

# Water policy in Puntland State, Somalia

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*Puntland – the very horn of Africa – has almost no surface water and presents unique challenges when developing water policy. Following a risk assessment and a participatory approach, the Government of Puntland has successfully developed, approved and launched a new policy. The purpose of this paper is to describe how a participatory process and risk assessment led to the successful recognition and implementation of a water policy under testing circumstances.*

**Keywords:** water policy, consultation process, risk assessment, groundwater.

SINCE ITS FOUNDING AS a semi-autonomous federated state of the Somali Republic in 1998, the Government of Puntland has pursued the development of water policy through a participatory approach. Milestones have included a water policy review undertaken by UNICEF in 2000 and a Water Supply Policy Green Paper developed by Puntland State Water, Energy and Natural Resources Corporation (PSAWEN) in 2001. A federal water law had also been proposed in draft in 1990. In 2006, with support from the EC, the Government of Puntland consolidated the previous activities to complete a water policy. UNICEF Somalia provided administrative and advisory support to the process.

The list of risks bearing upon the successful development of water policy for Puntland is extensive: concern for security is a daily fact of life; Puntland has no permanent surface water sources; and rainfall is variable and below 300 mm per year. The population are mainly nomadic pastoralists and the government water sector is under-staffed and under-resourced. That setting called for a strategic response and this centred on two preparatory activities: a risk analysis and a debate to resolve how best to design participation into the process.

Risk assessment is not usually applied as a first step in water policy development. In Puntland risk assessment involved future policy users identifying the most successful means to draft policy as well as the means to ensure its adoption – before the work even began. All

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Puntland has no permanent surface water sources

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too often water policy development driven by external money and expertise creates a 'perfect orphan'.

Discussions on participation agreed that well-designed participation could lead to real ownership and use of a policy. A balance had to be struck between the public drafting the policy itself and the public being consulted on an already 'expert' prepared draft, because 'tick the box' participation can also result in an 'orphaned' policy.

Puntland now has a water policy whereas before it did not and that difference alone might be credited to the adoption of a 'successful' approach – but it is not possible to say just how more, or less, successful that approach could have been if it was done differently. It is the authors' experience that, where a process is not established upfront to address the political mechanisms of policy adoption, and where robust links between ownership and participation are not emphatic and explicit, the exercise is no more than a project of experts. The expert project is readily ignored or derailed.

These two upfront process tools implemented in Puntland are a means to discard the myth that the merit of a technically excellent policy is enough to make government and users adopt it. Instead the tools identify the most certain route by which a policy can be developed and adopted for practical use.

### **A potential structure for the policy**

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Which sections  
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As the policy was to be developed by a mix of participation and consultation, a key question was to establish which sections could be drafted by wide stakeholder participation, and which sections might have to be drafted by government first and then put out to consultation. The logistics of finding and bringing together the participants would not be easy in Puntland.

In order to analyse the sections to be developed by participation and consultation a draft structure and table of contents for the policy was proposed. It was noted that the Tanzania National Water Policy (2002) was developed through participation and is successful in guiding sector investment and development. Participants thought that a reason for its success is its structure, which reflects the organizational departments of the water ministry. This meant that departments could 'see their role' in the policy and champion its development. In a policy structured around objectives rather than roles it is hard to see where the people fit in.

A table of contents for the Puntland policy was proposed under three section headings, Introduction & overall principles, Water resource development and Water resource management. The introduction provided basic background and overall principles, Water

resources development concerned the various sectoral uses of water including urban, rural and livestock. Water resources management concerned the institutional and legal framework, together with information management.

### Risk analysis

PSAWEN assessed the risks and available capacity to develop the policy sections by participation. One approach could be that government drafted the introduction and management sections and put them out to public consultation, whilst a range of sector professionals and civil society could participate in drafting the water resources development section (see Table 1). Alternative approaches were also examined to match both the knowledge and interest of the stakeholders.

