



PROTECT!

Forced evictions in Somalia on the rise
April 2016



Protection of Housing, Land and Property Rights is an area of responsibility of the Somalia Protection Cluster. It is led by UN-Habitat and the Norwegian Refugee Council (NRC). NRC with its core competency on information, counselling and legal assistance (ICLA) is a global lead on housing, land and property rights protection in humanitarian settings.

Forced evictions – what is it?

Forced evictions are a reality across Somalia, predominantly urban areas. Forced evictions violate rights and have wider humanitarian implications such as destruction of humanitarian investments and interrupt durable solution processes: Families get separated, there is an increased risk of gender-based violence, latrines, shelters and personal belongings get destroyed, livelihoods may be interrupted, access to services may be lost.

Forced evictions are essentially a result of conflict over urban space emanating from increasing urban populations sharing the same space. Urban pressures are gradually increasing in many of Somalia's cities, including due to rural urban displacement and migration. This is particularly visible in cities like Mogadishu, Kismayo, Baidoa, Luuq, Galkayo, Bosasso or Hargeisa where forced evictions are a reality. Main reasons for forced evictions include insecurity of land tenure, limited possibilities to verify title deeds or squatting and occupation of public buildings or private land in the absence of affordable alternatives.

Evictions, on the contrary, may be lawful and can be justified under certain circumstances. The distinction between evictions and forced evictions goes beyond mere terminology and affects the way evictions are decided on, planned, implemented, and considers the impact of an eviction on the people affected.

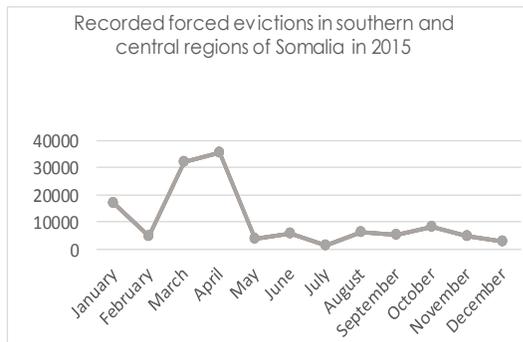
Process for lawful evictions (summary of eviction guidelines)

- Evictions occur in exceptional circumstances only and are resorted to where no feasible alternatives exist.
- Such exceptional circumstances may consist in the legitimate need to reclaim public land and buildings occupied by IDPs or in the rightful need to restore the land rights of legitimate private land owners.
- In such exceptional circumstances, evictions may be lawful if
 - authorized by law;
 - carried out in accordance with the Constitution and applicable international law;
 - undertaken only for legitimate purposes that can be justified by compelling and overriding public interests in the particular case; and
 - conducted as a measure of last resort.
- Are these conditions met and evictions unavoidable, they need to be implemented abiding by safeguards prior, during and post eviction.
- Evictions are always subject to the following safeguard:
 - Evictions should not render individuals homeless or vulnerable to the violation of other human rights.
 - Appropriate measures should be taken to ensure that adequate alternative shelter is made available to those unable to provide for themselves.

The guidelines do not only say what is permissible in the name of development, they also help to ensure that forced evictions do not reverse humanitarian investments and development gains. Ensuring lawfulness of evictions is therefore not only a responsibility, but also in the interest of authorities, especially at the municipal level.

Eviction facts

Forced eviction monitoring began on an ad hoc basis in September 2013. In 2014, the system was further improved and standardized. Through NRC's eviction tracker that monitors and verifies forced evictions through paralegals, data has improved to allow for better preventive interventions and response.



In 2015, almost 130'000 persons have been forcibly evicted in Mogadishu, Kismayo, Baidoa and Luuq. The months of March and April 2015 recorded the highest eviction rates, with over 30'000 persons affected each month.

In Puntland, most IDP settlements are established on a precarious land tenure situation. In Bosasso for example, six settlements with 2470 families are at a high eviction risk. In Galkayo, over 4200 families are affected by forced evictions or are currently at risk.

In Somaliland, IDPs residing in the two largest settlements –Stadium and State House remain at risk of forced evictions. The government issued eviction notices to the IDPs in 2015. Despite the fact that the government has substantive justification for this eviction, there are serious problems in the process and there is the risk that IDPs are just shifted towards the outskirts of the city. In particular, no discussions over or provision of viable alternative took place.

During the first quarter of 2016, the NRC eviction tracker recorded the forced eviction of 31'450 persons from Hodan, Dharkeiny, Deynile, Kaxda, Wardhigley, Heliwa and Hamar Weyne districts of Mogadishu. Over 14'000 persons have been forcibly evicted in January alone.

Despite the fact that most evictions have been unlawful, there have been some good practices from the Ministry of Health, Ministry of Finance and United Nations Development Program's approach to evictions in Mogadishu. These preventative and remedial responses could be replicated in other areas to ensure evictions are lawfully conducted and evictees afforded appropriate support.

Way forward

During the Housing, Land and Property Forum 2015, participants identified three priority areas for action to better address forced evictions in Somalia, which form part of the Protection Cluster's HLP work plan for 2016.

1. Support municipal authorities on lawful eviction processes
2. Improve access to justice
3. Advocate for and promote urban solutions for IDPs

However, both prevention of and response to forced evictions requires a multi-cluster involvement. Forced displacement results in a new displacement and therefore creates diverse humanitarian needs that must be addressed through different Clusters for the response to be effective. With 130'000 persons forcible evicted in 2015, forced evictions today constitutes one of the main principal causes of new displacement in Somalia and as the data for the first quarter of 2016, forced evictions are on the rise again. With the shift of the security responsibility to the municipality of Mogadishu, there is further urgency to prioritize this concern.

The following is proposed for action by the HCT/ICCG:

1. The HCT to consider protection against forced evictions as one of its priorities for 2016.
2. The HCT and ICCG to support the development of a strategy for a predictable multi-cluster response to forced evictions for prioritized locations.