reliance on traditional structures leaves cases subject to the interpretation of ruling authority.

One of the most distrusted (and repressive) institutions of the Barre era was the police. To remedy this, communities in Somaliland have embraced community policing initiatives. These have brought together traditional authorities, youth, women, and business people, as well as the police and judiciary in order to enhance cooperation. Again, traditional authorities would mediate between various actors to reduce distrust and build common interests.<sup>43</sup>

Economically, Somaliland is one of the most resource-poor countries in the world. It embraced a free market system in order to maximize its trading potential and encourage the entrepreneurial spirit of its population. This plus the stability that it offered, resulted in modest but steady investments from local and diaspora interests. The result has been thriving service industries including in finance, jewelry, and precious stones. The port in Berbera, a key outlet for landlocked Ethiopia and situated along one of the most strategic waterways of the world, is its most valuable infrastructural asset. Usage fees from this represent the most consistent stream of revenue for the government. Otherwise, until recently, roughly 90 percent of the people were

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<sup>39</sup> Moe, 2009.

<sup>40</sup> Jama, Ibrahim Hashi. 2010. "Making the Somaliland Constitution and its Role in Democratization and Peace."

<sup>41</sup> Gundel, J. 2006. "The Predicament of 'Oday'." Report for Danish Refugee Council and Novib/Oxfam. Nairobi: Oxfam.

<sup>42</sup> Kibble, S. 2007. "Somalia/Somaliland: Territory, State, and Nation." Paper presented at a lecture at Kings College, London, February 13, 2007 (from Moe).

<sup>43</sup> Danish Refugee Council. 2006. "Report of the Evaluation of Community Based Policing Project in Somaliland," in Moe.

nomadic, herding livestock in search of seasonal pasture. Camels, cattle, and frankincense represent the key exports.

The locally-rooted foundations of the Somaliland economy and the financial interests of the political establishment coupled with the small size of the state mitigated against the development of a predatory state.<sup>44</sup> The absence of external funding to prop up the state reduced patronage opportunities and made the small government more accountable to Somaliland citizens. Similarly, it gave political leaders incentives to govern in a manner that would stimulate the economy. It also fostered a political course that was locally-owned, participatory, and locally financed. Along these lines the interest of the business class (especially the livestock traders – i.e. exporters) were seriously considered, encouraging and enhancing the emergence of an independent private sector. Business networks in Somaliland (and other pastoral or dispersed communities) also provide a form of societal sinew that connects different clans and settlements together in a matrix of communications and cooperative relations.<sup>45</sup>

The small Somaliland coast guard keeps its 740 kilometer coastline largely free of piracy.<sup>46</sup> This is a significant accomplishment given that Somalia and neighboring Puntland are the locus of the highest concentration of piracy episodes in the world, seemingly substantiating the argument that piracy is a problem of weak governance (on land) and only a maritime issue secondarily.

Building on the space for independent speech and assembly allowed for in the constitution, civil society has also blossomed in Somaliland. This has fostered civic initiative and charitable contributions resulting in a host of local NGOs and civic organizations. The Edna Adan Maternity Hospital in Hargeisa, for example, was founded by former foreign minister, Edna Adan, through personal assets and contributions. The hospital provides a high standard of care for the region and serves as a teaching hospital for the next generation of nurses and midwives.<sup>47</sup> More generally, civil society in Somaliland is distinguished for its very strong commitment to peace and the rule of law, which serves as a strong deterrent to political actors who may be tempted to exploit clan differences for political gain.<sup>48</sup>

The recognition and creation of space for civil society in Somaliland distinguishes it from Somalia (and many post-conflict or insurgency movements) where traditional elders, civic leaders, and businesspeople are marginalized. These groups are viewed as rivals in a zero-sum game rather than potential partners who would contribute to the dynamism, stability and resilience of the new, limited state.<sup>49</sup> In those situations where municipalities in Somalia have been able to provide basic services (operate piped water services, regulate marketplaces, and collect modest levels of taxes and user fees to cover the cost of salaries), the municipalities were led by dedicated, professional mayors who worked closely with NGOs, clan elders, and businesspeople.<sup>50</sup> Importantly, these effective local initiatives often involved partnerships with

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<sup>44</sup> Medhane Tadesse, 2008.

<sup>45</sup> Menkhaus, 2006.

<sup>46</sup> Pham, Peter J. 2011. “Somaliland at 20,” Atlantic Council <http://www.acus.org/print/39775> accessed on February 10, 2012.

<sup>47</sup> Pham, 2009.

<sup>48</sup> Menkhaus, 2006.

<sup>49</sup> Menkhaus, Ken. 2006.

