

**Flygtningenævnets baggrundsmateriale**

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## **Addendum to 2010 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia, relating specifically to the city of Galkacyo**

### **Introduction**

1. In the May 2010 UNHCR *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia* (hereafter: 2010 Somalia Eligibility Guidelines),<sup>1</sup> UNHCR described the geographical division of Somalia in chapter III, “Background Information and Developments”, as follows: “*The territory of Somalia is de facto divided into three distinct administrative areas: Somaliland, Puntland and the area south of the city of Galkacyo termed southern and central Somalia. Each area is characterized by distinct political, human rights and security situations. For these reasons, the Guidelines make specific recommendations concerning the international protection needs of individuals originating from the respective areas.*”<sup>2</sup>
2. With this Addendum, UNHCR provides further information on the city of Galkacyo (also referred to as *Gaalkacyo*, *Galkayo*, *Galcayo*, *Galcaio*). It should be considered as complementing the 2010 Somalia Eligibility Guidelines, which remain valid. This Addendum clarifies that the city of Galkacyo is a divided city, with two distinct, separate parts falling under two different geographical, political and administrative entities, which the original Guidelines did not say. Only in this regard does this Addendum affect the text of the 2010 Somalia Eligibility Guidelines.

### **The current situation in the city of Galkacyo**

3. The Mudug region lies at the heart of Somalia, bordered by Nugal to the north, Galgaduud to the south, Ethiopia to the west and the Indian Ocean to the east. The region comprises five districts: Hobyo (under Galmudug), Galdogob and Jariban (under Puntland), Harardhere (under Al Shabab control), and the regional capital Galkayo.<sup>3</sup> The city of Galkayo is divided into two areas, separated by a distinct boundary, with the main northern portion ruled by the Puntland autonomous Government, and its southern part governed by the Galmudug State.<sup>4</sup> The 1993

<sup>1</sup> UN High Commissioner for Refugees, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia*, 5 May 2010, HCR/EG/SOM/10/1, <http://www.unhcr.org/refworld/docid/4be3b9142.html>.

<sup>2</sup> UN High Commissioner for Refugees, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia*, 5 May 2010, HCR/EG/SOM/10/1, <http://www.unhcr.org/refworld/docid/4be3b9142.html>, page 3.

<sup>3</sup> This information is confirmed by UNHCR Somalia. For references to the different districts of Mudug, see e.g. UNDP, Somalia, *Census, Profiles, Executive Summary*, 2008, <http://www.so.undp.org/census/profiles/mudug.php>, accessed 23 February 2012. For references as to who administers the different districts, see e.g. SomaliaReport, *Galmudug Minister resigns*, 5 September 2011, [http://www.somaliareport.com/index.php/post/704/Galmudug\\_Minister\\_Resigns](http://www.somaliareport.com/index.php/post/704/Galmudug_Minister_Resigns).

<sup>4</sup> See e.g. UN High Commissioner for Refugees, *Lessons learned: Participatory Assessment as part of IDP Profiling, Galkayo, Somalia*, March 2007, [http://www.internal-displacement.org/8025708F004CFA06/\(httpCountryResourcesByCountry\)/63D4DBF0C5B98836C125739F0050BE36/\\$file/ParticipatoryAssessmentaspartofIDPProfiling\[1\].pdf](http://www.internal-displacement.org/8025708F004CFA06/(httpCountryResourcesByCountry)/63D4DBF0C5B98836C125739F0050BE36/$file/ParticipatoryAssessmentaspartofIDPProfiling[1].pdf), and Jamestown Foundation, *Was the Battle for Galkayo a Clan Dispute or a Victory for Puntland Over Al-Shabaab?*, 15 September 2011, Terrorism Monitor Volume: 9 Issue: 35, <http://www.unhcr.org/refworld/docid/4e78656d2.html>.

Mudug Peace Agreement<sup>5</sup> separated what is now Puntland State from Galmudug State (which covers a part of Mudug and a part of Galgaduud). Whereas Galmudug State is generally considered part of southern and central Somalia, it is a self-declared autonomous State, similar to Puntland.<sup>6</sup>

4. The Galmudug state has declared the city of Galkacyo as its capital.<sup>7</sup> Galkayo sits on the fault-line between two major clan families, the Darod in the north and Hawiye in the south up to the coast of Hobyo. The local Darod clan is the Majerteen, Omar Mohamud sub-clan. The main local Hawiye clan is the Sa'ad.<sup>8</sup>
5. Political tensions between the administrations of the northern and southern part of the city have been reported for years.<sup>9</sup> Whereas relations between the two administrations had reportedly improved after the signing of a co-operation agreement in February 2011,<sup>10</sup> relations were reported to have deteriorated seriously by the end of 2011, with the Puntland administration accusing the Galmudug administration of not taking appropriate action in the context of the deteriorating security situation.<sup>11</sup> This deterioration happened despite the signing of a further peace agreement in November 2011<sup>12</sup> which was expected to contribute to some improvement in the relations between the two administrations.
6. The security situation in the whole of Galkacyo appears to be deteriorating. The kidnapping of two aid workers in southern Galkacyo, reportedly by pirates, in October 2011<sup>13</sup> and the kidnapping of a reporter south of Galkacyo in January 2012<sup>14</sup> testify to the worsening security situation. The area is reportedly affected by pirate activity,<sup>15</sup> clan clashes,<sup>16</sup> assassinations<sup>17</sup> and

<sup>5</sup> For the text of the 1993 Peace agreement, see Interpeace / Puntland Development Research Center, *Dialogue for Peace, Somali Programme*, September 2006, <http://pdrcsomalia.org/wp-content/files/pdf/Consolidation%20of%20Mudug%20Peace%20Agreement.pdf>, p. 30 - 31.

