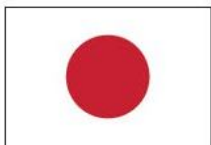




Baseline Assessment on Land Ownership, Land Rights, and Land Conflict in Somaliland

February 2014



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Acknowledgements

This baseline assessment would not have been possible without the financial support of the Japan Center for Conflict Prevention (JCCP).

The Observatory of Conflict and Violence Prevention (OCVP) would like to thank the interviewees and survey participants who gave us their precious time and shared their experiences and views with the OCVP research team. We also wish to thank our local supporters in Hargeisa, Gabiley, Borama, Salaxley and Oodweyne whose facilitated access to local authorities and research participants.

We wish to extend our sincere gratitude to our research implementation partner at Forcier Consulting, including Erin Satterlee, Evan Callis, Amy Faulkner, and Maya Moseley for their contribution in research, analysis, and reporting.

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Acronyms

FGD	Focus Group Discussion
IDP	Internally Displaced Persons
JCCP	Japan Centre for Conflict Prevention
KII	Key Informant Interview
OCVP	Observatory of Conflict and Violence Prevention
SNM	Somali National Movement

Executive Summary

Due to the growing prevalence of land disputes in Somaliland, comprehensive knowledge of the local perspectives of land ownership, rights, and conflict is needed for effective programming and policy development. Observatory of Conflict and Violence Prevention has conducted a baseline assessment in order to gain a better understanding of the factors and dynamics of issues surrounding land ownership, land rights and land conflict in Somaliland.

Data was collected in December 2013 among 513 residents in Hargeisa, Gabiley, Borama, Salaxley, and Oodweyne districts. Focus group discussions and key informant interviews were also conducted within each district. Funding for this project was provided by the Japan Centre for Conflict Prevention (JCCP).

Section 1 of the following report provides a brief background on Somaliland and the districts where this study occurred. Section 2 of the report identifies the objectives of this assessment, as well as the quantitative and qualitative methods used. The key findings are highlighted and explained in the following section. The final section provides recommendations on strategies that should be implemented to strengthen land rights and diminish disputes.

Key findings from the baseline survey are as follows and reflect the views of survey participants, community leaders, and government officials:

- Over half (59.1%, n=303) of survey participants reported owning land. The most common form of land acquisition identified by all participants was by purchasing it (46.4%, n=238), followed by receiving it from a local authority (22.0%, n=113). Other identified methods of acquisition included: forceful acquisition (14.8%, n=76); inheritance (11.7%, n=60); and receiving as a gift (1.0%, n=5). The majority (79.5%, n=408) of respondents believes that communal land should be set aside. However, only 45.2% (n=232) respondents reported communal land within their area.
- Over three-fourths (79.1%, n=406) of respondents indicated that women are allowed to own land. Of those who reported that women were not permitted to own land, the majority (77.4%, n=82) of respondents surveyed indicated that this was due to the fact that women are represented by male family members. This suggests that despite legal land rights, familial and traditional dynamics will impede women's ability to own land.
- Slightly more than a quarter (26.2%, n=106) of all respondents reported knowing a person involved in a land dispute. However, reported knowledge was higher among participants from Salaxley (39.4%, n=28) and Oodweyne (58.7%, n=44), indicating higher levels of land conflict within pastoral regions.
- Traditional leaders were identified as the most commonly utilized (44.3%, n=47) conflict resolution system for land disputes. Slightly less than half (43.4%, n=46) of participants identified courts and 5.7% (n=6) of respondents indicated sharia as the source for resolving conflicts.

1 Introduction

1.1 Background on Somaliland

On 18 May 1991, amidst the beginning of the Somali Civil War, the Somali National Movement (SNM) and a coalition of local elders declared the independence of Somaliland.¹ Located in the west of the semi-autonomous Puntland region, Somaliland is a de facto sovereign state, although its sovereignty has yet to be internationally recognized.² Whereas neighbouring Somalia has spent the last two decades in a devastating factional conflict, Somaliland has succeeded in maintaining a relatively high degree of peace and order – establishing a functioning internal security apparatus, fostering an active civil society and private sector, and holding several free and fair elections.³

However, despite its evident success in the highly insecure region of the Horn of Africa, Somaliland faces numerous challenges to ongoing development. Significant and deep levels of poverty persist as shown by a range of human development indicators, while assistance is needed to promote long-term stability that will help transform the lives of its population. In particular, with a population estimated to be 3.4 million, the GDP per capita ranges between \$250 and \$350, as growth remains low with negative consequences for employment and substantial poverty persists.⁴

According to the 2012 UN Office for the Coordination of Humanitarian Affairs snapshot report, approximately 160,000 people need humanitarian assistance in Somaliland, with another 89,000 individuals estimated to be internally displaced persons (IDPs).⁵ Additionally, while the majority of inhabitants are nomadic pastoralists and depend on livestock, food shortages are common, especially during the dry months of the year. At present, the major source of food insecurity in Somaliland has been recurring droughts, prolonged dry seasons, and failed rains. Other major risks for the country include inflation, pests and birds, human and livestock diseases, chronic water shortages, and environmental degradation.⁶

The Government of Somaliland is committed to boosting private investments and economic reforms in the country, while fostering health, education and basic services for its growing population⁷; however, basic humanitarian needs, a functioning health care system, good WASH and disease prevention mechanisms, and improved governance practices and accountability, remain challenges to achieving full development.⁸

¹ Ministry of National Planning and Development, National Development Plan 2012-2016 (2011), p.2

² Bradbury, *Becoming Somaliland* (2009).

³ UN News Center, New UN envoy hails Somaliland as 'island of relative peace and stability' in insecure region (June 2013), available at <http://www.un.org/News/>

⁴ Somaliland Development Fund, p. 2

⁵ OCHA, Somaliland Humanitarian Snapshot (October 2012).

⁶ Ibid.

⁷ Ibid.

⁸ Ministry of National Planning and Development, Somaliland National Vision 2030 (2011).

1.2 Background on Research Locations

For the purposes of this study, research was conducted in a total of five districts: Salaxley, Borama, Hargeisa, Oodweyne, and Gabiley.

The Salaxley district is in a semi-arid region that features grasslands ideal for livestock foraging.⁹ Most of the people living in the district are pastoralist, herding camels, sheep, and goats. It should be noted that pastoralists are not necessarily nomadic, their main distinguishing feature being a livelihood based on raising animals.

The Borama district is located in the region of Awdal. As of 2005, it was estimated that 132,695 residents of the district resided in rural communities while 82,921 residents lived in the districts urban centres.¹⁰ Agriculture and livestock are key aspects of the local economy, with over 9,550 farms in the district.¹¹

The district of Hargeisa is home to Somaliland's capital, Hargeisa City. The district is predominately urban, with 422,515 out of 560,028 district residents inhabiting urban areas.¹² Hargeisa is Somaliland's economic centre for construction, petty commerce, and khat trading.¹³ Remittances also play a key role in the local economy.¹⁴

Oodweyne, located in the Daad-Madheedh region, has a total population of 42,031, the majority of which resides in non-urban areas.¹⁵ Pastoralism is the dominant livelihood in the district.¹⁶ However, due to degradation of communal grazing areas, many herders are taking up alternative livelihood strategies such as charcoal production. The region is believed to hold oil reserves. Genel Energy (50%), in partnership with Jacka Resources (30%) and Petrosoma (20%) hold exploration rights to the 'Odewayne Block' within the district.¹⁷

Gabiley, located in the Woqooyi Galbeed region of Somaliland, has a population of 79,564.¹⁸ The district is considered to be the most important agricultural zone in western Somaliland.¹⁹ According to research by the FAO, Gabiley is the largest producer of sorghum and maize within northwest Somaliland.²⁰

⁹ Hartmann, Ingrid and Ahmed Sugulle, *The Impact of Climate Change on Pastoral Societies of Somaliland* (November 2009).

¹⁰ UNDP, *Regions, Districts, and Their Populations: Somalia 2005*.

¹¹ Municipality Council of Borama, *District Development Framework* (2012).

¹² UNDP, *Regions, Districts, and Their Populations: Somalia 2005*.

¹³ Hargeisa Municipality, *District Development Framework* (2010).

¹⁴ Ibid.

¹⁵ UNDP, *Regions, Districts, and Their Populations: Somalia 2005*.

¹⁶ Save the Children, *The Charcoal Sector: Oodweyne Region Somaliland* (August 2012).

¹⁷ Jacka Resources, *Odewayne Block Overview*.

¹⁸ UNDP, *Regions, Districts, and Their Populations: Somalia 2005*.

¹⁹ Somaliland Ministry of Interior, *District Profile: Gabiley* (2012).

²⁰ FAO, *State of Somaliland Crop Production Assessment Mission* (November 2011).

1.3 Property Law in Somaliland

Article 12 (1) of the Constitution generally stipulates that, “land is a public property commonly owned by the nation, and the state is responsible for it”. More specifically, land is governed by two national statutes; the Urban Land Management [Law No: 17/2001 – amended in 2008] and the Agricultural Land Ownership Law [Law No: 08/1999]. While it is not expressly stated, it would appear that the current land laws only contemplate land that is either urban or agricultural (irrigated or rain fed). All other land is therefore by implication assumed to be common public land falling under the purview of Article 12 (1) of the Constitution.

1.3.1 Urban Land

Law No: 17/2001 as amended in 2008 vests the power to grant title within urban areas in Local Authorities. This authority is exercised by the Executive Committees of the various District Councils or their Land Subcommittee along with other duties such as land allocation, planning and development of land, land tenure, disputes, and appropriation of land for public use. Regarding the settlement of land disputes, in particular, Article 28 of the 2001 law had initially established a quasi-judicial committee chaired by a District Judge which dealt with disputes about urban land, appeals to decisions of the committee lay with the Regional Court. Following Presidential Decree 363/2008 which came into force on 09/09/2008, this position was changed and now disputes are heard by technical committees²¹ – the Administrative Urban Land Disputes Committees. An example of the casual manner in which this formal land dispute resolution mechanism interacts with traditional systems is to be drawn from the observation that the committees often refer disputants back to elders²². As with all other administrative bodies, appeals from this committee lie to the Supreme Court. In retrospect, this development may have made it harder for disputants to sufficiently resolve land disputes using the legal system as the latter mechanism is bound to be more cumbersome and expensive than before.

