

November 8, 2013

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WHEN PUSH COMES TO SHOVE: DISPLACED SOMALIS UNDER THREAT

In the wake of fragile security gains, the prevailing story of Somalia these days is one of progress. The terrorist group Al Shabab was forced from control of the country's major cities more than two years ago, and Western donors are eager to support the country's new president. In the past year, rebuilding and economic development in the capital, Mogadishu, has flourished. And yet, in spite of this growing stability, more than one million Somalis remain displaced within the country. In Mogadishu, the United Nations estimates that there are some 369,000 internally displaced persons (IDPs) living in makeshift camps. Some camps are teeming with thousands of families, whereas others consist of just a few dozen people living on private, undeveloped lots. As the city develops, many of these IDPs are being forced from the places that have been their home for years – sometimes decades.

IDP EVICTIONS

With property values on the increase in Mogadishu, private landowners and government officials are reclaiming land for reconstruction and development. In the process, IDP camps on that land are being cleared, and IDPs are being forced to find shelter elsewhere. The UN estimates that tens of thousands of IDPs were evicted during August and September of 2013.

An RI team visited Mogadishu's IDP sites in September

and conducted first-hand interviews with IDPs who had been evicted. During the course of those interviews, three common aspects to the evictions emerged: they often occur with very short notice, they frequently include the threat of violence, and there is no relocation support for the IDPs.

For example, RI met with a young IDP named Faduma who described the day when her camp leader announced that they had four days to evacuate the area. Men in cars whom she could not identify showed up and told camp residents

POLICY RECOMMENDATIONS

- ❑ The Somali government must publicly condemn the short-notice, violent evictions of internally displaced persons (IDPs) and adopt protection guidelines and protocols to prevent forced evictions from both public and private land.
- ❑ The United Nations Refugee Agency (UNHCR) must maintain a full-time international protection officer in Mogadishu to work with the Somali government on implementing eviction protection guidelines.
- ❑ The UN Humanitarian Coordinator must continue to push back against the Somali government's proposed IDP relocation plan in Mogadishu until security at the proposed camp site is improved.
- ❑ To reduce the power of gatekeepers in Mogadishu's IDP camps, the aid community must expand its protection monitoring activities and be willing to cut off aid for projects that only serve to benefit corrupt individuals.
- ❑ The UN Special Rapporteur for the Human Rights of IDPs should visit Somalia and engage the local government on completing and implementing a national IDP policy.
- ❑ Kenya's elected officials must end calls for an immediate mass return of refugees to Somalia.
- ❑ Kenya's government must investigate allegations of abuse of refugees by security personnel and prosecute any who are found to be responsible.

that if they did not leave, the women would be raped and the shelters would be destroyed.

A woman named Howa had been living in a camp in central Mogadishu for three years when bulldozers showed up to clear the land. She told RI that she had only one day to gather her belongings and find a new place to live.

RI met with another IDP named Omar who explained that he came to Mogadishu from Lower Shabelle after his livestock died during the 2011 famine. He lived in a camp near the airport until late August 2013, when he and his fellow residents were forced off the land and moved to a camp on the outskirts of the city. Now they are far from potential jobs in the central markets as well as basic services that could help them recover.

Evictions are conducted by a multitude of actors, including private landowners, businessmen, and government officials. They are also carried out by camp “gatekeepers,” who often work on behalf of these other actors to control access to Mogadishu’s camps and steal aid that is intended for IDPs. To maintain their control over IDPs, some gatekeepers pre-emptively moved IDPs to areas west of the city along the Afgoye corridor in order to get ahead of evictions by other actors.

As Mogadishu continues to develop, it is understandable that land will be reclaimed to re-open government buildings or start new businesses. But evicting people with minimal notice, under the threat of violence, and without any compensation is a major violation of basic rights.

For those evictions that are undertaken by the private sector, the Somali government has a responsibility to provide protection for IDPs and to prevent violent, short-notice evictions.

At the very least, the government can and should put out public statements condemning forced evictions, as well as engage landowners and businessmen to identify possible evictions well in advance.

For its part, the Somali government has assured humanitarian agencies in Mogadishu that it was not involved in the recent forced evictions, and that in those cases where evictions were necessary to reclaim government buildings, IDPs received at least one to three months’ notice. Nevertheless, more oversight is required.

Somalia’s Ministry of Interior and National Security (MINS) is working with the UN Refugee Agency (UNHCR) and the Office of the Special Rapporteur for the Human Rights of IDPs to establish guidelines for lawful evictions. This is a

positive step. However, the government has not yet institutionalized measures to safeguard IDP rights, and its efforts to prevent forced eviction remain *ad hoc*.

Therefore, MINS must move swiftly to formally adopt a compact on the protection of IDPs against forced evictions and to disseminate eviction guidelines to all parties involved, including the public at large, private landowners, the police, and municipal authorities. The UN Humanitarian Coordinator for Somalia should work with the government to advance this process.

