

# Worsening drought escalates forced evictions in Banadir region, Somalia

*As of January 2022, Somalia is the most severely drought-affected country in the Horn of Africa with approximately 4.3 million people affected. Furthermore, the drought situation has created a massive displacement crisis with 580,000 people displaced in the last six months. Similarly, in the same period, 66,630 individuals have been forcefully evicted in Mogadishu with the highest number of eviction incidents taking place in February 2022. Following patterns seen in the 2016/2017 drought situation, significant secondary displacements and forced evictions are expected to persist in coming months due to influxes of new arrivals in search of humanitarian assistance and tenure insecurity.*

## Introduction

As of January 2022, Somalia is the most severely drought-affected country in the Horn of Africa with approximately 4.3 million people affected.<sup>1</sup> Furthermore, the drought situation has created a massive displacement crisis with 580,000 people displaced by drought nationwide, including 311,000 people in January 2022 – the single highest monthly number of people displaced by drought on record.<sup>2</sup>

Against this background, Housing, Land and Property (HLP) challenges confronting displaced communities in Somalia have continued to increase. The most severe and acute HLP needs remain concentrated in areas affected by drought and locations hosting large numbers of Internally Displaced Persons (IDPs) and returnees. Newly-drought displaced households are joining existing IDP settlements as a coping mechanism with unclear tenure arrangements, putting them at further risk of forced evictions. The violation of HLP rights, in the form of forced evictions, remains a major negative factor affecting the overall protective environment for newly drought-displaced populations, thereby perpetuating social marginalisation.<sup>3</sup> Moreover, the majority of those displaced are elderly, children and women, including pregnant and lactating mothers. The lack of proper shelter and privacy in overcrowded IDP settlements has exposed women and children to protection risks such as gender-based violence including rape and physical assaults. The pressure on limited resources as well has continued to contribute to rising tensions, conflicts and land disputes in the existing IDP settlements and affected communities.

<sup>1</sup> OCHA (2022). Available at : <https://www.unocha.org/somalia/about-ocha-somalia>

<sup>2</sup> Data is from the Protection and Return Monitoring Network (PRMN), which is a UNHCR-led project, with the Norwegian Refugee Council as the implementing partner. Available at: <https://unhcr.github.io/dataviz-somalia-prmn/index.html>.

<sup>3</sup> NRC, UN-Habitat, & Somalia Protection Cluster. (2018). Back to Square One. Available at: <https://www.nrc.no/globalassets/pdf/reports/somalia/back-to-square-one-28post-evictionassessment-in-somalia29.pdf>

This brief examines the direct link between the increase in forced evictions and drought by comparing and analysing the 2016/2017 displacement and eviction data against 2021/2022 situation.

## **Comparative analysis of forced evictions, drought and population data: 2016 / 2017 vs. 2021 / 2022**

Forced evictions constitute gross violations of a range of internationally recognised human rights, including the right to adequate housing, food, water, health, education, work, security of the person, freedom from cruel, inhuman and degrading treatment, and freedom of movement, and yet displaced populations in Somalia are often confronted by this.<sup>4</sup> In Mogadishu, Daynile, Kaxda and Garisbaley districts have received huge influxes of newly displaced households at risk of forced evictions on a daily basis. Affected households face fear and intimidation while struggling to recover from the impact of displacement or cope with the impacts of the ongoing drought. In addition to secondary displacements, forced evictions often result in the total destruction of critical livelihood assets and the disruption of established life routines and durable solutions strategies.<sup>5</sup>

### **2016 / 2017 Drought situation**

During the 2016/2017 drought, over 170,000 drought-displaced individuals arrived in Mogadishu between November 2016 and December 2017. In association with a range of other factors, this triggered a substantial spike in evictions in Mogadishu, with 153,682 individuals forcefully evicted between January to December 2017 – more than 400 people a day. In December alone, 40,470 individuals were evicted. **Notably, 34,734 people were evicted between 29 and 30 December – the worst daily mass eviction in 2017, which created immense disruption to people’s lives, livelihoods and recovery.**<sup>6</sup> A post-eviction analysis conducted after this incident showed two striking characteristics in the demographics:

1. Amongst those evicted, 38% of respondents were displaced by drought in 2016, and a significant segment had arrived in Kaxda and Daynile.
2. The majority of those evicted were displaced from Lower Shabelle and Bay, 42.5% and 5.7% respectively. Both regions are among those affected by recurrent natural disasters (drought and flooding) and conflict.

