URBAN CRISES

Security of tenure in urban areas

Guidance Note for Humanitarian Practitioners

Stronger Cities Consortium

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Preface

The *Stronger Cities Initiative* is a consortium of the International Rescue Committee (IRC), the Norwegian Refugee Council (NRC) and World Vision International (WVI) with technical advice from David Sanderson, University of New South Wales. The purpose of the Initiative is to produce practical field-tested guidance for humanitarian organisations working in urban conflict, displacement, and natural-hazard settings. www.iied.org/stronger-cities-initiative

This guidance note was developed by the Norwegian Refugee Council. The Norwegian Refugee Council (www.nrc.no) is an independent, international, humanitarian non-governmental organisation which provides assistance, protection and contributes to durable solutions for refugees and internally displaced people worldwide.

Produced by IIED's Human Settlements Group

The Human Settlements Group at the International Institute for Environment and Development (IIED) works to reduce poverty and improve health and housing conditions in the urban centres of Africa, Asia and Latin America. It seeks to combine this with promoting good governance and more ecologically sustainable patterns of urban development and rural-urban linkages.

This paper is part of a series of research pieces produced under the 'Urban Crises Learning Fund' managed by IIED. Funded by DFID, the fund aims to build an in-depth understanding of how the humanitarian sector can most effectively operate in urban contexts.

Since the majority of urban displaced live in informal settlements or in rental accommodation without formal lease agreements, tenure insecurity – the risk of forced eviction – is a defining feature of their lives (Special Rapporteur on adequate housing, 2015). Finding housing solutions in emergencies in large cities is extremely complex.

Given the co-existence of different tenure arrangements, the informalities of housing markets and the constantly changing environment of urban areas, there is a distinct need to understand the tenure systems that exist, along with the broader factors that accompany them (NRC and IFRC, 2015). However, there has been insufficient attention to security of tenure in humanitarian response (NRC and IFRC, 2015; IASC, 2010) and humanitarians operating in urban areas face many challenges in designing interventions that support security of tenure.

The emergence of new programming modalities in recent years, particularly in humanitarian shelter and legal assistance, has generated useful learning. This forms the basis for this guidance note which provides an overview of the key strategies for approaching tenure in urban humanitarian interventions. The aim is to assist humanitarians to consider ways to support security of tenure from the outset of a response.

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Acronyms and abbreviations

ABA	Area-based approach
CESCR	UN Committee on Economic, Social and Cultural Rights
HHS	Household hunger score
HLP	Housing, land and property
ICLA	Information, counselling and legal assistance
IDMC	Internally displaced monitoring centre
IDP	Internally displaced person
IIED	International Institute for Environment and Development
IRC	International Rescue Committee
LBP	Lebanese pound
M&E	Monitoring and evaluation
NGO	Non-government organisation
NRC	Norwegian Refugee Council
OHCHR	Office of the United Nations High Commissioner for Human Rights
UNHCR	UN High Commissioner for Refugees

Glossary

Urban context

Urban contexts are characterised by high volumes of diverse populations living and working near one another. Due to their high population density, the social, political and institutional environments present in urban contexts are more complex than those found in rural areas (Parker and Maynard, 2015). Urban inhabitants are also more mobile than their rural counterparts and depend on the delivery of a range of technical and economic systems from many different providers to meet their basic needs (Parker and Maynard, 2015; Meaux and Osofisan, 2016)

Forced displacement

For the purposes of this guidance note, forced displacement is defined as the situation of persons who are forced to leave or flee their homes due to conflict, violence, human rights violations, and disasters. Forcibly displaced persons may be internally displaced or refugees that have crossed an international border.

Housing, land and property (HLP)

Housing, land and property (HLP) rights are about having a home, free from the fear of forced eviction; a place that offers shelter, safety, and the ability to secure a livelihood. HLP rights are referenced and defined in several international human rights instruments, and organisations providing protection and assistance to persons affected by crisis should respect the human rights, including HLP rights, of affected persons at all times, and advocate for their promotion and protection to the fullest extent.

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 housing, land and/or property assets (NRC, 2014d).

HLP rights include:

- The right to adequate housing

- The right of access to natural resources, such as land and water

- The right to security of tenure and protection against forced eviction, and

- The right to non-discrimination in accessing HLP rights, which entails special protection for the most vulnerable and marginalised.

Tenure and tenure arrangements

Tenure is the relationship among people, as groups or individuals, with respect to housing and land, established through statutory law or customary, informal or religious arrangements (Shelter Cluster, 2013).

Tenure arrangements are sets of documented and undocumented practices, rules, and institutions that determine access to and control over housing, land, and natural resources. They define how property rights are allocated within societies. In simple terms, tenure systems determine who can use what resources, for how long, and under what conditions (Global Land Tool Network, n.d.).

There are many forms of tenure arrangements, ranging from full ownership and formal rental agreements, to emergency housing and occupation of land in informal settlements (Wyckoff, 2016). The important point about land tenure is that it is a **relationship,** which can and does change over time.

Regardless of the tenure arrangement, all persons still retain HLP rights. Thus, people living in informal settlements, who are often internally displaced, may not possess a 'legal' right to occupy the land but do still possess the right to adequate housing and the protection against forced eviction from their home (UN Committee on Economic Social and Cultural Rights (CESCR), 1997).

BOX 1: SECURITY OF TENURE

Security of tenure is the certainty that a person's rights to HLP will be protected. It guarantees legal protection against forced eviction, harassment and other threats and enables one to live in one's home in security, peace and dignity (NRC, 2011).

It is an integral part of the right to adequate housing and a necessary ingredient for the enjoyment of many other civil, cultural, economic, political and social rights. All persons should possess a degree of security of tenure that guarantees legal protection against forced eviction, harassment and other threats (Special Rapporteur on adequate housing, 2015).

The following types of tenure, among others, should be promoted, strengthened and protected:[1]

(a) Possession rights

(b) Use rights

(c) Rental

(d) Freehold, and

(e) Collective arrangements.

Forced evictions

These are defined as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection" (UN Committee on Economic Social and Cultural Rights (CESCR), 1997). The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights (ibid).

This definition indicates the arbitrary and illegal nature of forced evictions as the practice violates civil and political rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home, and the right to the peaceful enjoyment of possessions (NRC, 2012).

Informal settlements

There is no single conceptual and operational definition of an informal settlement but it can be conceptualised as unplanned settlements and areas where housing is not in compliance with current planning and building regulations (IDMC, 2013).

Many publications use the term 'slum' as a synonym. In 2003, UN-Habitat defined slums as human settlements with the following characteristics (UN-Habitat, 2003):

• Lack of basic services

• Substandard housing and inadequate structures

• High population density and overcrowding

• Unhealthy living conditions and hazardous locations

• Insecure tenure, and

• Poverty and social exclusion.

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[1] For an explanation of different tenure types see Wyckoff (2016).

Shelter

Shelter is a critical determinant for survival in the initial stages of a disaster. Beyond survival, shelter is necessary to provide security, personal safety and protection from the climate and to promote resistance to ill health and disease. It is also important for human dignity, to sustain family and community life, and to enable affected populations to recover from the impact of disaster (The Sphere Project, 2011).

Due diligence

A process of research and analysis in any given situation to avoid harm to other persons or property (Shelter Cluster, 2013).

Protection

Protection has been defined as all activities aimed at obtaining full respect for the rights of the individual in accordance with relevant bodies of law. Protection encompasses efforts pursued by humanitarian actors in all sectors to ensure that the rights of affected persons and the obligations of duty bearers under international law are understood, respected, protected, and fulfilled without discrimination (IASC, 2016b).

Area-based approach

The term area-based approach (ABA) is increasingly being referred to by urban stakeholders as a broad approach that aims to address vulnerable community or geographical area needs with a holistic multi-sector response. However, despite being outlined by the IASC in 2010 (IASC, 2010) there are very few documented examples of an ABA in practice, and it is still interpreted in a number of different ways, for example as a 'settlement approach' (SKAT & IFRC, 2012), 'an integrated approach', or a 'district, neighbourhood or community-based approach' (Parker and Maynard, 2015).

About this guidance note

This guidance note provides an overview of key strategies for approaching tenure in urban programming: primarily in shelter and legal assistance programmes. This is to assist humanitarians to consider ways to support security of tenure from the outset of a response – from the emergency phase through to situations of protracted displacement.

OBJECTIVES:

- To promote and protect HLP rights and prevent forced evictions, but also to highlight that, in rental situations, both landlords and tenants have rights and responsibilities.

- To avoid exacerbating discrimination against women and already marginalised groups.

- To strengthen a rights-based approach to humanitarian shelter response.

- To empower displaced and affected communities and build resilience.

- To improve relations with host communities and benefit others living in tenure insecure accommodation.

To date, there has been insufficient attention to tenure security in urban humanitarian response (NRC and IFRC, 2015; IASC, 2010). However, new programming modalities have emerged in recent years, particularly in humanitarian shelter and legal assistance. The experience has generated important learning that warrants documentation and sharing with the shelter sector and others. These form the basis for this guidance note.

Background

The concept of security of tenure involves legal protection against forced evictions, harassment and other threats to residents and users of property, whether or not they own it. (Williams, 2011)

Over half of all internally displaced persons (IDPs) and refugees are living in urban areas (Meral, 2015; Crawford, 2015). Since the majority of urban displaced live in informal settlements or in rented accommodation without formal lease agreements, tenure insecurity is a defining feature of their lives (Special Rapporteur on adequate housing, 2015).

Urban refugees, asylum seekers and IDPs are often unable to secure adequate accommodation (also because of their legal status) and many are forced to live in overcrowded and insecure conditions (OHCHR and UN-Habitat, 2015). In this way, urban displacement can present very different challenges to those faced in rural or camp settings. Humanitarian actors have identified a lack of secure tenure – the risk of forced eviction – as a defining characteristic of urban response (NRC and IFRC, 2015; IDMC, 2016).

The challenges of responding in urban areas have prompted the use of more creative approaches to the provision of housing, such as direct financial aid and host family support. NRC, along with other operational agencies, consider engagement in urban areas as an opportunity to highlight emerging ways of programming that, by considering tenure security and its focus on a rights-based approach, can have a positive, constructive, and long-term outcome. This can change the way humanitarians engage with urban crisis-affected populations.

Another aspect of humanitarian crises is that they are often protracted and many long conflicts are largely urban in nature, creating new challenges for humanitarian action (ICRC, 2015; ICRC 2016). It is recognised that displacement is more often long term with more than 80 per cent of refugee crises lasting ten or more years (Crawford, 2015). Many of the world's displaced persons now find themselves in situations of protracted displacement in which denial of security of tenure indefinitely perpetuates their vulnerability, violates their rights, and reduces the likelihood that they have sufficient resilience to sustainably return home, should the opportunity arise (Williams, 2011).

Thus for both refugees and IDPs, tenure security has emerged as a particularly critical aspect of shelter during protracted displacement (Williams, 2011). Security of tenure programming has been identified as one of the few practical responses to protracted crises (ODI and CMI, 2017). Interventions that support security of tenure in humanitarian response are one way to tackle the humanitarian and development challenges presented by long-term crises.

BOX 2: MAIN HLP SPECIFICITIES IN URBAN AREAS

- Multiple, complex and overlapping tenure arrangements combined with unregulated transactions, weak governance, legal pluralism and scarcity of land (IDMC, 2013; SKAT and IFRC, 2012; NRC and IFRC, 2015).

- Refugees and IDPs are among the most at risk of tenure insecurity, often living in informal settlements or renting without formal agreements (Special Rapporteur on adequate housing, 2015; Wyckoff, 2016).

- The high population density and lack of services in informal settlements make it difficult for humanitarians to provide shelter assistance in line with international standards (NRC and IFRC, 2015).

- A higher proportion of the housing stock is residential buildings with various forms of communal, corporate or public ownership, complicating legal aspects and the role of agency shelter intervention.

- HLP considerations require specialised skills and tailored solutions, as well as high levels of engagement with both beneficiary and the host community.

- This is overlaid by complex social structures and vulnerability patterns.

Tenure forms in urban areas (not an exhaustive list):

- Tenant with contract

- Tenant without formal contract

- Tenant in informal settlement

- Owner in informal settlement

- Owner of unauthorised construction

- Freeholder, and

- Cooperative housing dweller.

Sources: Hollingsworth, 2014; Payne, 2004; Wyckoff, 2016.

Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats (UN Committee on Economic Social and Cultural Rights (CESCR), 1997). This includes tenure security for all those within households, particularly women (Special Rapporteur on adequate housing, 2015).

Rental accommodation

In terms of humanitarian shelter, rental accommodation is the form of tenure primarily available in urban areas (Wyckoff, 2016). Rental accommodation provides the right to use housing or land for a specified period of time at either a given price or exchange of other valuable consideration, without transfer of ownership, on the basis of a written or verbal contract with a private or public owner. The right to use may be limited to specified individuals (eg only immediate family members), and/or specified purposes (eg residence) (Wyckoff, 2016).

