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# Accessing land and shelter in Mogadishu: a city governed by an uneven mix of formal and informal practices

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Shelter provision in East African Cities: Understanding  
Transformative Politics for Inclusive Cities: City Briefing

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## About the project

This research project is a comparative analysis of systems of shelter provision in three East African cities: Nairobi, Hawassa and Mogadishu. It is funded by UKAid's East Africa Research Fund and is identifying policy-relevant, locally-driven solutions to improve shelter for low-income women, men and vulnerable groups. The programme is led by IIED in partnership with SDDirect, Tana, SDI-Kenya and Econvalue. More information can be found here: <https://www.iied.org/shelter-provision-east-african-cities-understanding-transformative-politics-for-inclusive-cities> or contact: Lucy Earle, [lucy.earle@iied.org](mailto:lucy.earle@iied.org)


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## Key findings

- Land in Mogadishu is increasingly scarce, and is being subdivided into ever smaller parcels to accommodate the growing population. This has led to a change in construction trends, from communal houses, to individual or nuclear family-based housing.
- Land matters are governed through a mix of formal, customary and Shari'a law.
- Private sector actors are key players in the housing and property market. The manner in which they collaborate with private owners and with community/clan leaders with regard to clan-owned land is leading to speculation and rising land prices.
- The role of the clan in the property market is diminishing with the growth of the private sector. However, for protection purposes, the clan is still important, especially for regular Mogadishu residents, many of whom are more comfortable in areas where their clan is dominant.

## Summary

In Mogadishu, access to and ownership of land is a significant driver of conflict. Contestation over this resource continues to affect how Mogadishu's residents acquire and own shelter and property, especially since establishing legal ownership and competing clan considerations complicate the situation. Disagreements over land and property are further fuelled by other factors such as parallel formal and informal governance and justice systems and high influxes of IDPs into the city, many of whom are from minority clans and marginalised ethnic groups, and who – politically – are considered to affect the clan configuration of the City. Mogadishu's poor and vulnerable residents are most at risk in terms of access to secure shelter. Many of them, most notably the IDPs, live on land with high tenure insecurity. Low-income groups and IDPs lack the networks, resources and ability to navigate the systems that facilitate access to land, shelter, finance and services. Entering into informal rental arrangements leaves them at risk of sudden and forced evictions.

## Introduction

### Land-fuelled conflict and post-conflict growth

The history of land-fuelled conflict as it occurs today in Somalia can arguably be traced back to the Siad Barre Regime that imposed a centralised governance system in the country and nationalised resources including land. This resulted in deadly competition between the clans for control of the Government and its resources, which was a key contributing factor to its collapse in 1991, and continues to have repercussions to date, evidenced by the zero-sum politics and power plays in Somalia. The clan structure is both a unifying and a divisive element in Somalia, and alliances between different clans remain fluid. Clan-based claims over ancestral lands remain contentious and will be a significant element in determining how the peace process evolves in the country. In Mogadishu, the co-opting of some clan leaders by certain unscrupulous private sector actors complicates matters leading to land disputes between private owners and clan groups.

The end of the transition period in 2012 and liberation of the city from al-Shabaab control have triggered reconstruction and development initiatives that have resulted in increased population growth of the city, buoyed by a relative increase in the security situation as well as economic opportunities driven by a revived private sector. Mogadishu's population is estimated to be growing at a rate of 6.9%.<sup>1</sup> A population estimation survey carried out in 2014 found that of all the regions of Somalia, Benadir Region (of which Mogadishu is the capital) had the highest number of people living in urban areas (24.6%), and the highest number of displaced persons (33.4%). The location with the second highest was Galgadud hosting just 10.8%.<sup>2</sup>

Although foreign direct investment is considered to lag significantly behind other countries in the region, efforts by local and returning diaspora Somalis is changing the economic scene in Mogadishu. According to an IMF review of Somalia's economic situation between 2012 and 2014 – the first such review in over 25 years – Somalia's real GDP grew by 3.7%,<sup>3</sup> and was projected to grow by 3.1%<sup>4</sup> in 2018. Although still much lower than other countries in the region, it does indicate some level of progress. Along with agriculture, the growth of the private sector in areas such as telecommunications, construction and money transfer services are credited with contributing to this growth.

