



**Global Shelter Cluster**

ShelterCluster.org

Coordinating Humanitarian Shelter

# V2.0: Securing tenure in shelter operations

Guidance for Humanitarian Response

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**Humanitarian Aid  
and Civil Protection**

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## LIST OF ACRONYMS

|                |   |
|----------------|---|
| <i>CAR</i>     | Central African Republic; Commission d'Accueil de Réinsertion (Home Reinsertion Commission) |
| <i>CBO</i>     | Community-based organisation  |
| <i>CDR</i>     | Collaborative Dispute Resolution; Community Dispute Resolution                              |
| <i>CLRC</i>    | Customary Land Registration Committee   |
| <i>CLT</i>     | Community land trust  |
| <i>DRC</i>     | Democratic Republic of the Congo  |
| <i>ECHO</i>    | European Commission's Humanitarian Aid and Civil Protection department                      |
| <i>FGD</i>     | Focus Group Discussion  |
| <i>FS</i>      | Food security   |
| <i>GPS</i>     | Global Positioning System   |
| <i>HLP</i>     | Housing, land and property  |
| <i>HoH</i>     | Head of Household   |
| <i>ICLA</i>    | Information, counselling and legal assistance   |
| <i>IDP</i>     | Internally displaced person   |
| <i>IFRC</i>    | International Federation of Red Cross and Red Crescent Societies                            |
| <i>ITS</i>     | Informal tented settlements   |
| <i>LCD</i>     | Legal civil documentation   |
| <i>M&amp;E</i> | Monitoring and Evaluation   |
| <i>MoU</i>     | Memorandum of Understanding   |
| <i>NFI</i>     | Non-food items  |
| <i>NGO</i>     | Non-governmental organisation   |
| <i>NRC</i>     | Norwegian Refugee Council   |
| <i>OFC</i>     | Occupancy free of charge  |
| <i>OCHA</i>    | United Nations Office for the Coordination of Humanitarian Affairs                          |
| <i>OHCHR</i>   | Office of the United Nations High Commissioner for Human Rights                             |
| <i>OVI</i>     | Objectively Verifiable Indicators   |
| <i>PAD</i>     | Person affected by displacement   |
| <i>SSU</i>     | Small Shelter Unit  |
| <i>SWOT</i>    | Strengths, weaknesses, opportunities, threats   |
| <i>ToR</i>     | Terms of Reference  |
| <i>UNDP</i>    | United Nations Development Programme  |
| <i>UNHCR</i>   | United Nations High Commissioner for Refugees   |
| <i>UNRWA</i>   | United Nations Relief and Works Agency for Palestine Refugees in the Near East              |
| <i>WASH</i>    | Water, sanitation and hygiene   |

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# 1 Introduction

In a number of regions and contexts where humanitarian shelter programmes are implemented, the use of and access to land and housing by individuals and communities is of a different character and subject to a different type of governance than in the Global North context of formal ownership evidenced by written documents and official records.

Despite this operational reality, until recently, both donors and shelter agencies have largely adhered to traditional notions of shelter based on individual property ownership, given the view that this was the only sufficiently secure form of tenure. As a result, people lacking individual ownership – often among the most vulnerable – were excluded from shelter assistance.

This guidance is part of The Global Shelter Cluster's and the HLP AoR's efforts to develop *an operational definition of security of tenure applicable in humanitarian settings*, which will enable the sector to effectively address the shelter needs of its beneficiaries. It incorporates learning from field operations as they apply basic concepts of security of tenure together with knowledge of the local context to devise shelter solutions based on the legal realities and the diversity of tenure systems and tenure forms in place.

Shelter actors strive to promote the design of flexible solutions with tenure that is *secure enough*; by providing the greatest degree of protection for beneficiaries that is feasible in the context. On the one hand is the ideal of formal tenure with a high degree of security evidenced by official documents. On the other, the immediate need of beneficiaries for some security in a situation where formal documented tenure is difficult to obtain.

This document presents operational efforts in a range of contexts to find the *right balance*, using tenure options for beneficiaries short of private ownership, with emphasis on how tenure can be secured and documented in the absence of rules or documentation issued by formal authorities. Going forward, one goal is to continue to explore options for the use of additional forms of tenure.

## 1.1 Structure and use of this guidance

|                   |   |
|-------------------|---|
| <b>Chapter 2:</b> | Provides a brief summary of four types of tenure systems as well as four forms of land tenure and four forms of housing tenure.   |
| <b>Chapter 3:</b> | Details four approaches to tenure that are commonly used in humanitarian shelter programs, three of them are related to statutory tenure systems: right of use, rental, and ownership – and the fourth describes customary tenure systems.  |
| <b>Chapter 4:</b> | Discusses the importance of understanding the local context; how to obtain information necessary for programme design; what is “secure enough” at different stages of the emergency timeline; challenges linked to discrimination and access, as well as advice and suggested indicators for monitoring and evaluation. |
| <b>Chapter 5:</b> | Presents lessons and models from seventeen selected shelter programmes where there is support for security of tenure. Each example looks at how tenure is secured; key challenges, lessons learned and cross-cutting issues.  |

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## 2 Overview of tenure

**Security of tenure:** Security of tenure means that people can live in their homes without fear of forced eviction, whether in communal settlement situations, informal settlements, host communities or after return. It is the foundation of the right to adequate housing and many other human rights.

In the humanitarian context, an incremental – or step-by-step – approach may be the most appropriate approach to security of tenure. This recognises that displaced people can be supported to improve their living conditions in different types of accommodation.

Attention to security of tenure in shelter programmes does not mean prioritising owners for assistance, nor does it necessarily convey permanence or ownership. Shelter actors have been developing an understanding of what is “secure enough” for the purposes of designing shelter options that support the most vulnerable and tenure-insecure. Source: Sphere Handbook, Shelter and Settlements Chapter, Standard 6: Security of Tenure

As is recognised in the sustainable development goals (SDGs), security of tenure is also linked to **perceptions** of the individual, families or communities. Threats of violence, harassment or forced eviction violate human rights and should never be ignored by humanitarians and their partners. But it is also the case that the personal estimations of the likelihood of future threat or forced eviction can be a decisive factor, when families are deciding how long they can stay in a shelter, and whether they have the confidence to invest in their own recovery, in that location.

### Shelter and settlement standard 6: Security of tenure

The affected population has security of tenure in its shelter and settlement options.

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#### Key actions

1. Undertake due diligence in programme design and implementation.
  - Achieve as much legal certainty about tenure as possible (the “secure enough” approach), given the context and constraints.
  - Coordinate and work with local authorities, legal professionals and interagency forums.
2. Understand the legal framework and the reality on the ground.
  - Map tenure systems and arrangements for the different post-crisis shelter and settlement scenarios; identify how these affect the most at-risk groups.
  - Work with local authorities to understand which regulations will be enforced and which will not, and the related time frames.
  - Understand how tenure relations are managed and disputes resolved, and how this may have changed since the onset of the crisis.
3. Understand how tenure systems, arrangements and practices affect security of tenure for at-risk groups.
  - Include security of tenure as an indicator of vulnerability.
  - Understand what documents may be required by people participating in a programme, noting that the most vulnerable may not have, or be able to access, these documents.
  - Ensure that the response is not biased towards owner-occupier or freehold arrangements.
4. Implement shelter and settlement programmes to support security of tenure.
  - Use local expertise to adapt programming to the different types of tenure, especially for vulnerable groups.
  - Ensure that documentation, such as tenure agreements, is properly prepared and reflects the rights of all parties.
  - Reduce the risk that the shelter programme may cause or contribute to tensions within the community and with surrounding local communities.
5. Support protection from forced eviction.
  - In case of eviction, or risk of eviction, undertake referrals to identify alternative shelter solutions and other sectoral assistance.
  - Assist with dispute resolution.