Formal requirements for a lease are determined by the law and custom where the housing/land is located, including form and content as well as registration of leases with authorities. However many displaced live in rental accommodation without written or formal lease agreements. There are also pooled resource households (see Principle 4: Vulnerability). The impact of this for women is especially difficult, with many reporting that they are vulnerable to exploitation and threats of violence by landlords; limited capacity to negotiate better living conditions and rental prices; and are frequently reluctant to seek dispute resolution through adversarial approaches, such as courts (NRC, 2014d).

NRC's experience

The guidance is based on NRC's experience of providing humanitarian shelter and legal assistance for displaced populations and host communities in urban areas, in conflict-affected countries, in particular:

• Central African Republic

• Iraq/Kurdistan

• Jordan

• Lebanon

• Mali

• Palestine/Gaza, and

• Somalia.

The guidance note is derived from a compilation of NRC's programme documentation, such as reports, existing guidance and evaluations combined with practitioners' experience from NRC's shelter and legal assistance programmes from our field operations. It also draws on shelter sector documentation including other guidance from the Global Shelter Cluster and partner organisations. The guidance also references relevant standards from international human rights law and refugee law.

Since NRC's primary focus is on displaced persons and conflict-affected communities, this is reflected in the guidance note; however it can also be applicable to other situations.[2] The guidance considers a range of displacement situations, including emergency, transition and protracted displacement, for refugees and IDPs. The differences for refugees and IDPs from a legal perspective are explained in the legal section in Annex 1.

Who is this guidance for?

The guidance is for shelter and legal practitioners wishing to build security of tenure into their programming. It is designed for practitioners working in urban contexts with those in a variety of living arrangements, such as multiple occupancy, high-rise dwellings; with host families; in private or social/state rental ; and in informal settlements (NRC and Shelter Centre, 2010). It includes considerations for those that are renting, living in informal settlements, repairing, and/or reconstructing.

How to use the guidance

The guidance note provides nine overarching principles to be used in shelter and legal assistance programmes in urban areas to support security of tenure. By presenting each principle in detail the guidance:

• Explains tenure security in operational terms: as a protection component of humanitarian shelter response

• Explains the origins of tenure security and key tenets of international law

• Provides examples of how tenure security can be part of the planning, design and implementation of urban shelter programmes

• Gives ideas for legal assistance providers as to where their expertise can be best used to support shelter programmes, and

• Points towards further sources of information and guidance.

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[2] NRC protection policy: NRC operates in contexts where displaced and vulnerable persons are exposed to violence, oppression, exploitation, coercion, and deprivation, as well as restrictions on their access to services, assistance, livelihoods, and other rights. While recognising that crisis-affected populations face numerous and multi-dimensional protection risks, NRC prioritises responding to risks that are caused or exacerbated by displacement.

Limitations

This guidance note does not seek to advise on all tenure issues affecting all vulnerable urban households or in all displacement contexts. Rather it looks at the most common forms of accommodation that IDPs and refugees now inhabit in urban areas, drawing on specific examples of shelter programmes which have adapted modalities to take these into account (Wyckoff, 2016).

The guidance is not designed for urban planners because it focuses on the provision of humanitarian assistance at the household level and tenure security of homes, rather than addressing the HLP policy issues associated with urban infrastructure.

Property registered with NRC's urban shelter programme in Irbid governorate in Jordan.
Photo credit: NRC, February 2015

Nine principles to improve tenure security in urban humanitarian response

The following nine principles can be used to improve tenure security in urban humanitarian response and are covered in more detail in this guidance note:

Principle 1	Undertake due diligence
Principle 2	Understand the legal framework
Principle 3	Understand the reality
Principle 4	Include tenure insecurity as an indicator of vulnerability
Principle 5	Implement shelter programmes that support security of tenure
Principle 6	Support protection from forced eviction
Principle 7	Use an integrated programme approach
Principle 8	Include security of tenure in monitoring and evaluation
Principle 9	Advocate to improve security of tenure

Jordanian house owner in an unfinished room of his building.
Photo credit: Georg Schaumberger, 2014

Principle 1: Undertake due diligence

Summary

Reducing the risk of harm and rights abuses is a protection component of humanitarian response (IASC, 2016b). Shelter programmes should not create insecurity for beneficiaries in their homes or increase the risk of eviction. This is known as the Do No Harm principle (Shelter Cluster, 2013).

The sheer complexity of housing arrangements in urban areas means that humanitarian actors must take even more care to understand the tenure situations in an area. They should understand the potential risks and negative impacts of interventions. In the worst case, interventions could result in forced evictions or in the exclusion of already marginalised groups.

Humanitarian actors should therefore undertake due diligence to avoid putting people at risk of forced eviction (Shelter Cluster, 2013). Part of this work can be to identify systemic problems that can be addressed and possibly changed with advocacy – see Principle 9.

KEY ACTIONS

- Understand the potential risks and negative impacts of interventions.

- Consult with affected populations and host communities.

- Use legal expertise – See Principle 7. Understanding the regulations, the barriers to tenure security, and the consequences of shelter interventions requires time, expertise and resources (IFRC, 2016). To ensure that the most vulnerable safely receive the assistance they require, assistance from specialised legal aid programmes are necessary to support with verification, provision of advice on documentation, and assess high-risk cases.

- Avoid entrenching discrimination, including against women (NRC, 2014d).

Explanation

Due diligence

A first step to avoid a negative impact of interventions is to undertake due diligence. This requires shelter actors establishing an ongoing process that both anticipates and responds to issues relating to HLP rights as they emerge or where there is a risk that they may emerge during shelter construction (Shelter Cluster, 2013)

The goals of due diligence are to (Shelter Cluster, 2013):

- Achieve as much legal certainty about land rights as is reasonable, given the context and constraints on resources and time

- Reduce, as much as possible, the risk that the construction of shelter causes or contributes to increasing tensions and conflicts around housing, and

- Avoid future eviction of beneficiaries.

Shelter interventions should not result in increased risk of eviction

It is important for actors to navigate the complex tenure arrangements presented in urban areas. For example, Palestinian refugees living in settlements (gatherings) in Lebanon are prohibited from making repairs to their homes that in many cases were built by their ancestors. While repairs do take place informally, undertaking these repairs can put the Palestinian refugee at risk of a legal eviction from the Lebanese landowner in addition to criminal charges. An NGO-led shelter intervention can result in a legal eviction of a vulnerable group, if this involved repairs without permits or otherwise in transgression of regulations. It is important for shelter actors to be aware of the regulations in each context, in particular the restrictions that some marginalised and discriminated groups, such as refugees might face (see Principle 2).

Shelter interventions should not increase community tensions

In order to prevent future eviction of shelter beneficiaries, shelter actors acknowledge that tenure security can depend to a large extent on refugees' and IDPs' relationships with host communities and neighbours. A due diligence approach will look at the effects of programme interventions on the wider community to avoid creating or exacerbating community tensions that could increase the risk of eviction.

Consultation with affected populations and host communities is needed

Consultation with affected communities in the design and implementation of shelter programmes is part of due diligence, and it is important to emphasise that (IFRC, 2016):

- All affected persons and groups should have the opportunity to participate in the identification and determination of tenure rights that are applicable to their particular living arrangement

- Potential beneficiaries must be given the opportunity to highlight particular regulations or limitations that apply to their situation and discuss potential benefits and risks of altering the state of their current living situation through the formalisation of tenancy, and

- Both displaced /affected persons and host communities should have the opportunity to participate in the solution to problems that arise, such as in dispute resolution between tenants and landlords, or between tenants and neighbours.

Effective consultation and participation is characterised by (The Brookings Institution, 2008):

- Clear goals and expectations among all parties

- A focus on results: effective participation happens when participants can actually influence the outcomes

- Community involvement at every step of the process

- Sufficient understanding of the social, cultural and political context and recognition of existing hierarchies by those organising the consultations

- The involvement of all stakeholders who perceive themselves to be affected, including communities that host displaced persons

- The use of trained facilitators to carry out the consultations, and

- Effective coordination among agencies and communities.

Opportunities and methods for consultation can include:

- Formal focus group discussions with all stakeholders, ensuring a cross selection of the population

- Informal conversations with individual refugee / IDP / host community members, and

- Transect walks – these include walking around an area, observing, and discussing living conditions with stakeholders.

Humanitarian actors should avoid entrenching discrimination against women

Displacement has the effect of exacerbating discrimination for women (NRC, 2014d; NRC and IFRC, 2015). This is because in addition to the stresses of displacement, women also continue to experience repressive social norms within their families and communities.

Humanitarians, by overlooking or directly discriminating against some groups, can perpetuate and even reinforce pre-existing patterns of vulnerability and disadvantage. In the worst case, humanitarian actors can entrench discriminatory patterns in society that impact negatively on women's HLP rights (NRC, 2014d). This happens when humanitarian programmes fail to recognise the differential ways in which women are affected by discriminatory HLP and family laws, social norms, and practical barriers. These include rental agreements that make women's security of tenure contingent on their relationship with a man designated as head of household (NRC, 2014f).

Resources

IFRC (2016) Rapid Tenure Assessment Guidelines. www.sheltercluster.org/resources/documents/rapid-tenure-assessment-guidelines-ifrc-2016-english

IFRC (2014) Overview: Key HLP Principles: Typhoon Haiyan www.sheltercluster.org/typhoon-haiyan-2013/documents/overview-key-hlp-principles

NRC reports on displaced women's HLP rights at http://womenshlp.nrc.no/

Payne, G, Piaskowy, T and Kuritz, L (2014) Land Tenure in Urban Environments USAID. www.land-links.org/issue-brief/land-tenure-in-urban-environments

Shelter Cluster (2013) Land Rights and Shelter: The Due Diligence Standard. www.sheltercluster.org/resources/documents/due-diligence-shelter-a4

A more comprehensive list of resources can be found on the website of the HLP Area of Responsibility (AoR) group, under the Global Protection Cluster: www.globalprotectioncluster.org/en/tools-and-guidance/essential-protection-guidance-and-tools/hlp-essential-guidance-and-tools.html

And on the Shelter Cluster website at www.sheltercluster.org/library/housing-land-and-property

Injured man standing in his destroyed house, Jabalya refugee camp, Gaza, 29 July 2014.
Photo credit: Emad Badwan

Principle 2:
Understand the legal framework

Summary

As set out under Principle 1, humanitarians operating in urban environments should undertake due diligence to avoid undermining HLP rights by entrenching existing discrimination or increasing the risk of forced eviction. As a first step, this involves understanding the legal and institutional frameworks that govern tenure in any given area.

In situations of legal pluralism where overlapping systems of rights exist, this will involve looking at the multiplicity of tenure arrangements within customary, religious and statutory frameworks. This involves a thorough assessment of the laws and policies that govern tenure security, particularly those related to HLP and rental contracts. It is important to look at the ways these laws affect disadvantaged groups who may be further discriminated against.

KEY ACTIONS

- Research the statutory legal frameworks and sources of laws governing tenure: focus on HLP and rental arrangements; Use existing HLP analysis.

- Map out how the domestic legal framework provides grounds for eviction and compare this with international obligations set out in human rights law treaties to which the state may be party.

- Map out roles and responsibilities of both landlord and tenant.

- Map any existing formal and informal procedures for land and housing allocation.

- Research the religious and customary laws and systems for governing tenure and addressing disputes.

- Consider what legal measures would be necessary to avert immediate threats to tenure while incrementally providing greater security (Williams, 2011).

- Map how these different systems apply to the living arrangements of displaced and host populations, including those in informal settlements.

- Identify disadvantaged and discriminated groups.

- Consult with community members including landowners, local organisations and local governments so as to better understand existing complexities and identify the main causes of insecurity.

Explanation

Humanitarians operating in urban contexts face many challenges in understanding the complex frameworks underpinning the right to adequate housing and in designing interventions that support security of tenure. In particular, the following considerations are relevant for shelter programmes in urban areas:

- The need to focus on tenancy laws in order to understand the situation for many of the displaced in urban areas; and the importance of understanding the obligations of landlords and tenants. This is necessary to plan activities involving mediation of disputes and prevention forced evictions because it facilitates an understanding of what constitutes a forced eviction and how to design a response (see Principle 6).

- The relevant legal provisions will not be found in one or two laws but, more likely, in a diversity of legal documents and policies, including regulations governing construction. This can increase the challenge of assessing the governing and regulatory frameworks for shelter planning.

- An assessment of the legal framework also requires attention to the ways that national laws and policies deal with groups who are often disadvantaged in housing policies, for example refugees; or in inheritance laws for women (statutory, religious and customary); and for those living in informal settlements.

Examples

Example of HLP analysis: NRC (2014) Displacement and Housing, Land and Property Rights in the Central African Republic. www.nrc.no/resources/reports/displacement-and-housing-land-and-proprty-disputes-in-puntland/

Example of laws governing rental agreements relevant to IDPs and refugees in Iraq: NRC (forthcoming) Iraq Eviction Response Guidelines.

