NO-03 Somali xeer and Somaliland: law without a state, state from the bottom up

The total collapse of the Somali state in January 1991, following the ouster of the military dictator Siad Barre, precipitated the modern era's most exhaustive natural experiment in prolonged statelessness and bottom-up institutional reconstruction. While the southern territories encompassing Mogadishu descended into warlordism and eventually ideological insurgency, the northern region of Somaliland leveraged indigenous governance structures to forge a functional, albeit internationally unrecognized, hybrid state apparatus. The foundational mechanism preventing total Hobbesian collapse across the Somali peninsula was *xeer*, a polycentric, unwritten customary law system based on collective responsibility and economic restitution rather than state-monopolized retribution[1].

This foundation document evaluates the architecture of *xeer*, the quantitative impact of statelessness on human welfare, the contrasting state-building methodologies of Somaliland (bottom-up) and Mogadishu (top-down), and the vulnerability of these governance paradigms to capture by actors exhibiting dark-triad traits (narcissism, Machiavellianism, psychopathy).

Part I: The Architecture of Customary Law (Xeer)

Traditional Somali society is characterized by an egalitarian, pastoral-nomadic culture organized around a segmentary lineage system[3]. In the absence of a central state, order is maintained through a complex intersection of kinship (*tol*) and customary social contracts (*xeer*). The system is rigorously polycentric; there is no central legislative body or supreme executive authority. Instead, *xeer* is forged through localized, oral agreements between different groups and is continuously adapted to changing environmental, demographic, and social realities[1].

The Mechanics of the Diya-Paying Group

The fundamental political, economic, and juridical unit of Somali society is the *diya*-paying group (Arabic: *diya*, Somali: *mag*), which functions as a mutual insurance syndicate for blood compensation.

Anthropologist I.M. Lewis, in his seminal 1961 ethnographic work *A Pastoral Democracy*, identified these units as the most stable political entities in a shifting system of agnatic alliances[3]. A *diya*-paying group typically consists of individuals sharing a common ancestor—often tracing back approximately eight generations to a specific lineage node (*jilib*)—and ranges in size from a few hundred to a few thousand men[2].

Under *xeer*, legal liability is collective rather than individual. If a member of Group A kills, injures, or steals from a member of Group B, Group A as a collective whole is responsible for paying the *mag* (historically measured in camels, now frequently monetized) to Group B[2]. For example, traditional *xeer dhagan* (basic prescriptions applying to all Somalis) dictates that the collective

payment of blood compensation applies primarily to homicide, assault, theft, and rape[2]. The rationale for this collective liability is strictly economic and evolutionary. In a harsh, resource-scarce pastoral environment, isolated individuals lack the capital to pay restitution for major crimes. By distributing liability, the group prevents the immediate execution of the offender by the aggrieved party in a retaliatory blood feud, thereby preserving the human capital of the lineage[2]. Conversely, the system forces internal policing; the group will not perpetually subsidize reckless or psychopathic members and retains the right to expel chronic offenders, essentially stripping them of their legal protection and exposing them to unrestricted retaliation.

Polycentricity and the Xeerbeegti

Disputes between groups are adjudicated by a decentralized jury of traditional elders known as the *xeerbeegti*[1]. These elders act as mediator-judges who evaluate cases based on localized precedent and custom. Decisions are reached through consensus during open assemblies (*shir*), where adult males have the right to participate and speak[4].

Michael van Notten, in his 2005 work *The Law of the Somalis*, argued that this system forms a "kritarchy" (rule by judges) that successfully lowers transaction costs and provides a stable foundation for free-market economic development without the overhead, taxation, or systemic coercion of a state apparatus[1]. Because *xeer* operates without a monopoly on violence, the enforcement of rulings relies entirely on the demographic and military equilibrium between the negotiating *diya* groups.

The Three-Part Reality of Xeer

To avoid the romance of the primitive, *xeer* must be separated into three distinct realities regarding its operational nature.

1. What its own people said it did: Somalis traditionally view *xeer* as an egalitarian, harmonious, and ancient system rooted in Islamic values that protects the vulnerable (women, children, the elderly, and guests) and ensures absolute freedom for the pastoralist, who bows to no king or state[2]. It is lauded as a pan-Somali code of conduct providing a jointly constructed moral and normative framework for peaceful coexistence[9].

