

SOMALIA

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BRIEF



Aerial view of an informal IDP settlement in Mogadishu, Banadir region, Somalia. (Photo: HLP AoR)

EXECUTIVE SUMMARY

More than 4 million forcibly displaced Somalis are living in over 3,700 spontaneous informal settlements¹ that are self-identified locations, with limited or no access to services and humanitarian assistance and inadequate shelters. 81% of these informal settlements are located on private land. Insecure accommodation arrangements trigger constant eviction threats or actual evictions, land grabbing and other housing, land, and property (HLP) related issues, leading to complex protection needs. Diverse risk groups live in these sites, including high numbers of women, children, older persons, people living with disabilities and persons with specific needs, whose living situation in the settlements heightens exposure to various protection risks, including gender-based violence.

Continued protection risks, reflecting decades of conflict and violence, recurrent natural disasters are being exacerbated and further entrenched while access to services and assistance remedies is decreasing. 3.9 million people are estimated to need protection, given the severe HLP violations, such as forced evictions, that continue to be reported, Inadequate shelter and housing is also increasing women and girls risks of being confronted to gender-based violence (GBV).²

¹ The terms 'site' and 'settlement' are used interchangeably.

² UNHCR. (2024). Somalia Protection and Solutions Monitoring Network. UNHCR

Thousands of Somalis are confronted with forced evictions, with over 18,000 internally displaced persons (IDPs) displaced every month. The need for HLP assistance is increasing, meaning the timely start of prevention activities is crucial to ensure effective implementation.

4.6 million displaced people are identified to need shelter and NFI assistance, with slightly more than 88% of households reporting living in a makeshift shelter according to REACH assessment or partially damaged, or fully destroyed shelter, due to previous conflicts and disasters. Considering the high cost of shelter repairs and the already negative net income of households, reconstruction comes at a high cost that is not affordable for most. Failure to address these issues would mean hundreds of vulnerable households have no choice but to remain in inadequate, unsecured, and often overcrowded shelters, with severe implications for their health, protection, socio-economic situation and personal security - especially for children, older persons, people living with disabilities, women, and girls.

CONTEXT

Somalia is gradually recovering from its prolonged conflict, which has led to widespread displacement. IDPs face significant challenges, particularly in securing HLP rights. With weak governance structures, Somalia's legal systems remain fragmented, complicating access to justice for vulnerable populations. Many IDPs live in urban centers, where land tenure insecurity is widespread, leading to frequent forced evictions, which further displace already vulnerable communities. Eviction data gathered by the HLP Area of Responsibility (AoR) since 2015, indicates that over 1.7 million IDPs experienced forced evictions in recent years. By the end of September 2024 alone, over 98,000 people were forcefully evicted, in violation of both national and international law and policy/guidelines. Up to 60% of all evictions reported are occurring in informal IDP settlements located in urban areas, in particular Mogadishu, Baidoa, Kismayo, Bosaso, Garowe among others.³

The justice system in Somalia is complex, consisting of secular law enforced by regular civilian courts, clan-based common law (xeer), and Shari'a courts. This legal plurality has made it difficult for IDPs and marginalized groups to navigate the system and secure HLP rights. While formal institutions are slowly being strengthened, the dominant role of traditional clan elders in dispute resolution excludes many IDPs who lack clan protection, leaving them vulnerable to rights violations.⁴



Figure 1: Norwegian Refugee Council/ Informal IDP settlement in Duvnile, Mogadishu, Somalia

³ <https://evictions.nrcreports.net/>

⁴ Gundel, J. (2006). The Predicament of the 'Oday': The Role of Traditional Structures in Security, Rights, Law and Development in Somalia. Nairobi: Danish Refugee Council. Xeer agreements are concluded solely between Somali clans, while minority groups which are not considered of Somali origin are excluded from the xeer system.

Despite the legal and institutional challenges, efforts are being made to address HLP rights in Somalia. The introduction of the National IDP Policy, National Eviction Guidelines of 2019⁵, and a Durable Solutions Strategy are crucial steps forward. However, enforcement remains a significant challenge, and many displaced persons continue to live in precarious conditions with little access to secure land tenure or legal recourse in case of disputes.⁶

Limited access to HLP not only exacerbates their vulnerability but also hampers economic recovery. Without secure property rights, IDPs face difficulties in establishing livelihoods, and many are at risk of repeated displacement due to land disputes and forced evictions.⁷ Addressing HLP rights is vital for long-term stability in Somalia. Protecting these rights will require strengthening legal frameworks, harmonizing formal and informal justice systems, and providing greater support to vulnerable populations. Without robust efforts to resolve HLP issues, the cycle of displacement and conflict is likely to continue.