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#### Key indicators

**Percentage of shelter recipients that have security of tenure for their shelter and settlement option at least for the duration of a particular assistance programme**  
**Percentage of shelter recipients that have an appropriate agreement for security of tenure for their shelter option**  
**Percentage of shelter recipients with tenure challenges that have accessed, independently or through referral, legal services and/or dispute resolution mechanisms**

### Guidance notes

**Tenure** is the relationship among groups or individuals with respect to housing and land, established through statutory law or customary, informal or religious arrangements. Tenure systems determine who can use what resources, for how long, and under what conditions. There are many forms of tenure arrangements, ranging from full ownership and formal rental agreements to emergency housing and occupation of land in informal settlements. Regardless of the tenure arrangement, all people still retain housing, land and property rights. People living in informal settlements, who are often internally displaced, may not possess a legal right to occupy the land but still possess the right to adequate housing and protection against forced eviction from their home. In order to determine whether an appropriate security of tenure is in place, information such as tenure documentation and organisational use of due diligence methods are required.

**Security of tenure** is an integral part of the right to adequate housing. It guarantees legal protection against forced eviction, harassment and other threats and enables people to live in their home in security, peace and dignity. All people, including women, should possess a degree of security of tenure. It is important to understand how tenure relations, including dispute resolution mechanisms, are managed and practised, and how they may have changed since the onset of the crisis. Data to assess security of tenure can include numbers of disputes, eviction rates and perceptions of security of tenure.

**Incremental tenure:** One of the most effective ways to strengthen security of tenure is to build on existing tenure systems that enjoy a degree of social legitimacy @ see *References: UN Habitat and GLTN Social Tenure Domain Model, and Payne and Durand-Lasserve (2012).*

**Urban considerations:** The majority of the urban displaced live in informal settlements or in rental accommodation without formal ownership, lease and/or use agreements. Therefore, the risk of forced eviction and related forms of exploitation and harassment is a defining feature of their lives. Shelter and settlement assistance options for urban areas should address complex tenure situations and consider incremental tenure approaches for renters, informal settlers, squatters and others.

**Do no harm:** In some contexts, a humanitarian shelter intervention can lead to the eviction of vulnerable groups. In others, highlighting security of tenure issues can increase the risk of eviction for vulnerable groups. A due diligence approach will identify security of tenure risks facing different groups. In some cases where the risks to security of tenure are too great, it may be best to do nothing at all.

**Common triggers for eviction:** The threat of eviction comes from a complex interaction of factors, most of which are also triggers for exploitation and abuse. They include:

- inability to pay rent, often due to restrictions on livelihoods such as the right to work;
- absence of written lease agreements with landlords, making people vulnerable to price increase and eviction;
- disputes with landlords;
- discrimination against affected people;
- restrictions on improving the housing environment, with those in breach of building permissions coming under constant threat of eviction;
- users or occupants of buildable areas being unable to regularise their situation with the civil administration;
- housing transactions taking place within customary or religious frameworks, and therefore not being recognised by statutory law, or vice versa;
- for women: divorce, intimate partner violence and other forms of domestic violence, or the death of their husband; and
- a lack of civil documentation for women (they may be included in their father's or husband's documentation) and for other marginalised or persecuted groups.

## 2.1 Tenure Systems

In most countries, different land tenure systems (statutory, customary and religious) co-exist and may overlap, as a hybrid. Each of these systems has legitimate authorities who define rights and resolve disputes. This is known as legal pluralism in land rights.

|                                 |  |
|---------------------------------|--|
| <b>Statutory</b><br>► 3.1 - 3.3 | Statutory land tenure systems are regimes where State legislation and institutions govern land and natural resource rights within the State's boundaries. Freehold ownership and rental are common forms of housing tenure commonly used in statutory systems.   |
| <b>Customary</b><br>► 3.4       | Customary land tenure systems regulate people's right to the use of land arising from customary practice, rather than through written or codified law. Customary land tenure is often characterized by lack of written documentation or formal registries, significance of collective ownership and other collective rights and special procedures for allocation. |
| <b>Religious</b>                | Religious forms of tenure are regulated by religious institutions. In some contexts, religious law dominates and religious leaders deal with all issues related to land tenure, including registration and dispute settlement. This is particularly the case in countries with Islamic land tenure systems.  |
| <b>Hybrid</b>                   | Combination of two or more tenure systems, including those referred to as informal or <i>extralegal</i> (not sanctioned or regulated by law), e.g. customary and religious.  |

## 2.2 Forms of Land Tenure

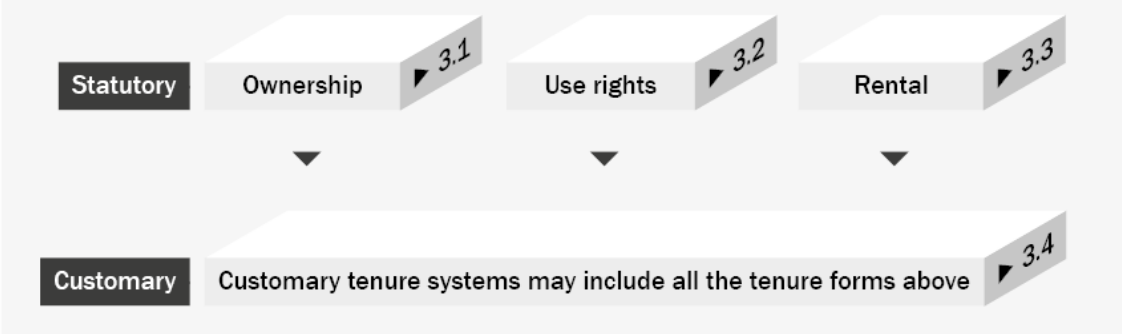
|                               |   |
|-------------------------------|---|
| <b>Private</b>                | Rights are assigned to a private party (e.g. an individual, a group, a company or a non-profit organisation), and usually controlled through statutory law schemes.   |
| <b>Communal or collective</b> | Rights held jointly by a group of people generally on the basis of ongoing use such as cultivation, clearance or access (i.e. each member of the community may use the land and resources of the community). Members from other communities may be excluded. This land tenure form is common in customary systems, or in cases where statutory law has designated land for a specific tribe or minority ethnic group. |
| <b>Open access</b>            | Specific rights are not assigned to any individual or group and no one can be excluded. Forests may be under open-access tenure. During an emergency in urban areas, public parks where informal camps have been built may fall into this category.   |
| <b>State/public</b>           | Rights are assigned to a public-sector state entity (e.g. a public hospital or airport) and in some instances to a private company.   |

