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Land Tenure in the Middle Jubba: Issues and
Policy Recommendations

by

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Preface

This paper reports the preliminary findings of a village level land tenure study that was undertaken in the Middle Jubba region of Somalia from June 1987 to May 1988 by the Land Tenure Center (LTC) of the University of Wisconsin in close collaboration with the Associates for Rural Development (ARD) and the JESS project. LTC is conducting land tenure research in two rural settings of Somalia, the area around Shalambood on the lower Shebelle, and a small village near Bu'aale on the Jubba river. Funding for the research is being provided by the Africa and Science and Technology Bureaus of AID/Washington for LTC research on security of tenure and land registration, and the AID/Somalia mission through the Policy Initiatives and Privatization (PIP) project.

The Agricultural Economics Department, Faculty of Agriculture, in the Somali National University, the Department of Irrigation and Land Use in the Ministry of Agriculture, and the Ministry of National Planning and Jubba Valley Development (MNPJVD) are LTC's host country collaborators on the project. They have provided valuable technical support and administrative assistance throughout the project. JESS (Jubba Environmental and Socioeconomic Studies) is a 3 year program of river-basin studies being conducted in southern Somalia. Its purpose is to provide predevelopment baseline information of the Jubba Valley as a basis for recommendations on how to mitigate or avoid negative environmental and socioeconomic impacts associated with the Baardheere Dam Project (BDP) and subsequent Jubba Valley development. JESS is part of a larger project, Jubba Development Analytical Studies (JuDAS), which is a cooperative effort between the U.S. Agency for International Development (AID) and the MNPJVD. ARD was awarded a contract by AID to provide technical assistance and project management for JESS.

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Introduction

Land tenure in Somalia's Jubba River Valley is in a state of transition. Most cultivated land and nearly all pastoral land is governed by customary land tenure arrangements. But state leasehold tenure based on statutory law is expanding rapidly, particularly in Somalia's river valleys. Land legislation passed in 1975 officially transferred all rights of land ownership and control from traditional authorities to the Government of Somali Democratic Republic (GSDR). Procedures were established for landholders to register limited amounts of land as state leaseholds, with usufructuary rights for 50 year periods.

Twelve years later, less than 5 percent of Somalia's land resources are registered. In early years of the program, registration activities were centered around establishing cooperatives, state farms and commercial plantations following GSDR programs of the seventies which set priorities for state and commercial farming. Strong demand for registered title has more recently become evident from private landholders, both large and small. In some cases title provides outsiders the means to gain access to presently untitled land; in other cases title is sought by existing landholders out of

concern that the government may expropriate untitled land for outsiders.¹ Issuance of title to landholders is rising exponentially in regional offices, showing strong effective demand for title. However, limited government resources to issue state leasehold titles effectively impose title rationing, while high costs of state leasehold acquisition bias land registration toward wealthier or politically astute farmers.

Security of tenure under traditional land tenure arrangements is weakening as formal laws usurp the rights of land governance from traditional authorities. Meanwhile, the role of customary tenure in governing land access and use is facing unprecedented economic, social and environmental pressures, which are shifting demand for Somalia's land resources toward greater sedentarization of agriculture. First, high price inflation (in excess of 46 percent per annum between 1980-85) is discouraging investors from holding financial assets, and is increasing incentives for holding hard assets such as land or commodities. Second, the 1983 embargo imposed by Saudi Arabia on imports of cattle, goats and sheep from Somalia is encouraging a shift of human resources and capital from livestock raising to crop agriculture. Third, public investment in river basin development and land-intensive irrigation technology is increasing both the amount of irrigable land and investors' expectations of economic returns from holding land. Fourth, price reforms in 1983 have sharply increased the relative price ratio of grains to non-grain commodities, and increased returns in crop agriculture.

Until recent times, areas in Middle and Upper Jubba Valley remained largely unaffected by these forces, due to the region's geographical isolation. Poor communications and transport infrastructure have imposed high

1. The term outsiders is sometimes used by local landholders when describing foreigners or non-residents, usually traders, businessmen or government officials from Mogadishu or regional capitals, who are seeking to acquire land in the area through the state leasehold process.

economic costs on the input distribution and marketing activities of large scale commercial enterprises in these areas. However, with increasing land scarcity and rising land costs in more commercial and fertile areas of the Shebelli further north, economic incentives are shifting investors' attention to more remote, less exploited areas. In comparison with the Shebelli River Valley, the Jubba Valley has a relatively rich and unexploited base of land and water resources.

Public expenditures are also increasing investors' expectations of rising economic opportunities. The proposed all weather road between Jilib and Baardheere will lower transportation costs both within the valley and to outside markets, increase real returns to capital investment, attract population in-migration, and generally link the region more integrally into the national economy. The proposed dam near Baardheere with improved flood and water control will increase returns from both rainfed and irrigated agriculture. The introduction of small scale pump irrigation technology is attracting capital to the region and increasing demand for irrigable lands.

With the opening of the valley, present landholders will be exposed not only to increased investment opportunities, but also to market fluctuations and resource dislocations that will accompany social and economic change. Economic development has been underway for centuries, but the rate of change is now accelerating. While government policy may alter the magnitude of these changes, accelerated economic development in the valley is inevitable. Already land grabbing, land speculation, environmental degradation of forest reserves, land conservation, and efficiency versus equity considerations have become central issues in the development of the Jubba Valley.

At this juncture of the Valley's development, fundamental questions need to be raised concerning the efficacy of GSDR land policies in coping with the

changes that are emerging within the Jubba Valley. Land policy should also be evaluated in a more active role, as an agent of change. Specifically, to what extent are current land policies promoting or impeding sound and equitable land use management and planning. The purpose of this paper is to: (a) describe the economic and social changes that have been occurring in the Jubba Valley; (b) evaluate how GSDR land policies are coping with, and determining, this change; (c) describe the conflicts that are arising between state leasehold systems of tenure and customary land tenure arrangements; and (d) analyze the appropriateness of GSDR policies for guiding sound land use management and planning in the Jubba Valley.

This paper draws on the interim results of a village level land tenure study that was undertaken in the Middle Jubba from June 1987 to May 1988 by the Land Tenure Center (LTC)² in close collaboration with the Associates for Rural Development (ARD) and JESS. Resources for research on security of tenure and land registration were provided by AID/Somalia through its Policy Initiatives and Privatization (PIPs) Project, and the Africa and Science and Technology Bureaus of AID/Washington. The purpose of this paper is to present some of the preliminary findings on major land tenure issues that are affecting agricultural performance and resource utilization in the Middle Jubba. Special attention is given to the most important issues, security of tenure and land registration. As field research has just been completed, the data and analysis are preliminary and hence should be treated with due caution.

