

SOMALIA LAND SECTOR

A SNAPSHOT



الاراضي العربية
مبادرة
Arab Land Initiative

SOMALIA LAND SECTOR: A SNAPSHOT

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THE GLOBAL LAND TOOL NETWORK AND THE ARAB LAND INITIATIVE

GLTN is a multi-sectoral alliance of international partners committed to increasing access to land and tenure security for all, with a focus on the poor, women and youth. The Network's partners include international rural and urban civil society organizations, research and training institutions, bilateral and multilateral organizations, and international professional bodies. In 2016, GLTN Partners, led by UN-Habitat and the World Bank, launched the Arab Land Initiative to promote equal access to land, peace, stability and economic growth in the Arab region through good land governance and transparent, efficient and affordable land administration systems. The Initiative aims at empowering land champions from the region by developing capacities, increasing collaboration and promoting innovation, learning and sharing of best practices. It also supports the implementation of land gender-responsive and fit-for-purpose land tools and approaches at national and local level. The Research Innovation Fund is one of the streams of work of the Arab Land Initiative.

For more information, please consult the referenced documents, visit <https://arabstates.glttn.net/> or www.glttn.net

Overview

The Federal Republic of Somalia is situated in the Horn of Africa. Its Federal Member States are Puntland, South West, Hirshabelle, Galmudug, Jubaland, Somaliland and Benadir. Somalia shares borders with Ethiopia, Djibouti and Kenya and its territory covers 627,340 square kilometers of land. The country has an estimated population of 18.7 million people [1], almost half (45 per cent) of whom live in fast-expanding urban areas [2].

Somalia has experienced decades of political fragility, insecurity and economic crisis, and it currently stands at a critical juncture between stabilization and development. Over 4 million forcibly displaced Somalis live in more than 3,700 spontaneous informal settlements, 81 per cent of which are located on private land. Many internally displaced persons (IDPs) reside in urban areas, where land tenure insecurity is widespread. This leads to frequent forced evictions, further displacing already vulnerable communities [5].

In 2012, the Federal Government of Somalia made steps towards a more permanent governance structure, but there is still little progress on the country's constitutional review since the drafting of the Provisional Constitution. The prolonged conflict leaves the country with unsuitable policy and legal frameworks, weak institutions and the need to build legitimacy and strengthen the rule of law, including – or particularly – in the land sector.

The ownership and control of land and land-based resources – including water, agricultural and grazing lands, forests and minerals – have been central features in Somalia's civil conflict, and a source of violence between competing groups even prior to the conflict. This calls for increased attention to address the dysfunctionalities of the Somali land governance and land administration system.

The prevailing legal pluralism, which sees an overlap of different levels of state laws, religious and customary laws and practices, undermines the management of urban, peri-urban and rural lands and the resolution of land-related disputes and conflicts.

Legal and institutional framework

The 2012 Provisional Constitution of the Federal Republic of Somalia is the supreme law of the country. Article 43 of the Provisional Constitution states that the Federal Government will develop a national land policy that ensures "(a) Equity in land allocation and the use of its resources; (b) The guarantee of land ownership and registration; (c) That land is utilised without causing harm to the land; (d) That any land and property dispute is resolved promptly and satisfactorily for all; (e) That the amount of land that a person or a company can own is specified; [and] (f) That the land and property market is regulated in a manner that prevents violations of the rights of small land owners" [3]. It also specifies that Federal Member States [3] can formulate land policies at that level.

In 2020, the Puntland parliament approved the Urban Land Management Law, which will establish clear guidelines for the governance and management of urban land. Developed with the support of UN-Habitat, this law will serve as the principle legislative measure for matters concerning urban land and related regulations. The law addresses land rights, access to public space, methods for land allocation and land use planning, land

value capture and land dispute resolution. It also clarifies the institutional responsibilities between district and state authorities. The law promotes guided and controlled urban growth, and advocates access to housing and improved land rights and land tenure [4].

