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**“I want my land.  
You have to go.”**

Understanding the eviction phenomenon in Baidoa



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## LIST OF ACRONYMS

CCCM	Camp Coordination and Camp Management
CDR	Collaborative Dispute Resolution
CGI	Corrugated Galvanised Iron
DACs	Displacement Affected Communities
DC	District Commissioner
DSRSG / RC / HC	Deputy Special Representative of the Secretary-General, Resident, and Humanitarian Coordinator
EIDACS	Enhancing Integration of Displacement Affected Communities
ERM	Eviction Risk Mapping
EU	European Union
FCDO	Foreign Commonwealth and Development Office
FGS	Federal Government of Somalia
FGD	Focus Group Discussion
GLTN	Global Land Tool Network
HLP	Housing, Land, and Property
HLP AoR	Housing, Land, and Property Area of Responsibility
IASC	Inter-Agency Standing Committee
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICLA	Information, Counselling, and Legal Assistance
IDP	Internally Displaced Person
INGO	International Non-Governmental Organisation
IOM	International Organization for Migration
KII	Key Informant Interview
MoPW	Ministry of Public Works
NCRI	National Commission for Refugees and IDPs
NDP	National Development Plan
NGO	Non-Governmental Organisation
NPRRI	National Policy on IDPs and Refugee-Returnees
NRC	Norwegian Refugee Council
PRMN	Protection and Return Monitoring Network
SGBV	Sexual Gender-Based Violence
SWS	South West State
SWCRI	South West Commission of Refugees and IDPs
UN-Habitat	United Nations Human Settlement Programme

## EXECUTIVE SUMMARY

Forced evictions remain among the most severe and prevalent protection threats in Somalia,<sup>1</sup> representing both a cause and a multiplier of the displacement crises. Congested cities with weak urban systems struggle to cope as the complex interplay between natural hazards, climatic shocks, conflict, and insecurity drive mass displacements across the country. Forced evictions also pose key obstacles to the attainment of durable solutions in Somalia. They undermine humanitarian and development efforts and further impinges on the self-reliance and resilience of these vulnerable and marginalised populations.<sup>2</sup> Likewise, Internally Displaced Persons (IDPs) remain disproportionately affected across the city, particularly women and children who constitute the most vulnerable substratum of the population. Internally displaced women, for instance, face multiple layers of vulnerabilities such as exploitation by unscrupulous landlords, the threat of forced evictions, and a sense of disempowerment due to regressive social attitudes linked to the exercise of control over land and housing. This situation exacerbates, as during displacement, women and girls live in disrupted and uncertain environments where traditional protection mechanisms no longer exist. Consequently, eviction as a problematic phenomenon remains a foundational imperative to addressing forced displacement in a realistic, comprehensive, and sustainable way. To achieve this, a critical first step is to gain a deeper understanding of the underlying intricacies. It is against this backdrop that NRC commissioned this study.

From 2017 to June 2021, NRC has systematically documented the forced evictions of 1,023,829 individuals in Somalia.<sup>3</sup> Of this total, 124,271 eviction incidents took place in Baidoa, thus recording the third-highest level of documented forced evictions in Somalia, following two districts in Mogadishu.<sup>4</sup> Baidoa District, which is the interim capital of the South West State hosting more than 430,000 displaced individuals,<sup>6</sup> represents a quintessence of the dynamics and challenges confronting displaced populations across Somalia. In 2017, for example, Baidoa received the largest number of drought-displaced persons, with the majority forced to either create new unplanned sites or join existing settlements due to the limited absorption capacity. As Baidoa expands and competition for resources increases, IDPs are typically transformed into the urban poor and integrated into desolate settlements with few livelihood options. Forced evictions in Somalia are frequently associated with the lack of land tenure security when displaced people settle spontaneously on largely private lands. This precarious settlement pattern intersects with a complex and embedded political economy influencing flows of and access to humanitarian assistance. Forced eviction events also affect the formation and spatial settlement of urban areas where displaced populations live. Following evictions, individuals often relocate to peri-urban areas, which are increasingly the source of speculation and investment. These areas are tenure insecure or eviction-prone, which places these individuals in challenging protection situations. The Baidoa case study demonstrates the link between rapid urbanisation, rising land values, and cyclical displacement through forced evictions. These accelerated urbanisation

