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Reply by the United Nations High Commissioner for Refugees (UNHCR) in response to request for guidance on the application of the internal flight or relocation alternative, particularly in respect of Mogadishu, Somalia

UNHCR's mandate and role

1. UNHCR has been entrusted by the United Nations General Assembly with a mandate to provide international protection to refugees and, together with Governments, seek permanent solutions to the problems of refugees.¹ According to its Statute, UNHCR fulfils its mandate *inter alia* by “[p]romoting the conclusion and ratification of international conventions for the protection of refugees, supervising their application and proposing amendments thereto[.]”² This supervisory responsibility is reiterated in Article 35 of the 1951 Convention and Article II of the 1967 Protocol relating to the Status of Refugees (“1967 Protocol”).³
2. UNHCR's supervisory responsibility is exercised in part by the issuance of interpretative guidelines on the meaning of provisions and terms contained in international refugee instruments, in particular the 1951 Convention relating to the Status of Refugees (“1951 Convention”).⁴ Such guidelines are included in the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status and subsequent Guidelines on International Protection.⁵ UNHCR also provides information on a regular basis to decision-makers and courts of law concerning the proper interpretation and application of provisions of the 1951 Convention and the 1967 Protocol. These responses are provided without prejudice to UNHCR's position under the Convention on the Privileges and Immunities of the United Nations.

General and procedural considerations in applying the internal flight or relocation alternative

3. When the availability of an internal flight or relocation alternative is assessed, it should be examined cautiously, in the context of the individual claim, and never on a group basis. A detailed analytical framework for assessing the availability of an internal flight alternative (IFA) or internal relocation alternative (IRA), is contained in UNHCR's 2003 “*Guidelines on International Protection: the “Internal Flight or Relocation Alternative” within the context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*”⁶.
4. An assessment of the possibility of relocation requires an assessment of the **relevance** as well as the **reasonableness** of the proposed IFA/IRA.⁷ In assessing a refugee claim

¹ UN General Assembly, *Statute of the Office of the United Nations High Commissioner for Refugees*, 14 December 1950, A/RES/428(V), available at: <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3ae6b3628> (“UNHCR Statute”).

² UNHCR Statute, paragraph 8(a).

³ According to Article 35 (1) of the 1951 Convention, UNHCR has the “duty of supervising the application of the provisions of th[e 1951] Convention”.

⁴ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations Treaty Series No. 2545, vol. 189, p. 137, available at: <http://www.unhcr.org/refworld/docid/3be01b964.html>.

⁵ UN High Commissioner for Refugees, *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, December 2011, HCR/IP/4/ENG/REV. 3, available at: <http://www.unhcr.org/refworld/docid/4f33c8d92.html>.

⁶ UNHCR, “*Guidelines on International Protection: the “Internal Flight or Relocation Alternative” within the context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*”, HCR/GIP/03/04, 23 July 2003, <http://www.refworld.org/docid/3f2791a44.html>.

⁷ In relation to applications for international protection in EU Member States, Article 8 of the 2004 Qualification Directive and (after transposition by participating EU Member States by December 2013), Article 8 of the 2011 Qualification Directive applies. While Article 8 of the 2004 Qualification Directive makes explicit reference to the reasonableness test (Article 8(1)), it makes no explicit reference to the relevance test. However, following the European Court of Human Rights' decision in *Salah Sheekh v. The Netherlands*, Council of Europe: European Court of Human Rights, *Application no. 1948/04*, 11 January 2007, <http://www.refworld.org/docid/45cb3dfd2.html>, it is clear that a relevance test must also be carried out as part of the

in which a well-founded fear of persecution has been established in some localized part of the country of origin, the determination of whether the proposed internal flight or relocation area is an appropriate alternative in the particular case requires an assessment over time, taking into account not only the circumstances that gave rise to the persecution feared, and that prompted flight from the pre-flight place of origin or habitual residence, but also whether the proposed area provides a safe and meaningful alternative in the future.

