



FEDERAL GOVERNMENT OF SOMALIA

# **National Policy on Refugee-Returnees and Internally Displaced Persons (IDPs)**

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## Abbreviations

AIDS	acquired immunodeficiency syndrome
BRA	Benadir Regional Administration
FMS	Federal Member States
HIV	human immunodeficiency virus
IDP	internally displaced person
ITRRI	Inter-Ministerial Task Force for Refugee-Returnees & IDPs
MOPIED	Ministry of Planning, Investment and Economic Development
NCRI	National Commission for Refugees and IDPs
NGO	nongovernmental organization
NPRRI	National Policy on Refugee-Returnees and IDPs
UN	United Nations

## GLOSSARY OF TERMS

**Contingency plan:** Making preparations in order to be ready in the event of an emergency (e.g. monitoring of early warning information, pre-positioning stockpiles of food and non-food items, and ensuring that staff are trained in identifying the most likely and worst case scenarios). Contingency plans should include consequences and planning assumptions, and on the basis of these assumptions should identify responsibilities of each actor in a well-coordinated response.

**Displacement-affected communities:** Entails all displaced populations including refugee-returnees and internally displaced persons (IDPs); host communities and populations; and communities receiving refugee-returnees and IDPs in areas of return, local integration or settlement elsewhere in the country.

**Durable solution:** A solution through which refugee-returnees and IDPs no longer have any specific assistance and protection needs that are linked to their displacement, and can enjoy their constitutional and human rights without discrimination on account of their displacement. Achieving a durable solution requires a gradual (re)integration process at the place of origin or return, in areas where displaced persons take refuge or in other parts of the country.

**Forced eviction:** The permanent or temporary removal against their will of individuals, families or communities from the homes or land that they occupy, without the provision of and access to appropriate forms of legal or other protection.<sup>1</sup>

**Government:** The Government of the Federal Republic of Somalia at the federal level.

**Habitual residence:** The place where refugee-returnees and IDPs have customarily been residing before displacement.

**Host countries:** The countries that shelter Somali refugees in their territories.

### **Internally displaced persons (IDPs):**

For the purpose of this policy, internally displaced persons (IDPs) are distinguished from refugee-returnees, as follows:

a. IDPs are:

- persons or groups of persons who have been forced or obliged to leave their original homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, clan-based or other forms of generalized violence and insecurity, develop-

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1 UN Committee on Economic, Social and Cultural Rights (CERCR) General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22.

ment projects, violations of human rights, or natural or human-made disasters, and who have not crossed an internationally recognized state border;

- persons or groups of persons who are forcibly evicted from their settlement, and who have no access to an adequate housing or land alternative or to appropriate compensation that would allow them to restore their lives in a sustainable manner; and
  - pastoralists who have lost access to their traditional nomadic living space through loss of livestock, or loss of access to grazing and water points or markets, and have therefore left their habitual living space.
- b. Refugee-returnees are those who suffer secondary internal displacement upon return, or who find themselves in a protracted situation of displacement similar to IDPs due to their inability to return to their former homes or places of habitual residence. As with IDPs, refugee-returnees are covered by this policy framework without prejudice to international agreements and plans applicable to their situation.
- c. Persons falling under categories a and b qualify as IDPs regardless of whether they stay in identified IDP sites or live in urban areas together with non-displaced communities or with host families, irrespective of the cause and duration of their displacement, and their clan and area of origin.

**Integration:** The process whereby refugee-returnees or IDPs become accustomed to and adapted to the social, cultural, political and economic customs of a new community following their displacement or return. The aim is that refugee-returnees and IDPs should have access to the same rights, systems and services as the people they live among, in peaceful coexistence and without the need for special assistance.

**Lead agency:** Any ministry, commission, agency or organization (public or private) to which the Federal Government of Somalia assigns responsibilities of management of matters relating to refugees, refugee-returnees and IDPs.

**National Commission for Refugees and IDPs (NCRI):** The operationally independent commission at the federal level that is responsible for all returnees, refugees and IDPs, established under the Establishment Law of the National Commission for Refugees and IDPs (Law No.2 of 2016).

**Persons of concern:** Refugee-returnees, IDPs and vulnerable host communities in Somalia.

**Protection:** Entails all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the Somali National Constitution, and with Somalia's commitment under the relevant bodies of human rights law, international humanitarian law and international refugee law. Refugee-returnees and IDPs have the right to be protected from physical and

psychological harm, and economic or social vulnerabilities that arise from their particular status as refugee-returnees or IDPs, and have the right to respect for and safeguard of their inalienable rights. These rights must be equal to those of all other citizens of the country.

**Refugee-returnees:** Former Somali refugees who voluntarily go back to their original homes or areas of habitual residence or any part of Somalia to live.

**Reintegration:** The re-entry of former refugee-returnees and IDPs back into the social, economic, cultural and political aspects of their original community or other regions of their choice, whereby they have access to the same rights, systems and services as the people among whom they live, in peaceful coexistence.

**Repatriation:** A situation whereby refugees, of their own free choice, return to Somalia, or to their places or countries of origin or of their citizenship after fleeing from any kind of displacement. The right to non-refoulement, as identified in the 1951 Convention Relating to the Status of Refugees, is non-derogable and all repatriation supported by this policy must be voluntary.

**Return:** In this policy, return applies to both Somali refugees and IDPs, and includes voluntary repatriation of Somali refugees to Somalia as well as voluntary return of IDPs to their areas of origin or habitual residence.

**Tripartite agreement:** A legal document agreed and signed by three parties (the Federal Government of Somalia, the host country and the United Nations High Commissioner for Refugees), defining their agreement with and respective roles in facilitating the voluntary return of Somali refugees to Somalia.