Related to construction and real estate, land prices are estimated to have increased – perhaps as much as tenfold – since 2012.<sup>5</sup> Factors underpinning this rapid price increase include 1) confusion over ownership and entitlements creating a situation where speculation and an individual's ability to pay go a long way in determining who ends up gaining ownership of property, as well as lack of clarity about official rules governing land and property; 2) irregular acquisition of public land by private actors; 3) the influx of Internally Displaced Persons (IDPs); and 4) increasing numbers of returnees (including diaspora Somalis) seeking to reclaim their property. Finally, 5) the presence of foreigners, including from international development agencies, has contributed to this trend as they are able to pay higher prices for properties.

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<sup>1</sup> <https://www.un.org/africarenewal/magazine/april-2016/strife-revival-mogadishu-holds-hopes-and-dreams>

<sup>2</sup> Population Estimation Survey for the 18 pre-war Regions of Somalia, UNFPA, October 2014.

<sup>3</sup> <https://www.imf.org/en/News/Articles/2015/09/28/04/53/socar072915b>

<sup>4</sup> <https://www.imf.org/~media/Files/Publications/CR/2018/cr18212.ashx>

<sup>5</sup> Immediate Protection of Public Land & Property: Steps for Strengthening of the FGS Management of State Assets. Tony Willenberg, August, 2017. A report commissioned by the Financial Governance Committee (FGC) of Somalia's Ministry of Finance.

## Critical issues

### Land and property regulations and policy

Despite the fact that land is formally referred to in the **2012 Provisional Constitution** (Article 43, Chapter 3), it remains vague with regard to the critical issue of property dispute resolution. Additionally, the lack of a codified legal framework to adjudicate land and property claims, along with the multiplicity of alternative avenues of recourse, have complicated transfers, acquisition and ownership processes in Mogadishu. Actors can seek redress from a number of sources, some of which are contradictory:

- **Customary law** where clan elders and (to a certain extent) religious leaders hold sway, given that culture is intrinsically intertwined with Islam. The challenge is that Somali customary laws (Xeer) often circumvent women's inheritance rights giving greater credence to men's inheritance claims. Secondly, the customary law system favours majority clans, making it difficult for minority clans and ethnic groups to assert their rights.
- **Legal channels through formal courts**, although interviewees asserted that 'money talks', suggesting that these channels are weakened by corruption. Furthermore, the capacity of legal actors is curtailed not only by their complicity in the above corruption claims, but also by the lack of an updated legal framework and an inadequate understanding of the law (the most qualified practitioners either fled the country or were trained in the law of other countries, predominantly Sudan).
- **Sharia, where religious leaders (*Ulema*) adjudicate**. The challenge is that Sharia stipulates inheritance rights for women which are often in conflict with the patriarchal nature of customary law.<sup>6</sup> However, in the case of inheritance disputes, Sharia is, according to interviewees, still considered to be the most trustworthy mechanism for resolution.

The lack of a codified legal framework is further complicated by the fact that maintaining security remains a key challenge in Mogadishu. The Federal Government of Somalia (FGS) needs to consolidate its authority, and this means that security matters remain the key concern for the state, at the expense of many other important issues. Land remains a critical trigger for conflict, but issues of property are often sidelined despite the fact that for sustainable peace to take root, the issue of access and land ownership needs to be resolved.<sup>7</sup>

Private actors influencing land and property in Mogadishu include brokers/middlemen who are not registered with government institutions; gatekeepers (informal managers of IDP settlements); business people; clan elders; land and property owners; dealers and land surveyors; and diaspora.

### Land transfers and ownership

During the civil war, much of the privately-owned land in Mogadishu was abandoned and property titles lost. Since then, many owners who returned to claim their land frequently found it occupied by other people, or sometimes claimed by the government (federal as well as city level). While notaries and the BRA are responsible for keeping records on property and rental housing in the city, it is difficult to know exactly how much land is privately owned and by whom, as land transfers have been taking place outside of formal procedures for many years. A summary of the current situation with regards to access to and ownership of land and property is provided below.

<sup>6</sup> Under Shari'a inheritance law, male relatives are entitled to twice the value of inheritance due to female relatives. Women, overall, enjoy greater protections under Shari'a compared to customary law.