The remainder of this paper is organized in the following manner. First, formal land policies originating in the seventies are briefly reviewed,

2. The field research was conducted by Catherine Besteman, who was accompanied and assisted by her husband, Jorge Acero. Field assistants were Maxamed Maxamed Raghe, Cali Ibrahim and Cabdi Xassan.

followed by a more detailed explanation of provisions in the 1975 Agricultural Land Law, the basis for state leasehold tenure in contemporary Somalia. Next, psychological and economic benefits of tenure security (i.e., greater investment, credit demand, credit supply, agricultural output and land transactions) are briefly explained as a conceptual model for evaluating the adverse impacts of tenure insecurity. Questions are raised about the consequences of conflicts between state leasehold and customary systems of tenure for the tenure security of non title holders. The remainder of the paper evaluates these issues in the context of a village level land tenure study in the Middle Jubba. This section explains the research approach and methodology, describes agricultural patterns and customary land tenure arrangements, including the tenure position of women, followed by an analysis of the local impact of state leasehold tenure and the characteristics of titled farmers and landholdings. A final section on issues and recommendations outlines the important land tenure issues in the Middle Jubba, primarily those dealing with the inter-play between state leasehold and customary systems of land tenure.

Government Land Policy

Somalia established its first formal land tenure policies under the colonial regimes of the British in the north and the Italians in the south. Britain established its protectorate in northern Somalia between 1884 and 1886. The Italians consolidated their control in southern Somalia between 1889 and 1905. Two decrees under the Italian regime formulated southern Somalia's first official land tenure policies. Royal decree 695 of June 8, 1911 and the Governor's decree 815 of January 19, 1912 collectively established the Italian State's right of sovereignty over vacant lands (i.e., those lands in excess of the current Somali populations present and future needs) and its right to issue agricultural concessions out of state domain

for Italian citizens or others of foreign nationality. From the early 1900s until independence in 1960, large tracts of land along the Shebelli were appropriated for concessionary development and large-scale private production of bananas and sugar. Land tenure reforms were drafted by a special commission in 1965, but were never passed by Parliament.

Following the socialist revolution of October 1969, the new government announced a series of agrarian reforms aimed at stimulating growth and economic development. Between 1970 and 1976, the government passed as many as 22 laws regulating the agricultural sector (Robleh and Hussen, 1977). Among the more important land policies were: the Law on Cooperative Development of 1973, which established the legal basis for farm cooperatives; the Agricultural Land Law of 1975, which established the state system of land tenure for the country; and the Agency for Resettlement and Community Projects of 1976, which gave the government authority to settle nomads and refugees on lands in riverine areas. Along with these land reforms, legislation dealing with water rights and controls over production and marketing was enacted.

GSDR planners at the time perceived nomadic agriculture as the root cause of Somalia's agricultural malaise; they perceived that common ownership was environmentally degrading, that nomadic pastoralism was unproductive, and that traditional institutions were inefficient and outmoded. The reforms set forth to: (a) place control of land in the hands of the state; (b) draw the population into new occupations (settled farming) that would reduce food imports as a cushion against drought; and, (c) substitute modern institutions of production and marketing for what were then perceived as inefficient traditional organizations.

Policy makers saw the solution for Somalia's agricultural problems in modern corporate structures that would transform agriculture. In 1984, government state farms controlled over 45 thousand hectares in the Shebelli Valley, and nearly 25 thousand hectares in the Jubba Valley (Fadal, Shego and Ali, 1986). By 1979, there were 233 group cooperatives controlling an area of nearly 35 thousand hectares, and 48 multi-purpose cooperatives with over 32 thousand hectares (Fadal, Shego and Ali, 1986).

Government land registries in 1986, 11 years after passage of the Land Law, showed that 12,561 titles, covering 256 thousand hectares, had been issued by the government nationwide (Table 1). This area represents 0.5 percent of Somalia's total land area. Over 75 percent of all registered land is irrigable, although not necessarily irrigated.³ Registration has been most active in the river valleys, particularly in the Shebelli on irrigable lands. In the Lower Jubba, 0.3 percent of the total land area was registered in 1986, including in total 501 farms averaging 33.8 ha/farm. Further upstream in the Middle Jubba, 1.1 percent of total land area was registered, including a total of 375 farms averaging 52.6 ha/farm (estimates exclude the considerable increase in titles issued in 1987 and beyond). However these averages are deceiving. Registered landholdings vary from a few hectares for smallholders, to banana plantations in excess of 200 hectares.

3. Area statistics for registered farms should be viewed with moderate skepticism. At the time of registration, the applicant is asked for an estimate of the land area to be registered. There may be some pacing of boundaries, but rarely if ever are accurate land measurements taken, or areas calculated. Similarly, irrigable land does not necessarily mean that the land is irrigated. Land areas may be listed as irrigable to increase the likelihood of getting the application approved (because provisions in the land law have the intent of fostering capital development and use); because irrigation was planned at the time of registration, but lack of capital, technology or labor constrained irrigation development; or the parcel is situated in close proximity to a river.

Table 1: Land Characteristics Including Total Land Area, Area Cultivated, Irrigated and Rainfed, Registered and Unregistered, Somalia, 1986.

	Total Land Area	Cultivated ^a Area Under Rainfed Ag.	Cultivated ^a Area Under Irrigation	Rainfed Land That Is Titled	Irrigable ^b Land That Is Titled	Number of Registered Farms	Area (ha.) Per Farm	
	'000 ha	'000 ha	'000 ha	'000 ha.	'000 ha.	farms	Reg.	Unreg. ^c
North West Regions ^d	4,480	90.3	-	24.3	8.5	2,927	11.2	6.4
Central and N.E. Regions ^e	32,260	32.5	-	22.3	2.2	2,651	9.2	1.0
Hiraan	3,400	15.3	13.0	0.5	15.8	355	45.8	2.5
Middle Shabelli	2,080	86.8	26.9	-	56.1	1,474	38.0	5.0
Banadir	80	-	-	-	-	-	-	-
Lower Shabelli	2,770	167.2	29.8	16.4	129.6	3,361	43.5	3.0
Lower Jubba	4,900	10.3	16.2	4.4	12.6	501	33.8	1.3
Middle Jubba	1,870	49.7	4.9	3.9	15.9	375	52.6	4.0
Gedo	4,470	37.8	1.6	-	10.5	540	19.4	2.2
Bay	4,120	244.4	-	12.3	5.4	377	46.7	4.3
Bakool	2,630	38.9	-	-	-	-	-	7.7
Total	63,060	773.2	92.4	84.1	256.4	12,561	27.1	3.3

a. Cultivated land is distinguished from cropped land in that it includes arable land, perennial crops, and fallow land.

b. Includes land irrigated by pump irrigation, and controlled and uncontrolled gravity irrigation.

c. Cultivated area divided by total number of farms (MOA, 1987, p. 5), registered and unregistered.

d. Includes the districts of Awdal, West Galbeed.

e. Includes the districts of Togdheer, Sanaag, Sool, Bari, Nugaal, Muduug, Galgaduud.

Source: Government of Somali Democratic Republic, Ministry of Agriculture, Department of Planning and Statistics, "Yearbook of Agricultural Statistics 1986/87", Mogadishu, 1987.

