Norwegian Refugee Council (NRC)
Somalia

Access to Land and Tenure Documents
A situational analysis of minority groups in SouthWest, Jubaland and Puntland States of Somalia.

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UNHCR
The UN Refugee Agency

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Contents

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List of Abbreviations and Acronyms

AoR	Area of Responsibility
AU	African Union
CCC	Camp Coordination and Camp Management
CSOs	Civil Society Organizations
FGDs	Focus Group Discussions
FGM	Female Genital Mutilation
GCR	Global Compact on Refugees
HLP	Housing, Land, and Property
IDPs	Internally Displaced Persons
KIIs	Key Informant Interviews
MoIFAR	Ministry of Interior, Federal Affairs, and Reconciliation
NGO	Non-Governmental Organization
NRC	Norwegian Refugee Council
PWDs	Persons with Disabilities
ReDSS	Regional Durable Solutions Secretariat
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
WB	World Bank

Acknowledgements

Executive Summary

In Somalia, chronic conflict, climate shocks, and fragmented governance create a complex humanitarian context that profoundly impacts Housing, Land, and Property (HLP) rights. Currently, over 3.2 million people urgently require humanitarian assistance including on HLP rights, with minorities and displaced groups disproportionately facing HLP issues such as forced eviction, denial and systemic discrimination. This study, commissioned by the Norwegian Refugee Council (NRC) and the United Nations High Commissioner for Refugees (UNHCR) and conducted by Meraki Labs, examines the critical issue of minority access to land and tenure security documents, highlighting the systemic barriers faced by these communities in securing land rights. It identifies key challenges such as legal discrimination, lack of awareness, and bureaucratic obstacles that hinder minorities from obtaining necessary documentation. The report emphasizes the importance of inclusive policies and practices to enhance land access and security for minority groups.

The report provides an evidence-based assessment of structural barriers, specifically in Southwest State, Jubaland, and Puntland, in Somalia. It aims to influence programme design by offering actionable recommendations for inclusive policies, durable solutions, and enhanced collaboration among United Nations (UN) agencies, Non-Governmental Organizations (NGOs), government bodies, and Civil Society Organizations (CSOs).

Recommendations include advocating for legal reforms, increasing community education about land rights, and strengthening support programs to ensure equitable access to land for all minorities. Addressing these issues is essential for promoting social justice and economic empowerment within these communities.

Objectives of the study

- Assess structural and policy-level barriers restricting minorities' access to land rights.
- Understand the impact of land tenure insecurity on minority livelihoods and displacement.
- Identify policy gaps and recommend inclusive interventions for improved HLP rights.
- Provide practical guidance for stakeholders towards durable and equitable land tenure solutions.

Methodology and approach

Adopting a qualitative approach, the research included a comprehensive desk review, along with 32 Key Informant Interviews (KIIs) and 6 Focus Group Discussions (FGDs), engaging 80 participants across Southwest State, Jubaland, and Puntland. The participatory methodology emphasised context-specific insights, aiming for nuanced findings directly relevant to programmatic and policy interventions.

Key Findings

Legal Pluralism and Implementation Gaps. Somalia's land governance is characterized by an intricate interplay of customary law (Xeer), Islamic law (Shari'a) and statutory law. Legal pluralism results in overlapping jurisdictions, inconsistent enforcement, and ambiguous institutional mandates, severely weakening land tenure security. The absence of a cohesive national land policy further deepens these issues, disproportionately disadvantaging minority groups, women, and internally displaced persons (IDPs). These groups frequently encounter corruption, procedural barriers, deliberate administrative delays, and discrimination, severely restricting their land rights and perpetuating inequity. For example, conflicting land claims often arise from documentation dating back to the Siad Barre regime, alongside more recent informal transactions, exacerbating

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disputes due to unclear legal authority. Marginalized groups such as women, minorities, and IDPs are disproportionately impacted due to corruption, deliberate delays, and discriminatory practices in the legal system.

Dominance of Clan-Based Governance. Clan structures overwhelmingly dominate land administration, frequently overshadowing formal statutory systems. Land rights and access primarily hinge upon clan affiliations, resulting in systematic exclusion of minority groups, notably ethnic minorities (Bantu, Bajuni, Benadiri) and vocational minorities (Gaboye, Yibir, Tumal). For instance, minority groups such as the Somali Bantu historically faced displacement and land grabbing along fertile agricultural regions of Jubba and Shabelle rivers. Women, particularly widows, often lose access to land rights due to discriminatory inheritance practices within customary law.

Acute Vulnerability of Minority and Displaced Communities. Marginalized groups—particularly ethnic minorities, internally displaced persons (IDPs), women, youth, and persons with disabilities (PWDs)—continually face threats of eviction, corruption, and procedural exclusion. Lack of formal documentation, limited literacy and awareness of legal processes, and prohibitive costs further exacerbate vulnerabilities. Gatekeepers and powerful clans often exploit their positions, demanding unofficial payments and employing intimidation tactics, significantly limiting minority groups' ability to pursue legitimate claims. This insecurity disrupts livelihoods, hampers investments in land improvements, increases psychological stress, and exacerbates poverty and displacement cycles.

International Actors: Important but Limited Reach. International actors have positively influenced land rights advocacy, provision of legal assistance, and temporary relief for minority groups. Organizations like the Norwegian Refugee Council (NRC) and UN-Habitat assist minority groups in obtaining formal land documentation and navigating legal systems. Despite these contributions, interventions are typically limited geographically and focused primarily in urban areas, neglecting significant land governance challenges in rural regions. Moreover, international aid sometimes unintentionally reinforces clan hierarchies by working through dominant local structures, occasionally sparking tensions in host communities who perceive assistance as favouritism towards minority IDPs. Short-term interventions frequently fail to address systemic and structural issues, inadvertently reinforcing existing clan hierarchies and discrimination against marginalized communities.

Strategic Opportunities for Improved Programming. Despite these significant challenges, Somalia presents several opportunities for enhancing land governance. Initiatives like Southwest State's new urban land legislation (2022), designed to protect tenants and IDPs from eviction, serve as promising models for replication. Community-led collective bargaining initiatives, such as minority groups collectively purchasing land to improve their negotiation power, have demonstrated success in securing tenure. Grassroots mediation committees in regions such as Kismayo have effectively resolved disputes outside the formal courts. Additionally, integrated rental solutions piloted by organizations like the Danwadaag Consortium, combining rental subsidies with livelihood support in Mogadishu, highlight scalable models that enhance tenure security and reduce evictions. Harmonizing statutory, customary, and religious governance systems, alongside climate-resilient land management approaches, provides further strategic pathways toward inclusive and equitable outcomes.

In Somalia, chronic conflict, climate shocks, and fragmented governance create a complex humanitarian context that profoundly impacts Housing, Land, and Property (HLP) rights. Currently, over 3.2 million people urgently require HLP assistance, with minorities and displaced groups disproportionately facing forced eviction, insecurity, and systemic discrimination. This study, commissioned by the Norwegian Refugee Council (NRC) and the United Nations High Commissioner for Refugees (UNHCR) and conducted by Meraki Labs, provides an evidence-based

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assessment of structural barriers, specifically in Southwest State, Jubaland, and Puntland, in Somalia. It aims to influence programme design by offering actionable recommendations for inclusive policies, durable solutions, and enhanced collaboration among United Nations (UN) agencies, Non-Governmental Organizations (NGOs), government bodies, and Civil Society Organizations (CSOs).

1.0 Introduction

Somalia remains one of the most complex humanitarian contexts globally. The country is grappling with multiple protracted crises fuelled by ongoing conflict, climate-induced shocks, and systemic governance challenges. Somalia hosts over 3.8 million internally displaced persons (IDPs), making land and housing issues central to achieving durable solutions and mitigating vulnerability of the most vulnerable[1]. Of these, across Somalia, an estimated 3.2 million people are in urgent need of Housing, Land, and Property (HLP) assistance.[2] This need is acutely felt in urban centers and peri-urban areas, where IDPs face persistent risks of forced eviction, overcrowded living conditions, and limited access to secure tenure. Forced evictions alone have affected over 250,000 individuals in 2023, with a significant proportion occurring in urban hubs like Mogadishu, Baidoa, and Kismayo.[3] At the state level, the distribution of HLP needs reveals notable regional disparities:

- Banadir Region (Mogadishu): As a destination for displaced populations, Banadir hosts nearly 500,000 IDPs, many of whom live in informal settlements under constant eviction threats.[4]
- Southwest State: Approximately 400,000 people in Baidoa and its surrounding areas face severe land tenure insecurity exacerbated by clan-based governance disputes.[5]
- Jubaland (Kismayo): Kismayo is home to 180,000 IDPs, where forced evictions and weak land governance disproportionately affect minority communities.[6]
- Puntland (Garowe and Bossaso): With 120,000 IDPs, Puntland has demonstrated progress in localised HLP solutions, yet systemic issues remain unresolved.[7]

Land tenure insecurity intersects with forced evictions and discriminatory practices to worsen security outcomes and perpetuate cycles of poverty and displacement, particularly for the most vulnerable.