2. What the record shows it did: The historical record reveals a brutally pragmatic balance of power. *Xeer* is compensation-based, not justice-based, and lacks individual rights protections. Because it relies on the military and demographic strength of the *diya* groups to enforce rulings, weaker clans or minority groups (such as the Sab, Bantu, or artisanal castes) are inherently disadvantaged, historically forced into unequal client-patron relationships, and receive lesser protections under the law[2]. Furthermore, collective responsibility dictates that innocent members of a group suffer economic deprivation to pay for crimes they did not commit, or are murdered in retaliatory feuds if their group refuses or is unable to pay compensation[2].

3. What modern scholarship infers: Modern political economy and institutional analysis view *xeer* as a highly rational institutional adaptation to extreme resource scarcity and state absence. It excels at local property rights enforcement and conflict mitigation but is utterly incapable of providing large-scale public goods (like infrastructure or modern healthcare) and

inevitably breaks down when confronted with mechanized warfare, massive urban environments, or external ideological extremism[9].

Scale Ledger: Customary Law (Xeer)

Scale Rung	Population Size	Operational Status	Rationale & Mechanism
Household	4 to 10	Operated and Worked	The nuclear/extended family forms the baseline of *xeer*. Patriarchal heads enforce immediate discipline, resource allocation, and represent the unit's liabilities to the broader lineage[2].
Hamlet / Band	30 to 50	Operated and Worked	Corresponds to the immediate extended lineage. Total alignment of genetic and economic interests ensures high cooperation in livestock management and immediate dispute resolution[2].
Village	150 to 500	Operated and Worked	Corresponds to the smaller *diya*-paying groups (*jilib*). Efficiently pools risk for blood compensation and enforces strict behavioral norms via the threat of

			expulsion from the insurance pool[5].
Parish / District	1,500 to 5,000	Operated and Worked	Corresponds to larger *diya* syndicates and sub-clans. Assemblies (*shir*) allow for direct, localized democracy where *xeerbeegti* adjudicate disputes between groups, limiting the scope of retaliatory feuding[2].
Town / Watershed	15,000 to 50,000	Operated with Friction	Inter-clan rivalries require formal treaties. *Xeer* operates effectively if demographic balances of power are roughly equal, but struggles with urban property rights, capital accumulation, and anonymity[2].
Region / Bioregion	0.5M to 5M	Failed in Isolation	*Xeer* alone cannot govern at this scale. Success requires hybridizing traditional elders into a formal state apparatus (as in Somaliland) capable of enforcing cross-clan peace and monopolizing

			heavy weaponry[13].
Nation / Continent	50M to 500M	Failed / Untried	Pre-1991 Somalia attempted to govern at a national scale (approx. 10-15 million) by suppressing clan identities through authoritarianism, resulting in systemic collapse[15]. *Xeer* fractures massive unified polities[8].
Planet	8 Billion	Never Tried	The mechanisms of segmentary lineage and localized blood compensation are fundamentally incompatible with globalized governance.

Capture Test: Customary Law (Xeer)

Governance arrangements relying on consensus and social capital are continually probed by individuals exhibiting dark-triad traits. *Xeer* has historically been captured or subverted through specific mechanisms.

- **Machiavellian Subversion (The Siad Barre Era):** During his dictatorship (1969-1991), Siad Barre weaponized *xeer* by officially banning "clannism" in public discourse while simultaneously manipulating it behind the scenes to maintain power. He co-opted traditional elders, renaming them *nabadoons* (peace-seekers), putting them on the state payroll, and transforming them from organic, consensus-driven community leaders into instruments of state surveillance and control[10]. By replacing merit-based, bottom-up authority with top-down patronage, Barre fractured the social trust inherent in the *diya* system, a vulnerability that previously allowed colonial British administrators to control lineages by granting stipends to titular clan leaders (*Aqils*)[4].
- **Psychopathic Annihilation (Al-Shabaab):** *Xeer* fundamentally relies on reciprocal deterrence and negotiation. When confronted by a psychopathic, highly organized ideological force like Al-Shabaab, *xeer* fails entirely. Following their rise in the late 2000s, Al-Shabaab circumvented the *diya* system's collective responsibility by holding

individuals unilaterally accountable to a draconian interpretation of Sharia law[17]. Crucially, Al-Shabaab neutralized *xeer* by systematically assassinating uncooperative clan elders, eliminating the structural nodes of traditional governance[19]. By monopolizing violence and executing the *xeerbeegti*, dark-triad actors effectively deleted the polycentric legal order.