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Caption: Training session on the enforcement of the eviction moratorium in Baidoa.

rates have given rise to complex political economy dynamics that contribute to further secondary and tertiary displacements through forced evictions in the urban context. Forced evictions in Baidoa revolve around a set of intertwined dynamics that include: the reliance on verbal tenancy agreements; increasing land values; accelerated and unplanned urbanisation; the commodification of IDP settlements; increase in development-based land or property acquisitions; limited legal and policy frameworks around Housing, Land, and Property (HLP) rights; and the rise in land disputes. This study highlights how the convergence of these dynamics has enabled a situation whereby forced evictions have thrived due to the absence of legal repercussions for those affecting them.

Furthermore, a critical point of analysis for this study was examining how the political economy of IDP settlement management underpins the phenomenon of forced evictions in Baidoa and Somalia at large. The varied practices in land acquisition, land use, and ownership have increased land speculations, consequently contributing to mass evictions of displaced people. Yet land ownership is often mobilised to retain political rights and citizenship, also intertwined with practices of sovereignty. Gatekeepers, who constitute an informal governance structure, are described as a private business response that has emerged to fill the void of informal settlement management, including service and security provision, for displaced people in Somalia.<sup>7</sup> The absence of an effective rule of law environment is the main contributor to the rise of gatekeepers in the provision of land and services to displaced people.<sup>9</sup> In Baidoa, gatekeepers play an influential role in coordinating settlement arrangements between displaced populations and landowners. They are the fulcrum around which IDP settlement business activity revolves, beginning from the point of arrival to attracting services and assistance to specific locations. There are multiple dynamics surrounding gatekeepers in Baidoa. Gatekeepers, for instance, can themselves be displaced people or be hired from host communities by the landowner: either as appointed caretakers of land or as tenants who then sublet to other displaced people or host community members as a business arrangement. Additionally, gatekeepers can be one of a limited number of individuals privy to the actual arrangements and

circumstances around the land tenure situation at the IDP settlement. They may also be the custodian of the documentation or written agreement that formalises these arrangements if they exist.

Consequently, limited access to land remains a critical trigger for conflict in Somalia. The absence of a robust regulatory framework has weakened the overall protective environment for DACs. In Somalia, land governance is characterised by a situation of legal pluralism consisting of three systems of law: statutory (formal) laws, Islamic or Sharia laws, and the customary (xeer) law.<sup>9</sup> The lack of a robust legal and policy framework and the multiplicity of alternative avenues of recourse have complicated land transactions in Somalia. Additionally, harmful cultural practices and engendered social norms and Somalia's patriarchal society limit the application of just laws and are one of the barriers to women's HLP rights. Within a male-dominated environment, women are excluded from decision-making processes, having their voices heard, and asserting their will, or fighting when their rights are denied.<sup>10</sup> Despite these challenges, more recently, Somalia has adopted a range of policies that aim to strengthen the protection environment for DACs. Notably, these policies include the National Policy on Refugee-Returnees and IDPs, the Interim Protocol on Land Distribution for Housing for Eligible Refugee-Returnees and IDPs, and the National Eviction Guidelines. A critical turning point has also been the ratification of the Kampala Convention at the end of 2019, which has paved the way for strengthening legislative protection for IDPs through domestic legislation. Likewise, the National Eviction Guidelines adopted in 2019 ensure that any evictions are carried out in a planned and legal way that protects the rights of displaced people. These Guidelines, however, are not binding and do not alter the status quo. Thus, concrete steps are needed to translate the National Eviction Guidelines into a binding legal instrument (Eviction Act). At the state level, the South West State (SWS) has initiated the development of urban land law. In 2019, the SWS cabinet enacted the Urban Land Bill, though it has not yet been assented to. The Bill is currently awaiting approval by the SWS assembly. Restoring justice will reduce the disenfranchisement and grievances that arise from abuse, inequality, impunity, and exclusion.