<sup>50</sup> Ibid.

innovative international NGOs and UN agencies that helped build local capacity and provide funding for municipal projects.<sup>51</sup>

Somaliland's commitment to freedom of thought and expression has been substantiated by the establishment of independent newspapers and radio stations. Largely relying on private investments from local and diaspora businesses, Somaliland has also built a more developed telecommunications infrastructure than any of its neighbors.<sup>52</sup>

Despite progress, Somaliland has had its problems over the years. There was a brief period of inter-Isaaq fighting in the early years, before the elder-brokered peace agreements could take hold. Moreover, there are still episodes of government corruption, a judiciary that is dependent on the executive, and a legislative branch that struggles to establish itself as a credible balance on the presidency. Internal political divisions have at times led to media repression and jailing of critics.<sup>53</sup>

### **Analysis of Somaliland's Accountability Building Efforts**

The review of Somaliland's evolution from a resistance movement to autonomous region, limited state, and increasingly institutionalized, though still unrecognized, state reveals a number of insights regarding its process of establishing accountability mechanisms. While Somaliland has enjoyed relatively high levels of accountability since the overthrow of the Barre regime in 1991, it should be recognized that this was not a given. The autocratic legacy from 30 years of repressive dictatorship was a state structure riven with corruption and exploitation. Indeed, while ultimately unique, the ensuing power struggles and conflict that have engulfed Somalia is a bracing counterfactual of the alternate path Somaliland could have taken.

Referencing the accountability framework presented earlier, in the aftermath of the civil war Somaliland leaders pursued several strategies to rebalance the collective action equation away from its heavy tilting toward the executive during Siyad Barre years. In fact, this was an explicit and driving aim of leaders and citizens alike, seared by the suffering, marginalization, and helplessness of an overly powerful president who could act with seeming impunity.

Transitioning away from the norms of impunity and centralized monopoly began even during the civil war. The SNM was rooted in Somaliland society and represented an authentic movement rather than just military operation.<sup>54</sup> Indeed, the SNM realized that it needed this societal support in order to be effective. Likewise, the collective resistance reinforced social cohesion. Thus, the motivation of the SNM was liberation of the territory, not political or economic power for its leaders.<sup>55</sup> When Barre had been defeated, therefore, the SNM leadership did not aspire to capture state power and hold this forever as has been the case in so many insurgencies. Accordingly, SNM did not pose a threat to democracy and the emergence of accountable

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<sup>51</sup> Ibid.

<sup>52</sup> Pham, 2011.

<sup>53</sup> Menkhaus, 2006.

<sup>54</sup> Ibid.

<sup>55</sup> Medhane Tadesse, 2008.

governance structures.<sup>56</sup> This enabled the participatory clan-based reconciliation process to proceed.

In many ways the immediate accountability solution involved recasting traditional authority structures into the new reality, in the process helping to fill the governance and accountability gap. Institutionally, this locally-rooted approach involved elevating the clan elders into a formal advisory (with effective veto authority) capacity in the form of the guurti.

Doing so immediately expanded the degree of representation and ownership in the new governance system. It also shifted the locus of political party from a single individual to a collective of elders. Thus former SNM general and interim president, Abdirahaman Turr, was at once required to operate with a check on his authority that hadn't existed under the previous governing regime for decades.

The arrangement imbued the new governing structure with the legitimacy and respect brought by the clan leaders. It also gave the early state-building efforts credibility and resiliency in the strains that were sure to come. Non-trivially, the new model was bolstered by the effectiveness by which the clan elders could command the support of their members toward common ends – and thus served as a vital organizing vehicle.

Culturally this arrangement meant reasserting traditional values of negotiation, conflict resolution, and collective responsibility. Procedurally, this has entailed building on the respect and legitimacy of traditional authority structures, namely clan elders, to work together to resolve inter-clan concerns. The incorporation of the most respected source of authority in a society into the state structure increased the trust of the population in the state.<sup>57</sup> This is especially noteworthy in a context where the state had never before been a source of legitimacy.

While Somaliland did make progress on other mechanisms of executive accountability – such as a formal parliament, local government, political parties, and court system – these took longer to mature and, in fact, are still evolving. The parliament has been most prominent, with the creation of a democratically elected lower house in 1993 and the formal insertion of the guurti as the upper house. This has strengthened vertical and horizontal lines of accountability. Local government has also gained traction, again, often building on the norms of highly decentralized governance structures from Somaliland's nomadic heritage. The introduction of multipartyism interjected political competition and therefore a key accountability structure for the executive branch. That there have been alterations of power between parties has meant that this accountability measure has indeed had teeth. The three political party limit, in turn, created a check on political actors using clan divisions as a wedge to sow discord or institute minority rule by a given sub-clan. The courts are the accountability mechanism that have lagged furthest behind, largely on capacity grounds. Again, though, traditional structures have filled the gap and provided mediation and adjudication in disputes fending off perceptions of impunity or the need for citizens or clans to seek their own retribution.

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<sup>56</sup> Ibid.

<sup>57</sup> Menkhaus, Ken. 2007. "Local Security Systems in Somali East Africa," in Andersen, L., Moller, B. and Stepputat, F. (eds), *Fragile States and Insecure People: Violence, Security, and Statehood in the Twenty-First Century*. New York: Palgrave Macmillan.

