

# Land Administration Strategy Formulation in Post Conflict Situations: The Case of Hargeisa, Somaliland

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**Key words:** land administration, post-conflict, strategic alternatives.

## SUMMARY

Somaliland unilaterally declared independence from Somalia in 1991, having been ravaged by years of civil war and internal conflict. The capital city, Hargeisa, was bombed during the civil war in the late 1980's and large numbers of people were killed. Most of the official land records were also destroyed in the bombing of Hargeisa by Siad Barre's forces. A sizeable proportion of the city's population fled into exile into neighbouring countries, Europe and North America. Remittances from the diaspora are probably the major contributor to gross national product. At the same time a large number of people who have been displaced due to conflicts in other parts of Somalia have moved to Hargeisa, creating a sizeable internally displaced person (IDP) population.

Land conflicts are the main cause of homicides in the City as vacant land is contested by extended families of people who fled the city, new comers to the city, and opportunists. The situation is complicated by the plural legal system in Somaliland. There are three formal systems of law, the customary law or *Xeer*, the Sharia, and written secular laws. There is also a form of common administrative law which is probably unique to post-conflict situations. Land administration practices are based on procedures initiated by the British prior to Somalia's independence in 1960 which were modified under the Somali Republic regime up to 1993. However, written copies of the laws which should underpin these practices no longer exist, or they cannot be found.

This paper describes an approach to formulating strategy for improving land administration in the city of Hargeisa. A GIS is being developed by UN-Habitat, primarily as a fiscal cadastre and this was initially considered by some UN-Habitat staff as a primary driver of land administration development strategy. A second stage was to develop a planning management system using the GIS and possibly use the GIS for land tenure records management. However, the situation is extremely complex, the political climate delicate, and a number of different thrusts have had to be incorporated into the strategic plans if they are to be successful. Scenarios include a working GIS as a land administration support system in the ideal case, and a number of other scenarios including the GIS as a provider of partial administrative support, or as a facilitator in the initiation of a more efficient system of land taxation.

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## 1. INTRODUCTION

Since 1991, Somaliland has been a selfdeclared country in the north west of Somalia. Unfortunately the country's unilateral declaration of independence (UDI) from Somalia is not recognised by the international community, even though it is the one part of the former Somalia Republic that is socially and politically stable and is showing signs of post-conflict economic recovery at the time of writing. In the context of African politics, this a remarkable achievement given that until recently political and economic development has occurred largely with little foreign assistance.

Somaliland is a former British Protectorate which gained independence in 1960 and shortly thereafter merged with the former Italian colony of Somalia to form the Republic of Somalia. However, according to some observers the merger was an uncomfortable fit, which ultimately resulted in bloody conflict. The capital city, Hargeisa, was reduced to rubble through bombing and occupied by Siad Barre's government forces during civil war between 1988 and 1990. There were significant civilian losses and a large number of human rights violations occurred, causing some 500,000 people (including most of Hargeisa's population) to flee into Ethiopia and other neighbouring countries. The death toll has been estimated at around 40,000 people (Huliyas 2002), but the figure is disputed as there are high and low estimates of between 5,000 and 50,000 deaths (Petersen 2000, Prudeau 1997). Many refugees later moved to Europe and North America, enlarging the Somaliland diaspora considerably.

In turn, people from other parts of Somaliland and greater Somalia moved to Hargeisa. Many of these are themselves refugees from the numerous conflicts in Somalia, i.e. internally displaced persons (IDP's), while others have moved to Hargeisa due to the forces driving urbanisation which are common to many developing world cities. Apart from those who have managed to appropriate land in the older part of the city, the new arrivals tend to live in informal settlements in the periurban zones in modern adaptations of the traditional hut, or *bool*.

Land vacated by émigrés has been grabbed by people moving into the city. Land conflicts underlie a major portion of the City's violent crime incidents, and they frequently result in deaths. Reducing these conflicts and developing secure property rights, firstly to achieve social and political stability, and secondly to underpin investment and economic growth are the main arguments for developing a current, accurate land tenure information system and an effective land administration system.

