

HOUSING, LAND AND PROPERTY

Training Guidance
June 2011



Housing, Land and Property

Training Guidance

June 2011

Background to the Housing, Land and Property Training Manual and Training Guidance

This Training Manual has been drafted with the aim of improving the quality and effectiveness of humanitarian aid response through improved capacity on housing, land and property issues.

All the modules were tested with pilot training, in Juba (Southern Sudan), Kabul (Afghanistan), Gaza and Ramallah (occupied Palestinian territory) and Goma (DR Congo). In addition, a final training session for global humanitarian actors was held in Geneva (Switzerland). The topics and methodologies were adjusted after every pilot training according to recommendations made by participants.

Author: Laura Cunial

Main contributors: Barbara McCallin, Hilde Svenneby and Fernando de Medina Rosales.

With support and assistance from: Nina Juell, Vibeke Risa, Martin Suvatne, Katrine Wold, Natalia Pascual, Selvi Vikan, Gunhild L. Forselv, Eirik Christophersen, Anna Stone, Gregory Kitt, Awici Charles Churchill, Eka Kikatunidze, Gregory Norton, M. Maqsoud Hamid, Emma Jowett, Chris Moore, Kristina von Petersdorff, Sharmala Naidoo, Bahram Ghazi and Erik Friberg

Editor: Tim Morris

Design and layout: Christopher Herwig

Photographs: Laura Cunial and Christopher Herwig. All the pictures show different aspects of HLP. Front cover: Santo Domingo, Ecuador. Back cover: Tamberna Valley, Togo

Printing: Gamlebyen grafiske

ISBN: 978-82-7411-210-0

The contents of this report do not necessarily represent the policies of either NRC or IDMC. The author is responsible for any errors or omissions.

This document has been produced with the financial assistance of the European Commission. The views expressed herein should not be taken, in any way, to reflect the official opinion of the European Commission.

The European Commission's Humanitarian Aid

The European Commission's Humanitarian Aid department funds relief operations for victims of natural disasters and conflicts outside the European Union. Aid is channelled impartially, straight to people in need, regardless of their race, ethnic group, religion, gender, age, nationality or political affiliation.



Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC), established in 1998 by the Norwegian Refugee Council, is the leading international body working on internal displacement worldwide through monitoring, advocacy and training on the rights of internally displaced persons.



Norwegian Refugee Council

The Norwegian Refugee Council (NRC) is an independent, humanitarian non-governmental organisation which provides assistance, protection and durable solutions to refugees and internally displaced persons worldwide.



Information Counseling and Legal Assistance

The primary objective of the Information Counseling and Legal Assistance (ICLA) programme is to contribute to durable solutions for refugees, IDPs and returnees and to assist them in obtaining their rights. The ICLA programme seeks to:

- contribute to the best basis on which target groups can decide whether to return or integrate locally
- help target groups overcome legal obstacles, particularly those related to housing, land and property (HLP)
- contribute to the recognition of legal personality and access to rights and services that are dependent on obtaining personal identity documents
- provide legal assistance to improve access to justice by the displaced

CONTENT

Introduction to the Training Guidance	4
Aims and objectives of the NRC HLP Course	5
Target audience	5
Participant Numbers	5
Sample agenda	6
HLP Training Materials and Photocopying	7
Using the Materials: Tips for Trainers	8
Making changes to the materials	8
Adapting PowerPoint slides	8
Process issues for trainers	8
Managing different participant profiles	9
Starting the training	9
Ice-breakers and energisers	10
Reviewing learning	10
Evaluating the training	11
Splitting groups	12
Closing the training	13
After the training	13
Appendix 1: Pre-test and post-test	15
Appendix 2: The training evaluation form	19
Appendix 3: Certificate of attendance	21
Appendix 4: Training debrief tool	22
Appendix 5: Template for a training report	23
Appendix 6: Essentials for setting up an HLP course	24
Appendix 7: Sample invitation letter	25
Appendix 8: Sample Participation application form	26
Appendix 9: Checklist for the training venue	27
Appendix 10: Checklist for ordering resources and equipments	28
Appendix 11: Follow-up Evaluation Form	29
Task sheet 1	32
Task sheet 2	33
Task sheet 3	39
Handout 1: Background on Human Rights and Housing Rights	43
Handout 2: Land Rights	48
Handout 3: Property Rights	51
Handout 4: HLP and Women's Rights	53
Handout 5: HLP During Internal Displacement and Durable Solutions	56
Handout 6: Guidance on Considering Women's Rights in HLP	61
Handout 7: Preventive Measures and Legal Remedies for Forced Eviction	62
Handout 8: Selecting the Best Alternatives for Resolving HLP Disputes	63
Handout 9: Glossary	65

APPENDICES

TASK SHEETS

HANDOUTS

Introduction

This document is intended for trainers who will be running the NRC HLP training course. There are two sets of documents:

1. a Training Manual with session plans and background content
2. a Training Guidance with logistical, administrative and training advice on running the course together with handouts and task sheets to be photocopied as detailed in the table on p.9.

The NRC HLP Training Course

NRC has developed this 2.5 day course for humanitarian practitioners seeking guidance on how to include HLP issues in their programming responses. The seven thematic areas included in the NRC Housing, Land and Property (HLP) training are:

Module	Topic	Summary
1	An introduction to HLP	The module (sessions 1 and 2) introduces participants to fundamental concepts related to HLP and provides working definitions.
2	The HLP International Legal Framework and Principles	The module provides an introduction to the international legal framework and sources of law and principles relevant to HLP.
3	HLP during Internal Displacement	The module has a focus on different HLP challenges faced by Internally Displaced Persons (IDPs) and provides guidance on action supported by relevant law. This module does not focus on refugees.
4	Women's HLP Rights	The module focuses on challenges to gender equity in HLP and provides guidance on ways to mainstream women's rights with support from relevant legal sources.
5	HLP in Urban Contexts	The module acknowledges the increasing need to consider the challenges facing IDPs and refugees in urban situations and outlines legal remedies for dealing with specific issues.
6	Addressing HLP Disputes	The module outlines causes and types of HLP disputes and outlines different approaches to their resolution.
7	HLP and Durable Solutions	The module outlines the HLP rights of IDPs or refugees during return, resettlement or integration.

Training aim

To provide guidance to humanitarian actors implementing response and recovery projects on how to identify and address HLP issues.

General Objectives

At the end of the training participants will be able to:

- describe why it is important to consider addressing HLP in humanitarian relief and recovery programmes
- outline key concepts and terms related to HLP
- list sources of international laws related to HLP and key principles
- describe ways of addressing HLP during and after displacement
- discuss the specific HLP challenges encountered in urban contexts
- consider causes of HLP disputes and ways to address them
- consider how women's rights can be promoted in HLP.

Target Audience

The HLP training manual and training guidance are intended to assist the following people at all stages of programming:

- humanitarian agency professionals (local and international) implementing activities with direct or indirect relation to HLP issues
- local authorities directly responsible for housing, land and property issues whose activities will have effects on humanitarian interventions (i.e. officials involved with justice, land administration, municipal governance as well as customary authorities).
- staff of international organisations whose activities will benefit from training on HLP issues.

Participant Numbers

The NRC HLP training course can be run with a maximum of 24 participants and a minimum of eight. The maximum limit has been set because group exercises become cumbersome in feedback and there is limited opportunity for all participants to share fully in discussions.

Agenda for Housing, Land and Property (HLP) Training

Training aim: To provide guidance to humanitarian actors implementing response and recovery projects on how to identify and address HLP issues.

Generic learning objectives: At the end of the training participants will be able to:

- describe why it is important to consider addressing HLP in humanitarian relief and recovery phases
- outline key concepts and terms related to HLP
- list sources of international laws related to HLP and key principles
- describe ways of addressing HLP during and after displacement
- discuss the specific HLP challenges encountered in urban contexts
- consider causes of HLP disputes and ways to address them
- consider how women's rights can be promoted in HLP.

Time	Day One	Day Two	Day Three
08:30	Welcome and Introductions Module 1: An Introduction to HLP 1	Learning review 4 Module 4: Women and HLP Rights	Learning review Module 7: Durable Solutions and HLP Issues 7
10:30	Break		
11:00	Module 1: HLP Terms and definitions 1	Module 5: HLP in Urban Contexts 5	Module 7: Durable Solutions and HLP Issues 7 Closing session
12:30	Lunch		Close
13:30	Module 2: The International Legal Framework 2	Module 5: HLP in Urban Contexts 5 Module 6: Addressing HLP disputes 6	
15:00	Break		
15:30	Module 3: HLP issues during internal Displacement 3	Module 6: Addressing HLP disputes 6	
17:00	Close		

The HLP Training Materials and Photocopying

The following table charts the photocopying that will need to be done, prior to the training.
 N.B. It is assumed that a data projector, laptop and flip chart be available for every session.

	HANDOUTS	TASK SHEETS	RESOURCES
DAY ONE			
1 module	Agenda	Pre-test Task Sheet 1: Short Cases	Pre-prepared flipchart for Parking Lot
2 module	Handout 1: Background on Human Rights and Housing Rights Handout 2: Land Rights Handout 3: Property Rights Handout 4: HLP and Women's Rights		A prize of some sweets or chocolate for the quiz
3 module	Handout 5: HLP during displacement and durable solutions		Prepare the flip chart for the first activity Prepare four cards for the second activity (Shelter and Education, Food Security and Livelihoods, Legal Aid and Camp Management)
DAY TWO			
4 module	Handout 6: Guidance for considering women's rights in HLP		
5 module	Handout 7: Preventive Measures and Legal Remedies for Forced Eviction		Check the Internet connection for the video on forced eviction, or use saved file
6 module	Handout 8: Selecting the best alternative to address HLP disputes	Task Sheet 2: Role Play Scenario 1 Task Sheet 2: Role Play Scenario 2 Case study map	Photocopy for each participant one of the scenario or observer roles
DAY THREE			
7 module	Handout 9: Glossary	Task sheet 3: Durable Solutions Case Study: Local Integration Task sheet 3: Durable Solutions Case Study: Return Task sheet 3: Durable Solutions Case Study: Resettlement	
Closing Session		Post-test Evaluation sheet Certificate of Attendance These documents will need to have the location and dates inserted for each training.	



PowerPoint

There is one PowerPoint file for the HLP course. The trainer can decide whether to photocopy these for each participant.

Photocopying

All the handouts and activity sheets need to be photocopied – one per participant.

You will need to print out one hard copy of the training materials for each trainer.

Additional documents to be photocopied (one per participant):

- Pre-test and post-test (Appendix 1)
- The training evaluation form (Appendix 2)
- Certificate of attendance (Appendix 3)



Using the Materials: Tips for Trainers

Making changes to the materials

The NRC HLP training materials are intended as a framework, and you may adapt them to suit the needs of participants. Your role as a trainer is to support humanitarian staff to think through options for including HLP issues in their programmes.

Amended materials (including PowerPoints) should be mentioned in the training report (see Appendix 5) and new exercises or case studies should be sent to hlp@nrc.no.

Adapting the PowerPoint slide show

- Use the master slide selection when inserting a new slide. This will give you consistent layout and formatting.
- Don't overload new slides with text. Keep messages short and simple.
- Keep the colour scheme and font type and size consistent. Use the three logos: NRC, IDMC and ECHO.
- Don't read the PowerPoint slide, but give participants time to read them. Allow a momentary silence for reading.
- Add your own images to make the slides more visually interesting. Images from a particular country can also help to contextualise the training.

The HLP PowerPoint slide show is supported by the background notes for each module (in the HLP Training Manual). Trainers are advised to become thoroughly acquainted with this material.

Process issues for trainers

Attention to process issues is important for the effective running of any training event. Training processes are essential to create and maintain a safe, flexible and responsive learning space which contributes to the group dynamics. In short they are an essential, but often unseen, component of a great course.

Managing different profiles within the participant group

Trainers may have to manage participants with different levels of knowledge. Where ICLA staff are present, who will undoubtedly be more familiar with the legal aspects of the course, it is advised that the trainer use them as a resource. Experience shows the benefits of giving the ICLA manager time to present and contextualize the in-country ICLA project and lessons learned.

Starting the training

The tone of a training course is set from the very first moment the participants arrive at the venue, and not, as many trainers believe, the moment that they first introduce themselves to the gathered group. Ensure it is clear to participants where they should go on arrival. A welcome note will make them feel valued and also provide clarity on directions and time.

It can help to invite a manager from an agency or a local dignitary to lend weight to the event and show the participants that the training is taken seriously by those in authority.

During Session 1 it will be important to identify participants' expectations, determine ground rules for the training and introduce the training team and participants.

While there are suggestions in the training materials here are some additional ideas:

Option 1 – Time to venue line

Ask participants to stand in a line with the person who took the longest to arrive (door to door) at the workshop at the front of the line and the one who took the shortest time at the other end of the line. Ask participants to find somebody to interview who is elsewhere in the line. Ask them to spend five minutes interviewing her/him to find:

- his/her name, role/job title and organisation
- her/his experience of HLP issues
- something unusual about him/herself.

Once the interviews are complete, randomly select pairs to introduce each other until everyone has been introduced.

Option 2 – Favourite things

Ask everyone to take a piece of paper and draw a chart with three columns and three rows on the paper.

Explain that in their left hand column they should write three categories of their favourite things such as food, colours, books or music. They can use their imagination but you can start them off with an example or two. In the next column they should write one of their favourite things from the category. An example of what this could look like is given below:

E.g. Food	E.g. Ugali	Collect names of people from the group in this column
E.g. Colour	E.g. Blue	
E.g. Music	E.g. Folk music	

Once participants have filled two columns of the chart they should circulate in the group to find people who have the same 'favourites' as them. The aim is to find the most people with similar 'favourites'. There will be a prize for the first to complete the process (i.e. have lots of names in each square).

Ask participants to find one other person to interview from the group (preferably someone they have not met before). Ask them to spend five minutes interviewing this person to find out:

- his/her name, role/job title and organisation
- her/his experience of HLP issues
- something unusual about him/herself.

Once the interviews are complete, randomly select pairs to introduce each other until everyone has been introduced.

Option 3 – Round Robin

Simply go round the group asking each person to introduce themselves stating:

- his/her name, role/job title and organisation
- her/his experience of HLP issues
- something unusual about him/herself.

N.B. This is obviously a quick and easy method if you are short of time.

Option 4 – The Lighted Match

Ask participants to introduce themselves holding a lit match. When the match is extinguished they have to stop – a very good way to have fun and keep introductions short!

At the very least every participant should share their name, role and humanitarian experience and familiarity with HLP issues.

N.B. If name badges or table cards for names are being used ask participants to write the name they would like to be known by on the badge/card using a flip chart pen they will find on the desk

Icebreakers and energisers

Ice breakers or energisers are short activities which encourage participants to move around, relax, take a break from what they are doing or get to know one another better. Some may have relevance to a topic, some may develop skills and others are designed to change the pace or focus of the training.

