How Corruption Undermined the Effectiveness of Somali Federal Government

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# Introduction

Since the outbreak of civil war in Somalia in 1991 and the collapse of government institutions, the international community including neighboring countries attempted several times to restore peace and stability in Somalia from the perspective of a tribal conflict. But these efforts were unsuccessful due to clan-oriented warlords who thrived economically at the expense of weak and vulnerable citizens in the chaotic situation. However, the conflict in Somalia was not only due to tribal conflicts, but, it was a combination of power struggle, control of resources, and tribal fighting. In other words, it is political corruption and theft of public resources. This work will study how these phenomena evolved and its adverse effects on the government.

 The current situation in Somalia for the last two decades and the role of the international community in restoring peace and stability in Somalia is complicated. Therefore, this work will attempt to assess the role of corruption and how it undermined the effectiveness of the internationally backed government. The study will also try to explain the role of corruption in the instability of Somalia. According to International Crisis Group, both grand and petty corruption exist in Somalia. The work will utilize latest international agencies and aid organizations’ reports about Somalia, journal articles, news sources and other relevant documents to evaluate the impact of corruption on the effectiveness of the Federal Government of Somalia.

This work will conclude that the establishment of an efficient and effective device to fight, eradicate, and uproot the entrenched corruption in Somalia is imperative. There is considerable literature on corruption in Somalia that identify its negative impact, but the writer is arguing that corruption is the main challenge in restoring peace and stability in Somalia. Unless corruption is eradicated, clan-warlords and terrorism will never be defeated.

# **Background**

Corruption occurs throughout the world. It is mostly related to governance and government, although there is considerable corruption in the private sector. Corruption is also a topic of discussion since the ancient times. In antiquity, Greek philosophers Plato, Socrates, and Aristotle analyzed the relationship between corruption and government. (Leslie, 2011, p. 1) 1400 years ago the prophet of Islam (PBUH) prohibited corruption and warned his companions of severe punishment on the Day of Judgment if they are involved in corruption activities.

Despite the extensive studies and the efforts of international community and Somali Federal Government in creating measurements of corruption and the ratification of laws and policies that are meant to curb corruption practices; corruption penetrated in all institutions of the Somali Federal Government. According to International Crisis Group, former president Sheikh Sharif Sheikh Ahmed promised “a new era of ethical and clean politics. (siyaasad nadiif ah) He also pledged to create an administration that would advance good governance and tackle the endemic corruption that blighted past regimes, this promise remains unfulfilled." (SOMALIA: THE TRANSITIONAL GOVERNMENT, Feb,2011). The expectations to clean up the government was quickly dashed. The crusade war against corruption was abandoned as the president tried to maintain a political alliance with the then parliament speaker Sharif Hassan, who can mobilize members of parliament against his opponents (SOMALIA: THE TRANSITIONAL GOVERNMENT, Feb,2011)

 Corruption is complicated, and it’s hard to find reliable data because of its illegality; it is also almost impossible to get an identical definition for corruption. But some scholars have identified its social and economic causes of antigrowth through data retrieved from proprietary firms that provide information to companies trying to decide where to invest. They suggest that strong government institutions and low levels of corruption have beneficial effects on investment, growth, and other economic variables. (Leslie, 2011, p. 4) However, poorly functioning government institutions tend to be relatively corrupt. (Leslie, 2011) Hence, countries that practice high levels of corruption are common for underdevelopment, famine, poor infrastructure and low levels of trust. Despite the abundance of natural resources in most African countries, these countries depend on foreign donations to carry out government services. Somalia suffered from all these negative indications of corruption.

Somalia is socially, economically and politically unstable for two and half decades and thus, it has been identified as a “failed state”. The country has experienced extreme conflict and systematic corruption in its recent history, resulting in weak government structure that is unamendable. International Transparency group ranked Somalia as the most corrupt country in the world for seven consecutive years. Bribery, fraud, and embezzlement of public property continue to occur. (Leslie, 2011, p. 3) Despite all these challenges the international community is engaged to help the country to overcome its difficulties, fight terrorism, and embark on nation building and establishing government institutions.

Corruption affected almost all spheres of life in Somalia, including government agencies, international aids and in the private sector. The most affected areas of corruption in Somalia are Aden Ade international airport and port of Mogadishu, international aid, the parliament and the executive including the president.

