

GUIDANCE NOTE

Integrating Housing, Land and Property Issues into Key Humanitarian, Transitional and Development Planning Processes



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Cover photo: Women farming their land upon return from protracted displacement in Antioquia Province, Colombia. © IOM Colombia 2014.

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Scope and purpose

Housing, land and property (HLP) issues arise in most crisis situations, in conflict, as well as natural disasters. This is especially the case when a crisis is accompanied by significant displacement or when it occurs in a context with long-standing HLP grievances or challenges. At all times, including at all stages of crisis, affected people should be able to have a home free from the fear of forced eviction; as well as a place that offers shelter and safety and the ability to secure a livelihood. Responses to those issues invariably involve multiple sectors and actors, including those working in the humanitarian, transitional and development fields. Despite the increasing awareness about the importance of analysing and addressing HLP issues, too often the response is hampered by a failure to include HLP issues in planning processes and a lack of financial resources.

It is with this in mind that the [HLP Area of Responsibility](#) of the [Global Protection Cluster](#) and the Rule of Law Thematic Group within the Solutions Alliance¹ decided to develop this Guidance Note in 2016. Its main objective is to identify possible entry points for integrating HLP issues into key planning processes across the humanitarian, transitional and development phases and thereby facilitate due consideration of HLP issues in responses.

Following a brief discussion of the importance of and challenges with considering HLP issues, the Guidance Note zooms in on how to integrate these issues into the assessments and analysis preceding or during any response. Subsequently, five HLP themes are looked at: (a) HLP rights in emergency contexts; (b) HLP in peace processes, peacekeeping and peacebuilding; (c) HLP rights in rule of law and development programming and durable solutions; (d) access to HLP rights for vulnerable groups; and (e) HLP in disaster risk reduction and climate change. Each theme presents a brief overview of relevant planning processes and possible entry points for HLP. This is followed by suggestions on the type of activities that could be undertaken, which may be stand-alone HLP activities or part of other types of programming. The five themes resulted from a reflective exercise on the most commonly encountered challenges by HLP practitioners working in a variety of contexts. While this approach allows a more focused discussion of the relevant planning processes and possible programmatic responses under each theme, there may obviously be significant overlap between them. In the final section, the Guidance Note outlines how HLP issues can be integrated into existing funding mechanisms. Since most planning processes discussed in this Guidance Note include a funding mechanism, this section only focuses on key stand-alone funding schemes.

The intended audience of this Guidance Note are any actors involved in responses to crises – particularly UN agencies, international and national non-governmental organizations (NGOs) and civil society actors, national governments and authorities and donors engaging in crises' response planning and funding processes. Those involved in the various planning processes may find the HLP programming suggestions especially interesting as they outline potential responses to HLP challenges, even from as early as the onset of an emergency. HLP practitioners, on the other hand, are likely already familiar with HLP programming and may find the sections on planning processes more pertinent to their ongoing work. Overall, the Guidance Note emphasizes the importance of including necessary HLP activities from the initial stages of any response and then throughout.

It is important to note that most planning processes and tools are adapted to specific contexts, as well as regularly reviewed and amended to guarantee and increase their effectiveness for the relative context. Some planning processes are fairly new, and detailed overall guidance may not yet be available. While the Guidance Note provides an up-to-date basic overview of selected key planning processes, as well as links to further information, readers are recommended to verify the current state of affairs for the relevant response before engaging in a planning process.

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¹ The Solutions Alliance was dissolved in 2017.

Section 1

The importance of engaging HLP issues

HLP rights are a collective bundle of human rights laws, standards and principles that are applicable at any time, including during conflict, natural disasters and development efforts (see Box 1). Addressing HLP issues is crucial to realize goals of peace and social and economic development. During an emergency, allocation of shelter and/or land often facilitates access to humanitarian assistance (e.g. water, food security and livelihoods). HLP issues may trigger, worsen or result from conflict, and a failure to address such issues will likely undermine peace efforts. Indeed, HLP rights violations not only negatively impact on the potential for sustainable peace, but also affect the nature and length of protracted violence.

Achieving sustainable development therefore requires the promotion and protection of HLP rights of all segments of a society, including displaced communities and minorities that may necessitate building the HLP governance capacity of governments. Addressing HLP issues is also a key component in preparedness, prevention and response to natural disasters.

Addressing the diverse array of HLP issues is not only an important but also often a complex endeavour. Solutions frequently require technical approaches and significant monetary resources. In certain contexts, HLP issues may be politically sensitive and responses contingent upon political will. However, experience has demonstrated that actors in all sectors (humanitarian, transitional and development) can meaningfully engage HLP issues in more ways than often expected. Section 3 offers several planning process entry points and programming suggestions in this regard.

Adequate responses to HLP issues cut across humanitarian, transitional and development phases, sometimes referred to as the humanitarian–development nexus. While humanitarian and development actors have improved collaboration over recent years, progress that is further encouraged by the New Way of Working, ensuring complementary action on HLP by humanitarian and development actors remains a challenge. This challenge is not unique to HLP but confronts other fields as well, especially in protracted crises that may require concurrent action. Humanitarian actors often work with short-term programming and funding cycles, while development actors undertake multi-year projects. Besides these practical challenges, there are other obstacles to bridging the humanitarian–development nexus. While addressing this issue is beyond the scope of this Guidance Note, highlighting it may raise awareness on the opportunity that HLP provides to bring together humanitarian and development responses and the importance of continuing to find innovative ways for the range of actors to address HLP issues in an ongoing, complementary and sustainable manner.

Box 1: The concept of HLP

HLP rights are about having a home, free from the fear of forced eviction and a place that offers shelter, safety and the ability to secure a livelihood. The concept of HLP includes the full spectrum of rights to HLP held according to statutory or customary law or informally – both public and private housing, land and/or property assets. Land rights are rights held to both land and natural resources. HLP rights are not just related to ownership but also include rights held by owners, tenants, cooperative dwellers, customary land tenure owners and users and informal sector dwellers without secure tenure. HLP rights are referenced and defined in several international human rights instruments that include universally recognized human rights, particularly the right to adequate housing. Organizations providing protection and assistance to persons affected by disasters and conflict should respect the human rights – including HLP rights – of affected persons at all times, and advocate for their promotion and protection to the fullest extent.²

Box 2: Key documents

African Union

2003 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). Available from https://au.int/sites/default/files/treaties/7796-treaty-0039_-_kampala_convention_african_union_convention_for_the_protection_and_assistance_of_internally_displaced_persons_in_africa_e.pdf

Brookings Institution

2010 *IASC Framework for Durable Solutions for Internally Displaced Persons*. Brookings Institution – University of Bern Project on Internal Displacement, Washington, D.C. Available from www.brookings.edu/wp-content/uploads/2016/06/04_durable_solutions.pdf

Food and Agriculture Organization of the United Nations (FAO)

2012 *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*. FAO, Rome. Available from www.fao.org/docrep/016/i2801e/i2801e.pdf

International Conference on the Great Lakes Region

2006 Protocol on the Property Rights of Returning Persons. 30 November. Available from www.globalprotectioncluster.org/_assets/files/tools_and_guidance/Internal%20Displacement/protocol-on-the-property-rights-of-returning-persons.en.pdf

OHCHR

1966 International Covenant on Economic, Social and Cultural Rights. Available from www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx

2 Norwegian Refugee Council (NRC) and International Federation of Red Cross and Red Crescent Societies (IFRC), *The Importance of Addressing Housing, Land and Property (HLP): Challenges in Humanitarian Response* (2016). Available from www.globalprotectioncluster.org/_assets/files/tools_and_guidance/housing_land_property/ifrc-nrc-hlp-report-2016.pdf

United Nations

- 1951 Convention and Protocol Relating to the Status of Refugees. Office of the United Nations High Commissioner for Refugees (UNHCR), Geneva. Available from www.unhcr.org/3b66c2aa10
- 1998 *Guiding Principles on Internal Displacement*. United Nations Office for the Coordination of Humanitarian Affairs (OCHA), New York and Geneva. Available from www.unocha.org/sites/dms/Documents/GuidingPrinciplesDispl.pdf
- 2005 United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons (Pinheiro Principles). Centre on Housing Rights and Evictions, Geneva. Available from <https://2001-2009.state.gov/documents/organization/99774.pdf>
- 2015 Sustainable Development Goals. Available from www.un.org/sustainabledevelopment/sustainable-development-goals/

Section 2

The need to include HLP issues in assessment and analysis

Assessment and data analysis are essential to understand relevant contexts and the role of HLP, as well as establish the planning, funding and monitoring priorities for crisis and post-crisis responses accordingly. Having HLP issues identified by assessments significantly increases the likelihood that HLP challenges are considered as priorities for action and funding, in the humanitarian response and the subsequent transitional and development phases. As such, it is vital to both the understanding and formulation of effective responses and generate essential data for the following: (a) effective resolution of both immediate HLP-related needs (e.g. shelter provision and security of tenure); and (b) longer-term stabilizing solutions (e.g. return, restitution, addressing pre-existing problematic tenure situations and so on). HLP-related questions should be included in the various (cross-sector) emergency, post-crisis and development-oriented assessments. Such general assessments are ideally complemented by dedicated HLP assessments.

(A) INCLUDE HLP-RELATED QUESTIONS IN GENERAL ASSESSMENTS

HUMANITARIAN ASSESSMENTS

Gathering data on HLP issues from the onset of a crisis enables the prevention of further challenges and the development of appropriate and short- and long-term responses. HLP-related questions in humanitarian assessments assert the immediate shelter needs of the displaced population, highlight the effects on any host or non-displaced populations, identify vulnerabilities (including those related to gender, age, disabilities and minorities) and, if the time and resources permit, the HLP status or situation of the displaced population prior to displacement (such as ownership and tenancy rights) to identify possible HLP obstacles for durable solutions. An example of a humanitarian assessment is the [UN Cluster System's Multi Sector/Cluster Initial Rapid Assessment \(MIRA\)](#),³ which is a precursor to cluster/sectoral needs assessments. Local and national authorities, civil society and affected communities are encouraged to participate in such assessments, the output of which is often part of the [humanitarian needs overview \(HNO\)](#), which is then used as the basis for the overall humanitarian response plan (HRP). **Priorities set out in [Humanitarian Response Plans](#) in turn determine funding priorities for the [Country-based Pooled Funds](#) and other key humanitarian funding mechanisms** (see Section 4 for more details). Organizations may also organize, as necessary, general inter-agency rapid needs assessments, which are then followed up, usually at organization, cluster or inter-cluster level, by more in-depth assessments. The United Nations High Commissioner for Refugees (UNHCR) leads and coordinates the [Needs Assessment for Refugee Emergencies \(NARE\)](#). Some actors may also undertake their own assessments, such as the [Displacement Tracking Matrix](#) by the International Organization for Migration (IOM).

