



## **NEW PARTICIPATORY APPROACHES TO LAND GOVERNANCE AND CONFLICT RESOLUTION IN SOMALILAND**

**Sadia Ahmed & John Livingstone**

**PENHA (The Pastoral & Environmental Network In The Horn Of Africa)**

### **Introduction**

This paper examines some promising new approaches to land governance and conflict resolution in Somaliland, with a particular focus on participatory land mapping. The paper is informed by PENHA's on-going work with FAO-Somalia on participatory land policy development, as well as on previous collaboration with IUCN on participatory land mapping. It also draws on discussions with staffers from the Shuraako Program of the One Earth Future Foundation, and a useful paper subsequently produced by that foundation<sup>1</sup>.

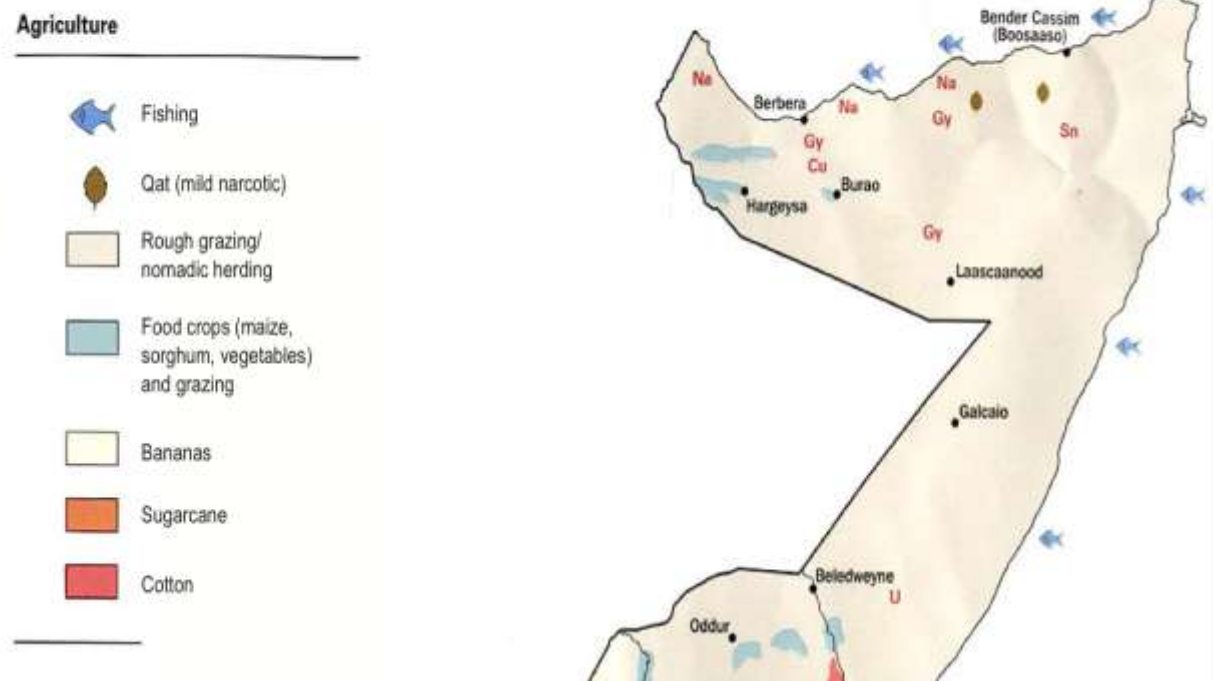
Somaliland is a predominantly pastoralist country. Somaliland's pastoralists dominate the economy and play an important role in governance. Livestock exports account for around 90% of Somaliland's export earnings, and alongside remittances from the Somalia diaspora and the *Qat* trade, they dominate the economy. Customs duties provide 85% of central government revenue. Pastoralism in Somaliland has demonstrated its capacity to withstand and recover from severe droughts, and this resilience is based on mobility, large herd sizes and strong social capital. "Traditional" pastoralism is also demonstrating that it can make use of modern technology, with the use of mobile phones to enhance the efficiency of resource use. This "traditional" pastoralism is not incompatible with progressive social change, and women are playing a growing role in diversifying local economies. Pastoral households are opting for a "pastoralism plus" strategy, keeping one foot in mobile pastoralism, while stepping into other areas of activity. Agro-pastoralists, who combine livestock keeping with farming, are a growing segment of the population.

