

INTERNATIONAL LABOUR ORGANIZATION (ILO)

**NATURAL RESOURCE MANAGEMENT SECTOR
STUDY**

PUNTLAND

SECOND DRAFT REPORT

OCTOBER 2012

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1. Background:

Purpose and Scope of NRM Sector Study

The main objective of the Natural Resource Management (NRM) Sector Study is to identify key policy and institutional reforms to strengthen decentralized management of natural resources. Thus the study’s rationale is to address the structural constraints to decentralization and requires an explicit focus on removing them in view of supporting services delivery from policy, institutional and fiscal perspectives.

While applying the Sector Guidelines methodology developed by the JPLG as the main tool for analysis into the NRM Sector Study, the following underlined the scope of the work:

- (a) Document, describe and analyze a functional assignment exercise (unbundling the sector), how NRM services are currently being provided by the Ministry of Environment (and other sector ministries with NRM mandates) including laws/ acts, systems, structures, procedures, regulations, staffing, staff profile, staff development initiatives, and flow (including national budget and external resources) at all levels- central, regional and district level as well as service providers.

- (b) Based on the above assessment, describe and document how the Ministry of Environment (and other sector ministries with NRM Mandates) currently responds to existing Law 7 in the provision of NRM services.
- (c) Document and define the proposed decentralized NRM framework including assessment and analysis of existing and potential capacity.
- (d) Make recommendations on a number of issues listed below which should cover the following broad areas:
- Ministry of Environment (and other sector ministries with NRM Mandates) policy/ guidelines/ strategies.
 - NRM functions to be transferred to various levels: regions and districts;
 - Identify laws and regulations within ministries which need to be amended, changed or drafted in order to harmonize the NRM legal framework;
 - Costing of all the key requirements including staff needs delivery of NRM assigned functions and responsibilities following decentralization;
 - Measures to fill gaps in capacity for Ministry of Environment to effectively provide NRM services to all levels;
 - Suggest institutional arrangements to overcome bottlenecks and inefficiencies in delivering NRM services taking into account the responsibilities of different institutions involved;
 - Suggest phased recommendations of short term (2 years) and longer terms (up to 5 years) activities, including small-scale pilots to address the assignment of functions and districts in NRM sector.

NRM Mandates within Line Ministries

Ministry of Environment, Wildlife and Tourism (MoE) is mandated by the government to protect, conserve and manage environment through sustainable development aimed at eradication of poverty, improving living standards and ensuring a protected and conserved environment. The MoE has the overall mandate to conduct research and disseminating findings in forestry resources and sound environment. Other ministries and government agencies have also pieces of mandates and functions substantially affecting the NRM. Such ministry and agencies include Agriculture, Interior, Livestock, Public Works and Transport, Fisheries, and Puntland State Authority for Water, Energy and Natural Resources (PSAWEN).

Summary:

- Each of the line Ministries' has created its own institutional structures in attempt to implement their piece of NRM mandates. All these institutions operate with no or little involvement of other stakeholders hence causing a lot of duplication of activities and resources.
- At the grassroots level where users of the natural resources reside, these ministries institutions are unknown.

- No credible corporate governance in the natural resources sector, hence degradation continues unabated.
- All the ministries and departments with mandate on NRM are working with meagre resources in terms of human, financial, infrastructure and facilities. It is therefore difficult for these institutions to implement responsibilities under their respective mandates.
- Comparatively, Ministry of Interior is better equipped. Where it has deficiencies, especially resources to implement its mandates at the district level, MOI has strategically partnered with the local authority through which grassroots functions are carried out.
- In the wake of degradation of the natural resources, devolvement of functions has been supported by law. However, devolved administrative arrangements as provided by the Constitution require huge investment in terms of financial and human resources. This has weakened, among other aspects, enforcement of the laws, thus greatly compromising management of natural resources. For example, charcoal burning albeit illegal, has thrived in the face of severe degradation of the forest resources which is evident

Decentralisation of NRM

Unbundling of the ministries' functions facilitated the process of separation of provision of services from production of the services. Thus, in a decentralized arrangement, it has become clearer which functions should be transferred to the low structures of the government from functions which should remain functions of the central government. Functions such as development of policies, guidelines and quality assurance are better performed at the national level whereas policy implementation could be better tackled at the lower level with the users of the natural resources.

Summary

- Provisions for decentralization of the Regional and District governments are contained under Article 81 of the Puntland Constitution. However, in the NRM sector, both policy formulation and implementations have remained functions of the Ministry of Environment and other ministries (agriculture, water and mineral resources, rural and pastoral development etc.).
- The governing policies were found to have been developed from a sectoral approach with a narrow perspective and resulted in weak/poor implementation
- The laws do not comprehensively regulate the management of the NRM and does not ensure impartiality.
- Traditional management of the natural resources is currently unable to provide effective NRM strategies as it has been weakened by the protracted natural resource conflicts, wars, and change in governance among other drivers. The traditional regime is unable to control encroachment/ privatization of the rangelands.

Organisational Capacity

This study has revealed that most of the line ministries with NRM functional mandates are more active at the headquarter level with very few or no staff at the district level primarily owing to budgetary constraints. Much of the budgetary resources of the Puntland government are allocated to security and defense. The few numbers of staff notwithstanding, their capacity limitations are critical concerns across all the administrative levels. In order to support decentralized NRM, capacity building and additional staffing are critical. Capacity enhancement should be extended to the community empowerment through community education and capacity building in view of promoting their participation in NRM.

Under decentralization the ministries are expected to dedicate more resources to the local units where services are rendered to the citizens. Thus more resources will need to be transferred to the local councils to improve their capacity to manage the NRM functions transferred to them. Capacity to collect revenue is poor while budgetary allocation hardly meets operation costs.

Legislative Priorities

Numerous legislative priorities can be listed as follows:

1. Documenting (and codifying) applicable Customary Laws and setting a Dispute Tribunal to handle NRM disputes at Regional and district levels.
2. Finalizing the Federal Constitution (Draft) by August 2012
3. Drafting of Environmental Strategy and Policy
4. Drafting of Solid Waste Management Guidelines
5. Total overhaul/review of 1969 Fauna and Flora
6. Forest Protection and Conservation Policy
7. Marine Resources Policy
8. Land Use Law and Policy
9. Wildlife Management Policy
10. Finalization of the Environment Policy
11. Enacting a legislative law of Agriculture
12. Put together a comprehensive agriculture legal policy
13. Updating the Agriculture Strategic plan and activating its application
14. Review of water Act to make relevant
15. To put together policy on Energy