Perhaps more important than these formal institutions for accountability in the short term has been the role of civil society. Reflective of the thin government structures that Somaliland created (and could afford), civil society actors were needed to fill gaps, network throughout society, and engage with the government. As such, civil society has been a key interlocutor in the “mediated state” dynamics that have typified Somaliland’s governance.<sup>58</sup> The role of businesspeople has been particularly noteworthy. With much of Somaliland’s economy reliant on trade, businesses place a premium on stability and predictability. They have therefore actively engaged government leaders at both the national and local levels to ensure policies are inclusive and equitable lest clan rivalries lead to instability. Businesses have been key funders of the government and security services needed to ensure this predictability. Reliant as they are on their trading networks throughout Somaliland, businesses have also filled an important social role of linking disparate settlements together as part of a cohesive whole. These networks have also helped connect Somaliland to the broader regional and international community, reducing its isolation and reinforcing mechanisms of international accountability.

The early recognition of and support for independent media reinforced all of the other accountability mechanisms that have emerged in Somaliland. Private radio and newspapers helped inform isolated communities of the governance debates at the early organizing conferences and later government proceedings that were held, contributing to greater sense of national unity. Independent media also enabled opposition forces to gather independent sources of information through which they were able to put forward competing proposals. Media and information technology was also invaluable for fostering transparency, oversight, and the more efficient management of Somaliland’s limited budget resources.

While Somaliland is widely perceived as having succeeded largely on its own with relatively limited international engagement, in fact, international factors have also significantly shaped Somaliland’s accountability outcomes. Perhaps most importantly has been in the widespread desire across a broad spectrum of Somaliland society for international recognition as an independent state. This has reinforced a sense of national unity and social cohesion in the society. It has also motivated Somaliland leaders to raise governance, transparency, and legal standards in order to meet international thresholds that will substantiate the case for statehood. This aspiration has been an early and continuing factor in raising accountability standards. Combined with Somaliland’s external-facing economy and support from diaspora, this international engagement has also regularly exposed Somaliland actors to international norms and expectations, creating further upward pull on accountability.

## **LIBERIA CASE STUDY**

Liberia experienced a brutal civil war effectively lasting from 1989-2003 in which 250,000 people were killed (just under 10 percent of the population) and over a million people were displaced. The country’s infrastructure was largely devastated by the fighting and national resources looted by the predatory networks of rebel, then President Charles Taylor. In addition to destroying the nation’s physical infrastructure, Taylor’s tactics had largely decimated the

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<sup>58</sup> Menkhaus, 2006.

authority of Liberia's strong traditional chief structure. By the end of the fighting, the state had largely disintegrated qualifying Liberia as one of the world's genuine failed states.

What is often not recognized, however, is that Liberia had been on a long path of decline even before the civil war. After a coup brought Staff Sergeant Samuel Doe to power in 1980 and ten years of gross misrule and non-existent service delivery, norms of official corruption and ethnic division were deeply entrenched in Liberian society. In other words, Liberia had been a limited state for a long while.

### **Establishing an Independent Election Commission**

In August 2003, with the support of regional and international partners, a Comprehensive Peace Agreement (CPA) was negotiated to officially bring the war to an end and establish a transitional government whose primary responsibility was to host credible elections within two years. The integrity of those elections would determine the depth of legitimacy the new president would wield – setting the trajectory for the country's post-conflict trajectory. A failed election could plunge the country back into war.

The CPA set out some of the initial accountability parameters. None of the officials participating in the interim government could run for permanent office. The interim president, Charles Gyude Bryant, would appoint the seven members of the new electoral commission, however, the pool of candidates would come from a civil society vetting process in order to ensure members would be qualified and apolitical. No two commissioners could come from the same county – and all would need to be approved by the interim Assembly.<sup>59</sup> In short, the CPA had wisely built in a series of checks and balances that rewarded meritocracy, empowered civil society, and incentivized equitable ethnic representation.

The nomination of former Supreme Court Chief Justice, Frances Johnson-Morris, as chairwoman was approved by the Assembly in April 2004. Johnson-Morris had also previously headed the Catholic Justice and Peace Commission, a NGO established by the Roman Catholic Church to combat human rights abuses. Accordingly, Johnson-Morris took on the role with widespread respect and a reputation for neutrality and fairness. Recognizing the deep divisions and suspicions within the society, Johnson-Morris gave priority to building the public's trust in the electoral commission.

Typical of limited state contexts, the electoral commission had few qualified staff to choose from given the widescale displacement during the war. Liberia's deteriorated road network made large parts of the country inaccessible. Moreover, there were few operational radio stations and even mobile phone networks covered only half of the country. Most of the 21 political parties and 700 candidates who were competing for offices were inexperienced – and these parties were often vehicles to support the interests of individuals rather than being interest- or issue-based.

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<sup>59</sup> Details from the 2005 electoral process are drawn from Scharff, Michael. 2011. "A Path to Peace: Liberia's First Post-War Elections, 2004-2005," *Innovations for Successful Societies*, Princeton University, accessed at <http://www.princeton.edu/successfulsocieties>.