<sup>6</sup> See Montreal Institute for Genocide and Human Rights Studies (MIGS), *Somalia, Context*, accessed 21 February 2012, [http://migs.concordia.ca/Media\\_Monitoring/Somalia.htm](http://migs.concordia.ca/Media_Monitoring/Somalia.htm).

<sup>7</sup> Africa Review, *Galkayo: a peaceful island in Somalia*, 3 April 2011, <http://www.africareview.com/Special+Reports/-/979182/1137760/-/10umx61z/-/>.

<sup>8</sup> For further detail on the division of the city and on clan affiliations, see Landinfo, *Country of Origin Information Centre, Somalia: Security and Conflict in the South*, 29 August 2011, <http://www.unhcr.org/refworld/docid/4ebd21782.html>.

<sup>9</sup> See e.g. background information on an IDP profiling exercise in 2007: "Due to the highly polarised political situation in Gaalkacyo, it was not possible to find one local agency that would be accepted in all settlements as implementing partner for the project. A compromise was found in hiring individuals from different agencies to form a team under DRC/UNHCR management that would be acceptable in all places. However, the political division of Gaalkacyo in North and South proved still to be so forceful that a team recruited for the North (where the work started) could not be accepted in the South. Consequently, a new team of cross-agency individuals had to be recruited for working in the South." Danish Refugee Council & UNHCR Branch Office Somalia, *Report on Profiling of Internally Displaced Persons Gaalkacyo. Final Draft*, 18 May 2007, [http://reliefweb.int/sites/reliefweb.int/files/reliefweb\\_pdf/node-235336.pdf](http://reliefweb.int/sites/reliefweb.int/files/reliefweb_pdf/node-235336.pdf).

<sup>10</sup> SomaliaReport, *Puntland and Gal-Mudug: Improving Ties*, 20 April 2011, [http://www.somaliareport.com/index.php/post/579/Puntland\\_and\\_Gal-Mudug\\_Improving\\_Ties](http://www.somaliareport.com/index.php/post/579/Puntland_and_Gal-Mudug_Improving_Ties).

<sup>11</sup> SomaliaReport, *Puntland Officials Declare War on Galmudug*, 14 December 2011, <http://www.somaliareport.com/index.php/post/2317>.

<sup>12</sup> SomaliaReport, *Peace Deal Signed to End Galkayo Conflict*, 30 November 2011, <http://www.somaliareport.com/index.php/post/2167>.

<sup>13</sup> In January 2012, they were freed after having been held hostage for three months, see The Guardian, *Somalia: foreign aid workers held hostage freed in US helicopter raid*, 25 January 2012, <http://www.guardian.co.uk/world/2012/jan/25/foreign-aid-workers-somalia-freed-helicopter>.

<sup>14</sup> Reuters, *Factbox: Foreigners kidnapped in Africa*, 25 January 2012, <http://www.reuters.com/article/2012/01/25/us-somalia-hostages-africa-factbox-idUSTRE800WJ20120125>.

<sup>15</sup> SomaliaReport, *Anti-Piracy Demonstration in Galkayo. Residents React to Pirate Violence and Recent Shooting of Somali Journalist*, 6 January 2012, <http://www.somaliareport.com/index.php/post/2460>.

<sup>16</sup> Clan clashes often center on control over natural resources, such as grazing land and water. Revenge killings are a common element of clan clashes. Often clan disputes and other factors jointly play a role in violence in Galkacyo, see

kidnappings. While the security situation in the southern part of the city may be bleaker, the northern part has also recently witnessed a campaign of assassinations targeting businessmen, elders, religious leaders and security and law enforcement officials.<sup>18</sup> The resulting decreasing humanitarian space has led to the withdrawal of aid agencies from the area, which in turn has contributed to a deterioration of living conditions for some 60,000 IDPs in settlements in the Galkacyo area.<sup>19</sup>

7. It is said that the border between southern and northern Galkacyo is not a physical one.<sup>20</sup> International aid workers have, however, reported that it can be crossed by them only at two locations, describing the atmosphere when crossing the border as very tense.<sup>21</sup> UNHCR Somalia reports that IDPs coming from the southern part and trucks with merchandise coming from southern Somalia can usually cross into Puntland, unless there is ongoing fighting in the city. The local population can generally cross from one side to the other, unless inter-clan tensions run high or there is ongoing fighting, in which case they stay put on their side of the city until the tension or fighting subsides. Local residents are reportedly vigilant when crossing, as the security situation is unpredictable. Local authorities in north and south Galkacyo need to apply for authorization with their counterparts on the other side of the city in order to cross therein.<sup>22</sup>