**Unlawful displacement:** Displacement that contravenes either national law or international law and standards, including forced eviction consistent with the prohibited displacement categories listed in Article 4(4) of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).



## Map of the Federal Republic of Somalia



## PREAMBLE

The major objective of this policy is to ensure that all refugee-returnees and internally displaced persons (IDPs) enjoy full equality and obtain the same rights as those given to all citizens by the Somali National Constitution and all other laws of Somalia, as well as international humanitarian and human rights laws. Refugee-returnees and IDPs shall not be discriminated against in the exercise or enjoyment of any rights and freedoms on the land on which they live as refugee-returnees or IDPs. The aim is to protect persons of concern from further forced displacement, provide protection and assistance during displacement, and find a durable solution to their displacement.

Somali nationals, when living in another country, have the right to claim or request help from Somali government agencies (e.g. embassies and consulates in the countries in which they live), although it is the primary duty and responsibility of the host government to protect and support refugees in their country in accordance with international law. Similarly, refugee-returnees have the right to request and receive protection and assistance from national, regional and district authorities, and they should not be persecuted or mistreated in making such requests.

### **In this policy, the Federal Government of Somalia commits itself to:**

- a. providing the necessary services, protection and humanitarian assistance to refugee-returnees and IDPs in the country;
- b. as far as possible, protecting its people from any kind of displacement including arbitrary displacement, development-induced displacement, forced evictions and natural disasters;
- c. searching for durable solutions to displacement of persons, and mitigating the causes of further displacement;
- d. facilitating the voluntary return, relocation and local reintegration of refugee-returnees and IDPs;
- e. safeguarding that refugee-returnees and IDPs have an equal opportunity to exercise and enjoy the same rights, and have access to the same services as other nationals;
- f. ensuring individual responsibility for acts of arbitrary displacement in accordance with applicable domestic and international criminal law;
- g. as far as possible, devoting resources to address the needs and protect the rights of IDPs; and
- h. disseminating the guiding principles enunciated in Chapter 2 of this policy to all concerned authorities as widely as possible.

## Background

The Federal Government of Somalia acknowledges that, in the frame of this policy, refugee-returnees and IDPs are Somali citizens or habitual residents of Somalia, and recognizes their resourcefulness and the relevance of this population in engaging in the economic reconstruction, peacebuilding and stabilization of the country. As citizens or habitual residents, all refugee-returnees and IDPs remain equally entitled to all constitutional and human rights as granted to other citizens, without discrimination.

Since 1991, millions of Somalis have fled their homes to escape fighting between different warring groups. During this period, conflict and generalized violence has resulted in large-scale internal displacement in the country, and many citizens have fled across the borders of Somalia to become refugees. Hundreds of thousands of people have sought refuge within the greater Horn of Africa region, while others have resettled to countries further away.

In the past decade, Somalia has experienced violence from insurgency, as well as recurrent drought, leading to famine and other precarious situations inside the country; these factors have accelerated the displacement situation. In addition, generalized insecurity has restricted access to humanitarian and development assistance for vulnerable and displaced people in some parts of the country.

Somalia has a permanent system of government that takes responsibility for seeking and facilitating durable solutions for both refugee-returnees and IDPs in the country. The establishment and the empowerment of the National Commission for Refugees and IDPs (NCRI) will help in finding durable solutions for cases of displacement. In that respect, one of the main objectives of the NCRI is to “formulate strategies, operational plans and programmes on matters relating to persons of concern with the assistance of the relevant governmental institutions, UN Agencies and other organisations pursuant to international standards ...” (Article 5(2) of the Establishment Law No.2 of 2016).

## CHAPTER 1 – INTRODUCTION

This policy document formulates the guiding principles for government institutions, international agencies, local nongovernmental organizations (NGOs) or any other entities that are assisting refugee-returnees and internally displaced persons (IDPs) inside Somalia. This national policy – the National Policy on Refugee-Returnees and IDPs (NPRRI) – establishes the roles and responsibilities of all levels of government in Somalia, the United Nations (UN), international partners, donors and the displacement-affected communities of Somalia.

### 1.1 Vision of NPRRI

The Federal Government of Somalia, in recognition of the scale of displacement and return within Somalia, has developed this policy with a view to ending the suffering of refugee-returnees, IDPs and host communities, and particularly that of vulnerable women and children, the elderly, people living with disabilities and orphans. The NPRRI seeks to resolve displacement as part of the government's efforts to stabilize the country, build peace, promote reconciliation and social cohesion, and reconstruct the country economically. It will increase the resilience of its people, specifically refugee-returnees and IDPs to restart their lives in safety and dignity and in full enjoyment of the same rights as all other citizens of Somalia.

### 1.2 Goal of NPRRI

The goals of the NPRRI are to identify institutions to be established and strengthened to find durable solutions for assisting Somali refugee-returnees and IDPs and, and to identify roles and responsibilities for national and international institutions, humanitarian and development agencies and other stakeholders who are involved in assisting refugee-returnees and IDPs.

### 1.3 Objectives of NPRRI

The objectives of the NPRRI are as follows:

1. Provide a common basis and policy guidance to facilitate activities aimed at preventing new displacement or secondary displacement of refugee-returnees and IDPs, responding to the specific needs of refugee-returnees and IDPs by improving their living conditions and helping them to assert and enjoy their rights, and to overcome protracted displacement by identifying policy benchmarks and measures to create conditions conducive to solutions for refugee-returnees and IDPs.
2. Strengthen capacities of government institutions both at the national level and within the Federal Member States (FMS) and the Benadir Regional Administration (BRA), enabling them to assist refugee-returnees and IDPs to achieve durable solutions.