Somaliland has a total land area of around 180,000 km<sup>2</sup>. But, the arid to semi-arid environment, and erratic rainfall, mean that pastoralism predominates. Only around 10% percent of this land (some 1,8m hectares) is suitable for rained agriculture, and of this area only an estimated 2-3% is actually used for crop production. Some 54% of the population are semi-mobile pastoralists, while around 30% are agro-pastoralists and 16% urban residents (Somaliland in Figures, 2013).

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<sup>1</sup> "Somali Land Tenure: A Potential Force for Prosperity in the Wake of War A Review Paper from the Shuraako Program at One Earth Future Foundation", by Jim Burman, Anna Bowden and Abdikarim Gole, 2013.

## Agricultural Land Use and Natural Resources



This map, from Burman et al, 2014), shows the very limited scope for farming in Somaliland, and the overwhelming predominance of mobile livestock keeping. It highlights, in blue, the areas where commercial farming is practiced on a significant scale. But, the map does not show the large agro-pastoral areas, particularly in the west, where smallholder farming is combined with livestock keeping, and irrigated horticulture. For the most part, farming is concentrated in the Borama, Gabiley and Baki districts of the Hargeisa and Awdal regions. A British spate irrigation scheme in the 1950s stimulated localized farming around Beer village, near Burao Town, in Togdheer region. The mountains of Erigaavo also provide suitable conditions for farming. About 17,000 hectares are under rain-fed and small-scale irrigated farming. Dependence on erratic rainfall implies large fluctuations in output, and vulnerability to drought. Irrigated horticulture (“tog farming”) along the banks of dry riverbeds, seasonal streams (“*tog*” in Somali), and at perennial springs or shallow wells and simple water harvesting structures, has grown over the past two decades, serving local markets with fruits and vegetables. Productivity is low in both rain-fed and irrigated farming, with very limited use of purchased inputs and modern or improved techniques. A large portion of production is for own consumption. Given these conditions, pastoralism will continue to be centrally important to Somaliland’s economy, even as services-oriented urban areas and farming grow. Land tenure systems and land governance in Somaliland, necessarily, differ across pastoral, farming and urban areas.

### **Land Tenure Systems and Land Governance**

Somaliland has a mix of land tenure systems. Common property systems and customary law prevail in the rangelands, private property and modern, formal law in urban areas, with a hybrid of the two in agro-pastoral and farming areas. These have worked fairly well, supporting export-oriented pastoralism and a healthy private sector. But, in recent years, these systems have been placed under strain, by rapid population growth, a Diaspora-fueled real estate boom and government's efforts to play a bigger role, particularly in infrastructure provision. Tensions are growing.

In 2012, the (somewhat opaque) awarding of oil exploration contracts crystallized these tensions, with government and local communities at odds over rights and ownership. Important elements here were: limited access to information; a lack of voice and a weak citizen-state contract; inadequate public sector financial management/service delivery; rivalry between clans and sub-clans; and uncertain/contested land tenure and rights. Confirmed discoveries of significant oil fields cover much of the pastoral rangelands upon which local people's livelihoods depend. Two smaller oil companies, with British links, have signed deals with the Government of Somaliland (GoSI). The prospect of greatly increased national wealth is accompanied by concerns about the implications for governance, the "resource curse", and the impact on local livelihoods. The public and the communities that will be directly affected are not well informed about the nature of the proposed developments or the content of the contracts. This opacity contributed to localized, small-scale violence that necessitated a temporary suspension of exploration. While Somali-language media have grown tremendously across the region, and internet use is deepening, standards of journalism are low and misinformation abounds. Considerable uncertainty surrounds Somaliland's land tenure policy and the communal land rights of pastoralist communities. Overlapping and contested claims, between clans and with Somalila, have the potential to create serious conflict. The 2012 clashes erupted over the clan distribution of small contracts for an oil company field visit. Before developments proceed, there is an urgent need to clarify land rights, laws governing extractive industries and mechanisms for public participation, and the distribution of benefits. If and when oil exploitation goes ahead, there will be a diminished area available for agriculture, and consequently a need to make more efficient use of the available land. Pastoral mobility will be constrained, necessitating a greater reliance on (locally farmed) fodder. A central challenge is to increase agricultural productivity, while ensuring sustainability.