<sup>7</sup> Land issues remain one of the key areas still to be addressed in the constitutional review process as well as in federal and state legislation.

## Government-related entities concerned with the transfer and leasing of property

- *The Ministry of Finance (MoF)*. The MoF is currently primarily concerned with taxation of land and property. MoF is ideally meant to maintain a list of all transactions, but as dealings between private actors are not always conducted formally, the MoF is not always aware of all transactions.
- *Public notaries*. All notaries are licenced by the Ministry of Justice (MoJ). They play a key role in the land and property sector since purchases are only considered legal if documented by a public notary. They are also important players in the rental market as they verify ownership of properties covered by rental agreements.
- *Ministry of Public Works, Reconstruction and Housing (MoPWRH)*. MoPWRH was responsible for land and housing until the Benadir Regional Administration (BRA) took over the issue of land allocation in early 1980s. The Ministry is responsible for setting national housing and construction policies including building regulations and codes.
- *The Benadir Regional Administration (BRA)*. The BRA is responsible for implementing the above policies, and for issuing deeds on land and housing in the city. The BRA is also meant to oversee service provision, collect property taxes, and to settle property disputes (through the Regional Court).
- *The Judiciary*. The Benadir Regional Court is the arm of the judiciary that is formally mandated to deal with land and property issues. Corruption in the formal courts system is considered the main obstacle to resolving Mogadishu's land and property disputes.

**Land leasing.** The process is mainly informal as there is no law that currently regulates land leases. Anyone can buy land from legal owners or lease it from customary landlords of undocumented land on the city's outskirts. The leases cannot exceed nine years, and the process is documented by hired public notaries. In these instances, the BRA is responsible for issuing the related legal documentation. If the lease is longer than nine years, many people do not certify their lease agreements with notaries.

**Rental housing.** The rental market is largely informal, with very little oversight from the BRA or the FGS. Residents must provide an ID, a fee of \$10 to the BRA, a guarantor, and an upfront payment of between 1 to 3 months' rent. The property owners have to present a court or notary-certified deed. The notary (or middleman) is usually paid an equivalent of 1 month's rent, payable by the property owner. These rules vary by location and also by transaction. For mid-level to high-end properties, notaries are generally used, while for lower-income areas and informal arrangements, middlemen come into play (although notaries can be engaged in some cases).

According to Somali Civil Law, landlords can only evict tenants who violate a tenancy contract, or otherwise by mutual arrangement. However, this only applies if a formal agreement exists and has been registered with a notary. Even where a contract exists, application of the law is, according to interviewees, patchy at best. If no formal agreement exists, then the landlords can act as they see fit. Many residents do not document rental agreements with public notaries due to associated costs, which leaves both the landlord and tenant unprotected. However, landlords usually benefit from this arrangement as it allows flexibility to evict tenants and raise rents. This is one reason why tenure is so insecure, as tenants are liable to eviction with little to no notice.

**Purchasing land and property.** As with lease agreements, land and property purchases are open to everyone. Land can be purchased privately if both parties agree and the owner has an authentic title deed. The sale is effected with the participation of a notary (in many cases), a guarantor, and a witness.

Some people choose to undertake the sale informally, in which case they draft the sale documents themselves and effect the sale/purchase in the presence of witnesses. To further document the process, some people video record the transaction.<sup>8</sup>

From the 1960s until 1991, a land registry and cadastral records existed, and were held by the municipal authorities. These covered up to 70% of Mogadishu's land at the time; however, these records are now in the possession of a diaspora Somali living in Sweden who – through his office in Mogadishu – charges a percentage fee for the verification of deeds.

For customary land tenure-holders wishing to sell their land, the transfer is formalised through BRA, which also makes an assessment of the dimensions of the plot. In lieu of a fee, the tenure-holders usually allocate around 20% of the land for sale to middlemen (usually dealers and clan elders) as these actors bear the costs associated with the formalisation process. The middlemen also pay the landowners an initial one-time fee.

**Inheritance:** Formal courts usually certify deed documents to inherited land. An inheritance can be allocated either through a will (enacted in the presence of witnesses) or a legal representative. A will is considered formal when it is registered with a notary. Informal transfers are done by handing over property to family members in the presence of adult members of same family.