These findings show that the majority of those affected by drought and conflict in Somalia face constant risks of secondary and tertiary displacements due to forced evictions. Newly displaced households in urban centres often join existing IDP informal settlements that are, in most cases, constructed on private land. They mainly rely on informal oral agreements. Similarly, high population density in the areas where IDPs find refuge, and investment by the humanitarian actors in basic infrastructure to support them, raise the value of land. This, in turn, increases the risk that landlords will sell their land and evict IDPs in the process.<sup>7</sup> The challenges confronting displaced communities in Mogadishu are therefore entrenched and cumulative, and represents the most complex paradigm of the hurdles associated with internal displacement in urban settings.

### **2021 / 2022 Drought situation**

In an alarming trend, more than 170,000 people have arrived in Mogadishu as a result of drought displacement since September 2021.<sup>8</sup> Within the same period, **66,630 individuals have been forcefully evicted in Mogadishu with the highest number of eviction incidents taking place**

<sup>4</sup> Office of the United Nations High Commissioner for Human Rights. Available at: <https://www.ohchr.org/en/issues/housing/pages/forcedevictions.aspx>

<sup>5</sup> Ibid.

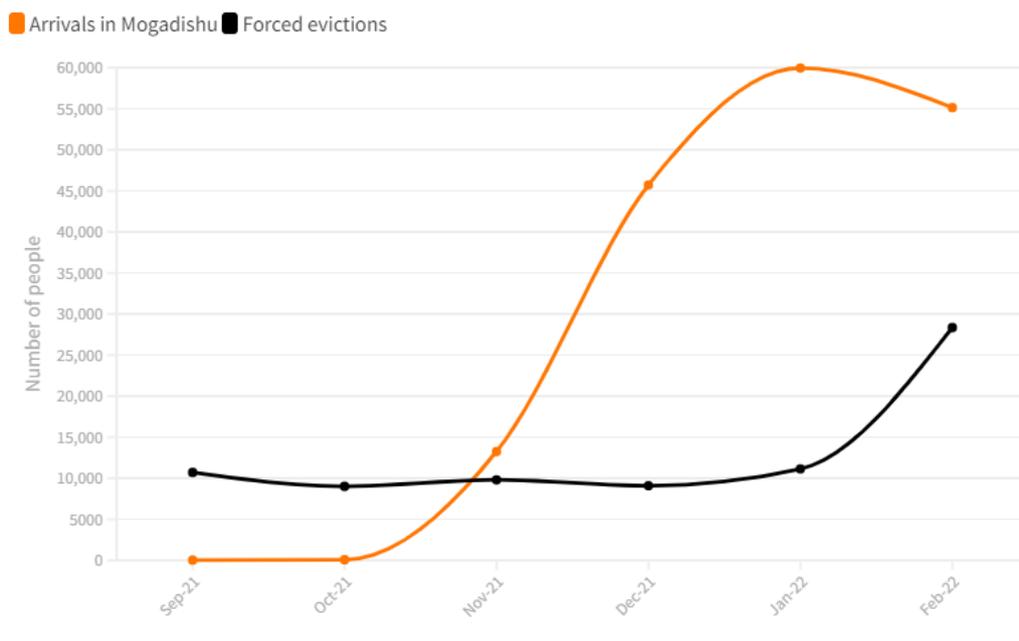
<sup>6</sup> Ibid.