We describe the social, economic, legal and political structures in Somaliland. We then describe the dimensions to the problem of land administration, with an emphasis on land tenure management and the fiscal and juridical cadastres. Finally we describe the dimensions to land administration development strategy. This is a vast field which cannot be covered in a short document and the focus is on using an administrative GIS as one of the drivers of strategy.

Our study is based on a number of open ended interviews and group discussions with officials, government ministers, academics, land professionals, parliamentarians, businessmen, judges, clan elders and international agency workers in Somaliland. In addition the second author attended four land dispute resolution gatherings. These contacts were arranged through UN-Habitat, and the paper is built around an analysis of the GIS and land record systems which the first author was requested to do. Thus our data and findings are limited and biased respectively by the activities required by our mandates and by what participants were willing to reveal or not reveal to us as outside agents.

## 1.1 Social Structures

Traditional Somali society is semi-nomadic and based on a system of clans, with sub-clans, sub-sub-clans and further lineage group divisions. Lineage identity can be mobilized for political purposes, segmenting Somali society in a system of continually changing units poised against one another. A lineage group such as a group of sub-clans may act cohesively against a perceived external threat, but then get caught up in schism and internal strife between sub-clans or family groups as soon as the threat has passed (Menkhaus 2003a). For example, a group of people from the same clan may contest the ownership of a particular piece of land. Should the state or another group lay claim to the land, then the clan is likely to act cohesively in resisting these outsiders. If they win this battle, then the internal disputes over who owns the land will likely re-emerge.

Land disputes are endemic to Somali customary pastoral society. Whereas custom dictates that one clan is resident in an area, other clans should have rights of passage over the territory, grazing rights and access to water for their stock. However, in spite of this custom, battles to acquire residence status over an area of land and to dislodge the resident clan, thus enlarging the trespasser clan's territory, have occurred for centuries (PDRC 2003).

The clan creates a social security net and the customary law (*Xeer*) remains strongly influential in urban areas, especially with regard to conflict management. Disputes, including land disputes, are often resolved between elders of the different lineage groups (Menkhaus 2003a).

Blood payment (*diya*) rules dictate that the price for serious crimes, including murder, is a collective responsibility shared by the offender's lineage group which must shoulder the cost of compensating the victim's clan. Otherwise, payment may be exacted in retaliatory violence

(i.e. in blood) – which may not necessarily be carried out against the offender but against members of their extended family (PDRC 2003).

The Isaaq clan is dominant in Somaliland as they make up some 80% of the population. Other clans within its borders are the Gaddaboursi, the Dolbahante, and the Warsangeli (Hulirias 2002 citing Compagnon 1998).

## 1.2 Economy

Since the civil war, the Somaliland economy has been based on a deregulated free market. The major domestic contribution to GNP draws on commercialisation of the traditional system of pastoralism. Livestock exports (primarily goats and camels) through Berbera may gross \$150 - \$200 million a year. However, livestock exports are a volatile market segment as the major buyer, Saudi Arabia, has periodically banned imports of Somaliland livestock due to Rift Valley fever (Hulirias 2002). This ban is currently in place. Some observers note that the closure of the Saudi Market is a cause of urbanisation as commercial stock farmers cannot make a living out of livestock any longer due to the varying nature of the market.

The primary contribution to GNP is remittances from the diaspora, comprising migrant labour in the Gulf and from Somalilanders living in Europe and North America. Estimates are imprecise, but revenues are believed to be up to four times the potential revenues from livestock exports (Huliaras 2002).

There are no commercial banks in Somaliland. Access to credit for the equivalent of mortgage finance or for starting up a small business tends to be via family connections and lineage members in the diaspora.

The question remains as to how long the remittances will continue. Lineage and clan ties may remain strong for the current generation. They may not in those that follow. One returnee who had spent 25 years abroad was of the opinion that family members of his generation will continue to send money home to Somaliland, but it is unlikely that his children who were born abroad will continue to do so.

Further investigation of this phenomena falls outside the scope of this paper. However, it is clearly critical that investors in the diaspora should feel comfortable that their investments in Somaliland are secure. Secure investment may at least prolong the practice of remitting money to the country and so improve the chances of the country becoming self-supporting. Property, especially landed property, is the cornerstone of such investments – cash and stock market shares, the other primary conventional forms of investment, are not available as investment options.

