

HLP and Shelter in Emergencies

Addis Ababa, 2018



THE
EUROPEAN
COMMISSION



Housing

Land &

Property

DEVELOPMENT

INVESTMENT

WEALTH

LAND

CONFLICT

PEACE

LIVELIHOOD

HOME

IDENTITY

PLACE OF
ORIGIN

LAND

PROPERTY

Land Cadastre

1. Property

2. Person

Land Cadastre + tenure

=

Property Registry

Tenure

Tenere

to hold / have

Tenure = relationship between
the person in possession and the
land/building

1.CANNOT BE MOVED

2.MOST VALUABLE

IMMOVABLE PROPERTY = LAND, HOUSE, BUILDINGS













HLP is about information

- Sources: Land Registry, claimant, neighbours, elders, Kebele, Woreda, etc.

Gedeo-Guji Context

- What is the best way to determine if a land parcel belongs a displaced person?
 - Step-by-step
 - Be specific
- What are the risks?

PLACE OF
ORIGIN

LAND

PROPERTY

- Immovable property (cannot be moved/most valuable asset)
- Possession (use of the property, directly and indirectly)
- Property cadastre (physical representation of land and buildings)
- Property Registry (Cadastre + rights)
- Tenure (relationship between the person in possession and the land/building)

RESTITUTION

(Pinheiro Principles)

All refugees and displaced persons have the right to freely return to their homes of origin.

They have the right to have restored to them property of which they were deprived.

They have the right to be compensated for any such property that cannot be restored to them.

- Avoid consolidating secondary occupancy
- Avoid validating illegitimate means of repossession
- Assist displaced to document HLP rights

✓ PREVENT CONFLICT

✓ DURABLE SOLUTIONS

- **Security of Tenure** (certainty that the person will not be forcibly dispossessed/evicted)

"Secure Enough" (greatest degree of security of tenure for beneficiaries that is feasible in the context)

3-Steps

- 1 Understanding the context
- 2 Accepting uncertainty
- 3 Integrating HLP in Programming

Understanding the Context

- Formal / De Jure (“Should be”)
 - Formal property rights - freehold, use rights, tenancy, etc
 - Legislation - modalities of property transfer, rental laws, expropriation rules, eviction procedures
 - Statutory dispute resolution mechanisms (police, district courts, High Court, others)
 - Land administration - Land Registry, property records
- Informal / De Facto (“Is”)
 - Tenure modalities
 - Tenure arrangements – unfamiliar arrangements, landlords that are not owners / State land that has been occupied for decades, unclear rent-to-buy agreements
 - Alternative dispute resolution mechanisms (family, community, customary, religious)
 - Practices discriminate women?
 - Customary rules