By comparison, land holdings on non-titled lands average only several hectares, indicating a considerable degree of land concentration on state leasehold land. Even though state leasehold tenure is expanding rapidly, customary tenure still predominates.

Agricultural Land Law

The Agricultural Land Law of 1975 and subsequent decrees are the statutes that govern formal land tenure relations in Somalia today. According to this law, all land resources are owned by the State. Responsibilities for management of land resources and the authority to allocate land are under the direct jurisdiction and control of the Minister of Agriculture. The Minister may issue concessions (leaseholds) on land for agricultural purposes to cooperative societies, state farms, autonomous agencies, local government bodies and private individuals or companies. Since all land is owned by the State, individuals with registered leaseholds are tenants of the state with certain rights and restrictions.

Land registration at the time of the Land Law's enactment was made compulsory. Any person who did not register his or her land within 6 months of the law's enactment theoretically lost all state recognized rights to land. All land holders, excluding cooperatives and state farms, must voluntarily apply for a variable term lease 50 years in duration, and renewable. An individual or family may obtain only one lease per household. Total land holdings are restricted to ceilings of 30 hectares of irrigable land and 60 hectares of non-irrigable land. Ceilings for banana plantations are raised to 100 hectares, and waived entirely for cooperatives, state farms, private companies and autonomous agencies. Registered leaseholds cannot be bought, sold, leased, rented, or mortgaged, although rights may be transferred if the lessee is incapacitated or dies. Subsequent land acts seem to have relaxed provisions banning exchange of leases, or buying and selling of leases,

although it remains unclear what kind of exchanges are allowed, or how effective these exchanges are in practice.⁴ The government may repossess land that exceeds size restrictions, is used for non-agricultural purposes, is not used productively, is unnecessarily fragmented, or is not farmed for two successive years.

A May 24, 1987 circular from the Ministry of Agriculture on Guidelines for the Giving of Farm Land revised the registration process. According to the circular, an individual wishing to register a parcel must write an application letter to the District Agricultural Officer (DAO) of the Ministry of Agriculture (MOA). The DAO is then supposed to post a notice of the application at the District Party Secretary's office, the District Commissioner's office, the Police Station, the Ministry of Agriculture and the village center. After 30 days, a committee made up of the Department of Land and Water Resources (DLWR) district officer, a district policeman, the applicant, a draftsman and the chairman of the village committee where the land is located is responsible for adjudicating the claim, marking boundaries, and drafting a map. The DLWR officer and the policeman each write a report to their superiors stating farm location, area, soil type, present use, and which confirms that the parcel is free of dispute. The DAO sends a report to the Party Secretary for approval.

A district registration number is assigned and all previous reports, the map and the original application are forwarded to the Regional Agricultural

4. Point 16 of the May 24, 1987 circular from the Ministry of Agriculture on Guidelines for the Giving of Farm Land says, "The changing of hands of farm land and changing of certificate will be executed by the Ministry after the two parties reach an agreement between themselves and bring a notarized agreement" (English translation). It is unclear what "agreements" are allowed under the circular.

Officer (RAO) for approval and issuance of a regional registration number. The RAO is responsible for taking the documents to the director of DLWR of the MOA in Mogadishu. The director checks the application for conflicting claims before sending the file to the Minister of Agriculture for signing. All leaseholds must then be approved by the Minister. Once signed, the registration procedure is complete, and copies are returned to the landholder and various DLWR offices. The registration process may also start at the national level by an individual or cooperative seeking land. In this case, a letter is written to district or regional agricultural coordinators, directing them to find unregistered land.

Benefits of Tenure Security

Land registration (titling) is a formal policy intervention that is sometimes used by the State to increase individual property rights in land. In situations of high population density, rising land values, speculation or uncertain and arbitrary customary tenure rules, formal title conferred by the state may increase tenure security. However, title ownership and tenure security are not synonymous. Tenure insecurity, narrowly defined, is the landholder's perception of the probability of losing land within some future time period. It can also be defined more broadly as the landholder's perception of the likelihood of losing a specific right in land such as the right to cultivate, graze, fallow, transfer, or mortgage.

High levels of tenure security can exist without state recognized title. For example, customary land tenure will, under certain circumstances, provide individuals with tenure security to such rights as grazing and cultivation, without any state recognition of title, land registration or government enforcement. Conversely, high levels of tenure insecurity may exist even with official title. If the State's land law is ambiguous in its definition of

rights, the government lacks the will or the means to enforce those rights, or state imposed systems of tenure negate rights provided by customary tenure systems, landholders may experience reduced tenure security or loss of effective rights with title.

Economists postulate, based largely on theoretical arguments, that increasing tenure security can improve agricultural productivity through four mechanisms (Johnson, 1972; Ault and Rutman, 1979): (a) increasing security of tenure raises farmers' expectations of returns from land assets, thereby increasing incentives for investing labor and capital in land; (b) transferability of land titles, through the development of land markets, increases allocative efficiency by enabling a shift in land resources from less efficient to more efficient land uses; (c) land titles if transferable and mortgageable may enhance the collateral value of land and thus increase credit access; and (d) enhanced collateral lowers lender's costs, thereby encouraging increased credit supply.

Despite these economic benefits, conflicts are emerging between state leasehold tenure and customary tenure systems that are causing economic losses for existing land holders. While both systems coexist in the Jubba valley, customary land tenure differs radically in form and substance from state leasehold tenure and land statutes. Traditional tenure systems still prevail even though usufructuary rights were negated with passage of the 1975 law. Multiple parcel holdings are common under traditional tenure arrangements, even though formal law provides for only one leasehold acquisition. Tenure rights to land in bush are recognized by residents although the land law disclaims any rights to bush land. Land transactions are common practice, especially giving and borrowing, despite provisions in formal statutes banning land transfers.

These points raise six sub-issues in the context of current land tenure dynamics of the Jubba valley:

1. Customary Tenure. Does the traditional system of tenure provide security of access to land and water resources; and does it facilitate transfers of land among economic agents in response to changing economic forces.
2. State Leasehold Tenure. How has state land legislation taken or not taken into account the realities of agriculture and customary tenure arrangements in the Middle Jubba.
3. Land Registration. What are the costs and benefits of land registration; why do some farmers register their land and others do not; what factors determine who obtains leasehold title; and what constrains current untitled landholders from converting their customary tenure rights into state leasehold tenure.
4. Security of Tenure. Is the presence of land grabbing, land speculation and land expropriation through issuance of state leasehold tenure increasing the tenure insecurity of existing landholders, and is this tenure insecurity adversely affecting agricultural productivity and social welfare.
5. Investment. Has the introduction of the formal leasehold system and the resulting reallocation of land increased investments of labor and capital and brought about more efficient resource use.
6. Enforcement of Land Law. What would be the economic consequences of increased enforcement of current land legislation on multiple landholdings, transactions, and land use patterns.