To fully grasp the forms of corruption that exist in Somalia, and how it undermined economic growth, development, and the restoration of an efficient federal government that can observe law and order in the country, let us first discuss the social structure of Somalians in the last two decades of anarchy and civil war. I will attempt to explain the formation of the current federal government and the stages it went through. The ratification of the constitution and the rise of Al-Shabaab and other extremist groups in the country.

# **Clan Loyalty Vs State**

In the era preceding colonization Somalians were predominantly nomads. Conflict over the scarce resources such as water and pasture were common. These disputes over natural resources and other disagreements were mostly solved by the elders of the two clans through a system locally known as (Xeer) pronounced (Heer). (Customary laws) Xeer is not a written constitution or document that the defendant and plaintiff can refer to sections of the Heer to support their argument, but it is mostly based on a precedent between the two clans involved in the dispute; in other words, it's a form of customary laws. In the event they lack a precedent between the two involved tribes, they refer to other incidents of other local clans regardless of whether they are involved or not. If they could not find a similar incident, it is regarded as (Ugub) which means "a new case". Whatever the solution to that new case is, it will be deemed as a benchmark for future similar disputes in similar cases.

Therefore, clan members depend on each other almost on all spheres of social life. Economically, politically, and socially. It is a clan based contract to help each other. For instance, clan members share (Diya). Diya is a financial compensation paid to other clans if one of the clan members commits a crime against other clan members. Diya will be paid as compensation for the murder offense, provided the consent of the affected family, this has bases in Islamic Sharia law. Clans also depend on each other in the event one the clan members suffer substantial financial loss or severe illness. Clan leaders appeal to the members of the clan to contribute to relieve the sufferings of the affected person. This system of interdependence along clannism lines exists amongst Somalis living in Somalia and abroad. This interdependence also contributed effectively to the endemic conflict in Somalia. The most affluent and educated members of the clan take the leadership to organize and mobilize their clan members to get their share of the national government.

Moreover, the clan members who secure senior positions in the government through election or appointment are deemed as guardians of the clan interest before the state. For example, ministerial portfolios are shared along tribal lines. Therefore, ministers appoint their clan members as advisors, secretaries, and other important positions. The criteria for appointing government officials is clan-centered loyalty approach, rather than competence and merit. Similarly, rewarding contracts, issuing business licenses and other government benefits, clan members of the top official take the lion’s share.

Officials use the power of the office to promote the interest of their clan members, and they might suppress others. Jubaland Administration is a clear example. Somali parliament passed a draft constitution of the federal system of governance. The constitution indicates that any two regions or more can form a regional Federal State Government in order restore peace in the country. The international community backs this mechanism. Ahmed Islam alias Ahmed Madoobe liberated parts of Lower Juba and Gedo from Alshebab with the help from Kenya Defense Forces (KDF). Madoobe won the support of the international community including the USA. As per the constitution of the federal government, Madoobe wanted to form a regional government consisting three provinces, namely, Lower Juba, Middle Juba and Gedo. This step taken by Madoobe received a warm welcome from international communities and the inhabitants of the liberated areas from Al Shabab. It was considered as a stride towards stabilization and development. However, the then internal minister Abdikarim Hussein Guled (current president of Galmudug State Administration) and other senior government officials declined to send delegates from his ministry to observe the formation of the new state and grant formal recognition to the new administration. The federal parliament lamented Juba Administration as unconstitutional. A dispute which was eventually solved in an agreement in Addis Ababa pushed by the IGAD and the international community. (HOL, 2016)

 Guled justified his refusal decisions with the following reasons. Firstly, Somalia should be liberated from Al-Shabab entirely; second the country is not well prepared for a federal system of governance because the bills that define the powers of the two governments are not yet passed by the parliament such as sharing of resources, levying taxes and among others.

