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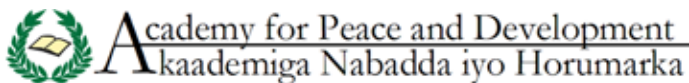
# LAND-BASED CONFLICT PROJECT

## Somaliland Report



## No more 'Grass grown by the Spear'

Addressing Land-based Conflicts in Somaliland



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APD and INEF thank Interpeace for the practical support provided to the realization of this project.

**‘Grass grown by the spear’ (*warran bixi*) is a Somali expression for the grass growing in the inaccessible buffer zones between conflicting parties**

Front cover photo: A conflict mapping session in Balli-gubadle District.

Back cover photo: Local clan elders in Erigavo (Sanaag Region). Traditional institutions maintain a key role in conflict resolution.

**Earlier APD Publications and Documentaries related to Land Conflicts:**

*From Plunder and Profit to Prosperity and Peace. Resolving Resource-based Conflict in Somaliland.*

Regulating the Livestock Economy of Somaliland. In: *Rebuilding Somaliland: Issues and Possibilities*. APD/WSP, Lawrenceville, N.J.: Red Sea Press, 2005.

*From Plunder and Profit to Prosperity and Peace (Boob iyo Bursi ku doorso Nabad iyo Badhaadhe)* (2006). Documentary on Resource-based Conflict in Somaliland. 31 min., Somali and English version.

*Natural Resource-based Conflicts (Khilaafaadka khayraadka Dabiiciga ah)* (2005). Documentary on charcoal production and environmental destruction. 16 min., Somali with English sub-titles.

*Milking Our Camels Dry (Intaanu Neefku kugu ciyin)* (2002). Documentary on Somaliland's livestock economy and trade, the pastoral environment and animal health services. 25 min., Somali and English versions.

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## Somali Glossary

Somali	English
<i>Berkad</i>	Pool or Pond
<i>Caqil</i>	Chief
<i>Degaan</i>	Settlement
<i>Dhaan</i>	Water fetching
<i>Diyo</i>	Compensation blood money or Homicide
<i>Gacan</i>	Canal or Gulf
<i>Gu</i>	Spring
<i>Guri degaan</i>	Home territory of a nomadic family
<i>Jiilaal</i>	Winter
<i>"Kuqabso kuqadimayside"</i>	Claim it and you will always get something
<i>"Lama huraan waa caws jilaa"i</i>	Grass is indispensable in the dry season
<i>Tuulo</i>	Village
<i>Warran bixi</i>	Grass grown by the spear
<i>Xagaa</i>	Summer
<i>Xeer</i>	Agreement, Custom or Traditional law
<i>Xeerbeegti</i>	Customary law expertise



# Foreword

## The Land-based Conflict Project

In collaboration with the Institute for Development and Peace (INEF) at the University of Duisburg-Essen, Germany, the Academy for Peace and Development (APD) conducted a six months research project on land-based conflicts in Somaliland between July and December 2007. The project, which was funded by the German Institute of Foreign Relations (IFA), formed part of a wider programme also taking place in Afghanistan. It aimed to strengthen local dialogue NGOs, i.e. the Academy in Somaliland and the Tribal Liaison Office (TLO) in Afghanistan, to enhance conflict resolution mechanisms in the course of integrated capacity building, dialogue, and action research processes, promoting awareness, analysis and good practices relating to land conflicts.

The project team consisted of Mohamed Abdi (Team Leader), Nassir Osman and Safia Tani (Trainees), and Ulf Terlinden from INEF as a part-time consultant. Throughout the project, the team was supported by Jan Stockbrügger, an APD Fellow from Bayreuth University (Germany). During the project, the APD ran a full cycle of desk research, consultations, field research, dialogue and dissemination on land conflicts.

The first phase of the project was designed to produce a general overview on land-based conflicts in Somaliland and to identify the most urgent issues and problems related to the topic. Accordingly, the team conducted an extensive literature review and conducted interviews with representatives from different state and civil society organisations. The findings were summarised in a "Working Note". A working group comprising members of state agencies and NGOs, discussed the paper and provided further information and guidance to the team.

In the second project phase, the team conducted extensive field research in Balli-gubadle District to gather relevant information on rural land conflicts. Thereby, the APD team applied participatory action research methods to draw views and visions of local communities on land management and conflict. Additionally, the team undertook an exploratory trip to Odweyne and participated in a German Agro Action Workshop aiming to establish a range conservation reserve. Important documents produced in this phase were a "Case Study on Enclosures and Conflicts in Balli-gubadle District" and a report on "Sustainable Land Management on the Tuuyo Plateau".



*"Grassland near Erigavo / Sanaag Region"*

A second Working Group meeting launched the third and last phase of this project, during which the team focused on identifying good practices of land and conflict management.

# Executive Summary

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Land ownership and access to land are the most frequent source of violent conflicts in contemporary Somaliland, especially in pastoral and agro-pastoral communities, which form the backbone of Somaliland's domestic economy.

The collapse of Somalia's central government in 1991 had led to the breakdown of institutional and social structures. Returnees who had been displaced during the civil war find their homes occupied by others who lost their homes in the war or who migrated to the area. The privatisation of previously state-owned properties is another bone of contention. The complete absence or falsification of ownership documentation regularly results in overlapping ownership claims. Especially in urban areas, land is sold illegally, while the original owners have difficulties to prove their case. Such ownership conflicts are often solved outside the courts, where illegal claimants tend to receive pay-offs or pieces of land. It is a common practice to claim land for personal enrichment, signified by the Somali proverb “ku qabso ku qadi meyside”, meaning: “Make a claim, albeit unjust, and you shall end up gaining something”.

The focus of this report is on the rural areas of Somaliland, which experienced considerable socio-economic transformation since 1991. Changing modes of production undermined traditional land management patterns. Land grabbing and sedentarization tendencies, spread throughout the country, have effectively undermined traditional common land user rights and deprived large numbers of nomads of urgently needed resources. The dramatic increase of enclosures was aggravated by the lack of formal state authority able to implement the existing legislation. Returnees who had lost their livestock during the civil war also try to generate new livelihoods out of common grazing land. As a result of land grabbing, the remaining open range land is under increased livestock pressure, leading to overgrazing, environmental degradation and competition over shrinking resources.

The changing socio-economic conditions have introduced the use of mechanized transport to nomadic lifestyles. Trucks transport water over great distances to where it is needed. Water tanks such as berkads, often build by international NGOs, have multiplied since the colonial times. As a result, grazing areas which had to be abandoned in the dry seasons because of a lack of water are now used during the whole year. The new land using patterns increase the pressure on the environment as recovery phases for pasture are reduced. The cutting of trees for charcoal production also accelerates land degradation with the consequence that common pool resources are shrinking further. As a reaction, pastoralists have transformed and adapted their modes of production to the changing conditions.

Many nomads seek to develop alternative livelihoods to reduce their economic dependency from livestock, while at the same time trying to secure essential water and grazing resources to maintain their herds. In some regions of Somaliland, almost every pastoralist family has fenced in a piece of land, either to engage in farming, graze livestock, burn charcoal, or just to secure some land before nothing is left. These enclosure and land grabbing dynamics are the major threat to traditional land management systems and the most frequent source of conflict in rural Somaliland.

In traditional Somali society, private ownership of pasture land did not exist, and water sources could only be owned privately to a limited scale. Although access to natural resources is largely based on communal ownership and common user rights until today, the proliferation of privately owned enclosures and water sources disrupts this pattern.

The researchers discovered that basically three types of enclosures exist: farming-, grazing- and comprehensive enclosures (a combination of the two former ones). While pure farming enclosures are usually made up of irrigated farms, cultivation sites within comprehensive enclosures are normally rain-fed farms. According to official law, however, it is illegal to fence farms is not restricted by the law, the reality is that only very few of them exist, because people can not afford to pay the investment costs (mostly the creation of berkads and water tanks). But rain-fed farms, which clearly constitute the majority of farms in the country, are not very productive as rainfall is inadequate. Nevertheless, agro-pastoralists produce at least enough to support their families in the dry season, while they rely on their livestock during the rest of the year. Against the background of shrinking public rangeland, enclosures are also increasingly important to provide fodder for animals, especially in times of droughts. Additionally, trees within the enclosure can be used for charcoal production to generate cash. As a result, “illegal” comprehensive- and grazing enclosures are predominant in rural areas of Somaliland, despite their negative effects on the environment, the economy and the social harmony in local communities.

Not surprisingly, a number of initiatives aimed at the dismantling of “illegal” enclosures in Balligubadle district failed. People simply re-established their enclosures when they did not receive resources to start alternative livelihoods. Under the given conditions, it seems doubtful that the removal of enclosures is possible at all. Land management only marginally takes place in Somaliland. The state is too weak to regulate land ownership, implement its laws and prevent the establishment of illegal enclosures (especially grazing and comprehensive enclosures). Additionally, the current legal system concerning rural land issues is insufficient. There is neither a clear definition of grazing land, nor are ownership and user rights of pastoralists secured. Consequently, ministries have overlapping responsibilities, and pastoralists are vulnerable to land grabbing by farmers, town dwellers and others. Although the local administration is supposed to plan the use of land for all purposes at the municipal level, it lacks the capacity to do so. With traditional land management patterns seriously undermined, not much of a land management system remains. As a result, land grabbing and enclosures spread unchecked. In the specific local contexts, people dispute the establishment of enclosures, their extension, and the position of gacans (canals) between the enclosures. Other sources of conflict in rural areas are guri degaan (seasonal nomadic homesteads), unplanned water points, and charcoal production. Especially conflicts over charcoal production are prone to escalate quickly as a result of the high stakes involved. By claiming guri degaan, the home territory of a nomadic family, communal grazing land is effectively privatized, incidentally provoking conflict. Traditionally, pastoral communities were mobile and in constant search of rangeland for their herds. When they shifted from one place, they used to vacate the previous position completely. But nowadays, pastoralists tend to leave some of their belongings in these pastoral homesteads to claim exclusive ownership of it.

Conflicts in rural Somaliland not only take place between communities, but increasingly disturb peace within communities. Individuals, often closely related to each other, dispute over the demarcation of their territories and especially the position of enclosures. As the Somaliland society follows kinship structures and clan lines, disputes between individuals can easily escalate to inter-group conflicts and turn violent. With the state too weak to protect its citizens, they are forced to defend their rights and properties by themselves, using wide spread small arms.

In some cases, clan conflicts over land combine with – and are fuelled by – other clan interests, for instance political interest such as the demarcation of administrative units or the allocation of polling stations.

As no institution, neither state agencies nor traditional councils, have the capacity to manage and solve land-based conflicts alone, they need to cooperate with each other in order to maintain peace and stability in their constituencies. But the management of conflicts largely follows customary conflict resolution approaches and rules rather than official state laws. The result is a hybrid conflict mediation system, in



which the different institutions involved (district council, district court, police, traditional councils of elders) seek to identify solutions that are acceptable for all conflicting parties. Their primary aim is not to condemn a culprit and achieve justice, but to retain or restore peace.

The existence of different legal systems (official law, customary law and sharia law), especially in urban areas, can cause problems as incompatible claims concerning land ownership can be made. In the rural context, however, customary law dominates. Here, state institutions such as the district court and the district council lack financial and human capacities to enforce legal evictions, and are often perceived as corrupt. Community mediation committees of traditional elders are therefore by far the most effective conflict resolution mechanisms. Instigated on an ad hoc basis either by the communities or the administration (district council), they mediate between the conflicting parties and apply customary law (xeer) to solve disputes. However, traditional councils of elders can only partly address these problems. The effectiveness of elders essentially relies on traditional legitimacy and mutual trust of the disputants. Their verdicts are not necessarily binding as they do not entertain standing institutions to enforce them. Additionally, due to clan affiliation, elders are often deeply involved in conflicts and correspondingly do not always act as the neutral peace-building institutions that they are supposed to be.

The district administration not only convenes councils of elders, but also facilitates mediation processes by providing transport and organising meetings. To end a conflict, opponents usually sign a contract set up by the mediators. These contracts not only include an agreement between the conflicting parties, but also define fines to be paid when the contract is violated. A copy of the agreement is kept by the police who are often in charge of securing implementation of agreements.

Thereby, the district police plays a much more pivotal role than other state institutions. At any level of conflict management, the district police is usually ordered to support the customary approaches of elders, rather than enacting government rulings. By and large, the police will only interfere in conflicts if it has the approval of the traditional clan elders. As a result, the police depends on agreement between the elders to intervene effectively in violent conflicts or to implement agreements achieved in mediation processes. Additionally, the effectiveness of the police forces is often restricted by a lack of vehicles, fuel or other resources.

However, the synergies of joint initiatives by traditional elders, the administration and the police force tend to be relatively successful in maintaining and restoring order despite the shortcomings of the individual institutions.

In recent years, various initiatives were launched to address some of the issues underlying land conflicts and their ineffective management and resolution. While most projects exemplified by the authors focus on land management and environmental issues, only one initiative, initiated by UNDP, aims at the improvement of conflict resolution mechanisms. But the impact of the initiative is limited, as the official legal system remains weak and people prefer to address their cases in traditional institutions applying customary law. So far, the Cadastral Survey, another UNDP-supported project, only registers land title deeds in largely agricultural settings, where land is already under private ownership. This experience can not easily be transferred to pastoral and agro-pastoral areas, where land largely remains under communal ownership. This would require a resolution of the issue of enclosures first, including the development of applicable policies, adapted legal regulations and a reflection of both in the local institutional arrangements.

Environment-related projects have had some success in targeting the destruction of forests and the degradation of rangeland. These initiatives are largely based on community participation and sometimes promote innovative ideas to change environmentally damaging practices. However, the provision of resources to create alternative livelihoods must be reviewed critically. Too often, initiatives lose momentum

as soon as external resources dry up. Instead, it seems to be more sustainable to develop land management systems and plans that are accepted and valued by local communities and can be implemented with the limited resources available in a location. Land management initiatives, and in particular the involvement of external agencies in it, need to have a long-term orientation and must focus on the development of local structures to ensure that land management systems are effectively implemented.

Some of these aspects are positively integrated in the planning process for the Tuuyo grazing reserve, a project supported by German Agro Action (GAA). The strength of this initiative is the direct participation of the local community in the preliminary planning and decision-making process. An inevitable weakness is the fact that such large scale projects heavily depend on the support of international organisation, as local communities and state institutions lack sufficient financial resources. Since international funds are bound to short project cycles, it will be a key challenge to sustain the protection of the Tuuyo plateau reserve in the longer run.

Apart from the challenges of sustainability, externally-supported initiatives can only target land management problems in a few areas and localities. Combined with the consideration that traditional institutions are also unable to provide universal solutions to these problems, in particular the uncontrolled establishment of enclosures, there is an urgent need to establish a coherent Land Management Policy for Somaliland, including a realistic implementation capacity. The present legal code on land differs considerably from the reality on the ground. Despite their illegal status, grazing and comprehensive enclosures exist in most parts of the country and are integrated in the rural economy.

Developed in a participatory process that includes state as well non-state stakeholders (traditional and religious leaders, NGOs, civil society and private sector), such a policy would need to define principles for land ownership and usage in rural areas, in particular for the ownership (enclosure) of pastoral land. Against the background of failed enclosure removal initiatives, it seems to be more promising to regulate the creation of grazing and comprehensive enclosures rather than trying to ban them completely. If state and non-state institutions work together in implementing a broadly supported land management policy, land-based conflicts and the increasingly serious environmental destruction could be reduced significantly.

# A: Introduction

## Land-based Conflicts in Somaliland

Disputes over land ownership and access are the most important contemporary source of violent conflicts in Somaliland. Early in 2007 this became particularly apparent when simultaneous clashes took place in Daroor in the adjacent region five of Ethiopia and in Yayle and Ceelgerde. The Daroor conflict alone claimed the lives of at least 67 people and resulted in a public outcry. The totals injured from the warring sides exceeded a hundred. The Habaryoonis dead and injured were taken to Burco where they concentrate as clan and the Idagale were taken to Hargeisa. The arrival of the dead and injured at Somaliland's two main cities created tensions. For instance, in Hargeisa, where both clans reside, it raised sensitivity and brought fear that the conflict may outburst in the city as well. There was a worry that representatives of the clans could mobilize against each other. Cities with their concentrated population are particularly vulnerable to the escalations of violent conflicts.

A base line survey undertaken from the newspaper coverage of 2005 and 2006 alone revealed evidence of 23 land related conflicts in different parts of Somaliland (see Annex). These conflicts were mainly over:

	Categorization
Pastoral resources such as grazing land, enclosure, and water points.	Rural
Agricultural land (individual ownership and communal claims of belonging).	Rural
Customary communal land in new settlement areas adjacent to urban settings.	Between rural and urban
Customary communal land with in urban centres.	Urban
Private individual land ownership in urban centres.	Urban
Demarcations and maintenance of public land.	Urban
Allocation of land under administrative units.	General

Beyond the immediate casualties, land conflicts have a severe impact on society. Some of the main effects are:

- Reduced sharing of resources such as water and grazing land
- Clash among clans (escalation into inter-clan conflict)
- Escalation of land conflicts into inter-clan conflicts.
- Displacement of some clan groups from their settlements of origin.
- Clan institutions remain primary source of protection, and clans with power dominate others.
- More mistrust to the judiciary as a result of unresolved conflicts.
- Contested land remains unused 'warran-bixi', "grass grown by the spear"
- The government's protracted inability to resolve conflicts undermines the public order.  
People take the law into their own hands.

Obviously, land-based conflicts are a serious threat for peace and stability in Somaliland and as a result need to be studied more thoroughly.

Related research on Natural Resource based Conflict was previously conducted by the Academy for Peace and Development (APD) between 2004 and 2006. A comprehensive research report (APD 2006a) and a documentary film called "From Plunder and Profit to Prosperity and Peace" have been produced. These efforts focused on the establishment of policies and laws to tackle the underlying causes of these conflicts, such as the increasing prevalence of fenced enclosures in traditional pastureland and the growth of sedentary agriculture. Another documentary film by APD covers Somaliland's Natural Resources. The effects of charcoal production received particular attention during this phase of the programme. The

programme, which is run in collaboration with Interpeace Dialogue for Peace, continues with a focus on Somalilands Eastern Regions since 2007.

Vetaid and PENHA compiled documents on Land Resource Tenure and Agricultural Land Use. Xaqsoor and Candlelight, local NGOs also work on the issues of Natural Resources and Environment.

Nevertheless, most of these projects had an environmental angle seeking to protect range and forest resources, while only very little research has been undertaken to understand the actual causes and dynamics of land-based conflicts.

Based on these observations, the stated core problem of this research report as well as the overall project is the fact that “land ownership and access are potential sources of violent conflict”. The research focuses on land based conflicts that relate to the claiming of land ownership and the access to land. This refers to all land including resources available on it, e.g. water, infrastructure, etc. Because of its significance and its implications, the research particularly focuses on land based conflicts in the rural context which affect land around towns, small villages, free land for grazing in rural areas, range enclosures for commercial purposes (e.g. charcoal production), water sources such as dams, berkads, gacan (water drainages from rivers and/or waterfalls), and farming land.