Thus an affordable, effective land registration and cadastral survey system maintained by the human, technical and financial resources available at a particular time should be a critical long term objective. This system should be sufficiently flexible and secure to serve the needs

of investors in the diaspora and serve the needs of the poor in a growing developing world city. The latter group require land tenure security at an affordable price. Economic considerations such as access to credit are likely to be a secondary concern for them. In the long term, the tenure rights of the semi-nomadic rural population also need to be protected against land grabbing, and one should be mindful that registration may be an inappropriate technical support system for this segment of society.

### 1.3 Legal Framework

There are three formal sources of the law in Somaliland:

1. *Xeer* – the customary law which has its roots in the nomadic pastoral societies.
2. Sharia – Islamic law, and there are special Sharia courts where this law is applied
3. Secular Law - primarily statutes of parliament, municipal by-laws and such like.

As mentioned earlier, Somaliland has a plural legal system. The *Xeer* and Sharia have co-existed for centuries, while the written secular law is a more recent phenomenon which has its roots in colonisation. For a particular form of civil conflict, the antagonists might choose to resolve the dispute through one or more of the *Xeer*, where the elders meet and hopefully negotiate a settlement; the Sharia – via the Sharia courts; or through the secular courts.

A consequence of the civil war is that there is a vacuum in the statute law, especially relating to land. The primary applicable statutes are the *National Urban Land/Planning Proclamation No 17/2001* and the *Constitution of the Republic of Somaliland* which was adopted after a referendum in 2001. The former law, *Proclamation 17*, is essentially a framework law and the English translation still appears to be in draft form. It lacks definitions (what constitutes “ownership” is of particular relevance to our discourse) and regulations are yet to be published. However, it is the primary land law and policy document at present: it sets the framework for how administrative procedures should be conducted and establishes certain principles for conflict resolution. Islamic religious law determines the overarching legal tenets. In terms of Article 5 of the Constitution, all laws have to conform to the principles of the Sharia.

Administrative law may be viewed as a special form of customary law due to the uniqueness of a country having unilaterally declared independence. Copies of the laws of the former Republic of Somalia and the British Administration appear to be unavailable. Interviews suggested that there may be copies in Mogadishu, or it is possible they were destroyed in the civil war. Participants in our study did not think copies of them existed in Somaliland. Further, the precise letter of these laws appears to be ignored, but the customs derived from them are continued. Some interviewees suggested that they ignore these “old” laws when administering land. However, an examination of the administrative procedures to formalise or “legalise” and then register property suggests that these procedures are adaptations of those introduced under the former British administration and continued and adapted while Somaliland was part of Somalia.

The *Xeer* is flexible, and according to the literature the same decision may not be reached in two identical disputes. Often, conflict avoidance seems to be a primary objective of the elders in resolving a dispute. The western law and Sharia law notions of clearly defined right and wrong, winner and loser, in a particular case may be absent (PDRC 2003). Thus it is possible that both sides may be awarded something in a dispute. Further, one can speculate that the *Xeer* is evolving rapidly as a form of customary urban law due to the large number of land disputes.

The plural nature of the legal system and the various alternatives available to parties to a dispute are important in managing the land tenure system. A cadastral system, by which we mean a system incorporating evidentiary documents, unrecorded community knowledge, land registration, boundary definitions and cadastral survey, should not ignore any of these systems. For example, applying the curtain principle in land registration – a distinguishing feature of a rigid Torrens land registration system - where what is on the current title extinguishes all historical claims and unrecorded interests in the land would probably exacerbate the problem of numerous, violent land conflicts.

#### 1.4 Politics

The Republic of Somaliland is a constitutional democracy in which the executive, legislature and judiciary are separate. It has an executive consisting of a President and Vice President, who are elected directly by the population, and the legislature has two elected houses, a House of Representatives elected directly by the general populace and a House of Elders. Members of the second chamber are elected by clan councils. If a member of the House of Elders cannot continue their duties, for whatever reason, they are replaced by a representative of the same clan or sub-clan. Members of the executive and the House of Representatives must be practising Muslims (Constitution 2001).