Such activities are useful to generate feelings of trust in the group so that people feel more willing to share their own experience. An example of such an activity might be asking participants to talk about their experience of travel or hotel accommodation (everyone has a story!) to break the ice before a story telling activity.

As a general rule, energisers should be chosen with sensitivity to the cultural, gender and religious norms of the group. People's physical abilities should also be considered. As with the learning reviews it is possible to ask participants to volunteer to run an energiser, a great way to find out new ways of doing them.

Reviewing learning

It is imperative that trainers review whether or not learning is occurring. Following are some suggestions for assessing whether participants are learning. These are scheduled for the beginning of day two and three but could also be run in the evenings. Feel free to use your own ideas as well.

The learning review should take approximately 15/30 minutes. It is also possible to invite participants to share ideas for reviewing learning and to ask volunteers to run a review. This is all good practice for participants and adds to their training skills.

The snowball fight

Ask participants to take a blank piece of paper. They should write one word or short sentence that was a particularly important or illuminating learning point from the previous day. Explain the writing should be legible. Now explain that the group is going to have a snowball fight. Ask the participants to scrunch their papers into a ball, demonstrating how to do so. Begin the snowball fight by throwing your snowball at someone, and continue energetically with the whole group until everyone has warmed up. Finally ask each participant to pick up a snowball, open it and read it to the group.

Chronological Order

Split into small groups. Distribute coloured cards to each group. Ask the groups to write on the cards all the things they did yesterday. Each activity or session should be written on one card – allow ten minutes. Ask all the small groups to meet in the plenary and lay out the cards in chronological order on

the ground. Once the day has been schematised in a path, ask participants to follow the path and silently reflect on their learning. Participants can share their main learning with the group after reflection.

Ranking

Ask pairs to think of five things they remember from the previous day. Allow five minutes. Ask the pairs to meet up with another pair and list ten things they have remembered. Their list should not contain duplications. Allow a further five minutes then ask these groups of four to meet with another group of four and list the additional items from this group to make a final list. Allow a further five minutes. Ask each group of eight to read out their full list to the plenary.

The Quiz

Decide on some questions related to the content and run a quiz, either in groups or as individuals.

The Map (*this method is best used on the last day*)

Split into small groups. Ask the groups to draw a map of their journey through the course on a flip chart. Stress that they can be as creative as they like, the only rule is no words! Allow 10 - 15 minutes. Then ask all the groups to display their charts and explain their journey to the plenary group. Often groups create amusing and graphically interesting maps.

Evaluating the training

This is different from reviewing the learning and is concerned with checking, on a regular basis, that people are satisfied with how the training course is being conducted.

The following are suggestions for short evaluations either at the end of the day, to enable the trainers to check progress and make adjustments as necessary, or for a qualitative review of the whole training programme. They should not replace a more formal evaluation (best written) where participants can comment in detail on the workshop.

Act out

In groups, act out one thing that went well and one thing that could have gone better.

Graffiti wall

A piece of flip chart can be left on the wall, with a pen nearby, so that participants can add comments or observations on the workshop. This technique can be extended so that several flip charts are spread out around the room with such questions as: How could this workshop be improved? What did you like the most today? What is missing from this workshop?

Mood-metre

Using a piece of flip chart, draw a line with a happy face at one end and a sad face at the other. Give each participant a sticker each and asked her/him to place it on the line to reflect their mood. This can be done each day, with different coloured stickers, to chart the change of mood through the training. This method can be expanded so that more than one mood-metre is prepared, each covering a key training objective.

Stand to score

One end of the room is labelled 'good' or 'excellent' and the opposite 'poor'. The trainer reads out key statements around the objectives of the day or basic evaluation criteria: such as "the content of the day was useful" or "the methodology of the day was helpful". Participants move to the place in the room that reflects how positive or negative they feel about the statement or objectives.

Tossing the ball

Stand in a circle and throw a ball to one participant and ask them to share a lesson learned today or a key thought. They then throw the ball to someone else until everyone has spoken.

What went well?

Cards or papers of two colours are distributed and participants note down what went well on one colour (one idea per card) and what could have been done better on the other. Cards are collected and can be read out if wished.

Talking wall

The talking wall is a group exercise that provides opportunities for all participants to respond to open questions or statements from the facilitator, to evaluate a session, to record attitudes to a given topic, or to comment on a given aspect of the training session. The exercise is conducted in such a way that all comments are public for others to read and supplement in an interactive way. Several flip-chart sheets are prepared as posters by the facilitator in advance. Each poster contains an open statement printed at the top (e.g., "What I think is missing from this training is..."). The sheets are placed around the walls of the room where everyone can read them. Each participant is given a marker and invited to walk around the room adding appropriate comments to each sheet. Alternatively, each person may be given a supply of post-it stickers and a pencil and asked to write comments on separate stickers that are then posted on the most appropriate sheet. Everyone should be encouraged to read the comments written by others. This technique is thought-provoking and good fun for virtually all groups.

Feedback rounds

Rounds provide a quick and simple method of gathering an instant reaction from all participants to the current state of the course or group. At a suitable point in the programme – usually at a natural break or between exercises or before moving on to a new topic – the facilitator announces that s/he would like to hear from all participants how the course (or the most recent part of it) is going. The idea is to receive quick, impressionistic responses, not analytical or detailed answers.

Clap, clap, <word>

Everyone stands in a circle and is given one minute to think of one word (only) that summarises how they feel as a result of the training session. Start a round by clapping hands twice and asking the first person to say their word; then clap twice and the next person says their word, and so on around the circle. Get a good rhythm going: Clap, clap, <word>, clap, clap, <word> ... going right round the group. If time allows, stop the clapping and ask each person, in turn, to explain briefly why they chose their word. End with another round of clap, clap <word> (repeating their chosen word).

Continuum cards

These can be used to check participants' views of the workshop. The facilitator should write pairs of cards and set them out in a row on the floor with a few metres between each one. Examples of pairs would be: very interesting - very boring; very relevant - not relevant. Participants are given a blank card and asked to vote (anonymously as far as the facilitators are concerned) by placing their card on the appropriate place.

Splitting groups

The way the trainer splits the main group into smaller working groups can be done in a variety of ways and it is useful to model these for participants. Some suggestions are:

Numbering

Simply 'count off' the participants into small groups, i.e. 1, 2, 3, (or 4 if 4 groups are required.) if the groups do not need to be balanced in any way. People call out or are assigned numbers in sequence, up to the number of groups needed (e.g. for four groups, 1, 2, 3, 4; 1, 2, 3, 4, etc.). Then all the 1s form one group, the 2s another, and so on. Alternatively, use letters of the alphabet or names of fruit. Be clear after you have split the groups where each group should work.

Travel line-up

Ask the participants to form a line in order of who has travelled furthest to the venue. When the line is complete, the trainer asks each participant where they have come from, and then counts off however many are needed in each group. This can also be done with birthdays, colour of shirts/blouses or height.

The ship is sinking

Clear a large space, climb onto a chair and explain that you are the captain of a sinking ship. Ask everyone to clap and repeat after you “The ship is sinking, the ship is sinking!” Explain that the only way for people to save themselves is to jump into a lifeboat containing a precise number of people. Call out the number required. Start the chorus and then yell out a number, e.g. eight. Everybody should now rush to find seven other people to form a lifeboat. This should provoke much noise and laughter. Repeat a few times with different numbers until you feel the group is ready to stop, and then yell out the number you want for small group work.

The world-famous Mexican shoe exercise

This is a good way to allow groups to self-select. Explain that shoes have many different characteristics – including colour, shape, height of heel, style of laces. Ask participants to find two other people with similar shoes to their own to form groups of three. Allow a few minutes of wandering before checking that everyone has a group.

Closing the training

It is possible to bring up the subject of networking after the training if appropriate. Some people will keep in touch naturally. However, it is good for the trainer to formalise the networking through, for example, having a business card table where participants can put out their cards. You can also circulate a sheet for people to put their contact details on (check with participants that you have their correct details).

At the end of the training have some type of ritual. This could involve participants giving one another their attendance certificates, or forming a circle and saying one thing that they will remember from the event.

After the training

Meet with the training team as soon as possible after the training, preferably on the last afternoon, to debrief using **Appendix 4: A training debrief tool**.

Having decided on key recommendations, the lead trainer must compile the training report using Appendix 5: Format for training report and, having consulted with the training team, send it to: hlp@nrc.no .

APPENDICES

- Appendix 1: Pre-test and post-test
- Appendix 2: The training evaluation form
- Appendix 3: Certificate of attendance
- Appendix 4: Training debrief tool
- Appendix 5: Template for a training report
- Appendix 6: Essentials for setting up an HLP course
- Appendix 7: Sample invitation letter
- Appendix 8: Sample Participation application form
- Appendix 9: Checklist for the training venue
- Appendix 10: Checklist for ordering resources and equipments
- Appendix 11: Follow-up Evaluation Form

Pre-test and Post-test

Housing, Land and Property (HLP) Training

Course Test

Name: _____

Date: _____

- Pre-test
- Post-test

There can be more than one correct answer to some questions. Please mark all answers which you believe are correct.

Questions:

1. Which of the following are within the scope of HLP?
 - private property rights
 - squatter rights
 - customary land tenure owners
 - customary land tenure users

2. Considering HLP during humanitarian responses is important because:
 - it can contribute to the peace process
 - it can increase literacy rate
 - housing can provide security
 - HLP assets can provide a source of livelihood

3. What is security of tenure?
 - the protection against forced eviction for those who have ownership rights
 - the protection against forced eviction for any kind of tenure

4. Which one of the following is a standard for adequate housing?
 - affordability
 - security of tenure
 - cultural adequacy
 - the presence of a roof and four walls

5. Which one of the following categories is granted land rights according to the international human rights framework:
- women
 - men
 - indigenous people
 - poor
6. The loss of HLP assets during displacement makes IDPs more vulnerable because:
- they lose a source of livelihood
 - a house provides protection and shelter
 - the negative environmental consequences
 - land is central to some IDPs' identity
7. How can humanitarian actors play an important role in working for an increased enjoyment of HLP rights by women:
- ensure girls get vaccinated
 - inform women about their inheritance rights
8. Which of the following examples represent forced evictions:
- the eviction of 1,000 slum dwellers due to the construction of a football stadium without notice
 - the eviction of a tenant by court action
9. What is the main feature of mediation?
- a "win all-lose all" result
 - the presence of a neutral mediator
10. What is the preferred legal remedy for displacement?
- re-integration to a third location
 - return
 - restitution
 - compensation
11. Which one of the following has an impact on HLP?
- shelter
 - education
 - healthcare
 - camp management

Pre-test and Post-test

Housing, Land and Property (HLP) Training

Course Test (Answers)

Name: _____

Date: _____

- Pre-test
- Post-test

There can be more than one correct answer to some questions. Please mark all answers which you believe are correct.

Questions:

1. Which of the following are within the scope of HLP?
 - ✓ **private property rights**
 - ✓ **squatter rights**
 - ✓ **customary land tenure owners**
 - ✓ **customary land tenure users**

2. Considering HLP during humanitarian responses is important because:
 - ✓ **it can contribute to the peace process**
 - it can increase literacy rate
 - ✓ **housing can provide security**
 - ✓ **HLP assets can provide a source of livelihood**

3. What is security of tenure?
 - the protection against forced eviction for those who have ownership rights
 - ✓ **the protection against forced eviction for any kind of tenure**

4. Which one of the following is a standard for adequate housing?
 - ✓ **affordability**
 - ✓ **security of tenure**
 - ✓ **cultural adequacy**
 - the presence of a roof and four walls

5. Which one of the following categories is granted land rights according to the international human rights framework:
- women**
 - men
 - indigenous people**
 - poor
6. The loss of HLP assets during displacement makes IDPs more vulnerable because:
- they lose a source of livelihood**
 - a house provides protection and shelter**
 - the negative environmental consequences
 - land is central to some IDPs' identity**
7. How can humanitarian actors play an important role in working for an increased enjoyment of HLP rights by women:
- ensure girls get vaccinated
 - inform women about their inheritance rights**
8. Which of the following examples represent forced evictions:
- the eviction of 1,000 slum dwellers due to the construction of a football stadium without notice**
 - the eviction of a tenant by court action
9. What is the main feature of mediation?
- a “win all-lose all” result
 - the presence of a neutral mediator**
10. What is the preferred legal remedy for displacement?
- re-integration to a third location
 - return
 - restitution**
 - compensation
11. Which one of the following has an impact on HLP?
- shelter**
 - education**
 - healthcare
 - camp management**

The Training Evaluation Form

The NRC HLP Course Individual Evaluation Form

Insert Location and date

Facilitator name: _____

Your name: _____ (optional)

1. Course objectives and relevance

Do you think these training objectives have been met?	Not met	Partly met	Mostly met	Fully met
Describe why it is important to consider addressing HLP in humanitarian relief and recovery phases				
Outline key concepts and terms related to HLP				
List sources of international laws related to HLP and key principles				
Describe ways of addressing HLP during and after displacement				
Discuss the specific HLP challenges encountered in urban contexts				
Consider causes of HLP disputes and ways to address them				
Consider how women's rights can be promoted in HLP				

Was the course relevant for your work? Yes / No

Why?

2. Workshop design

2.1 What did you like about the overall design and structure of the course?

2.2 How do you think the design and structure of the training course can be improved?

3. Presentation

3.1 The presentation and facilitation of the workshop was: Poor Adequate Good Very Good

3.2 Do you have any suggestions for the trainer?

4. Content

4.1 Which session or topic did you find most useful, and why?

4.2 Which session or topic did you find least useful, and why?

4.3 Was there anything not included in the workshop that needs to be? If so, what is it?

5. Satisfaction

5.1 Overall, how would you rate this course? Poor Adequate Good Very Good

5.2 Any further comments

5.3 Describe this course in one word.

Thank you very much for completing this evaluation sheet.

If you have any further comments, please email: [XXX](#)



NORWEGIAN
REFUGEE COUNCIL



Certificate of Attendance

This is to certify that

_____ has successfully attended

The Housing Land and Property (HLP) Training

Date _____

Place _____

The aim of the training was to provide guidance to humanitarian actors implementing response and recovery projects on how to address housing, land and property issues.

Appendix 4: Training debrief tool

Objectives

- to share lessons learned during the training
- to decide what changes should occur in the next training
- to document key information from all parties.

You will need

- the training team (one of whom should document suggestions)
- the administrator
- the person representing the hosting agency
- the participant evaluation forms and the agenda
- the pre and post test.

Questions for the debrief

1. What worked well?
2. What can be improved?
3. What changes would you make to specific sessions?
4. Would you change the sequence of activities?
5. How well did administrative support work?
6. How well did logistics work?