Part II: Empirical Welfare Under Anarchy (The Leeson Hypothesis)

The collapse of the central government in 1991 allows for an empirical evaluation of statelessness against predatory state governance. Economist Peter T. Leeson, in his 2007 paper *Better off stateless? Somalia before and after government collapse*, analyzed 18 key development indicators, comparing Somalia under the Siad Barre dictatorship (1985–1990) to Somalia under complete anarchy (2000–2005)[15].

Leeson's central hypothesis posits that while statelessness is sub-optimal compared to a constitutionally constrained liberal democracy, it is measurably superior to a highly predatory, kleptocratic state. Under Barre, the state plundered citizens, violently suppressed dissent, eliminated democratic checks, and generated immense negative value through corruption and military violence[15].

Quantitative Welfare Indicators (1985–1990 vs. 2000–2005)

Leeson utilized data primarily sourced from the UN and World Bank to construct a pre- and post-collapse comparison.

Development Indicator	Under Government (1985–1990)	Under Statelessness (2000–2005)	Welfare Change
Life expectancy (years)	46.0	48.47	Improved
Infant mortality rate (per 1,000)	152.0	114.89	Improved
Maternal mortality rate (per 100k)	1,600	1,100	Improved
Pop. with access to water (%)	29.0	29.0	Unchanged
Pop. with access to health facility	28.0	54.8	Improved

(%)			
One-year-olds fully immunized (%)	30.0	40.0	Improved
Extreme poverty (% < $1 per day)	60.0	43.2	Improved
Radios (per 1,000)	4.0	98.5	Improved
Telephones (per 1,000)	1.92	14.9	Improved
Adult literacy (%)	24.0	19.2	**Worse**
Combined school enrollment (%)	12.9	7.5	**Worse**

Data Source: Leeson (2007), Journal of Comparative Economics[15].

Contextualizing the Data

Of the 18 indicators Leeson analyzed, 14 showed clear improvement under anarchy[15]. The two primary metrics that declined—adult literacy and school enrollment—are directly correlated to the loss of external foreign aid. Prior to 1991, Somalia was a classic aid-dependent state; by the mid-1980s, foreign aid constituted 58% of the Somali GNP. In 1987, more than 70% of the state's operating budget and nearly 100% of educational financing came from foreign donors[15]. The collapse of education indicators is therefore a reflection of withdrawn international subsidies rather than an intrinsic failure of stateless economic organization. Leeson further notes that pre-1991 GDP per capita was artificially inflated by fictitious state production, the negative value added of military expenditures, and the massive foreign aid gap[15].

Despite these improvements, the absolute levels of poverty and mortality in Somalia remain among the worst in the world. As of 2022, merely 21.7% of adult Somalis were employed, and the productive tradable sectors remain subdued[22]. The success of the stateless period was largely driven by the resilience of the informal private sector—specifically telecommunications, livestock export, and the *hawala* money transfer system—which stepped in to provide public goods in the absence of a government[22].

Part III: Somaliland and State Formation from the

Bottom Up

While southern Somalia languished in warlordism and state collapse, the northern region—the former British Somaliland Protectorate—engineered a remarkable bottom-up institutional reconstruction. Following the Somali National Movement's (SNM) military victory over Barre's forces in the north, traditional clan elders initiated a series of indigenous peace conferences to pacify the region and establish a new hybrid government[24].

The Chronology of Indigenous Peacemaking

The Somaliland peace process was highly iterative, progressing deliberately from localized ceasefires to national constitutional charters. Crucially, the virtual absence of foreign intervention or funding allowed these conferences to proceed according to local cultural norms and temporal rhythms, rather than artificial donor-imposed deadlines[12].

Conference & Date	Duration	Primary Participants	Key Outcomes
Berbera Conference (Feb 15-21, 1991)	1 week	SNM (Isaaq), non-Isaaq elders (Dhulbahante, Warsangeli, Gadabursi, Issa).	Established formal ceasefire. Initiated SNM policy of non-reprisal against clans that supported Barre. Delegated peacemaking to the *Guurti*[24].
Burao Conference (Apr 27-May 18, 1991)	3 weeks	Delegates from all northern clans, SNM central committee.	Culminated in the May 18 declaration of Somaliland's independence. Abdirahman Ahmed Ali "Tuur" installed as interim president for a two-year period[13].
Sheikh Conference (Oct-Nov 1992)	~3 weeks	Traditional elders, warring Isaaq sub-clans.	Resolved inter-clan fighting that had broken out in Burao and Berbera, establishing the security framework

			necessary for a larger national assembly[26].
Borama Conference (Jan-May 1993)	4 months	2,000 total attendees, 500 official delegates, 150 Guurti voting members.	Transferred power from SNM to a civilian administration led by Mohamed Haji Ibrahim Egal. Drafted a National Charter establishing a bicameral parliament[12].
Erigavo Conference (Aug-Nov 1993)	4 months	Isaaq, Warsangeli, and Dhulbahante clans.	The culmination of 15 smaller local meetings, resolving deep-seated hostilities and establishing regional administration in the volatile Sanaag region[25].