Choosing the right approach was a question of balancing the use of experts to draft a technically acceptable policy against broader public drafting which would mean popular ownership (see Figure 1). PSAWEN considered the options and proposed and adopted a fourth approach. They decided to invite a wide range of stakeholders into a single forum with government and draft the whole policy together. The policy would then be put out for wider consultation. PSAWEN saw public ownership as the critical factor in getting the policy adopted in Puntland and thus decided that as much participation as possible – before consultation – represented the lowest risk of failure.

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A wide range of stakeholders drafted the whole policy with the government

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### Resource materials

A range of resource materials was assembled as hard copies for the workshop included the constitutions of Somalia and Puntland, the

**Table 1.** Options for developing the water policy

<i>Policy</i>	<i>Section I</i>	<i>Section II</i>	<i>Section III</i>
<i>Option</i>	<i>Introduction &amp; Principles</i>	<i>Water Resource Development</i>	<i>Water Resource Management</i>
A	Govt draft, then consult stakeholders	Govt draft, then consult stakeholders	Govt draft, then consult stakeholders
B	Govt draft, then consult stakeholders	Participation from 'expert' stakeholders and some public. Some sections drafted by government	Govt draft, then consult stakeholders
C	Govt draft, then consult stakeholders	Whole section drafted by experts/public who represent all subsectors	Govt draft, then consult stakeholders

Water Policy Green Paper and the draft national water law. Water policies from Tanzania, Ghana, Ethiopia, Somaliland and South Africa were available as hard copies. Additional materials were available as electronic copies including WHO drinking water guidelines, national water polices, laws and international legal instruments. Such materials were seen to be valuable in such an open forum because individuals could put forward a point of view by quoting a provision from another policy, rather than risking criticism by stating that view personally.

### Participation and consultation

The draft water policy available after the workshop was widely circulated for consultation in Puntland and also emailed to the 'non resident' Somalia agencies based elsewhere. It was made clear that comments received would be acknowledged by email, where necessary points would be discussed and clarified and where appropriate the policy would be modified and this information fed back to the people consulted. A mini workshop was also held with the original participants to give an opportunity for additional comment. At the same time physical meetings with line ministries and other agencies, together with email discussion was encouraged to keep open opportunities for participation.

### Language

There would be two main groups of users of the policy, Puntlanders and non-Somali speakers. Taking a lead from other Puntland

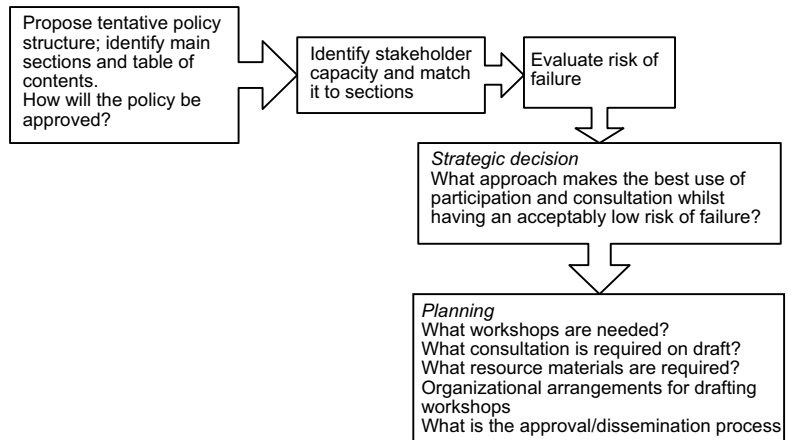


Figure 1. Flow chart of decision and risk process

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The policy was available in English and Somali

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Government policy documents, participants decided that the policy would be prepared in English. The working language of the drafting workshop would however be Soomali. An English version of the policy would be printed in booklet form and posted on the government website and so become available internationally. The policy would be translated into Soomali and be available as an electronic version which could be printed off in Puntland.