**Section 1.1. Ministry of Environment, Wildlife and Tourism (MoE)
Organigram**

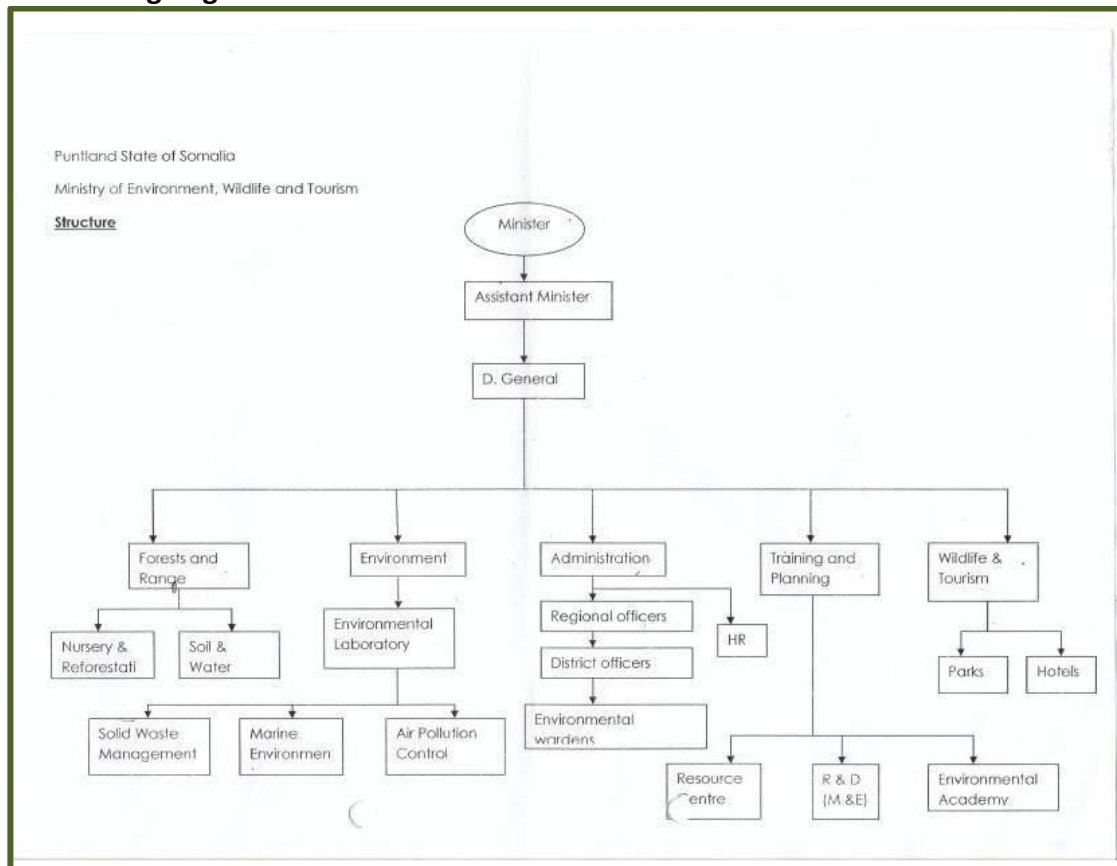


Figure 1 Exercise 1.1 Ministry of Environment Organigram

Section 1.2. "Unbundling" the Natural Resource Sector

Table 1 Exercise 1.2 "Unbundling" the Natural Resource Sector

Unbundling NRM Sector Production Functions			Unbundling NRM Sector Provision Functions		
Sub-Sector-	Functions	Sub-Function	Sub-Sector	Function	Sub-Function
Water Resources	Development of Water Resources	Database/ Information management	Water Resources	Policy Formulation	Policy dissemination
		Research and Development			Policy implementation
		Standards and quality assurance			Legal drafting
		Inspection and approval of water supplies designs and plans			Conflict resolution between water provider and users
		Sanitation and hygiene		Planning, Supply and distribution	Water balance and demand
		Staff training			Allocation
			Monitoring & Audit	Permits and authorization	
				Budgeting	
				Forecasting	
			Staffing and Finance	Water costing/ pricing approval	
				Revenue collection	
				Watershed Conservation	
				Supply and demand	
				Human Resource Management	
				Capacity Development	
				finance and procurement	
Flora and Fauna (Forestry, Range, Wildlife and Marine)	Forest Resources conservation and protection	Tree nursery development and Reforestation	Flora and Fauna (Forestry, Range, Wildlife and Marine)	Policy Formulation	Policy Management
		Conservation and Protection			Policy dissemination
		Establishment of tree nurseries and production of seedlings			Policy Implementation
		Control of harvesting tree based products (timber, charcoal, wood fuel, construction materials etc.)			Establishing by-laws for regulating urban and village tree planting programs
		Urban and village tree planting programs			Developing codes and standards
		Specification and selection of street trees			State-wide Regulatory and compliance framework
		Environmental education and awareness		Planning	Setting strategic and operational priorities
		Reforestation Programs			Mapping and afforestation
		Creation of woodlots for fuel wood and fodder			Need assessment
	Range Management	Soil and water conservation	Rangeland reclamation Programs	Administration and Finance	Budgeting and forecasting
					Human Resource Development
				Gulley Control	Monitoring & Evaluation
	Wildlife Management	Protection and conservation	Creation and maintenance of parks	Information documentation	

	Tourism Development	Ecotourism promotion Enterprise Development Creation of wildlife sanctuaries				
	Management of Marine resources	Protection and conservation				
Security, Administration and Development (Ministry of Interior)	Administration Local Government)	Coordination of regions	Security, Administration and Development	Policy, Planning and M&E	Land, peace and rural development policy formulation	
		Performance supervision and reporting			Policy dissemination	
		District development plans implementation oversight			Policy Implementation	
		Database, Statistics and Information dissemination			Project planning	
	Rural Development	Supervises Rural Development activities			Undertake need assessments, mapping and planning	
		Coordinate Implementation of Rural Development annual Workplans			Settlement planning	
		Coordinate Conflict Resolution Unit and regional coordinators activities			Human resource (Recruitment and deployment) Auditing the local authorities finance and procurement Revenue and Expenditure preparation Prepare annual work plans and budgets	
		Coordinate resource mobilization for enterprise development				
	IDPs and Refugees, Audit and Supervision	Supervision			Administration and Finance	
		Information collection and management				
		Coordination and monitoring activities				
	Aid Projects	Coordination				
		Food Distribution				
	Land	Conflict Resolutions				
Advise on land use (i.e. roads development)						
Community campaign on tree planting						
Agriculture	Crop Production	Community mobilization and awareness creation on improved crop farming and environmental conservation.	Agriculture	Policy Formulation		Policy dissemination
		Seasonal reporting				Policy Implementation
		Assessment of crop farming activities				Setting of arable land use rules and regulation
		Extension services		Planning and financing		Raising project proposals
	Land and Water Resource	Assessment of land use applications from the farmers				Development strategy.
		Setting of farm selection criteria				Training programme
		Soil and water conservation			Annual planning and preparing of activity with budget lines	
		Designing and developing of common irrigation cycle		Human resource development planning		
		Management and controlling irrigation infrastructure development		Staff wage payments		
		Issuance of ownership certification		Staff records		
	Record keeping of farm registration documents	Monitoring and Evaluation		Keeping of inventory lager for the ministry assets		
	Preparation of activity with budget plan request			Monitoring of ongoing project implementation activities and reporting.		
	Plant Protection and Locust Control			Plant propagation inspection		
		Food quarantine inspection				
		Agriculture chemicals inspection				
	Research (not yet started but planned)	state locust control				
		Crop and agro forestry.				
		Soil, water, climatic condition systems.				
				Activities and budget planning		
Livestock	Animal Health	Prevention and control of epizootic (vaccination)	Livestock	Policy Formulation	Policy Formulation	
		Delineation of land in agricultural use and animal grazing			Policy dissemination	
		Livestock treatment			Policy Implementation	