#### **Eligibility for international protection of asylum-seekers originating from (or having habitually resided in) Galkacyo**

8. Asylum-seekers from the part of Galkacyo that is under control of the Galmudug State are from the part of the country that in the 2010 Somalia Eligibility Guidelines is labeled “southern and central Somalia”. These Guidelines indicate that Somalis from southern and central Somalia seeking international protection due to the situation of generalized violence and armed conflict in their places of origin and whose claims are considered as not meeting the refugee criteria under Article 1A(2) of the 1951 Convention or Article I(1) of the OAU Convention, should be granted international protection under the extended refugee definition in Article I(2) of the OAU Convention. In States in which the OAU Convention does not apply, a complementary/subsidiary form of protection should be granted under relevant national and regional legal frameworks. The widespread disregard of their obligations under international humanitarian law by all parties to the conflict and the reported scale of human rights violations make it clear that any person returned to

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e.g. Jamestown Foundation, *Was the Battle for Galkayo a Clan Dispute or a Victory for Puntland Over Al-Shabaab?*, 15 September 2011, Terrorism Monitor Volume: 9 Issue: 35, <http://www.unhcr.org/refworld/docid/4e78656d2.html>.

<sup>17</sup> Puntland Voice, *Commissioner of Isira, Galkayo Assassinated*, 6 February 2012, <http://puntlandvoice.com/commissioner-of-isira-galkayo-assassinated/>.

<sup>18</sup> See, for example, UN Human Rights Council, *Report of the independent expert on the situation of human rights in Somalia*, 29 August 2011, A/HRC/18/48, <http://www.unhcr.org/refworld/docid/4e733279398.html>, and SomaliaReport, *8 Killed in Galkayo Clan Fight*, 28 April 2011, <http://www.somaliareport.com/index.php/post/625>.

<sup>19</sup> UN News Service, *Somalia: Galkayo IDPs suffer as aid agencies pull out*, 14 February 2012, <http://www.unhcr.org/refworld/docid/4f3e4a802.html>.

<sup>20</sup> The absence of a “physical border” is confirmed by UNHCR Somalia. Two IDP sites are affected by this “border”, Bulo Kontrol and Bulo Bacley. These settlements are, however, mostly managed out of Puntland.

<sup>21</sup> World Food Programme USA, *Changing Guards in Galkacyo*, 25 October 2011, <http://usa.wfp.org/news-story/changing-guards-somalia>.

<sup>22</sup> Information available to UNHCR.

The airport is located in north Galkacyo but is shared between north and south. When inter-clan tension is high, residents of south Galkacyo need to submit a prior application to the airport authorities in order to enter the northern part of the city to catch their flight. Construction of a separate airport in south Galkayo is a priority of the Galmudug authorities.

southern and central Somalia would, solely on account of his/her presence in southern and central Somalia, face a real risk of serious harm.<sup>23</sup>

9. With regard to asylum-seekers originating from the northern part of Galkacyo (in Puntland) the 2010 Somalia Eligibility Guidelines recommend that States exercise caution when considering the return of persons originating from Puntland or Somaliland who are found not to be in need of international protection. Puntland and Somaliland will not accept the return of Somalis unable to establish that they originate from those territories. Therefore, individuals claiming to be from Puntland and Somaliland who are unable to establish that they originate from these territories should not be returned there.<sup>24</sup>
10. As, according to the 2010 Somalia Eligibility Guidelines, there is no internal flight or relocation alternative in any part of southern or central Somalia,<sup>25</sup> residents of the northern part of Galkacyo (in Puntland), who have been found to be in need of international protection do not have an internal flight alternative in southern Galkacyo.
11. There are a number of factors which, taken in combination, indicate that an IFA/IRA is generally not available for individuals from southern and central Somalia in Puntland and Somaliland.<sup>26</sup> These include not only the generally deplorable living conditions of displaced persons in these territories, but perhaps most importantly the fact that Puntland and Somaliland will not accept the return of Somalis unable to establish that they originate from those territories.

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<sup>23</sup> UN High Commissioner for Refugees, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia*, 5 May 2010, HCR/EG/SOM/10/1, <http://www.unhcr.org/refworld/docid/4be3b9142.html>, page 10.

<sup>24</sup> UN High Commissioner for Refugees, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia*, 5 May 2010, HCR/EG/SOM/10/1, <http://www.unhcr.org/refworld/docid/4be3b9142.html>, page 10.

<sup>25</sup> UN High Commissioner for Refugees, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia*, 5 May 2010, HCR/EG/SOM/10/1, <http://www.unhcr.org/refworld/docid/4be3b9142.html>, page 34.

<sup>26</sup> UN High Commissioner for Refugees, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia*, 5 May 2010, HCR/EG/SOM/10/1, <http://www.unhcr.org/refworld/docid/4be3b9142.html>, page 34.