## 2.3 Forms of Housing Tenure

|                            |  |
|----------------------------|--|
| <b>Ownership</b><br>► 3.1  | Individual ownership provides the holder with full control over housing and land with the rights to use, control, and transfer, subject to law and local regulations, as well as adverse possession rights (“squatter’s rights” or acquisition of rights through prolonged occupation of the land) and the State’s expropriation powers.   |
| <b>Use rights</b><br>► 3.2 | The right of people to use public or private property for their housing needs under certain conditions; right of use can apply without payment of rent or exchange of other valuable consideration, or satisfaction of formal rental requirements.   |
| <b>Rental</b><br>► 3.3     | A form of the right to use either housing or land, which includes additional rights and responsibilities. Rental provides the right to use housing or land for a specified period of time at a given price, without transfer of ownership, on the basis of a written or verbal contract with a private or public owner. Unlike simple Use Rights tenure, rental is a form of contract, and as such may come under the protection of national contract law.   |
| <b>Collective tenure</b>   | <p>Ownership, rental or use rights over land and housing are shared under joint governance structures. Rights are allocated to individuals according to rules established by statute or in customary tenure systems, by the group or local custom.</p> <p>Housing cooperatives - established by a group of persons who form a legal entity to develop and maintain a housing project for the collective benefit of its members.</p> <p>Community land trusts (CLTs) - held by non-profit community-controlled organizations that acquire land for the purpose of providing affordable housing.</p> <p>Hybrid collective tenure models - combine cooperatives and CLTs. Multi-residential buildings are owned and managed by a housing cooperative and the underlying land is owned by the CLT.</p> |



Diagram illustrating the linkages between statutory and customary tenure forms described in Chapter 3:



### 3 Tenure in the Humanitarian Shelter Context

This chapter goes into further detail on approaches to tenure commonly used in connection with humanitarian shelter activities. These include ownership ►3.1, use rights ►3.2, rental ►3.3, as well as a dedicated section on customary tenure ►3.4.

Implications of each tenure option is presented in the form of a SWOT<sup>1</sup> analysis. In this case, our objective is the timely provision of adequate (emergency) shelter with secure tenure. The SWOT analysis examines four elements:

|                      |   |
|----------------------|---|
| <b>Strengths</b>     | Internal attributes of this tenure approach that support the objective.         |
| <b>Weaknesses</b>    | Internal attributes of this tenure approach that work against the objective.    |
| <b>Opportunities</b> | External factors that could represent an advantage using this tenure approach.  |
| <b>Threats</b>       | External factors that could jeopardise your project using this tenure approach. |

A separate page offers guidance on documentation to secure tenure for each of the four selected forms, including essential terms that should be incorporated into written agreements.

Finding the most suitable approach will depend on the existing legal framework, displacement patterns and the current tenure situation of beneficiaries, as well as the available housing stock. However, some basic trends can be identified based on the programmes profiled in ►Chapter 4. Customary tenure frequently comes into play when providing durable solutions for returnees, while most of the programmes targeting IDPs and refugees have opted for statutory tenure solutions.

#### Selection of housing tenure in country profiles organised by legal system

|                         |  |
|-------------------------|--|
| <b>Statutory system</b> | <b>Greece ►5.6</b> (use rights/rental)           |
|                         | <b>Lebanon ►5.9</b> (use rights/ownership)       |
|                         | <b>Syria ►5.15</b> (ownership/use rights/rental) |

<sup>1</sup> SWOT analysis (strengths, weaknesses, opportunities, threats) is a framework for identifying and analysing the internal and external factors that can have an impact on the viability of a project, product, or initiative.

|                         |  |
|-------------------------|--|
|                         | <b>Ukraine ▶5.16</b> (ownership/use rights/rental/collective)                    |
| <b>Customary system</b> | <b>Afghanistan ▶5.1</b> (ownership/use rights/rental)                            |
|                         | <b>Central African Republic (CAR) ▶5.2</b> (use rights)                          |
|                         | <b>Democratic Republic of the Congo (DRC) ▶5.4</b> (ownership/use rights/rental) |
|                         | <b>Nigeria ▶5.11</b> (ownership/use rights/rental)                               |
|                         | <b>Somalia ▶5.14</b> (ownership/use rights)                                      |
| <b>Hybrid system</b>    | <b>Colombia ▶5.3</b> (ownership/use rights/rental)                               |
|                         | <b>Yemen ▶5.17</b> (ownership/use rights)  |

## 3.1 Ownership

This tenure solution is relevant in situations of non-displacement or return, and an important activity is support with obtaining new ownership documentation if papers have been lost. It is also relevant in displacement situations, when agreements are reached with private owners to provide shelter for PADs. See country snapshots [Iraq/Kurdistan ▶4.4](#), [Jordan ▶4.5](#) and [Lebanon ▶4.6](#).

Freehold ownership provides the holder with full control over housing and land in perpetuity with the rights to use, control, and transfer, subject to law and local regulations as well as adverse possession rights and the State's expropriation powers.

Contextual applicability: Statutory tenure system and formal government, judicial, administrative institutions in place and operational, land records intact, documentation of private land/housing tenure available and where private ownership of land permitted, cf. systems where government owns all land and/or access to resources including minerals, etc.

### SWOT analysis

|                      |   |
|----------------------|---|
| <b>Strengths</b>     | <ul style="list-style-type: none"><li>• Provides high degree of tenure security for indefinite period with full rights and maximum control over property and land subject to local rules and regulations; enforceable remedies available.</li><li>• Provides collateral for credit.</li></ul>   |
| <b>Weaknesses</b>    | <ul style="list-style-type: none"><li>• Requires formal documentation and administrative/judicial processes to function to enforce security of tenure; in conflict/disaster, formal records can be missing/destroyed or individuals may lose title documents; processes for documentation and confirmation and resolution of disputes can be time consuming and costly.</li><li>• Costs of access to property can be high; requires either finances sufficient to purchase land or housing outright or a financial system willing to make funds available on acceptable terms and conditions to enable households to repay a loan over time. Ownership may be forfeit and residents made homeless with the loss of all payments made if repayments are not made as required.</li><li>• May expose owners to property taxes and other charges.</li><li>• Requires owners to take full individual responsibility for property maintenance.</li><li>• Places a heavy burden on land administration agencies responsible for surveying, registering and allocating titles.</li><li>• If ownership is in the man's name only, rather than in joint names, this can lead to loss of home for the wife if her husband dies or after divorce.</li></ul> |
| <b>Opportunities</b> | <ul style="list-style-type: none"><li>• Full rights and control over property provides opportunity to use both housing and land to generate income, increase value, provide family security through transfer to heirs.</li><li>• Ensuring women's secure tenure through joint ownership increases protection for women and their families.</li></ul>  |
| <b>Threats</b>       | <ul style="list-style-type: none"><li>• Value of property may go down as well as up, resulting in negative equity.</li></ul>  |

### Documentation to secure tenure (3.1)

## Certificate of Title; Deed (transfer/sale of property)

- In general, a *certificate of title* is one example of a tenure arrangement guaranteeing ownership, according to statutory, and not customary, tenure systems. It is a document issued by a formal land registration/cadaster office, which is responsible for land administration, as evidence of ownership. These offices maintain permanent land records.
- The formal requirements for registering land and obtaining such official documentation of title are determined by the law and custom where the housing/land is located, including form, contents, fees as well as other requirements.
- Deeds document transfer of private property from the *grantor* (seller) to the *grantee* (buyer).

