Somalia Durable Solutions Initiative

4th Mission to Somalia and Nairobi
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1. The Mission

This mission followed up and built on three previous missions by the Special Advisor in 2015/16 carried out in the context of the Somalia Durable Solutions Initiative (hereinafter: DSI). The DSI, launched in early 2016, aims at complementing still needed humanitarian assistance with development, state and peace building interventions to substantially reduce the number of IDPs in protracted displacement, as well to ease pressure on displacement affected communities and areas over the course of the next five to ten years by facilitating and supporting durable solutions that bring concerned populations and individuals back into mainstream life, besides addressing underlying causes of the protractedness of displacement and its consequences. While initially limited to IDPs and host communities, the initiative now also encompasses returning

refugees. In fact, based on the Nairobi Declaration and Action Plan on Somali refugees,[1] UNHCR recognizes the DSI as the main framework for the implementation of the CRRF in Somalia.

The DSI is state-led and community focused and aims to support the capacity of government at federal, sub-federal and local levels to work collectively towards providing durable solutions for displacement affected communities and citizens (IDPs, returnees and their hosts). It promotes an area-based, multi-sectoral, multi-stakeholders, needs and rights-based approach involving simultaneously humanitarian and development partners under the leadership of government authorities. The DSI is not a program but rather a framework for harmonizing durable solutions approaches and programming by bringing together all relevant actors and stakeholders, i.e. authorities at different levels in the emerging Somalia governance structure; IDPs, returnees and host communities; and the international community.

The purpose of this mission was to (i) review of progress achieved since the launch of DSI in 2016; (ii) support the development of a strategic vision for 2017-2020, (iii) recommendations on the development of a new UN joint programme on Durable solutions; (iv) advance negotiation and development of a country wide durable solutions strategy for IDPs; (v) reignite momentum around the Durable Solutions Initiative and support the establishment of a high-level process involving federal and regional authorities, the United Nations, civil society and donors to support the development and implementation of a Somalia-wide durable solution strategy for IDPs; and (vi) launch of the OCHA policy study on "Breaking the impasse: a new approach to addressing protracted internal displacement."

In Somalia, the Special Advisor visited Mogadishu/Banadir, Kismayo, Dollow and Baidoa. He met with governmental representatives including H.E. Mahdi Ahmed Khadar, Deputy Prime Minister and H.E. Jamal Mohamed Hassan, Minister of Planning, Investment and Economic Development; H.E. Mohamed Osman Jawari, Speaker of Parliament; members of the cabinet of the State governments of Jubbaland and South West State and representatives of Banadir Regional Administration (Mogadishu Mayor's Office), as well as representatives of the international community and IDPs. He also contributed to the National Forum on Durable Solutions for Refugee Returnees & IDPs held in Mogadishu on 28 - 30 August 2017.

In Nairobi, the Special Advisor met with the donor community and participated in the regional launch of a study on addressing protracted displacement.[2]

The Special Advisor would like to thank all interlocutors for sharing their experiences. In particular, he would like to express his thanks DSRSG/RC/HC Peter de Clercq and his office as well as the agencies and organizations supported this mission.

[1] *Nairobi Declaration on Durable Solutions for Somali Refugees and Reintegration of Returnees in Somalia* of 25th March 2017, section III, para 6 and Annex to the Declaration, *Nairobi Comprehensive Plan of Action for Durable Solutions for Somali Refugees*; paras. 2.1.5 and 2.1.10.

[2] Walter Kälin and Hannah Entwisle-Chapuisat, *Breaking the Impasse: Reducing Protracted Internal Displacement as a Collective Outcome*, OCHA, New York 2017, available at www.unocha.org/about-us/publications.

2. Background

2.1 Context

The mission took place in a context marked by an estimated 1.1 million IDPs in Somalia living in protracted displacement across the country, with the majority in southern and central regions, as well as an additional number of estimated more than newly displaced persons in the context of the 2017 drought, estimated to number around 900'000[3] IDPs. Both categories of IDPs contribute in important ways to the dramatic demographic shift from a rural to a highly urbanized country.

Protracted displacement not only means that affected persons are in internal displacement but also that they are "prevented from taking or are unable to take steps for significant periods of time to progressively reduce their vulnerability, impoverishment and marginalization and find a durable solution."[4] In Somalia, the protracted nature of internal displacement is due to a variety of reasons, including (i) the persistent or recurrent nature of many causes of internal displacement, particularly continuing insecurity and recurrent drought; (ii) mechanisms of exclusion and marginalization of IDPs belonging to ethnic minorities or minority clans; (iii) features of internal displacement specific to Somalia such as the role of gate-keepers, frequent evictions and problems linked to housing, land and property rights; and, more generally, (iv) widespread impoverishment and limited economic reconstruction; as well as (v) a context of overall economic, social, institutional deficits accumulated over decades of crises, that (vi) limits the ability of the state to protect and assist IDPs and support durable solutions for them. This non-exhaustive list illustrates that finding durable solutions is not only a humanitarian but also – or even more – a development as well as state- and peace-building challenge.

In addition, the 2017 drought has triggered a new large-scale wave of internal displacement comprising an estimated number of 800,000 to 900'000[5] new IDPs who often seek refuge in existing irregular urban settlements where IDPs, returnees and urban poor live. In addition, tens of thousands Somali refugees have returned from Kenya.[6] As the majority of these people are unlikely to return to where they were living before being displaced, the challenge is to prevent their present situation becoming protracted.