In order to build stronger accountability between politicians and constituents, the interim legislature, with input from the electoral commission and international experts, opted to establish a majoritarian electoral system. This would require candidates to compete for legislative seats from designated districts providing direct incentives to be responsive to constituents. This was a departure from the previous electoral list system whereby political parties would choose legislators from national electoral lists depending on the proportion of the overall vote received. While proportional representation systems have been considered more effective in ensuring representation for small parties, the incentive of these systems clearly supports parties over constituents.

To further build trust in the electoral process, the electoral commission eased restrictions for political parties to register (thereby encouraging their political participation), undertook a careful vetting process of poll workers, drew new electoral boundaries to match the current population data, and established strict oversight procedures for election day in order to promote the transparency of the process.

Notable among these efforts was the establishment of an Inter-Party Consultative Committee (IPCC). Drawing from the experience of Ghana's electoral commission, the IPCC was intended to ensure all parties received the same information and would be able to address any outstanding questions they may have. The objective was to reduce opportunities for miscommunication and perceptions of favoritism. It also enabled the electoral commission to establish a relationship as a partner and facilitator rather than adversary with the parties, fostering a greater sense of cooperation and ownership. Through this process, all parties signed a code of conduct, including the renouncing of violence, the violation of which the electoral commission warned would result in the loss of accreditation of responsible parties.

Lacking the time or resources to conduct a proper census, the electoral commission opted to conduct an aggressive voter registration drive. During a one-month period in April-May 2005, more than 1.3 million Liberians, or 90 percent of eligible citizens, were registered. Appeals processes were established to address complaints of citizen's registration being unfairly rejected. With the registration information, the electoral commission began the process of drawing constituency boundaries. In order to foster greater support and ownership, the commission visited local communities throughout the country to vet the boundaries with citizens. In the end, the electoral commission produced a map with 64 electoral districts, which was approved by a committee of interim legislators, officials from the European Commission (which provided financial and technical assistance), and other international partners.

To minimize the risk of fraud the UN electoral team designed a special watermarked ballot visible only to polling staffers with magnifiers. The electoral commission members, in turn, dispersed throughout the counties on election day while ensuring there were an adequate number of observers to provide oversight of the polling staff. Security was provided the UNMIL peacekeepers.

Election day came off smoothly. Procedures were transparent, leaving voters confident that their ballots were correctly counted. A handful of violent incidents occurred immediately after the run-off election in November 2005 in which Ellen Johnson-Sirleaf won the presidency. Losing

candidate, former world-class soccer star, George Weah, however, appealed for calm while he challenged the results with the elections commission, which found insufficient grounds for fraud. Their decision was backed up by the Supreme Court at which point Weah conceded. In the end, the elections were deemed by international observers to be the most competitive in Liberia's history, despite the many challenges faced.

## **Civil Service Reform**

Another area in which Liberia has made an effort to build accountability is in its civil service. Over the decades of predatory government, in fact, few services were provided and, arguably, holders of government positions benefitted more from their role than the citizens. Paradoxically, though illustratively, during Liberia's 14 year civil war, even though the government had disintegrated, the civil service payroll had doubled to 44,000 from 20,000 before the war.<sup>60</sup> Rebel groups and interim governments had used government employment as patronage. Most were unqualified or performed no state function. Other civil servants had died or fled the country. Meanwhile government revenues declined from \$500 million to \$80 million as a result of the war.

When President Ellen Johnson-Sirleaf took office in January 2006, redressing the unsustainable financial and performance standing of the civil service became an imperative. New leaders at the Civil Service Agency (CSA) decided to establish a computerized system of biometric information cards for all civil servants to create Liberia's first comprehensive database with the aim of eliminating all ghost workers. Before doing so, they had to address the tandem problems of weak capacity and low wages. With the high levels of displacement and a lost generation of schooling, the CSA spent much of 2006 and 2007 recruiting qualified staff to lead the reform programs. To do so, they needed to raise the minimum civil servant salary from \$15/month (well below the living wage) to \$80/month.

A first step was to enumerate all civil servants listed on government payrolls in order to build employee files. To do so, CSA representatives would travel around the country to verify that employees on the personnel lists were in fact working at their jobs. The CSA was assisted in this process by the World Bank, which contributed financially with about 80 percent of the costs (\$600,000) and technically. They also drew from the experiences of other African countries that had attempted to implement biometric systems for the civil service – Rwanda, Zimbabwe, and Ghana – with mixed results. Shortcomings in these efforts were largely due to lack of political will.

A pilot effort was conducted for 11 agencies whose employees were mostly based in Monrovia, the capital, given that the logistical requirements were far easier. Civil servants provided basic educational, employment, and personal information, as well as fingerprints and photographs. These forms were signed by the employees, vetted, and endorsed by the respective ministries. The computerization of these details helped filter out duplications and other inaccuracies. In the process, several hundred ghost workers were identified.

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<sup>60</sup> Details of Liberia's civil service reform efforts from this period are drawn from Friedman, Jonathan. 2011. "Cleaning the Civil Service Payroll: Post-Conflict Liberia 2008-2011," Innovations for Successful Societies, Princeton University, accessed at <http://www.princeton.edu/successfulsocieties>.