In the meantime, UNHCR and members of the humanitarian protection cluster must expand their efforts to map potential eviction sites and to intervene in the case of unlawful evictions. To this end, UNHCR must ensure that there is a full-time international protection officer in Mogadishu. Further, UNHCR should request (and donors should support) a Mogadishu-based representative from the Special Rapporteur’s office for at least the coming year. Additionally, the Special Rapporteur himself, Chaloka Beyani, should visit Mogadishu to work with the government on expanding capacity for IDP protection and to push for the adoption of a national IDP policy, which is currently in draft stage.

TOWARDS AN IDP RELOCATION PLAN

At present, the Somali government’s proposed solution to the problems of evictions and gatekeepers is to relocate IDPs from multiple sites in Mogadishu to a designated area in the Deynille district, west of the city center. The government hopes to begin relocations by the end of this year.

The UN and non-governmental organizations are engaging with the Somali government in planning for a relocation process. Any initiative aimed at improving conditions for IDPs should be encouraged, but relocations must not begin until the new site is ready. Deynille is a particularly insecure district, in which elements of Al Shabab are still active. There is also uncertainty as to whether the land for the proposed site is public property, and thus available for use by IDPs. Although the UN has been involved in the planning process, it is not willing to support any relocations until these security and ownership issues are resolved.

MINS has given an assurance that dozens of police will be posted to the site to provide security. However, Mogadishu remains a dangerous and volatile place, and targeted assassinations occur on a regular basis. In June, the UN humanitarian compound was attacked by Al Shabab fighters. Given the general lack of safety throughout Mogadishu, it is unrealistic to assume that the Deynille site will be adequately secured anytime soon – let alone

resourced with shelters, health clinics, local market areas, and access to livelihood opportunities.

Furthermore, for more than 20 years, aid operations in Mogadishu have been managed primarily by humanitarian organizations based in Nairobi, Kenya, and thus lacked appropriate on-site monitoring. This remote management contributed to the systematic diversion of aid by gatekeepers. Unless Deynille is safe enough for comprehensive monitoring by aid organizations, a mega-camp that attracts significant resources but is not regularly monitored will be a potential gold mine for those engaged in the theft of aid.

Therefore, the UN Humanitarian Coordinator for Somalia must continue to withhold support (both logistical and financial) for the implementation of the relocation plan until the site is actually safe, ready to receive IDPs, and can be monitored appropriately.

When the relocations do begin, they must be voluntary and must offer options for local integration – i.e., the possibility for IDPs to establish long-term residency and livelihoods in Mogadishu. The Somali government describes their relocation plan as a temporary solution for IDPs, with most staying two to three years before returning to their homes. Some may indeed have the opportunity to return, but others have no land to return to and are intent on making a life for themselves in Mogadishu. The government must support local integration as a viable option for IDPs, and donors must invest in livelihood and business opportunities for this population, not just the delivery of aid.

REDUCING THE INFLUENCE OF GATEKEEPERS

In addition to mitigating the negative impact of evictions, the Somali government and humanitarian actors must seek to minimize aid diversion in existing camps by improving the accountability and monitoring of aid delivery. In the past year, there have been numerous reports of the prevalence of gatekeepers in Mogadishu's IDP camps, but little has been done to loosen their stranglehold on the aid system.

Several UN officials have suggested identifying and training 'good' gatekeepers in appropriate camp management as a way forward. While some gatekeepers are indeed less malicious than others, the UN should not be promoting a system that lacks any pretense of accountability and transparency, and in which IDPs are treated as a commodity.

Instead, the aid community should continue its efforts to increase protection monitoring in the camps and to cut off aid if it is only serving to benefit corrupt individuals.

Further, donors must expand their support for the UN Risk Management Unit, which works with humanitarian agencies to mitigate aid diversion. The unit currently only has one Mogadishu-based international staff person to cover all of south central Somalia.

The gatekeeper challenge will remain relevant as the aid community in Mogadishu seeks to assist IDP settlements west of the city center, where many recently evicted IDPs have relocated. A significant dilemma exists for aid providers: while the needs of these IDPs are substantial, rushing to input resources and deliver services without having a thorough understanding of the context (including the land ownership and local power dynamics) could entrench the control and authority of gatekeepers. Therefore, the aid community must proceed cautiously as it moves forward. As one aid worker told RI, "We need to be honest about what we actually can do."

SOMALI REFUGEES IN KENYA

The extremely challenging conditions for people displaced within Somalia must serve as a warning for those countries that are pushing for the return of refugees. There are roughly one million Somalis living as refugees in neighboring countries. The majority of them reside in Kenya, with nearly half a million in the Dadaab refugee camps and several tens of thousands living in urban areas, primarily Nairobi. The Kenyan government has indicated that it wants the bulk of the Somali population to return home. However, if returns occur prematurely, there is a high likelihood that those refugees will become IDPs within Somalia, facing the same protection challenges as the IDPs who are currently living in and around Mogadishu.

