



GLOBAL PROTECTION CLUSTER | HOUSING, LAND AND PROPERTY AREA OF RESPONSIBILITY

Protecting HLP Rights | 15 December 2016, Geneva

Introduction

The Global Protection Cluster (GPC) Housing, Land and Property (HLP) Area of Responsibility (AoR) organised a one-day global HLP event that took place in Geneva on 15 December 2016. The overarching theme of the event was '*Protecting housing, land and property rights*' looking both at emergency situations as well as HLP as an essential component of durable solutions. The event also aimed at discussing how HLP considerations could be better integrated in the analysis as well as the response strategies of the Humanitarian Response Plans (HRPs).

The event brought together organisations and bodies with a particular interest in the protection of HLP rights as well as representatives from HLP working groups and protection and shelter clusters from a variety of field locations. The event offered the opportunity for an exchange of good practices and lessons learnt from different country operations.

The concept note, agenda and participants' list are included in the annex and power point presentations from the day are available upon request at monica.sanchez.bermudez@nrc.no.

I. Protection of HLP rights in emergency situations

The first session considered emergency response situations where the protection of HLP rights was either integrated as part of the response or emerged during the response.

IFRC presented **Ecuador** as an example of an area vulnerable to disasters, where an HLP working group was created to coordinate and support the authorities in responding to the HLP challenges resulting from the **earthquake** that took place in April 2016. Support was provided in the form of a study analysing the legal framework and making temporary shelter and accommodation available to those affected by the earthquake.

NRC then presented on the HLP challenges that emerged from **spontaneous IDP settlements or self-established camps** in **North West Syria**. The presentation highlighted key learning including the need for due diligence and a better understanding of HLP rights particularly in relation to the ownership or acquisition of land for camps. Key concerns were highlighted in situations where claims of ownership are made over very large tracts of land or when there



are conflicting claims from authorities and communities. The presentation also recommended that UN and INGOs refrain from renting or buying land for informal camps.

To conclude the session, UNHCR and NRC held a joint presentation on the **protection of HLP assets during displacement** in the **Central African Republic**. The presentation highlighted the many challenges faced by humanitarian actors when trying to protect HLP assets during displacement. These included the fact that HLP issues were not considered as a priority during the emergency response; the limited powers of state actors to protect these assets; the impunity of armed groups in relation to HLP violations and complicity from local and customary authorities; and communities' reluctance to consider the rights of displaced persons to return and claim their HLP. The presentation then highlighted the coordination role of the HLP task force in country and gave recommendations to integrate HLP issues in the return and durable solutions process.

II. Protection of HLP rights as an essential component of durable solutions

The second session looked at the protection of HLP rights as an essential component of durable solutions, bearing in mind that the line between emergency response and durable solutions is not always clear-cut, particularly in situations of protracted displacement or in recurring conflict.

UNHCR presented the **HLP challenges faced by IDPs and returnees in Somalia's capital Mogadishu** and some of the actions taken by the humanitarian community to mitigate these challenges. In 2016, one of the main protection concerns was the very large number of **forced evictions** taking place particularly in informal settlements in urban areas, whereby IDPs were being pushed into the peripheries. This situation was compounded by the arrival of returnees adding to the need for land. Some of the measures taken to address these challenges included: engagement with local authorities and individual gatekeepers, combined with advocacy initiatives on inclusive urban planning; as well as the establishment of a Somalia IDP Solutions initiative.

The session continued with a presentation from NRC on **land restitution and durable solutions** in **Colombia**. NRC explained that despite having a sophisticated legal framework (the Victim's Law) and land restitution processes in place, significant challenges remain for the restitution of land in Colombia. The land restitution policy is not a rural land reform policy and was not created to distribute land. Progress in returning land has been extremely slow and the policy does not have clear procedures for victims living abroad nor does it deal with secondary occupants. Furthermore, there are contradictions between the land restitution policy and other public policies (such as those concerning mining, oil and infrastructure).



Finally, despite a peace agreement, violence continues in certain areas undermining safe return and reintegration and to achieve durable solutions.

The session concluded with a presentation from OHCHR a project that they are currently leading to **adapt the Pinheiro Principles Handbook** (Handbook on Housing and Property Restitution for Refugees and Displaced Persons, available at: http://www.ohchr.org/Documents/Publications/pinheiro_principles.pdf) to the **Middle East and North Africa (MENA) region**. The content of the Handbook, currently only available in English, French and Spanish, will be updated and contextualised for the MENA region and translated into Arabic.

III. Integrating HLP issues into key humanitarian, transitional and development processes

IOM presented a **joint global initiative of the HLP AoR and the Rule of Law Thematic Group of the Solutions Alliance** aimed at developing a **practical guidance note** on how to integrate HLP issues into humanitarian, transitional and development planning processes in crisis and post-crisis contexts. The Guidance Note is for practitioners and donors involved in planning processes and is being developed through collaboration between IOM, NRC, UNDP, UN-Habitat, IFRC and UNHCR. A consultant was hired under the supervision of IOM to support the drafting process in consultation with partners and a two-day **Stakeholders' Workshop** took place in New York on 11 and 12 October 2016 to consolidate input and feedback with stakeholders.