The stated core problems translate into the following key research questions:

1. What are the structural origins of land conflicts?
2. What are the short term accelerators that lead to the escalation into a violent conduct of conflicts?
3. When it comes to the management of land resources, what are the deficiencies that facilitate violent conflict?
4. Assuming that conflicts over land will always exist, what are the major obstacles to managing and resolving these conflicts effectively, without recourse to violence?
5. What good practices to address the issues/problems can be identified?

These questions and issues are addressed in the following sections of this report. As a reviewed compilation of previously stand-alone documents that were produced in the course of the project, this booklet documents the research process and presents key findings.

The Working Note in **Part B**, produced during the first phase of the project, provides an overview on issues and dynamics of land-based conflicts in Somaliland. This includes socioeconomic and legal background information as well as conflict triggers and issues related to land management and conflict management.

**Part C** encompasses the Case Study on “Enclosures and Conflict” that the team has undertaken in Balligubadle district during the second phase of the project. Taking an explicitly local perspective, it deepens certain issues identified before, namely problems and conflicts related to enclosures, including their socio-economic implications. Furthermore, this section describes state and non-state conflict management institutions and working relationships.

In **Part D**, the result of the third phase of the project, the authors review a number of approaches and interventions addressing some of the issues underlying land conflicts and their ineffective management. This chapter also presents a short report on a consultation meeting to re-install a seasonal grazing reserve on the Tuuyo plateau.

# B: Land-based Conflict in Somaliland

## An Overview on Issues and Dynamics

*This chapter is the product of a desk study conducted during the first phase of the project and originally distributed as a Working Note. The authors seek to identify some of the most important issues and problems concerning land-based conflicts in Somaliland.*

### 1 Background

#### 1.1 Socio-economic Transformation

In the rural context, most land conflicts arise over pastoral and agricultural issues. Both sectors have been shaped by a number of socio-economic transformations since independence in 1991. These include:

- Economic upturn: Increased commercialisation and market integration of the livestock sector
- New modes of production: Multiplication of berkads, increasing numbers of livestock and changing movement patterns
- Economic backdrop: Saudi Arabian ban on Somali livestock
- Environmental problems: Increased land degradation
- Sedentarization and real estate speculation: Accelerated urbanization
- Heritage of War: Return of displaced people

The commercialisation of the livestock trade led to a shift of the pastoral economy from a subsistence one to a market based one. To water the increasing number of livestock, new berkads (water points) were constructed. These allow pastoralists to stay longer at certain pastures and consequently the danger of soil



*Droughts, overgrazing and environmental degradation threaten pastoral livelihoods.*

erosion and land degradation is increasing. The export of a million (average) heads from Somaliland temporarily acted as a safety valve against pressures on the environment. But the Saudi Arabian ban on Somali livestock eliminated the safety valve mechanism and aggravated the already deteriorating environmental crisis. By consequence, competition for scarce resources between communities increases, by tendency raising the risk of violent conflict. Additionally, the pastoral

livelihood has been struck by cycles of drought that reduced the already shrinking natural resources. Traditional coping mechanisms mitigated the effects of these factors but the crisis in the livestock mode of production is causing a great deal of suffering and destitution among the rural population. Many herders have lost all their livestock and see themselves forced to start alternative economic activities such as charcoal production, farming or trading. Others move to the urban centres where they try to make their daily living. Cities and towns all over Somaliland are expanding rapidly. The booming real estate market, often driven by investments from the Diaspora, intensifies this tendency as real estate speculators urge

to purchase property at the fringes of towns, especially in Hargeisa. War-displaced people continue to find their homes occupied by other groups or settle down on land that is also claimed by others (WSP International 2005).

These processes and dynamics of economic and social transformation increase the potential of (violent) conflict all over the country. Since natural resources, such as land and water, are the basis of the pastoral and the agricultural economy, land tenure and rights over land are crucial elements of this socio-economic transformation process.

## **1.2 Rural Land Management**

A multitude of laws and institutions regulate the management of land in Somaliland. Because of the weakness of state institutions and laws, traditional (or “customary”) institutions remain very important in dealing with land related issues.

### **1.2.1 State/Formal law**

Rural land, that is agricultural land and pastoral land, is supposed to be managed mainly by the Ministry of Agriculture and the Ministry of Pastoral Development & Environment. Based on Article 12,1 of the Somaliland Constitution, all land is common property of the nation, controlled and administered by the government. It is divided into urban, farming and pastoral land. Urban land falls under the Urban Land Planning Law (Law No. 17/2001) and the Agricultural Land Ownership Law (Law No. 8/99) regulates land in the agricultural context. At present, there is no separate law concerning pastoral land and resource issues. Before 2003, however, the government once demarcated the borders between agricultural and pastoral land.

#### *Agricultural Land*

In the Agricultural Land Ownership Law (Law No. 8/99), agricultural land is defined as any land where farming is suitable (Article 1). The Ministry of Agriculture has the sole right to issue ownership titles for farms (Article 4). Individuals and families can acquire only one new title deed each and people who owned agricultural land before the enactment of this law are entitled to as many titles as their land amounts to (Article 6). The maximum plot size of new entitlement is restricted to eight hectares for rain-fed farms, while for irrigated farms the maximum plot size is four hectares. State owned farms and companies are independent agencies and do not fall under this law (Article 7).

If agricultural land is nationalized for public use, the state has to pay compensation to the previous owner within three months (Article 8). Only three years after the ownership title has been received, it is allowed to sell land with the approval of the Ministry of Agriculture. It is prohibited to enclose land (Article 9) or to turn grazing land into rain-fed farms. Nevertheless, it is allowed to establish irrigated cultivation farms wherever it does not block roads, the movement of livestock or wells and berkads for watering livestock (Article 17).

#### *Pastoral Land*

The current law fails to define what pastoral land is and how its ownership is to be regulated. The Law against Environmental Degradation and Deforestation endows the Ministry of Pastoral Development & Environment with the task of conserving the environment. In consultation with the Ministries of Water & Mineral Resources, Livestock and Agriculture it has the authority of allocating and confining grazing land for pastoralists and farming land (Article 9). Additionally, it is responsible for issuing permits for the construction of berkads and other water reserves in rural areas. The law prescribes that it is not allowed to build more than 35 berkads in an area after this law was signed and that illegal water installations shall be destroyed (Article 12).



## *The Administrative Structure*

Based on Articles 109, 111 and 112 of the Constitution of the Somaliland Republic, the Regions and Districts Law (Law No. 23/2002) subdivides the country into regions and districts. The Regional and District administrations are obliged to implement the laws or regulate affairs according to the laws that are passed by the parliament and the central government in Hargeisa.

The Regional Government is the link between the local level, the District Council, and the national level, the central government. It is headed by the Chairman of the Region, who is appointed by the central government and is responsible for the implementation and enforcement of national laws and policies in his region (Article 13). In cooperation with the Regional Council, which includes the District Mayors and other state departments, he is supposed to regulate all affairs concerning the regional level. The Chairman is also meant to manage conflicts between districts and communities by establishing mediation committees (Article 12).

The District Council, which is elected by the people for a five years term, is the governing body at the local level. It is instructed to implement national and regional policies and to plan and regulate public affairs, including conflict and security issues and “the use of land for all purposes” (Article 32, 1; Article 22, 23.). Its most important members are the Mayor, who heads the District Council that also elects him (Article 17), and the Executive Secretary, who controls the budget and is appointed directly by the central government (Article 19). Village Councils are nominated by the elders but need to be approved by the District Council (Article 33). Their functions are not defined.

### 1.2.2 Customary / Traditional / Informal Law

In most rural areas, but especially in pastoral areas where no state law concerning land tenure exists, informal law is still entitled to manage land. It is based on the following principles (WSP International 2005: 99-200):

- Degaan ownership: In traditional Somaliland society, private ownership of pastureland did not exist, and water sources could only be owned privately to a limited scale. Until today, access to natural resources is based on communal ownership and cooperation with other groups. Generally, the concept of degaan describes the traditional claim for land ownership by a certain clan-group.
- Xeer agreements: Affairs are regulated by contracts between clan groups. These contracts define rules for the management of land and other issues, and set up sanctions for the case that agreements are broken by one of the parties.
- Flexibility: In an insecure environment that is prone to drought, flexibility is necessary in order to be able to adapt quickly to changing conditions. Pastoralists need to move to where they find water and pasture for their livestock. Consequently, xeer agreements between groups need to be constantly renegotiated and redefined.
- Responsibility of clan authorities: Clan elders regulate clan affairs on behalf of their people.

## **1.3 Land Conflicts and State Politics**

Clan structures continue to be the predominant organizing principle of society. The vast majority of communities, social and political groups, are constituted within this system. Since the end of the Barre regime, it has been a guarantor for peace, security and stability. Elders and politicians are able to mediate between different factions using their clan links and very often successfully resolve conflicts. But the Somaliland clan factor is also a steady source of political problems.

Because of strong clan solidarity, and facilitated by the link between private land ownership and the “degaan” principle, local land disputes between individuals or families over access to natural resources

bear a high potential to escalate into wider inter-community conflicts that involve clan segments of both parties. Consequently, all conflicts in Somaliland contain a clan component. Such tendencies are forced by the fact that conflicts over natural resources often intermingle with other clan interests, including political and economic issues, as well as the collective memories of past events in clan relations. For instance, when it comes to the establishment of new administrative units or the positioning of polling stations, local conflicts over land ownership or the control over land are usually not primarily a livelihood issue of nomads and farmers, but an instrument of politicians to gain influence in politics. In the context of Somaliland's decentralization and democratisation process, the occurrence of such "multi-dimensional conflicts" is likely to continue or increase.

Furthermore, the state can hardly remain outside of clan politics over land. To the contrary, its institutions, e.g. security forces, ministries, the judiciary, regional and local administrations, are composed of clan members who in the case of inter-clan conflict can hardly maintain neutrality. This is one of the reasons limiting the state's ability to resolve such conflicts.

## 2 Issues and Problems

In this chapter, we seek to capture the most important issues and problems concerning land based conflicts in Somaliland. In the first part, "Origins and Dynamics of Conflicts", we do not intend to present "root causes" of the problem as we are convinced that it would be a simplification to reduce such a complex situation to a few "root causes". Instead, we try to present some basic structures and conflict dynamics that mutually influence each other and lead to (an increased likelihood of) violent conflict. In the second part, problems in the current systems of land management are analysed. The last part of this section deals with conflict management institutions and their shortcomings. In both, we will cover state or formal institutions and laws as well as customary institutions and principles.

### 2.1 Origins and Dynamics of Conflict

#### 2.1.1 Inequitable Access to Shrinking Common Pool Resources

People who have extensive rights to land are generally more able to enjoy a sustainable livelihood than those who have only limited or no rights or access to land. Increasing ecological and economic uncertainties give impetus to the forceful exploitation of unequal power relationships within and between communities.

#### *Proliferation of Water Resources*

As in rural Somaliland rainwater catchments are essential to the survival of both, humans and livestock, households endeavour to have their own water source. Many international NGOs also include water projects in their development agenda with the intention to address a dire need in the population, but barely considering the environmental impact of such projects. As a result, water sources, such as berkads, have multiplied since the



*Access to water is a major challenge for the rural population.*

colonial time. Water has become a commercialised commodity. In areas with only few water sources it is sold at a high price. The changing socio-economic conditions have introduced the use of mechanized transport systems in the nomadic lifestyles. Trucks transport water over great distances to where it is needed. As a result, grazing areas which had to be abandoned in the dry seasons because of a lack of water are now used during the whole year. The new land using patterns increase the pressure on the environment as recovery phases for pasture are reduced.

### *Changing Movement Patterns and Sedentarization*

The proliferation of water sources has changed the movement patterns of nomads. With the availability of the permanent water resources, nomads feel detached from the constant mobility and tend to be concentrated around few water points where grazing land seems to be abundant. The most common mode of sedentarization involves the creation of clusters of huts and rural villages that spring around water points. An inherent motive of sedentarization is to increase the control over common grazing lands with the aim to extend a clan's territory (degaan), often leading to competing land claims.

Secondly, the uncontrolled proliferation of water sources and subsequent sedentarization puts sustained pressure on the environment. The permanent nature of the sedentary settlements spreading all over pastureland, even in places far-off from water points, denies the environment seasonal rest that are necessary for recovery. This increases land degradation and the potentiality of conflict over dwindling resources. Frequent droughts, increasing enclosures of diminishing grazing resources and the multiplication of settlements also restricts the mobility of pastoralists. Additionally, in some areas sedentarisation and farming tendencies. Roaming pastoralists are denied the open-access to pastures they enjoyed in earlier days. In search for new grazing areas, nomads now risk armed conflict with other groups (see Part C, section 4 and 6.3).

### *Deforestation as a Result of Charcoal Production*

"The issue of deforestation from charcoal production is the most critical issue that might lead to a national environmental disaster which would be difficult to reverse or would take long time to recover." (Charcoal Study, MoPD&E 2004).

Since the Saudi Arabian ban on Somali livestock, the production of charcoal as an additional source of income has increased considerably and has imposed hardly reversible environmental damage in many parts of the country. The cutting of trees accelerates land degradation with the consequence that common pool resources are shrinking further.

### *Land Enclosures and the Breakdown of Common User Rights*

The proliferation of enclosures has become one of the most serious problems in recent years. In the context of socio-economic transformation, contests over diminishing natural resources have also posed a challenge to the cultural norms and values of the Somaliland society. In the pastoral areas, individuals fence off communal land for their own exclusive use, thereby denying other members of the community access to shared grazing land. Although, according to Law No 8/99, Article 9, enclosures are officially banned, the state is by no means able to enforce this prohibition (see Part B, section 2.2 and Part C section 5). As common pastures are enclosed for private use only, also trekking routes to water points and markets are blocked. Consequently, conflict potential is rising. Because of these processes the concept of degaan (as an intra-clan sharing mechanism) is declining. Common user rights within groups are undermined as more and more land is privatised. As a result of shrinking common pool resources, a general tendency is developing that pushes individuals to secure their own private land by fencing it off. Poor livestock herders

who lack the power to defend their user rights on land are continually pushed into a disadvantaged position. Enclosure tendencies have increased in recent times and are a main source of conflict in many regions of Somaliland.

Not only are common user rights within groups endangered, but also between clan groups. The level of cooperation between different groups is declining and xeer agreements that regulated land management break down. Nowadays, herders are often denied access to pastures claimed by neighbouring groups. This is especially the case when ambitious clan groups try to enlarge their territory at the costs of other clan groups. Similar to inner-group processes, weaker clans are marginalized by pushing them away from common grazing land. These dynamics lead directly to inter-community disputes with a high potential to escalate to violent group conflicts (see Part C, section 8.2).

### 2.1.2 Legacy of War

#### *Displacement of People in Times of Conflict*

Following the outbreak of civil war in the late 1980's, many people from both rural and urban areas fled to neighbouring countries. After the Barre Regime was ousted and the SNM had established its authority, refugees began to return to their home areas. But some of them found their plots and territories occupied by other people or were themselves settling down on other people's land. Tenure remains unclear, as many legal documents were lost during the war. As a result, the business of issuing forged property entitlements is booming (see Part B, section 2.1.3) and makes it even more difficult to identify the rightful owner of a property of land.

In the rural areas, the frontline between some clan communities has shifted because clans supporting the Somali National Movement abandoned their country to flee harassment by the army. When they returned, some of their farms and traditional grazing lands were already occupied by neighbouring communities. Most contentious issues about overlapping claims of agriculture have arisen in hotspots between sub clans of Gadubursi and Sa'ad Muuse-Jibril Abokor. Even many years after the war, these issues are a continuing source of dispute.

#### *Privatisation of Formerly State-Owned Agricultural Land*

In the Togwachale plain, the regime of Barre had nationalized large swathes of agricultural prime land and designated it to labour intensive farming schemes. After the fall of the regime, the Somaliland government did not set up a privatisation plan for the formerly state owned areas. The vacated land was arbitrarily occupied by neighbouring clan communities. They legitimise their expansion into the former state farm by referring to ancestral claims and assertion to have owned the land before it was nationalized. There exist no documents that proof their legal claims.

Because of the lack of clear tenure, neighbouring groups are engaged in disputes on who is taking what of the formerly state-owned land. The issue raised inter-clan tensions and reached the verge of escalating into violent conflict. The issue is not fully resolved and it remains a potential for armed confrontation between the subclan of Reer Mohamed Nour (Samaroon/Gadabursi) and Adan Omer (Sa'ad Muuse-Jibril Abokor).

### 2.1.3 Public Greed on Land

#### *Unclear Land Ownership and Illegal Documentation*

Land grabbing and speculation are also perceived as a primary source of wealth. In agricultural areas, the position of boundaries between rain-fed farms is often a cause of conflict. Because of the lack of records

depicting the size of the farm and its boundaries in most areas, cultivators often expand their land into neighbouring farms, thus provoking conflict. In particular in the urban areas, grabbing land illegally and then selling it for cash proves to be a common practice. In the absence of reliable legal documents, title deeds for land are often forged to strengthen illegal ownership claims. Because of the difficulties for legal owners to prove their case, these conflicts are often solved outside the courts, where illegal claimants regularly receive pay-offs or some land. The perpetuation of false claims thereby becomes worthwhile and as a result, it is nowadays a common practice for personal enrichment. This is signified by the Somali motto “ku qabso ku qadi meyside”, meaning: “Make a claim, albeit unjust, and you shall end up gaining something”.

### *Degaan and the Politicisation of Land Conflicts*

The revival of clan-based politics and reduced public confidence in the supremacy of the rule of law has emboldened the claiming of communal pastoral land as traditional homeland of a specific clan. The traditional clan homeland (degaan) is set to specify the clan's image and importance in the wider society. As some clans seek to expand their territory, others become marginalized. A striking example of this scenario is the fact that the water sources in the hinterland of Boroma were blown up with explosives in the course of a conflict over land a few years ago. It was Part of an effort of a local clan group to claim ownership of this area which they say is their farmland on their traditional homeland.

Such dynamics often go together with a politicisation of administrative boundaries. As both are clan-based, the concept of degaan is used to expand administrative boundaries or to create new districts. For instance, the regional allocation of some rural villages north of Hargeisa has been a hot issue between politicians of the Sa'ad Muuse sub-clan and the Gadabursi. 21 Districts have been created by Presidential Decree since 1991, but for lack of resources, 19 of these entities exist only on paper, and their territory remains under the previous district administrations. In total, 41 districts have been approved by the Parliament in 2002, of which 23 are operational.

## **2.2 Resource Management**

### *Gaps in the Legal Framework*

The legal framework of managing land and regulating land tenure has numerous shortcomings. Accordingly, there are only few laws concerning land ownership, in particular in rural areas.