## Women and access to property/ housing

Female-headed households, single, widowed and divorced women face particular challenges in terms of property rights and access to housing. Due to Somalia's patriarchal societal structure, women are to a large extent dependent on men to acquire property, rental housing, or even temporary shelter. They have significantly fewer economic opportunities enabling them to afford housing by themselves, and also have less access to relevant personal connections necessary to acquire housing than men. With regard to inheritance, Shari'a law bestows women with inheritance rights, but these are usually curtailed when administered in customary law, which is prevalent in Mogadishu. The law of the land is anchored in Shari'a, but corruption and poor grasp of the law also disadvantages women caught up in inheritance disputes.

**Informal settlements.** There are no legal mechanisms regulating informal settlements or the rights of people residing in informal settlements. However, and especially in the case of squatters, city residents usually refer to 'adverse possession' where legal claimants lose their right to ownership if those residing on it have had uncontested use for an extended length of time (notably when the owner has been absent for 25 years or more). In Mogadishu, the common narrative is to claim that the legal owners were friends or accomplices of former dictator Siyad Barre, and were therefore allocated the land illegally in the first place. Another approach is for the current occupants to claim large sums to be paid for supposed maintenance, renovations and upkeep of such properties over the years, which can often be beyond the reach of the deed owner.<sup>9</sup> These arguments, however, do not usually apply to government-owned land and property.

<sup>8</sup> Many believe housing-related disputes are private matters and opt for traditional dispute resolution mechanisms where elders and the guarantors also get involved. The cost and length of time that such a dispute can take in formal courts is also a hindrance to using formal mechanisms, as is the perception of their greater liability for corruption.

<sup>9</sup> Land Matters in Mogadishu: Settlement, ownership and displacement in a contested city. Rift Valley Institute and Heritage Institute for Policy Studies, 2017.



## Urban poverty in Mogadishu

### Income levels and access to shelter

Taking into consideration the World Bank's definition of urban poverty<sup>10</sup>, a significant proportion of Mogadishu's residents can be termed to be poor. They lack access to services such as health, water and sanitation, encounter difficulties in securing appropriate shelter and sufficient livelihood options, and are primarily locked out of the mainstream financial sector. According to a World Bank study, 51% of Somalis have a daily per capita consumption expenditure below the international poverty line of US\$1.90 at 2011 PPP.<sup>11</sup> While some long-term or original residents of Mogadishu fall within this category of urban poor, and suffer similar deprivations as those experienced by other urban poor who are not original residents, it is IDPs<sup>12</sup> that most people associate with urban poverty in the city. A Somalia-wide poverty assessment carried out by the World Bank in 2016 found that IDPs do indeed suffer the highest levels of poverty, with seven out of ten considered to be poor.<sup>13</sup> Recurring shocks, both manmade and environmental, have eroded the resilience capacity of many households, with many falling below the poverty line as a result.

There is yet to be more comprehensive research on urban poverty in Mogadishu. As such it is not possible to state with certainty how many people in the city live within specific income categories. Opinions expressed during conversations with city residents, however, indicate that many consider a large proportion of the city's population to be living at the lower income level of between \$250 - \$450 per month. Those considered to be poor earn about \$200 per month or less.

A study by IOM that explored youth employment and migration in Baidoa, Kismayo and Mogadishu found that although the capital offers opportunities for higher income, the cost of living is also very high. For example, a skilled worker such as a teacher or an engineer earns around \$400 per month, while the estimated living expenses for someone with a much lower income, for example, an IDP, were estimated to be around \$250 if this person were to be relatively comfortable.<sup>14</sup> The study found that the average income of Mogadishu residents is around \$360 per month.

Keeping these estimates in mind, an assessment of shelter typology in Mogadishu gives an indication of accessibility. A corrugated iron sheet house for example costs an average of \$140 per month, without considering other costs such as water, energy sources and other living expenses. A quick assessment of apartment prices on real estate sites indicates that an apartment costs between \$350 and \$500 per month<sup>15</sup>, putting such housing well beyond the reach of the average Mogadishu resident.