The Borama Conference (1993): The Matrix of the State

The definitive moment of Somaliland's state formation was the Grand Borama Peace Conference, presided over by the Chairman of the Guurti, Sheikh Ibrahim Sheikh Yusuf Sheikh Madar[12].

The conference lasted four months and was funded almost entirely by local sources and the diaspora, costing approximately $100,000[12]. This financial independence insulated the proceedings from external manipulation and established a profound sense of local ownership. At Borama, clan elders brokered an agreement to disarm local militias, transferring heavy artillery and weapons caches to the new government to form a unified national army and police force, as dictated by the newly drafted Peace Charter[13]. The conference culminated in the peaceful transfer of executive power to a civilian, Mohamed Haji Ibrahim Egal, and the establishment of a bicameral legislature that formalized the integration of traditional elders into the modern state apparatus[13].

The Guurti: Institutionalizing Tradition

The 1993 National Charter formally established the *Golaha Guurtida* (House of Elders) as the

upper house of the Somaliland parliament[13].
The *Guurti* consists of 82 traditional leaders, nominated by their respective clans rather than being directly elected by the public[29]. Seat allocation is strictly apportioned by clan demographics to ensure balance (e.g., Habr Je'lo receives 14 seats, Habr Awal receives 9 seats, Garhajis receives 11 seats, etc.)[29]. The House is mandated with passing legislation related to religion, security, and traditional culture, while acting as the ultimate mediator during periods of political or security crisis[31]. By granting elders a permanent stake in the central government, Somaliland avoided the marginalization of traditional authorities that doomed state-building in southern Somalia, transforming culturally rooted legitimacy into social trust and institutional continuity[14].

Scale Ledger: Somaliland Guurti System

Scale Rung	Population Size	Operational Status	Rationale & Mechanism
Village / District	Up to 5,000	Operated and Worked	Local clan leaders act as the foundational nodes, maintaining localized peace through traditional *xeer* negotiations[33].
Town / Watershed	15k to 50k	Operated and Worked	Inter-clan conflicts are escalated to higher-ranking elders who hold seats in the national Guurti, providing a clear escalation pathway for conflict resolution[33].
Region / Bioregion	0.5M to 5M	Operated and Worked	Functions at the scale of the Somaliland state (approx. 3.5 million). The 82-member Guurti successfully synthesizes traditional

			legitimacy with modern constitutional governance, securing peace across the entire territory[14].
Nation / Continent	50M to 500M	Failed / Untried	Traditional representative models scale poorly beyond shared cultural and linguistic boundaries, as they rely on intimate knowledge of lineage matrices.

Capture Test: Somaliland Guurti System

- **Institutional Narcissism (The Sclerosis of the Guurti):** While highly resilient against violent takeover, the *Guurti* has proven deeply vulnerable to procedural capture and institutional sclerosis. The members installed in the 1990s have utilized constitutional loopholes to continually extend their own mandates and the mandates of the executive branch without public elections. Utilizing Article 83(5) of the constitution—which allows for term extensions in the event of "security considerations"—the *Guurti* passed highly controversial term extensions in 1995, 2002, 2003, 2006, 2010, and most recently a 5-year extension for itself in 2021[29]. The institution has slowly transformed from a dynamic conflict-resolution mechanism into an unelected, self-perpetuating gerontocracy that blocks democratic renewal[30]. This represents the capture of an egalitarian mechanism by an elite faction seeking permanent self-preservation.

Part IV: Top-Down Failure in Mogadishu

In stark contrast to Somaliland's locally financed, protracted bottom-up process, the international community's attempts to reconstruct the state in southern Somalia were top-down, highly capitalized, externally managed, and temporally compressed[35].

- **UNOSOM I and II (1992–1995):** Following the outbreak of famine and warfare between warlords like General Mohamed Farah Aideed and Ali Mahdi, the UN and US military interventions attempted to impose peace through overwhelming force and vast humanitarian aid. The intervention, culminating in the Battle of Mogadishu, failed catastrophically due to an inability to understand complex clan dynamics. It inadvertently enriched warlords through massive aid and logistics contracts and prioritized rapid

military pacification over grassroots, clan-level reconciliation[37].