Example of how national laws can discriminate against women: NRC (2012) No place like home: An assessment of the housing, land and property rights of Palestinian women in camps and gatherings in Lebanon. http://womenshlp.nrc.no/countries/lebanon.

BOX 3: LEBANON SHELTER PROGRAMME ASSESSMENT OF PERMISSIONS

In contexts where much of the existing building works are either illegal or without permits, shelter interventions can lead to increased risk of eviction. This shows the importance of attention to the regulatory environment.

In response, NRC's Lebanon Shelter programme compiled the varying permissions required for the different NRC shelter modalities, as well as those that may be undertaken in the future, in order to be in line with Lebanese civil law, and to maintain positive relations between NRC and the host community, the municipalities, and landowners. See Annex 2 for the table of building permissions required.

Resources

Deininger, K, Selod, H and Burns, A (2011) World Bank Land Governance Assessment Framework: Identifying and Monitoring Good Practice in the Land Sector. LGAF includes a section on analysing the legal and institutional frameworks. World Bank Publications. http://elibrary.worldbank.org/doi/abs/10.1596/978-0-8213-8758-0

IFRC (2014) Regulatory barriers to providing emergency and transitional shelter after disasters - Country case study: Nepal. www.ifrc.org/Global/Publications/IDRL/country%20studies/Nepal%20Shelter%20Summary%20Report%20FINAL.pdf

NRC (2014) Displacement and Housing, Land and Property Rights in the Central African Republic. www.nrc.no/resources/reports/displacement-and-housing-land-and-proprty-disputes-in-puntland/

NRC (2012a) Housing, Land and Property Training Manual. (Available upon request from hlp@nrc.no or www.nrc.no/what-we-do/speaking-up-for-rights/training-manual-on-housing-land-and-property/)

NRC (2012b) No place like home: An assessment of the housing, land and property rights of Palestinian women in camps and gatherings in Lebanon. http://womenshlp.nrc.no/countries/lebanon

UN-Habitat (2003) Handbook on Best Practices, Security of Tenure and Access to Land. www.unhabitat.org/pmss/listItemDetails.aspx?publicationID=1587

Principle 3:
Understand the reality

Summary

In complex emergencies and in situations of legal pluralism, there is a significant difference between the written laws and the reality that humanitarian actors experience on the ground. A realistic understanding of the on-the-ground tenure situation is necessary to supplement any analysis of the legal and policy frameworks governing tenure security.

This includes an understanding of the whole range of potential barriers to tenure security, such as governments who prohibit local integration by refugees, the limits placed on refugee communities to work to pay rent, or any number of other factors that can lead to eviction. All of these may require a broader tenure security analysis that includes socioeconomic factors. It also entails understanding how pre-existing discrimination against women and other groups may affect HLP rights in displacement.

KEY ACTIONS

- Consult with displaced and host communities to understand their tenure arrangements and main challenges.

- Consult with legal experts and local authorities – statutory, customary and religious – to understand how laws are implemented in practice and where the gaps are.

- Research and map the main forms of tenure arrangements (see Resources, below).

- Understand the practice of land and housing allocation, both formal and informal.

- Consider factors underpinning tenure security such as relationships with host communities.

- Identify tenure insecurity related to displacement, such as lack of legal stay for refugees.

- Identify intra-household risks to tenure security – such as when women don't have their names on lease agreements or are at risk of eviction following divorce.

- Understand how the most vulnerable groups experience their tenure arrangements..

- Include an assessment of negative coping mechanisms within shelter programmes to understand if these are exacerbated during the programming cycle.

- Contact the IASC HLP group in country, if established (see www.globalprotectioncluster.org/en/areas-of-responsibility/housing-land-and-property/hlp-area-of-responsibility.html)

Explanation

In situations where the rule of law may be fragile and there is legal pluralism, there is a significant difference between the written laws and the reality that humanitarian actors experience on the ground. The majority of urban displaced live in informal settlements or in rental accommodation without formal lease agreements (Special Rapporteur on adequate housing, 2015). Given the co-existence of different tenure arrangements, the presence of informal housing markets and the constantly changing environment of urban areas, there is a distinct need for those operating in urban environments to understand the reality of the actual tenure arrangements along with the broader factors that accompany them (NRC and IFRC, 2015).

It is therefore important to consider tenure security in a broader sense; incorporating the practices and factors that allow people to access or remain in their homes or that are drivers of forced evictions and other abuses. This means looking beyond the existence of documentation such as lease agreements, and into the other factors underpinning tenure security, including relationships with host communities (Wyckoff, 2016). It also involves attention to people's ability to meet their immediate needs (rent, food, fuel, etc.), without having to engage in negative coping mechanisms (eg removing children from school so that they can work).

A frequent challenge in any assessment of tenure on the ground is the urgency of the situation and the need to implement an immediate humanitarian response. A range of different tenure assessment tools are available (see Resources, below) and can be chosen and adapted depending on the time and expertise available. This investment means that humanitarians can plan programmes in a way that takes full account of how people live, their social structures, their vulnerabilities, the types of assistance desired (for instance rental or cash), and protection issues (IFRC, 2016).

Tenure assessment – the basics

Undertaking tenure assessment involves recording the range of different *de facto* tenure options in a given context (Hollingsworth, 2014). Some of them are specifically developed for use in urban areas to identify options for incremental strengthening of tenure security (ibid; Payne, 2014).

Tenure assessments can involve the following main aspects (ibid):

1. Identifying the full range of formal, verbal, informal, unauthorised/semi-legal, customary and religious (eg Islamic) tenure categories for households within an area.

2. Identifying all the rights available to households within each tenure category and the responsibilities that go with them: For example: the right to occupy, use and enjoy; to buy, dispose or inherit; to develop or improve; to sublet; to access services; and to access formal credit.

3. Identifying the extent to which these rights are available in practice for women and men; including for example where women's tenure is at risk as a result of changes in civil status such as upon death of her husband or divorce.

4. Identifying where rights overlap, ie where there are different perceptions or ambiguity, and conflict.

Identify tenure insecurity caused by displacement

In addressing tenure security issues for displaced persons, it is also important to identify which factors causing tenure insecurity result from displacement and which are shared with elements of the non-displaced population, such as overall poverty, or tenure insecurity in informal settlements. The Global Alliance for Urban Crisis recommendations are to:

"Improve understanding of the specific vulnerabilities and capacities of displaced women and men in urban areas, as compared to host communities, and develop tools and approaches for the protection of dispersed, mobile and less visible populations, including older people, youth and people with disabilities." (Global Alliance for Urban Crises, 2016)

In many cases, legal restrictions on refugees' ability to work, or the inability of IDPs to access livelihoods due to residence permits needed undermine their tenure security because they cannot pay rent. To address this, livelihoods interventions are increasingly seen as a component of sustainable shelter programming. In some contexts tenure security programmes may be accompanied by food security and livelihoods interventions that aim to recover or build livelihood skills and opportunities to enable people to stay in their homes through economic security. Advocacy on the right to work for refugees is also important – See Principle 9.

Resources

Deininger, K, Augustinus, C, Enemark, S and Munro-Faure, P (2010) Innovations in land rights recognition, administration, and governance. World Bank Publications. http://landwise.resourceequity.org/record/2752

IFRC (2016) Rapid Tenure Assessment Guidelines. www.sheltercluster.org/resources/documents/rapid-tenure-assessment-guidelines-ifrc-2016-english

Shelter Cluster (2013) Land Rights and Shelter: The Due Diligence Standard. www.sheltercluster.org/resources/documents/due-diligence-shelter-a4

Wyckoff, ME (2016) Securing Tenure in Shelter Operations: Guidance for Humanitarian Response. NRC. www.sheltercluster.org/sites/default/files/docs/nrc_shelter_tenure_guidance_external.pdf

Principle 4:
Include tenure insecurity as an indicator of vulnerability

Summary

The parameters of urban vulnerability are not extensively documented in humanitarian programming (Patel, 2017). However, in urban areas the diversity of security of tenure arrangements is highly complex and is often recognised as a key indicator of urban vulnerability (Smith, 2017). An analysis of the legal framework for housing rights (Principle 2) and an assessment of the tenure arrangements (Principle 3) will help to identify those with the highest tenure insecurity among the displaced and conflict-affected populations in each context. Programmatic responses should incorporate these groups.

KEY ACTIONS

- From the tenure assessment, identify those with the most insecure tenure arrangements in any given context – for example those renting without written agreements, or those living in informal settlements, or those facing eviction.

- Where possible assess tenure security alongside other needs so that multi-sector analysis provides holistic vulnerability indicators.

- Include tenure insecurity as an indicator of vulnerability in beneficiary targeting.

- Vulnerability criteria that incorporate tenure should also include the many factors contributing to people's ability to stay in their homes, such as the ability to pay rent and associated negative coping mechanisms (see the NRC Lebanon example below).

- It is important also to analyse intra-household tenure insecurity, particularly affecting women as this is a largely neglected area of humanitarian response (NRC, 2014d).

Explanation

Tenure insecurity as an indicator of vulnerability

Vulnerability assessments are complex in urban areas because of the density of the population and the differences between households. It is important to understand the relative vulnerabilities and capacities of different people and communities across a city and where to find the most vulnerable – including the displaced. Multi-sector assessments can help to understand cross-sectoral vulnerability and support more effective targeting (Mohiddin *et al.*, 2017; Patel, 2017; Smith, 2017). Understanding broader city-wide tenure patterns is a first step in area-based approaches to targeting vulnerability (Sanderson, 2017).

Many of the most vulnerable, including IDPs and refugees end up in informal settlements, or in lower-standard housing areas with poorer infrastructure, on the outskirts of cities where the rent is lower (IDMC, 2013). These are often the most tenure insecure (Special Rapporteur on adequate housing, 2015). Since different tenure arrangements can involve greater degrees of risk, it is important to identify where these affect populations targeted in humanitarian response. For example, many IDPs and refugees inhabit accommodation without written lease agreements (NRC, 2014b). Displaced families living in pooled resource households may also be at greater risk of eviction, which warrants specific focus for programmatic interventions.

BOX 4: POOLED RESOURCE HOUSEHOLDS

Pooled resource households are defined as: "a group of individuals (who are not family members) who live together and share costs of living. They act as a household, but are not a household as they may not share all of their resources and they may not have the same plans" (Mohiddin *et al.*, 2017). This is a form of occupancy for displaced populations.

Intra-household tenure insecurity

However, within areas of insecure tenure such as informal settlements, there will be significant inter-household differences, based on the many different contributing factors, and unseen risks. For example the most vulnerable displaced populations may have been forced to move regularly due to evictions or as a coping mechanism when they are unable to meet their rental payment. The subsequent intra-household relations between women and men can result in women's increased insecurity and as a result, higher relative vulnerability.

This is often compounded by discriminatory social practices such as the eviction of widows from their family homes upon the death of their husband, or after divorce. For more information, see: NRC (2016) Housing, Land and Property Rights for Somalia's Urban Displaced Women. http://womenshlp.nrc.no/2016/06/new-report-hlp-rights-for-somalias-displaced-women/

How tenure insecurity is used in beneficiary targeting for shelter

Shelter-related vulnerability is likely to be a function of income and livelihood access, tenure security and families with special needs such as the disabled or elderly (NRC and Shelter Centre, 2010). Humanitarian actors therefore need to understand how measurements of tenure insecurity, such as risk of eviction through non-payment of rent or lack of rental agreements should be taken into account in allocating priorities for assistance.

An increasing number of shelter approaches look at negative coping mechanisms as indicators of combined household vulnerability; recognising that for many displaced in urban areas, meeting monthly rent payments is by far their biggest expenditure and frequently results in negative coping mechanisms in the household (NRC and Shelter Centre, 2010). See also Principle 8.

Example: Lebanon shelter vulnerability research

NRC Lebanon conducted research among shelter programme beneficiaries in order to assess whether the programme was reaching the most vulnerable. This was done by identifying specific household characteristics or categories that would have more difficulties to meet the basic SMEB and other negative coping mechanisms.

For the purpose of the research, vulnerability was defined as the presence of factors that place households at risk of becoming temporally without shelter (as an indicator of tenure insecurity) and/or engaging in higher use of negative coping mechanisms. During a survey, households were given a list with a series of negative coping mechanism practices and asked whether they practiced any/all of them within the last three months.

See NRC (2014) Evaluation of the Norwegian Refugee Council's Lebanon Host Community Shelter Programmes 'Increasing the availability of host community housing stock and improving living conditions for the provision of refugee shelter'. Period: January 2013– December 2014. www.nrc.no/resources/evaluations/nrcs-lebanon-host-community-shelter-programme-2013---2014new-page/

BOX 5: NEGATIVE COPING MECHANISMS

Negative coping strategies are actions taken by households to prevent or mitigate the consequences of an adverse event and range from reducing food quantity or quality to strategies such as selling productive assets, taking children out of school, child labour, unseasonal migration, child marriage, unsustainable credit/debt and illegal labour.

