

HLP and protection: from emergency to solutions

Rimal Neighbourhood in Gaza City. Photo: Yousef Hammash

This brief explores the relevance of Housing, Land and Property (HLP) Rights protection in emergency, transitional responses and solutions through examples in three different contexts: Palestine-Gaza, Somalia and Colombia. It emphasizes the need to ensure that HLP is addressed consistently throughout all displacement phases. It is based on a session NRC prepared for the 2024 World Bank Land Conference.

Background

Individuals and families who are forced to leave their home and land, often do not know where they will live or if they will ever be able to return. When Internally Displaced Persons (IDPs) and refugees do not have documentation for their temporary accommodation (for instance when they live in a collective shelter or an informal settlement), they fear arbitrary rent increase, forced eviction and new displacement, unable to live with integrity in safety and dignity.

What are Housing, Land and Property Rights?

- HLP rights in humanitarian response are commonly understood as being about having a home safe from eviction and access to land that offers shelter and possibilities to secure livelihoods.
- The concept of HLP includes the full spectrum of rights to housing, land and property held according to statutory or customary law or informally - both public and private. HLP rights are held by owners, tenants, customary land tenure owners and users and informal settlement occupants.

Displaced and returnee women who are widowed, separated, disabled and/or illiterate are more vulnerable and need access to HLP for their survival and supporting their family.

Access to land and housing is critical for survival during displacement but also pivotal to self-reliance and solutions. When conflict ends, displaced families often end up in substandard accommodation in informal settlements, without knowing if they can stay, or for how long; they might not have documentation proving they are allowed to dwell and are at a chronic risk of eviction. They need assistance to return home because they lack documents to prove HLP rights in their place of origin, which makes their prospect to return or benefit from restitution processes more difficult – especially if their housing or land is occupied illegally, damaged or destroyed – or to find another place to re-start their lives.

In practical terms, HLP rights are essential to virtually all forms of humanitarian programming — from building shelter and infrastructure, to supporting sustainable livelihoods, demining activities, and providing adequate water, sanitation, and health programming.¹ It is a core element for linking humanitarian and development actions: ensuring protection, addressing root causes, enabling solutions, and empowering recovery. This requires strong coordination among sectors and solid technical support capacity. Ignoring HLP issues can do harm and is expensive - it could result in violations of other people's HLP rights, expose refugees and IDPs to homelessness, violence and further displacement, and result in humanitarian resources (including funding) being wasted.

What are the most common humanitarian protection issues related to HLP?
Without safe and secure housing, land and property, people are exposed to significant risks to their wellbeing. Effective humanitarian responses therefore need to integrate HLP-informed programming that addresses commonly found risks of:

- forced evictions
- tenure insecurity
- illegal occupation/ acquisition/sale/allocation of land & houses
- secondary occupation/squatting
- destruction of properties & agricultural land
- destruction and confiscation of HLP documents
- discrimination against women
- conflicts and disputes hindering solutions and creating secondary displacement
- lack of property restitution or compensation mechanisms impeding solutions to displacement
- harm caused by humanitarian programmes when ignoring HLP due diligence.

¹NRC and IFRC, [The Importance of addressing Housing, Land and Property \(HLP\) Challenges in Humanitarian Response](#), 2016.

HLP in emergency response

HLP rights are fundamental to protecting individuals' dignity, safety, and livelihoods during emergencies, facilitating effective humanitarian response and supporting long-term recovery and development. This manifests in practice around three concrete areas:

1. **Protection of vulnerable populations:** Emergencies often displace people from their homes. Ensuring HLP rights helps protect these vulnerable populations from exploitation, eviction, and further displacement, providing them with security and stability.
2. **Access to humanitarian aid:** Secure HLP rights can facilitate access to humanitarian aid. People with recognized HLP rights are more likely to receive assistance such as shelter, food, and medical care. Without proper HLP documentation, displaced persons may face difficulties in accessing aid.
3. **Prevention of conflicts:** Emergencies can exacerbate existing tensions over land and property. Clear and enforced HLP rights help prevent disputes and conflicts over land and property, contributing to social stability and peace during and after the crisis.