### Principles and directives

During the preparatory work there was extensive discussion concerning whether the policy would be 'directive' and set out firm explicit actions and standards of service and performance or whether it would be a 'principle' approach focusing more on establishing responsibilities and guidance. There was clear consensus in favour of a principle approach because it would be more flexible, adaptable and long lasting. It was felt that, whilst a directive approach 'tells you what you want to know', it may be a very unrealistic document in practice and become discredited. The implication of a principle-based approach is that the stakeholders have to interpret the policy to make it relevant and applicable to their precise circumstances. But because this approach was decided by participation, the future owners of the policy were clear on how they would apply it.

An example of the difference between a directive and a principle approach is the mechanism through which the price of water is set. A directive approach would set a price; a principle approach would establish what the cost of water should pay for and who is responsible for determining it.

### Policy approval

The planning stage of the policy development also considered what should happen to the policy once a final draft had been made. Participants looked at two questions: first, what sort of formal approval is necessary to adopt the policy and, second, how people should be informed about the policy. Given extensive government presence in the process, it was possible to establish that government would endorse the drafting and consultation process and encourage all stakeholders to contribute, develop and use the policy as a living document. The policy would then be put before the cabinet. Informing the users about the policy was agreed to be essential and a launch programme was developed to include the use of radio and television, websites and visits to districts schools and mosques. A formal launch was to be held in Puntland, together with an additional launch for development

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The launch programme involved radio and television, websites and visits to districts, schools and mosques

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Groundwater is the key water resource in Puntland

partners based in Nairobi. It was decided that the policy should be professionally printed and made readily available. Participation meant that the fate of the policy could be agreed before it was drafted.

### **Drafting and finalizing**

The workshop to draft the policy took place over three days in Garowe, Puntland. It was attended throughout by 39 participants from government and civil society. This was followed up by a number of face-to-face meetings with relevant government officials and civil society to enable clarification and additional detail to be developed.

The draft policy was compiled and circulated to the participants and 27 'non-resident' agencies for consultation. Seven individuals from the non-resident agencies responded with written feedback. The responses were acknowledged and a reply given by email. Relevant comments were incorporated in to the policy. The mini workshop also

contributed verbal comments. Numerous ad hoc emails and conversations were also held to further add to the process of consultation.

One thousand copies of the policy were printed professionally as a 36-page booklet and this was officially launched by the President of Puntland 14 months after planning began. The policy will be available on the government website, and a launch in Nairobi is also planned. Parliamentary assent was gained in June 2008.

### Policy issues

As mentioned above, Puntland has very little surface water and consequently the development, regulation and protection of groundwater is a major consideration under the new policy. Groundwater is recognized as being the most significant reliable and durable source to support livelihoods in the form of pastoralism. The overarching thrust of the policy is to develop human capacity to improve groundwater development and regulation and to define responsibilities and powers to protect catchments. The role of the ministry of livestock is properly recognized with respect to ensuring that new water sources are approved with due consideration for stock densities, health checking points, marshalling yards, movement routes and grazing areas. Consequently permits to construct new supplies for livestock will only be issued when there is also approval from the ministry of livestock. This close linking of water and agricultural policy came about as a result of direct participation in the drafting by the two ministries. The participants were in no doubt that all water resource data has to be shared with government before approval permits to construct and supply water would be granted and this became an explicit provision in the policy.

Urban water supplies in Puntland are very much a lifeline – displaced populations migrate to the security of the towns and the towns host international development organizations. Many urban water

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**Table 2.** Policy time frame

<i>Activity</i>	<i>Output</i>	<i>Time</i>
Initial scoping	Risk analysis, outline policy structure, options for development approach	December 2006
Planning	Approach decided. Workshop materials, plans and participants organized	March 2007
Participatory workshop	Draft policy	June 2007
Consultation	Revised policy	July 2007
Printing	Proofs checked. Printing	October 2007
Launch in Puntland campaign	Presidential launch of printed copies, TV & radio, visits and newspaper	February 2008
To be done	Launch in Nairobi. Policy on Govt Puntland website. Final Parliamentary Assent (June 2008)	

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The policy regulates water pricing to ensure the public are not exploited and also requires special tariffs for the socially vulnerable

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supplies in Puntland are presently functioning remarkably well; this is largely due to the efforts of the local private sector. Local finance and the business community are regulated by contract to supply and develop urban water supplies, because government capacity to provide that service is not a realistic option at present. For the private sector to survive and continue to do a good job it must have income. The policy regulates water pricing to ensure the public are not exploited and also requires special tariffs for the socially vulnerable. It establishes government powers as 'supplier of last resort' so that in the event of significant failure by the private sector, government can intervene to keep the supply going until private sector management can be restored.