It is important that the key lessons from this type of debriefing are recorded at the meeting and included in the training report. Everyone at the meeting should receive a copy of the report. The training report, specific recommendations for running the training and any new activities should be sent to: hlp@nrc.no.

Appendix 5: Format for a Training Report

Background Information

This section should include:

- Who was responsible for commissioning the HLP course and hosting the HLP course?
- When and where was the HLP course held?
- Who was responsible for in-country organisation of the HLP course?
- Who was responsible for delivering the training?
- Key recommendations for future HLP courses.

The HLP Course

This section should include:

- Number and profile of participants
- The aim and objectives of the training
- Amendments to the training programme
- Overall recommendations (headings might include: effectiveness of the preparation phase, support from the hosting agency, the agenda, the venue, logistics, participant selection, language issues, guest speakers, resources and support for the training team)
- Specific key recommendations by session
- Any additional activities used outside of the standard training materials.

Appendices

1. The agenda
2. Participants' names and contact details
3. Summary of participant evaluation

Appendix 6: Essentials for Setting up a HLP Course

The following checklist is designed for trainers and hosting organisations. We have aimed to list the absolute essentials, without which the course will not work.

Activities	Done	Not Done
Organise venue, dates and funding		
Organise trainers		
Advertise the course/send out invitation letter		
Send out application form		
Select participants		
Order resources		
Send out agenda and logistics information		
Organise photocopying of handouts		
Order 'hardware' resources		
Order reference materials		
Compile CD for distribution at the end of the course (if providing the HLP training materials in soft copy)		
Ensure certificates are made up		
Run the training!		
Write report and send amendments to hlp@nrc.no		

Appendix 7: Sample Invitation Letter

Amend the following letter as appropriate when inviting participants for the training.



INVITATION

Housing, Land and Property (HLP) Training

Insert Location and Date

Dear Colleagues,

The Norwegian Refugee Council (NRC) is pleased to invite you to a Housing, Land and Property (HLP) Training Course to be held at **insert location, date and time.**

The Training will be a 2.5-day event covering:

- the importance of addressing HLP
- the HLP international legal framework (but NOT the national legal framework)
- HLP during displacement and durable solutions
- how to address land disputes
- HLP in urban contexts.

The aim of the training is to provide guidance to humanitarian actors implementing humanitarian response and recovery projects on how to deal with housing, land and property issues.

Please confirm your participation to: **insert name and email address** before the deadline for registration **insert date**. NRC will cover all travel and accommodation costs.

Please let us know if you would like further information.

We look forward to your participation in the training!

Best regards,

Insert Contact name, agency and position

Participant Application Form

Please note that your responses to this will remain confidential to the facilitation team, but greatly helps the facilitation to see the range of experience and tailor the course accordingly.

Name

Agency

Current role

Section 1: Sector Specialism

For each of the fields below, please indicate your experience by ticking one box only on each row

	None	1	2-3	4 +
Camp Management				
Food Security and Distribution				
Education				
Shelter				
ICLA				
Other (Please describe)				

Section 2: Experience in HLP

Use the space below to describe your experience with HLP-related issues.

Section 3: Your objectives for attending this HLP Course

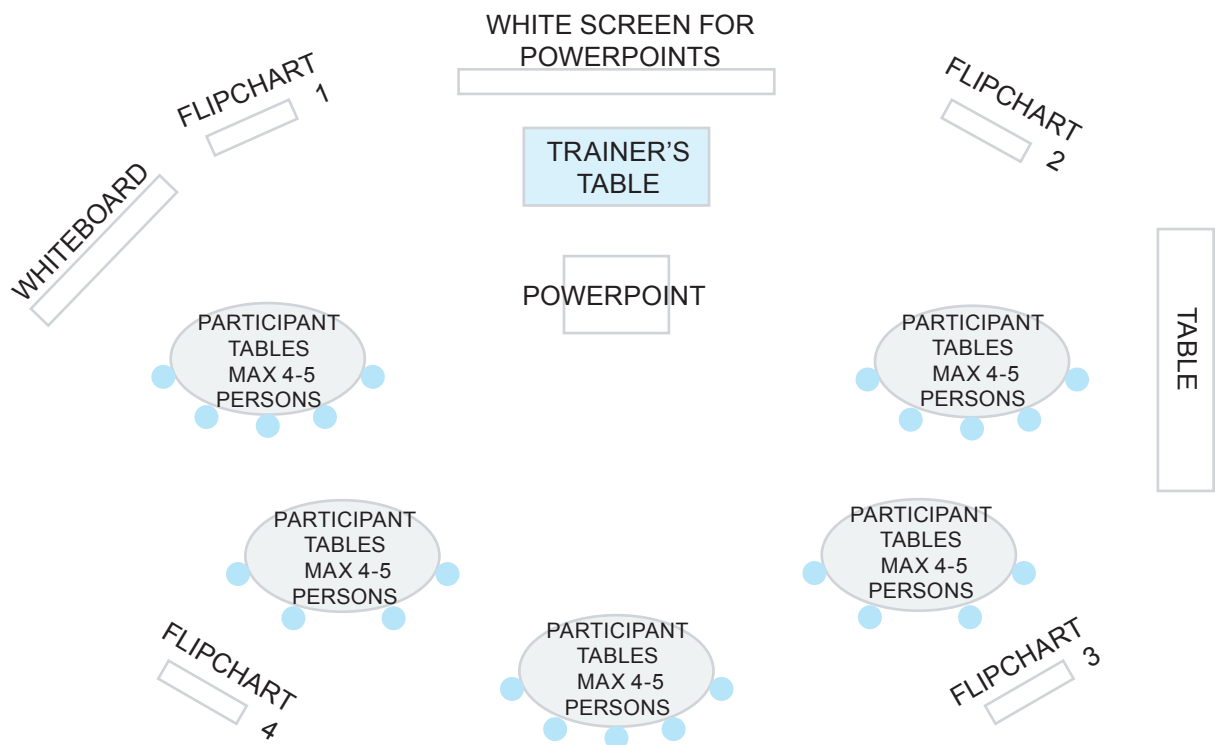
Use the space below to describe what you want to achieve by attending this course and how you imagine you will use the course in your work.

Appendix 9: Checklist for the Training Venue

If you can visit a venue before committing to using it you can avoid some nasty surprises! At the training site you should check the following:

Training site	Will you have access to:
<input type="checkbox"/> Is the venue secure?	<input type="checkbox"/> Photocopier (what volume and cost)
<input type="checkbox"/> Are you sharing the venue?	<input type="checkbox"/> Phone
<input type="checkbox"/> Is there a back-up power supply?	<input type="checkbox"/> Internet on site
<input type="checkbox"/> Training rooms	<input type="checkbox"/> Training equipment provided
<input type="checkbox"/> Is the training room large enough?	<input type="checkbox"/> Flip charts and stands
<input type="checkbox"/> Can the seating be re-arranged?	<input type="checkbox"/> Data projector
<input type="checkbox"/> Are there breakout rooms nearby for running practical exercises?	<input type="checkbox"/> Extension cables
<input type="checkbox"/> Are there enough rooms?	<input type="checkbox"/> Good quality screen (or wall)
<input type="checkbox"/> Quiet enough? Noisy airconditioning, background traffic, rain on roof etc.)	<input type="checkbox"/> Are training supplies available?
<input type="checkbox"/> Is there natural light? (this is essential)	<input type="checkbox"/> Catering
<input type="checkbox"/> Can the room temperature be controlled?	<input type="checkbox"/> Are tea and coffee breaks catered for?
<input type="checkbox"/> Enough power-points or cables?	<input type="checkbox"/> Where will the breaks be?
<input type="checkbox"/> Comfortable seating and good tables?	<input type="checkbox"/> Are lunch arrangements OK?
<input type="checkbox"/> Is the room secure overnight?	<input type="checkbox"/> Are special meals available if needed?
<input type="checkbox"/> Is there a room the trainers can use?	<input type="checkbox"/> Are the costs reasonable?

Suggested set-up plan



Appendix 10: Checklist for Ordering Resources and Equipment

You will need to ensure that the following items are available at the venue prior to the start of the course.

Item List	Comments
'Hardware'	
Lap top, projector and screen	These are often available for hire at hotels but are expensive, so may be more economical to bring your own or ask the hosting agency to provide
Flip chart stands x 3	Three flip chart stands if possible, but it is also possible to manage with one and simply provide flip chart paper for group exercises
Flip chart pads x 3	Preferably a range of colours but it is essential to have black flip chart pens
App. 20 Flip chart pens	
Post-it notes and/or coloured card	For exercises
Coloured small round stickers for the gallery walk feedback in session 4	If you do not have stickers you can also use different coloured flip chart pens
Binders for participant handouts	These can be soft or hard binders. They need not be large as there are not many course handouts
Hole puncher	Make sure it lines up with the binder holes!
Notepads and pens (1 per participant)	The venue will often provide these
Masking tape or blue tack	Essential for posting group work on flip charts
Scissors	
Participant name badges	Make badges with writing large enough to see (24 pt bold) or simply give blank labels and ask participants to write their name with a flip chart pen
Reference documents	
The IDP Guiding Principles	www.idpguidingprinciples.org/
Handbook for the Protection of Internally Displaced Persons	www.unhcr.org/cgi-bin/tehis/vtx/refworld/rwmain/opendocpdf.pdf?docid=4790cbc02
Other useful resources	
Other useful resources are listed at the end of each module	www.idpguidingprinciples.org/

Appendix 11: Follow-up Evaluation Form

The following form is designed to be sent to participants approximately three months after the HLP course.



HLP Training Follow-up Evaluation Form

NRC/IDMC is interested in ensuring quality training programmes for their staff. The purpose of this evaluation form is to find out if the course you attended on Housing, Land and Property (HLP) Rights had a practical application to your work.

It would be very useful if you could complete this short follow-up evaluation form so NRC/IDMC can understand how to improve the quality of this course and ensure it has practical relevance to humanitarian work.

Agency:

Role:

HLP Course attended:

Q1

Which of the following modules do you think proved most useful to you in your work?

Please indicate how useful each module was, using the scale 1 – 4 where 4 is very useful and 1 is not useful at all.

		1	2	3	4
Module 1	An introduction to Housing, Land and Property				
Module 2	The Housing, Land and Property International Legal Framework and Principles				
Module 3	Housing, Land and Property during Internal Displacement				
Module 4	Women's Housing, Land and Property Rights				
Module 5	Housing, Land and Property in Urban Contexts				
Module 6	Addressing Housing, Land and Property Disputes				
Module 7	Housing, Land and Property and Durable Solutions				

Where you scored a module particularly high or low please give a brief reason why.

Q2

Please give a specific example of how you have applied learning from the HLP course in your humanitarian work.

Q3

Can you suggest any changes you would make to the above-mentioned modules?

Q4

If you were to be offered further HLP training, what should it focus on?

Please email this form to: [insert name and email address](#)

TASK SHEETS

- Task sheet 1
- Task sheet 2
- Task sheet 3

Task sheet 1: Short cases

Case 1

IDP X has fled from his village to the capital during conflict. In the absence of assistance from the government or the international community X has settled in a slum area with his family and erected a simple shelter for his family. A police officer has arrived to inform him that without a title deed they cannot stay and have to take their belongings and leave the shelter the following morning. IDP X and his family are very worried as they are not sure where they can go.

Case 2

A company owns 20 acres on which they have grown coffee for the last twenty years. Recently they acquired an additional ten acres from Dr. Mohammed and have registered their new acquisition with the local land registry office. The company has now sub-divided the whole property into sections used to cultivate coffee, palm oil and bananas. They are now using the water source that Village B has traditionally relied on. The company is planning to build a fence to keep the villagers from accessing the water.

Case 3

Clan X has been living in the northern region of Country Z for many generations and has been managing the land and the forest collectively for subsistence and income. Clan X has been excluding Clan B from benefiting from the natural resources. A woman from Clan B has now married a man from X and gone to live with his clan. Unfortunately, Mr Clan X has passed away. The elders in Clan X have informed the widow that she can no longer farm her husband's land.

Case 4

Many people fled village W during conflict and spontaneously settled many miles away where they have lived for ten years. Mr Villager has now returned to his natal home and found another family farming his land and living in his hut. The occupant family inform him that local leaders assigned the house and farm to them five years previously in order to prevent them falling into disrepair. Mr Villager goes to the chief to demand the restitution of the property.

Case 5

Dr. Ahmed is suing Dr. Abdullah for encroaching onto the rear of his property. Dr. Ahmed needs additional space as he is hosting his wife's family who has fled conflict in the northern part of the country. When Dr Abdullah asks advice from his lawyer he is advised to produce the title deed for his property. Dr Abdullah has only ever had a customary certificate of ownership for his house and land. The lawyer informs him that this is not sufficient proof for the court and that he risks losing his land as Dr. Ahmed has a certified title deed.