Similarly, in 2022, the South West parliament enacted an Urban Land Law, which provides a comprehensive legal framework for the management, regulation and allocation of urban land and the protection of HLP rights. The law safeguards the rights of individuals, groups, corporations and communities to use, access and own land, and includes a chapter dedicated to managing evictions and land disputes. It also harmonizes institutional mandates, simplifies land administration procedures and services and establishes the State Land Registry, which will facilitate the formalization of land ownership and use rights in urban settlements. The law also includes protections against eviction for internally displaced persons, establishes a Land Dispute Tribunal and addresses the issue of lost and destroyed land records by allowing tax records as evidence of ownership in disputes [6].

Somalia does not have a specific Ministry dedicated to land. Key official institutions at the Federal level that are responsible for land administration include the Ministry of Agriculture and Irrigation, the Ministry of Livestock, Forestry and Range and the Minister of Planning, Investment and Economic Development. Local government structures in each district have also been empowered to deal with land management. Mayors, with approval from municipal councils, are authorized to grant permanent ownership over land. Technical committees that assist local governments are tasked with analyzing and making recommendations on city/town planning and any other issues concerning land in the municipality [8].

Overall, however, the weak legal framework, unclear land tenure arrangements, inadequate institutional capacity and widespread forced evictions in Somalia pose significant land rights challenges. Addressing HLP issues is also complicated by the country's pluralistic legal system, which includes customary law (Xeer), Sharia law and statutory legal frameworks, which have overlapping jurisdictions and are often contradictory. Furthermore, national legislation related to HLP rights is internally inconsistent and does not align with international legal standards [5].

Despite legal and institutional hurdles, there are ongoing efforts to address HLP rights in Somalia. Key developments, notably the National IDP Policy, the National Eviction Guidelines of 2019 and the Durable Solutions Strategy, represent important progress; however, the enforcement of these measures remains a challenge [5].

Land tenure

In Somalia, state control of land administration, land management and land governance are limited. There is an ongoing risk of armed groups and individuals illegally acquiring land, dispossessing people and forcibly evicting the most vulnerable without due process.

Land tenure is not uniform throughout the country and varying local contexts dictate much of how people interact with land and their land rights. Those with access to social, economic and political power, coupled with the ability to use violence, have been able to illegally gain titles or control over land [8]. Historically, land and

water in rural areas are regarded as shared social assets governed by customary tenure rights. In urban areas, land rights are more commonly regulated by formal property rights.

In Somaliland, anyone is allowed to own property and is protected against unjustified expropriation, according to the State's Constitution. While officially all land is state-owned, the government has created a mechanism to transfer land to private ownership, particularly urban and cultivated agricultural land. Rangeland is not specifically covered in Somaliland's land laws, but it is protected from being converted into agricultural land. Hargeisa, the capital of Somaliland, has made significant steps in the recordation of property transfers, and with support from UN-Habitat has created a GIS database of more than 60,000 properties for the purposes of tax collection, though it does not include ownership information. Similar databases also exist in Boroma and Berbera. Formal land tenure systems have been implemented in a limited number of rural areas, while customary (Xeer) law is used in most areas [8].

Puntland also uses a mix of formal and customary institutions for governing land tenure. Urban areas of Garowe and Bossaso have systems in place to register land ownership and transfers at the municipal level. Similarly to Somaliland, UN-Habitat has helped establish GIS databases for tax collection purposes in Garowe and Gardo. South-Central Somalia, by contrast, is governed almost entirely by the customary system and informal practices when it comes to land rights. Land tenure related services offered in the State are limited to the witnessing of property transfers and guarantee of titles [8].

