

Housing, Land and Property Working Group (HLP WG) Draft Terms of Reference (TOR)

Version 2	22 April 2022	
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I. BACKGROUND

As Yemen enters its eighth year of conflict, more than 4.3 million displaced persons (IDP) continue to encounter a wide range of humanitarian and protection challenges in restoring their lives, including the lack of access to housing, land, and property (HLP) rights.

Land or specifically territorial control and consolidation of large swaths of land by the warring parties continue to be one of the drivers/triggers of the conflict. Therefore, resolving HLP related conflicts is a critical factor in achieving sustainable peace and durable solutions for the IDPs in Yemen.

Host communities (including tribal groups) and local authorities continue to be the primary providers of land/shelter for the IDPs. Of the 4.3 million displaced persons, 44% live in rented housing/apartments and pay rent¹. The remainder is either hosted by their friends or relatives; or living in makeshift tents/shelters in one of the underserved 2,286 informal settlements they have spontaneously occupied. Most live with precarious tenure arrangements- undocumented and verbal, leaving the IDPs vulnerable to price increases, evictions, and other forms of exploitation.

Of those renting, 81% reported to have received threats of eviction in the past year, predominantly verbal threats due to non-payment of rent or since the host community wanted the land/housing back.² According to the CCCM Eviction Tracker, in 2021, 81 cases of eviction threats were reported across 70 informal settlements, affecting 7,495 HHs³. Evictions of IDPs have increased the demand for suitable (state) land, sustainable housing solutions including rental and the need for coordination among the humanitarian community, landowners, and the Government counterparts.

Competition over the access and use of land and water resources has resulted in tensions and marked HLP related disputes between the IDPs and the host communities. These disputes impede the provision of durable shelter/WASH services and other humanitarian assistance, give rise to protection challenges, and weaken the precarious relationship between the IDPs and the host communities.

In 2021, the Humanitarian Cluster Team (HCT) identified the protection of HLP rights of displaced persons as one of the significant gaps in the humanitarian response plan in Yemen and endorsed the establishment of an HLP WG to address the priority HLP issues and work towards the improvement of social cohesion between the IDPs and the host communities.

The HLP WG objective is aligned with the HRP 2022 Strategic Objective SO2 and SO3, and specifically HRP Specific Objectives 2.1, 3.1 and 3.2.

2.1. Improved living standards and resilience of crisis-affected vulnerable women, girls, boys and men through the provision of multi-sectoral, inclusive, and quality basic services and assistance ensuring safe access.

3.1 Protection risks are mitigated, and protection incidents addressed through safe and inclusive access to and provision of quality, safe and integrated protection and humanitarian services and assistance, to people at risk with due account to age, gender, disability, and social status.

¹ INAT/PMT 2021-22, <https://app.powerbi.com/groups/me/reports/46cd93c2-7110-45b0-b274-a51ea0aed5e0/ReportSection8f0ba8b4878141081046?ctid=e5c37981-6664-4134-8a0c-6543d2af80be>

² 

³ CCCM Eviction Tracker

<https://app.powerbi.com/view?r=eyJrIjoizTQzMtA2ODMtMWJiZi00ZmY2LWE4MDEtMzc1MzQ1ZDYxMDIyIiwidCI6ImU1YzZM3OTgxLTy2NjQ1NDEzNC04YTBlLTlYNDRkMmFmODBiZSIsImMiOj9h&pageName=ReportSection>

3.2 The human rights, inclusion, safety and dignity of all vulnerable groups with due account to age, gender, disability, and social status, are promoted and protection risks identified and addressed through protection monitoring, child protection case management, mental health and psychosocial support, mine risk education, community-based mechanisms and tailored humanitarian response.

The establishment of the HLP WG will contribute to the achievement of two of the five HRP 2022 Management Objectives of the HC/HCT:

Objective 3 Improved interlinkage of humanitarian, development and peace programming
Objective 5 Strengthen collective response and advocacy,

II. PURPOSE

Overall Objective

The overall objective of the HLP WG is to facilitate a systematic and structured approach to identifying and addressing HLP issues affecting the displaced population, returnees and host communities in Yemen.

Specific Objectives

More specifically, the HLP WG aims to:

1. Identify priority HLP issues in Yemen and provide leadership and guidance in addressing and resolving them, with the view to enhance HLP considerations in the humanitarian response and securing durable solutions for the IDPs and returnees;
2. Support effective coordination of HLP responses in Yemen at the national and sub-national level to enhance accountability, predictability and effectiveness of humanitarian actions and linkages to development initiatives.

