



BACK TO SQUARE ONE

Trapped between powerful landlords, more than 5800 IDP households have been left homeless in Mogadishu after being forcefully evicted. The net effect, in addition to gross violations of their human rights, is an outright reversal of years of incremental recovery efforts, leaving them back to square one. This loss of critical humanitarian investments, combined with the inhumane treatment of IDPs which has so far led to the suffocation of an 8-month old infant, is particularly troubling.

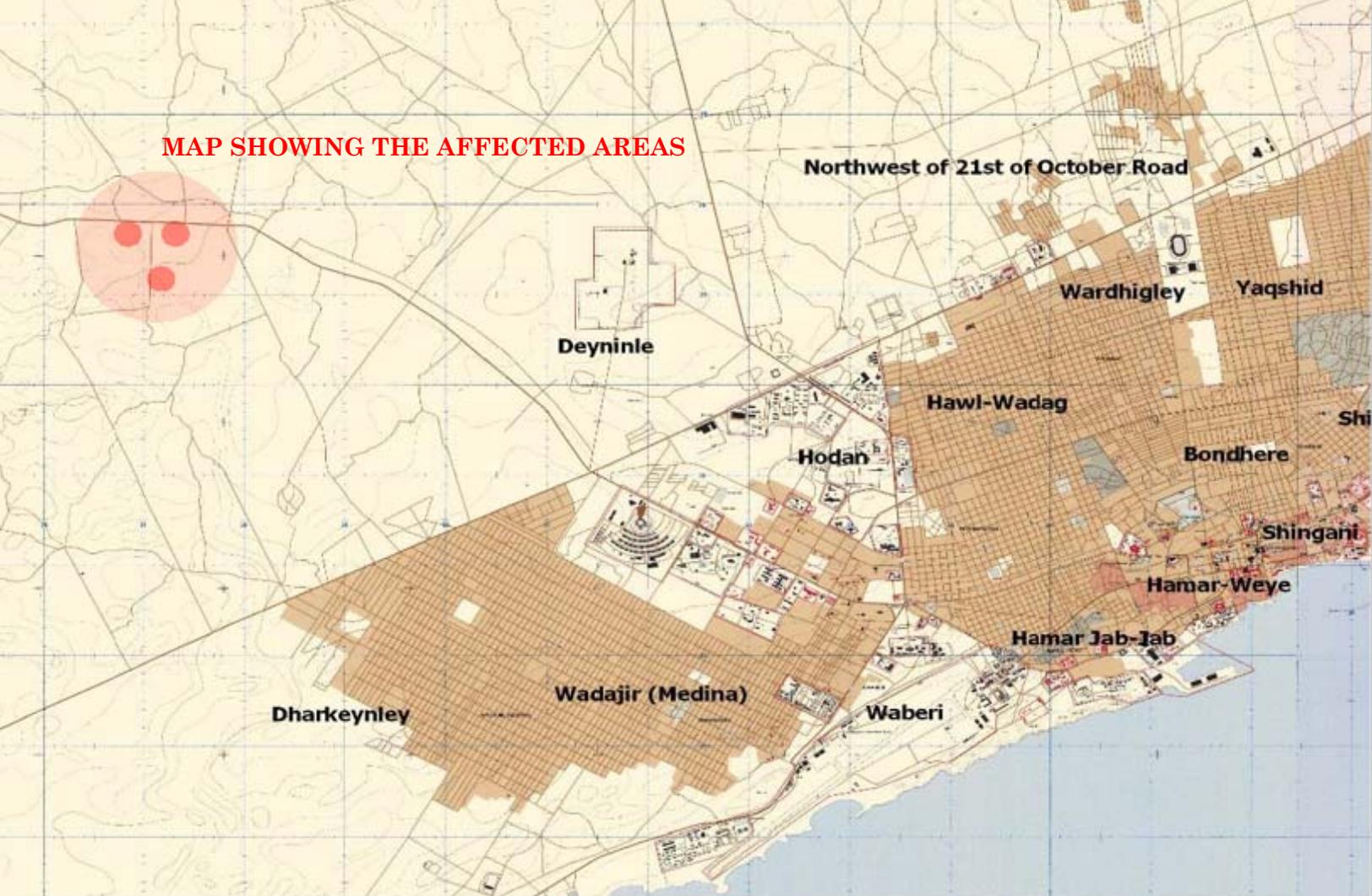
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This report presents the main findings and recommendations of a post-eviction assessment carried out by the Norwegian Refugee Council in support of the HLP Sub Cluster and the Protection Cluster in Somalia. While drawing on and corroborating the information contained in earlier eviction and protection flash alerts, the report goes a step further to assess broader protection implications triggered by the incident as well as the scale, scope and extent of its impact on the victims.

12 January 2018

MAP SHOWING THE AFFECTED AREAS



Brief profile: Daynile and Kaxda Districts

Daynile is one of the seventeen districts of Banaadir Administrative Region in Southern Somalia. Together with Kaxda, a district formed in 2012, both districts are situated on the northern outskirts of Mogadishu and host the largest number of internally displaced persons in the region. More than 500 settlements are spread across the two districts. An estimated 55% of the 400,000 IDPs identified during a 2016 Mogadishu IDP profiling exercise lived in Daynile and Kaxda¹. The number has since doubled due to recurring displacements, including those displaced by the recent drought, many of whom are believed to have joined existing settlements in the area. IDPs lived in unplanned informal settlements that are, in most cases, constructed on private lands; they pay a monthly rental fee but are not issued any form of documented tenure security agreement, relying on informal oral agreements. Rent is paid either in cash or in kind, including with the humanitarian aid commodities they receive. Disagreements between IDPs and caretakers known as gatekeepers over payment terms, mainly the percentage of aid items to be given in lieu of payment, often result to localized small-scale evictions. The lack of a formal tenure arrangement means that IDPs in Daynile and Kaxda districts, like in most part of Somalia, live under perpetual intimidation and constant threat of being forcefully evicted.