The Guidance Note will be organised in four sections:

1. Why engage with HLP issues?
2. Inclusion of HLP issues in relevant assessments and analysis;
3. Integrating HLP into humanitarian, transitional and development planning processes (organised around 5 main themes);
4. HLP relevant funding mechanisms.

The Guidance Note will be finalised and disseminated in **early 2017**.

IV. The Humanitarian Programme Cycle and the Humanitarian Response Plans

One of the main objectives of the event was to **promote better integration of HLP considerations into the Humanitarian Programme Cycle (HPC) and the Humanitarian response Plans (HRP)**. During the afternoon session, OCHA provided an overview of the Humanitarian Programme Cycle, its logic and outputs as well as a typical HPC timeline at



country level. The presentation also highlighted why it was important for HLP actors to engage with this process, including:

- Inject HLP context / needs analysis into the Humanitarian Needs Overview (HNO) and/or Sector Needs Analysis;
- Inform response objectives / priorities at HRP or cluster level;
- Bring visibility to the response intentions and financial requirements;

During subsequent group discussions participants reviewed examples of HRPs to assess the level of integration of HLP issues and discussed their own experiences in engaging with the HRP process, reflecting on what had worked and what were the challenges. Finally, the groups provided recommendations for ways to improve the level of engagement and integration of HLP into HRPs.

Overall recommendations from the day:

1. HLP considerations need to be better integrated in the Humanitarian Response Plans, particularly under the Protection Section
2. The role of the HLP sub-clusters / working groups at field level needs reinforcement as well as their links to other key clusters such as Shelter and CCCM
3. The link between protection and HLP rights should be reinforced in emergencies and as an essential component of durable solutions
4. The GPC has offered training to HLP colleagues to better understand the difference between protection mainstreaming and protection integration



ANNEX 1 – CONCEPT NOTE

Humanitarian Response Plans represent the strategy the Humanitarian Country Team intends to follow to meet the needs of people affected by crisis. While most Plans focus on protection issues in the country concerned and include protection into their strategic objectives few Plans integrate HLP concerns into the analysis or include HLP as an activity to meet strategic objectives. This affects the money devoted to HLP and the human resources.

The GPC wants to examine two particular elements of HLP before the end of 2016:

1. Protection of HLP rights in emergency situations;
2. Protection of HLP as an essential component of durable solutions;
3. The role of the sub-clusters in the field in pursuing 1. and 2.

The GPC intends to produce an audit of the centrality of protection by the end of 2016, which will also carry implications for the 2017 Response Plans and their implementation. As part of the audit it is intended to hold a meeting in Geneva, convened by the HLP AOR, with some field coordinators and others to reflect on the 2016 HRPs and produce advice for the implementation of the 2017 Plans. Secondly, the meeting will assist the HLP AOR to shape its global work plan for 2017 through inputs from the field and, third, the meeting will give the opportunity to bring together HLP sub-clusters and working groups from the field to share experiences. This will be the first time that such an event with dedicated HLP field presence will be convened.



ANNEX 2: AGENDA

8:30 – 9:00	<p>Registration and welcome</p> <p>Welcome remarks from Simon Russel, Global Protection Cluster</p>
9:00 – 10:15	<p>Protection of HLP rights in emergency situations</p> <p>Moderator: Ela Serdaroglu, Global Shelter Cluster</p> <ul style="list-style-type: none"> • HLP in the earthquake response in Ecuador Presenter: Hugo Cahuenas Munoz, IFRC (via skype) • HLP in self-settled camps in Syria Presenter: Laura Cunial, NRC • Protection of HLP assets during displacement in the Central African Republic Presenters: Aka Patrice, NRC and Jamila El Abdellaoui, UNHCR
10:15 – 10:45	Coffee break
10:45 – 12:00	<p>Protection of HLP rights as an essential component of durable solutions</p> <p>Moderator: Martina Caterina, Office of the Special Rapporteur on the Human Rights of IDPs</p> <ul style="list-style-type: none"> • HLP and durable solutions in the context of Somalia Presenter: Nina Schrepfer, UNHCR • Land restitution processes and durable solutions in Colombia Presenter: Efrain Cruz, NRC • Adapting the <i>Pinheiro</i> Principles to the MENA region Presenter: Akram Khalifa, OHCHR
12:00 – 12:30	<p>Integrating HLP into humanitarian, transitional and development planning processes</p> <p>Presenter: Prient Maheswaran, IOM</p>
12:30 – 13:30	Lunch
13:30 – 14:30	<p>The Humanitarian Programme Cycle and the Humanitarian Response Plans</p> <p>Presenter: Martin Buettner, OCHA</p>
14:30 – 16:30	Review of the 2016/2017 HRP



	Moderator: Eva Garcia Bouzas, Global Protection Cluster Support Cell Group work and plenary presentations of group work
16:30 – 16:45	Summary of the day and closing remarks



ANNEX 3 – PARTICIPANTS’ LIST

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