III. CORE FUNCTION

1. Coordination

- Provide a coordination platform to actively engage key humanitarian and development partners across all clusters able and willing to contribute expertise, knowledge, and resources to responses (including preventative and reactive measures) that target agreed strategic HLP priorities;
- Establish effective link with hub-level cluster coordination mechanisms, including supporting the establishment of the HLP focal points at the regional and hub level;
- Strengthen the overall structure, capacity, and effectiveness of the HLP members for a coordinated and effective HLP response;

2. Needs Assessment

- Support the identification and prioritisation of critical HLP needs and related gaps in Yemen through regular HLP assessments in areas of displacement and return; HLP related legal framework mapping, research and trend analysis to inform HLP programming and advocacy;

3. Planning, Strategy Development and Advocacy

- Develop an Age, Gender & Diversity (AGD) responsive HLP strategy, including the identification of gaps, and a predictable work plan clearly identifying roles and responsibilities, and report on their implementation;
- Develop appropriate HLP response plans that contribute to the HRP and relevant development planning and resource mobilisation processes (YHF, CERF and others);
- Develop and operationalise HLP related technical guidance on prioritized themes for HLP Partners and HCT, - notably related to evictions, relocations, land & housing tenure, identification of suitable land, access to adequate shelter/housing, dispute resolution and land administration systems;

- Identify HLP advocacy priorities, main advocacy targets in the North and South, and undertake strategic, evidence-based advocacy on behalf of partners and the affected population;
- Contribute and support HLP advocacy efforts by the ICCM and HC/HCT as appropriate to support preventive, remedial, and reparatory actions by the relevant authorities and stakeholders in accordance with their obligations;

4. Capacity Building

- Undertake HLP mainstreaming training for members, interested clusters and sensitization of stakeholders and affected populations;
- Provide targeted training on prioritised HLP concerns, policies, and tools to stakeholders (Government authorities, host communities) and IDPs;

5. Resource Mobilisation

- Advice and support resource mobilisation efforts for priority HLP activities in the HRP and HLP WG strategies/response plans;

6. Monitoring and Reporting

- Support the establishment, standardisation and maintenance of monitoring, response and reporting mechanisms on HLP issues and trends analysis in order to generate information to inform programming and advocacy by the HLP WG and its members, as well as to enable referral of vulnerable individuals to specialised services;
- Report on the progress made to the SNFI/Protection/CCCM clusters, ICCM, donors and other stakeholders.

The objectives and functions listed above form the basis for the development of an HLP Strategy and annual work plans, which will be reviewed at regular intervals in consultation with HLP WG members.

IV. PARTICIPATION

The HLP WG is open to all interested UN Agencies, National and International NGOs/entities working on humanitarian, early recovery, development, and human rights that seek to ensure the realisation of HLP rights of the displaced persons in Yemen. Membership is inclusive and on a voluntary and self-nominated basis.

The SCMCHAIC (Sana'a), Executive Unit (Aden), General Authority for Land Survey and Urban Planning (GALSUP) and Ministry of Endowment and Guidance are the government counterparts of the WG,

Representatives of national, regional and local authorities and other stakeholders, can be invited to participate in the HLP WG meetings as agreed upon by WG members.

Active membership in the WG requires:

- **Technical expertise:** Attendance is expected to be at the technical level. Each agency nominates one regular representative and one alternate representative that will attend the WG meetings. By participating in the WG, each representative commits to work towards the realisation of the WG's objectives and to make time and human resources available to carry out tasks agreed by the partners.
- **Demonstrated capacity** to contribute strategically and provide operational support, including assessing needs, developing plans, policies, guidelines and HLP responses.
- **Regular participation** in the HLP WG meetings and commitment to contribute consistently.
- **Regular information-sharing**, and participation in monthly WG and/or ad-hoc meetings

Agencies wishing to participate in the WG should fill out the HLP WG Member Form in Annex 1. The agencies are bound by the 2007 Principles of Partnership⁴, including equality, transparency, result-oriented approach,

⁴ See Principles of Partnership: A Statement of Commitment endorsed on 12 July 2007 by the Global Humanitarian Platform. <https://www.icvanetwork.org/system/files/versions/Principles%20of%20Partnership%20English.pdf>

responsibility, and complementarity. The agencies are further bound by principles of neutrality, cultural sensitivity, confidentiality, do-no-harm, and risk-to-benefit analysis.

V. STRUCTURE

Reflective of the cross-cutting nature of HLP issues, the HLP WG will be a tri-cluster coordination platform with a dedicated technical advisory role to the Shelter/NFI, Protection, and CCCM clusters. In addition, the WG will also provide a technical advisory role -as requested- to other clusters, UN, NGO coordination structures, and Government counterparts.

Chair and Co-Chairs

The WG is chaired by the United Nations High Commissioner for Refugees (UNHCR), with two co-chairs. The position of the two co-chairs is open to any international and national NGOs members and UN agencies- preferable for at least one NGO national co-chair. Members wishing to self-nominate should fill out the Co-chair Nomination Form in Annex 2.

The three lead agencies will appoint staff to support the coordination of the WG. The Coordination Team shall consist of the Chair and Co-Chairs and other support staff designated by the lead agencies. The lead agency's role will undergo periodic evaluation in consultation with the WG members.

Coordination Team

The Coordination Team's role is to follow up on the decisions of the HLP WG and coordinate, implement and report on the HLP WG Annual Work Plan and Strategy in close consultation and collaboration with the Shelter/NFI, CCCM, and Protection Clusters.

Coordination Structure

The HLP WG shall be operational at the national level in Sana'a and the sub-national level in the North and South.

National

The national WG shall be comprised of the coordination team.