A land tenure study, based on intensive ethnographic fieldwork, was undertaken in the Middle Jubba from June 1987 to May 1988 by the LTC to investigate these enquiries. The study was conducted in conjunction with JESS to assess the land tenure impacts of a proposed dam at Baardheere, and future economic development of the Jubba Valley. The following findings are preliminary, but illustrative of land tenure dynamics in the Middle Jubba. More complete results from formal surveys are forthcoming pending detailed data analysis.

Research Approach

The study was conducted in one village on the Jubba River, 12 kilometers downriver from the regional capital of Bu'aale in the Middle Jubba Region.

The benefit of a village level study is that it provides an in-depth understanding of the land tenure system and the impact of agricultural policies, such as Somalia's land registration program, on the farming system of an area. The Middle Jubba Region has experienced less economic development than other riverine regions of Somalia and thus will undergo the most drastic changes in land tenure and tenure security resulting from future economic development. These changes will be brought about primarily by the impact of the proposed Baardheere dam and an all weather Jilib-Baardheere road.

The current situation marks the initial stages of conflict between the customary tenure system and state leasehold tenure. Land holders in the Middle Jubba have so far been spared large-scale displacement and the effects of agricultural policy to the extent experienced in the Lower Shebelli and Lower Jubba regions due to its isolation and poor access. This isolation from current economic forces is disappearing rapidly as the Middle Jubba is increasingly perceived as an area for future economic investments, drawing outside interests into the area. From a research perspective, the Middle Jubba provides an opportunity to analyze emerging impacts of the relationship between state leasehold tenure, customary tenure and tenure security on the social and economic character of the area.

Researchers lived in the village for 10 continuous months, from June 1987 through April 1988, dividing time between interviews in the village and mapping and observing work in the outlying farms. Full time residence was an important aspect of the fieldwork methodology. By becoming participating community members, the researchers were able to observe many aspects of village life, from dispute mediation to household management. Arrival at the field site was originally planned for May, but the Middle Jubba region was completely cut off by extensive flooding. Researchers departed the field in late April after the onset of the 1988 Gu rains.

With its population of 480 to 500 people (around 80 households) the village chosen for study is one of the larger villages in the region. It used to be comprised of four separate villages, spaced several kilometers downstream from the present location. After a devastating flood in 1977, the GSDR resettled the four villages to the high ground of the present village to create an administrative center for the area, a beel. The village is the political center for three other smaller villages in the area, bringing its administrative population to about 1000 people. Two of these villages are farming communities; the other is a semi-permanent nomad settlement located inland from the river.

This village was chosen as a research site for several reasons: it is representative of other villages and agricultural patterns in the Middle Jubba; it is accessible from the regional capital most of the year; its proximity to Bu'aale provided the opportunity to study registered farms; and as one of the larger villages in the region, it provided more variety and degree of representativeness than smaller villages.

An initial household census was conducted shortly after the researchers arrived in the village. From this census, a sample of 40 households was randomly selected for a two-round, formal questionnaire on agriculture, land tenure, and land registration.⁵ This sample included 37 households headed by men and 3 headed by women. Formal questionnaires were also administered to the remainder of the female headed households in the village (5 additional households) for information on women's land tenure and economic position.

5. For purposes of the questionnaires, a household was defined as those individuals who work together on a common set of farms. Thus a man and his two wives who live in separate compounds yet who work together and divide production are a household. Similarly, two brothers who live together but own and manage separate farms are two households.

Formal questionnaires were frequently followed up with informal interviews to obtain further qualitative information and to clear up any discrepancies in responses to formal questionnaires. Since the respondent to formal questionnaires was the husband, if present, all wives in the sample were interviewed separately about their land holdings, borrowed portions, their managerial rights and their rights to production on their husbands' farms. All farms in the village were mapped for area and location, and all farms in the sample were visited at least once. Group interviews were also conducted in eight other villages in the area on issues of land tenure and registration. Additionally, a small sample of 15 registered farmers, primarily from Bu'aale, was chosen for structured informal interviews. Initially, a random sample using the district registry records was attempted, but due to difficulties in locating many of the selected names, the sample was redefined to include registered farmers in the nearby Bu'aale area. The interviews were approached as case studies.

For expository purposes, three definitions of terms used elsewhere in this paper require careful clarification. A farm or a parcel (used synonymously) is a primary unit of land holding that is non-contiguous with any other land held by the household. A household may have one or more farms or parcels acquired through inheritance, purchase, gift, or by claim from idle land. Each farm or parcel may include multiple plots or fields. A plot refers to an area of land within a farm or parcel that is assigned to an individual (generally a member of the household) by the household head. A field refers to an area planted in a single crop or intercrop. A plot may thus contain one or more fields. Two or more plots belonging to the same person cannot be contiguous within a parcel; two or more fields of the same crop cannot be contiguous within a plot.

Agriculture

All households in the village depend on subsistence farming. A few men have other sources of income in addition to agriculture, such as carpentry and shopkeeping, but these activities are secondary to agriculture, both in terms of time and income. The primary crops are maize and sesame. Most farmers plant some pumpkin, squash and beans, and a few plant a small amount of tobacco. Maize is grown for home consumption and sesame is primarily grown for sale, after household needs for sesame oil have been met. All village farmers are dryland cultivators. There are no water pumps in the village, and therefore no irrigated land, although one farmer is currently planning to install a bucket and lever system on his riverbank farm to attempt hand irrigation.

There are three types of land used for farming: inland, low lying depressions which collect and hold flood and rain water for long periods of time called dhasheegs; inland higher ground, called doonk; and riverbank land called jiimo. Most farms are primarily of one type. Most families have farms in all three land types to minimize production risks, as each type produces better under different climatic conditions. During droughts, dhasheeg land is critical, as the soils (black aramadow or a black/red aramadow/aragaduud mix) retain water better and longer. "There are no droughts on dhasheeg land" is a commonly heard expression. During and after floods, doonk land is preferred because the flood waters drain more quickly from the higher ground enabling early cultivation. However, doonk land produces poorly, if at all, during droughts. Riverbank land is valued for its siimow, or underground water which percolates up through the soil. It will usually produce something during droughts, although not as well as dhasheeg land, and is the best land for fruit trees because of the siimow.

Doonk and jiimo land are planted shortly after the rains begin, with corn in the Gu (the season of heavy rains from April to June) and sesame in the Dayr (the lighter rainy season from October to December). Dhasheeg land is planted whenever the soil is dry and farmers are reasonably confident crops can be harvested before a possible flood. As dhasheegs frequently dry little by little following a flood or heavy rains, planting follows the receding water line. Planting, harvesting and weeding may therefore be going on for three months continuously on a dhasheeg farm, with one end of the farm being planted while the other is being harvested.

Farmers usually plant their doonk and jiimo farms first, unless there is a serious drought, and wait to plant their dhasheeg farms until they are sure the river won't flood, or after the waters from the floods or heavy rains have started to recede. Planting, weeding and harvesting times are therefore somewhat staggered although major labor bottlenecks do occur on doonk and jiimo farms. While many farmers use tractors for land preparation, usually for just one farm for reasons of cost and limited availability of tractors, this is the only form of mechanization. Planting and weeding, and land preparation on the non-ploughed fields, is done exclusively with the short handled hoe.