Notably, pastoral grazing land as well as its ownership is not defined in any law. In the absence of a clear definition of grazing land, the right of the Ministry of Pastoral Development & Environment to allocate



*Towns and villages are rapidly expanding into rural areas.*

grazing land to pastoralists can be used rather arbitrarily. As a result, land ownership and user rights of pastoralists are not secured within the legal system, making them particularly vulnerable for land grabbing by farmers, town dwellers or others. Because there is no clear demarcation between agricultural, pastoral and urban land, the domains of the different ministries and state agencies overlap and may cause further land management problems.

The law also clearly gives advantages to irrigated-farming activities in comparison to both, rain-fed cultivation and livestock breeding in particular. While it is not allowed to turn grazing land into rain-fed farms, irrigated cultivation farms may be established wherever this does not block roads, the movement of livestock, or wells and berkads for watering livestock. But as these criteria can be handled in a very flexible manner, there is no effective legal protection for pastoral land. When expanding cities reach irrigated farmland, its owners are presented with the opportunity to keep it and convert it into a normal town plot. This urges people to grab grazing land at the fringes of cities as irrigated farming land to later convert it into urban housing land.

The insecure and incomplete legislation makes resource management in Somaliland problematic. Also an amendment bill to Law No.17, which is supposed to be approved in Fall 2007, only refers to the integration of farmland into urban areas, but neglects and does not improve the general legal basis for the management of rural land. Especially the legal framework of pastoral land remains undefined in any respect (Amendment to Law No. 17, Article 21).

### *Poor Implementation*

The responsibility for land administration is divided between different ministries, local and central governments, and several state agencies. Overlapping domains of state agencies and a lack of communication, weak human and financial capacity and endemic corruption strongly influences the effectiveness of state agencies. Undermined by clan interests, they become part of the conflicts instead of providing regulative guidelines. As a result, the implementation of government policies and state laws in rural areas remains very weak.

Contrasting orders from competing government bodies are part of the conflicts in many parts of the country. E.g. in the urban areas, dual allocation of one plot by two different institutions is a common problem. There are allegations that the Ministry of Agriculture issues farm certificates on grazing land on the fringes of the towns. It is likely that people who seek this land ultimately intend to speculate for residential purposes.

In the absence of a clear definition of district or even regional boundaries, the territorial domains of different administrations may overlap and cause conflict. This problem is becoming more concerning as in the context of decentralisation and democratisation conflicts over administrative boundaries intermingle with clan politics and clan land ownership, degaan (see Part B, section 1.3).

As only the local administration is allowed to raise taxes, the Regional Government relies on financial support from the central government. Capacity is very limited, constraining the ability to implement national policies and laws in the regions or to address regional problems. On the ground, most power stays with the Mayor and the Executive Secretary, who can act quite independently from the Regional level. But also the local institutions are not able to fulfil their legal functions properly. Like the regional government, they are faced by a shortage of resources and therefore lack capacity to regulate local affairs. Especially in rural areas their influence is very limited. Although Law No. 23 stipulates that the District Council is supposed to create a committee to deal with land issues, it is not clear if this committee really exists and works in every district. Often, a land managing plan is lacking or not up to date.

Furthermore, in some instances, local officials have turned to selling off chunks of public land on the pretext of raising revenue. This has become a lucrative business for some of the local councils, leading to bitter debates over the control and ownership of public land. There now is a call to create public commissions to monitor and oversee the control and administration of public land and open spaces.



Internal quarrels also reduce the local administration's ability to work effectively. As most powers are centred around the Mayor, politics become very personalized. In some cases, the Council spends more time contesting the position of the Mayor than regulating local affairs (APD 2006b).

To sum up, the performance of state agencies on all administrative levels shows significant shortcomings because of a lack of resources and structural problems. They are neither able to implement state laws nor to regulate regional or local affairs effectively. State influence in managing rural land issues is therefore only very limited and in some areas even non-existent. Against this background it becomes obvious that the official legislation does not have much value in the rural context. Enclosures are set up in many parts of the country, the Ministry of Pastoral Development & Environment is not asked for the permission to construct berkads, and land management takes place outside the local administrations.

### *Legal Reality*

Despite the state's claim to superiority, its actual capacity to manage land is effectively restrained by a varying mix of weak rule of law, little enforcement capacity, and weak structures in rural areas. In the absence of strong and capable institutions to implement formal laws and manage land issues, traditional councils of elders by and large remain the most influential and effective bodies to address the problem. In cooperation with the Mayor and the District Council they manage land on the basis of customary law. As a result, ownership and access to natural resources is not regulated by a state law with overall validity, but instead by a number of different xeer agreements between clan communities, which vary from district to district. However, socio-economic transformation since colonisation has reduced the capacity of traditional institutions to effectively deal with land issues. The introduction of new modes of production has caused a decline of traditional common land user rights (xeer and degaan, in the sense of communal ownership) and traditional land use patterns. Additionally, customary law is unstable and unreliable especially in fragmented local settings. Very often, traditional elders can not prevent the proliferation of enclosures and berkads that are a major reason for environmental degradation and recurring conflicts in rural areas (see Part C, sections 5 and 6).

Only in the urban areas, land ownership and access are regulated by three different, sometimes competing, legal principles: Local customary law, universal religious law and universal state law. Because of the legal pluralism, contesting claims can be made, using whatever legal framework appears most favourable to one's claims. Buyers can correctly purchase a plot referring to state law, but come under attack because the plot is on another clan's degaan. Consequently, decision makers need to balance between the different legal systems. If family issues are involved, such as inheritance, Sharia law needs to be considered, too. Altogether, the legal pluralism poses an obstacle to the effective management of land and continues to be a source of conflict.

## **2.3 Conflict Management**

### **2.3.1 Poor Arbitration**

#### *Shortcomings of the Formal System*

"A problem in many countries is that formal conflict resolution mechanisms are weak or effectively non-existent. Many formal court systems are severely overburdened, with insufficient capacity in terms of personnel and expertise to handle a huge number of cases that come before them" (FAO 2002).

In Somaliland, it is precisely land related disputes that make up the majority of the civil cases that come before courts. Overlapping individual claims are the most common nature of such cases. Due to bureaucratic

hassles inherent in the system it is often difficult to resolve such land disputes quickly. Land cases can languish in courts for many years. The fact the property documents are easily forged and corruption is rampant in the system poses another challenge to the judiciary. For many ordinary people, the courts appear expensive, time-consuming, unpredictable and sometimes even corrupt themselves. The language of lawyers and judge appears alien and complex. As a result of this bad reputation of the formal system, people look for alternative conflict resolution mechanisms.

Apart from the judiciary, the local councils have a role to play in the resolution of land issues. According to the “Regions and Districts Law” (No.23/2002, Article 32), the local district councils shall have sub-committees for peace and conciliation (responsible for the resolution of disputes arising within the district and for the maintenance of the public order) and land (responsible for the use of land for all purposes). However, in practice, much of these tasks are actually not fulfilled properly, or concentrated in the hands of the mayors and executive secretaries. The ability of local councils to solve conflicts and manage land issues seems to be very limited.

### *Shortcomings of the Traditional System*

As a result of the inefficiency of formal courts, there is a continuing if not growing recognition of the importance of non-state mechanisms to resolve disputes. Exploring and enhancing such “civil society” alternatives could be a promising route to reduce the burden on court systems and to ensure the accessibility of effective dispute resolution mechanisms, synchronized with the norms, customs and language of the disputants. Traditional conflict management is used in all kinds of conflicts, mainly to resolve inter-clan issues. Thereby, conflict resolution committees, consisting of recognized elders and religious authorities, are set up to mediate between the conflicting parties. These councils are not formally established and only come together on an ad hoc basis. In principle, their effectiveness is based on traditional legitimacy and the mutual trust of the disputants. However, the drawbacks of traditional conflict resolution institution include:

- In practice, the members of the mediation committee often represent the interests of the opposing parties, leaving its integrity questionable and undermining their claim to neutrality.
- Traditional mediation is re-active rather than pro-active. Xeer is much better equipped to negotiate blood compensation than to build consensus over competing land claims.
- Traditional conflict resolution is slow and often late: Raising awareness of a conflict, mobilising the elders, and finding means of transport and communication over the distance from rural areas consumes a lot of valuable time during which conflicts often continue or escalate unnecessarily.
- The verdicts are not necessarily binding as there is no neutral institution to enforce them. To become effective, both parties need to accept the judgement and implement it.

### *Institutional Overlap*

Nowadays, conflict resolution committees also include state representatives. In the absence of a strong state, joint initiatives have been relatively successful in restoring peace, despite their shortcomings. Often, courts only announce decisions made by these councils and security forces come in to support their implementation. But in other cases, the formal judiciary and the out of court conflict resolution come up with different results and disputants can refer to the institution which serves their interests.

### **2.3.2 Weak Enforcement**

“Property disputes may continue because court orders and other eviction notices are not complemented. A court order may not be enough for someone to recover property, politicians and officials who wish to prevent minorities from returning may refuse to carry out orders to evict their supporters.” (FAO 2005).

In Somaliland, the enforcement of legal evictions remains very weak. State institutions lack financial and human capacity to effectively enact sanctions against culprits. Particularly in the periphery, security forces do not have the material means (vehicles, fuel) to restore security and maintain authority. Furthermore, they may be compromised by clan affiliation and involvement.

Military action needs careful consideration of its implications as it can cause wider armed confrontation, which could disrupt the public order. Somaliland's police force and local authorities have not been very effective in resolving land-based conflicts. In some cases their forceful evictions resulted in confrontation with armed groups that were defending the disputed land. The lack of enforcement may take some weary plaintiffs to resort to armed confrontation to secure their rights and thereby capitalizing on clan mobilization.

Traditional institutions are only partially able to fill the vacuum. Their authority relies on the acceptance by the opposing parties. They normally do not have an armed force at their disposal to enact judgments, and given their ad hoc nature, follow up capacity is generally weak.

### 3 Conclusion

Section B has provided a comprehensive overview on the various issues and dynamics of land-based conflicts especially in the rural areas of Somaliland. Among the problems underlying conflicts over land are the privatisation of land, the effects of civil war (refugees, population movements), the loss or falsification of ownership documentation, changing modes of production and broader processes of socio-economic transformation (land grabbing, proliferation of water sources, increasing sedentarisation and farming tendencies) and environmental degradation (overgrazing, land degradation and deforestation). As a result, traditional land management patterns based on common ownership of land and free access to public grazing areas have been seriously undermined. In the absence of a strong state to regulate land issues, ownership of and access to land are the most frequent sources of conflict in Somaliland.

As demonstrated above, conflicts over land have various origins and vary between different settings (urban, pastoral, agro-pastoral and agricultural) and regions. Privatisation of land is a problem in the agricultural areas of Awdal region, while range enclosures are a frequent source of conflict in the pastoral setting of Togdheer and the agro-pastoral context of Maarodi-jeex region. In urban centres, in particular the capital Hargeisa, the booming real estate market is driving many disputes.

To capture local dynamics on land-related conflicts and to deepen the understanding of certain issues and problems, the Land-based Conflict Team conducted field research in Balli-gubadle district of Maarodi-jeex Region, the findings of which are presented in the following section.



*Seasonal streams only provide water during the rainy season.*

# C: Enclosures and Conflict:

## A Case Study on Land-based Conflicts in Balli-gubadle District

### 1 Introduction: Preparing the Case Study

Based on the findings of the first phase of the project (see Part B), it was decided to undertake in-depth field research on specific issues of land-based conflicts, taking into the variety of existing contexts (pastoral and agro-pastoral settings).

Based on the key research questions identified in Part A, the objectives of the field research in the second phase were defined as follows:

1. Deepen understanding of the core problem.
2. Illustrate the issues and insights of the research.
3. Highlight strengths and weaknesses of land and conflict management (solutions).
4. Generate supportive evidence of the origins of conflicts and its solutions for the project recommendations and the dialogue phase.
5. Document the local reality and dynamics of conflicts.
6. Provide basis for local dialogue interventions (knowledge and analysis, engaging local actors).

It was further agreed to concentrate on one particular area to understand the problem of land-based conflicts in a specific local context, taking into account the importance of specific local factors with regard to conflicts over land. Accordingly, based on the field research objectives, the Land-based Conflict team developed certain selection criteria for a possible Case Study site. Balli-gubadle district seemed to be appropriate as a case study site as it fulfilled all of these criteria:

1. Presence of land conflicts and a specific conflict issue i.e. enclosures.
2. Government involvement in conflict management (and resource management): Active Local Council, Mayor, Security Forces.
3. Existence of proactive land management: NGO and community efforts to remove enclosures.
4. Type of conflict: Agro-pastoral setting with conflicts over land ownership and access to land.
5. Accessibility: Vicinity of Hargeisa.
6. Opportunities for dialogue intervention: Potential opportunities for dialogue on the problem of enclosures.

The specific objectives of the case study were defined as follows:

1. To capture the local dynamics of land-based conflicts in the area.
2. To deepen the understanding of the core problem and to capture the characteristics of land-based conflicts in pastoral communities, including their origins
3. To identify the main actors in the management of land-based conflicts in this agro-pastoral setting.
4. To understand the roles of formal and informal institutions in the prevailing conflict management framework in the district, in particular their strengths and weaknesses.
5. To understand what enclosures mean to the basic livelihoods of the communities.
6. To generate recommendations for land management, the issue of enclosures and conflict management

This part (C) of the report summarizes the findings of the field research undertaken in Balli-gubadle District in the second phase of the project.

## 2 Methodology

Methodological considerations were an essential component of the Land-based Conflict Project. During the field research, the APD team applied a Participatory Action Research (PAR) approach as it combines research and action oriented dialogue techniques. The objectives were to generate local knowledge as a basis for analysis and to launch discussion with and within communities to enable them to find solutions for land-based conflicts according to their own needs.

Regarding the short time frame of the project, PAR tools and techniques proved to be useful as they are flexible adaptable to local conditions and allow for the quick gathering of different information while simultaneously creating dialogue.

Critical reflections on methodological approaches and tools were an integral part of the research process. By adapting techniques flexibly to changing local conditions, the team was able to improve the overall outcome of the research. Following are the four tools used in the study:

### 2.1 Participatory Mapping (PM)

On October 7 and 8, a Participatory Mapping (PM) was conducted in five villages of Balli-gubadle district (Gumburaha, Balli-gubadle, Gumar, Balli-cabane, and Sayla-bari. Following the guidelines of the researchers, but according to their own priorities, a group of four to six people of the respective community drew a map of their village and the surrounding area. Thereby, the team was able to get an overview of population distribution, economic zones, locations and types of enclosures as well as conflict sites in the district.

### 2.2 Focus Group Discussions (FGD)

Four Focus Group Discussions with different groups, each consisting of six to eight participants, were conducted during the field research in Balli-gubadle District:

- October 10: FGD with elders of the mediation committee in Balli-gubadle
- October 22: Two FGDs with enclosure owners in Balli-gubadle and Gumar.
- November 28: FGD on solutions with local representatives and officials

Focus Group Discussions were useful as they allowed bringing together people with similar backgrounds and experiences to discuss specific issues. Questions posed to the participants were based on key issues that were highlighted in the literature, by the Working Group and during the field research process. By using flexible discussion guidelines and open questions, the team was able to launch informal dialogue on various issues and to reveal important realities of land-based conflicts.

### 2.3 Semi-Structured Interviews (SSI)

SSI was undertaken with government officials such as the mayor, the district police commissioner and the district court judge at Balli-gubadle town, as well as with representatives of the respective communities in the aftermath of Focus Group Discussions and Participatory Mapping activities. The aim of using this technique was to get in-depth information on land-based conflicts from different perspectives.

### 2.4 Observations and Informal Conversations

Observations and informal conversations were an integral part of the field research. During research and dialogue activities, non-verbal forms of communication were an important indicator revealing a lot about people's commitment and the sensitivity of certain issues. Through informal talks with people before or after research activities, the team was able to get some important information about the local context. The team

also visited different types and locations of enclosures to better understand their origins and their impact on local communities.

## 2.5 Other Data

There are almost no reliable data or statistics on Balli-gubadle District. Nevertheless, the team gained insight into written archives and files of the district court. Additionally, it used Google Earth images to get a better overview of the district, including its physical features, villages and roads, and especially to locate enclosures.

## 3 Balli-gubadle District

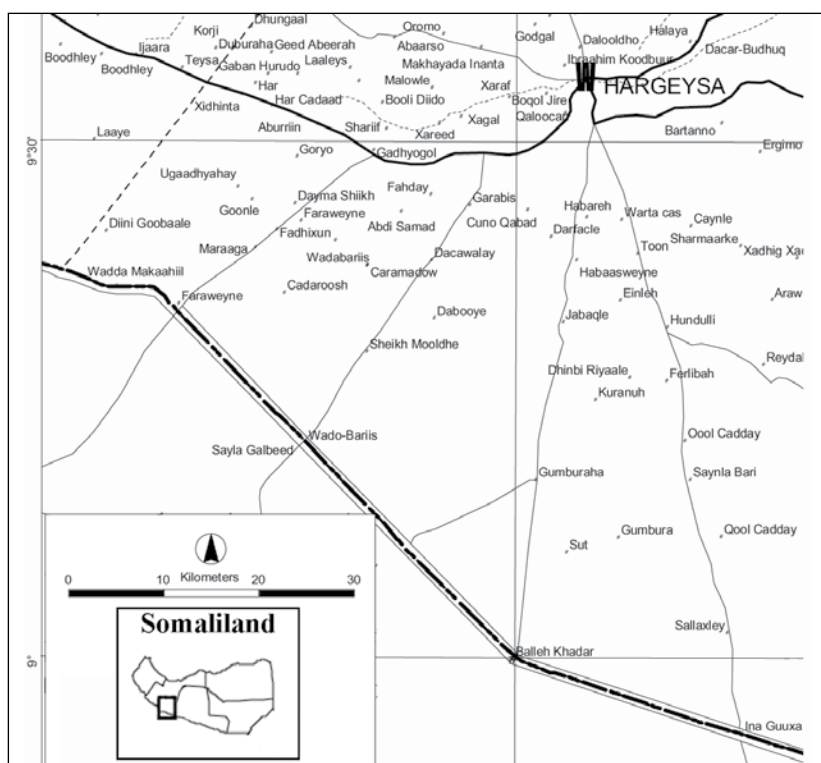
Balli-gubadle is one of the districts of the Maroodi-jeex Region, the former North-Western region of Somalia. It is located south of Hargeisa town, bordering Ethiopia to the south, Sallahlay district to the east and Faraweyne district to the West. Balli-gubadle district comprises 19 rural villages, of which Balli-gubadle is the chief administrative town. The Arab clan is the predominant of the four different Isaq sub-clan living in this district, while Ayuub, Sa'ad Muuse and Idagale are the minorities in this context, inhabiting the fringes of the district.