Palestine, Gaza: responding to the emergency while preparing for recovery

The 2023 escalation in the Gaza Strip has caused unprecedented scale of destruction and displacement. Eleven months into the conflict, 1.9 million people i.e. 90% of the population have been displaced, many multiple times.² As of July 2024, UNOSAT identified 46,223 destroyed structures, 18,478 severely damaged structures, 55,954 moderately damaged structures, and 35,754 possibly damaged structures for a total of 156,409 structures. These correspond to around 63% of the total structures in the Gaza Strip and a total of 215,137 estimated damaged housing units.³ The estimated quantity of debris in the Gaza Strip is 40 million tonnes; it would take up to 14 years to clear it and it will cost over US\$500 million.⁴

All possible HLP protection related risks are happening in Gaza. These include demolitions and forced evictions, limited access to land for shelter and livelihoods, the presence of unexploded ordnance on land, secondary occupation of land and land grabbing, loss of property boundaries, loss of HLP documentation, destruction of property records resulting from the damage to the Land Authority and the Income Tax Property Authority, and inheritance issues. These HLP issues impede the provision of Shelter and WASH services and other humanitarian assistance because humanitarian actors have no direct access to many areas where available land is located due to security restrictions, and when they do have access there are no land records or ownership documents to verify people's rights. Effective

² OCHA, [Gaza reported impact snapshot 18 September 2024](#)

³ UNOSAT, [Gaza Strip 8th comprehensive damage assessment July 2024](#)

⁴ Al Jazeera, <https://www.aljazeera.com/news/2024/7/15/clearing-gaza-rubble-could-take-15-years-un-agency-says>

debris management and demining is also hindered by these risks. Moreover, HLP protection risks trigger other protection challenges and threaten any mid-to-long terms efforts to achieve security of tenure for the population of Gaza.

Like many other conflict contexts, the HLP protection challenges in Gaza are chronic, deeply rooted in colonial times, worsened by the longstanding Israeli occupation and subsequent blockade, the internal Palestinian political divide and exacerbated by recurrent escalations between Israel and Palestinian armed groups. Furthermore, the legal and policy landscape governing HLP in the Gaza Strip comprises an intricate web of laws and regulations with no unified land law in place.

Amidst this daunting scenario, shelter and legal protection actors are striking a difficult balance between delivering their response and ensuring do no harm on HLP rights, while preparing for mid- and long-term scenarios. At the time of drafting this note, the HLP response has been designed to match the expected evolution of the current conflict:

During Active Hostilities:

- Focus on identification, analysis and mitigation of HLP protection risks associated with large-scale displacement.
- Engage in planning to prepare for the anticipated early recovery and reconstruction response.

0-3 Months Post Ceasefire:

- Support interventions focused on debris removal and management.
- Address issues related to IDP informal human settlements and collective centers.
- Dedicate efforts to establishing or restoring systems for documenting and registering land and properties.

3-6 Months Post Ceasefire:

- Prioritize the facilitation of legal assistance on HLP rights.
- Engage in strategizing for reconstruction efforts.
- Explore avenues for restitution and/or compensation for IDPs.

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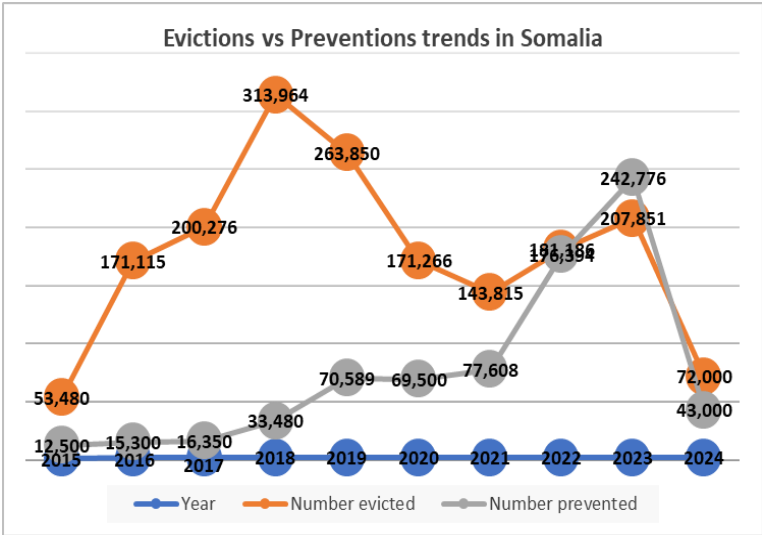
HLP in transitional response

