



LAND AND CONFLICT IN JUBALAND: ROOT CAUSE ANALYSIS AND RECOMMENDATIONS

SECURING LAND AND PROPERTY RIGHTS FOR ALL

LAND AND CONFLICT IN JUBALAND:

Root cause analysis and recommendations

Copyright © United Nations Human Settlements Programme, UN-Habitat, 2020

HS Number: HS/047/20E

DISCLAIMER:

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area, or of its authorities, or concerning delimitation of its frontiers or boundaries, or regarding its economic system or degree of development. The analysis, conclusions and recommendations of this publication do not necessarily reflect the views of the United Nations Human Settlements Programme or its Governing Council.

United Nations Human Settlements Programme (UN-Habitat)

P.O. Box 30030, Nairobi 00100, Kenya

Tel: +254 20 762 3120

Fax: +254 20 762 3477

www.unhabitat.org

Cover photo: A Somali girl walks down a road at sunset in a camp for internally displaced persons (IDPs) near the town of Jowhar, Somalia. UN Photo/Tobin Jones

Task Manager: Ombretta Tempira

Authors: Ombretta Tempira and Nelson Marongwe

Main contributors: Mohamed Ahmed Hussain, Jamal Mohamed, and Ismail Bainah Barre

Other contributors: Benjamin Jonah, Eleonora Francesca Serpi, Fathi Egal, Francesco Tonnarelli, Hyun Kim, Kulmiye Mohamed, Oumar Sylla, Sophos Sophianos, and Vincent Pasquini.

Editing: Vicky Quinlan

Layout: UNON, Publishing Services Section, Nairobi

Sponsors: UN Department of Political Affairs and Swiss Development Cooperation (SDC),

Printer: UNON, Publishing Services Section, Nairobi, ISO 14001:2004-certified



LAND AND CONFLICT IN JUBALAND: ROOT CAUSE ANALYSIS AND RECOMMENDATIONS

SECURING LAND AND PROPERTY RIGHTS FOR ALL

TABLE OF CONTENTS

LIST OF ABBREVIATIONS.....	v
EXECUTIVE SUMMARY	vi
INTRODUCTION	xiv
1.1 AIMS AND OBJECTIVES OF THE STUDY	1
1.2 RESEARCH METHODS	1
1.3 THE STUDY AREA.....	2
1.4 STUDY LIMITATIONS.....	4
1.5 OVERVIEW OF THE CONTEXT	5
ANALYSIS OF THE LAND-RELATED ROOT CAUSES OF CONFLICT IN JUBALAND	12
2.1 ENVIRONMENTAL CAUSES	13
2.2 SOCIO ECONOMIC CAUSES.....	20
2.3 GOVERNANCE-RELATED CAUSES.....	28
RECOMMENDATIONS	55
3.1 OUTLINE OF THE RECOMMENDATIONS.....	57
3.2 KEY LAND-RELATED RECOMMENDATIONS.....	62
3.3 THE ROLE OF THE UNITED NATIONS SYSTEM	70
REFERENCES	72
ANNEXES.....	75

LIST OF ABBREVIATIONS

AMISOM:	African Union Mission in Somalia
DDG:	Danish Demining Group
HLP:	Housing, Land and Property
IDP:	Internally Displaced Person
JRIAC:	Jubaland Refugees and IDP Affairs Commission
KPC:	Kismayo Peace Committee
NGO:	Non-governmental organization
UN:	United Nations
UNHCR:	United Nations High Commission for Refugees
UNDPA:	United Nations Department for Political Affairs
UNDP:	United Nations Development Programme
UNEP:	United Nations Environment Programme
UNICEF:	United Nations Children’s Fund
UNOCHA:	United Nations Office for the Co-ordination of Humanitarian Affairs
UNSOM:	United Nations Assistance Mission in Somalia

EXECUTIVE SUMMARY

A. INTRODUCTION

Aims and objectives of the study

The study investigates the land-related causes of conflict in the Jubaland State of Somalia. The study findings are expected to guide the work of the United Nations in peace building and land conflicts management, and to inform land policy processes and other land governance interventions in Jubaland and Somalia as a whole. The study has three specific objectives:

Assessment of the land governance systems - The study investigates the mandates and capacities of key land institutions, including the institutions involved in the mediation and management of land disputes mechanisms; the legal frameworks supporting land governance; and the views and perceptions of key stakeholders pertaining to the performance of the land sector.

Investigation of land tenure, land-use patterns, and land conflicts - The study investigates the status of the land rights regimes, how the housing, land and property rights are protected and what the main land tenure disputes are. The study looks at the nature and extent of land conflicts in the study area, how land

rights of minority groups are protected and how these groups are affected by land conflicts.

Documentation of the patterns of land disputes involving pastoralist communities – The study investigates the land needs and claims of pastoralist and sedentary communities, including conflicts over land use among farmers and other groups, such as urban residents and charcoal producers.

Research methods and study limitations

Information was compiled through a combination of primary and secondary methods of data collection: key informant interviews, focus group discussions, direct observations and a detailed literature review. The study met several challenges related to the prevailing security conditions in Jubaland and to the scarcity of literature on land governance in the state and more generally in Somalia. The study findings are therefore the result of direct data collection in Kismayo only, with interviews and focus group discussions including people able to travel to Kismayo. In addition, the sensitivity of land issues and the fear of retaliation made it impossible to undertake detailed mapping of the conflicts documented and, in some cases, lack of cooperation from key informants was encountered.