The infrastructure of the district is rudimentary and hardly developed. There are no tarmac roads and electricity is only available during the night in Balli-gubadle town. Primary education is offered in some villages while only one single secondary school exists for the whole district, located in Balli-gubadle town. Health services are very basic, as the small hospital in the Balli-gubadle Town is barely functioning.

Pastoralism coupled with seasonal sedentary farming is the main source of income for the bulk of the population. Pastoral activities focus on camel, goat, sheep and cattle breeding, either used for food production (through the provision of milk and meat) or as a source of generating cash income for other

domestic needs (such as clothes).

Figure 1: Map of Balli-gubadle District



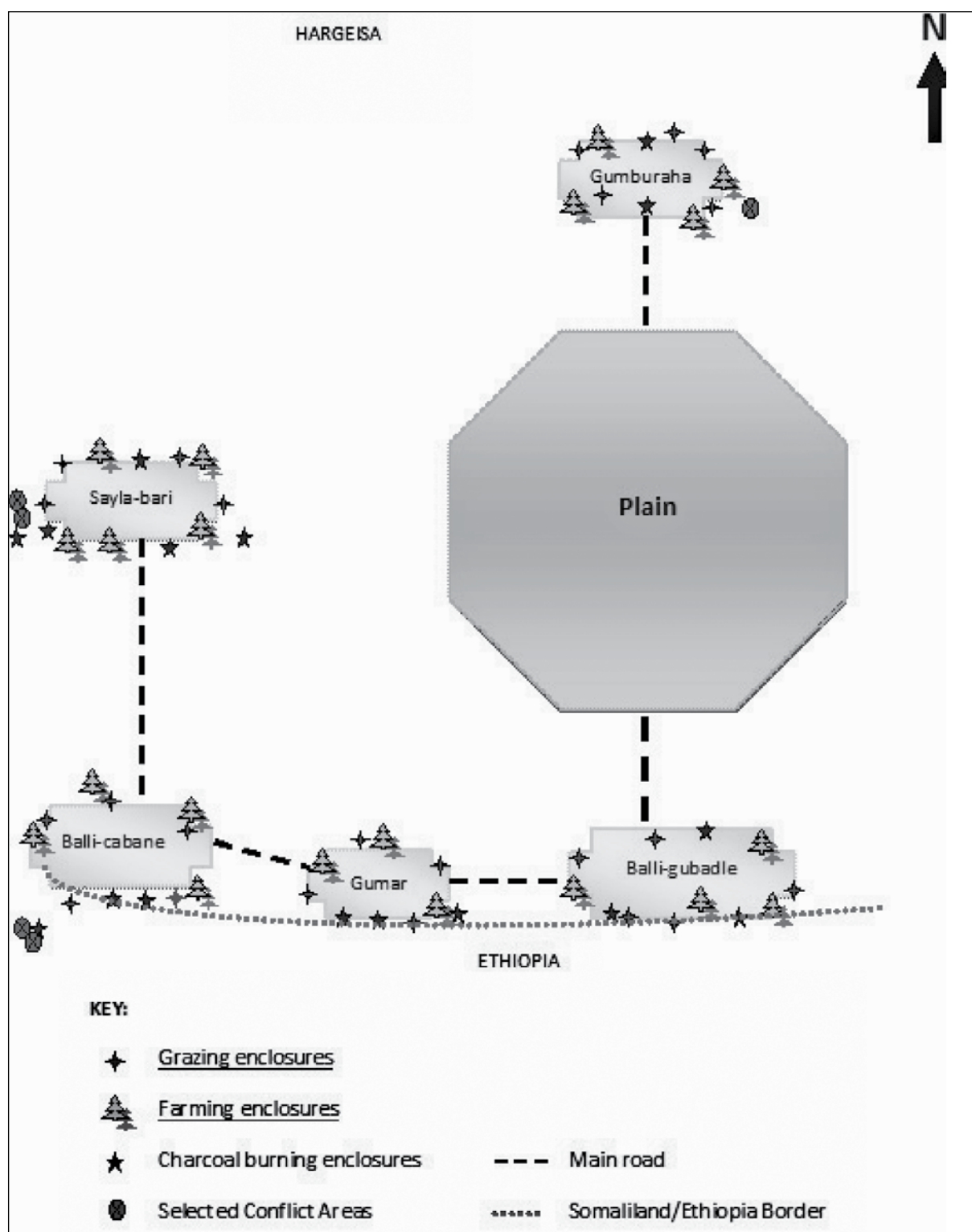
Based on a map of the UNDP DIMU. Regional and district boundaries are out of date. The names of some places have changed. In this map, Balli-gubadle town is referred to as Balleh Khadar.

The physical structure of the district is dominated by a savannah landscape with and the Gumburaha plain which is interposed between the village of Gumburaha and the border to Ethiopia. A few hills are scattered in the south of the plain.

Enclosures are a very common feature everywhere in the district, apart from the Gumburaha plain, which has up to now been kept free from enclosures by the overall commitment of the communities surrounding it. It is the largest piece of land under common ownership,



Figure 2: Map of Resources, Conflicts and Enclosures in Balli-gubadle District



where access is still unrestrained. The seasonal rainfalls are increasingly erratic, but the district population is yet dependent on the seasonal rainwater in the months of April to June (the Gu' season) and September to November (the Deyr season). The pattern of the rainy seasons is however changing from time to time. As there are only very few seasonal streams, people rely on artificial water systems and installations such as berkads (storage tanks) and channels.

## 4 Land Grabbing: Competition over Scarce Resources

In recent years there has been an increasing tendency among pastoralists to give up nomadism for a more sedentary way of life. Many have settled down in newly created villages all over the district where they see several economic and social advantages.

Living in permanent settlements, pastoralists have better access to the markets of Hargeisa, where they sell milk and livestock to generate cash which they need to buy food in the dry season, as well as to purchase clothes and other goods of daily use. Furthermore, literally all herders have started farming activities as a supplementary source of income. Additionally, people seem to prefer to live in close communities as compared to the loneliness of a nomadic way of life.

While this step has been taken voluntarily by some pastoralists, others have been forced to develop alternative livelihoods as a result of declining herds per capita. But the poor state of the basic infrastructure, the isolation of the district and the lack of farming skills have contributed to a shortage of viable alternatives. As a consequence, almost every pastoralist in Balli-gubadle district has fenced off at least a small piece of land for farming, but so far only few households succeed in producing subsistence quantities or cultivate vegetables for the urban market. Given that pastoralism still represents the main livelihood system for rural communities, people are tempted to look for internal solutions; exploitation of the very environment they live on seems to be the only option at sight.

Another important key development in terms of land grabbing was the collapse of the last central government of Somalia. The dramatic increase of enclosures was underpinned by the lack of formal authority and the



*Livestock continues to be the backbone of the rural economy.*

presence of returnees who had lost their livestock in the civil war and tried to generate new livelihoods out of the common grazing land. These factors have repercussions for the public perception and created a spree and attitude of land grabbing, including the creation of enclosures.

Shifting away from pastoralism and establishing farming as the main source of livelihood is not easy for people in Balli-gubadle District. The profit from farms is

very limited as a result of a lack agricultural skills and professional guidance (e.g. which soil is suitable for farming). The huge investment costs required to start professional farming are another obstacle (see Part C, section 6).

Enclosures are therefore not only created for farming activities, but also to secure grazing land to sustain the owners' livestock. The promotion of sedentary, mainly agricultural livelihoods has been the de facto aim of land grabbing in the form of farm enclosures - only 5-10% of an enclosure is normally used for cultivating crops, while the remaining 80-90% are used for grazing purposes. Some individuals have started fencing off range land to sell user rights to pastoralists in need of pasture for their herds. Others enclose forest areas for charcoal production to generate cash.

The increasing commitment to a sedentary way of life has greatly disadvantaged pastoral communities in Balli-gubadle. Enclosure and land grabbing tendencies effectively reduce the amount of freely accessible grazing areas and lead to increased livestock pressure and overgrazing on the remaining open rangeland. Additionally, charcoal production further contributes to environmental degradation. As a result of shrinking communal and public land, while its quality is rapidly deteriorating, pastoralists feel forced to secure their own, private piece of land “before it is too late”, when no land will be left over. These land grabbing dynamics cause competition and conflict between herders as every one tries to get as much land as possible.

Generally, communities in Balli-gubadle observed three main sources of conflict (Mapping of Economic Zones, 8.-9.10.2007; FGD with Elders, 10.10.2007): Enclosures, guri degaan, water sources and charcoal production. These issues will be reflected in detail in section 6.

## **5 The Failure and Absence of Land Management Systems**

In traditional Somaliland society, private ownership of pastureland did not exist while water sources could only be owned privately to a limited scale. Access to natural resources was based on communal ownership and cooperation with other groups. On established routes, pastoralists moved freely from place to place in search of grazing land for their livestock. In hard times and during the dry seasons, hospitality was given to those in need. However, civil wars, prolonged droughts as well dynamics of land grabbing undermined the traditional way of land-management. Customary grazing patterns are nowadays largely ignored and common user rights are more and more replaced by private ownership rights.

The state is not able to fill the gap and manage land properly. Enclosing land for rain-fed farming in the district started 40 years ago, but was strongly regulated under Siad Barre’s regime (till 1991). The maximum entitlement for farming land was limited to 100m x 100m and had to be registered with the local administration. Farms were situated around villages and settlements. It was prohibited to enclose land for grazing purposes and also to turn rangeland into farming land. These regulations still exist; however, the state lacks the capacity to enforce them. During numerous field trips in the district, the researchers did not meet one single farmer whose enclosure had been registered by the state. Rangeland is regularly turned into farmland and enclosing grazing land is a common practice all over the district. Given the proliferation of ‘illegal’ enclosures (according to state law), it seems as if the current official policy on that issue is far from reality and does not fit to local conditions at all.

Participants of Mapping exercises and Focus Group Discussions (7., 8., 10. and 22.10.2007) in the local communities often stated that land management used to be in the hands of the government. But the sudden implosion of Somalia’s central government created a fear of marginalization in the access to communal lands. As a result, the pastoral communities have taken the matter into their hands and started enclosing communal land for private purposes.

Altogether, there are no effective land management systems. The prevailing attitude among the population in the district is to seek and secure as much land as possible, disregarding traditional land user rights as well as official rules and laws.

Nevertheless, all people in Balli-gubadle district (pastoralists, agro-pastoralists, farmers) are aware of the problems resulting from the absence of land management systems. The per se perception is that land grabbing, especially the fencing of enclosures, are a threat to the livelihood system of the district and a steady source of conflict (FGD on Solutions, 28.11.2007). Although the need for land use management is widely felt, this has so far not been translated into an effective community-based land management initiative. The district administration lacks capacities to fulfil this function and the communities cannot

envision sustainable land use solutions as of yet. The few initiatives to dismantle enclosures were all short-lived and finally failed (see Part C, section 7).

As a result, individuals continue to grab land without consulting their neighbours or discussing the issue with their communities and elders, leading to recurrent and/or prolonged conflict between and within communities.

## 6 Conflict Issues

### 6.1 Enclosures

Enclosures are the main conflict issue in the district. However, the population holds contradictory views on enclosures. For the district communities, it is clear that enclosing land has meant the reduction of grazing land (FGDs with Enclosure Owners, 22.10.2007). From the pastoral perspective, the increasing number of enclosures has led to the re-ordering of the pastoral life, in which pastoralists have to live with diminishing herds confined in enclosures. In discussion with the enclosure owners, some claim that they only create enclosures out of induced uncertainty, since they are afraid of having no place to take their livestock for grazing. Others acknowledged that they are subjected to the general contest for communal land and that they have to grab their own share of it.

In the absence of an effective land management system, increased competition to enclose land has unleashed public greed, following which individuals desire to own even more than one enclosure - just to exercise control over land. As enclosures are effectively not regulated, they are occasionally extended. The proliferation of enclosures increases the social polarization among the pastoral communities, depriving large numbers of people from the crucial resources they need to sustain their livelihoods. This accelerates the drive to create private enclosures while communal grazing land diminishes. Therefore, enclosure-related conflicts are most common in the district.

Nevertheless, despite such negative effects, people in Balli-gubadle state that enclosures are integrated in the rural economy of the district (FGDs with Enclosure Owners, 22.10.2007). During frequent tours in the district the researchers observed that enclosures are not only very common, but that nearly every pastoralist household owns an enclosure or has at least access to one of relatives. Some even possess two or three enclosures. Below, we will distinguish the different types of enclosures in order to understand their role and relevance in the agro-pastoral context of Balli-gubadle District.

#### Types of Enclosures

The research team, in cooperation with the local communities, has identified three basic types of enclosures: Farming enclosures, comprehensive enclosures and grazing enclosures (FGDs with Enclosure Owners, 22.10.2007).

A pure **farming enclosure** is relatively small, as it only encloses and protects cultivation sites. Such enclosures are not created to grab land for grazing purposes and accordingly are not a major source of conflict. Enclosing land for cultivation is permitted according to the official law (see Part A, section 1.2.1) and widely accepted among the population. Most of these agricultural sites are irrigated

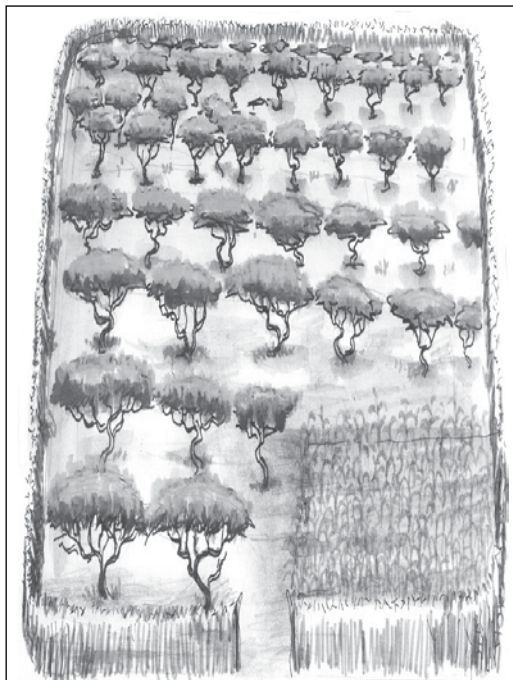
Figure 3: Farming Enclosure



farms with berkads to store water for the dry season. Rain-fed farms can only be used during the rainy season and are therefore not as productive as irrigated farms. Consequently, most people in the district essentially rely on livestock for their livelihood, and pure farming enclosures are not so frequent. Yet farming often serves as a pretext to enclose wide areas of land and to establish de facto comprehensive or even pure grazing enclosures.

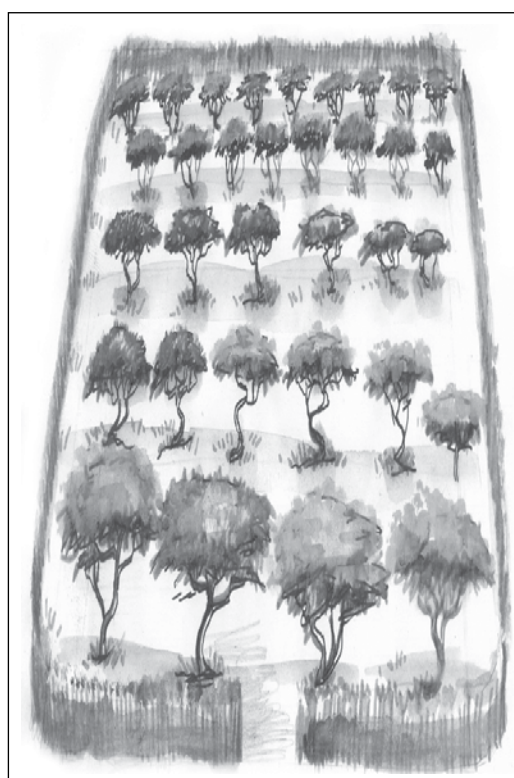
**Comprehensive enclosures** are large enclosures, in which people have a plot for farming (usually around 10% of the enclosure area) as well as grazing resources and perhaps even grown-up trees for potential charcoal burning. Comprehensive enclosures are not only banned by the law, but are also disliked by the communities who have recognized the problems that the enclosing of range land causes (see Part C, section 5). In fact, many pastoralists use the intention of cultivating land as a pretext to fence off large areas of range land for their livestock (FGDs with Enclosure Owners, 22.10.2007). As they lack the resources to establish irrigated farms, they rely on rain-fed farming (which is not very productive) and on their livestock. There are extreme cases of extraordinarily large comprehensive enclosures, which are up to 3 or 4 km wide covering 12 km<sup>2</sup>. But the average size of comprehensive enclosures is 0,250 km<sup>2</sup> (500m wide) to 1 km<sup>2</sup> (1000m wide) (Mapping of economic zones, 07.-08.10.2007). The owners usually take their livestock to the communal grazing land and use the enclosures as a fodder reserve for the dry season. This type of enclosure is most common in Balli-gubadle and a steady source of conflict.

Figure 4: Comprehensive Enclosure



**Grazing enclosures** are the third type of enclosures. Besides grazing land for their livestock, owners sometimes sell grass or may occasionally contract out a bunch of trees to charcoal burners. In terms of size, these enclosures resemble the comprehensive enclosures and are also officially forbidden (see Part B, section 1.2.1). Additionally, enclosing land for grazing purposes only is observed very negatively by most inhabitants of the district. However, under the pressure of decreasing range land, an increasing number of pastoralists see themselves forced to secure their own, private land to sustain their livestock. Although not as common as comprehensive enclosures, they nevertheless are the origin of many conflicts in the district.

Figure 5: Grazing Enclosure



However, it is basically illegal to establish enclosures for grazing purposes and to turn grazing land into rain-fed farms, while the creation of irrigated farms is not restricted (see Part B section 1.2.1). But with the state not in a position to implement its laws, comprehensive and grazing enclosures are spreading.



## Economic Investments and Rural Livelihoods

Enclosures are a crucial investment in the rural economy of the district. There are mainly two types of costs incurred in setting up and owning enclosures:

The **initial cost** involves the fencing costs, meaning to organize labour force to cut bush and trees and transport them to the enclosure place. To water the farms, enclosure owners need to dig channels. If an irrigated farm is to be established, which is necessary to make cultivation the main source of income, additional water facilities such as berkads need to be build. According to enclosure owners at a focus group discussion in Gumar (22.10.2007), the costs of these activities vary. You may contract labourers and agree with them on the payment of a specified amount of cash or livestock, or mobilize family members and relatives to carry out the work. But even in the latter case you have to pay all the food and khat to be consumed during the course of work.

The second type of costs is for the **maintenance of the enclosure**. To make the fence protective enough to keep off stray animals, it needs to be renewed every year. Again, this includes the cutting of bush and trees and its transportation to the enclosure site. Canals also need to be maintained.

Enclosures are an important economic investment in the rural context, meaning that their owners need to mobilise considerable resources to establish and maintain them. Therefore, the decisive factor determining the size and the productivity of an enclosure is the economic capability of its owner to make the necessary investments. In return, he expects to benefit from this investment and to improve his livelihood.

