

RESEARCH PAPER

Between the BAAHO and the BAAD, is there a tax among the Somali?

Contribution for Somalia PFM

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Between the BAAHO and the BAAD, is there a tax among the Somali?

1. Standard of living among the nomads Djiboutians, transhumance pastoral care across the country, or even the neighboring lands, is a system of secular life which refuses recognition of borders drawn by the colonial administrations. A tradition which is perpetuated outside of the time and of international borders. The space of mobile workforce¹ and transhumance shepherds Somali is a function of the period of the year and particularly of the effect of the climatology of together. Thus, in the cool season, the beasts are grouped on the coastal zone more sunny (*Guban*) and in the hot season, they are trafficked in mountainous area (*Buur*) to reduce the losses of animals due to the variation in temperature (too hot or too soft) and maintain a rate of fattening way of beasts.

2. The Somali society of Djibouti is governed by rules of mutual assistance and solidarity which are binding for all members of the community. They are obliged to support each other in case of a serious problem that occurs to one of them (or more) but also to participate in the happy event (including weddings). To this effect, in collections, under different names and forms, are organized within the clan or lineage of the community and are intended to fill the inability of member (or members) to adjust by itself its deficiency. This process is one of the strict rules and complied with by all otherwise the sanctions, sometimes bodily, can be handed down against any offender. Without being exhaustive, this section will be devoted to the

analysis of the social organization of Somali in a prime time and the participatory form to the loads of the community by the stakeholders in a second time.

1. Outline of presentation of the social organization of Somali

3. The Somali society in general and that of Djibouti in particular, is long remained far from urbanized environments designed by colonial administrations to secure the nomadic populations. It began a process of sedentarization, in part, with the construction of the port of Djibouti. Before this period it located around 1892, it was fully paid in the nomadism and transhumance without knowing of border and the limits outside of those of rival clans and pastures. And the first came here were only casual workers taking advantage of the demand for labor generated by the construction of the railway. Of the announcement of the rain, the resonance of shovels and pickaxes disquieting largely due to massive departure toward the nomadic camps.

Climatology and transhumance in countries somali

4. Under the influence of the climate, a mobile workforce of the population living on the territory of the Republic of Djibouti is underway and has created of the transhumance corridors browsing of long wide in the country. Continuously in the search for new pastures for the livestock, these tracks still practiced to this day, open to the shepherds the areas the recent rains covered with fresh herbs. In the case of

¹ For the clarity of the terminologies "nomadic" symbolizes a form of space occupation adopted by those in transhumance on a given territory and "pastor" represents a mode of life adapted to the socio-economic environment.

populations, there is no rainfall expected for agricultural purposes and especially for a food production. The pastors of Somalia Djibouti are little inclined to agriculture and to work on the land. This situation can also be explained, in part, by the weakness of the national rainfall which represents an annual average less than 300 mm of water.

5. The rain is the climatic phenomenon which regulates the more the life of a nomad in this part of the world. In effect, the time of rain is the sign of departure toward the new pastures as well as the happy events celebrated by the community. Has this climate is associated with a phenomenon of transhumance, subsequent effect of the search for new pastures for the cattle. The two seasons of rain represent in the lives of the nomads of periods of intense activities or the camps and the herds are gathered together in order of movement. Also, the predisposition of nomads to travel quickly to reach distant lands and the adaptability of their equipment to this situation is an interesting thing to discuss. Their housing (*Bool*) completely removable is packaged and transported on the backs of camels. This reflects the full membership of the nomad to its environment.

The different climatic periods in Somali country

6. Rhythm of the successive periods of rain and drought, the lives of Somali pastoralists is generally rude. They continually follow areas of rain, where the pastures and prairies freshly watered by the rains have still a little pasturage for their animals. This search for grazing caused by the weakness of the rainfall and the spread in the space of the pasture, is the origin of the amplitude more or less strong of the transhumance of Somali nomads.

The transhumance pastoral in Somali country

7. Has this climate that rhythm in the life of the nomadic Somali, we associated effect also on the occupation of space by these pastors. A phenomenon of transhumance still bound to the question of the rainfall and pasture is still very developed. Far from appear homogeneous, the Somali pastoralism presents a great variety of technical formulas of transhumance. The amplitude of the transhumance of pastoralists in Somali country knows two important forms: a transhumance of low amplitude of more or less 40 km radius and a transhumance of large amplitudes of the order of 200 to 400 km.