It is important to recognize that power relations underlie land governance. It is often the case that governments, elites and vested interests have the power to seize land from powerless communities. In Somaliland, however, powerful clans and an armed population are able to resist “land grabbing”. They can also frustrate necessary infrastructure development, as in a recent dispute over the expansion of the airport. Somaliland’s central government is exceptionally weak. In theory, government claims ultimate ownership of land, but in practice, the people call the shots. Government issues deeds and titles, but has not been able to effectively oversee land sales. There is a tangle of disputed claims. Government is pushing to strengthen a land use policy and laws, and seeks to re-assert its authority over land governance. However, its capacity is severely limited. Basic functions are performed by UN agencies. The FAO’s SWALIM gathers information on land and water resources, and is conducting a land use mapping exercise. UN-Habitat works with municipalities to maintain a land registry.

### **Socio-Cultural Norms**

Sharp distinctions between modern and customary law are not necessarily appropriate. Social norms underpin law. This is true everywhere. In the “Anglo-Saxon” countries, the Common Law, the Anglo-Saxon “Xeer”, underpins modern law. Notwithstanding trends towards greater centralization in the last half century, the common law tradition, in contrast to the more top-down continental European tradition, has historically been more bottom-up, more participatory and, perhaps, more ad hoc. In similar ways, the *Xeer* could evolve with modern and international law.

In Somaliland, and elsewhere, both traditional and modern law can provide the security of tenure that is essential for investment and economic growth, and for sound environmental management. In general, the law boils down to what (most) people think is right and just – social norms. This is not something that can be easily shaped or established by a top-down, or even a participatory, process. Burman, Bowden and Gole are right to conclude in favour of “balancing formalization with the accommodation of tradition”. This will be a long, negotiated process, in which we should aim for incremental progress, and build the capacity of a variety of local institutions and organizations.

### **Legal Pluralism and “Hybrid Institutions”**

Legal pluralism extends to urban settlements. In Hargeisa, Burao and other major towns and settlements, clans and sub-clans form their own urban neighborhoods. Frequently, disputes are mediated by traditional (clan) leaders, and the municipal authorities do not necessarily have the final say. Hybrid institutions that, to some degree, formalize a role for traditional institutions, may be emerging. In Somaliland, the upper house of parliament is reserved for traditional leaders<sup>2</sup>. There is a complicated and difficult process of evolution underway.

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<sup>2</sup> Sadia Ahmed, “The Role of Traditional Institutions in Governance: The Case of Somaliland”, with Pennsylvania State University, 2011.

One problem is “forum shopping”, where individuals or groups take their cases from one institution to another until they get the desired result.<sup>3</sup>

Somalilanders in the Diaspora funded something of a construction boom in the post-war period, beginning in the mid 1990s. The Diaspora is a major source of investment in real estate. Management and dispute resolution are often complicated by the fact that the principal investors or owners live abroad.

But, in general, local institutions work well and have supported relatively strong private performance in water supply, telecommunications and aviation.<sup>4</sup> Daalo Airlines, Dahaabshil (money transfer and mobile payments), Telesom and Somtel (internet and phone services), as well as the different power and water supply companies, are evidence of strong Somali entrepreneurial traditions. In most of Sub-Saharan Africa, foreign companies or entrepreneurs of foreign origin dominate these industries. But, this is also a weakness – it is difficult or impossible for foreigners to invest or buy land. The next step for Somaliland is to establish laws and procedures that are compatible with international norms and support foreign investment. Participation and local institutions are vital. The on-going effort to develop a new land policy must recognize the need to build the capacity of local and traditional institutions to manage natural resources and to foster negotiations and dialogue between competing users.

### **Sources of Land-Related Conflict**

There are multiple sources and forms of land-related conflict. Government has not been able to enforce seasonal grazing and forest reserves. Weakening customary law has allowed environmentally destructive charcoal production, and the spread of enclosures on rangeland, with relatively low-productivity agriculture restricting livestock mobility and undermining more productive pastoralism. New settlements are expanding. Urban and Diaspora investors are buying land, for speculative purposes, as well as to establish peri-urban farms and ranches. These developments, while positive in many respects, are giving rise to tensions and disputes.