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3 Inter-Agency Standing Committee (IASC), Multi-Sector Initial Rapid Assessment Guidance, Revision 2015 (2015). Available from www.humanitarianresponse.info/en/programme-cycle/space/document/multi-sector-initial-rapid-assessment-guidance-revision-july-2015

EARLY RECOVERY ASSESSMENTS

An example is the [Post-Disaster Needs Assessment](#), which is a government-led exercise that estimates post-disaster damage and losses across all sectors of the economy, as well as the recovery, relief, reconstruction and risk management needs. In countries emerging from conflict, needs and activities to address these needs are identified and prioritized through a [Recovery and Peacebuilding Assessment](#). Organizations such as UNHCR, United Nations Human Settlements Programme (UN-Habitat) and IOM may also undertake return intention surveys among refugees and internally displaced persons (IDPs) that provide an opportunity to assess the HLP obstacles to return. The [Joint IDP Profiling Service](#) helps governments, humanitarian bodies and development groups acquire, maintain and update accurate data on IDPs, including on their HLP challenges.

DEVELOPMENT-ORIENTED ASSESSMENTS

This consists of analytical and planning tools such as Common Country Assessments in relation to [UN Development Assistance Framework](#) (UNDAF) processes (see Section 3, Theme 3) and World Bank's Country Policy and Institutional Assessments, which measures the extent to which a country's policy and institutional framework supports the effective use of development assistance. Other examples are the poverty assessments, rule of law assessment tools and justice perception studies used by the United Nations Development Programme (UNDP) and donor agencies such as USAID.

(B) DESIGN AND CONDUCT DEDICATED HLP ASSESSMENTS

The focus of an HLP assessment depends on the phase and context (conflict, natural disaster) in which it is conducted. During the emergency phase, HLP assessments usually focus on the immediate shelter and protection needs of affected people and the potential risks they face, including their access to different shelter types, security of tenure, including risk of forced eviction. Assessments at this stage may also be able to get an overview of the level of damaged/destroyed HLP and any (secondary) occupation trends. In addition, it is also important to identify particular challenges and issues faced by different people, including those that may be more vulnerable to lack of HLP rights in the context. During the transitional phase, HLP assessments could focus on a country's governance capacity, including dispute resolution and legal remedies, as well as access to these justice mechanisms for all affected people. HLP-related obstacles for return of displaced populations should be assessed to support the creation of conditions for sustainable reintegration and prevent further or secondary displacement. During the development phase, assessments may aim to inform the development of HLP restitution/compensation processes, the regularization of settlements and so on.

EXAMPLES OF HLP ASSESSMENT TOOLS:

- [Forced Evictions Assessment Questionnaire](#) (OHCHR, 2011)
- [Questionnaire on women and adequate housing](#) (OHCHR, 2004)
- [Housing, Land and Property: Situation Assessment and Action Tool](#) (Global Protection Cluster)
- [Rapid tenure assessment: Guidelines for post-disaster response planning](#) (IFRC, 2015)

- [The Land Governance Assessment Framework](#) (World Bank, 2012)
- [A Preliminary Assessment of Housing, Land and Property Right Issues Caused by the Current Displacement Crisis in Iraq – Annex 1: Questionnaire](#) (pp. 42–46) (IOM, 2015)
- [Housing, Land and Property Issues and the Response to Displacement in Libya – Annex C: Methodological tools for assessing and planning responses to housing, land and property issues related to displacement](#) (pp. 116–128) (UNHCR, 2013)

Methodology: Each HLP assessment will have different dimensions that require specific approaches. HLP assessments are commonly best achieved through the combination of qualitative (focus group discussions, stakeholder consultations and key informant interviews) and quantitative (individual, household and community surveys) data collection. It should be noted that it will be very challenging to undertake a comprehensive HLP assessment without gathering information on the **HLP regulatory frameworks and institutions** in a country, as well as the possible **historical HLP-related challenges**.

Funding: Available resources for dedicated HLP assessments will greatly depend on the context/phase. There are various European Union funding mechanisms, USAID, World Bank, regional development banks and bilateral donors that could be approached. In most cases, assessments are funded as part of a larger HLP-related project or through an organization's core funding. Further information on relevant funding is provided in section 4, HLP-relevant funding mechanisms.

Section 3

Integrating HLP into humanitarian, transitional and development planning processes: Five key themes

Theme 1 – HLP rights in emergency contexts

Understanding and addressing HLP issues is critical to protect, support and strengthen the security and resilience of those affected by crises. Delays in accessing land and housing during crises puts people in life- and health-threatening situations, undermines their dignity and can expose them to a range of serious protection risks, including sexual and gender-based violence. Access to land is also often a prerequisite for the delivery of food security, livelihoods and water, sanitation and hygiene assistance. Inadequate land use and weak protection of HLP rights exacerbate the negative impacts of crises, especially on the most vulnerable groups of the population. **If HLP issues are not addressed from the outset of a crisis, they can undermine the entire humanitarian, transitional and development response and exclude the most vulnerable.**⁴

RELEVANT PLANNING PROCESSES AND ENTRY POINTS

UN CLUSTER SYSTEM

Clusters are groups of humanitarian organizations, both UN and non-UN, in each of the main sectors of humanitarian action (e.g. education, food security, health and protection). They are designated by the [Inter-Agency Standing Committee \(IASC\)](#) and have clear responsibilities for coordination. Clusters exist at a [global level](#) and are created at a national and, if relevant, sub-national level when clear humanitarian needs exist within a sector, when there are numerous actors within sectors and when national authorities need coordination support. At a national level, the various clusters are coordinated by the [Inter-Cluster Coordination Team \(ICCT\)](#), which is in turn guided by the Humanitarian Country Team (HCT) led by the Humanitarian Coordinator. Ensuring that HLP is adequately considered during the humanitarian response is often achieved by setting up an HLP sub-cluster or inter-cluster HLP Working Group (e.g. the HLP sub-cluster in Iraq, HLP Task Force in Afghanistan). If this is not possible, the HCT and ICCT should clarify which cluster will serve as the focal point on HLP issues (e.g. the protection, early recovery or shelter cluster).

Humanitarian response plans (HRPs): The HNO (see Section 2) informs the drafting of an HRP. Even if HLP issues were not assessed and identified during the HNO, they may still be included in the HRP. HRPs generally consist of two components: (a) Country Strategy; and (b) Cluster Plans.

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 4 NRC and IFRC, *The Importance of Addressing Housing, Land and Property (HLP): Challenges in Humanitarian Response* (2016). Available from www.globalprotectioncluster.org/_assets/files/tools_and_guidance/housing_land_property/ifrc-nrc-hlp-report-2016.pdf

Country strategies set the strategic objectives for a response and explain how the humanitarian community intends to achieve those objectives. The Humanitarian Coordinator and HCT formulate the country strategy, relying on a broad consultation (often by organizing a strategic response plan workshop). Generally, three to five strategic objectives are formulated (there will not be one indicator per cluster), and each will contain indicators (outcomes). HLP should be included in the description of such strategic objectives or outcomes (e.g. protection against forced eviction or access to dispute resolution services) in accordance with the gravity of the challenges.

Cluster plans consists of sector objectives, activities and accompanying projects that detail the implementation and costing of the country strategy. An inter-cluster meeting will be held to clarify how clusters will jointly respond to the strategic objectives. Each cluster will then develop a plan with cluster objectives and activities to be carried out. Organizations may submit project proposals via the Online Project System, which are subsequently reviewed and selected by a peer review panel. Addressing HLP challenges may be relevant for more than one cluster (see Box 3).

Capacity-building: The ICCT or specific clusters often conduct capacity-building activities for humanitarian actors. Organizations could use such efforts to capacitate relevant actors, such as government officials and national humanitarian actors from all clusters, with basic skills to identify and respond to HLP challenges and raise awareness on international HLP-related laws and standards.

Box 3: HLP issues cut across all clusters in an emergency response

Food Security programming requires an understanding of local food supply capacities and ways to reinforce them, as well as beneficiaries' relation and access to their property and land. This can be for agricultural, commercial or other purposes for attaining food security. In the context of **Livelihoods/Early Recovery** programming, a key to enabling livelihood opportunities is support to secure access to HLP such as agricultural land. For **Water, Sanitation and Hygiene (WASH), Education** and **Health** programming, land is required to provide temporary or permanent infrastructure, which in turn calls for clear criteria for site selection to avoid forced evictions, delays to construction work or occupying privately owned land without prior consent of the owner. For actors involved in **Camp Coordination and Camp Management (CCCM)** it is also important to understand tenure arrangements in the context of site selection, any necessary building permissions and how to facilitate access to water and agricultural land.

HLP issues are often most visible in Shelter/Non-food Item (NFI) and Protection programming: **Shelter** actors aim to protect and uphold HLP rights through the provision of shelter assistance and NFIs. In doing so, they must carefully consider the rights of landlords, landowners and host community members in order to ensure security of tenure, prevent (forced) evictions and disputes. Ensuring a clear understanding of the extent of shelter support and respective rights and responsibilities of owners, beneficiaries and other stakeholders, as well as including these people as part of any response process, greatly contributes to the effectiveness and sustainability of shelter responses. **Protection** actors also work to safeguard the HLP rights of crisis-affected populations. Weak or no security of tenure engenders serious protection risks and human right abuses, such as gender-based violence and forced evictions. Loss or destruction of (HLP) documentation may hinder the restoration of HLP rights. Monitoring and documenting HLP rights violations, including forced eviction, forced relocation and unlawful occupation, enables the development of appropriate responses and the provision of HLP remedies in due course. Understanding the risks faced by all affected people, including those that may be more vulnerable, is essential to being able to design appropriate responses and ensuring access to HLP rights for all those in need and at all stages of displacement or a response.

REFUGEE RESPONSE PLANS

A [Refugee Response Plan](#) (RRP) is an UNHCR-led planning and coordination tool for large-scale or complex refugee situations. Based on the NARE results (see Section 2), it describes the needs of refugees, host communities and other persons of concern and presents the inter-agency response strategy (including corresponding financial requirements). It only focuses on the asylum country and when refugees flee to more than one country of asylum where a Regional RRP is prepared. The UNHCR Refugee Coordinator leads and coordinates the preparation of an RRP, which takes place in two stages: (a) initial RRP, which is developed within two weeks to guide urgent interventions for a period of three to six months; and (b) consolidated operational RRP, which sets out a detailed strategy and implementation plan, usually for a period of 12 months, and considers a response's transition out of the emergency phase. The process of preparing an RRP usually consists of five steps.

ENTRY POINTS

Steps 1 and 2: Setting up coordination structures and identifying priorities: The Refugee Coordinator convenes a Core Strategy Group that consists of a maximum of six to eight senior representatives of agencies involved in the response. They set up a Refugee Protection Working Group, as well as Sector Working Groups (SWG). These structures jointly analyse the situation and review protection and solution priorities. In the case of an initial RRP, it is important that HLP is recognized as an important cross-cutting issue (or alternatively a sub-category of the SWG on protection or shelter) so that immediate and future HLP-related challenges (e.g. forced evictions, conflict over land with host communities) can be prevented. The appointment of an (informal) HLP focal person may be required.