An analysis of shelter typology in the city reveals four main types: i) *Buuls* or temporary shelters made out of mud, sticks and cloth, ii) corrugated iron sheet housing, iii) villas and iv) apartment buildings. The table below provides a snapshot of the kind of housing and who has access to what:

<sup>10</sup> According to the World Bank, urban poverty occurs when people living in urban areas experience multiple levels of deprivation both related to policy and to other more visible causes such as poor access to suitable housing, to credit facilities, to adequate household incomes, etc. They are also more exposed to a range of natural and man-made risks.

<sup>11</sup> Somalia poverty profile. UNICEF Somalia, June 2017.

<sup>12</sup> As of July 2018, the number was estimated to be 375, 900 IDPs living in Mogadishu. Humanitarian Response Plan – Revised: July-December 2018. The Humanitarian Country Team, July 2018.

Note that other estimates place IDPs numbers closer to 500,000.

<sup>13</sup> Ibid.

<sup>14</sup> Youth, Employment and Migration in Mogadishu, Kismayo and Baidoa. IOM, February 2016. <http://www.iom.int/sites/default/files/country/docs/IOMYouth-Employment-Migration-9Feb2016.pdf>

<sup>15</sup> <http://www.myproperty.so/>

Housing type	Category of resident	Location	Comments
Buul	Mainly inhabited by IDPs and other Mogadishu residents that are locked out of the regular housing market in the city. The average rent cost is about \$13 per month	Most buuls are located in the periphery of the City due to rising housing prices and the prohibitive cost of land in the city proper	Some IDPs who belong to one of the majority clans also reside (squat) in government-owned buildings. However, evicting them could cause political upheaval as it might be construed as a challenge to one of the clans.
Corrugated iron sheet	Usually inhabited by low income earners as well as lower middle-class residents. Despite their quality, the average cost reported is \$140 per month	Within the city as well as on the periphery where land is comparatively more available for new developments	Regardless of their low quality, the pricing of these houses places them beyond the reach of lower income earners in the city.
Apartment	Inhabited by middle-class and upper middle-class Somalis. Average cost is between \$350 and \$500 per month.	Many of these are built within the city	
Villa	Accessible to upper middle class and wealthy Mogadishu residents. Some villas are also rented out to foreign nationals and to local and international organisations	Older sections of the city, meaning that they are both in the city proper, as well as on the periphery where historically, there was greater space to build large dwellings.	Many of the older villas lie empty as their owners – many of them well-off Mogadishu residents fled the country. New villas are being constructed within the city by wealthy Somalis

### People affected by displacement and other vulnerable groups

Although the majority of IDPs fall within the category of poor in Mogadishu, one challenge with the label 'IDP' is that there is yet no commonly understood agreement of when one ceases to be an IDP especially in situations of protracted displacement. For those in Mogadishu who have been displaced for over 25 years, the question remains as to whether they can still be referred to as IDPs, and creates difficulty in agreeing who are long-term residents of the city and who are IDPs. In addition to IDPs, other categories of people that comprise the urban poor in the city are refugee returnees from neighbouring countries, and a small proportion of refugees from Ethiopia and Yemen. Among all these categories, female-headed households, single/widowed/divorced women, youth-headed households, and persons living with disability (PLWDs) are particularly vulnerable.

With regard to IDPs, apart from a few cases such as the BRA-administered IDP settlement in Kaxda District, established in 2014,<sup>16</sup> IDPs primarily reside on privately-owned land, with the majority having been evicted from government land and property. Through gatekeepers, IDPs gain access to small plots of land on which to build their shelters. These gatekeepers organise to rent land from private owners and negotiate the means of payment that apply to all who choose to reside on the property.<sup>17</sup> Lease terms

<sup>16</sup> In 2013, the Government embarked on a plan to relocate thousands of IDPs from central Mogadishu to the outskirts of the City in order to make way for reconstruction and development of the capital.

<sup>17</sup> See details in *Engaging the Gatekeepers – Using Informal Governance Resources in Mogadishu*, Bryld et al 2017

are insecure and with the above-mentioned growth of Mogadishu and rising land prices, evictions have become rampant.

The influx of IDPs is perceived to have generated demographic changes in some locations, with clan concentrations diminishing and the resulting population being more mixed than before the city's liberation from al-Shabaab in 2011. In some cases, the living conditions of IDPs and the urban poor are similar in terms of quality of housing and access to services. However, having an ID is usually a prerequisite for land and housing transactions, which presents a significant barrier of access to housing in the city for IDPs, refugees and returnees.