Prunier (1997, 1998) argues that one reason that Somaliland has managed to evolve successfully as a blend of traditional Somali culture and a version of Western democracy is that the British colonial masters followed a policy of benign neglect. The British were primarily interested in strategic control of the strait of Bab Al Mandeb and a source of food for the garrison in Aden. In contrast to the Italian colonists in Somalia, they allowed the people more freedom to follow their own customs and the traditional nomad law, the *Xeer*.

Prunier (1997) argues further that nomadic societies are anarchic by nature and that the freedom and flexibility that an anarchic culture allows in conflict management has been critical in the evolution of the hybrid western-nomad state. Through regional conferences after 1991, which drew on customary conflict resolution practices, amnesty was granted to combatants on opposing sides in the civil war. Following this, major inter-clan conflicts in the early days of UDI were resolved through adapted forms of the *Xeer*. “Large regional assemblies managed to impose payment of the blood price (*mag*), a combination of material compensation and symbolic restoration of honour which is the only way to stop clan



warfare.” (Prunier 1997). Iqbal Jhazbhay (2003) echoes the view that conflict resolution systems based on customary law and practice have played a critical role in Somaliland’s development to date.

### 1.5 Existing Cadastral System

A rudimentary form of registration system already exists in the Municipality of Hargeisa, which our interviews indicate was originally developed during the British administration. Land transactions are conducted by private conveyancing, but the transactions are supposed to be recorded by the municipality.

Because most of the municipal records were lost in the war, it is now possible to go through a *land legalisation* process (i.e. regularisation and registration) to get one’s property on file. After a series of inspections (e.g. boundaries uncontested, boundary dimensions conform to plan dimensions, taxes paid, property does not fall in planned roadway) a land owner can be issued a legalisation certificate, which is in essence a rudimentary form of deed. One has to obtain the legalisation certificate to obtain a building permit. Following this, once the building has been erected and approved, a deed can be registered against the building, not the land.

The deed contains far more information than the legalisation certificate, but it is not compulsory to register this and so only some 2800 deeds have been registered against buildings. There are an estimated 59,000 parcels in Hargeisa. The rationale for issuing a deed, rather than a building permit, against a building and not a land parcel was not clear. Interviews with municipal officials suggested that the practice had been introduced by the British.

If land is sold, the contract of sale is handled by a public notary. The record of the transaction should then be written into a large manuscript book in the municipal offices and a transfer fee of 3% of the sale price is levied. A similar process is followed if the land is inherited, except that the probate process is handled by the Sharia court which issues a certificate to the heirs. It would appear that this process too is not compulsory.

Parcel boundaries are demarcated using general boundaries. A common means of laying claim to a land parcel is to build an enclosing wall and then attempt to legalise, i.e. get the adjudication of the property completed and a legalisation certificate on file in the municipality, and develop the site later.

If there are competing claims to a piece of land, violent confrontations often occur. Literally, one or both of the opposing parties might hire a personal militia armed with automatic assault rifles to intimidate the other party. In most cases, shoot outs do not occur, but occasionally there are fatal confrontations.

Municipal surveyors measure up parcels using tapes only and note their surveys as field sketches in the property files which are generated as part of the legalisation process. The position of a parcel is annotated on a crude property index map which shows the positions of the blocks in outline. In the field, surveys of right angles are performed by taping using the 3-4-5 triangle rule. Although the municipality supposedly has a theodolite and an EDM, it appears that these instruments are seldom used for cadastral surveys. As a consequence, a number of streets are not properly aligned in newly developed areas of Hargeisa.

## **2. LAND ADMINISTRATION DEVELOPMENT**

There are a large number of variables in improving land administration which involve different levels of government and different institutions and departments within each level of government. Thus national, municipal and intra-institution level politics, and access to resources and power are critical factors in formulating and implementing strategies to improve the land administration system. In a post-conflict situation, the situation may well be chaotic: institutions may not yet have formed properly, may be poorly formed, may be subject to continually changing personnel, and there may be a shortage of qualified, experienced staff. In addition, competition between different political factions for control of institutions and empire building by strong willed individuals in management positions within these institutions are likely to occur.