In many parts of Somalia community-based tenure dominates in peoples' struggles for land. In such systems, access or rights to, or control over land is based on social identity. Land transactions are also community-based, requiring the approval of elders. Such property has many characteristics of private property, as community recognition provides high tenure security. However, community elders often do not accept the statutory system of land allocation, as official titles have been disproportionately issued to people from outside of local communities, and the creation of state and cooperative farms led to the displacement of small farmers and pastoralists. Because of this, there is often active opposition to those holding proof of title. [7]

Tenure insecurity is a significant barrier to the integration and economic development of displaced persons and communities who live under constant threat of forced evictions. However, much work has been done in recent years to develop new land legislations in different Federal Member States, such as the urban land laws in Puntland, Somaliland and South West States. These urban regulatory frameworks clarify institutional mandates and responsibilities on the issues related to urban land, thus reducing land disputes and conflict, promote urban development and sustainability, and can be used both as legislative instruments and living documents for land use and spatial planning, building codes and standards and classification of roads.

Women and other marginalized groups in Somalia often face discrimination around land ownership and inheritance, particularly in IDP camps, which can result in eviction. Many Somalis do not possess documentation proving ownership, and those lacking secure tenure and squatting in abandoned properties are also at risk of eviction [5].

Land value

Somalia has an active land market, though land value is not closely regulated across the country. As the value of land increases due to growing urban infrastructure investment, these improvements could be leveraged towards addressing urban challenges, including durable solutions for internally displaced populations at scale. Increasingly, land-based financing – the use of land to generate revenue by leveraging its value – is being used in different areas of the country.

In Bosaso, both the municipal and Puntland governments have recently enacted legislation on land administration and urban development, including a property evaluation banding system. The introduction of land-based financing and land value capture instruments is used as a way to recoup the increasing value of public and private land. A central focus of this is on how the municipality can fairly and efficiently redistribute increases in land value from such public investments, including by financing public services and durable solutions for IDPs [12].

Land use

The vast majority of land in Somalia is agricultural (70.3 per cent as of 2018), predominantly used for pastoralism (68.5 per cent). This supports the country's private sector livestock export industry, which employs more than 60 per cent of the population. Roughly 10.6 per cent of land in Somalia is forested, while urban and other uses of land account for approximately 19.1 per cent [9] [10]. Offshore, Somalia has significant oil and gas resources, and the country has granted licenses to private companies to explore its potential oil and gas reserves [11].

Unregulated and unclear land use is one of the main challenges in the land sector and risks resulting in land disputes and conflict. Land use planning is becoming more common; the most basic form of this is seen in agricultural land or farm planning. More recently, local authorities in urban and residential areas have also started practicing land use planning. Currently, pastoral land use is one of the biggest areas of contention in Somalia, with conflicts arising over grazing rights, access to water resources and claims of traditional land ownership claims by competing groups. However, the customary (Xeer) law system in these areas has been responsive in mediating these conflicts and implementing communal land use principles.

Land development

Private land development usually requires public investment in infrastructure – e. g. private housing developments will require investment in schools, health facilities, roads and basic infrastructure to make the housing livable. Somali municipalities often lack the revenue needed to provide services, which in turn constrains land development. The development of land also relies on accurate land records to ensure titles belong to the correct individuals and groups.

The Federal Government of Somalia has published a federal-level building code applicable to new public construction or renovation projects funded by, or on behalf of, the Ministry of Public Works and Reconstruction [13]. The development of building permit regulations is also in progress in Somaliland and Puntland.

Streamlining building permits are expected to facilitate better urban development and economic growth as well as enhanced revenue generation for municipal authorities.

Land dispute resolution

Competition over land in Somalia often result in disputes as displaced communities return to their places of origin or find new places to live. The weakened justice system and lack of documentation to prove ownership, even when claimants have legitimate rights, exacerbates these disputes, which can lead to violence. There are also cases of unofficial and unregistered property transfers, disputes related to improvements to dwellings made by illegal occupants, claims from bona fide purchasers and conflicts over boundaries, tenancy and cultivation rights. Property restitution and land ownership issues are also politically sensitive given the role that territorial control played in the 1991 conflict [5].