B. ANALYSIS OF THE LAND-RELATED ROOT CAUSES OF CONFLICT IN JUBALAND

The root cause analysis presented in this study has been developed using the Root Cause Analysis of Land and Conflict for Peacebuilding tool developed by the Global Land Tool Network. The research work identifies three root causes of conflicts: environmental, socio-economic and governance related. It also identified the land-related proximate factors and the most common triggers that lead to violent conflicts in the Jubaland state.

ENVIRONMENTAL ROOT CAUSES OF CONFLICT

Scarce natural resources, including land and water, and natural resources exploitation represent the two environmental root causes of conflict found in the Jubaland state.

Land-related proximate factors of conflict include the scarcity of land for pastures; the unsustainable increase of livestock; unrecognized and undefined land rights of pastoralist communities; the breakdown of governance systems controlling the use of natural resources; the increasing inadequacy of the Xeer law and of its implementation mechanisms related

EXECUTIVE SUMMARY

to use of land and water; the use of land perceived as communal for private pasture enclosures; environmental degradation and destruction of the environment by charcoal production.

The most common **triggers** that lead to violent conflict are droughts; destruction of farms by livestock; excessive consumption of water or pasture by a group to the detriment of another; and destruction of grazing land by charcoal producers.

SOCIO-ECONOMIC ROOT CAUSES OF CONFLICT

Population growth, poverty, criminality and terrorism, and exploitative and unregulated investments represent the socio-economic **root causes** of conflict. Each of the socio-economic root causes can be associated with specific land-related proximate factors and triggers of violent conflict.

Population growth - The land-related **proximate factors** of conflict associated with population growth include youth bulge without secure land rights; landless poor and minorities; settlement of returnees and displaced people in their areas of origin or in alternative locations. Migration and displacement to areas already occupied by other groups and famine have been identified as the main triggers of conflict.

Poverty - The land-related proximate factors of conflict associated with poverty include inadequate housing and basic services; mushrooming of under-serviced neighbourhoods and IDP settlements; discrimination against the poor with regard to access to land and housing; and limited access to land for farming and livelihoods. The main **triggers** of violent conflict identified are: disease outbreaks; forced evictions or exclusion of the poor from urban or rural land; grabbing of land on which the poor are settled by powerful groups or individuals; social unrest; poor forced to join criminal/terrorist groups to earn a living.

Criminality - The land-related **proximate factors** of conflict associated with criminality and terrorism are: illicit activities linked to a particular land use (pastoralism); revenues from land and natural resources used to fuel terrorist groups; parallel land management and dispute-resolution systems run by terrorist groups as a way to claim legitimacy; land grabbing by organized criminals. The main **triggers** of violent conflict include escalation of land-use conflicts because of high arms prevalence; acquisition of resources by terrorist groups to challenge and attack state institutions or opposing groups; confrontation around clan land grabbing.

Exploitative and unregulated investment - The land-related **proximate factors** of conflict associated with exploitative or unregulated investment include illegal or irregular land acquisitions; land grabbing; corruption of land professionals and institutions dealing with land; increased pressure on valuable land; disproportionate pressure on land by the lack of banking and alternative investment systems; lack of protection for landowners and occupants. Forced evictions; acquisition of land by investors to the detriment of vulnerable people; inequalities in terms of land access and corruption have been identified as the main **triggers** of violent conflict.

GOVERNANCE-RELATED ROOT CAUSES OF CONFLICT

The governance-related root causes of conflict include weak governance; weak land administration; politics of exclusion; capture of state instruments and chaotic urbanisation.

Weak governance - The land-related **proximate factors** of conflict associated with weak governance are weak land-related institutions; a fragmented legally pluralistic system; common land governance practices that do not follow the laws; unclear land rights;

EXECUTIVE SUMMARY

limited legitimacy of government administrations dealing with land governance; no adequate policy or legal, administrative and institutional frameworks. The main **triggers** of conflict are large inflow of population due to returns; further displacement; migration; inflow of external capital and large interventions; conflicts over land ownership or land occupation; and elections or coups.

Weak administration - The land-related **proximate factors** of conflict associated with weak administration include unregistered land; the non-functioning land registration system; the impossibility to acquire land ownership legally; the widespread practice of land grabbing; the dysfunctional land markets; the limitation of the customary land disputes-resolution system; the only partially functioning formal land dispute-resolution system (courts); and the disconnection between

Politics of exclusion - The land-related **proximate factors** of conflict associated with this root cause include land dispossession to the detriment of smallholder farmers and weaker rural communities; the marginalization and blockages in accessing land for minority clans and other minority groups; the exclusion of 'IDP communities' and returnees from accessing the full range of land rights; the marginalization in 'IDP settlements'; the spatial, social and economic segregation of vulnerable communities. Forced eviction of IDP households/communities at the hand of 'host communities' or more powerful groups, elections or coups, radicalization and violent extremism represent the most common triggers of violent conflict.

Capture of state instruments - The **proximate factors** associated with the capture of state instruments include armed and terrorist groups taking

urbanisation include dysfunctional land registration; contested land claims on a large scale; grabbed open spaces and vacant land; conflictual land dynamics; land-use conflicts between pastoralists and urban residents; haphazard spatial urban development; unplanned urban expansion; spatial, social and economic segregation of vulnerable groups and especially 'IDP communities'. The main **triggers** that lead to violent conflict are: conflicts over land ownership, occupation and use; land grabbing; spatial, social and economic segregation; social unrest; violent demonstrations or attacks to individuals, groups or institutions; radicalization and violent extremism.

C. RECOMMENDATIONS

The recommendations resulting from the root cause analysis are intended to guide strategic discussions and interventions by a broad group of actors from

预览已结束，完整报告链接和二维码如下：

https://www.yunbaogao.cn/report/index/report?reportId=5_17362