3. Provide the necessary policy framework to enable institutions to deliver effective assistance to displacement-affected communities.
4. Improve security and safety for people of concern, enhance peacebuilding and reconciliation, and address root causes of displacement in order to prevent or mitigate internal displacement of Somali people.
5. Provide protection and support to refugee-returnees and IDPs, and uphold their rights as citizens of Somalia.
6. Assist in the settlement and reintegration of refugee-returnees and IDPs in Somalia to achieve durable solutions.
7. Monitor, oversee and coordinate humanitarian and development agencies as they provide effective services to persons of concern.
8. Ensure that all poverty reduction and development plans also address the needs and protect the rights of refugee-returnees and IDPs, and enable their integration into society.

#### **1.4 Scope and framework of the policy**

The NPRRI does the following:

1. Recognizes all causes of internal displacement in Somalia, including armed conflict, insecurity and clan-based violence, and the impact of natural disasters and climate change, development projects and unlawful evictions.
2. Acknowledges the right of refugee-returnees and IDPs to request and receive assistance and protection as well as support in finding a durable solution to their displacement.
3. Recognizes the government's responsibility and commitment to prevent and protect its citizens from displacement, to make contingency plans and put in place early warning mechanisms to prevent the causes of displacement or mitigate its consequences, and to search for durable solutions to displacement that are sustainable and that respect the priorities and aspirations of displacement-affected communities.
4. Recognizes that the various patterns of internal displacement may require a diversity of solutions to be made available to all refugee-returnees and IDPs, without distinction.
5. Recognizes the primary responsibility of all levels of government to provide assistance, long-term support and effective protection to IDPs in Somalia and to refugee-returnees, irrespective of the cause of their displacement and of whether those refugee-returnees or IDPs live in settlements, as individuals or with host families, in rural or urban settings, in their province of origin or elsewhere in the country.

6. Recognizes the need for joint, robust and effectively coordinated efforts by humanitarian, development, human rights and peacebuilding actors to address the complexity of the displacement situation in Somalia.
7. Identifies the national and international actors who are mandated or able and willing to implement this policy and to monitor its implementation, setting out roles and responsibilities.
8. Recognizes the lead role of the Federal Government of Somalia in designing policies, and the implementation roles of the FMS, the BRA and local authorities in responding to the protection and assistance needs of refugee-returnees and IDPs, and the importance of strengthening relevant state institutions.
9. Provides for a common basis for all national, local and international actors engaged in efforts to prevent, prepare for and respond to a displacement situation as well as in finding durable solutions for refugee-returnees and IDPs.
10. Recognizes that all humanitarian assistance must be carried out in accordance with the principles of humanity, dignity, impartiality, transparency, accountability and non-discrimination.
11. Recognizes that durable solutions for refugee-returnees and IDPs must be incorporated within the priorities, strategies and policies of the Federal Government of Somalia, the FMS and the BRA, while upholding the rights of refugee-returnees and IDPs as full citizens under the law.

## **1.5 National and international instruments underpinning this policy**

- In the practices and implementation of this policy, national, regional and local authorities should abide by the international and regional conventions endorsed by the Federal Government of Somalia, and by other guidelines appropriate to the protection and the proper treatment of refugee-returnees and IDPs, such as:
  - the Somali National Constitution, all other relevant laws, the National Development Plan and policies of Somalia;
  - the 1951 Convention Relating to the Status of Refugees and its 1967 protocol;
  - the 1969 OAU [Organization of African Unity] Convention Governing the Specific Aspects of Refugee Problems in Africa;
  - the African Charter on Human and Peoples' Rights of 1981;
  - the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa of 2009;

- the UN Guiding Principles on Internal Displacement of 1998;
  - the 1990 African Charter on the Rights and Welfare of the Child;
  - international human rights law as provided in the 1966 International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights and their optional protocols;
  - international humanitarian law, as provided in the four Geneva Conventions of 1949 and their subsequent protocols of 1977;
  - the UN Convention on the Rights of the Child of 1988 and its optional protocols of 2000; and
  - the Convention on the Elimination of All Forms of Discrimination Against Women of 1979, and its additional protocol of 2000 (not yet ratified by Somalia).
- In this national policy, all issues relating to internal displacement and the search for durable solutions for refugee-returnees and IDPs are intended to be addressed in a manner and through a methodology that complements sectoral and cross-sectoral plans, and integrates the issues of refugee-returnees and IDPs into all aspects of development planning and programming at all levels of the Federal Government of Somalia, in accordance with the National Development Plan.



## CHAPTER 2 – GUIDING PRINCIPLES OF THIS POLICY

### **Principle 1: The policy**

These principles shall be observed by all federal government institutions, FMS government authorities, the BRA, local organizations, the private sector, humanitarian and development agencies, and other international partners, and should be applied without any distinction.

### **Principle 2: Protection against forced displacement**

1. Every citizen living in Somalia shall have the right to be protected against being forcibly displaced from his or her home, region or place of habitual residence.
2. The prohibition of forced displacement includes displacement caused by:
  - a. policies relating to clan affiliation of the affected population;
  - b. development projects that are not justified by compelling and overriding public interests, as determined by competent authorities and reviewed by an impartial court if necessary;
  - c. displacement of populations from their houses and places of residence, unless the safety and health of those affected requires their evacuation;
  - d. armed conflict, unless the security of the civilian involved or imperative military reasons so demand, in accordance with humanitarian law;
  - e. collective punishment and other human rights abuses; and
  - f. forced eviction of individuals, families or communities from the homes or land that they occupy, without the provision of and access to appropriate forms of legal or other protection.
3. Displacement shall last no longer than required by the circumstances.