Accepting uncertainty

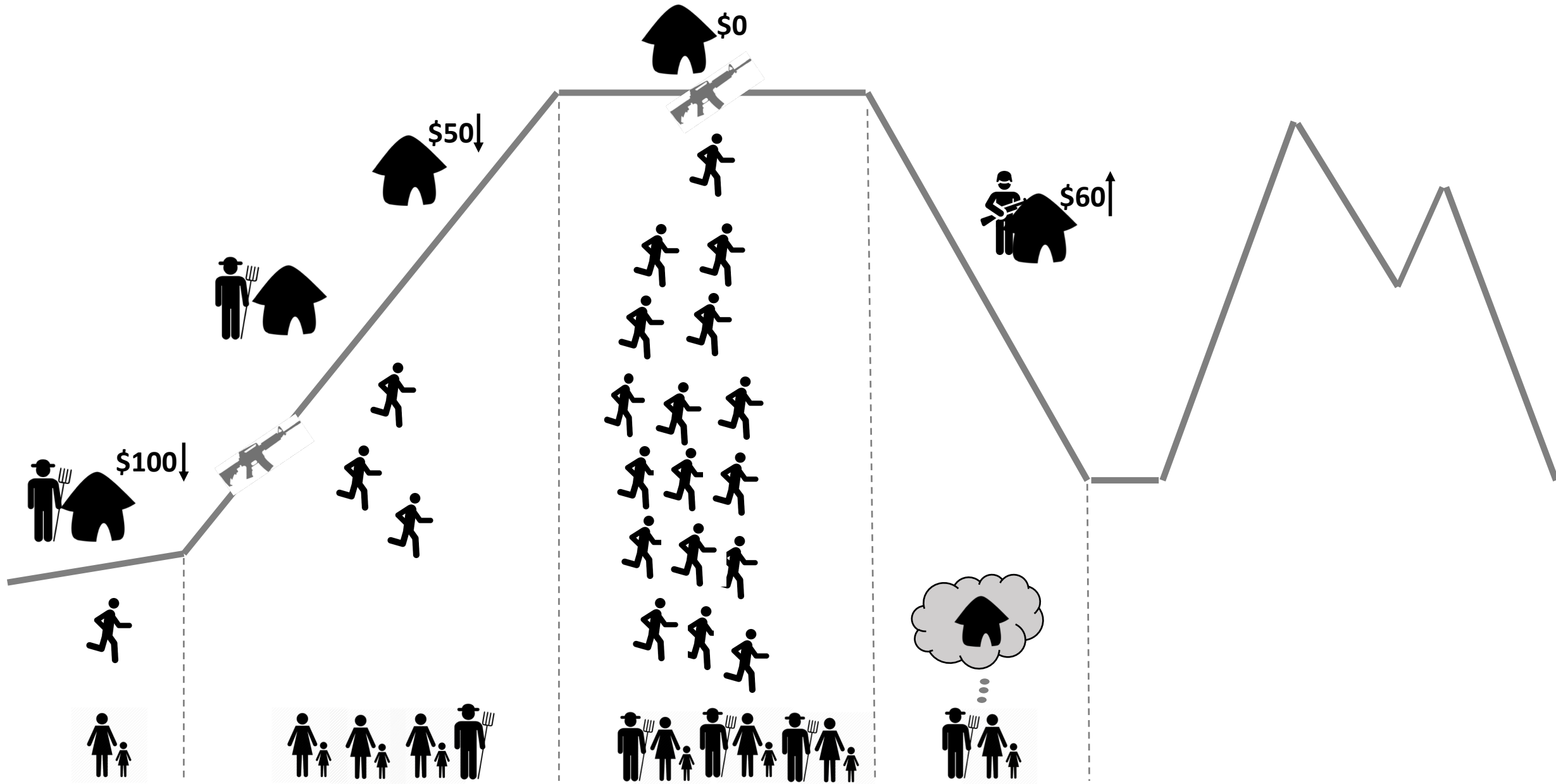
- Formal ownership is not a pre-requisite
- Assist tenants, landless
- Tenure: secure enough

“Greatest degree of protection for beneficiaries that is feasible in the context”

Integrate HLP in Programming

- Design
 - Include HLP capacity
 - BE CAREFUL WITH LAWYERS
 - Needs of tenure insecure
 - Adapt programmes to tenure context
 - Avoid entrenching discrimination against women
- Implementation
 - Grievance mechanism
 - Legal assistance
 - Triangulation and red flags
 - Listen to the community – actor mapping
- Monitoring and Evaluation
 - Degree of security of tenure: investment, perception, plans

HLP in Conflict



*Constitution
of The Federal Democratic Republic of Ethiopia*

Article 40

The Right to Property

Every Ethiopian citizen has the right to the ownership of private property.

Constitution of The Federal Democratic Republic of Ethiopia

Article 40

The Right to Property

(1) Every Ethiopian citizen has the right to the ownership of private property.

(3) The right to ownership of rural and urban land, as well as of all natural resources, is exclusively vested in the State and in the peoples of Ethiopia. Land is a common property of the Nations, Nationalities and Peoples of Ethiopia and shall not be subject to sale or to other means of exchange.

(4) Ethiopian peasants have right to obtain land without payment and the protection against eviction from their possession.