This new wave of internal displacement is exacerbating Somalia's dramatic demographic shift from a rural to a predominantly urbanized country. The city of Baidoa, for instance, has reportedly doubled its population since 2016. While some recently displaced persons are likely to return to their homes during the forthcoming Dayr rainy season, large-scale returns cannot be expected in the near future due to insecurity[7] and limited access to livelihood and access to basic services in the rural areas . This means that in addition to the one million Somali refugees close to two million persons or an estimated 20% of the Somali population is currently displaced. This

[3] This number might comprise a significant number of "old" IDPs who experienced secondary displacement in 2017.
[4] Ibid., p. 20.
[5] These figures may include secondary displacements of IDPs who initially fled their homes before 2017.
[6] UNHCR reported in May 2017 that 60,800 Somali refugees have returned from Kenya since December 2013 and 30,600 from Yemen since March 2015 (UNHCR, Somalia Situation 2017, Supplementary Appeal January-December 2017, May 2017, p. 7.
[7] "Insecurity" covers situations with on-going military operations or clan-conflicts as well as cases of IDPs who left Al-Shabaab controlled areas despite prohibitions to do so or risk sanctions for unpaid taxes levied by them.

represents a serious impediment to the economic development of Somalia and attainment of the SDGs.

2.2 Durable Solutions

2.2.1 Notion

The DSI is based on an understanding of durable solutions as a – often long-term and complex – process of rebuilding the lives of displaced persons allowing them to become self-reliant through sustainable economic and social re-integration into mainstream society.[8]

Durable solutions require the availability or provision of:

- *Physical safety* and security;
- *Material safety,* in particular an adequate standard of living, including at a minimum access to adequate food, water, housing, health care and basic education; access to livelihoods employment; and access to housing, land and property;
- *Legal safety* in terms of access to effective remedies and justice in case of violations of rights; participation in public affairs; access to documentation; and access to mechanisms for family reunification.[9]

International experiences show that durable solutions can often best be achieved through *participatory processes* where displacement affected communities are informed, consulted and participate in the planning and implementation of programs and projects aimed at durable solutions.

Durable solutions can be found at the place of origin (return), the location of displacement (local integration) or elsewhere in the country (relocation/resettlement). As the Provisional Constitution guarantees the freedom of everyone residing lawfully in Somalia to choose his or her place of residence,[10] IDPs and returnees are entitled to freely decide whether or not to return to their former place of habitual residence.

2.2.2 Situations

Working towards durable solutions in Somalia is possible even in the absence of general peace and security across the whole country. In this regard, three situations and categories of possible intervention can be distinguished:

(i) Where *conflict* or *drought, etc. has ended*, *durable solutions* can be found at the *place of origin*.

(ii) Where *return is not possible* for the time being due to persistent effects of conflict or drought:

[8] According to the Inter Agency Standing Committee (IASC) *Framework on Durable Solutions for Internally Displaced Persons*, 2010 "a durable solution is achieved when internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement."

[9] See IASC Framework on Durable Solutions for Internally Displaced Persons, 2010 and its adaptation to the Somali context by the Regional Durable Solutions Secretariat ReDSS.

[10] The Federal Republic of Somalia, Provisional Constitution of August 1, 2012, Article 21.

a. For those unwilling to return, *durable solutions* through *local integration* should be sought early on;
b. For those willing to return, *measures to enhance their resilience* and degree of self-sufficiency should be sought *pending return*.

(iii) For those displaced within areas affected by ongoing conflict or drought, measures to enhance their resilience should be taken to the extent possible.

While some returns are possible, presently the majority of Somali IDPs as well as many returnees fall within the second category.

2.2.3 Necessary elements to achieve durable solutions

International experience suggests that durable solutions can be achieved where the following elements are in place:

- *Governments at all levels of Somalia must lead efforts to find durable solutions:* The primary responsibility for IDPs and returnees as citizens lies with their own governments. Furthermore, many of the reasons why IDPs cannot find durable solutions, such as limited access to rural area due to insecurity, the role of gate-keepers, frequent evictions and social exclusion are of a primarily political nature. To enable competent authorities to fully assume their responsibilities, it is not only important that their capacity is strengthened but also that international actors work with and through governments. While their very limited resources do not allow authorities in Somalia to provide wide-ranging services or implement costly infrastructure programs, their role is crucial in providing security, acting as intermediaries between local communities and international actors, addressing political challenges that might hinder progress towards durable solutions and providing directions for and legitimizing relevant activities.
- *Community consultation and participation as well as protection of the rights of IDPs and returnees* are key to (i) bringing IDPs and returnees out of dependency from humanitarian assistance and from control by gate-keepers, (ii) designing and planning interventions in ways that create local ownership and are context-sensitive, and (iii) to implementing programs and projects that strengthen their self-reliance.
- Combining *humanitarian with development and peace/state-building approaches* is necessary to ensure holistic responses to address and prevent protracted displacement and ultimately find durable solutions that not only help to end human suffering but also contribute to peace and security.
- Strategically *addressing underlying causes* of the protractedness of internal displacement (exclusion, forced evictions, land issues, gatekeepers, freedom of movement and security, local governance, etc.) is crucial for moving ahead. Technocratic approaches cannot solve displacement crises alone. Durable Solutions need a combination of *technical* as well as *political* approaches, and the simultaneous engagement and collaboration of political, peace building and keeping, development, human rights and humanitarian actors, as highlighted in the UN Secretary General Agenda on integration and New Way of Working.
- *Comprehensive and integrated approaches* covering, to the extent relevant in a specific context, all elements listed above (2.2.1) help avoiding situations where IDPs and returnees are provided with partial solutions that are not sustainable (such as housing with no

access to water or livelihoods). This requires, on the one hand, strong government leadership and effective coordination mechanisms at all levels of government. On the other hand, it also requires commitment by the international community to support national systems and government leadership. The SDRF Aid Coordination Architecture, particularly the Sectoral Sub Working Group on Migration, Displacement and Durable Solutions provide the main coordination framework between the FGS and the international community for the implementation of the National Development Plan (NDP) and should be strengthened.