### **Principle 3: Protection during displacement**

1. Displaced persons shall be protected fully, in particular against all forms of harm including mutilation, torture, cruel conditions, inhuman or degrading treatment or punishment, and other barbarity to their personal dignity, such as acts of gender-based violence including rape, and all other forms of indecent assault such as sexual exploitation or forced labour. Displaced persons must also be protected against violations of international humanitarian law including:



- a. direct or indiscriminate attacks or other acts of violence;
  - b. starvation or rape as a method of combat;
  - c. the use of refugee-returnees and IDPs for military objectives including direct attack as well as shields to favour or impede military operations;
  - d. acts of violence intended to spread terror among refugee-returnees and IDPs, or the population at large; and
  - e. the right of children, including refugee-returnee or displaced children, to be protected against recruitment and use by parties in conflicts.
2. Refugee-returnees and IDPs shall be protected from discriminatory and arbitrary arrests and detentions because of their displacement status.
  3. Refugee-returnees and IDPs shall be provided with all the necessary emergency assistance (e.g. water, food, shelter, health care and other basic needs) during displacement.

#### **Principle 4: Voluntary return and freedom to choose solutions**

1. All federal government institutions, FMS government authorities and the BRA have the primary duty and responsibility to establish conditions, as well as provide the means, that allow refugee-returnees and IDPs to make a free and informed choice to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to locally integrate where they find themselves or to settle voluntarily in another part of the country.
2. Somali refugee-returnees and IDPs have the right to voluntarily return to their area of origin or to settle in any part of the country, to live with dignity, respect, prosperity and liberty.
3. All the concerned parties shall make special efforts to ensure the full participation of refugee-returnees and IDPs themselves in the planning and management of return, local integration or settlement in another part of the country.

#### **Principle 5: Rights to freedom of movement and choice of residence**

1. Refugee-returnees and IDPs have:
  - a. the right to seek their safety and welfare, and establish their residence and move freely throughout the country, irrespective of clan affiliation, migration status, gender or other criteria;
  - b. the right to leave their country and seek life in another country;
  - c. the right to seek asylum in another country; and

- d. the right to be protected against forcible return to or resettlement in any place where their life, safety, dignity, liberty or health would be at risk, in accordance with international standards.
2. Refugee-returnees and IDPs shall not be discriminated against for being displaced. They shall have the right to fully participate in public affairs at all levels and to have equal access to the public services at large in their area of settlement.
3. Federal and regional government authorities shall assist in establishing the fate and whereabouts of displaced persons reported as missing, and cooperate with the relevant international organizations involved in the task. They shall continuously inform the next of kin on the progress of the investigation and notify them of any result.

### **Principle 6: Right to an adequate standard of living**

1. All refugee-returnees and IDPs have the right, like any other citizen, to an adequate standard of living, and regardless of any circumstances and without discrimination they shall be provided with:
  - a. essential food and potable water;
  - b. basic shelter and housing;
  - c. essential medical services and sanitation;
  - d. basic education; and
  - e. personal security.
2. All actors engaged in the provision of the services mentioned under Principle 6, article 1 shall make special efforts to ensure the full participation of women in the planning, decision-making and distribution of these basic provisions.

### **Principle 7: Vulnerable persons and persons living with disabilities**

1. Certain refugee-returnees and IDPs (e.g. children, especially unaccompanied minors; expectant mothers; mothers with young children; female heads of household; child-headed households; orphans; persons with disabilities or chronic disease; and elderly persons) shall be entitled to protection and assistance required by their condition, and to treatment that takes into account their special needs.
2. People who are ill or infirm, people with disabilities and all other vulnerable persons shall receive medical care, attention and other basic supplies to the fullest extent practicable and with the least possible delay, including the diagnosing and treating of contagious diseases.

3. Special attention should be given to the health needs, including special health access, of women and girls. This should include health care as well as appropriate counselling for victims of sexual violence and other abuse.
4. Special attention should be given to the prevention of contagious and infectious disease including HIV/AIDS among refugee-returnees and IDPs.
5. Tailored long-term services should be provided to people suffering from chronic illnesses, including mental illness.

### **Principle 8: Documentation of refugee-returnees and IDPs**

1. The Federal Government of Somalia shall ensure the issuance of all documents necessary for refugee-returnees and IDPs for the enjoyment and exercise of their legal rights (e.g. passports, personal identification documents, and birth and marriage certificates). In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions such as requiring the return to one's habitual residence in order to obtain required documents, or imposing prohibitive costs.
2. The Federal Government of Somalia shall also ensure that refugee-returnees and IDPs have access to or may obtain replacement documentation for title deeds, educational certificates and other crucial documents.
3. Women and men shall have equal rights to obtain such necessary documents, and these shall be issued only in their names.
4. The Federal Government of Somalia shall ensure that refugee-returnees and IDPs have unimpeded and equal access to places where relevant documents are issued.
5. In matters of legal dispute, refugee-returnees and IDPs should have the same access to justice as any other citizen of Somalia, without prejudice.
6. The Federal Government of Somalia recognizes that this policy does not bestow refugee-returnees and IDPs with any special legal or administrative status because they are citizens or habitual residents of Somalia. Nor should their status be used to discriminate against them in any matters of justice or access to services.
7. The Federal Government of Somalia also recognizes that this policy does not provide for a general registration of IDPs. Registration of IDPs shall only be conducted if linked to a particular purpose, such as the delivery of assistance.

## **Principle 9: Non-discrimination of refugee-returnees and IDPs**

1. Refugee-returnees and IDPs, whether or not they are living in camps, shall not be discriminated against in the enjoyment of their rights, including the ones listed below, as a result of their displacement:
  - a. the right of freedom of thought, belief, expression and opinion;
  - b. the right to access to education, health and justice, and all other rights that the Somali National Constitution and international instruments provide;
  - c. the right to own secure land and property;
  - d. the provision of special efforts to ensure that women and girls have unrestricted access to education;
  - e. the right to seek employment opportunities and participate in economic activities of the country;
  - f. the right to associate freely and participate equally in community affairs;
  - g. the right to vote and participate in public and governmental affairs;
  - h. the right to communicate in a language or accent they understand; and
  - i. the right to move freely throughout the country.