People living with disabilities is another group of residents that is especially disadvantaged in all areas of social and economic life in the city. In all housing categories assessed, consideration for the needs of people with physical disabilities is almost non-existent. Currently, there is no specific national legal or policy framework regarding persons with disabilities, although the Provisional Constitution does recognise and provide for the protection of their rights. Girls and women with a disability are especially challenged due to the patriarchal nature of the Somali society. Although some agencies offering support to IDPs do consider disability, due to their degree of marginalisation even within the settlements, they tend to be left out of the support offered. Some IDPs with disabilities have banded together in one settlement for security and mutual support.<sup>18</sup>

## Service provision

Until its collapse, the Siyad Barre Government was responsible for service provision in Mogadishu. Electricity outages and water shortages are considered to have been more common when controlled by the Barre Government as compared to now, where services are provided by the private sector, albeit at a higher cost. The service providers are responsible for furnishing the associated materials such as water pipes or taps, and lines and meters for electricity supply. Where they exist, water and electricity service providers use old government installations for their supply, but many of these are poorly-maintained and require new installations (with pressures on service delivery heightened by the city's growing population).

**Water:** Private companies providing water estimate that their market for piped water is 50% to corrugated iron sheet houses, 40% to villas and 10% to multi-storey concrete buildings.<sup>19</sup> Water tankers also procure water to transport it to the IDPs settlements. These ratios suggest the majority of the population live in lower income shelter types. They also illustrate the paucity of services to IDP settlements. There are an estimated 600 water wells in Mogadishu, comprised of hand dug wells and boreholes. There are no standards and regulatory bodies to check on water quality or related matters like water storage. Additionally, there are no regulations relating to the laying of water pipes, and how to engage with landlords, and this is further problematised by the illegal occupation of public spaces. Extending piped water supply to the outskirts of the city is therefore especially difficult.

**Electricity:** Electricity is provided by a few private service providers, with BECO being by far the largest and with close to a monopoly. In some informal settlements, there is also access to solar powered electricity: many informal settlement households use solar lamps<sup>20</sup> for lighting at night. There is no evidence of difference in prices across types of houses and poverty indicators.

**Garbage collection:** The urban poor usually organise garbage disposal on their own, by pooling resources. The BRA used to provide the service periodically, but this halted altogether around 2014/2015. Residents indicated a cost of about \$5 per month for garbage collection.

<sup>18</sup> Special Group IDP Settlement. *Informal Settlement Manager Training Report. Tana Copenhagen, May 2016.*

<sup>19</sup> This perhaps is a proxy indicator of the housing typology in the city, although it does not take into account villas that remain vacant in some sections of the city.

<sup>20</sup> Many of these are provided by aid agencies.

Planning permission and building inspection is not enforced, which has resulted in some of the above-mentioned access concerns especially in relation to water (inability to lay new water pipes and extend water connectivity) and sanitation facilities. Furthermore, poor drainage often results in flooding, and open sewerage regularly contaminates water sources, causing disease outbreaks especially in the rainy seasons. Additionally, the quality of construction of many of these buildings is a safety concern, with building collapses having caused deaths in the city.

## Access to finance

People have greater trust in real estate than in other investment avenues, and prefer it to using banks, especially since after over 20 years, formal banking is only just returning to Mogadishu.

**Access to finance and loan requirements:** banks and a few real estate developers provide housing finance. However, only 15% of the population has accounts with formal banks<sup>21</sup>, and the more vulnerable populations in Mogadishu do not have access to formal housing finance. This is because the borrower is required to raise 20-30% of the value of a property as a down payment. The banks retain the documents until full repayment is completed; otherwise, the property is repossessed and sold off. Banks do not charge interest, but take a commission on the amount borrowed, with each bank having a different rate. The borrower is required to show identification (ID or Passport), proof of a regular income, availability of collateral (in case of non-property loans), and to have a guarantor who can vouch for the individual and is of good standing. The majority of bank loans are payable in a maximum of 36 months.