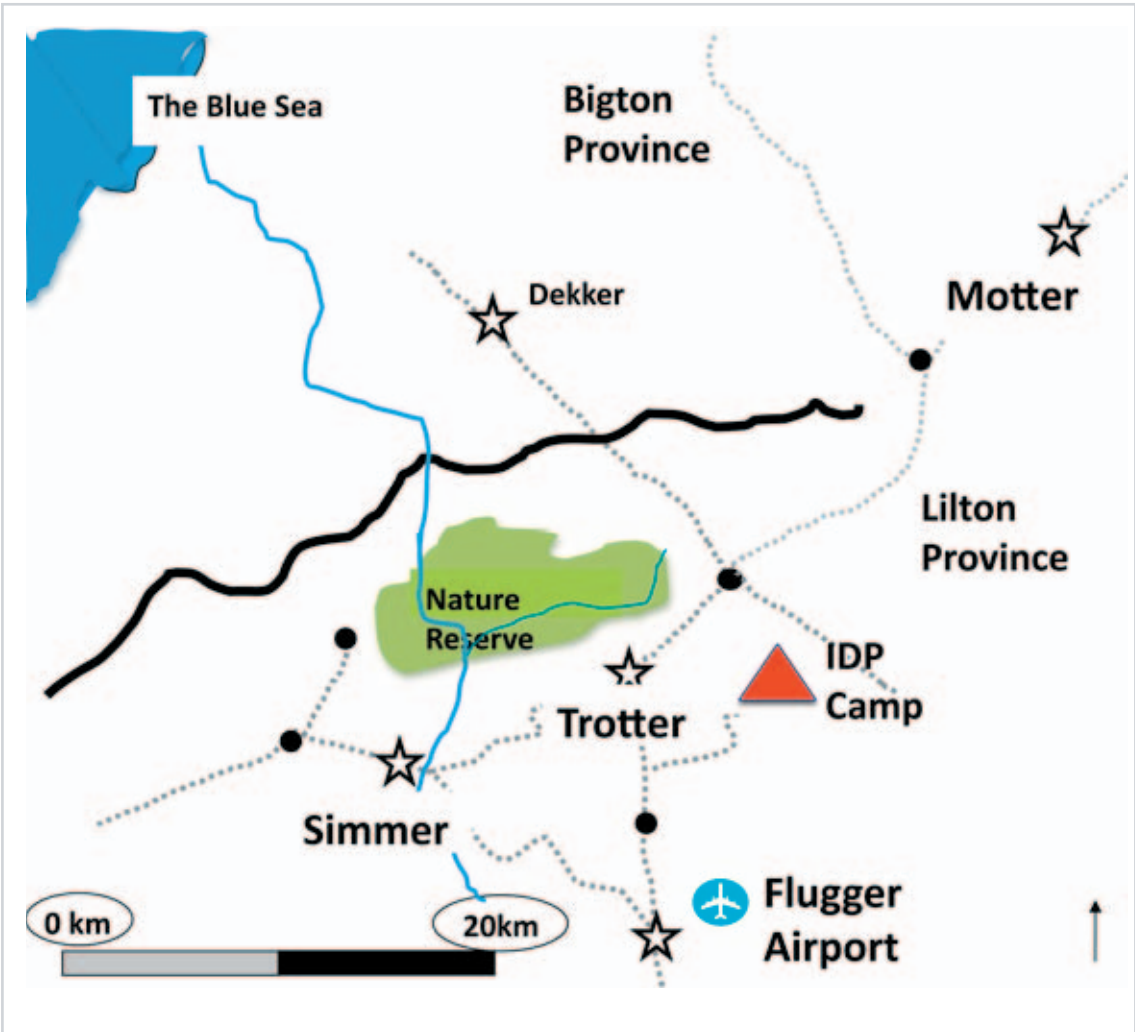
Case 6

Widow Y and her family have fled to the capital as a result of protracted ethnic conflict, settling in a disused house in which they have now been living for a decade. The two parties to the conflict have recently signed a peace agreement and many IDPs are returning. One morning, Widow Y wakes to find a family on the doorstep claiming she is living in their home, demanding her immediate departure and rent for the time she has spent in their house. She is outraged as she has been paying a 'squatter' fee to the traditional leader of the quarter.

Task sheet 2

Role Play 1: Scenario

When conflict first broke out in Bigton, huge numbers of IDPs fled to Lilton. At the time, NRC, in charge of setting up a camp for 20,000 IDPs outside Trotter, identified a site with government help. A Memorandum of Understanding (MoU) was signed, outlining the rights and responsibilities of all the stakeholders in setting up, maintaining and decommissioning the camp. Recent renewed fighting leads NRC to expect a significant influx into the Trotter camp. NRC has thus contacted community elders to identify vacant land for the expansion of the camp. Unfortunately the neighboring community was not consulted in initial site identification. Over the years their basic needs and livelihoods have become more and more compromised by the camp. They are highly resistant to camp extension and are threatening to prevent IDPs leaving the camp to collect fuelwood or graze livestock. The NRC Camp Manager has now requested a meeting between the stakeholders to try and reach a solution. Attendees include NRC's camp and food security managers and legal aid officer, national and local government officials, local community leaders, elders and representatives of camp residents.



 IDP CAMP

Roles Scenario 1

Cut up the roles and distribute them to pre-determined participants. Provide observer roles for any participants without a role.

NRC Camp Manager

You are under a great deal of pressure to extend the camp to ensure that conditions do not deteriorate. The threat of overcrowding is your priority as you are aware overcrowding could increase disease or violent conflict. You are upset because you have signed the MoU with the government and they are unwilling to grant the expansion.

NRC Food Security Officer

You are under a lot of pressure to ensure that IDPs maintain their livelihood assets and are able to continue collecting firewood. Over the years funding levels have decreased and the World Food Programme discontinued food distribution many months ago. The increased demand for food and livelihood support will be difficult to meet without access to adjacent land and forest.

Local Government Official

You note that the MoU does not include provision for camp expansion. You are unwilling to grant the extra land as you know this will annoy the community and you are anxious to secure votes in upcoming elections.

National Government Official

You are determined that the local government official should approve camp expansion. You see this as an issue of national security and prestige and fear headlines of cholera outbreaks in the international media.

Elder

You are fed up with the way international agencies behave, never consulting you, putting huge strains on community resources and disposing of your land as they want. You need to know what the expected numbers now wanting to access your land are and you also want some form of compensation from NRC and recognition of what you are losing.

Community Member

You are fed up with the diminished stocks of firewood in the area having to go further afield every day to collect it. You often meet women from the camp and they do not seem to understand they are taking your wood. And now you hear there are thousands more on their way!

Camp Maintenance Committee Representative

You are shocked to hear that so many more IDPs could be arriving soon and that many have a different ethnic background to that of current camp residents. You are extremely concerned about diminishing family and community space and the risk of disease.

Legal Aid Officer

You will be facilitating the meeting. You are attending the meeting at the request of the Camp Manager and your sole objective is a mutually acceptable solution.

Observer Roles

Your role is to observe the meeting. You can take notes for the debrief after the role plays, focusing on:

1. What kind of dispute is this?
 2. What solution was reached?
 3. Was this a third party decision or a joint decision?
 4. How effective were the different parties at negotiating/mediating?
-

Observer Roles

Your role is to observe the meeting. You can take notes for the debrief after the role plays, focusing on:

1. What kind of dispute is this?
 2. What solution was reached?
 3. Was this a third party decision or a joint decision?
 4. How effective were the different parties at negotiating/mediating?
-

Observer Roles

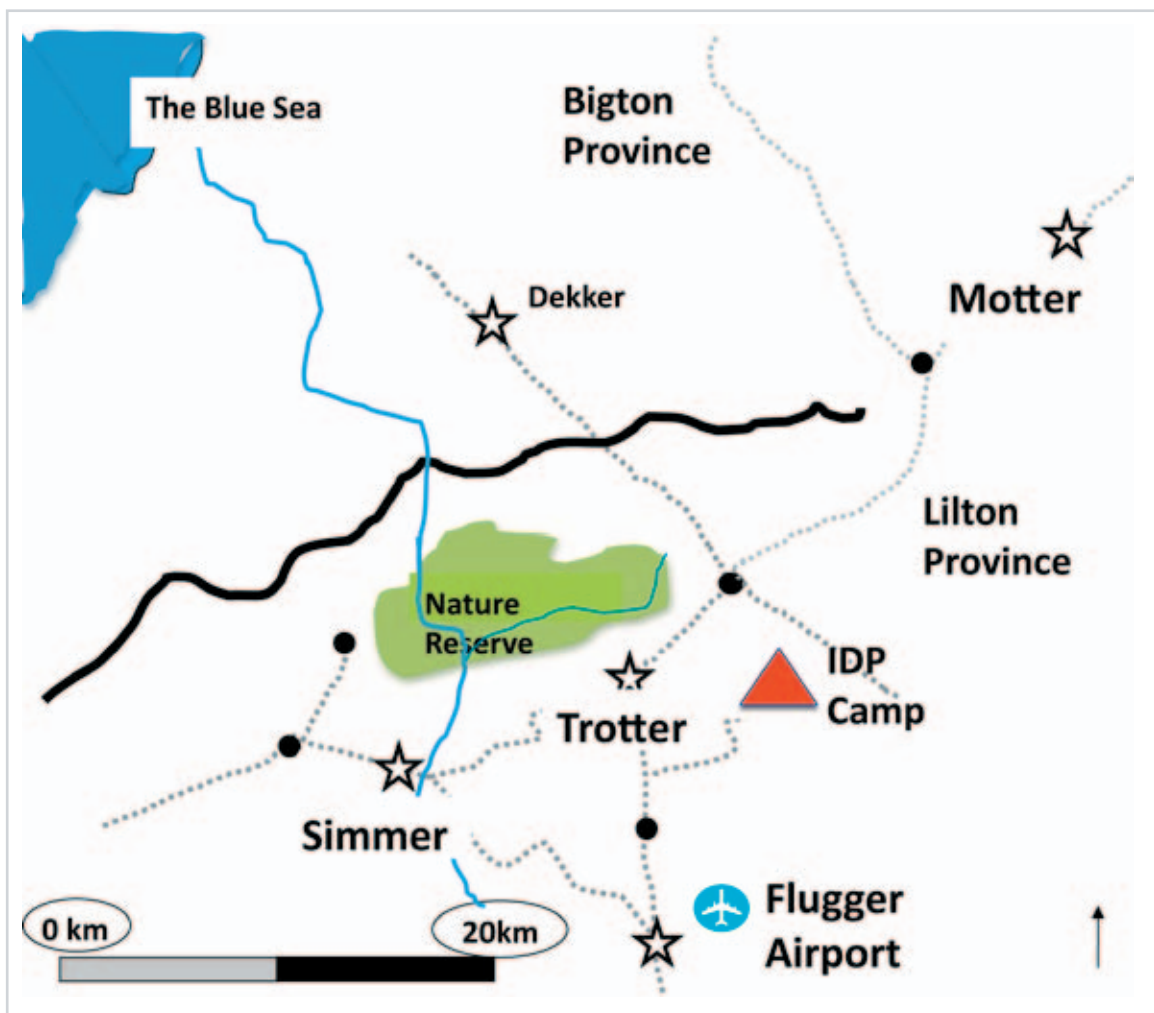
Your role is to observe the meeting. You can take notes for the debrief after the role plays, focusing on:

1. What kind of dispute is this?
 2. What solution was reached?
 3. Was this a third party decision or a joint decision?
 4. How effective were the different parties at negotiating/mediating?
-

Task sheet 2 (cont.)

Role Play 2: Scenario

When conflict first broke out in Bigton, huge numbers of IDPs fled to Lilton. At the time NRC, in charge of setting up a camp for 20,000 IDPs outside Trotter, identified a site with the help of the government. A Memorandum of Understanding (MOU) was signed, outlining the rights and responsibilities of all the stakeholders in setting up, maintaining and decommissioning the camp. Recent renewed fighting and further displacement leads NRC to expect a huge influx into the Trotter camp. NRC is liaising with neighbouring community elders to identify to build a mixed gender primary school. NRC has succeeded in negotiating with Community A to build a school on the main road which could be accessed by both camp resident children and Community A children. However, when Community B heard of this development they stormed into the NRC camp office insisting the land for the school building is theirs. They are threatening to sabotage construction on the site. The NRC shelter manager seeks more information from Community A and is informed by an elder that the land belongs to them. The NRC Shelter Manager has now asked for a meeting between the stakeholders to try and reach a solution. Attendees include NRC's shelter and education managers, NRC's legal aid officer, a national and local government official, elders from both communities and a member of the camp residents' education committee.



Roles Scenario 2

Cut up the roles and distribute them to pre-determined participants. Provide observer roles for any participants without a role.

NRC Shelter Manager

You have a tight budget for the next few months as you anticipate expenditure on shelter for those expected to soon arrive. As the rainy season is coming you know it is imperative to erect some form of shelter for the new IDPs in order to avert the risk of mortality and disease. You do not intend to construct a school that could be prone to sabotage and create conflict between communities.

NRC Education Manager

You are anxious to start the construction of the school to ensure a safe space for the newly arrived IDP children. You know this will also relieve the pressure on parents who will have many tasks as they settle into the camp. You feel the construction of the school will also alleviate tensions between camp residents and neighbouring communities.

National Government Official

The Minister of Education has informed you that this school must be built at all costs. The Ministry has few funds and sees the externally-financed project as helping fill local gaps in primary schooling.

Local Government Official

You want to build the school, because your brother-in-law has been promised the job of head teacher. You are determined that Community B should also benefit from the school as they currently do not have one. Local elections are taking place next month.

Elder Community B

You have been using this land for generations for grazing and horticulture. Although the land belongs to Community A members of your community have been keeping the sides of the road clear and therefore feel entitled to ownership of the school.

Elder Community A

You are adamant that the land belongs to your community. Community B is always taking advantage of your community's generosity. You are outraged that they are claiming ownership of the proposed school. Why should they be allowed to send their children to a facility which will, in any case, be overwhelmed when new IDPs arrive?

Camp representative of the Education Committee

You want the school to be built as soon as possible. You are worried about the education of your children as the camp school building is filled to capacity. The building has already been delayed and now with the new arrivals the need is becoming ever more pressing.

Legal Aid Officer

You will be facilitating the meeting. You are attending the meeting at the request of the Camp Manger and just want to achieve a mutually acceptable solution.

Observer Roles

Your role is to observe the meeting. You can take notes for the debrief after the role plays, asking:

1. What kind of dispute is this?
 2. What solution was reached?
 3. Was this a third party decision or a joint decision?
 4. How effective were the different parties at negotiating/mediating?
-

Observer Roles

Your role is to observe the meeting. You can take notes for the debrief after the role plays, asking:

1. What kind of dispute is this?
 2. What solution was reached?
 3. Was this a third party decision or a joint decision?
 4. How effective were the different parties at negotiating/mediating?
-

Observer Roles

Your role is to observe the meeting. You can take notes for the debrief after the role plays, asking:

1. What kind of dispute is this?
 2. What solution was reached?
 3. Was this a third party decision or a joint decision?
 4. How effective were the different parties at negotiating/mediating?
-

Durable Solutions Case Study: Local Integration

Lilton Province and Bigton Province have been experiencing conflict around ethnic differences and access to natural resource for a decade. A recent peace accord included provision for property restitution. The government has set up a Land and Property Claim Commission mandated to address HLP claims.

Family Alpha

Family Alpha has been living with distant relatives in Trotter for a decade. With the assistance of NRC Family Alpha has built a small wooden construction in their back yard. Mr. Alpha has been working as a driver for a local NGO and Mrs. Alpha has secured a job with the local tailor. The five Alpha children all attend local schools. The family has created a good new life in Trotter, are happy, have a reasonable income and the children have successfully integrated into the schools. It would be difficult for them to return to Motter as their house was looted and destroyed during the fighting. They fled with only the clothes they were wearing and were unable to bring documentation.

Task:

In your groups answer the following questions. You have 30 minutes for discussion. Please record your answers on a flip chart.

1. What are Family Alpha's entitlements?
2. What are the legal and practical issues?
3. How might NRC assist the family?

Durable Solutions Case Study: Return

Lilton Province and Bigton Province have been experiencing conflict over ethnic tensions and natural resources for a decade. A recent peace agreement signed by all parties included provision for property restitution. The government has set up a Land and Property Claim Commission mandated to address HLP claims.

Family Beta

Family Beta has been living in the IDP camp managed by NRC since the fighting broke out. Now the peace agreement has been signed they have the camp where life was arduous. They had eked a living by selling charcoal and cultivating a small garden during their years in the camp. Their children have received a rudimentary and interrupted education. NRC has assisted their return and they are currently staying in an NRC-run transit centre outside Motter before the final step of their journey. While in the transit centre they discover that another family has been living in their house for the past five years, cultivating their land and extensively renovating their house and out-buildings. Family Beta are concerned they may be unable to reclaim their house as they never had a document to prove their ownership, the property having been passed down through the Beta family and inherited by Mr. Beta on the death of his father fifteen years previously.