Efforts to restore HLP rights are hindered by a plural legal system, as well as weak legal and policy frameworks [5]. Legal plurality in Somalia, consisting of secular law, customary (Xeer) law and Sharia law, creates difficulties for IDPs and marginalized groups in navigating the legal system and securing their HLP rights. Each system uses its own methods to settle disputes and also presents its own challenges to achieving equitable access to justice.

Formal legal institutions are gradually being strengthened, but the role of traditional clan elders still dominates in land dispute resolution. The mediation process led by the elders encourages mutually accepted outcomes and is not always inclusive of different minority groups or the full participation of women. This also means that IDPs, who lack clan protection, are often excluded and thus vulnerable to rights violations. Formal courts, however, are often inaccessible to lower-income groups and come with a high level of perceived corruption. They also are slow, whereas the customary (Xeer) system can provide speedier decisions, and have weak enforcement mechanisms against economically powerful individuals and groups.

Housing, land and property rights of displaced people

Many displaced people in Somalia live in precarious conditions and often lack access to secure land tenure, property rights or legal recourse for resolving disputes. Without secure property rights, IDPs struggle to establish livelihoods and are vulnerable to repeated displacement due to land and property disputes and forced evictions. Protecting the land and HLP rights of displaced people requires stronger legal frameworks, a harmonized formal and informal justice system and more support for vulnerable communities. Without significant efforts to address HLP issues, the cycle of displacement and conflict is likely to persist [6].

Somalia continues to face longstanding pre-conflict ownership and tenancy disputes. In many cases, no clear title to land or dwellings exists, while in others, multiple claimants have laid competing claims to the same property. The confiscation or destruction of HLP records – including property titles, local cadastres and registries – has severely impacted land rights in Somalia. Without such records, proving ownership or tenancy rights is exceedingly difficult. In rural and peri-urban areas, secondary occupation of property is widespread. While protecting tenure rights of property owners is essential, it is also vital to protect secondary occupants from homelessness, forced eviction or other human rights violations.

Conflict, displacement and destruction of housing combined with the absence of the rule of law has resulted in widespread homelessness and landlessness in many areas of Somalia. There is currently a severe shortage of housing suitable to reside in as most of the housing stock is severely damaged. The housing that remains is largely overcrowded, unsanitary and not suitable as a long-term solution. Many IDPs instead occupy public lands and buildings. A comprehensive approach to HLP for IDPs remains lacking, despite the efforts of some humanitarian actors [5].

Recommendations

Based on the work of UN-Habitat and partners over the past several years, several recommendations for improving security of land tenure and HLP rights can be considered.

Reconceptualize and define land rights – For an effective review of the policy and legal framework related to land and HLP rights and a more evidence-base and streamlined engagement of the UNCT, the different HLP rights present in Somalia should be listed and described (formal/statutory, customary, religious and informal, ownership and use rights, permanent and temporary, urban and rural, along the continuum of land rights). Somali authorities should lead the process, with technical support to competent national and international actors. This would create a common basis for discussion and inform decisions about which rights should be recognized and regulated by the policy, legal and institutional frameworks. The attributes of each type of tenure should be defined: who can access it, under which conditions, for how long, what rights and responsibilities are associated with it, which institutions administer it, and so on.

Recordation of land rights and land administration – It is impossible to prevent forced evictions and provide land tenure security and adequate housing without a functioning system to record land / HLP rights and resolve disputes over land rights. Somalia is at a stage where it is virtually impossible to buy or sell land legally, due to the lack of a functioning land and property land registration system. Several successful examples exist in comparable contexts to establish fit-for-purpose land recordation system that can be incrementally scaled up and formalized. A fit-for-purpose land administration system needs to be designed, piloted and implemented.

Define mandates and strengthen land institutions – It is necessary to clarify the land / HLP-related mandates of Somali institutions at different levels (federal, state, sub-state level, etc.), including statutory and customary or religious institutions. The interface and modalities for interaction between formal and non-formal institutions needs to be clarified, to ensure coordination and alignment and reduce gray areas which increase the likelihood of HLP violations. This is a precondition for introducing or reforming the legal framework and promote rule of law. **Policy, legal and administrative reforms** can be introduced to re-define the mandates and ways of operating of such institutions. **Capacities** of both statutory and traditional land administrators to discharge their mandates should then be developed.