The following are examples of elements included in documentation to prove ownership:

#### Who?

Title must identify the owner(s) of property; deeds transferring ownership must identify the grantor and grantee. Ideally, both wife and husband of a family should be named in ownership documents.

#### What?

Specific description of the property including boundaries, GPS, street address, cadastre reference number (if any), survey or sketch, location of structures/housing.

#### Value

May include value of the property.

#### What are the rules?

Title would indicate any limit on ownership or rights/claims by third parties, such as mortgages, liens, easements, rights-of-way, etc.

Depending upon local rules, title may include information related to taxes.

#### Term

Title/land records will indicate date ownership began.

Tenure options for beneficiaries in shelter interventions that involve private property are:

|  |  |
|--|--|
| Become first-time individual or collective owner     | NRC would not usually generate documents to prove formal private ownership. Instead, Shelter and ICLA would need to know what official documents establish ownership and how and where they are obtained.                                |
| Regain or confirm individual or collective ownership | Take possession/move occupiers: what are the mechanisms for resolving dispute? Obtain documents to establish claim/title? Is this realistic based on your context and timeframe? Consider the risk for further displacement.             |
| Become user with legal owner's permission            | Identify owners and their willingness to comply with formalities for right of use or rental agreements (see ►3.2 & 3.3). How much time is involved to meet requirements? Is it realistic based on context, budget, and timeframe?        |
| User/occupier without legal owner's permission       | If empty properties with absent owners is available or already occupied by the target population (through self-help or guided by authorities): find out if the law recognises <i>adverse possession</i> , and what the requirements are. |

## 3.2 Use rights

The right of people to use public or private property for their housing needs under certain conditions; right of use can apply without payment of rent or exchange of other valuable consideration, or satisfaction of formal rental requirements.

Contextual applicability: Formal requirements for rental cannot be satisfied for logistical, cost, or other practical reasons.

### SWOT analysis

|                      |   |
|----------------------|---|
| <b>Strengths</b>     | <ul style="list-style-type: none"><li>• Specification/acknowledgment of specific rights and obligations with or without contract can enhance security of tenure.</li><li>• Can facilitate security of tenure for defined and potentially renewable periods to match period of displacement/need.</li><li>• Perception of security of tenure enhanced with or without contracts meeting all formal legal requirements, depending upon national law written contracts on right of use considered legally binding/enforceable.</li></ul>   |
| <b>Weaknesses</b>    | <ul style="list-style-type: none"><li>• Tenure security limited by time and conditions.</li><li>• Use of single contract between NRC and owners for Iraq model for shelter for IDPs risks reducing tenure security as IDPs have no agreement with owner of premises in which they reside.</li><li>• Increased rate of eviction in Lebanon rent-free model where or upgrades to private property for refugees already living and paying rent due to owner's loss of income.</li><li>• If documentation is in the man's name only, rather than in joint names, this can lead to eviction of the wife and children if the husband dies or after divorce.</li></ul> |
| <b>Opportunities</b> | <ul style="list-style-type: none"><li>• Flexibility can facilitate willingness of property holders/owners to provide this form of tenure and expand range/number of holders/owners who can participate in such arrangements including those who may lack full legal documentation of ownership.</li><li>• Including women's names in documents can protect women from being evicted and reduce risk of homelessness if the family breaks down.</li></ul>  |
| <b>Threats</b>       | <ul style="list-style-type: none"><li>• Lebanon model contracts emphasize that no consideration given in exchange for shelter (despite NRC investment) risks reducing security of tenure.</li><li>• Lack of tenure documents for IDPs in Iraq model risks reducing security of tenure.</li></ul>  |

Right of use agreements are relevant for shelter interventions which:

- Invest in private property in exchange for rent-free shelter and/or
- Do not satisfy formal legal requirements of rental/lease agreements

A right of use agreement between the property owner/holder and the user provides the right to use either housing or land subject to specified conditions and limitations usually in exchange for something of value, usually money. It can be oral or written. Local law and custom may determine the validity and/or enforceability of such agreements.

## Documentation to secure tenure (3.2)

### Right of Use Agreement

*The following are examples of elements to be included in order to provide security of tenure for parties to a right of use agreement and aid in avoiding misunderstandings/disputes. Increasingly, this form of agreement between a tenant and owner is supported by a separate agreement between NRC and the owner, whereby NRC agrees to provide funding and other support for repairs or improvements to the building, in exchange for the owner signing the Right of Use Agreement with the beneficiary. Depending upon the local context, the Right of Use Agreement should make clear mention of the separate building-improvement agreement between NRC and the owner.*

**Who?** *The agreement should name all parties who are bound by it.*

Ideally to secure tenure for all members of the beneficiary family/group, all household members (including women and children) should be named (including children who might be born/adopted). As a minimum standard, both wife and husband should be identified by name on the document.

**What?** *Specifically identify the premises/land*

E.g. street address, plot, GPS, metes/bounds.

**Value** *Is exchange of consideration (payment) a requirement for rental under local custom/law?*

If consideration is required, are there limits under local law or custom on the type (e.g. cash, lump sum, in-kind, percentage of harvest) or amount of consideration (e.g. market rate vs. symbolic)?

**What are the rules?** *Agreement should specify rights and obligations of parties such as:*

For housing:

- Owner's right of entry and inspection, consistent with user's right against intrusions.
- Whether users permitted to "sub-let," make alterations, have guests (time limited to distinguish from de facto new/additional occupants); have pets; run a business from the premises with/without permission of the landlord.
- Assign clear responsibility for payment of utility costs and type and costs of repairs
- Owner's responsibility for condition of premises at handover
- User's responsibility for damages, and for maintaining condition of premises as handed over
- Specify access to/right to use either common areas or common facilities
- If consideration to be given, specify the date or period within which it must be provided and how.
- Penalties for breaking terms of agreement
- Conditions or events that permit landlord or user to terminate
- Specify how disputes between owner and user will be resolved

For land:

Specify any limits of what can be done with the land or resources on the land, e.g., grow only certain types of crops, only grow food for personal consumption, not dam streams, not cut down trees.

**For how long?** *The term may be fixed, periodic or of indefinite duration*

| <i>Fixed term</i>   | <i>Periodic</i>      | <i>Tenancy at will</i>  | <i>Renewal</i>                                     |
|---|----------------------|---|--|
| Indicate start and end dates and the duration of the agreement. | E.g. month-to-month. | Lasts only as long as the parties wish it to (termination by either party without penalty). | Can specify conditions for renewing the agreement. |

### 3.3 Rental

Rental provides the right to use housing or land for a specified period of time at either a given price or exchange of other valuable consideration, without transfer of ownership, on the basis of a written or verbal contract with a private or public owner. The right to use may be limited to specified individuals (e.g. only immediate family members), and/or specified purposes (e.g. residence, self-sustaining agriculture).

In terms of humanitarian shelter, this form of tenure is often available in urban areas, but can be found in rural areas as well. Formal requirements for a lease are determined by the law and custom where the housing/land is located, including form, content and registration of leases with authorities.