Besides enacting the Urban Land Bill, Baidoa also demonstrates a suite of good practices that offers a valuable case study of how coordinated government-led and multi-stakeholder interventions can be effective as complementary measures in addressing HLP violations like forced evictions. Baidoa local authorities scaled up eviction prevention efforts following mass eviction events in Mogadishu in late 2017. These incidents prompted local authorities to anticipate and proactively plan for potential evictions in other locations.<sup>11</sup> There are several notable eviction prevention and response interventions in Baidoa that this study will explore in more detail. These include: the establishment of the Bay Eviction Task Force; enhanced technical and operational capacity at the Baidoa Municipality and Cadastral Services; improved administration of tenure and lease agreements; enforcement of an evictions moratorium; increased purchasing power of IDPs; and amplification of a range of advocacy, outreach, and awareness-raising activities. This study will conclude by bringing together its key findings that provide a comprehensive analysis linking humanitarian, development, and peacebuilding efforts with the quest for durable solutions for DACs.



**Caption:** Female IDP participant at a HLP forum in Baidoa.

## CONCLUSIONS

- **Forced displacement, rapid urbanisation, and evictions have become increasingly intertwined:** The Baidoa case study demonstrates the link between rapid urbanisation, rising land values, and cyclical displacement through forced evictions. The same urbanisation process caused by the displacement of individuals from rural areas has given rise to complex political economy dynamics that contribute to further secondary and tertiary displacement through forced evictions in the urban context.
- **Land tenure security is central to the sustainability of durable solutions:** Land tenure security is at the heart of durable solutions programming, specifically for displaced persons whose intentions and choices to return home are premised on access to land.<sup>216</sup> The vast number of IDP sites and their scattered nature around urban municipalities and peri-urban areas makes it difficult for humanitarian actors to have a comprehensive and coordinated response to eviction events.<sup>217</sup> This situation underscores the importance of focusing on preventive aspects of eviction programming to move forward on achieving durable solutions for DACs. Any gains made by durable solutions interventions are undermined by the upheaval that evictions entail on the lives of beneficiaries (for example, destruction of household assets and disruption from protective environments). Hence, enhancing land tenure security is central to the sustainability of (re)integration efforts in Somalia. This situation should inform the investments of all those in pursuit of durable solutions, including local authorities, donors, humanitarian, development, and peacebuilding actors. The humanitarian community has embraced a centrality of protection approach in responding to humanitarian situations in Somalia. Now there is a need to incorporate the enhancement of land tenure security for DACs as a strategic objective of durable solutions programming.
- **Implications for the humanitarian–development–peacebuilding nexus:** Land is a crucial area for stabilization, peacebuilding, protection, and durable solutions. HLP interventions must fundamentally operationalise the humanitarian-development-peacebuilding (triple) nexus, if they are to be effective in addressing forced evictions. At the centre of this nexus is the need to address secondary and tertiary displacement from forced evictions. The arrival, settlement, and integration of displaced people into urban areas, and the duration of the agreements required by humanitarian organisations to intervene to assist IDP settlements, have direct links to and relevance for the triple nexus. This study highlights how the unplanned and spontaneous settlement of displaced people has led to accelerated urbanisation rates in Baidoa and the clan-based configuration of IDP settlements. Development agencies, particularly those specialising in urban resilience and urban planning, need to work together with local government authorities and humanitarian organisations to craft



**Caption:** IDP woman at a community meeting at settlement in Somalia.

longer-term strategies that incorporate tenure security for displaced people in the urban agenda. These strategies need to include and document clear benefits for landowners. Such approaches should also underscore the penalties for those who extract further resources—beyond the terms of the agreement—from displaced people. This situation requires that humanitarian organisations and government agencies interact closely with the development sector from the onset of responding to new arrivals to planning sites for IDP relocation. These actors need to work collaboratively to identify suitable resettlement locations and integrate these into longer-term urban planning processes. In this regard, written agreements between landowners and displaced people should be registered with the relevant institutions for the sustainable integration of formal tenure arrangements into land management and development processes and related decision-making.