				Planning	Authorization of land use and issue of certificates
				Administration and Finance	Human resource development planning
					Staff wage payments
Local Government	Public works	Water and Sanitation	Local Government	Policy Formulation	Policy dissemination
		Road and Public Transport			Policy Implementation
		Land and Beautification		Land Planning	Urban planning
		Physical planning			Land ownership and use regulation
		Workshops and Mechanicals		Administration and Finance	Human resource development planning
	Social Affairs	Education			Staff wage payments
		Health			
		Social Welfare			
		Civil Registration			
		Environment Management			
		Recreation and sport			
	Safety and Security	Conflict Resolution			

Section 1.3. Current Roles in Production of NRM

The Directorate of Environment in the Ministry of Environment, Wildlife and Tourism is mandated to protect, conserve and manage environment through sustainable development aimed at eradication of poverty, improving living standards and ensuring a protected and conserved environment. The Ministry was created on 5th January 2009.

The Ministry is also responsible for developing and proposing overall policies and short-term and long-term strategic plans for the protection and improvement of environment development; and for promoting coordination and collaboration between the Directorate, government, non-government organizations and international bodies as well as private sector to mobilize human and material resources for developing and enhancing environment affairs. The ministry has the overall mandate to conduct research and disseminating findings in forestry resources and sound environment.

Other Ministries with mandates on NRM Include: Agriculture, Interior, Livestock, Public Works and Transport, and Fisheries. Water and energy resources are managed by PSAWEN. **Table 2** contains details of current roles in production of NRM services whereas Table 2 presents details of current roles in provision of NRM services.

Drawing from these tables, it is observable that there are other actors besides the ministries that have functions on NRM. These include the parliament, PSAWEN, village councils, local authorities and the civil societies. These are briefly described below:

a. The Parliament

The Puntland House of Representatives elect the office bearers, namely the Chairman and a 1st and 2nd Vice-Chairperson of the House. There are 10 sectoral committees, made up as follows:

- (i) Constitutional and Federal Affairs
- (ii) Legislation and Policy
- (iii) House Affairs (internal parliamentary matters)
- (iv) Social Affairs
- (v) Economic and Finance
- (vi) Environment
- (vii) Droughts and Natural Disasters
- (viii) Family, Women and Children
- (ix) Security and Defence
- (x) External Relations

The parliament has created the environment committee which draws its Parliamentary membership, from among the following ministries:

- Agriculture,
- Water,
- Livestock.

b. Local Authorities

Puntland Districts Self-Administration Law no.7 (2003) (Law No. 7) indicates that the primary reason for creating local governments was to decentralize powers and allow people to participate in management and development of their areas. The law underlines the key functions of the local authorities as follows:

- General healthcare and particularly sanitation of the towns and protection against the contagious diseases;
- Establishments of markets both for livestock and commodities;
- The evacuation of the people in the event of disasters;
- Preparation and implementations of projects and programs for social development e.g. education, healthcare, economical, etc.;
- Construction primary schools, Koranic Schools, kindergarten, family development schools and their management;
- Construction of Mother and Childcare Centre (MCH centre's);
- Promotions and development of literature and sports and renovation of the road networks in the towns of the district;
- Beautification of the towns, villages and preparation of plans for the towns, districts and villages (Town Plan);
- Registration of the people in the district and safe keeping of the records of birth, death, marriage, divorce etc.;
- Registration of the fixed asset of the people who live in the district;
- Improvement of burial activities and cemetery;
- Construction of houses for the people of the district;
- Organizing and regulating public transport to ferry people within the towns;
- The leadership of the district which is under Local District Council;
- Support livestock management, farming, security, water, electricity and communication and protection of the environment.

The Executive Committee is the supreme organ of the District Council and consists of, among others, the Mayor who is the Chairperson, the Deputy Mayor, the Permanent committee of the Local Government. The number of Executive committee members depends on the level/ grade of the district. Districts under Grade A have 9 members including the Chairperson of the Local Council and 8 council members; and district classified under Grade B have 7 members including the Chairperson of the local council and 6 Council members.

Below the Executive Committee are the departments which include Department of Public Works, Department of Social Affairs, Finance Department, Revenue/Tax Department, The Department of Supervision and Inspections.

At the village level are the Village Councils (VCs). The village committees are formed by the resolutions of the local council on having been proposed by the permanent committees. They are village representatives. According to the Mayor of the Garowe, VCs are strongly linked to the local leaders and are the pillar of the local governments.

c. Village Councils/ Traditional Leaders

Puntland has a well-established traditional leadership whose main function is to maintain social order through dispute resolution and promoting peaceful co-existence within and among the clan members and inter clans. The government of Puntland takes cognizance of traditional leadership and has embedded it in the constitution. Article 79, states that:

- i. The Court recognizes and assures the existence and the responsibilities of the Traditional Leaders of the society (Isimo).
- ii. In case of arguments and misunderstandings arising among clans with no any other alternative or solutions within the Constitution and Constitutional Laws, the Traditional Leaders shall be referred to, in order to give their suggestions and take decisions on the subject.
- iii. In order to safeguard the dignity and neutrality of the Traditional Leaders, their involvement in political and religious organizations is forbidden.

Similarly, the Constitution also recognizes the importance of the Customary Law which is safeguarded through the Council of traditional elders. Besides the social issues mediated and decision taken through the traditional way, utilization and access of the natural resources is as well managed.

d. Civil Societies and Development Partners

The extent to which natural resources are degrading has attracted the involvement of civil societies taking interest in NRM. Their participation has been growing both in number and scope of interest. Some of these organizations include:

- Care
- Diakonia
- Horn Relief
- Save the Children
- Action in Semi-Arid Lands (ASAL)
- Galkacyo Education Center for Peace and Development (GECPD)
- Natural Resources Conservation Organization (NRCO)
- Regional Marine Conservation Organization (RMCO)
- Sool Resources Management (SOOL RM)
- Somali Women Concern (SWC)
- International Labour Organization (ILO)

Table 2 Exercise 1.3 Current Roles and Production of NRM

Sub Sector	Functions	Central Ministry	Regions	District Office	Urban/ Municipal Authority	PSAWEN	Village Council	NGOs	
Water Resources	Development of Water Resources					Database/ Information management	Projects in watershed/ catchment management		
						Research and Development			
						Standards and quality assurance			
						Inspection and approval of water supplies designs and plans			
						Sanitation and hygiene			
						Staff training			
						water supply			
					-Represent ¹ central government				
Flora and Fauna (Forestry, Range, Wildlife and Marine)	Forest Resources conservation and protection Research and Development	Tree nursery development and Reforestation	Establishment of tree nurseries	Establishment of tree nurseries and production of seedlings					
		Control of harvesting tree based products (timber, charcoal, wood fuel, construction materials etc.)	Control of harvesting tree based products (timber, charcoal, wood fuel, construction materials etc.)	Control of harvesting tree based products (timber, charcoal, wood fuel, construction materials etc.)					
		Environmental education and awareness	Environmental education and awareness	Urban and village tree planting programs	Urban and village tree planting programs				
	Range Management	Soil and water conservation						Water catchment protection and conservation	Rangeland and sub catchment rehabilitation
		Rangeland reclamation Programs							Soil and water conservation-building structures
		Gulley Control							Water development for livestock and human consumption
	Wildlife Management	Protection and conservation							
		Creation and maintenance of parks							
		Scouting							