Last January, citing national security concerns, the Kenyan government announced a plan to relocate all refugees living in urban areas to Dadaab. This was meant to be a first step toward full repatriation. In July, that plan was struck down as unconstitutional by Kenya's High Court – but the announcement itself led to a major spike in the abuse and extortion of refugees by local police and security forces. In fact, several thousand refugees fled back to Somalia to escape police harassment.

In September 2013, gunmen stormed Nairobi's Westgate Mall and killed a reported 67 people. Al Shabab claimed credit for the attack, prompting fears that the Kenyan government would increase its push for Somali refugees to return home. Kenya's leadership is facing increased political pressure to expedite the return of Somali refugees. Indeed, several Kenyan MPs, including the chairman of the National

Assembly's Defense and National Security Committee, have called for the closure of Dadaab. While this is unrealistic, this provocative language promotes the idea that the entire Somali refugee population is a threat. Kenya's elected officials must end these calls for an immediate mass return of Somali refugees.

ABUSE OF REFUGEES

In addition to concerns about premature and involuntary returns, Somali refugees fear that hostility toward them by Kenyan security forces will grow as a result of the Westgate attack.

Following the attack, RI spoke with Nairobi-based refugees who were worried that their entire community would be blamed for the terrible events at Westgate. "The fear for our lives is now closer than ever," one refugee said, adding that he was terrified to leave his home or take a public bus to school. "We can be a target when Kenya wants to strengthen its security." He said that he left Somalia to flee persecution from Al Shabab, but now feels persecuted in Kenya because of their actions.

Following Westgate, Kenyan Foreign Minister Amina Mohamed stated that the government would not use the attack as a justification to end its role as a refugee host, and she affirmed that Kenya has "taken on international commitments to open our doors whenever anyone faces fear of persecution." However, she also asserted that terrorists were living amongst the refugee population.

Fortunately, there have not been many reprisal attacks reported as of yet. However, in the weeks ahead, it will be important to watch how Kenya's security forces respond, especially as calls by politicians for the expulsion of refugees continue. Somali refugees must not feel forced to return to Somalia because they experience hostility in Kenya. To this end, Kenyan security officials must demonstrate a willingness to investigate and prosecute cases of police abuse against refugees.

COUNTERING KENYA'S PUSH FOR REFUGEE RETURNS

Any involuntary refugee returns would be in direct violation of international law and would leave Kenya open to widespread condemnation. Additionally, a large, premature return of refugees before Somalia is in a position to accommodate them would likely destabilize the country at the same time that Kenya's military, under the banner of the African Union Mission in Somalia, is seeking to help stabilize it.

The Kenyan and Somali governments, with the participation of UNHCR, have drafted a tripartite agreement which is meant to govern the process of voluntary returns. The draft agreement has yet to be made public, and there is no indication that refugees themselves have been able to provide any input into the formal discussion of returns.

While it is no longer possible to shape the content of the tripartite agreement, it is possible to influence how it is implemented. UNHCR must insist on refugee participation, particularly in identifying possible areas of return. Having spent years living in a protracted displacement situation, many refugees from rural areas may be unwilling and/or unsuited to return to their place of origin.

Therefore, there should be no assumptions made about refugees' return intentions until the refugee population itself is consulted. In Nairobi, the Urban Refugee Protection Network could support this process, while in Dadaab, there is an elected group of camp and block leaders who should be involved.

In addition to establishing a tripartite agreement, the Kenyan government is planning to host an international conference to mobilize support for Somali repatriation. UNHCR and foreign government participants should use the conference as an opportunity to engage Kenya and other refugee-hosting nations in the region to think beyond the conventionally accepted durable solutions for refugees: return, resettlement, and local integration. The conditions within Somalia for safe, large-scale returns are not yet present; resettlement to third countries is only available to a tiny fraction of the refugee population; and the Kenyan government limits opportunities for refugees to work in Kenya legally and permanently.

Meanwhile, refugees are employing their own coping mechanisms such as migrating across multiple borders to seek refuge elsewhere, conducting cross-border movements between Dadaab and Somalia to tend to livelihood activities back home, and establishing informal business activities. Efforts should be made to build upon survival tactics that refugees themselves are using instead of only considering the conventional durable solutions. There are certainly political challenges to this, but given the protracted nature of the refugee situation in Kenya, these alternatives must be considered.

Mark Yarnell traveled to Mogadishu, Somalia, and Nairobi, Kenya, in September 2013 to assess the situation of displaced Somalis in the Horn of Africa.