- **Eviction prevention as a strategic approach:** Eviction prevention efforts actively avert any disruption to the ongoing recovery and integration processes of displaced people while at the same time safeguarding investments already made by humanitarian and development agencies in this process. Eviction prevention also presents a strategic advantage for value for money. Preventive engagements avert additional immediate humanitarian costs and protect investments already made. These efforts further substantiate the necessity for a humanitarian-development-peacebuilding approach from all those engaged in responding to displacement. For humanitarian funding that addresses immediate needs to have any longer-term relevance and impact, the guarantee of a longer-term financial commitment to secure formalised written land tenure agreements is imperative. Such a rationale will anchor displaced people to the urban context through improved tenure security. In turn, this reduces the risks posed by cyclical displacement due to forced evictions. The study uses Baidoa as a valuable case study that demonstrates how coordinated multi-stakeholder prevention efforts have yielded more effective and sustainable results for enhancing security of tenure for DACs. Measures to strengthen the eviction prevention architecture and subsequently prevent evictions, and ensuring tenancy agreements are not breached, are outlined in the recommendations.

- **Inclusive and government-led land allocation processes as an effective strategy for securing land tenure:** In conclusion, this study finds that inclusive and government-led land allocation processes for IDPs in Baidoa are the most effective ways of securing tenure, preventing abuse, avoiding disputes, and facilitating the attainment of durable solutions by DACs. To strengthen land acquisition and allocation processes, the mobilisation of key clan, customary, government, religious, and civil society institutions to identify and obtain appropriate land for the formation of formal settlements is imperative. Strengthening the gender aspects of land tenure is a crucial aspect to consider, especially with respect to marriage, divorce, and inheritance. Furthermore, HLP actors should re-orient their strategy in Baidoa to support IDPs who are pooling money together to purchase plots of land to avoid forced evictions and achieve local integration. In many instances, however, the Baidoa Municipality is not familiar with these transactions. These situations result in a rise of HLP disputes such as double selling by the previous landowners; boundary disputes; and ownership disputes among the purchasers (IDPs). Importantly, there is a need to ensure that the site plans for these plots of land are linked with wider urban planning processes in Baidoa (i.e. Township Plan and the City Extension Strategy) to enable better connection to services and infrastructure. Increased sensitisation and awareness of DAC communities on general land procedures is therefore essential to guarantee that IDPs make informed decisions, and actively seek support from the Baidoa Municipality before purchasing these plots of land to avoid risks associated with the sprawling of largely unplanned, spontaneous, and chaotic settlements.

## RECOMMENDATIONS

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### **Advocate for the development of a multi-stakeholder implementation strategy for land laws and policies**

- In 2019, the South West State enacted an Urban Land Bill, which was endorsed at the Ministerial level though; it has not yet been assented to. Currently, the Bill is awaiting to be passed through a parliamentary process to become law. However, before the approval by the SWS assembly takes place, there is a need to harmonise the clause on the adequate notice period with the National Eviction Guidelines. Notably, adequate notice within the Bill is described as a period of 30 days, taking into consideration various extenuating circumstances. Within the National Eviction Guidelines, an adequate notice period is 60 days.
- Once the Urban Land Bill assents to law, concrete steps should be taken to develop a timely costed and realistic roadmap for the implementation and subsequent monitoring of the law. In turn, this creates space for resource mobilisation, prioritisation, and sequencing of investments.

### **Develop a robust multi-stakeholder consultative eviction prevention operational strategy**

- The Bay Eviction Task Force should develop a multi-stakeholder eviction preventions operational strategy, which can be endorsed by humanitarian, development, and peace-building actors operating in Baidoa. Such a strategy should outline in detail practical actions on how the Task Force works to achieve adequate notice, alternative land or accommodation, aversion of eviction threats, and extension of lease agreements. The eviction prevention strategy should be anchored on a three-pronged approach involving: eviction monitoring and analysis to inform joint planning and response; government-led and localised initiatives aimed at preventing forced evictions and facilitating dignified relocations; and institutionalisation of eviction prevention and response within the Baidoa Municipality. The strategy should also spell out the roles and responsibilities of the different actors involved in HLP interventions to promote a coordinated and integrated approach.
- Strengthen support for Baidoa Municipality to establish dedicated capacities to coordinate eviction prevention and response efforts. HLP actors should reinforce technical and material support offered to the Municipality and South West Commission of Refugees and IDPs (SWCRI), with investment in a long-term capacity development strategy. Such an approach will ensure that the Baidoa Municipality and the SWCRI establish dedicated capacities to coordinate eviction prevention and response efforts.