In taking the program to the rest of the country, CSA conducted an information campaign through the newspapers, radio stations, and local leaders to explain the program and convey that the program was not an attempt to root out and prosecute fraudulent workers. To build support, CSA stressed that the money saved by eliminating ghost workers would aid in augmenting civil servants' salaries. Building the personnel registry for the Ministry of Education was especially important and challenging as this represented 30 percent of all civil servants. Moreover, given that many schools were in the interior of the country and had been badly affected by the war, many teachers had been displaced. USAID supported this process financially and technically.

By the end of 2011, CSA verified employment and personnel data for 25,000 public service employees in Liberia. The improvements saved the government nearly \$4 million per year. By and large, because of the strong communications effort and active support of President Johnson-Sirleaf, the reform effort did not face active resistance. Both the ministries and citizens realized that this effort was in their interest – and given the efforts made to collect accurate information, there were few grounds for complaint. The broad level of support, in fact, reflected a general vision and renewed social capital to move forward as fast as possible to make up for the lost ground of the previous decades.

An unintended benefit of the data collection process for personnel was that this catalyzed a consolidation of other government databases generating an internet-based National Data Center, dramatically increasing the speed and accessibility of data sharing within the Liberian government. This contrasted sharply from the incompatibility and largely singular approaches used by individual ministries up to that point.

## **Police Reform**

Regaining control of and reforming Liberia's security sector was a particularly acute need in the reconfiguring the civil service to a merit-based institution. The Liberian national police service had been badly discredited over the war years with a reputation for unlawful killings, rape, and corruption. Post-war Liberia effectively lacked any rule of law.<sup>61</sup> Many police stations had been abandoned or destroyed. Police stations that still functioned lacked basic equipment, vehicles, fuel and communications. Those police officers who had not fled the country resorted to petty corruption in the absence of regular wages. Heavy politicization had eroded the professionalism of the security forces, which were spread over 15 different agencies. Given the distrust, polarization, and lack of capacity of Liberian actors, the parties to the Comprehensive Peace Agreement designated the United Nations as the lead body in the rebuilding and reforming of Liberia's police capacity.

At the end of the war, numerous security threats persisted. There were widespread gender-based violence and armed robberies. Armed rebel groups with an estimated 10-15,000 fighters, mostly youth, posed a threat of renewed insurgencies, unemployment was estimated at 85%, and psychological trauma throughout the population was severe.

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<sup>61</sup> Details from the case of police reform in Liberia are drawn from Friedman, Jonathan. 2011. "Building Civilian Policy Capacity: Post-Conflict Liberia, 2003-2011," *Innovations for Successful Societies*, Princeton University, accessed at <http://www.princeton.edu/successfulsocieties> on March 14, 2012.

The immediate security needs were provided by 1,100 UN Police (UNPOL) officers, 400 interim Liberian police, and 15,000 peacekeepers (UNMIL). This generated critical breathing space for the police reform effort led by UN Police Commissioner and the newly appointed Liberian Inspector General. They formed a Rule of Law Implementation Committee (RLIC) in late 2003 also including the ministers of justice and national security to jointly guide reforms and widen ownership.

A key priority for the reform effort was recruiting qualified police candidates. The Committee established a goal of training 3,500 officers by 2007. The number amounted to approximately one officer per 1,000 residents – below the recommended standard of 2.5 – but a level they felt would be sustainable based on Liberia’s expected economy at that time.

In the process of recruiting to meet this goal, the RLIC decided to deactivate all former police officers and require them to reapply to join the new force, undergo a vetting process, give up their former ranks, and re-enter basic training. The aim was to peel away those police who had ties to former rebel groups and may have had a hand in human rights abuses. The UN’s Restructuring and Recruiting Section conducted the vetting. Of the 3,000 officers who registered, only 756 qualified to participate in the new force.

The RLIC next needed to establish standards for the new recruits. Rather than impose outside standards, they chose to rely on Liberia’s police practices from before the war – and build on a sense of professional pride from that era. All recruits were required to have a high school diploma, a good reputation in the community, to be physically fit, and to have no record of war crimes. They also underwent interviews to assess their motivations. Ex-combatants were ineligible to apply.

Another subtle though important change was to eliminate the use of military ranks for the police force. Their terminology had become intertwined during the war and the RLIC felt the ranks conveyed an overly militaristic role for the police.

In order to improve the caliber of recruits and begin to rebuild trust with local communities, a communication campaign was launched across Liberia’s major towns and villages. As part of this, the RLIS would publish the names of recruits in local newspapers for a week asking for readers to come forward with any concerns. Complaint boxes were set up for people to submit their concerns in writing.

The United States government provided \$500,000 to refurbish the National Police Training Academy. The first recruiting class began training in July 2004. Trainers relied on a basic curriculum the UN had used in other post-conflict settings involving nine weeks at the academy followed by 16 weeks of field training, and a four week academy capstone program. Soon after the first recruits were assigned to posts, however, complaints from the public emerged about overly aggressive and unprofessional tactics. RLIC leaders realized that the training was not emphasizing important issues such as ethics, discipline, and specialized training. There was too much focus on quantity over quality of police deployed, with the risk that the objectives of the program were being undermined.