A way of approaching post conflict land administration development should be to get to the stage of what J.K Galbraith referred to as functional anarchy - improve the level of stability in small increments, accepting that numerous set backs and so-called failures are inherent in the process. Numerous activities should be done in parallel and systemically. Incremental changes in one system are likely to have an effect on many other systems. Continual evaluation of each project, the impacts of these projects on the entire development process, and continual formulation of strategy to cope with changing circumstances is crucial. To this end, inter-agency communication is likely to be a critical success factor.

External agents have to be cautious that in attempting to assist, their interventions are not widely perceived as usurping local institutions or political actors. Widespread consultation and risk assessment should be part of this evaluation. In particular, political risk at various government and organisation levels, and how actors who resist proposed changes can use the role of the external agent to their advantage, should be considered. Engaging resisters is a critical part of this strategy.

What is surprising about Somaliland is that early development occurred with very little assistance from other countries due to lack of international recognition brought about by UDI. It is only in recent years that international agencies have become active. The creation of a constitution and its verification by national referendum has arguably been a key step in the development of the country. The constitution provides the vision and the ethos for how development should proceed, and the outcomes of any development strategies have to be guided by the principles enshrined in the constitution.



Following this lead, law and policy are being developed by the national legislature and the municipality, and informal and formal conflict resolution processes and institutions have been developed. As with land administration, where custom continues to underlie many administrative procedures, Elders remain involved in various levels of the dispute resolution process. For example, regarding disputes involving land, our interviews indicated that land dispute resolution committees often refer the matter back to the elders.

Specifically in Hargeisa, information gathering and land information system development is well underway. As a bottom up technical intervention, UN-Habitat have provided support in developing a land information system. The current primary focus is on property taxation (i.e. a fiscal cadastre,) yet the system can be extended over time to address other needs such as land use planning and land tenure administration. While land disputes remain a major problem, a range of approaches to the problem are being implemented.

## **2.1 GIS for Land Use Planning, Land Tenure Management and Property Taxation**

UN-Habitat has developed a GIS to support property taxation (i.e. a fiscal cadastre) using ArcMap. Building footprints were digitised off a georeferenced high resolution colour Quickbird satellite image and the dimensions were checked on the ground by pacing (SPAUS 2006). At the time of our studies, the technical system was still under development and data collation and checking was still underway, and the system had not yet been moved into the municipal office.

A major risk of such an initiative is that it can catalyse land conflicts, which as mentioned earlier are a major problem. To reduce these risks, parcel boundary dimensions have not been included in the GIS. Further, as ownership may be contested if it is listed in a municipal land taxation database, the current policy is to tax building occupants rather than owners. It is possible this policy may change once the land tenure records are developed and become less likely to be challenged.

Difficulties can be expected in implementing the fiscal cadastre (i.e. the GIS) and the taxation system. Bahl and Lin argue that property tax is probably the most important local government tax in developing countries. However, it is difficult to administer efficiently, may stimulate undesired land uses, and tends to be very unpopular with landholders (Bahl and Lin 1992). Thus there are major risks associated with how the implementation of this GIS and the land taxation that it is intended to support are managed.

In a post-conflict situation, the initial purpose of a GIS as primarily a property taxation system is sound from a financial administration perspective. If implementation is successful, direct measurable benefits should accrue from it very quickly. The strategy of using satellite imagery to collect the base data also makes operational sense in that the data can be collected rapidly and the system can be used to generate revenue soon after project initiation.

There are numerous risks which have to be managed, however. The fact that its primary purpose is to support what will probably be an unpopular, contested form of tax suggests that the GIS may stimulate political debate; therefore, one can expect attempts to discredit it. Taxation and the GIS will probably not be viewed separately in emotional debates in which property taxes are challenged! Further, the fact that the data have been collected to low precision makes the system vulnerable to attempts to discredit it. A landholder may measure up their property themselves and then publicise the fact that the system is inaccurate and then proceed to attempt to undermine public confidence in the system. In our interviews in Hargeisa, concerns about inaccuracies were raised in meetings with city councillors, and the GIS had not yet been moved into the municipal offices.