5. The personal circumstances of the individual applicant, such as age, sex, health, disability, family situation and relationships, social or other vulnerabilities, ethnic, cultural or religious considerations, political and social links, educational, professional and work background and opportunities, any past persecution and its psychological effects and the conditions in the proposed area of relocation, will need to be considered.⁸
6. If an IFA/IRA is considered in asylum procedures, a particular area of proposed relocation must be identified, and the claimant must be given an adequate opportunity to respond to the purported relevance and reasonableness of the proposed IFA/IRA.⁹
7. The usual rule, providing that the burden of proving an allegation rests on the one who asserts it, equally applies when the internal flight or relocation alternative is being considered. Hence, the decision-maker bears the burden of proof of establishing that an analysis of relocation is relevant to the particular case. If considered relevant, it is up to the party asserting this to identify the proposed area of relocation and provide evidence establishing that it is a reasonable alternative for the individual concerned.¹⁰
8. UNHCR notes that in the present case, the Danish Immigration Service concludes in its decision that the applicant meets the criteria for recognition as a Convention refugee, set out in Article 7.1 of the Danish Aliens Act. In its decision, the Danish Immigration Service further directs the applicant to take up residence in Mogadishu, as an internal flight or relocation alternative.

Relevance Analysis - South Central Somalia

9. In assessing the relevance of an IFA/IRA for Somali applicants in South Central Somalia, it is of particular importance to consider the (i) volatility and fluidity of the ongoing armed conflict in South Central Somalia in terms of the difficulty of identifying potential areas of relocation that are durably safe; and (ii) the fact that the area of prospective IFA/IRA must be practically, safely and legally accessible to the individual. The latter requirement entails an assessment of the concrete prospects of safely accessing the proposed area of relocation.
10. In the case of South Central Somalia, there are three possible scenarios to be considered: a possible IFA/IRA in areas controlled by the government, a possible IFA/IRA in areas under control of Al Shabaab or other non-State agents, and a possible IFA/IRA in areas affected by armed conflict. Where the claimant has a well-

assessment of an internal relocation alternative. As a result of this decision by the European Court of Human Rights, Article 8 of the 2004 Qualification Directive was recast to include both a relevance and reasonable test, thereby providing explicit legislative recognition of the necessity of applying both the reasonableness and relevance tests: 2011 Qualification Directive, Article 8.

⁸ UNHCR, "Guidelines on International Protection: the "Internal Flight or Relocation Alternative" within the context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees", HCR/GIP/03/04, 23 July 2003, <http://www.refworld.org/docid/3f2791a44.html>, para. 6 and 8.

⁹ UNHCR, Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees, HCR/GIP/03/04, 23 July 2003, <http://www.refworld.org/docid/3f2791a44.html>, paras. 6 and 35.

¹⁰ UNHCR, Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees, HCR/GIP/03/04, 23 July 2003, <http://www.refworld.org/docid/3f2791a44.html>, paras 33 and 34.

founded fear of persecution at the hands of the State and its agents, there is a presumption that consideration of an IFA/IRA is not relevant for areas under the control of the State. In light of the available evidence of serious and widespread human rights abuses by non-State agents¹¹ in areas under their control in South Central Somalia, as well as the inability of the Somali central government, which is still generally considered as weak, to provide protection against such abuses in these areas,¹² UNHCR considers that an IFA/IRA is not available in areas under control of Al Shabaab and other non-State agents such as the Ras Kamboni Brigade and Ahlu Sunna Wal Jamaa, with the possible exception of individuals who may have previously established ties with the Al-Shabaab leadership (or the leadership of other non-State groups) in the proposed area of relocation in South Central Somalia. Additionally, UNHCR considers that no IFA/IRA is available in areas affected by armed conflict in South Central Somalia, regardless of the actor of persecution. Whether a specific area is affected by armed conflict needs to be assessed in each case at the time of adjudication.