These negative coping mechanisms can be understood by monitoring indicators such as the household hunger score (HHS),[3] sale of assets, changes in access to remittances, credit and debt, as well as market prices of essential food, water and fuel. This data is often available from the food security cluster or household assessments and once there is a baseline established, a threshold can be created to act as a trigger for increasing vulnerability. For example, if there is a greater than 20 per cent reduction in access to credit in vulnerable urban communities this can flag the increase in damaging negative coping mechanisms (MacAuslan, 2013).

Resources

Emergency Market Mapping and Analysis Toolkit (EMMA): www.emma-toolkit.org

MacAuslan, I and Farhat, M (2013) Review of urban food security targeting methodology and emergency triggers. Final Report Oxford Policy Management (OPM) paper. www.alnap.org/resource/8504

Mohiddin, L, Smith, G and Phelps, L (2017) Urban multi-sector vulnerability assessment tool (UMVAT). Guidance note for humanitarian practitioners. IIED, London. http://pubs.iied.org/10823IIED/

NRC (2014) Evaluation of the Norwegian Refugee Council's Lebanon Host Community Shelter Programmes 'Increasing the availability of host community housing stock and improving living conditions for the provision of refugee shelter'. Period: January 2013– December 2014. www.nrc.no/resources/evaluations/nrcs-lebanon-host-community-shelter-programme-2013---2014new-page/

NRC and Shelter Centre (2010) Urban Shelter Guidelines. www.alnap.org/resource/21017

Patel, R, King, J, Phelps, L and Sanderson, D (2017)What Practices Are Used to Identify and Prioritise Vulnerable Populations Affected by Urban Humanitarian Emergencies? Oxfam and Feinstein International Center. http://policy-practice.oxfam.org.uk/publications/what-practices-are-used-to-identify-and-prioritize-vulnerable-populations-affec-620190

Smith, G, Mohiddin, L and Phelps, L (2017) Targeting in urban displacement contexts. Guidance note for humanitarian practitioners. IIED, London. http://pubs.iied.org/10826IIED/

Save the Children (2008) The Practitioners' Guide to the Household Economy Approach

Household Economy approach to measure coping mechanisms, debt, credit, remittances, survival and livelihoods threshold: www.savethechildren.org.uk/resources/online-library/practitioners%E2%80%99-guide-household-economy-approach

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[3] www.fantaproject.org/monitoring-and-evaluation/household-hunger-scale-hhs

Principle 5: Implement shelter programmes that support security of tenure

Summary

Humanitarian shelter programmes should reinforce tenure security through increasing host community acceptance, investing in host community infrastructure, supporting access to income generating activities, and reinforcing links to essential services. These considerations are able to be implemented early on in a response, but have options for people to remain longer (Williams, 2011), on the basis that the majority of the displaced are in protracted situations (ICRC, 2015). In urban areas where rental accommodation is the primary form of housing for the displaced, many shelter interventions aim to strengthen tenancy agreements and resolve disputes (Williams, 2011).

Human rights and humanitarian principles state that tenure security should be a component of humanitarian shelter provision in the early stages of displacement and is a crucial component of durable solutions (Williams, 2011; NRC and IFRC, 2015).

Shelter programmes should therefore work with a diversity of tenure arrangements combined with legal support to improve security of tenure for those most at risk. Within households, those who experience discrimination – such as displaced women – require particular attention to their tenure security, such as by promoting lease agreements in the names of women and men in a household (NRC, 2014d).

KEY ACTIONS

- Design programmes that take into account the types of tenure and the needs of the most tenure insecure among beneficiary groups – see examples below.

- Build into programme design issues or concerns for particular groups identified through due diligence (Principle 1) and through a tenure analysis (Principle 3). For example, ensure that rental agreements protect at-risk groups, and that interventions don't exacerbate tension with host communities, therefore increasing tenure insecurity.

- Design programmes that make use of the wide range of shelter options already housing people in the city, and support authorities and communities to find appropriate housing solutions for the displaced, rather than camps being the default option (Global Alliance for Urban Crises, 2016).

- Consult with, and support, host communities to design solutions that also benefit the broader community (see Principle 3). In particular, consult with potentially vulnerable groups to identify their specific tenure risks and adapt programmes accordingly.

- Consider balancing the technical upgrading component along with a people-centred focus and family case management approach (NRC, 2014a). This should incorporate a multi-sectoral response to address the broader needs of households, including tenancy agreements, legal assistance for refugee's legal stay, and livelihoods support (see Principle 7).

Explanation

As set out below and in Annex I, the imperative for humanitarian programmes to support tenure security is drawn from international human rights law and protection principles. By supporting tenure security, humanitarian actors actively contribute to the realisation of the right to adequate housing.

Furthermore, humanitarian practitioners acknowledge that security of tenure for displaced persons should be promoted by as a goal in itself and as a means to achieve durable solutions (Williams, 2011). This is because

extending sufficient tenure security to encourage displaced persons to engage in self-help and incrementally improve the adequacy of their own housing situations can remove the stigma, dependency and vulnerability associated with displacement, even in situations where displacement itself persists (Williams, 2011).

Shelter responders aim to promote flexible solutions with tenure that is **secure enough**, namely, it provides the **greatest degree of protection for beneficiaries that is feasible in the context** (Wyckoff, 2016). With humanitarian response in urban areas, such as in the Syria refugee crisis and in Ukraine, where rental accommodation is the primary form of housing for the displaced, shelter interventions aim to strengthen tenancy agreements and resolve disputes. Many shelter programmes have incorporated this into their standard operations.

In this way, shelter approaches are tailored to different tenure options. Finding the most suitable approach will depend on the existing legal framework, displacement patterns, and the current tenure situation of beneficiaries, as well as the available housing stock (Wyckoff, 2016). There are some tools designed to assist shelter actors to provide appropriate shelter programmes to those who may not have documented tenure, such as renters without written tenancy agreements and those in informal settlements (IFRC, 2016; Wyckoff, 2016).

Specific assistance for displaced women: joint documentation

Shelter programmes can take place in contexts characterised by structural discrimination against women in access to secure tenure. However, few have found it feasible to implement safeguards for women's tenure security in shelter assistance to families, citing prevailing custom and resistance from various sectors, including implementing partners, staff, and other shelter sector providers (Wyckoff, 2016). However, some programmes, such as the NRC rent-free programmes in the Middle East, are including women's names in lease agreements to improve their tenure security.

In general, humanitarian organisations should refrain from documenting and registering humanitarian assistance, including shelter lease agreements, only in the names of male heads of household. The registration of tenure rights in joint or multiple names, including of women, should be the standard procedure (NRC, 2014d).

BOX 6: SHELTER AND THE RIGHT TO ADEQUATE HOUSING

It is widely recognised that protection of human rights is intrinsic to effective humanitarian action (IASC, 2016a) and in this way the right to adequate housing is one of the central norms for shelter interventions. The Special Rapporteur on adequate housing has underlined the human rights aspects of the provision of humanitarian shelter, particularly in urban areas(Special Rapporteur on adequate housing, 2015). This is based on the concept of the right to adequate housing as the right to live somewhere in security, peace and dignity – and the right to non-discrimination. One of these key components is the right to secure tenure. This is because the concept of adequacy implies several important aspects of shelter, beyond providing affected populations with roofs over their heads (Special Rapporteur on adequate housing, 2015).

Ensuring that housing rights are understood, protected, and fulfilled is central to humanitarian shelter interventions. This implies incorporating the essential elements of housing rights (security of tenure, adequacy, affordability, etc.) into policies and programmes and ensuring that no housing rights violations occur as a result of their interventions (ie forced evictions).

Humanitarian action does not replace government responsibility

Despite the centrality of protection in humanitarian action, the responsibility for ensuring that human rights are fulfilled, respected and protected lies with the national authorities of the state in question. Humanitarian actors must reinforce states in fulfilling their responsibilities, but never substitute them (UNHCR, 2009). This, however, does not preclude that humanitarian policies and programmes must base their programmes on rights enshrined in international law and further the realisation of those rights.

Example: Shelter modalities for different urban tenure forms

The following examples of shelter responses demonstrate how shelter modalities are adapted to tenure forms in different countries, including those with customary, non-documented rights (Wyckoff, 2016).

Figure 1 Programme interventions using this tenure form

Use rights	Lebanon ▸ 4.6
▸ 3.2	▸ Cash grant to owner to upgrade sub-standard/incomplete private property conditioned on use by refugees for shelter with time-limited rent-free right of use agreement. ▸ Negotiation and template assistance to financially able shelter beneficiaries (refugees) to continue right of use arrangements after beneficiary period.
	Iraq/Kurdistan ▸ 4.4
	▸ NRC-financed contractors upgrade sub-standard private property conditioned on continued use by IDPs for limited rent-free period without separate right of use agreement.

Rental	Jordan ▸ 4.5
▸ 3.3	▸ Cash grant to owner to upgrade sub-standard/incomplete private property conditioned on use for shelter by refugees with time-limited lease. ▸ Negotiation, and template assistance to financially able shelter beneficiaries (refugees) to continue rental arrangements post-beneficiary period. ▸ Capacity building with the humanitarian/shelter sector on guidelines for lease contracts.
	Iraq/Kurdistan ▸ 4.4
	▸ NRC-financed contractors upgrade sub-standard private property conditioned on refugees remaining in existing housing in which they are paying rent for limited rent-stabilized period without separate written agreement.

Customary	Mali ▸ 4.7
▸ 3.4	▸ Cash for rent to IDPs with ICLA counseling on tenant's rights and oral 'lease' – right of use.

Resources

IFRC (2016) Rapid Tenure Assessment Guidelines. www.sheltercluster.org/resources/documents/rapid-tenure-assessment-guidelines-ifrc-2016-english

IOM (2010) Transitional Shelter Guidelines. www.iom.int/files/live/sites/iom/files/What-We-Do/docs/Transitional-Shelter-Guidelines.pdf

UN Committee on Economic Social and Cultural Rights (CESCR) (2009) The Guiding Principles on Internal Displacement, General Comment 20. UN Doc. E/CN.4/1998/53/Add.2.

Wyckoff, ME (2016) Securing Tenure in Shelter Operations: Guidance for Humanitarian Response. NRC. www.sheltercluster.org/sites/default/files/docs/nrc_shelter_tenure_guidance_external.pdf

Principle 6: Support protection from forced eviction

Summary

Forced evictions are defined as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection" (UN Committee on Economic Social and Cultural Rights (CESCR), 1997).

It is important to understand that **all forms of tenure merit the baseline legal protection necessary to prevent forced evictions** (OHCHR and UN Habitat, 2014). While property ownership is the most obviously secure form of tenure, the full spectrum of tenure forms requiring protection includes rental accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property.

It may be permissible to evict displaced residents from their homes, but only subject to legal guarantees preventing this taking place in a discriminatory or otherwise arbitrary manner (Williams, 2011) (UN Committee on Economic Social and Cultural Rights (CESCR), 1997).

Forced evictions in humanitarian urban contexts are often carried out by state actors and armed groups; however, this guidance focuses on one type of eviction often encountered by protection and shelter actors working in displacement contexts; ie from private rental accommodation, whether formal or informal. It does not seek to replace existing guidance within international human rights law (See Resources, below) that underpin responses to forced evictions and mass evictions (including, but not limited to public buildings and spontaneous settlements) carried out by the state and armed actors. Many of the consequences of forced evictions are similar to those of arbitrary displacement and other practices involving the coerced and involuntary displacement of people from their homes, lands, and communities (OHCHR and UN Habitat, 2015).

For a comprehensive explanation of what constitutes a forced eviction see OHCHR and UN Habitat (2014) The Right to Adequate Housing, Fact Sheet 25 (Rev.1). www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf

KEY ACTIONS

- Humanitarian actors should identify the basis for a forced eviction and take whatever measures would be necessary to avert immediate threats to it. A legal assessment is necessary to understand the difference between a forced eviction and grounds for lawful eviction in each given context (See Principle 2).

- Humanitarian actors – including protection and shelter – should put in place structured response options, including eviction monitoring and establishment of referral pathways, to be able to respond quickly and appropriately to threats of, or incidences of, forced evictions. See Example: Iraq.

- Response options should be tailored towards those most adversely affected by forced evictions which may include certain displaced groups, or within a household – older people and children, for example.

Explanation

While displaced persons in urban areas have some of the most critical basic shelter needs, they may also face an increased risk of eviction from private actors due to financial insecurity, insecure tenancies, or lack of knowledge of their rights as tenants. This leaves them vulnerable to exploitative practices from their landlords, and the threat of eviction. Displaced persons who reside in public, vacant, and/or unfinished buildings (including collective centres), as well as in rented accommodation, are more likely to be confronted with eviction or threats of eviction (NRC, forthcoming). The Special Rapporteur on adequate housing has identified that displaced people are at particular risk of forced eviction (Special Rapporteur on adequate housing, 2015).