Strengthen HLP dispute resolution mechanisms – Coherence needs to be brought to the statutory, religious and customary systems of dispute resolution mechanisms. Legal procedures should be streamlined so that they cannot be manipulated to exclude weak individuals or groups. A hierarchy between the different dispute-resolution mechanisms must also be established and the way they interface with each other must be clarified. Although the formal court system should remain as the overarching mechanism, checks and balances need to

be put in place to rigorously assess the validity, strengths and weaknesses of traditional and religious dispute-resolution mechanisms, so that measures for improvement can be introduced. Traditional and religious mechanisms should not perpetrate and legitimize customs that are against the law and discriminatory towards women and other vulnerable groups. A comprehensive range of interventions must accompany formal and non-formal courts systems, including accessible and affordable legal aid, legal information and counselling, legal assistance, representation and mediation, as well as others. Legal accessibility needs to be improved through the simplification and popularization of laws and decrees, and vulnerable people need to be supported in accessing justice. Different types of practical support must be provided to women to improve their access to justice. Legal professionals such as judges, prosecutors and lawyers and religious and customary justice authorities must be trained on key aspects related to their profession, including dealing with specific land issues, gender and human rights.

Area-wide spatial plans and planned urban growth – Area-wide spatial plans to manage land use, accommodate population growth and address people’s land needs will have to be put in place in the medium to long term, starting with the most conflict-prone communities. At a smaller scale, plans for adequate human settlements both in rural and urban areas need to be developed to ensure that neighbourhoods promote spatial, social and economic integration, are close to livelihood opportunities, are accessible and are not established in areas prone to natural hazards, etc. The segregation of vulnerable communities needs to be addressed and prevented. Compact and serviced urban extensions should be promoted to address current and future problems (lack of services, segregation, unsustainable land use, etc.). Mixed land use and mixed social composition also needs to be pushed for, while the mobilization of people based on clan affiliations needs to be prevented, as it can lead to the rapid spread of conflicts along clan lines.

Combat land grabbing and forced evictions – From a political economy perspective, land grabbing is deeply rooted in the power dynamics of society. The enabling factors of land grabbing are clan structures, common business practices, disproportionate power in the hands of former fighters and other influential personalities in the government or other sectors, the wide availability of weapons from criminal elements of society and the overall absence of rule of law. Land grabbing is also based on the failure of the formal land administration system, which makes it impossible for people to access land legally. It will take time for the appropriate physical planning and development control functions of local authorities to evolve. In the meantime, interim measures should be put in place to contain practices of land grabbing, including the issuing of a moratorium on the construction of landmarks and the enforcement of prevention measures.

Provide suitable land and tenure security for refugees, displaced people and landless poor – To provide tenure security to the different categories of displaced people: IDPs, returnees and refugees, and to the landless poor, it is necessary to reconceptualize and define the characteristics of these different categories of displaced people and the type of land rights that they can access. To adequately address their needs, a multifaceted approach is required: the development of constitutional, policy and legal frameworks; the reform of the land administration system; and the development of inclusive spatial/ urban plans, etc. While long-term interventions are worked on, a set of transitional measures need to be put in place, to address the short-term needs of the displaced in terms of land for housing and livelihoods (e.g. small-scale farming or workshops or keeping some animals). Suitable areas for temporary or permanent settlement need to be identified and the related tenure security documents developed. The latter can be at the household or community level and must

define their tenure rights to the land, which can be full ownership, or lease/tenancy agreements with private landlords or the government, if on public land. To be sustainable, such measures need to clarify the rights and duties of the parties, the type of land uses that are allowed and the timeframe of the agreement, to ensure that common understanding is fostered. Further tenure options can be explored and encouraged. Individual rental agreements between displaced households and host communities could be regulated and incentivized. Model rental agreements could be developed to formalize tenancy-landlord relationships and define rights and obligations; such contracts could be also registered with the government's institutions to give an additional layer of protection to both signatories.