1.3.2 Rural land

Rural land falls into two categories; agricultural land and pastoral land. Agricultural land consists of land that is rain-fed and land set aside for irrigation while pastoral land, sometimes also called range land is by implication all land that is not urban, agricultural or attached to mineral rights. While this classification is not explicitly laid out, Article 17 of the Agricultural Land Law of 1999 stipulates that no rain-fed agricultural land shall be taken out of the common range lands and Article 8 (1) of the Urban Land Law of 2001 stipulates that the Local authorities may not grant any land that is set aside for mining or agriculture, that lies along the coast or is public land. The Ministry of Agriculture manages all agricultural land while the Ministry of Rural Development & Environment (formerly the Ministry of Pastoral Development & Environment) oversees the management of pastoral land in conjunction with the Ministries of Water, Mineral Resources and the Ministry of Livestock²³. The Ministry of Rural Development and Environment is also tasked by virtue of the 1999 law with the conservation of the environment²⁴.

²¹ Ibid.

²² Barry and Florian Bruyas, Land Administration Strategy Formulation in Post Conflict Situations: The Case of Hargeisa, Somaliland (May 2007).

²³ APD, Land-based Conflict Project: Working Note (September 2007).

²⁴ Ibid.

2 Objectives and Methodology

2.1 Objectives

The objective of this study is to obtain baseline information in the target districts of Hargeisa, Gabiley, Borama, Salaxley, and Oodweyne on the following areas of interest:

- Land ownership trends and how they may affect land conflicts;
- Land rights, the frameworks and existence of land rights within the region, with a focus on awareness of such rights and the challenges of obtaining land rights;
- To assess the occurrence and dynamics of land conflict, specifically locations and frequency, actors, underlying causes, and systems of resolution.

2.2 Methodological Framework

In order to gain a comprehensive understating of land ownership, rights, and conflict in Somaliland a combination of quantitative and qualitative research techniques were employed. Data collection was carried out in the districts of Hargeisa, Gabiley, Borama, Salaxley, and Oodweyne in December 2013. The sites were specifically chosen in order to encompass the various types of land use in Somaliland. Hargeisa, the capital of Somaliland, is an urban settlement. Gabiley and Borama are predominately agro-pastoral areas. Salaxley and Oodweyne were selected to represent the pastoral land use.

2.2.1 Quantitative Methodology

A quantitative survey was conducted that included questions on respondent perceptions of land ownership, land rights, land conflict, and personal demographics. Random sampling was utilized to administer the survey in Hargeisa, Gabiley, Borama, Salaxley, and Oodweyne. The survey was planned to be given to 100 participants in each district. A total of 513 participants was surveyed.

Table 1: Participants by District and Gender, Somaliland, December 2013

	Hargeisa	Salahley	Gabiley	Odweine	Borama
Total	104	113	91	101	104
Male	38	63	27	46	39
Female	66	50	64	55	65

In each location, surveys were randomly distributed throughout different neighborhoods, to ensure a representative sample. Four researchers from OCVF collected data from 10 to 26 December 2013. Data was collected in the local language (Somali) using smartphones, whereby data was exported to a mobile data collection website. The data set was analysed using statistical software with technical guidance provided by SwissPeaks, an independent quality control firm, who carried out additional data cleaning and reliability checks during data processing.

2.2.2 Qualitative Methodology

Quantitative data was supplemented with qualitative data collected via Focus Group Discussions (FGDs) and Key Informant Interviews (KIIs). Within each district surveyed, qualitative interviews were recorded with FGDs were held with groups of women, youth, business people, religious leaders, and traditional leaders. Each FGD took between 60 and 90 minutes, depending on the researcher's level of experience and the knowledge of participants. Each FGD consisted of 10 participants. FGD participants were provided with refreshments, budgeted at 10 USD per participant. The participants were given a choice regarding the types of refreshments.

Interviews with key informants were conducted within each district. Key informants included local authorities, traditional and religious leaders, and land experts. A total of 20 KIIs were conducted.

Table 2: Qualitative Research Methods by District, Somaliland, December 2013

	FGDs	KIIs
Borama	Women, Youth, Business Owners, Traditional Leaders, Religious Leaders	Traditional Leader, Religious Leader, Mayor of Borama, Attorney General of Borama, Chairperson of the Land Conflict Management Committee, Acting Regional Director of the Ministry of Environment and Pastoral Development
Gabiley	Women, Youth, Business Owners, Traditional Leaders, Religious Leaders	Traditional Leader, Religious Leader, Mayor of Gabiley, Attorney General of Gabiley, Chairperson of the Land Conflict Management Committee, Acting Regional Director of the Ministry of Environment and Pastoral Development
Hargeisa	Women, Youth, Business Owners, Traditional Leaders, Religious Leaders	Traditional Leader, Religious Leader, Deputy Attorney General of Hargeisa, Chairperson of the Land Conflict Management Committee, Vice-Director of the Ministry of Environment and Pastoral Development
Oodweyne	Women, Youth, Business Owners, Traditional Leaders, Religious Leaders	Deputy Governor of Daad-Madheedh region, Member of the Regional Safety Committee
Salaxley	Women, Youth, Business Owners, Traditional Leaders, Religious Leaders	Traditional Leader

2.2.3 Smartphone Data Collection

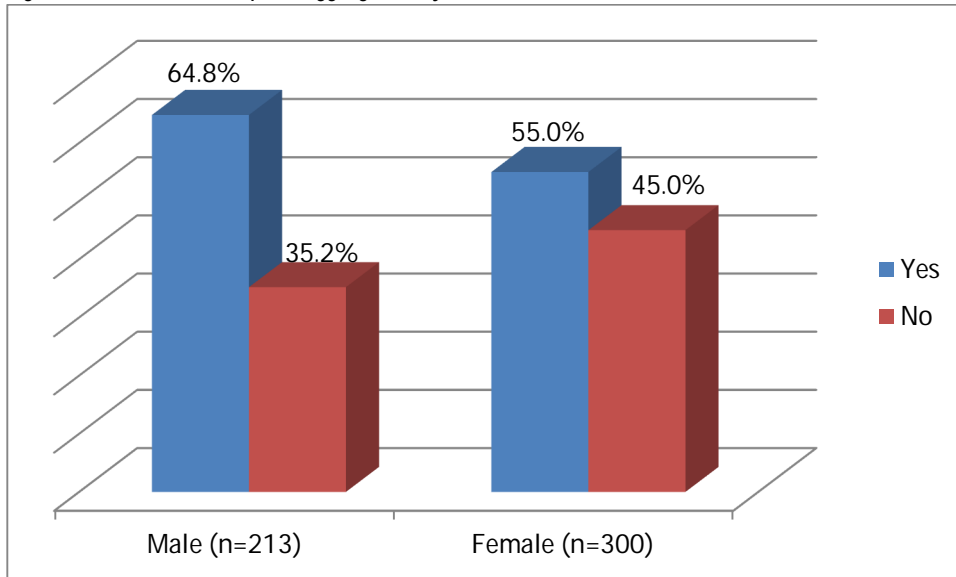
The enumerators used smartphones to administer the quantitative survey. Researchers reported that while learning to use the technology was challenging, the smartphones ultimately made data collection much easier. The smartphones were faster than conventional paper and pen survey methods as they automatically exported data to an external database. In addition, they reduced enumerator error as skip logic is programmed in beforehand, meaning enumerators will not accidentally skip questions. Researchers also reported that the smartphones were less heavy than paper questionnaires, which would need to be carried in bulk into the field.

While feedback was generally positive, researchers did report two challenges experienced when using smartphones for data collection. First, the small size of the smartphones made typing open-ended responses somewhat difficult. Second, some respondents felt uncomfortable around the smartphones as they thought the enumerator was photographing or recording them.