Minority clan members who experience displacement are at critical risk of increased humanitarian need due to exclusion from land tenure systems. Marginalised communities in Somalia include

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[1] United Nations Office for the Coordination of Humanitarian Affairs (OCHA). (2023). Somalia 2024 Humanitarian Needs and Response Plan (HNRP)

[2] United Nations Office for the Coordination of Humanitarian Affairs (OCHA). (2023). Somalia Humanitarian Response Plan 2023. https://reliefweb.int/report/somalia/somalia-humanitarian-response-plan-february-2023

[3] Norwegian Refugee Council. (2023). Evictions Risk Mapping Portal. https://evictions.nrcsystems.net/riskmap.php?com

[4] Jelle, M., Morrison, J., Mohamed, H., Ali, R., Solomon, A., & Seal, A. J. (2021). Forced evictions and their social and health impacts in Southern Somalia: a qualitative study in Mogadishu Internally Displaced Persons (IDP) camps. *Global Health Action*, *14*(1). https://doi.org/10.1080/16549716.2021.1969117

[5] United Nations Office for the Coordination of Humanitarian Affairs (OCHA). (2023). Somalia Humanitarian Needs Overview 2023. https://crisisresponse.iom.int/sites/g/files/tmzbdl1481/files/appeal/documents/20230208_Somalia%20_HNO_2023.pdf?utm_source=chatgpt.com

[6] European Union Agency for Asylum (EUAA). (2023). Country Guidance Somalia. https://euaa.europa.eu/country-guidance-somalia-2023/424-forced-evictions

[7] Humanitarian Practice Network. (2023). Revisiting humanitarian programmes in Puntland: Pathways to resilience and sustainable growth. https://odihpn.org/publication/revisiting-humanitarian-programmes-in-puntland-pathways-to-resilience-and-sustainable-growth/

both minority clans and internally displaced people. When these two forms of marginalisation intersect, households and communities are exceptionally vulnerable to humanitarian need, as well as systemic discrimination. Minority groups in Somalia, including the Bantu, Bajuni, Gaboye, Tumal, and Yibir, face institutionalized discrimination. When these groups are displaced, discrimination takes the form either of denial of land tenure, or of eviction from land. Preliminary findings by the Housing, Land, and Property (HLP) Area of Responsibility (2024) indicate that forced eviction cases disproportionately affect minority communities.

The challenges associated with land tenure are exacerbated by the exclusion of marginalised communities from both formal and informal (religious and clan based) governance systems – so when minority groups are evicted from land, their claims are adjudicated by justice structures which are discriminatory. Localised solutions can significantly mitigate land disputes and foster inclusion, as demonstrated by examples in Puntland and Jubaland – but these solutions are not currently normalised in Somalia. The situation is further compounded by contextual variables; while Somalia has a legal framework it is not currently either fully robust or enforced. According to the UN-Habitat Land Governance Review (2021), harmonising statutory and customary governance systems could provide a pathway to improving access for minorities.

Hence, this study, commissioned by UNHCR in collaboration with NRC, seeks to address these systemic challenges by providing evidence-based insights and recommendations. Through robust engagements with diverse stakeholders—including minority-led organizations, government authorities, and humanitarian actors—the assessment will identify structural barriers and actionable opportunities for reform. Drawing on Meraki Labs' extensive experience in Somalia, including specific studies on achievement of durable solutions and meaningful participation for minority groups, this study leverages a nuanced understanding of local dynamics to recommend targeted solutions for aid agencies.

2.0 Objectives and Scope

The **primary objective** of this study is to examine the barriers and challenges faced by minority groups in accessing land and tenure security in Somalia, with a focus on access to documents in Southwest, Jubaland, and Puntland states.

Specifically, the study aims to:

1. Analyse structural and policy-level procedures and barriers affecting land ownership and documentation, particularly for minority groups, within a socio-political context where clan-based systems dominate land governance.

2. Assess the impact of tenure insecurity on the livelihoods, displacement dynamics, and vulnerability of minorities living in IDP camps and urban areas.

3. Identify gaps in existing policies and offer recommendations to enhance access to housing, land, and property (HLP) rights for marginalized communities.

4. Provide actionable insights for humanitarian organizations, government authorities, and other stakeholders to develop durable solutions, ensuring secure land tenure for minorities.

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The **intention** of this study is to inform future policy and programme interventions that contribute to breaking cycles of poverty, reducing forced evictions, preventing further displacement, and promoting sustainable recovery. The study aims to generate actionable recommendations that promote inclusive policies, support humanitarian principles, and contribute to durable solutions for marginalized populations It specifically aims to inform the HLP Area Responsibility (AoR), Protection Cluster and humanitarian partners in Somalia and relevant stake holders at large to better respond to the issues facing marginalized groups as well as influence the policy makers, government and donors.

This study is **structured** as follows: First, the methodology used to conduct the research is briefly reviewed. Then the legal framework around land tenure is considered, as are obstacles to effective implementation. Following this, alternative governance systems and their interactions with the formal system are examined. Next, the role of the international community in supporting land rights for minority groups is considered, including both opportunities and limitations. Lastly, opportunities for interventions are considered.

3.0 Methodology

This project adopted a qualitative research approach comprising a desk review, collection of qualitative data, a participatory and inclusive analysis process, and a drafting and validation process.

The consultancy team opted for a qualitative research approach over a quantitative one due to the nature of marginalisation in Somalia. The overall context in Somalia is characterised by complex socio-political and cultural dynamics. These issues are particularly prevalent when minority clans and marginalisation are discussed. Understanding minority status in Somalia is rendered more complex by the fact that minority status may not stay constant over time and geographic areas, and as such, the use of quantitative approaches is not always relevant. In addition, discussion of minority status is often characterised by stigma and sensitivity, and as a result the use of quantitative data collection methods requiring closed answers may generate bias and inaccurate results. Qualitative data is likely to support a more detailed and nuanced understanding of the socio-economic, cultural, and governance factors influencing land access and tenure security.

A desk review focusing on both minority issues and land tenure. A thorough review of internal documents provided by key stakeholders, including the Norwegian Refugee Council (NRC), was conducted. This included key documents such as the Housing, Land, and Property (HLP) AoR reports, eviction data, and previous assessments on land tenure issues among IDPs in Somalia. In addition, a review of external documentation took place. Key documents included the Provisional Constitution of the Federal Republic of Somalia, the Land Legal Framework Situation: Somaliland and Puntland, and the Harmonisation of the Legal Systems Resolving Land Disputes in Somaliland and Puntland. Reports such as Evictions and Housing, Land, and Property Rights in Somalia by the Norwegian Refugee Council (NRC) and Land and Conflict in Jubaland: Root Cause Analysis and

Recommendations by UN-Habitat highlight systemic barriers faced by minorities in accessing land and tenure documentation. The Global report on internal displacement: Somalia country profile by the Internal Displacement Monitoring Centre (IDMC) and the Somalia Displacement and Protection Trends Analysis by UNHCR provide critical insights into the intersection of displacement and land tenure.

Primary data collection took place in three states, and sample size was selected in order to achieve saturation. Primary data collection took place during December 2024 using qualitative tools, including Key Informant Interviews (KIIs) and Focus Group Discussions (FGDs). A gender-sensitive approach was used. The tools were designed to address the specific objectives of the project, particularly in understanding the structural, policy-level, and socio-cultural barriers minority groups face in accessing land and tenure documentation in Somalia. Both KIIs and FGDs were customized for various stakeholder groups, enabling the collection of relevant data for each group while also capturing a diversity of perspectives. Common questions across stakeholder groups facilitated comparisons and analysis of trends.

Table 1. Data Collection Summary

Location	KIIs	FGDs	Total Participants
South West State	12	2	28
Puntland	8	2	24
Jubaland	12	2	28
Total	32	6	80

A two-round system, including an innovative participatory approach, was used to conduct analysis. First round qualitative analysis took place using hybrid coding. KIIs and FGDs were first coded based on the research questions. Following this, based on a review of the transcripts and ongoing discussions with national researchers and research teams, a list of additional themes was developed, and coding took place to ensure that these themes were fully explored. Joint analysis took place using an innovative participatory format developed by Meraki Labs. At the conclusion of data collection, two participatory analysis workshops including members of the national and international team took place. These workshops brought together international and national team members, including context experts and technical experts, to review all available data and jointly develop findings and conclusions. This iterative approach helped to identify several nuances which are particular to the Somali context. The findings from the joint analysis workshops were triangulated against the wider literature.

3.2.1 Limitations

This study faced several limitations that impacted its scope and inclusivity. First, there was an overrepresentation of minority groups who were already benefitting from NGO support and advocacy efforts. This focus may have inadvertently overshadowed the perspectives of other marginalised groups, particularly those with limited access to support or representation within the

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advocacy framework. This includes Bravenese (Rerhamar), Somali Bantus in Hirshabelle and Galgala.

Secondly, security concerns and logistical challenges limited access to certain minority groups in remote areas in Southwest, Jubaland, and Puntland. This included Somali Bantus in Hirshabelle, Galgala and Bravenese. These constraints restricted the inclusiveness of the research, as the voices of some of the most vulnerable populations were not adequately captured. Meraki Labs team used existing enumerators of the client (NRC) to access these locations as well as conduct regular security check.

Thirdly, obtaining input from high-level policymakers and influential clan leaders proved challenging. Despite multiple efforts to engage policymakers, their limited availability hindered. This limitation reduced the study's ability to gain insights into systemic governance dynamics, such as how power structures and clan-based land systems shape access to land and tenure security.

Finally, given the short duration of the study, it was challenging to conduct extensive fieldwork across all target regions (Southwest, Jubaland, and Puntland). The time constraints necessitated the use of more efficient methods such as Key Informant Interviews and focus group discussions instead of more comprehensive approaches like longitudinal studies or in-depth case studies. This approach allowed for the collection of valuable insights within the available timeframe but may have limited the depth and scope of the findings.

4.0 Findings

The findings for this report are divided into five sub-sections. First, the legal and policy framework around land including tenure, and its application, is considered. Next, alternative governance systems and their consequences for land tenure are examined. Third, the impact of lack of tenure on minority groups is analysed. After this, the effect of the international on this complex system is considered. Finally, some opportunities for improved programming are reviewed.

The report should be read with some key concepts and caveats in mind, as follows:

- **Who Are Minority Groups?**

Minority groups in Somalia include ethnic minorities such as Bantu, Bajuni, Eyle, Galgaala, and Benadiri, as well as clans associated with specific low-status occupations like Gabooye, Yibir, Wardey, and Toomal. These groups face systemic discrimination and exclusion, with limited access to land ownership, tenure security, and basic rights due to their social background and marginalisation within clan-based governance systems.

- **Challenges of analysing minority issues?**

Minority status is not static; it changes over time and varies by geographic area. In Somalia's context, the distinction between majority and minority clans is determined not solely by lineage but

through complex negotiations involving financial and social capital. Clan dynamics are fluid, making it challenging to define or study minority issues consistently. Additionally, intersecting factors such as displacement, resource scarcity, and social exclusion further complicate the analysis of minority experiences.