#### SWOT analysis

|                      |  |
|----------------------|--|
| <b>Strengths</b>     | <ul style="list-style-type: none"><li>• Good security of tenure if protected by a legally or socially enforceable contract and if legal or other remedies are actually available.</li><li>• Option for those who cannot afford to buy housing or mobile households.</li><li>• Provides income influx into host community.</li><li>• Builds confidence in host community as benefitting from aid for PADs.</li><li>• When combined with upgrades of rental stock, relatively quick completion of shelter for PADs through use of existing housing.</li><li>• Process for discussion, negotiation, acknowledgement of rights and obligations key to perception and adherence to security of tenure.</li></ul>  |
| <b>Weaknesses</b>    | <ul style="list-style-type: none"><li>• Requires legal recognition.</li><li>• Supply may not be able to meet demand.</li><li>• When rent covered by donor (including when shelter provided in exchange for housing upgrades), time-limited shelter likely to result in PADs lacking shelter again, particularly in circumstances of protracted conflict.</li><li>• Either requires continued project budgets to finance rental costs, limiting beneficiary period, and/or number of beneficiaries, with possible result that beneficiaries are left uncovered although no durable solution found.</li><li>• No guarantee that expanded rental stock will be made available to PADs.</li><li>• If contracts state that no consideration given in exchange for shelter (despite investment in upgrades), this may reduce beneficiaries' tenure security.</li><li>• Documentation in the man's name only, rather than in joint names, can lead to eviction of the wife and children if the husband dies or after divorce.</li></ul> |
| <b>Opportunities</b> | <ul style="list-style-type: none"><li>• Where incomplete/partially completed buildings available, shelter programs funding owners to complete/upgrade buildings can increase rental stock.</li><li>• Upgrade investment can be exchanged for time-limited “rent-free” shelter for PADs, which can permit PADs to stabilize.</li><li>• If displacement continues and if funds for rent are available, the beneficiary can negotiate a lease in upgraded property.</li><li>• Where PADs are already renting sub-standard accommodations, there is a possibility to increase standard as well as security of tenure with information/counseling/legal assistance and/or lease contracts.</li><li>• Including women's names in documents can protect women from being evicted and reduce risk of homelessness if the family breaks down.</li></ul>   |
| <b>Threats</b>       | <ul style="list-style-type: none"><li>• If displacement continues or increases, the ability to provide rented shelter – including through increasing rental stock – will level out or end and rents rise as market pressure increases with increased demand.</li></ul>   |



### Documentation to secure tenure (3.3)

## Rental Contract/Lease Agreement

In general, a lease agreement is a legally enforceable contract between two parties:

- Lessor (owner, landlord): legal owner of either the housing or land
- Lessee (renter, tenant) obtains the right to use housing or land (usually in exchange for money)

*The following are examples of elements to be included in a lease in order to provide security of tenure for both the tenant and landlord and aid in avoiding misunderstandings/disputes. Specific context and program conditions should also be reflected.*

**Who?** *Identify all lessors and lessees who are bound by the agreement*

Ideally all household members (including women and children) should be identified by name and other relevant identifiers as well as providing for additional children who might be born/adopted. As a minimum standard, both wife and husband should be identified by name on the document.

**What?** *Description of the property (as precise as possible)*

Identify the context the leased premises/land, e.g., street address, plot, GPS, metes/bounds.

**Value** *Is exchange of consideration (payment) a requirement for rental under local custom/law?*

If consideration is required, the amount of rent and when it is owed should be specified as well as the requirement that a receipt or other acknowledgement of payment be provided by the lessor. Are there limits under local law or custom on the type (e.g. cash, lump sum, in-kind, paid by third party, e.g. donor) or amount (e.g. market rate vs. nominal/symbolic)?

**What are the rules?** *Rights and obligations as well as any limits of lessor and lessee*

- Owner's right of entry and inspection including time, notice, etc., consistent with renter's right against intrusions by the landlord (or other tenants).
- Whether renter permitted to *sub-let*; make alterations; have guests (time limited to distinguish from de facto new/additional occupants); have pets; run a business from the premises with or without permission of landlord.
- Assign clear responsibility for payment of utility costs and for type and cost of repairs.
- Owner's responsibility for condition of premises at handover, as well as renter's responsibility for maintaining condition of premises and responsibility for damages.
- Specify renter's access to/right to use either common areas or common facilities.
- If rent is to be paid, specify the date or period within which rent must be paid and how and that a written receipt or other acknowledgement of payment is provided by the lessor to the lessee
- Conditions or events that permit either landlord or renter to terminate the lease (e.g. nonpayment or damage), as well as any notice period involved.
- If registration of rental agreements is required by law or custom, specify who will fulfil this obligation and pay associated costs. Specify penalties for breaking terms of agreement, and how disputes between the owner and the renter will be resolved.

**For how long?** *The term of the lease may be fixed, periodic or of indefinite duration*

| <i>Fixed term</i>   | <i>Periodic</i>  | <i>Tenancy at will</i>                             | <i>Renewal</i>  |
|---|--|--|---|
| Indicate start and end dates and the duration of the agreement. | Month-to-month is the general rule if the period is not specified. | May be terminated by either party without penalty. | Conditions for renewing the agreement for an additional term. |



### 3.4 Customary tenure

Customary land tenure systems derive from authorities such as a community, ethnic group or family. Decisions regarding land allocation, use and transfer are the responsibility of traditional authorities (usually male elders) and regulation often takes the form of negotiated interaction between community members and leaders. Disputes are managed through negotiation, mediation or arbitration. Women's land rights are often, but not necessarily, embedded in family and community land rights.

In a number of countries, particularly in Africa, customary land rights also enjoy statutory recognition. Elsewhere, customary rights may not be recognised in law, but enjoy widespread social legitimacy. Customary tenures usually include some forms of community land rights, pastoralist rights, access to resources and use rights. Customary tenure systems can give rise to categories of tenure rights similar to many of those seen in statutory systems, e.g. right of use, rental, right to transfer to heirs.

In some countries, religious law regarding tenure may have been codified into statutory law, but in other cases it may exist parallel to the statutory system. In some common examples, such as Waqf land in Muslim countries, the tenure law will also dictate whether and how the occupant is able to sell on the property, as well as the terms for acquiring and use of the property.

Contextual applicability: Customary and legally pluralistic contexts where formal government institutions are either weak or not present and customary authorities are the de facto decision-makers and dispute resolvers.