¹ Internally Displacement Profiling in Mogadishu, April 2016

INTRODUCTION

Forced evictions constitute prima facie violations of a wide range of internationally recognized human rights and are often associated with physical and psychological injuries to those affected, with a particular impact on women and on persons already living in extreme poverty, children, indigenous peoples, minorities and other vulnerable groups². Persons with disabilities and older people are also usually heavily impacted by evictions due to their specific vulnerabilities. The subject has in recent years reached the international human rights agenda because it is considered a practice that does grave and disastrous harm to the basic civil, political, economic, social and cultural rights of large numbers of people, both individual persons and collectivities³.

Forced evictions or forced removals, often carried out by means of physical violence in urban and peri-urban areas, are among the most inhumane right violations with which displaced populations are confronted in Somalia. In Mogadishu, particularly Daynile and Kaxda districts, small-scale evictions occur on a daily basis and IDPs constitute the largest and most vulnerable sub strata of those disproportionately affected. They continue to be in situations of perpetual fear and intimidation while struggling to recover from the impact of displacement or cope with protracted displacement and marginalization. In addition to secondary displacements, these evictions quite often result to the total destruction critical livelihood assets and disruption of established life routines and durable solutions strategies.

A twin eviction, the worst single mass eviction incident of 2017, took place on 29 and 30 December. The devastation that ensued immediately became of urgent concern to all stakeholders, particularly the humanitarian community. The incident is proportionally similar to a forced eviction that took place in Dharkenley in March of 2015⁴. Several quick fact-finding missions were carried out and protection flash alerts were circulated, providing the first but cursory insights into the incidents. However, considering the fact that the incident evolved over a period of two days and spanned across several settlements in different geographic locations, a more detailed assessment was necessary in order to fully understand broader protection implications triggered by the incidents as well as the scale, scope and extent of the impact on the victims. In essence, the assessment was intended to provide a robust platform for response. It is upon this background that the rapid post-eviction assessment was commissioned and carried out by the Norwegian Refugee Council in coordination and cooperation with the HLP sub cluster and the Protection Cluster.

Data collection consisted of both quantitative and qualitative methods. A total of 280 household surveys were conducted, 38 key informants (including settlement leaders) were interviewed, and 70 persons drawn from a cross-section of people (including victims of the evictions) participated in seven Focus Group Discussions. Data collection as part of the post-eviction assessment lasted for two days, 3rd and 4th January, but field teams began collecting data from the date of the incident on 29th December 2018. In addition to the dataset generated first-hand, the assessment also took into account information that were contained in earlier protection flash alerts and consolidated them more coherently. At the same time, specific areas of protection focus, including the eviction process, needs, access to humanitarian assistance, etc. were assessed in order to generate a more holistic picture of the incidents. The main findings are particularized in the ensuing sections.

² Implementation of General Assembly Resolution 60/251: Special Rapporteur report on adequate housing, 2006

³ Fact Sheet No.25, Forced Evictions and Human Rights (E/CN.4/Sub.2/1993/8, para. 21)

⁴ <https://www.hrw.org/news/2015/04/20/somalia-forced-evictions-displaced-people-0>.



Picking up the pieces of things still useful after the demolition.



Refused to be distracted, this little child sat on the ground and continued to learn.

MAIN FINDINGS

FORCED EVICTIONS

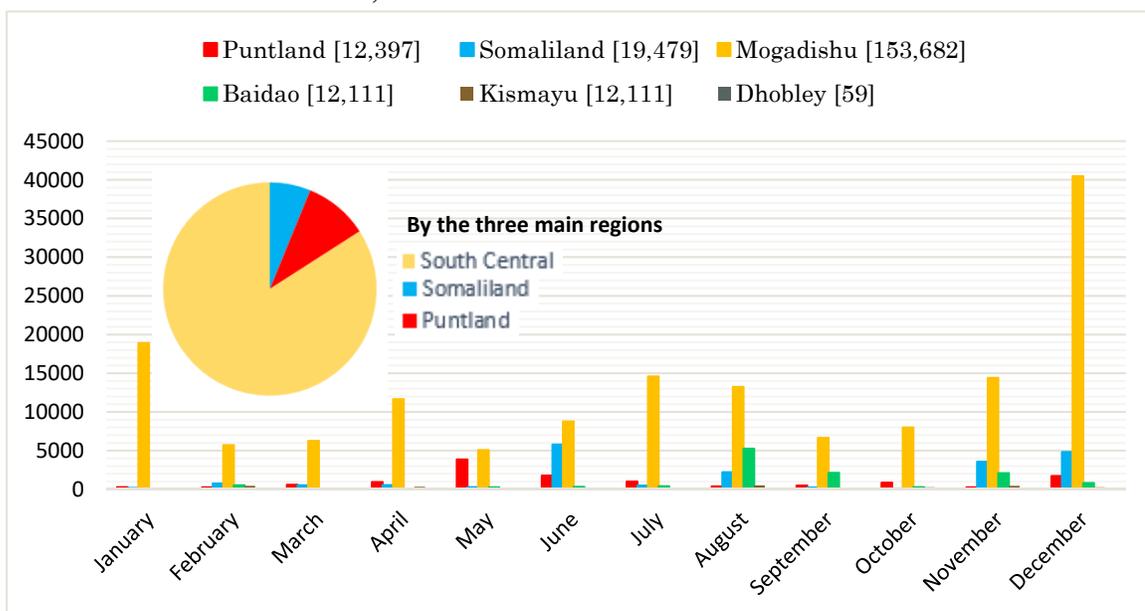
- The evictions stemmed from a protracted land ownership dispute between powerful landlords that ended up in the court of law. The landlords/parties with whom the IDPs had an oral/informal occupation agreement lost the case, and consequently, they were evicted virtually without notice by the other landlords/parties employing intimidation and physical force and violence, including the use of armed individuals wearing uniforms of Somali security agencies and bulldozers.
- The assessment found that 5,807 households (an estimated 34,734 individuals) were forcefully evicted from 38 IDP settlements in two different locations at Kilometer 13 (KM13)⁵. About 1% of the affected population (58 households) were local residents from host communities adjacent the Xaq-Dhowr IDP Center, while the rest were IDPs. On an overall, 98% of the victims lived in Kaxda District while 2% (110 households) were inhabitants of the Bulsho-Kaab IDP settlement in Daynile. Majority of the victims fled to settlements hosted by Kamil Center within the vicinity of K12 and K14, where they have constructed makeshift shades made of four sticks and tatted cloths and blankets. The clusters together with humanitarian organizations were mobilizing resources and scrambling emergency response at the time of the assessment. However, at the time of writing this report, DRC had registered part of the evicted population and was preparing to distribute plastic sheeting and NFIs provided by UNHCR (1500 NFIs), IOM (200 NFIs), and through SHF funding (1000), while NRC had also completed the registration of 2000 beneficiaries for unconditional cash assistance and was in the process of registering additional 1000 households for emergency post-eviction multi-sectoral support through funding from ECHO. A number of other organizations were also actively mobilizing and planning responses.
- The demography of the eviction victims embodies two striking characteristics. First is the duration of displacement: except for 38% of the respondents who were displaced in 2016 by drought, a significant segment arrived in Kaxda and Daynile years ago, on occasion as far back as 2001, which is why for most of the victims this incident constitutes a painful reversal of years, if not decades, of incremental recovery efforts to rebuild lives after the shock of displacement. Second, the majority of the respondents were displaced from Bay and Lower Shebelle, 5.7% and 42.52% respectively. Both regions are among the worst affected by persistent conflicts and natural disasters.
- The evictions were carried out with intimidation, force and violence, including physical assault and destruction of HLP assets, and without an adequate notice period that would have prevented loss/destruction of assets and allowed the victims to relocate with dignity. Of all households interviewed, 54% reported observing the use of and directly experiencing violence during the incident. In total, 68% of the respondents did not receive any formal notice while 32% did receive some form of verbal notice period that ranged from three to seven days. Eviction is sometimes inevitable or unavoidable, but regardless the justification of the decision, international law directs that every person or group of persons that is threatened with forced eviction should have full recourse to due process or other forms of remedy to protect their