What do Housing, Land and Property (HLP) rights entail?

The term HLP is more than a roof over one's head or a wall around them. HLP rights capture all residential sectors and is universally planning and management, land and property rights, restitution and administration, infrastructure planning and development.⁸ However, in humanitarian operations, housing, land, and property rights have been reduced to the construction of refugee/returnee or IDP camps/settlements, the distribution of tarpaulins or programmes to restore property rights. While these and other contributions are key aspects of the broader HLP rights equation, they address only a small portion of the numerous HLP rights concerns that can occur during complex emergencies, post-conflict, reconstruction, etc.

While a variety of reasons may explain this general de-prioritization of HLP in humanitarian operations, this paper asserts that there is a pressing need to ensure that all interventions – at a minimum – should mainstream HLP. Further, it outlines what the international community ought to be doing to better address the HLP specific needs of people in acute emergencies or post-conflict circumstances. However, few organizations address HLP issues beyond a peripheral way.

Most interventions are considered lifesaving and fail to go as far as ensuring the sustainability of these lifesaving interventions, often implemented on some form of HLP, and none adequately housing, land, or property rights concerns in an integral manner. For instance, the international community rarely even uses the term 'housing', let alone 'housing rights', and instead uses the terms 'shelter' or 'property' to describe responses to the daily living conditions and housing issues confronting displacement affected communities.

⁵ Somalia: National Eviction Guidelines, 2019, <https://www.refworld.org/legal/decrees/natlegbod/2019/en/122891>

⁶ Federal Government of Somalia. (2021). National Eviction Guidelines. Mogadishu: Ministry of Planning.

⁷ World Bank. (2022). Somalia Economic Update: Strengthening Economic Recovery and Resilience. World Bank Group; see also United Nations Human Settlements Programme (UN-Habitat), Memorandum of Understanding Between the United Nations Human Settlements Programme (UN-Habitat) and the United Nations High Commissioner for Refugees (UNHCR), -, UN High Commissioner for Refugees (UNHCR), 17 December 2003, <https://www.refworld.org/legal/agreements/unhcr/2003/en/19833>

⁸ [Special Rapporteur on the right to adequate housing | OHCHR](#); see also <https://www.ohchr.org/en/special-procedures/sr-housing/international-standards>.

Housing rights concerns are far broader than shelter, hence the need to consider a rights-based approach to HLP. Indeed, HLP issues are extremely complex and often difficult to resolve but can be managed if well resourced. Some of the key factors that have affected the prioritization of HLP in humanitarian operations include: lack of technical staff with HLP expertise; the reluctance of local political actors with vested interests in housing or land to support such initiatives; the perception that the HLP rights challenges are simply too large to address; the complexities, scale and historical nature of the problems involved; the financial costs associated with systematically addressing these problems; the perception that addressing these rights could potentially reignite the recently ended conflict; the lack of major donor support for encompassing approaches to HLP rights.

In Somalia, the HLP situation presents significant challenges because of the massive scale of displacement and the substantial amount of land and assets involved. Further, the widespread unlawful occupation of properties by individuals lacking valid legal title, the fragmentation of state authority following the 1991 civil conflict, the existence of a pluralistic legal system with overlapping jurisdictions, and the large-scale destruction or loss of pre-war land title documentation led to legal uncertainty. Moreover, HLP related matters have a profound impact on displaced populations as many have been forced to leave homes, villages, jobs, and family members. This has created substantial barriers to voluntary returns.

CHALLENGES

The most significant challenges related to HLP rights in Somalia include a weak legal framework, insufficient institutional capacity, unclear land tenure arrangements, and widespread forced evictions. Uncertainty surrounding the status and availability of HLP rights further complicates the situation, particularly for IDPs. Additionally, issues of property restitution and land ownership are politically sensitive, as territorial control was a major factor in the 1991 conflict.

Although these HLP challenges are common in post-conflict settings, in Somalia, they have not received the attention they warrant. Housing, land, and property disputes are often central to the root causes of conflict and continue to be under-prioritized by both national authorities and the international community. HLP matters are particularly delicate in Somalia, as land is one of the few remaining valuable assets in a country where infrastructure, agriculture, and industry have been severely damaged by decades of conflict. Therefore, this brief aims to provide a clearer understanding of the barriers that have hindered a consistent and comprehensive approach to resolving HLP issues in Somalia.



Figure 2: A woman constructing temporary shelter in Kaxda, Mogadishu, Somalia (Photo: NRC).