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Participation meant that the policy could resolve a difficult issue on the basis of cultural relativity

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It may however seem controversial that the policy permits individual disconnection from a piped supply. This point was considered in great detail by the participants. An overriding concern was that, if local private sector operation fails to be viable, then there is no alternative means to provide supply and hence the population and public services at large will suffer significantly. The workshop participants therefore considered what the effect of disconnection of an individual supply would actually be and offered an interpretation in terms of policy. They agreed that disconnection did not mean that a person is deprived of a basic supply of water because traditional cultural mechanisms demand that they would be helped by their neighbours (in the form of money to pay the bill or water itself). This aspect of participation meant that the policy could resolve a difficult issue on the basis of cultural relativity. Expert opinion might 'demand' on the basis of a human right to water that disconnection must be prohibited – but if that expert lived in Puntland they might soon find their local water supply had no funds.

In some ways a water policy for Puntland is a paradox, because there is so little water available. There is very little rainfall, very little surface water and no obvious trans-boundary waters to share. If we were to try to use the traditional concept of the hydrological cycle as a basis for shaping policy in Puntland it would be an inadequate approach. But Puntland does have a growing economy, livestock is transited into Puntland, raised and exported and provides a basis for taxation. As a result there is a constant flow of 'water rich' commodities into Puntland through the port of Bosaso, including staples such as rice and flour which cannot be grown there. Therefore in order to properly appreciate the hydrology of Puntland these 'virtual water sources' have to be seen as a very real component. (It is noteworthy that Professor Tony Allan was in 2008 awarded the Stockholm Water Prize following his development of the concept of virtual water – see Allan, 2003.) The policy may be unique in recognizing this important element – traded or virtual water – as a significant component of the



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A water secure future for Puntland requires regional cooperation to ensure the trading of water-rich commodities

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water cycle in Puntland. A water secure future for Puntland does not appear to have the option of cooperating to import water itself, but it does require regional cooperation to ensure the trading of water-rich commodities. The policy makes special mention of supporting the development and protection of marine fisheries, which represent a form of virtual water import – again this was possibly through the participation of other ministries in the drafting process. But importantly the policy promotes regional cooperation and peaceful negotiation over water in line with principles of international law and recognizes that this law may soon include groundwater.

### Discussion

Despite significant risk of failure, Puntland developed a water policy by participation, with government support and adoption to ensure that it didn't become just a 'final draft' or a 'perfect orphan'. The development process itself turned out to be resilient to logistic and security issues. The policy is seen to have had some direct impact – at the same time being a credible example of good water governance as a result of significant support and public process provided by the government.

In 2008 the Government of Puntland issued a decree '*Bullettino Ufficiale*' recognizing the legal status of the new water policy. A number of impacts have subsequently been seen. UNICEF has supported the construction of a central water quality laboratory in Bosasso which will have significant impact on the control of water-borne disease and directly reflects policy requirements. Following the launch of the water policy there has been a significant increase in public-private partnership investment in Bassasso, Gardo and Baadweyn urban water supplies. The clarification of the roles and responsibilities of urban supply in the policy appears therefore to have made sector investment less risky. Water suppliers are now registered with PSAWEN thus generating an important source of revenue for the public sector. Again this may be a sign of increasing sector confidence. Government ministries have also developed capacity building programmes in line with the policy and all international organizations and NGOs are now aware of the policy and thought to be following its guidance.

If it can be said that the prerequisites of risk assessment and strategically incorporating participation contributed to this success, then they ought to be worth considering as a more effective policy development process.

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The clarification of the roles and responsibilities of urban supply appears to have made sector investment less risky

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