

Durable Solutions for Displacement Affected Communities in Somalia Training

Session 3: What are the legal and policy frameworks underpinning durable solutions processes?

Summary

This session is about the international and national legal frameworks guiding the search for durable solutions. Thus, durable solutions process and interventions are based on rights, more specifically on human rights. This human rights-based approach is at the heart of the durable solutions definition. It puts the DAC, as rights holders, at the center durable solutions process. The national authorities have the responsibility, as duty bearers, to respect, protect and fulfill these rights and ensure that DAC achieve durable solutions to their displacement. In this session we will explore the different bodies of law applicable to DAC: international human rights and displacement specific frameworks as well as recently developed Somalia law and policy instruments.

Objectives

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

By the end of this session you will be able to:

- Adopt a right-based approach to durable solutions.
- Present the main international frameworks, including human rights law, underpinning durable solutions.
- Describe and use the national legal and policy framework governing durable solutions processes in Somalia
- Align and draw a parallel between durable solutions and the Sustainable Development Goals and national development plans and engagements.

Key messages

1. **Displacement Affected Communities are right holders and the search for durable solutions is based on human rights, equality and non-discrimination principles.**
2. **Somalia's Constitution protects and promotes human rights and Somalia is a party to most of the international human rights instruments and has ratified the key displacement specific international frameworks.**

3. **Somalia has incorporated displacement specific frameworks and durable solutions provisions into its own legal instruments through policies, laws and strategies.**
4. **Durable solutions are in line with Sustainable Development Goals (SDGs) and are integrated into Somalia National Development Plans.**
5. **Implementation of such instruments is key in the progression toward durable solutions for DACs.**

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 structured around three main parts and ends with a short final activity aiming at recapitulating the main learnings of the session.

1. **Human right-based approach**. The first 20 minutes of the session are an opportunity to unpack the concept of human-rights based approach to solutions with an emphasis on human rights law and nondiscrimination. The main message is that the DACs are right holders and the national authorities are responsible for ensuring that they have access to their fundamental human rights to progress toward durable solutions. Somalia has ratified most of the international human right treaties and integrated human rights provisions in its constitution and in displacement specific frameworks that the country adopted.

2. **Displacement specific international legal frameworks** Through these slides and a short activity we will conclude that Somalia has ratified and paved the way for the domestication and implementation of most of the international displacement specific legal instruments, including the Kampala Convention on Internal Displacement in Africa.

3. **Laws and Policies on displacement and durable solutions in Somalia.** Somalia has recently developed and adopted a solid law and policy framework to guide and accompany durable solutions process for DAC. This part of the session provides an opportunity to unpack recently adopted instruments such as:
   - The National Policy on Refugee-Returnees and Internally Displaced Persons (IDPs)
   - National Eviction Guidelines.
   - Interim Protocol on Land Distribution for Housing to Eligible Refugee-Returnees and IDPs;

- National Durable Solutions Strategy.
- Inclusion of durable solutions priorities are incorporated in the National Development Plan.

Timing

This session is planned to last one hour and a half

- About 20 minutes for part 1
- About 20 minutes for part 2
- About 30 minutes for part 3
- About 20 minutes for the last activity

Activities

II. Displacement specific international legal frameworks

Activity 1: Mix and match. Distribute the international displacement-specific frameworks (doc: Session 3 activity Mix and Match) and their descriptions to each group in an envelope. One envelope for each group. Ask the participant to match each framework with its description. The group that finishes first wins. Briefly introduce each framework during the debriefing.

III Laws and policies on displacement in Somalia

Activity 2: Assign one or two criteria to each group and ask them to make each criterion correspond to the relevant:

- human right(s) that they stand for
- the SDG(s) that they refer to
- The corresponding National Development Plan Pillar
- The corresponding priority in the National Durable Solutions Strategy.

Ask the participants to use a prepared template to list their response (session 3. Final activity template). Distribute and briefly summaries the completed table (M1. Session 3. Final activity completed table) as a debriefing.

Preparation

- ☐ Activity 1: Print and cut the international displacement specific frameworks from the Session 3 Mix and Match activity and put them into envelopes. One envelope per group.
- ☐ Activity 2: Print the Activity table template (session 3. Final activity template). About three copies per group and the completed table, one per participant.

Useful resources

- ☐ The Core International Human Rights Instruments: https://www.ohchr.org/en/professionalinterest/pages/coreinstruments.aspx
- ☐ 1951 Geneva Convention related to the Status of Refugees and its 1967 Protocol : https://www.unhcr.org/about-us/background/4ec262df9/1951-convention-relating-status-refugees-its-1967-protocol.html
- ☐ The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa: https://www.unhcr.org/about-us/background/45dc1a682/oau-convention-governing-specific-aspects-refugee-problems-africa-adopted.html
- ☐ The Guiding Principles on Internal Displacement: https://www.unhcr.org/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html
- ☐ The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention): https://www.unhcr.org/about-us/background/4ae9bede9/african-union-convention-protection-assistance-internally-displaced-persons.html
- ☐ The National Policy on Refugee-Returnees and Internally Displaced Persons (IDPs): https://www.refworld.org/pdfid/5d8332c64.pdf
- ☐ National Eviction Guidelines: https://www.refworld.org/docid/5d8333ae4.htm
- ☐ Interim Protocol on Land Distribution for Housing to Eligible Refugee-Returnees and IDPs: https://www.refworld.org/pdfid/5d8331024.pdf
- ☐ National Durable Solutions Strategy: Strategy-V5.pdf (mop.gov.so)
- ☐ National Development Plan 9: http://mop.gov.so/wp-content/uploads/2019/12/NDP-9-2020-2024.pdf
- ☐ Moving forward: Finding lasting solutions for urban displacement Durable Solutions Unit Municipality of Mogadishu Benadir Region Mogadishu Durable Solutions Strategy: https://dsu.so/wp-content/uploads/2020/09/DSU_strategy_report_2020_v11.pdf