Task:

In your groups answer the following questions. You have 30minutes for discussion. Please record your answers on a flip chart.

1. What are Family Beta's entitlements?
2. What are the legal and practical issues?
3. How might NRC assist the family?

Durable Solutions Case Study: Resettlement

Lilton and Bigton Provinces have experienced ethnic- and natural resources-driven conflict for a decade. A recent peace agreement signed by all parties to the conflict included provision for property restitution. The government has set up a Land and Property Claim Commission mandated to address HLP claims.

Family Gamma

The Gamma family has been overwhelmed by the conflict. Mr. Gamma and two sons died fighting and Mrs. Gamma now lives with her daughter. Mrs. Gamma is a member of an ethnic minority persecuted during the conflict. She is reluctant to return to Dekker for fear of reprisals. She is also aware that if she returns she will not be entitled to the family's small-holding as she is a widow. NRC is offering to resettle Mrs. Gamma and her daughter in Simmer. Mrs. Gamma is concerned about starting a new life with so little money. She is therefore thinking of going to the recently established government Land and Property Commission.

Task:

In your groups answer the following questions. You have 30 minutes for discussion. Please record your answers on a flip chart.

1. What are Family Gamma's entitlements?
2. What are the legal and practical issues?
3. How might NRC assist the family?

HANDOUTS

Handout 1: Background on Human Rights and Housing Rights

Handout 2: Land Rights

Handout 3: Property Rights

Handout 4: HLP and Women's Rights

Handout 5: HLP During Internal Displacement and Durable Solutions

Handout 6: Guidance on Considering Women's Rights in HLP

Handout 7: Preventive Measures and Legal Remedies for Forced Eviction

Handout 8: Selecting the Best Alternatives for Resolving HLP Disputes

Handout 9: Glossary

Handout 1:

Background on Human Rights and Housing Rights

Human Rights are a core set of rights that human beings possess by simple virtue of their humanity. These rights are spelled out in a number of international human rights instruments which determine their validity as well as the extent to which they bind States. Familiarity with the different types of international standards is helpful in ascertaining their appropriateness for use in a particular context.

Covenants, Conventions, Treaties and Protocols are considered the strongest international instruments. They are adopted upon negotiations and become directly legally binding on the countries that have signed and ratified them. Ratification means they have been approved by the relevant national body(ies). Protocols are supplementary treaties which contain supplementary provisions to a previous treaty and can provide for procedures with regard to the implementation of that treaty.

***General comments** are interpretations of the content of human rights provisions, reflecting state practice, judicial decisions and the teaching of the most highly qualified human rights experts. They provide guidance to countries/State parties on how to live up to their obligations to respect, protect and fulfill the respective rights.*

Resolutions adopted by United Nations' bodies (such as the General Assembly and Security Council) also provide important guidance for the elaboration of international law. With the exception of those adopted by the Security Council, such resolutions are not legally binding per se. However, they reflect the international community's understanding of international law (standards, principles and norms), as well as a political willingness to work towards the achievement of the respective resolution's contents.

Declarations and Recommendations are documents of intent, and are therefore not legally binding. However, these can gain the force of binding law if their content is widely accepted and practiced (i.e. they become customary international law).¹

Platforms for Action or Agenda have only political and moral persuasion value.

International human rights law offers States some degree of discretion regarding the adoption of national legislation as a means of implementing the standard. Therefore the adoption of national legislation is not necessarily obligatory, but is in many instances, indispensable for the comprehensive enjoyment of human rights at national level.

Housing Rights

International Instruments on Housing Rights

The **Universal Declaration on Human Rights**², Article 25(1) states:

"Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control".

The **International Covenant on Economic, Social and Cultural Rights**³, Article 11(1) states:

"The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization

¹ Customary international law consists of law derived from the consistent practice of a majority of States, acting out of a sense of legal obligation to act responsibly. Declarations, recommendations and general comments often reflect developing practices of customary law. A number of human rights are regarded as customary and are therefore also applicable where there is a gap in national legislation or where countries have not ratified respective treaties.

² <http://www.un.org/en/documents/udhr/index.shtml>

³ <http://www2.ohchr.org/english/law/cescr.htm>

of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”

It is important to remember that both nationals and non-nationals, including refugees and asylum seekers, are entitled to the benefits of the rights listed in the ICESCR such as the right to adequate housing.⁴

The scope of the right to adequate housing has been more precisely defined by two General comments of the UN Committee on Economic, Social and Cultural Rights:⁵ General comments no. 4 and no. 7.

CESCR General comment No. 4 on the Right to Adequate Housing⁶, the most authoritative legal interpretation of the right to adequate housing, specifies the standard of “adequate” as:

1. Legal security of tenure: all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats regardless of the type of tenure.
2. Availability of services, materials, facilities and infrastructure: all beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services.
3. Affordability: affordable housing costs.
4. Habitability: adequate space, physical safety, and protection from cold, damp, heat, rain, wind, structural hazards and disease vectors.
5. Accessibility: adequate housing must be accessible to those entitled to it, including disadvantaged or vulnerable groups.
6. Location: the house has to be in a location that allows access to employment and services such as health care, education and child-care.
7. Cultural adequacy: the way in which the house is constructed has to allow for the expression of cultural identity.

The right to adequate housing is a basic human right and serves to protect individuals and communities from being arbitrarily evicted and displaced from their homes and land. This right applies to everyone, including owners, renters and possessors (under informal and customary tenure forms) and without discrimination based on their status, wealth, religion, gender, age or ethnic background.

It should be noted that land is a critical element to fulfilling the right to housing.⁷ It should be noted that land is a critical element to fulfilling the right to housing. In 2005, the UN Special Rapporteur on Adequate Housing noted that “land is often a necessary and sufficient condition on which the right to adequate housing is absolutely contingent for many individuals and even entire communities.”⁸

4 Subject to the limitation permitted by Article 2(3) to developing countries in respect of the guarantee of economic rights to non-nationals.

5 The UN Committee on Economic, Social and Cultural Rights (<http://www2.ohchr.org/english/bodies/cescr/>) is the treaty body mandated to monitor States Parties' compliance with the ICESCR. It is comprised of 18 independent experts, and has played a leading role in the promotion and implementation of housing rights.

6 UN Committee on Economic, Social and Cultural Rights (CESCR) 1991, General comment 4: The Right to Adequate Housing, p8. <http://www.unhchr.ch/tbs/doc.nsf/0/469f4d91a9378221c12563ed0053547e?Opendocument>

7 “Land is often a necessary and sufficient conditions on which the right to adequate housing is absolutely contingent for many individuals and even entire community” Commission on Human Rights, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari. 41, U.N. Doc. E/CN.4/2005/48 (March 3 2005).

8 “Kothari, Miloon, 2005, Study by the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, UN Economic and Social Council 41, U.N. Doc. E/CN.4/2005/48. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G05/117/55/PDF/G0511755.pdf?OpenElement>

According to General comment No. 7 on the Right to Adequate Housing: Forced Eviction⁹, forced evictions are “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”. 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. Security of tenure is a fundamental component of housing rights and forced evictions thus deny one’s security of tenure. Security of tenure is the certainty that a person’s right to housing will be recognised by others and protected in cases of specific challenges. Some degree of security is recognised in all the type of housing rights: ownership, lease, cooperative housing and informal settlement.

Forced evictions are often implemented violently in the course of armed conflicts or ethnic violence and entail further violations of interrelated rights (for example the right to water and the right to freedom of association). Other forced evictions may be carried out during development projects such as construction of dams, housing renovation and city beautification

In general, States are obligated (by Article 2.1 of the Covenant on Economic, Social and Cultural Rights) to use “all appropriate means” to realise the right to housing. States should refrain from carrying out forced evictions and ensure that the law is enforced against its perpetrators. Specific measures should be taken to protect women, children, older persons and other vulnerable groups who suffer disproportionately from forced eviction. Women, in particular are especially prone to violence and sexual abuse when made homeless.

In general, justified evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. However, evictions that meet the following procedural protections could be justifiable and permissible:

1. substantive justification
2. consultation on alternatives
3. due process
4. the right to alternative accommodation
5. non-discrimination.

General comment no. 7 lists the guidelines on involuntary resettlement adopted by the World Bank as a good example of standards for resettlement to be implemented in case of development-induced displacement.¹⁰

1951 Refugee Convention¹¹

Article 21 (housing) states “as regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to

9 Committee on Economic, Social and Cultural Rights, General Comment No. 7 (1997) on the Right to Adequate Housing (Art. 11 (1) of the Covenant): Forced Evictions. <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=47a70799d&page=search>

10 The World Bank was the first multilateral agency to adopt a policy for Resettlement and Rehabilitation (R&R). The Bank’s policy is contained in the Involuntary Resettlement Operational Directive (OD) 4.30, adopted in June 1990 and subsequently updated. The policy aims to minimise involuntary resettlement, providing people displaced by a project with compensation for land and other assets affected by the project, the means to improve, or at least restore, their former living standards, earning capacity, and production levels and involving both re-settlers and hosts in resettlement activities. The overall objective of the Bank’s resettlement policy is to ensure that the population displaced by a project receives benefits from it. These procedures and standards have to be applied for all physical/economic displacement resulting from expropriation and other compulsory procedures of property owners or those with customary rights to land. These are mandatory procedures for all Bank-funded projects that displace people involuntarily. For more information, see <http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL/0..contentMDK:20064610~menuPK:4564185~pagePK:64709096~piPK:64709108~theSitePK:502184,00.html>

11 The 1951 Refugee Convention (<http://www.unhcr.org/pages/49da0e466.html>) was signed on 28 July 1951, when a special UN conference approved the Convention relating to the Status of Refugees. The 1951 Refugee Convention is the first truly international agreement covering the most fundamental aspects of a refugee’s life. The Convention spells out who is a refugee (refugee status determination) and what kind of legal protection and assistance he/she should receive from the states that have signed up to it.

refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances”.

Article 21 only applies to refugees “lawfully staying” in the territory of a Contracting State, (i.e. excludes asylum seekers and other individuals who meet lesser degrees of attachment to the Contracting State). In addition, Article 21 only requires that a state provide treatment to refugees “not less favourable than that granted to aliens generally”. Article 21 overlaps with Article 13 of the Convention¹², which guarantee the protection of moveable and immovable property of refugees, particularly, as the latter right includes “leases and other contracts relating to moveable and immovable property.”

The **International Covenant on Civil and Political Rights (ICCPR)**¹³ protects persons from arbitrary or unlawful interference with their home (Article 17). In addition, the ICCPR reaffirms that these rights cannot be seen in isolation but as interrelated to the right to food, water and work.

The **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**¹⁴ the central human rights convention relating to girls and women obliges States Parties to eliminate discrimination against women in rural areas in order to ensure they enjoy adequate living conditions, particularly in relation to housing (Article 14(2)(h)).

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)¹⁵ prohibits discrimination on account of race, colour, or national or ethnic origin with respect to the right to housing (Article 5(e)(iii)).

The **International Convention on the Rights of the Child (CRC)**¹⁶ obliges States Parties to provide, in cases of need, material assistance and support programmes to families and children, particularly with regard to housing (Article 27(3)).

UN Resolutions, Principles and Guidelines

Throughout the past two decades, resolutions recognising and reaffirming housing rights have been adopted by the General Assembly (1986, 1987) and other bodies.

The **UN Basic Principles and Guidelines on Development-based Evictions and Displacement**¹⁷ reaffirm the importance of ensuring that feasible alternatives to eviction are explored with the affected community, and that the community is given adequate notice of the eviction. In addition they lay down stringent criteria under which displacement can occur and enumerate all the steps that a State has to take in order to protect human rights prior to, during and after evictions.

Other international instruments on housing rights

References to housing rights have been included in the Habitat Agenda, Agenda 21¹⁸, the Vancouver

12 For more information, see the section on Property Rights.

13 International Covenant on Civil and Political Rights (1966) adopted by United Nations General Assembly resolution 2200A (XXI), 16 December 1966, entered into force 23 March 1976. (<http://www2.ohchr.org/english/law/ccpr.htm>). State compliance with the Covenant is monitored by the United Nations Human Rights Committee.

14 International Convention on the Elimination of All Forms of Discrimination Against Women (1979) adopted by UN General Assembly resolution 34/180 on 18 December 1979, entered into force on 3 September 1981 (<http://www.un.org/womenwatch/daw/cedaw/>). States' compliance with CEDAW is monitored by the UN Committee on the Elimination of All Forms of Discrimination Against Women (<http://www.un.org/womenwatch/daw/cedaw/committee.htm>).

15 International Convention on the Elimination of All Forms of Racial Discrimination (1965) adopted by UN General Assembly resolution 2106A(XX), entered into force on 4 January 1969 (<http://www2.ohchr.org/english/law/cerd.htm>). States' Compliance with the Convention is monitored by the UN Committee on the Elimination of All Forms of Racial Discrimination (<http://www2.ohchr.org/english/bodies/cerd/>).

16 International Convention on the Rights of the Child (1989) adopted by UN General Assembly resolution 44/25 on 20 November 1989, entered into force on 2 September 1990 (<http://www.unicef.org/crc/>). Compliance with this Convention is monitored by the UN Committee on the Rights of the Child (<http://www2.ohchr.org/english/bodies/crc/>).

17 http://www2.ohchr.org/english/issues/housing/docs/guidelines_en.pdf

18 <http://www.un.org/esa/dsd/agenda21/>

Declaration on Human Settlements¹⁹ and other texts. The Habitat Agenda reaffirms the role of national governments in promoting and protecting secure tenure.²⁰ In addition, the Habitat Agenda provides a strong statement of global support for the implementation of housing rights. It enjoins governments to recognise they all have a “responsibility in the shelter sector” and that they “should take appropriate action in order to promote, protect and ensure the full and progressive realization of the right to adequate housing.”²¹

Regional Instruments on Housing Rights

Several regional human rights instruments also guarantee to every individual the right to adequate housing. Under the Charter of the Organization of American States (OAS), article 31(k), “Member States agree to dedicate every effort to achieve [...] adequate housing for all sectors of the population”. The European Social Charter²², the European Convention on Human Rights and Fundamental Freedoms²³, the European Convention on the Legal Status of Migrant Workers²⁴, the Resolution on Shelter for the Homeless in the European Community, and the Helsinki Final Act²⁵ all contain express provisions and references to the right to adequate housing.

The Cartagena Declaration on Refugees²⁶

The Cartagena Declaration emphasises the need to establish minimum standards of treatment for refugees, on the basis of the provisions of the 1951 Convention (which include also Housing and Property Rights).