- Pilot the creation of community eviction insurance schemes within settlements at risk of evictions. As there is a culture of community saving in Baidoa, the establishment of community insurance schemes can provide covers for families facing imminent eviction. Such a system could operate like a revolving loan scheme. Each family unit could contribute USD 0.20 per month to the fund. For a displacement site of 100 families, this would provide an accrual rate of 20 USD per month. Funds would be held communally for disbursement to families who remain vulnerable against evictions. Once used, families would then have an extended period to repay the fund with no threat of eviction. Such a scheme could be extended to strengthen resilience against other shocks such as medical or funeral expenses.

**Facilitate the formalisation of land tenure arrangements for IDP settlements:**

- The Baidoa Municipality, the South West Commission of Refugees and IDPs, and NRC should build onto the past success on securing land tenure to actively advocate for the provision of formal (written) land tenure arrangements and legal documentation for the settlements still relying on verbal agreements. These communities comprise a large number of those at extreme risk or high risk of forced evictions. This component should be central to the evictions prevention strategy aforementioned, as a step towards responding to forced evictions through localised solution initiatives.
- Incorporate registration of written agreements between landowners and displaced people within the existing systems used by Baidoa Municipality. This includes integration into institutions addressing land management and development processes and related decision-making.
- Advocate for subsidised fees required for land tenure documentation for displaced people. The costs associated with acquiring land tenure documentation present several obstacles for displaced people. Hence, a majority of DACs are unable to obtain them, and the government cannot issue these documents – if the requisite fees are not paid.
- Incorporate visual and security elements into land tenure documentation to minimise fraud and accommodate the illiterate. HLP actors should find ways to incorporate pro-poor documentation that is appropriate for the illiterate, including using photos of the landowner, lease, and housing structures to document the elements of the tenancy agreement.

**Facilitate the establishment of an IDP-landowner platform and charter**

- The Baidoa Municipality and South West Commission of Refugees and IDPs should develop a set of best practice criteria based on the National Eviction Guidelines for landowners to adhere to. Such criteria would inform landowners of their responsibilities and duties as landlords for IDPs. To promote buy-in and ownership by landowners, the Baidoa Municipality and the South West Commission of Refugees and IDPs



**Caption:** Portrait of woman in IDP settlement in Somalia.

could facilitate community engagement sessions with landowners to agree on the criteria. Once agreed upon, they would be enshrined in an IDP-landowner charter that landowners are required to sign if they wish to give land to IDPs.

- Increased communications between landowners and DACs could help both parties understand the issues, needs, and dynamics that affect each of them. The organisation of regular HLP forums improves dialogue between IDPs and landowners on a wide range of HLP issues. The inclusion of the Bay Eviction Task Force members, SWS line ministries, civil society, INGOs, durable solutions working groups, development, and peacebuilding actors in such forums would aid transparency, accountability, and governance, as well as, provide a valuable connection between the different stakeholders. Such forums can organically evolve into community-based associations depending upon the interests and needs of those involved. These forums can also discuss and formulate a code of practice among landowners, awareness raising, and exchange of best practices for landowners renting to IDPs.
- The Baidoa Municipality, in partnership with NRC, should organise specialised trainings for landowners in Baidoa. These trainings would aim to: raise awareness on the landowners' HLP rights and those of displaced persons; increase knowledge on the relevant HLP policy, legal, and regulatory frameworks; and emphasise the importance of formal tenure documentation and legal procedures. These trainings would also reinforce the importance of the proposed landowner charter aforementioned.