<sup>7</sup> IDMC (2021). Recommendations for addressing drought displacement in Somalia. Available at: [https://www.internal-displacement.org/sites/default/files/publications/documents/21\\_1903\\_Somalia\\_BriefingPaper.pdf](https://www.internal-displacement.org/sites/default/files/publications/documents/21_1903_Somalia_BriefingPaper.pdf)

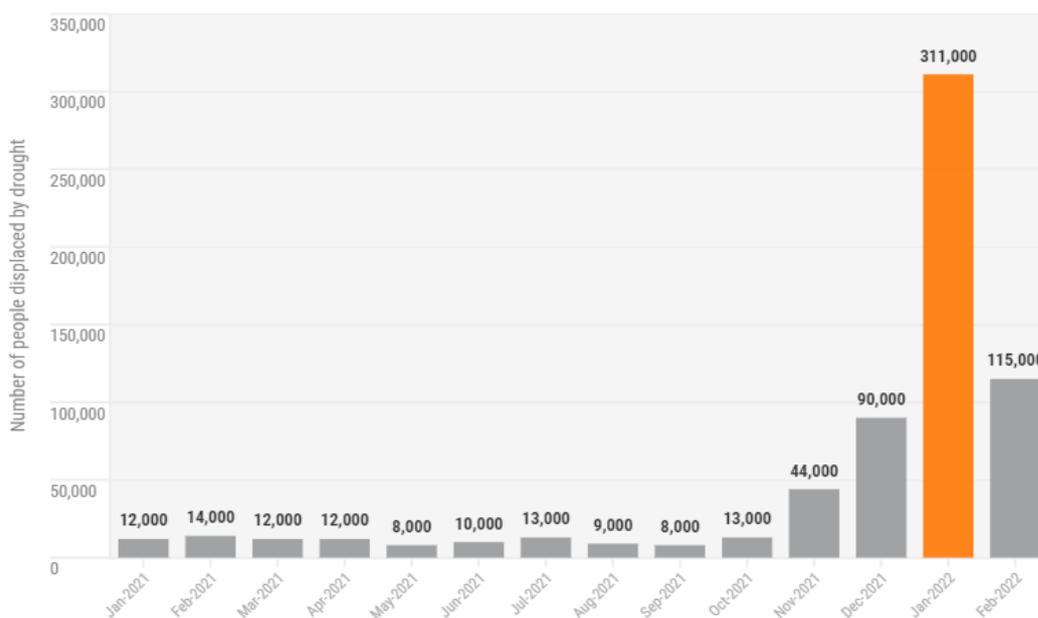
<sup>8</sup> Data available on PRMN dashboard.

**in February 2022.**<sup>9</sup> Forced evictions in Mogadishu roughly account for 70% of all evictions recorded in Somalia since 2017.<sup>10</sup> Following patterns seen in 2016/2017, significant secondary displacements and forced evictions are expected to persist in coming months due to influxes of new arrivals in search of humanitarian assistance and tenure insecurity. This is exacerbated by the weak normative and institutional frameworks, rapid urbanisation, and the potential for increased commercial and development investments in and around the Mogadishu.

### Drought displaced arrivals vs forced evictions in Banadir (2021/2022)



### People displaced by drought in Somalia (2021/2022)



Data sources: (1) Protection and Return Monitoring Network and (2) NRC Eviction Information Portal

<sup>9</sup> NRC Eviction Information Portal.

<sup>10</sup> Ibid

## Eviction alert

In January and February 2022, 27,990 individuals were forcefully evicted in Mogadishu.<sup>11</sup> While, another 15,306 individuals in 32 IDP settlements were issued with eviction notices (i.e. between 30 to 35 days). Those affected include 1,222 drought-affected households (7,332 individuals- 26% of total evictees) from Lower Shabelle and Diinsoor. These households did not receive sufficient notice that would have prevented destruction of their shelters and allowed victims to relocate to a new area with dignity. In total, 188 latrines constructed by agencies and the communities and one school were destroyed. Furthermore, such incidents take a massive psychological toll on occupants due to exposure to protection risks such as Sexual and Gender Based Violence (SGBV), violence, coercion, confiscation of legal identity documents, abandonment of schools by children, and homelessness. The main reason cited for the evictions was owner-driven development. A further 26,950 individuals across 57 IDP settlements were prevented from forced evictions after NRC legal team facilitated negotiations between landlords, district authority officials, and community leaders. As a result, the tenure agreements were renewed.