- Scope reflected in this study

Geographic Areas: The report focuses on Southwest, Jubaland, and Puntland states in Somalia.

Specific Minority Groups: It includes ethnic minorities like Bantu, Bajuni, and Benadiri, as well as occupationally marginalised clans such as Gabooye and Yibir.

Excluded Groups: Some significant minority groups such as Bravenese (Rerhamar), Somali Bantus in Hirshabelle and Galgala were not reached due to access constraints, and or logistical challenges. This exclusion impacts the comprehensiveness of the findings and underscores the need for further research to address these gaps.

4.1 The Legal Regime and Land Tenure in Somalia

4.1.1 Structure and Implementation Mechanism

Somalia's legal system is characterized by legal pluralism, where customary (Xeer) law, Sharia law, and statutory law coexist, with Xeer often playing a dominant role in societal relations and dispute resolution, especially in rural areas. Historically, the Somali legal framework involved developing a balance between the Italian and British legal systems as well as Shari'a law and Customary law (Xeer). Following independence in 1960, Somalia faced the challenge of harmonizing these distinct legal systems to create a unified national framework. The Italian legal system, rooted in civil law traditions, was dominant in southern Somalia, while British common law influenced northern Somaliland. This dual colonial legacy created structural complexities in integrating legal principles and institutions across the newly unified state. [8]

In the context of land tenure, legal pluralism means that land rights and use are governed by different legal systems, leading to potential overlaps, inconsistencies, and conflicts. This legal pluralism has often provided a flexible structure that local actors have used to craft appropriate solutions, but it has also left grey areas within which conflicts begin. To reduce potential clashes and raise incentives to invest in the country's largest economic sector – agriculture – Somalia needs greater transparency and certainty in its land tenure regime. In addition, the current system largely excludes women from control over property, impoverishing them and the society[9].

For example, Shari'a law and Xeer have also played an equally significant role in shaping Somalia's legal framework. Shari'a law primarily governs personal status issues such as marriage, inheritance, and family disputes but has also been applied to broader areas of governance and justice.[10] Xeer, administered by clan elders continues to function as an informal mechanism for

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[8] UN-Habitat. (2008). Land, Property and Housing in Somalia. Nairobi: United Nations Human Settlements Programme
[9] James Burman, Anna Bowden and Abdikarim Gole (2014), Land Tenure in Somalia, a Potential Foundation for Security and Prosperity.
[10] UN-Habitat. (2008). Land, Property and Housing in Somalia. Nairobi: United Nations Human Settlements Programme

resolving disputes, particularly in rural areas where formal state institutions are weak or absent. However, it's application often reflects the power dynamics of clan-based governance as it disproportionately benefits majority clan members and relies on clan representation. The existence of these systems has led to overlapping jurisdictions and inconsistencies in the application of laws.[11]

Today, the Provisional Constitution of Somalia represents the main legal framework governing land rights in Somalia and is bolstered by other laws and policies. Article 43 in the Provisional Constitution of Somalia is primarily responsible for governing land rights and clearly acknowledges the principle of equity in land allocation. The constitution states that a national land policy shall be developed, but to date this has not taken place; the lack of a comprehensive land policy is a major gap in the legal framework. However, other instruments do exist to support land governance, notably the National Eviction Guidelines and National Policy on Refugee-Returnees and Internally Displaced Persons (IDPs).

At the national level, responsibility for implementation of the legal framework lies with the Ministry of Public Works and Housing – but many other national institutions such as the Ministry of Interior and the Ministry of Justice are also involved, some with overlapping mandates. This overlap creates significant challenges in achieving clarity and coordination, as it becomes difficult to determine which institution holds ultimate authority over specific decisions or outcomes. Such institutional fragmentation often leads to inefficiencies, delays, and inconsistent application of the legal framework, making it unlikely that clear and unified outcomes will be achieved.

At the state level, responsibility for implementation of the legal framework varies between geographic areas. For instance, Puntland has established a distinct legal system and governance structure that aligns more closely with its regional autonomy. In contrast, local administrations in SouthWest and Jubaland operate differently due to variations in resources, capacity, and political dynamics. These differences reflect the decentralized nature of governance in Somalia and highlight the challenges of creating a cohesive approach to land governance across states

At an overall level, the legal framework governing land tenure in Somalia is patchy, and responsibility for its implementation is diffuse with unclear delineation of roles between national and state-level institutions. This lack of cohesion undermines efforts to establish equitable and effective systems for land tenure security and dispute resolution. Additionally, marginalized groups such as internally displaced persons (IDPs) and minority clans are often excluded from decision-making processes, further exacerbating inequities in land access and governance

4.1.2 Practical Implementation of the Legal Structure

Government actors at both the national and state levels lack adequate financing and staff to fully implement the legal structure. Budgets are often prioritized for defense and security needs, leaving minimal resources for administrative functions like land management, dispute resolution,

[11] Cassanelli, L. (2015). Hosts and Guests: A Historical Interpretation of Land Conflicts in Southern and Central Somalia. Rift Valley Institute. https://www.refworld.org/reference/research/rvi/2015/en/104228

or infrastructure development.[12] At the state level, revenue collection is inconsistent and heavily reliant on localized sources like customs duties (e.g., Puntland's dependence on Bossaso port revenues). Additionally, civil servants often lack formal education or training necessary for effective governance. In Puntland, it was reported that 60% of civil servants do not have a secondary education, which severely restricts their ability to manage complex legal frameworks.[13]

> *"There are laws, but they are not enforced. The land is divided [informally] among the major clans, and we get nothing from it."* KII Galkacyo.

Adjudication of land issues is difficult due to poor urban planning. Poor urban planning exacerbates challenges associated with implementing the framework for land tenure. In many urban and peri-urban areas, the absence of comprehensive land use policies and zoning regulations has resulted in haphazard development. Land boundaries are not fully drawn out and agreed by different parties, leading to conflicting claims for land. In addition, individuals both build and use land in ways that have not been authorised by government actors. Similarly, poor urban planning leads to lack of access to basic infrastructure (water, sanitation and electricity). This lack of access to basic and essential infrastructure is an incentive for landlords to use their land in ways that may not align with official purposes.

> *"One of the most common issues is conflict over land ownership, often arising from unclear or disputed boundaries."* KII minority elder.

Historical claims on land represent a major issue, particularly because there are no mutually agreed ways to resolve competing claims. The majority of documented land claims in Somalia were made during the Siad Barre regime. Since the end of the regime, land has been bought and sold, but often without appropriate documentation. As such, there are many instances of competing claims, in which individuals and families who have land ownership documents dating from the Siad Barre period come into conflict with individuals and families who have bought the same piece of land from an informal, non-legitimate owner.

> *"One of the most common issues is conflict over land ownership, often arising from unclear ownership or disputed boundaries."* FGD Hudur.

Use of land that was allocated as government land during the Siad Barre period poses specific challenges. During Barre's regime, significant portions of land were nationalized, often with little regard for customary ownership or clan-based claims. This process frequently led to the displacement of local communities, particularly minority groups, and the redistribution of land to political elites or individuals with connections to the regime[14]. These actions disrupted traditional land tenure systems and created a legacy of contested claims that persist today.[15]

Post-Barre, the collapse of centralized governance further complicated these issues. Land that had been nationalized was often seized by powerful clans or individuals during the civil war, leading to

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[12] United Nations Mission in Somalia (UNSOM) & World Bank. (2017). https://documents1.worldbank.org/curated/ar/644671486531571103/pdf/Somalia-Security-and-justice-sector-public-expenditure-review.pdf

[13] UN-Habitat. (2021). Land and Conflict in Jubaland: Root Cause Analysis and Recommendations. https://unhabitat.org/land-and-conflict-in-jubaland-root-cause-analysis-and-recommendations

[14] Cassanelli, L., & Besteman, C. (1996). The Struggle for Land in Southern Somalia: The War Behind the War. Boulder: Westview Press.

[15] 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 & Novib/Oxfam

overlapping claims between customary owners, those who acquired land during Barre's regime, and those who took control during the conflict. This history has left a fragmented and highly contested landscape of land ownership in Somalia, particularly in regions like Jubaland.[16]

The challenges associated with this legacy include difficulties in resolving disputes due to weak governance structures, competing legal frameworks (customary law, Shari'a law, and statutory law), and the exclusion of marginalized groups from decision-making processes.[17] Efforts to address these issues require careful consideration of historical grievances, inclusive dialogue among stakeholders, and the development of clear and equitable mechanisms for land dispute resolution.

High levels of bribery and corruption in Somalia also contribute to the high number of competing claims on land. Following the end of the Siad Barre regime, it became more challenging to get official documentation for land in Somalia. Officials responsible for administration of land had fewer resources and were often not paid salary. This led to a situation in which corruption became more prevalent. In turn, this led to the creation of fake land documents, leading to overlapping and conflicting claims. These counterfeit documents are often used by dominant clans or powerful individuals to dispossess minority groups of their rightful land.

> *"Fake documentation is another significant problem, where unscrupulous individuals sell land fraudulently, leaving IDPs (Internally Displaced Persons) vulnerable to losing both money and land*." KII Gov official

4.1.3 Challenges Facing Minorities in Accessing the Legal System

Minority groups in Somalia face numerous structural and policy-level barriers that prevent them from accessing land rights and participating in governance. These barriers manifest in several distinct ways that systematically exclude minority groups from land rights and governance:

Legal and administrative processes are often intentionally delayed as a tactic to exhaust the financial and emotional resources of minority claimants. Dominant groups or corrupt officials exploit these delays to create additional barriers, forcing minorities to abandon their claims due to mounting costs and time constraints. Prolonged cases also exacerbate the psychological stress on claimants, further discouraging them from pursuing justice. These deliberate delays effectively weaponize the inefficiency of the legal system, ensuring that minority groups remain disenfranchised and unable to secure their land rights.