Step 3: Developing sector-level strategies: Every RRP includes country-level Planned Responses with concrete outputs and indicators per sector. Depending on how (if) the responsibility for HLP is organized (usually as part of the SWG on protection or shelter) and the volume and complexity of HLP challenges, relevant actions should be noted (e.g. eviction monitoring system set up, access to dispute resolution mechanisms and request for agricultural land allocation).

Refugee registration: While not part of an RRP, UNHCR often supports host governments with the registration of refugees and asylum seekers. In the first or subsequent round of registration, when appropriate, refugees can be asked about their HLP situation (owners, tenants and so on) in their country of origin and whether they own any or managed to bring with them any HLP-related documentation. These could be scanned into the registration system for safekeeping and analysis of possible HLP-related obstacles in the context of return.

SUGGESTIONS FOR HLP PROGRAMMING

- Conduct due diligence by assessing the tenure/ownership arrangements of housing or land prior to the provision of shelter or WASH assistance to avoid violating the rights of land- and homeowners and ensure security of tenure. This is relevant for both shelter assistance in camps/settlements and collective shelters and repairs/rehabilitation. Recognize informal tenure arrangements (that are “secure enough”) in addition to formal ownership. Crisis-affected communities may have lost HLP-related documentation.
- Consult and agree with local authorities/stakeholders on the use of land for the provision of WASH, health, education and other basic facilities to avoid undermining longer-term urban development planning efforts. Ideally, assistance takes an area or neighbourhood approach to benefit local communities as well.

- Provide advice and support to use existing or develop standard form of lease agreement or similar agreement with minimum obligations between landlords and tenants that can also be used as part of relevant aspects of shelter response.
- Raise awareness on HLP rights among crisis-affected populations, including the services available to support claiming such rights (e.g. legal assistance, dispute resolution and shelter assistance) and local rules and regulations on HLP matters (e.g. rental/lease agreements). Consult with all groups within affected populations to identify most effective and appropriate methods of awareness-raising.
- Sensitize relevant authorities on their responsibility to protect abandoned HLP against destruction and unlawful occupation. If necessary, advocate for a moratorium or restrictions on transfers of property to avoid fraudulent sales.
- Work with displaced communities to underline the importance of safekeeping HLP-related documents. Encourage efforts to record such documents to facilitate future restitution/compensation processes. In situations where there is limited to no HLP documentation prior to the crisis, undertake efforts to ensure that (customary) HLP rights are documented and respected.
- Map relevant national and international laws, regulations and principles in relation to HLP in specific context.
- Assess national capacity to protect HLP rights that existed prior to the emergency and current capacity gaps. Identify priorities for legal and/or social reform, policymaking and institutional capacity-building that relevant actors should consider addressing as soon as possible.
- Document violations of HLP rights, such as destruction of HLP, forced evictions and relocations and unlawful occupations.
- Support secure access to HLP needed to sustain livelihoods, such as agricultural land and housing that often also function as stores or workshops. This may require requests for land allocation by authorities, consultations with surrounding communities or agreements with landowners and homeowners.
- Support or strengthen appropriate justice and dispute resolution mechanisms to address HLP-related disputes. In case such mechanisms do not exist, consider the creation of local committees or similar context-appropriate methods.
- Raise awareness among displaced communities on environment-friendly practices to avoid deforestation and tensions with surrounding communities.

ADDITIONAL RESOURCES

Global HLP AoR

- 2013 Emergency response to housing land and property issues in Syria. Briefing note, 30 January. Available from <https://reliefweb.int/sites/reliefweb.int/files/resources/Emergency%20response%20to%20Housing%20Land%20and%20Property%20issues%20in%20Syria.pdf>

Global Protection Cluster

- n.d.a. HLP Area of Responsibility. Available from www.globalprotectioncluster.org/en/areas-of-responsibility/housing-land-and-property/hlp-area-of-responsibility.html
- n.d.b. Housing, Land and Property (HLP) Area of Responsibility (AoR) Coordination Toolkit. Available from www.globalprotectioncluster.org/_assets/files/aors/housing_land_property/HLP_Coordination_Toolkit_EN.zip
- n.d.c. Housing, Land and Property (HLP) in 2016 Humanitarian Response Plans. Available from www.globalprotectioncluster.org/_assets/files/tools_and_guidance/housing_land_property/hlp-in-2016-hrp.pdf

Global Shelter Cluster

- 2013a Land Rights and Shelter – The Due Diligence Standard. Available from www.iom.int/files/live/sites/iom/files/What-We-Do/docs/Land-Rights-and-Shelter-The-Due-Diligence-Standard.pdf
- 2013b Emergency response to Housing, Land and Property issues in Syria. Briefing note, January 2013. Available from <https://reliefweb.int/sites/reliefweb.int/files/resources/Emergency%20response%20to%20Housing%20Land%20and%20Property%20issues%20in%20Syria.pdf>
- 2013c Cross-sector/Cluster indicators: Protection – Housing, land and property. In: Shelter Cluster Indicator Guidelines. Version 2, Draft (n.p.), p. 10. Available from www.sheltercluster.org/sites/default/files/docs/GSC%20Indicators%20Guidelines%20v2.pdf
- 2014 Key HLP Principles for Shelter Partners, March 2014. Available from www.sheltercluster.org/sites/default/files/docs/Key%20HLP%20Principles%20for%20Shelter%20Cluster%20Partners.pdf
- 2016 Emergency response to Housing, Land and Property issues in Iraq. Briefing note, December 2016. Available from www.globalprotectioncluster.org/_assets/files/field_protection_clusters/Iraq/files/emergency-response-to-hlp-issues-in-iraq_briefing-note-final_dec-2016.pdf

IASC

- 2014 Guidance – 2015 or Multi-Year Strategic Response Plan. Available from www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/SRP%20Guidance%202015%20final_2.pdf

Norwegian Refugee Council (NRC)

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* *The Sphere Handbook* is currently being revised and will include a whole section on security of tenure moving forward.

Theme 2 – HLP rights and peace processes, peacekeeping and peacebuilding

Conflict situations often lead to a plethora of HLP rights violations and challenges, such as wholesale damage, destruction, confiscation and expropriation of properties. Displaced populations are often reluctant to return to home areas if they know their HLP has been destroyed or is currently occupied. It is therefore critical to identify and analyse key micro- and macro-level HLP grievances and rights violations, and ensure that efforts to address them are firmly incorporated into peacemaking, peacekeeping and peacebuilding strategies. Failure to address historic HLP grievances and conflict-induced HLP violations and challenges in a proper and timely manner will likely undermine the efficacy and sustainability of post-conflict reconstruction and can lead to further conflict.⁵

The inclusion of HLP issues in peace processes and agreements, as well as transitional justice efforts, ensures that these often politically challenging and technically complex matters are accorded due consideration in the post-conflict phase. Though every conflict will face different HLP challenges, the key issues that peace processes and agreements can commonly address relate to historical HLP grievances, refugee and IDP return and/or integration, HLP restitution rights and the mechanisms required to administer and process restitution claims, and also the reform of HLP legislation and governance structures, access to HLP and women's equal rights to HLP. UN peacekeeping missions are often given broad political, administrative and operational mandates in which HLP issues can be raised and addressed.

RELEVANT PLANNING PROCESSES AND ENTRY POINTS

UN-BROKERED OR NATIONALLY/REGIONALLY-LED PEACE PROCESSES

The UN undertakes its [peacemaking function](#) in a variety of ways (e.g. Secretary-General's Good Offices, regional arrangements and so on). In order to support its mediation efforts, the UN has established the [Mediation Support Unit](#) at the Department of Political Affairs and created a [standby team of mediation experts](#). Some peace processes are partly or wholly driven by the affected country itself (e.g. Colombia and Myanmar). Often a National Peace Commission or similar structure is set up to support the negotiation process and coordinate assistance provided by international actors. Other peace processes may be managed by several (neighbouring) countries or a regional organization, such as the Economic Community of West African States. Such processes vary significantly in their design and approach. Ideally, an HLP expert is appointed as a member of the mediation team.

Process design: Every mediation effort commences with the design of a negotiation process that is inclusive and aimed at addressing root causes. Often, thematic committees are set up to look into various root causes (e.g. transitional justice, disarmament, demobilization and reintegration (DDR)). In some cases, a dedicated structure may be set up to coordinate the involvement of civil society. It is important to determine the workings of the peace process and provide the relevant structure with information and analysis on the key HLP issues facing the country in question, ongoing efforts to address these issues, as well as recommended course of action.

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5 See for example, Global Land Tool Network (GLTN), *Scoping and Status Study for Secretary-General's Guidance Note on Land and Conflict* (2016). Available from <https://gltn.net/home/2016/10/05/scoping-and-status-study-on-land-and-conflict-english-2016/>

ENTRY POINTS

National dialogues: Participatory processes include nationwide consultations to gather people's perceptions on root causes of and solutions to the conflict. Such consultations are usually guided by selected themes, and one theme could be HLP. Depending on the gravity of HLP issues, dedicated national HLP consultations could be held. In some contexts, dialogue processes may commence locally.

Capacity-building for disputing parties: Peace processes often include various capacity-building activities (e.g. transferring negotiation skills, explaining relevant national and international legislation and so on) for parties in conflict. It is important to strengthen knowledge of those involved on the HLP challenges facing the country, learn from other countries having experienced similar HLP issues and support the drafting of HLP-related sections in the agreement or road maps.

UN PEACEKEEPING MISSIONS

The [Department of Peacekeeping Operations](#) (DPKO) assists Member States and the Secretary-General in their efforts to maintain international peace and security by leading peacekeeping missions. Each mission has a different mandate outlined in a Security Council Resolution that is generally implemented by military, police and civilian personnel. In some situations, an existing UN political mission is transformed into a peacekeeping mission. A peacekeeping mission by a regional organization, such as the African Union, may be taken over by the UN. In other cases, the UN should set up an entirely new peacekeeping mission. In all scenarios, DPKO undertakes missions to the country in question to consult relevant stakeholders on priorities, structure, mandate and so on.

ENTRY POINTS

Security Council Resolution: The significance of HLP issues could be explained to Security Council members or staff of DPKO involved in the drafting of the resolution that establishes a mission's mandate. To inform the drafting of the resolution, missions to the country in question are organized. Members of scoping missions to the country could be provided with key info on HLP challenges. Reference to HLP in the resolution, even just the words "housing" or "land" in a relevant paragraph, provides the mission with a directive to look into HLP issues.

Architectural design: Ideally, a mission sets up an HLP Unit responsible for the design of appropriate responses and coordination with relevant actors. Alternatively, an HLP expert – an advisor or HLP-dedicated Human Rights, Civil Affairs or Rule of Law Officer could be appointed. A mission also presents an opportunity to integrate humanitarian, transition and development responses and could support efforts to establish an HLP Task Force.