## Gaps in Eviction Response

- **Limited Funding:** Despite the increase in HLP needs, there is limited funding to support adequate interventions, particularly during drought, where lifesaving interventions are prioritised. Without HLP prevention and response services, widespread HLP violations such as forced evictions will continue unreported and with impunity. Victims of these violations will not have access to humanitarian assistance, protection, or justice. The humanitarian community, donor institutions, and UN agencies in collaboration with government authorities should prioritise an urgent and well-coordinated response to the drought situation in order to alleviate the immediate needs of affected households. The drought response should consider scaling up post-eviction assistance, due diligence and land tenure security.
- **Limited access to land:** Generally, there is limited access to land in Somalia. This is mainly attributed to insecurity and unclear tenure arrangements. Moreover, private citizens are the ones who mostly own land within city limits and those outlying safe and accessible urban areas. The city of Mogadishu has the highest urbanisation rate in Africa<sup>12</sup>, including more than 800,000 IDPs.<sup>13</sup> The vast number of IDP sites in Mogadishu and their scattered nature makes it difficult for humanitarian actors to have a comprehensive and coordinated response to evictions. This situation is exacerbated by the skyrocketing price of real estate. As a result, it is difficult to identify public land to (re)settle IDPs in a sustainable manner.
- **Tenure insecurity:** Newly displaced households are joining existing IDP settlements with no secure tenure arrangements in place. The lack of tenure security could expose newly

<sup>11</sup> NRC Eviction Information Portal, 2022

<sup>12</sup> NRC (2018). As Somalis flee to cities, Mogadishu becomes most crowded city in Africa. Available at : <https://www.nrc.no/news/2018/december/as-somalis-flee-to-cities-mogadishu-becomes-most-crowded-city-in-africa/>

<sup>13</sup> CCCM (2021). Somalia: Verified IDP Sites in Mogadishu Dayniile and Mogadishu Khada - July 2021. Available at: <https://reliefweb.int/report/somalia/somalia-verified-idp-sites-mogadishu-dayniile-and-mogadishu-khada-july-2021#:~:text=A%20joint%20IDP%20site%20verification,177%2C226%20households%20or%20848%2C760%20individuals.>

displaced households to secondary displacement further increasing their vulnerabilities, and heightening 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.

- **An underdeveloped regulatory framework:** The regulatory environment for HLP in Somalia remains underdeveloped. The 2019 National Eviction Guidelines, are not legally binding and do not alter the status quo. Similarly, Somalia lacks a national land law or policy, and yet HLP legislation cannot be implemented in isolation. The weak policy environment requires technical support that will eventually contribute to the enactment of a robust Land Act and relevant legal instruments. As this is a state-led process, HLP interventions should ensure that the policies and laws developed are aimed at regulating the ownership, acquisition and administration, which includes land allocation, registration of title, etc. and management of land within the states, regions and the Federal Government of Somalia.
- **Limited capacity:** There is a dearth of local actors working on HLP issues, particularly in Mogadishu. Capacity is relatively low and hence the need to foster and grow long-term partnerships with local actors to strengthen their capacity and expertise on HLP. This includes through provision of material and technical support, consistent mentoring and coaching to complement trainings, and the development and dissemination of information and educational materials on HLP.

## Recommendations

### **Support proactive engagements to negotiate improved tenure arrangements and/or facilitate dignified relocations to alternative land with secure tenure for drought-affected populations**

- In an effort to mitigate the risk of forced evictions, local authorities in BRA, humanitarian and development stakeholders should pay particular attention and take steps to improve tenure security for IDPs in Mogadishu and empower local authorities to facilitate effective support for newly displaced. One way of achieving this is through the issuance of legal tenure security documentation, i.e. rental and lease agreements, title deeds, certificates of occupancy etc.

