

# HLP and Shelter in Emergencies

Maiduguri, July 2018



THE  
EUROPEAN  
COMMISSION



**H**ousing

**L**and &

**P**roperty

DEVELOPMENT

INVESTMENT

WEALTH

**LAND**

CONFLICT

PEACE

LIVELIHOOD

HOME

IDENTITY

PLACE OF  
ORIGIN

**LAND**

PROPERTY

**1.CANNOT BE MOVED**

**2.MOST VALUABLE**

IMMOVABLE PROPERTY = LAND, HOUSE, BUILDINGS

1. Property

2. Person

3. Tenure

Tenure

*Tenere*

to hold / have

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

Land Cadastre + tenure

=

Property Registry





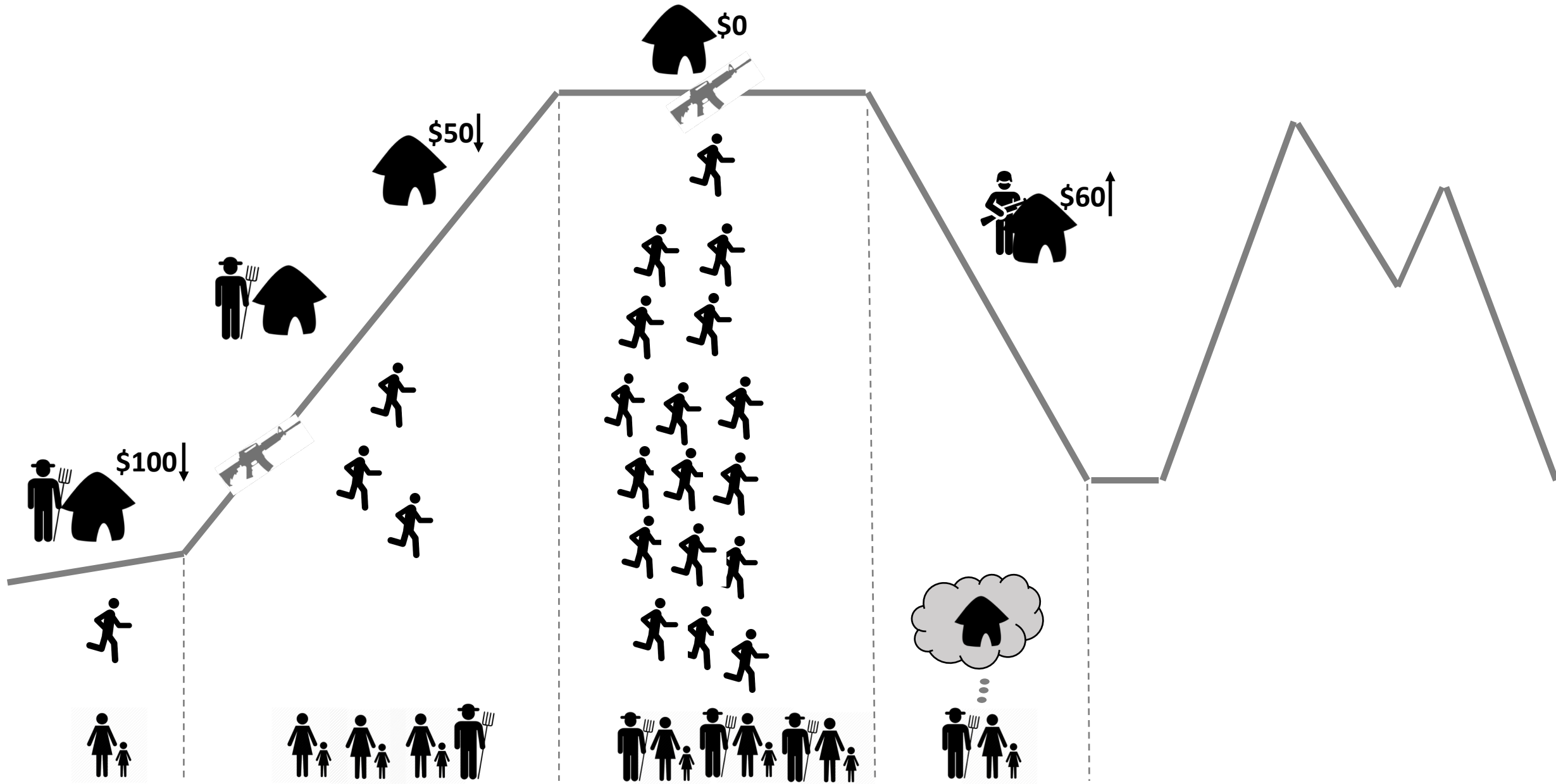




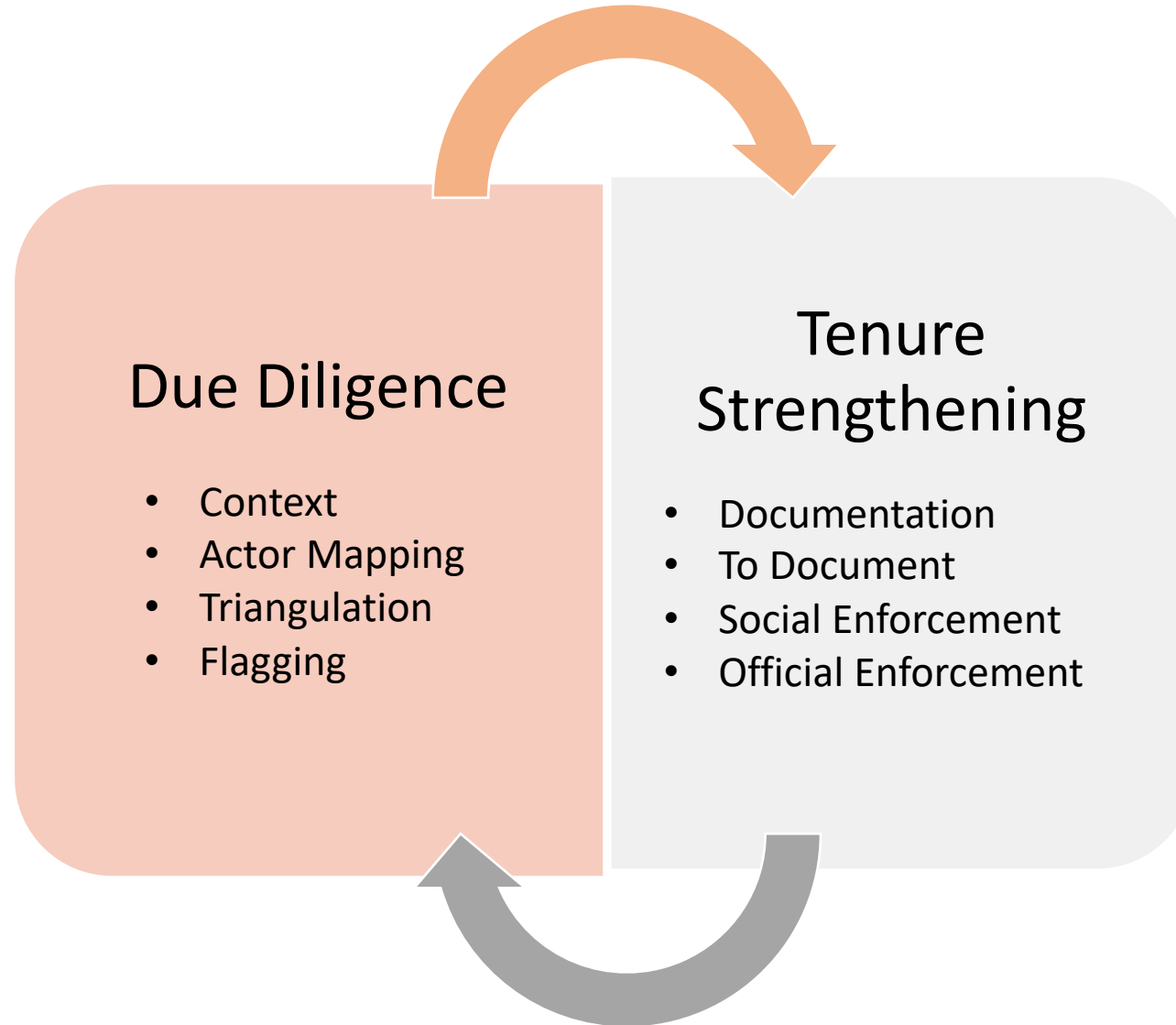




# HLP in Conflict



# HLP in Shelter: Increasing Security of Tenure



Restitution

&

Tenure Security

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-Step Approach

- 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

RISK

**HLP**

Secondary  
displacement



Paralysis



# The Myths of HLP



**“HLP IS ONLY  
FOR LAWYERS”**



**“NO HLP IN  
EMERGENCIES”**



**“NO TITLE, NO  
SHELTER”**

Of the *UNICORN*.



**“NO TITLE, NO  
TENURE  
SECURITY”**



**“TITLE = SECURE  
TENURE”**



**“EVICTIONS ARE  
ALWAYS EVIL”**



**“LAWYERS  
ALWAYS KNOW  
BEST”**

# THANK YOU!



THE EUROPEAN  
COMMISSION  
EUROPEAN UNION  
HUMANITARIAN AID



International Organization for Migration (IOM)  
The UN Migration Agency