⁵ 25 of the 38 sites correspond to the CCCM Cluster's detailed site listing which contained more comprehensive information. The remaining 13 sites had not been profiled at the time of the assessment.

fundamental human rights. Critical aspects of eviction guidelines and best practices as stipulated in Article 11 of the ICESR and General Comment No.7 on Forced Evictions, such as meaningful participation, provision of adequate time for preparation, and the need to ensure security of tenure in an alternative settlement, were not taken into account.

- A substantial spike in the number of evictions in Mogadishu during the month of December 2017 is witnessed, totaling 40,470 individuals with 34,734 being evicted between 29 and 30 December alone. In total, 153,682 individuals were forcefully evicted in Mogadishu from January to December 2017. The number of persons evicted between 29 and 30 December represents 23% of the total annual caseload, thus making it the worst single mass eviction incident in 2017. For all operational regions across Somalia combined, a total of 200,279 individuals were evicted in 2017⁶, with Mogadishu alone representing more than three quarters (77%) of that number. This alarming trend is expected to persist due to widespread tenure insecurity, weak protective structures, inadequate land registration and legal framework, as well as the potential for increased commercial and development investments in and around Mogadishu. Such eviction trends would in turn adversely undermine efforts to assist displaced populations accelerate their path to recovery and attain durable solutions.

Annual Eviction Statistics, 2017



- Although there existed no formal written tenure security documentation, an informal tenure agreement (witnessed by many people) existed between the landlord and the IDPs, but third parties subsequently emerged and claimed ownership of the lands on which the settlements were constructed. None of the respondents had documentation to substantiate that they were authorized by the landlords to settle in the camps, while 14% reported paying rent but they had no rental agreements⁷.

⁶ There is a marginal difference between the annual eviction statistics mentioned on this page and the one indicated in the Background Note. This variance is attributed to different reporting cut-off dates.

⁷ The percentage of IDP households paying rent could in practice be higher – some IDP households are reportedly hesitant admitting part of the humanitarian assistance is transferred to gatekeepers/landowners due to a fear of humanitarian agencies suspending distributions in response.

- In terms of humanitarian and other assets that were destroyed as a result of the incident, the assessment found that 38 settlements were evicted while 25 of the total settlements evicted were completely destroyed. Other destructions documented include 10 mainstream schools and 15 Quranic learning centers, 1 GBV and 8 community meeting centers, 1 structure to facilitate feeding programs, 66 water points and 380 latrines. These findings corroborate figures reported during inter-cluster and Protection Cluster coordination meetings on the 3rd and 4th January 2018, respectively. A considerable amount of those humanitarian assets were intended to alleviate the immediate suffering caused by the drought, to facilitate the integration of other displaced populations, and to strengthen the resilience of local host communities by expanding access to critical services such as water, education, etc.

PROTECTION CONCERNS

Sexual violence: Women and girls experienced sexual related violence in the immediate aftermath of the tragedy. Most of the incidents are reported to have occurred at night during relocation and those mostly affected are families who were unable to secure alternative relocation areas in time. An aggregate 3% of respondents confirmed knowledge of households in which women experienced some form of violence, assault and/or harm as a direct consequence of the evictions. If concrete actions are not taken swiftly, these incidents could potentially increase in the weeks ahead due to inadequate physical protection due to a lack of shelters: families are sleeping in makeshift structures which, for all intent and purposes, can only be fairly described as open-air.

Family separation, injuries and deaths of children: 3% of the respondents reported children being separated from their parents during the evictions. INTERSOS, one of the leading child protection agencies with robust operational presence in Mogadishu, also reported 20 children who were missing during the eviction process. The aid agency responded immediately and facilitated the tracing of their parents with the most difficult tracing and reunification exercises lasting well over ten hours. Furthermore, an unknown number of children also suffered different degrees of physical injuries. An 8-month old male infant suffocated and died at the Kamil IDP center due to a combination of congestion and prolonged exposure to extreme heat – a condition to which they were subjected to during and after the eviction.

Disruption of livelihood: Female headed households make up 36.5% of the total affected families, while male and child-headed households account for 62.5% and 1% respectively. 90% of female-headed households indicated that they depend on income generated from daily labor for the survival of their families. Those established livelihood arrangements have been effectively disrupted as a result of the forced evictions. In addition, 108 various small scale business centers, i.e. shops, kioks, etc. that were primary source of income and livelihood for IDP households were demolished. These IDP households will now have to start from scratch to rebuild their lives amid overwhelming humanitarian needs, while a fear exists for the adoption of negative coping strategies including child labor, early marriage, etc.