¹ Regional Government Water authorities

	Tourism Development	Ecotourism promotion						
		Enterprise Development						Funding nature-based enterprise (NBEs)
		Creation of wildlife sanctuaries						
Security, Administration and Development (Ministry of Interior)	Administration Local Government)	Coordination of regions	Links the district with the national government	Performance supervision and reporting	Closely work with MOI		Represent government at the village level	Create awareness on conflict resolution and peace development
		Database, Statistics and Information dissemination		District development plans implementation oversight	Links village with government administration			
	Rural Development	Supervises Rural Development activities	Coordination and monitoring	Programmes implementation	Community campaign on tree planting			
		Coordinate Implementation of Rural Development annual Workplans	Coordinate regional activities	Advise on land use (i.e. roads development)				
		Coordinate Conflict Resolution Unit and regional coordination of activities						
		Coordinate resource mobilization for enterprise development						
Agriculture ²	Crop Production		Community mobilization and awareness creation on improved crop farming and environmental conservation.					
			Seasonal reporting					
			Assessment of crop farming activities					
			Extension services					
	Land and Water Resource		Assessment of land use applications from the farmers					
			Setting of farm selection criteria					
			Soil and water conservation					
			Designing and developing of common irrigation cycle					
			Management and controlling irrigation					

² Has no staff at the district level

			infrastructure development					
			Issuance of ownership certification					
			Record keeping of farm registration documents					
	Plant Protection and Locust Control		Plant propagation inspection					
			Food quarantine inspection					
			Agriculture chemicals inspection					
	Research (not yet started but planned)		state locust control					
			Crop and agro forestry.					
			Soil, water, climatic condition systems.					
			Activities and budget planning					
Local Government	Public works				Water and Sanitation			
					Road and Public Transport			
					Land and Beautification			
					Physical planning			
					Workshops and Mechanicals			
	Social Affairs				Education			
					Health			
					Social Welfare			
					Civil Registration			
					Environment Management			
	Safety and Security			Recreation and sport				
				Conflict Resolution			Community policing/ advocacy for peace and development	
Livestock	Animal Health	Prevention and control of epizootic (vaccination)	Coordination of district livestock activities					Capacity strengthening of the agro-pastoralists
		Delineation of land in agricultural use and animal grazing						
				Livestock treatment/ extension services				

Table 3 Exercise 1.3 Current Roles in Provision of NRM

Sub Sector	Functions	Central Ministry	Regions	District Office	Urban/ Municipal Authority	Parliament	PSAWEN	Ministry of Finance	Village Council	NGOs	
Water Resources	Policy Formulation					Parliament has environment committee charged with policy issues in the sector	Policy dissemination		Settling of water related disputes	Lobbying and advocacy/ Conflict resolution	
							Policy implementation				
							Conflict resolution between water provider and users				
	Planning, Supply and distribution							Water balance and demand			
								Allocation			
								Permits and authorization			
	Monitoring & Audit							Budgeting			
								Forecasting			
								Water costing/ pricing approval			
								Revenue collection			
								Watershed Conservation			
	Staffing and Finance							Supply and demand			
								Human Resource Management			
							Capacity Development				
Flora and Fauna (Forestry, Range, Wildlife and Marine)	Policy Formulation	Policy Management	Policy Management	Policy Implementation	Establishing by-laws for regulating urban and village tree planting programs				Settlement of natural resource use disputes using xears	Policy advocacy and lobbying	
		Policy dissemination	Policy dissemination								
		Developing codes and standards									
	State-wide Regulatory and compliance framework										
Planning	Setting strategic and										

		operational priorities									
		Mapping and afforestation		Mapping and afforestation							
		Need assessment									
	Administration and Finance	Budgeting and forecasting	Regions' budget preparation	Districts' budget preparation					Collection of revenues		
		Human Resource Development									
Monitoring & Evaluation	Resource degradation and recovery/rehabilitation	Resource monitoring and reporting	Resource monitoring and reporting								
	Information documentation										
Security, Administration and Development	Policy, Planning and M&E	Land, peace and rural development policy formulation								Lobbying and advocacy	
		Policy dissemination	Policy dissemination	Policy dissemination						Policy dissemination	
				Policy Implementation							
		Project planning	Project implementation coordination								
		Settlement planning									
	Administration and Finance	Human resource (Recruitment and deployment)	Prepare annual work plans and budgets		Auditing the local authorities finance and procurement						
					Revenue and Expenditure preparation						
					Prepare annual work plans and budgets						
		Prepare annual work plans and budgets									
Agriculture	Policy Formulation		Policy dissemination								
		Setting of arable land use rules and regulation									
	Planning and financing	Raising project proposals									
		Development strategy.									
		Training programme									
Administration and Finance	Annual planning and preparing of activity with budget lines	Workplan and budget preparation									

		Human resource development planning								
		Staff wage payments								
		Staff records								
		Keeping of inventory lager for the ministry assets	Record keeping							
	Monitoring and Evaluation	Monitoring of ongoing project implementation activities and reporting.	Monitoring and reporting							
Livestock	Policy Formulation	Policy Formulation		Policy Implementation						
	Planning	Authorization of land use and issue of certificates								
	Administration and Finance	Human resource development planning								
Staff wage payments										
Local Government	Policy Formulation				Policy dissemination					
					Policy Implementation					
	Land Planning				Urban planning					
					Land ownership and use regulation					
	Administration and Finance				Human resource development planning					
				Staff wage payments						

2. Legal and Facilitative Instruments

The main task is to assess and review the Natural Resource Management Policy and legislative framework in order to determine the extent to which it facilitates or stifles overall natural resource management. This involves looking at how the legal framework can act as a catalyst in transferring power from central to the regional and district levels and in promoting of efficiency and equity.

The term legal framework is used in a generic form referring to the mix of laws and policies affecting and /or relating natural resources management and the decentralized service provision. Such laws include the constitution, legislative laws, rules, regulations, government policies and decrees and relevant circulars constituting the existing and/or the prevailing legal order.

There is a huge backlog of laws, regulations, policies and rules that needs to be promulgated to give respective ministries the requisite legislative and policy framework to manage and regulate the sector and deliver services accordingly.