#### **Identify ways to provide incentives for landowners to uphold their contractual obligations (agreements) with IDP communities**

- Interventions by humanitarian and development organisations increasingly require long-term leases of land (five to fifteen years). If not incorporating a fee payment, these long-term leases remove the land from the asset base of the owner for a significant period without financial returns from the land—apart from an anticipated rise in value in the future. Incentives for landowners are often not included programming, policy, or advocacy but should be explored in more detail. Additionally, a comprehensive understanding of the impact of infrastructure investment on land value, and the

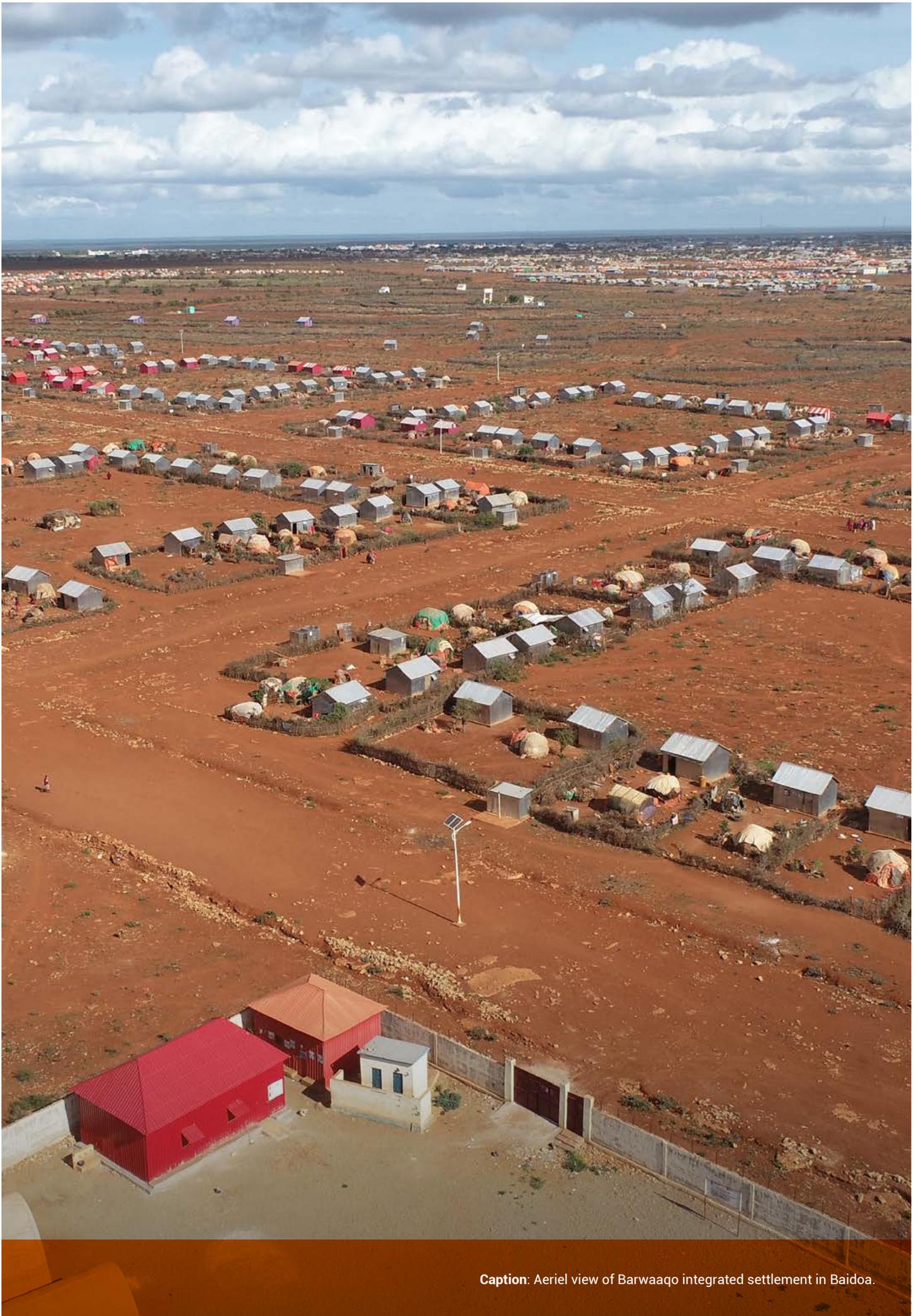
extent to which landowners will be willing to give up land in exchange for infrastructure investment, could be obtained through land market assessments.