3 Key Findings

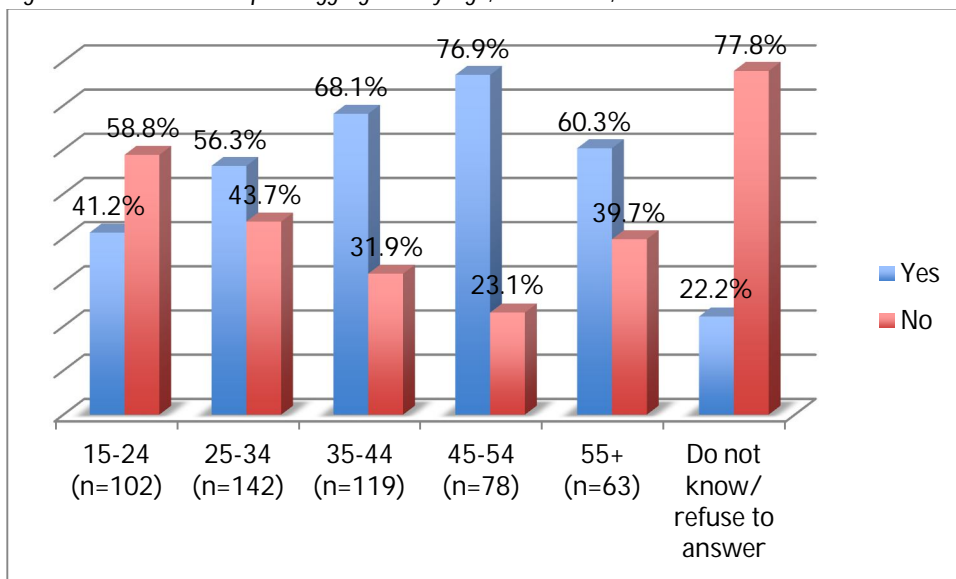
3.1 Land Ownership

Figure 1: Land Ownership Disaggregated by Gender, Somaliland, December 2013



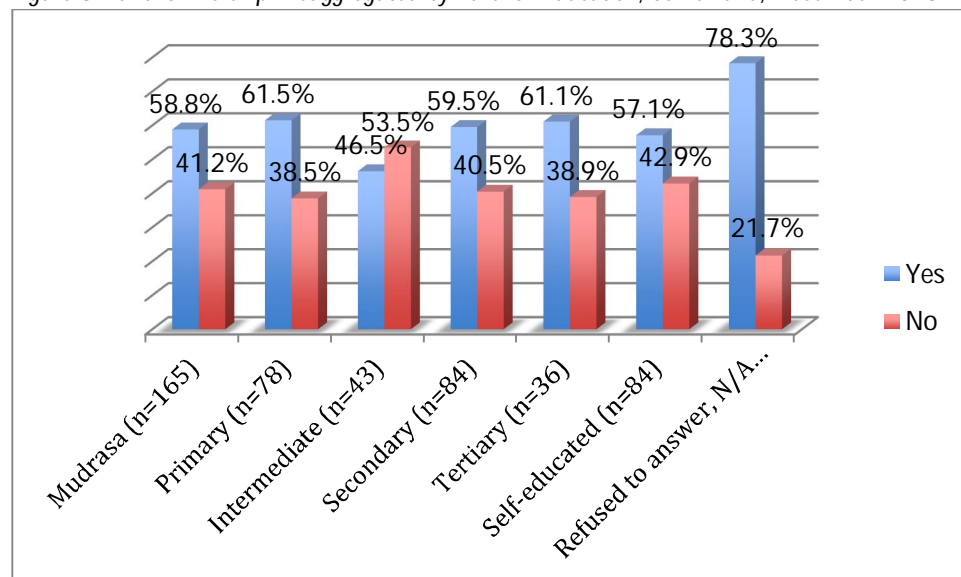
Nearly two-thirds (64.8%, n=138) of male respondents reported owning land. More than half (55.0%, n=165) of all female participants owned land. Overall, males are slightly more likely than females to own land.

Figure 2: Land Ownership Disaggregated by Age, Somaliland, December 2013



Slightly more than half (58.8%, n=60) of respondents between 15 and 24 years of age indicated that they did not own land, while 56.3% (n=80) of participants between 25 and 34 years of age reported owning land. The frequency of reported land ownership was higher for respondents 45 to 54 years of age (76.9%, n=60) and those aged between 35 and 44 years (68.1%, n=81). More than half (60.3%, n=38) of participants over 55 years of age reported owning land. The frequency of reported land ownership was low (22.2%, n=2) among respondents who did not indicate their age.

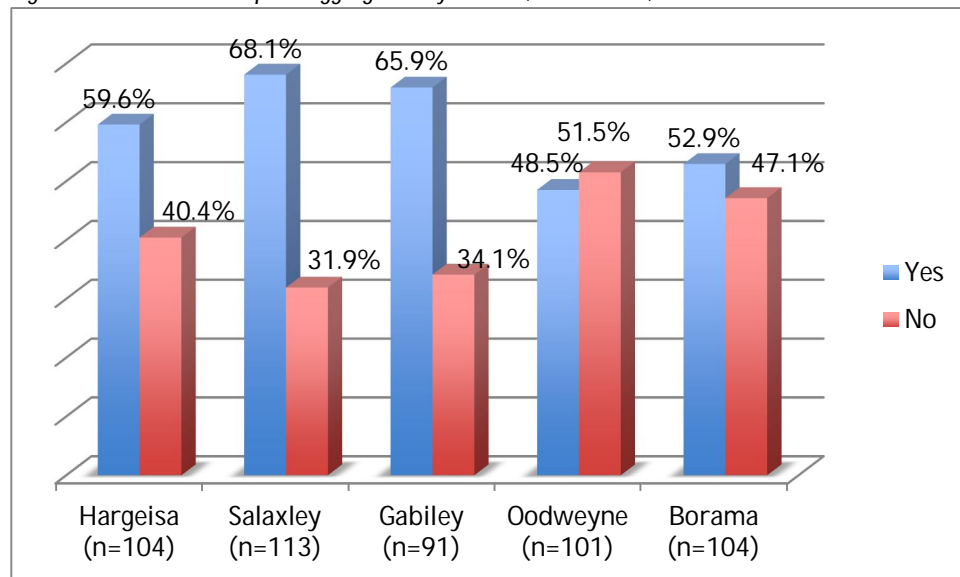
Figure 3: Land Ownership Disaggregated by Level of Education, Somaliland, December 2013



The data suggests that the level of education attained appears to have marginal bearing on land ownership. As shown in the above figure, more than half (58.8%, n=97) of respondents who attended Madrasa reported owning land. Nearly two-thirds (61.5%, n=48) of primary school educated participants also reported owning land. Land ownership was lowest (46.5%, n= 20) among respondents with an intermediate level of education. More than half of secondary (59.5%, n=50), tertiary (61.1%, n=22), and self-educated (57.1%, n=48) respondents indicated owning land. Over three-fourths (78.3%, n=18) of respondents who did not indicate their level of education reported owning land.

Data was disaggregated by district and is presented in the figure below, where it is shown that land ownership was most common among respondents from Salaxley (68.1%, n=77). For other locations surveyed, little difference was presented in the frequency of reported land ownership. In Gabiley, slightly less than two-thirds of respondents (65.9%, n=60) reported owning land. More than half (59.6%, n=62) of the survey participants in Hargeisa indicated owning land. In Borama more than half (52.9%, n=55) of the respondents reported owning land. Land ownership was lowest among respondents from Oodweyne (48.5%, n=49).

Figure 4: Land Ownership Disaggregated by District, Somaliland, December 2013



Respondents were also questioned on their method or means of land acquisition and acquisition through purchasing was found to be more frequently reported among participants surveyed in this assessment (32.0%, n=97). FGD participants noted that potential buyers research planned developments, infrastructure, or disputes that could cause problems prior to purchasing. More than one-fourth (26.4%, n=80) of participants indicated inheriting land. Participants in FGDs explained that inherited land is advantageous as it does not cost money, however, it can be problematic as family disputes may arise.

Less than a quarter (14.5%, n=44) of respondents who owned land reported receiving land from the government. However, when all survey participants were surveyed on common forms of land acquisition 22.0% (n=113) identified receiving land from the government as a common form of acquisition. Land from the government also poses risks, as some FGD participants asserted that duplicate ownership certificates issued by authorities are common and result in disputes between certificate holders. Other identified forms of land acquisition identified by land owners included: receiving it as a form of payment (9.9%, n=30); land grabbing (9.9%, n=30); and receiving as a gift (6.9%, n=21). FGD respondents explained that land grabbing, known as *beerta jiifta*, occurs when a person claims ownership of pastoral land that has no boundary markers and denies others access to it.

Figure 5: Reported Method of Land Acquisition, Somaliland, December 2013

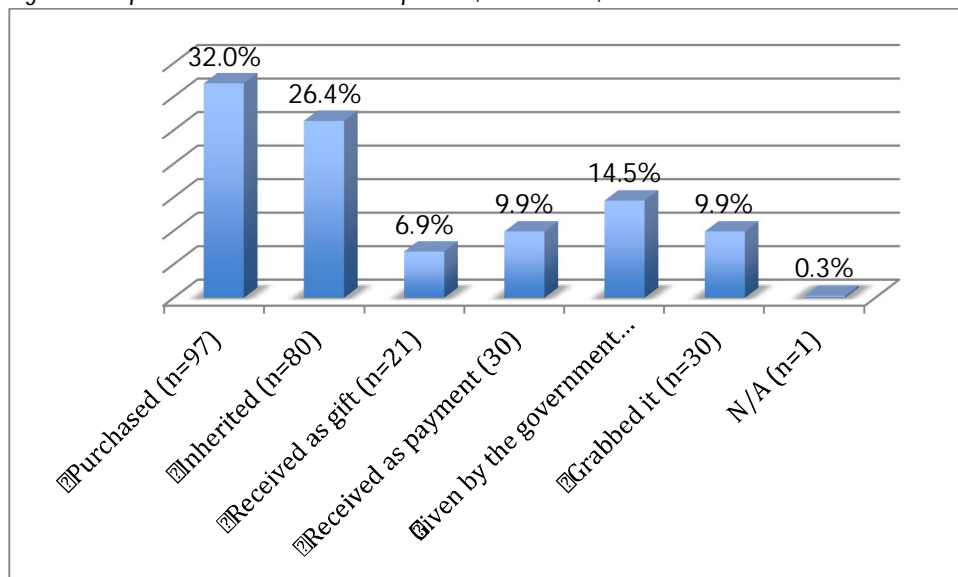
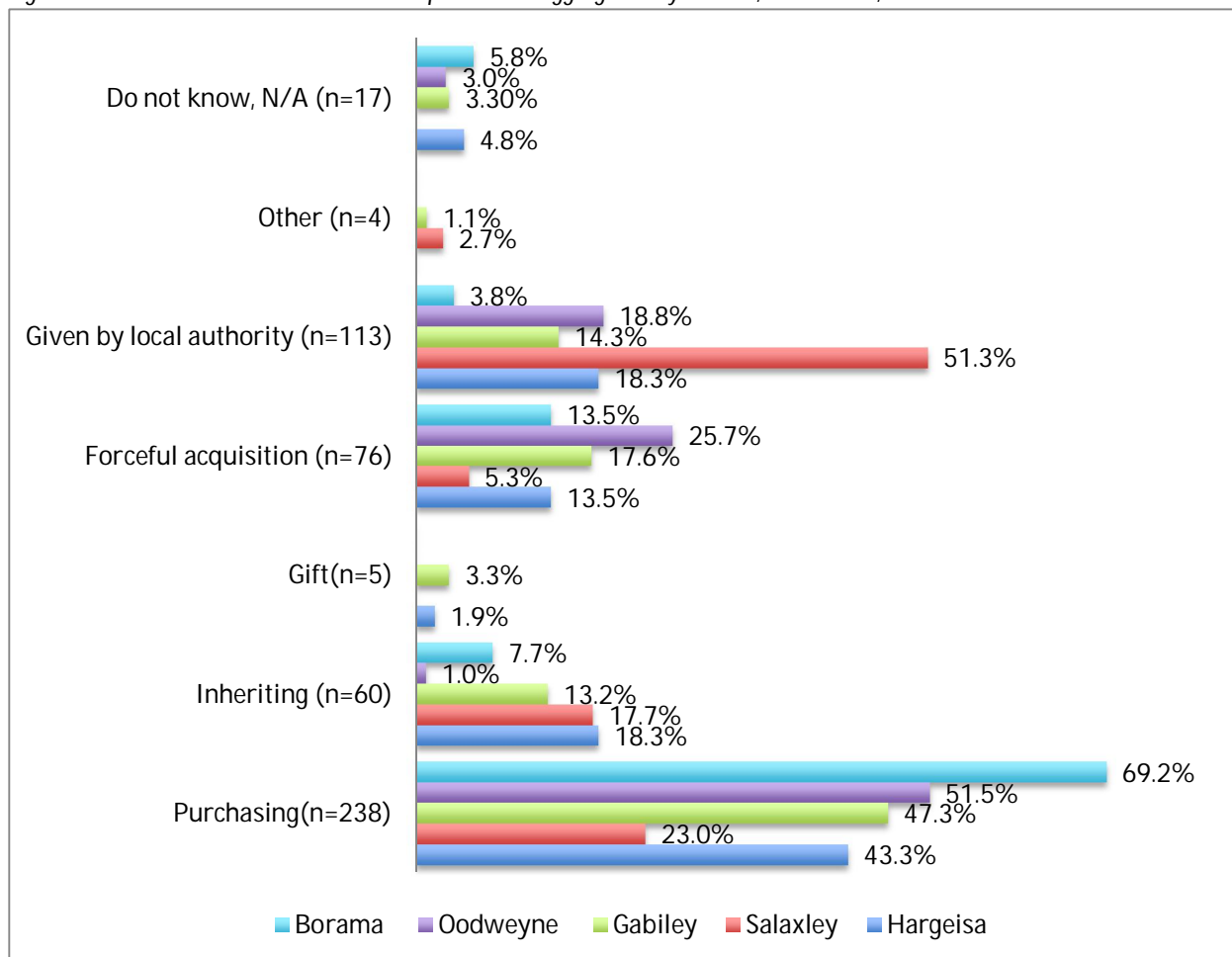