11. Where the agents of persecution are non-State agents, consideration must be given to whether the persecutor is likely to pursue the claimant in the proposed area of relocation. Given the wide geographic reach of Al Shabaab,¹³ a viable IFA/IRA may not be available to individuals at risk of being targeted by Al Shabaab. Although the government holds some key towns in South Central Somalia, its reliance on AMISOM means that the territorial gains and level of control are generally assessed to be extremely fragile and cannot be considered as sustainable or durable.¹⁴ It is particularly important to note the operational capacity of Al Shabaab to carry out attacks in all parts of South Central Somalia, including Mogadishu and other areas not under its territorial control as evidenced by recent reports on high profile complex attacks in urban areas under the effective control of pro-government forces.

Relevance Analysis - Mogadishu

12. In relation to consideration of an IFA/IRA for Somalis fleeing persecution or serious harm by Al Shabaab, protection from the State is generally not available in Mogadishu even though the city is under control of government forces supported by AMISOM troops. This applies to both (a) Somalis who can be presumed to be on Al Shabaab's hit list as well as (b) those seeking to travel to Mogadishu to escape human rights abuses being experienced while living in Al Shabaab controlled areas.
13. The former group [(a) above] includes politicians, journalists, businessmen and clan elders who face a real risk of targeted killings. For example, in April 2013, the Deputy Chief Prosecutor in the new administration was killed in Mogadishu, while in September the President of Somalia survived an assassination attempt for which Al Shabaab claimed responsibility.¹⁵ So far in 2013, four journalists have reportedly been killed in Mogadishu. While in many of these killings the perpetrators have remained

¹¹ AMISOM, African Union Mission in Somalia, *Losing Streak – Public support fades for al-Shabab*, September 2011, <http://amisom-au.org/2011/09/losing-streak-public-support-fades-for-al-shabab/>; Human Rights Watch, *Somalia: New Al-Shabaab Attacks are War Crimes*, 16 April 2013, <http://www.refworld.org/docid/517681204.html>.

¹² Center for Strategic and International Studies, *"Somalia Redux: Assessing the New Somali Federal Government"*, August 2013, http://csis.org/files/publication/130819_Bryden_SomaliaRedux_WEB.pdf.

¹³ Armed Conflict Location and Event Database, *"Country Report: Somalia"*, April 2013, http://www.acledata.com/wp-content/uploads/2013/04/ACLED-Country-Report_Somalia_April-2013.pdf.

¹⁴ Amnesty International, AI Index: AFR 52/008/2013, *Returns to South and Central Somalia: A Violation of International Law*, 15 May, 2013, <http://www.amnesty.org/en/library/asset/AFR52/008/2013/en/t3f7ae8f-900a-4e22-83c7-a609309d1051/af520082013en.pdf>; UN Security Council, *Letter dated 12 July 2013 from the Chair of the Security Council Committee pursuant to resolution 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council*, S/2013/413, 12 July 2013, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_415.pdf.

¹⁵ Voice of America News, *Somali President Unhurt in Bomb Attack*, 3 September 2013, <http://www.voanews.com/content/somali-president-unhurt-in-bomb-attack/1742168.html>.

unknown, Al Shabaab is suspected of involvement in many of them.¹⁶ The latter group [(b) above] involves people who flee areas of origin or habitual residence under Al Shabaab control and often become internally displaced persons (IDPs) upon arriving in Mogadishu. Once in Mogadishu, these people are extremely vulnerable to human rights abuses including physical attacks, restrictions on movement and access to food and shelter, and general clan based discrimination. The perpetrators are reported to include government forces as well as affiliated militias and private parties, notably IDP settlement managers known as gatekeepers.¹⁷