8. Different transhumance corridors, as explained in the geography thesis Amina SAID CHIRE are a set of tracks leading to areas of grazing animals. The main transhumance routes used by Somali herders crossing the country are three in number:

1. The first track from *Bleidley* and through *Kabah Kabah, Hamboche* up *Saware* Somalia (mountainous area located at a distance between 150 and 200 km from the Djibouti border);
2. The second track starts to *Weah*, passes through the small *Bara, Dikhil, As-Eyla* and the area around the river *Awache* in Ethiopia;
3. and the third track starts to *Hol-Hol*, continues by *Ali-Ade*, *Assamo*, *Aichaa* and *Hadagala* toward the west Ethiopia.

9. The last track is by far the most borrowed to cause the best pasture of the border area with Ethiopia.

The pastoral economy

10. The pastoral society Somali, as that of Afar, is little monetarised and this fact oriented more toward the barter. For its own needs, the Somali nomads are visiting town to sell a part of the products of their livestock and to buy food and clothing only.

Different forms of business practiced by Somali nomads

11. Generally, Somali pastoralists in Djibouti are not traders and are fully versed in the breeding herd. The contact with the city is a necessity to obtain supplies for the rest of the year. During the period of the wintering of animals (*Jilaal*), nomads benefit to sell to the city the surpluses such as the milk and ghee (*Subag*). Similarly, during the Feast of Sacrifice, the pastors take in urban areas a large number of ruminants, mainly sheep and goats and exchange the proceeds of the sale against goods of first necessity (dourah, rice, sugar, clothes, etc.). This practice is encouraged by the absence of redistribution center in the country which is able to provide them, on the spot, the goods and services necessary to their daily lives. The seasonal transition periods are the periods conducive for these movements to the city and the time expected by the families to renew the stocks of commodities and products necessary for the seasons of movement of animals.

12. The pastors, in addition to the animals on foot, back in town the productions of their herd including the fermented milk, ghee, skins, etc. The women, on their side, make the crafts sold on the place of Djibouti or just to settle for a month or more to make fruitful the small savings on the sale of animals and craft products.

The redistribution of resources in Somali country

13. The pastoral society is Somali by petrol against the hoarding as described by the explorer G. REVOIL cited by Marcel DJAMA² in his doctoral thesis: "The Somali inside sells to sustain its food and not to hoard. I have seen, in the course of my observations, take a single thalari; if he receives some money of one of Doukhan or counter, and it is to go to another buy an article that he has not been able to have in this one".

14. With the proceeds of the sale, the shepherd will invest in clothes and food products to share with the community of the return of the "safar" of the city.

The organization and functioning of the Somali society

15. The community of Somali language is organized and structured on the basis of the laws and regulations established by the elders, and who have remained virtually frozen in time and in space. For the need of our study, we shall confine ourselves to the social organization of Somali tribes living on the territory of the Republic of Djibouti to know, the Gadaboursi, the Issa, the Issack and the Darod.

16. Also for a better understanding of the suite, the Somali society, in this text, only consider persons having in common the Somali language and living in the space of our study to know the Republic of Djibouti.

² « Space, place and the framework of social change in northern Somali country - plain HAWD (1884 - 1990).

The organization of "Reer" and its operation

17. The pastoral community decomposes in confederation (*Qabilo*) and tribe (*Qolo*). Family reunification is carried out around the cell that nuclear is the family (*Qoys*) which is a fraction of the lineage (*Reer*) and expands with the clan "*Jilib*" or even "*Tol*". As well, the charges or contributions will be divided on the basis of clan and other instrumentalities including the different "*Reer*" and "*Gilib*" or even the "*Qolo*" which they are composed.

18. The Somali make justice on the basis of the "*Xeer*" which is a legislative corpus non-written and supplemented by the "*Dhaqan*" (us and customs). The basic principles of the "*Xeer*" are identical on the whole territory of Somali language as well as the manner of the clarify. A committee of wise, keeper of the jurisprudence takes office of remedies in cases of non-satisfaction of litigants thus creating a justice to several revolutions.

THE UGAAS, its role and its place in the Somali society

19. The Somali have always a leader of the clan or tribe which the appellation is function of the regions and of the tribes. Among Issack and the Majerteen, it is a Sultan as for the Afar. The Darod or the Hawiye have a Bogor (king) or a Garad while, among the Gadaboursi and Issa we met a Ugaas.

20. The loads of each other are not necessarily identical but overlap in large part. Similarly, the powers are not received in the same way and do not follow the same ritual of enthronement. It is as well that the Ugaas of Issa is chosen by the divine signs whereas that of Gadaboursi is a genealogical lineage determines. The Bogor of Darod is not mandated in the same way as that of the Hawiye and the Sultan of Issacks has not the same prerogatives as that of Majerteens. There is a diversity such as the delimitation of

the power of the clan chief among the Somali is a complex thing.

