

Integrating HLP in Humanitarian operations

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European Union
Humanitarian Aid



International Organization for Migration (IOM)
The UN Migration Agency

Housing

Land &

Property

DEVELOPMENT

INVESTMENT

WEALTH

CONFLICT

LAND

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

- 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)















**“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”**

Restitution

&

Tenure Security

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

1. PREVENT CONFLICT

2. 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)

What does it mean?

- Understanding the context
- Accepting uncertainty
- 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
 - 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
 - Remedies – dispute resolution mechanisms
 - Practices discriminate women?
 - Customary

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

THANK YOU!



Global Shelter Cluster
ShelterCluster.org
Coordinating Humanitarian Shelter



European Union
Humanitarian Aid



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