Guled might be right at his argument although the other side presented a reasonable argument, had he embraced to his principles. But, a little while after he resigned from security ministry, Guled campaigned for the establishment of Galmudug state in central Somalia in which he was elected as the president. He was supported by the incumbent president Hassan Sheikh Mahmud and his political association. A report released by UN Security Council described it “The Damul Jadid political association close to President Hassan Sheikh Mohamud invested heavily – financially and politically – in the appointment of its member, Abdikarim Hussein Guled, as President of the Interim Galmudug Administration” (Report of the Monitoring Group on Somalia and Eritrea, 2015)The very same resources that was employed to suppress the foundation of Jubaland Administration. This move was seen as an act of nepotism and clan-oriented corruption of senior politicians. Since Ahmed Madoobe of Jubaland Administration on one side and Guled and President Hassan belong to two different major clans that are fighting over power. This example is one of many examples of bias and political corruption in Somalia.

**Clan Formula-based government**

**Figure 1Clan Lineage**

 Sade

 Absame

 Harti

 Haskul

 Abgaal

 Habar-Gedir

Karinle

 Isse

 Biyamal

 Godobirse

 Isaq

 Mirifle

 Digil

 Rer-Hamar

 Bantus

Sab

 Dir

 Rahanwayn

 Others

 Darod

 Hawiye

 Somali

After the fall of Siyad Bare regime (the last strong central government of Somalia) in 1991, all government institutions collapsed. Widespread lootings of government assets, Banks, foreign diplomat embassies took place. Non-locals fled the city in fear for their lives especially the Darods. (The ousted president’s clan). Thirteen attempts of negotiations in neighboring countries to rescue the country failed. USA led UN military intervention in 1993 and 1995 didn’t help either. In 2004, a transitional Federal government was created in the neighboring country Kenya. A new government was born that is “Accommodating Somali’s deep, complex ideological, historical, social, political and economic concerns. (Brain J, 2010, p. 252) A representation of 4.5 formula was adopted. The parliament was equally divided among four main clan groups namely, Darod, Hawiye, Dir, Digil & Mirifle plus five minority groups living in Somalia. Although this formula wasn't the best option, it was inevitable to prevent failure of the conference. Critics consider as a setback for democracy and the rule of law as well as a victory for corrupt politicians and clan-oriented warlords.

Unfortunately, the vast majority of the newly established government were former warlords who lost the trust of the populace. They are considered as unscrupulous warlords who trade with the plight of the citizens. This mistrust was confirmed by the rapid growth of the Unions of Islamic courts in Mogadishu who secured widespread support and defeated US-backed anti-terrorist warlords in 6 months. The clan-based formula division of government posts promoted all types of corruption including bribery and nepotism.

Figure 2 Clan Formula

# **Definition of corruption in the Somali context**

Corruption is a complex phenomenon in Somalia. It penetrated almost all institutions and branches of government. Government bureaucrats consider as a pejorative receiving bribes and embezzling government assets. They justify their actions as the government's inability to pay them. Citizens, on the other hand, became immune to corruption. Government officials seek their clan's protection if they are accused of corruption or breaking the law. Therefore, corruption in Somalia is institutionalized, protected and quasi-legalized. According to World Bank’s definition, corruption is the “misuse of office for unofficial ends.” (Leslie, 2011, p. 49) It is also defined as the use of entrusted power for private gains.

Since corruption is universal and occurs throughout the world, scholars managed to define corruption according to the context and the condition in which it is practiced. It is also of especial concern in developing countries. Widespread corruption is a sign of failed state which can undermine economic growth. According to World Bank, corruption has deep roots in political and bureaucratic institutions. But, its effect is more in the developing countries than the industrial ones, because it undermines government to enact and implement policies in areas where government intervention is most needed. (Leslie, 2011) These occur when a bureaucrat accepts, extorts, and solicits a bribe. The public office is also abused when bribery is offered to circumvent public policies and processes for competitive advantage and profit. (Stiglitz, 1997)

In Somalia corruption affected almost all institutions of government. It affected the office of the president, the prime minister, parliament, the mayor of the capital, security agencies as well as international aid. The practice of nepotism, extortion, and the theft of public resources are common. These officials misused their official positions to enrich themselves and ignored the public interest. A report released by the International Governance Institution-Somalia, described the situation like this: “As one of the longest instances of state collapse in recent years, Somalia faces many of the major corruption challenges that affect conflict-torn countries, with rampant corruption and a deeply entrenched patronage system undermining the legitimacy of the internationally recognized Federal Government (FG). Corruption is further exacerbated by the absence of a functional central government, lack of resources and administrative capacity, weak leadership structures as well as a limited ability to pay public officials.” (Group, Feb 2011)