- *Financing*: Without reliable, multi-year donor funding that allows to flexibly adapt to changing circumstances, as well as broader financing including robust lending, durable solutions efforts will continue to have very limited impacts.
- *Increased role of the private sector*: Finally, taking into account the magnitude of displacement and its consequences in Somalia, neither the government nor the international community alone will be able to achieve durable solutions for a substantial number of IDPs without partnering with the private sector and/or creating incentives for the private sector to engage in areas such as livelihoods, housing, infrastructure, or service delivery. The private sector can play four roles: (i) Providing donations in cash or kind for humanitarian action; (ii) being an implementing partner (e.g. carrying out cash transfers or building shelters as contractor); (iii) being a partner in public-private partnerships with the involvement of communities, authorities and the private sector (e.g. leasing agricultural land with fair conditions as transitory livelihood solution for IDPs and returnees; providing land and livelihoods in exchange for increased land-values in areas equipped with urban infrastructure and services); (iv) acting as an investor (e.g., creating employment or services such as education and health for IDPs and returnees) without involvement of the State or the international community.

3. Progress Made

Since the Advisor's last mission, implementation of the DSI has been slowed down due to the necessity to prioritize the drought response as well as the prolonged process of parliamentary election and formation of the Federal Government. Nevertheless, substantial progress has been made:

1. *National Development Plan (NDP)*: The NDP as adopted by the FGS addresses durable solutions not only in the chapter on resilience. It also mainstreams internal displacement and the quest for solutions into the chapters on poverty, housing, water and sanitation, labour and employments as well as infrastructure and sets out a series of goals. This provides a sound basis for a whole-of-government approach (see below 4.1.1.b).
2. *Somalia Development and Reconstruction Facility (SDRF)[11] Aid Architecture under the NDP:* During this mission, the Federal Government of Somalia (FGS) confirmed that the topic of durable solutions would be assigned to the SDRF Resilience Pillar Working Group, chaired by the Federal Ministry of Humanitarian Affairs and Disaster Manage-

11 The SDRF was established in 2014 to serve as both a coordination framework and a financing architecture for implementing the Somalia National Development Plan (NDP), in line with the principles of the Partnership Agreement/Mutual Accountability Framework, *SDRF Aid Architecture, technical Note, MOPIED, May 2017.*

ment. It was subsequently confirmed that a Sub Working Group on Migration, Displacement and Durable Solutions would be established. The purpose of the SDRF working groups and sub-groups is to promote (i) sector-level coordination in alignment with the priorities of the NDP; (ii) knowledge sharing and policy coherence; (iii) and collective monitoring and reporting of progress. The Working Groups define their agendas based on the NDP and report back to the SRDF Steering Committee on progress on a quarterly basis.

3. *CRRF*: The CRRF and its implementation have been integrated into the wider framework of the DSI.

4. At the UN/NGO level:

   – *The UNCT/HCT Durable Solutions Working Group (DSWG*) was established and is functioning with a broad membership. This hybrid and innovative working group brings together humanitarian, development and peace-state building, and includes representation from the UN Development Agencies and the Clusters, the WB, NGOs and key donors.

   – A *partner engagement framework* with draft guiding principles for a collective approach to Durable Solutions as per the New Way of Working was developed (but not yet adopted);

   – *Data and analytical work* undertaken includes Internal Displacement Profiling reports for Hargeisa and Mogadishu (JIPS) and Joint Area Based Durable Solutions Analyses for Lower Juba, Bay and Banadir (ReDSS);

   – Based on the Joint Area Based Analyses*, a pilot Joint Area Based Action Plan for Durable Solutions was developed for Kismayo* and shared with the Jubbaland authorities*.* This pilot joint plan was developed through a collaborative approach involving UN Agencies and NGOs operating in Kismayo.

   – *New joined-up UN and NGOs programs on durable solution (EU funded RE-INTEG, Peace Building Fund-Midnimo)* are implemented under government leadership and overseen through joint (government-UN) steering committees at state and operational level (Kismayo, Baidoa, Banadir);

   – A *durable solutions marker* has been introduced in the Aid Flow Mapping Exercise 2017, led by the Office of the Prime Minister with analytical support from the World Bank and the UN, which provides a detailed breakdown of aid against the pillars of the NDP and by location. The introduction of this new marker will facilitate the tracking of financial flows in support of durable solutions.

   – *Capacity building* on various levels has been provided to several governmental institutions.

   – In addition to progress made in terms of institutional development, programming and strategies, an important *shift in the mindset* of relevant actors has started to take place in the way Durable Solutions is approached in Somalia: i) the Government expressed commitment to a “whole of government” and inter sectoral approach to Durable Solutions involving relevant government institutions at federal and Federal Member State level, ii) the UNCT/HCT Durable Solutions working group spearheaded collaborative and cooperative efforts to implement DS in line

with the New Way of Working, helping to move away from the traditional mandate driven approach, and iii) NGOs mainstreamed durable solutions into their early recovery and resilience planning and programming, with support from ReDDS.

5. *Donors*, *inter alia* the EU, DFID, Switzerland and the UN Peace Building and Human Security Trust Funds, have considerably stepped up efforts to provide funding for durable solutions.