Major Housing, Land, and Property Issues and Concerns in Somalia

The protracted displacement crisis, compounded by conflict and recurrent natural disasters, has further weakened Somalia's already fragile governance structures. Efforts to restore HLP rights are hindered by a plural legal system, as well as weak legal and policy frameworks. Many Somalis lack valid documentation to prove ownership of land or dwellings. Additionally, women and other marginalized groups, mostly in IDP camps, often face discriminatory ownership and inheritance practices, which can lead to their eviction.

In the context of ongoing displacement, displaced persons face significant challenges, including inadequate and unsafe living conditions in many displacement sites. Humanitarian assistance is often inaccessible outside official IDP camps, particularly due to gatekeeping issues. Families living on land without secure tenure, or those squatting in abandoned property, are at high risk of eviction. Barriers to return are also substantial, as many homes abandoned by IDPs have been looted, destroyed, or illegally occupied.

As one of the Internally Displaced Persons described:

"We traveled for three days to Daynile, where we settled in abandoned houses. We have been here for five months. The original occupants moved to another camp for better access to humanitarian aid. If they return, we'll be forced to leave. Local leaders ask us to prove our identity, but we have no documents. We face eviction at any time, and we cannot afford to rent land or housing."

Protecting the HLP rights of displacement-affected communities (DACs), including IDPs seeking to return to their original homes, is increasingly recognized as essential for peacebuilding efforts in Somalia. To address these challenges, the CCCM (Camp Coordination and Camp Management), Shelter, and Protection clusters, alongside durable solutions actors, have supported integrated HLP interventions and coordinated efforts to safeguard these rights.

Large-Scale Secondary Occupation of Housing, Land, and Property

In rural and peri-urban areas, unauthorized occupation of housing, land, and property is widespread, particularly since 1991. While certain cases of secondary occupation, such as the use of commercial government farms, require reversal, it is vital to protect secondary occupants from homelessness, forced eviction, or other human rights violations. In practice, secondary occupants with legitimate humanitarian needs may voluntarily vacate premises if their housing issues are resolved through the provision of alternative dwellings, land parcels, or compensation.

Housing and Property Restitution

Somalia continues to face longstanding pre-conflict ownership and tenancy disputes, some of which existed before the civil war. In many cases, no clear title to land or dwellings exists, while in others, multiple claimants have laid competing claims to the same property. HLP actors have found that humanitarian intervention is necessary to resolve such disputes, which, if left unaddressed, can become sources of renewed conflict and instability.

Plural Legal System and Weak Legal and Policy Framework

Addressing HLP issues in Somalia is further complicated by a plural legal system, including customary (xeer), Islamic Shari'a, and statutory legal frameworks, which often conflict with one another. Additionally, the national legislation on HLP rights is internally inconsistent and misaligned with international legal standards. Humanitarian and development partners can play a critical role in harmonizing Somalia's legal framework with international norms to ensure more effective protection of HLP rights.

Destruction of Ownership and Tenancy Records

The confiscation or destruction of HLP records—including property titles, local cadastres, and registries—has severely impacted land rights in Somalia. Without such records, proving ownership or tenancy rights is exceedingly difficult. There is an urgent need to restore or create new registration systems to address these challenges.

Housing and Property Damage and Destruction

Widespread damage and destruction of housing have led to severe shortages of habitable dwellings. Many IDPs have occupied public lands and buildings for years, as most of the housing stock was either destroyed or left uninhabitable. The remaining housing is often overcrowded, unsanitary, and unsuitable for long-term habitation. The combination of conflict, displacement, damaged housing, and the absence of the rule of law has resulted in high levels of homelessness and landlessness, particularly among vulnerable groups. While humanitarian agencies have assisted some IDPs, a comprehensive approach to HLP remains lacking.

Resolving Housing, Land, and Property Rights Disputes

As DACs return to their original homes or seek new settlements, competition over limited resources, including land, leads to disputes over HLP rights. These disputes are exacerbated by the weakened justice system and may result in violence and insecurity. Many claimants lack documentation to prove ownership, even when they have legitimate rights, while others occupy homes under lawful titles. Further complicating matters, there are cases of unregistered or unofficial property transfers, claims from bona fide purchasers, disputes over improvements made by illegal occupants, and conflicts over boundary determination, tenancy, and cultivation rights.

RECOMMENDATIONS

- 1. Land Allocation:** Allocating land for IDP settlements and ensuring secure tenure is to create stable, well-organized communities where displaced populations can establish livelihoods and reduce the risks associated with overcrowded informal settlements. With secure tenure, IDPs will be more likely to invest in their homes and local economies, thereby promoting community stability and long-term sustainability.