Inadequate housing and insecure land tenure: The lack of insecure tenure could expose survivors to secondary displacements further increase their vulnerabilities, and heighten risks of sexual and gender-based violence due to a lack of physical protection. Most of the evicted households already demonstrate extreme levels of vulnerabilities and, faced with limited or no viable options, may relocate to other eviction-prone or insecure locations could subject them to further risks of eviction and displacement.

HUMANITARIAN NEEDS, ACCESS TO BASIC AND ESSENTIAL SERVICES

Water, Sanitation and Hygiene: WASH facilities were barely sufficient for the residents of receiving settlements and communities. This sudden exponential increase in population size has placed enormous stress on those facilities, especially water points and latrines, to the extent that they could reach breaking points in few weeks. If that happens, the current situation which can currently be considered a localized emergency could potentially degenerate into a humanitarian crisis. 60% of respondents reported lack of access to clean water and latrine facilities, which increases the risk of health hazards, including disease outbreaks. IDPs are currently buying water at a fee of 2000 Somali Shillings (10 US cents) per each 20-liter jerry can, which is twice the normal price. But even so, only a few families can afford such cost which they certainly won't be able to sustain for a long period.

Livelihoods and Food Security: Food insecurity remains a major concern across Somalia with the Famine Early Warning Systems Network (FEWSNET) predicting possible food shortages in early 2018. IDPs are among those usually disproportionately affected by food insecurity and related rising prices. Those affected by the evictions were still recovering from the impact of displacement and the devastation of the recent drought, or struggling to cope with the impact of protracted displacement and marginalization. For the most part, their livelihood strategies and other coping mechanisms have been severely disrupted or destroyed as a result of the forced evictions. Some 24% of respondents indicated total loss of their livelihood assets and opportunities while 76% reported retaining at least some of their livelihood sources. Around 55% of respondents reported that their children are lacking food, similar to 53% who said that they don't have access to food or any nutrition services. It is very likely that these people will be among those to be hardest hit by FEWSNET's prediction of food shortage in the weeks ahead, thus increasing the chance of adopting negative coping strategies.

Health and Nutrition: In total, 14% of respondents indicated having family members who were ill – some of them (15 with chronic illness, 15 with disabilities) were on treatment before being forced to flee. And while 56% of respondents reported being aware of a health facility from where they could access health services, a considerable 43% were not aware. However, the capacities of health services are also expected to be overstretched due to the sudden influx. A feeding center was demolished during the eviction. A total of 55% of respondents reported being aware of children in need of urgent access to nutrition services, especially those who previously had access to such services prior to the evictions.

Shelter and NFIs: Of the 38 affected settlements, 25 were completely destroyed. In the current relocation sites, IDPs are practically in open air because the makeshift structures erected provide virtually no privacy and no physical protection, not from the elements nor in relation to the risk of sexual abuse. Only 24% of respondents reported having been able to disassemble and take along their shelter units, mainly those from settlements that were not destroyed. These shelter units were re-assembled and erected in the new locations. However, the vast majority, 76% of respondents reported that their shelters were forcefully and violently demolished, leaving them limited or no option to isolate and safeguard critical assets. Despite the destruction of considerable number of shelters, 53% of the respondents reported having access to some form of makeshift structures or buuls at the new locations, while 44%, mostly female headed households, reported not having access to shelters.

Education: A total of 25 learning facilities, 10 mainstream schools and 15 Quranic learning centers, were completely destroyed during the evictions. The academic school year has been disrupted for children and other learners who were affected by the evictions. It remains unclear whether they will be accepted to enroll in other schools without their academic performance records that got missing or

destroyed during the incident. This in itself represents a complete setback. Based on figures collected from settlement leaders, it is estimated that 75% of children who were evicted are currently out of mainstream schools. Education facilities in the new areas are reportedly unable to absorb the influx of students due to both insufficient space and lack of academic records/documentations. An attempt to absorb these students might lead to overcrowding and eventually undermine the entire learning process. IDPs temporarily sheltered in education facilities during the height of the shamble, but had relocated to alternative accommodations and the schools were operational at the time of writing this report.

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

The extent of the harm and damage caused by the mass forced displacement of highly vulnerable people is indeed overwhelming. Even though a number of ad-hoc response initiatives are ongoing, they remain unarguably scant in proportion to needs on the ground, especially since in IDPs in Kaxda and Daynile were already in dire need of humanitarian assistance and support prior to the incident.

Irrespective of the fact that a lengthy judicial process preceded the evictions, they were forced, unlawfully executed and did not comply with international legal standards for evictions under International Law⁸ which requires, among other things, substantive justification, due process, consultations on alternatives, alternative accommodation and non-discrimination. The evictions were unjustified in proportion to the human and humanitarian costs, which have shown to be enormous and encompass multiple negative consequences on the livelihoods and lives of those affected. IDPs were violently uprooted from the places they've known as homes for many years, or in some cases even decades, and in which they have made considerable investments; personal properties and possessions were destroyed. Most importantly, their social relationships and established life routines – the survival and safety network which provides protection and sources of livelihood – have also been disrupted. The destructions and immeasurable sufferings caused by the forced evictions could have been avoided had the process allowed and/or followed acceptable standards.

Moreover, these latest incidents of forced evictions highlight the crucial need to take concrete actions to address the issue as evictions, forced or otherwise, will continue to occur on a daily basis in Somalia. In Mogadishu alone, a total of 153,682 individuals were forcefully evicted during the course of 2017. The violation of Housing, Land and Property rights, in the form of forced evictions, remains a major negative factor impacting on the overall protective environment for IDPs and the achievement of durable solutions, thereby perpetuating and further cementing social marginalization. Forced evictions exacerbate other protection issues, including those related to gender-based violence, child protection, education, and food security and livelihoods. Without addressing the phenomenon in a concrete and more coherent and acceptable way, the cycle will continue, critical assets will be destroyed and humanitarian and development efforts will be continually undermined, thus perpetuating marginalized and disempowered existences while durable solutions to displacement remain elusive.