14. In 2013 the residents of Mogadishu have increasingly faced insecurity as a result of Al Shabaab carrying out direct attacks on civilians including through suicide bombs, improvised explosive devices (IEDs) and grenade attacks. These attacks have targeted government institutions as well as public places frequented by civilians such as restaurants. Even when a specific individual appears to be the target of the attack, the numbers of civilian casualties unrelated to the person who is the target of the attack are often high.¹⁸ Reports indicate that in 2013, attacks by Al Shabaab have been on the increase in Mogadishu¹⁹ and have become more sophisticated and daring; the strikes have evolved from targeted assassinations and laying of roadside bombs intended for vehicles of passing government officials and AMISOM convoys, to ramming vehicles laden with explosives into security gates of buildings housing government and international organizations, followed by gunmen with explosives strapped to their bodies storming the premises.²⁰ In April, Al Shabaab carried out two large-scale attacks in Mogadishu, one of which targeted the Banadir High Court and the other a Turkish humanitarian organization.²¹ On 19 June Al Shabaab attacked the main UN compound in Mogadishu, killing 22 people.²² Recently Al Shabaab has claimed responsibility for the blasts of 7 September, in which reportedly first an explosive laden car went off near a restaurant and then a suicide bomber blew himself up in the crowd of civilians who rushed to the scene to help. The twin blasts were reported to have caused the deaths of 30 people.²³
15. It has been suggested that the operational capacity of Al Shabaab and other armed groups in Mogadishu is evidenced not only by high-profile attacks, such as suicide bombings, but also through reports of general intimidation and abuse, harassment, forced recruitment of civilians and more permanent infiltration in some of the capital's neighborhoods and districts.²⁴ In addition to attacks by Al Shabaab in Mogadishu, a reported lack of authority, discipline and control of government forces and its allied militias means that government forces often fail to provide protection or security for civilians and are themselves a source of insecurity.²⁵ Security agencies, such as the

¹⁶ Amnesty International, AI Index: AFR 52/008/2013, *Returns to South and Central Somalia: A Violation of International Law*, 15 May, 2013. <http://www.amnesty.org/en/library/asset/AFR52/008/2013/en/f3f7ae8f-900a-4e22-83c7-a609309d1051/af520082013en.pdf>. Inter Press Service, *Extremist Violence Returns to Hit Mogadishu*, 3 August 2013. <http://www.ipsnews.net/2013/08/extremist-violence-returns-to-hit-mogadishu/>.

¹⁷ Human Rights Watch, *Somalia: Protect Displaced People at Risk. New Government Should Tackle Past Injustice, Abuses*, 27 March 2013. <http://www.hrw.org/news/2013/03/26/somalia-protect-displaced-people-risk>.

¹⁸ Reuters, *Somali Islamist rebels attack U.N. base, 22 dead*, 19 June 2013, <http://www.reuters.com/article/2013/06/19/us-somalia-blast-idUSBRE95I0AJ20130619>.

¹⁹ Global Issues, *Extremist Violence Returns to Hit Mogadishu*, 3 August 2013, <http://www.globalissues.org/news/2013/08/03/17196>.

²⁰ Al Jazeera, *Mogadishu's stability under the gun again. Rebel group al-Shabab ramps up attacks in Somali capital, two years after its withdrawal*, 11 September 2013, <http://www.aljazeera.com/indepth/features/2013/09/201391110133339201.html>.

²¹ Amnesty International, 15 May, 2013. <http://www.amnesty.org/en/library/asset/AFR52/008/2013/en/f3f7ae8f-900a-4e22-83c7-a609309d1051/af520082013en.pdf>.

²² Reuters, *Somali Islamist rebels attack U.N. base, 22 dead*, 19 June 2013, <http://www.reuters.com/article/2013/06/19/us-somalia-blast-idUSBRE95I0AJ20130619>.

²³ AllAfrica, *Somalia: Al-Shabaab Claims Responsibility for Mogadishu Restaurant Attack That Kills 30*, 8 September 2013, <http://allafrica.com/stories/201309090011.html>.

²⁴ Digital Journal, *Over 250 Al-Qaeda linked Al-Shabaab militants to surrender*, 24 September 2013, <http://digitaljournal.com/article/333438#ixzz2fopyu0Bg>.