Families in the village have an average of three farms. The number of farms held depends on the position of the family in its "life cycle"; a young single man or married couple may have just one farm, whereas an older man with two wives and a married son living in the household may have five or six farms. Many families have farms currently in bush, in addition to those under cultivation (a farm in bush is a farm left uncultivated for a year or longer.) Fallowing of land is not generally practised for fertility

reasons.⁶ Usually a farm is left idle due to lack of labor that season or year (e.g., a family member may be ill; a son may have married out of the household; a drought may have kept the family from farming the parcel one year and they lack the labor to reclear the bush growth in order to plant). The boundaries of farms currently in bush continue to be recognized by the community. It is generally well known by villagers what bush land is owned, and by whom, and what bush land is unclaimed.

While sometimes a family will abandon a farm altogether because of low fertility or lack of labor, a family usually keeps tight control over its land in bush as this land provides an important reserve for children who are marrying, for inheritance, or for family members moving into the community. A family's farming strategy for any given year--the parcels they will farm and the crops they will grow--is very fluid and depends on a variety of factors, including labor availability, climatic conditions, prices, what types of land they hold, and how many of their farms have returned to bush and would require extensive land preparation before planting.

Dhasheeg land is considered the most important, as it is the land that assures survival during droughts. Consequently, 41 percent of the cultivated farms in the sample are dhasheeg land. (This figure applies to number of parcels, not area.) Doonk land comprises 31 percent of the farms in the sample, and riverbank land is 24 percent. The remaining 4 percent is some combination of these three types. The first land to be farmed in the area was

6. Soil fertility, even under permanent cultivation, appears to be maintained by periodic river flooding. All cultivated land is flooded with varying degrees of frequency, depending on surface altitude. LTC survey indicates that the highest land may receive flooding 2 to 4 years out of every 10.

dhasheeg land. As dhasheegs are limited and every family wants at least one dhasheeg farm as a hedge against droughts, dhasheeg farms tend to be smaller than doonk or jiimo farms.

There has lately been an increase in the clearing of jiimo and doonk farms by villagers. This activity appears to be related to four factors: (a) improved prices for agricultural produce, due to the lifting of state controls, are providing incentives to clear and farm more land (greater labor for clearing appears to reflect a shift from leisure to agriculture; farmers are simply working more hours on land clearing and cultivation); (b) an increase in population; (c) fear of losing the riverbank land to outsiders if it isn't cleared, reflecting the realization of the growing economic importance of riverbank land; and (d) the recent village relocations in the area, described earlier. Farmers are still adjusting to the 1977 change in location, abandoning some of their old farms which are located several hours' walk from the village, and clearing new ones closer to the village. The land near the village is poorer in quality than the land they had previously farmed, but some farmers have been forced to choose closer farms because of labor constraints. The land along the riverbank nearest the village has been a prime area for clearing of new farms as a result of this move.

Customary Tenure

There are a number of ways land can be acquired under customary tenure, inheritance being foremost. Fifty-one percent of the cultivated parcels in the sample were acquired through inheritance, 25 percent were acquired from the village council, 12 percent were bought, 9 percent were received as a gift or long term loan, and 3 percent were "just cleared" by the owner. Slightly less than half the inherited parcels (44 percent) had been subdivided at

inheritance, whereas boundary changes of farms acquired through other means were rare. Generally only sons inherit land; daughters are expected to farm their husbands' land.

When a man (who has died) has a number of sons remaining in the village, they may choose to equally divide each of their father's farms, or they may agree on a way to divide the farms between them, keeping each farm intact. The manner of division is dependent upon farm sizes, location, land types and number of sons. If there is only one son remaining in the village (because the others are living elsewhere), the resident son assumes control of all his father's land. If the sons are young at the time of their father's death, and there is a grown daughter and no widow, the daughter may manage the farms until her brothers come of age.

The way of acquiring land has changed over time. Original settlers to the area cleared land wherever they wanted. As population grew, the village nabadoons (literally, peace-bringers) took on more responsibility for providing newcomers with land. Nabadoons were community leaders responsible for mediating disputes and presiding over village affairs. They also held the responsibility of assisting farmers in obtaining land. After the 1977 relocation of the area population to the present village site and the creation of the guddiga tuulada (village council), anyone desiring land must request it through the village council. The village council, appointed by the government, replaced the nabadoon. An individual desiring land may either ask the village council to identify an available parcel, or find a piece of land which s/he would like, and then request that land from the council.

Borrowing a farm or a portion of a farm is a common strategy for meeting seasonal land needs. The majority of families in the village will borrow a portion of a friend's or relative's farm during the course of a year. The

motives vary: after a flood, people try to borrow more highland; during a drought or the Jilaal (the hot, dry season from December to April), dhasheeg land is in high demand; when a young girl becomes engaged she may borrow a small portion of land to earn some income for household items for her wedding. No payment is required; land is lent on the understanding that the loan will be reciprocated if the lender this season must become the borrower next season. Farmers recognize there is risk in lending land to borrowers (friends or relatives) who may later try to claim it. This problem is partially offset by the manner of lending; usually just a portion of a parcel is lent, and lending is almost always for one season only.

Buying and selling land happens occasionally despite provisions in the 1975 land law banning such transfers. When a land holder is leaving the area for good, he usually sells his land. A farmer desiring more land, or land of a particular type, may purchase a farm rather than borrow to gain the tenure security that accompanies purchase. Giving of land is also an option. A man with more farms than he can manage may give a farm (or a portion of a farm) to a friend in need of land. This transaction is recognized by the community as a legitimate transfer of tenure rights.

The village council is responsible for delineating the boundaries of the new parcel and mediating all land disputes (which are frequent occurrences). Land disputes are generally of three types: (a) boundary disputes; (b) inheritance disputes; and (c) disputes with nomads whose animals have damaged a farmer's crop. Boundary disputes are frequent, usually caused when one farmer plants onto another farmer's parcel. Inheritance disputes are rare. Disputes with nomads occur daily during the Jilaal, when many nomads have moved into the area to be near the river and dhasheegs.

Another kind of dispute happens occasionally. A farmer will clear an area in bush, part or all of which is claimed by another farmer. As boundaries of bush farms are somewhat less clear than boundaries of cleared farms, the village council must intervene to establish the original boundaries. If two farmers have a dispute over land holdings or a boundary, they present their cases before the village council with witnesses. The council looks at the area under dispute, then sets the new boundary or determines tenure rights. Their decision is respected by both parties. The situation under state leasehold tenure is considerably different, as will be discussed below.