Improve youth and women's access to land and livelihood – Youth and women's access to land, housing and livelihood needs to be specifically addressed. Both young people and women need to be part of decision-making processes that involve access to land and housing. Displaced women, women heads of household, illiterate and disable women are key vulnerable categories that need particular attention. Legal and administrative blockages that prevent women from renting land or housing should be removed and specific, targeted support for women should be put in place. This can include establishing information and support centres to help women to identify the best way to access land and housing; supporting the issuing of civil documentation, when they do not have it (identity cards, marriage certificates, etc.); supporting women in accessing justice; and monitoring and ensuring that land and HLP processes do not discriminate against women.

Key interventions

UN Habitat has been active in Somalia for over 30 years. Interventions evolved from responding to immediate local needs to integrated programmes that could address early recovery and long-term sustainability. UN-Habitat supported state authorities in drafting urban land management laws in Puntland and South-West State and, in Somaliland, it supported the establishment of Land Dispute Tribunals. The Global Land Tool Network supported partners through the application of suitable land tools and capacity development. Additional interventions with significant land-related components are described below.

The Joint Programme on Local Governance and Decentralised Service Delivery resulted in the development of governance and decentralization policies and legal frameworks, in the strengthening of capacities through improved systems and procedures and in increased service delivery in Somaliland, Puntland and Banadir Regional Administration in Mogadishu. The primary focus was capacitating local authorities to perform their mandated functions, in collaboration with government counterparts and other UN agencies. Successes were registered in supporting the generation of own revenues in target districts, where a 500 per cent revenue increase was achieved. To this effect, a GIS-based property survey was introduced in all major towns, property databases were established and linked to a financial and billing automated system for the collection of property taxes.

Land and property tax revenues for service delivery, reconstruction, citizenship building and sustaining peace – UN-Habitat and the Norwegian Agency for Development Cooperation (NORAD) have been working on the consolidation, replication and scaling up of the good practices in land and property taxation established in Somalia through the Joint Programme on Local Governance and Decentralised Service Delivery.

Saameynta – Scaling-Up Solutions to Displacement is a 4-year intervention aiming at reducing the number of people forcibly displaced through sustainable urbanization and durable solutions in three cities. The key components are: (1) Conducting feasibility studies, assessments and public consultations leading to the development of urban strategies and area level outcomes that support local integration, voluntary returns and resettlement; (2) Producing map-based analysis of socio-economic status of displacement-affected communities, land tenure security, functionality of urban services, housing and land markets; (3) Developing Standard Operating Procedures for private sector engagement in the delivery of public assets and services; (4) Designing fit-for-purpose land administration tools including land and property registration, land valuation and land value capture; and (5) Developing a gender sensitive monitoring and evaluation system.

The Berbera Urban Development project contributes to inclusive and sustainable urban development and economic growth through improved waste management, infrastructure and services. The project focuses on sustainable and economically gainful waste management, employment creation, minimized waste generation, innovative and appropriate use of existing resources, reuse of materials, and awareness raising on the concepts of well-managed growth through a circular approach to economic development.

Key documents and links

- [1] United Nations Population Fund (2024). [World Population Dashboard: Somalia](#).
- [2] UN-Habitat (2024). [Somalia](#).
- [3] [Provisional Constitution of the Federal Republic of Somalia](#) (2012).
- [4] UN-Habitat (2020). [New Urban Land Management Law to guide land issues in Puntland, Somalia](#).
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[15] Norwegian Refugee Council and UN-Habitat (2008) [Land, Property, and Housing in Somalia](#).

[16] UN-Habitat and GLTN (2022). [Training Guide: Advancing women's land and property rights in the Somali region](#).

[17] UN-Habitat and GLTN (2020). [Training Material for an Executive Course on How to Develop an Inclusive Land Policy](#). [Somali]