Housing rights in practice:

In 1995 the UN Special Rapporteur on Minorities clarified that the right to adequate housing does not imply:

- (a) That the State is required to build housing for the entire population;
- (b) That housing is to be provided free of charge by the State to all who request it;
- (c) That the State must necessarily fulfil all aspects of this right immediately upon assuming duties to do so;
- (d) That the State should exclusively entrust either itself or the unregulated market to ensuring this right to all; or
- (e) That this right will manifest itself in precisely the same manner in all circumstances or locations.”²⁷

It is important to note that the State has the primary duty to create conditions so that all residents may enjoy in full the entitlements implied in the right to housing and within the shortest possible timeframe. This is also known as progressive implementation.

19 <http://habitat.igc.org/vancouver/van-decl.htm>

20 Habitat Agenda. Paragraph 40 (b).

21 *ibid.*, Paragraph 61.

22 <http://www.coe.int/socialcharter>

23 <http://www.echr.coe.int/nr/rdonlyres/d5cc24a7-dc13-4318-b457-5c9014916d7a/0/englishanglais.pdf>

24 <http://conventions.coe.int/Treaty/en/Treaties/Html/093.htm>

25 <http://www.osce.org/mc/58376>

26 *Cartagena Declaration on Refugees*, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, 22 November 1984,.: <http://www.unhcr.org/refworld/docid/3ae6b36ec.html>

27 Commission on Human Rights, 1995 The Realization of Economic., Social and Cultural Rights. The Right to Adequate Housing. UN Doc. E/CN.4/Sub.2/1995/12, paragraphs 4-5. <http://graduateinstitute.ch/faculty/clapham/hrdoc/docs/housingfinalSubComm.htm>

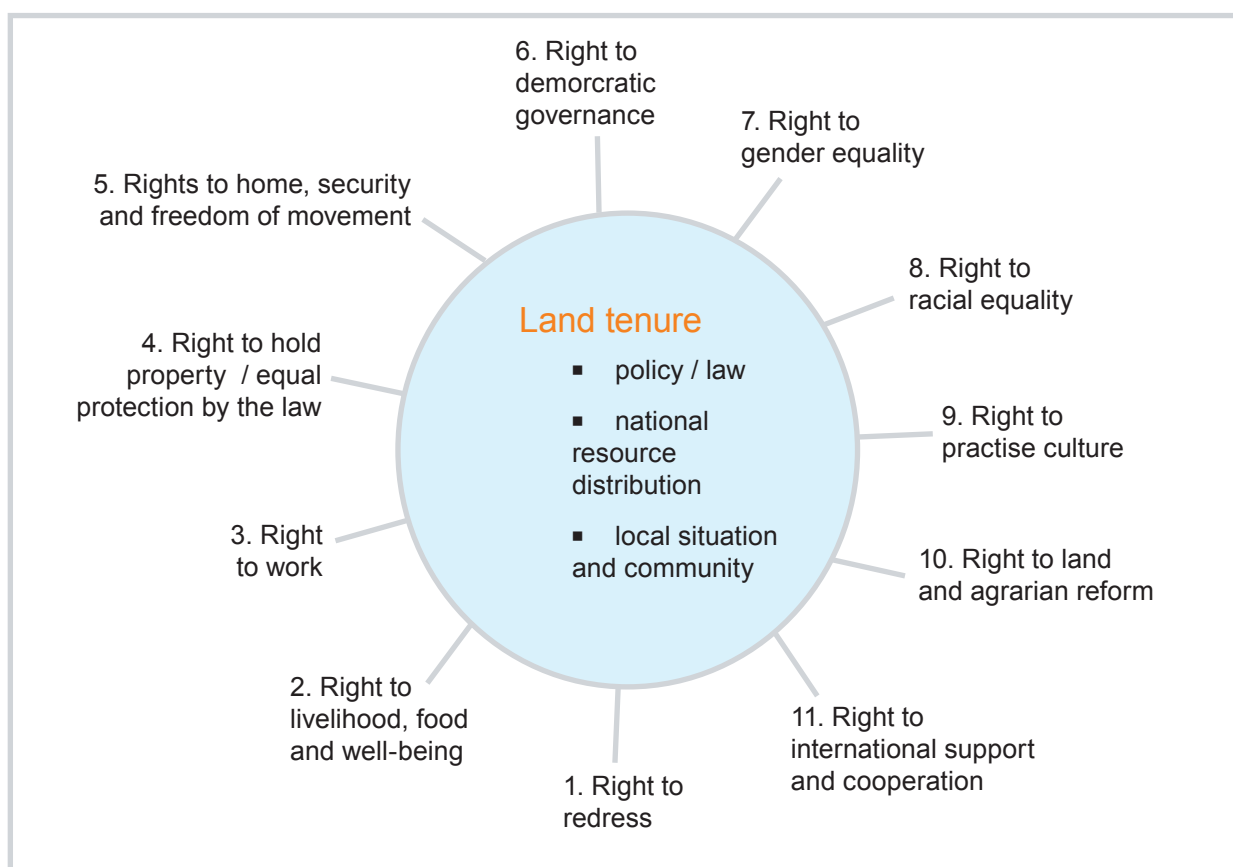
Handout 2: Land Rights

International Instruments on Land Rights

Land rights are increasingly recognised as fundamental to social and economic well-being. Land is a cross-cutting issue, yet there is no explicit international legal right to land. States' obligations toward individuals and communities with regard to land access have not been adequately identified.

The following review of the international legal framework on land rights shows that while land rights are not entirely defined they are invoked in a number of key areas (housing, food and water rights), implying their relevance in achieving the fulfilment of these rights. Land rights can be derived from many human rights: these include the rights to secure tenure, housing, land for agriculture, to food/work, to non-discrimination in inheritance systems and to self-determination. In addition, the specific right to access land for particular groups (for example indigenous people) has been established in the international legal framework. Finally, general principles in international law provide protection to access land (e.g. non-discrimination in ownership and inheritance).

Table no. 1 Land tenure is a human rights issue²⁸



Indigenous rights and women's rights

Rights to land have been established for two important categories within international human rights: indigenous people and women.

There is no universal definition of indigenous people. However they are generally understood to share the following characteristics: 1) historical continuity, usually in a specific traditional geographic region; 2) non-dominant demographic and political status – they represent an ethnic minority; 3) the subject of efforts to preserve and revive their traditional social values and customary ties; and 4) self-recognition

²⁸ Van Banning, Theo R. G. , 2002, *The Human Right to Property*, p.207.

as indigenous and distinct from other societies, and recognition as such by others. Indigenous peoples tend to have strong connection with their land (traditional homeland) and usually hold it in customary right tenure.²⁹

The ILO Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries³⁰, is the only legally binding universal instrument related to the rights of indigenous peoples.³¹ It lays down the right to non-discrimination for all (Article 3); requires special measures to safeguard property (Article 4) and recognises the right of indigenous and tribal peoples to their own decisions regarding the land they occupy and use (Article 7). Article 13 states that: “1. [...] the governments shall respect the special importance for the cultures and spiritual values of the peoples concerned of their relationship with the land or territories, or both as applicable, which they occupy or otherwise use, and in particular the collective aspects of this relationship”. In addition, Article 13 specifies that land “shall include the concept of territories, which covers the total environment of the area which the people concerned occupy or otherwise use.”

The Convention recognises and protects the right to ownership and possession over the lands which indigenous and tribal peoples traditionally occupy, and the right of use for subsistence and traditional activities with particular attention to the situation of nomadic peoples and shifting cultivators (Article 14). The Convention requires free and informed consent in cases of necessary relocation from land, and protects against forced removal by recognising the right to return (as the preferred remedy) and compensation for lost land where return is not possible (Article 16). The Convention finally requires respect for indigenous procedures for transmission of land rights (Article 17).

The **UN Declaration on the Rights of Indigenous Peoples**³², Article 25 States that “indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard”.

Article 26 states that:

“1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned”.

The UN Declaration on the Right of Indigenous Peoples makes States responsible for establishing and implementing a transparent process to recognise and adjudicate land, territories and resource rights of indigenous peoples. In addition, as also indicated in the ILO Convention (169), the UN Declaration requires free and informed consent with respect to decision-making about lands that are occupied by the indigenous community.

In general, land remedies for indigenous peoples are challenging because land issues are usually considered as an integral part of a community’s spiritual and cultural identity, and because of the existence of an informal tenure system. In addition, communities rarely have the capacity and the means to argue their cases before the court.

The 1979 **Convention on the Elimination of All Forms of Discrimination Against Women**

29 For further information, see the IDMC Module on HLP and Special Groups: Women, Indigenous Peoples and Pastoralists.

30 *Convention concerning Indigenous and Tribal Peoples in Independent Countries* adopted in 1989 by the International Labour Organization (ILO), entered into force September 5, 1991. <http://www1.umn.edu/humanrts/instreet/r1citp.htm>

31 There are important Protocols recognising rights of indigenous people at regional level, such as the International Conference on the Great Lakes Region Protocol on the Property Rights of Returning Persons. See Section on Regional Instruments.

32 United Nations Declaration on the Rights of Indigenous Peoples adopted by the UN General Assembly Resolution 61/295 on 13 September 2007. <http://www.un.org/esa/socdev/unpfii/en/drip.html>

(CEDAW)³³, the central human rights convention relating to girls and women, contains a number of provisions which explicitly protect women from discrimination with respect to matters relating to HLP. Under Article 15, States Parties are obliged to accord to women “equality with men before the law”; “a legal capacity identical to that of men” including “equal rights to conclude contracts and to administer property”. It also States that “all contracts and all other private instruments of any kind with legal effect which is directed at restricting the legal capacity of women shall be deemed null and void”. Article 16 establishes that “States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations” (i.e. the right to enter into marriage and to enjoy the same rights and responsibilities during marriage and its dissolution) and in particular shall ensure, on a basis of equality of men and women “the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration” (Article 16(h)).

A third section of relevant protections in the CEDAW relates to the livelihood needs of rural women (Article 14). While some of the rights listed here are directly HLP-relevant (such as the guarantee of equal treatment in land reform programmes, the right of rural women to enjoy adequate living conditions, particularly in relation to housing, etc.), the CEDAW also specifically covers HLP-related access to economic resources for women (such as guarantees related to access to extension services and agricultural credits) (Article 13 and 15).

Article 11 of the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**³⁴ establishes that States should carry out agrarian reforms, which implies regulation of land rights, where such reforms can lead to efficient and sustainable use of natural resources.

In addition to the rights mentioned above, land rights can be derived from other human rights:

1. Right to redress for past violation of human rights (UDHR 8; ACHPR 20 and 21);
2. Right to livelihood and welfare with particular emphasis on vulnerable groups (UDHR 25, ICESCR 11.2, RC 4 and 6);
3. Right to work and to just and favourable conditions of work, including equal pay and human dignity (UDHR 23, ICESCR 6 and 7);
4. Right to hold property (UDHR 17.1, ACHPR 14 and 18);
5. Protection against challenges in rights other than by legal procedures consistent with human rights (UDHR 17.2; ACHPR 3 and 14)³⁵;
6. Rights to privacy, housing security and freedom of movement (UDHR 3, 12 ad 25 ICCPR 17, ACHPR 6 and 12, ICESCR 11);
7. Right to democratic governance (UDHR 2 and 21.1, ACHPR 3, 9, 10, 11 and 13, ICCPR 26);
8. Right to real racial equality in access, ownership and governance of land (UDHR 1, 3 and 7, ICERD 1 and 2, ACHPR 2, 4 and 5);
9. State obligations to provide international assistance and cooperation in support of welfare and livelihood and redress for past injustice (ICESCR 2.1 and 11, ACHPR 21 and 22, UDHR 8).

For more information on the protection of informal land rights and the protection of indigenous land rights, see the section on Regional Instruments covering Informal HLP rights.

33 Convention on the Elimination of All Forms of Discrimination Against Women, adopted on 18/12/1979, General Assembly Resolution 34/180, U.N. G.A.O.R., 34th Session, Supp. No. 46, U.N. Doc. A/34/36 (1980), entered into force 3/9/1981. For status of ratification, reservation and declaration see <http://www2.ohchr.org/english/law/cedaw.htm>

34 <http://www2.ohchr.org/english/law/cescr.htm>

35 For more information, see the session on International Instruments on Property Rights.

Handout 3: Property Rights

International Instruments on Property Rights

In comparison with land and housing rights, the right to own and possess property is controversial among the internationally protected human rights. The only universal formulation of the right to property is included in the **Universal Declaration of Human Rights (UDHR)**³⁶, which is the main instrument to guarantee property rights. Article 17 establishes:

1. “Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property”.

[...]

The UDHR establishes property rights as individual or collective and protects against arbitrary deprivation. It should be noted that when the ICCPR and the ICESCR were being drafted, governments could not agree on the protection of property rights and thus the rights contained in Article 17 of the Universal Declaration were not included in either Covenant.

1951 Refugee Convention³⁷

Article 13 (movable and immovable property) states that “the Contracting States shall accord to a refugee treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property”.

The treatment “as favourable as possible and, in any event, not less favorable than that generally accord to aliens” granted to refugees reflects the adherence to the principles of non-discrimination. The inclusion of the phrase “in the same circumstances” also provides protection for refugees, since the limitations imposed on non-citizens may only be validly applied to refugees who are “in the same circumstances” as other aliens. The protection of Article 13 can be invoked by any refugee under a State’s authority, including those not yet formally recognised as refugees.

Article 13 overlaps with Article 21 which guarantees the right to housing of refugees.³⁸

Regional Instruments on Property Rights

The **Organization of American States (OAS)** has recognised some land and property rights. The **American Convention on Human Rights (ACHR)**³⁹, (Article 21, Right to Property) states:

1. “Everyone has the right to the use and enjoyment of his *[or her]* property. The law may subordinate such use and enjoyment to the interest of society.
2. No one shall be deprived of his *[or her]* property except upon payment of just compensation, for reasons of public utility or social interest, and in the cases and according to the forms established by law.” [...]

The **African Charter on Human and Peoples’ Rights**⁴⁰ states (Article 21(2)) that “the right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.” (Article 14). “In case of spoliation the dispossessed people shall have the right to the lawful recovery of its property as

36 Universal Declaration on Human Rights (1948) adopted and proclaimed by United Nations General Assembly resolution 217A (III) on 10 December 1948. <http://www.un.org/en/documents/udhr/index.shtml>

37 <http://www.unhcr.org/pages/49da0e466.html>

38 For more information on the right to housing, please see the section on housing rights.

39 The American Convention on Human Rights (also known as the Pact of San José) was adopted by the nations of the Americas meeting in San José, Costa Rica, in 1969 and came into force in July 1978. <http://www.oas.org/juridico/english/treaties/b-32.html>

40 The African (Banjul) Charter on Human and Peoples’ Rights was adopted 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982) and entered into force 21 October 1986. <http://www1.umn.edu/humanrts/instreet/z1afchar.htm>

well as to an adequate compensation.”