The livelihoods of most Somalilanders depend on natural resources (agricultural land and pasture, as well as the sea). Environmental management is thus a vital issue. The resource users – pastoralists, farmers and fishermen – have the skills and knowledge to manage resources effectively. Pastoralists can be excellent stewards of the environment - they are the expert natural resource managers – if property rights are clearly established and protected. The mix of private tenure and common property tenure, backed by the Xeer, can be effective, but where this breaks down, there is “open access” to resources and there are no incentives for sound management of natural resources, enabling uncontrolled, environmentally destructive charcoal burning, which in turn undermines

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<sup>3</sup> Prof. John Morton of NRI, University of Greenwich, and a PENHA board member, participated in an ODI discussion on the subject, which is available on YouTube.

<sup>4</sup> Hartford & Nenova (IMF, 2004) provide an analysis of strong private sector performance in the absence of a functioning government in Somalia.

pastoral livelihoods. This dependence on finite natural resources creates a “zero-sum game”, whereby some can only prosper at the expense of others, and there are winners and losers at the local level. This zero-sum, win-lose, game inevitably implies conflict, which can turn violent.

### **The Regional Dimension**

Regionalism is central to pastoralism, livestock production and livelihoods in Somaliland, which depend to a large degree on cross-border movements and trade. Land governance in Somaliland has to consider the importance of seasonal cross-border movements. Beyond this, a particularly important policy issue is the need to bring in foreign companies that provide agricultural inputs and services. Policies that encourage international and regional players to come in and help to increase agricultural productivity are essential. More broadly, there is a need for policies that encourage economic integration regionally, and economic openness internationally.

Given the centrality of livestock to Somaliland’s economy, it is vital to improve the efficiency and effectiveness of livestock production – and to strengthen ‘resilience’ - the ability to withstand and recover from drought and other shocks. Increasing and improving fodder production is part of this. Livestock markets and traders provide good markets for commercial fodder producers, but fodder production remains inefficient and inadequate.

There is a need to think regionally. The livestock trade is regional, with trade across borders in livestock as well as in fodder. Somaliland needs to link its institutions up with regional research institutions and livestock programs. ILRI and IGAD are looking at fodder production regionally and both have important programs in which Somaliland needs to be more involved. Somaliland can also learn from and interact with Ethiopia’s Pastoral Community Development Program, Kenya’s NARI and from programs in Djibouti.

### **Participatory Approaches to Land Policy Development and Land Management**

Security of tenure is an essential basis for investment and economic growth, as well as for sound environmental management, and so underpins efforts to strengthen resilience. Effective land governance requires broader participation and dialogue, involving multiple stakeholders. Enhancing the relationship between citizens and government is part of this. But, there is an “information and communication deficit”. People lack the information, understanding and tools for effective participation. New approaches to participation must involve citizens, resource users, in interactive dialogue with policymakers, research institutions and the private sector, so that local people help to generate information, on land use and in other areas, and are better able to understand and participate in decision-making. The digital revolution has great potential to enhance conflict resolution and land governance, with the open and rapid sharing of information between stakeholders.

### **The Impact of Mobile Phones & Information Technology**

Increased access to knowledge and information, about new techniques and farming methods, about market conditions and new opportunities, is vital to efforts to boost agricultural productivity. The digital revolution offers new possibilities to involve

farmers and livestock people in an interactive sharing of knowledge and information with other key actors – research institutions, NGOs and UN agencies, and private sector suppliers and service providers.

The extension of mobile phone networks to cover the pastoral areas of Somaliland has had a very significant impact over the past few years – improving access to care in health emergencies, increasing access to market information and enabling herders to plan movements more efficiently. Herders can now find out about the availability of pasture and water in neighbouring districts before they move. In planning seasonal movements, the traditional “Sahan” would go ahead to assess the availability of water and pasture in a particular area. This can now be done with a phone call.

Together with more efficient pastoral movements, there is the possibility of more effective responses to disease outbreaks. Mobile phones can allow herders to participate in quickly identifying and dealing with diseases. Indeed, this is already happening in informal ways, person-to-person.

Mobile phones, satellite television and internet access are transforming attitudes and opening up new commercial possibilities. Internet access and use is widening. Rural Somalilanders make use of the internet when visiting towns, and major new investments are about to significantly expand access.