Forced evictions in humanitarian urban contexts can be carried out by state actors, but the focus of this guidance is on forced evictions carried out by private parties. A private party removing individuals, families and/or communities from the homes and/or land which they occupy, against their will, without following legally established mechanisms, is in fact carrying out a forced eviction. Although this may be understood as a private dispute between two parties, in fact it is a protection issue because the state must not only refrain from carrying out forced evictions, but must also prevent third parties from doing so (UN Committee on Economic Social and Cultural Rights (CESCR), 1997). Humanitarian actors also have the obligation to address protection issues and should do their utmost to prevent and react to forced evictions.

BOX 7: COMMON TRIGGERS FOR EVICTIONS

The vulnerable populations prioritised by humanitarians experience threats to their ability to stay in their houses from any number of directions. In all these cases, the threat of eviction comes from a complex interaction of factors related to the nature of displacement and the host environment beyond the legal framework as set out below:

- For many displaced urban populations, the price of rent is too high. Every month there is a struggle to meet rental payments and those families falling behind face the risk of evictions. In this way, restrictions on livelihoods such as the right to work, can affect tenure security.

- Others face restrictions on improving their housing environment and those who are in breach of impossible-to-obtain building permissions are under the constant threat of eviction.

- Others may be evicted because of personal disputes with their landlord; disputes which originate in cultural differences; or discrimination against refugees as women or members of ethnic groups.

- Some may have no written lease agreements with landlords, making them vulnerable to price increase and eviction.

- In some contexts, housing transactions take place within customary or religious frameworks and are not recognised by statutory law. Women in particular are often not recognised as being able to hold HLP rights under customary law (NRC, 2014d).

- Women may be at risk of eviction upon divorce or death of their husband, or in situations of family violence (NRC, 2016b).

Common triggers for eviction include:

- Failure to meet payment obligation
- Change in payment obligation without informed consent
- Illegal/unallowable modifications to the property
- Personal disputes
- Property ownership transfer
- Illegal operation/unauthorised usage of property for business purposes
- Preferred tenant
- Intra-family/head of household disputes
- Change in familial status
- Change in property usage, and
- Illegal activities.

Evictions standards

For evictions not to be 'forced evictions', the following conditions must be met (OHCHR and UN Habitat, 2014):

• Substantive grounds for the eviction are warranted by legislation that is in line with international law (ie persistent non-payment of rent)

• Those affected have been consulted to avoid or minimise the use of force

• Due process is respected when executing the eviction[4]

• They do not result in individuals being rendered homeless, and

• No form of discrimination is involved.

If a private party carries out an eviction without respecting these guarantees, it is a forced eviction and it is prohibited.

Prohibited actions by landlords

Landlords are prohibited from, for example:

• Forcing people to leave by threatening or harassing them

• Physically evicting people from their home

• Changing the locks

• Stopping public utilities (electricity, water, etc.), and

• Taking action without the involvement of the public notary.

When forced evictions are permitted – 'exceptional circumstances'

Instances of forced eviction can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law (OHCHR and UN Habitat, 2014; UN Committee on Economic Social and Cultural Rights (CESCR), 1997). Evictions cannot be discriminatory.

The term 'exceptional circumstances' is important. By identifying precisely what such circumstances are, it can be determined what types of forced eviction are permitted. Invariably, a distinction must be drawn between those potentially threatened by forced eviction who are peacefully residing in a particular place, and those who are actively threatening the security of other persons or damage/destruction of properties.

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[4] Procedural protections which should be applied in relation to forced evictions include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

BOX 8: HUMANITARIAN RESPONSE TO FORCED EVICTIONS

Humanitarian actors also have the responsibility to support protection from forced eviction through both preventative measures and putting in place appropriate response mechanisms. Humanitarian actors may be able to contribute through service delivery, whilst advocacy can be undertaken to remove (legal) obstacles or to change practices, particularly those that discriminate against certain groups, including displaced populations (Principle 9). Furthermore, humanitarian interventions should not increase the risk of, or result in any type of eviction, because this can lead to homelessness and further displacement.

At a first step, this requires an understanding of what constitutes unlawful eviction and what are the grounds for lawful eviction within domestic law of each operation (See Principle 1). This should be measured against international legal guarantees for tenure security. It also requires an identification of the common triggers for eviction that humanitarian actors may encounter in urban situations; this will be different for each context. An appropriate response in each context is designed by undertaking due diligence (Principle 1) and the analyses through Principles 2 and 3 in order to tailor an appropriate response.

It is acknowledged that preventing forced eviction is primarily the responsibility of the state (see State obligations during evictions below). However, from a humanitarian perspective, when forced evictions are threatened or carried out, there are various response options depending on the circumstances and the context:

- **To prevent or delay the eviction** by addressing the causes (eg non-payment of rental fees, dispute between landlord and tenant, breach of agreement, failure to obtain an eviction order, etc.).

- **To check whether that the eviction procedure complies with international standards and national laws,** if the eviction is legally justified.

- **To provide legal assistance to those affected so they can have meaningful access to legal remedies.**

- **To address the need for shelter and basic services**, if those facing eviction do not have access to alternative shelter.

- **To prevent or remedy violations of other human rights** that may occur as a result of the eviction (eg loss of access to education, etc.).

- **Advocate to uphold national laws** (where these are in line with international law) and international legal standards (See Principle 9).

Humanitarian actors – including protection and shelter – should put in place structured response options, including referral pathways, to be able to respond quickly and appropriately to threats of, or incidences of forced evictions. See Example: Iraq.

Humanitarian actors should also take steps to identify threats of or incidences of forced evictions – in particular within humanitarian shelter programmes – which are concerned with occupancy rates. In these situations, actions are also taken to avoid a family becoming evicted, which ruptures social networks, and puts them at increased protection risks and risks of separation and homelessness.

State obligations during evictions

Evictions should not result in individuals becoming homeless or vulnerable to further human rights violations (OHCHR and UN Habitat, 2014). These standards are often impossible to uphold in humanitarian crises and it is important to note that the state is responsible for preventing forced evictions.

The state must ensure that evictions are carried out in a lawful, reasonable, and proportional manner, and in accordance with domestic and international law (UN Committee on Economic Social and Cultural Rights (CESCR), 1997). In post-conflict contexts where there is an absence of the rule of law, this may be more theoretical than useful, but may be important for advocacy purposes and for designing programmes to strengthen and support the local authorities' role in preventing forced evictions. It is also important to understand the role that communities can play in preventing forced eviction. See Example: Somalia eviction monitoring.

Women and eviction

The demographic changes that conflict entails result in increased number of widows and women-headed households. Conflict and displacement also result in socioeconomic ruptures within the family, the loss of work and income, as well as changes in social roles and status, which can result in an increase in family violence (NRC, 2014d). Displaced women may be forced to make a decision to stay in a violent and abusive relationship when the rent or ownership of the house is controlled by the abuser. The ability to access safe and affordable housing are two of the most pressing concerns for women to escape violence and remove herself and her children from an abusive situation (NRC, 2016b).

In this sense, when a woman is evicted or loses her home and ends up having to live with relatives or host families, she is effectively homeless. These women are likely to be less visible because they may not be 'sleeping on the streets'; but nevertheless are often in precarious housing situations, having to compromise their safety; forced to adopt risky coping mechanisms, such as engaging in transactional sex; or trade other commodities, including humanitarian aid for accommodation (NRC, 2016a).

Examples

See Annex 2a for Somalia Protection Cluster eviction guidelines and Annex 2c for the referral matrix in NRC Iraq eviction response guidelines.

For case studies of NGO/civil society action to prevent forced evictions, see:

OHCHR and UN Habitat (2014) The Right to Adequate Housing, Fact Sheet 25 (Rev.1). p. 42.

www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf

Resources

OHCHR and UN Habitat (2014) The Right to Adequate Housing, Fact Sheet 25 (Rev.1). www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf

OHCHR (2011) Forced Evictions Assessment Questionnaire

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Informal settlement for Syrian refugees in Northern Lebanon.
Photo credit: NRC/Christian Jepsen, February 2014

Principle 7: Use an integrated programme approach

Introduction

It is increasingly recognised that in urban areas in particular, a sector-based response is not always effective in addressing the holistic needs of a community (IRC, 2014). Urban practitioners have concluded that: **the needs of the affected population could be better met if activities were designed and coordinated through spatial, community/city-based and multi-sectoral approaches, fully taking into account the strong links between where people live and their access to livelihoods, markets, basic services and existing infrastructures** (IRC, 2014).

From the perspective of improving tenure security, multi-sectoral approaches are important to address the full range of risks that households face. This guidance takes the example of programmes that complement tenure security in shelter interventions (see also Principle 5).

Since tenure security is affected by so many other factors, other sectoral interventions can play a key role in supporting shelter programmes. For example, rental costs can be as high as 80 per cent of the household income, so addressing both the rental agreement and the source of income to enable the payment of rent are appropriate joint priorities in addressing tenure insecurity in shelter programmes (Williams, 2011).

In this way, humanitarian actors should consider implementing a people-centred focus and family case management approach which incorporates multi-sectoral responses to address the broader needs of households, including tenancy agreements, legal assistance for refugee's legal stay, and livelihoods support (NRC, 2014a).

KEY ACTIONS

- Where possible, use a multi-sector assessment, including market analysis, to assess needs and design an integrated response for addressing tenure security.

- Coordinate shelter interventions with the provision of legal assistance and livelihoods support.

- Provide multi-purpose cash assistance (MPCA)[5] to enable people to make choices and prioritise their own needs. This transfer amount is calculated according to programme objectives, but should include rent, food, and fuel costs. Where possible, unconditional cash grants are considered preferable.

- Apply a multi-sectoral approach in the design of responses to forced eviction (Principle 6).

- Support livelihood interventions for displaced populations to complement and sustain tenure security responses.

Background

Legal assistance

There are many ways in which legal assistance expertise can support shelter programmes to implement activities that promote secure tenure and prevent forced evictions, including the following:

- Assessment of the legal and policy framework relating to tenure security (Principle 2).

- Advice on contracts to document tenure in a range of shelter modalities.

- Provision of legal information to shelter beneficiaries, such as to landlords and beneficiaries of their respective rights and obligations.

- Interventions for those at risk of eviction, or following eviction (Principle 6).

- Legal counselling, to provide customised advice and direction to empower beneficiaries to act to address their situation – for example, on access to essential services, status and registration, and HLP issues.

- Strengthening lease agreements and challenging discriminatory or otherwise abusive rental practices, including adding joint male and female heads of households on lease agreements.

- Support to register a marriage in order to protect inheritance and divorce rights.

- Support to access legal stay and civil documentation as a pre-requisite to accessing other rights and humanitarian assistance.

NRC ICLA team doing outreach work in an informal settlement for Syrian refguees in Wadi Khaled in Northern Lebanon.
Photo credit: NRC/Christian Jepsen February 2014

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[5] www.cashlearning.org/downloads/operational-guidance-and-toolkit-for-multipurpose-cash-grants---web.pdf

- Negotiating resolution of a dispute between a beneficiary and landlord using collaborative dispute resolution.

- Advocacy on behalf of the displaced who are unwilling or unable to challenge discriminatory or otherwise abusive rental practices and seek legal remedies.

- Working alongside local government officials and customary authorities on HLP rights to build capacity and strengthen the relationship with the displaced community

- Research and production of reports, such as NRC, 2016b.

Cash

Shelter tenure security programmes recognise that urban environments are cash economies, where the majority of markets function. Where cash-based interventions are used, they support local economies and markets critical to the survival and recovery of communities as money is injected into markets rather than bringing in supplies from outside.

As such, cash interventions can have value in the following ways:

- As rental subsidies, which can be both conditional or unconditional

- As multi-purpose cash grants to beneficiaries, which may be conditional on rental payments, or unconditional thereby allowing households to choose how they spend their cash transfer

- As conditional housing upgrade grants to host landlords, and

- As a grant to families facing eviction for both rental and civil documentation costs.

However, learning from shelter evaluations highlights the importance of monitoring cash interventions in terms of longer-term shelter prospects and tenure security and setting clear livelihood outcomes.[6] Standard Operating Procedures (SOPs) on cash are available at individual agency level and through CaLP.[7]

Livelihoods

Rent and food costs often exceed the income of the majority of vulnerable urban households affected by displacement, leading to complex systems of lending, borrowing, and debt, as outlined in Oxfam's market analysis on urban debt (Brady and Mohanty, 2014). Therefore, it will significantly strengthen any tenure security interventions if income and livelihoods support can be incorporated into the programme response to enable the households to meet their immediate monthly costs without using risky coping mechanisms. These interventions can include safety net cash transfers, livelihoods grants, skills training, certification of existing skills, linking small businesses with potential employees, etc. Livelihoods interventions can protect households, communities and markets from further erosion and restore productive assets, enabling the household and community to better cope with and recover from shocks and stresses.

Where there is no right to work there is often some flexibility related to unskilled sectors such as farm labourers and construction, where agencies can strengthen the rights and understanding of the employee and employer. If this is not possible then advocating for change in policy may be the only option.