The European Convention on Human Rights (ECHR)⁴¹ establishes (Article 1 of Protocol 1) the protection of property: “Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties”.

Controversies about Property Rights

The UDHR is only a UN Declaration adopted by the General Assembly. It is thus “soft law”, not directly enforceable in courts and tribunals. The principles and rights of the UDHR are, however, widely recognised and accepted. Therefore it could be argued that the UDHR has acquired the force of binding law (i.e. customary international law). Unfortunately there is no unanimous consensus on this issue.

In addition, there is very little jurisprudence under international law on the right to property in comparison with the right to housing. It should be noted that given the importance of property rights in economies, interpretations of property rights are often ideological and linked to models of economic development, rather than as human rights.

Regional instruments covering Customary HLP rights

The **Great Lakes Protocol**⁴² recognises and protects statutory and customary HLP rights and establishes that these assets should be protected from destruction during conflicts. Signatory States are encouraged to establish property registration schemes under which title to property, held under both customary and statutory land tenure systems, will be recognised.⁴³ The Protocol requires States to give special attention to HLP claims made by women, children and communities with special attachment to land.⁴⁴

The Kampala Convention on IDPs⁴⁵ establishes that member States should “protect communities with special attachment to, and dependency, on land due to their particular culture and spiritual values from being displaced from such lands, except for compelling and overriding public interests” (Art. 4.5) and restore this land to the communities upon their return, reintegration, and reinsertion (Art. 11.5). The Convention also requires member States to “establish appropriate mechanisms providing for simplified procedures where necessary, for resolving disputes relating to the property of internally displaced persons.” (Art. 11.4)

European countries also have customary property rights. The Council of Europe’s Resolution 1708 (known as the Poulsen’s Principles)⁴⁶, recognises the Pinheiro principles on property restitution as guidance on how to address issues on redress for loss of property and calls on States to use them. CoE members are also invited to “ensure that refugees and displaced persons who did not have formally recognised rights prior to their displacement, but whose enjoyment of their property was treated as de facto valid by the authorities, are accorded equal and effective access to legal remedies and redress for their dispossession (para. 10.3).” In a European context, this mainly refers to the situation of Roma who have often lived for decades in informal settlements and who, as a result, are at risk of eviction from their homes or unable to repossess or rebuild them in the absence of property title.

41 The European Convention for the Protection of Human Rights and Fundamental Freedoms. <http://212.33.133.101/~dadwatch/echr/echr.html>

42 International Conference on the Great Lakes Region Protocol on the Property Rights of Returning Persons (Great Lakes Protocol), adopted 30 November 2006. [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/84E06BF26DBB560BC12572FB002C02D6/\\$file/Final%20protocol.PropertyRights%20-En%20r.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/84E06BF26DBB560BC12572FB002C02D6/$file/Final%20protocol.PropertyRights%20-En%20r.pdf)

43 Great Lakes Protocol, Article 4.

44 *ibid.* Articles 5, 6 and 7.

45 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) adopted on 23 October 2009 and ratified on 24 June 2010. <http://www.unhcr.org/refworld/docid/4ae572d82.html>

46 “Poulsen’s principles”, Council of Europe, Resolution 1708 Solving property issues of refugees and internally displaced persons (2010), January 2010. <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta10/ERES1708.htm>

Handout 4: Women and HLP rights

There is a comprehensive set of norms that provide an international framework for efforts to promote women's rights and gender equity and equality as well as giving them their legitimacy. Under the international human rights system, women have the right to be free from discrimination; have the right to an adequate standard of living; have the right to adequate housing; have the right to enjoy financial independence and to earn a livelihood and therefore have the right to own, manage, enjoy and dispose of property.

Declarations and Resolutions

The Universal Declaration on Human Rights (UDHR)⁴⁷, the international lynchpin of all human rights instruments, contains a number of provisions which support women's claim to land, housing and property as human rights. It stipulates that everyone is entitled to the rights and freedoms laid down in the Declaration, without discrimination on the ground of sex (Article 2); entitles women and men to equal rights before and during marriage and at its dissolution (Article 16); recognises every person's right to own property alone as well as in association with others; stipulates that "no one shall be arbitrarily deprived of his property" (Article 17); and confirms the right to an adequate standard of living, including housing (Article 25). Women's HLP rights can be read into the right to Article 25 on the basis that these rights are essential to an adequate standard of living for women and to women's security when widowed, unemployed or without a livelihood.

Since 1948, several other UN Resolutions dealing with specific aspects of HLP rights and re-affirming the equal rights of women and men have been adopted by the General Assembly, the Commission on Human Rights and UN-HABITAT among others. In these resolutions, States are urged to comply fully with all their international and regional standards regarding women's equal rights to land and property, inheritance and adequate housing, including security of tenure and an adequate standard of living.

Conventions, Covenants and Treaties

The **International Covenant on Civil and Political Rights (ICCPR)**⁴⁸ adopted in 1966 does not explicitly codify the right to land, housing and property for women, but contains an important anti-discrimination provision that protects women's rights to be free from discrimination with respect to land, housing and property. In fact Article 17 prohibits arbitrary or unlawful interference with a person's privacy, family and home and recognises the right of every person to protection of the law against such interference or attacks. In addition, Article 3 requires States Parties to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the Covenant.

General comment 28 on the equality of rights between men and women⁴⁹ identifies "the capacity of women to own property, to enter into a contract or to exercise other civil rights may not be restricted on the basis of marital status or any other discriminatory ground. It also implies that women may not be treated as objects to be given together with the property of the deceased husband to his family". States must ensure that the matrimonial regime contains equal rights and obligations for both spouses, among others with regard to the ownership or administration of property, "whether common property or property in the sole ownership of either spouse". Upon the dissolution of marriage, the decisions with regard to property distribution should be the same for men and for women, and "women should also have equal inheritance rights to those of men when the dissolution of marriage is caused by the death of one of the spouses."

47 Universal Declaration on Human Rights (UDHR) adopted and proclaimed by UN General Assembly resolution 217A (III) on 10 December 1948. <http://www.un.org/en/documents/udhr/index.shtml>

48 International Covenant on Civil and Political Rights, adopted on 16/12/1966 by General Assembly Resolution 2200 (XXI), Supp. No. 16, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171. The ICCPR entered into force on 23/3/1976. For status of ratification, reservation and declaration, see <http://www2.ohchr.org/english/law/ccpr.htm>.

49 ICCPR General Comment 28 on "Equality of Rights between Men and Women" (Article 3), adopted on 29 March 2000, CCPR/C/21/Rev.1/Add.10. <http://www.unhchr.ch/tbs/doc.nsf/0/13b02776122d4838802568b900360e80>

The International Covenant on Economic, Social and Cultural Rights (ICESCR)⁵⁰ adopted in 1966 recognises the right to adequate housing (Article 11(1)), as one of those rights for which the State has to take all steps necessary to achieve full realisation. General comment No. 4 on the Right to Adequate Housing and General comment 7 on forced evictions give guidance and further interpret the ICESCR protecting women from arbitrary eviction.⁵¹

The 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)⁵², the central human rights convention relating to girls and women, contains a number of provisions which explicitly protect women from discrimination with respect to matters relating to HLP.

Under Article 15, States Parties are obliged to accord to women “equality with men before the law”; “a legal capacity identical to that of men” including “equal rights to conclude contracts and to administer property”. It also States that “all contracts and all other private instruments of any kind with legal effect which is directed at restricting the legal capacity of women shall be deemed null and void”. Article 16 establish that “States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations” (i.e. right to enter into marriage, same right and responsibilities during marriage and its dissolution etc.) and in particular shall ensure, on a basis of equality of men and women “the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration” (Article 16(h)).

Finally a third section of relevant protections in the CEDAW relates to the livelihood needs of rural women. While some of the rights listed here are directly HLP-relevant (such as the guarantee of equal treatment in land reform programmes, the right of rural women’s to enjoy adequate living conditions, particularly in relation to housing). CEDAW also specifically cover women’s access to economic resources (such as guarantees related to access to extension services and agricultural credits) (Article 13 and 15).

CEDAW General Recommendation No. 21 on Equality in Marriage and Family Relations⁵³ confirms that the right to own, manage, enjoy and dispose of property is essential to women’s right to enjoy financial independence, and in many countries is critical to women’s ability to earn a livelihood and provide adequate housing and nutrition for themselves and their families.

Platforms, Programmes and Agendas

Plans of Action, Programmes of Action and Agendas, which are usually attached to a Political Declaration or Declaration, carry only political and moral persuasion.

Women’s equal access to land, housing and property is one of the overall guiding principles of the **Habitat Agenda**⁵⁴ which states that governments should ensure and enhance gender equality in policies and programmes related to shelter and sustainable human settlements development (Paragraph 7); protection from discrimination and equal access to affordable housing for all (Paragraph 8); access to land and credit (Paragraph 9). Among the Goals and Principles of the Habitat Agenda are listed: (a) adequate shelter for all; and (b) sustainable human settlements development in an urbanising world (Paragraph 25); the full realisation of human rights, particularly the human right to adequate housing (Paragraph 26).

50 International Covenant on Economic, Social and Cultural Rights adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 3 January 1976, in accordance with article 27. For status of ratification, reservation and declaration see <http://www2.ohchr.org/english/law/cescr.htm>

51 For more information, see the HLP International Legal Framework and Principles module.

52 Convention on the Elimination of All Forms of Discrimination Against Women, adopted on 18/12/1979, General Assembly Resolution 34/180, U.N. G.A.O.R., 34th Session, Supp. No. 46, U.N. Doc. A/34/36 (1980), entered into force 3/9/1981. For status of ratification, reservation and declaration see <http://www2.ohchr.org/english/law/cedaw.htm>

53 General Recommendation No. 21, 13th Session, 1994. <http://www.unhchr.ch/tbs/doc.nsf/0/7030ccb2de3baae5c12563ee00648f1f?OpenDocument>

54 Habitat Agenda adopted in 1996,

<http://www.unhabitat.org/content.asp?ID=1176&catid=10&typeid=24&subMenuId=0>

Other important Declarations include the Vienna Declaration and Programme of Action⁵⁵ (adopted in 1993), the Cairo Declaration at the International Conference of Parliamentarians on Population and Development⁵⁶ (adopted in 1994), the Copenhagen Declaration on Social Development⁵⁷ of 1995, the Beijing Declaration of 1995⁵⁸ and the Beijing Platform for Action.⁵⁹

Finally, the Millennium Development Goals (MDGs)⁶⁰ adopted in 2000 through the UN Millennium Declaration, establish that by 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers (Goal 7, Target 11); promote gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable.⁶¹

Regional instruments

The **African Charter on Human and People's Rights (ACHPR)**⁶² makes clear that States Parties have to ensure that “every” discrimination against women is eliminated and that the rights of women and children, as stipulated in international instruments, are protected.⁶³ Thus, the possibility of referring to ““traditional values”” as a basis for an unequal relationship between men and women is firmly ruled out since “every” discrimination of women is to be eliminated.

The **African Union Protocol on the Rights of Women in Africa**⁶⁴ recognises women's equal right to an equitable sharing of the joint property deriving from the property of separation, divorce or annulment of marriage. (Article 7(d))

The Great Lakes Protocol⁶⁵ recognises the protection of the property of returning spouses (Article 5).

The **European Convention on Human Rights and Fundamental Freedoms (ECHR)**⁶⁶ recognises the right to a home (Article 8(1)) and the right to peaceful enjoyment of property (Article 1 of the first Protocol to this Convention).

55 [http://www.unhcr.ch/huridocda/huridoca.nsf/\(symbol\)/a.conf.157.23.en](http://www.unhcr.ch/huridocda/huridoca.nsf/(symbol)/a.conf.157.23.en)

56 <http://www.un.org/popin/icpd/conference/bkg/egypt.html>

57 http://www.un.org/esa/socdev/wssd/copenhagen_declaration.html

58 <http://www.un.org/womenwatch/daw/beijing/platform/declar.htm>

59 <http://www.un.org/womenwatch/daw/beijing/platform/plat1.htm>

60 UN Millennium Declaration, adopted as General Assembly Resolution A/55/L.2 on 8 September 2000.

61 UN Millennium Declaration. Goal 3: promote gender equality and empower women.

62 African Charter on Human and People's Rights, adopted on 17/6/1981 by the Eighteenth Assembly of the Heads of State and Government of the Organisation of African Unity, entry into force on 21/10/1986. <http://www1.umn.edu/humanrts/instreet/z1afchar.htm>

63 Article 18, paragraphs (2) and (3).

64 Adopted on 11 July 2003 in Maputo, Mosambique. Assembly/AU/Dec. 19 (II). [http://www.africa-union.org/root/au/Documents/Treaties/Text/Protocol on the Rights of Women.pdf](http://www.africa-union.org/root/au/Documents/Treaties/Text/Protocol%20on%20the%20Rights%20of%20Women.pdf)

65 International Conference on the Great Lakes Region Protocol on the Property Rights of Returning Persons (Great Lakes Protocol) adopted 30 November 2006. [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/84E06BF26DBB560BC12572FB002C02D6/\\$file/Final protocol.PropertyRights -En r.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/84E06BF26DBB560BC12572FB002C02D6/$file/Final%20protocol.PropertyRights-En.r.pdf)

66 The European Convention on Human Rights and Fundamental Freedoms adopted on November 4, 1950. <http://conventions.coe.int/treaty/Commun/QueVoulezVous.asp?NT=00>

Handout 5: HLP during internal displacement and durable solutions

The Guiding Principles on Internal Displacement and the Pinheiro Principles⁶⁷

The Guiding Principles on Internal Displacement set out the rights and guarantees relevant to the protection of IDPs in all phases of displacement. The Guiding Principles are not a binding international convention on the rights of IDPs. However, they are based upon and reflects binding international human rights and, in situation of armed conflicts, international humanitarian law.⁶⁸ HLP rights are dealt with directly in four key provisions:

- Principles 9 on the prevention of displacement
- Principle 18 on adequate housing
- Principle 21 on protection during displacement
- Principle 29 on return, resettlement and reintegration.

Under **Guiding Principle no. 9** “States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.” This principle reflects a number of treaties that protect the right of indigenous people with particular focus to the land rights of such people, therefore recognising informal tenure regimes.

Under **Guiding Principle 18**:

- “1. All internally displaced persons have the right to an adequate standard of living.
2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to: [...];
(b) Basic shelter and housing; [...].”