These requirements put financing beyond the reach of the majority of Mogadishu's residents, especially for the poor because i) they cannot raise the 20-30%, and ii) many lack identity documents. Additionally, the guarantor needs to have a good financial standing in order to be acceptable to the banks. Access to such a person is particularly difficult for the poor and for IDPs.

Various studies indicate that the microfinance sector is growing. Microfinance institutions offer loans to their members which they can then use to access affordable housing. Like banks, these institutions also charge a commission, ranging between 10-20% of the amount borrowed, and their loans are usually payable within six months.<sup>22</sup> Family members are also a source of finance for many, especially with the existing vibrant remittance system.

There are no regulations yet around borrowing and lending, and each bank sets its own guidelines. Some banks such as Premier Bank do not lend for land purchases, in order to discourage people from using their land as an asset rather than keeping savings in the bank.

## Feedback from stakeholder workshop

In December 2018, the findings in this paper were presented to a number of stakeholders in the housing and property sector in Mogadishu, with participants drawn primarily from government institutions, notably the MoPWRH and the BRA. Academia and NGOs – both local and international – were also represented. The group raised a number of issues they considered critical to the land and property sector in Mogadishu:

- The need for a housing policy. The MoPWRH indicated that this was already in progress, and a first draft of the policy was almost complete.
- IDPs residing in the city remains a critical issue in the discussion of housing and property. The debate on whether IDPs will return to their places of origin or remain in the city should be handled

<sup>21</sup> 2018 Yearbook, Housing Finance in Africa: A review of Africa's housing finance markets, October 2018, Centre for Affordable Housing Finance in Africa.

<sup>22</sup> Centre for Affordable Housing Finance in Africa. <http://housingfinanceafrica.org/countries/somalia/>

with care, ensuring that the needs and rights of IDPs are considered in all discussions. There is a need to unify the efforts of government and non-state actors engaged in the housing and property sector. It was recommended that the Ministry of Humanitarian Affairs and the BRA should take a lead on this when dealing with IDPs.

- Given the overlapping roles and responsibilities of some government institutions, for example, between the MoPWHR and the BRA, and between the FGS and the BRA, there is a need for public debate on how to streamline their functions, as well as what rules and regulations should apply. This was suggested in the spirit of building consensus between the various institutions as well as with the public and relevant non-state actors.
- The ongoing Constitutional review process will take some time to be completed. However, there are already rules and regulations that can be reviewed and reinstated faster than the constitutional process, and that could assist the Government in dealing with the extant housing and property issues in the city. In addition, there is a need for regulations to govern immovable assets that will clarify issues around their management and disposal, as well as establish an updated cadastre of Mogadishu to enable a complete land registration process.

## Next steps

The next phase of the research will concentrate on three targeted settlements in Mogadishu focusing on 60 respondents from poor and vulnerable groups, focus groups discussions and social mapping. In this phase, the team will focus on the research questions specifically related to access to shelter for the most marginalised. Special attention will be given to issues pertaining to gender, youth and disability alongside an examination of the importance of networks and lineage.

How youth access shelter in Mogadishu is not well understood and considering that the size of the population aged under 25 makes up over 60% of the Somali population, this is an element that warrants further exploration.<sup>23</sup> The next phase of the research will seek to gain some insights into the specific challenges of youth in the shelter and property sector, and how they navigate these challenges.

Data from the research so far provides an indication of some of the challenges that women - especially single and female-headed households – encounter in the housing and property sector. However, the findings reveal some gaps that need further exploration, including women's priorities with regard to housing and service provision and how they finance their housing needs.

Where possible, the research will also explore how culture and norms influence issues of access and use of land and shelter, and any future policy implications, especially in light of the proposed revisions to the rules and regulations governing land and property.

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<sup>23</sup> Youth as Agents of Peace, Somalia. World Bank. April, 2018.

This report presents key findings on the overall systems governing access to shelter and land in Mogadishu. It explains the roles of key actors and how they operate in a context where formal, religious and customary laws operate side by side. It is based on desk research of available secondary data and more than 60 interviews with key policymakers, private sector operators, real estate agents, NGOs and academics in Mogadishu and Nairobi. The findings were validated in a December 2018 workshop with key informants from the same target groups.



## Project Materials

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### Urban

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*Keywords:*

Somalia, housing, IDPs, land disputes, urban poverty, informal settlements



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