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[6] The Haiti and Oxfam Lebanon evaluations state that extensive monitoring is required to verify that agreements are respected and that the shelter meets agreed standards: "Although post-distribution monitoring (PDM) surveys enabled Oxfam GB to monitor the effectiveness of the cash transfer process and usage of the cash, they did not track the quality of the accommodation nor enable Oxfam GB to understand the impact of its support on beneficiaries' longer-term shelter prospects and income-security."
[7] www.cashlearning.org

Examples

BOX 9: LEGAL ASSISTANCE SUPPORT TO OBTAIN IDENTITY DOCUMENTS IN MALI

Possession of identity documents is a key prerequisite to facilitating beneficiaries' access to services in displacement including shelter assistance services that secure tenure and tenure documentation. For example, in Mali, identity documents facilitate beneficiaries of rent subsidy assistance to obtain rent funds from banks and obtain tenure documents from either formal or customary authorities. For women, who suffer structural discrimination, possession of an identity document is viewed as strengthening potential assertion of rights. See www.nrc.no/countries/africa/mali

BOX 10: NRC JORDAN'S INTEGRATED URBAN SHELTER /ICLA PROGRAMME

The programme provides shelter assistance to Syrian refugees living outside of camps in Jordan. Shelter assistance is mostly provided through NRC paying a contribution to Jordanian landlords to enable them to complete unfinished properties, in return for leasing the property rent free to a Syrian refugee family for up to 18 months. While some of the beneficiary families are able to pay rent in the property once the rent-free period has expired, many others are not in this position, owing to their socioeconomic vulnerability. For the former cases, NRC advises both parties on the benefits of signing rental agreements, while for the latter, NRC is able to support some of the vulnerable families with extended stays through additional upgrades to the same property, or though hosting in a different property, in consultation with the beneficiary family and homeowner.

The ICLA team has developed revised model lease agreements, and visits the beneficiary to ensure they are enjoying security of tenure, to provide basic information on access to services, and to provide information and counselling, eg on obtaining legal identity and civil documentation. Where disputes exist between the landlord and beneficiary, ICLA offers collaborative dispute resolution services to negotiate or conciliate these disputes.

See ICLA Programme Evaluation in Jordan: www.nrc.no/resources/evaluations/integrated-urban-shelter--icla-programme-evaluation-in-jordan

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Principle 8: Include security of tenure in monitoring and evaluation

Introduction

Despite the increasing focus on tenure security in humanitarian programmes, it is often something that is not systematically monitored or evaluated. It is important to make tenure security an objective in urban shelter strategies and theories of change because of the complexity of tenure arrangements and because there is such a high risk of evictions among displaced and vulnerable populations prioritised by humanitarian shelter and legal assistance programmes. By doing so, humanitarian actors can assess the protective effects of their programmes for immediate and longer-term tenure security.

Key actions

- Security of tenure should be identified as an objective in shelter programme strategies and theories of change (Wyckoff, 2016). This should be based on the assessments in Principles 1-3 that identify and define risk for target populations.

- Consult with communities about the change they want to see as a result of the intervention and how it should be monitored: build this into the programme M&E. This can include the community's and individual's own perceptions of security of tenure.

- Develop ways of monitoring and evaluating security of tenure throughout the programme cycle.

- Use the assessments undertaken in Principles 2 and 3 to design indicators that are tailored to context-specific threats to tenure security; for example the level of disputes between displaced and host communities.

- Analyse the data at key points in the programme to manage and adapt the response.

- If the project is evaluated, ensure that the terms of reference of the evaluation include inquiries that examine programme efforts to secure tenure in shelter assistance (process evaluation), or focus on evaluating higher level outcomes and impact of the response and the project's contribution to those results (impact evaluation).

- Steering committees for shelter evaluations should include staff with legal assistance capacity and an understanding of security of tenure to ensure a full understanding of the implications of tenure initiatives.

Background

It is important to monitor and evaluate whether the humanitarian shelter intervention is achieving the planned changes and to adapt and adjust the project accordingly. This requires building security of tenure into your organisation's M&E framework: building it into programme objectives and defining results to measure from the beginning. Programme theories of change should show how the provision of shelter goods and services contribute to tenure security. It also requires identifying the key results that should be being tracked and assessed as a part of programme monitoring and evaluation.

This goes beyond the development of indicators, which are only one way of tracking results. It is even more important to make security of tenure explicit in the objectives and results levels of the programme design, to design the relevant results, and to build monitoring and evaluation around this. It also entails deciding which results to monitor on an ongoing basis or through different evaluations. When this is decided, the results that require an indicator can be selected and then indicators designed accordingly – see examples below.

BOX 11: DIFFICULTIES OF MEASURING SECURITY OF TENURE

Measuring security of tenure is not straightforward; since it is a multi-dimensional concept that cannot be measured directly, proxy indicators are used (Hollingsworth, 2014). It is influenced by the concept of tenure security used and by practical and methodological issues and can cover both objective and subjective estimations (Hollingsworth, 2014).

Many of the measurements developed by organisations focusing on tenure, such as OHCHR and UN-Habitat relate to the national level and are aimed at assisting states to meet their international treaty obligations (Hollingsworth, 2014). Tenure indicators are also often set at the household level, which does not capture intra-household risks, particularly for women.

Some of the elements to consider when designing M&E systems to capture security of tenure in legal assistance and shelter programmes can include (Wyckoff, 2016):

- Occupancy rates of rehabilitated shelter units

- Possession of tenure documentation

- Threats of eviction

- Incidences of eviction

- Perceptions of tenure security

- Incidences of disputes

- Resolution of disputes between tenants and their landlords

- Receipt of ICLA /legal assistance services

- Levels of negative coping mechanisms

- Changes in income and debt accumulation, and

- Changes in rental prices.

Examples – Indicators for monitoring

Indicators measuring women's equal right to secure tenure

- Existence of women's names on tenure documentation

- Percentage of tenure documents (including lease agreements) including women, either in own or joint names

Debt

- Percentage increase/decrease in household debt by the end of the project

- Percentage of households who report they have reduced debt by the end of the project

- Percentage of debt represented as total household expenditure

Other indicators related to security of tenure

- For the beneficiaries who could not continue in the NRC HU after the 12-month rent-free period ended, percentage who majority moved to substandard shelters (a clear indication of the insufficient length of the support)

- Percentage of children (define age) in household working

- Percentage of school-age children in household who are not attending school

- Percentage of income spent on rent

- Amount of rent arrears as percentage of household income

Evaluation

If a decision is made to evaluate an urban shelter project, there are a number of ways in which the secure tenure component of the project can be evaluated. This could include an evaluation specifically focusing on the secure tenure aspects of a shelter programme (see suggestions (1) and (2) in the table below), or could include security of tenure questions within a more general programme evaluation (see suggestion (3) in the table below).[8]

WHAT DO YOU WANT TO KNOW?	HOW CAN YOU FIND OUT?
To what extent has the secure tenure approach contributed to protection and durable solutions for displaced people receiving assistance? In particular, the evaluation should explore the impact statement and higher-level results from the programme theory of change.	Assess the impact of the secure tenure approach by identifying the higher level results of the theory of change (outcome and impact level), assess whether these conditions are in place and the contribution that the project made to those changes. It is also possible to assess unplanned/ unexpected changes in the lives of people receiving shelter assistance. It is important to understand how the impact that the programme had on different groups of people (eg men/ women, minority groups). This approach would assess the underlying programme assumptions. It would also identify gaps in the theory of change and what needs to be done to adapt the programme for greater impact. Use a theory-based approach. Contribution analysis will be required.
To what extent have the nine urban shelter tenure secure principles been included in the programme design, implementation and monitoring of the programme?	Use the nine principles and key actions outlined in this document as a 'normative framework' against which to evaluate the programme.
Focus on/ better understand a specific component of the tenure security work, within a larger/ broader evaluation.	If an evaluation of a shelter programme is taking place, it would be important to assess how specific tenure secure questions can be incorporated into the TOR and related to the OECD DAC criteria.[8]

Resources

Wyckoff, ME (2016) Securing Tenure in Shelter Operations: Guidance for Humanitarian Response. NRC. www.sheltercluster.org/sites/default/files/docs/nrc_shelter_tenure_guidance_external.pdf

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[8] www.oecd.org/dac/evaluation/daccriteriaforevaluatingdevelopmentassistance.htm

Principle 9:
Advocate to improve security of tenure

Introduction

Advocacy is a way to change the environment in which humanitarian programming takes place. Given the importance of working with host communities, it can also be a way of translating interventions on tenure security for displaced households to the wider community. This includes where humanitarians have strengthened standard rental agreements or where they have provided information on tenants' rights. These are important for other non-displaced households to improve their tenure security.

Advocacy will have a greater impact when informed by/based on programme experience; operational organisations involved in shelter response should contribute their knowledge to advocacy initiatives.

Background

Humanitarian organisations are developing their advocacy expertise on forced evictions (NRC, forthcoming) governance (NRC, 2014c) hosting relationships (NRC, 2014e), shelter-based responses (NRC, 2015) HLP and women (NRC, 2016b). Advocacy can be integrated into and on build on programmatic interventions in urban areas to improve tenure security for affected populations. In all cases, advocacy based on a solid programmatic experience has much more weight and is more likely to be successful. Advocacy is often effective when undertaken as part of a coalition to leverage a stronger voice.

ADVOCACY TO SUPPORT SECURITY OF TENURE CAN INVOLVE THE FOLLOWING:

Legislative/policy change

1. Advocate for the government to adopt or revise discriminatory legislation or to recognise and protect multiple tenure arrangements, or enact other legislation to strengthen protection against forced eviction, in line with international law (Special Rapporteur on adequate housing, 2015).

2. Advocate for constitutional amendments or revisions explicitly designed to prevent forced evictions from taking place. Comprehensive and detailed legal provisions against forced evictions could also be adopted. The precise grounds on which evictions cannot be justified, the legal remedies available to those illegally evicted and other core issues could be included in such legislation (Special Rapporteur on adequate housing, 2015).

3. To challenge policies which prevent secure tenure: for refugees, marginalised people, women (Special Rapporteur on adequate housing, 2015).

Action by authorities/state

4. Advocate for the **preservation of existing HLP / tenure records** by local authorities or other responsible actors, supporting existing systems rather than creating parallel ones, where they exist (NRC and Shelter Centre, 2010).

5. **Scale-up of humanitarian housing interventions:** Advocate for the state to scale-up the provision of housing for displaced and other marginalised groups through application to international financial institutions, such as the IMF, World Bank, etc.

6. **Link with development actors:** Advocate for the establishment of an urban development plan that is inclusive of the urban displaced and of all the informal settlements. This is a requirement to achieve sustainable durable solutions in an urban environment in the long term.

7. **Dialogue on affordable housing options:** Urban planning and development projects should be reviewed and leveraged to give due consideration to the affordable housing needs of the IDP population and other urban poor to consider not only their living situation but also the need for durable solutions. Area-based approaches to urban development projects that are inclusive of and give particular attention to neighbourhoods with high concentration of informal settlements would be an important component of this (Joint IDP Profiling Service (JIPS), 2016; IDMC, 2013).

8. **Stop forced evictions:** if competent state authorities become aware that other parts of government or private actors are planning or conducting evictions, they should intervene to stop them (OHCHR and UN Habitat, 2014).

Humanitarian actors

9. **To draw attention to or prevent forced evictions**.

10. **To encourage complementary programmes**, such as conditional cash for rent or unconditional multi-purpose cash grants to prevent eviction, dispute resolution that builds relations with host communities, and livelihoods support that enables households to meet rent payments.

11. **Focus on livelihoods:** More information on livelihoods of IDPs and refugees is needed as a basis for advocacy as well as to better define the appropriate levels and duration of complementary assistance / safety nets support.

12. **Advocate for access to employment or right to work** through engagement with employment law and procedures.

13. **Development of evictions guidance for different contexts** (See Annex 2a: Somalia Protection Cluster eviction guidelines).

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Annex 1. The right to adequate housing in international law

The right to adequate housing in human rights law

The right to adequate housing is found in the Universal Declaration of Human Rights (Article 25). Many other international instruments implicitly refer to it in relation to adequate living conditions, prohibition of unlawful interference with privacy rights, the right to a home, or non-discrimination.[9]

The International Covenant on Economic, Social and Cultural Rights (ICESCR) confirms the right to an adequate standard of living, including the right to adequate housing (Article 11). As of 2016, the covenant has 164 parties. A further six countries have signed, but not ratified, the covenant. This makes the right to housing and almost a universally accepted legally binding norm which implies most states have accepted an obligation to respect it and implement it.

The content and scope of the right to housing is however not exempt from discussion. The UN Committee on Economic, Social and Cultural rights (CESCR) is the mandated body to issue interpretations on this set of rights, and its General Comment No. 4 is the best point of reference (UN Committee on Economic Social and Cultural Rights (CESCR), 1991). It is a very useful instrument to guide how the international norm translates into actions (policies, laws and practices) that institutions must undertake to fulfil, protect and respect the right to housing of the population in their jurisdiction.

Essential elements of the Right to Adequate Housing

1. Housing is more than shelter

The right to adequate housing is not just about providing shelter or "a roof over one's head," but rather as "the right to live somewhere in security, peace and dignity" (UN Committee on Economic Social and Cultural Rights (CESCR), 1991).