Expanding access to video, television and the internet is also expanding the possibilities for two-way, interactive communication with communities. ITC can also help governmental agencies and other institutions to provide better information to herders. Text messaging has become routine for public information campaigns and for commercial service providers. The FAO’s Somalia Water and Land Information Management unit (SWALIM) aims to pilot a mobile phone app for the collection of data from resource users. Much more efficient and effective responses to drought are now possible, if not assured.

The two major phone companies, Telesom and Somtel, are increasingly important actors in society, and in the economy. Mobile phone payments services are widely used, with a limited facility for savings. The further development of mobile phone banking will make “pastoral banking” possible, smoothing the impact of drought-period distress sales of livestock.

### **Participatory Resource Mapping and the Digital Revolution**

In Somaliland FAO is employing a particular participatory methodology, PNTD (“Participatory negotiated Territorial Development”)<sup>5</sup>. This involves building the capacity of local actors to engage in dialogue around land issues, and establishing platforms for interaction between actors at different levels. IUCN, and its World Institute

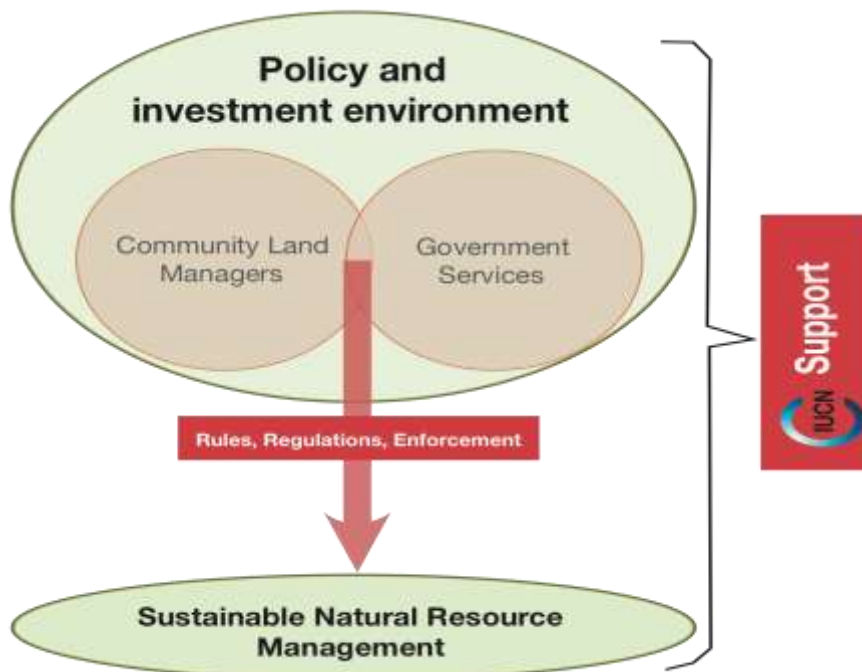
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<sup>5</sup> For a description of the approach, see Jeffrey Hatcher, with the supervision of Paolo Groppo Land Tenure and Management Unit (NRLA), “Dialogue, Consensus and Vision: Participatory and Negotiated Territorial Development – More Than A Methodology – A Strategy for Territorial Interaction and Integration”, October 2009, FAO.

for Sustainable Pastoralism (WISP), have been promoting participatory resource mapping – helping local people and pastoralists to map the grazing and water resources that they use. The approach is based on “traditional” PRA (participatory rural or rapid appraisal or analysis), enabling a qualitatively rich, but, perhaps, less technically accurate mapping<sup>6</sup>.

IUCN’s principles of participation, and bottom-up, collaborative interaction in developing rules and policies are sound.

**IUCN’s Approach**



(Diagram from “Securing rights and restoring lands for improved livelihoods: An initiative to restore and sustainably manage dryland ecosystems for livelihood resilience, through improved governance and management practices”, IUCN.)

<sup>6</sup> A good review of this kind of approach is presented by Fiona Flintan, “Participatory Rangeland Resource Mapping in Tanzania: A Field Manual to support Planning and Management in Rangelands including in Village Land Use Planning”, International Land Coalition/SRMP, 2012.