Some of the existing policies and laws on NRM were identified and are as follows:

- (i) Transitional Constitution of Puntland Regional Government (2012) whose main objectives are to provide the fundamental legal basis for Puntland and decentralization; enshrine the protection of the environment; and entrench the priority and urgency of safeguarding natural resources. The Constitution recognizes individual property rights (Article 30)
- (ii) Transitional Federal charter of the Somali Republic (2003). This instrument, among other provisions, gives a legal platform that encourages the users of natural resources to organize themselves and adopt the use of the best practices in NRM management including water.
- (iii) Water Act (2005): This provides the legal foundation for managing and regulating water resources
- (iv) Law on Fauna (Hunting) & Forest Conservation (Law No.15, 1969): It addresses conservation, protection and safeguarding of the wildlife, forests and environment.
- (v) Urban Land Management Law (2001 as amended in 2008): It provides legal basis for ownership of urban land; Provide authority to grant title to urban land; and Deal with disputes arising from administration of urban land.
- (vi) 5-year Development Plan 2007-2011: Sets out the plan and priority for an integrated water resources management, devolvement and participation.

The legal framework is described below in accordance to the purpose, expected output/ outcomes, its performance, its support to decentralization and whether or not the need for harmonization or review in order to support decentralization as shown in **Table 4**.

Table 4 Exercise 2: Legal and Facilitative Instruments in NRM

<i>Description of Legal/ Facilitative Instrument</i>	<i>Date of Issue</i>	<i>Purpose of Instrument</i>	<i>Expected Outputs/ Outcomes</i>	<i>Performance against Expected Outputs/ Outcomes</i>	<i>Facilitates Decentralization</i>	<i>Need for Harmonization/ Review</i>
Transitional Constitution of Puntland Regional Government	20012	<p>To provide the fundamental legal basis for Putland and decentralization</p> <p>To enshrine the protection of the environment</p> <p>To entrench the importance of safeguarding livestock, agriculture, security, water, electricity, water, environmental safeguard and development according to District resources. (Article 85)</p> <p>Recognizes individual property rights (Article 30)</p>	<p>The supremacy of Puntland law authoritatively determined/clarified</p> <p>Setting the benchmark for NRM law reviews in the future</p> <p>Initiating the process of harmonizing NRM laws in tandem with the spirit of the Constitution.</p> <p>To scan and edit the Rule of law to determine changes, amendments or even overhaul required in NRM.</p>	<p>Number of new laws reviewed and amended in consonance with the constitution;</p> <p>Number of new policies (legal and institutional) drafted/made to improve NRM.</p> <p>Number of repeals of the old laws Made.</p>	<p>The Constitution provides the authoritative basis for legal review and harmonization of existing laws.</p> <p>It rationalizes the adoption of new legal laws and policies within district resources;</p> <p>Mandatory decentralization of NRM to regions and districts.</p> <p>It delineates regional and districts government roles and responsibilities</p> <p>Provided for decision-making mechanism towards the traditionally hierarchical- administrative/ de-concentrated.</p>	<p>The Federal Constitution has been reviewed and it is the most up-to date law in Puntland.</p> <p>It ushers in multipartism and clearly advocates for management of natural resources by bottom-up approach.</p> <p>It creates opportunities for other NRM laws to be reviewed to comply with the Federal law.</p>
Transitional Federal charter of the Somali Republic	2003	<p>The Charter anticipates future political changes and therefore provides flexibility in NRM.</p> <p>It declares resources such as minerals, water, flora and fauna as public property (Article 67)</p> <p>It provides for land registration, use and proprietorship (Article 66(22))</p> <p>It creates a democratic environment in which citizens can participate in decision-making process of NRM related matters.</p> <p>It provides a legal platform that encourages the users of natural resources to organize themselves and adopt the use of the best practices in NRM management including water.</p>	<p>Formation of associations by citizens and/or users of natural resources.</p> <p>Promulgation of laws, policies and strategies to promote efficient and decentralized NRM.</p> <p>Activation of the registration process of the users of natural resources.</p> <p>Activation of the enforcement mechanisms.</p> <p>Awareness raising and sensitization of the citizens on best management practices in natural resources.</p>	<p>Number of associations and groupings formed by citizens in NRM sector.</p> <p>Number of laws and polices specifically promulgated to protect natural resources in the interest of public.</p> <p>Number of incidences of registration of the users of natural resources in accordance with the Charter.</p> <p>Number of incidences and/or cases enforced against cases reported or registered.</p>	<p>Yes, it defines the spirit of decentralization process.</p> <p>It recognizes the imperative of citizenry participation in NRM.</p> <p>It upholds the principle that natural resources are public goods to be managed only for public interest.</p>	<p>The Federal Charter to be reviewed as a national priority in order to embrace current international principles and conventions on management of natural resources.</p> <p>Specifically, the Charter to be reviewed/amended in the light of ILO Conventions with reference to property rights.</p> <p>There is no effective system in place since 1991 to redress conflicts relating to reservation of land and environmental protection. Hence need for major review.</p>
PSAWEN (Law No.20)		<p>It establishes the authority, roles and powers of PSAWEN in relation to water, energy and natural resources.</p>	<p>Development of policies and regulations for implementation.</p>	<p>Number of policies made and operationalized.</p> <p>Number of structures</p>	<p>Yes, but requires review to make it more comprehensive.</p> <p>The authority is too overloaded and</p>	<p>The law should be amended to bring it in conformity with the recognized international conventions on water,</p>

		<p>Sets out the institutional and legal framework for water resource management.</p> <p>It provides the guidelines and main key players to be considered in managing and regulating water</p>	<p>Formation of operational and delivery structures and systems.</p> <p>Creation of guidelines for participation including public-private partnerships.</p>	<p>created and made operational.</p> <p>Number of regulatory bodies created to regulate usage, tariff collections and enforcement against breaches thereof.</p>	<p>there is need to separate the management of water, energy and natural resources.</p>	<p>energy and natural resources management.</p> <p>To provide the most coordinated approach to the management and development of the water resources</p>
Water Act	2005	This provides the legal foundation for managing and regulating water resources	Creation of structures and systems for decentralized service delivery.	<p>Number of policies and regulations developed.</p> <p>Number of regulatory bodies created to execute the mandate including enforcement.</p>	The law takes cognizance of local participation in NRM but fails to provide the necessary standards for effecting it	Yes, this was a comprehensive codification of water laws which should be revived, reviewed and completed in the light of changing legal landscape.
5-year Development Plan 2007-2011	2007-2011	Sets out the plan and priority for an integrated water resources management, devolvement and participation	<p>To encourage social reforms in political, social, administrative and cultural approaches through decentralization.</p> <p>-It is a goal-oriented policy, but requires to be updated for another five years.</p>	Good policy that should be replicated.	The policy harmonizes service delivery and brings the much-needed integration in NRM sector.	This plan needs to be reviewed and updated for another 5 years (to read 2012-2016)
Law on Fauna(Hunting) & Forest Conservation (Law No.15)	1969	To conserve, protect and safeguard the wildlife, forests and environment	The law is overtaken by time and events and cannot be viewed as having protected, conserved and rehabilitated forest reserves, Wildlife and rangeland resources as expected	The law is not in tandem with time and reality and cannot be a proper legal order to give policy directions in the new political and economic era.	It's a centralized legal order and too deficient in terms spreading powers empowering at regional and district level NRM	<p>It is old, archaic and too out of date.</p> <p>It needs total repeal and/or overhaul and replacement all together as it is not overtaken by time and circumstance.</p>
Veterinary law Code 2003 as updated in 2010.	2010	The code lays down the law to improve animal health, animal welfare as well as livestock trade sector.	It encourages formation of regulatory structures and systems to implement the law.	Creates a Veterinarian Board and other critical professional bodies to promote quality assurance and enforcement of the rule of law.	<p>It promotes harmony in its approach to matters of animal health.</p> <p>Created guidelines for code of conduct for livestock export.</p> <p>Developed a livestock policy (2007-2016) to support MoLAE.</p> <p>Developed a plan for private-public partnership.</p>	It is a good law that seeks to comply with the national development policies.
Urban Land Management Law (2001 as amended in 2008)	2008	Provide legal basis for ownership of urban land,	-To create committees of district councils with power to grant title.			