²⁵ Amnesty International, AI Index: AFR 52/008/2013, *Returns to South and Central Somalia: A Violation of International Law*, 15 May, 2013. <http://www.amnesty.org/en/library/asset/AFR52/008/2013/en/f3f7ae8f-900a-4e22-83c7-a609309d1051/af520082013en.pdf>.

police and intelligence services, are, according to reports, themselves frequently infiltrated by common criminal, radical, or insurgent elements. For instance, in January 2013, in a suicide attack at a checkpoint into Villa Somalia, a compound in Mogadishu that houses both the president's and prime minister's offices, the bomber was an ex-Islamist militant recently fired from his job in the intelligence services.²⁶

16. In cases of persons suffering from the application of legal, social or religious norms of a persecutory nature, such as victims of forced marriages, it has been reported that the existence and applicability of these norms is endorsed by large segments of society and sectors in the administration. Moreover, state agents are oftentimes accused of carrying out violence and other forms of human rights transgressions which has led to a loss of confidence in their ability to protect the civilian population.²⁷ Consequently, many Somalis reportedly do not seek the protection of the authorities from such forms of persecution by non-state agents,²⁸ and failure to do so should not be the sole reason for doubting credibility or rejecting the claim.
17. The ongoing communalism and lack of fully functional state protection in Mogadishu has resulted in a need for individuals to stay close to their families and clans for protection. As many neighborhoods are reportedly dominated by one clan and sometimes affiliated armed militia,²⁹ presence in such areas could, depending on the specific circumstances, put a member of another clan at risk. For example, in the district of Karan which is estimated to have the largest number of returnees, there are reports of clan tensions in the context of a struggle for control of the district, and clan militias are an additional source of insecurity.³⁰ Information about a newcomer in Mogadishu, particularly, when he/she does not belong to the clans or nuclear families established in the district or when he/she originates from an area formerly or presently controlled by an insurgent group, has the potential to attract adverse attention and reach possible agents of persecution. Even those who originate from Mogadishu may be perceived as newcomers, if they left a long time ago and have lost all links with their clan-based community.³¹

“Reasonableness” Analysis - Mogadishu

18. Whether an IFA/IRA is “reasonable” must be determined on a case-by-case basis, taking into account the personal circumstances of the applicant, including the impact of any past persecution on the applicant.³² Other factors that must be taken into account include the safety and security situation in the proposed area of relocation; respect for human rights in that area, and the possibilities for economic survival,³³ in order to evaluate if the individual would be able to live a relatively normal life without undue hardship in the area of relocation, given his or her situation.

²⁶ BBC News, *Suicide blast by offices of Somalia president and PM*, 29 January 2013, <http://www.bbc.co.uk/news/world-africa-21241751>.

²⁷ Integrated Regional Information Networks (IRIN), *Death sentence and detentions raise profile of rape in Somalia*, 24 January 2013, available at: <http://www.refworld.org/docid/510275322.html>; The Guardian, *Somali journalists beaten by police while covering court case, says union*, 11 March 2013, <http://www.guardian.co.uk/world/2013/mar/11/somalia-journalists-threatened-press-freedom>.

²⁸ Mogadishu Journal, *Why Somali People Can Not Trust the Government? 'Because corruption, rights abuses, a deadly polio outbreak, and relentless attacks by Government Forces*, 17 September 2013, <http://mogadishujournal.com/?p=26429>.

²⁹ Somalia Cash Consortium, *Gatekeepers in Mogadishu: Research Consultancy*, 31 January 2013, <http://adesoafira.org/wp-content/uploads/2012/03/Cash-Consortium-Gatekeepers-In-Mogadishu-Study-January-20131.pdf>.

³⁰ Danish Refugee Council and UNICEF, *Community-Driven Recovery and Development Project. Political Economy Analysis in Mogadishu* Final draft report, May 2012, <http://tanacopenhagen.com/uploads/Political%20Economy%20Analysis%20of%20Mogadishu%20-%20full%20report.pdf>.

³¹ Danish Immigration Service and Landinfo - Country of Origin Information Centre, *Security and protection in Mogadishu and South-Central Somalia*, May 2013, <http://www.refworld.org/docid/519c9c0b4.html>.

³² UNHCR, *Guidelines on International Protection No. 4: “Internal Flight or Relocation Alternative” Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/03/04, 23 July 2003, <http://www.refworld.org/docid/3f2791a44.html>, paras. 25-26.

³³ UNHCR, *ibid.*, paras. 24, 27-30.