All of this is encouraging. However, to make progress broader, more robust efforts are needed. To achieve this, several challenges need to be addressed:

- The arrival of large numbers of newly displaced persons plus the on-going return of Somali refugees from Dadaab and Yemen have to be taken into account when planning for durable solutions in order to prevent these recent displacements becoming protracted.
- At the institutional level, it is still not entirely clear as to who is primarily responsible for the issue of durable solutions within the FGS, as several governmental entities claim to have this role.
- Beyond information on numbers, areas of origin and displacement, data on displaced, e.g. their specific needs in particular living environments, threats and opportunities of the respective contexts, resources among displaced, hosts and the given contexts are still scarce and insufficiently granulated to conceptualize and define specific, multi-sectorial/ large-scale comprehensive development and state-building programs.
- Apart from the rather general NDP conceptual and normative frameworks relevant for finding durable solutions do not exist at the federal level. Somalia still has not ratified the Kampala Convention[12] and a federal "Policy Framework on Displacement within Somalia" drafted in 2014 by the then Ministry of Interior and Federalism was never adopted. In contrast, Somaliland and Puntland adopted such policies several years ago.
- The level of governmental capacity to implement durable solutions widely varies between different governmental actors and levels of government and needs to be strengthened in general.
- Programs and projects addressing durable solutions are still too limited in numbers, scope and scale to have significant, broad-enough impact.
- Commitments to cooperative approaches and the achievement of collective outcomes need to be strengthened and incentivized through incentive structures and accountability frameworks rewarding cooperative institutional behaviors.
- Finally, despite commendable efforts by donors, reliable multi-year funding is still too limited to have substantial impact.

[12] African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2009).

4. The Way Ahead

4.1 Normative frameworks

4.1.1 Perspectives

While no overarching normative framework on IDPs and returnees exists in Somalia, several instruments and documents are relevant for finding durable solutions for displacement affected communities.

a) International and regional standards

At the international level, the ***UN Guiding Principles on Internal Displacement*** which have been unanimously recognized by the UN member States including Somalia as "important international framework" for IDP protection[13] as well the ***Kampala Convention*** which has not yet been ratified by Somalia set out important general principles that are highly relevant for durable solutions.[14]

b) National Development Plan

As recognized by the Nairobi Declaration,[15] the ***National Development Plan*** provides the point of reference for the DSI. It thus should be regarded by everyone as the foundation and linchpin for action aimed at finding durable solutions.

The NDP refers to elements that are crucial for finding durable solutions in several chapters and thus regards displacement as a cross-cutting issue:

- *Chapter III on poverty* declares the reduction of poverty as one of the key objectives of the NDP.[16] It stresses that "it is evident that the IDPs are poorer than the other groups"[17] and thus recognizes that IDPs face challenges that sets them apart from other urban poor.
- *Chapter V on economic development* notes that one reason for the low productivity of the agricultural sector is the fact that "[m]uch of the productive labor force (families) was displaced by conflict and drought and is in urban IDP settings."[18]
- *Chapter VII on social and human development* notes the dependence of IDPs on food assistance, the difficulties of IDPs to access drinking water as well as their low labour force participation rate which is due to "restricted movements and limited labour market opportunities." It sets the target of reducing the unemployment rate of vulnerable populations by 9% till 2019.[19] The chapter also mentions that IDP women and girls are particu-

[13] 2005 World Summit Outcome, UN General Assembly Resolution A/Res/60/1 (2005), para 132 and subsequent resolutions by the General Assembly, including Resolution A/RES/70 [2015], para. 21 A/RES/68/180 [2013], para. 16.
[14] For conceptual and practical guidance see also IASC *Framework on Durable Solutions for Internally Displaced Persons*, 2010.
[15] Nairobi Declaration (note 1), section III, paras. 5 and 6.
[16] National Development Plan, p. 45.
[17], Ibid., p. 43. See also p. 31: "around 51% of the population lives in poverty […] the poverty situation is even worse in the IDP camps where 70% is estimated to live in poverty" (ibid. p. 31).
[18] Ibid. , p. 69.
[19] Ibid., pp. 110, 118, 122 and 124.

larly vulnerable in terms of their security and sets the goal of reducing SGBV by 20% till 2019.[20]

- *Chapter VIII on infrastructure* is particularly relevant for IDPs and returnees. It stresses that "[d]emands placed upon infrastructure systems resulting from protracted displacement, migration and rapid urban growth have been neglected for decades and strained existing physical infrastructure beyond their functional limits" and notes that IDPs and returnees "will need housing, water, sanitation, health and education infrastructure if they are to willingly return or resettle in a sustainable and peaceful manner. Simply addressing these needs through humanitarian efforts is no longer appropriate."[21] It also notes the uncontrolled and unplanned nature of IDP settlements that are "characterized by high density, lack of social services, absence of livelihood opportunities and devastating living conditions" and the ensuing "impact of IDPs on land ownership and thus any type of intervention in urban areas",[22] as well as the fact that "Adequate housing is not affordable to IDPs and the urban poor, and affordable housing is not adequate."[23] One of the goals set out in this chapter is to "Increase access to adequate and affordable housing in particular for IDPs, returnees, the urban poor and other persons in vulnerable situations."[24]
- *Chapter IX on building resilience capacity* cuts "across the priorities and strategies of other NDP chapters [and] connects those priorities to specific populations."[25] It explicitly identifies IDPs and returnees as priority groups to be included in social and economic initiatives and designates return and reintegration of IDPs and returnees as one of the priority goals for the NDP's three year period.[26] According to the chapter, "exclusion from rule of law, physical insecurity, lack of tenure and access to basic development services" are key obstacles to durable solutions.[27] The chapter defines durable solutions as vision, sets out three strategic goals and defines detailed intervention strategies and milestones.[28]

> ***"Strategic goal 1:** To protect, respect and ensure the social, economic, cultural, political and civil rights of IDPs and refugee returnees reversing social marginalization and displacement-related discrimination through enhanced governance and rule of law ensuring access to relevant offices and justice mechanisms at district, municipal, state and federal levels.*
>
> ***Strategic goal 2:** To create opportunities for IDPs and refugee returnees to participate in public affairs and most importantly in decision-making pertaining to their own future, such as local and urban development processes, and remove obstacles to such participation.*

[20] Ibid., pp. 130 f.
[21] Ibid., pp. 135 and 136.
[22] Ibid., p. 139.
[23] Ibid., p. 140.
[24] Ibid., p. 141. See also p. 147: „Increase access to adequate and affordable housing in particular for IDPs, returnees, the urban poor and other persons in vulnerable situations."
[25] Ibid., p. 148.
[26] Ibid., p. 149.
[27] Ibid., p. 149f with more detailed information on p. 151.
[28] Ibid., p.