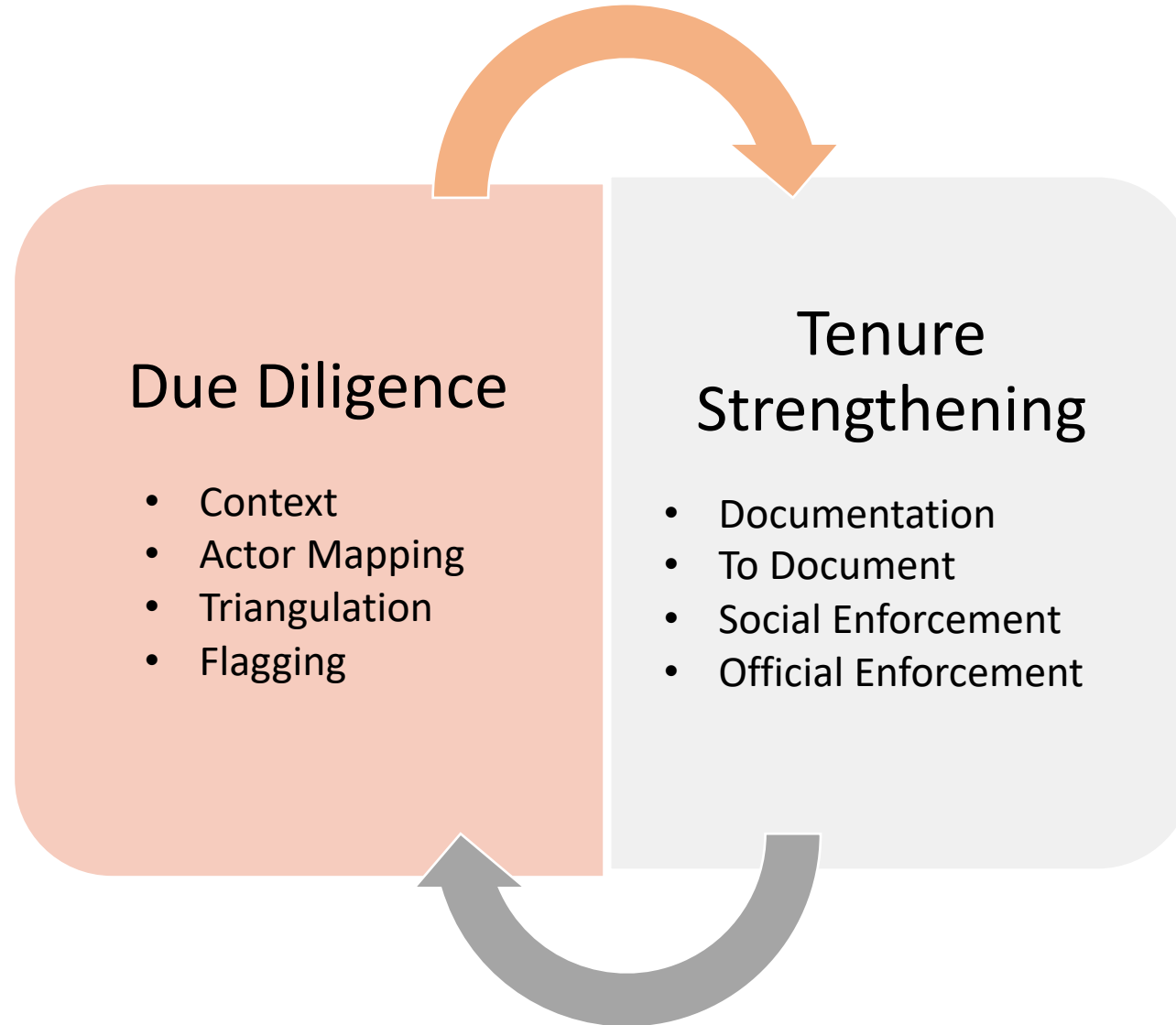
Land Rights in Ethiopia: What is relevant for Gedeo-Guji?

- Constitution (1995)
- Rural Land Administration and Land Use Proclamation (456/2005)
- Oromia Rural Land Use and Administration (130/2007)
- SNNPR Rural Land Administration and Utilization Proclamation (110/2007)

Rural Land Rights

- Holding Right
- No time limit
- Can inherit, donate, lease
- Cannot sell, barter
- If abandons voluntarily, may lose

HLP in Shelter: Increasing Security of Tenure















HLP issues in the Gedeo-Guji context

- Authorities (Kebel+Woreda) allocated land for new collective site. IDP family claims to be the right holders.
- Displaced persons had holding certificates destroyed
- Coffee harvest (pre-harvest) and compensation
- Authorities charging for “renewal” of holding certificate
- Secondary occupants (youth)
- Eviction of collective sites

THANK YOU!



THE EUROPEAN
COMMISSION
EUROPEAN UNION
HUMANITARIAN AID



International Organization for Migration (IOM)
The UN Migration Agency