> *"When there are no well-defined, recorded land rights, land disputes are more prone to occur. Long-running legal disputes, resource depletion, or even violence may result from this."* Gov Official Baidoa.

> *"Many minority groups lack the financial resources to pay for legal fees, registration costs, or to fight land disputes in courts."* FGD Baidoa.

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[16] Menkhaus, K. (2007). Governance without Government in Somalia: Spoilers, State Building, and the Politics of Coping. International Security, 31(3), 74-106.

[17] UN-HABITAT. (2023). Land and Conflict in Jubaland: Root Cause Analysis and Recommendations. Nairobi: United Nations Human Settlements Programme

Gatekeepers in Somalia function as a powerful intermediary who control access to land and resources, particularly in IDP settlements. They emerged in the 1990s and have developed into sophisticated networks that position themselves between vulnerable communities and humanitarian assistance. While some gatekeepers provide essential services like arranging funerals or resolving conflicts, many exploit their position through various forms of manipulation including demanding "protection money" from minority groups seeking land access or documentation, aid diversion and resource control.[18]

> *"Some minorities are subjected to unofficial fees or bribes, making the process financially burdensome. In some cases, minority groups are outright denied documentation due to discrimination or biases from those in charge of issuing land rights." FGD Baidoa.*

Minority groups often refrain from pursuing land disputes due to credible threats or fear of violence. This fear stems from the entrenched power dynamics that favour majority clans, allowing them to retaliate with impunity against minorities who attempt to assert their rights. Retaliation can take various forms, including verbal intimidation, physical violence, or social ostracization, which creates a climate of fear and discourages minorities from seeking justice.

> *"Minority groups are often discriminated to the land ownership, and control of land. These minority groups are vulnerable to land grabs, and they are lack of the political power or resources to defend themselves in legal or traditional courts. In many cases, these land grabs are accompanied by violence, intimidation, or threats of eviction." KII NGO worker*

The costs associated with land registration, legal representation, and administrative fees are prohibitively high for many minority groups. This includes registration fees, legal representation, administrative charges, and travel expenses. Additionally, unofficial payments are often demanded by officials, further increasing the financial burden.[19] These expenses are particularly excessive for minorities, who typically have limited access to stable employment, face discrimination in economic activities, and rely on informal sectors with precarious incomes. These financial barriers prevent minorities from securing formal land tenure, leaving them reliant on informal agreements that lack legal protection.

> *"Additionally, bureaucratic inefficiencies, high costs, and limited access to legal assistance make the process inaccessible for the most vulnerable populations." KII NGO staff.*

For many minority groups, immediate survival needs, such as food, shelter, and healthcare, take precedence over securing formal land tenure. This prioritization of short-term needs leaves them vulnerable to exploitation and eviction, as they lack the resources to invest in legal protections or long-term land ownership. This dynamic perpetuates cycles of poverty and marginalization, as minorities remain unable to establish secure livelihoods or invest in their future.

> *"Families may prioritize immediate survival over long-term planning, impacting their aspirations for better living conditions, education, and business opportunities." KII Afgoye.*

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[18] Overseas Development Institute (ODI). (2023). Gatekeepers, elders and accountability in Somalia. https://odi.cdn.ngo/media/documents/11938.pdf

[19] USAID. (2020). Pathways and Institutions for Resolving Land Disputes in Mogadishu. The Expanding Access to Justice Program in Somalia (EAJ). United States Agency for International Development. https://2017-2020.usaid.gov/sites/default/files/documents/1860/Access-to-land-rights-in-Somalia-research-report-March-20.pdf

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Literacy levels and awareness levels are often lower among minority clans, thus leaving them with little ability access to the legal system. Literacy is a critical tool for navigating complex legal frameworks, including understanding land tenure laws and presenting documentation required for dispute resolution. However, many minority communities have historically been excluded from formal education systems due to social hierarchies that prioritize majority clans, leaving them unable to read or comprehend legal documents or court procedures. This lack of awareness is compounded by the dominance of customary clan-based systems that govern land disputes and often marginalize minorities. Without legal aid or advocacy, these groups face exploitation, forced evictions, and loss of land rights. For instance, displaced minorities in Mogadishu often struggle to assert claims due to limited literacy and lack of social networks.

> *"These evictions often occur without any legal recourse for the families involved. Many of them are not aware of their rights or the processes they can follow to contest an eviction. Language barriers and a lack of access to legal assistance exacerbate this issue." KII Baidoa.*

4.2 Alternative Governance Systems and Land Rights

In Somalia, access to land in practice is determined, not only by the legal framework, but also by alternative governance systems. Three alternative governance systems exist – the clan system, which is generally considered the most influential in practice, the shari'a system and the system prevalent in areas governed by non-state actors (AS).

4.2.1 Clans and Access to Land

In practice, clan hierarchies are key to administration of land in Somalia. Historically, clans have been key to determining land governance in Somalia, with their influence evolving from pre-colonial times through to the present day. Initially, clan territories (deegaan) were conceptualized through access rights to pasture and grazing lands, with water sources serving as central points for social organization.[20]

During the colonial period, European powers collaborated with clan leaders individually, which further entrenched clan-based territorial divisions. This pattern continued after independence, particularly during the Siad Barre regime, when land became increasingly politicised and **clan affiliations were used to consolidate power and access to resources**. The civil war further solidified the connection between clan identity and territory, as people fled to regions controlled by their clan militias, transforming these areas into "home regions" or "areas of origin".

Today, dominant clans continue to wield significant control over land resources and decision-making processes, systematically excluding minority groups from accessing land and participating in governance forums. This clan-based system of land administration operates through a complex network of customary law (xeer), traditional authorities, and informal agreements, often overshadowing formal statutory laws and creating significant challenges for equitable land governance.

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[20] Heritage Institute. (2023). Land Governance in Somalia. The Heritage Institute for Policy Studies.

Xeer principles are deeply entrenched in Somalia society, shaping reciprocal rights and obligations among clans, particularly in matters like property rights and natural resource management. While these traditional systems often provide efficient and swift dispute resolution through clan elders, they are inherently reinforcing existing power imbalances.[21] Majority clans dominate resource control and decision-making processes, prioritizing their own interests and systematically excluding minority groups. Land rights are typically allocated based on kinship ties and clan affiliation, leaving minorities and women-who lack strong clan protection-at a significant disadvantage. As a result, these systems often perpetuate inequality, marginalizing vulnerable groups from accessing land and participating in governance forums.

> *"The land is owned collectively by dominant clans and inherited through generations."* FGD participant- Bosaso.

> *"Land is often governed by majority elders or clan leaders, who make decisions according to customary laws that do not recognize the land rights of minorities."* FGD Hudur.

Between minority groups, some – notably ethnic and vocational groups – are at a specific disadvantage. Ethnic minorities like the Bantu, Bajuni, and Benadiri communities face systemic barriers in accessing and maintaining land rights.[22] These groups are often excluded from traditional clan protection mechanisms and have limited political representation to advocate for their interests. The Bantu communities, who historically inhabited fertile agricultural lands along the Jubba and Shabelle rivers, have been particularly vulnerable to land grabbing and forced displacement during periods of conflict.[23]

Vocational minority groups, such as Gabooye, Yibir, Tumal endure entrenched social stigma rooted in their historical occupational roles, which confines them to specific economic activities and limits their opportunities for advancement. This marginalization extends to land and governance, where these groups face significant barriers to securing land or participating in decision-making forums. Their challenges are further exacerbated by limiting access to legal resources and effective dispute resolution mechanisms. The absence of strong clan affiliations leaves these communities particularly vulnerable under Somalia's customary law (xeer) and informal governance systems, which overwhelmingly favour majority clans. As a result, these groups remain trapped in a cycle if exclusion, unable to build economic assets or establish secure livelihoods through land ownership.[24]

"Clans such as the Eeyle, Tumaal, and Riiba have distinct social challenges. Their women are neither married nor do they marry into the majority clans, and they lack representation in local authorities. In terms of resource sharing, they are often at the bottom of the hierarchy and belong to the lowest economic class." KII Wajid.

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[21] UNHABITAT, NRC & UNHCR. (2008). Land, Property, and Housing in Somalia. UN-Habitat, Norwegian Refugee Council (NRC), and the United Nations High Commissioner for Refugees (UNHCR)

[22] UN-HABITAT. (2008). Land, Property, and Housing in Somalia.

ReDSS. (2023). Meaningful Participation in Local Governance Systems for Marginalised Communities in Somalia.

[23] [23] Heritage Institute. (2023). Land Governance in Somalia. The Heritage Institute for Policy Studies.

[24] Global Land Tools Network. (2020). Land and Conflict in Somalia: Root Cause Analysis and Recommendations.

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Bantu communities (Jareer) are viewed as separate from the dominant Somali clans and often face exclusion from the clan-based systems of governance and land ownership. The Tumal are considered minorities due to their distinct cultural and social practices. The Tumal traditionally worked as blacksmiths and craftsmen. KII Bosaso NGO worker

Women – from any clan – are at a particular disadvantage in accessing land through the clan system. Under customary law (xeer), women's land rights are typically mediated through male relatives, as clan membership and land rights pass through patrilineal lines. While formal legal frameworks theoretically provide equal property rights, in practice women face significant obstacles, including discriminatory interpretations of Islamic inheritance laws and limited access to legal representation. The intersection of gender and clan dynamics creates additional barriers, particularly for women who marry outside their clan, often losing protection from their birth clan while gaining limited rights through their husband's clan.

> *"Women are among the most affected, often facing barriers such as limited access to basic education, early marriage, and exclusion from certain jobs or leadership roles"*- KII Clan elder Baidoa.

