

Securing Tenure in Crises: Session at the 2024 World Bank Land Conference

The half-day session was convened by InterAction, IOM, USAID/BHA, Global Protection Cluster HLP Area of Responsibility, Habitat for Humanity, Howard University, NRC, UN Habitat, and the University of Puerto Rico School of Law. The session sought to develop a platform to identify partners and projects that can bring expertise and capacity on housing, land, and property (HLP) rights into humanitarian response and recovery contexts.

The objectives of the session included:

- Engage new stakeholders on the importance of HLP issues in crises-affected contexts, from prevention to response to recovery programming
- Articulate issues requiring further demystification and communication, programming, research and identify new partners who can implement that research
- Link to other ongoing activities, including Global Protection Cluster HLP Area of Responsibility, Conference on Housing, Land, and Property Rights in Crisis Contexts, and InterAction Task Team on HLP, with the World Bank Land Conference
- Develop strategies to improve engagement, awareness, and response in relation to security of tenure in crisis contexts

Session facilitators hosted four discussion groups on climate, protection, shelter and settlements, and due diligence.

KEY TAKEAWAYS

1. Housing, land, and property rights are essential for humanitarian programming and across a response cycle, from prevention to emergency to recovery. They are fundamental to rebuilding lives and communities.
2. Also fundamental is the need to collaborate with multiple stakeholders, including development actors like the World Bank, as well as affected communities, local government, and other local actors from the beginning of a response to address security of tenure.
3. A critical need in crisis response is addressing tenure security and occupancy rights to land and housing for all vulnerable and affected people, including the landless and renters.

RECOMMENDED ACTIONS

- Host a roundtable conversation to brainstorm how humanitarian and development actors can collaborate from the beginning of a response cycle
- Host a discussion on ensuring adequate housing is a priority for development actors
- Develop a publication on the use of the Settlements Approach (or an area-based approach), to address HLP rights in humanitarian and development assistance

Session Summary

KEYNOTE

Marcia Wong, a Deputy Assistant to the Administrator at USAID's Bureau of Humanitarian Assistance provided the keynote remarks, highlighting that HLP rights, including a safe place to live, are fundamental to rebuilding lives and communities. She also noted that HLP rights are not just about restoring safe shelter but also protection from both physical and psychological harm. Marginalized communities often face the most long-term effects, which are compounded by other issues like economic instability and weak governance. Her three key takeaways shared were: 1) we cannot be siloed in HLP work and we must engage multiple stakeholders and sectors, 2) we need to listen to and learn from local voices, and 3) HLP rights violations are both a driver and consequence of conflict.

CLIMATE

The climate session examined how land tenure security and protection of HLP rights correlate with the climate crisis. The discussion outcomes from the session focused on the need for governments to implement robust protections for climate-related displacement and climate interventions including carbon offset projects that protect land tenure rights of communities, particularly in the context of the intersection of climate change, tenure insecurity, poor land governance, inequality, and conflict. It highlighted the necessity for more in-depth discussions on addressing loss and damages to land due to climate change, noting that earlier conversations, such as those at CoP, have been insufficient in ensuring accountability. The session emphasized the importance of focusing on who affected populations, beyond just countries, with a particular concern for food insecurity exacerbated by climate change. It also underscored the critical contributions of community and group rights and women's land rights, especially regarding access to tenure, water control, and their roles in climate change adaptation and mitigation efforts.

Furthermore, the session discussed key recommendations for comprehensively analyzing the needs and preventing and addressing housing, land, and property issues within the climate crisis framework. It stressed the importance of examining the availability of loss and damage funds, advocating for national governments to establish special funds rather than solely relying on international aid. The session also focused on the humanitarian system's role in taking concrete actions that can have a significant impact, such as formulating precise cost assessments and ensuring budget lines include due diligence and other necessary analyses.

PROTECTION

The protection discussion began by defining "housing, land, and property rights" and sharing the most common protection issues related to HLP, such as forced evictions, discrimination against women, HLP disputes and conflicts over land, among others. Participants also discussed how HLP rights can support durable solutions, such as assisting with HLP documentation, promoting, and supporting HLP restitution, and improving youth and women's access to land and livelihood opportunities. Participants were keen to discuss the issue of restitution, wondering how often restitution occurs, what examples there were, and if there is evidence that restitution promotes peacebuilding. The Colombia case study informed this discussion.

The discussion then focused on two other case study examples: Gaza and Somalia. The Gaza case study focused on challenges for the protection and shelter sectors in responding to the dire needs of the population while the Somalia case study focused on the effects of not responding to forced evictions. Participants discussed debris

removal and the challenge of determining who owns the debris, how to determine land ownership without a functioning land administration, post-conflict reconstruction, and engaging development actors from the beginning of a response. The Somalia case study presented research showing that 4.6 million USD in infrastructure and investments have been lost because of forced evictions, mainly attributed to insecure land tenure.

SHELTER AND SETTLEMENTS

The Shelter and Settlements (S&S) discussion highlighted the need for multi-sector, multi-stakeholder engagement and the need to be innovative in our programming. While S&S is a key sector that accesses land and housing markets when providing assistance, there is a need for sectors to work together to address HLP rights. The discussion focused on two case studies: Afghanistan and the Philippines.

The Afghanistan case study presented an innovative approach using Memorandums of Understanding (MOUs) among individual parcel holders, local officials, the project implementing partner, and USAID that included a clause that those receiving USAID/BHA S&S funding would not be evicted for a certain number of years, along with a rollover clause. This became the recordation basis for thousands of parcels recorded at the district office, showing the parcel holder's right to occupancy. While the MOUs were not legally binding, the contracts are socially recognized. A recent project review showed that the original beneficiaries of the project are still in their homes and using these MOUs as documentation of their right to occupancy.

The Philippines case study focused on the government instituted "No Build Zone" (NBZ), created after Typhoon Haiyan in 2013. The government preferred remote resettlement to a site unsuitable for relocation, not connected to any essential services. After advocacy by humanitarian actors, the government permitted relocation to nearby neighborhoods instead, where affected households could still access the same socio-economic networks they relied upon prior to the typhoon. However, a review 10 years after the program found that some people had returned to the NBZ, in large part due to a gap between follow-on programs and the end of humanitarian S&S projects, highlighting the lesson that humanitarian actors need to engage with those actors that will be working after the emergency response to ensure long-term solutions are found.

DUE DILIGENCE

This session presented two case studies of complex land tenure issues: South Sudan and Puerto Rico. The South Sudan example provided an overview of a post-conflict durable solutions project and how the land was secured to ensure long-term tenure security for nearby displaced populations. Conversations surrounding this case study focused on the necessary due diligence actions for community engagement and understanding ownership. Participants raised questions surrounding the use of the land before the conflict, how to understand if the HLP rights of the host community are being considered, and how to sensitize traditional leaders to recognize women's HLP rights. The Puerto Rico case study provided an overview of changing policy legislation to improve land tenure recordation to support communities affected by disaster in receiving assistance. Overall, the session facilitated a deeper understanding of the complexities involved in land tenure post-conflict and post-disaster, leading to an acknowledgement of the importance of improving tenure security for emergency response and durable solutions.