21. The present work did not identify any chief or clan authority of this rank for the simple reason that these various officials no longer exist or are not resident on the territory of the Republic of Djibouti. The only tribal authorities residing in the territorial space of our study, are the "*Okals*" which are neither more nor less than that of the personalities responsible for transmitting the messages of the settlers and currently the political orientations of power.

2. The different forms of collection among the Somali

22. This part is intended to allow us to examine the different forms of collection and check the existence (or absence) of a levy presenting all the characteristics of the tax and recognized as such among the Somali. This question is asked in the direction where we want to determine the various payments made by the group to face a need or common event. By the same occasion, we will analyze to make a rapprochement with the modern taxation and the most widely accepted definition of the tax.

23. Before examining the aspect purely tax of the question, it seems to us important to review the other collected or solidly behind practiced by the Somali community to meet certain needs of its own. There are several terms to define the various payments in the Somali community. As well, the terms are defined in terms of levies or contributions of members of a community and as a function of the purpose of the collection. A short overview of the terminology of words used for the different collected shows that they often have attributes of between social assistance and repair of a debt of blood. For the latter, the thesis of Marcel DJAMA detailed the terms of settlement of a "*MAG*³".

³ A debt of Blood.

Definition of the term and organization of the " BAAHO "

24. In the Somali language, the term "BAAHO"⁴ is an etymological variant of the word "Baahi"⁵. It is the expression of a person (or group of people), an urgent need for a critical thing or an absolute necessity for survival. The manifestation of a request for "Baaho" is a result of solidarity with the member of the lineage, but also within the tribe.

25. The process of "Baaho" is engaged in well-defined conditions and is regulated by strict rules as against the person (or group of people) who made the request only those requested.

The organization of "Baaho"

26. A " Baaho" is intended to provide assistance to a particular person or a group of person who have significant difficulties due to events beyond their control. The need must be an essential nature that is at the limit a matter of survival. The collection "Baaho" is performed according to strict traditional rules. Those who seek assistance of this nature must be completely deprived of property and resources, find themselves in a situation of total insecurity and their demand is justified before the council of elders in both standards request that its eligibility.

27. The application is made by a representative of the needy person making the request to the persons required to consider the application of "Baaho". Once the request is formalized, the council of elders rule on the request and, if sufficient evidence, agrees to the assessment of need. After the valuation carried out by a committee reduces, the latter submits its quantification to the assembly of the Council of

⁴ In the dictionary of the Somali language, the " Qaamuuska", the explanation of Baaho is " XOOLAGGOOYO" which literally means "cut off a part of the herd".

⁵ "Baahi": "wax waxtar ah, ama lagamamaarmaan ah, haddana aan the haysan, tebidda the téba hayo" which literally means an essential need which cannot be filled by itself.

the wise which meets again. Once the quote obtained, a distribution, the most equitable way possible, from the load to pay is carried out between the members of the community. However, as not to burden the process of recovery, people with enough goods to make a donation, are solicited. Sometimes, in view of the urgency, a short-term loan is contracted on behalf of the family with generally of a trader, to be able to respond promptly to the request.

28. Participate in the "Baaho" is a privilege because the one who is not sought was not the consideration of the "Tol" and is stored on the fringes of the community. In the rural community Somali especially, any refusal of payment to a " Baaho" is synonymous with rejection of the authority of the elders. A wide range of sanctions ranging from the discount of a few sheep in addition to the individual assessments of the collection up to a heavy fine can be imposed by a committee of wise men to counter to any offender. This supplement is considered to be a request for forgiveness. In the absence of regulation and before the persistence, the offender must undergo a corporal punishment (of lashes, etc.).

29. For the keepers of tradition, the corporal punishment, beyond its character of physical torture, is synonymous with forfeiture to the other members of the community. A person who has suffered corporal punishment for refusal of participation in a collection, remains permanently banned of charitable organizations such of the community for having broken the chain of community solidarity.

Other forms of collection

30. In general, each community has in its organization a charter to organize the financing of seasonal activities or unforeseen events. These collections can be claimed by the leader of the tribe to cope with a large expenditure including debt of blood at the location of the neighboring tribes. Thus the existence of an

organization is paramount to release the Community or one of its members of the debt toward the other communities of the same land. This brings us to describe the different types of existing data collection.

31. In the rural community Somali, "Sado" is lifted for a religious need and corresponds to the offering made to God. It is performed on the request of " wadads" who are the religious authorities rural. It is around the "Sadaqo" which represents the charity. The payment is not subject to a rule demanding people requested.