After an emergency, the recognition and enforcement of HLP rights are essential for recovery and reconstruction efforts. Clear property rights enable rebuilding efforts and facilitate displaced persons to reclaim their homes and land regardless of whether they choose to return or settle elsewhere. Secure HLP rights contribute to economic stability and development by providing individuals with the confidence to invest in their property. This is particularly important in post-emergency recovery, as it encourages economic activities.

Addressing HLP issues in a clear, thoughtful, and systematic way during these transitions, can improve trust within and between communities and in governance institutions, and pave the way to sustainable solutions to displacement. Combined with effective alternative dispute resolution (ADR), HLP programming can even be a tool for preventing violence and make a key contribution to peacebuilding efforts. As such, HLP issues are nexus issues, crucial to the achievement of effective, durable solutions if they are addressed throughout the displacement cycle.

Somalia: responding to and preventing forced evictions

As of mid-2024, Somalia experiences significant displacement, with over 3.8 million people internally displaced due to conflict, severe drought, and recent flooding. The pre-existing humanitarian situation is exacerbated by these conditions, causing widespread need for shelter, food, and medical care. Between Jan-May 2024, 113,000 displacements were recorded by the Protection and Return Monitoring Network (PMRN) due to the Gu rains floods, worsening the crisis.⁵



Data gathered since 2015 show that forced evictions in Somalia have become a chronic problem and a major protection risk. 2018 was a particularly bad year reaching almost 350,000 cases. While the numbers decreased in the following two years a gradual increase has been observed since 2021 leading to more than 207,000 forced evictions being reported in 2023. On the other hand, the response to forced evictions has gradually

⁵ The PMRN (Protection and Return Monitoring Network) is a UNHCR-led project implemented in partnership with NRC which reports on displacements and protection risks and incidents underlying such movements. The network data is available [here](#).

improved and in 2023, the number of evictions prevented surpassed the number of forced evictions executed.⁶

Up to 60% of all evictions reported are occurring in cities, in particular the capital, Mogadishu, and surrounding regions. These evictions are primarily driven by land disputes, urban development, and the lack of legal protection. IDPs dwelling informally on public or private land are the most frequent victims of these violations. They usually lack lease agreements or occupancy permits from private owners or public authorities. When the land acquires new value or IDPs cannot comply with the economic requests of the right-holders, they are forcibly evicted.



Photo: Abbas Ahmed

Evictions are dehumanizing and have harmful effects on the health and well-being of victims. Reports of threats, harassment, and violence are common, especially affecting women and children. Women often report sexual violence and children are separated from their families and supportive social networks. Forced evictions perpetuate displacement because after the first eviction people commonly end up living in insecure tenure conditions, with limited chance of self-reliance, which in turn makes them vulnerable to new evictions.

In response to mass forced evictions, NRC has established an eviction monitoring system that works alongside eviction taskforces which include local civil society organizations and local authorities. These are coordinated under the Protection Cluster and the HLP Area of Responsibility and combined with a legal response from NRC's Information, counselling and legal assistance programme (ICLA). Once an eviction alert is raised, the case is analysed to decide one of three pre-determined courses of action: prevention (the eviction is stopped), diversion (the eviction is delayed) or mitigation (the consequences are addressed with other actors). This approach has helped 539,778 people to date to avoid a forced eviction.

The advocacy component of the response has resulted in national, district and local governments adopting new legislation and policies such as the [National Guidelines for Evictions in 2019](#), the [Moratorium halting all evictions in Somalia](#) during the COVID-19 and the new Urban Land Law of 2022 in South West State.⁷

⁶ NRC, [Eviction Information Portal](#) (NB: For 2024 updated figures visit the Portal)

⁷ More details on the moratorium available in NRC's report "[I want my land. You have to go. Understanding the eviction phenomenon in Baidoa](#)".