⁸ Art. 11 OF ICESCR, and General Comment No.7 on Forced Evictions

RECOMMENDATIONS

Based on the conclusions afore-particularized, the following recommendations are hereby advanced.

- **Emergency response:** The humanitarian community, donor institutions, UN agencies and humanitarian organizations combined, in collaboration with government authorities, should prioritize an urgent and well-coordinated response to the situation in order to alleviate the immediate suffering caused by the incidents and prevent it from degenerating into a humanitarian crisis. The immediate multi-sectoral post-eviction programming priorities should be shelter, food, WASH facilities, and critical protection interventions around tenure security and sexual and gender based violence. The response should primarily focus on scale-up and the expansion of existing services, and all interventions should be very closely coordinated in order to avoid duplication or overlapping.
- **Advocacy:** The nature and scale of the evictions as well as the scope of the corresponding impact on both the lives of the victims and humanitarian investments require a firm and more senior level engagement on the subject. The Humanitarian Country Team, supported by the Protection Cluster and in line with the HCT Centrality of Protection Strategy, should decide on a common position and initiate discussions with the government with the aim of soliciting the government's involvement, participation and intervention to prevent recurrence of unlawful evictions and possibly prosecute where infringement of Somali national laws occurred. This should be followed by the adoption of eviction guidelines and minimum standards potentially through the adoption of a policy framework clearly defining the rights of internally displaced populations. Federal Member States, relevant Federal Government agencies and local administrations should be involved in the process. In the long-term, the HLP Sub Cluster and the Protection Cluster should provide technical support to the government for policy and legal reforms relating to land administration and land governance as well as the protection of IDPs.
- **Immediate solutions to prevent forced evictions:** Outcomes from advocacy initiatives by the HCT might not be immediate given such initiatives are lengthy and process intensive. Therefore, the Protection Cluster, supported by the HLP Sub Cluster should engage local authorities at regional and district levels to ensure that the eviction of the IDPs from public and private properties is carried out lawfully and in a dignified manner, including adhering to such principles as due process, substantive justification, consultations, alternative accommodation, and non-discrimination. Humanitarian organizations should cooperate with local institutions on the enforcement of evictions guidelines and adherence to international legal standards on forced evictions such as substantive justification for the eviction, due process including sufficient notice period and discussions with affected communities, alternative accommodation for populations at risk of eviction, discussions on alternatives by the key stakeholders and non-discrimination during eviction to ensure the evictions are not based on discriminatory practice against a particular group.

At the same time, and in an effort to mitigate the risk of forced evictions and its painful consequences, local authorities, humanitarian and development stakeholders should pay particular attention and take steps to improve tenure security for IDPs in Mogadishu. One way of achieving this is through the issuance of legal tenure security documentations, i.e. lease agreement, rental contracts, land deeds, etc. At the moment, landlords are hesitant of issuance

any form of tenure security documents to tenants. In parallel, the humanitarian community, as also called for in the HCT Centrality of Protection Strategy, should begin exploring the possibility of mobilizing actions against the exploitation of displaced and marginalized communities through the commercialization of aid – a practice whereby IDPs use food aid, cash assistance and other humanitarian commodities to pay rent. This practice is an indirect recipe for forced evictions because of two reasons: first, the rent equivalence in aid fluctuates depending on the humanitarian item and/or the amount received and frequently lead to conflict between IDPs and gatekeepers; and second, gatekeepers create artificial humanitarian emergencies by periodically evicting IDPs in order to attract renewed humanitarian assistance.

- **Long-term durable solutions strategies:** The eviction incidents have engendered a genuine and acute humanitarian situation which requires an urgent emergency response to mitigate the impact. However, the ultimate goal of finding comprehensive durable solutions for IDPs should not be ignored as the humanitarian and development communities seek to address this problem. An approach that embodies a fundamental understanding of the intertwining factors underpinning forced displacement, migration and marginalization, and which promotes the need to consider critical aspects of durable solutions and resilience at the onset of emergency response should be adopted. While recognizing the right to freedom of movement for citizens of Somalia, these approaches should consider measures to mitigate risk of the negative spiral that results from prolonged dependency on humanitarian assistance and that acknowledge that rural-urban migration movements in Somalia are being motivated and shaped in part by the availability of humanitarian services.

Finally, once the drought subsides, IDPs will potentially opt to return to areas of origin. Humanitarian and development (including resilience) programming should not overlook potential needs in rural areas of origin in order to ensure informed and voluntary return can be sustainable and to compensate for the potential pull-factor more comprehensive service provision in congested urban areas can pose. Retrospective analysis suggests that imbalanced humanitarian and development investments that favor urban centers (Mogadishu) over other return areas will unintentionally promote rural-urban movements and potentially protracted displacement. Recognizing the freedom of movement of Somali citizens and their right to locally integrate, it is also recognized that the conditions in the informal settlements in urban and peri-urban areas, and the pressure on urban centers, especially since the onset of the drought, are resulting in substandard, undignified, and exploitative conditions with rampant health and protection concerns – including further and continuous forced evictions. While mobilizing efforts to respond to the emergency caused by the twin evictions and when the situation allows, durable solutions programming with a proportional equilibrium between Mogadishu and other urban centers, as well as areas where IDPs have indicated intentions and willingness to return to should be sought.

PROTECTION CLUSTER BACKGROUND NOTE

The Protection Cluster carried out an extensive technical analysis on the forced eviction incidents and produced a background note. Most of the information and analyses contained in the note complement and broaden the scope of this report in unique ways. Therefore, the note is inserted below to form an integral component of this report.

FORCED EVICTIONS IN MOGADISHU

Background note to the mass eviction of 29 and 30 December 2017

Forced evictions remain one of the most severe and prevalent protection threats in Mogadishu and Somalia, particularly for IDPs and poor households.⁹ As exemplified by the mass eviction of 29 and 30 December 2017, forced evictions undermine humanitarian efforts and investments that would help marginalized and vulnerable populations to escape the poverty and displacement traps. Destruction of property and assets impinges on the resilience and coping mechanisms of populations that already have limited capacity and resources to deal with their situation. This further exposes evicted households to opportunistic brokers (including gatekeepers) and exploitation, additional protection violations and secondary displacement, while interrupting integration processes due to disruption of livelihood activities and destruction of related assets, as well as disrupting access to services.