		Provide authority to grant title to urban land. Deals with urban land disputes	-To create administrative urban land dispute committees.			
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3. Diagrammatic sketch of service delivery

4. Defining functional assignments to different levels

Natural resources forms the basis upon which majority of people, especially in the rural settings, sustains their livelihoods. Therefore when we talk of the NRM we refer to key factors in maintaining rural livelihoods, as well as significant sources of wealth. This renders management of the natural resources so fundamental but also the primary source of conflicts especially in a resource deprived country like Puntland owing to the harsh climatic conditions, legal framework deficiency and poor enforcement.

Due to the central role played by natural resources in sustaining livelihoods, decentralization and devolution of tasks present challenges from socio-economic and political dimensions. In particular for Puntland situation, Per Tiedman associated the complexities of decentralizing NRM to the many sub-sectors (e.g. forestry, wildlife, water, land) that interplay and often are managed through separate ministries, institutions, policies and laws in addition to various local government legislation (Environmental Sector Decentralization, 2011).

In spite of the challenges and complexities of decentralization of the NRM, various benefits are likely to be realized by transferring some of the functions from the central government. Viewed as the process of dispensing NRM decision making close to the actors, particularly those whose livelihood is dependent on the natural resources, decentralization has the potential of resulting in:

- ◆ Increased community participation and resource mobilization,
- ◆ Innovative ideas approach could be adopted without involving the entire country,
- ◆ Effective implementation in remote areas,
- ◆ Inter-sectoral coordination,
- ◆ Committed and motivated workforce,
- ◆ More political accountability by devolving power and influence,
- ◆ Improve allocative efficiency,
- ◆ Improve allocative production,
- ◆ Improve quality, transparency, accountability, and legitimacy, and
- ◆ Greater equity

Table 5 below presents analysis of the functions of key Government ministries with NRM functions. These mandates have been broken down into sub-sectors and further to functions. This action has been undertaken in order to reveal strategically which functions and responsibilities are better catered for at the national level from those ones which are more effectively addressed at the lower level of government administrative arrangement.

Drawing from unbundling of functions as contained in **Table 5 below** on production and provision of services, proposal for transfer of functions to the lower structures has been made with primary goal of increasing efficiency and achievement of objectives. The function review is premised on the need to enhance efficiency and accountability through separation of policy-making and implementation to avoid the likely resultant of government failure. Devolution of the powers to manage natural resources will of course necessitate policy shift and institutional reforms and alignment.

Table 5 Exercise 4.1 Defining Functional Assignments to Different Levels

Type of Service	Present Implementation Modality						Future Implementation Modality				Timef.			Justif.
	Sub Sector	Functions	Central	De-concentrated	Delegated	Devolved	Central	De-concentrated	Delegated	Devolved				
Service Production	Forest Resources	Conservation and protection	Coordination & oversight	Regional and district staff			Coordination and oversight		Creation of agency in charge of forest resources	Umbrella community organization comprising forest user groups.				
		Research and Development					Coordination and implementation							
		Range Management	Coordination & oversight	Regional and district staff of MoE and MoL			Coordination and oversight		Delegate function to MoL	Umbrella community organization comprising rangeland user groups.				
		Wildlife Management	Coordination & oversight	Regional and district staff of MoE and MoL			Coordination and oversight		Creation of agency in charge of wildlife resources	Umbrella community organization comprising of community bordering wildlife reserve areas.				
		Tourism Development					Coordination and oversight		Creation of agency drawn from tourism interest groups					
Service Provision	Policy Formulation	Formulation	MoE	Regional and district staff of MoE			Coordination and oversight							
		Dissemination		Regional and district staff of MoE			Coordination and oversight			District Technical committee				

										coordinated by urban authority				
		Implementation		Regional and district staff of MoE						Technical committee coordinated by urban authority				
Planning	Setting strategic and operational priorities	MoE	Regional and district staff of MoE											
	Mapping and afforestation	MoE	Regional and district staff of MoE											
	Need assessment	MoE	Regional and district staff of MoE											
Administration and Finance	Budgeting and forecasting	MoE	district staff of MoE			MoE	district staff of MoE							
	Human Resource Development	MoE	district staff of MoE			MoE	district staff of MoE							
Monitoring & Evaluation	Resource degradation and recovery/rehabilitation	MoE	Regional and district staff of MoE			Coordination and oversight				District Technical committee coordinated by urban authority				
	Information documentation	MoE	Regional and district staff of MoE			Coordination and oversight				District Technical committee coordinated by urban authority				
Service Production	Development of Water Resources	Database/ Information management			PSAWEN has delegated water supply and development to Regional Authorities				PSAWEN					
		Research and Development							PSAWEN					
		Standards and								PSAWEN	Produced and			

		quality assurance							delivered by private Service providers				
		Inspection and approval of water supplies designs and plans						PSAWEN					
		Sanitation and hygiene						-PSAWEN for rural areas -Delegate to Urban authority in urban areas	Produced and delivered by private Service providers				
		Staff training						PSAWEN	Produced and delivered by private Service providers				
		water supply and system maintenance			PSAWEN has delegated water supply and development to Regional Authorities			-PSAWEN in the rural areas -Partner with or delegate function to Urban authority in the urban areas	Produced and delivered by private Service providers				
Service Provision	Policy Formulation	Policy dissemination	Coordination and oversight					PSAWEN					
		Policy implementation						PSAWEN					
		Conflict resolution between water provider and users	Coordination and oversight					PSAWEN					
	Planning, Supply and distribution	Water balance and demand Allocation Permits and authorization						PSAWENI facilitate preparation of water resource management plan					
	Monitoring & Audit	Budgeting Forecasting Water costing /						PSAWEN to develop M&E framework	Private providers charged with				

		pricing approval Revenue collection								the role and reporting to PSAWEN					
Service production (Local Governance)	Public works	Work closely with MoI				Accountable to the people and the central government	Work closely with MoI			-Accoun-table to the people and the central govern-ment					
	Social Affairs					-Services produced and directed by the authority				-Services produced and directed by the authority					
	Safety and Security														
Service Provision	Policy Formulation					Discharged in accordance with Article 81 of the Puntland Constitution and Urban Land Management Law				Discharged in accordance with xears and Urban Land Management Law					
	Land Planning														
	Administration and Finance														

5. Staffing, logistics and costs

In this sub-section, mapping of the current staffing status in the Ministry of Environment is provided. The logistics in terms of arrangements, costing and budgets have also been assessed to form the base upon which future resource requirements is evaluated to match the demands for decentralization reforms.