Figure 6: Most Common Form of Land Acquisition Disaggregated by District, Somaliland, December 2013

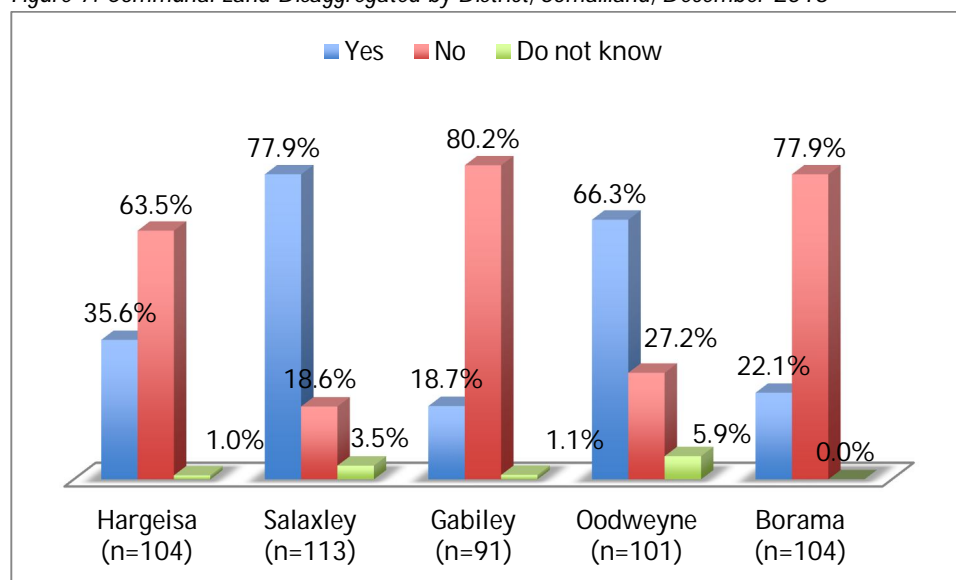


As illustrated by the figure above, common forms of land acquisition varied when the data is disaggregated by district. Purchasing land was the most commonly identified form of acquisition across all districts, with the exception of Salaxley, where it was identified by less than one-fourth (23.0%, n=26) of respondents. Obtaining land from the local authority was the most commonly identified method of acquisition (51.3%, n=58) in Salaxley. This method of acquisition was notably less common in the other districts.

Acquiring land by force was identified in all of the districts, ranging from 25.7% (n=26) in Oodweyne to 5.3% (n=6) in Salaxley. Inheriting land was also reported in all of the districts. A minority of respondents in Hargeisa (1.9%, n=2) and Gabiley (3.3%, n=3) identified receiving land as a gift as a common means of obtaining land.

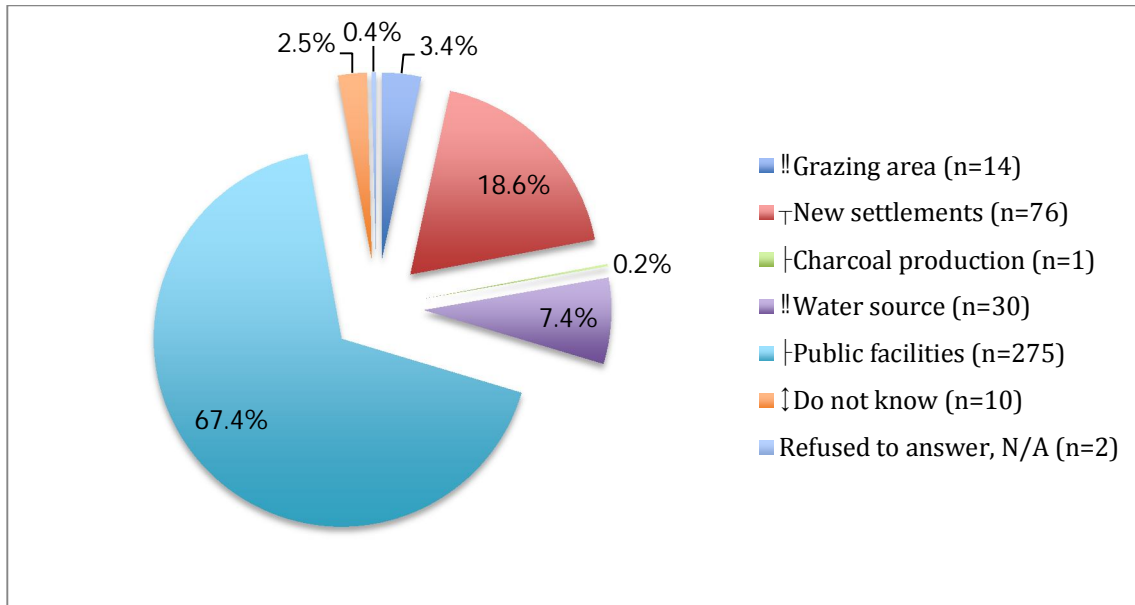
Slightly more than half (52.4%, n=269) of the respondents indicated that there was no communal land within their area. However, as illustrated by the figure below, over three-fourths (77.9%, n=88) of respondents in Salaxley and two-thirds (66.3%, n=67) of the participants from Oodweyne reported that there was communal land within their district. As Salaxley and Oodweyne are pastoral areas, communal land is likely an important source of grazing land within the districts.

Figure 7: Communal Land Disaggregated by District, Somaliland, December 2013



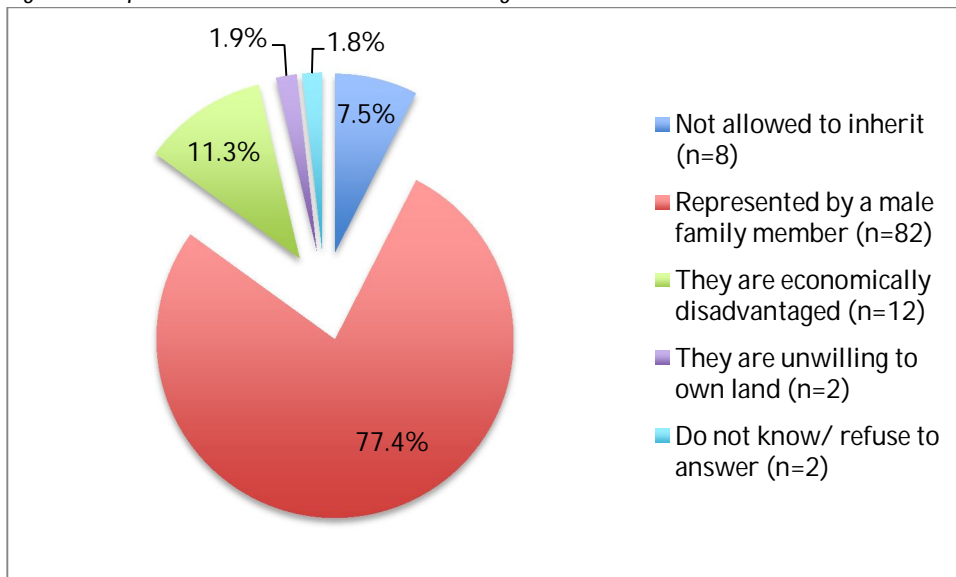
The majority (85.8%, n=199) of participants who indicated that there was communal land in their area reported that local authorities manage the land. Community leaders (8.2%, n=19), the central government (3.9%, n=9), and religious leaders (0.9%, n=2) were also identified as managers of communal land. Nearly eighty percent (79.5%, n=408) of respondents believe that communal land should be set aside. FGD participants explained that communal lands are less protected than privately owned land due to weak local governments. FGD members noted that in some areas people grab communal land for personal use, blocking access to others. Greater oversight and protection of communal land is needed and will likely be supported by local communities.

Figure 8: Reported Opinions of Best Use of Community Land, Somaliland, December 2013



As indicated in the figure above, more than two-thirds (67.4%, n=275) of respondents felt that the construction of public facilities such as schools, mosques, health centers, and playgrounds is the most beneficial use of communal land. Less than one-fifth (18.6%, n=76) of participants believed that new settlements would be the best use of community land. Communal grazing areas (3.4%, n=14) and communal water sources (7.4%, n=30) were also identified as uses. One respondent identified charcoal production as the best use for communal land.