# **The Most affected areas of corruption**

Both petty and grand forms of corruption are dominant in Somalia, and they penetrated key sectors of the economy such as the ports, airports, tax and customs collection, immigration, telecommunication and management of aid resources. A report released by the office of the prime minister in 2010 revealed that Gross public financial mismanagement and massive scale of misappropriation of public and donor funds occurred. The report described as unethical, unprofessionalism behaviors in systematically concealing the actual resource follows. (SOMALIA: THE TRANSITIONAL GOVERNMENT, Feb,2011)

## **Port of Mogadishu and Aden Ade international airport.**

The airport and the port of Mogadishu are considered to be the two primary sources of income for the Federal Government. According to International Crisis Group report of 2011 "much of the official corruption centers on the port of Mogadishu and Aden Ade international airport." (International Crisis Group, Feb 2011) This is happening despite numerous attempts by the then and second time-current Prime Minister Sharmaarke to clean them up, and form a new managerial and administration changes. But due to the complexity and the highly sophisticated network of corruption they remain hostile to reform.

Top officials including the president, members of parliament, and other senior government officials appeared their names in the UN reports of corruption. They were accused engaging in a massive scale of a visa fraud and smuggling of illegal immigrants, undocumented financial incomes especially the bilateral donor funds mostly from the Gulf States. In the event a dispute arises between the president and the prime minister, they tend to bribe parliamentarians to get rid of the opponent. (Report of the Monitoring Group on Somalia and Eritrea, 2015)

## **Security Forces**

Since the collapse of the last government in 1991 there were no unitary security forces that existed in Somalia, but, unorganized tribal militias prevailed throughout the country especially in the south. They were clan militias who are loyal to their clan leaders and some prominent business people who financed them to protect their assets. They had a leeway to establish roadblocks and tax the citizens.

The government was concerned about the situation, but all its attempts to reform and reorganize the security had many shortcomings. This is due to "lack of resources and inability to pay public officials including security forces, provided incentives for extortion and bribery" (SOMALIA: THE TRANSITIONAL GOVERNMENT, Feb,2011) According to International Crisis group, security forces tend to sell their arms as a substitute for their salaries.

Law enforcement agents set up illegal roadblocks to extort money from the public who are using that road. This immoral and unethical behavior had a devastating impact on the poor and ordinary citizens. “Without a bribe, police officers may hold a vehicle at a roadblock for half a day, an irrigation manager may deny water to a small farmer, or secondary school headmaster may deny entry to a promising primary school learner.” (Leslie, 2011, p. 63)

There are plenty of corruption examples committed by security forces that are recorded in the international reports and local media for the past two decades. For instance, the government removed more than twelve unauthorized roadblocks that extort illegal money from Somali nationals on foot and on a vehicle in the area between Wanlaweyn and Mogadishu. A distance of approximately 90 kilometers. (Leslie, 2011, p. 63)

A report published by the International Monitoring Group in 2012 a humanitarian coordinator commented that “In Southern Central Somalia, there were reports of members of National Armed Forces and local militia extorting and imposing levies on humanitarian convoys, as well as on civilian vehicles. International Non-governmental organizations and United Nations agencies reported that authorities at different levels requested them to hand over humanitarian supplies or pay fees and staff taxes. There continued to be instances of “gate-keepers”- individuals and organizations who position themselves to harness humanitarian assistance follow for their political, personal advantage, diverting aid and hindering humanitarian access to people in need and settlement for the internally displaced refugees.”

## **Private Sector**

The vast majority of the economy in Somalia relies on the informal sector based on livestock, remittances, and telecommunications. There are investors in the agricultural sector that produce for local and international consumption. These informal businesses stimulated entrepreneurial energies in the country. A skill that many Somalis acquired and established entrepreneurial businesses in parts of Southern and Eastern Africa. According to International Crisis group report, these informal businesses fueled corruption by not paying taxes. Instead, the enterprises pay routinely bribes to senior government officials to support and approve foreign businesses deals or keep the government on their side. (SOMALIA: THE TRANSITIONAL GOVERNMENT, Feb,2011)

The telecommunication sector is notorious for this naïve unethical practices. It has been considered as the most corrupt enterprise. For the last two decades, telecommunication sector has been the most lucrative and vibrant sector. The managers have a connection to public officials in relevant ministries on routine bases.

