



Collaborative Dispute Resolution (CDR)

How the mechanism is helping to resolve Housing, Land and Property (HLP) issues between host and refugee communities in Bangladesh

Access to land tenure and rental agreements have led to rising tensions among host and refugee communities, including evictions, encroachment and forced relocations. This briefing note will explain how the Collaborative Dispute Resolution (CDR) interventions and trainings support Rohingya and host communities to manage and mitigate disputes around housing, land and property (HLP) issues.

Background and an overview of HLP issues and disputes in the Rohingya camps

It has been over six years since violence broke out in Myanmar's Rakhine state in 2017. As a result, more than 742,000 Rohingya men, women and children fled across the border into neighbouring Cox's Bazar, Bangladesh. Considered stateless, the Rohingya now make their homes in one of the most congested refugee camps in the world, with over 965,000 refugees living in the camps in Cox's Bazar, in the Teknaf and Ukhiya upazilas. Living in the densely populated camps, brings many complex HLP issues for Rohingya and host community. In the camps in Ukhiya the unverified and overlapping claims on public forest land by the host community is the main cause for housing, land and property disputes. In Teknaf, many of the camp boundaries overlap with the host communities' private property, driving disputes specifically with regards to access to resources, including latrines, water points, pathways and other communal spaces. Land tenure and rental agreements with the host community are often opaque and unregulated.

The Norwegian Refugee Council (NRC) Information, Counselling and Legal Assistance Programme (ICLA) provides essential and tailored services to mitigate these range of problems surrounding HLP issues. This includes finding ways to resolve these disputes through CDR interventions with mediations and negotiations. Furthermore, ICLA facilitates Collaborative Dispute Resolution trainings aiming to provide dispute-resolution skills to community leaders, from both refugee and

host communities, and to youth, to empower the community to become more resilient and skilled to resolve these issues and prevent further escalation.

Collaborative Dispute Resolution (CDR) mechanism

Collaborative Dispute Resolution is a recognised and practised dispute-resolution mechanism which enables parties to find an amicable solution that meets their needs, satisfies the needs of the other parties and avoid a zero-sum way out. In a community where there are no established or specific dispute-resolution mechanisms in place to ensure equal access to justice at the community level, the CDR process helps and provides guidance to the affected refugee and host communities, to address and resolve the issues by themselves.

In the overcrowded Rohingya refugee camps, there are many issues and potential sources of conflict, including disputes over access to shared facilities, access to pathways, encroachment, and home gardens. The refugee community were not successfully addressing nor negotiating many of the issues, lacked conflict-resolution skills and failed to have a proper process and set of procedures, which often heightened tensions. Offering CDR training is a solution to assist the community to 'de-escalate tensions' and avoid miscarriages of justice. Respected community leaders, e.g. *Imams* or *Majhis*, were the main 'go-to' people for dispute resolution at the refugee camp level. However, this process was often personality driven, inconsistent and did not have a clear set of procedures (with the lead person often dealing with issues in their own way, using idiosyncratic approaches), which resulted in inconsistent results addressing issues of a similar nature. To address this gap, inconsistencies and challenges, NRC ICLA is contributing to building the capacity of relevant parties, for dispute resolution in collaboration with assigned authorities at camp level.

Type of disputes

There are a number of common disputes which have been observed, between the refugee and host communities. These include:

- Forced eviction, including eviction threats which lead to imminent threats and actual evictions
- Disputes over access to public/shared facilities (e.g. drainage systems, latrines, wash facilities, water points, pathways etc.)
- Disputes over access to shelter and alternate housing
- Pathway and access disputes and use rights encroachment
- Disputes over arbitrary rent for public land
- Boundary disputes

CDR training objectives

ICLA is facilitating CDR training to relevant stakeholders in the refugee and host communities. Refugee community participants are mainly community leaders (Majhi), Imam, teacher, influential community person. In host community training is provided to the local union parishad chairmen, members, teacher, local influential person. At the end of the CDR training, the participants are able to:

- Identify the causes of HLP disputes and analyse who are the parties of the conflict.
- Understand the difference between adversarial and collaborative dispute resolution.
- Describe a range of potential CDR approaches and procedures; and which may be most appropriate for the situation.
- Facilitate all the stages of negotiation and mediation to resolve HLP concerned disputes.
- Employ effective communication skills in the CDR process.
- Manage and trouble-shoot the challenges that may arise during HLP dispute resolution.



CDR training for host community. ©NRC

In 2023, ICLA provided 47 training sessions for 1,229 individuals, from both the refugee and host community (926 refugee and 303 host). Among them 1,014 participants were men and 215 women.