The tendency to enclose land reflects a **change in the rural economy** and the growing need or interest to create **additional livelihoods**. As stated before, in recent times, almost every pastoralist in the district has started farming activities, although only very few of them can live from cultivation alone – while the majority still relies on livestock. People mainly grow maize and sorghum, and sometimes also tomatoes, papaya, and salad. On irrigated farms, they may also grow khat, although its quality is poor and it can only be sold at very low prices on the local market. Nevertheless, the small rain-fed farms, which are most common in Balli-gubadle and are usually situated within comprehensive enclosures, are very important for the livelihood of their owners. During the dry season, their products become the main source of living for their owners and their families. During the rainy season, their livelihood depends mainly on the products of their livestock (milk, meat, selling of animals).

Additionally, people may sell grass or charcoal produced within their enclosure to generate cash. Many use their grazing or comprehensive enclosures to graze their livestock during the height of the dry season, when the remaining public rangelands, which are constantly reduced due to enclosure tendencies and environmental degradation, are overgrazed and do not provide sufficient food for the animals. As part of a culture of reciprocity, the owner of an enclosure may provide a share of the pasture in his enclosure to relatives - in turn expecting support for maintaining and protecting them.

To sum up, despite its economic downside effects to the overall community, manifested in environmental degradation, diminishing livelihoods and proliferation of conflicts, enclosures are deeply integrated in the district's livelihood system and economy as well as in its social structures.

## Enclosure-related Conflicts

Enclosures are the main source of conflict in the district and very often combine with other conflict issues (charcoal production, water sources and guuri degan).





Workshop participants with their certificates.



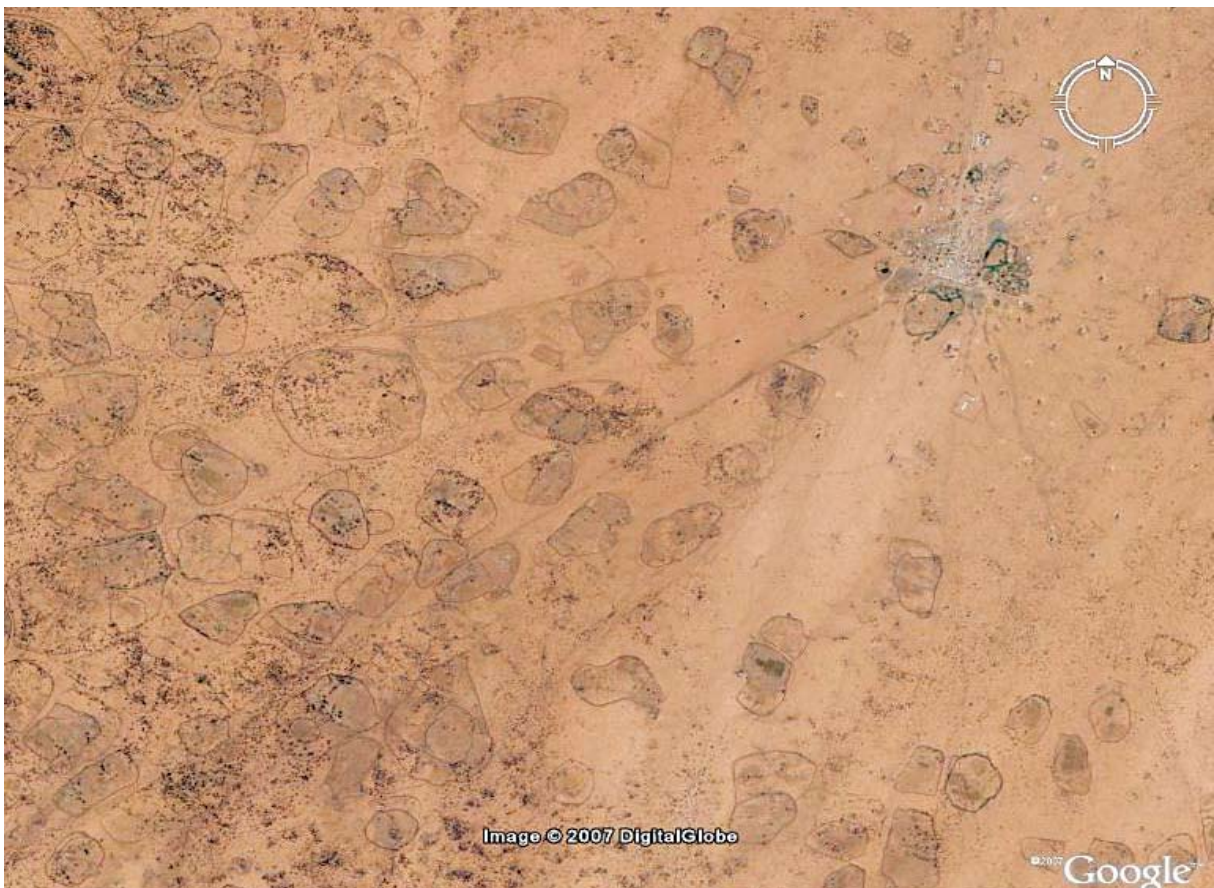
First working group meeting (02.09.2007).



Workshop participants with their certificates.



First working group meeting (02.09.2007).



Satellite perspective on Balligubadle District: Enclosures characterize the entire area





*Mapping session with community at Gumburaha village, Balli-gubadle District (06.10.2007)*



*Enclosure fences in Togdheer Region.*



*Interviews with the mediation committee at Gumar village, Balli-gubadle District (10.10.2007)*



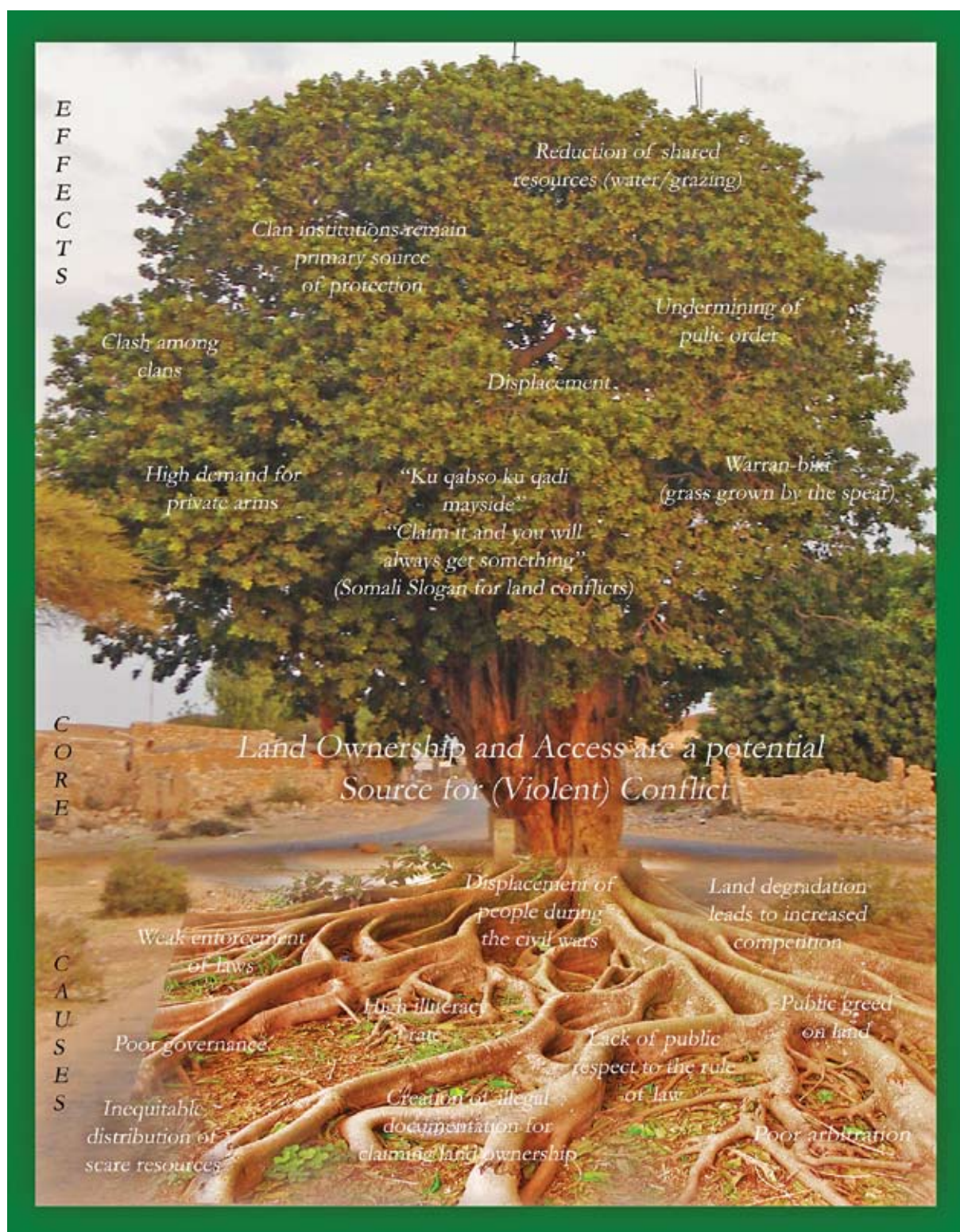


Presentation, participants and working group discussion at a meeting on the establishment of a protected grazing reserve on the Tuuyo Plateau. The meeting in Oodweyne was organised by German Agro Action (18.-20.11.2007). Below right: pond and shallow wells near the Tuuyo Plateau.



Above: Session and community participants of a Focus Group Discussion on Solutions to land conflicts in Balli-gubadle (28.11.2007). Below: Panel and participants of the Public Forum on Land-based Conflicts at Imperial Hotel in Hargeisa.





Visual "Problem Tree" of land-based conflicts, developed during the PAR Workshop.

Conflict over the **position of enclosures and boundaries** often evolve when one party extends its enclosure without consulting his neighbours, or when the strip of land between two enclosures develops into waterway and the owners of the adjacent enclosures contest for first diverting the water into their enclosure. Another point of contention is the **exploitation of trees** in a strip of land between two neighbouring enclosures. An enclosure owner may also hurt or even kill livestock that went astray into his enclosure provoking conflict with their owner.

## 6.2 Guri Degaan

Guri degaan, meaning the home territory of a nomadic family, is another emerging means of grabbing communal grazing land, incidentally provoking conflict. Traditionally, pastoral communities were mobile and in constant search of rangeland for their herds. When they shifted from one place, they used to vacate the previous position completely. But nowadays, pastoralists tend to leave some of their belongings in the place to claim exclusive ownership of it – known as guri degaan – even if they are settling at another place. Thereby, a nomadic family can claim ownership of one or several pieces of land they had sometimes abandoned years before.

Besides being a conflict point between a previous user and a new one, it is usually a source of conflict between the former user and enclosure owners who unknowingly enclose land around the sedentary home.

## 6.3 Unplanned Water Points, Dams and Berkads

The introduction of new water sources in arid environments has proven to have negative effects on the distribution of grazing resources, often leading to overgrazing around communal water points such as dams. The customary grazing patterns get disturbed and conflict is likely to erupt between those attracted by the water resources and the traditional inhabitants of the area. In the face of the shrinking grazing resources, some pastoralists, especially the traditional inhabitants, are afraid of losing access to land and water. As a matter of precaution they therefore enclose the prime grazing areas around water points to secure fodder and water for their livestock in harsh dry seasons. Accordingly, the proliferation of unplanned water points increases the tendency to create enclosures and lead to serious conflicts between nomads (also see Part B, section 2.1.1).

## 6.4 Charcoal Production

Charcoal burning is also a contested issue in the district. Although people have recognized the devastating impact of charcoal production to their environment, many continue with this business. It is an easy and very lucrative source of income. In the context of rural destitution, charcoal production is a very important opportunity to generate cash. Often, individuals include a bunch of trees in their enclosure only for the purpose of charcoal production. The



*The sale of charcoal to the urban areas means quick cash for rural populations.*

relations between charcoal producers and local communities are complex. In many cases, producers are actually members of the community and correspondingly could be controlled by their people. In some cases, outsiders may be contracted to take over control of forest resources to produce charcoal.

Conflicts related to charcoal production normally evolve when individuals or groups dispute over the control and ownership of trees to be burned for charcoal. As charcoal burners often target boundary areas between clan communities, their activities can provoke inter-group conflict, too. These conflicts are prone to escalate and turn violent as a result of the high stakes involved (see Part C, section 8.2).

## **7 Land Management Initiatives - Removing Enclosures?**

As seen above, land-based conflicts are complex and a widely felt challenge among the communities in Balli-gubadle. Enclosing land is one of the biggest threats to the traditional livelihood systems of the pastoral communities, the backbone of the district's economy. Community elders, particularly the village level mediation committees, are aware of the magnitude of the issue. Their activities, however, are confined to resolving and mitigating land-based conflicts in their constituencies (see Part C, section 9.2), rather than tackling the root-causes of many of these conflicts and trying to regulate the creation of enclosures. The only initiatives seeking to manage land were aimed at dismantling enclosures, instead of finding sustainable regulations.

Past initiatives to remove enclosures (grazing- and comprehensive enclosures) were only short-lived and did not succeed at all. Community-based initiatives failed in 1994 and 2002, as well as in 2006/07, despite the support of a Somaliland NGO based in Hargeisa and the resources granted by an international NGO. Unfortunately, enclosure tendencies rather increased than declined, especially after the failed attempt in 2006/07 (FGDs with Enclosure Owners, 22.10.2007).

As seen in section 6.1 in this Part, enclosures are an effect of broader socio-economic transformations that have sparked land grabbing in the district. The common view among the population in Balli-gubadle is that enclosures are already highly integrated into their livelihoods and can therefore not be removed easily (FGDs with Enclosure Owners, 22.10.2007; FGD on Solutions, 28.11.2007). Additionally, considering the investment costs that people have put into their enclosures, it is clear that they are not ready to dismantle them without receiving any benefits in return. In the initial phases of past initiatives, many pastoralists dismantled their enclosures voluntarily because they expected to be provided some financial support or development assistance in return. However, when they did not receive anything, the enclosures were re-established.

During a focus group discussion on solutions for land management problems and land-based conflicts in Balli-gubadle (28.11.2007), participants explained that without alternative income opportunities, such as agricultural extension programmes in which at least farming tools and trainings are provided, the dismantling of grazing and comprehensive enclosures would be impossible. Accordingly, by providing support to farmers, the shift from pastoralism to cultivation could be promoted, leading to a reduction of grazing and comprehensive enclosures.

Another problem of earlier initiatives was that the initiatives were driven by clan elders who did not have the grassroots support from all communities in the district. Due to the fact that initiatives were confined to certain communities in the district, mostly to areas inhabited by the Arab clan, removing enclosures meant that neighbouring communities of the Ayuub clan, the Eidagalle clan and the Saad-Musa clan had free access to grazing land while they were still keeping their enclosures.

Additionally, enclosure owners at a Focus Group Discussion (22.10.2007) argued that they had not been consulted properly before the removal initiative in 2006/07 was launched. Instead, an external NGO only discussed the issue with some local elders who later convinced their people to dismantle their fences. These approaches were perceived as top-down, rather than bottom-up. Lacking commitment and ownership of the communities, the NGO eventually failed to remove the enclosures in a sustainable fashion.

Against this background, it seems to be very difficult to remove all 'illegal' enclosures (grazing and comprehensive enclosures), according to the official law and to return to the previous conditions. A more viable and realistic approach could be to establish rules and regulations governing enclosures and to seek innovative land management systems that are adapted to the prevailing situation (see Part C, section 10.1).

## **8 Dynamics of Land-based Conflicts**

### **8.1 Conflicts between Individuals**

In recent years, the *Balli-gubadle* district has experienced a proliferation of small-scale conflicts between individuals and families within local communities. Nowadays, even close relatives argue over common boundaries of their enclosures and access to water sources. Often, these conflicts are of a complex nature, involving different actors and conflict issues (see figure 5 below). Although usually non-violent, these conflicts have a negative impact on the social cohesion of communities and they furthermore undermine the establishment of community-based land management systems (FGD with Elders, 10.10.2007).

In any case, conflict over enclosures, *guri degaan* or water-points, between individuals or families can easily escalate, especially when different clan groups (sub-clans) are involved (see Part C, section 8.2).

Figure 6: An Example of an Enclosure-related Conflict

A conflict arose between two brothers (Mohamed Ahmed Hussein and Abdi Ahmed Hussein) over the ownership of an enclosure near Gumar, in the west of Balli-gubadle district. Abdi claimed to be the legal owner of the enclosure that was currently occupied by his brother Mohamed. The conflict remained unresolved when another conflict evolved over the location of an irrigation canal (*gacan*) between the contested enclosure and a neighbouring enclosure. The owner of the neighbouring enclosure then agreed with Mohamed Ahmed Hussein on the supposed position of the irrigation canal. After that, community elders resolved the brothers' conflict over the ownership of the enclosure, deciding that the enclosure belonged to Abdi Ahmed Hussein. Abdi then abrogated the agreement that his brother had made with the neighbour and again contested the position of the irrigation canal between the two enclosures. At the time of writing, this conflict is still unresolved. Strangely, Mohamed Ahmed Hussein stands against his brother to testify for the position of the neighbour.

### **8.2 Inter-clan Conflict**

As documented before (see Part B, section, 1.3), conflicts in the Somaliland context are often fought along clan and sub-clan lines. In rural areas, communities dispute over the demarcation of clan or sub-clan boundaries. These conflicts are fuelled by political and economic interests as well as past clan animosities and personal grievances.

In the case of Balli-gubadle, such conflicts can spill over from other districts and even from beyond the Ethiopian border where the same clans reside as in the Balli-gubadle. In the absence of a strong state



capable of protecting people's rights, they are forced to defend their belongings and families by themselves. As small arms are widespread among the population, disputes can easily escalate into violent conflicts, especially if the stakes involved are high (e.g. charcoal). Furthermore, if conflicting clans subsequently can not agree on the traditional compensation payment for homicide (diya), a cycle of revenge killings may start which can continue for many years (FGD with Elders, 10.10. 2007).

For example, in October 2007, three people from the Ayuub sub-clan were killed in Sayla-bari, a small village in the west of Balli-gubadle district (see figure 1: Map of Balli-gubadle District). They were attacked by fighters of the Arab sub-clan coming from near Hashi village in Ethiopia. Originally, the conflict had started in Ethiopia as a dispute over enclosures which were mainly used for charcoal production. When the project team visited the village only a few days after the deadly incident, the situation seemed to be calm and the community had requested a soldier (of course belonging to their own, the Ayuub clan) to protect them. However, since one single soldier is not sufficient to protect the whole village, people obviously continue to rely on their own forces. At the time of writing, mediation efforts by elders and negotiations between the conflicting parties are still ongoing.