## **Principle 10: Coordination of governmental and international partners and donors**

1. The Federal Government of Somalia shall closely coordinate with local and international humanitarian organizations and other appropriate actors in the exercise of their respective mandates for rapid and unimpeded access to refugee-returnees and IDPs, to provide assistance to populations of concern. The government will respect the humanitarian principles of humanity, neutrality and independence.
2. All government authorities and international organizations shall respect and ensure their obligations are met under international law, the Somali National Constitution, this national policy, national and international human rights and humanitarian law. These issues are respected in all circumstances, by prudently and judiciously following and applying the guidelines in this policy, to prevent and avoid conditions that might lead to displacement of persons.
3. Persons engaged in humanitarian assistance to refugee-returnees and IDPs in Somalia shall be respected and their properties must be protected. They shall not be the object of attack or any kind of violence.
4. International humanitarian organizations and other appropriate actors have the right to offer

their services in support of refugee-returnees and IDPs. Such an offer shall be considered an act in good faith. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling themselves to provide the required humanitarian assistance.

5. All government authorities shall grant and facilitate the free passage of humanitarian assistance and shall grant persons engaged in the provision of such assistance rapid and unimpeded access to refugee-returnees and IDPs.
6. All government authorities shall grant and facilitate to persons engaged in the provision of humanitarian assistance the necessary visas and permits to conduct their work.

### **Principle 11: Contingency plan and quick response**

1. UN agencies, humanitarian organizations, development actors (including national and international NGOs), and national and regional FMS authorities should prepare contingency plans for an emergency that causes displacement of parts of the population, so that they are able to respond quickly and rapidly when there is an emergency. They should also invest in joint cross-sectoral analysis and in early actions needed to facilitate durable solutions and resilience processes.
2. Failure to respond to an emergency in a timely manner may result in a horrific impact on the population including refugee-returnees and IDPs; hence, in the event of delay or lack of response, concerned government authorities shall implement further investigations to determine the reasons and to overcome obstacles to effective response.
3. All parties should:
  - a. invest in area-based action plans and joint analyses for immediate response and early solutions with relevant government authorities;
  - b. focus on developing adaptation strategies and longer term measures that can help communities cope with the impact of recurrent droughts and other natural disasters; and
  - c. coordinate mechanisms for information sharing of early warning and situation analysis, so that there is free flow of information that all parties can use in framing their responses.

## CHAPTER 3 – DURABLE SOLUTIONS: A ROADMAP TOWARDS ENDING DISPLACEMENT IN SOMALIA

The Federal Government of Somalia, at the national level, and the FMS and the BRA at their levels, accept that their primary responsibility is to find durable solutions for refugee-returnees and IDPs, in order for them to have access to their rights and associated services without any discrimination related to their displacement.

### 3.2 Durable solutions: standards and processes

Authorities and other actors referred to in Chapter 4 of this policy accept that attaining durable solutions is a long and complex process. To support and enable this process regarding refugee-returnees and IDPs, the following standards and processes shall apply:

1. A durable solution may be achieved through:

- a. return to and reintegration into former homes or places of habitual residence, and in the case of pastoralists to their habitual living space;
- b. local integration; and
- c. settlement and integration elsewhere in Somalia, including through permanent relocation.

2. Refugee-returnees and IDPs have the right to make a voluntary and informed decision about their future and the type of durable solution they pursue. To this end, refugee-returnees and IDPs must be provided with relevant and accurate information on their options and on the situation in their home or intended relocation areas. In addition, Somali refugees in other countries have the right to enter Somalia in order to obtain relevant and accurate information on their options and on the situation in their home or relocation areas, and return to their country of refuge before making a final decision to return to Somalia as refugee-returnees.

3. Authorities and other actors referred to in Chapter 4 must abstain from directly or indirectly compelling, undertaking, promoting or encouraging return or relocation to areas where the life, safety, liberty or health of refugee-returnees and IDPs would be at risk.

4. Authorities and relevant actors under Chapter 4 support refugee-returnees and IDPs who are willing and able to return home spontaneously without promoting or inducing return to unsafe areas. Such return must be monitored and supported with a package containing at least:

- a. safe transportation support for transit, including through use of vehicles and other

amenities as required for the journey, including food and water;

- b. food assistance for at least one year after arrival, to ensure that people can start their livelihoods effectively;
- c. non-food items and temporary shelter;
- d. building material and tools or financial support for returning IDPs to construct their homes; and
- e. livelihood start-up support.

5. Internal displacement ends when refugee-returnees and IDPs have found a durable solution measured against the benchmarks set out in this section (Section 3.2). The achievement of a durable solution is therefore monitored and evaluated by the National Commission for Refugees and IDPs (NCRI), in consultation with humanitarian and development organizations and displacement-affected communities, to verify the conditions, report on protection risks, mitigate against risks and prevent new displacement.

6. This policy will guide various tools and processes devised to attain durable solutions. Durable solutions should be first and foremost pursued in the localities impacted by displacement and should be locally supported; hence, this policy encourages the formulation and financing of area level plans, which can be resourced through district funds, budgets, and national and local revenues, or can be supported by external assistance.

7. Durable solutions will also be pursued in accordance with the National Action Plan and with provisions included in the National Durable Solutions Strategy, and mentioned in the Social Development Roadmap, in the National Development Plan and in the Recovery and Resilience Framework for Somalia.