Since 2015, when the Protection Cluster Eviction Tracker started to be operated by the NRC, on average each year more than 155,000 individuals have been evicted across Somalia. In 2015, according to the tracker, approximately 130,000 individuals were evicted; approximately 162,000 individuals in 2016; and, including the estimated total affected individuals of the 29th and 30th December eviction, 190,000 individuals in 2017. The vast majority of evictions affect IDPs, and the epicenter of forced evictions remains Mogadishu.¹⁰ Mogadishu witnessed the largest eviction incidents with 123,421 individuals evicted in 2015, 143,510 individuals in 2016 and 153,682 individuals in 2017. The records reveal more than 11,000 IDPs are evicted on a monthly basis in Mogadishu. Before December 2017, a mass eviction was conducted in March 2015 where 3,500 households were evicted from KM11 of Mogadishu.¹¹ Evictions are frequently more limited in scale.

Forced evictions are both a cause and a multiplier of the protection and displacement crises affecting Somalia. IDPs are unable to access and assert their basic rights, mainly due a power imbalance between IDPs and evicting parties. IDPs have settled in Mogadishu on private and government land, for which IDP households do not have clear, predictable or lasting tenure security agreements. In Mogadishu the growing demand for private and public land since the withdrawal of Al Shabaab has led to increasing difficulties for IDPs and urban poor populations to find locations to settle upon where no risk of eviction exists.

An underdeveloped regulatory framework, hampered access to justice, low awareness – a weak protective environment

The regulatory environment for forced evictions in Somalia remains underdeveloped. Forced evictions potentially violate a broad range of human rights defined in various international instruments.¹² The Kampala Convention on the Protection and Assistance of Internally Displaced Persons (defining the rights of IDPs and the primary responsibility of national authorities in protecting those rights and

⁹ NRC Eviction Report (January 2018). With reference to the eviction in Xaq-Dhawr centre, Deeqo umbrella and Talo-Wadaag umbrella, houses, schools, latrines and other sanitation and health facilities were bulldozed. According to the SHF, the destruction of assets and facilities funded through the fund amounts to US\$ 200,000. It is possible humanitarian assets funded through other donors were also affected. Crucially, livelihood assets of households were also destroyed.

¹⁰ Eviction Tracker – Protection Cluster (NRC)

¹¹ Cf. Interagency Rapid Assessment Report: Dharkenley Evictions (March 2015)

¹² See annex 1 to this document for a list of basic human rights that potentially are violated.

ensuring the response to displacement) has been signed by Somalia, but has not yet ratified the outcome document, nor have the principles been laid out in the convention been translated into legislation or policy in Somalia beyond basic individual rights as enshrined in the Somalia Provisional Constitution.

Efforts to establish a policy at FGS level that would define the rights of internally displaced persons and establish roles and responsibilities have been interrupted due to changes of administrations and shifting priorities. Eviction Guidelines were part of the 2014 National Policy Framework on Displacement within Somalia by the Ministry of Interior and Federalism on behalf of the Federal Government of Somalia. This document has not been ratified by parliament. The Eviction Guidelines have also not been officially adopted, but despite their status have been effectively used by the Protection Cluster and NRC in supporting a lawful eviction in 2015 (the Ministry of Health and Ministry of Finance eviction).

Calls for the development of land laws and principles related to Durable Solutions for IDPs have been included and mainstreamed throughout the National Development Plan 2017-2019. The plan notes the risk of forced evictions and specifically implores the government to 'Review and improve the legal framework for protection against forced evictions from public and private property and improve access to land and land tenure security for IDPs and returnees.' No law regulating land issues has been developed or passed by parliament.

Legislation on land and tenure security is outdated and the legal texts used by formal courts – primarily Law no. 10 (17 December 1980) and to a lesser extent the 1973 Urban Land Distribution Law – refer to constitutional frameworks that are no longer in use. However, since there is currently no national land policy, Law no. 10 is still applied. Land registries have been looted and in some cases title deeds are unlawfully produced at a high cost leading to conflicts related to multiple claims on land. Xeer (traditional justice mechanism) and Shariah Law have proven to be relatively ineffective in assisting with property disputes (especially in urban settings) and in preventing forced evictions.¹³

For IDP households formal judicial remedies in court, to permanently acquire land ownership or to prevent eviction, frequently remain too costly – including due to irregular fees that are requested at multiple stages of legal procedures. Most agreements on the hosting of IDPs are short term and remain verbal, creating further complications for accountability when an agreement is broken. Further, affected communities frequently have low awareness of basic rights, hampering their access to judicial mechanisms.

In relation to perpetrators of forced evictions, it is important to distinguish between actors who request that an eviction be initiated and actors that execute the eviction. The latter frequently involves individuals wearing uniforms of Somali security agencies (police or armed forces) – however, it is unclear at what level actions are authorized or ordered within the security entities. With reference to the former group of actors, forced evictions appeared to be initiated by government entities (including local authorities) mostly from 2012 to 2015. From 2015 onwards with the exception of the mass eviction

¹³ Cf. Land Matters in Mogadishu – Rift Valley Institute, Heritage Institute for Social Policy (2017) http://riftvalley.net/publication/land-matters-mogadishu#.Wk9y_XZx3Z4; However, in Somaliland and Puntland quasi-judicial dispute resolution mechanisms are in place: in Somaliland Land Dispute Tribunals (LDT) and in Puntland Land Dispute Resolution Committees (LDRC). These involve local authorities and community leaders and to varying extents incorporate Xeer and Sharia practices as well as state administrative and legal procedures. Cf. UNHABITAT & JPLG, Harmonization of the Legal Systems Resolving Land Disputes in Somaliland and Puntland Report and Recommendations (2015).

of March 2015, private individuals, business owners and gatekeepers seem to have played a much greater role in the initiation of forced evictions.

