



## CASE STUDY

### PROTECTING HOUSING, LAND AND PROPERTY RIGHTS FOR DISPLACEMENT-AFFECTED COMMUNITIES

#### A CASE STUDY FROM THE JUBALAND SOLUTIONS CONSORTIUM

The Jubaland Solutions Consortium (JSC), with funding from the [European Union's RE-INTEG Programme](#) running from 2017-2020, is supporting the (re)integration of IDPs and returnees in Kismayo, Afmadow, Dhobley, Belet Xawo and Baardhere through a multi-sectoral, area-based approach. The consortium is led by the Norwegian Refugee Council (NRC), with the Juba Foundation and Concern Worldwide (CWW) being the other consortium members. As part of this approach, NRC, in partnership with the Juba Foundation (JF), is supporting IDPs and returnees to access, protect and exercise their Housing Land and Property rights.

## CONTEXT

There are a multitude of challenges linked to accessing housing, land and property (HLP) rights by displacement-affected communities (DACs) in Somalia. The HLP challenges created by repeated and protracted displacements in urban areas are exacerbated by the limited legal and policy frameworks around HLP rights, inadequate technical and functional capacities of state institutions, and weak mechanisms for the resolution of HLP disputes. Furthermore, DACs lack knowledge of their HLP rights and how to exercise them, and women's access to HLP rights is adversely affected due in large part to entrenched discriminatory customs. Limited or inadequate tenure security among IDPs and returnees places households at risk of exploitation from landlords. The threat of eviction, forced or otherwise, represents one of the most serious protection concerns in Somalia with enormous impact on the victims' dignity, physical security, livelihoods, and most importantly, their search for durable solutions. In 2018, an estimated 313,964 individuals were evicted across Somalia according to the HLP Sub-cluster's Eviction Trends Analysis.<sup>1</sup> The recent drought caused significant influxes of IDPs into urban centres, including Kismayo. This rural-urban movement overstretched local absorption capacities and placed further pressures on land availability.

## PROTECTING HLP RIGHTS FOR DISPLACEMENT-AFFECTED COMMUNITIES

The JSC Programme has adopted a multi-faceted approach, which is anchored on the conceptual foundation that a sustained protection of HLP rights requires the meaningful involvement of national stakeholders, particularly the government. The monitoring, documentation and reporting of forced evictions has been strengthened. This has led to the improved prevention of, and response to, eviction incidents through localized solution initiatives. NRC and its partners, including local dispute resolutions committees, have undertaken regular monitoring of at-risk sites, collecting data on tenure type, status and vulnerability to evictions. This data is used to produce Eviction Risk Maps and Trends Analyses, which are used to trigger appropriate protection responses. NRC has placed a focus on eviction prevention, through discussions and dialogue between landlords and DACs under threat of eviction, while also advocating for the identification of land for safe and dignified relocation processes.

The JSC Programme has also contributed to increased access to information, and enhanced capacity in HLP governance and non-adversarial dispute resolution methods among DACs. A total of 600 individuals have received information necessary to navigate administrative and legal procedures linked to the protection and exercise of their HLP rights. Information services have encompassed issues related to security of tenure, evictions, women's access to HLP rights, and the roles and responsibilities of different actors in relation to HLP rights. Furthermore, trainings on collaborative dispute resolution (CDR) have significantly increased community-level capacity to resolve HLP conflicts. The CDR trainings covered approaches, procedures and skills for resolving HLP and other forms of civil disputes and were attended by 85 community leaders, including elders and customary leaders. Representatives of district-level government also attended the trainings, enabling in-depth discussion on both customary and statutory procedures for addressing HLP disputes. HLP mainstreaming trainings have also been delivered to representatives of UN Agencies, local and international NGOs, legal practitioners and state institutions with responsibility for HLP issues.

Counselling and legal assistance services have been provided to individuals seeking help to overcome obstacles in their pursuit of durable solutions. NRC has provided counselling and legal assistance in a total of 167 HLP cases relating to a number of issues, including tenure security, actual and potential forced evictions, and purchases of land. The Juba Foundation has also constructed an information, counselling and legal assistance centre at Dhobley, which is being accessed by IDPs, returnees and the host community.

Recognizing that the government must ultimately lead durable solutions processes, the JSC has worked in close partnership with state institutions that have responsibility for HLP issues. 500 households have been supported to obtain title deeds. NRC has also provided technical support to the Jubaland Refugee and IDP Affairs (JRIA) and the Jubaland Commission to strengthen their capacity to address potential and actual evictions. A number of advocacy forums have also been convened which have brought together representatives of DACs and the authorities for dialogue and joint planning in relation to eviction monitoring, prevention and response, as well as how to enhance security of tenure.

## LESSONS LEARNED FOR FUTURE DURABLE SOLUTIONS PROGRAMMING

- **HLP is a critical component of durable solutions programming in Somalia:** To promote and facilitate durable solutions for IDPs and returnees, programming must focus on improving security of tenure and reducing the threat of eviction. (Re)integration is not possible without secure access to land, and therefore government-led efforts to identify suitable land for voluntary relocation should be supported, and services and assistance should be provided in these locations. The sustainability of (re)integration efforts can be significantly enhanced through integrating HLP interventions with other sectors; for example, the JSC has also been providing education, WASH, and livelihood support.
- **Government leadership is imperative in advancing HLP objectives:** Increasing government engagement in addressing evictions leads to positive outcomes: eight in ten eviction prevention initiatives have been successful as a result of direct involvement of the local municipality. NRC is also supporting the Jubaland Administration to operationalize the electronic land administration system.<sup>3</sup>
- **Developing the HLP policy and legal framework in Somalia is critical to ending displacement:** For the government to effectively lead durable solutions processes it is critical that laws and policies addressing HLP rights are in place, and implemented effectively. Durable solutions programming must be informed by a strong understanding of the legal, policy and institutional environment, and support policy development and the capacity enhancement of relevant state institutions.
- **Localized alternatives for the protection of HLP rights should be prioritized and implemented alongside efforts by federal and regional governments to effect legal and policy changes at scale:** Informal and customary mechanisms remain critical in the management of community relations and disputes, especially so given the limited capacity and reach of the formal justice system. The JSC has strengthened the capacity of customary and informal justice mechanisms to resolve HLP disputes.
- **Women's access to HLP must be prioritized:** Women face specific forms of discrimination in relation to issues of inheritance and divorce, and also have little voice and protection with informal and customary mechanisms<sup>3</sup>. The JSC has adopted a gender sensitive approach to HLP rights, ensuring that women are prioritized in efforts to increase awareness of HLP rights, deliver counselling and legal assistance, and strengthen community-level dispute resolution mechanisms.

Cover Photo: Asha has faced multiple forced evictions in Mogadishu. Credit NRC

<sup>1</sup> The HLP Sub Cluster falls under the Protection Cluster and is chaired and co-chaired by UN Habitat and the Norwegian Refugee Council, respectively.

<sup>3</sup> This activity is not funded under the EU RE-INTEG Programme.

<sup>4</sup> Norwegian Refugee Council (2016). Housing, Land and Property Rights for Somalia's Urban Displaced Women.