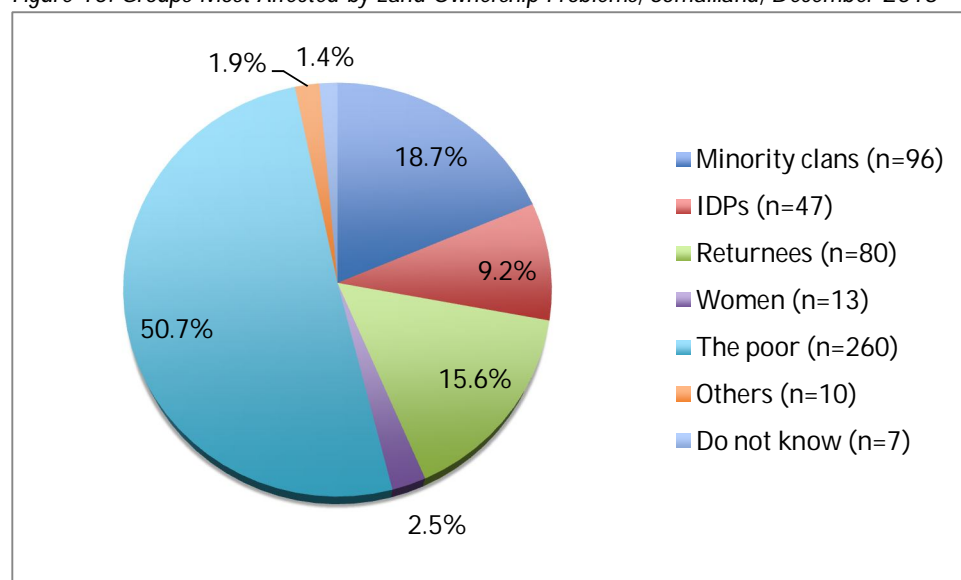
Figure 9: Reported Reasons for Women Not Being Allowed to Own Land, Somaliland, December 2013



The majority of respondents interviewed (79.1%, n=406) reported that women are allowed to own land. Of those who reported that women were *not* permitted to own land, more than three-fourths (77.4%, n=82) indicated that this was due to the fact that women are represented by a male family member.

According to 11.3% (n=12) of respondents, women were not able to own land due to economic disadvantages. Less than ten percent (7.5%, n=8) of participants surveyed reported that women are unable to inherit land. During qualitative interviews conducted for this study, respondents noted that in some cases male family members divide the land among themselves without providing a portion to female family members. Additionally, female respondents explained that traditional practices limited female land ownership because the land could be transferred to another tribe or clan when at the time of marriage, a practice which is still custom in rural areas. Traditional limitations on women's land ownership likely contribute to land rights issues women face today.

Figure 10: Groups Most Affected by Land Ownership Problems, Somaliland, December 2013



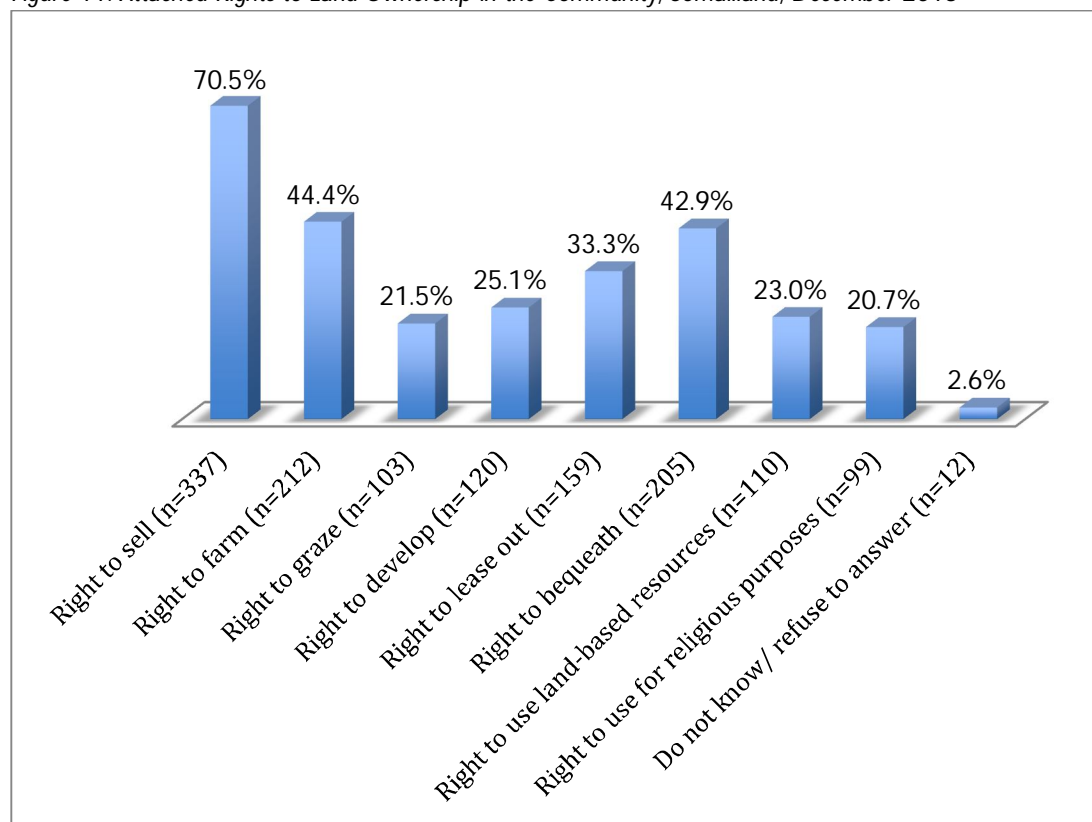
Overall, those who belong to a marginalized group are more likely to encounter issues with land ownership. Almost half (50.7%, n=260) of the respondents identified the poor as being the most affected by land ownership issues. Participants in the women's FGD in Salaxley explained that the poor are particularly vulnerable, as they cannot defend their rights due to the financial costs. According to 18.7% (n=96) of the respondents surveyed in the quantitative questionnaire, minority clans are the most impacted by land issues. A few respondents identified returnees (15.6%, n=80), IDPs (9.2%, n=47), and women (2.5%, n=13) as groups most affected by land ownership. FGD participants mentioned that IDPs have access to land allocated by the government for temporary settlement. During the FGD in Oodweyne, traditional leaders noted that disabled persons and orphans are also affected by land ownership problems.

The most commonly identified reason for experiencing problems with land ownership was low socio-economic status (76.4%, n=379). Social segregation was identified by 10.7% (n=53) of surveyed respondents, and 6.9% (n=34) found cultural factors to be the cause behind land ownership difficulties. As previously discussed, in some cases cultural factors still impact women's ability to inherit land.

3.2 Land Rights

Almost all (93.2%, n=478) respondents indicated that individuals in their community have the right to own land. As shown in the figure below, the majority of respondents (70.5%, n=337) identified the right to sell land as a right of land ownership. Slightly less than half of respondents surveyed (44.4%, n=212) indicated that owners have the right to farm their land. The right to bequeath land was also identified by 42.9% (n=205) of respondents as was the right to lease (33.3%, n=159); to develop (25.1%, n=120); to utilize land-based resources (23.0%, n=110); to use for grazing (21.5%, n=103); and to utilize for religious purposes (20.7%, n=99).

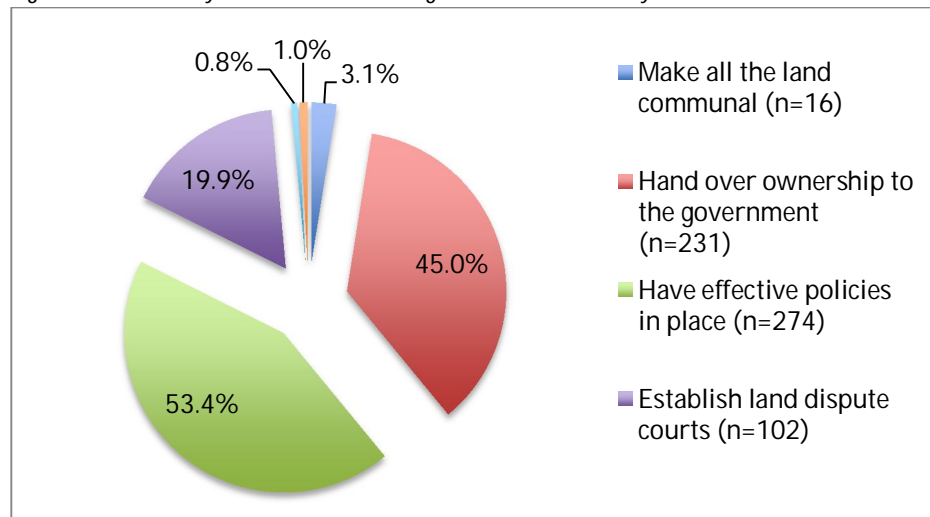
Figure 11: Attached Rights to Land Ownership in the Community, Somaliland, December 2013



Despite identifying rights associated with land ownership, nearly two-thirds (62.8%, n=322) of respondents were unaware of laws governing the transfer, utilization, and management of land. Of the 35.5% (182) of participants who were aware of land legislation, the majority (80.8%, n=147) reported that

the laws were enforced. Participants in FGDs were similarly unaware of land management frameworks and legislation. The lack of awareness of land rights and legislation signals a vulnerability of landowners and the need for improved public awareness campaigns to protect those rights.

Figure 12: Best Ways to Promote Land Rights in the Community, Somaliland, December 2013



More than half (53.4%, n=274) of the survey participants felt that implementation of effective policies would be the best way to promote land rights within their community. More than two-fifths (45.0%, n=231) of respondents believed that the best way to promote land rights would be to hand land ownership to the government and this was also supported by respondents in qualitative interviews. The establishment of land dispute courts was identified as the best solution by less than one-fifth (19.9%, n=102) of participants and 3.1% (n=16) of respondents felt that making all land communal would be the most effective means of promoting land rights.