- **The Arta Conference (Djibouti, 2000):** Initiated to restore a unified country, this conference established the Transitional National Government (TNG). Though attended by over 40 speakers, it was externally driven by the international community. It rapidly lost legitimacy as it failed to incorporate key warlords on the ground, faced resistance from neighboring countries, and lacked a functional tax base or territorial control outside a few neighborhoods in Mogadishu[36].
- **The Mbagathi Conference (Kenya, 2002–2004):** Convened by IGAD to replace the failed TNG, this conference established the Transitional Federal Government (TFG). It was ostensibly steered by regional powers (notably Ethiopia and Kenya) and actively excluded traditional clan leaders and civil society. Instead, the agenda was dominated by warlords and foreign actors[36]. The resultant TFG was widely viewed as an illegitimate proxy and remained entirely reliant on African Union (AMISOM) troops for its survival[36].

Scale Ledger: Top-Down State-Building (Mogadishu)

Scale Rung	Population Size	Operational Status	Rationale & Mechanism
Parish / District	1,500 to 5,000	Failed	Top-down initiatives consistently bypassed local elders in favor of internationally recognized warlords, severing the link between local dispute resolution and state administration[36].
Region / Bioregion	0.5M to 5M	Failed	The TNG and TFG claimed regional authority but could not secure a monopoly on violence, collect taxes, or provide basic public goods, leading to chronic state failure[36].

Nation	50M	Failed	Attempts to impose a standardized, bureaucratic federal model upon a decentralized, pastoral society without prior grassroots consensus proved fundamentally incompatible[35].

Capture Test: Top-Down State-Building

- **Warlord and Elite Capture:** Top-down peace conferences funded by international donors inherently incentivize warlord rent-seeking. Because legitimacy was conferred by external recognition rather than internal consensus, individuals with Machiavellian and psychopathic traits (warlords) captured the state apparatus to access foreign aid, diplomatic legitimacy, and military subsidies[39]. The feedback loop of accountability was severed; leaders answered to the UN and IGAD rather than the Somali populace.

Part V: The Strongest Case Against Xeer and Somaliland

The romance of bottom-up state building and customary law obscures significant systemic flaws, coercive practices, and geographic vulnerabilities. Scholars who caution against the naturalistic fallacy point to several structural failures.

1. The "Mediated State" and Elite Collusion Scholar Ken Menkhaus critiques the binary of "state vs. statelessness," identifying southern Somalia not as a pure anarchy, but as a "mediated state." In this arrangement, the weak central government subcontracts its core functions to warlords, private business cartels, and clan militias[42]. The heavy reliance on informal, trust-based networks breeds extreme socioeconomic inequality, permanently disenfranchising minorities and the unarmed who lack the military weight to negotiate fair *xeer* settlements[22]. Similarly, in Somaliland, peace was largely consolidated through exclusive collusion between President Egal and a small circle of wealthy local merchants, who were granted extraordinary monopolies in exchange for funding the state's security apparatus[12].

2. Territorial Imposition in Somaliland Anthropologist Markus Hoehne provides the sharpest critique of Somaliland's foundational myth. He argues that the inclusive, bottom-up narrative breaks down violently at the colonial borders. The Dhulbahante and Warsangeli clans in the eastern Sool and Sanaag regions largely identify with the Harti/Darod clan family, whose lineages span into neighboring Puntland and southern Somalia, rather than the Isaaq-dominated political structure of Somaliland[43]. Somaliland's claim over these territories is based purely on colonial-era boundaries rather than organic bottom-up consensus, leading to violent, protracted border conflicts, such as the 2023 crisis in Las Anod[29]. When a bottom-up

state attempts to assert top-down territorial hegemony over non-consenting ethnic subsets, it mimics the predatory behavior it was designed to escape.

3. Annihilation by Ideological Extremism The ultimate vulnerability of *xeer* and traditional elder networks is their inability to withstand ideological, asymmetrical warfare. The rise of Al-Shabaab demonstrated that customary law requires a baseline of shared cultural respect to function. By declaring *xeer* an un-Islamic relic and systematically assassinating over a thousand clan elders, Al-Shabaab dismantled the polycentric legal order and replaced it with a highly centralized, coercive jihadi governance structure that *xeer* was powerless to resist[17].