Womens' Land Tenure

The position of women deserves special mention because it has never been described in the literature on land tenure in Somalia and the rules governing women's access to land are different from those of men. Ten percent of the households in the study village are headed by women. These women are either widows or have husbands living elsewhere. (All divorced women in the village live with their brothers or father.) When a man dies, his land passes to his children, despite the fact that the Qoran says the widow is to inherit her own personal portion. If a man's children are too young to take over their deceased father's farm, the widow may farm it "in trust" for their children, or the man's family (his brothers or older sons by another wife) may take the entire farm and keep it until the children are old enough. In the latter case, of which there were two in the study village, the widow is nearly destitute and completely dependent on her family or other relatives for support until her children come of age (and inherit the land to support her), or until she remarries.

There tend to be very strong relationships between women who are heads of households and their grown sons. While the land is ostensibly owned by the

sons, in all cases the mother and son stressed their equality in managing the farm together. Decisions about the farm are made jointly, work is shared and profits divided. One woman said about her grown son's share of the profits from their jointly held farm, "It's his money but I'm the bank, so I keep it all."

All women are entitled to a meher or wedding payment from their husbands which may be money or land. Men may make this payment at any time during the marriage, but are obligated to give it at divorce (but only if the husband wants the divorce and the wife does not). If the wife initiates the divorce, she forfeits her right to her meher. There were no divorced women in the village who had received land as their meher at divorce, although one woman was borrowing a small portion of her former husband's farm, which she was working alone to support their young children. At divorce a woman goes to live with her brother, and he is responsible for providing her with land which she uses to feed herself and her children. As the women say, "We are wives. We don't have our own land. When I marry, I farm my husband's farms; when I remarry, I will farm my new husband's farms."

There are women who have farms of their own. In the LTC sample, 25 percent of the wives had their own farms at the time of the interviews. All of these women had inherited farms from their fathers, and one woman had also bought two farms in addition to those she had inherited. Some of these women will hand their farms over to their younger brothers when these boys become old enough to farm for themselves.

The vast majority of women who had their own farm(s) managed and maintained their farms separately from their husband and their husband's farms. The men could not and did not interfere with their wives' land. The only influence a husband can wield over his wife's farm is to not allow her

enough time to work it herself. When a woman marries, her primary obligation is to her husband's farms. Only if she has enough time or labor at her disposal (which usually means older children) can she farm her own land for herself. The husband does not control either the production or the profits from his wife's farm, although she will consult him about selling the production if she wants cash (as opposed to using the production solely for household consumption). Some wives in the sample farmed their inherited land jointly with their husbands; their land was considered part of the pool of resources of the household, headed by the man, and not as a separate resource held by the wife. In all of these cases, the women were single wives; not co-wives with other women to their husbands. Those women who managed their inherited farms independently tended to be one of two or three wives to the same man.

Depending on the family, a woman's farm(s) can either be inherited by her brother (and consequently his children) or by her children. In some cases a woman will inherit a portion of her father's land, but only until her brother is old enough to take over all the family farms on his own. When a daughter is an only child, or when she successfully argues to be included in her father's inheritance, she prefers having her land pass to her sons because this ensures her support in old age. Women are keen to help their sons get land, because their sons will have responsibility for them when they can no longer work for themselves. Women who want to inherit land from their father's estate are not always successful, however, because women are seen as being the responsibility of their husbands, and therefore not necessarily entitled to land of their own.

Thus, the amount of control that women have over land is variable. Most women will never have their own farms. While a woman may be assigned a plot

on one of her husband's farms, a wife has no independent control over the production from her plot, and makes no management decisions on her own. Women who do acquire their own farms may either have temporary control until their brothers reclaim the land, or permanent control. As a woman grows older and functions more as a unit with her grown son, she is able to operate with greater autonomy from her husband and invest more time and energy (primarily that of her sons) into her own farms.

In order to gain some independent control over land, women frequently borrow a portion of a friend or relative's farm for a season, a year, or longer. Women can plant what they want and assume control of the production from these borrowed plots, using their production either for household use or for petty cash. As in the case of a farm owned separately by the wife, the husband will not interfere with his wife's management of her borrowed plot. Women say they borrow land with such regularity in order to "get something of their own."

It is the land owned separately by a man's wives which is easily missed in a survey of land tenure where the male head of household is the primary respondent. Not a single husband in the sample reported the land his wife owned independently, even when specifically asked about his wife's land holdings. Only by separately interviewing the wives of all the men in the sample was this information revealed. These kinds of problems in data reliability should be kept in mind for other surveys oriented toward land tenure.

State Leasehold Tenure and Land Registration

While land registration policies have provided town dwellers with opportunities to gain access to land, villagers have experienced increased tenure insecurity due to threat of land expropriation. Land registration has

introduced a new set of tenure rules which are at variance with, and can and do supersede, customary tenure. There appear to have been few problems with the customary tenure system prior to 1975. Population pressure was low, and demand for land by immigrants was not high due to the region's remoteness. Agricultural land was available to anyone who wanted it through application to the nabadoon, and disputes were resolved at the village level by the elders.

In 1975, the new land law was introduced, and in 1978 the Middle Jubba Region was created with Bu'aale as its capital. In 1977 the populations of the four villages downriver from Bu'aale were relocated onto one site. The impact of these population and policy changes, coupled with widely known plans to build an all weather road through the area, have resulted in a confrontation between customary and state leasehold tenure rights. Both are in operation, but the rules of the latter are incompatible with the former, causing tenure insecurity and uncertainty about the future for the area's permanent farmers.

In the study village, only two of the 400 or so farms (including bush farms) owned by villagers were registered. Most of the titled land in the village is registered by outsiders (town dwellers from the regional capital or Mogadishu). Village farmers are well aware of the land registration law, and know they should register their farms because it is the law, and to avoid losing their land. In January 1986, the Regional Agricultural Office had a smallholder registration drive and collected 217 applications. Many villagers made this initial application. However, the applications have gone no further, and have been sitting in the District office for the past 2 1/2 years awaiting action. Local farmers don't understand the complicated procedure and believe pursuing an application would be too costly. Based on the experience

of others, they think it would require a trip to Mogadishu to see the process through. Farmers say the process would cost several thousand shillings (S.Sh. 100 = \$1.00), an amount beyond the means of most village families.

However, land registration is becoming more widespread in the district and region. Registry records are unclear, but approximately 300 titles have been issued in Bu'aale District since the first title was issued in 1978, and 798 titles have been issued in the Middle Jubba Region (see Table 2). These titles are disproportionately being issued to newcomers to the area, and not to people who are permanently settled farmers. In the LTC small sample of registered farmers in the Bu'aale area, 75 percent were newcomers to the area. Indeed, the biggest fear of local farmers is that their land will be "stolen" by an outsider who registers their farm in his own name. The Middle Jubba is perceived as a "frontier area," ripe for future development, and most government officials are eager to obtain a registered farm as soon as they are transferred to Bu'aale. All the registered farmers interviewed were, or had been when they registered, government officials.