Security forces: Missions could assist (national security structures) with the protection of abandoned HLP, cadastres and other relevant structures and the prevention or reversal of illegal occupation. Since their access is often greater than those of humanitarian actors, they could also assist efforts to document HLP violations.

UN PEACEBUILDING SUPPORT OFFICE

The [Peacebuilding Support Office](#) (PBSO) helps to sustain peace in conflict-affected countries by garnering international support for nationally owned and led peacebuilding efforts. The office assists and supports the [Peacebuilding Commission](#), administers the [Peacebuilding Fund](#) (see Section 4) and supports the Secretary-General's efforts to coordinate the UN system in its peacebuilding efforts. Every three years, the PBC selects Priority Countries. These countries benefit from continuous PBSO engagement, including projects and funding. Each country on the PBC agenda will set up a National Peacebuilding Focal Point, which may be located at a dedicated peacebuilding office (e.g. the Liberia Peacebuilding Office) or another government structure, such as a Prime Minister's Office or a relevant ministry. The national focal point coordinates peacebuilding activities in the country, as well as the implementation of projects funded by the Peacebuilding Fund. They are the first port of call when trying to include HLP issues in the peacebuilding agenda. In complex peacebuilding environments, the PBSO may have seconded one of its staff, located at UNDP or a peacekeeping mission, to support the national focal point.

ENTRY POINTS

Identification of priority areas: National focal points, in consultation with the PBSO, decide on the various themes that require attention by peacebuilding efforts (e.g. youth, access to justice). They could be informed of specific HLP challenges to be addressed in order for peacebuilding efforts to be sustainable (e.g. high number of HLP-related disputes as a result of displacement to unequal access to agricultural land).

Selection of projects: Organizations are invited to submit project proposals to respond to the identified priorities for peacebuilding. This step generally engages peacebuilding-oriented organizations, but would not exclude proposals from organizations proposing to implement an HLP-related project if it would contribute to the overall peacebuilding process.

SUGGESTIONS FOR HLP PROGRAMMING

- Collect information on historic HLP grievances (e.g. unequal distribution of/access to land among social groups, forced relocations, land appropriation without (adequate) compensation) and how the conflict may have transformed pre-existing HLP challenges. Assess conflict-induced HLP rights violations and challenges (e.g. destruction and damage to HLP, occupation trends, fraudulent and coerced sales). Identify priorities for peacemaking, peacekeeping and peacebuilding efforts.
- Organize study trips for relevant stakeholders (e.g. mediators, armed groups, government officials) to affected areas of post-conflict countries to demonstrate the various options available for responding to key HLP challenges following conflict.
- Recognize that not all HLP challenges may be resolved during a peace process, make recommendations on the required key commitments and interim measures and draft an HLP road map or action plan to continue efforts following the signing of an agreement (e.g. setting up a National Land Commission or similar body to deal with identified HLP grievances consisting of representatives of both parties and technical experts, which implements the proposed way forward).
- Support national security forces and other relevant authorities with the identification and protection of HLP abandoned by displaced persons, prevention of illegal appropriation or

confiscation of HLP⁶ and the protection of land documents and land registries, courts and notaries. Humanitarian actors may have conducted relevant assessments that could provide a starting point.

- Conduct a legal audit to assess whether the current HLP-relevant legal framework is consistent with relevant international laws and standards and able to adequately respond to conflict-induced HLP-related disputes and restitution and/or compensation issues. Review institutional capacity to address these challenges (e.g. court system, cadastre). Include customary justice and dispute resolution mechanisms in these assessments.
- Depending on the identified needs, undertake activities aimed at supporting statutory and customary justice and dispute resolution mechanisms. This may include raising awareness among local authorities and communities on their rights and obligations, strengthening legal, facilitation and mediation skills and providing assistance with navigating applicable procedures to access such structures (especially for affected persons who face obstacles in reaching them).
- Identify areas with reported tensions between communities (e.g. displaced and host communities, different ethnic or religious groups) and undertake coexistence-related activities to prevent escalation.
- Conduct awareness-raising and information provision on HLP issues and situation in potential areas of return or integration.
- Conduct “know your property rights” campaigns that explain rights, remedies and procedures related to resolving HLP disputes.
- Review the need for protection against forced eviction/security of tenure for residents of informal settlements, refugee or IDP camps, collective shelters and so on to contribute to stability in the often-fragile post-conflict reconstruction phase. This may also provide a starting point for future development-oriented projects.

ADDITIONAL RESOURCES

International Conference on the Great Lakes Region

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- 2016 Scoping and Status Study on Land and Conflict: Towards UN System-Wide Engagement at Scale. Available from <https://landportal.org/library/resources/hs05016e/scoping-and-status-study-land-and-conflict>

Theme 3 – HLP rights and rule of law, development programming and durable solutions

There is increased recognition of the need to address general HLP governance gaps in order to adequately resolve HLP issues and achieve sustainable development and durable solutions for the displaced. Governance-related challenges, whether actual or perceived, include lacking trust in land authorities, historical land-related injustices, tenure insecurity, unequal HLP distribution and ineffective land legislative and administrative capacity. Uncertainty over land rights impedes investment in crisis-affected areas, in turn stifling opportunities for job creation that can promote economic growth and stability. Many of these issues stem from limited State presence and capacity in any given post-crisis situation. This can reinforce already existing plurality of land tenure approaches and institutions, as well as create new ones, leading to increased uncertainty and potential new sites of conflict.

Unless the root causes of these issues are addressed, they will continue being barriers to recovery, sustainable development and the achievement of durable solutions, outlined in the IASC Framework on Durable Solutions for IDPs as: (a) return/reintegration at place of origin; (b) local integration; or (c) resettlement. **There is hence a strong need to consistently address inequalities with regard to accessing HLP rights in order to achieve both sustainable peace and long-term development goals.**⁷ Rule of law and development programming have the potential to offer longer-term solutions to a number of HLP issues. Carefully tailored measures to recognize customary land rights can greatly enhance security of tenure. Where land relations are characterized by discrimination or inequity, redistributive measures can not only defuse political and ethnic tensions, but also lead to more efficient land use. In post-conflict settings, measures to redress conflict-related property grievances can facilitate refugee and IDP return and greatly enhance the prospects of a lasting settlement. Importantly, the right to return voluntarily and the right to restitution are separate and not dependent on each other. In any case, however, achieving durable solutions requires effective and accessible mechanisms to rebuild or rehabilitate destroyed or damaged HLP, resolution of HLP-related disputes, restitution of and/or compensation for HLP left behind and access to HLP for homeless and/or landless returnees and resettled or integrated displaced persons.

As such, HLP issues should be clearly acknowledged as a core focus of rule of law and development programming and tackled systematically and effectively in order to break cycles of conflict and provide better conditions for social and economic development. Rule of law and development programming should, in particular, consider the capacity of institutions necessary to increase security of tenure, resolve disputes, maintain and enforce land records, and enable access to justice.

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7 A. Hurwitz, K. Studdard and R. Williams, "Housing, land, property and conflict management: Identifying policy options for rule of law programming", Policy report (International Peace Academy, New York, 2005). Available from <https://2001-2009.state.gov/documents/organization/98035.pdf>

RELEVANT PLANNING PROCESSES AND ENTRY POINTS

UN DEVELOPMENT ASSISTANCE FRAMEWORK

The UNDAF provides a system-wide overview of key UN activities and functions at country level, in support of national policies, priorities and plans of programme countries. UNDAFs go beyond the compilation of organization-specific plans and are based on the ambition of the “One Country, One UN Framework”. The office of the Resident/Humanitarian Coordinator develops the UNDAF in close collaboration with national governments, civil society and other stakeholders.

ENTRY POINTS

Results groups: Based on the results of a **Common Country Assessment** (see Section 2), several outcome areas are identified (e.g. climate change, land reform, security sector reform). For each outcome area, a Results Group is set up, which consists of staff of selected UN agencies. It is important to assess which Results Groups exist and which one(s) will be most relevant for HLP issues. The Results Groups lead the subsequent steps of **strategic prioritization** and **implementation**.

Strategic prioritization: Results Groups lead a consultative process (including non-UN organizations) to identify a number of key UNDAF strategic priority areas and outcomes, which the UN has the capacity and comparative advantage to address. Both are summarized in the UNDAF Results Matrix. Results Groups could be made aware of the key HLP challenges requiring a development approach (e.g. weak local governance capacity to resolve land disputes following displacement).

Implementation: Joint work plans translate UNDAF outcomes into concrete, measurable and time-bound outputs. Like with several other planning processes, even if HLP challenges were not included in the strategic prioritization process, efforts to address them may still be added in joint work plans.

Leave no one behind: Four integrated programming principles have been identified for UNDAFs. While all are important, principle 1 is especially interesting as it requires the UN system to prioritize interventions that address the situation of the most marginalized groups, including women, refugees, IDPs, stateless persons and populations affected by conflict and natural disasters; addressing the needs of these groups may, in the past, have been considered the responsibility of specific agencies only. This principle could be used to advocate for development programmes to respond to HLP challenges facing such groups (e.g. improve security of tenure for refugees or IDPs).

UN SECRETARY-GENERAL'S 2011 DECISION ON DURABLE SOLUTIONS TO DISPLACEMENT

In 2011, the UN Secretary-General adopted a [Decision on Durable Solutions for returning refugees and IDPs and an accompanying Preliminary Framework on Ending Displacement in the Aftermath of Conflict](#). It affirmed the primary role of the State in facilitating durable solutions for displacement. It also designates to Resident/Humanitarian Coordinators the responsibility to lead the process of developing a durable solution strategy. A **nine-step process** will be followed for the development of such a strategy. It starts with the suggestion to initiate the development process, which may come from a variety of actors, such as the government, UN Country Team or Humanitarian/Resident Coordinator or civil society. In contexts where the cluster system is active, the Early Recovery and Protection Cluster can serve as the coordination mechanism for the strategy development process. In other contexts, a dedicated working group may be set up. Ideally, HLP experts are involved throughout the process, but the following three steps are of particular importance. This decision has been piloted in a few countries and needs to be revised based on lessons learned during the piloting exercise.

Step 6: The strategic vision is decided upon during step 6. It includes the setting of strategic objectives and determination of the interventions needed to achieve the required changes. Experts and organizations working on HLP issues should be involved to ensure that appropriate and realistic responses to key HLP issues are included.

Step 7: The coordination mechanism leads the drafting of an action plan, which outlines the activities to be undertaken by which organization, where, when and the costs involved. Agencies and organizations involved in the strategy development process, as well as other relevant actors may propose specific projects.

Voluntary repatriation/tripartite agreements: Though not formally part of the strategy design process, efforts to achieve durable solutions for refugees (reintegration) often include the signing of voluntary repatriation agreements. It is important that such agreements highlight the HLP-related needs of returning communities.