Figure 7: Selection of Conflicts in Balli-gubadle District

Names of Conflicting Parties	Place	Date	Description of the Conflicts
Ali Aw Adan Abdi & Mohamed Ahmed Hussein	Saylabari	11/08/03	Conflict over demarcation and gacans (canals) between two farms, which was solved by a mediation committee of elders.
Ahmed Ali Omar & Abdullahi Yussuf Ahmed	Gumar	16/03/05	Abdillahi claimed ownership of a piece of land that Ahmed Ali Omar claimed to be his guri degaan. The mediation committee informs the district council of Balli-gubadle about the conflict, mentioning that mediation efforts are still ongoing.
Saalid Haybe & Mohamed Said Koshin	Gumar	08/04/06	The mediation committee of elders of Balli-gubadle solved a conflict over a gacan (canal) between two farms.
Farhan Ismail & Abshir Mahamed	Gumar	12/04/06	Abshir Mohamed claimed ownership of a piece of land on which Farhan had been living for the last eighteen years. The mediation committee finally decided that the land belongs to Farhan.
Rashid Yussuf Abdi & Hussein Hassan Diriye	Gumburaha	22/04/06	Conflict over a 19m meters wide strip of land between two farms. The mediation committee solved the conflict by allocating eight and six meters, respectively, to the two opponents while the remaining four meters were designated to be used as a trail.
Ahmed Ibrahim, Guleed Libaan & Aw Abdilahi against the community.	Darfale	27/05/06	The three agro-pastoralists had extended their enclosures and closed the road passing between their territories. This provoked protest by the community. A mediation committee of elders solved the dispute; the size of the enclosures was reduced and the road was reopened.
Abdilahi Yusuf Ahmed & Abdilahi Ali Omar	Balli-gubadle	14/06/06	A conflict over farming land was resolved in the district court by dividing the disputed area equally between the opponents.



Names of Conflicting Parties	Place	Date	Description of the Conflicts
Kayse Jamac Shir & Mohamed Hirsi Yusuf	Gumburaha	29/06/06	Conflict over a piece of land between two enclosures that could be resolved by traditional elders.
Mohamed Rouble Shire & Hussein Aw Ismail	Gumburaha	12/07/06	A conflict over farming land in Gumburaha could not be resolved by a local mediation committee. As a result, it was agreed to request for a mediation committee of elders from Balli-gubadle to mediate between the opponents.
Omar Xuseen, Jamac Mohamed & Balayah Warsame	Gumburaha	05/01/07	A conflict arose between three men in Gumburaha over a piece of farming land. The situation in the village became so tense that the mediation committee of elders requested the police to intervene to prevent the outbreak of violence.

*Source: Collection of conflict resolution contracts and other conflict-related documents kept at the district council and the district court offices; provided by the Mayor of Balli-gubadle (18.10.2007).*

## 9 Conflict Management: A “Hybrid Conflict Mediation System”

In Balli-gubadle district, none of the institutions, neither state agencies nor traditional councils of elders, has the capacity to solve land-based conflicts alone. Therefore, all bodies need to cooperate with each other in order to maintain peace, security and stability. Yet, this “hybrid conflict mediation system” often fails to solve conflicts among the population and to prevent the outbreak of violence (see Part C, section 8.2).

### 9.1 Local State Institutions

In Balli-gubadle district, three state institutions are involved in conflict management: The district council, the police force and the district court. However, all three lack resources and are often perceived as corrupt and their decisions as being manipulated. As a result, they rarely regulate local affairs, but only facilitate conflict management and enforce decisions made by the elders.

#### District Council

Within the elected district council, a land issues subcommittee exists. The committee is charged with the task of managing land-based conflict. Given the fact that central state laws can not be implemented (e.g. removal of grazing- and comprehensive enclosures) and that local plans or programs on land management issues do not exist (see Part B, section 2.2 and Part C, section 5), the committee rarely acts as an arbitrating third party. Rather, it usually plays a facilitating role by calling three elders from each party to mediate and to find a solution based on customary law (see Part C, section 9.2). Customary patterns of justice and conflict resolution focus on reconciliation between the disputants and maintenance of peace, rather than on the punishment of the legal offender according to state law (FGD with Elders, 10.10.2007; Interview with Mayor 18.10.2007).

Together with the elders, the subcommittee convenes a meeting where the conflicting parties are allowed to speak freely and where earlier precedents and issues relevant to the dispute are discussed in detail. If no consensus is reached, the process of deliberation and mediation is repeated. Once consensus is achieved, the agreement is endorsed by the elders of the conflicting parties and the committee ratifies it (FGD with Elders, 10.10.2007; Interview with Mayor 18.10.2007).

The council always counts on the cooperation of the police commission to enforce agreements or to sanction any party that violates an agreed resolution. In its operational rules, the committee levies bonds on any violator. Usually a copy of the resolution agreement is deposited in the office of the administration, the local police or in the district court, respectively (also see figure 6). If the agreement is violated by any of the parties, the violating party has to submit the bond to the land subcommittee, which is supposed to use it for conflict management activities (Interview with Mayor, 18.10.2007).

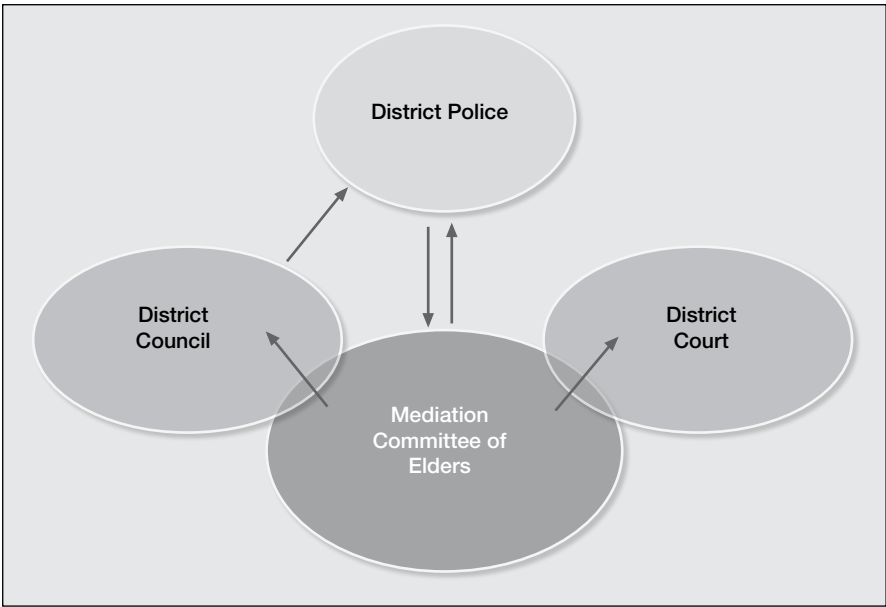
### Police Commission

The police commission of the district is characterized by operational deficiencies and incapacity. Since it does not have its own vehicles, it needs to resort to public transport when rushing to an emergency such as a violent clash. Sometimes a private vehicle may be available, but if it belongs to, or is associated with, one of the conflicting parties, the police can not use it as it would appear to give up is neutral status (Interview with police commissioner, 18.10.2007). Furthermore, the police does not have communication equipment to reach police stations in outlying villages.

The district police is not a supra-clan, but an intra-clan institution deeply embedded in the local clan structure. At any level of conflict management, the district police commission is disposed to support the customary approaches and resolutions made by clan elders, rather than enacting government rulings. The de facto role of the police is, as its chief stated “to support consensus between the conflicting parties as worked out by mediation committees of elders” (Interview with police commissioner, 18.10.2007). Indeed, every police intervention needs the approval of local elders to go ahead. Consequently, if these clan authorities are too involved in a conflict and can not agree to call the police, the outbreak of violence is likely. Additionally, without the backing of his clan, a police officer will not fight or confront members of his own clan (Interview with police commissioner, 18.10.2007). When a village, inhabited by the Ayuub clan, sought protection from the police against attacks from the Arab clan, an Ayuub officer – rather than an Arab officer – was sent there (see Part C, section 8.2).

These constraints hamper the ability of the police to prevent violent conflicts and effectively maintain peace in the district. The interlocking working relationship of the police and district level conflict resolution bodies is reflected in figure 7.

Figure 8: Working Relationship between District Authorities



## District Court

In most cases, the district court is only involved in conflict resolution if the initiatives of the mediation committee and the district council have not led to an agreement between the conflicting parties. Furthermore, since many people perceive the court as a corrupt institution, most conflicts are settled elsewhere. The fact that the judge reportedly does not receive remuneration from the Ministry of Justice gives rise to suspicions that his decisions may be easily manipulated (FGD with Elders, 10.10.2007). As a conflict resolution institution, the court therefore only plays a marginal role within the district's "hybrid conflict mediation" system.

Like the police or the district council, the district court rarely acts as an arbitrating third party. Instead, as the judge of Balli-gubadle emphasised in an interview, the court's legitimacy and authority to solve conflicts is based on Islamic values, its mediation skills, and its capacity to promote consensus by using customary law as a conflict resolution tool (Interview with district court judge, 18.10.2007). When a conflict is transferred to the court, another round of negotiations between the conflicting parties is launched and continues until they settle affairs among themselves. During time-consuming talks, the opponents are "cooled down", connecting inter-marriage relations are raised and the actual conflict issue is discussed. Thereafter, the district court judge, who also is a religious person, usually recites Qur'an verses to convince the disputants to reach consensus or discount their claims. When an agreement is reached, the disputing parties sign a contract and bonds are levied upon any party that breaks the agreement (e.g. see figure 6).

State justice, supposed to be rapid and based on clear evidence, has no room for the long proceedings required in the process of customary conflict resolution. Customary approaches to conflict management focus on the needs and desires of people rather than on achieving results. They stress values of respect, honesty, dignity and reciprocity (also see Part B, section 1.2.2). The judge further explained, that in order to solve a conflict he needs affinity and good personal relations to the conflicting parties, rather than a neutral and distant third party position, as required in state justice. To sum up, the district court is not much more than another level of traditional conflict mediation.

## 9.2 Community Based Mediation: Mediation Committees of Elders

### Traditional Elders in Somali Society

Traditions of Somali society demand that the individual obeys commonly shared norms, values and beliefs. Under this system, traditional elders act as leaders of their clans and communities. During the colonial period, traditional authorities were manipulated by the British Protectorate Administration, which integrated elders into the state structures. Following independence, the state sought to replace and abandon these customary structures of governance. Nevertheless, especially on the local level, elders remained important institutions for their people, settling disputes and organizing their clans.

During the civil war between 1988 and 1991, which resulted in the collapse of the regime of Siad Barre, the structures of the state were virtually destroyed. Even 16 years after the creation of Somaliland, state institutions remain weak and unconsolidated, especially in rural areas. As a consequence of these developments, the traditional system of governance was reactivated, bringing the elders back as key players in local politics. They initiate and participate in mediation efforts, peace building and conflict resolution. Local level mediation committees currently exist in every part of Somaliland.

### The Mediation Committee

In view of the limited capacity of the local administrations, local level mediation committees are required to solve land conflicts within and between clans and communities. The administration of Balli-gubadle shared

the view that these committees are more effective in resolving land-based conflicts in rural areas than state institutions (Interview with district council, 18.09.2007; Interview with Mayor, district court judge and police commissioner, 18.10.2007).

In Balli-gubadle, as in many other places in Somaliland, mediation committees of elders are selected on clan- and family-based criteria as well as on personal characteristics. They are widely respected authorities that are consulted by the communities when conflicts arise. Even the administration essentially relies on their abilities to mediate and solve conflicts within the district (see Part C, section 9.1). However, before elders intervene in conflicts, they need to get the assurance and agreement from the disputing parties as well as their respective kinship units. These mediation committees use xeer (the traditional law) and traditional mechanisms of conflict resolution to mediate agreements between conflicting parties. During a focus group discussion (10.10.2007) a member of the mediation committee of Balli-gubadle explained the process of mediation as follows:

*“Starting the mediation process, we first make a written contract between the disputants and they need to sign a declaration of their assurance that they will accept the outcome of the mediation process. After that, we again interview each side separately about the issue. Then we make a written statement recording their speeches. Thirdly, together with these documents and statements from witnesses, we go physically the disputed area. After that, we compile all evidences and statements together and make a conclusion about the issue that is acceptable for both sides.”*

The elders are often supported by religious leaders (sheikhs) who engage in “cooling down” the disputing parties and who give their blessings to the conflict resolution effort. These men act in the background and do not seek to solve land conflicts themselves by applying Sharia law (FGD with Elders, 10.10.2007).

In some cases the administration assigns community-level mediation committees to arbitrate disputes, but most often communities directly approach their elders to solve problems. Communities generally perceive elders to be more familiar, fair and knowledgeable than state institutions, and therefore better qualified to arbitrate in land-based conflicts (FGD with Elders, 10.10.2007). However, elders also seek to cooperate with state institutions, especially if they are not able to cool down tensions and find solutions for conflicts within their community. The police is usually called to stop fighting or to cooperate with the district council and the court in organizing conflict mediation processes (see Part C, section 9.1). Indeed, mediation committees of elders are the most important conflict resolution institutions in the “hybrid conflict mediation system” in Balli-gubadle. However, traditional elders nowadays are increasingly faced with problems when they are trying to settle disputes within and between their communities.

### Limitations of Traditional Conflict-Mediation

Given that the authority of traditional elders is essentially based on their community, their ability to act as structural peace building institutions in inter-community conflicts is limited. Because of their affiliation with their clan segment, there is a great danger that elders side with one of the conflicting parties. Additionally, elders can only intervene if the conflicting parties and the communities want them to do so. Therefore, they always seek the agreement of the different parties to accept their mediation effort and its outcome. As a result, conflict resolution often remains unstable, especially when elders are not able to establish a neutral mediation committee but are involved in the conflict. If the population is fragmented, conflicts can easily escalate and turn violent (see Part C, section 8.2, the conflict between Arab and Ayuub).

Conflict resolution is reached by mediating between opponents. The aim is not to achieve justice, but to maintain peace and to find solutions that are acceptable to all parties involved. Often, strong and

powerful lineages are able to dominate mediation attempts and to influence decision-making processes of the mediation committee according to their own interests. Since so far, the state has proven unable to provide the citizen in rural areas with protection (see Part C, section 8.2), weaker lineages may avoid violent confrontations and accordingly may have to agree on whatever their opponents demand.

In addition, the tasks of clan authorities in rural areas have changed over the last years. As a consequence of the state's relative weakness and the proliferation of land conflicts, elders are overwhelmed by the almost constant "fire-fighting" of the recurrent tensions (see Part C, section 8.1). The rising number of inter-personal disputes over land draws a lot of capacities that were originally set aside to preserve collective rights (rights of clan groups).

Another, general problem of conflict mediation in Balli-gubadle District is the shortage of resources (FGD with Elders, 10.10.2007 and Interviews with Mayor and Police Commissioner, 18.10.2007). Organising conflict mediation teams, especially when larger peace meetings are to be convened, requires transport and food. These necessities are mostly provided by the district administration as well as by businessmen and the communities themselves. However, essential meetings are often delayed because organising these resources ad hoc takes time. Meanwhile, the conflicts may escalate untackled.

Although the different institutions involved in the conflict in Balli-gubadle District often settle conflicts successfully, so far, they were unable to establish land management systems that address the underlying quest for resources early on, preventing the manifestation of serious conflicts from the beginning.

## Reciprocity in the Pastoral Context

Reciprocity in the pastoralist culture is a core element of conflict management as it helps to ease tensions and to find conflict resolution formulas (FGD with Elders, 10.10.2008).

Pastoralists in the district are aware of the fact that in order to maintain their livelihood, they must have good relationships with their neighbours and communities. In times of drought and crisis, pastoralists and agro-pastoralists support each other in finding grazing areas and water for their livestock. No matter how good one's situation might be at present, one may depend on the favours of today's adversaries at any time in the future. This attitude does not exclude occasional conflict, but it provides the basis and motivation to avoid escalation, handle conflicts peacefully and seek constructive solutions.

Among the enclosure owners, those who have their fields damaged by the livestock from their neighbour are usually convinced only to ask for minimal compensation in order to settle the dispute peacefully. They are made aware that it is only a matter of time before their own animals are caught grazing in an enclosure belonging to someone else and that peace within the community is necessary to guarantee the well-being of all of its members.

## 10 Conclusion and Recommendations

### 10.1 Land Management

The high number of enclosures is the main source of conflict in the district, disrupting local communities and provoking serious tensions. The underlying dynamics causing the creation of enclosures and provoking land-based conflicts in Balli-gubadle district are diverse and complex.

The effects of civil war, declining herds, environmental degradation and the need to establish alternative livelihoods have transformed the district's rural economy, leading to increased competition over shrinking

public land, land grabbing and the increase of enclosures. As a result, traditional land management systems based on common user rights are undermined, while the state is not able to regulate access to and ownership of land and to prevent the uncontrolled creation of enclosures. As no land management system exists in the district, individuals continue to grab land and enclosures are spreading. This puts further pressure on the remaining public rangeland, accelerates environmental degradation and endangers the livelihoods of many people in the district.

The researchers discovered three main types of enclosure settings, defined according to their purpose(s): farming, grazing and comprehensive enclosures (a combination of the two). During the field research, it became obvious that most of the enclosure owners, as a pretext, defined their enclosures to be for farming, which is legal according to official as well as customary law. The fact is, however, that only few enclosure owners support their livelihood from farming. Rain-fed farms are not very productive as the rainfall is low. At the same time, the investment costs of irrigated farms (water systems such as berkads and channels) are too high for most people. Additionally, they lack the required tools as well as technical skills and basic know-how to establish productive farms. As a result, grazing and comprehensive enclosures are predominant in the district.

At different times, local communities, sometimes in cooperation with NGOs, have launched initiatives to remove enclosures in their areas, but all these efforts failed. Additionally, some of these activities created tensions within the district since expected resources were not delivered and enclosure owners felt that they were not integrated in the planning and implementation process of the initiatives.

People in Balli-gubadle district have ambivalent attitudes towards enclosures. On the one hand they are aware of the problems and conflicts that enclosures are causing, but on the other hand they know that enclosures are part and parcel of their economy and therefore can not be removed easily.

During the dry season, people benefit from the products of their small rain-fed farms while grazing land within their enclosure is an essential resource to feed the livestock when public rangeland is decreasing. Additionally, grass may be sold and trees are used to produce charcoal. The creation of enclosures means a considerable investment in the rural economy, including the cutting of trees and bushes, the digging of canals, and building berkads, as well as maintenance costs. Accordingly, enclosure owners expect to receive rewards, either in terms of financial or development assistance (e.g. agriculture projects) for removing their enclosures. Against this background, it seems nearly impossible to remove all illegal enclosures and to return to the pre-war economy. Instead, it appears more promising to regulate enclosures effectively.