Going forward

Throughout 2017 authorities have issued statements addressed to squatters or residents of ‘public buildings’, including IDPs, requesting them to leave those premises. No law or decree that may have been issued was shared with the international partners or further advertised in official bulletin boards. While it is recognized that circumstances will exist in which evictions are the consequence of a legitimate need to reclaim public land and buildings occupied by IDPs, all measures should be taken to adhere to the principles and standards reflected in the Eviction Guidelines as also expressed in the National Development Plan 2017-2019, as well as basic rights enumerated in the Somalia Provisional Constitution.

The Banadir Regional Administration, including by virtue of interpretation of the stipulations of Law no. 10 on land administration, remains a key institutional actor in the execution of evictions. It could play a significant role in ensuring and the enforcement of lawful evictions which follow the Eviction Guidelines. The Banadir Regional Administration should make concerted efforts through its district administrations to ensure that all unlawful evictions are prevented. A positive step would be the establishment of a localized monitoring and reporting system to help prevent forced evictions by identifying risks and proceedings.

The HLP Sub-Cluster has periodically trained institutional partners on HLP rights and several initiatives to train the municipality on lawful evictions are supported and funded by different durable solutions projects (such as the EU REINTEG Programme in Mogadishu and the Government of Sweden funded Innovative Solutions for the Displaced Programme, while other activities were conducted through the support of the Somalia Humanitarian Fund). The Protection Cluster aims to further integrate HLP activities and considerations in joint programming with the Shelter/NFI Cluster and the CCCM Cluster.

In relation to the above the Protection Cluster recommends the following:

- Authorities at all levels are to ensure that any evictions conducted should be lawful and must adhere to the relevant national and international legal frameworks and standards as laid out in the Eviction Guidelines. Notably by taking concrete steps to respect and protect the inviolability of human dignity of IDPs and all Somali citizens, as guaranteed by Article 10 of the Provisional Constitution of the Federal Republic of Somalia, including by:
 - Upholding the rights of IDPs and others at risk of eviction to have the lawfulness of their eviction reviewed.
 - Ensuring that adequate and reasonable notice is issued by the authorities in publicly in writing at least 60 days prior to eviction directly to the affected population.
 - Ensuring that any evictions that take place do not violate the dignity and human rights of affected IDPs and urban poor.
 - Ensuring that any evictions conducted do not render individuals and households homeless or leave them vulnerable to human rights violations by guaranteeing that adequate alternative land, shelter, and facilities are made available for those unable to provide for themselves, including women, children, persons with disabilities, and older people - tenure security at new sites should be guaranteed by both landlords and municipal authorities.

- Any lawful evictions conducted must reflect due consideration of - and strive to work towards - durable solutions for IDPs, including through the inclusion of displacement sites and displaced populations in urban planning processes.
- The Federal Government of Somalia and its Federal Member States should formalize and officially adopt a policy defining the basic rights of displaced populations and regulating the response of authorities to displacement, including by establishing procedures for evictions in line with the Eviction Guidelines as well as by defining roles and responsibilities of authorities at all levels in relation to evictions.
- The Federal Government of Somalia should develop an updated Land Law, as called for in the National Development Plan 2017-2019, ensuring land governance is adequately regulated.
- Somalia's Federal Government and Federal Member States should include the Eviction Guidelines in relevant and applicable bylaws.
- Somalia's Federal Government and Federal Member States should work with the humanitarian and international donor community to sensitize local administrations and security forces on the rights of IDPs, urban poor, and all Somali citizens as enshrined in the Somalia Constitution and other sources of law.
- The Banadir Regional Administration, through its district administrations, should ensure that all unlawful and unprincipled evictions are prevented, including through the establishment of a localized monitoring and reporting system to help prevent forced evictions, also by identifying risks and proceedings impacting on the tenure status of IDP sites.
- The humanitarian community should mainstream Housing, Land, and Property considerations throughout their interventions, when feasible ensuring that tenure security for a reasonable time period is formalized to protect the affected populations and humanitarian investments.
- Donors should be mindful of the need, especially in urban and peri-urban areas, to anchor long-term recovery initiatives and durable solutions within a broader programmatic framework that includes security of tenure.
- Donors should fund projects and activities that raise awareness on the need for tenure security and available remedies with affected populations.
- Donors should consider funding for access to justice programming, notable paralegal work that that can support poor, displaced, and marginalized households to attain remedies and redress.

END – 09/01/2017

Annex 1 – Potential violations of rights due to evictions

Evictions of IDPs, both lawful and unlawful, potentially violate the 'full spectrum of civil, cultural, economic, political and social rights enshrined in international instruments'.¹⁴ This includes, as listed in OHCHR & UNHABITAT, Forced Evictions, Fact Sheet No. 25/Rev.1, from 2014, the following international instruments:

- *The right to life (International Covenant on Civil and Political Rights, art. 6.1)*
- *Freedom from cruel, inhuman and degrading treatment (ibid., art. 7)*
- *The right to security of the person (ibid., art. 9.1)*

¹⁴ OHCHR & UNHABITAT, Forced Evictions, Fact Sheet No. 25/Rev.1 (2014)
<http://www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf>

- *The right to an adequate standard of living, including the right to adequate housing, food, water and sanitation (International Covenant on Economic, Social and Cultural Rights, art. 11, and related Human Rights Council resolutions)*
- *The right to non-interference with privacy, home and family (International Covenant on Civil and Political Rights, art. 17)*
- *Freedom of movement and to choose one's residence (ibid., art. 12.1)*
- *The right to health (International Covenant on Economic, Social and Cultural Rights, art. 12)*
- *The right to education (ibid., art. 13)*
- *The right to work (ibid., art. 6.1)*
- *The right to an effective remedy (International Covenant on Civil and Political Rights, arts. 2.3 and 26)*
- *The right to property (Universal Declaration of Human Rights, art. 17)*
- *The rights to vote and take part in the conduct of public affairs (International Covenant on Civil and Political Rights, art. 25).*

These violations can be directly or indirectly attributed to:

- ***The way evictions are decided*** (for instance, no consultation or participation, no information, no recourse mechanisms)
- ***The way evictions are planned*** (for instance, no notification, no relocation available, compensation not provided, delayed or subject to unjustified conditions)
- ***The way evictions are carried out*** (for instance, at night or in bad weather, no protection for people or their belongings)
- ***The use of harassment, threats, violence or force*** (for instance, forcing people to sign agreements, using bulldozers when people are still salvaging their belongings, ...)
- ***The results of the eviction*** (for instance, disruption of children's education, interruption of medical treatment, mental trauma, loss of jobs and livelihoods, inability to vote because of homelessness, no access to basic services or justice because identity and property papers were destroyed during the evictions, etc.)