Thus the benefits and limitations of the GIS as an administrative support tool need to be communicated clearly, transparently and often. These are actions that are important in implementing a municipal GIS in a stable situation. We suggest that the communication component of GIS implementation, and managing the conflict and uncertainty that surrounds this, assume far greater importance in a post-conflict situation.

The high resolution satellite image has provided the data backdrop, and so once the initial purpose of supporting land taxation is sufficiently developed, it is not a major step to develop the GIS for supporting the development of spatial development framework plans, zoning maps, transportation management plans, utilities maps and such like. It is important that these higher level uses are developed and communicated rapidly to stakeholders once the system is implemented in the municipality.

In the long term, the system may be used for land registration, but the high level of conflict over land at present suggests that this would be unwise until the situation stabilises. Information stored in the GIS may support the sporadic property legalisation processes that are currently taking place, and information from the legalisation process should be stored in the GIS as a matter of priority. Notwithstanding tenure considerations, the name of the legal owner and the surveyed dimensions of a parcel are important in bringing the taxation records up to date.

It is important that there should be contingencies if the GIS implementation does not succeed so that the administrative structures and processes are in place for a later attempt. A major risk is that the human resources and technical support for the GIS will not be available to sustain the GIS. A sufficient number of people may not be trained to run the GIS and when they are trained there is the risk that they may be attracted to better paying positions in commerce. Administration cannot be stalled while suitable replacements are sought and trained. Technical support for hardware, software and communications may also prove to be problematic. For example, there are no agents for the software in Somaliland. It is noteworthy that a local survey company uses low-tech conventional surveying instruments for field work due to difficulties in getting instruments serviced in Somaliland.

Realistically, it is important that initially the GIS is viewed as a computer assisted land administration support system, rather than a computerised administration system. For example, a large scale paper valuation roll could be generated as a general administrative map with cross references to land legalisation applications, zoning and such like. Updates first annotated on the paper map can be used to update the GIS. If the GIS ceases to function, the valuation roll remains the primary administrative map. Developing a fully computerised Land Information System should be a long term objective, which is achieved in increments as the institution is strengthened and the organisational and technical systems and trained personnel are in place to run it effectively.

## **2.2 Broad Based Strategy Dimensions**

Land Administration in Somaliland is being developed at a number of levels. The high level development of a constitution and a framework planning law has been of the utmost importance. The bottom up processes of developing a LIS, land conflict resolution, and land legalisation and taxation are equally important.

Developing a LIS and improving the existing land administration systems has to be done within an evolving integrated land management framework. External agencies can assist in aspects of these, especially in education and training and in an advisory capacity, providing the assistance is welcomed by the supposed beneficiaries.

One should also factor in contributions from the diaspora. Returnees to Somaliland are already making a significant contribution in areas such as politics, commerce, administration and education. They know the situation, the culture, the clan structures, and appropriate approaches to tackling problems, and they have had the benefit of living elsewhere and bringing in different ideas from their adopted countries. In turn, their efforts and access to networks leads to financial and logistical support from Somalilanders living outside the country.

There are a number of dimensions to long term land administration development strategies and how to go about formulating, implementing and evaluating them. As mentioned earlier, a number of different institutions are involved in this. In any post conflict situation, determining institutional mandates and boundaries can be problematic. For example a municipal by-law may be in conflict with a national law, as both of them may have been promulgated at the same time. Space does not allow for detailed discussion, but the following provides an outline of what this involves.

There are several primary dimensions to developing strategies, where external assistance is possible. These include:

### 2.2.1 Capacity Building

This has to be done through education and training and provision of appropriate infrastructure. Building education institutions and setting up programmes which are crucial for development is essential.

As an example, the University of Hargeisa has a fledgling certificate programme in land surveying with some GIS which was developed with initial assistance from Somaliland Cadastral Surveys. Problems are sourcing and keeping teaching staff and in ensuring that equipment can be maintained and updated. Somaliland Cadastral Surveys provided a lecturer initially. UN-Habitat have now supported this programme by providing part time lectures in GIS and providing course material.

There are also private sector basic technical education and training initiatives in areas such as civil engineering and law and order. One college visited appeared to be well supported by the diaspora.