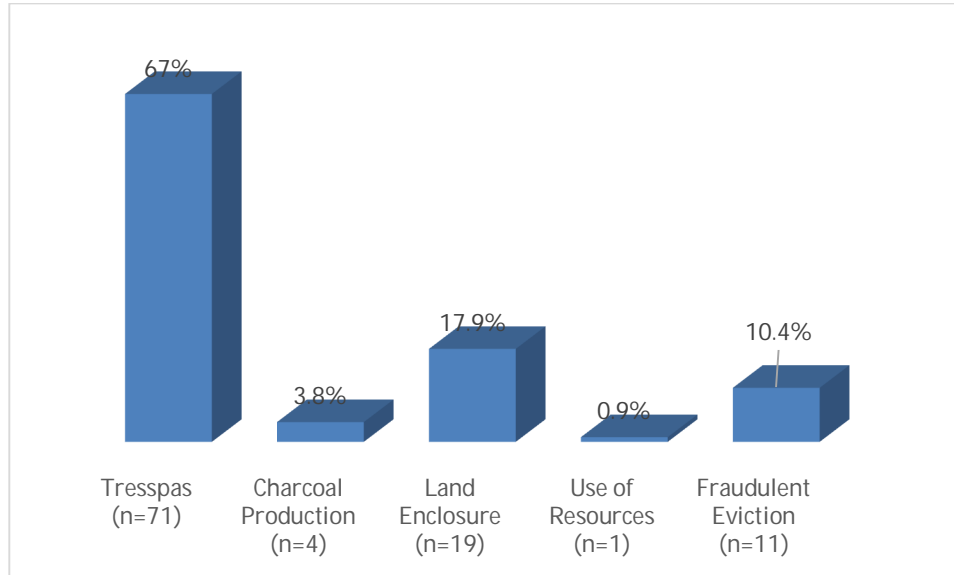
3.3 Land Conflict

Overall, less than one-fifth (18.7%, n=96) of survey participants reported ever being involved in a land conflict. However, reported involvement was higher among participants from Salaxley (28.3%, n=32) and Oodweyne (25.7%, n=26). More than one-fourth (26.2%, n=106) of all respondents surveyed indicated knowing someone involved in a land conflict. Again, reported knowledge of persons involved in a land dispute was higher among participants from Salaxley (39.4%, n=28) and Oodweyne (58.7%, n=44), suggesting pastoral regions are facing higher levels of conflict.

Of the respondents who indicated knowing a person involved in a land conflict, more than two-thirds (67.0%, n=71) identified trespassing as the cause. A form of trespassing mentioned during FGDs in Salaxley and Oodweyne occurs when landowners expand their fences into their neighbor's property. Less than one-fifth (17.9%, n=19) of participants reported that the enclosure of land was the source of the conflict. Land enclosure was most commonly (57.1%, n=16) identified in Salaxley. Given that Salaxley is predominantly pastoral, the enclosure of communal land reduces resource access, increases competition, and likely contributes to the marginalization of pastoralist. A minority (10.4%, n=11) of respondents informed that fraudulent eviction was the cause of the conflict. Fraudulent eviction may be the result of duplicate or forged land ownership certificates, an issue that was raised during focus group discussions in

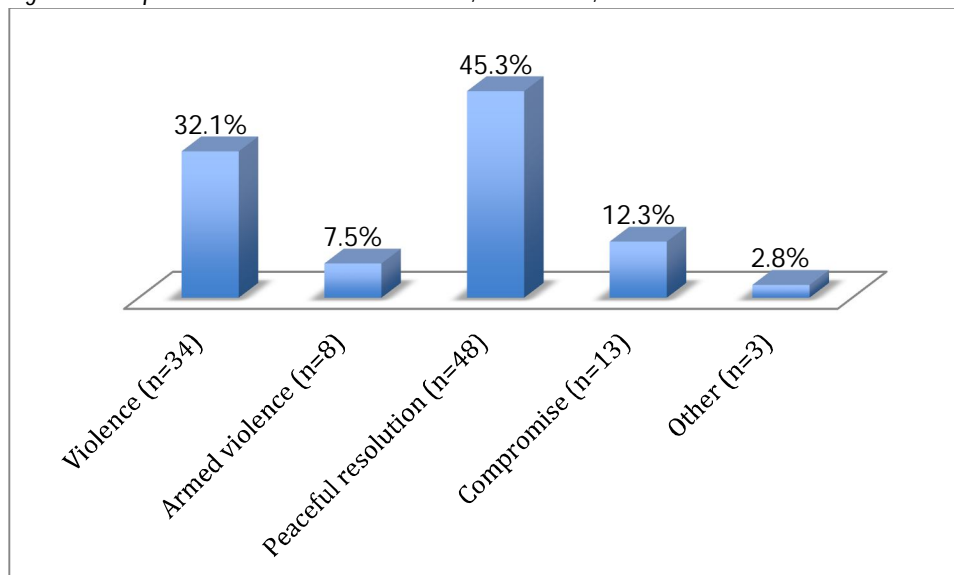
each district. While only one participant (0.9%) indicated that the conflict they reported was over the use of resources, qualitative data collected included references to conflicts in Oodweyne and Salaxley involving water canals.

Figure 13: Reported Reasons for Land Conflict, Somaliland, December 2013



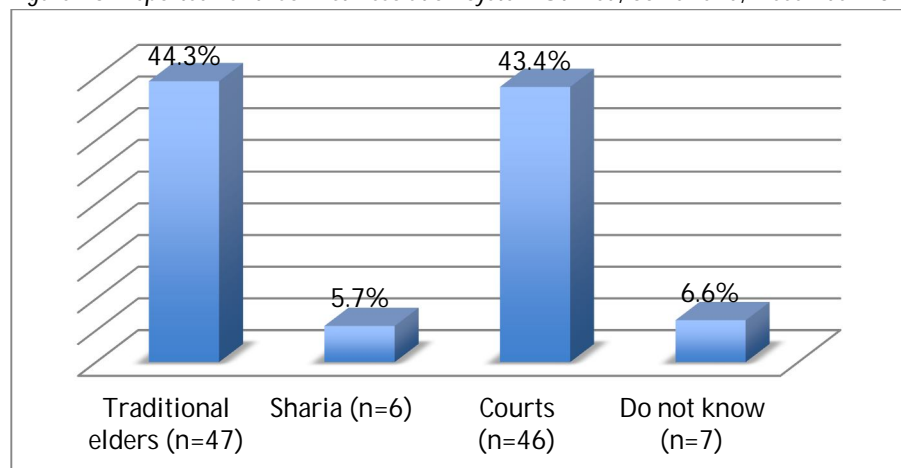
The majority of respondents who reported knowing of a land dispute (88.7%, n=94) identified civilians as the parties involved in land conflicts. The government (7.5%, n=8); IDPs and returnees (1.9%, n=2); and clans and other groups (1.9%, n=2) were also identified as actors in the disputes. Tribes in the village of Balli-Muse were identified as the conflicting parties in a dam dispute during a KII with the Deputy Governor of Daad-Madheedh region. The Deputy Governor informed that dam construction projects implemented by Caritas International is caused conflict among tribes in the village. As people seek to ensure access to resources and livelihoods, they are increasingly in conflict with one another over rapidly decreasing resources.

Figure 14: Reported Outcome of Land Conflict, Somaliland, December 2013



As illustrated in the figure above, 45.3% (n=48) of the conflicts reported were resolved peacefully. More than one-tenth (12.3%, n=13) reportedly ended in compromise. However, 32.1% (n=34) of the conflicts were said to have resulted in violence. Less than 10 percent (7.5%, n=8) of the disputes reportedly culminated in armed violence. Violence was reported in every district, indicating that it is not a rural or urban problem but a statewide issue.

Figure 15: Reported Land Conflict Resolution System Utilized, Somaliland, December 2013

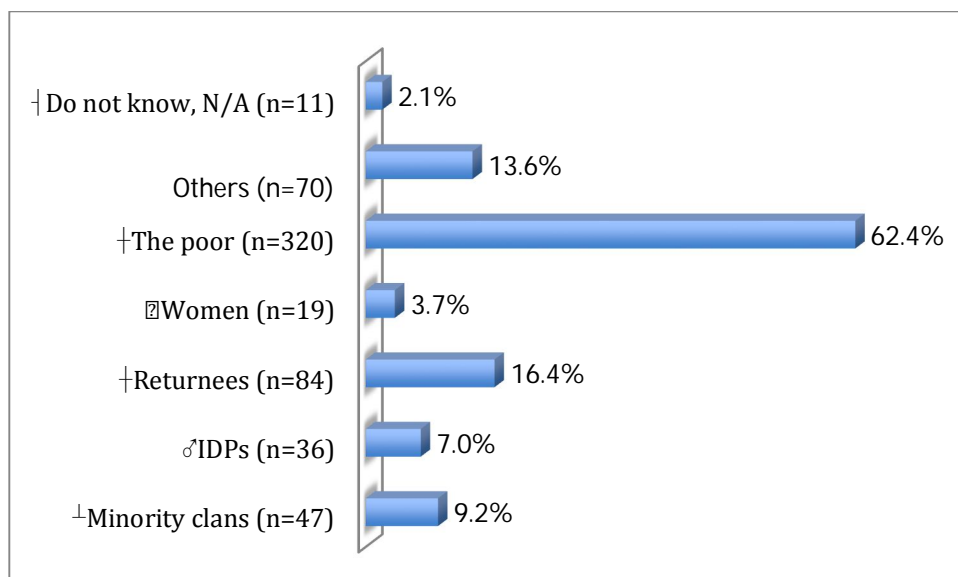


As illustrated above, slightly less than half (44.3%, n=47) of respondents identified traditional elders as the system utilized to resolve the conflict. One traditional elder explained during an FGD, “we act as town inspectors since we are able to easily identify members of families who rights to a piece of land or not.” Another traditional leader detailed how the leaders utilize customary practices to solve the conflict, sometimes by dividing the disputed land between the two parties. This type of solution suggests a strategy of finding a satisfactory solution for both parties, rather than ruling in favour of one at the cost of the other.

Courts were also identified by more than two-fifths (43.4%, n=46) of the participants. FGD participants pointed out that courts and formal systems of resolution are most common in urban areas. However, some FGD participants and key informants expressed concerns over corruption in the formal justice system. According to a traditional leader in Gabiley, bribery is very common in the formal system. Other FGD respondents noted that the formal systems take years. These reasons likely contribute to the continued reliance on traditional elders and customary systems.