ENTRY POINTS

NATIONAL DEVELOPMENT PLANNING

Most countries set up national planning bodies to develop and implement national development plans (e.g. Ghana's [National Development Planning Commission](#) and Uganda's [National Planning Authority](#)). As the structures of these national bodies may vary, it is difficult to generalize about their working methods, although most will involve line ministries, such as education, health and agriculture.

SUGGESTIONS FOR HLP PROGRAMMING

- Assess institutional capacity gaps of national and local authorities responsible for HLP administration and management and implement capacity-building programmes to address such gaps (e.g. surveying, registration). Avail longer-term technical support if necessary (e.g. secondments of experts).
- Conduct a legal audit to assess consistency of national legislation with key international HLP laws and standards of relevance to HLP, and support the domestication/integration of land-related International laws and standards.
- Consider possible preceding peacemaking and peacebuilding assessments on key legislative and institutional reforms required to address historic and conflict-induced HLP-related grievances in the design of HLP-related development projects.
- Support the development of institutional capacity to respond to the HLP challenges arising from restitution/compensation processes. Ensure authorities are aware of the relevant international laws and standards (e.g. Pinheiro Principles).
- Review the protection of HLP rights of vulnerable groups (e.g. women, minorities) and, if necessary, advocate for legislative and policy frameworks to enhance the protection of their HLP rights.
- Ensure access to legal aid by vulnerable groups confronted with HLP-related issues. This may require capacitating the national legal aid system.
- Increase national capacity to manage legal pluralism/coexistence of different tenure systems (e.g. protection of customary HLP rights). Support participatory community or State-driven land titling and land rights identification processes (only with advance guarantees that such processes will indeed protect and not weaken land rights). Emphasize that security of tenure is key part of the right to adequate housing.
- Ensure that HLP-related development programming (e.g. neighbourhood upgrades, registration programmes) include IDPs and returnees as beneficiaries to the maximum extent possible. Support addressing their vulnerabilities in this context as a result of their displacement (e.g. loss of documentation, limited duration of residence in an area, freedom of movement).
- Review the manner in which housing and land is managed and administered to ensure that planning, allocation and registration efforts are inclusive, affordable and efficient to respond to the needs of all segments of the population.
- Work with national human rights commissions/institutes to ensure that violations of HLP rights are monitored and documented.

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Inter-Agency Durable Solutions Initiative

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UNDP

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- 2016 Fit-for-Purpose Land Administration: Guiding Principles for Country Implementation. UN-Habitat, Global Land Tool Network and Kadaster International, Nairobi. Available from www.fig.net/news/news_2016/2016_07_gltnguide/fit-for-purpose-land-adm-guiding-principles-for-country-implementation.pdf

UNHCR

- 2016 Quick Guide: New York Declaration for Refugees and Migrants. November 2016 update. Available from www.cpcnetwork.org/wp-content/uploads/2017/03/Quick-Guide-NY-Declaration.pdf

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- 2013 *Informal Justice Systems: Charting a Course for Human Rights-Based Engagement*. UN-Women, UNICEF and UNDP, New York. Available from www.undp.org/content/undp/en/home/librarypage/democratic-governance/access_to_justiceandruleoflaw/informal-justice-systems.html

Theme 4 – Access to HLP rights for vulnerable groups

Women, youth and other vulnerable groups, such as pastoralists, indigenous populations or stateless persons are particularly exposed to tenure insecurity and HLP rights violations. These dynamics are greatly exacerbated in crisis situations. Oftentimes, these groups are denied access to secure HLP rights even prior to crises both by law and in practice. For example, regardless of most States' national laws guaranteeing equality for women, gender-discriminatory traditions and customary laws prevail in many countries with major displacement issues. Discriminatory practices that exclude women from HLP ownership and inheritance of marital property have particularly grave consequences when displaced persons, particularly female-headed households, return with their families to rebuild their lives.

In addressing access to HLP for vulnerable groups, actors need in particular to take into account and address the following: (a) discriminatory laws, rules, regulations, beliefs and practices that target women and/or marginalized ethnic or religious groups and restrict their ability to access and/or reclaim their land, housing and properties; and (b) discriminatory practices rooted in the law and/or cultural beliefs and practices that prevent such individuals from owning, inheriting, controlling or making use of their housing, land and properties. For women, this often includes only being able to access HLP rights through male relatives, resulting in lack of access to land and property rights upon divorce or upon the death of their husbands, fathers or other male relatives. The urgent need to address these inequalities is also reflected in [Sustainable Development Goal \(SDG\) 1.4](#) with its focus to ensure, inter alia, that all men and women, in particular the poor and vulnerable, have equal rights to ownership and control over land and other forms of property, inheritance and natural resources.⁸

RELEVANT PLANNING PROCESSES AND ENTRY POINTS

NATIONAL ACTION PLANS FOR THE IMPLEMENTATION OF UN SECURITY COUNCIL RESOLUTION 1325

[UN Security Council Resolution 1325](#) recognizes the importance of promoting gender equality and the empowerment of women in order to achieve peace and security and humanitarian action and emphasizes the role Member States can play in that regard. It urges Member States to take action at the national level in the areas of women's participation in decision-making and peace processes, protection of women and girls and gender training. The Security Council has called on Member States to develop [National Action Plans \(NAPs\)](#) or other national-level strategies to realize UNSC Resolution 1325 on the country level. The creation of a NAP provides an opportunity to initiate strategic actions, identify priorities and resources and determine the responsibilities and timeframes. Another relevant tool to address issues of women's access to HLP rights are local action plans.

Advocacy and awareness-raising: The process of developing a NAP is often preceded by awareness-raising efforts and building political will, which may be undertaken by individual government departments or civil society groups. This consists of, among others, the organization of sensitization and capacity-building workshops, consultative meetings, as well as media campaigns and distribution of informative leaflets. Those leading these efforts could be identified to highlight the need for awareness-raising on HLP-related rights or required reforms.

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⁸ Also see GLTN Phase III draft strategy for 2018–2030. Available from <https://gltn.net/home/7th-gltn-partners-meeting-2018/>

Coordination and collaboration: One ministry (usually the ministry responsible for gender equality) or a consortium of relevant ministries (e.g. often including the Ministry of Foreign Affairs or Ministry of Defence) will be selected to lead the process of developing a NAP in a consultative manner. The United Nations Population Fund, UN-Women and/or the gender section of a UN peacekeeping mission often support the process. UN agencies and donors may support specific initiatives to ensure civil society engagement in the NAP development process. All of these structures could be approached to obtain information on the possibilities to share information on HLP-related challenges for women in the context of peace and security. HLP issues should feature in all NAP funding and budgeting strategies.

Assessing strategic priorities: The selected coordination structure will lead an assessment to assist the identification of strategic priorities. Such an assessment usually consists of the following: (a) institutional audit (e.g. existence of discriminatory or ineffective policies/laws, availability of human resources); and (b) context assessment. Both will be participatory, and actors with information on or expertise to assess HLP-related challenges facing women could seek out involvement. Parliamentarians should be encouraged to raise HLP as a distinct strategic issue and priority, which is reflected in costing and NAP monitoring.

SUGGESTIONS FOR HLP PROGRAMMING

- Gather information and conduct analysis on possible unequal access to HLP by vulnerable groups, or land appropriations that target such groups specifically, and advocate with and support governments to recognize and protect their full HLP rights.
- Support awareness-raising for legislative and policy reform on HLP among communities, customary leaders, local and national authorities.
- Identify obstacles and challenges to implementation of existing laws relating to HLP rights for vulnerable groups.
- Design and run public education and “know your property rights” campaigns that describe rights, remedies and procedures related to HLP rights and HLP dispute resolution mechanisms, targeting the groups identified as most vulnerable to HLP rights violations in any given context, as well as the broader community.
- Ensure that HLP services are decentralized, accessible and affordable, as it is demonstrated that practical barriers (e.g. difficulties in travelling to the capital city) and cost of accessing services (e.g. land registration processes, court cases) are among the major causes of exclusion of women and vulnerable groups from the enjoyment of their HLP rights.
- Facilitate the involvement of leaders or representatives of women, minorities and other vulnerable groups in decision-making processes related to HLP (e.g. membership of land commissions, peace negotiations). Undertake capacity-building activities if necessary (e.g. training on relevant international and national HLP laws and standards).
- Work towards securing women’s equality in accessing HLP by identifying discriminatory inheritance and related laws and cultural practices. This includes challenges as a result of women’s inability to present documentation (in their name) proving ownership or use rights over HLP. Support governments to amend such laws and transform practices.

- Ensure that HLP documentation issued in the context of humanitarian assistance and registration processes bear the name of both spouses (unless this has been found to have negative consequences in a given particular context).
- Undertake rule of law programmes to ensure or improve access to HLP rights and justice for women, minorities and other vulnerable groups (e.g. provision of legal (mobile) assistance and support for legal empowerment).
- Ensure that customary HLP rights of vulnerable groups, such as minorities, pastoralists, indigenous groups and women, are recognized and upheld in return, restitution and other transitional justice processes.

ADDITIONAL RESOURCES

Resources on gender

Benschop, M.

2004 Women's rights to land and property. UN-Habitat. Available from www.globalprotectioncluster.org/_assets/files/tools_and_guidance/housing_land_property/By%20Themes/Womens%20HLP%20Rights/Women's_Right_to_Land_and_Property_%202004_EN.pdf

Global Land Tool Network

2012 Gender evaluation criteria for large-scale land tools. Available from <https://unhabitat.org/gender-evaluation-criteria-for-large-scale-land-tools/>

IASC

2015 Thematic area guide for housing, land and property. In: *Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action: Reducing risk, promoting resilience and aiding recovery*, pp. 167–185. Available from https://interagencystandingcommittee.org/system/files/2015-iasc-gender-based-violence-guidelines_lo-res.pdf

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Norwegian Refugee Council

n.d. Displaced Women's Rights to Housing, Land and Property (Website). NRC. Available from <http://womenshlp.nrc.no/> (last accessed May 2018).