The exportation of charcoal is another lucrative and controversial business. The African peacekeeping forces especially Kenya has been accused of being part of this internationally illicit business. The United Nations banned the export of charcoal from Somalia for environmental protection as well as cutting funds from the extremist group Al Shebab. A report recently published by Journal for Justice which was quoted by international media outlets including New York Times found that Kenyan forces in the port city of Kismayo are involved in a trade that generates between $200-400 million divided between Kenya Defense forces, local administration, and Alshabab. An allegation that both KDF and Juba Administration denied. (MCCORMICK, 2015)

An article published on Foreign Policy Channel on Nov 12, 2015, described the situation like this "This is not the first time KDF has faced allegations of war profiteering in neighboring Somalia. The U.N. Monitoring Group for Somalia and Eritrea has repeatedly called out the Kenyan military for violating a charcoal export ban put in place by the U.N. Security Council. In 2013, the watchdog group estimated the size of the illicit charcoal market at between $360-384 million, with profits divided along the charcoal trade supply chain, including Al-Shebab."

## **Aid**

Successive Transitional governments of Somalia have been relying on external sources of funding. “Positions of control over foreign aid and foreign-financed projects were some of the most Profitable ones available in Somalia.” (Rose-Ackerman, 1995) Similarly, the vast majority of citizens were also dependent on international aids for their basic needs such as food and medication. Almost all NGO’s under the umbrella of the United Nations work in Somalia to help the needy. Independent aid organizations also have offices in Somalia, such as MSF and Oxfam. Since these organizations have limited knowledge about Somalia, socially and geographically, they partnered with local leaders and NGO’s to deliver their services. Their role was to administer and monitor that the aid reaches to the intended needy people.

However, there are reports of thousands of stolen sacks of food aid meant for famine victims being sold at local markets in a country where nearly half of the population relies on food aid for survival. In 2011, the U.N.'s World Food Program acknowledged the situation and launched an investigation into food theft in Somalia but also recognized that the scale and intensity of the famine would not allow food aid suspension. While the agency's system of independent, third-party monitors uncovered allegations of possible food diversion, this has proved to be a dangerous activity, with 14 WFP employees killed in Somalia since 2008 (MacAskill, 2011)

In Somalia, every clan has a militia that protects its territory. The leaders of this militias pay their members, the funds that are extorted from the ordinary citizens and the international aid agencies and their employees. There were numerous times that these militias hijacked aids meant for the poor or ask the NGO's to pay taxes and portion of the aid. However, the international community raised their concern to the Somali Federal Government and sponsored to build Somali National Army for security. Furthermore, the International community expresses their concern and "encouraged the TFGs to focus on governance, fight corruption and promote accountability, transparency and delivery of essential services to the population. The TFG acknowledged gross financial mismanagement and corruption in its 2010 roadmap towards building a durable peace and a functioning state and promised to create an Anti-Corruption Commission." (SOMALIA: THE TRANSITIONAL GOVERNMENT, Feb,2011)

Top UN officials for Somalia raised their concern about the widespread corruption in Somalia and its adverse effects on the peace process. A report Published by Associated Press reported that possible travel bans and asset freezing on top Somali politicians who are derailing the peace process and hinder the distribution of aids to the needy. “Corruption has been identified as one of the main obstacles to the peace process," said Matt Brayden, who heads the U.N. arms monitoring group on Somalia and Eretria, which provides an annual report to the U.N. Security Council. According to Associated Press "This sends a clear signal that corruption and political obstruction will no longer be tolerated."

“The list of possible sanctions was expanded the same year to include anyone obstructing access to humanitarian aid. That's a huge problem in Somalia, where Islamist militant groups have denied many aid agencies access to territory they control and militias in areas controlled by the U.N.-backed government steal and sell food.” (HOURELD, 2011)

## **Anti-Corruption Efforts in Somalia**

Somalia has consistently ranked bottom of Transparency International’s annual corruption index. It also performs poorly on the World Bank’s worldwide governance. Moreover, Somalia is lowest regarding political stability, government effectiveness, the rule of law, and control of corruption. As a result, the internationally backed government, and the international community have taken inadequate steps to contain corruption.

