



NORWEGIAN
REFUGEE COUNCIL

Eviction Programming: Prevention and Response Intervention Framework

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BACKGROUND

International law stipulates that every person or group of persons that is threatened with forced eviction should have full recourse to due process or other forms of remedy to protect their fundamental human rights. Unfortunately, in most cases displaced communities across Somalia are not afforded such opportunity. In fact, eviction incidents are quite often characterized by right violations ranging from limited or no notice period to forced removals. In some cases, evictions are carried out even before prevention interventions are possible due in part to the lack of information and/or capacity on the part of protection partners to swiftly and adequately respond. This SoP is thus intended to provide general guidance on the processes, procedures and steps to follow when an eviction threat is issued. Eviction prevention initiatives seek to achieve five distinct objectives as particularize below.

- i) Adequate notice advocated – ensuring that Populations of Concern (PoCs) are accorded sufficient time to dismantle their dwelling structures, gather their belongings and relocate with all of their assets without destruction. This option is pursued in situations involving extremely limited notice period, but without threat of violence or force.
- ii) Alternative accommodation facilitated – through this objective, steps are taken to ensure that people are not left homeless. The government, mainly through municipal authorities, and landowners are prevailed upon to identify alternative solutions instead of leaving people homeless. Accommodation in this context refers to public buildings and other types of collective centres where structures already exist.
- iii) Alternative land provided – unlike ‘alternative accommodation facilitated’ which refers to public buildings, collective centres and other ready-made structures, this option applies in situations where land is provided by the evicting party or government authorities.
- iv) Eviction threat averted – This option is prioritized when PoCs being threatened with force or violence, particularly where an eviction threat issued without notice is about to be carried out or is being executed. In such cases, concrete steps are taken to prevent the eviction.

- v) Lease extension secured – there are instances where landowners opt not to renew an existing agreement upon expiration. While there is no violence or threat involved in such scenarios, the ultimate result is still eviction and the consequences remain the same – disruption to life routine, displacement, etc.

This participatory and inclusive approach to eviction prevention employs community-based and non-adversarial methods. It consists of six non-linear processes, beginning with eviction threat alerts and possibly ending with a facilitated dignified relocation. Each step is further described in the ensuing section.

EVICTION PREVENTION AND RESPONSE PROCESS

Step 1: Eviction threat alerts

The entire eviction prevention and response process, apart from incident monitoring and reporting, begins with an eviction alert. A robust local network already exists, comprising community leaders, informal settlement leaders, PRMN monitors, NRC paralegals, and members of the Protection and CCCM clusters. All threats of eviction are communicated to the HLP Sub Cluster through a designated focal point. Once an eviction alert has been received, the HLP focal point ensures the remaining steps are initiated.

Step 2: Escalation of alerts to the Protection Working Group

As a standard procedure, the HLP focal point will inform members of the Protection Work Group (PWG) as soon as an eviction alert is received, having triangulated the initial information and gather additional facts. At this point, internal consultations are held within the PWG and a plan of action is jointly devised, including the most appropriate government institutions or officials to approach. The HLP focal point provides technical guidance.

Step 3: Notification to government focal point

Implementation of the actions reached at the PWG rests with the HLP focal point, who immediately notifies the relevant government institutions and/or authorities. This notification is then accompanied by consistent follow-ups and advocacy throughout the process, depending on the evolution of the case.

Step 4: Establish contact with the landowner or representative(s)

The step involves contacting the evicting party to understand his/her side of the story as well as the motivation underpinning the action. The evicting party may be the property owner or a designated representative. Although the HLP focal point in some cases initiates this process, it is highly recommended that the government takes the lead. It remains, however, the responsibility of the HLP focal point to ensure that contact is made with the evicting party, either directly or through the relevant government agencies or officials. A good judgment should be based on a wide range of facts; and facts can only be found through a careful research, thus clearly emphasizing the importance of an independent background investigation in land dispute resolution. There is an inherent human tendency, especially in conflict situations, where parties misrepresent the truth. As part of this approach, establishing contact with the evicting party tries to lower the risk of prejudice and broaden the perspective of the HLP focal point to analyze the situation objectively.

Step 5: Consultations and Negotiations

This is one of the most important aspects of the prevention and response process. Property regime is regulated by law. Therefore, while these consultations and negotiations are led by government authorities, solutions are negotiated and not imposed. The objective is to persuade the evicting party to abandon the eviction threat or at least accord PoCs adequate time to

relocate. This is not always very easy. If there is a deadlock at any point during the negotiation process, the involvement of relevant 3rd parties is solicited including influential family members and friends, religious leaders, clan and community leaders, local authorities, etc. This step leads to one of the five desired outcomes – adequate notice advocated, alternative accommodation facilitated, alternative land provided, eviction threat averted, and lease extension secured.

Step 6: Facilitate relocation and tenure security support

Eviction is sometimes inevitable or unavoidable. In some cases, landowners and/or their representatives will grant sufficient notice period but will insist on the eviction. In such cases, the HLP focal point will facilitate a dignified relocation of PoCs in collaboration with members of the PWG.

PROCEDURAL FLOWCHART