32. The " Qaaraan"⁶ is another form of collection subject to strict rules and very similar to those of the " Baaho ". The " Qaaraan" is a permanent collection within the "RRSP" to support themselves for the first need. This collection is not necessarily conditioned by an event present but rather to a preparation against a possible risk. This is the case the funds intended for the burial and expenditures associated with the mourning.

What tax-exist in the Somali community?

33. The modern tax is defined as "a pecuniary benefit, required by way of authority, to definitively and without consideration, in view of the coverage of public burdens⁷". It is to even to ask the question of whether there is, in the Somali tradition, a levy of this nature ? On the basis of this definition, the comparison between the tax and the different types of collection in the Somali society has proved to be an arduous task. In fact, apart from some aspects of the tax levy modern, the tax is a phenomenon introduced through two major currents in contact with the pastoral society.

⁶ In the dictionary of Somali language, the QAARAAN is defines as XOOLO DAD BADAN EY BIHIYAN which means a collection paid by a large number of persons (Title of aid).

⁷ Gaston Jèze "Treaty of Science of Public Finance", edition, 1910, Paris.

The first is derived from the Islamic religion on the whole of the east coast with the "zakat" tax as reference. The second coincides with the arrival of the colonial administration which has imposed a number of levies which the tax on the capitation.

What is the definition given to tax in Somali?

34. There is no suitable word defining the tax in the modern sense known to this day. However, the absence in the Somali vocabulary of the word "tax" does not mean a total ignorance of the subjection to a payment either by force or to a payment to the amicable settlement to a higher authority.

35. In effect, the Somali have tendency to equate the tax to the "Baad"⁸ which is a form of perception carried out under duress and by force. The literal explanation given by the dictionary in the Somali language of the term "Baad" is: goods (here the herds) levied on the person or group vanquished. The terminology of this word is closest to grab but has a permanent character.

36. The "Baad" is donated to a person or a group of persons concerned and able to hurt to get paid. On this aspect, the proximity between the modern and the tax "Baad" is verifiable. Traditionally, the "Baad" is paid by those who do not have "Tol" (clan) to protect against any person stronger than him. Or, in the case of a clan that has been defeated in a war and confrontation must pay the "Baad" claimed by its rivals. This ransom is considered a humiliation in the Somali warrior tradition. Only death can save the face of those treated in this way and no Somali warrior can not accept this submission.

⁸ « Baad » : xoolo qofkii ama dadkii laga adkaado baxsho (dictionary of the Somali language).

37. This perception is performing under duress, it is likely of massive rejection of persons placed under guardianship and by the same a rebellion is always arranged.

38. In any case, strong resistance to the payment takes place, including the case of payment of the poll tax Ethiopia (*Gibir*) where Ougas of Issa negotiated the exemption of his subjects against acceptance of the Negus authority over his people.

39. The colonial tax policy for the payment of a per capita tax, called by the former "the head", has been a failure because of this spirit of freedom of the nomadic Somali in the space and its fierce opposition to the payment of any "Baad" to an authority other than that of his tribe.

A comparative analysis of the different collections

40. Gabriel Ardant explained at the beginning of the 20th century, "In this Muslim country, Morocco, for example, also found the double series of taxes. The ritual for purifying alms of the faithful by the sacrifice of the herd was known as Zakat and harvest under the name of Assyria.

41. Intended originally to the charity, Achour and Zakat retained their religious and non-Muslims were not subject. Other direct taxes, the poll due by the infidels living in Moroccan territory and *kharaj* was the effect of domination⁹.

42. The Somali society, as we have seen above, collecting a large number of contributions with the exception of taxes. Even if there is a consistency of certain collections over time ('*Sado*', '*Qaaraan*', etc.), it is difficult to accept that an institutionalized tax can be observed within the Somali legal device. The most

characteristic thing of this collective rejection is the assimilation of the tax to a tribute paid to one or several persons without visible consideration. Where assimilation into a tribute paid to a person or a stronger clan.

43. Between the '*Baaho*' and the '*Baad*', the Somali community is positioned based on the appropriateness of the collection. In the first case, it considers an aid or assistance given to members of the community where an acceptance in accordance with internal regulations unwritten, while for the second, it is the manifestation of external domination and therefore a phenomenon of rejection occurs.

44. In conclusion, we will retain in its constitution, Somali pastoral society does not accept the submission and says his freedom by a constant disobedience to the rules other than those established by the community. Fiscal constraints represent an infringement of the pride of this nomad. Also, can the tax issue apply a conventional approach. This reticence remains one of the obstacles encountered during the campaigns of recovery of taxes, duties and taxes paid currently in the country. For the financing of collective spending, more appropriate methods exist and are implemented whenever the need to appeal to contribution is required.

⁹ Ardant Gabriel, sociological theory of tax, SEVPEN, Paris, page 36.