A minority (5.7%, n=6) of respondents indicated that sharia law was used to resolve disputes. Religious leaders who participated in FGDs explained the *Sulxi* mediation process that they utilize, in which each party in the dispute brings two male eyewitnesses or if two males are unavailable one male and two female witnesses. The lower status women hold as eyewitnesses suggests the possibility of bias against females in this mediation process.

Figure 16: Reported Opinions on Main Victims of Land Conflict, Somaliland, December 2013



As depicted in the figure above, the poor were most commonly identified (62.4%, n=320) as the primary victims of land conflict. According to the Attorney General of Gabiley, his office recognizes the vulnerability of those in disadvantaged socio-economic levels and does their best to defend the rights of the poor. Returnees were identified as the main victims of land conflict by 16.4% (n=84) of respondents. As land ownership documents may have been lost or destroyed during the conflict, returnees may face difficulties reclaiming their land. Minority clans (9.2%, n=47), IDPs (7.0%, n=36), and women (3.7%, n=19) were also identified as victims of land conflicts.

4 Conclusions and Recommendations

Survey data collected suggests that there is a need for the implementation of standardized land legislation across Somaliland in order to safeguard rights and minimize land disputes. More than half (62.8%, n=322) of survey participants were unaware of legislation governing the transfer, utilization, and management of land. This signifies the need for increased public awareness of land legislation. Moreover, existing legislation needs to be reviewed in a consultative process that ensures it is brought in line with present day contexts and caters for the needs of both urban and pastoral communities. Some of the points that may need to be touched upon by the review process include, but are not limited to; a clear definition of what constitutes ownership of land, a distinction between private and public land that is responsive to present day conditions, legal guidelines for the interaction of the multiple legal systems during conflict resolution and a simplification of the review/appeal process in the formal land dispute resolution set up. Public awareness and outreach campaigns are critical during this review process.

The lack of government oversight allows for illegal land grabbing, which depletes communal land. Illegal enclosures limit pastoralists' access to grazing land and water resources. Additionally, the use of communal land for charcoal production results in rapid degradation of communal resources. The decline and misuse of communal land significantly affects the pastoralist whose livelihoods are dependent on access to grazing land.

While 79.1% (n=406) of respondents indicated that women are permitted to own land, the qualitative data collected suggests that, in practice, women continue to face many challenges. Family members may

prevent females from inheriting land, fearing that the land would transfer to another clan at the time of marriage. Study participants also raised issues that women face with land ownership once married, as husbands may take their wives land. Women's land rights appear to face the most challenges at the familial level.

Parallel systems of law appear to be active, with traditional elders governing land disputes by customary law, the local courts by civil law, and religious leaders by sharia. As formal courts are often viewed as corrupt and slow, traditional elders play a large role in resolving land disputes. Given the important roles the informal dispute resolution systems play, careful attention must be given to them during any attempt to implement and enforce legislation.

Land conflict was reported across all districts surveyed for this study. Of the reported conflicts, slightly less than one-third (32.1%, n=34) were said to have resulted in violence and 7.5% (n=8) of the disputes reportedly culminated in armed violence. The high incidence of violence over land dispute suggests the need for improved resolution system, as well as deterrents to the use of violence.

The pastoral districts of Salaxley and Oodweyne had the highest reported rates of land conflict. This may indicate that a scarcity of livelihood resources (i.e., grazing lands) is resulting in increased competition, which in turn is leading to conflict. Further research on land conflict and pastoral livelihoods would be beneficial in these districts.

Based on the data collected, the following recommendations can be made:

- Strengthen the Judicial System and Local Governments

This is an enormous challenge but imperative to implementing any legislation. NGOs may play a role in research on existing customary law, trainings, and policy recommendations. The central government will have to work with local authorities to develop a unified system of law that can be effectively implemented by the judicial system. Safeguards must be developed to prevent corruption at all levels.

- Revision and Implementation of Land Legislation

Data indicated that the vast majority participants were unaware of existing land legislation. The government should strengthen the Land Act Policy so that it addresses rural and urban land with consideration of pastoral, agricultural, and urban needs. The courts must enforce the land legislation. Through implementing the law, the government could reduce the number of land disputes.

- Implement Public Awareness Campaigns

In conjunction with implementing land legislation, public awareness campaigns should be enacted. Disseminating knowledge will enable landowners to know their rights. The campaigns could also serve as a means to rebuild public confidence in the judicial system.

- Provide Traditional and Religious Leaders with Training

Data from the study found that traditional and religious leaders play key roles in handling land disputes. Providing training on land legislation will allow for local dispute resolution that is mindful of state legislation. While training may not result in local leaders abandoning customary law, they might adapt a hybrid system.

- Safeguard the Rights of Vulnerable Populations

From legislation to trainings and public awareness programs, special consideration must be given to the needs of vulnerable populations. Initiatives to educate vulnerable populations on their rights should be provided, as well as information on who to contact in case their rights have been violated.

- Further Investigate Pastoral Communities

Given the higher rate of land conflict within pastoral communities, further research should be conducted in those areas. Recognizing that pastoralists are losing access to land, which their livelihoods rely on, a closer examination is needed to assess impacts, coping strategies, and correlation with land conflicts.

- Surveying Prior to Development Projects

Conflicts over dams and canals highlight the importance of conducting impact studies prior to implementing development projects. Development projects, particularly related to resources, can result in communal conflicts. Thus, NGOs need to identify the potential for such conflicts and weight them against the intended benefits prior to implementing projects.

- Introduction of gender-sensitive approaches to land policy

As urbanization gains to take root, the traditional patriarchal outlook of a male-centered view of land ownership may face challenges from a quickly modernising community. In addition, it may be argued that policies that unduly deny women the right to own land are against the norms of international human rights laws which the government has acceded to and has pledged to uphold. There is therefore a need

to engage in sensitization and to reform succession laws as the expectations of the general populace render them outdated.

- Empower the Ministry of Rural Development and Environment

The Ministry of Rural development and Environment is well situated to put in place policies on the protection of the environment, set aside land for afforestation and undertake a process of delimitation so as to prevent conflicts between urban, agricultural and nomadic communities. Steps should be taken by the legislature to ensure that the Ministry is legally empowered to carry out such reform. The technical assistance of civil society organisations as well as experts would help to streamline these reforms.

5 Appendices

5.1 Land Conflict Survey

Enumerator's name: _____

Enumerator's code: _____

Date of interview: dd/mm/yyyy

Report number: _____

Region name: _____

District name: _____

Subdivision/ village name: _____

Good morning/Good afternoon. My name is _____ from _____. We are conducting a survey on land conflict and related issues. It will help agencies better plan their activities in the future to respond to and mitigate land conflict, as well as policy makers to put in place policies for the better regulation and administration of land. Would you help us by answering the interview for about 20 minutes? This is purely for research and we are not going to ask your name. All your answers will remain completely confidential.

- ☐ No
- ☐ Yes

Gender of respondent:

- ☐ Female
- ☐ Male

Age of respondent: _____

Marital status of respondent:

- | | |
|--------------------------------|-----------------------------------------|
| <input type="radio"/> Single | <input type="radio"/> Widowed |
| <input type="radio"/> Married | <input type="radio"/> Do not know |
| <input type="radio"/> Divorced | <input type="radio"/> Refused to answer |

Respondent's level of education

- | | |
|------------------------------------|-----------------------------------------|
| <input type="radio"/> Madrasa | <input type="radio"/> Tertiary |
| <input type="radio"/> Primary | <input type="radio"/> Self-schooled |
| <input type="radio"/> Intermediate | <input type="radio"/> Refused to answer |
| <input type="radio"/> Secondary | <input type="radio"/> N/A |

Do you own land?

- | | |
|---------------------------|-----------------------------------------|
| <input type="radio"/> Yes | <input type="radio"/> Refused to answer |
| <input type="radio"/> No | <input type="radio"/> N/A |

If you own land, how did you acquire it?

- ☐ Bought it
- ☐ Inherited it
- ☐ Got it as a gift
- ☐ Received it as payment
- ☐ Given by the government
- ☐ I grabbed it
- ☐ Other (specify) _____
- ☐ Refused to answer
- ☐ N/A

What is the most common form of land acquisition in your community?

- ☐ Purchasing
- ☐ Inheriting
- ☐ Gift
- ☐ Forceful acquisition
- ☐ Given by local authority
- ☐ Other (specify) _____
- ☐ Refused to answer
- ☐ N/A

How is land distribution decided in your community?

- ☐ On clan basis
- ☐ On family basis
- ☐ According to social status
- ☐ According to political dynamics
- ☐ Do not know
- ☐ Refused to answer
- ☐ N/A

Who are the most influential figures in land distribution decisions in your community?

- ☐ Central government
- ☐ Local authorities
- ☐ Community leaders
- ☐ Religious leaders
- ☐ Politicians
- ☐ Do not know
- ☐ Refused to answer
- ☐ N/A

What is the land ownership status of families in this community?

- ☐ 75% of more own land
- ☐ About a half own land
- ☐ 25% of less own land
- ☐ None of them own any land
- ☐ Do not know
- ☐ Refused to answer
- ☐ N/A

Is there land that is considered communal land in your area?

- ☐ Yes
- ☐ No
- ☐ Do not know
- ☐ Refused to answer
- ☐ N/A

If there is, who manages the communal land?

- ☐ Central government
- ☐ Local authorities
- ☐ Community leaders
- ☐ Religious leaders
- ☐ Do not know
- ☐ Refused to answer
- ☐ N/A

Do you agree than land should be set aside as communal land?

- ☐ Yes
- ☐ No
- ☐ Do not know
- ☐ Refused to answer
- ☐ N/A

If you agree, what in your opinion is the best use of community land?

- ☐ Common grazing land
- ☐ New settlements
- ☐ Charcoal production
- ☐ Communal water source
- ☐ To build public facilities
- ☐ Do not know
- ☐ Refused to answer
- ☐ N/A

Are women allowed to own land?

- ☐ Yes
- ☐ No
- ☐ Do not know
- ☐ Refused to answer
- ☐ N/A

If women are not allowed to own land, what is the reason?