It should be noted that the prevalence of the clan based governance system undermines the formal legal framework. Clan-based practices frequently undermine formal legal frameworks by favouring informal agreements that exclude minorities. Clan-based governance system predates formal state structures and has been the foundation of land and resource management in Somalia. Through customary law (xeer), land rights were traditionally determined by clan affiliation, with territory (deegaan) defined not by fixed boundaries but through access rights to pasture, grazing lands, and water sources.[25] This system continues to dominate land governance today, with clan elders and traditional authorities wielding more practical power than formal state institutions, particularly in rural areas. **Their decisions on land allocation and dispute resolution frequently override statutory laws, while informal agreements between dominant clans often exclude minority groups from accessing land rights or participating in decision-making processes.**

The tension between clan and state authority has created significant challenges for effective land governance in Somalia. Formal legal institutions struggle to enforce decisions that contradict clan interests, particularly in land disputes where clan elders have already made determinations. This has led to systematic exclusion of minorities and marginalized groups who lack clan protection necessary to secure their interests through informal systems. The system ultimately reinforces existing power dynamics, as dominant clans maintain control over valuable resources while circumventing formal legal processes, perpetuating cycles of inequality in land access and resource distribution.[26]

"Community elders do not accept the statutory system of land allocation and there is often active opposition to anyone with a documentary title."

"Personally, I am not aware of any formal laws; if they do exist, they are not enforced. People here rely on customary laws, which everyone can interpret in their own way or use to convince others." KII Minority Gatekeeper.

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[25] UNHABITAT, NRC & UNHCR. (2008). Land, Property, and Housing in Somalia. UN-Habitat, Norwegian Refugee Council (NRC), and the United Nations High Commissioner for Refugees (UNHCR)
[26] IGAD. (2020). Land governance in IGAD region: Somalia country profile. Assessment of Land Governance Framework, Training & Research Land Governance Institutions

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The laws are not equal for us and the major clans. Sometimes, the clan's power is stronger than the law." FGD participant Baidoa.

4.2.2 Shari'a and Access to Land

Religious elders, and the principles of shari'a law, also play a role in land governance in Somalia. Islamic law (shari'a) plays a significant role in Somalia's land governance framework, particularly regarding inheritance and property rights. According to the basic principles outlined in Islamic land law, land can be categorized into different types including privately owned land (mulk), state land (miri), endowed land (waqf), and abandoned or uncultivated land (mawat).[27] The sharia courts have jurisdiction primarily over personal status issues like marriage, divorce, and inheritance, though their influence extends to property disputes in some areas. These courts apply established Islamic jurisprudence principles when adjudicating land-related matters, particularly in cases involving inheritance divisions or property transfers. For example, waqf land might be donated for religious purposes like mosques or madrasas and cannot be sold or transferred, while mawat land can be claimed through cultivation.

In general, religious leaders influence decisions related to land, but are not directly involved in these decisions. While religious leaders hold significant moral authority in the society, their direct involvement in land governance remains limited. According to the ReDSS report, religious leaders function more as influential advisors rather than primary decision-makers in land matters. They often work alongside traditional elders and government officials in a complementary role, providing guidance based on Islamic principles rather than making binding decisions. Their influence is particularly evident in mediating disputes and providing religious legitimacy to agreements, but they typically defer to clan elders and formal authorities for final determinations on land allocation and administration.

Religious influence could help to support the rights of minority clans – but are unlikely to help specifically vulnerable individuals, notably women, whose rights are very limited under shari'a law. While religious authorities could theoretically advocate for minority clan rights based on Islamic principles of justice and equality, their practical influence is constrained by cultural and political realities. For women in particular, interpretations of sharia law often reinforce rather than challenge existing patriarchal structures, especially regarding inheritance where women typically receive half the share of male heirs. This creates a complex dynamic where religious authority, while potentially protective of broader community rights, may not effectively address the specific vulnerabilities of marginalized individuals and groups.

4.2.3 Access to Land in Al-shabaab Governed Areas

Al-Shabaab is increasingly being perceived as a legitimate provider of justice outside government controlled areas. Al-Shabaab's perceived legitimacy stems in part from its ability to offer timely rulings and enforcement in land and property disputes, particularly in regions where state judiciary systems are weak or inaccessible. According to the United Nations Panel of Experts,

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[27] UNHABITAT, NRC & UNHCR. (2008). Land, Property, and Housing in Somalia. UN-Habitat, Norwegian Refugee Council (NRC), and the United Nations High Commissioner for Refugees (UNHCR)

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the group operates a parallel legal structure that resolves conflicts—often more swiftly than state courts, which are commonly deemed "costly, protracted, and unpredictable."[28]

In many rural communities, aggrieved parties see Al-Shabaab's justice mechanisms as a reliable last resort in the absence of an effective formal governance system. This reality is further compounded by ongoing fragility in local and regional governance institutions, leading individuals to seek what they perceive as "fair outcomes" under Al-Shabaab, even when it involves risks to personal safety or freedoms.[29] As a result, Al-Shabaab's reputation as a more accessible arbiter of justice in land-related matters continues to grow among certain segments of the population.

While evidence on Al-shabaab's approach to land is not clear, it is broadly understood to align with the principles of Shari'a law. Although formal documentation of Al-Shabaab's land adjudication processes remains limited, existing reports indicate that their decisions often draw upon interpretations of Islamic jurisprudence.[30] Islamic or Shari'a law is already recognized in Somalia's plural legal framework, coexisting with customary law (xeer) and state statutes. Al-Shabaab leverages this religious foundation to assert legitimacy, especially in remote areas or in communities with low trust in secular courts. Their approach to land disputes typically involves local religious scholars who interpret Shari'a principles, emphasizing swift enforcement and minimizing ambiguity in rulings. While some communities remain wary of the group's broader political and security agendas, others cite its Shari'a-based processes as more comprehensible than the bureaucratically complex procedures in government-run courts[31].

There is some evidence to indicate that individuals from minority clans may seek out Al-shabaab in order to achieve outcomes they perceive as just. Minority clans in Somalia frequently face systemic discrimination within customary and state legal systems, partly due to clan hierarchies and a lack of legal documentation.[32] This power imbalance makes it difficult for them to assert land ownership or tenancy rights in formal courts. In contrast, Al-Shabaab courts sometimes ignore clan affiliations, relying instead on their version of Islamic legal codes—a factor seen as more neutral by communities who have historically been sidelined by local powerbrokers. For instance, in certain regions of Jubaland, informal accounts describe how minority clan members opt to bring disputes to Al-Shabaab's courts, hoping for an expedited ruling that does not require navigating conventional clan-based patronage networks.[33] Although significant ethical and security concerns remain around this choice, the perception of fair treatment can drive these communities to seek recourse through Al-Shabaab.

The presence of AS, and the strengthening role of AS in governance, makes it critical for the Federal Government of Somalia (FGS) to be perceived as a just and fair actor with regard to land rights. Al-Shabaab's expanding role in non-state justice provision underscores the urgent need for the FGS to enhance its credibility and functionality in land governance.[34] When citizens perceive

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[28] United Nations Panel of Experts. (2019). Letter dated 1 November 2019 from the Chair of the Security Council Committee. United Nations Security Council.

[29] Global Land Tools Network & UN-HABITAT. (2022). Advancing Women's Land and Property Rights in the Somali Region. Nairobi

[30] United Nations Panel of Experts. (2019). Letter dated 1 November 2019 from the Chair of the Security Council Committee… United Nations Security Council.

[31] Mohamed, S. (2021). Space, Memory and the Politics of Reconstruction: Conflict-related Property Disputes in Mogadishu, Somalia. University of Cambridge.

[32] Besteman, C. (1994). Individualisation and the assault on customary tenure in Africa: title registration programmes and the case of Somalia. Africa, 64(4), 484–515.

[33] Expanding Access to Justice Program. (2020). Pathways and Institutions for Resolving Land Disputes in Mogadishu. Nairobi: Pact & ABA ROLI.

[34] Hagmann, T., et al. (2022). Commodified Cities – Urbanization and public goods in Somalia. Rift Valley Institute.

formal courts and municipal authorities as either corrupt or incapable of enforcing judgments—particularly in contentious areas like land disputes—it creates a power vacuum that Al-Shabaab can fill.[35] Consequently, if the formal Somali judicial system is to win public trust, it must demonstrate impartiality, transparency, and efficacy in land-related cases. Initiatives such as developing coherent land policies, training judicial officers, and clarifying overlapping mandates between state and customary systems could strengthen public confidence. This can enhance the capabilities of FGS to begin to counterbalance Al-Shabaab's parallel governance structures, restoring legitimacy and fostering more equitable outcomes for all Somali citizens—especially those in marginalized or minority groups.

4.3 Impact of Land Rights for Minority Groups

4.3.1 Housing, Land, and Property (HLP) Considerations

Many displaced families in Somalia report leaving crucial documents behind during abrupt escapes from conflict-affected areas. According to UN-HABITAT, important ownership records—often in the form of land deeds, informal municipal receipts, or local land registration certificates—are commonly lost or destroyed when households flee due to sudden violence or disasters.[36] In instances where communities employed xeer (customary law) agreements, evidence of tenure might have taken the form of oral pledges administered by clan elders, which are not easily transferable once people are driven from their localities. This loss of formal or quasi-formal paperwork complicates efforts to reclaim property and obtain legal verification of ownership rights, prolonging vulnerability and displacement.

"Displacement often force people to leave their homes and communities often with no belongings." FGD Baidoa.

Displaced households typically secure land for interim shelter through various informal mechanisms, including oral agreements with local leaders or temporary "caretaker" arrangements with landowners, often brokered by gatekeepers.[37] While some local authorities encourage new arrivals to settle in designated open areas to manage incoming populations, few formal "due diligence" procedures are observed, such as verifying rightful ownership or clarifying the length of stay.[38] In many informal settlements, reliance on personal or clan connections supersedes systematic screening, leaving communities open to forced evictions if rival claimants emerge or if original landowners change their terms.

"One of the most significant issues faced by people in temporary camps is the constant threat of eviction. Because the land they live on is not officially theirs." KII NGO Worker- Bosaso.

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[35] United Nations Panel of Experts. (2019). Letter dated 1 November 2019 from the Chair of the Security Council Committee. United Nations Security Council.