Sub-national

HLP Focal Points shall be established in the North and South.

- The Focal Points shall be a staff of any member of the HLP WG with presence, HLP related activities and capacity in the region. The Focal Points shall convene monthly meetings in consultation and collaboration with the sub-national Shelter/NFI, CCCM and Protection clusters and OCHA and report to the National HLP WG every month.
- This ToR applies to the WG in its entirety, while separate set of ToRs will be developed for the HLP Focal Points with separate work plans.
- Sub-National HLP WG may be established in any or all of the official hubs with active HLP members and critical HLP issues upon discussions with the WG members.

VI. GOVERNANCE

SAG

The WG shall establish a Strategic Advisory Group (SAG) to provide strategic direction and technical guidance to the WG composed of the Shelter/NFI, CCCM and Protection Cluster Coordinators and lead I/N NGOs. A separate set of ToR will be developed for the SAG.

Decision-Making

The HLP WG shall endorse a HLP Strategy and work plan and shall be attached hereto as Annex 2 and 3 once developed.

Decisions at the WG are typically taken by consensus. However, in the absence of agreement on any issue

requiring the decisions of the Chairs/Co-Chairs and the WG, a vote is taken, and a decision is made if there is a 51% majority. A quorum for a meeting in which decisions are taken is one-quarter of the members. Any issues that require strategic support and guidance will be elevated to the SAG and/or the ICCM.

Reporting

The WG shall report on its structural and/or functional updates to:

- a. Internally: Shelter/NFI, CCCM and Protection Clusters, and ICCM and HC/HCT as required,
- b. Externally: HLP AoR of the Global Protection Cluster, and Government counterparts as required.

Frequency of Meetings

The WG shall be convened monthly. In addition, extraordinary meetings may be called by the Chair/Co-Chairs or be convened upon requests by any of the WG members.

Revision of the Terms of Reference, Strategy, and the Work Plan of the HLP WG

The ToR, strategy, and work plan of the WG may be reviewed and amended annually or if revisions become urgent due to the change in the situation and response in Yemen.

DRAFT

Annexe 1

Housing, Land and Property Working Group (HLP WG)
MEMBER FORM

PRIMARY REPRESENTATIVE	
First Name	
Surname	
Position/Work Title Note the Primary Representative need to have Technical HLP Expertise	
See area of work/expertise below	
Agency	
Please tick as appropriate	<input type="checkbox"/> UN <input type="checkbox"/> INGO <input type="checkbox"/> NGO <input type="checkbox"/> Academic <input type="checkbox"/> Government <input type="checkbox"/> Others _____
	<input type="checkbox"/> Humanitarian <input type="checkbox"/> Development <input type="checkbox"/> Human Rights <input type="checkbox"/> Others _____
Existing Cluster Member Mandatory to be a member of at least one. Please tick as appropriate.	<input type="checkbox"/> SNFI <input type="checkbox"/> CCCM <input type="checkbox"/> Protection <input type="checkbox"/> WASH <input type="checkbox"/> Others _____
Address	
Mobile No	
Email	

AREA OF WORK/EXPERTISE	
Please tick as appropriate	
<input type="checkbox"/> HLP	<input type="checkbox"/> Legal Counselling/Assistance
	<input type="checkbox"/> Dispute Resolution/ Community Mediation
	<input type="checkbox"/> Land Administration/Management
	<input type="checkbox"/> Others _____
<input type="checkbox"/> Protection	
<input type="checkbox"/> Shelter/NFI	
<input type="checkbox"/> CCCM	
<input type="checkbox"/> WASH	
<input type="checkbox"/> Food Security	
<input type="checkbox"/> Rule of Law/Access to Justice	
<input type="checkbox"/> Human Rights	
<input type="checkbox"/> Environment and Natural Resource (forest, land)	
<input type="checkbox"/> Others _____	

ALTERNATE REPRESENTATIVE	
First Name	
Surname	
Position/Work Title	
Mobile No	
Email	

Please email the completed form to
HLP WG Coordination Team, thank you,

Annexe 2

Housing, Land and Property Working Group (HLP WG)
CO-CHAIR NOMINATION FORM

AGENCY	
Agency Name	
Address	
Please tick as appropriate	<input type="checkbox"/> N/NGO <input type="checkbox"/> I/NGO <input type="checkbox"/> Others _____
Member of the HLP WG (mandatory)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Existing WG/Cluster Member: Please tick as appropriate	<input type="checkbox"/> SNFI <input type="checkbox"/> CCCM <input type="checkbox"/> Protection <input type="checkbox"/> WASH <input type="checkbox"/> Others _____
Does your agency have HLP programming?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details: - Project Title - Duration - Objective - Activities - Coverage	

PRIMARY NOMINEE/REPRESENTATIVE	
First Name	
Surname	
Position/Work Title	
Mobile No	
Email	
Years of HLP experience, please provide details	

ALTERNATE NOMINEE/REPRESENTATIVE	
First Name	
Surname	
Position/Work Title	
Mobile No	
Email	
Years of HLP experience, please provide details	

SIGNATURE	
Primary Nominee	
Alternate Nominee	
Head of Office	