From the review of the public sector and functions, it is clear that the bureaucratic model of resource allocation, income redistribution (mainly through salary payment of officers and support to operational functions etc.) and regulation largely exists. The model is administrative anchored on authority and hierarchical organization. The result is that most of the resources are concentrated at the headquarters of the various ministries. It is expected that the resources will trickle down to the grassroots. More often than not this does not happen. In the end most of these ministries and departments are not represented at the region and district levels.

Under decentralization the ministries are expected to dedicate more resources to the local units where services are rendered to the citizens. Thus more resources will need to be transferred to the local councils to improve their capacity to manage the NRM functions transferred to them. In addition the revenue collection functions of the local units needs to be enhanced so as to ensure better resource mobilization and investment into the NRM sector. The budgetary cycles of the two levels of government will need to be synchronized so as to enhance a seamless flow of resources from the centre to the districts. Priority planning will also need to be undertaken so that the work plans of the districts are in tandem with the national priorities. Even under decentralization the policy formulation function will continue to be the domain of the central government. The districts will be the implementing unit of the national plans and policies.

Section 5.1. Staff

The Ministry has a staff compliment of 40 people with only about 4 being women. Of this number 12 are stationed at the ministry's headquarters while the rest (28) in number are in the regions and districts.

In terms of skills and competencies majority of the staff members have not undergone formal training in their respective areas of work.

Institutional structure for the Ministry of Environment (see **Figure 1**), illustrate the existing public administrative organization through which goods and services are produced and delivered. Institutional structures for the other line ministries are contained in Appendix 2.

Section 5.2. Standards for Provision of Services

Section 5.3. Costing of provision of services

The ministry does not collect any revenues and relies entirely on financial support from the ministry of finance. In the year 2011 the ministry received a total of USD 162,000/= to finance its recurrent expenditure. Of this amount 60 % goes to payment of staff emoluments while 40 % goes to meet other running costs. The ministry does not have a development budget. Further it did not receive any financial support from partners or development agencies.

Section 5.4. Existing Infrastructure and Equipment

Table 6 Exercise 5.4 Existing Infrastructure and Equipment

<i>Level</i>	<i>Buildings</i>	<i>Motor Vehicles</i>	<i>IT Equipment</i>	<i>Generators</i>	<i>Nurseries</i>
Central	-	2	12	-	-
Regional	4	-	1	-	4
District	-	-	-	-	-

6. Capacity building needs

In order to operationalize the proposed decentralized NRM the following strategic issues must be addressed in details:

- Policy and Legislation Strategy (Harmonization of pieces of laws and institutions, while new ones will be enacted to keep abreast with change.)
- Human Resource Development Strategies;
- Financial Resource Mobilization;
- Programme Development to achieve the twin goals of socio-economic development (through NBEs which will in turn result in employment creation and increased incomes) and environmental conservation)

Drawing from the findings of this study, the outright primary actions include the following:

- **Staffing:** Most of the ministries are operating with a skeleton staff mostly concentrated at the headquarters. Consequently there is little or no action at all at the regional and district levels where the action is supposed to be taking place as these are the service delivery points. Staff have to be employed at the district level to support implementation of technical and subordinate functions. The few that have staff at the lower levels are not only inadequate but are also incompetent.
- **Hire competent expertise and initiate on job training:** From the study it was evident that most of the staff members do not have the competencies required to carry out their tasks. Majority of the staffer have not attended any formal training in their respective disciplines. Those with formal training have not attended refresher courses to help them update their knowledge. A staff skill development policy should be developed to guide employment of skilled personnel, skill development of the staff either through sponsoring studies outside the workplace together with on job training.
- **Infrastructures and Equipment:** Most of the line ministries lack the necessary infrastructures, facilities and equipment to support implementation of NRM functions at the district level. There is urgent need to procure basic facilities at the district level to enable the staff members to adequately perform their duties.
- **Policy and Legislations:** Provisions for decentralization of the Regional and District governments are contained under Article 81 of the Puntland Constitution. This law needs review, for instance, to provide modalities on distribution, allocation and regulation of benefits deriving from the natural resources. Further, the constitution should be reviewed to provide the legal foundation for existence of the state laws and policies (CONSISTENCY) as well

as to review all the main laws relating to NRM (environment, livestock, land, fisheries and mining) using a community participatory approach with a view to create awareness on the need for protection, conservation and safeguarding of NR and creating a sense of ownership of NR (LEGITIMACY). Also, there is need to come up with harmonization process plan by consulting all relevant state organs, ministries, stakeholders. All differing and competing laws on NR to be codified and harmonized and the starting point is to documentation of all the competing provisions in different Acts of parliament (HARMONY).

- **Budgets and Revenues:** Budget at the local government level does not support development activities let alone providing sufficient remunerations. Additional budgets are required while ability to collect natural resource based revenues has to be developed.

Section 6.1. Review of Existing Legislation

1. All existing legislation relating to NRM to be reviewed in the light of the 2012 Puntland Constitution which was passed on 18th April.
2. All legislations dealing with natural resources management such as livestock, fisheries, agriculture and environment should ear-mark a specific percentage of national budgets that should be devoted to the management of natural resources in order to ensure that government has allocated enough development funds in this sector. This will solve the perennial problem of under-funding of the natural resources sector by the government.
3. All legislations in the natural resources management should review the enforcement mechanisms and ensure that credible institutions are created and empowered to enforce the provisions of the law in order to ensure that laws are effective.
4. Xeer (Customary law)- there is an urgent need to document and codify the customary laws applicable in Puntland. The review should be carried out with a view to entrenching the protection of the environment and specifically the resources of land, sea and wildlife. The review should focus on management of urban land including issues of land grabbing, land disputes and protection of public property. There should be established a comprehensive framework for partnership, collaborations and dialogue among all traditional leaders in Puntland.
5. The Veterinary Law Code- this is a progressive law providing a legal basis for improvement of animal health services and livestock trade. It should be reviewed in line with prevailing international conventions relating to rapid response to disease emergencies and overall regulation in veterinary pharmaceuticals in consonance with the requirements of the World Animal Health Organization. It should encourage formulation of policies that facilitates private sector development, co-operation and partnership with development and trading partners.
6. To review MoLAE to address the following gaps:

- I. the role of private-public partnership in the livestock sector
- II. differentiate responsibility of the public sector (regulatory, supervisory and monitoring functions) and that of private sector (actual delivery of services)
- III. emphasize the priority of management of production and delivery of services at regional and district levels where the consumers of the services are created.
- IV. Institute mechanisms encouraging a bottom-up approach in livestock sector in which communities participate in policy decisions rather than current situation of top-down and donor led approach.
- V. The law should clarify that there is need for clear linkages between the ministry and other ministries with livestock and other natural resources mandate as well as linkages with international and trading partners.