Required Endings

Summary of Robust Findings

1. **Statelessness vs. Predation:** Complete state collapse and polycentric customary law provide measurably superior human welfare outcomes compared to an ultra-predatory, extractive central state.
2. **Economic Resilience:** Without state taxation or regulation, transaction costs drop, allowing informal economies (telecoms, *hawala* remittances, livestock export) to rapidly advance and provide substitute public goods.
3. **Risk Pooling:** The *diya*-paying group functions as a highly effective, decentralized mutual insurance mechanism against violence and property loss.
4. **Bottom-Up Efficacy:** Legitimate state formation requires open-ended timeframes, local funding, and the formal integration of pre-existing traditional moral authorities.
5. **Top-Down Failure:** Internationally funded, externally managed peace conferences fail because they incentivize warlord rent-seeking and bypass rural legitimacy.
6. **The Limit of Custom:** Customary law mitigates localized violence but cannot produce large-scale public goods (high-level infrastructure, advanced education) and marginalizes minority groups.
7. **Elite Collusion:** Peace is often secured not through democratic inclusion, but through pragmatic, exclusionary collusion between traditional elders, military victors, and merchant classes.
8. **Vulnerability to Insurgency:** Decentralized customary law is highly vulnerable to decapitation strikes by organized, ideologically driven forces that refuse to adhere to traditional norms.
9. **Institutional Sclerosis:** Without strict temporal limits and direct elections, hybridized councils of elders will utilize procedural loopholes to permanently extend their own power.
10. **Territorial Limits:** Bottom-up legitimacy breaks down into warfare when an organically formed state attempts to enforce artificial colonial-era borders over non-consenting minority lineages.

Contested or Open Questions

- Can a polycentric legal system seamlessly interface with international capital markets and foreign direct investment without eventually requiring a centralized state apparatus to enforce complex corporate contracts?

- To what extent did the massive influx of diaspora remittances, rather than the intrinsic efficiency of *xeer*, drive the welfare improvements noted during the stateless period?
- Is the hybridization of traditional elders into a modern bicameral parliament a sustainable permanent solution, or merely a transitional phase that inevitably decays into an unaccountable gerontocracy?

Sources to Read in Full

1. Lewis, I.M. (1961). *A Pastoral Democracy: A Study of Pastoralism and Politics Among the Northern Somali of the Horn of Africa*.
2. van Notten, M. (2005). *The Law of the Somalis: A Stable Foundation for Economic Development in the Horn of Africa*.
3. Leeson, P.T. (2007). "Better off stateless: Somalia before and after government collapse." *Journal of Comparative Economics*.
4. Menkhaus, K. (2007). "Governance without Government in Somalia: Spoilers, State Building, and the Politics of Coping." *International Security*.
5. Hoehne, M.V. (2015). *Between Somaliland and Puntland: Marginalization, militarization and kinematics at the margins of the Somali state*.
6. Bradbury, M. (2008). *Becoming Somaliland*.

Implementability after the Fall

Prerequisites to Start: A shared cultural, religious, or moral framework recognizing mutual humanity; a designated, secure meeting place under a neutral symbol (e.g., the *shir* under a thorn tree); a shared accounting system for determining restitution values (e.g., livestock, silver, or calorie equivalents); a functional oral or written memory of lineage/association to track individual liabilities.

- **Household (4 to 10 people):** The minimum viable product is the patriarchal or matriarchal command structure enforcing internal redistribution and externally representing the unit's liabilities to the broader community.
- **Village of 300:** The minimum viable product is the formation of a single *diya*-style mutual insurance pact. Every household contributes to a restitution pool. If a member commits an offense against a neighboring group, the village pays the victim. The village then internally disciplines the offender (via asset seizure or expulsion). A council of elders (*xeerbeegti*) is nominated by household heads to adjudicate internal disputes based purely on restitution, not incarceration.
- **District of 3,000:** The minimum viable product requires a hybrid assembly similar to the *Guurti*. Villages send recallable delegates to a central council. This council does not write new laws or levy taxes, but serves solely to ratify inter-village peace treaties, standardize compensation tariffs across the district, and coordinate the pooling of district militias to repel external raiders.

First failure to expect: The "Free Rider / Psychopath Dilemma." A highly aggressive or psychopathic individual within a village commits a massive offense against a neighboring group, generating a restitution debt the village cannot—or will not—pay. The offending village fractures internally over whether to expel the individual or defend him, leading to the collapse of the mutual insurance pact and the outbreak of retaliatory blood feuding.