19. In the case of Mogadishu, UNHCR considers that particular attention must be given to the availability of traditional protection mechanisms, and support provided by members of the applicant's family and clan; availability of basic infrastructure and access to essential services in the proposed area of relocation; access to shelter in the proposed area of relocation; and the presence of livelihood opportunities. Further, where the proposed area of relocation is an urban area where the applicant has no access to pre-identified accommodation and livelihood options, and where he/she cannot be reasonably expected to fall back on meaningful support networks, the applicant will likely find himself or herself in a situation comparable to that of urban IDPs, many of whom are at risk of forced evictions. Therefore the scale of internal displacement in the proposed area of relocation and living conditions of IDPs needs also to be taken into account. Relevant considerations in this regard include the fact that IDPs are reported to be among the most vulnerable groups in Mogadishu.³⁴
20. Applicants may be able to fall back on the support of their families or members of their clan. However, the existence of any traditional support networks can be assumed to weigh in favour of a proposed IFA/IRA only when members of these traditional networks are willing and able to provide genuine support to the applicant in practice. Due to a breakdown in Somalia's traditional social fabric caused by 20 years of conflict and massive displacement flows, the traditional extended family and community structures of Somali society no longer constitute as strong a protection and coping mechanism in Mogadishu as they did in the past. It is believed that nuclear and not extended family has substituted such mechanisms, and the presence of a nuclear family is often needed for livelihood support, as the clan will not help with livelihoods. The clan will only help when it comes to protection issues and in some instances with livelihood issues in exceptionally high profile cases.³⁵
21. However, to benefit from clan protection, the person concerned must be known to the clan elders or to other clan members known to these elders.³⁶ Since 2012, there has been much focus on Somalis living overseas returning to Mogadishu. Those from the diaspora having returned to Mogadishu in the last couple of years are the more affluent and resourceful people who have connections and see opportunities, have businesses, or seek political influence and positions. Mogadishu-based sources have indicated that it would be extremely difficult for an individual to return to Mogadishu if there is nobody to rely on; any returnee will require a network in the city to be able to survive.³⁷ This is particularly true for unaccompanied children or adolescents at risk of forced recruitment and other grave violations;³⁸ young males at risk of being considered Al Shabaab sympathizer and therefore facing harassment from government security forces;³⁹ elderly people; people with specific needs; single women and female single heads of households with no male protection and especially originating from minority clans.⁴⁰
22. If the situation is such that the claimant will be unable to earn a living or to access accommodation, or where medical care cannot be provided or is clearly inadequate, the area may not be a reasonable alternative. Many of the people who arrived in

³⁴ Human Rights Watch, *Somalia: Protect Displaced People at Risk. New Government Should Tackle Past Injustice, Abuses*, 27 March 2013, <http://www.hrw.org/news/2013/03/26/somalia-protect-displaced-people-risk>.

³⁵ Danish Immigration Service and Landinfo - Country of Origin Information Centre, *Security and protection in Mogadishu and South-Central Somalia*, May 2013, <http://www.refworld.org/docid/519c9c0b4.html>.

³⁶ Danish Immigration Service and Landinfo - Country of Origin Information Centre, *Security and protection in Mogadishu and South-Central Somalia*, May 2013, <http://www.refworld.org/docid/519c9c0b4.html>.

³⁷ Danish Immigration Service and Landinfo - Country of Origin Information Centre, *Security and protection in Mogadishu and South-Central Somalia*, May 2013, <http://www.refworld.org/docid/519c9c0b4.html>.

³⁸ UN Human Rights Council, *Report of the Independent Expert on the situation of human rights in Somalia*, 16 August 2013, A/HRC/24/40, <http://www.refworld.org/docid/522db1204.html>.

³⁹ Regional Mixed Migration Secretariat, "Summary of March 2013", March 2013, <http://reliefweb.int/sites/reliefweb.int/files/resources/RMMS%20Monthly%20Summary%20March%202013.pdf>.

⁴⁰ UN Human Rights Council, *Report of the Independent Expert on the situation of human rights in Somalia*, 16 August 2013, A/HRC/24/40, <http://www.refworld.org/docid/522db1204.html>.