> ***Strategic goal 3:*** *To systematically enhance the absorption capacity of basic services for IDPs and returning refugees, enhance access to affordable housing and land as well as to vocational skill and professional development and facilitate and diversify access to employment sectors and labour market."*[29]

c) Legislation

Unlike some other countries in the region, Somalia does not have a law on internal displacement. It is rather unlikely that such law will feature in the forthcoming legislative program given the large number of competing legislations pending adoption.

However, other laws that might be drafted in the near future will be particularly pertinent for IDPs and returnees. Thus it will be important to ensure that their specific rights are respected and their needs taken into account. Among others, the envisaged laws on personal identity/civil registration and on voter registration must ensure that IDPs and returnees, as citizens of Somalia, can exercise their rights even if they are unwilling or unable to return to their place of former habitual residence. Possible legislation on housing, land and property would also be very relevant.

d) Policies

While Somaliland and Puntland have their own IDPs policies and federal member states such as South West State (SWS) might elaborate such documents, the federal level still lacks a specific instrument. As mentioned above, a federal "Policy Framework on Displacement within Somalia" was drafted in 2014 by the then Ministry of Interior and Federalism but never adopted.

Recently, the Ministry of Inferior, Federal Affairs and Reconciliation (National Commission for Refugees and IDPs) presented a "Draft National Policy for Refugee Returnees and IDPs " and an accompanying "Action Plan" which provide an excellent basis for further discussions. It will be important to ensure that the envisaged National Policy is in line with the NDP and the SDRF framework (on institutional issues see below, section 4.2) and is adopted without further delay.

At the same time, it will be important to include durable solutions *into* ***federal as well as Member State and local policies, strategies and development plans***.

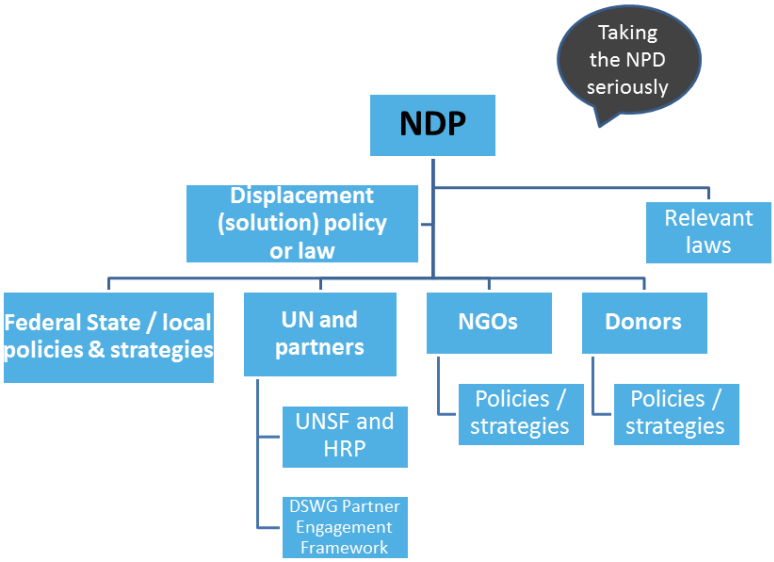
In this regard, the development of a comprehensive ***Post-Disaster Needs Assessment (PDNA)*** by the FGS with the support of the UN and the World Bank following the recent drought and the subsequent development of a Recovery and Resilience Framework provide a unique opportunity to address durable solutions. As new displacements as well as additional obstacles to return to rural areas for previously displaced IDPs and returnees and additional burdens on host communities are direct impacts of the drought, it will be necessary to systematically include displacement specific aspects into the PDNA as well as the envisaged recovery framework.

e) UN documents

At the UN level, the UN Strategic Framework for Somalia 2017-2020 (UNSF) addresses durable solutions by stressing that "UN humanitarian actors will integrate age- and gender-sensitive early recovery and resilience elements into their response" and adopts a "developmental focus […]

[29] Ibid., p. 152.

from the onset of humanitarian responses."[30] The UN will also work towards "urban solutions including sustainable local integration in urban and peri-urban areas", "rural solutions, including return and reintegration in places of origin," as well "as improved protection for women and girls and their active involvement in decision-making fora/bodies."[31] The 2017 ***Humanitarian Response Plan*** (HRP) is seeking to build stronger linkages between life-saving interventions and development-based durable solutions.



At the operational level, the Durable Solutions Working Group, comprised of key UN, WB, IGAD, donors NGO, IFI partners and donors, has developed a Partner Engagement Framework which focusses on the NDP and, *inter alia*, contains "key underlying principles" relevant to achieve durable solutions. It has not yet been adopted.

4.1.2 Recommendations

To recognize the centrality of the NDP by all relevant stakeholders and understand it as foundation and overarching framework for durable solutions is key. Governmental policies and plans at federal and Member State levels as well as UN, NGO and donors frameworks and plans should all be oriented towards the implementation of displacement-related aspects of the NDP.