CDR training locations: Ukhiya and Teknaf & Union- Hnila, Whykong (Teknaf), Rajapalong , Palongkhali (Ukhiya).

ICLA started CDR training with communities in 2020, held in ICLA hubs in the different camps in both Ukhiya and Teknaf. These trainings and interventions have been instrumental for tracking CDR intervention; with the goals of further empowering the communities and ensure the sustainability of the intervention.

Changes observed based on CDR interventions

There have been several positive changes observed following CDR intervention. For example refugees are adapting the mitigation policies they have learned through CDR trainings, to address some of their problems. As a result, most of their disputes now are resolved effectively within the refugee community. Observations suggests other positive changes as below:

- Increasing social cohesion and harmony within the community.
- Increasing levels of empathy and better understanding and communication with each other amongst communities.



An NRC information session. ©NRC

- Increased mutual respect and created relationships/communication channels that are being maintained within the communities.
- Women are better aware of their civil rights throughout the CDR intervention.
- Capacity developed to resolve personal disputes in a collaborative way.

Impact stories

The following are examples of cases with HLP concerns, demonstrating how HLP issues further exacerbate protection gaps for vulnerable and marginalised groups in camps.¹

Case 1: Undue pressure of a landlord for rental increase/eviction

Fatema lives in one of the Teknaf refugee camps in Cox's Bazar, with her four daughters, while her husband lives overseas. She is head of her household in these camps and her family lives on privately owned land, where the rent is directly paid to a landlord. A situation arose this year when her landlord wanted to increase her rent and proposed that she give her daughter in marriage to his son. When she refused both landlord's demands, he then threatened her with eviction – with only one week's notice.

Site management referred the case to NRC's Information, Counselling and Legal Assistance (ICLA) in NRC. The ICLA team quickly assessed the case, met with Fatema and with her consent, met with her landlord. The team facilitated negotiations on behalf of Fatema and after several discussions with the landlord, he agreed to increase the length of her eviction notice period to two months.

The ICLA team then helped Fatema find a new safe location for relocation for her household. While the first location was rejected by Fatema, the team persevered and found another possible location, which she accepted. In order to conduct due diligence and the necessary negotiations with landlords and coordination with the site management, a further month was required before she could relocate. The HLP team successfully negotiated this with landlord and Fatema and her family were able to safely relocate.

Case 2: Encroachment and boundary dispute

Amena's case involved her brother encroaching and taking materials from her land and restricting her access to communal space. Several attempts failed to sort out the matter and this conflict escalated from verbal abuse to a minor physical altercation, which required Amena to seek medical treatment. Although the problems were initially shared with the camp *Majhi* (the appointed Rohingya leader), the conflict was not able to be resolved, nor was the *Majhi* able to mediate, as the brother also made threats to the *Majhi*.

¹ Names and locations have been changed to protect identities.

When the ICLA team was alerted to the case, they reviewed the case history and scheduled the first meeting for both parties, with the intention of resolving the ongoing dispute. However, this attempt of resolution was unsuccessful as the *Majhi* failed to bring the brother to the meeting at the ICLA hub. In response, an ICLA officer reached out to the brother and requested that he meet with the ICLA team to discuss the allegations made against him. This was agreed and the ICLA-team was then able to set a new date for mediation meeting between the parties.



Access points being restored. ©NRC

The ICLA team facilitated a mediation session with Amena, her brother and the camp *Majhi*, who brought a witness along. During the session, both parties presented their grievances, and the *Majhi* shared his take on the issue. The ICLA officer assisted in summarising the issues and both parties reached a consensus, pledging to adhere to the agreed-upon terms.

However, shortly after the meeting Amena reported that her brother had not adhered to the agreed-upon decisions. Instead, he had verbally abused both her and the *Majhi* and had now built a fence around her shelter, thus further escalating the dispute. At this stage the ICLA team deemed it necessary to engage further assistance and now included the site management and site development focal points. These organisations quickly dispatched volunteers to the location to verify the accuracy of the claims. Once confirmed, they recommended that the issue be brought to the attention of the Camp in Charge (CiC), as the previous attempts at mediation had been unsuccessful. The CiC, with the assistance of the ICLA team who had assisted the CiC office gain a comprehensive understanding of the intricacies of the case, convened a hearing, attended by all relevant parties, where all sides had an opportunity to present their perspectives. Following this, the Assistant CiC, NRC and IOM coordinated a joint visit to the households, with the aim of resolving the dispute. During this visit, the Assistant CiC issued a directive to both parties, emphasising the importance of abiding by the agreed-upon decisions and maintaining peaceful coexistence in the camp.

The outcome was that Amena's brother re-opened the access points and returned her possessions in the presence of all parties involved and both parties pledged not to engage in similar disputes in the future.