[36] UN-HABITAT. (2008). Land, Property and Housing in Somalia. Nairobi, Kenya.

[37] Somalia Stability Fund. (2021). Land Conflict in Somalia: Key Issues and Challenges for Transformation. Somalia Stability Fund, Adam Smith International.

[38] Global Land Tools Network & UN-HABITAT. (2022). Advancing Women's Land and Property Rights in the Somali Region. Nairobi, Kenya

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Agreements regarding land duration are often verbal and lack a fixed timeline, reflecting both limited written documentation and fragile governance structures. In some cases, elders grant displaced persons the right to stay "until conditions improve" back home, with no contractual or government-issued document to formalize the term.[39] This absence of paperwork—whether in the form of short-term leasing contracts or official permits—leaves tenants with little recourse if the land "hosts" decide to revoke permission. According to the Rift Valley Institute (2017), such informal arrangements can break down under pressure from economic development interests or shifting political alliances in the region, underscoring how the absence of legally binding documents can result in unpredictable evictions.[40]

"Yes, minority groups are more likely to be evicted or forced to leave their homes due to the lack of land documents. In many cases, these groups occupy land without formal legal recognition or ownership, often relying on informal arrangements with landowners or local authorities." KII - Gov Official Baidoa.

"The absence of documentation leaves them without legal standing, which is frequently exploited by authorities, landowners, and developers." KII NGO Worker- Garowe.

Shelter adequacy for displaced communities often falls short of recommended humanitarian standards, with families living in makeshift structures of plastic sheeting and timber or scrap-metal frames.[41] These temporary buuls typically lack secure doors, windows, and lockable spaces, leaving occupants—especially women, children, and minority groups—vulnerable to theft, gender-based violence, and other forms of exploitation.[42] Additionally, overcrowding in informal settlements hampers privacy and threatens public health, leading to higher incidences of communicable diseases.[43] These substandard conditions demonstrate the urgent need for improved shelter solutions that incorporate safety, dignity, and privacy as core principles.

"Living in temporary shelters, people in the camps usually rely on basic, often makeshift infrastructure for shelter, sanitation, and access to services. Water, electricity, and waste disposal systems are inadequate or entirely absent. These conditions make it difficult to ensure the health and well-being of residents. The uncertainty of their living situation is compounded by the possibility of eviction." KII Garowe.

Minority communities frequently advocate for stronger legal frameworks and administrative support, especially in documenting property rights and establishing short- or long-term land lease agreements.[44] Many highlight the necessity of capacity-building programmes to strengthen the judiciary's ability to handle land disputes and to reduce the reliance on informal actors or parallel systems like Al-Shabaab's courts.[45] Furthermore, communities recommend stakeholder

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[39] Heritage Institute. (2023). Somalia Land Governance Review. Heritage Institute for Policy Studies.

[40] Rift Valley Institute. (2017). Land Matters in Mogadishu. Nairobi, Kenya

[41] Somalia Shelter Cluster. (2024). Shelter/NFI Response and Gaps.
[42] Bryld, E., Kamau, C., & Mohamoud, M.A. (2020). Using an adaptive approach to making gatekeepers accountable to internally displaced persons in Mogadishu, Somalia. Development in Practice, 30(8), 982–993.

[43] Chonka, P., & Bakonyi, J. (2021). Precarious technoscapes: forced mobility and mobile connections at the urban margins. Journal of the British Academy, 9(s11), 67–91

[44] Global Land Tools Network & UN-HABITAT. (2022). Advancing Women's Land and Property Rights in the Somali Region. Nairobi, Kenya
[45] United Nations Panel of Experts. (2019). Letter dated 1 November 2019 from the Chair of the Security Council Committee. United Nations Security Council.

coordination—bringing together local municipalities, federal government agencies, and NGOs—to harmonize land policies and generate durable resettlement options. In practical terms, this might mean creating transparent mechanisms for issuing interim occupancy certificates, ensuring women's land inheritance rights, or agreeing on consistent eviction protocols such as National Eviction Guidelines (NEG) that balance landowners' interests with the protection of displaced populations.

"Establishing and Strengthening a Legal and Inclusive Land Registration System that Recognizes Customary Land Rights and Provides Legal Support for Minority Communities." FGD Bosaso.

4.3.2 General Impact of Lack of Land Rights

There are three major uses for land in Somalia – residence, farming and grazing. Historically, many Somali communities have relied on the land for subsistence farming, while pastoralists move herds to different grazing areas in accordance with rainfall patterns and resource availability.[46] Even in urbanized regions, residential plots and peri-urban farmland remain essential for shelter, small-scale crop production, and local commerce. The interconnectedness of residence, farming, and grazing underscores the multifunctional importance of land: as a home base for families, as a space for cultivation of staple crops (e.g., sorghum, maize), and as a source of fodder and water for livestock. However, decades of conflict and inadequate regulatory frameworks have created fragmented land governance systems, resulting in overlapping claims, tenure insecurity, and persistent disputes across this primary land. The instability of land tenure and its poor management severely hinders communities' ability to construct durable homes, maintain productive farms, and graze livestock sustainably, ultimately undermining broader development goals.

"A minority family may not feel confident enough to invest in home improvement or send their children to school because they do not know whether they will be able to stay on their land in the future."

Lack of access to land limits the degree to which minority groups can rely on traditional livelihoods to generate income. Somali Bantu, Bajuni, and others—traditionally rely on farming and small-scale pastoralism to earn a living.[47] Yet, limited access to arable or graze-worthy land, compounded by exclusionary clan-based practices, often deprives these groups of the resources needed to sustain themselves. For instance, without secure tenure or ownership documents, many minority farmers are unable to invest in improvements such as irrigation systems or drought-resistant seeds.[48] Similarly, pastoralist families require predictable grazing routes and water points to raise animals profitably, but the threat of dislocation—particularly in areas controlled by stronger clans or armed actors—reduces their capacity to maintain herds. In turn, this tenure insecurity forces minority households to abandon income-generating practices that align with their cultural traditions and skills, often leading them to seek precarious wage labor or depend on humanitarian assistance.

46 Chonka, P., & Bakonyi, J. (2021). Precarious technoscapes: forced mobility and mobile connections at the urban margins. Journal of the British Academy, 9(s11), 67–91
47 Besteman, C. (1994). Individualisation and the assault on customary tenure in Africa: title registration programmes and the case of Somalia. Africa, 64(4), 484–515.
48 UN-HABITAT. (2008). Land, Property and Housing in Somalia. Nairobi, Kenya.

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Lack of access to land affects, not only current livelihoods, but also future livelihoods. Tenure insecurity discourages minorities from investing in land improvements, such as irrigation systems or permanent housing, as they lack assurance that they can retain the land long-term. This lack of investment undermines their ability to improve agricultural productivity, secure livelihoods, and achieve economic stability.

> *"Minority groups often rely on farming; without secure land rights, they cannot invest in long-term agricultural practices, affecting food security."* KII Galkacyo.

Tenure insecurity leaves minority communities at constant risk of forced evictions and displacement. Minority groups, often lack formal legal ownership or documented lease agreements for the land they occupy. Without formal land rights or secure agreements, families face sudden removal from their homes by dominant actors, including powerful clan landowners, clan-based militias, or business interests that disrupts their lives and forces them into overcrowded camps or informal settlements where access to basic services such as clean water, sanitation, and healthcare is severely limited. This instability compounded by the fear of further displacement discourages long-term planning or economic engagement, while tensions with host communities—who may view these minorities as "outsiders"—further isolate them socially and economically. This further marginalizes the minority groups and limits their ability to establish permanent roots or access basic services.

> *One case involved a Bantu family who lived on land for generations, but when a wealthier clan member obtained formal documentation, they were forced off the land, despite having lived there for years."* Minority Clan Elder KII.

The fear of eviction and the ongoing struggle for land rights contribute to significant psychological stress for minority communities particularly those living in internally displaced persons (IDP) camps or precarious informal settlements. Displacement often results in anxiety, depression, and trauma due to the uncertainty of losing shelter or being uprooted again, affecting the overall well-being of individuals and families. These mental health challenges are exacerbated by the absence of adequate mental health services in Somalia, where the ratio of psychiatric beds per 100,000 people is strikingly low compared to global standards.[49] Additionally, forced evictions often break apart social networks that provide critical emotional and economic support, leaving families isolated in overcrowded camps with limited resources.

> *"Without legal land documents, minority households face the constant threat of eviction, especially in areas where land ownership is contested or when the land is targeted for development. This insecurity can cause significant stress and disorder daily life, as families worry about losing their homes or sources of livelihood. Minority households are more vulnerable to land grabs or exploitation by more powerful groups."* KII Garowe.

4.3.3 Impact on Specific Groups

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[49] PubMed Central (PMC). (2023). Affected population in Somalia: A cross-sectional study

Lack of land tenure has especially strong impacts on specific groups.

Ethnic and vocational minorities. Minority ethnic groups such as the Somali Bantu, Bravenese, Rerhamar, Bajuni, Eyle, Galgala, Tumal, Yibir and Gaboye are disproportionately affected by barriers to land access due to systemic discrimination and exclusion. Historical social hierarchies frame these groups as inferior, leading to their marginalization in both customary and formal systems.

Excluded from the dominant clan system that governs Somali society, these groups lack the protection and privileges afforded to majority clans like the Hawiye, Darod, Dir, and Rahanweyn. This exclusion is particularly evident in land access, where minorities are often denied ownership or documentation. Land governance is controlled by customary systems led by majority clan elders who prioritize their own kin, pushing minorities into precarious living conditions in informal settlements or IDP camps.

The table below highlights the historical background and key challenges faced by Somalia's marginalized minority communities, including the Somali Bantu, Bravenese, Bajuni, Gaboye, Tumal, Yibir, Eyle, and Galgaala communities.