Based on the research findings, the land-based conflict team therefore provides the following recommendations and intervention opportunities in order to improve land management in rural areas, especially concerning enclosures:

- **Establishing an effective land management system.** Instead of removing fences, it could be more effective to establish regulations for enclosures and seek innovative land management systems that are adapted to the prevailing situation. Thereby, every family or group could be allowed to own a limited number of grazing or comprehensive enclosures, which do not exceed a certain size. However, such initiatives essentially depend upon the commitment of the whole community as there is no authority able to implement such regulations against the will of people.
- **Comprehensive land policy reform.** Given that the state lacks capacities to effectively implement its current laws in the rural areas, there is a need to develop a land management policy that fits with local conditions and realities. The research findings suggest a comprehensive land policy reform to be undertaken in consultation with all stakeholders, especially with local communities, ideally providing an institutional framework for community-based resource management, too. This may also facilitate the implementation of such a land management policy in cooperation with NGOs and local communities.

As mentioned above, instead of simply banning enclosures it could be more appropriate to find effective regulations.

- **Ownership of targeted communities.** As the state lacks capacities to regulate access to and ownership of land, every land management system must be essentially community-based. In order to work effectively on land management issues such as enclosures, it is necessary for NGOs to engage in genuine, long-term negotiation and deliberation processes with local communities. Short-term initiatives have failed in the past and will fail in the future. Additionally, it is insufficient to cooperate with elders only. There is a need to involve the wider community in the decision-making process. Too much focus on the elders risks that the process is perceived as top-down and prescriptive, stimulating tensions within the communities. There is also a danger of feeding local gate-keeper economies instead of tackling the real problems. Thus, to succeed, solutions need to be acceptable to all stakeholders, reflecting their interests and needs. Furthermore, such initiatives need to be carried out with all relevant groups sharing land resources in the district, and must not be confined to certain areas or segments of society.
- **Support programmes for the conversion or voluntary elimination of enclosures.** People who give up their enclosures may be supported to establish alternative source of livelihood. Those who have their enclosures reduced to farm size may be provided with farming implements or ploughing inputs. However, such programmes need considerable funds and may neither be successful nor sustainable.
- **Support farming activities.** By increasing the productivity of farms, people's dependency on environmentally damaging practices (e.g. charcoal production and overgrazing) could be reduced. Therefore, institutional micro-credit programmes for agricultural investments should be made available, especially to establish and improve water systems. Additionally, the Ministry of Agriculture in cooperation with NGOs should build basic farming capacities, for instance by teaching farmers cultivation techniques and providing basic agricultural tools.

NGOs active in land management should always keep in mind that land is a very sensitive issue in the Somaliland context. As a result, well intentioned approaches can provoke conflicts within and between communities and deteriorate the situation rather than improving it. Organisations should therefore carefully plan and implement their projects.

## 10.2 Conflict Management

Enclosure related conflicts are most common in Balli-gubadle district. Other sources of conflict are guri degaan, unplanned water points and charcoal production. Especially conflicts over charcoal production are prone to escalate as a result of the high stakes involved.

These conflicts not only take place between clan groups, but increasingly disturb peace within communities. Individuals, often closely related to each other, dispute over the demarcation of their territories and especially on the position of enclosures. As the Somaliland society is structured along kinship structures and clan lines, disputes between individuals can easily escalate into inter-group conflicts and turn violent. Because the state is too weak to protect its citizens, they are forced to defend their rights and properties by themselves, using small arms which are widespread.

As none of the institutions, neither state agencies nor traditional councils, have the capacity to manage and solve land-based conflicts alone, they need to cooperate with each other in order to maintain peace and stability in the district. Management of conflicts largely follows customary mediation approaches and laws, rather than official state rules. The result is a "hybrid conflict mediation system", in which the different institutions involved (district council, district court, police, traditional councils of elders) seek to identify solutions that are acceptable for the conflicting parties. Their aim is not to condemn a culprit and to achieve justice, but to retain or restore peace.

State institutions, such as the district court, lack financial capacity and human resources to enforce legal evictions and are often perceived as corrupt. Therefore, community-level mediation committees of traditional elders are by far the most effective conflict resolution mechanisms in the district. Created on an ad hoc basis either by the communities or by the administration (district council), they mediate between the conflicting parties and apply customary law (xeer) to solve disputes. However, traditional councils of elders are only partially able to manage this task. As the effectiveness of elders essentially relies on traditional legitimacy and the mutual trust of the disputants, their verdicts are not necessarily binding and they sometimes have to rely on the police for enforcement. Additionally, due to clan affiliation elders are at times involved in conflicts and may not act as neutral reconciliation institutions. A general problem of conflict mediation is the lack of essential resources to make the work of mediation committees effective. As a result, such processes are often delayed and precious time is lost while a conflict escalates.

Nevertheless, considering the shortcomings of each institution, the “hybrid conflict mediation system” manages to establish and keep peace quite well. It should be kept in mind that an effective land management system is the most efficient preventative tool to deal with these conflicts.

As a result, there is not an urgent need for immediate action on conflict management mechanisms, and opportunities for intervention are limited. The capacities of local peace-building institutions may be supported by providing the district administration with more resources to undertake or support peace missions. NGOs could also consider supporting specific peace initiatives. Yet in such a context, providing resources is always a sensitive issue, as they can become another subject of conflict, they tend to undermine local ownership, and may be misused by the respective institutions involved.



# D: Observations on and Opportunities for Potential Interventions

## 1 Approaches and Strategies - A Critical Review

This chapter summarizes and reviews a number of interventions that aim to address some of the issues underlying land conflicts and their ineffective management and resolution. Since the research project is aimed at identifying good practices and opportunities for action in the mitigation and resolution of land conflicts, this can serve as a basis to exemplify the efforts taken to that direction. The authors seek to reveal strengths and weaknesses of different approaches. The specific aspects of the removal of enclosures as a land management initiative is covered in Part C, section 7.

*Land registration and legal support:* UNDP (United Nations Development Programme) notably supports two relevant projects aimed improving conflict management and land management.

*Somaliland Cadastral Survey:* This project is designed to improve land-management by registering property entitlements in Somaliland. So far, it has issued registration certificates and title deeds to owners of more than 10,500 rain-fed and irrigated farms in Gebiley district, Marodijex Region. Modern ID cards with computerized photo were distributed in order to avoid overlapping ownership claims on land. The project was to continue in other parts of the country but some of the local communities refused to have their land registered (mainly based on suspicions).

The registration of property entitlements is a very valuable approach as it clarifies land ownership and offers solutions when competing claims on land occur. So far, however, it has only been implemented successfully in agricultural settings (Gebiley), where land is largely owned by settled individuals. This experience cannot simply be transferred to pastoral areas, where most land is still under public ownership. In fact, such a project may probably run the risk of increasing enclosure tendencies. This could ultimately provoke serious conflicts within and between communities when everyone seeks to secure a piece of land in the run-up to a registration process. Above all, a widely accepted land management policy regulating enclosures and ownership of as well as access to pastoral land is needed before title deeds and land holdings can officially be registered in such a context. In addition, securing information on land tends to raise distrust among people who suspect that this may be used against their interest. As long as this climate of distrust and suspicion prevails, land and especially the registration of land ownership will remain highly sensitive issues in the Somaliland society.

*Legal Clinic:* Focusing on conflict management, this project is implemented in conjunction with the Faculty of Law at Hargeisa University. It aims at assisting poor individuals by paying for their legal defence in the court. The project is designed to cover all kinds of civil law cases, but most are related to land-based conflicts. The demand of the service, however, is low, as most conflicts are settled outside the court. Reportedly, the project sometimes faces problems as “you might have two persons who have a conflict over a plot of land, and both seek assistance from the project”.

The *Legal Clinic* is a good attempt to protect poor and vulnerable people from being driven off their land. But so far, its impact is limited, as most conflicts are settled outside the legal system, especially in rural areas where courts are rarely functioning and traditional conflict management practices and laws dominate

(see Part C, section 9.1). As long as the official legal system remains weak, judges are perceived as being corrupt, and people prefer to address their conflicts in traditional conflict mediation institutions, such projects will reach only few potential beneficiaries.

*Environmental conservation projects:* Candlelight, a local NGO which is involved in education, health and environment initiatives, has a number of resource-based land management projects that could contribute to conflict mitigation. Xaqsoor, another Somaliland NGO



*Farm in the area of Gabiley, where a "Cadastral Surveys" has supported the registration of title deeds.*

that works in partnership with the Danish Refugee Council (DRC), focuses on awareness raising to protect the environment and to reach a peaceful co-existence of communities.

*Alternative income opportunities:* Candlelight implemented a soil conservation project in Ga'an Libah and Dallo forest outside Hargeisa. The NGO engaged local communities around the forest areas to protect it from being cut down (mainly) for charcoal production. Candlelight provided grants for bee-keeping projects to develop alternative income opportunities for former charcoal burners. Reportedly, the community understood the link between their new livelihood system and the conservation of their environment. Consequently, they prevented the establishment of new enclosures and banned charcoal burning in their district.

The forest conservation project underlines that people often rely on environmentally damaging practices to sustain their livelihoods (also see Part C, section 6.1). Instead of just banning these practices, it is therefore imperative to develop alternative income opportunities, enabling communities to earn their living and protect the environment. Nevertheless, the provision of external resources must also be reviewed critically. Too often, the commitment of communities to support such projects declined when resources dried up. Accordingly, income-generation measures need to be viable without subsidies from NGOs in the long-run.

*Soil conservation on the Dul'ad plain:* In another intervention, Candlelight closed the badly overgrazed Dul'ad plain (south of Burco Town) for livestock to prevent further environmental degradation and protect the livelihood of the pastoral population. Reportedly, the implementation of the project was successful. The "plain's natural vegetation immediately regenerated" and it became an important grazing resource again. However, when the project was completed and the plain was re-opened, it attracted more pastoral communities with their livestock than it could cope with. As a result, Dul'ad plain is reportedly even more overgrazed now than it was before the project was initiated.

Some lessons can also be drawn from this initiative. Environmental problems can not be solved by short-term interventions. Instead, they need to be addressed within long-term strategies and targeted in projects that integrate people's needs and interests. In this case, a sustainable land management system is urgently needed in order to protect the Dul'ad plain from further overgrazing (see Part D, section 2).

*Awareness raising campaign:* In collaboration with the Ministry of Pastoral Development and Environment, Xaqsoor and DRC launched an awareness raising campaign on the negative impacts of illegal enclosures and charcoal burning to the environment. The campaign which took place in September 2006 involved district and regional authorities as well as community elders. In the initial phase, Village Environment Committees were established in 46 villages to discuss environmental problems with local communities. At the end of the campaign, about 70 donkey wagons and hundreds of axes that had earlier been used to cut and transport wood for charcoal kilns were handed over to the Village Environment Committee.

This example shows that awareness-raising is an essential component that must be integrated in every project. Thereby, it is important to work directly with local communities and their representatives. Only if the targeted group is convinced of the objectives of an intervention is it likely to support it.

As seen above, organisations working in Somaliland have already applied a wide range of strategies and approaches on land management and conflict mitigation. Most projects, however, tackle these issues from an environmental angle, focusing on deforestation and soil erosion, or seeking to prevent charcoal burning, overgrazing and the creation of "illegal" enclosures. Only one project exemplified here aims at improving conflict resolution mechanisms.

Environmental projects in rural areas, as seen in the case of Xaqsoor and Candlelight, are usually community-based. In the context of weak state authority in rural areas, NGOs need to create change among people by raising awareness on environmental problems and creating alternatives for environmentally damaging practices.

Only the two UNDP projects, the *Legal Clinic* and the *Cadastral Survey*, work through Somaliland's official legal system. While the *Legal Clinic* is involved in conflict management, the *Cadastral Survey* attempts to prevent conflicts by improving land management, clarifying land ownership and strengthening the official land holding system. With the ownership of land still unsettled in many parts of Somaliland, especially in pastoral settings, and a comprehensive land management policy still missing, the legal system alone is unlikely to provide solutions to the problem of land conflicts in the short to medium term. Furthermore, as long as state structures remain relatively weak, people prefer to regulate their affairs with traditional institutions referring to the customary law.

Community-based projects have some success in addressing environment-related problems. However, as initiatives in Balli-gubadle District revealed (see Part C, section 7), community involvement does not emerge from discussing project issues with a few elders. Implementing agencies must ensure that the whole community is consulted in decision making processes concerning villagers. Also the provision of resources to create alternative income opportunities is to be seen critically. Too often initiatives lost momentum as soon as external resources dried up, or the resources instigated competition and conflict among the local stakeholders. Instead, it seems to be more sustainable to develop land management systems and plans that are acceptable to local communities and can be implemented with the limited resources available locally. Accordingly, NGO involvement in land management projects needs to be much more long-term oriented and have to focus on the development of local structures to ensure that land management plans are effectively implemented.

In the following section, a more detailed look will be taken at the planning process of a German Agro Action (GAA) project aimed at the re-establishment of a community-based seasonal grazing reserve on the Tuuyo Plateau in Togdheer region. This initiative includes a strong aspect of community participation and a long-term perspective of the implementing NGO, seeking to establish a sustainable land management system.

## **2 Sustainable Land Management on the Tuuyo Plateau**

### **2.1 Introduction**

#### **The District of Odweyne**

Located in the west of Togdheer region, the District of Odweyne encompasses around 50 rural villages and Odweyne town as the administrative centre. In the east the district is bordered by Burco, the capital of Togdheer region, in the west by Marodi-Jeeh region, in the North it has a common boundary with Sahil region and in the South with the Somali Region of Ethiopia.

Social services are very weak. In addition to the small district hospital in Odweyne town there are only four Maternity and Child Healthcare Centres operating in the rural villages. 60% of the teachers that are working in the 23 schools in the district do not receive any incentives from the Ministry of Education, but are supported by the respective communities.

Odweyne gained the status of a district in 1963. Its geophysical structure has seven dry valleys that take rainfall water from the mountain ridges to wide basins in the plateau, making these areas very suitable for rain-fed farming.

Livestock is the backbone of the economy, providing the main source of income and employment in the district. 65% of the district population are pastoralists, while the remaining 35% scratch their livelihood from farming and other activities such as trading and construction (Mohamed Abdi, 18.11.2007). The district also has a longstanding history of agricultural cooperatives that flourished under the rule of Siad Barre. Apart from natural depressions, seasonal streams, shallow wells and berkads are the only water sources in Odweyne district.

#### **Rainfall and Landscape**

Precipitation is an important factor for pastoralists and farmers in the district as it determines the vegetation and the availability of water. Rainfall is highly seasonal and extremely variable from year to year. There are two rainy seasons: the short rainy season (Deyr) with moderate rainfall between September and November and the longer rainy season that take place between March and June. The two dry seasons are between December and February (jiilaal) and from July to August (xaggaa).

Apart from Tuuyo plateau, the vegetation of Odweyne district is homogeneous. The open grassland and the savannah woodland is crossed by numerous valleys and dry water courses, and spread onto the Tuuyo plateau, which again slopes gently southwards and merges with the Haud, a broad undulating area that offers some of the best grazing land for nomads.

### **2.2 The Tuuyo Plateau**

#### **The Tuuyo Plateau and the Pastoral Economy**

The Tuuyo Plateau, one of several plateaus in Eastern Somaliland, is a wide grazing area rich in shrubs and different species of grass. It stretches over an area of 1,111square km.

For nomadic pastoralists, the long dry season between January and March (jiilaal) is considered the most difficult. In search for water, herds are moved over longer distances away from homesteads which in turn reduces the supply of milk to the remaining of the household and heightens food stress.

This is also pronounced in a traditional saying, “lama huraan waa caws jiilaal” “grass is indispensable in the dry season”. There are some prime grazing areas that nomads account for passing through difficult dry seasons; Tuuyo is one of these areas. The plateau is the largest piece of land in the district that remains to be under communal ownership. Every year, in the height of the dry season, a large number of livestock converges onto the Tuuyo Plateau in search for grazing land.

The most significant issue for the Tuuyo communities is the intensive use of the plateau, which results in the loss of perennial pasture species (grasses and shrubs). The creation of new watercourses also has a damaging effect. Watercourses across the plateau lead to drainages, soil erosion and accordingly reduce its productive capacity.

## Previous Land Management on the Tuuyo Plateau

In all times, the potential of the plateau was undermined by relentless overgrazing. The Tuuyo village communities have embraced that if reserved, the plateau will have a speedy recovery and will enable the user communities to survive during the harsh dry seasons. For sixteen years (1972-1988), under the rule of said Barre, the plateau was reserved twice a year during the two rainy seasons in order to protect it from overgrazing. This mode of management was completely top-down. The Ministry of Livestock and Range was responsible for the timing of the reserve and the provision of incentives for the wardens. Participation of the communities was minimal. However, the benefits of the seasonal reserve are still reminiscent in the minds of the user communities. The Tuuyo villages have drawn the experiences from the days of the grazing reserves and pronounced Tuuyo as a saviour in hard times.

After the collapse of the Somali government in 1991, the enclosing of grazing land increased considerably, as many herders used the absence of a central authority to secure public land for their own, private use. Later, the local communities were able to dismantle 60% of these enclosures (Mohamed Hassan Bidde 19.11.2007).

## 2.3 Re-Installation of a Seasonal Grazing Reserve

### Background

*“Land use planning is the systematic assessment of land and water potential, alternatives for land use and economic and social conditions in order to select and adopt the best land use options. Its purpose is to select and put into practice those land uses that will best meet the needs of people while safeguarding resources for the future. The driving force in planning is the need for change, the need for improved management or the need for a quite different pattern of land use dictated by the changing circumstances” (FAO 1993).*

German Agro Action/Deutsche Welthungerhilfe (GAA/DWHH), in consultation with the Ministry of Pastoral Development and Environment, various INGOs, NGOs and representatives of the local communities, have planned to strengthen the capacity of the Tuuyo plateau communities towards environmental protection and proper land use management. During a workshop organized by GAA (18.-22.11.2007), the various stakeholders discussed the future of the Tuuyo Plateau focusing on this problem. It was agreed that land management, in particular soil, water and natural vegetation, is the natural basis for the people in the area and should therefore be managed sustainably and with optimal efficiency. As overgrazing and destruction of fertile soil is an ongoing process on the plateau, further protection and planning is necessary to avoid destruction of this landscape.