A group of national and international agencies are working together in the [Danwadaag Durable Solutions Consortium](#)⁸ aiming to contribute to durable solutions through eviction prevention. The Consortium builds on the foundations of the eviction response work by NRC and the HLP AoR to pilot alternative solutions that combine humanitarian and development approaches. Each agency contributes with their expertise including advocacy, coordination on HLP, legal protection, shelter, WASH, livelihoods, and localisation. In collaboration with displaced communities and government agencies, they implement multi-disciplinary activities to promote secure, long-term rights for IDPs such as [Integrated Rental Solutions \(IRS\) which combine rental subsidies with livelihood assistance, support livelihood capacities for communities to purchase land and secure access to public land offered to IDPs](#) including support of humanitarian agencies to build infrastructure such as roads or schools.⁹

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HLP and Durable Solutions

Durable solutions are achieved when displaced persons (internally displaced persons, refugees, or returnees) no longer have any specific assistance, and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement. It can be achieved through sustainable re-integration at the place of origin (voluntary ‘return’ for IDPs or ‘repatriation’ for refugees); sustainable local integration in the place where IDPs or refugees take refuge; or sustainable integration in a third place. (‘resettlement’ to a third country for refugees or ‘relocation’ to another part of the country for IDPs).

Without addressing HLP, which is key to recovery, economic stability and development, none of these solutions will be achieved. Attention to HLP rights should not stop in the emergency and transitional phases but should continue throughout the displacement cycle. HLP – with its many issues and responses - can be understood as like a ‘golden thread’ running through all aspects of the HDP Nexus.¹⁰

⁸ The members are: International Organization for Migration (IOM), Norwegian Refugee Council (NRC), Concern Worldwide, GREDO, The Juba Foundation and the Regional Durable Solutions Consortium (ReDSS)

⁹ For more detailed information please see Interaction “[Enhancing multidisciplinary strategies: disrupting the cycle of forced eviction in Somalia](#)” 2024

¹⁰ The UN Secretary-General’s Action Agenda on Internal Displacement recognises the essential role of securing housing, land and property rights tenure in the design and delivery of durable solutions, in partnership with communities, local and national authorities (UN, [Action Agenda on Internal Displacement](#), 2022.)

Humanitarian actors provide essential HLP protection and assistance, but these interventions can have a short-term focus insufficient to influence the social, structural and institutional issues that are at the root of HLP rights violations. This is why it is essential to coordinate with development and rule of law actors throughout the displacement cycle to address systemic barriers to adequate housing and tenure security in a holistic manner.

HLP issues key for durable solutions

- reconceptualize and define land rights.
- provide suitable housing and land and facilitate access to HLP tenure security for refugees, displaced people, returnees and landless poor.
- assist with HLP documentation and safeguarding.
- combat land grabbing and prevent forced evictions.
- strengthen HLP dispute resolution mechanisms.
- promote and support HLP restitution and compensation.
- recordation of land rights and land administration.
- consider environmental regulations regarding land use and the potential effect on solutions.
- improve youth and women's access to HLP rights.
- support community-led land tenure models that combine standard HLP interventions with locally led solutions.¹
- conduct HLP due diligence when implementing development projects.

Colombia: working with communities to achieve durable solutions in an ongoing conflict

Despite the signing of the peace agreement in 2016 between the Government of Colombia and the FARC-EP, violence in Colombia continues and the humanitarian and forced displacement situation is still extremely severe. Over 290,000 persons were reported forcibly displaced in 2023 due to natural disasters, conflict, and armed violence.¹¹ The total displacement figure now stands at 5.1 million¹² with 6.9 million waiting for reparation.¹³ The Victims and Land Restitution law (Law 1448) from 2011 – originally valid until 2021 but extended until 2031 – regulates the reparations to victims of human rights violations during the war including HLP restitution and compensation. The mandated institutions to implement the HLP measures are the Land Restitution Unit and National Land Agency.