Table 2: Minority Groups and Challenges Faced

Minority Group(s)	Historical Background and Challenges
Somali Bantu	Descendants of enslaved peoples brought to Somalia through the Indian Ocean slave trade, the Somali Bantu have historically been agricultural labourers.[50] Displaced from fertile lands during the civil war by militias and majority clans, they now face severe discrimination that limits access to education, political representation, and economic opportunities. Many live in extreme poverty and are disproportionately represented among IDPs.
Bravenese	The Bravanese are descendants of Arab immigrants who settled on Somalia's southern coast over 2,000 years ago. Known for their distinct culture and language (Chimwiini), they were historically traders and artisans but were targeted during the civil war for their perceived wealth and outsider status.[51] Many fled as refugees, while those remaining struggle to reclaim property or integrate into clan-dominated systems.
Bajuni	The Bajuni people inhabit coastal areas near Kismayo and are traditionally fishermen and boat builders.[52] Conflict has led to land confiscation by armed groups or majority clans, leaving many Bajuni in poverty without access to basic services or legal protections.

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[50] Global History Dialogues (2021). Who Are the Somali Bantus?
[51] Minority Rights Group International (2011). No Redress: Somalia's Forgotten Minorities
[52] Bajuni Database (2018). Bajuni: People, Society, Geography, History, Language. https://www.mun.ca/linguistics/media/production/memorial/academic/faculty-of-humanities-and-social-sciences/linguistics/media-library/more/e-books/Bajuni%20database.pdf

Gaboye, Tumal, Yibir	These caste-like minority groups are traditionally associated with occupations such as blacksmithing (Tumal), leatherworking (Gaboye), or fortune-telling (Yibir).[53] Stigmatized as "inferior," they are excluded from political participation and land ownership rights. Their marginalization persists in both urban and rural areas.
Eyle	The Eyle are a hunter-gatherer community in southern Somalia who face significant barriers to land access due to their distinct lifestyle.[54] Their traditional territories are often encroached upon by more powerful groups tied to pastoralist or agricultural economies.
Galgaala	The Galgala community has faced violence due to perceived political affiliations during conflicts such as the civil war of the 1990s. Many were displaced after being accused of supporting Siyad Barre's regime and remain vulnerable to forced displacement without secure land tenure.[55]

Women and widows. Women face significant challenges in accessing and securing land rights due to entrenched patriarchal norms that prioritize men as primary landowners. In many communities, customary systems exclude women from inheritance, despite Shari'a law granting them a share of family property. This discrepancy between legal provisions and customary practices leaves women reliant on male relatives for access to land.[56] Economic disempowerment compounds these challenges, as women without land ownership lack financial autonomy, limiting their ability to engage in income-generating activities or invest in long-term opportunities. Divorced or widowed women are particularly vulnerable, as their access to land often depends on their marital status, leaving them at risk of eviction. Women's exclusion from decision-making forums further marginalizes their concerns, ensuring that governance systems remain unresponsive to their needs.

> *Culturally, patriarchal norms often prioritize men as the primary landowners, leaving women with limited access to land or land documentation. KII Midwife.*

> "Women are among the most affected, often facing barriers such as limited access to basic education, early marriage, and exclusion from certain jobs or leadership roles. KII midwife- Baidoa.

Internally displaced people (IDPs). The lack of formal tenure exposes them to frequent forced evictions, forcing them to relocate multiple times, often to overcrowded camps or informal settlements. These precarious living conditions are compounded by poverty, as many IDPs rely on humanitarian aid for survival and lack the financial means to secure formal land tenure.[57] The absence of legal protection leaves them excluded from accessing basic services such as water,

[53] Minority Rights Group International (2011). No Redress: Somalia's Forgotten Minorities
[54] Minority Rights Group International (2011). No Redress: Somalia's Forgotten Minorities
[55] European Union Agency for Asylum (2022). Ethnic Minorities in Somalia. https://euaa.europa.eu/country-guidance-somalia-2022/292-ethnic-minorities
[56] Urban Displaced Women. https://www.nrc.no/resources/reports/somalia-housing-land-and-property-rights-for-somalias-urban-displaced-women/
[57] UNHCR. (2023). Annual Results Report - 2022 Somalia. UNHCR Global Focus. https://reporting.unhcr.org/sites/default/files/2023-06/EHGL%20Somalia.pdf

sanitation, and healthcare, which often require proof of land ownership or residency. Displacement also disrupts social networks and support systems, further isolating IDPs from opportunities for integration and stability.[58] The inability of IDPs to assert their rights due to fear of retaliation or a lack of legal knowledge perpetuates their vulnerability and dependence on external assistance.

Persons with disabilities (PWDs). Persons with disabilities (PWDs) face unique challenges in securing land rights due to physical, social, and institutional barriers.[59] Physical disabilities make navigating complex legal and administrative processes particularly difficult, while social stigmas often exclude PWDs from community-led initiatives or governance forums. Economic disadvantages further exacerbate these challenges, as PWDs are less likely to participate in income-generating activities, limiting their ability to afford land registration fees or legal representation. PWDs are also frequently overlooked in land governance policies, which fail to consider their specific needs or ensure their inclusion in decision-making processes.

"PWDs are often excluded from land ownership and legal processes due to social stigma and lack of physical accessibility, further marginalizing them." KII NGO staff Baidoa.

Youth. Youth, particularly those from minority or displaced communities, face systemic barriers to land access due to generational exclusion and economic challenges. Many young people inherit the marginalization of their families, with limited opportunities to own or inherit land due to patriarchal and clan-based governance systems. High unemployment rates among youth further hinder their ability to afford land or navigate legal processes. Displacement caused by tenure insecurity often disrupts their education, leaving many young people without the skills or qualifications needed to secure stable employment or advocate for their land rights.

"Policies also fail to address specific challenges faced by women, youth, and people with disabilities." KII NGO Staff Bosaso.

4.4 International Actors and Land Rights

4.4.1 The Effectiveness of International Interventions

International actors are perceived as providing support for minority groups in accessing land rights. The international community, particularly INGOs and donors, have played a crucial role in advocating for minority groups regarding land tenure. The specific role of the international community falls in two areas. First, the international community helps minority groups to navigate legal processes, including obtaining official documentation that can be recognised by the court system. Second, international actors can help in case a dispute is brought to court. This help can consist of meeting fees, and supporting the claimant through the process.

"NRC has been instrumental in offering legal support. They guide us through the complexities of land rights and assist us in obtaining official documents" (Afgoye KII-001).

Despite the positive perception of international aid about land rights, there are challenges with regard to (1) geographic reach, and (2) the proportion of population supported. International

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[58] UN-Habitat. (2008). Land, Property and Housing in Somalia. Nairobi: United Nations Human Settlements Programme
[59] Somalia National Bureau of Statistics. (2024). National Disability Report. https://nbs.gov.so/wp-content/uploads/2024/03/National-disability-report.pdf

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actors have been pivotal in addressing land rights in Somalia, supporting initiatives like the National IDP Policy, the Durable Solutions Strategy, and the National Eviction Guidelines of 2019. Organizations such as UN-Habitat and UNHCR have provided frameworks to address forced evictions, promote tenure security, and assist displaced populations. These efforts include technical support for harmonizing legal frameworks, urban planning policies, and establishing land dispute tribunals. However, challenges persist in ensuring equitable access to land rights across the country.

One key limitation is the geographic focus of these interventions, which are often concentrated in urban centers like Mogadishu, Baidoa, and Kismayo, leaving rural areas underserved despite their significant land governance challenges. Additionally, the proportion of the population supported remains limited; for example, UNHCR reached 1.7 million individuals in 2022, only a fraction of Somalia's 3.8 million displaced persons.[60] Expanding geographic reach, improving coordination among international actors, and investing in both urban and rural land reforms are critical to overcoming these gaps and ensuring broader impact.

> *"Yes, there are some NGOs that help minorities, such as the NRC and UNHCR... though their reach is often limited" (Afgoye KII Minority Clan elder).*

The role of international actors can be considered as positive but failing to engage with the structural issues facing minorities in accessing land rights. International efforts often focus on localized issues rather than systemic changes, limiting their effectiveness in addressing entrenched barriers. For example, NGOs mostly provide temporary relief, such as helping individuals secure housing or land, but systemic inequities persist. This relief does not, however, last long, as it fails to address the root causes of land rights disparities. Without tackling underlying legal, social, and economic structures that perpetuate discrimination, these short-term interventions often prove unsustainable. Consequently, minorities remain vulnerable to future displacement and continued marginalization in land ownership and access.

> *"In small cases, especially for vulnerable populations in minority communities, NGOs may help individuals find housing or land for living, often through donation or subsidized housing" (Garowe FGD).*

> *"The situation was critical... but it was not a permanent solution to end the conflict" (Key Informant Interviews Afgoye).*

International intervention can, in some cases, increase marginalisation and stigma. Many aid programmes rely on existing local structures to distribute resources or resolve disputes. These efforts are mostly dominated by majority clan-based governance systems unintentionally empowering dominant clans while sidelining marginalized communities.[61] For example, land governance initiatives often depend on customary systems led by majority clan elders, excluding minorities who lack representation in these structures. This exclusion perpetuates cycles of discrimination and denies minorities access to land and resources critical for their livelihoods.[62] Additionally, humanitarian interventions in IDP camps have sometimes triggered resentment

60 UNHCR. (2023). Annual Results Report - 2022 Somalia. UNHCR Global Focus. https://reporting.unhcr.org/sites/default/files/2023-06/EHGL%20Somalia.pdf

61 Minority Rights Group International. (2024). World Directory of Minorities and Indigenous Peoples – Somalia. https://minorityrights.org/country/somalia/
62 UN-Habitat. (2008). Land, Property and Housing in Somalia. Nairobi: United Nations Human Settlements Programme.https://unhabitat.org/land-property-and-housing-in-somalia

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among host communities. In urban areas like Mogadishu and Kismayo, where land disputes are frequent, aid directed toward displaced minorities has occasionally been perceived as favouritism, leading to tensions with local populations.