2. The implementation of the right to housing can be assessed through seven standards:

• Legal security of tenure

• Availability of services, materials, facilities and infrastructure

• Affordability

• Habitability

• Accessibility

• Location, and

• Cultural adequacy.

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[9] The Universal Declaration of Human Rights protects the right to an adequate standard of living (Article 25). The International Convention on Civil and Political Rights (ICCPR) protects persons from arbitrary or unlawful interference with their privacy, family or home (Article 17). The Convention on the Rights of the Child (CRC) (Article 27), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Articles 14-16) and the Convention on the Rights of Persons with Disabilities (CRPD) (Article 28) contain similar provisions.

3. Everyone has the right to housing

Article 11 applies to everyone irrespective of income or access to economic resources.

4. States are not allowed to discriminate

States are not permitted to discriminate in any aspect of the right to housing on the basis of the following reasons: race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (ICESCR, Article 2).

5. States are prohibited from carrying out forced evictions.

States cannot forcibly evict people and must protect people from others evicting them, including landlords, property developers, landowners or any other third party. This duty also requires the provision of access to legal remedies (Leckie, 1995)

6. At a minimum

States cannot prevent individuals from using resources available to them to satisfy their housing needs. Where the state has resources, it must show that these are available without discrimination.

According to international standards, the basic principles that need to be met by state and private actors when undertaking evictions are that:

• There should be an opportunity for genuine consultation with those affected

• There should be adequate and reasonable notice to all affected persons before the scheduled date of eviction

• Information on the proposed eviction, and, where applicable, on the alternative purpose for which the land or housing is to be used, should be made available in reasonable time to all those affected

• Especially where groups of people are affected, government officials or their representatives should be present during the eviction

• All persons carrying out the eviction should be properly identified

• Evictions should not take place in particularly bad weather or at night unless the affected persons consent

• Affected persons should be provided with legal remedies

• Where possible, legal aid should be provided to persons who need it to seek redress from the courts, and

• Evictions should not result in individuals becoming homeless or vulnerable to further human rights violations.

Common misconceptions about the right to adequate housing

While most governments are involved to some degree in housing construction, the right to adequate housing clearly does not oblige the government to construct a nation's entire housing stock. Yet, governments are obliged to take whatever steps are necessary for achieving the full realisation of the right to housing. This can take the form of adopting strategies or enabling policies involving public and private sector or accepting international cooperation (UN Committee on Economic Social and Cultural Rights (CESCR), 1991). The right to adequate housing covers measures that are needed to prevent homelessness, prohibit forced evictions, address discrimination, focus on the most vulnerable and marginalised groups, ensure security of tenure to all, and guarantee that everyone's housing is adequate (UN Committee on Economic Social and Cultural Rights (CESCR), 1991).

In specific cases, however, the state may have to provide direct assistance, including housing or housing allowances, notably to people affected by conflict and to the most vulnerable groups in society (UN Committee on Economic Social and Cultural Rights (CESCR), 1991) – see below.

The right to housing in humanitarian and refugee law

In addition to human rights law, the right to housing is also protected by international humanitarian law and international refugee law. International humanitarian law entails specific protection of the right to adequate housing during international and non-international armed conflicts. It establishes a positive obligation on state and non-state actors to ensure the provision of shelter and other supplies essential to the survival of the civilian population. Where the civilian population is not provided with such supplies, the parties to the conflict must allow for relief actions, which are humanitarian and impartial in character.[10] The 1951 Refugee Convention also recognises the right of refugees to housing (Article 21) and will be explained further below.

The right to housing in forced displacement contexts

People on the move, whether they are refugees, asylum seekers, IDPs or regular and irregular migrants, are particularly vulnerable to violations of the right to adequate housing (OHCHR and UN Habitat, 2015). Although in principle all categories are entitled to housing rights, the degree of protection may vary depending on their situation:

- If they have crossed an international border and are lawfully staying in the host country (refugees and migrants)

- If they have crossed a border but their they legal status is dubious or unlawful (asylum seekers and irregular migrants), and

- Or if they have stayed the territory of their own country (IDPs).

The international legal sources of protection for these groups includes general human rights law, the 1951 Convention of the Status of Refugees, the Guiding Principles on Internal Displacement and the Principles on housing and property restitution for refugees and displaced persons, also known as the Pinheiro Principles.[11]

Housing rights in situations of internal displacement

IDPs are entitled to the **same rights that apply to the other non-displaced nationals of that state**.[12] Yet, given the vulnerabilities and the risk of human rights violations associated with being forcibly displaced, the **guiding principles on internal displacement** emphasise the obligations of states towards their nationals in such situation.[13] The Principles emphasise that all IDPs have the right to an adequate standard of living, including the right to adequate housing (Principle 18) and strengthen the protection against discrimination by prohibiting states from making a difference in the right to adequate housing for **reasons of legal or social status (eg displacement), age, disability** or any other similar criteria. The Pinheiro Principles also request **states to take positive measures** to alleviate the difficulties faced by IDPs living in inadequate shelter.

In situations of forced displacement the state may claim that it does not have the ability to protect the right to adequate shelter, whether due to a lack of financial resources, inexistent or ineffective law enforcement mechanisms or an inability to access parts of its territory. Nonetheless, it must demonstrate **that it has made a maximum effort to use all of the resources at its disposal** to satisfy the essential right to housing and those efforts should be applied without discrimination. Such resources include **those available from the international community** through international cooperation and assistance.

Housing Rights of Refugees

The 1951 **Convention Relating to the Status of Refugees** obliges states to treat refugees at least as favourably as other aliens within the country (Article 21). However, as mentioned earlier, states are obliged to guarantee the right to housing to everybody with no discrimination on grounds of nationality, social origin, etc. The Pinheiro Principles, also request **states to take positive measures** to alleviate the difficulties faced by refugees living in inadequate shelter.

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[10] Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (Article 53); Protocol I (Article 69); and Protocol II (Article 17).
[11] www.unhcr.org/protection/idps/50f94d849/principles-housing-property-restitution-refugees-displaced-persons-pinheiro.html
[12] This section is adapted from UNHCR, 2009.
[13] Guiding Principle 18 provides that "all internally displaced persons have the right to an adequate standard of living" and that "At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to basic shelter and housing". See www.unhcr.org/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html3

The relation between these provisions has been subject to numerous interpretations (Solutions, undated). However, for the purpose of this guidance note, the scope of the right to housing as understood in human rights law should be applied to refugees as well. The Special Rapporteur on the right to housing has extended this obligation to asylum seekers (Special Rapporteur on adequate housing, 2015). Adopting this interpretation is important because it will also apply to refugees in host countries who are **not parties to the 1951 Convention as long as the host state accepts they are lawfully in their territory** , eg Syrian refugees in Lebanon and Jordan. However, some states may still be inclined to apply the more restrictive provisions of the 1951 Refugee Convention and consider refugees as non-nationals who have a lesser entitlement to housing rights than its nationals. When this is the case, humanitarian actors should combine programs to advance the best housing solutions for refugees and advocate to overturn restrictive policies and interpretations (see Principle 9).

When states can treat non-nationals/refugees differently

International law concedes that in certain circumstances, states can make distinctions between nationals and non-nationals with respect to economic and social rights, including the right to housing. But there is very limited space for them to do so and it has to be in very specific circumstances and subject to conditions:

• When there are financial constraints[14]

• But the non-discrimination prohibition means that different treatment cannot be unreasonable or motivated by prejudice (COHRE, undated)

• States' actions must also be objective and proportional (UN Committee on Economic Social and Cultural Rights (CESCR), 2009)

• The UN has also emphasised that **asylum seekers and refugees** should be given special attention for their housing rights. This makes it even more difficult for states to justify different treatment.[15]

• Where there are parts of the population who don't have access to adequate housing, the state must demonstrate efforts to **secure international aid** to implement the right to adequate housing (UN Committee on Economic Social and Cultural Rights (CESCR, 1991).

Contesting differential treatment

The guarantee of non-discrimination can, in practice, be an important means to contest the legal validity of restrictions on property rights imposed on refugees (Hathaway, 2005). It is an important source of advocacy with governments or authorities who try to curtail the rights of IDPs or refugees or the assistance provided to them by the international community.

Housing rights of asylum seekers and irregular migrants

The above considerations may be understood to **apply only to refugees and other non-nationals 'lawfully staying' in the territory** of a contracting state. In other words, it excludes rejected asylum seekers and other individuals who meet lesser degrees of attachment to the contracting state. Irregular or undocumented migrants, including rejected asylum seekers, are particularly vulnerable to human rights abuses, including violation of their right to adequate housing. Irregular migrants are often homeless, as an inability to pay rent usually results in immediate eviction. Their lack of legal status, and the criminalisation of irregular migration in many countries, means that most will be unable or unwilling to challenge discriminatory or otherwise abusive rental practices and seek legal remedies. National housing strategies rarely include migrants, and will practically never include irregular migrants (OHCHR and UN Habitat, 2015).

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[14] Article 2(3) permits developing countries to determine to what extent they would guarantee to non-nationals; but this has to be for economic reasons.
[15] The UN Special Rapporteur on adequate housing has confirmed that **asylum seekers and refugees** should be given special attention for their housing rights. Further, the International Committee on Economic, Social and Cultural Rights itself has recommended to states **parties that vulnerable groups, including refugees and asylum seekers, should be protected from discriminatory treatment within the housing sector**.

Durable solutions

In the context of durable solutions, an emerging norm of housing and property restitution guarantees rights for refugees and IDPs who have decided voluntarily to return to their original homes. Voluntary repatriation/return has in recent years been expanded to mean more than the mere return to one's country for refugees or one's city or region for IDPs. It is increasingly taken to mean the return to and reassertion of control over one's original home, land or property. Refugees and IDPs who choose not to return to their homes must be protected against forced return in all circumstances, and should be enabled to resettle in conditions that respect, inter alia, their right to adequate housing.

Annex 2. Appendices

Annex 2a. Permissions required in Lebanon – NRC Shelter programme

Table A-1: Permissions required in Lebanon – NRC Shelter programme

	MINOR WORKS		MAJOR WORKS			TEMPORARY STRUCTURES	
Authority	Plastic sheeting and simple materials (eg weather proofing kits to buildings, or informal tented settlements (ITSs)	Refurbish / renovation unit (eg Small Shelter Unit rehabilitation)	Increase the size of existing structure	Build a new structure		Communal space t-shelter (one per site)	Residential t-shelters (up to three per site with WASH unit)
				Less than 150 m^2	Greater than 150 m^2		
Homeowner	Permission required whether ITS or unfinished structure[16]	Permission required[16]	Permission required[17]	Permission required[17]	Permission required[18]	Permission required[16]	Permission required[16]
Landowner							
Municipality	No permit required; however coordination and information sharing are necessary	No permit required; however coordination and information sharing are necessary	Permission required[19]	Permission required[19]	Permission required[20]	Permission required[19] Only if connected to utilities?	Permission required[19]

[16] A written agreement must be obtained between NRC and the landowner and/or homeowner, whereby the landowner/homeowner gives permission for the agreed scope of works to be undertaken.

[17] In the case of adding structures to existing ones, or building a new structure under 150 m^2 the owner shall provide:
• Real estate certificate from the cadastre, check requirement of deed office/ cadastre
• Signed responsibility commitment from the notary
• Three copies of the architectural/structural drawings, signed by an engineer (per municipal template)
• Commitment from an engineer to monitor and supervise the works needed
• Financial clearance from the municipality

[18] In case of building a new structure that is above 150 m^2 the owner shall provide:
• Sketch showing the access routes to the building from the main roads
• Site plan, a topographical map for the lot
• Real estate certificate from the cadastre (not older than three months)
• Price estimation statement per m^2 of the lot
• Signed agreement between the owner and the responsible engineer
• Commitment from an engineer to monitor and supervise the works needed (per Order of Engineers template)
• Five copies of all technical documents registered at the Order of Engineers
• Approval from the Directorate General of Urbanism based on all technical documents prepared and registered at the Order of Engineers.

[19] A written agreement must be obtained between NRC and the municipality, whereby the municipality gives permission for the agreed scope of works to be undertaken.

[20] This level of authorisation is above the level of authorisation of municipality alone, and requires the authorisation of Order of Engineers and Directorate General of Urbanism

	MINOR WORKS	MAJOR WORKS	TEMPORARY STRUCTURES
Order of Engineers (OEA) and Directorate General of Urbanism (DGU)	The OEA and DGU do not intervene at this level.		For temporary structures there is no need for the approval of OEA and DGU
Deed office / cadastre	Does not require permits for minor works, rehabilitation, upgrades, or increase in existing structures. Is concerned with house insurances, buying/selling, and registration of houses.	Permission required[21]	Does not require permits for any type of temporary structures, for any use
Department of Electricity	Does not require an official application for an electric meter from the Department of Electricity.	Every 'occupied' real estate division requires an official application for an electric meter from the Department of Electricity. Improvised or unregistered electric meters are considered illegal. The owner could be ticketed for providing/selling illegal electricity. Official electric meters could also be provided to T-shelters.[22]	

[21] Check footnote 17; the owner shall provide a real estate certificate from the cadastre, stamped and approved.
[22] The fee for a registered electric meter is LBP 500,000. The electric meter is required regardless of the legal status of the building.