In particular, it is recommended:

To the FGS:

- Ratify the Kampala Convention;
- Adopt a policy on internal displacement and reintegration of returnees:
  - In line with international standards;
  - Building on the NDP;
  - Taking a whole of government approach (see below section 4.2.1.b)
- Systematically take into account and reflect displacement-specific needs in relevant new laws, including laws on personal identity/civil registration, voter registration and housing, land and property issues.

To the UNCT/HTC:

- Review, in light of the NDP and its architecture and the UN' New Way of Working, the Partner Engagement Framework prepared by the DSWG, and finalize and adopt it.

[30] USF, p. 28.
[31] Id., p. 30.

- Follow in close cooperation with UNDP Parliamentary Support Project legislative work by the Federal Parliament and provide input where relevant.

4.2 Institutional frameworks

4.2.1 Perspectives

The institutional framework for the implementation of durable solutions is currently comprised of the following elements:

a) SDRF Pillar Working Groups

The overall institutional framework for the coordination of DSI is the SDRF which was set up as part of the New Deal and deals with multilateral funding. As mentioned above, the FGS has already decided that the durable solutions thematic will be assigned to the Resilience Pillar Working Group and Migration, Displacement and Durable Solutions Sub-working Group. If the establishment of the Sub-group is proven difficult (e.g. for lack of resources), durable solutions should be a standing agenda items of the Resilience Pillar Working Group with sufficient time set aside for each meeting of the working group.

The Resilience Pillar Working Group is not the only one relevant for the DSI. As outlined above, several other chapters of the NDP are highly pertinent for durable solutions, too, and it is important that their corresponding pillar working groups (particularly the Working Group on infrastructure) take this dimension systematically into account, understanding "Durable Solutions" as a cross-cutting issue.

b) Inter-ministerial Committee on Durable Solutions and Focal Point

There is still a lack of clarity as to who is primarily responsible for the issue of durable solutions within the FGS, with several entities claiming that role. However, achieving durable solutions is a very complex and cross-cutting task goes far beyond humanitarian action and requires development and peace-building interventions with a multitude of mechanisms, resources and approaches. This requires a whole-of-government approach rather than concentrating everything in one institution which would be simply overwhelmed by the task. What is needed is to clearly define and delineate the respective roles, powers and responsibilities of the different governmental actors.

At the same time, a body able to clearly assign respective roles and responsibilities and to coordinate activities is necessary. The decision by the Deputy Prime Minister to set up an Inter-ministerial Committee on Durable Solutions is therefore most welcome and should be implemented without any further delay.

Having an inter-ministerial committee does not rule out the possibility of having a lead ministry or an institutional focal point. In fact, countries have adopted different solutions: In Kenya, for instance, an inter-ministerial body is tasked with addressing internal displacement, including durable solutions, and provided with a dedicated fund.[32] In Sri Lanka one of the ministries has

[32] The *National Consultative Coordination Committee on Internally Displaced Persons* serves "the official impartial and humanitarian focal body liaising between Government Departments, the United Nations, non-State actors," and regional organizations. Part III of the Prevention, Protecion and Assistance to Internally Displaced

been designated as lead ministry and is tasked with convening and chairing an inter-ministerial committee.[33] Both solutions recognize that durable solutions cannot be achieved by one single entity and require a whole-of-government approach.[34]

c) DSWG and DS unit in the Office of the Resident Coordinator

The leadership of the DSRSG/HC/RC has been critical to support the development of a collaborative approach to Durable Solutions and promote coherence and integration within the UN system, in line with the New Way of Working. It has also been key to maintain the DSI as a high profile issue in the UNCT/HCT and amongst the international community and build bridges between actors.

The allocation of dedicated resources within the office of the DSRSG/HC/RC for the coordination of durable solutions has been instrumental in (i) promoting the harmonization of approaches, ii) fostering the development of joint analyses, planning and programming, and iii) strengthening the coordination and information sharing amongst UN agencies, Clusters and international partners, through the establishment and management of a the UNCT/HCT ***Durable Solutions Working Group*** (DSWG).

Strengthening the capacity of the DSRSG/HC/RC's office by formalizing the establishment of a coordination unit for durable solutions with adequate resources will ensure this engagement can be sustained in the future.

d) Member State institutions

Federal Member State (FMS) level institutions have reached different levels of their constitution and configuration. Hence they have reached unequal and sometimes insufficient grades of capacity in articulating, planning and implementing comprehensive sustainability-oriented initiatives. Specifically, more support is required to enhance understanding of durable solutions both as a subset of broader development priorities and programmes but also bringing into focus the specific character, opportunities and needs of displacement affected groups.

However, FMS institutions are making progress to improve state level coordination structures *and* facilitate durable solutions programmes. It is important that the dialogue on displacement and durable solutions is maintained between state and non-state stakeholders at federal as well as Federal Member State levels. This needs continued commitment, in particular from federal authorities and the international community, to be inclusive and closely cooperate with the member states.

State level coordination mechanisms for durable solutions should: (i) build on existing mechanisms to the extent possible, and adapt to the needs and situation in different States; (ii) ensure "whole of government" approaches and cross-sectoral representation; and (iii) maintain linkages and communication with relevant SDRF working groups and sub groups.

Persons and Affected Communities Act No. 56 of 2012 (bcckenya.org/assets/documents/PrevProtAsstoInternDisPersAffComsAct56of2012.pdf).

[33] Sri Lanka National Policy on Durable Solutions for Conflict-Affected Displacement (2016), section VIII,2 (http://reliefweb.int/sites/reliefweb.int/files/resources/final%20policy.pdf).