But an opportunity exists to enhance the approach, intensify interaction between the different “stakeholders” and broaden participation, to include important actors such as research institutions and private sector actors. As indicated above, the expansion of telecommunications networks makes it possible for people ‘on the ground’ to share information more efficiently – about things like the local availability of pasture and water – and to manage natural resources more efficiently. There is now the opportunity to develop new participatory resource mapping approaches that make much greater use of digital technology to greatly enhance the accuracy, power, and coordination of participatory (local) mapping, with higher level efforts, governmental and inter-governmental. FAO’s SWALIM (Somalia Water and Land Information Management) project is pooling data and aims to develop open source systems for the wide sharing of GIS and mobile phone data. GIS and mobile phones can be effective tools for the collection of data and information on land use, and this can be linked to community mapping of resources – empowering people through the process itself as well as with accurate information.<sup>7</sup> Using GPS handsets and Google Earth, pastoral resource mapping can be carried out at scale, working with local people and institutions to identify and take precise coordinates for key resources, and building these into district level and, ultimately, national maps. The extension of mobile phone networks to pastoral areas, together with the incipient expansion of internet connectivity to rural areas and growing ownership of smart phones, is likely to dramatically increase the effectiveness of such approaches over the coming years.

These are promising new approaches, and it should be emphasized that, independently of these international agency and NGO efforts, technology and the digital revolution are empowering local people and will have an effect on the development of land tenure policy and systems. Pastoralists are effective range managers and any new systems must build on their traditional knowledge.<sup>8</sup>

In Somaliland, several UN agencies are playing important roles, in the absence of basic governmental capabilities for data collection and management – UN-Habitat, FAO-SWALIM and FSNAU. Somaliland’s Minister of Planning, Dr. Saad Ali Shire, among others, wants these agencies to work more closely with government, and to do so in ways that strengthen local capacity. PENHA and other CSOs are keener on citizen participation in data collection and management, and the development of open source approaches. Most wish to see local administrations take on greater responsibility and develop a capacity to carry out (cadastral) surveys, manage data and provide for a dispute resolution.

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<sup>7</sup> Rowley, T., C, Hesse, A. Harfoot, and H. Zwagastra (forthcoming) “Participatory Digital Map Making Using Local Knowledge and Open Source GIS to Inform Appropriate Spatial Planning in Support of Climate Resilient Mobile Livestock Keeping in Arid Areas of Kenya and Tanzania”. PLA Notes. IIED, London.

<sup>8</sup> Oba G. (2009) “Harnessing pastoralists’ indigenous range management knowledge for drought-resilient livelihood systems in the Horn of Africa.” IUCN and FAO Nairobi. (Gufu Oba is a PENHA board member.)

## **Conclusions**

The pastoral rangelands are vital to Somaliland's livestock-dominated economy. PENHA, Candlelight and others have supported local efforts to re-establish or maintain seasonal grazing reserves (established under the British) and to resist the expansion of enclosures on the rangeland. These efforts have met with only very limited success. However, in much of Sool/Sanaag, well-armed pastoralists have successfully resisted enclosures. Widespread, law-abiding gun ownership in Somaliland has, in many ways, empowered local people and institutions, in stark contrast to the lawlessness observed in other places, such as in Uganda's Karamoja region. This law-abiding gun ownership reflects the strength of Somaliland's traditional culture and kinship networks, and it deserves greater recognition and study. Still, traditional common property regimes are under pressure, from enclosures, population growth and charcoal production that removes tree cover. In agro-pastoral areas, we may see an evolution towards leasing arrangements and a greater role for fodder production. The current stresses and strains are part of broader economic and social changes, that ultimately might bring greater specialization, increased productivity and higher living standards – along the lines suggested by classical economics.

Ultimately, the changes we are observing should lead to positive outcomes, but in order to minimize the potential for conflict it is vital to establish participatory, and inclusive, processes for land policy development and for land management. Formal institutions need to work with traditional ones, and there needs to be a constructive “subsidiarity”, with decisions made at the lowest possible, building collaboratively towards coordinated decision-making at the national and regional levels. In all of this, technology and the digital revolution can contribute greatly to effective participation, information sharing and coordination.

Effective land governance underpins livelihoods, and enables investment and economic diversification, helping to build more flexible and resilient economies.