Annex 2b. Somalia Protection Cluster eviction guidelines

Section I: Conditions for lawful evictions:

1. Evictions occur in exceptional circumstances only and are resorted to where no feasible alternatives exist.

2. Such exceptional circumstances may consist in the legitimate need to reclaim public land and buildings occupied by IDPs or in the rightful need to restore the land rights of legitimate private land owners.

3. In such exceptional circumstances, evictions may be lawful:

   a. Authorised by law

   b. Carried out in accordance with the constitution and applicable international human rights law reflected in these guidelines, and

   c. Undertaken only for legitimate purposes that can be justified by compelling and overriding public interests in the particular case; and d. conducted as a measure of last resort.

4. Are these conditions met and evictions are unavoidable, the eviction procedure in section II shall apply.

5. Evictions are always subject to the following safeguards:

   a. Evictions should not render individuals homeless or vulnerable to the violation of other human rights, and

   b. Appropriate measures should be taken to ensure that adequate alternative shelter is made available to those unable to provide for themselves.

Section II: Applicable eviction procedure

A. Prior to an eviction:

1. IDPs and others at risk of forced evictions are informed and consulted throughout the entire eviction process. The specific needs and perspectives of women, children, the disabled or elderly are taken into account.

2. Adequate and reasonable notice of eviction is given to all affected persons:

   a. A formal eviction notice is issued in writing at least 60 days prior to the eviction date

   b. The notice is issued during day time, and

   c. It is ensured that all members of the community to be evicted are informed about the eviction notice by authorities. Communities at risk of eviction must not be informed by gatekeepers.

3. There is one standardised official format used as eviction notice and issued by one designated authority to minimise misuse. In case of doubt, eviction notices are subjected to public verification.

4. IDPs and other at risk of eviction have the right to have the lawfulness of the eviction reviewed. Eviction notices are suspended until the lawfulness of the decision is determined by the relevant authority.

5. Timely information to confirm the date of eviction and the applicable procedure is given and decided in close consultation with the community.

B. During an eviction:

1. Authorities are present during the eviction and all persons carrying out the eviction are properly identified prior to the event.

2. Evictions shall not be carried out in a manner that violates the dignity and human rights to life and security of those affected.

3. Evictions do not take place in bad weather, during night time or during holidays.

4. Police officers and other law enforcement official present during the evictions do not use force during eviction and protect communities from the use of force by militias.

5. It is prohibited to destroy or demolish habitations as a means of force.

6. Persons carrying out the evictions consider that among the communities are persons with mobility restrictions and disabilities.

C. After an eviction:

1. Those affected by the evictions have the right to an effective remedy and legal aid to seek redress.

Annex 2c. Iraq eviction response guidelines: Response options

The objective of an eviction-related response may be one or more of the following:

1. **To prevent or delay the eviction** by addressing the causes (eg non-payment of rental fees, dispute between landlord and tenant, breach of agreement, failure to obtain an eviction order, etc.).

2. **To ensure that the eviction procedure complies with international standards and national laws,** if the eviction is legally justified.

3. **To address the need for shelter and basic services**, if those facing eviction do not have access to alternative shelter

4. **To prevent or remedy violations of other human rights** that may occur as a result of the eviction (eg loss of access to education, etc.).

Table A-2: Iraq eviction response guidelines: Response options

TYPE OF RESPONSE	DESCRIPTION	PREREQUISITE(S)	STRENGTHS	CHALLENGES
Collaborative dispute resolution (CDR)	This refers to collaborative dispute resolution processes that take place outside of the regular civil court system. Disputing parties (ie. displaced tenant and host community landlord) can directly negotiate with one another, or the displaced tenant can be represented in the negotiation by someone (eg NGO staff), or the disputing parties can be assisted by an impartial third party mediator. The third-party mediator role can be filled by NGO staff, a local community leader, a Mukhtar, local religious leader, a representative from the municipality, mayor's office, etc. With both negotiation and mediation, it is the disputing parties that work to find an amicable solution to resolve their differences. Third-party mediators do not have decision-making authority.	• Both parties must be willing to participate in the process. • In case of a third party mediator, s/he must be mutually acceptable to both of the disputing parties.	• Collaborative dispute resolution processes can provide quicker and less costly solutions than the regular court system. • Collaborative processes avoid winner-loser outcomes, and preserve or improve the relationship between the parties.	• The collaborative dispute resolution process and outcome may not be legally recognised. • Although mutually acceptable outcomes are usually respected, they may be challenging to implement/ enforce. • Collaborative processes are often not appropriate if there is a significant power imbalance between the two parties.

TYPE OF RESPONSE	DESCRIPTION	PREREQUISITE(S)	STRENGTHS	CHALLENGES
Establish/renew lease agreement	Assistance to the beneficiary to negotiate as well as document the terms of a new lease agreement with the landlord, or renew an existing lease agreement. This involves obtaining agreement on monthly rental fee, duration, conditions, and getting the agreement notarised.	• Both parties must be willing to negotiate the terms of the agreement. • Notary services are functioning.	• The rights and obligations of both parties are clarified and properly documented. • Going through the facilitated process of negotiating the agreement may empower the beneficiary to resolve future issues independently.	• Enforcement may be challenging in some locations. • Requires the availability of notary services, which may be challenging in certain locations.
Legal representation	A qualified lawyer assists a party to initiate proceedings in civil court to claim his or her rights and represents the party for the duration of the process. Legal representation may also be provided to a displaced tenant who has been taken to court by a landlord. Legal representation may be provided free of charge, and may include financial coverage of various administrative fees applicable to court proceedings.	• Party must have a valid claim. • Party must be able to present the required official documentation such as identity or residency documents. • Written lease agreement or proof of the existence of an oral lease agreement (eg oath ratified by notary, receipts of payment, and so on) will be required.	• Procedures are clearly defined and therefore predictable. • Decisions are enforceable.	• Court proceedings are usually lengthy and may take too long to prevent an imminent or forced eviction. • If legal services are not offered free of charge, pursuing/defending a claim in court requires significant financial means and time (travel, attending court sessions, and so on). • Beneficiaries may be weary of pursuing this option due to a lack of confidence/negative perceptions about how they will be treated in court.

TYPE OF RESPONSE	DESCRIPTION	PREREQUISITE(S)	STRENGTHS	CHALLENGES
Legal advice	Provision of relevant information on their rights, guidance on the best course of action to pursue their rights, explanation of related procedures, and/or assistance with the completion of relevant forms to pursue the case. Legal advice can be provided by a local or international NGO or community law firm. In case a beneficiary is not deemed to have a valid legal claim, this type of response may include advice on and referral to alternative options, such cash or shelter assistance.	• Beneficiary must meet eligibility criteria of respective organisation.	• This response empowers the beneficiary to understand his/her rights and possible solutions and to decide on the best option for him/her.	• Legal advice provided may be inaccurate if the service provider does not keep themselves up-to-date on changes in local laws or procedures. • Beneficiary may choose not to pursue their rights since court proceedings are usually lengthy, costly and time-consuming.
Government intervention	The relevant government department may coordinate efforts to halt or delay the eviction, ensure that the process of eviction complies with international and national standards, and/or facilitate the relocation of displaced persons to a camp or alternative shelter. Intervention by government is often most appropriate when it concerns mass evictions.	• The relevant government department has the capacity (staff, transport, and so on) to respond to eviction-related cases. • In case of relocation, there is additional space available in one of the camps (no waiting list). • In case of relocation, beneficiaries are willing to relocate to a camp (possibly located far from city centres).	• Efforts and decisions by the relevant government department are enforceable. • Government has primary responsibility to protect and assist displaced persons. • Government assistance may improve beneficiary's confidence in the authorities.	• Government officials may not be sympathetic to displaced tenants' desire to remain in their current shelter. • Beneficiaries may be weary to approach a government department on their own due to perceived bias. • Government response may be slow as a result of excessive formalities and bureaucracy. • Relocation to camp setting or alternative shelter may adversely affect beneficiary's ability to self-sustain as a result of being disconnected from livelihood options and other support systems.

TYPE OF RESPONSE	DESCRIPTION	PREREQUISITE(S)	STRENGTHS	CHALLENGES
UNHCR intervention	UNHCR may be able to intervene to prevent or delay an eviction, or to identify and facilitate timely access to alternative shelter options, most likely relocation to a camp. Intervention by UNHCR is most appropriate when it concerns mass eviction cases as they can advocate with relevant authorities and/or host community landlords.	• There is additional space in one of the camps (no waiting list). • Beneficiaries are willing to relocate to a camp (possibly located far from city centres).	• Government officials and/or host community landlords may be more willing to negotiate when the request comes from UNHCR, which is mandated to protect displaced persons.	• UNHCR may not be able to achieve a positive outcome in every case if government officials or host community landlords are uncooperative. • Camp setting may adversely affect beneficiary's ability to self-sustain as a result of being disconnected from livelihood options and other support systems.
Relocation to camp (CCCM partner)	A camp coordination and camp management (CCCM) partner can assist in the relocation to a camp, including facilitation of administrative arrangements, provision of transport (tbc), etc.	• The camp is able to house additional families (no waiting list). • Beneficiaries are willing to relocate to a camp (possibly located far from city centres).	• Beneficiary has secure tenure and access to basic services.	• Camp setting may adversely affect beneficiary's ability to self-sustain as a result of being disconnected from livelihood options and other support systems.
Cash assistance	Provision of cash grants to beneficiaries. Such cash grants may be conditional, which means that they may only be used for a specific purpose. Unconditional cash grants may be used for the priorities set by the beneficiaries themselves.	• Beneficiaries must meet eligibility criteria of respective organisation.	• Cash grants provide beneficiary with additional time to seek out livelihood opportunities to cover rental expenses him/herself in the near future. • Unconditional cash grants empower beneficiaries to prioritise their own spending and may provide flexibility in selecting shelter options.	• Cash assistance may not be sustainable and could create dependency. • Provision of cash assistance may take too long to prevent or delay an imminent eviction.

TYPE OF RESPONSE	DESCRIPTION	PREREQUISITE(S)	STRENGTHS	CHALLENGES
Livelihood support	Provision of vocational training, inputs (eg equipment and tools) and/or small grants to assist the beneficiary to resume or commence a livelihood activity.	• Beneficiaries must meet eligibility criteria of respective organisation. • Beneficiary must be willing to resume or take up a livelihood activity.	• Livelihood support avoids creating dependency and is therefore more sustainable.	• This assistance may take too long before it results in financial gains that can be used to prevent or delay an imminent eviction. • Livelihood opportunities may be limited due to practical, legal and/or social obstacles.
Shelter assistance	Shelter assistance may consist of the provision of rental support (direct or indirect), provision of kits (non-food items (NFI), winterisation, and so on) and/or rehabilitation of premises (public, vacant and/or unfinished buildings or apartments). The latter type of assistance may involve the establishment of an agreement for rent-free or rent-controlled accommodation for a specific period.	• Beneficiaries must meet eligibility criteria of respective organisation. • In the case of rehabilitation works, owners must agree to undertake such efforts him/herself or grant a third party permission to do so. • Rehabilitation works need to be accompanied by measures to ensure tenure security.	• Like cash grants, rental support can provide beneficiary with additional time to seek out livelihood opportunities to cover rental expenses him/herself in the near future. • Rehabilitation works can benefit the host community landlords with improved premises, and provide displaced tenants with security of tenure if agreements are established.	• Like cash assistance, rental support may not be sustainable and could create dependency. • Provision of kits may not be sustainable if beneficiaries do not have secure tenure. • Owner of building or apartment may not possess proof of ownership of the premises, particularly in peri-urban locations in areas of displacement, and in areas of return.

Knowledge
Products

Since the majority of urban displaced live in informal settlements or in rental
accommodation without formal lease agreements, tenure insecurity – the risk
of forced eviction – is a defining feature of their lives (Special Rapporteur on
adequate housing, 2015). Finding housing solutions in emergencies in large cities is
extremely complex.

Given the co-existence of different tenure arrangements, the informalities of housing
markets and the constantly changing environment of urban areas, there is a distinct
need to understand the tenure systems that exist, along with the broader factors
that accompany them (NRC and IFRC, 2015). However, there has been insufficient
attention to security of tenure in humanitarian response (NRC and IFRC, 2015;
IASC, 2010) and humanitarians operating in urban areas face many challenges in
designing interventions that support security of tenure.

The emergence of new programming modalities in recent years, particularly in
humanitarian shelter and legal assistance, has generated useful learning. This forms
the basis for this guidance note which provides an overview of the key strategies
for approaching tenure in urban humanitarian interventions. The aim is to assist
humanitarians to consider ways to support security of tenure from the outset of
a response.