[34] In contrast, Colombia has delegated everything related to internal displacement to a special unit within the office of the president (Victims Unit) with the consequence that line ministries do not feel responsible for IDPs even if they fall within their area of competence.

4.2.2 Recommendations

With regard to the institutional framework, the following recommendations are made to:

- *FGS*: Set up the Inter-ministerial Committee on Durable Solutions chaired by DPM without any further delay;
- *SDRF Resilience Working Group and Sub-Group*:
    - Ensure coordination amongst international partners during the planning and implementation phase of programmes to avoid duplication;
    - Ensure a "whole of government approach" and inter-sectoral cooperation at FGS and FMS level; ensure alignment of interventions with the NDP priorities;
    - Adopt a Durable Solutions Action Plan and monitoring/accountability framework, based on the NDP;
- *Ministry of Planning*: Ensure that Durable Solutions aspects are integrated into the work of other relevant pillar working groups;
- *DSWG*:
    - Ensure coordination and harmonization of approaches with international actors as well as government initiatives;
    - Ensure timely information sharing and joint area based analyses;
    - Promote synergies, joint programming and collaborative approaches; and
    - Prepare inputs and provide support to the SDRF Pillar Working Group/Sub-Group meetings as well to relevant institutions at Members State and local levels as required.
- *Resident Coordinator*: Create a Durable Solutions Unit within the RCO.
- *Donors:*
    - Support and participate in the SDRF Resilience working group to ensure strong coordination for planning and programming of programmes/projects and orientation towards collective outcomes based on the NDP, including with regarded to bilateral funding initiatives.
    - Prioritize funding that creates incentives for UN agencies as well as NGOs to work towards collective outcomes and enhances government's ownership.

4.3 Programs and projects

4.3.3 Perspectives

As mentioned above, presently two programs (EU RE-INTEG, PBF Midnimo) are directly addressing durable solutions through a joint and comprehensive approach. Another on-going 20 programs and projects have been identified as having some elements relevant for durable solutions. Nevertheless, and the despite the long-term character of efforts to find durable solutions for a substantial number of IDPs and returnees much bigger efforts by the UN and NGO community, supported by appropriate funding, are necessary to make substantial progress.

a) "Resilience/sustainability marker" for humanitarian responses

Traditional humanitarian responses focus on relief assistance (distributions, delivery of short-term educational and health services, emergency and transitional shelters and other life-saving outputs) that are not – and not meant to be – sustainable. While this approach is fully adequate in the initial phases of sudden-onset emergency situations, it does not improve the long-term situation of beneficiaries in protracted humanitarian crises. It may even hamper efforts to help IDPs and returnees rebuilding their lives by creating aid dependency, negatively affect host communities and undermine state-building efforts.

In situation of protracted crises like in Somalia, humanitarian action can and should be framed in ways that – while life-saving in character - contribute to building self-reliance, resilience and putting IDPs and returnees on track towards durable solutions. How this can be done is context specific. Examples include consulting with and ensuring participation of displacement affected local authorities and communities in the identification of priorities and planning of humanitarian interventions to ensure local ownership and respect of cultural norms; active participation of beneficiaries in the implementation of programs and projects and use of locally available resources (e.g. for shelter or water and sanitation programs, including self-building approaches); conducting short term training programs in close cooperation with the local business community as well as including trained people into the workforce where contractors implement shelter or infrastructure projects; using conditional cash transfers or vouchers allowing children to attend public schools and linking them to programs to rehabilitate or expand school buildings rather than running temporary schools in camps and settlements; or setting up Internal Lending and Saving Schemes (ISALS) or saving and loan associations in IDP settlements; etc.

Such approaches are already used in Somalia, albeit not in systematic ways, and more can be learnt from resilience programs, including those of the NGO Resilience Consortia, that were implemented in recent years as well as from the use of cash transfers during the drought response. The introduction and systematic use of a *"resilience" or "sustainability" marker* that rates the contribution of humanitarian interventions towards building resilience and moving towards durable solutions would help to mainstream such efforts and, given the magnitude of humanitarian spending in Somalia, have considerable impacts.

b) "Durable solutions marker" for development programs and projects

Development programs and projects usually do not address internal displacement but they may target areas where displacement affected communities live, or may in other ways be relevant for such communities. Systematically integrating displacement into on-going and envisaged development programs that are not specifically made to promote durable solutions and, where relevant, looking for additional resources to expand the geographical scope of area-based programs or include members of displacement affected communities into targeted beneficiaries would be important. Examples include development interventions in the areas of urban planning and infrastructure, health and education, agriculture, as well as social protection programs and support for local governments (e.g. JPLG, youth employment) which, in most parts of Somalia, have to deal with displacement-related challenges.

This approach is not only cost-effective but supports the principle that IDPs and returnees as citizens of Somalia have the same right to participate in the development of the country as anybody else and, in accordance with the Sustainable Development Goals (SDGs), should not be "left behind" but be brought back into the mainstream by reducing their vulnerability and mar-

ginalization. Mapping of potentially relevant programs and projects, reaching out to relevant stakeholders and the systematic use of a "*durable solutions" marker* to identify and rate the potential of development interventions to contribute to durable solutions even where this is not the main aim of the program or project would leverage ongoing resources/programming to achieve durable solutions. While the number of development programs in Somalia is still limited, it can be expected that they will increase in coming years. In the long-term, mainstreaming displacement issues into such programs thus has the potential of generating wider impacts than solutions-specific programming.

c) Joint and joined-up UN programs to achieve collective outcomes in urban and rural areas

Joint UN programs are challenging. Therefore, instead of trying to set up one big joint program two or more smaller joint/joined up programs with a smaller number of participating organizations and agencies may be more appropriate and pragmatic to produce visible impact. Division of labor between participating agencies could for instance be conceived as follows:

