

Forced evictions as an obstacle to durable solutions in Somalia

Updated September 2019

Forced evictions in Somalia disproportionately affect Internally Displaced Persons (IDPs). These evictions are often unlawful and violate the full range of civil, cultural, economic, political and social rights enshrined in various international instruments. These include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration on Human Rights. IDPs are unable to access and assert their basic rights, mainly due to insecure land tenure arrangements in IDP settlements. This has interrupted the ongoing reintegration processes in Somalia as well as undermined collective efforts to assist IDPs accelerate their path to recovery and attain durable solutions.

Did you know?

- **Forced evictions is defined** as the **permanent or temporary removal against their will** of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection ([OHCHR Factsheet, 2014](#))
- **Housing, Land and Property (HLP) rights** are about having a home, free from the fear of forced eviction; a place that offers shelter, safety and the ability to secure a livelihood. The concept of HLP includes the full spectrum of rights to housing, land and property held according to statutory or customary law or informally- both public and private housing, land and/or property assets. Addressing HLP issues are essential in durable solutions processes.
- **Protection against forced evictions is not linked to property rights.** Everyone has the right to be protected against forced evictions regardless of the type of tenure.
- Forced evictions are both **a cause and a multiplier of the protection and displacement crises affecting Somalia**. Forced evictions remains one of the main causes of secondary displacements which in turn trigger serious protection violations, with women and children being those disproportionately affected.
- The **regulatory environment for forced evictions in Somalia remains underdeveloped**. Somalia has signed the [Kampala Convention on the Protection and Assistance of Internally Displaced Persons](#)- the first regional instrument aimed specifically at preventing displacement, protecting and assisting the displaced, and identifying durable solutions- **but has not yet ratified the outcome document**.
- Somalia is also party to the **International Covenant on Economic, Social and Cultural Rights (ICESCR)** and acceded to it on 24 June 1990. The ICESCR provides for [international standards on forced evictions under article 11 and general comment 7](#).
- **In 2019** Somalia finalized the National **Evictions Guidelines** as part of the 2014 National Policy Framework on Displacement developed by the Ministry of Interior, but this document is yet to be ratified by the council of ministers.

Key facts and figures

- According to the HLP Sub-Cluster, over 204,000 people were evicted between January and July 2018, which is almost twice as high as the numbers evicted over the same period in 2017.
- Between January and August 2019, **173,255 individuals were evicted across Somalia**. And over **138,000 were evicted in Benadir region alone**, being the most affected location by far.
- In Mogadishu, **more than 17,000 IDPs are evicted on a monthly basis**. In 2017, the worst single mass eviction incident took place on the 29 and 30 December. An [estimated 38 IDP settlements](#), housing

over **5807 households (34,734 individuals)** within a radius of 13 KM on the outskirts of Mogadishu were destroyed. About 1% of the affected population (58 households) were local residents from host communities while the rest were IDPs.

- **Protection concerns:** One of the biggest protection challenges for IDPs are forced evictions as they settle on public land or private plots whose ownership is contested. Forced evictions exacerbate existing IDP vulnerabilities. Marginalization, discrimination and social exclusion are common experiences particularly for [IDPs who belong to minority groups](#), or who have lost their clan protection because they fled to areas where their clan is not present or is weak.
- Girls and female-headed households **are the most vulnerable as they face the greatest risk of gender-based violence**. In addition to the loss of livelihoods assets and investments, food insecurity, family separation, malnutrition and other serious rights violations, their displacement and return dynamics continue to evolve, **which in turn has led to secondary displacements**.
- There has been a **growing trend of development-induced displacement** in Somalia, as highlighted in the HLP sub-cluster eviction trend analysis from January to August 2019, where the main causes of evictions were related to increase in private-owned developments.
- To some degree, there is a demonstrated **correlation between forced eviction trends and areas with huge concentrations of drought displaced populations**. Many of those affected had fled their homes during the 2011 famine and fighting, and have been repeatedly displaced since then.

Key points and recommendations

Urgent need to address land tenure and regulatory frameworks to protect IDPs against forced evictions:

- The Federal Government of Somalia (FGS) should enact and amend land laws while fast tracking the approval of the Forced Evictions Guidelines, in close consultations with displaced affected populations, relevant line ministries, international community; and in accordance with the UN Guiding Principles on Internal Displacement
- The various durable solutions partners should provide technical support to the FGS for policy and legal reforms relating to land administration and land governance as well as the protection of IDPs/returnees

In the absence of formal judiciary mechanisms, alternative and [traditional dispute resolution](#) mechanisms such as the Xeer (Somali customary law) and Sharia law could be considered.

Addressing issues around forced evictions **requires engaging and developing the capacities of elders and judges who use these customary justice resolution mechanisms making them more aware of the vulnerabilities, rights and needs** of the displacement affected populations.

Dedicated tenure-secure land should be identified by the government for IDP settlements: In order to mitigate the risk of forced evictions, it is imperative that relevant stakeholders do not solely focus on fixing the legal framework. Practitioners and policy makers should explore different tenure options in order to contain entrenchment and the spreading of informal settlements while at the same time enhancing tenure security for the most vulnerable.

Urgent need to strengthen measures to address social exclusion of marginalized communities: better targeting of forcibly displaced populations and context analysis around risks of exclusion must be strengthened to address issues of social exclusion of marginalized communities.

Any lawful evictions conducted **must take due consideration of protecting the rights of IDPs/returnees**: prior to any eviction, all groups have the right to relevant information, full consultations on alternatives and participation throughout the entire process. These steps are necessary to ensure that **evictions do not put the lives of IDPs at risk by safeguarding their safety and dignity** guaranteed by Article 10 of the Provisional Constitution of the Federal Republic of Somalia.

Inclusive urban development planning and land management in order to achieve sustainable durable solutions in urban environments through:

- promoting robust participation in urban planning or city extension processes,
- strengthening the capacity of local authorities' urban planning departments
- creating or formalizing joint settlement monitoring committees with the view of enhancing their accountability through authorities and displacement affected communities
- integration of IDP settlements in wider urban planning initiatives to address the need for options for IDPs and urban poor within the planning processes

Useful resources

- [Humanitarian Needs Overview- 2019](#)
- [Somalia: National Eviction Guidelines-2019](#)
- [General comment No. 7: The right to adequate housing \(art. 11 \(1\) of the ICESR Covenant\)](#)
- [Heritage Institute for Policy studies \(2017\) Land matters in Mogadishu](#)
- [JIPS 2016 Profiling of Mogadishu](#)
- [NRC Displacement and housing, land and property disputes in Puntland \(March, 2015\)](#)
- [NRC Housing, land and property rights for Somalia's displaced women \(November, 2015\)](#)
- [NRC, UN Habitat, Somalia Protection Cluster \(January, 2018\) Back to square one](#)
- [NRC, UN Habitat, Somalia Protection Cluster Background note to the mass eviction of 29 and 30 December 2017](#)
- [OHCHR & UN HABITAT Fact sheet No 25/ Rev. 1 on forced evictions](#)
- [Somalia NGO Consortium note on evictions and destruction of IDP settlements in Mogadishu \(January, 2018\)](#)