#### **Ensure that comprehensive due diligence and conflict analyses inform DAC resettlement initiatives**

- Inclusive and thorough due diligence and conflict-sensitive analyses should inform DAC resettlement initiatives to guarantee that such interventions do not create or exacerbate existing societal cleavages. The clan configuration of IDP settlements in Baidoa, for example, is a significant factor that influences how IDPs settle thus needs further consideration. In this instance, a majority of IDPs from the Sagal sub-clans were not interested in relocating to the Barwaaqo settlement in Eastern Baidoa. With this regard, there has been some advocacy around developing a similar resettlement site in the ADC zone. The Baidoa Municipality and the SWCRI, with support from HLP actors, should undertake comprehensive due diligence and conflict analyses to inform the formal allotment of this land. In turn, an official allotment letter from the Baidoa local authorities would support resource mobilisation efforts for development and investment of this site.

## KEY CONSIDERATIONS FOR EVICTION PROGRAMMING IN BAIDOA

- **Develop and implement integrated and contextualised due diligence guidelines for Somalia:** Current due diligence procedures are not uniform across Somalia.<sup>218</sup> Where aspects of due diligence are conducted, they tend to be context specific, and adhoc in nature. To support more effective due diligence processes across Somalia, the HLP AoR, the Shelter, Protection, and CCCM Clusters should update the due diligence guide<sup>219</sup> aimed at ensuring HLP rights, assets and investments are protected, and that parties have reduced exposure to risk and harm. Such guidelines would aim to ensure HLP and tenure rights are protected by all actors involved in durable solutions programmes in the best possible manner, and that "Do No Harm" principles are respected.
- **Undertake comprehensive Eviction Impact Assessments (EvIA) to bolster housing rights and the achievement of durable solutions for DACs:** An EvIA is a quantitative, human rights-based tool which is used to quantify the losses, costs and damages incurred by those affected by violations of forced evictions, dispossession, destruction and privatisation of resources.<sup>220</sup> The costs of displacement and forced evictions and the losses they cause, both material and otherwise, can never be fully quantified or described. That said, however, EvIAs use a quantitative methodology to strengthen the bargaining position of displaced communities to prevent eviction and procure a more equitable compensation package that includes better relocation terms. Data alone cannot express the emotional toll of forced displacement nor the physical impoverishment it often causes, but it improves a community's bargaining position with state and private entities involved in responding to its needs.<sup>221</sup>
- **Continue raising awareness on HLP through approaches that target the illiterate who are most likely to utilise informal tenure arrangements (verbal agreements), and landowners jointly:** Conduct information campaigns, including through various forms of media such as radio, television, drama performances and billboards to educate the public on HLP issues.
- **Continue strengthening the capacity of local actors on HLP:** There is a dearth of local actors working on HLP issues, particularly in Baidoa. NRC should seek to foster and grow long-term partnerships with local actors in Baidoa to strengthen their capacity and expertise in HLP. This includes through provision of material and technical support, consistent mentoring and coaching as opposed to one-off trainings, and the development and dissemination of educational materials on HLP.
- **Consider adapting existing approaches and good practices on eviction response from other post-conflict contexts:** For example, the Iraq evictions response guidelines developed by NRC as a reference tool for partners to the Somalia context.
- **Further investigate and document the relationship between camp splitting and evictions:** During eviction response interventions, document case studies of why camps are splitting to better understand this phenomenon and what can be done to address it. The Bay Eviction Task Force as a multi-stakeholder forum can examine these case studies and jointly identify practical solutions.
- **Continue strengthening community-based structures on alternative dispute resolution approaches:** Due to the rise in land disputes, there is a need to strengthen the capacities of based structures to increase their knowledge and skills in dispute resolution. These activities are geared toward promoting and fostering peaceful co-existence in local communities.
- **Integrate HLP support with livelihoods interventions:** Integrated and layered approaches will empower DACs to afford Housing, Land, and Property after humanitarian aid assistance ceases – this is a more sustainable approach to HLP specific interventions in the long-term. Having a plot and a house is not enough and there is a need to secure sustainable livelihoods.



Caption: Aerial view of Barwaaqo integrated settlement in Baidoa.



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