#### SWOT analysis

|                      |  |
|----------------------|--|
| <b>Strengths</b>     | <ul style="list-style-type: none"><li>• Where formal government institutions and procedures are non-existent, inefficient, time-consuming, and costly, customary tenure can be less costly, more time efficient, and easier to administer.</li><li>• In many regions, people (including PADs) are familiar with decision-making according to customary rules and in customary decision-making bodies.</li><li>• Can be seen as supporting social cohesion.</li></ul>   |
| <b>Weaknesses</b>    | <ul style="list-style-type: none"><li>• Poor customary leadership may weaken legitimacy and enforcement.</li><li>• Frequently there are no written and/or standard rules of decision or procedures for allocating or documenting tenure rights, increasing potential for arbitrary decisions. Community validation process resource intensive and time consuming.</li><li>• Rights of more vulnerable groups may not be adequately protected.</li><li>• Tenure insecurity for women can be common as customary rules and decision-making often disadvantage women and children in disputes within and among family members for rights to housing and land, with significant risk of women being evicted or otherwise dispossessed after death of husband, addition of new wife into polygamous household, etc.</li><li>• As a result of conflict, customary land tenure systems may be weakened, sometimes fatally. Knowledge can be lost when customary leaders are killed, displaced or lose respect and legitimacy. In addition, natural features used to demarcate property may have been lost or damaged by conflict.</li></ul> |
| <b>Opportunities</b> | <ul style="list-style-type: none"><li>• Can build capacity of communities/leaders to standardize and document customary ownership/rights rules and decisions to secure tenure including greater security of tenure for women.</li><li>• Can introduce new custom of tenure documentation where not previously used and upgrade/standardize documentation where it already exists.</li></ul>  |
| <b>Threats</b>       | <ul style="list-style-type: none"><li>• Sustainability/enforceability of tenure rights beyond shelter project engagement/support unverified and uncertain.</li></ul>   |

## Customary Certificate/Agreement for Allocation of Land

*The following are examples of elements to be included in a customary use document in order to provide security of tenure and aid in avoiding disputes. The specific purpose of the document as well as context and programme conditions should also be reflected in these documents. Attach any other documents the PAD has that provide evidence of the right set out in the certificate including the continued exercise of the right over time.*

**Who?** Identify by name and other relevant identifiers all who are bound by the agreement.

### Customary certificate

- Identify authority/person/body issuing the certificate (with official signature/stamp).
- Identify by name and other relevant identifiers (e.g. ID card, date of birth, father's name) person(s) to whom certificate issued, including both male and female heads of household with signatures/thumbprint.
- If consent by neighbours is part of the process, list by name and other relevant identifiers each neighbour who agreed to issuance of certificate including signature/thumbprint.

### Customary agreement for allocation of land (Donation of land by customary rights holder)

- Identify by name and other relevant identifiers the customary land rights holder who donates land.
- Identify customary authority that is receiving donation of land.

**What?** Identify the premises/land (as precisely as possible).

Street address, plot drawing, GPS/metres/bounds, cadastre reference number (if any), landmarks.

**Value** Is exchange of consideration (payment) a requirement under local custom/law?

If consideration is required, are there any limits under local law or custom on the type or amount?

**What are the rules?**

### Customary certificate

- Specify the nature of the rights to which the holder of the certificate is entitled including any limits (e.g. use/duration) on those rights.
- Specify obligations that must be met to continue to enjoy the right (e.g. pay taxes, renew the certificate every year to demonstrate continued use, not to dam water, not to cut down trees).

### Customary agreement for allocation of land

- Specify the purpose of the donation, and the rights the PAD may have on the land and to shelter/materials well as any limits.
- The rights and obligations the customary owner retains during the donation period (if any), e.g. not interfere with PAD's use during the donation period, not to levy fees, rent.
- How disputes are resolved.

**For how long?** Document should include:

- Date of issuance of document.
- Whether the rights and validity of the document extend for indefinite time or have a time limit.
- For rights and documents of limited time, the date on which the document's validity and rights end including any conditions that will terminate validity, as well as options to renew.

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## 4 Tools and recommendations for implementation

Under ►4.1 is a description of key contextual aspects to consider when preparing a shelter intervention. ►4.2 links this to the more practical approaches available and a discussion on what is “secure enough” when it comes to tenure in emergencies, and points to the processes for more durable solutions. ►4.3 presents cross-cutting issues such as women's access to security of tenure and security of tenure for landless people and people with disabilities. Guidance on monitoring security of tenure and how to track the effectiveness, sustainability and impact of security of tenure efforts and inter-team collaboration is included in ►4.4.

### 4.1 Understanding the context

Local context is the overriding determining factor for the success of any programme which combines Shelter and HLP aspects. Context may also vary within one country from one province or from one city to the next. Not only may there be changes in the variety of tenure arrangement, but also in how accessible those different arrangements are; to women, marginalised minorities, or those with disabilities. Identifying those local contextual differences can make programme development more efficient, identify stronger synergies between Shelter and HLP components and provide necessary alerts to significant risks.

There are three main aspects to consider when determining which options and approaches are best suited to your context:

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**Context factor 1:** The current tenure situation of the beneficiaries

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**Context factor 2:** The available housing stock

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**Context factor 3:** The local legal framework for tenure and housing

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The following questions are intended to assist staff in gathering information relevant to security of tenure as part of the shelter programme planning at project start-up.

Based upon the gathered information, it is possible to take decisions, in consultation with the affected population and with other partners, about whether a Shelter-HLP programme is needed and can be initiated, and what form it should take. However, it must be emphasised that in almost all cases, households with shelter needs, including security of tenure needs, will also have some form of wider HLP support needs, including documentation, information, legal advice, etc. An incremental approach to strengthening both shelter and HLP support as a series of steps over time can allow programming to start, even if there are significant barriers in place.

Consult ►Chapter 3 for more details on typical tenure forms used in displacement situations and read the case study snapshots in ►Chapter 5 to get a better understanding of what the context factors may look like in different countries.

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**Context factor 1: Tenure situation of the target population**

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**Question 1.1.** Do the target population have pre-existing or current access/rights to housing/land?

If YES, do they:

- Have documentation of rights/tenure?
- Need access to land in order to access shelter?
- Need to regain access/rights to previous shelter/residence and/or land, which is available/unoccupied?
- Need to regain access/rights to previous shelter/residence and/or land now occupied by someone else?
- Need to retain access/rights to current shelter/residence and/or land, which they currently occupy with permission?
- Need to retain access/rights to current shelter/residence and/or land, which they occupy without permission?

If NO:

- How can target population gain access to shelter rights in the first instance within the host/integration/return communities' system for structuring housing and land?
- Is access to land (i.e., individual assignment/allocation/right to use for members of the target population/shelter beneficiaries) required to fulfil the need for shelter?
- If yes, is it feasible to design a shelter intervention that includes first-time land allocation/assignment either on a temporary or longer-term basis?

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**Question 1.2.** What type of access/rights did/do people have (i.e. what form of tenure)?

Statutory or customary?   Ownership?   Use rights?   Rental?   Collective?

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**Question 1.3.** If beneficiaries of shelter interventions need land as part of the solution to their housing (regardless of displacement status or prior rights), do they need it for:

Shelter only?   Shelter + sustenance/food security/livelihood?   WASH/other?

---

**Question 1.4.** In what displacement context is intervention for intended shelter beneficiaries (target population) proposed to take place?

- Durable solution (Return & resettlement/local integration)
- In displacement (Short-term vs. protracted)

The displacement status affects the analysis of the degree of security of tenure that is "secure enough" for the context including time frame.

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**Question 1.5.** Is the intention to design shelter interventions for:

Individual members of the target population?   Group/community?

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**Context factor 2: Available shelter / housing stock**

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**Question 2.1.** What housing stock is already available in the host community that could be used or made usable for shelter to benefit populations/persons in displacement?