Principles

- **The Restitution Principle:** Legal systems based on economic restitution and collective liability lower violence more effectively than systems based on individual incarceration in resource-scarce environments.
- **The Predation Threshold:** Complete statelessness yields better human welfare outcomes than a highly extractive, kleptocratic central authority.
- **The Funding Fallacy:** State-building initiatives funded by external donors inherently fail because they sever the accountability feedback loop between the governors and the governed.
- **The Integration Imperative:** Post-collapse stability requires institutionalizing pre-existing, traditional moral authorities rather than attempting to replace them with novel, imported bureaucratic structures.
- **The Sclerosis Axiom:** Any unelected advisory or legislative body, regardless of its original moral legitimacy, will eventually exploit procedural rules to permanently extend its own tenure if left unchecked by direct democratic recall.
- **The Decapitation Vulnerability:** Polycentric, elder-based governance structures are highly susceptible to total collapse when subjected to targeted assassinations by ideologically unified, psychopathic insurgents.

Works cited

1. Xeer - Wikipedia, https://en.wikipedia.org/wiki/Xeer
2. Working with Traditional Leaders to Reform Customary Law in, https://www.files.ethz.ch/isn/137064/WP1Somalia.pdf
3. JOURNAL VOL III_WEB.pdf - Marine Corps University, https://www.usmcu.edu/Portals/218/HD%20MCUP/MCUP%20Pubs/JOURNAL%20VOL%20III_WEB.pdf
4. MAX PLANCK INSTITUTE FOR SOCIAL ANTHROPOLOGY, https://www.eth.mpg.de/pubs/wps/pdf/mpi-eth-working-paper-0082.pdf
5. Focus Somalia: Clans und Minderheiten (31.05.2017) - sem.admin.ch, https://www.sem.admin.ch/dam/sem/de/data/internationales/herkunftslaender/afrika/som/som-clans-d.pdf.download.pdf/som-clans-d.pdf
6. THE LAW OF THE SOMALIS: A Stable Foundation for Economic, https://africaworldpressbooks.com/the-law-of-the-somalis-a-stable-foundation-for-economic-development-in-the-horn-of-africa-by-michael-van-notten-edited-by-spencer-heath-maccallum/
7. Xeer | Somali Wiki - Fandom, https://somalipeople.fandom.com/wiki/Xeer
8. The Country That Does Not Exist: A History of Somaliland, https://dokumen.pub/the-country-that-does-not-exist-a-history-of-somaliland-1787382036-9781787382039.html
9. (PDF) Strong Reciprocity and Large-Scale Cooperation in, https://www.researchgate.net/publication/389169292_Strong_Reciprocity_and_Large-Scale_Cooperation_in_Traditional_Somali_Society
10. The predicament of the 'Oday'* | UN Peacemaker,

https://peacemaker.un.org/sites/default/files/document/files/2022/07/sopredicamentofoday2006_0.pdf
11. The Law of the Somalis - Mises Institute, https://cdn.mises.org/21_2_7.pdf
12. Somaliland Political Settlements and State Formation, https://somalilandeconomic.com/somaliland-political-settlements-and-state-formation/
13. Somaliland Country Report, https://www.icla.up.ac.za/images/country_reports/SOMALILAND_COUNTRY_REPORT.pdf
14. The Case of the House of Elders (Guurti) in 'Somaliland' SERIES, https://www.ipstc.org/index.php/downloads-publications/publications/category/48-2014?download=155:occasional-paper-5-7-2014
15. Better off stateless: Somalia before and after government collapse, https://www.peterleeson.com/better_off_stateless.pdf
16. (PDF) Genealogy of Accountability in Somalia - Academia.edu, https://www.academia.edu/37954819/Genealogy_of_Accountability_in_Somalia
17. Clans in Somalia - Department of Justice, https://www.justice.gov/sites/default/files/eoir/legacy/2013/06/12/clans.pdf
18. SECURITY SITUATION IN SOMALIA . 1. Armed conflict and security, https://migri.fi/documents/5202425/5914056/68429_Somalia_security_situation_April_2016.pdf/fe8cdfda-447b-40ed-8bc3-6658369d13c8
19. “Country Report on Human Rights Practices 2012 - Ecoi.net, https://www.ecoi.net/en/document/1042670.html
20. the role of clan elders as insider-partial mediators - CVE Kenya, https://cve-kenya.org/media/library/ELDERS_FAITH_CVE.pdf
21. al-Shabaab and Clan Elders in Southern Somalia, 2008-2012, https://www.tandfonline.com/doi/full/10.1080/09592318.2020.1780686
22. World Bank Document, https://documents1.worldbank.org/curated/en/099720301202532976/pdf/IDU-a882335a-7fcf-4024-a3ee-c0bd1c806169.pdf
23. Lawlessness and economic governance: the case of hawala system, https://www.researchgate.net/publication/46545404_Lawlessness_and_economic_governance_the_case_of_hawala_system_in_Somalia
24. Somaliland Peace Process - Wikipedia, https://en.wikipedia.org/wiki/Somaliland_Peace_Process
25. Somaliland: History and Development Insights | PDF | Somalia - Scribd, https://www.scribd.com/document/350232464/Somaliland-Country-Report-Mark-Bradbury-pdf
26. Know About Peace - The History of Local Peacebuilding in Somaliland, https://sites.google.com/view/know-about-peace/peacebuilding/the-history-of-local-peacebuilding-in-somaliland
27. AFTER BORAMA - allAfrica.com, https://allafrica.com/download/resource/main/main/idatcs/00061426:b72a2fef2f95ebea4795712bbbab1367.pdf
28. Peace in Somaliland: An Indigenous Approach to State-Building,