Eventually the RLIC would adopt a training curriculum involving six months of academy training and six months of field training that incorporated principles of democratic policing and best practices from other West African countries such as Ghana and Nigeria. The academy also endeavored to increase the number of Liberian trainers to provide more contextually oriented training.

To build greater public oversight and legitimacy of the police force, the UN and Liberian police established nearly 200 Community Policy Forums – approximately half in Monrovia and half in the rural counties. The purpose of these forums was to educate the public about the role of the police and build greater police sensitivity to communities. By building strong community-police relations, the forums were intended to monitor police activity and build confidence that police could maintain law and order – discouraging citizen vigilantism. Community Forums from neighboring areas would at times share lessons learned about combating crime and curbing police impropriety.

To further strengthen police discipline and accountability to communities, the manner in which complaints of police misbehavior were reviewed was streamlined. Previously a Board of Inquiry oversaw complaints with the board's findings moved through a long chain of command before making it up to the Director of Police. The effect of the time-consuming process was to encourage impunity. In 2006, the process was overhauled. The Board of Inquiry was replaced with three separate oversight sections: (a) an Internal Affairs, which dealt with internal police complaints about harassment or misconduct; (b) Public Complaints which investigated complaints from the public about abuse or extortion by police; and (c) Inspection and Control, which carried out internal audits. The head of the division reported directly to the Director of Police, reducing the time taken for each inquiry to an average of 15-24 days – significantly speeding the process of review and accountability. These review procedures were complemented by random inspections and phone hotlines soliciting feedback from communities. Moreover, investigations sometimes involved community leaders to show transparency and build public support.

An ongoing problem faced by the reformers was that of low salaries. In 2004, the average police officer salary was \$52 per month, well below the living wage. This led some police to resort to petty corruption. Salaries were slowly raised over time to about \$100 per month. This, plus more timely payment of salaries, and a direct deposit program helped reduce corruption and absenteeism.

In sum, by 2011, the police had recruited, vetted, and trained 4,200 officers. While the Liberian police force remained undermanned, continued to lack basic equipment, struggled to eradicate petty corruption, and still faced outsized influence by political appointees, much progress has been realized since the end of the war in reversing the poor reputation of the security services.

### **Analysis of Liberia's Accountability Building Efforts**

Liberia has made considerable progress in its accountability structures across multiple fronts since the end of its long civil war in 2004. Given the depth of devastation of its conflict and the

legacy of corruption and impunity in Liberia from the period before the conflict, this progress was not a foregone conclusion. While still a limited state facing many challenges, Liberia has managed to avoid falling back into conflict and has in many ways established stronger accountability mechanisms than at any time since the late 1970s.

Considering the accountability framework presented earlier, Liberia's progress appears to be a function of a combination of factors. Perhaps most important was the establishment of an important line of vertical accountability through the holding of free, fair, and credible elections. The creation of an independent election management body was a tremendous accomplishment and notable institutional step forward. Democratic elections, in turn, established a leadership with legitimacy that had the political support to address the difficult challenges faced. President Ellen Johnson-Sirleaf, moreover, has been genuinely committed to reducing corruption (famously illustrated by her firing the entire Ministry of Finance when she first took office). With consequences imposed for serious transgressions, the culture of impunity in Liberia has largely dissipated. In this way, the leadership of the executive branch has in many ways set the tone and trajectory for this accountability strengthening effort. In the short term, checks and balances on the executive, therefore, have been less critical, though there have been meaningful gains in the effectiveness and independence of the legislature, civil service, and security sector. Over the longer term, especially when President Johnson-Sirleaf leaves office, the strengthening of these institutional checks and balances on the executive will be vital to Liberia's sustained development, democratization, and state-building.

Given that institutionalization takes time, however, much of Liberia's progress can be attributed to the role played by civil society, media, and the culture more generally. Citizen groups have been involved in every aspect of Liberia's strengthening accountability systems. The dialogue, participation, oversight, and ongoing engagement of civil society with Liberia's election commission, security sector, and civil service have helped ensure more functional, transparent, and contextually appropriate solutions than would otherwise be the case. Likewise, Liberia's independent media has been at the forefront of exposing corruption, monitoring government actions and progress, and disseminating information. Indeed, the media have been a vital communication channel to keep Liberia's citizens, especially those in rural areas, informed of reforms and the importance of ongoing participation and support.

Perhaps most impressive has been the degree of resiliency and commitment within Liberian society overall. It appears that the civil conflict has been so traumatizing for the population that there is a strong consensus that citizens need to be involved to prevent a return to the dark abyss in which the country languished for many years. The sense that "we need to make up for lost time" reflects both a practical reality as well as a hard-earned maturity that only through citizen participation can potentially disastrous policies be avoided. In this way, Liberian society exhibits an extraordinarily strong degree of social capital for a nation that is emerging from a devastating and highly polarizing conflict.