Mogadishu since 2011 have lost their land and livelihoods in the drought and remain fearful of Al Shabaab which continues to control vast swathes of the Somali countryside. These people are not expected to return to their areas of origin outside Mogadishu in the near future. The resulting increase in numbers of IDPs, urban poor and persons from the diaspora has been putting pressure on accommodation and resources, such as land and potable water. Widespread unemployment and underemployment in Mogadishu⁴¹ limit the ability of a large number of people to meet their basic needs. The economic situation has also been aggravated by increasing inflation⁴² and hikes in prices of basic commodities and food staples. A number of returnees who have come to Mogadishu are reported to be returning to their country of asylum because they have not been able to find jobs in Mogadishu.⁴³

23. As regards housing conditions, most individuals are not able to afford the average cost of USD 20 – 50 per month for a one or two room accommodation in Mogadishu. Additionally, rent prices in Mogadishu are at an all time high, particularly due to the increased demand caused by returning members of the Somali diaspora. Consequently many of the locals are being forced to move to overcrowded camps for IDPs, because they cannot afford the prices quoted by landlords.⁴⁴ The minimum salary to absorb these costs, together with other normal living expenses, is around USD 150-200, which is out of reach for the vast majority of Somalis - IDPs and host community alike - with the exception of those employed in the very few jobs available with the international community. The majority of families in Mogadishu are dependent on possibilities of access to odd jobs to meet their basic food needs. Previous food security assessments have moreover highlighted the susceptibility of Mogadishu residents – IDP and host community – to malnutrition.⁴⁵
24. According to UNHCR Guidelines, “[t]he presence of internally displaced persons who are receiving international assistance in one part of the country is not in itself conclusive evidence that it is reasonable for the claimant to relocate there. For example, the standard and quality of life of the internally displaced are often insufficient to support a finding that living in the area would be a reasonable alternative to flight.”⁴⁶
25. There are presently between 336,000-360,000 IDPs in Mogadishu, the majority of whom arrived to the city in 2011.⁴⁷ Inadequate infrastructure-related services, including obstacles in access to sanitation, and potable water, pose additional health risks to many IDPs, who are also faced with the impact of overcrowding.⁴⁸ Many IDP families are unable to afford the cost of potable tankered water, used increasingly to supplement the shortfalls in the national pipeline. Regarding access to water and sanitation, only 30% and 29% of the Banadir region population are reported to have access to improved drinking water and improved sanitation, respectively.⁴⁹ Many

⁴¹ UNDP website, *Jobs for vulnerable groups in South Central Somalia*, <http://www.so.undp.org/index.php/Somalia-Stories/Jobs-for-vulnerable-groups-in-South-Central-Somalia.html> (accessed on 25 September 2013).

⁴² Hiiraan Online, *Somalia gripped by inflation, high prices*, 12 March 2013, http://www.hiiraan.com/news4/2013/Mar/28468/somalia_gripped_by_inflation_high_prices.aspx.

⁴³ Danish Immigration Service and Landinfo - Country of Origin Information Centre, *Security and protection in Mogadishu and South-Central Somalia*, May 2013, <http://www.refworld.org/docid/519c9c0b4.html>.

⁴⁴ AlJazeera, *For some Somalis, a new threat after war. The repatriation of Somalis is sowing discontent in Mogadishu, with claims of favouritism in public sector hiring*, 2 September 2013, <http://www.aljazeera.com/indepth/features/2013/09/201391132712462442.html>.

⁴⁵ Danish Refugee Council, *Mogadishu: Urban Food Security and Nutrition Assessment*, January 2012, <http://foodsecuritycluster.net/sites/default/files/Mogadishu%20Urban%20Food%20Security%20and%20Nutrition%20Assessment%20-%20final%20report.pdf>.

⁴⁶ UNHCR, *Internal Flight or Relocation Alternative Guidelines*, *op.cit.*, para. 31.

⁴⁷ See UNHCR Information Sharing Portal, at <http://data.unhcr.org/horn-of-africa/country.php?id=197>.