https://www.interpeace.org/wp-content/uploads/2008/04/2008_SomS_Interpeace_APD_Statebuilding_EN.pdf
29. House of Elders (Somaliland) - Wikipedia, https://en.wikipedia.org/wiki/House_of_Elders_(Somaliland)
30. Somaliland Guurti Extends Terms of Parliament and Local Councils, https://en.kaabtv.com/somaliland-guurti-extends-terms-of-parliament-and-local-councils-by-27-months/
31. Somaliland - A Way out of the Electoral Crisis, https://www.files.ethz.ch/isn/110688/b67_somaliland_electoral_crisis.pdf
32. The Somaliland House of Representatives suspended its scheduled, https://www.facebook.com/saabenglish/posts/the-somaliland-house-of-representatives-suspended-its-scheduled-plenary-session-/1086849004093591/
33. 2616-8413 Indigenous Institutions and Contested Statehood, https://stratfordjournalpublishers.org/journals/index.php/journal-of-public-policy-governa/article/download/2961/3636
34. Guurti Extends President term Jan 2002 - SOMALILAND LAW, http://www.somalilandlaw.com/Guurti_Resolution__Jan_2002_extending_Presidential_Term.htm
35. Constitution-making in Somalia: a critical analysis, 1960 – 2013, https://erepository.uonbi.ac.ke/bitstreams/0f1959d9-541b-4a97-874f-9e496ab15800/download
36. The Role of Democratic Governance versus Sectarian Politics in, https://www.sirclund.se/Dokument/Conf2010wCov.pdf
37. Shell-Shocked: Civilians Under Siege in Mogadishu: III. Background, https://www.hrw.org/reports/2007/somalia0807/3.htm
38. Somalia intervention | UN Peacekeeping, US Military ... - Britannica, https://www.britannica.com/event/Somalia-intervention
39. (DOC) Un Failure In Somalia: Why? - Academia.edu, https://www.academia.edu/31404005/UN_FAILURE_IN_SOMALIA_WHY
40. A History of Mediation in Somalia since 1988 | Interpeace, https://www.interpeace.org/wp-content/uploads/2009/05/2009_Som_Interpeace_A_History_Of_Mediation_In_Somalila_Since_1988_EN.pdf
41. Policy Briefing - International Crisis Group, https://www.crisisgroup.org/sites/default/files/b45-somalia-the-tough-part-is-ahead.pdf
42. Land, Property, and Housing in Somalia.pdf - UN-Habitat, https://unhabitat.org/sites/default/files/download-manager-files/Land%2C%20Property%2C%20and%20Housing%20in%20Somalia.pdf
43. THE CASE FOR HYBRID POLITICAL ORDERS IN SOMALILAND By, https://scholar.ufs.ac.za/bitstreams/2bfb0e4c-006f-44c8-9126-ae0be3cbd894/download
44. Between Somaliland and Puntland | Rift Valley Institute, https://riftvalley.net/wp-content/uploads/2018/06/Between-Somaliland-and-Puntland-by-Markus-Hoehne-RVI-Contested-Borderlands-2015.pdf
45. Revisiting Alliances in Somalia's Civil War,

https://ora.ox.ac.uk/objects/uuid:2c0e6197-9972-4c03-94d3-3aecc9e14825/files/d70795823v