Liberia's growth in accountability mechanisms is also noteworthy for its reliance on external actors to compensate for its limited state capacity. This was so from the outset with the role external actors played in negotiating the Comprehensive Peace Agreement that brought the conflict to a close. From an accountability perspective, there are important lessons also in some

of the terms adopted in the Agreement that empowered reforms (e.g. barring members from the interim government from running for office, requiring that members of the electoral commission be nominated by civil society, and giving the electoral commission the authority to set regulations for the conduct of the elections). The United Nations clearly played a vital role through the provision of peacekeepers who were able to provide the needed stability and security to enable the other institutional structures to emerge. Beyond this and the important financial support provided by donors, Liberia was open to taking advantage of the technical assistance and best practices for building accountability measures from the United Nations, bilateral donors, NGOs, and other African states. In certain instances, such as the civil service review board, international actors actually participated in oversight panels. Importantly, this assistance was largely coordinated at a policy level through Liberia's limited state structures, ensuring that the directions taken reflected Liberian preferences. This openness to outside participation may also reflect Liberians' desire for international engagement after years of feeling isolated in enduring the long and debilitating conflict.

## **OVERALL ANALYSIS**

This review has examined various means by which accountability mechanisms have been established in various contexts of limited statehood. This has highlighted that significant gains in accountability can be realized even in devastated post-conflict situations and societies that have had entrenched norms of impunity. In other words, these are not perpetually path dependent realities. In fact, while conflicts cause enormous ruptures in the lives of citizens and the social fabric more generally, they may at times provide a clean institutional slate from which more transparent, accountable, and responsive structures can be created. Moreover, the depth of suffering caused by the conflict provides a societal-wide impetus to reform. The reality that not all post-conflict societies are successful shows that this impetus is not necessarily sufficient. Nonetheless, dramatic reversals are possible.

The accountability framework presented earlier in this paper provides a basis to consider some of the distinctive paths to accountability taken in contexts of limited statehood. The cases reviewed here underscore several. To begin, given that the institutional capacity of limited states is weak and that creating state-based accountability structures takes time, accountability gains in the early years of a transition or reform movement will likely be driven by societal forces. The role of traditional authority structures has potentially vital import in this regard. Traditional authorities have often remained relatively vibrant in weak states where the state is not in a position to provide public goods, services, or protection. Traditional structures, meanwhile, often fill needed societal functions for justice, security, and conflict mediation within and between identity groups. Such traditional structures are typically rooted in the local culture and therefore command considerable legitimacy, authority, and influence within these societies. While usually locally focused, when traditional authorities are organized across a country, they have great influence on national level norms and political direction.

This was certainly true in Somaliland where the guurti were both the agent for change and a force for stability in that society's transition from the chaos of the Somalia civil war. In the process, they were able to diffuse power from the centralized legacy of the Barre era while establishing a legislative check on the chief executive. They also gave the new state institutions

credibility and the time needed for the state-based accountability mechanisms to gain traction. While not as explicit in the Liberia case, traditional authorities there also continued to command a great deal of respect and authority through the period of decline prior to the war and in early years afterward. With the purposeful targeting of traditional leaders by Charles Taylor's rebel movement, the capacity of traditional authorities to fulfill this role was diminished over time. Nonetheless, the remnants of the traditional systems provided much needed social cohesion and played an invaluable role in maintaining stability in the early years of the post-war era.

Another key societal actor active in strengthening accountability in limited state contexts has been civil society organizations. When space has allowed, these groups have been instrumental in pressing for higher standards of transparency and oversight than previous norms. Often working with traditional authorities and state structures, civil society groups have championed reforms of the security sector, electoral systems, and the independence of civil servants. Moreover, civil society has provided a sustained focal point of dialogue and negotiation with government officials as they seek to identify the most contextually appropriate accountability approach (e.g. the Community Forums for police reform in Liberia). In this way, civil society has helped shape the direction and strengthened state accountability capacity in the early years of transition when these institutional norms are being renegotiated.

Independent media has similarly fulfilled an indispensable role in strengthening accountability as well as building values of accountability in limited state settings. When space allows, independent media seem to be ready to sprout up like long dormant flowers following a desert rain shower. Moreover, given the weakness of limited states, such space is more likely to exist than in a strong state authoritarian setting. This provides an advantage to accountability efforts in these contexts. In nearly every reform effort reviewed, media played a role in publicizing a deficiency or injustice, compelling government officials to respond to the issue out of fear of stirring up public wrath, and creating relatively greater transparency on the part of the state. Indeed, in cases where official channels of gathering information are limited, the media, aided by the expanded accessibility of information technology, has a disproportionate impact in drawing attention to grievances and corruption. In this way, independent media has been a pivotal actor in "creating" political will for reform.

Similarly, independent media have regularly been used by government officials to communicate the goals and procedures of government reforms to the public. In this way, the media has played an underappreciated educational role in limited state settings. Notably, these effects are generally realized in combination with civil society efforts. That is, once information is disseminated and awareness is raised, it is the civil society organizations that will stay on top of an issue and sustain the push for reform. In other words, while media and ICT are potent resources, they are often insufficient on their own to realize sustained improvements in accountability.