To achieve this, the Federal government of Somalia through the office of the Prime Minister should lead a process to identify and earmark specific areas for settling IDPs and collaborate with urban planners to design climate-resilient and sustainable settlements in these areas that can

adequately accommodate IDPs and cater for future population growth in the nearby urban cities/town. Identifying and securing land that offers long-term tenure for IDPs will provide stability and enable humanitarian actors to plan infrastructure, such as water and sanitation systems, effectively.

- 2. Access to HLP Rights and Compensation Mechanisms:** Restoring the HLP rights of displaced populations will foster social cohesion and enable economic recovery. When people can reclaim their homes or receive fair compensation for lost properties, it reduces tensions within communities and restores individuals' ability to rebuild their lives. This promotes a sense of justice and supports overall recovery in displacement-affected areas.

To achieve this, the government needs to create a clear, streamlined process that allows displaced individuals to file claims for lost or damaged properties. Additionally, establishing a transparent compensation mechanism will ensure that those who cannot reclaim their homes receive appropriate compensation. The process must be easily accessible and monitored to prevent corruption or delays.

- 3. Timely Disbursement of Funds and Local Capacity Building:** the Protection cluster and in particular the HLP AoR is the list funded cluster in Somalia. This has greatly limited HLP interventions in all the affected areas. Prioritizing funding by HCT and donors to the Protection and CCCM cluster will enable timely and effective monitoring of HLP issues, HLP due diligence, data collection to inform responses, support system strengthening as well as delivery of HLP services and protection to displacement-affected communities in a more efficient and coordinated manner. This will ensure that critical needs are met on time, preventing further displacement and harm to vulnerable populations. By building local capacity, humanitarian responses will become more sustainable and resilient to future crises.

- 4. Reforming the Legal Framework and HLP Registration Systems:** The harmonization of Somalia's plural legal systems (customary, Shari'a, and statutory laws) with international legal standards will lead to more consistent and equitable resolution of HLP disputes. This will reduce conflicts over land and property, protect vulnerable groups, and provide a clearer legal basis for individuals to assert their rights. Furthermore, establishing a transparent and accessible housing, land, and property registration system will reduce disputes and secure tenure for displaced populations, reducing the risk of land grabbing or wrongful eviction.

To achieve this, the HLP AoR should carry out a legal analysis of current legal and policy frameworks to support the Government in taking forward ongoing legal processes and support legal decision-making. The HLP AoR, jointly with relevant stakeholders will advocate for funding to support the Federal Government of Somalia to initiate drafting of legislative reforms that integrate the different legal systems. The policies should also guide on the expansion of the national digital registry, particularly in conflict-affected areas, as this will help documentation of HLP ownership and provide long-term solutions for safeguarding property records, even in times of conflict or disaster.

- 5. Addressing Gender Disparities and Supporting Marginalized Communities in accessing HLP rights:** This will increase social equity and protection of vulnerable populations, particularly

women and marginalized groups who are disproportionately affected by displacement. Ensuring that women, especially widows, divorced women, and female-headed households, have access to HLP rights will empower them economically and reduce their vulnerability to exploitation and discrimination.

To achieve this, the legal reforms must explicitly protect women's inheritance and ownership rights, clarifying the interactions with customary laws to ensure that discriminatory practices do not prevent them from accessing these HLP rights. Further, the HLP AoR will work closely with relevant clusters and actors to reduce the influence of power of gatekeepers who engage in over perpetuates discriminatory practices such as targeted evictions. This will be achieved by advocating for and creating alternative livelihood opportunities as well as working closely with local governments and traditional leaders or elders.

- 6. Preventing Forced Evictions and Enhancing Accountability:** By ensuring that evictions comply with national laws and international standards, vulnerable individuals will be less likely to experience homelessness or lose their livelihoods as a result of eviction. This will enhance stability in displacement-affected areas and improve the overall protection environment.

To achieve this, the legal analysis should lead to enactment of legally binding laws that protect against arbitrary evictions. While legislative processes take a long time, the Humanitarian Country Team and Protection cluster should continue advocating with the Office of the Prime Minister and the Office of the Mayor of Benadir Regional Administration for the effective implementation of the 2019 National Eviction Guidelines to protect against arbitrary and forced eviction and protect the human rights to adequate housing and other related human rights as outlines in paragraph 2.1 of the Guidelines. More so, Legal assistance should be provided to IDPs facing eviction, and alternative housing solutions must be available to those who are evicted to ensure they are not left homeless.



Protection is a humanitarian priority, not an option.

Protection waa Mudnaanta Gargarka Bini'aadnimo ee Maahan Ikhtiyaar.