OHCHR and UN-Women

2013 *Realizing Women's Rights to Land and Other Productive Resources*. OHCHR and UN-Women, New York and Geneva. Available from www.ohchr.org/Documents/Publications/RealizingWomensRightstoLand.pdf

United Nations

2000 UN Security Council Resolution 1325 (on women, peace and security). S/RES/1325 (2000). Available from www.un.org/womenwatch/osagi/wps/

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2013 *Women and Natural Resources: Unlocking the Peacebuilding Potential*. UNEP, UN-Women, PBSO and UNDP, Nairobi and New York. Available from www.undp.org/content/dam/undp/library/crisis%20prevention/WomenNaturalResourcesPBreport2013.pdf

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UN-Women

- 2006 *Gender and Conflict Analysis*. Available from www.unwomen.org/~media/Headquarters/Media/Publications/en/04AGenderandConflictAnalysis.pdf
- 2010a Section 4: Key steps to developing a women, peace and security national action plan. In: *Women and Peace and Security: Guidelines for National Implementation*. pp. 11–20. Available from www.unwomen.org/~media/Headquarters/Media/Publications/en/02BPlanonWomenandPeaceandSecurity.pdf
- 2010b *Identifying Women's Peace and Security Priorities*. Available from www.unwomen.org/~media/Headquarters/Media/Publications/en/03BIdentifyingWomens.pdf
- n.d. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Available from <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>*

Resources on minorities and indigenous people**International Labour Organization (ILO)**

- n.d. C169 – Indigenous and Tribal Peoples Convention, 1989 (Convention concerning Indigenous and Tribal Peoples in Independent Countries). Available from www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::p12100_instrument_id:312314

United Nations

- 2012 *Promoting and Protecting Minority Rights: A Guide for Advocates*. OHCHR, Geneva and New York. Available from www.ohchr.org/Documents/Publications/HR-PUB-12-07_en.pdf

UNDP

- 2010 *Marginalised Minorities in Development Programming: A Resource Guide and Toolkit*. UNDP, New York. Available from www.undp.org/content/undp/en/home/librarypage/democratic-governance/human_rights/marginalised-minorities-in-development-programming-a-resource-guide-and-toolkit.html

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- 2005 Indigenous peoples' right to adequate housing: A global overview. United Nations Housing Rights Programme Report no. 7. UN-Habitat and OHCHR, Nairobi. Available from www.ohchr.org/Documents/Publications/IndigenousPeoplesHousingen.pdf

* CEDAW General Recommendation 30 focuses on women's rights in conflict and post-conflict contexts, while General Recommendation 34 focuses on the rights of rural women.

Theme 5 – HLP rights and disaster risk reduction and climate change

Addressing HLP issues is a key component in preparedness, prevention and response to natural disasters and climate change-induced displacement. For example, land tenure arrangements strongly contribute to determining people’s settlement and livelihood options and their (and the authorities’) ability and willingness to invest in safety and security standards to withstand disasters. Land tenure arrangement of affected populations also have a disproportionate effect on the type of support and assistance they receive in the aftermath of disasters. Often, those residing within informal, customary or extra-legal settlements bear the biggest brunt of natural disasters, resulting in displacement and damage to HLP. Providing support to access to secure tenure, in particular to informal dwellers, is thus a key element of both disaster risk reduction (DRR) policies and development efforts at large.⁹ This is also echoed in the SDG 11, which focuses on the upgrading of slums.

It is thus essential to develop sustainable strategies to reduce the HLP-related impacts of future disaster. To design adequate DRR policies and to “build back better”, actors need to have a good understanding of the formal and informal HLP rights that existed prior to a disaster, and how this affects the resilience of affected populations. Such knowledge is critical in order to understand the potential impact of disaster in any given area and put in place adequate mitigation measures. DRR activities also have to be set in the context of accelerating climate change, which is likely to lead increased displacement and the subsequent need for planned relocation of affected populations. This involves the identification of suitable and secure land with the potential to generate sustainable livelihoods, as well as potential compensation schemes for land and property left behind due to natural disasters or environmental pressures, in close coordination with the communities affected, as well as all levels of regional and national government.¹⁰

RELEVANT PLANNING PROCESSES AND ENTRY POINTS

SENDAI FRAMEWORK FOR DISASTER RISK REDUCTION

The [Sendai Framework for Disaster Risk Reduction](#) is an international agreement that lays out clear responsibilities, targets and priorities for reducing global disaster risk.

ENTRY POINTS

Priority 1: Understanding disaster risk to manage disaster risk: This priority calls for work related to the assessment of HLP dimensions to disaster, such as vulnerability assessments of existing housing stock, building codes and existing planning regulations, and an identification of existing gaps and capacity shortfalls.

Priority 2: Strengthening disaster risk governance: Under this priority, key activities can include reinforcement of local governments and national authorities and their role in the provision of safe and affordable housing that prioritizes the needs of informal settlement populations, evaluation and revision of existing HLP legislation and frameworks (e.g. strong provisions to cover loss of HLP due to disasters or climate change). Another area of relevant engagement is the production of practical guidelines to assist governments and communities involved in planned relocations from high-risk areas as a means of reducing the exposure of vulnerable populations to hazards.

⁹ As expressed in SDGs 1.4 and 11.1.

¹⁰ United Nations Conference on Housing and Sustainable Urban Development, Habitat III Policy Paper: Housing Policies, 29 February 2016 (United Nations, Quito, 2016). Available from <http://habitat3.org/wp-content/uploads/PU10-HABITAT-III-POLICY-PAPER.pdf>

Priority 4: Enhancing disaster preparedness for effective response and to “build back better” in recovery, rehabilitation and reconstruction: Under Priority 4, activities such as the inclusion of HLP in national DRR planning processes and the implementation of the “building back better” principle in post-disaster recovery by investing in resilient housing solutions. Work may also include the preparation and implementation of relocation initiatives from high-risk areas where the frequency or intensity of hazards make other risk management options too costly or ineffective, or when regions and sites face irreversible ecosystem degradation.

THE NEW URBAN AGENDA – HABITAT III

The *New Urban Agenda* (2016) is a road map for the next 20 years of sustainable and transformative urban development worldwide. The Agenda also provides guidance for achieving the SDGs and provides the underpinning for actions to address climate change. Key components include the progressive full realization of the right to adequate housing and the promotion of secure land tenure, with particular attention to security of land tenure for women as key to their empowerment.¹² It invites the General Assembly of the UN to report on the progress of the implementation of the New Urban Agenda every four years.

ENTRY POINTS

Urban housing and basic services: Under this main programmatic focus, HLP activities fall under support of settlement upgrading programmes and protection of incremental housing, e.g. through assessing housing needs and evaluating and revising regulations governing and impacting the housing sector in cities. Likewise, relevant activities include advocacy against forced evictions, programmes for community-based land titling in informal settlements, and support to municipal and other local authorities for mapping, planning and provision of basic services. Key is a sustained focus on those commonly deprived of the enjoyment of their full HLP rights: informal dwellers, squatters, homeless persons, persons in vulnerable situations and low-income groups.

Urban resilience: Under the focus on urban resilience, HLP plays a key role included in national DRR assessments and planning processes e.g. tenure surveys and vulnerability assessments of the existing housing stock. Another focus should be awareness-raising campaigns on HLP rights among urban dwellers living in hazard-prone areas and identification of potential transitional settlement/relocation areas that provide sufficient livelihood options for affected populations.

Urban land governance and planning: With regards to the focus on urban land governance and planning, HLP actors may: (a) suggest assessments and revisions of urban land policies, legislation on land tenure, administration and management, and urban spatial planning law to enshrine inclusive HLP rights; and (b) provide support to gender-responsive, accessible way of resolving HLP disputes and develop capacity-building programmes for land administration agencies.

SUGGESTIONS FOR HLP PROGRAMMING

- Strengthen the land rights of the groups most vulnerable to having insecure tenure arrangements, including women, youth, migrants and the poor.
- Map relevant national and international laws, regulations and principles in relation to HLP in specific context.

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11 New Urban Agenda – Habitat III, art. 13, art. 14 and art. 35.

- Integrate HLP into contingency planning in the case of natural disasters (e.g. identifying higher ground for people to move to when water levels rise due to flooding) in close coordination with host communities.
- Encourage land administration officials to regularly assess local land use and land-based livelihood strategies in disaster-prone areas, and to proactively record land rights arrangements, e.g. by building a database of both private and public land parcels and recording their occupancy status and use.¹²
- Invest in culturally and environmentally appropriate housing-solutions, e.g. also cater to the needs and skill set of displaced persons (e.g. relocating farmers to peri-urban environments or drought-prone areas will severely impact their ability to generate livelihoods).
- Support countries affected by disaster and/or climate-induced displacement in the identification and allocation of sufficient land for relocation purposes, whereby full consultation and participation with affected communities at all levels needs to be guaranteed.
- Integrate HLP in national DRR planning processes, including HLP capacity-building on a national and regional level.
- Assess HLP risks related to disasters and climate change, such as an equitable property rights regime and improving tenure security in informal settlements.
- Support governments to identify unused and suitable land for possible release/acquisition and then allocation to disaster- and climate change-displaced persons and their communities in a non-discriminatory way, such as through community land trusts.
- Develop remedies for HLP for land and property left behind due to natural disasters or environmental pressures, in close coordination with the communities affected.

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12 C. Caron, G. Menon and L. Kuritz, "Land tenure and disasters: Strengthening and clarifying land rights in disaster risk reduction and post-disaster programming", USAID Issue Brief (2014). Available from <https://land-links.org/issue-brief/land-tenure-and-disasters/>

ADDITIONAL RESOURCES

Caron, C., G. Menon and L. Kuritz

- 2014 Land tenure and disasters: Strengthening and clarifying land rights in disaster risk reduction and post-disaster programming. USAID Issue Brief. Available from <https://land-links.org/issue-brief/land-tenure-and-disasters/>

Displacement Solutions

- 2014 Climate Change, Displaced Persons and Housing, Land and Property Rights: Preliminary Strategies for Rights-Based Planning and Programming to Resolve Climate-Induced Displacement. Displacement Solutions, Geneva. Available from http://displacementsolutions.org/files/documents/DS_Climate_change_strategies.pdf

IDMC

- n.d. IDMC website. Available from www.internal-displacement.org/ (last accessed May 2018).

IFRC

- 2013 *A Guide to Mainstreaming Disaster Risk Reduction and Climate Change Adaptation*. IFRC, Geneva. Available from www.ifrc.org/PageFiles/40786/DRR%20and%20CCA%20Mainstreaming%20Guide_final_26%20Mar_low%20res.pdf
- 2015 *Rapid Tenure Assessment: Guidelines for Post-disaster Response Planning*. Pilot version. IFRC, Geneva. Available from www.ifrc.org/Global/Documents/Secretariat/Shelter/Rapid-Tenure-Assessment-Guidelines_EN.pdf

IOM, UNHCR and Georgetown University

- 2017 *A Toolbox: Planning Relocations to Protect People from Disasters and Environmental Change* (n.p.). Available from https://environmentalmigration.iom.int/sites/default/files/publications/PLANNING%20RELOCATIONS_TOOLBOX_SPLIT%20VERSION.pdf

Jha, A.K., R. Bloch and J. Lamond

- 2012 *Cities and Flooding: A Guide to Integrated Urban Flood Risk Management for the 21st Century*. World Bank, Washington, D.C. Available from <https://openknowledge.worldbank.org/handle/10986/2241>

Mitchell, D.