Tabular representation of the Twin Evictions

| No | Settlement type | Name of settlement | Location/District | # households evicted | # people evicted | Date of incident | Current location |
|-------|---------------------|---------------------|---------------------------------|----------------------|------------------|-------------------|---|
| 1 | Xaq-Dhowr Center | Maqsuud camp | Km 13 village of Kaxda District | 2700 | 16200 | 29-30 Dec 2017 | Adjacent the destroyed site, Deynille and Various location |
| | | Al-xamdulilaah camp | | | | | |
| | | Arbow Eerow | | | | | |
| | | Nassib camp | | | | | |
| | | Kerow camp | | | | | |
| | | Sabiib camp | | | | | |
| | | Subagle camp | | | | | |
| | | Caanoole | | | | | |
| | | Subagale | | | | | |
| | | Keeraay | | | | | |
| | | Qalad-Diid | | | | | |
| Nasri | | | | | | | |
| 2 | Umbrella Deeqo | Deeqo Camp | Km 13 village of Kaxda District | 227 | 1362 | 29-30 Dec 2017 | Adjacent the destroyed site, Deynille, Kaxda and Various location |
| | | Fatxi Camp | | | | | |
| 3 | Umbrella Samafale | Dul-midiid camp | Km 13 village of Kaxda district | 246 | 1476 | 29-30 Dec, 2017 | Adjacent the destroyed site, Deynille, Kaxda and Various location |
| | | Suldaan camp | | | | | |
| | | Danyar camp | | | | | |
| | | Xayi camp | | | | | |
| 4 | Horumar camp | Horumar camp | Km 13 village of Kaxda district | 51 | 306 | 29-30 Dec, 2017 | Adjacent the destroyed site, Deynille, Kaxda and Various location |
| 5 | Nurto 2 Camp | Nuurto2 | Km 13 village of Kaxda district | 500 | 3000 | 29 to 30 Dec 2017 | Adjacent the destroyed site, Deynille, Kaxda and Various location |
| 6 | Ceel-Garas Camp | Ceel-Garas | Km 13 village of Kaxda district | 250 | 1500 | | Adjacent the destroyed site, Deynille, Kaxda |
| 7 | Umbrella Talowadaag | Ciil iyo Calaf | Km 13 village of Kaxda district | 364 | 2076 | 29-30 Dec, 2017 | Adjacent the destroyed site, Deynille, Kaxda and Various location |
| | | Saa'id camp | | | | | |
| | | Aliyaale camp | | | | | |
| | | Basra camp | | | | | |

| No | Settlement type | Name of settlement | Location/District | # households evicted | # people evicted | Date of incident | Current location |
|--------------|---|--------------------|---|----------------------|------------------|------------------|---|
| 8 | Umbrella Masha'alaah CentreE | Masha'alaah | Waydow settlement in Garas | 450 | 2700 | 29-30 Dec,2017 | Adjacent the destroyed site, Deynille,Kaxda and Various location |
| | | Dooy-Gaab | | | | | |
| | | Awbeele | | | | | |
| | | Beerley | | | | | |
| 9 | Anfac IDP camp | Anfac | Waydow settlement in Garas | 120 | 720 | 29-30 Dec,2017 | Adjacent the destroyed site, Deynille,Kaxda and Various location |
| 10 | Bishaar Umbrella | Macaane | Waydow settlement in Garas-Balay of Kaxda district | 480 | 2880 | 29-30 Dec,2017 | Adjacent the destroyed site, Deynille,Kaxda and Various location |
| | | Rooble | | | | | |
| | | Bootis | | | | | |
| | | Casharo | | | | | |
| | | Bishaar | | | | | |
| 11 | Galoolshe camp | Galoolshe | Waydow settlement in Garas-Balay of Kaxda district | 71 | 426 | 29-30 Dec,2017 | Adjacent the destroyed site, Deynille,Kaxda and Various location |
| 12 | Rowdo | Rowdo | Waydow settlement in Garas-Balay of Kaxda district | 180 | 1080 | 29-30 Dec,2017 | Adjacent the destroyed site, Deynille,Kaxda and Various location |
| 13 | Bu;lsho-Kaab | Bu-lsho-Kaab | Waydow Deynile district | 110 | 660 | 29-30 Dec,2017 | Deynille |
| 14 | Host communities closed near Sama-Fale umbrella | Host communities | Waydow Deynile district | 58 | 348 | 29-30 Dec,2017 | Kaxda District |
| TOTAL | | | | 5,807 | 34,734 | | |

Summary of Forced evictions in South and Central Somalia in 2017

| Month | Mogadishu | Baidoa | Kismayo | Dhobley | |
|-----------|----------------|---------------|--------------|-----------|----------------|
| January | 18,904 | 80 | 42 | 0 | |
| February | 5,706 | 529 | 450 | 0 | |
| March | 6,262 | 0 | 4 | 0 | |
| April | 11,645 | 6 | 330 | 0 | |
| May | 5,059 | 250 | 0 | 0 | |
| June | 8,768 | 309 | 150 | 59 | |
| July | 14,594 | 395 | 75 | 0 | |
| August | 13,236 | 5,244 | 510 | 0 | |
| September | 6,654 | 2,130 | 0 | 0 | |
| October | 7,990 | 276 | 270 | 0 | |
| November | 14,394 | 2,082 | 450 | 0 | |
| December | 40,470 | 810 | 270 | 0 | TOTAL |
| | 153,682 | 12,111 | 2,551 | 59 | 168,403 |

Forced evictions trend analysis in Mogadishu, 2017