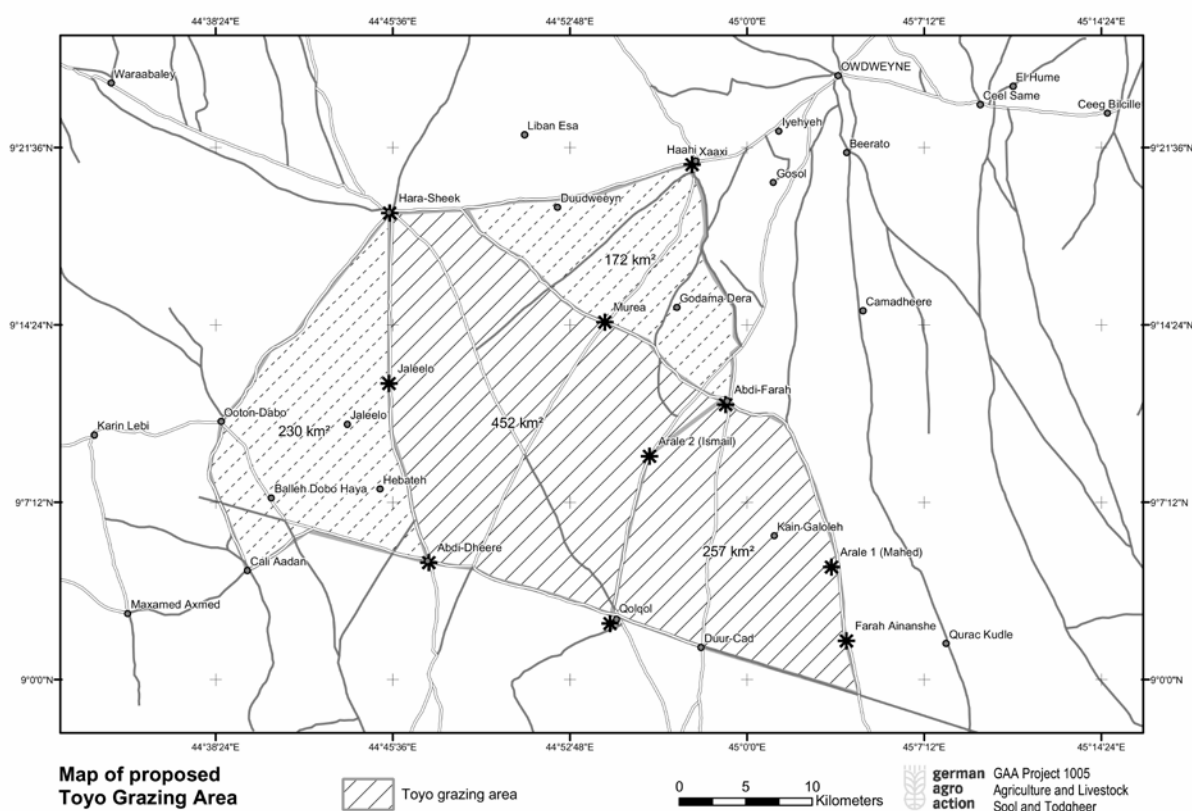
The project is premised on the re-installation of the seasonal grazing reserve of the Tuuyo Plateau (see map in Annex). As an entry point GAA has mobilised representatives of seven villages spotted around the fringes

of the Tuuyo plateau, which had been identified as the primary communities of the Tuuyo plateau (Ahmed Farah George, GAA staff, 21.11.2007).

The economic strategy of the Tuuyo village communities seems to be based on the combination of customary resource management, which gives them open access to grazing resources in hard times.

In contrast to other forms of external assistance usually provided by international organizations and non-governmental organizations, GAA addresses the conservation of the Tuuyo environment, which in turn will support the primary livelihood of the communities in the area. As overgrazing not only causes damage to the environment, but also affects its capacity to regenerate quickly and sometimes causes irreparable loss to the vegetation, the Tuuyo communities asserted that if the movement of the pastoralists is restricted from the plateau, its marginal condition will be reversed. The communities were also aware of the responsibility that the management of a grazing reserve will bring onto them. In principle, they endorsed the re-installation of the grazing reserve.

Figure 9: Map of Proposed Tuuyo Grazing Reserve



## Community Endorsement

Based on the knowledge of pasture growth dynamics in the area, the Tuuyo Plateau community representatives voiced the urgency of the problem of overgrazing, emphasizing that if the current trend goes on many of the primary grass species will be extinct and the plateau will turn into a “dustbowl”.

They discussed specific rules at the local level that still regulate the use of land and natural resources with some effect. However, in everyday life these rules are often disregarded, as their enforcement relies mostly on internalisation and voluntary observation. Exploiting pasture resources opportunistically is a common practice in the pastoral life in Odweyne District. Therefore, the community representatives welcomed the initiative of GAA to re-establish the grazing reserve.

One evident risk is that Tuuyo villages are clan-based settlements which could undermine their effective cooperation in the project. Each village bears a personal or sub-clan name, which characterizes the dwellers of that village to belong a certain clan group. Nevertheless, there is a clear identity of being a member of the Tuuyo community, which has an overriding power over clan identities. The identification of shared interests of seven different village communities, namely the protection of the plateau from overgrazing, signifies that there is a basis for active community support of the project.

The representatives of the communities reflected on the experience with prior grazing reserves, pointing out that if protected, the plateau will be a saviour in the harsh dry seasons. In the absence of the reserve, the plateau was sometimes so exhausted or depleted from pasture resources that only the smallest livestock species could survive on it. The communities pronounced that the conservation will enable the plateau to regenerate its grass species even if the rains are missing.

Management of intensive rotational grazing provides pastoralists with the ability of maintaining their livestock, while at the same time protecting the important ecosystem. The communities emphasized that the plateau is the primary pasture resource (grass and shrubs) in the district, tiding the pastoralists over the dry season to the next rainy season. The communities of Tuuyo have voiced that the management practices must be flexibly implemented, based on their knowledge of the local environment, its vegetation, and their understanding of the grazing priorities of different livestock species.

It is widely accepted that the sustainable utilization of resources is only possible when people are aware of the land management plan, participate in its implementation and are able to amend it according to their needs. Local ownership is essential for the success of the project. Therefore, the participatory planning process undertaken in the workshop is a first step to facilitate and ensure the full support of the communities for the program.

## Participatory Management

Even though the legacy of top-down development approaches still persists in the minds of the Somaliland population, in the absence of a strong government, an increased role of local communities in rural resource management has recently been advocated as a solution to the problem of environmental degradation and deteriorating livelihood security.

This part suggests the importance of the participation of the local population in preparing and implementing a land management plan. Management of natural resources can only be undertaken successfully, if the local communities get involved from the very outset of the planning process.

Due to the fact that there is weak enforcement capacity on the government side, the community representatives were mindful to take up most of the responsibility of managing the project.

As a result, awareness-raising is an important element of implementing the seasonal range reserve. People will only support the project if they are convinced that they benefit from it. It was pointed out that the most difficult aspect of the reserve management is how to remove the communities when the reserve is about to be closed (Omer Mohamed Ali, 21.11.2007).

The Tuuyo communities voiced that the management mode of the reserve has to be a replica of the previous seasonal grazing reserve. The closing time was raised to be at the eve of each of the two rainy seasons while the opening times should be at the beginning of each of the two dry seasons.

There would be no fences, but a road is to be cleared to demarcate the outer boundary of the reserve. The reserve is to be divided into different sections, each of them allotted to a village community that is responsible for safeguarding the reserve during the rainy season. To make the protection more effective, it was decided to recruit local personnel from the communities who regularly patrol the reserve boundary allotted to their village. For violations of the management regime, a uniform fine per head, differentiated according to the species of livestock, has to be set up to.

Village committees are to be established to oversee the overall management of the project, to set up management rules and to deal with all kinds of problems that occur. In the course of this, the following cases should be taken under consideration:

- Organising the transit of pastoralists who want to shift from one side of the reserve to the other.
- Stray livestock, which trespass into the reserve accidentally.

It is clear that the Tuuyo communities not only endorse the project and the idea of establishing a seasonal grazing reserve, but are the initial drivers of the process. The creation of local ownership is safeguarding the success of the project.

## The Role of GAA and the Government

The effectiveness of a given system depends on how management requirements are adapted to local conditions. In some cases environmental conservation projects have been implemented elsewhere in Somaliland without adequate consideration of the adaptation needs to local conditions, which involves understanding the community's capacities and commitment to sustaining such initiatives. With a view to development, communities are good at promoting common issues, but once implemented, they often lack long-term future vision to sustain such a project.

The community representatives did not miss to point out that in contrast to the prevailing situation, the whole management of grazing reserve used to be in the hands of the Somali Government. The Somaliland government currently does not have the economic leverage to cover the costs of such initiatives.

Although the representatives embraced the concept of the project, they neither envisioned the sustainable community-based future management of the reserve nor did they seem to earmark resources to finance the initiative. At this point, GAA as well as the Somaliland State can support local communities. A first step has already been taken by organising the workshop and bringing local communities together with NGO and government representatives to plan a sustainable land management system. Government and NGO officials can support the communities with their professional knowledge on environmental protection and land management. Additionally, GAA will provide essential financial resources, organizing skills and thereby facilitate the re-establishment of the Tuuyo grazing reserve.

"To conserve the land entails a lot of work, but it will yield a lot of benefits afterwards" (Abadir Egal Awad 19.11.2007).

## 2.4 Conclusion

The fact that the targeted communities participate in the planning process of the project suggests that the implementing agency is mindful that the reserve could become a source of conflict. The engagement of beneficiary communities in the preliminary activities of the Tuuyo initiative is a positive step to forestall potential conflicts over land, both between the communities, as well as between the local communities and the implementing organization. There is a strong element of cohesion among the Tuuyo village communities and willingness to re-establish the seasonal grazing reserve on the Tuuyo Plateau. However, conflict issues that could arise in the management of the grazing reserve should receive sufficient attention.



Even though the representatives of Tuuyo communities have demonstrated their willingness to undertake the project, the planned initiative will test the communities' existing capacities and strengths, and will essentially rely on financial support from GAA. Although the provision of resources needs to be seen critically (see Part D, section 1), it is clear that such a large project can not be implemented without the resources to create and maintain the essential infrastructure, including the demarcation of the reserve, guards to protect it, and capable management institutions. As the state as well as the surrounding communities lack sufficient capacities to finance these structures, the reserve can only be established and maintained if it is supported by GAA. With this in mind, the organisation confirms that if the project proves to be successful, it will potentially require support over a long period. Therefore, the sustainability of the reserve may be hampered by the fact that the project cycles of most international and national NGOs are limited to between one and three years. Generally speaking, the budget lines of most donors are orientated more towards quick results, despite the fact that some problems can only be targeted effectively within long running projects.

However, the preliminary activities of the Tuuyo initiative are a positive step towards the engagement of the beneficiary community in the planning process of the project. Despite the obstacles that remain to be overcome, the initiative could be replicated in other areas at a later stage to manage large grazing resources. In turn, this could contribute to the mitigation of conflicts over resources and prevent land grabbing and the creation of enclosures.

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# F: Annex

## 1 Field Research Activities

Figure 10: Field Research Activities in Balli-gubadle District

No.	Date	Type of meeting	Place (towns)	Target groups
1	18.09.2007	Exploratory Field Trip	Balli-gubadle	Elders, district council, deputy mayor, police commissioner
2	07.10.2007	Participatory Mapping of economic zones	1. Gumburaha 2. Balli-gubadle	Community
3	08.10.2007	Participatory Mapping of economic zones	1. Gumar 2. Balli-cabane 3. Sayla-bari	Community
4	10.10.2007	Focus Group Discussion (FGD)	1. Balli-gubadle	Elders of community-level mediation committees
5	18.10.2007	Semi-structured Interviews (SSI)	1. Balli-gubadle	Mayor, District Court Judge, and District Police Commissioner
6	22.10.2007	Focus Group Discussion (FGD)	1. Gumar 2. Balli-gubadle	Enclosure owners
7	28.11.2007	Focus Group Discussion (FGD) on Solutions	1. Balli-gubadle	Enclosure owners, local administration, elders

Figure 11: List of Interviews in Odweyne

Name	Profession/Title	Date
Mohamoud Ahmed	Mayor of Odweyne	19.11.2007
Ahmed Handulle Isse	Village Committee member Abdi-Farah	20.11.2007
Omer Mohamed Ali	Village Committee member Mureec	21.11.2007
Abadir Egal Awad	Community elder of Odweyne Town	21.11.2007
Mohamed Salah Bidde	Former Mayor of Odweyne Town, currently a member of the council	19.11.2007
Ahmed Farah George	GAA staff	21.11.2007
Mohamed Bihi Abdi	Member of the town council	21.11.2007

These meetings and interviews were either documented by tape-recording, or by taking up notes. Based on these records, specific internal project reports were produced for every field research activity.

## 2 Overview of Baseline Data on Land-based Conflicts in Somaliland (and between Somaliland communities)<sup>1</sup>

No	Name	Region/District	Type of Resource	Actors	Period	Interventions	Resolved/ Not
1	Harirad	Zeyla District	Group and urbanization of rural communal land	Clisse and Gadabursi	1991-2007	Ministerial delegations.	Not resolved
2	Daroor	Neighbouring Somali Region of Ethiopia	Water sources and grazing land	Habaryoonis (Reer Sugule) and Idagale (Yoonis)	2006/2007	Guurti, traditional elders, government, parliament, civil society, Ethiopian troops, other communities.	Resolved
3	Dumbulug Incident	Maroodi-jeex Region, Hargeisa city (Ahmed Dhagax Zone)	Communal land ownership (privatisation of state land)	Idagale and Arab	2006	Guurti, traditional elders, religious leaders, police, military forces, government, Hargeisa local council, Mayor of Hargeisa.	Resolved
4	Tog-wajaale	Maroodi-jeex Region	Privatization of communal land	Samaroon (Reer Maxamed Nur) Jibril Abokor (Aadan Cumar)	1993-2006	Traditional elders, Guurti, and Gabley local council.	Partially resolved
5	Eegato	Neighbouring Somali Region of Ethiopia (25 Km south of Wajaale)	Private land ownership (farm)	Yoonis (Jibril Abokor) and Akisho	2006	Traditional elders and Guurti	Resolved
6	Horufadhi	Togdheer Region, Buuhoodle District	Water source (Berkad)	Clans that inhabit the area	2006	Regional governor, traditional elders, police, Mayor.	Resolved
7	Batalaale	Saahil Region, Berbera District, East of Berbera city	Land for settlement of clan inhabitant	Clisse Muuse and Habar-jeclo	2006	Mayor of Berbera, regional governor, traditional elders, the Guurti.	Resolved
8	Hargeisa City	Maroodi-jeex Region	Communal land (mainly ownership of the land)	The state (military/army) and the community	2006	Ministry of Interior, traditional elders, local government.	Resolved
9	Faro-dhidar	Sool Region, Boocane District, south-east of Laascaanood city	Land ownership (grazing area and water sources 'berkad')	Dhulbahante clan	2006	Traditional elders.	Resolved
10	Haleeya	Maroodi-jeex Region	Private land ownership	Sooyaal veterans and the Government (Ministry of Agriculture)	2006	? ?	?

<sup>1</sup> Based on a survey of the Somaliland newspaper coverage of 2005, 2006 and 2007 (until October) alone. This table merely serves qualitative and illustrative purposes as there is a strong urban bias and limited reliability in newspaper reporting.

No	Name	Region/District	Type of Resource	Actors	Period	Interventions	Resolved/ Not
11	Hargeisa city (New-Hargeisa village)	Maroodi-jeex Region	Private individual land ownership/communal	Member of House of Guurti and the local government	2006	Traditional elders, local government administration and ad hoc committee for resolving land conflict.	?
12	Sha'ab area (Hargeisa city)	Maroodi-jeex Region	Private/communal land ownership (privatization of state land)	Individuals: Sh. Muuse (Jibril Abokor) and Saxardiid (?)	2006	Ministry of Interior and the local government.	Resolved
13	Garage Ali Dualeh area (Hargeisa city)	Maroodi-jeex Region	Land ownership	Mohamed Ismail Bullaale and the Local government	2006	Mayor of Hargeisa and Ministry of Interior.	Resolved
14	Daarasalaam District	Maroodi-jeex Region	Grazing land	Vice mayor of Hargeisa and Inhabitants of Daarasalaam district	2006	?	?
15	New Hargeisa village (Hargeisa city)	Maroodi-jeex Region	Communal land	Community in New-Hargeisa city and Local government	2006	Local government, Mayor of Hargeisa.	Resolved
16	Diinqal	Maroodi-jeex Region	Farming land	Minister of Agriculture, business women, and coordinator of the Ministry of Agriculture	2006	Ministry of Agriculture.	Resolved
17	Boorama	Awdal Region	Farming land	Reer Nuur (Makaahill Dheere) and Reer Maxamed (Maxamed Case)	2006	Traditional elders, guurti, local government, mayor, security forces.	Resolved
18	Sha'ab area (Hargeisa city)	Maroodi-jeex Region	Privatization of land	TOTAL company and individual	2006	Ministry of Interior, local government of Hargeisa.	Resolved
19	Boorama city	Awdal Region	Privatization of public land	Livestock brokers and Borama local government	2006	Traditional elders, chiefs and suldaans.	Resolved
20	Balli-busley	Sanaag Region	Water sources and grazing land	Reer Maxamud (Warsangeli) and Sacad Yoonis (Habar Yoonis)	2006	Regional authorities, traditional elders, and the APD outpost office in Burco.	Resolved
21	Yayle	Sool Region	Water sources	Dhulbahante and Habar-jeclo	2006	Traditional elders, Las Aanod authorities, Burco authorities, the Togdheer Governor, APD outpost office in Burco.	Resolved

No	Name	Region/District	Type of Resource	Actors	Period	Interventions	Resolved/ Not
22	Call Xaydh, Garbo-dadar,, waraqa-dhigta, Fardo lagu xidh, Ceel-la-helay,, Cabdi Geedi, Ceelsheekh	Maroodi-jeex Region and Awdal Region	Distribution of districts under regional levels	Regions and District governments	2005	Regional Traditional Elders, Suldans, and Communities	Resolved
23	Naasa-hablood area (Hargeisa city)	Maroodi-jeex Region	Land for settlement	Communities inhabiting Naasa-hablood	2005	Local Government, police, traditional elders.	resolved
24	Sha'ab area (Hargeisa city)	Maroodi-jeex Region	Ownership of land	Vice president and an individual	2007	Local government.	Resolved
25	Areas North of Hargeisa City	Maroodi-jeex Region	Illegal enclosures and grazing land	Inhabitants of that areas	2007	?	?
26	Taleex District	Sool Region	Communal Land	Nuur Ahmed [Dhulbahante] and Majeerteen	2007	?	?
27	"Pepsi-cola" area (Hargeisa city)	Maroodi-jeex Region	Privatisation of communal land – i.e. private land ownership	Two individuals	2007	Security forces, local government, and Ministry of Interior.	Resolved
28	Balliga Cas area [east of Balligubadle District] between Gunburaha and Dhimbiryaale towns	Maroodi-jeex Region	Communal land	Axmed Abdalle [Arab] and Abokor Muuse [Idagale]	2007	Elders and Ministry of Interior.	Resolved
29	Western regions	Awdal Regios	Communal Land.	Reer-xareed [Jibri Abokor] and Reer Maxamed [Samaroon]	1947 -2007	Traditional elders.	Resolved
30	Borama city	Awdal Region	Communal land	Woman from Diaspora and the regional Ministry of Education	2007	Local government.	?





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