- ☐ They are not allowed to inherit
- ☐ They are represented by male family members
- ☐ They are economically disadvantaged
- ☐ They are not willing to own land
- ☐ Do not know
- ☐ Refused to answer
- ☐ N/A

Which group in the community is the most affected by land ownership problems?

- ☐ Minority clans
- ☐ IDPs
- ☐ Returnees
- ☐ Women
- ☐ The poor
- ☐ Do not know
- ☐ Refused to answer
- ☐ N/A

Why is this group particularly affected by land ownership issues?

- ☐ Social segregation
- ☐ Low socio-economic status
- ☐ Cultural factors
- ☐ Other (specify) _____
- ☐ Do not know
- ☐ Refused to answer
- ☐ N/A

Do people have the right to own land in your community?

- ☐ Yes
- ☐ No
- ☐ Do not know
- ☐ Refused to answer
- ☐ N/A

If yes, what rights are attached to land ownership in the community?

- ☐ Right to sell
- ☐ Right to farm
- ☐ Right to graze
- ☐ Right to develop
- ☐ Right to lease out
- ☐ Right to bequeath
- ☐ Right to use land-based resources
- ☐ Right to use for religious purposes
- ☐ Other (specify) _____
- ☐ Do not know
- ☐ Refused to answer
- ☐ N/A

If no, what prevents the establishment of strong land rights?

- ☐ Weak government authority
- ☐ Lack of land policies
- ☐ Lack of land policy enforcement
- ☐ Corruption
- ☐ Nepotism
- ☐ Other (specify) _____
- ☐ Do not know
- ☐ Refused to answer
- ☐ N/A

Are you aware of any laws that govern the transfer, utilization, and management of land?

- ☐ Yes
- ☐ No
- ☐ Do not know
- ☐ Refused to answer
- ☐ N/A

If yes, are they enforced?

- ☐ Yes
- ☐ No
- ☐ Do not know
- ☐ Refused to answer
- ☐ N/A

If not, what is preventing land rights laws from being better enforced in this community?

- ☐ Weak government authority
- ☐ Lack of land policies
- ☐ Lack of land policy enforcement
- ☐ Corruption
- ☐ Nepotism
- ☐ Lack of capacity to enforce
- ☐ Other (specify) _____
- ☐ Do not know
- ☐ Refused to answer
- ☐ N/A

Do IDPs have access to land in your area?

- ☐ Yes
- ☐ No
- ☐ Do not know
- ☐ Refused to answer
- ☐ N/A

Have you ever been involved or currently involved in any form of land conflict in your area?

- ☐ Yes
- ☐ No
- ☐ Currently involved
- ☐ Do not know
- ☐ N/A

Do you know of any person involved in any land conflict?

- ☐ Yes
- ☐ No
- ☐ Do not know
- ☐ Refused to answer
- ☐ N/A

What was the conflict about?

- ☐ Trespass
- ☐ Charcoal production
- ☐ Land enclosure
- ☐ Use of resources
- ☐ Fraudulent eviction
- ☐ Do not know
- ☐ Refused to answer
- ☐ N/A

When did it happen?

- ☐ 1 year ago
- ☐ 6 months ago
- ☐ 3 months ago
- ☐ Do not know
- ☐ Refused to answer
- ☐ N/A

Who were the parties involved?

- ☐ Ordinary civilians
- ☐ Government
- ☐ Clan / groups
- ☐ Business enterprises
- ☐ IDPs/ returnees
- ☐ Others (specify) _____
- ☐ Do not know
- ☐ Refused to answer
- ☐ N/A

What did the conflict result to?

- ☐ Violence
- ☐ Armed violence
- ☐ Deaths
- ☐ Peaceful resolution
- ☐ Compromise
- ☐ Other (specify) _____
- ☐ Do not know
- ☐ Refused to answer
- ☐ N/A

Which conflict resolution system did you or the person use?

- ☐ Traditional elders
- ☐ Sharia
- ☐ Courts
- ☐ Do not know
- ☐ Refused to answer
- ☐ N/A

How often do people in this community rely on traditional elders and religious leaders to solve land conflict?

- ☐ Very often
- ☐ Not often
- ☐ Fairly often
- ☐ N/A
- ☐ Do not know

How often do people in this community rely on courts to solve land disputes?

- ☐ Very often
- ☐ Not often
- ☐ Fairly often
- ☐ Refused to answer
- ☐ N/A
- ☐ Do not know

How would you judge the effectiveness of the traditional elders and religious leaders' intervention?

- ☐ Generally satisfied
- ☐ Very unsatisfied
- ☐ No opinion
- ☐ Refused to answer
- ☐ Not applicable
- ☐ Do not know

How would you judge the effectiveness of the courts?

- ☐ Generally satisfied
- ☐ Very unsatisfied
- ☐ No opinion
- ☐ Refused to answer
- ☐ Not applicable
- ☐ Do not know

In your opinion, in which area is land conflict predominant?

- ☐ Write out name of subdivision _____
- ☐ Refused to answer
- ☐ N/A
- ☐ Do not know

Why are the conflicts predominant in the area?

- ☐ Scarcity of resources
- ☐ Abundance of resources
- ☐ Clan dominance
- ☐ Refused to answer
- ☐ Weak government
- ☐ N/A
- ☐ Presence of IDPs
- ☐ Do not know

In your opinion, who are the main victims of land conflicts?

- ☐ Minority clans
- ☐ Others (specify) _____
- ☐ IDPs
- ☐ Refused to answer
- ☐ Returnees
- ☐ N/A
- ☐ Women
- ☐ Do not know
- ☐ The poor

What recommendations can you propose to reduce land conflicts in your area?

- ☐ Clear land policies
- ☐ Enforcement of land policies
- ☐ Establishment of the land dispute court
- ☐ Establishment of land management committee at the district level
- ☐ Refused to answer
- ☐ N/A
- ☐ Do not know

5.2 Focus Group Discussion Guideline Questions

Questions to the participants		Notes for the team leader
Section 1: Land Ownership		
1.	What are some of the ways in which people in the district acquire land?	List the various ways, noting discussions around the various advantages and disadvantages of the numerous ways, the challenges involved in acquiring land and the proposed solutions.
2.	What are some of the main characteristics of communal land as compared to land owned by individuals?	Investigate divergences with respect to the locality of the land, the acquisition of that land (by individuals) as opposed to the authority to classify land as communal, the management/administration of the two types and difficulties in the classification of such land if they exist.
3.	What are some of the frameworks for the management and administration of land that you are aware of?	Inspect the participants' awareness of the Formal land management system and the customary influence on land. Follow up with questions to establish the strengths and weaknesses of the various systems as well as how effective each of them are in the management and administration of land.
4.	What are some of the deeper issues surrounding the issue of the ownership of land by women in the district? (PLACE EMPHASIS ON THIS QUESTION IN THE WOMEN FGD – alternatively, only ask in the women FGD)	Inspect the challenges that women may face in relation to the acquisition of real property in a patrilineal society. Inspect whether there is a bias, and whether this bias exists in both the formal system of land administration and the customary process as well.
5.	Is land in urban areas as compared to rural areas within the district subject to different conditions in terms of the frameworks for management/administration?	Compare the scope of the various systems of land adjudication, inspecting which of them has a wide coverage, or popular appeal.
6.	In your considered opinion, what are some of the factors that drive the fluctuations of the prices of land in the different areas of the district?	Inspect the different modes of land conveyance and the cost implications that follow, as well as the link between potential economic benefits and the potential for violent dispute over the appropriation of such land based economic benefits (as an entry point to investigating further dynamics of land based conflict in section 3).

7.	From your experience, which group in the community is most severely affected by problem related to land ownership?	Inspect the dynamics of clan hierarchy (as far as may be possible without courting controversy) as well as the question of who may be the victims of the weaknesses and failures of the various land management systems
Section 2: Land Rights		
8.	What are the rights that accrue to people who own land as individuals as compared to those who use communal land	Find out differences between private use rights and public use rights
9.	In what ways are land rights protected in the district?	Inspect the various administrative systems as an entry point to questions 10, 11, and 12.
10.	What is the role of traditional elders (customary/clan system) in: a. appropriation b. management of public land c. land dispute resolution?	
11.	What is the role of the religious leaders (Sharia law) in: a. appropriation b. management of public land c. land dispute resolution?	
12.	What is the role of the formal legal system in: a. Appropriation b. management of public land c. land dispute resolution	
13.	Is there a level of interaction between the various systems discussed above?	
14.	What is the situation of land rights in relation to IDPs and returnees in the district? (PLACE EMPHASIS ON THIS QUESTION IN THE IDP FGD – alternatively, only ask in the IDP FGD)	
Section 2: Land Conflict		
15.	What land disputes are you aware of that have occurred in the last 12 months?	Discuss in general the number of conflicts, the causes and the actors.
16.	What are the main ways in which land conflicts are resolved?	Find out the various conflict resolution methods, inspect variances by locality, and preference if there is any?
17.	How effective are the various forms of land conflict resolution in the district?	Inspect if one method stands out above the other(s), and if so, the reasons for the distinction. Also enquire into any patterns of interaction between the systems.

18.	In your experience, in which area in the district is land conflict most common, and what may be the reasons?	Attempt to map the geographic dynamics of land conflict.
19.	Generally, what do you think are some of the factors in your district that pose a great risk of leading up to land based conflict?	Discuss the underlying causes and socio-political dimensions of land conflict
20.	What recommendations can you propose to reduce land conflicts in your area?	List exhaustively.

5.3 Key Informant Interview Guideline Questions

Discussion Questions	
1.	What is the situation of land management and ownership in your area?
2.	What rights are attached to the ownership of that land?
3.	Are there different land management and administration frameworks for urban areas and rural areas?
4.	Is there a system of land transfer in Somaliland?
5.	Why have lands issues become a source of conflict in your area?
6.	What rights are attached to the ownership of that land? If there are rights, how are they protected
7.	How do various justice systems interact with one another over land issues? If so what is the nature of interaction?
8.	Are you aware of any recent interventions supported by the international community that have sought to address the problem of land conflict?
9.	To the Best of your knowledge, has the government made any recent policy-level engagement on the issue of land management, land conflict prevention and mitigation?
10.	What recommendations would law makers, policy makers and development partners on these issues?

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February 2014

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