Tenure insecurity is increasing as a result of the spread of state leasehold tenure. As the vast majority of farmers are unregistered and still operating under customary tenure arrangements, the potential loss of tenure security is considerable. A farmer's tenure rights to a piece of land, under customary tenure, is a community affair; tenure rights are secure through community recognition, and by the nabadoon or village council in particular. Newcomers to the community could obtain land comparable in size to other farms in the area, by request from the nabadoon or village council. Farmers knew that their land could not be claimed by another person, particularly not by an outsider. The major form of disputes over land ownership appear to have been

Table 2: Number of Farms Registered in the Middle Jubba Region by Year

Year	Number of Farms Registered ^a
1978	43
1979	12
1980	23
1981	43
1982	17
1983	31
1984	81
1985	247
1986	156
1987	126
1988 (through March only)	<u>19</u>
Cumulative Total	798

a. There are discrepancies between the number of registered farms listed on the Registry book in the Bu'aale Regional Office and the National Office in Mogadishu.

Source: Registry Records in the Regional Agricultural Office in Bu'aale.

between co-inheritors, or between farmers arguing over bush land. Such disputes, which are reported to have been infrequent, were easily resolved by the force of communal opinion.

Customary tenure in the presence of state leasehold tenure is more uncertain. A person can appear in the village claiming ownership to land that includes villagers' farms, and the villagers have no recourse if title has been granted. Several villagers have lost land in this way. The local system of communal recognition has no place in the state leasehold system. While notices are supposed to be posted informing the public of an application so that counter-claims can be made, if they exist, such notices are never posted in the village. A strategy frequently employed is for an outsider to buy or be given a small piece of land on the riverbank by a villager, the boundaries of which are recognized by the village. In registering his new purchase, the owner will register a much greater area than what he actually bought, claiming land 1,000 paces or more inland from the river. When villagers learn that their land has been registered by someone else and try to make a counter-claim, they are told by the authorities that they are too late, and thus lose their rights to the land.

Farmers who thought they had relatively secure rights to land in the village have begun to find that these "rights" are irrelevant under the state leasehold system. So far, it is primarily land currently in bush that has been lost to outsiders (according to the land law no one can hold claim to bush land). But there are startling instances of cleared and cultivated land being registered by outsiders. In one case, a group of people from the regional capital registered 200 hectares of land as a cooperative. This land

is a major field system for a village, which local farmers have been cultivating for years. The local farmers learned that their farms had been registered as a cooperative by local townspeople, and they wrote a letter to the Ministry of Agriculture requesting that they be included as cooperative members. They were turned down on the premise that titles cannot be altered. The people who registered the land as a cooperative claim they did so to keep it from being registered by people from Mogadishu.

The problems with this situation are obvious. Rather than encouraging investment by offering a greater degree of tenure security to farmers, the land registration program has had the effect of making smallholders less secure, and enabling individuals who would not normally obtain or desire land the ability to register large areas, particularly those which have no intention of investing time, labor or money.

A second problem is concerned with the farming practices of registered farmers. Planners frequently assume that land titling programs will encourage capital investment and higher productivity by providing a higher degree of tenure security than that provided by customary tenure systems. These effects do not appear to have resulted from land registration in the Middle Jubba. For most registered farmers in the sample, the registered land is their first farm, and they are growing primarily maize and sesame using traditional methods of cultivation. Only a third of the sample had invested in a water pump and were attempting to grow irrigated crops like onion and watermelon, with varying success, in addition to traditional crops.

For the most part, these registered farmers do not exhibit higher degrees of productivity than smallholders. They have registered large tracts of land, up to 100 hectares (some have more than one registered farm) yet are only

farming 1/100 to 1/3 of their registered land area.⁷ Smallholders are farming a much higher percentage of their household land base. The owners of one third of the registered farms have been transferred to new locations, and the farms are being managed by friends or relatives. Many registered farms in the area are lying completely in bush because the owner has been transferred and has no one to continue farming his land. Seventy percent of the registered farmers have never had their own farm before, and many are not now farming the land themselves. They are dependent on hired labor for all agricultural tasks from land preparation to "watching" (guarding against animals). Production levels are low because of the difficulty of locating hired labor. There is no pool of available landless labor for hire in the area, and registered farmers complain of production losses due to poor weeding and lack of hired labor to guard against crop pests (baboons, monkeys, warthogs and hippos).

7. Land areas recorded in the Registry tend not to correspond with areas actually being farmed. It appears that a person will register whatever he can, having little idea what land the registered area actually encompasses. For example, a dispute occurred in the village over the boundaries of some farms that had been left in bush for several years. Another villager suggested that these farms were within the boundaries of a large registered farm in the village. The owner of the registered farm had no idea if the farms in question were part of his land. But he said if they were, then no one could farm them. The village committee, the disputing farmers and the owner of the registered farm had to check what area was registered, then figure out what land it included. Because titled farmers don't have a clear idea of how much land is registered, they also do not know what proportion of their registered farm is actually being farmed. The LTC study revealed that Land Registry records give one set of figures, the farmer provides another set, and actual area measurements correspond to neither. This confusion is caused by several factors: (a) registry records are kept in hectares, whereas the local measurement system uses the darab (60 paces by 40 paces), thus forcing people to register land using a measurement with which they are unfamiliar; (b) the maps included with the registration application tend to be poorly made, usually just free-hand sketches of the parcel and river, and are uninformative as to parcel location; and (c) in the Middle Jubba Registry office there is no overall map which shows which areas have been registered.

Because of high cash expenses and low returns, most registered farmers are just breaking even or operating at a deficit to keep their farms cultivated. Nor are they significantly different in their farming practices from smallholders; most use tractors for land preparation, and then use hand labor for all other tasks. The use of fertilizer, pesticides and herbicides is practically nonexistent among both groups. Preliminary analyses suggest that smallholders in the village are more productive, obtaining a higher return per unit of land than registered farmers. Two farmers in the LTC sample plan to abandon their registered farms by next year due to poor returns. They have lost so much money on their farms they cannot afford to keep farming. There are of course registered farmers who are excellent managers, with investment plans and the ability to implement them, but they appear to be a minority. Many of the registered farmers said they are encouraged about their future prospects in farming with the planned construction of the all weather road.

The demand for land by outsiders stems from a number of factors. Farming may not be financially profitable for most registered farmers, but there are few other economic opportunities in the area and there is widespread belief that the Middle Jubba is destined to prosper with an all weather road and future development projects, which will cause land values to soar. One registered farmer who obtained his twenty hectare farm for free said he was recently offered S.Sh. 700,000 for it. He thinks the value of the farm will reach 2 to 3 million shillings in the future. Secondly, a farm provides the means to feed a family, an important consideration for poorly paid civil servants. By producing food crops, a food supply for the family is assured, although surplus for sale may not. Finally, prestige is a very important motivation for obtaining a farm. All government officials transferred to the area register a farm. As one man put it, "I had never thought of farming

before, but when I got here, I saw that all government officials had land, so I got a farm too." It usually costs them very little, as they are able to get the land for free or for a nominal amount. They can process the registration papers in Mogadishu when they are there on official business. Although it is unlawful to sell land, this has not kept a land market from developing, and many registered farmers consider their land an investment.