Section 6.2. Institutional Issues

- The existence of various ministries with NRM mandates and the existence of diverse piece of legislations/ policies have given rise to a raft of institutional framework which often overlaps in the absence of a coordinating agency/ authority. All these institutions operate with no or little involvement of other stakeholders hence causing a lot of duplication of activities and resources.
- Degradation of the natural resources has become severe. Indeed, the shift in policy has been motivated by the recognition of the continuing rapid degradation of land and other natural resources due to diminishing government means to provide services while the need for action is urgent. The centralization by the state of the management of these resources had made them become *de facto* “open access” resources.
- Community Based Natural Resources Management strategy requires implementation of various prerequisite actions including but not limited to:
 - Undertaking well thought out institutional framework to support NRM at the district level
 - Formulation of a National NRM Action Plan
 - Formulation of district level NRM Acton Plans which will contribute to the achievement of the National Action Plan.
 - Formulate village or resource area management plans to feed into the districts’ Action Plans
 - In the wake continued degradation of the natural resources, local councils need to be supported to prepare project document geared towards reducing, mitigating and compensating loss of the biodiversity. This should be implemented on pilot bases.
 - Building and strengthening of local level institutions. Organizational Development and Institutional Strengthening (OD/IS) should be core activities to improve local level institutions on group dynamics,

organization, management and negotiating capacities within groups and between stakeholders.

- Extraction of forest products by the local community is mainly for subsistence needs such firewood and fodder. Extraction/utilization of the products for income generation has largely been unexplored.
- Nature Based Enterprises are confined to charcoal production which is carried out with less concern of sustainability of the biodiversity. Other uses include honey production which is essentially subsistence for local uses such as medicine. Access and use of forest products has been hampered by the community's poor knowledge on sustainable use of the forestry resources for income generation. Other factors include inadequate capital and expertise, ignorance on the economic and environmental values of some of the products and lack of exposure.
- Participatory Forest Management is gradually gain importance as a concept of management of the forest resources. It is built upon recognition of the existing multiple stakeholders all with diverse interest in forest resources. It is therefore important to understand the relationships between these multiple stakeholders and the opportunity for system change in view of:
 - Enhancing clarity about who is responsible for what, and
 - Enhancing transparency to whom and how services are delivered and accessed.
 - Support for new arrangements for joint management of forest resources.

Section 6.3. Resource Limitations

- Infrastructure and facilities to support decentralized NRM are inadequate or completely lacking in some of the public institutions. Essential infrastructure and facilities necessary to support decentralized NRM should be provided to enable them discharge their duties effectively.
- Local authorities are by far better equipped than other levels of government and well represented. A deliberate effort is required to entrench mandates for NRM with the municipalities. Areas where the authorities are deprived of resources, a strategy to mobilize for resources through the central government and donors need to be explored and implemented.
- Revenue collection: some ministries do have revenue collection responsibilities. Unfortunately most of the revenue goes uncollected as the ministry claims in ability to collect this revenue. It is recommended that the ministries with revenue collection responsibilities should have their revenue collection capacity boosted so that they are able to collect all the revenue that is due to them

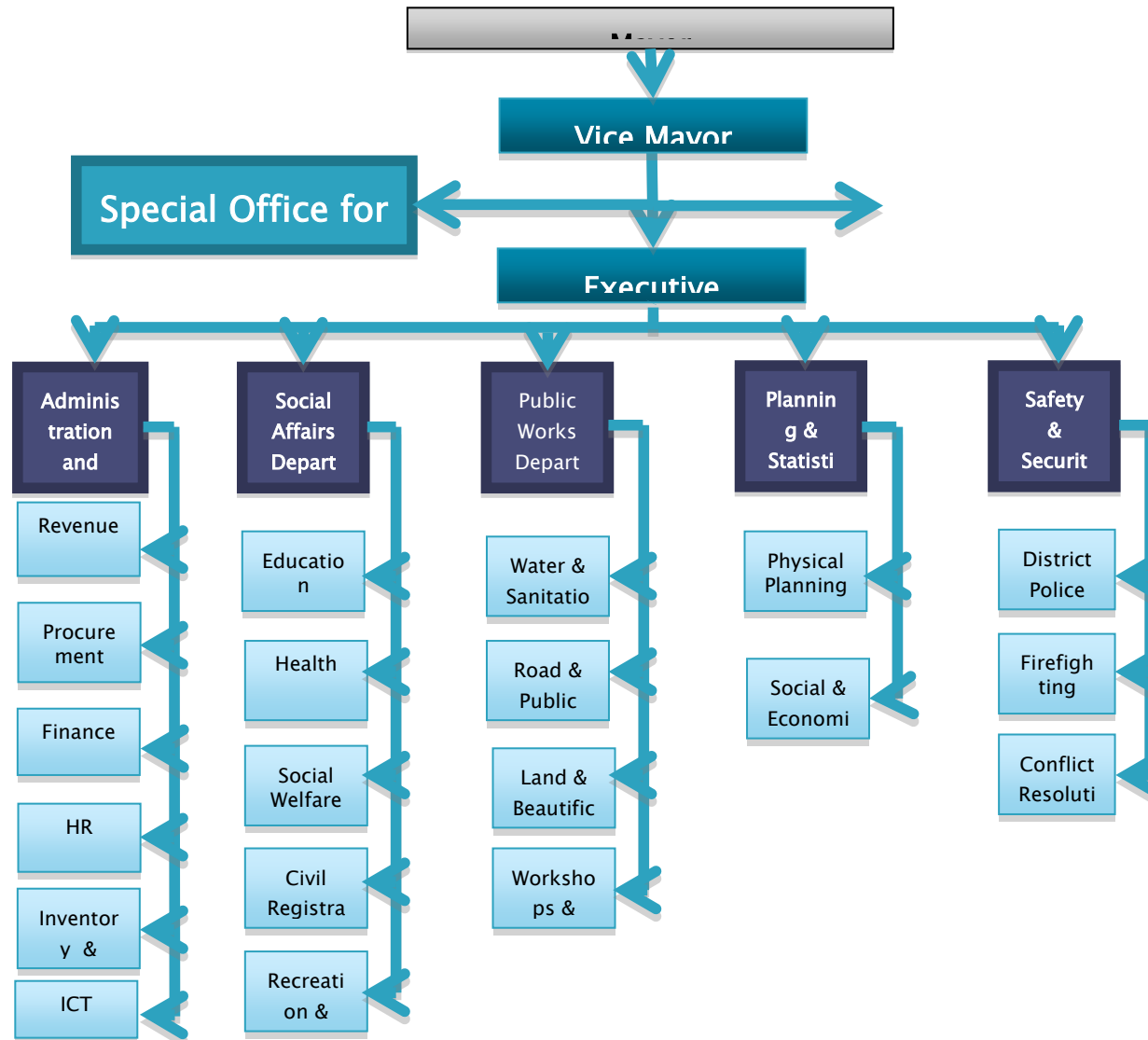
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8. LIST OF APPENDICES

Appendix 1: Organization Structures

Municipal council of Garowe – Organizational chart



Ministry of Livestock and Animal Husbandry