### 2.2.2 Awareness Raising and Vision Building

A major factor in introducing any new systems is garnering top level support for the system and finding individuals who will act as champions of the system. Study tours for senior officials and technical management level officials to municipalities and other associated land administration institutions in developing countries which face similar problems to those in Hargeisa, and where effective systems have been developed are one way of creating awareness of what is possible.

### 2.2.3 Institutional Strengthening

Support to institutions such as municipalities can be provided in a number of ways. Implementing a GIS, assisting in improving registration instruments and other documents, and assisting in improving or re-engineering administrative process flows and information retrieval and storage are examples of these. Support can be in the form of consultancies, providing experts to work inside the institution to assist with the design and implementation of facets of organisational design and implementation of technical systems, in-house training, and supporting internship positions for officials from the local institution (i.e. Hargeisa Municipality) in institutions elsewhere. Identifying key individuals for positions such as Surveyor General, Attorney General or Chief Director of Planning and educating them at renowned universities is another important possibility for assistance. Training in conflict management and managing change are also important facets of institutional strengthening.

### 2.2.4 Consensus Building, Risk Identification, and Garnering Top Level Support

Building consensus and garnering top level support are critical. These can be addressed via small group focus discussions, meetings and workshops and the awareness creation activities

mentioned earlier. A number of small group discussions and workshops should be encouraged and supported so that the dimensions of particular problems, the variables impacting on strategies to address these problems, formulating strategy and evaluating strategy are discussed regularly. These should be at short intervals initially and then the intervals can be lengthened as the situation settles.

Formal structures to discuss matters of common concern between different institutions dealing with land management and administration should be set up. Initially these committees should have people in the top positions attending, such as ministers and senior officials. As the situation stabilises, and institutional mandates and boundaries are agreed, so the committee members can be drawn from operational levels of the different organisations. This committee should also be tasked with integrating assistance from different external agencies so that proper systems are developed which are compatible with one another.

#### 2.2.5 Land Law and Policy Development

Law and policy development are the mandate of the legislature at the national level and their equivalents at local authority level. Involvement by outsiders in this area is likely to be a sensitive issue. Assistance, if requested, can be in the form of assisting in developing draft bills, policies and regulations or getting international experts to critique these documents before they become law.

#### 2.2.6 Planning Frameworks and Related Infrastructure

At the municipal level, the development of master plans, framework planning by-laws and regulations, zoning schemes and building regulations should be developed as soon as possible. As mentioned earlier, high resolution, geo-referenced satellite imagery and GIS enable master plans to be developed fairly rapidly nowadays.

#### 2.2.7 Land Readjustment

In a situation such as Hargeisa where land is heavily contested and some 80,000 IDP's are in need of tenure security, land readjustment is likely to be a major part of strategies to ensure long term social and political stability. Readjustment means cleaning titles (e.g. through the land legalisation process and dispute resolution processes), identifying land for development, creating land sharing arrangements and such like.

The above are some high level areas of important activities. In the end, lists of activities have to be drawn up and project plans have to be developed to implement these. Critical paths and important milestones have to be established to ensure that there is proper phasing and sequencing of these projects. Evaluation of the process and specific outcomes of these projects also has to occur frequently – and to re-emphasize, far more frequently than can be expected in a stable situation. The last item is important so that there is continual feedback and readjustment in the process. Redefining the list of activities in itself is very important.

One may have to abandon some projects and concentrate on others as events unfold. Things can go wrong far more frequently in a post conflict situation than in a stable situation due to the large number of variables which cannot be controlled.

### 3. CONCLUSIONS

There are numerous dimensions to developing efficient administration. Of critical importance is improving land tenure security by reducing the number of land disputes and generating revenue to administer the city and develop infrastructure. Critical components of strategies to meet these objectives include strengthening the evidence underlying land legalisation and the transparency of the processes used to gather evidence, developing an understanding of the land disputes in order to generate a set of guidelines or rules for arbitrators which harmonises aspects of the different legal systems in operation and extending the purposes of the GIS. Capacity building, institutional strengthening, education and training, land law and policy development, awareness raising and continual inter- and intra-agency communication are critical to the above. Further commitment from a number of top management people and politicians to champion the various projects and address the political aspects surrounding them is essential.