- *One program focusing on urban areas* that uses a comprehensive urban planning approach. Such program should not only address housing and services but also focus on livelihoods and protection issues including social cohesion, security of tenure, reduction of SGBV, protection against exploitive labour conditions, and build to the extent possible on public-private partnerships and the responsibilities and capacities of local authorities. Bringing urban infrastructure and services to areas with large IDP populations would improve living conditions for everyone living there and have a positive impact on the value of land which, in turn, would provide a basis for requiring owners to make a certain percentage of their parcels available for settling IDPs and urban poor. Similarly, providing professional training to IDPs and poor hosts to address the demand of the private sector for skilled labour would create win-win situations for both IDPs and investors;
- *One program addressing rural areas* not only in areas of return but also in peri-urban areas where IDPs and returnees could be provided with temporary or permanent agricultural livelihoods, including on the basis of non-exploitive lease and crop-sharing agreements on hitherto unused agricultural land. Investing into agricultural infrastructure, introducing methods to increase yields or more intensive forms of animal husbandry, and linking such production to urban markets would be crucial to increase food security for the quickly growing urban areas, particularly in a context of diminishing pastoralism. Such program would also entail supporting the extension of state authorities and the provision of decentralized services in rural areas.

In essence, any joint or joined-up program should be designed as a comprehensive, interactive multi-sectorial undertaking, contribute to the development of necessary institutional and legal frameworks and generate tangible outcomes for displacement affected communities. Importantly, such initiatives should be replicable by other actors, especially, in the longer perspective, Somali stakeholders.

These programs should build on lessons learnt from the PBF- Midnimo and EU Re-Integ joint programs,[35] take into account the principles outlined above (section 2.2.3),and apply the UN's

[35] See http://www.so.undp.org/content/somalia/en/home/operations/projects/hiv_aids/re-integ.html for Re-Integ and http://www.so.undp.org/content/somalia/en/home/operations/projects/hiv_aids/re-integ.html for Midnimo.

New Way of Working by defining for both joint programs collective outcomes. Such outcomes should be understood as

> *"commonly agreed results or impacts that reduce the particular needs, risks and vulnerabilities of IDPs [and returnees] and increase their resilience through targets that are strategic, clear, quantifiable and measurable, and which are achieved through the combined efforts of Governments at national, subnational and local levels, international humanitarian and development actors, IDPs, local communities, civil society and the private sector."*[36]

Pursuing collective outcomes would not only allow to build on the respective strengths and capacities of participating agencies but might also facilitate getting funding from donors interested in the humanitarian-development- peace building nexus and in supporting joint efforts rather than funding requests from agencies competing with each other.

Further to the above, UN agencies funds and programmes participating in joint/joined up programmes should consider formal secondment arrangements such that staff involved in the management/implementation of the programmes are accountable to a single coordinating structure rather than the agencies that they represent.

d) Relaunch of the innovation competition

An ***Innovation Competition for Youth-led Solutions for IDPs in Urban Settings*** was launched at the high-level Roundtable of the DSI in Mogadishu on 8 May 2016. The competition envisaged to provide small grants of up to $10'000 to local communities and actors to develop and try out innovative ideas to move towards durable solutions. It thus was intended to serve two main purposes: First, to help roll out the DSI and anchor it at grassroots levels in order to create local participation and ownership; and second, generating examples of good practices adapted to the local contexts that can inspire programming. The competition immediately attracted some funding and an implementing partner was identified, but in the end implementation never started. To relaunch the competition would create necessary momentum for the DSI.

4.3.2 Recommendations

Based on the foregoing, the following recommendations are made to the international community:

1. Develop an include a sustainability perspective in all relevant ***humanitarian responses*** by introducing a "***resilience/sustainability marker***" for programming which ensures, to the extent possible, that activities are:
    a. Community-based or at least developed in consultation with communities;
    b. Led by relevant governmental authorities or at least implemented with their involvement(e.g. joint steering committees) or in partnership with them;
    c. Contributing to the resilience of beneficiaries and to the sustainability of public services, both of which are needed to achieve sustainability of responses and this interdependent and complementary; and
    d. Are protection-sensitive.

[36] Breaking the Impasse (above, note 2), p. 5. On the modalities of this approach see pp. 63 ff.

2. Consider the inclusion of a durable solutions component (area, beneficiaries, capacity-building) into all relevant ***development, peace and state building programs/projects*** by introducing a "***durable solutions marker***" ensuring that, depending on the activity and where relevant, (i) areas with IDP and returnee populations, (ii) IDPs, returnees and their hosts as beneficiaries, or (iii) issues relevant for durable solutions, are included in or covered by such interventions.
3. Based on lessons learned, scale up and/or develop a series of new ***UN joint or joined-up programs*** in line with the New Way of Working:
    a. For urban and rural areas;
    b. That are based on joint analyses, including of underlying causes of the protractedness of displacement, and with a strategic outlook;
    c. Rest on commitments by participating agencies and organizations to collective outcomes based on the NDP and the Resilience Pillar Working Group action plan with clear accountability frameworks; and
    d. Create stronger linkages with development, peace and state building initiatives.[37]
4. Re-launch the ***innovation competition*** that was developed in 2016.
5. Include a very strong durable solutions component into the envisaged post-drought PDNA and ensuing Recovery and Resilience Framework.
6. Mobilize flexible and multi-year funding to address durable solutions and resilience.

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[37] For example, government efforts, supported by international partners to restore governance systems, peace and security, are in many areas making considerable progress. Such programmes can have a significant impact on creating conducive environments for durable solutions to occur.