- 2011 *Assessing and Responding to Land Tenure Issues in Disaster Risk Management: Training Manual*. FAO, Rome. Available from www.globalprotectioncluster.org/_assets/files/tools_and_guidance/housing_land_property/By%20Themes/HLP%20and%20Natural%20Disasters/Assessing_Land_Tenure_Issues_Disaster_Risk_Management_2011_EN.pdf

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- 2016 *Filling Buckets, Fuelling Change: Ensuring Gender-Responsive Climate Change Adaptation*. Learning from the Canada-UNDP Climate Change Adaptation Facility. UNDP, New York. Available from www.undp.org/content/undp/en/home/librarypage/climate-and-disaster-resilience-/gender-responsive-climate-change-adaptation.html

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- 2011 Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living. A/66/270. Available from www.globalprotectioncluster.org/_assets/files/tools_and_guidance/housing_land_property/By%20Themes/Housing%20in%20Emergency/Right_to_Adequate_Housing_in_Disaster_Relief_2011_EN.pdf

- 2013 Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik, A/HRC/25/54 (UN Guiding Principles on Security of Tenure for the Urban Poor). Available from <http://undocs.org/en/A/HRC/25/54>

UNDP

- 2011 *Disaster–Conflict Interface: Comparative experiences*. Bureau for Crisis Prevention and Recovery UNDP, New York. Available from www.undp.org/content/dam/undp/library/crisis%20prevention/DisasterConflict72p.pdf

UN-Habitat

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United Nations Interagency Framework Team for Preventive Action

- 2012 *Toolkit and Guidance for Preventing and Managing Land and Natural Resources Conflict: Land and Conflict*. UN Interagency Framework Team for Preventive Action, New York. Available from www.un.org/en/land-natural-resources-conflict/pdfs/GN_Land%20and%20Conflict.pdf

Box 4: HLP and disaster-/climate change-induced displacement (Planned relocations)

Disaster displacement refers to situations where people are forced to leave their homes or places of habitual residence as a result of a disaster or in order to avoid the impact of an immediate and foreseeable natural hazard and/or due to climate change-induced displacement. Oftentimes, disaster displacement causes the need to identify and provide short-, medium-term or permanent relocation to a safe area for those who have been displaced. This includes recognizing the HLP rights of both host communities and those who are relocated/resettled. The relocation of affected persons should be based on an understanding of their pre-disaster economic and livelihood activities so they retain practical access to livelihoods where possible. Restitution of damaged or destroyed HLP should be carefully considered in the context of a disaster risk management strategy. Where restitution is decided, the restitution process should incorporate the element of tenure security.¹⁴ A key initiative in this context is the [Nansen Initiative](#), which is a State-led, bottom-up consultative process intended to build consensus on the development of a protection agenda addressing the needs of people displaced across international borders in the context of disasters and the effects of climate change. The work of the Initiative culminated in the [Nansen Initiative Protection Agenda \(2015\)](#), which is implemented through the multi-stakeholder [Platform on Disaster Displacement](#). Key tools include [A toolbox: Planning Relocations to Protect People from Disasters and Environmental Change](#).

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13 Mitchell, 2011:39.

Section 4

HLP-relevant funding mechanisms

This section presents an overview of relevant humanitarian, transitional and development funding mechanisms, with a focus on the mechanisms on UN level, and provides suggestions on how the five main HLP themes outlined in this Guidance Note can be integrated into each of those mechanisms. Table 1 provides a brief overview of the covered funding mechanisms and their respective relevance to each of the five HLP themes.

TABLE 1: SELECTED FUNDING MECHANISMS AND THEIR RELEVANCE TO HLP (BY THEME)

	Country-Based Pooled Funds (CBPF)	Central Emergency Response Fund (CERF)	Office for US Foreign Disaster Assistance (OFDA)	European Union Instrument Contributing to Stability and Peace (IcSP)	Conflict, Stability and Security Fund (CSSF)	Global Facility for Disaster Reduction and Recovery (GFDRR)	Global Concessional Financing Facility (GCFF)	Global Acceleration Instrument (GAI) for Women, Peace, Security and Humanitarian Action	UN Trust Fund for Human Security (THFS)
Theme 1 HLP rights in emergency contexts	▲	▲	▲	▲			▲		▲
Theme 2 HLP rights and peace processes, peacekeeping and peacebuilding				▲	▲		▲	▲	▲
Theme 3 HLP rights and rule of law, development programming and durable solutions			▲	▲	▲		▲	▲	▲
Theme 4 Access to HLP rights for vulnerable groups	▲	▲	▲	▲		▲	▲	▲	▲
Theme 5 HLP rights and disaster risk reduction and climate change			▲	▲		▲		▲	

■ Country-based pooled funds

Country-Based Pooled Funds (CBPF) allow donors to pool their contributions into single, unearmarked funds to support local humanitarian efforts. CBPF are established when a new emergency occurs or when an existing crisis deteriorates. They are managed by OCHA under the leadership of the Humanitarian Coordinator and in close consultation with the humanitarian community. **The funds support the highest-priority projects of the best-placed responders (including international and national NGOs and UN agencies) through an inclusive and transparent process that supports priorities set out in Humanitarian Response Plans.**

As funding priorities are formulated based on the HNO and HRPs, it is of critical importance to include HLP at the assessment stage at the very onset of a crisis (see Section 2 for more details).

HLP in the CBPF should be advocated for by highlighting its critical role in crises settings – from control over land and property being an active conflict driver to being a key military objective in most active conflicts – and the inherent risks in neglecting the HLP dimension of crises in a humanitarian response. Suitable entry points are: (a) assessments to understand HLP challenges of displaced populations both in their area of pre-crisis residence as well as in their current location; (b) gender/context-specific obstacles to accessing shelter and enjoyment of security of tenure; (c) development of HLP Due Diligence guidance and operation tools across all sectors; and (d) “know your rights” campaigns and advocacy for and legal support to displaced populations in safeguarding their property documentation to support eventual returns (Theme 1 – HLP rights in emergency contexts and Theme 4 – Access to HLP rights for vulnerable groups).

■ Central Emergency Response Fund (CERF)

CERF provides seed funds to jump-start critical relief operations and fund life-saving programmes not covered by other donors. Based on priorities established under the leadership of the [Humanitarian/Resident Coordinator](#) in the field, UN funds, programmes and specialized agencies are eligible to apply for grants and loans.

HLP RELEVANT PROVISIONS:

Providing rapid response in developing humanitarian emergencies

This focus of the CERF provides an important entry point for the inclusion of HLP needs assessments from the early onset of a crisis, which will help to define critical key HLP concerns and challenges that need to inform response planning. HLP activities under this priority should, inter alia, chiefly include rapid assessments of the HLP dimensions of crisis, such as immediate shelter needs of the displaced population, the effects on any host or non-displaced populations, existing vulnerabilities (including those related to gender, age, disabilities and minorities) and, if the time and resources permit, the HLP status or situation of the displaced population prior to displacement (such as ownership and tenancy rights) to identify possible HLP obstacles for return. Another important element is the development of mechanisms for monitoring crisis-induced HLP rights violations in crisis (Theme 1 – HLP rights in emergency contexts).

Shelter and protection activities in response to large-scale displacement

Of primary importance under this priority is HLP Due Diligence activities before shelter

provision, i.e. assessment of tenure/ownership arrangements prior to the provision of shelter assistance to reduce the risk of violating the rights of land- and homeowners and ensuring security of tenure of shelter beneficiaries (HLP Due Diligence). Another critical point is the identification of emergency shelter from a HLP-diligent and gender-sensitive perspective to protect beneficiaries from forced eviction. HLP advocacy and legal support is another important activity to support displaced populations in safeguarding HLP-related documents and claiming their HLP rights moving forward (Theme 1 – HLP rights in emergency contexts).

■ Office of US Foreign Disaster Assistance (OFDA)

OFDA is an organizational unit within USAID. Each year, OFDA responds to dozens of international disasters, slow-onset emergencies and complex emergencies stemming from political crises, social unrest or armed conflict. Its mandate is to: (a) save lives; (b) alleviate human suffering; and (c) reduce the economic and social impact of humanitarian emergencies worldwide.

HLP RELEVANT PROVISIONS:

Disaster risk reduction

Under this priority, HLP activities can include development of capacity of national actors and local communities to manage disasters and implement effective preventive measures, such as recognition of both informal and formal HLP ownership and tenancy rights, and improvement of tenure security in informal settlements (Theme 5 – HLP rights and disaster risk reduction and climate change), drafting of disaster-responsive policies and investment strategies and/or advocacy to ensure or improve access to HLP rights and justice of women, minorities and other vulnerable groups, such as provision of legal (mobile) assistance and support for legal empowerment (Theme 4 – Access to HLP rights for vulnerable groups).

Early recovery

HLP under the “early recovery” stream can include: (a) repair and reconstruction of damaged housing stock; (b) institutional capacity support to respond to the HLP challenges arising from return and restitution/compensation processes; (c) ensuring authorities are aware of the relevant international laws and standards (e.g. Pinheiro Principles on Housing and Property Restitution for Refugees and Displaced Persons); and (d) capacity-building support to national institutions to manage legal pluralism/coexistence of different tenure systems (Theme 3 – HLP rights and rule of law, development programming and durable solutions).

Shelter and settlements

HLP under the “shelter and settlements” priority should include Due Diligence activities to integrate HLP considerations into all shelter programming beyond immediate emergency assistance, in order to avoid violating the rights of land- and homeowners and ensure security of tenure of beneficiaries. Activities include, inter alia, assessment of tenure/ownership arrangements prior to the provision of shelter assistance and development of HLP Due Diligence guidance and operational tools (Theme 1 – HLP rights in emergency contexts).

■ European Union Instrument Contributing to Stability and Peace (IcSP)

The [IcSP](#) is a European Union instrument providing both long-term and short-term support to peacebuilding and security-related initiatives in partner countries. The fund allocates resources to a variety of projects focusing on crisis response, crisis preparedness and conflict prevention. HLP is a priority area for the European Union, highlighted in the recent launch of its [ECHO Shelter and Settlement Guidelines](#).

HLP RELEVANT PROVISIONS:

Article 3: Crisis response planning

HLP activities under this priority can include: (a) assessments of the HLP dimensions of crisis and the development of mechanisms for monitoring crisis-induced HLP rights violations in crisis; (b) assessment of tenure/ownership arrangements prior to the provision of shelter assistance to avoid violating the rights of land- and homeowners and ensure security of tenure (Theme 1 – HLP rights in emergency contexts); (c) support in addressing HLP issues exacerbated by displacement such as loss of documentation (Theme 3 – HLP rights and rule of law, development programming and durable solutions); and (d) support to crisis-affected populations in identifying HLP remedies to address loss of housing, land and property (Theme 2 – HLP rights and peace processes, peacekeeping and peacebuilding and Theme 5 – HLP rights and disaster risk reduction and climate change).

Article 4: Peacebuilding partnerships

HLP activities under this priority may include the following: (a) development and implementation of mechanisms to provide remedies for HLP rights violations based on peace agreements, durable solutions strategies or transitional and justice frameworks; (b) assessment of institutional capacity gaps of national and local authorities responsible for HLP administration and management and the implementation of capacity-building programmes to address such gaps (Theme 3 – HLP rights and rule of law, development programming and durable solutions); (c) the gathering of information on possible unequal access to HLP by vulnerable groups and the advocacy with and support to governments to recognize and protect full HLP rights of such groups (Theme 4 – Access to HLP rights for vulnerable groups).

