

Durable Solutions for Displacement Affected Communities in Somalia Training

M3. Session 2: Forced eviction and security of tenure in Somalia

Summary

This third module focuses on Housing, Land and Property, a key dimension of durable Solutions processes. In this second session we will examine more in depth the issues of security of tenure, forced eviction and relocation of DAC in Somalia. We will focus on the new policies and guidelines adopted by the Federal Government of Somalia to improve the tenure security of DAC, prevent forced eviction and ensure that evictions, when necessary and justified, and relocation plans are carried out in line with international standards. The last part of the session is dedicated to integrated settlement approach and inclusion of DAC and DAC settlements into long-term urban development planning.

Objectives

By the end of the session, the participants will be able to:

- Identify the main obstacles to security of tenure in Somalia
- Define what forced eviction is.
- Appreciate the magnitude of forced evictions among DAC in Somalia and its impact on durable solutions.
- Describe the legal eviction process in line with the national eviction guidelines.
- Explore solutions to these issues through case studies and lessons learnt.

Key messages

1. **The security of tenure is key for ensuring access to HLP rights and durable solutions**
2. **In Somalia, there are many obstacles to security of tenure for DAC, including forced evictions from occupied private lands.**
3. **Providing legal aid, strengthening the informal justice system, issuing legal documents are ways to enhance access to security of tenure for DAC in Somalia.**
4. **Working with municipal actors proved to be instrumental in reducing the incidence of forced eviction and violation of HLP rights.**

5. **The Somali authorities have recently adopted policies to strengthen access to security of tenure for DAC. Their implementation is crucial in the progress towards durable solutions.**
6. **Settlement integrated approach and linkage with urban planning to ensure the inclusion of DAC in the city development is at the heart of long-term durable solutions planning.**

Note that facilitation notes and tips as well as key messages are provided for each slide in the note boxes.

Delivery modalities

Structure

This session is divided into four main parts:

1. **Main obstacles to security of tenure in Somalia**
   This section starts with a "fishbowl" activity aiming at facilitating dialogue between participants on the main obstacles to security of tenure in Somalia, exposing knowledge and expanding the collective understanding of the subject. The two following slides are summaries of the issues that should have emerged from the exercise.

2. **Forced evictions**
   The aim of this section is comprised of two slides aiming at explaining what forced eviction is and the magnitude of the phenomenon in Somalia. You can add a slide with more recent or specific data on forced eviction in the context/place where the workshop is rolled out.

3. **Legal and policy frameworks**
   The main goal of this section is to introduce the recently adopted policy frameworks aiming at protecting DAC's security of tenure and to prevent unlawful eviction. Indeed, eviction, can be carried out in a lawful way, following a process described in the National eviction guidelines which is in line with international standards. A short activity will guide the participants through the different steps and rules to respect to carry out a lawful eviction process when necessary and justified. The two following slides show other and complementary measures to:
   - prevent forced eviction at the municipal level such as in Baidoa during the Covid 19 crisis
   - Other measures to enhance security of tenure in the medium term.
   The second part of this section is about relocation and access to more durable housing for IDPs and refugee returnees, in line with the Interim Protocol on Land Distribution for Housing to Eligible Refugee Returnees and IDPs. Here, specific attention is brought to the importance of

ensuring that any relocation or distribution of land for housing are carried out in consultation and with the participation of DAC and in line with adequate housing principles.

4. **Urban inclusion and integrated settlement approach**
   The last part of this session is about long-term integration and inclusion of DAC and DAC settlements into cities, and urban planning to ensure effective (re)integration and durable solutions through access to services and livelihood. All the urban assessments carried out in the framework of the Midnimo projects advocate for a long-term integration of old settlements and newly created settlements into urban planning and cities' long-term development plans to avoid the persistence and development of informal cramped and underserved slums without access to development and long-term solutions.

Timing

This session is planned to last one hour and a half.

- About 30 minutes for the first session including the fishbowl exercise
- 10 minutes for the second part
- 20 minutes for the third part
- 20 minutes for the last part.

Activities

1. **Activity 1: fishbowl**

- Change to room set up: A Fishbowl discussion requires a circle of chairs ("the fishbowl") and enough room around the circle for the remaining participants to observe what is happening in the "fishbowl."
- Participants are separated into an inner and outer circle. Ask 4 to 6 participants to sit in the inner circle, or **fishbowl**, and let them start answering the main question and discuss for 5 minutes; Participants in the outer circle listen to the discussion and take notes. After 5 minutes ask three to four participants of the inner circle to live and ask participants around who wants to join the inner circle. You can do two more rounds if you feel that other participants want to join the inner circle and bring relevant issues.

- Debriefing: Write the main issues coming up during the discussion on a flip chart paper and ask the participants to correct or complete the list of obstacles. The following slides are there to summary the main obstacles to security of tenure in Somalia.

2. **Activity 2: lawful evictions steps. Put them in the right order!**

Print and cut the activity 2 document, mix the pieces of paper and put them into envelops: one envelops per group. Ask each group to put the lawful eviction steps into the right order.

Preparation

- ☐ Prepare the setup of the room for the fishbowl exercise before starting the session: A Fishbowl discussion requires a circle of chairs ("the fishbowl") and enough room around the circle for the remaining participants to observe what is happening in the "fishbowl."
- ☐ Print the activity 2 document (one per group), cut it along the lines mix the pieces of paper and put them into envelops: one envelops per group.

Useful resources

- ☐ NATIONAL EVICTION GUIDELINES, Federal, Government of Somalia, 2019
- ☐ interim protocol on land distribution for housing to eligible refugee returnees and idps, Federal, Government of Somalia, 2019
- ☐ National Policy on Refugee-Returnees and IDPs in Somalia, Federal, Government of Somalia, 2019
- ☐ Actions taken in support of the protection against forced evictions during COVID-19, UNOCHA, 2020.
- ☐ Constant risks, looming disaster: the urgent case for a moratorium on evictions, Somalia Protection Cluster, April 2020
- ☐ ReDSS aspiration survey, Housing, Land and Property, 2020.
- ☐ HOUSING, LAND AND PROPERTY RIGHTS FOR SOMALIA'S DISPLACED WOMEN, NRC, 2016
- ☐ Lessons learned from three EU RE-INTEG Consortia (EIDACS, JSC, SDSC), ReDSS, Oct 2019
- ☐ Kismayo Urban Profile, Working Paper and Spatial Analyses for Urban Planning, Jubaland Ministry of Public Works, Reconstruction and Housing, Oct. 2020

- ☐ An Unnecessary Burden: Forced Evictions and Covid-19, NRC Briefing note, July 2020.
- ☐ The Pinheiro Principles United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons, 2005
- ☐ The Guiding Principles on Internal Displacement
- ☐ Kampala Convention on the Protection and Assistance to Internally Displaced Persons in Africa
- ☐ The OAU Convention governing the specific aspects of refugee problems in Africa
- ☐ The 1951 Geneva Convention and the 1969 Protocol
- ☐ The IASC Framework on Durable Solution for Internally Displaced Persons, 2010
- ☐ The International Covenant on Civil and Political Rights, 1966
- ☐ The International Covenant on Economic, Social and Cultural Rights, 1996
- ☐ The UN Basic Principles and Guidelines on Development-based Evictions and Displacement, 2007
- ☐ The UN Guiding Principles on Security of Tenure for Urban Poor, 2013
- ☐ The Food and Agriculture Organisation (FAO) Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, 2012
- ☐ The ILO Convention No.169 on Indigenous Peoples rights
- ☐ The Convention on Elimination of All forms of Discrimination Against Women (CEDAW) and all its protocols