### **Undertake comprehensive due diligence**

- Due diligence processes help identify and increase understanding of the type of rights relating to land, housing and property, the degree to which tenure arrangements are secure, ownership and types of ownership/control, documentation (agreements, title deeds etc.), permitted use, legality of construction, encumbrances and easements.<sup>14</sup> It remains critical that even within an emergency response, due diligence processes are followed. The 2018 post-eviction analysis showed that a considerable amount of humanitarian assets

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<sup>14</sup> HLP AoR (2021).

intended to alleviate immediate suffering caused by the drought were destroyed during the mass eviction incident in December 2017.<sup>15</sup> Due diligence processes should be undertaken prior to the start of any project and must embed adequate consultations with local authorities, landowners and communities to verify ownership or existing claims.

### **Strengthen the capacity of the eviction taskforce in Banadir Region**

- With technical and material support from humanitarian partners, the eviction taskforce in Mogadishu should be strengthened and expanded to the district levels. It is critical to invest in dedicated capacities to coordinate the eviction response in the region, particularly in drought-prone districts. Without addressing evictions in a concrete coherent and acceptable way, the cycle will continue, critical assets will be destroyed, and humanitarian and development efforts will be continually be undermined, thus perpetuating marginalised and disempowered existences while durable solutions to displacement remain elusive.

### **Empower vulnerable displacement affected communities to access justice**

- Humanitarian actors should support legal aid projects in all districts of Mogadishu, where forced evictions are high. **Mobile legal aid clinics** should be held every fortnight, at which many land and property disputes will become known. Conditions associated with tenure insecurity in Mogadishu recently have been linked to increasing numbers of HLP disputes. Importantly, interventions should aim to provide **affordable legal aid** to women and children from marginalised social sectors at minimum cost. Legal aid clinics should handle all cases presented to them as long as they involve women and children. The clinics should actively engage in making women more aware of their rights through counselling, giving workshops, seminars and legal advice and distributing newsletters and pamphlets on HLP rights, entitlements and remedies.
- The **Banadir Regional Authority (BRA) should be provided with technical assistance** to set up a tribunal to arbitrate HLP disputes in the region. BRA should establish a **paralegal programme** aimed at reducing HLP violations. The programme should run workshops, seminars, radio programmes, drama performances, and conduct **legal education** in Mogadishu. It should also train Community Paralegals whose main tasks are to give advice and assist in conflict resolution at the community level and to provide legal representation for vulnerable women and children. Community paralegals should be trained at the municipality in collaboration with the Mogadishu University's Faculty of Sharia and Law. After training, the paralegals should be expected to provide their services to their respective communities.

### **Influence HLP policy and practice through advocacy**

- Invest in collective and organised campaigns and ensure displacement affected communities are well represented and addressed in policy reform. Local authorities responding to HLP in Banadir and Somalia at large should lobby for initiatives that influence policy change firmly grounded in collaborative and equal partnerships where views, values and beliefs are shared.

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<sup>15</sup> NRC, UN-Habitat, & Somalia Protection Cluster. (2018).

## Enforcement of the National Evictions Guidelines

Local officials are often called upon to respond to nuisance or dangerous conditions such as forced evictions and activities being conducted in violation of guidelines, by-laws or regulations. It is recommended that BRA establish clear steps that require responsible parties to remediate such conditions and to comply with their obligations under the provisions of policies and laws. The municipality should follow-up on compliance to the eviction guidelines at the local level. After issuance of any order, halting HLP violations, including but not limited to forced evictions, it may be necessary for BRA to follow-up with the responsible party to confirm that compliance has been achieved. If compliance has not been achieved, it may be necessary to pursue enforcement through the courts if all reasonable efforts to obtain compliance have been exhausted and violations persist.

Therefore, authorities at all levels in BRA must 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 National 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 the authorities issue adequate and reasonable notice publicly and 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.

### Additional resources

- [Fact Sheet No.25, Forced Evictions and Human Rights](#)
- [Basic Principles and guidelines on development based evictions and displacement.](#)
- [Eviction Information Portal](#)
- [“I want my land. You have to go.” Understanding the eviction phenomena in Baidoa](#)
- [Eviction Information Note, May 2019](#)
- [HLP Area of Responsibility: Evictions and Information Response Toolbox](#)
- [Joint UN - OHCHR/UN-Habitat publications on Housing Rights.](#)

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