### 3.3 **Durable solutions: conditions and support measures**

Authorities and other actors referred to in Chapter 4 shall apply the conditions outlined below for a durable solution for refugee-returnees and IDPs.

1. Long-term safety and security and freedom of movement.

To achieve this, the following measures will be taken:

- a. security assessment of the general and security situation of target areas for refugee-returnee and IDP settlements, including disaster risk assessment, should be made before return and resettlement is considered;
- b. safe means of transport should be provided if required;
- c. return and relocation movements should be monitored, and any security incidents

should be reported to the police for follow-up;

- d. trained police forces should be deployed to areas of return, local integration or settlement elsewhere in the country; they should set up operational police stations and posts that are accessible to refugee-returnees and IDPs;
  - e. clearance of mines and unexploded ordnance (UXO) should be conducted in affected areas, and mine awareness-raising events should be held;
  - f. steps should be taken to ensure that refugee-returnees and IDPs have access to justice and legal aid in areas where they settle, to find a durable solution that is in line with international standards;
  - g. community-based reconciliation must be facilitated, including by establishing or supporting district peace committees, to sustain the reintegration or integration of refugee-returnees and IDPs;
  - h. freedom of movement must be protected to ensure safety and security, including access to schools; water, sanitation and hygiene (WASH) facilities; markets; clinics; and livelihoods;
  - i. free mobility for livelihoods and other purposes must be protected, including through the issuance of adequate documentation; and
  - j. disaster risk reduction measures should be implemented in disaster-prone areas; and early warning systems must be developed and activated to trigger response before any future displacement.
2. Shelter, housing and basic services must be constructed or reconstructed to ensure an adequate standard of living, including access to adequate water, food, shelter, health, sanitation and education.

To achieve this, the following measures will be taken:

- a. humanitarian assistance will be provided in accordance with assessed humanitarian needs, and will be gradually phased out only when self-reliance is achieved;
- b. basic health and education services will be established or reconstructed in areas where refugee-returnees and IDPs return or resettle, and will be upgraded or expanded in urban areas where refugee-returnees and IDPs integrate locally; the school transfer of refugee-returnee and IDP children will be facilitated with respective documentation; and diplomas and degrees obtained in other countries or parts of the country will be recognized;
- c. waterways, catchments and other such infrastructures will be created where they are



currently not available, or will be rehabilitated for human and animal consumption;

- d. as far as possible, displacement-affected communities will be included in construction and reconstruction efforts to create ownership and generate some income through cash-for-work programmes; and
- e. the Federal Government of Somalia will coordinate the monitoring and review of progress of these aforementioned measures or any other relevant policy or legislation that is developed in support of these processes; all implementing organizations will be required to submit their monitoring and evaluation reports to the NCRI.

### 3. Restoration of and access to land, housing and property.

To achieve this, mechanisms will be established to do the following:

- a. restore housing, land and property, and ensure that refugee-returnees and IDPs have access to these mechanisms, irrespective of whether they return to their original locations or integrate locally elsewhere; refugee-returnees and IDPs will be provided with free legal assistance if required;
- b. provide compensation or relocation of refugee-returnees or IDPs who lose their long-term residences to legal owners, whether those be private owners or the government;
- c. provide tenure security, and temporary and permanent tenure documents, to ensure access to land, housing or land use without risk of forced eviction and other interference in line with the National Eviction Guidelines; also, community-based tenure arrangements will be facilitated and recognized;
- d. provide land allocation or subsidized rental/leasing schemes by the Government for landless or particularly vulnerable IDP communities among refugee-returnee and IDP populations;
- e. restore owner and tenancy rights or access entitlements for refugee-returnees and IDPs on equal terms with all other citizens, and provide them with adequate compensation in cases where housing, land or property cannot be restored;
- f. acknowledge formal and informal titles, and provide for simple, accessible dispute settlement mechanisms in cases of contested rights;
- g. in case of disputes, facilitate access to federal government level and FMS level courts, also through the provision of legal aid facilities;
- h. restore traditional nomadic living areas for pastoral communities, including space for strategic mobility of pastoralists, rehabilitation of grazing areas and water points;

- i. officially recognize legal ownership and inheritance rights of women and of the children of deceased title holders or holders of customary land rights; and
  - j. ensure that these measures align with the Interim Arrangement on Land Distribution for Housing to eligible refugee-returnees and IDPs endorsed by the Council of Ministers of the Federal Government of Somalia and other laws of Somalia.
4. Re-establishment of livelihoods, employment, creation of alternative livelihood options and inclusion in social welfare schemes. Solutions for refugee-returnees and IDPs and host communities shall be, inter alia, livelihoods capable of ensuring the sustainability of durable solutions. Achieving this requires the following:
- a. diversification of livelihoods and access to markets;
  - b. market analysis to identify opportunities and constraints;
  - c. skills training relevant to access market and employment opportunities;
  - d. re-establishment of a functional, accessible and affordable education system;
  - e. establishment of safety nets and social assistance for social protection in areas where communities are or will be permanently or seasonally at risk from natural shocks, in line with the National Development Plan and the National Social Protection Policy; and
  - f. institution of pro-poor investment policies that include poverty eradication measures for refugee-returnees and IDPs.