Issues and Concluding Comments

This paper has provided a broad overview of land tenure characteristics and issues in the Middle Jubba. While a more careful assessment awaits more detailed data analysis, some preliminary conclusions can be drawn concerning the six sub-issues introduced earlier.

1. Customary Tenure. Until recently, the customary tenure system appears to have provided a high degree of security of access to land and water (the latter in the form of dhasheeg land). Security was provided by communal recognition of land ownership. Ownership was claimed by investing one's labor in clearing a parcel, by inheritance, purchase, gift, or acquisition through the nabadoon or village council. Settlement was relatively dispersed, thus population pressure on land resources was not critical. New land could easily be obtained, and land transfers by sale, gift and especially borrowing allowed people to meet their long term and seasonal needs through multiple parcel use. Threat of land usurpation was practically nonexistent, as the area was of little interest to investors, land speculators or developers. Almost all the respondents in the random sample said land scarcity and land disputes are more significant now than in the past, largely due to the inflow of outsiders interested in acquiring land. By using the formal land registration process, outsiders are able to acquire previously untitled land, hence they circumvent the land allocation process of the customary system.

2. State Leasehold Tenure. There are several points of divergence between agricultural practices in the Middle Jubba and provisions under the land law:

a. Multiple parcel ownership is an important risk aversion strategy for smallholders. While newcomers may register one large parcel encompassing two or three land types, smallholders hold separate farms each encompassing primarily one land type. Insisting on limiting household registration to a single parcel would either force a farmer to choose a parcel in only one land type, or encourage a massive reallocation and consolidation of land holdings such that every farmer had one parcel with multiple land types. The latter is not feasible. An alternative suggestion would be to allow people to register more than one parcel, the sum total of which is within the 30 or 60 hectare land "ceiling" imposed by the Land Law. A lower limit on parcel size could be implemented if there were concerns about land fragmentation.

b. Many smallholders and all villages maintain a reserve of bush land. This land is critical to the future of the village, for population growth, inheritance, and to offset potential soil fertility losses on cultivated land. By stating that no one can claim rights to bush land, the land law is constraining families and villages in planning for present and future land needs. Several families in the study village with small children have already lost their bush land to registration by outsiders, land that represented the children's inheritance. Land reserve might eventually disappear anyway because of population growth, but the leasehold process has greatly accelerated land reserve depletion, causing anxiety among villagers.

c. Deforestation caused by provisions in the Land Law that require all land to be developed and used, holds serious consequences for land conservation. Under the law, registered farmers must clear their entire farm, or risk having the land expropriated by the government. Unregistered farmers say they are working hard to clear all their bush land to try to prevent others from registering it. Increasing rates of deforestation in the Middle Jubba have already been noted by researchers and locals (JESS 1987, Riddell 1988).

d. Farms in the Middle Jubba tend to be small, usually a few hectares. Under the state leasehold system, families, by calling themselves private companies, can register upwards of 100 hectares of land. A vast discrepancy thus results between land holdings of the majority of farmers in the region and those held by newcomers. Enormous welfare losses may ensue from farmer displacement, as land is transferred from villages to single individuals. Unless appropriate policy measures are undertaken, land distribution will continue to become more concentrated, with greater wealth inequities, as economic development accelerates.

e. Local farmers have always utilized a strategy of land transfers, in the form of gifts, purchases and borrowing. Such transfers are not allowed under the law.

3. Land Registration. Smallholders perceive the costs of land registration as being too great, although they recognize the need to register their land to avoid losing it. Time, lack of knowledge and money are the major constraints they face in registering their land. Unfamiliar with the workings of the government, farmers do not know how to pursue the complicated registration procedure. Some farmers who have begun the process with an initial letter of application believe that in so doing they have registered their farm. The cost involved in registration, including unofficial gratuities, payments to witnesses and the draftsman, and a possible trip to Mogadishu to complete the process, are beyond the means of most smallholders. Government officials and others who are knowledgeable about the registration procedure and government practices are in a much more favorable position to register land. Moving registration to the district level could help bring the process closer to the farmer, but public education campaigns must also be undertaken by the Ministry of Agriculture.

4. Tenure Security. Land grabbing and land speculation are emerging as primary concerns of smallholders. As the Middle Jubba is slated for economic development, this might have been inevitable, but the formal land registration system has facilitated the process by providing speculators with the official means to get large areas of land. Title insecurity of local farmers has increased as a result. Almost all farmers in the sample said they feel there is a serious threat from outsiders coming and taking farmers' land, and that it is very likely that farmers in the area will lose their land in the next 10 years. While most farmers say the threat encourages them to work harder (to clear more land), growing tenure insecurity is taking a social toll by decreasing land holders confidence in the future.

5. Investment. So far the formal leasehold system appears to have had little impact in encouraging capital investment in the Jubba. While registered farmers are investing more capital in the form of hired labor, labor productivity per unit of land is low. The majority of the registered farmers interviewed are inefficient producers, holding large areas of land which they can't farm effectively. One reason for this low productivity lies in the motivation for acquiring land, i.e., speculation on the assumption that land values in the Middle Jubba will increase dramatically. Another reason is the few opportunities for investment available in the region. Communications and transport infrastructure are practically nonexistent. There is no agricultural extension program, few available inputs (such as fertilizer, pesticides, herbicides), little access to improved seed varieties, no banks and therefore no credit facilities, only 6 tractors to serve the entire district, and frequent diesel shortages. Before capital investment can proceed, the resources available to farmers must be improved.

6. Enforcement of Land Law. The co-existence of state systems of tenure and customary tenure systems in the Jubba is in a state of transition. Other than the land displacement that may accompany tenure conversion, the state system of land tenure has to date been relatively innocuous due to minimum enforcement of provisions. However, as the state tenure system becomes more widespread, and its principles and provisions become more widely applied, three sub-issues will become increasingly important: (a) enforcement of one leasehold title per household; (b) restrictions on land transactions, particularly the giving and borrowing of land; and (c) effects of land use provisions on deforestation, permanent cultivation, and decline in land fertility. The fertility question will become particularly relevant with the construction of the dam at Baardheere, as flood control curtails fertilization of the flood plain.

Summary

This paper reports the preliminary results of an intensive village level study of land tenure in the Middle Jubba. Results are preliminary pending more detailed analysis of formal questionnaires. However, landholders in the Middle Jubba are experiencing increasing tenure insecurity from outsiders who are gaining access to land through the formal leasehold process. Smallholders would like to register their land, but lack the money, knowledge of registration procedures, and time to do so. Outsiders, generally government and ex-government officials, who register land, have sources of outside income, and are more familiar with, and accustomed to, working within government bureaucracies. Registered title has not resulted in capital development or higher productivity. While the incidence of registration to date is still fairly inconsequential, the increasing importance of registration by outsiders will continue to exacerbate the conflicts between state leasehold and customary systems. The tenure insecurity that results will adversely affect investment, output and the participation of smallholders in the economic development of the Valley.

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