- None
- Abandoned housing/shelter (due to absence of original residents, including through displacement)
- Completed/empty or other available housing
- Incomplete/sub-standard/enlargeable housing

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**Question 2.2.** Who controls access to/use of any identified available housing/shelter stock?

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### Context factor 3: Local legal framework for land and housing tenure

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**Question 3.1.** What Legal System, Decision-Makers, and Rules are in practice at the specific location and time of the shelter intervention that control use and allocation of housing and land, and resolution of disputes? *Relevant information should be available from:*

- Local lawyers with knowledge on property relations.
- Officials and institutions charged with regulating or resolving disputes related to housing/shelter/land?

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Shelter operations are often in contexts where:

- Multiple legal systems are present at the same time – legal pluralism, e.g., formal laws and regulations are on the books, but in practice local customs, which may vary from region to region, apply.
- The legal system has been disrupted by either conflict or disaster and either there is a vacuum with no apparent authorities or interim authorities have taken over the pre-disruption system or put in a new place a system.

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It is important to identify:

- What system of rules and decision-making applies in fact (not just formally) to the proposed shelter intervention in different locations?
- Do the same rules apply to housing/shelter and to land when it comes to access, use, control, and transfer?
- What rules structure shelter/housing and land tenure arrangements between individuals, and between individuals and authorities (of whatever kind)?

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**Question 3.2.** Identify type of tenure system: Is housing and land actually and currently managed and allocated in this location according to:

- Written laws/regulations issued by formal authorities, and implemented by formal institutions that keep records and issue documents to individuals that evidence their right to shelter and land, and provide remedies for disputes? (Statutory)
- Informal community leaders according to rules (written or not) developed by the community with or without records or documents evidencing rights with disputes resolved by community leaders using local methods? (Customary)

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#### For Statutory systems:

- Identify laws that regulate access, use, control, and transfer of housing & land.
- Can both private individuals and the state own housing & land?
- Where private individuals can own housing & land, are there restrictions on which individuals can acquire ownership or other legal access (e.g. based on gender or citizenship)?
- What are the rules about women's access to/control of housing & land in particular within their families?
- Where private individuals can own housing & land, are there limits on the owner's uses?
- Who do you need to deal with to arrange for using private or state property for target populations?
- Who is authorised to grant use?

#### For Customary systems:

- Identify the rules, written or not, that determine who in the community has access to, use and control of housing & land and what those rules provide.
- Is it local custom to have written rules about land & housing access and/or documents that evidence the extent and kind of individual or group access to/rights to land & housing?
- If no, who knows/decides/implements local rules on housing & land tenure?
- What are the rules? What is the system of keeping records? What are the local documents used to evidence land & housing access rights?
- If there is no local custom of using written documents to evidence individual access rights, what is the process for assigning/recognising land & housing access rights?

Identify formal institutions that in fact manage land & housing arrangements, maintain records, issue documentation and resolve disputes.

- What are the formal documents (title) that demonstrate ownership?
- In the context, do most owners have formal title documents and/or comply with the requirements to have these documents? Are there other documents that in context are accepted as providing "second best evidence of ownership"? What are they (e.g. tax or utilities bills, investments, lengthy residence)?
- What documents evidence right of use and rental arrangements?
- What are the legal mechanisms/ remedies for resolving disputes?

Additional lines of inquiry might be necessary depending on your specific context (e.g. in case of abandoned property or squatting on state land).

For more detail regarding statutory tenure options, refer to Chapter 3:

- **3.1. Ownership** (p.12)
- **3.2. Use rights** (p.14)
- **3.3. Rental** (p.16)

- Are there any obligations linked to use/access, or restrictions (e.g. based on gender or citizenship)?

What types of access/use rights are recognized for individuals, families, or groups (tenure options)?

- Rights holder has broad use rights for indefinite time and can transfer land/housing to heirs?
- Rights holder has limited use rights, including restrictions on type and duration of use?
- What are the rules about women's access to/control of housing and land within the community and family; including in particular access to inheritance.

Identify who are the decision-makers/arbitrators that in fact manage rights, access, and disputes for land and housing arrangements?

- Who is authorised to grant use of community property?
- What are the community mechanisms/ remedies for resolving disputes?
- If there are no documents used, is it feasible to introduce documentation process that would be accepted and respected over time?

For more info on customary systems, see:

- **3.4. Customary tenure** (p.18)

### Go/no-go overview

Do no harm: In some contexts, a humanitarian shelter intervention can lead to the eviction of vulnerable groups. In others even highlighting security of tenure as part of programming issues can increase the risk of eviction. A due diligence approach will identify security of tenure risks facing different groups. In some cases where the risks to security of tenure are too great, it may be best to do nothing at all. Source: Sphere Handbook, Shelter chapter, Standard 6. Security of Tenure.

## 4.2 Security of tenure in shelter intervention planning

In most cases when implementing a shelter intervention, there will be a range of tenure arrangements and evidence to demonstrate them. It is good practice among humanitarian shelter actors to collaborate on formulating an understanding of security of tenure that is 'good enough' – that is, secure enough the purposes of humanitarian programming depending on the phase of the response. The risk of forced eviction can never be completely removed, but minimized as much as possible during the programme intervention. Over time, and as the shelter options become more durable, the aim is to strengthen security of tenure incrementally. One of the most effective ways to do this is to build on existing tenure systems that enjoy a degree of social legitimacy

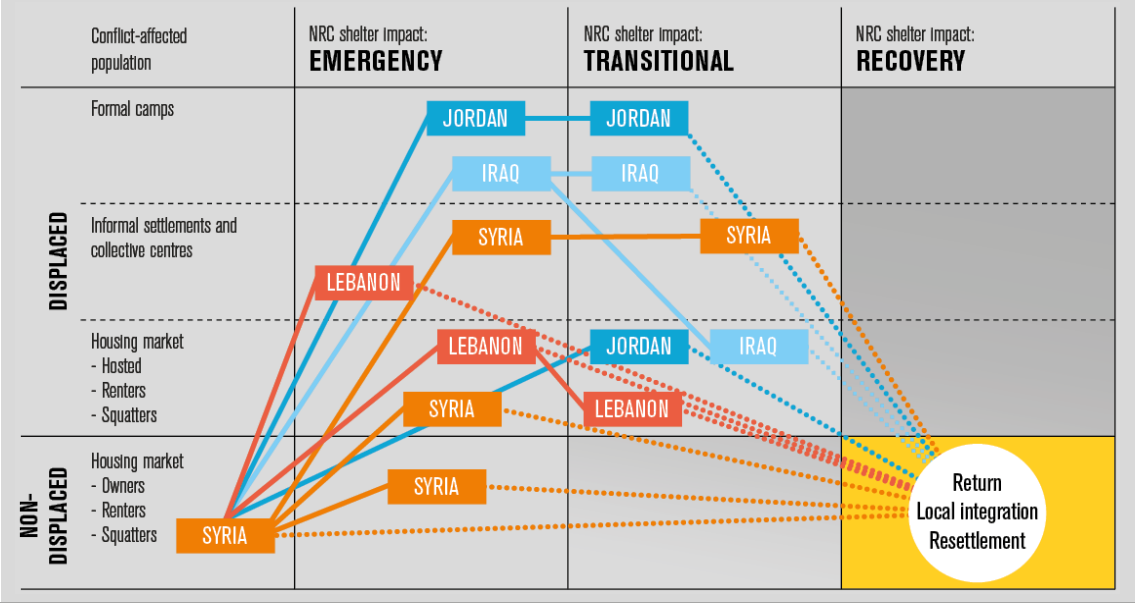


Diagram showing the linkages between shelter interventions at different stages of the emergency timeline, and the type of tenure arrangements that are the most suitable or achievable.