 Somali parliament passed unanimously an anti-corruption commission to execute President’s appeal to fighting corruption. The president also appealed to the international community to support his campaign against corruption. The newly formed commission carried out audits of key government ministries and institutions. Despite the pervasiveness of corruption in Somalia, no one is convicted of corruption allegations. This is a proof of the ineffectiveness of the Commission. According to US Department of State, Somalia has taken significant steps to improve transparency in its public financial management. As the implementation of automated public financial management, conducting audits of government revenues and expenditure. But still public corruption remains endemic. (BUREAU OF INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS, 2014)

UN NGO’s in Somalia established Risk Management Unit to fight corruption and adopted policies to combat corruption and coordinate the activities of NGOs working in Somalia. The primary task of this unit is supporting all United Nations entities working in Somalia in making better decisions by providing the necessary information for agenda setting. Therefore, the office created some essential functions and support mechanisms. They are:

"1-An information sharing platform, to share and collectively manage risk. 2- Monitoring and surveillance, to enhance aid effectiveness and provide information. 3- Investigation support to respond to risk, and in line with a zero tolerance response to fraud and corruption. 4- Training, outreach, and support to provide education, awareness and encourage greater transparency and accountability.”

In addition to the above two measures taken by the Government and UN, individual organizations also put in place adequate steps to fight corruption and promote transparency to aid efforts under their jurisdiction.

In the same fashion, Department for International development of UK government is committed to transparency, accountability and value for money. DFID’s Somalia budget for the financial year of 2012/13 and 2014/15 was £243.9 million pound. ($162.2 million approximately) To protect tax payer’s money DFID has put in place a range of controls and measures. These include “rigorous risk assessments and monitoring requirements for all projects and programs. Regular internal and external audits add a further level of assurance that money is spent on the purposes for which it is intended. DFID is continually strengthening its risk management procedures and has recently brought in additional measures including more detailed fraud and corruption risk assessments in programs; enhanced pre-funding ‘due diligence’ checks on partners; and specialized training for staff. Where there is suspicion of corruption and fraud DFID will always follow up; and if fraud or corruption is uncovered DFID will always take action and work to recover UK taxpayers’ money.” (Development, Jan 2013)

# **Recommendations**

In light of the complex and pervasiveness of corruption in Somalia the researcher is recommending the following steps:

1. The creation of reliable, impartial nonpartisan and independent from the government anti-corruption agency. To ensure its independence the agency must be funded directly by the international community. The chief executive and his/her subordinates must be appointed on merit not party or clan affiliations. Moreover, this agency will be answerable to the UN general secretary’s representative in Somalia not to the FGS.
2. Reevaluating government employees and assessing their level of knowledge and experience. This process will eliminate incompetent employees and clan-oriented bureaucrats; especially in the security forces.
3. To Balance the distribution of civil servants in each ministry according to the overall percentage of each clan in the country.
4. Paying salaries to employees regularly.
5. Providing women and young professionals a palpable role in the government.
6. Launching awareness campaign about the negative impacts of corruption and tribalism involving all sectors of civil society.
7. Holding accountable perpetrators of corruption and bringing them to justice.

## **Conclusion**

Somalia is an intricate complex and unstable country for almost two decades. The civil war destroyed almost all signs of governance. Clan-oriented militias and warlords dominated all spheres of life. This resulted in lawlessness and anarchy across the country and widespread corruption. Moreover, famine and drought exacerbated the already worsening situation for the poor and the needy. International Transparency ranked the country the most corrupt country in the world for seven years. This is because corruption has deep roots in politics and bureaucratic agencies. Corruption is also affected in the private sector and international aid. It is an endemic and widespread in the society.

The international community raised their concern about the high levels of corruption that are taking place. The most affected areas are the office of the president, the prime minister, parliament, the ports and Aden Ade international airport among others. There have been efforts to control corruption in the country by the international community as well as the government. Although there was a significance improvement to tame corruption but, it wasn’t sufficient enough to stop the endemic.

In order completely uproot corruption or, at least lessen its effect on the poor, needy and development, a thorough studies focusing on the unique situation of Somalia is Imperative. Transparency and accountability should be promoted. The use of media to raise awareness. To train public employees in avoiding corruption. The parliament should ratify laws to punish those who commit corruption. The office of the prime minister should form strong and effective anti-corruption commissions and also articulate codes of ethics that employees must sign.

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