Solutions in rural areas require the agricultural and pastoral sector of Somalia to be revitalized and made more innovative; these sectors are essential contributors to the country's national food security and are critical for the economic reconstruction of Somalia. Livelihood schemes encompass the following:

- a. provision of tools to recover farming land;
- b. provision of training to recover agricultural skills and knowledge on new agricultural means and methods;
- c. provision of agricultural inputs like seeds and fertilizers for an adequate duration;
- d. reconstruction of agricultural and pastoral infrastructure, such as water canals, catchments and water points;
- e. establishment of small-scale irrigation systems for agricultural land in drought prone areas;
- f. cash-for-work programmes for reconstruction work;

- g. training, procurement of equipment and licensing of fishing boats to revitalize the fishing industry;
- h. restocking with animals adequate to the climatic and soil conditions in rural areas;
- i. sensitization for early warning information and for timely destocking before times of drought, and restocking after drought has passed;
- j. ensuring safe and free movement of pastoralists to access grazing areas and water points, and accessible veterinary services to ensure animal health;
- k. provision of marketing skills and literacy training; and
- l. ensuring access to livestock and markets for trade including through provision of donkeys and carts, other transport services and the construction and rehabilitation of access roads.

This policy acknowledges that most refugee-returnees and IDPs are likely to seek urban livelihoods. Solutions in urban areas require skills transfers, access to apprenticeship and education programmes, and livelihoods linked to the urban lifestyles and market demands. Urban livelihood schemes shall be based on market analysis and encompass the following:

- a. microcredit or grant systems and access to loans (subsidized and reimbursable) for setting up businesses;
- b. ensuring that market access is in reachable proximity or that use of public transport is subsidized;
- c. provision of livelihood inputs, such as small-scale urban agriculture or other similar programmes;
- d. provision of material and infrastructure for productive activities, such as mobile stoves for small-scale bakeries or the fabrication of sanitary material;
- e. introducing cash-for-work schemes, for setting up shelter, waste collection, reparation and reconstruction work, and collection of firewood;
- f. linking youth training programmes for service skills and entrepreneurship to cash-for-work or other livelihood programmes, and linking both training and cash-for-work programmes to identified labour market opportunities;
- g. engaging in other vocational training activities; in particular, targeting skills transfer as well as marketing skills, and ensuring that vocational training opportunities are linked to identified needs and opportunities within the labour market; and

- h. providing literacy and computer literacy training.
5. Access to issuance or replacement of personal documentation.

The following measures should be taken:

- a. include refugee-returnees and IDPs in birth registration and other documentation efforts, without identifying them as IDPs;
  - b. ensure access of refugee-returnees and IDPs to documentation, including unhindered access to locations where documents are issued, and provide financial assistance, where necessary, to enable them to obtain the required documentation; and
  - c. ensure that displaced women and children have their documentation issued in their own names.
6. Promote and facilitate voluntary reunification of separated families.
7. Encourage participation of refugee-returnees and IDPs in public affairs and in all processes that affect them on an equal basis with resident communities, to counter marginalization and build social cohesion.
8. Provide access to effective remedies and to justice procedures, including cases involving violations related to their displacement and access to reparations where applicable.

## CHAPTER 4 – ROLES AND RESPONSIBILITIES FRAMEWORK

This chapter outlines the roles and responsibilities of the Federal Government of Somalia, the FMS and the BRA, displacement-affected communities, civil society, the international community and the Inter-Ministerial Task Force for Refugee-Returnees & IDPs (ITRRI).

### 4.1 Roles and responsibilities of the Federal Government of Somalia

This section discusses the roles and responsibilities of the lead ministry and other ministries, and a specific role for the Ministry of Planning, Investment and Economic Development (MOPIED).

#### 4.1.1 Roles and responsibilities of the Ministry of Interior, Federal Affairs and Reconciliation

1. At the federal level, the Ministry of Interior, Federal Affairs and Reconciliation, acting through the NCRI, is the lead ministry within the territory of the Federal Republic of Somalia for all activities supporting durable solutions for refugee-returnees and IDPs. This ministry is responsible for ensuring that refugee-returnees and IDPs are provided with assistance and protection by all relevant federal government institutions and their partners. In particular, it will ensure that durable solutions for refugee-returnees and IDPs are addressed adequately in development and humanitarian plans, and that the policy and legal frameworks ensure the protection of the rights of refugee-returnees and IDPs.
2. The Ministry of Interior, Federal Affairs and Reconciliation, acting through the NCRI, will be responsible for the coordination, monitoring, supervision and evaluation of activities of the Federal Government of Somalia and FMS institutions in all matters related to management of refugee-returnees and internal displacement of people of Somalia.
3. The NCRI, under the political auspices of the Ministry of Interior, Federal Affairs and Reconciliation, is a national institutional focal point mandated to facilitate coordination within the government of the activities relating to the recovery, protection and welfare of refugees, Somali refugee-returnees and IDPs.
4. The NCRI will be responsible for setting up and maintaining a service-user dataset for returning-refugees and IDPs when necessary solely for the purposes of providing assistance.

#### 4.1.2 The roles and responsibilities of other ministries

This policy recognizes the roles of line ministries both at federal and state levels, and departments of the BRA with their sectoral responsibilities towards refugee-returnees and IDPs. The particular ministries responsible are the MOPIED, Ministry of Humanitarian Affairs and Disaster Management, Ministry of Justice, Ministry of Health, Ministry of Education, Ministry of Labour and Social Affairs,

Ministry of Public Works, Reconstruction and Housing, Ministry of National Security, Ministry of Women and Human Rights Development, and Ministry of Youth and Sports, although other ministries can be involved where applicable. With the support of the Ministry of Interior, Federal Affairs and Reconciliation, the responsible ministries shall, in particular:

- a. review their sectoral laws and policies to ensure that they include refugee-returnees and IDPs, and address their particular needs and vulnerabilities; where laws and policies do not cover these populations, they shall be adapted accordingly;
- b. review their planning and programming under sectoral laws and policies to ensure that refugee-returnees and IDPs are able to access and benefit from such programmes on an equal basis with other Somali citizens; and
- c. integrate the specific needs of refugee-returnees, IDPs and other displacement-affected communities into their sectoral plans, programmes and projects.