This "layering" of accountability promoters (i.e. traditional structures, civil society, media) is particularly important in limited state settings as a means of changing expectations and reinforcing these new norms. This also contributes to the resiliency of the reform effort, which must be sustained over time if it is to have impact. By not relying on one single actor, the initiative is less vulnerable to personnel changes or diminished engagement by any one group.

The density of accountability processes, in turn, is a key characteristic of successful societies even in strong state contexts.

Through these actors, accountability strengthening in limited state settings has exhibited various forms of “mediated state governance” identified by Menkhaus and others. That is, authorities of limited state authorities effectively enter into partnerships with non-state actors to meet basic functions like public security, justice, conflict management, or service delivery.<sup>62</sup> This is on one hand a practical measure since the limited financial resources of limited states requires that they have a minimalist size and mandate. However, it is also a necessary approach to gain credibility with a population that is deeply distrustful of the state given recent past experience.

While societal actors have a particularly essential role to play in strengthening accountability in limited state settings, that is not to suggest that state-based accountability initiatives should be delayed. This review has shown that limited states can realize remarkable progress in building the accountability capacity and effectiveness of their election commission, legislature, civil service, and security sector, among other areas. These are vitally important undertakings that merit attention and engagement as early as feasible. This is especially true of electoral commissions, whose role in ensuring credible and participatory elections is critical to maintaining stability in these often fragile societies, credible elections also validate elected leaders and enshrine them with the legitimacy and political capital that will allow them to take on the difficult tasks required in building accountability. The experience in Liberia demonstrated that with the integrity of commission members, combined with popular commitment, application of international best practices, international engagement (on security and political fronts), and financial support, credible elections can be held over the relatively short-term. Notwithstanding these cases, an overarching observation of the accountability institutionalization process is that these efforts take time – typically approaching the better part of a decade. These are not quick fix undertakings but rather require sustained support and commitment. It is because of this extended gestation period that the societally-based accountability structures are so important the early months and years of a reform effort.

In the absence of strong institutions, the role of leadership has an especially defining impact on the direction of accountability efforts in limited state settings. It was the strong leadership of President Ellen Johnson-Sirleaf in Liberia that propelled and empowered the civil service, corruption, and police reform efforts there. This contrasts with the relative inability of the administration of interim President Gyude Bryant to jump start reform efforts. Likewise, it was the leadership of Election Commission chairperson, Frances Johnson-Morris, that gave the Liberian elections the even-handed credibility needed to gain the confidence of a leery population. Similarly, it was the committed leadership of the guurti and President Egal in Somaliland that took this territory on the path of greater oversight, popular ownership, and effectiveness.

This underscores the reality that in the early stages of a transition or reform effort in a limited state setting, the values and integrity of leadership will have an outsized influence on the trajectory of these accountability building efforts. The implication of this is that the selection process for leaders at the early stages of a transition is a vital undertaking. The pressure to hold

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<sup>62</sup> Menkhaus, 2006.

elections or choose leaders quickly should be tempered with the potential long-term costs of saddling an institutionally weak country with an ineffective or self-serving leader – likely for years to come. If this leader simply reinforces the same dysfunctional governance norms that have been in place, then little is gained by rushing the process.

A related observation from this review of accountability building efforts in limited state settings is the value in empowering technocrats to guide these efforts. It was technically proficient and apolitical actors that were responsible for Liberia’s reforms in its election commission, civil service, and police reform. In Somaliland, health, agriculture, and social service professionals were willing and able to lead reform efforts if given the opportunity. In short, these groups are important allies to the accountability building process, though they may be easily overlooked.

Finally, this review has highlighted the important role that external actors play in enhancing accountability in limited state settings. Whether intentionally or not, external actors help set standards of acceptable practice, provide needed technical assistance and accelerated access to lessons learned from previous reform efforts, recognize and empower legitimate leaders, and provide the funding and security support in the early stages of a transition that buy the necessary time for credible accountability initiatives to be launched. External actors are also typically deeply involved in negotiating peace settlements that set the terms for political transitions (and the accountability systems that can flow from them). While the degree of external involvement will vary from context to context, even in Somaliland, the desire to meet international standards as a demonstration of qualifying for statehood, created important aspirational incentives for accountability.

## **CONCLUSION**

While limited states may have resource and capacity constraints, they are not necessarily without accountability structures. Certain limited states have demonstrated noteworthy progress in building accountability standards despite long legacies of impunity and political polarization. While establishing norms and state-based institutions of accountability is ultimately a long-term process, important gains can be achieved in the short-term. Given their very lack of dependence on the weak state, these early accountability gains are often led by societally-based actors. Accordingly, accountability strengthening initiatives in limited state contexts are likely hybrid processes that build on the sources of greatest legitimacy in these societies – traditional authorities, civil society groups, and the media. By recognizing the different facets of accountability and the varying speeds and stages at which these measures can gain traction, domestic and international reformers can better prioritize their efforts and uphold a more cohesive strategy to their efforts.