Various routes to durable solutions

Security of tenure is the cornerstone of the right to adequate housing and is intrinsically connected to durable solutions. Without security of tenure people may be unlawfully evicted from shelters, from their business premises, and farmlands. Without security of tenure people cannot return home, and they cannot integrate locally in camps and other settlements, given any uncertainty over their tenure arrangement and future. Security of tenure across the different shelter and settlement options identified by affected populations is essential in promoting pathways to durable solutions. Not only is this important when durable solutions are available, but it is equally important in the emergency and transitional programming which supports in stabilizing and reinforcing forms of capital.

In the country profiles in Chapter 5, Shelter programmes in the Middle East have integrated security of tenure throughout their programmes in response to the different shelter and settlement options chosen by the affected population - ranging from agreements with local stakeholders for collective centres in Syria, through to signing hosting agreements with landlords and beneficiaries in Iraq. In all the examples below, the programmes may have started with relatively simple forms of security-of-tenure support, which then became more diversified in order to take into consideration the wider range of displacement and shelter options of the populations in need. Eventually, there can be a convergence of objectives towards commonly found durable solutions.





## 4.3 Marginalisation, discrimination and access

### Challenges linked to identity documents and residency

Possession of identity documents is a key prerequisite to facilitating beneficiaries' access to services in displacement, including access to shelter assistance services which include (?) secure tenure and tenure documentation. In at least one NRC country programme, national authorities have tightened registration and identity document issuance to require that those nationals hosting refugees sign a "housing pledge," which may require documentation of the housing arrangement as well as notification as to when the arrangement ends. Recent changes to the registration process in Lebanon for registration of Syrian refugees may have implications for the shelter response that relies on agreements NRC does not consider leases. In Iraq, differences on the basis of ethnicity/sect in requirements to obtaining required residency permit affects security of tenure.

Several country programmes incorporate assistance to shelter beneficiaries on obtaining identity documents as a component of integrated ICLA/Shelter programmes. For example, in Mali in 2014, identity documents facilitated beneficiaries of rent subsidy assistance to obtain rent funds from banks and obtain tenure documents from either formal or customary authorities. For women, who suffered structural discrimination, possession of an identity document was viewed as buttressing potential assertion of rights.

### Challenges to women's security of tenure

Many if not most of the profiled shelter programmes take place in contexts characterised by structural discrimination against women in access to secure tenure. However, many programmes continue to face serious challenges in implementing safeguards for women's security of tenure in shelter assistance to families, citing amongst other reasons, prevailing custom and resistance from various directions, including implementing partners, staff, and other shelter sector providers.

Generally, security of tenure arrangements which are the least efficient – that is, the most difficult to access – for all members of the affected population, are even more difficult to access for women. In many countries, there are extra barriers hindering or practically preventing women from accessing formal written contracts, or legal certification from local courts. At the same time, field experience has shown that women may also encounter specific challenges in accessing those security of tenure arrangements which are otherwise the most efficient, and the most commonly used by humanitarians as 'good enough' for mass distributions of emergency shelters: examples of this sort of challenge are the cultural barriers against women engaging in agreement-signalling handshakes with men (including male landowners), or being able to represent themselves verbally and directly in front of individual or group gatherings of male elders or community leaders.

### Women and evictions

The demographic changes that conflict entails result in increased number of widows and women-headed households. Conflict and displacement also result in socioeconomic ruptures within the family, the loss of work and income, as well as changes in social roles and status, which can result in an increase in family violence. Displaced women may be forced to make a decision to stay in a violent and abusive relationship when the rent or ownership of the house is controlled by the abuser. The ability to access safe and affordable housing are two of the most pressing concerns for women to escape violence and remove herself and her children from an abusive situation.

In this sense, when a woman is evicted or loses her home and ends up having to live with relatives or host families, she is effectively homeless. These women are likely to be less visible because they may not be 'sleeping on the streets'; but nevertheless are often in precarious housing situations, having to compromise their safety; forced to adopt risky coping mechanisms, such as engaging in transactional sex; or trade other commodities, including humanitarian aid, for accommodation.

### Challenges to the security of tenure of persons with disabilities

Displaced persons with disabilities have seen coping mechanisms and support structures disappear, and often face multiple discrimination in access to housing. Often they may be unable or unwilling to challenge discriminatory practices due to lack of legal status. As a result, displaced persons with

disabilities may be unable to rent adequate shelter and forced to live in unsafe and tenure insecure conditions and particularly at risk of forced evictions.

Persons with disabilities tend to be more tenure insecure due to:

- Higher rates of poverty and discrimination which may force people into informal settlements.
- Ownership/tenure status transferred to family members or legal guardians. Lack of protection or adequate shelter may in some cases lead to unnecessary and/or involuntary institutionalisation.
- Higher rates of illiteracy and stigma. Lack of accessible information on HLP rights.
- Exclusion from claims and restitution processes and other HLP support initiatives.
- Disruption of national social services (e.g. housing or rental support).

#### **Other challenges facing minorities or marginalised groups**

Several sub-Saharan country programmes (particularly those operating in rural areas) have highlighted the importance of reliable access to land by IDPs/refugees who rely on agriculture for sustenance and income, hence the need to incorporate security of tenure into food security programming together with inter-team collaboration. In DRC, for example, ICLA and Food Security work together to help displaced families meet food and livelihood needs and increase resilience. ICLA negotiates access to land (for 4-24 months) on which families in displacement can cultivate, while Food Security provides seeds, tools, and technical agricultural assistance. Where IDPs wish to integrate, ICLA and Food Security collaborate to gain permanent access to land and livelihoods. Land access is secured through written agreements developed by ICLA between beneficiaries, land owners or local chiefs.

## **4.4 Monitoring and evaluation**

Exerpt of text from <http://pubs.iied.org/pdfs/10827IIED.pdf> p38 + other Shelter sector guidance on M&E security of tenure.

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## 5 Country Programme Profiles

The following pages give an overview of how tenure has been documented in shelter responses in seventeen different country programmes.

Each snapshot includes a basic description of the country's legal system and goes on to describe the shelter intervention, including its context, beneficiaries and forms of tenure used. Snapshots include a mixture of durable solutions and shelter in displacement, in both urban and rural situations.

### 5.1 Afghanistan

### 5.2 Central African Republic (CAR)

### 5.3 Colombia

### 5.4 Democratic Republic of the Congo (DRC)

### 5.5 Ecuador

### 5.6 Greece

### 5.7 Iraq/Kurdistan

### 5.8 Jordan

### 5.9 Lebanon

### 5.10 Myanmar

### 5.11 Nigeria

### 5.12 Palestine/Gaza

### 5.13 Panama

### 5.14 Somalia

### 5.15 Syria

### 5.16 Ukraine

### 5.17 Yemen

[Texts from CO profiles can be found in separate Word documents.]



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