The fourth national verification survey about the living conditions and realization of rights of the displaced population found that 5.2% of households want to return, while 74.9% wants to

¹¹ Humanitarian NGO Forum-Colombia, [Forced Displacement and Humanitarian Impacts in Colombia](#), 2023

¹² IDMC, [Informe global sobre desplazamiento interno](#), 2024

¹³ CODHES, [IV encuesta nacional de verificación sobre la población desplazada](#), 2024

integrate locally. The respondents reported that 44.8% suffered land dispossession, 56.6% housing dispossession, 12.2% loss of other assets and 63.2% loss of movable property.¹⁴



Photo: Elegante Lab/ NRC

The land restitution process in Colombia is facing many challenges. Progress is very slow with only 536,148 hectares of land restored by 2022 - less than 10% progress towards the goal of 6 million hectares in 10 years.¹⁵ It is likely that this figure will increase as ongoing armed conflict and violence generates further displacement and forced abandonment of lands.

There are other structural reasons behind the delays. In theory the land restitution legal process is simple but in practice is long and demanding. It takes between 5 and 10 years to completely resolve a case, depending on the type of legal action required. This timescale can be attributed to the limited capacity of state authorities in the affected territories, and also to their lack of interest to enforce decisions. The land restitution law lacks effective mechanisms to solve disputes between dispossessed and secondary occupants. This is exacerbated by high levels of informality in land tenure and outdated cadastre information that makes it difficult to identify land correctly. Land claimants are not protected by the State and there are numerous reports of murders and threats against social leaders in relation to land restitution claims. The populations most affected by the lack of a proper land restitution process and state protection are indigenous, afro-descendants, and peasants.

Among its many activities in support of displaced communities, NRC has been testing a multi-sector approach to support four indigenous and afro Colombian communities in finding solutions with HLP restitution and securitization at the centre of the action. The communities participate in needs assessments and in designing strategies. During that process NRC provides training on the legal and institutional framework for land and property restitution and technical legal support to claim rights through the administrative or judicial avenues. These activities are combined with advocacy efforts to ensure that authorities respond to claims as established by law. Aware that durable solutions require more than HLP restitution, NRC brings together a multi-sectoral response required for improving living conditions including shelter and infrastructure, access to water and basic sanitation, education, and livelihoods.

¹⁴ CODHES, [IV encuesta nacional de verificación sobre la población desplazada](#), 2024

¹⁵ La Via Campesina, [Colombia: the long road to restitution](#), 2022

This response is not without challenges. The short funding cycle in most projects only covers medium-term initiatives, which are not adapted to the objectives communities want to achieve given that trust in state institutions takes a long time to restore and the legal processes are extremely slow.

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Conclusions and recommendations

The case studies in this brief illustrate the importance of protecting HLP rights in every phase of displacement. It emphasizes the need to coordinate between humanitarian and development actors to ensure addressing HLP protection risks and systemic barriers from the very start of the crisis until solutions have been reached. Failing to address HLP issues in a coordinated manner results in rights violations and hinders the prospects of solutions.

For humanitarian and development actors, donors and host governments to contribute effectively to solutions, NRC recommends the following:

Humanitarian and development actors

- Ensure adequate resources to conduct HLP due diligence in humanitarian and development programming.
- Advocate to include HLP in Humanitarian Needs/Response Plans, in peace dialogues and country development plans.
- Raise awareness and capacity of stakeholders about HLP rights and activities.
- Address women's and youth HLP rights systematically throughout humanitarian and development programming
- Strengthen dispute resolution institutions and services both at community and local administration level
- Monitor and address violations of HLP rights, including discriminatory practices and policies.
- Ensure availability of legal services to support tenure security and prevention of forced evictions in coordination with other sectors.
- Identify available land for humanitarian infrastructure with authorities and communities
- Engage with HLP coordination ensuring linkages with relevant clusters, actors, authorities, including development, solutions and peace/conflict
- Ensure participation of communities national and local civil society in policy development and programme design and implementation.

States

- Make available legal and dispute resolution services to displaced communities
- Enact policies and legislation to promote tenure security as well as restitution and compensation mechanisms
- Safeguard HLP documentation to prevent it is destroyed and confiscated.
- Make land available for humanitarian infrastructure and to facilitate solutions to displacement.

Donors

- Promote and support HLP coordination, including information management and analysis
- Require HLP due diligence to be carried out within humanitarian, development and reconstruction projects and programming
- Promote and support HLP restitution and compensation mechanisms.
- Support legal assistance and dispute resolution services
- Co-convene with host states opportunities for policy and technical exchanges

For more information about NRC's work on HLP rights please visit our [website](#) or contact:

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