Land management strategies in Hargeisa should be cognisant of the need to meet the needs of the poor within the urban areas and on the urban periphery and address the investment requirements of an economy where most of the GNP is generated through remittances from outside the country. Property is the most secure form of investment at present.

Higher level indicators and activity specific metrics have to be established which serve to evaluate and drive the process. Metrics to evaluate the above should be evaluated together in order to assess how the overall objectives of improved land management, reduced land disputes, improved tenure security and comprehensive, inclusive land taxation are being addressed. Evaluating projects in isolation heightens the risk of unintended consequences.

From the law and policy development perspective, it is worth generalising Prunier's deductions about Somaliland into a supposition which can be tested or confirmed elsewhere. That is, in former colonies which endure considerable conflict and civil war, if the influence of the customary laws remained strong throughout the colonial era and beyond, then these traditions can play a significant role in reducing post conflict land dispute resolution. Moreover, such situations are more likely to proceed to stability rapidly than in situations where customary practices have been suppressed and superseded by laws and practice introduced by the colonial authorities.

GIS as a fiscal cadastre has been used to initiate the process. However, implementing the GIS is the set of activities which hold the highest risk of failure. Contingency planning should ensure that manual procedures and analogue paper files are an integral part of running and managing the GIS. The GIS should support, not replace these procedures. Alternatively a strategy leading up to the implementation of the GIS by starting with the valuation roll being



drawn manually, then being drawn using CAD and finally being generated using a GIS once the relevant factors critical to the successful implementation of GIS are in place. However, the activities of improving the existing land legalisation records, analysing the land disputes, and developing appropriate law and policy for land administration and acquiring land to allocate to the poor should be done in parallel and in harmony with implementing the GIS, irrespective of whether a computerised GIS or a paper generated valuation roll system is chosen to start the process.

## REFERENCES

- Bahl, Roy W, Johannes F Linn (1992), *Urban Public Finance in Developing Countries*, Published for the World Bank: Oxford University Press.
- Better Information for Better Cities. GIS and Property Taxation: The case of Hargeisa a Somali City. Interim Technical Report – September 2005, UN-Habitat.
- Compagnon, D. 1998. Somali Armed Movements. In Clapham, C. (ed.) *African Guerrillas*. Oxford: James Currey: 73-90.
- Constitution of the Republic of Somaliland, as adopted 31 May 2001. (Unofficial English Translation).  
[http://www.somalilandforum.com/somaliland/constitution/revised\\_constitution.htm](http://www.somalilandforum.com/somaliland/constitution/revised_constitution.htm)
- Huliaras, A 2002. The Viability of Somaliland: Internal Constraints and Regional Geopolitics. *Journal of Contemporary African Studies*, 20(2), 157 – 182.
- Iqbal Jhazbhay, 2003. Somaliland Success, Africa's Big Secret. Arab News, 7/29/03. Opinion, July 2003, [www.aljazeera.info](http://www.aljazeera.info)
- Menkhaus, K 2003. *Somalia: A Situation Analysis and Trend Assessment*. UNHCR, Department of International Protection.
- Menkhaus, K 2003. State Collapse in Somalia: Second Thoughts. *Review of African Political Economy*. 97, 405- 422.
- PDRC 2003. *Somali Customary Law and Traditional Economy – Cross Sectional, Pastoral, Frankinsense and Marine Norms*. Puntland Development Research Centre (PDRC), Garowe, Puntland, Somalia.
- Petersen, S 2000. *Me Against My Brother, At War in Somalia, Sudan and Rwanda*. Routledge.
- Prunier, G 1997. Surviving without the UN: Somaliland, a forgotten country. *Le Monde diplomatique*, October 1997.
- Prunier, G 1998. Somaliland Goes it Alone. *Current History*, May 1998, P.225-28.
- SPAUS 2006 Municipal Revenue Generation through Property Taxation – Better Information for Better Cities - The case of Hargeisa a Somali City. Support to priority areas in the urban sector (SPAUS) - Interim Technical Report – May 2006, UN-Habitat, UNDP Nairobi.

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