The Ministry of Information, in its capacity, shall participate and provide the needed services of broadcasting the information related to the support of refugee-returnees and IDPs in all mass media under its control.

#### **4.1.3 A specific role for MOPIED**

MOPIED has a special unit pertaining to durable solutions related to the needs of refugee-returnees and IDPs. This unit gives specific attention to urban resilience, social protection, disaster response and local district planning – all issues and topics of particular interest in the pursuit of durable solutions for refugee-returnees and IDPs.

This policy recognizes that the role of the MOPIED is to coordinate, monitor and supervise all projects and programmes related to durable solutions at national level with the relevant key international and regional durable solutions actors and donors.

#### **4.2 Roles and responsibilities of the FMS and the BRA**

This policy recognizes the important roles of the FMS and the BRA in emergency response, relocation and solution processes. The relevant FMS and BRA institutions shall therefore closely collaborate with the Ministry of Interior, Federal Affairs and Reconciliation in:

- a. contingency planning for emergencies involving possible new displacement;
- b. relocation and solution planning, consistent with the principles laid out in Chapter 2 of this policy ;
- c. assigning operational areas to humanitarian agencies that are involved in assisting refugee-returnees and IDPs; and

- d. implementing the National Eviction Guidelines endorsed by the Council of Ministers of the Federal Government of Somalia under the auspices of ITRRI (see Section 4.6 of this policy).

The policy recognizes policies, strategies and action plans of the FMS and the BRA related to refugee-returnees and IDPs, to the extent that they do not contradict this policy. It also recognizes the right of the FMS and the BRA to set up technical district displacement solutions task forces to facilitate coordination and implementation of durable solutions projects at the local level.

### **4.3 Role of displacement-affected communities**

Displacement-affected communities are best placed to understand their own needs, priorities and aspirations. Therefore, all actors under this policy shall:

- a. empower refugee-returnees, IDPs and other displacement-affected communities, and create a safe environment to express their views and concerns;
- b. create an enabling environment and inclusive and participatory mechanisms for refugee-returnees, IDPs and other displacement-affected communities to be informed about, consulted on and able to participate in all major decisions affecting their lives and their future; and
- c. make every effort to solicit the views of women, elderly people, adolescents and children, persons with disabilities and other vulnerable groups.

### **4.4 Role of national civil society**

This policy:

- a. recognizes the important role of Somali civil society in assisting, protecting and supporting durable solutions for displaced communities; and
- b. urges national civil society to coordinate their activities in support of the displaced communities, and through their programmes and activities support the principles contained in this policy.

### **4.5 Role of the international community**

1. This policy recognizes the important role of the international community as a whole – and specifically humanitarian, development, human rights and peacebuilding actors – in:
  - a. supporting the humanitarian efforts of the government to provide assistance and protection to refugee-returnees, IDPs and displacement-affected communities during both short and protracted displacement;
  - b. assisting, protecting and supporting durable solutions for refugee-returnees and IDPs;

- c. assisting government institutions at both national and regional levels in data collection and analysis on displacement issues;
  - d. assisting the government, at national and FMS levels, in contingency planning and its preparedness to meet potential future displacement; and
  - e. serving as members of relevant coordination mechanisms, advisory committees or task forces to ensure the implementation of this policy.
2. This policy respects, in particular, the humanitarian principles of humanity, impartiality, independence and neutrality, and watches over the application of these principles by the international community.

#### **4.6 Role of the task force**

An interministerial task force (comprising members from federal and FMS levels) shall be established to assist refugee-returnees and IDPs. The cross-cutting nature of the policy means that many ministries and governmental bodies at different levels need to be involved. The task force will support refugee-returnees and IDPs, and coordinate and oversee the roles and responsibilities set out in Chapter 4 of this policy. The ITRRI will develop an operational coordination mechanism at and between federal and FMS levels. The task force will comprise the following federal institutions and their FMS and BRA counterparts:

- Ministry of Interior, Federal Affairs and Reconciliation;
- Ministry of Foreign Affairs;
- Ministry of Planning, Investment and Economic Development
- Ministry of Finance;
- Ministry of National Security;
- Ministries of Social Services (Health, Education, Water);
- Ministries of Economic Development (Fishing, Agriculture, Livestock, Public Works, Reconstruction and Housing, and Labour and Social Affairs);
- Ministry of Humanitarian Affairs and Disaster Management;
- Ministry of Youth and Sports;
- Ministry of Women and Human Rights Development; and
- Ministry of Justice.



- a. The ITRRI will bring together all national actors mentioned above and will have the capacity to oversee the work of these institutions and lead the process of the implementation of this policy.
- b. The ITRRI will develop and adopt terms of reference that will guide its work.
- c. The NCRI will facilitate meetings of the ITRRI and will provide technical support.
- d. The ITRRI meeting will be chaired by the Minister of Interior if the meeting brings together ministers or deputy ministers. However, if the representatives from the different government institutions are at technical level, the NCRI Commissioner will chair the ITRRI meeting.

## CHAPTER 5 – IMPLEMENTATION AND NATIONAL ACTION PLAN

As a result of a consultation process hosted by the NCRI, under the mandate of the Ministry of Interior, Federal Affairs and Reconciliation, the Federal Government of Somalia developed a National Action Plan. The plan was drafted before this policy was developed. The current plan will come to an end in 2020, but it will be reviewed and a new plan will be designed to be one of the mechanisms for the implementation of this policy.

The implementation of this policy will also be achieved through all other Federal Government of Somalia approved funding schemes and programmes that aim to support the resilience, recovery and integration of displacement-affected communities. The implementation of this policy will also be realized in accordance with the National Development Plan and all other applicable national action plans.

This policy will be reviewed, amended and revised when and as needed.

***The Prime Minister of the Federal Government of Somalia***