4.4.2 Constraining Factors for International Actors

International actors cannot directly intervene in clan dynamics; given that clans are the primary governance system for land rights, this poses challenges for effectiveness. Clan-based governance systems are deeply entrenched in Somali society, where land access and ownership are often mediated by clan elders through customary law (Xeer). This creates a complex environment for international actors who must navigate these systems without disrupting local power structures. For example, aid programs that rely on majority clan leaders to distribute resources can inadvertently reinforce existing inequalities, leaving minority groups like the Somali Bantu, Bajuni, and Gaboye marginalized. The reliance on clan leaders also limits the ability of international actors to ensure equitable resource distribution, as these leaders often prioritize their own clans over others.

International actors can support development of laws and policies – but the capacity of the government to carry out these policies is limited, thus constraining impact. For instance, while frameworks like the National Eviction Guidelines (2019) aim to protect displaced populations from forced evictions, weak enforcement mechanisms and fragmented governance structures hinder their effectiveness.[63] Furthermore, overlapping jurisdictions between federal and regional governments create confusion over roles and responsibilities, making it difficult for policies to be uniformly applied across the country.

International aid is short term, though repeated – and as such there are limitations on the degree to which impactful change can occur. While humanitarian assistance addresses immediate needs such as food security and shelter for displaced populations, it rarely tackles the root causes of poverty or land disputes. For example, aid programmes frequently focus on emergency relief rather than building sustainable systems for land governance or tenure security[64]. This short-term focus also fosters dependency among communities, as they are unable to transition from receiving aid to achieving self-reliance. Additionally, inconsistent funding cycles disrupt program continuity, leaving critical initiatives underdeveloped or abandoned.

4.5 Opportunities for Improved Programming

Somalia's current land frameworks are outdated or inconsistently adopted across Federal Member States and the Banadir Regional Administration. There is an opportunity to revise or harmonize these frameworks and explicitly include protections for minority groups—ensuring that policies address forced evictions, secure tenure rights, and fair dispute resolution. Southwest State's new urban land legislation (2022) aims to better protect tenants and IDPs from eviction. If fully implemented and replicated, it could become a reference point for other regions currently lacking clear land laws.

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[63] Somalia Stability Fund. (2021). Land Conflict in Somalia: Key Issues and Challenges for Transformation. https://stabilityfund.so/
[64] Hussein, M.A. (2023). The Effects of Aid in Somalia: Unintended Consequences and Lessons Learned. https://jecd.sesric.org/pdf.php?file=ART24020205-2.pdf

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Collective bargaining is another key function of community-led initiatives that presents an opportunity for scale. Some minority groups have organized themselves into coalitions of collective investors where they collectively bargain and purchase land as a community. This has amplified their voices and enabled them to negotiate more effectively for land rights as well as reduced individual vulnerability. These initiatives can be leveraged and scaled as they bolster communities' strength to engage with local authorities, clan leaders, and government officials, advocating for fairer land distribution and protection against exploitation.

Another opportunity lies in building stronger relationships between international actors and local authorities through local capacity building. In Puntland, the Urban Land Management Law regulates land use and development within urban areas, aiming to formalize land tenure, streamline land registration processes, and provide a framework for resolving disputes over urban land ownership and use.. However, local officials require technical guidance on recording land transactions and operating land dispute tribunals effectively. Enhanced skills and resources would help them manage cases transparently, benefiting both majority and minority communities. Additionally, in Baidoa (Southwest State), training municipal staff in land administration, dispute resolution, and equitable service delivery can improve how local governments manage IDP settlements and mitigate forced evictions. This approach includes ensuring that community elders and gatekeepers—who frequently control access to land—are trained on fair dealing with minority groups.

Programmes that support "grassroots" mechanisms to resolve land disputes offer another avenue for progress. For instance, community-based paralegals or local mediation committees can help IDPs and minority groups address conflicts with landowners or informal gatekeepers without resorting to costly, time-consuming state courts. These local mediators, drawn from clan elders and minority representatives, could be trained in conflict resolution, basic legal processes, and principles of fairness—ensuring that decisions account for the rights of marginalized communities. In Kismayo, for example, such mediation committees have reduced tensions by providing quick, trusted resolutions for IDP land disputes.

Climate pressures—like frequent droughts and floods—compound Somalia's land challenges, often forcing entire communities to relocate. Integrating climate resiliency measures into land governance reforms can create dual benefits. For example, ensuring IDP settlements are developed in areas less prone to flooding can reduce repeated displacements, while reforestation or sustainable grazing programs near those settlements help stabilize soil and secure livelihoods. Collaborative projects that couple climate-smart agriculture (e.g., drought-resistant seeds, water conservation) with policy reforms (e.g., clarifying the rights of pastoralists) can help minority groups remain economically viable in rural settings or peri-urban areas.[65]

Some organizations such as the Danwadaag consortium work with local authorities and landowners to formalize land tenure arrangements and reduce forced evictions. Through integrated rental solutions—combining rental subsidies, legal assistance, and livelihood support—IDPs are better able to secure stable housing.[66] Danwadaag's successful pilot projects in Mogadishu and Kismayo demonstrate that pairing rental subsidies with livelihoods support can

[65] FAO. (2013). EU Transversal Support to Country Implementation – Somalia.https://openknowledge.fao.org/server/api/core/bitstreams/8eafac4e-cff6-4c0f-98a9-26e00cc7a090/content
[66] Concern Worldwide. (2023). Danwadaag – Durable Solutions to Displacement in Somalia.

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reduce eviction risks and break the cycle of short-term aid dependencies. There is potential to expand these models to other high-displacement regions such as Baidoa and Garowe.

5.0 Recommendations

The following recommendations outline actionable steps to address systemic inequities in land ownership, tenure security, and dispute resolution in Somalia. They emphasize the need for comprehensive policies, inclusive governance structures, and targeted support to empower marginalized minority groups and enhance their access to land rights.

- **Conduct Research** targeted at groups disproportionately impacted such as minority and communities. Commission a study of integration of minority communities' practices of justice, reconciliation, reparation, and memorialization for use in developing policies and recommendations including but not limited to land tenure security.

- **Invest in outreach and Sensitisation**. Establish regional and community-based networks to build trust and ensure accessibility to HLP rights including tenure security at all levels. Work closely with genuine representatives of minority communities to conduct assessments of how communities view HLP rights and tenure security and how they would like access to land and tenure security to be approached by stakeholders in Somalia. Ensure community outreach strategies, programs and messages that are tailored to specific communities and that take account of their self-identification as a minority group.

- **Contribute to and facilitate the review, reform and development of a robust and inclusive a national land policy**. Adopt a comprehensive policy at the federal level that clearly outlines how land ownership, tenure registration, and dispute resolution should operate. Include protective clauses for minority groups experiencing forced evictions and mandate clear procedures for documenting land rights in both urban and rural areas. Specify targeted training for local administrators responsible for registering claims, and strengthen oversight mechanisms that monitor equitable implementation of the policy across federal member states.

- **Make concrete policy recommendations for and facilitate the harmonisation of clan, shari'a and formal approaches**. Create a national framework that integrates decision-making authority under clan-based customary law (xeer), Shari'a doctrines, and formal legislative systems. Define specific dispute categories handled through customary methods and specify cases that escalate into official courts, ensuring that legal decisions align with uniform standards of fairness. Encourage inter-system committees composed of clan elders, religious scholars, and government officials to regularly review emerging land disputes and update protocols accordingly.

- **Support the government in developing consistent roles and responsibilities for managing land tenure, including at national and state levels**. Establish multi-level task forces that clarify each administrative body's jurisdiction over land use, registration, and enforcement. Identify gaps in capacity within national and state ministries and invest in specialized training for civil servants in land documentation, urban planning, and property rights law. Equip district-level offices with standard operating procedures to strengthen

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transparency and reduce overlap in mandates, enhancing trust among minority groups who frequently encounter confusion over where to seek redress.

- **Enhance and strengthen access to justice by expanding legal aid services.** Introduce mobile legal aid clinics staffed with paralegals, translators, and pro bono lawyers who specialize in land and property rights. Offer regular community outreach sessions in IDP settlements and remote rural areas to inform displaced families of their rights and possible recourse in cases of forced eviction or discrimination. Ensure that each clinic partners with local authorities and civil society organizations to track cases, maintain confidentiality, and promote fair adjudication.

- **Advocate for the regularisation of informal settlements in a phased process including zoning and allocation of land as well as the associated documentation.** Conduct rapid assessments in areas that host large numbers of IDPs, then initiate zoning plans that categorize land for residential, commercial, or public use. Issue temporary occupancy certificates to occupants, followed by incremental formalization that includes basic infrastructure like roads and drainage. Provide a clear timeline for converting provisional documents into permanent titles once disputes are resolved and basic municipal services are in place.

- **Support community-led initiatives.** Empowering community-led mechanisms strengthens local capacities to resolve disputes and secure tenure. Local land committees, composed of trusted community members, can mediate disputes and provide culturally appropriate resolutions. These committees should be supported with training, funding, and legal resources to ensure equitable outcomes. Community land trusts allow for collective ownership, reducing individual vulnerability to exploitation or eviction. Collective bargaining mechanisms further amplify minority voices, enabling them to negotiate fairer land agreements and challenge exploitative practices.

- **Deliver targeted negotiation and mediation trainings and leadership focused workshops that enhance the capacity of minority clans to advocate for equitable land rights**. Facilitate dialogues with IDP camp gatekeepers, local clan elders, and municipal authorities through neutral mediation sessions that outline fair practices and accountability measures. Guarantee that each negotiation includes oversight from human rights monitors, ensuring transparent discussions on rent, tenure conditions, and dispute settlement procedures.

- **Enhance advocacy and public awareness**. Advocacy efforts should focus on raising awareness of land rights and protections among minority groups. Partnering with local organizations ensures that campaigns are culturally relevant and accessible. Channels like community radio, storytelling, and events can disseminate information on land rights, legal processes, and the importance of formal documentation. Tailored training programs for marginalized groups can empower them to navigate systems confidently and resist exploitation. Collaboration with all stakeholders working on HLP and human rights including and not limited to NGOs and INGOs can amplify advocacy efforts and push for broader policy reforms.