■ Conflict, Stability and Security Fund (CSSF)

The [CSSF](#) is a pooled fund overseen by the United Kingdom National Security Council acting to address conflict and build stability in fragile States and conflict-ridden regions. Its objectives are guided by the United Kingdom's [National Security Strategy and Strategic Defence and Security Review 2015](#).

HLP RELEVANT PROVISIONS:

Conflict prevention and stabilization

HLP activities under this priority can include the following: (a) assessments of institutional capacity gaps of national and local authorities responsible for HLP administration and management, and the implementation of capacity-building programmes to address such gaps (e.g. surveying, registration); (b) provision of longer-term technical support if necessary (e.g. secondments of experts); (c) protection of HLP rights of vulnerable groups (e.g. women,

minorities) and, if necessary, advocacy for legislative and policy frameworks to enhance the protection of their HLP rights; and (d) support to national institutions to manage legal pluralism/coexistence of different tenure systems (e.g. protection of customary HLP rights) (Theme 3 – HLP rights and rule of law and development programming and durable solutions).

Effective and accountable security and justice

HLP activities under this priority can include the following: (a) peacemaking and peacebuilding assessments on key legislative and institutional reforms required to address historic and conflict-induced HLP-related grievances that often drive conflict; (b) legal audits to assess whether the current HLP-relevant legal framework is consistent with relevant international laws and standards and are able to adequately respond to conflict-induced HLP-related disputes and restitution and/or compensation issues; (c) review of institutional capacity to address identified challenges (e.g. court system, cadastre); and (d) inclusion of customary justice and dispute resolution mechanisms in these assessments (Theme 2 – HLP rights and peace processes, peacekeeping and peacebuilding).

Developing the capacity of local populations and national institutions to prevent and resolve conflicts

HLP activities under this priority can include the following: (a) capacity-building for HLP-related institutions, such as land registries, land commissions, enforcement mechanisms at the national, regional and local level; (b) support to the development of institutional capacity to respond to the HLP challenges arising from return and restitution/compensation processes; (c) liaison with relevant authorities to ensure awareness of relevant international laws and standards (e.g. Pinheiro Principles on Housing and Property Restitution for Refugees and Displaced Persons); and (d) capacity-building support to national institutions to manage legal pluralism/coexistence of different tenure systems (e.g. protection of customary HLP rights) (Theme 3 – HLP rights and rule of law and development programming and durable solutions).

■ Global Facility for Disaster Reduction and Recovery (GFDRR)

GFDRR employs World Bank Task Teams that work directly with government agencies, development partners, technical bodies, NGOs and private actors. GFDRR helps governments and communities in vulnerable countries increase preparedness to physical and societal disaster risk. The fund also supports efforts to draft and review disaster-responsive policies and investment strategies, and encourage inter-agency efforts aimed at/needed for better governance and land-use planning.

HLP RELEVANT PROVISIONS:

Pillar 1: Risk Identification

Entry points for HLP under Pillar 1: Risk Identification should include HLP-sensitive risk analysis, e.g. vulnerability assessments of the existing housing stock and comprehensive land tenure mapping of hazard-prone areas (Theme 5 – HLP rights and disaster risk reduction and climate change).

Pillar 2: Risk Reduction

Pillar 2: Risk reduction allows for the inclusion of HLP activities in manifold ways, e.g. through activities that integrate HLP into national-level DRR processes, including: (a) HLP capacity-building on a national and regional level (Theme 5 – HLP rights and disaster risk reduction and climate change); (b) drafting of disaster-responsive policies and investment strategies; and/or (c) advocacy to ensure or improve access to HLP rights and justice of women, minorities and other vulnerable groups, such as provision of legal (mobile) assistance and support for legal empowerment (Theme 4 – Access to HLP rights for vulnerable groups).

Pillar 4: Financial Protection and Reconstruction

HLP activities under this pillar can include support for countries affected by disaster- or climate change-induced displacement in identifying appropriate solutions with respect to temporary relocation or permanent resettlement of affected populations, as well as disaster-sensitive repair and reconstruction of damaged housing stock (Theme 5 – HLP rights and disaster risk reduction and climate change). The fund also supports projects to rebuild critical public infrastructure such as schools.

■ Global Concessional Financing Facility (GCFF)

The World Bank's [Global Concessional Financing Facility \(GCFF\)](#) provides financing for development projects in middle-income countries impacted by refugee crises across the globe on concessional terms. It supports policy reforms and programmes in areas, such as basic services, social protection, expanding economic opportunities or ones that strengthen and develop critical infrastructure, and develop private sector participation.

HLP RELEVANT PROVISIONS:

Priority area 1: Strengthening the capacity of communities hosting refugees

HLP activities under this priority area may be argued for by highlighting the prevalence and conflict potential of HLP disputes and housing shortages in refugee-hosting communities, common in most situations of refugee influx. Meaningful HLP interventions can include support for longer-term and more robust shelter solutions and/or land allocation for refugees easing tensions with host community over growing pressure on local resources, and provision of mediation and dispute resolution support and mechanisms to alleviate tensions between refugees and host communities (Theme 2 – HLP rights and peace processes, peacekeeping and peacebuilding).

Priority area 2: Reforming institutional infrastructure

HLP entry points under this priority are manifold and could, inter alia, include work on reinforcing land management institutions, e.g. through the following: (a) development and implementation of capacity-building programmes for relevant national/local authorities; (b) assessments of institutional capacity gaps of national and local authorities responsible for HLP administration and management and the implementation of capacity-building programmes to address gaps such as surveying and registration (Theme 3 – HLP rights and rule of law, development programming and durable solutions); (c) post-conflict assessments

of conflict-induced HLP rights violations and challenges (e.g. destruction and damage to HLP, occupation trends, fraudulent and coerced sales); (d) subsequent identification of HLP priorities for peacemaking, peacekeeping and peacebuilding efforts (Theme 2 – HLP rights and peace processes, peacekeeping and peacebuilding); and (e) public education and “know your property rights” campaigns that describe rights, remedies and procedures related to resolving property disputes (Theme 4 – Access to HLP rights for vulnerable groups).

■ Global Acceleration Instrument (GAI) for Women, Peace and Security and Humanitarian Action

The GAI has been established by civil society, the UN and Member States and focuses on enhancing women’s engagement, leadership and empowerment in peace and security and/or humanitarian contexts. One of the key objectives of the GAI is to break silos between humanitarian, peace, security and development finance by investing in all phases of the crisis, peace, security and development continuum. A minimum of 50 per cent of all GAI funds is allocated to civil society organizations, with approximately another 50 per cent for the UN family.

HLP RELEVANT PROVISIONS

Conflict prevention and seeking key peacebuilding opportunities

HLP activities under this priority should show the relevance of HLP to conflict prevention and mitigation with a focus on women. Meaningful activities can include the following: (a) supporting the participation of women in community-level HLP dispute resolution mechanisms; and (b) facilitation of involvement of women leaders in decision-making processes related to HLP (e.g. membership of land commissions, peace negotiations), including capacity-building activities if necessary, such as training on relevant international and national HLP laws and standards (Theme 4 – Access to HLP rights for vulnerable groups).

Promotion of equality in socioeconomic recovery

HLP activities under this priority may include the following: (a) inclusion of gender-specific provisions in administrative and economic recovery programmes, including women’s land access and property rights; (b) facilitation of access to civil documentation for women and girls to better access their HLP rights; (c) documentation of land rights; (d) public education and “know your property rights” campaigns that describe rights, remedies and procedures related to resolving property disputes (Theme 2 – HLP rights and peace processes, peacekeeping and peacebuilding and Theme 4 – Access to HLP rights for vulnerable groups); and (e) support to governments in land allocation to disaster- and climate change-displaced persons and their communities in a gender-sensitive and non-discriminatory way (Theme 5 – HLP rights and disaster risk reduction and climate change).

Safeguarding of women’s access to human rights

HLP activities under this priority can include the following: (a) legislative and policy reform to secure women’s equal access to HLP resources, such as amendment of marriage and inheritance laws; (b) review of protection of HLP rights of vulnerable groups (e.g. women, minorities) and, if necessary, advocacy for legislative and policy frameworks to enhance

the protection of their HLP rights (Theme 3 – HLP rights and rule of law, development programming and durable solutions); and (c) support towards securing women’s equality in accessing HLP by identifying discriminatory inheritance and related laws and cultural practices and providing recommendations to governments on how to best amend such laws and transform practices (Theme 4 – Access to HLP rights for vulnerable groups).

■ UN Trust Fund for Human Security (TFHS)

The UN-TFHS is managed by the UN Human Security Unit (HSU). The main objective of the TFHS is to support activities that operationalize the human security agenda in the field. The concept of human security encompasses economic, food, health, environmental, personal, community and political security. HLP is of relevance to all aspects of this broad definition of human security. Funded HLP activities under the TFHS have, inter alia, included the following: (a) improving natural disaster preparedness by developing and providing safe housing solutions in disaster-prone areas; and (b) securing land allocation for the permanent resettlement of IDPs.

HLP RELEVANT PROVISIONS:

Protecting and empowering people and communities in situations of insecurity

HLP is relevant to the human security agenda in manifold ways. Under the Protecting and Empowering People and Communities in Situations of Insecurity stream, efforts to secure ownership and tenancy rights, and thereby improving overall security of vulnerable individuals and communities, are of pertinent importance. Relevant activities under this pillar can, inter alia, include the following: (a) awareness-raising campaigns on HLP rights among crisis-affected populations, including the services available to support claiming such rights (e.g. legal assistance, dispute resolution, shelter assistance) and local rules and regulations on HLP matters (e.g. rental/lease agreements (Theme 1 – HLP rights in emergency contexts); and (b) assessments and subsequent strengthening of appropriate justice and dispute resolution mechanisms to address HLP-related disputes, with a focus on secured access for vulnerable groups (Theme 1 – HLP rights in emergency contexts and Theme 4 – Access to HLP rights for vulnerable groups).

Building conflict resilience by means of multisectoral inter-agency activities

Projects seeking support from the TFHS need to show that they foster long-term and sustainable social change. HLP actors can and should make the case that unless structural HLP-related inequalities such as inequitable access to land are addressed, access to sustainable livelihoods are severely compromised, and risk of continued conflict therefore remains acute. Activities/programmes can include one or several of the following: (a) assessment of national capacity to protect HLP rights, capacity assessments to, in turn, identify priorities for legal reform, policymaking and institutional capacity-building on HLP (Theme 1 – HLP rights in emergency contexts); (b) design and implementation of legal audits to assess whether the current HLP-relevant legal framework is consistent with relevant international laws and standards (Theme 2 – HLP rights and peace processes, peacekeeping and peacebuilding); (c) review of the protection of HLP rights of vulnerable groups (e.g. women, minorities); and advocacy for legislative and policy frameworks to enhance the protection of their HLP rights (Theme 3 – HLP rights and rule of law, development programming and durable solutions).