⁴⁸ Sabahi Online, *Mogadishu hospitals push on despite shortages, obstacles*, 9 November 2012, http://sabahionline.com/en_GB/articles/hoa/articles/features/2012/11/09/feature-01.

⁴⁹ WASH Cluster Somalia, *Guide to WASH Cluster Strategy and Standards Also known as Strategic Operational Framework (SOF)*

public schools in Mogadishu have been damaged for a long time due to the conflict and are either occupied by IDPs, armed militia or private business people who rent out the buildings.⁵⁰

26. At present, many IDPs residing on public or private land live with the threat of eviction. As of September 2013, thousands of people are reportedly being forcibly evicted from makeshift camps in Mogadishu as gatekeepers and other interest groups are said to press ahead with plans to illegally acquire land on which IDPs reside, including public land. The forced evictions have continued and are reported to have gathered pace in recent months, having led to loss of shelters for the IDPs, as well as having affected their access to means of livelihood and employment⁵¹ Furthermore, gatekeepers in settlements in Mogadishu are reported to have imposed restrictions on the entry and residence of IDPs in their settlements.⁵²

Conclusion

27. In light of the overall situation in **South Central Somalia (outside Mogadishu)**, UNHCR considers that, on the whole, an IFA or IRA would not be relevant or reasonable given, in particular, the existence of widespread violence and prevalent human rights violations, the physical risks and legal or physical barriers encountered in reaching other areas, as well as the serious difficulties faced in accessing basic services and ensuring economic survival in a situation of displacement.
28. With regard to **Mogadishu**, the personal circumstances of an individual need to be carefully assessed. UNHCR considers an IFA/IRA as reasonable only where the individual can expect to benefit from meaningful nuclear and/or extended family support and clan protection mechanisms in the area of prospective relocation. When assessing the reasonableness of an IFA/IRA in Mogadishu in an individual case, it should be kept in mind that the traditional extended family and community structures of Somali society no longer constitute as strong a protection and coping mechanism in Mogadishu as they did in the past. Additionally, whether the members of the traditional networks are able to genuinely offer support to the applicant in practice also needs to be evaluated, especially given the fragile and complex situation in Mogadishu at present.
29. For the following categories of Somalis, UNHCR would consider that an IFA/IRA will not be reasonably available in the absence of meaningful nuclear and/or extended family support and functioning clan protection: unaccompanied children or adolescents at risk of forced recruitment and other grave violations; young males at risk of being considered Al Shabaab sympathizers and therefore facing harassment from government security forces; elderly people; people with physical or mental disabilities; single women and female single heads of households with no male protection and especially originating from minority clans. In any other exceptional cases, in which the application of an IFA/IRA in Mogadishu is considered even in the absence of meaningful family or clan support to the individual, the person would need to have access to infrastructure and livelihood opportunities and to other meaningful protection and support mechanisms, taking into account the state institutions' limited ability to provide security and meaningful protection.

2012, <https://docs.unocha.org/sites/dms/Somalia/120807%20Guide%20to%20WASH%20Cluster%20Strategy%20and%20Standards.pdf> (pp. 4-5).

⁵⁰ UNOCHA, *Mogadishu Situational Analysis, October 2012*, [http://reliefweb.int/sites/reliefweb.int/files/resources/Benadir%20\(Mogadishu\)%20Situation%20Analysis_October%202012.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/Benadir%20(Mogadishu)%20Situation%20Analysis_October%202012.pdf).

⁵¹ Amnesty International, "Somalia: No place for the displaced – forcible eviction of displaced communities", September 2013, <http://www.amnesty.org/en/library/asset/AFR52/010/2013/en/998458d1-c6d4-44dc-879d-24b4c6889d1c/afr520102013en.pdf>

⁵² Refugees International, *Gatekeepers and Evictions: Somalia's Displaced Population at Risk*, November 2012, <http://www.refintl.org/policy/field-report/gatekeepers-and-evictions-somalia%E2%80%99s-displaced-population-risk>.

- 30. UNHCR is in the process of updating its overall eligibility guidelines on Somalia and may further update and adjust the position expressed in this document accordingly.**

UNHCR
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