This reflects the need to respect IDPs’ rights to adequate housing (which includes tenure security) through the provision of safe, habitable emergency and transitional shelter during displacement and assistance that meets their housing needs. The right to adequate housing entails the right of every person to gain and sustain a safe and secure home and community in which to live in peace and dignity. During displacement, the burden of implementing the right to an adequate standard of living falls to authorities with jurisdiction over IDPs themselves, rather than those with jurisdiction over the homes and lands they may have left behind.⁶⁹ Even if authorities in the place of displacement are responsible for fulfilling the right to an adequate standard of living on a temporary basis, authorities in the place of IDPs’ origin may have been responsible for the violations that led to the original displacement (for example in case of forced eviction). Where this is the case, and where these authorities have failed to protect IDPs’ assets, the resulting loss of access and rights to homes and lands can constitute a major obstacle to the achievement of durable solutions.⁷⁰

The **International Covenant on Economic, Social and Cultural Rights**, Article 11(1) states:

“The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization

67 For more information on the Guiding Principles on Internal Displacement, see modules on HLP during internal Displacement and HLP and Durable Solutions.

68 The Guiding Principles were presented to the UN Commission on Human Rights in 1998 by the then Representative of the UN Secretary General on Internally Displaced Persons. The UN Commission and the General Assembly have taken note of the Principles in several resolutions, welcomed their use as an important tool and standard, and encouraged UN agencies, regional organisations, and non-governmental organisations (NGOs) to disseminate and apply them. Recently, national governments have begun to incorporate them in national policies and laws.

69 Williams, Rhodri, forthcoming, *IDMC Module on HLP issues in durable solutions: basic concepts and principles*, p.7.

70 *ibid.* p.8.

of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”

The right to adequate housing is understood to include the right to legal security of tenure in one’s home regardless of whether one owns it or not. Where security of tenure does not exist, persons affected face the risk of forced evictions. Forced evictions are a violation of human rights laws. The expression forced eviction in facts seeks to convey a sense of arbitrariness and of illegality and as such, forced evictions can be seen as a form of arbitrary displacement.

The right to adequate food is also understood to include the right of affected people to the means necessary to provide themselves with food through equitable access to land and natural resources⁷¹.

According to the ICESCR General comments 4, “Adequate housing”⁷² is defined as that which affords its occupants: legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location and cultural adequacy⁷³.

In addition, according to the **IASC Operational Guidelines on Human Rights and Natural Disasters**, the housing has to be in compliance with safety standards aiming at minimising damage from future disasters.⁷⁴

In practice, this means that competent authorities in displacement settings should strive to meet relevant minimum standards (national safety, habitability etc.), both by continually seeking to provide better housing alternatives and by improving, upgrading or replacing the least adequate forms of shelter occupied by IDPs.⁷⁵

Guiding Principle no. 21:

1. “No one shall be arbitrarily deprived of property and possessions.
2. The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:
 - (a) Pillage;
 - (b) Direct or indiscriminate attacks or other acts of violence;
 - (c) Being used to shield military operations or objectives;
 - (d) Being made the object of reprisal; and
 - (e) Being destroyed or appropriated as a form of collective punishment.
3. Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.”

Guiding Principle no. 21 therefore sets out obligations related to rights in property, possessions, homes, and lands that should be respected and ensured to all individuals without discrimination. Paragraph 2 reflects the general principle of immunity of civilian population and property.

Guiding Principle 12 grants to IDPs, once they have been displaced “the right to liberty of movement and freedom to choose his or her residence”. By implication, this right also includes freedom from involuntary movement or residence in a place not of one’s choosing, implying the responsibility of States to facilitate the voluntary return of IDPs to their original place of residence as well as, if IDPs choose to do so, local integration or settlement in another part of the country.

⁷¹ Williams, Rhodri, forthcoming, IDMC Module on HLP issues in durable solutions: basic concepts and principles. p.7. For more information on forced eviction, see the HLP International Legal Framework and Principles module.

⁷² CESCR General comment 4. No. 8.

⁷³ For more information, see the HLP International Legal Framework module.

⁷⁴ IASC, “Operational Guidelines on Human Rights and Natural Disasters” (2006), paragraph C.3.2. [http://www.reliefweb.int/rw/lib.nsf/db900sid/KH11-7EE9KM/\\$file/brookings_HR_mar08.pdf?openelement](http://www.reliefweb.int/rw/lib.nsf/db900sid/KH11-7EE9KM/$file/brookings_HR_mar08.pdf?openelement)

⁷⁵ Brookings Institution—University of Bern: Project on Internal Displacement, Protecting Internally Displaced Persons: A Manual for Law and Policymakers, pp.130-131. http://www.brookings.edu/papers/2008/1016_internal_displacement.aspx

HLP and durable solutions

1. GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT

Guiding Principle 29 is the property-related standard that most directly deals with durable solutions for IDPs. It should be read in conjunction with **Principle 28** which guarantees a voluntary choice between the durable solutions of return, resettlement and local integration.

Guiding Principle 29 States:

1. “Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.
2. Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation”.

The right to restitution stated in Guiding Principles 29 (2) is based on the human rights standard that specifies the right of victims of violations to a legal remedy⁷⁶ which is generally comprised of:

1. access to justice or the right to a procedural remedy
2. reparation or the right to a substantive remedy.⁷⁷ ”

2. BASIC PRINCIPLES

The Basic Principles⁷⁸ are not only relevant to displacement but for human rights violations in general. Since forced displacement is a human rights violation by definition, the Basic Principles are of specific importance for persons affected by forced displacement.

According to the **Basic Principles**, reparation can take a number of different forms:

1. Restitution or actual restoration of possession over something that was wrongfully taken away from the victim (such as return to one’s place of residence and return of property);
2. Compensation through the award of equivalent value to the harm caused by the violation, either in the form of money or “in kind” which means through an alternative good to the one that was lost (e.g. a piece of land with the same characteristics);
3. Rehabilitation that addresses the physical or psycho-social effects of the violations;
4. Satisfaction usually in the form of symbolic redress such as public apologies or memorial, and;
5. Guarantees of non-repetition.

Generally speaking, the *preferred legal remedy for displacement* is **restitution**, or the return of the specific property to its rightful owner. Alternative remedies such as cash compensation or provision of equivalent property elsewhere are a substitute for restitution only when restitution is not possible. States are expected to demonstrably prioritise restitution rights. The same preference is expressed in

⁷⁶ The right to a legal remedy is a well-established human right that is triggered when individuals claim that any of their other human rights (e.g. to freedom from arbitrary detention or an adequate standard of living) has been violated. It can be found in numerous international instruments, among others Article 8 of the Universal Declaration of Human Rights, Article 2 of the International Covenant on Civil and Political Rights and article 39 of the Convention on the Rights of the Child.

⁷⁷ Williams, Rhodri, forthcoming, *IDMC Module on HLP and Restitution*, pp.2-3.

⁷⁸ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (Basic Principles) United Nations General Assembly, A/RES/60/147, 21 March 2006. <http://www2.ohchr.org/english/law/remedy.htm>

the “Principles on Housing and Property Restitution for Displaced Persons and Refugees” (Pinheiro Principles).⁷⁹

3. PINHEIRO PRINCIPLES: BROADENING THE SCOPE OF RESTITUTION RIGHTS

Principle 2. The right to housing and property restitution states:

“2.1 All refugees and displaced persons have the right to have restored to them any housing, land and/or property of which they were arbitrarily or unlawfully deprived, or to be compensated for any housing, land and/or property that is factually impossible to restore as determined by an independent, impartial tribunal.

2.2. States shall demonstrably prioritize the right to restitution as the preferred remedy for displacement and as a key element of restorative justice. The right to restitution exists as a distinct right, and is prejudiced neither by the actual return nor non-return of refugees and displaced persons entitled to housing, land and property restitution”.

The Pinheiro Principles broadened the scope of restitution as defined in the Guiding Principles from “property and possession” to “housing, land and property”, a term meant to protect tenancy rights and encompass interests in land and housing not based on formal title and agreement. Therefore the terminology “housing, land and property restitution” has become a term for a broad, corrective approach to violations of property and possessory rights. In addition, it is important to note that the Pinheiro Principles covers both IDPs and refugees.

The IASC Framework raises the importance of not confusing humanitarian and development assistance (and durable solutions) with compensation. In principle, IDPs and refugees should remain entitled to both: the former based on the need to redress and the latter based on past violation of their human rights.⁸⁰

In addition, the Pinheiro Principles include related affirmations of:

- the right to privacy and respect for the home (Principle 6)
- the right to peaceful enjoyment of possessions (Principle 7)
- the right to adequate housing (Principle 8)
- the rights of tenants and other non-owners (Principle 16) to be included in the restitution programme.⁸¹

Right to return

The right of IDPs and refugees to return to their homes and places of habitual residence has been affirmed in resolutions of the UN Sub-Commission on Human Rights (2002/30) and the Sub-Commission on Prevention of Discrimination and Protection of Minorities (1998/26).

IDPs and refugees’ right to return to their homes has also been endorsed by the international community through successive UN Security Council and General Assembly resolutions.⁸² As a key element of

79 The Principles on Housing and Property Restitution for Displaced Persons and Refugees were adopted by the United Nations Sub-Commission on Protection and Promotion of Human Rights on 11 August 2005, resolution 2005/21. The Principles are not a treaty or a formal law and thus are not legally binding. However they have persuasive authority and are explicitly based on existing international, regional and national laws. Paulo Sergio Pinheiro, the Special Rapporteur on Housing and Property Restitution for Refugees and Internally Displaced Persons, drafted the principles or guidelines on housing and property restitution.

80 IASC Framework on Durable Solutions for IDPs, para 99: “Humanitarian and development assistance received during or after displacement does not amount to compensation, although its fair and equitable allocation can contribute to community reconciliation and conflict prevention.”

81 See HLP International Legal Framework and Principles module.

82 UN SC Res. 1287 (2000), Para. (8), <http://daccessdds.un.org/doc/UNDOC/GEN/N00/270/43/PDF/N0027043.pdf?OpenElement>; UN SC Res. 1244 (1999), Para. 11 lit. (k) and Annex 2, Para. 4, <http://daccessdds.un.org/doc/UNDOC/GEN/N99/172/89/PDF/N9917289.pdf?OpenElement>.

UN GA Res. 51/126, <http://daccessdds.un.org/doc/UNDOC/GEN/N97/764/35/PDF/N9776435.pdf?OpenElement>.

post-conflict settlements, it has also been incorporated into at least one multilateral agreement, the General Framework Agreement for Peace in Bosnia and Herzegovina.⁸³

Regional Legal Framework

The Great Lakes Protocol on the Property Rights of Returning Populations⁸⁴ recognises and protects informal HLP rights and establishes that HLP assets should be protected from destruction during conflicts. It also establishes that member States should assist IDPs and refugees in recovering their property upon their return and where not possible should pay compensation⁸⁵. Restitution should be achieved jointly by traditional and administrative authorities. Member States should establish property registration schemes under which title to property, held under both customary and statutory land tenure systems, will be recognised⁸⁶. Finally, the Great Lakes Protocol requires State members to deal with special claims of protection made by women, children and communities with respect to disputes on the ownership of property.⁸⁷

1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa⁸⁸

Article 5 (Voluntary Repatriation) of the OAU Convention states that “the country of origin, on receiving back refugees, shall facilitate their resettlement and grant them the full rights and privileges of nationals of the country, and subject them to the same obligations.”⁸⁹

The Cartagena Declaration on Refugees⁹⁰

The Declaration reiterates the importance of the “voluntary and individual character of repatriation of refugees and the need for it to be carried out under conditions of absolute safety, preferably to the place of residence of the refugee in his country of origin”.⁹¹ It also refers to the need to ensure that the countries of the region establish a minimum standard of treatment for refugees, on the basis of the provisions of the 1951 Refugee Convention.⁹²

83 General Framework Agreement for Peace in Bosnia and Herzegovina, 14 December 1995 (Dayton, Ohio), Annex 7: Refugees & Displaced Persons, Chapter 1, Article 1, http://www.ohr.int/dpa/default.asp?content_id=375.

84 In response to some of the specific challenges faced by the countries of Africa's Great Lakes region, the African Union and the United Nations initiated the International Conference on the Great Lakes Region (ICGLR). This process, which recognised the interconnectedness of the region's populations, its security and economies, and the imperative of seeking regional solutions, culminated in the signing by 11 states of the Pact on Security, Stability and Development in the Great Lakes Region (the Great Lakes Pact). The Pact entered into force in June 2008 and has been ratified by the 11 member states. Two of its ten protocols deal with protection of IDPs: the Protocol on the Protection and Assistance to Internally Displaced Persons, and the Protocol on the Property Rights of Returning Populations. All Protocols are binding instruments.

85 Great Lakes Protocol, Article 4 and 8.

86 Great Lakes Protocol, Article 4.

87 Great Lakes Protocol, Article 5, 6 and 7.

88 The Organisation of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, was adopted in 1969 in a context of decolonisation. (The OAU is now known as the African Union). The 1969 OAU Refugee Convention is considered the most generous and flexible international agreement on refugee protection. <http://www.unhcr.org/45dc1a682.html>

89 Article 5 (Voluntary repatriation) no. 4.

90 Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, 22 November 1984. <http://www.unhcr.org/refworld/docid/3ae6b36ec.html>

91 Paragraph no. 12 of the Cartagena Declaration on Refugees

92 For more information, see the International Legal Framework and Principles module.

Handout 6: Guidance for considering women's rights in HLP

Actions to improve gender equality in access to and security of tenure in land should be based on a solid understanding of the local situation. This knowledge can be obtained through baseline studies, monitoring project implementation and evaluation at the beginning and at the end of a project.

An assessment process can address issues such as:

1	Does the national legislation support or limit the rights to land of women and men?
2	Do the customary law and practice support or limit the rights to land of women and men? How are customary rights (e.g. seasonal rights to harvesting and grazing) held by women recognised?
3	Are there conflicts between customary law and legislation, e.g. with regard to marital rights and inheritances?
4	Are land titles and other documents given in the names of men and women, or only in the name of the head of household?
5	Do courts and community tribunals provide effective protection of rights of both women and men?
6	Are women included as decision-makers in their households, farmers' organisations, local governments and at the national level?
7	Do women and men have equal opportunity to access legal assistance, credit, and farm inputs?
8	What changes are taking place in land tenure as a result of the conflict and what effect are they having on the rights of women and men?
9	Are people who implement development projects aware that a lack of gender perspective in land tenure projects is a major obstacle for gender equity? Do they have appropriate knowledge of how to incorporate gender concerns into projects?
10	Do women and men have equal opportunities to participate in all stages of development projects affecting their HLP rights? ⁹³

93 Food and Agriculture Organization, 2006, Improving gender equity in access to land , pp.10-11 <http://www.fao.org/docrep/010/a0664e/a0664e00.htm> .

Handout 7: Preventive measures and legal remedies for forced eviction

Preventive measures

Preventive measures and policies against forced eviction are by far the best way to approach the problem. Forced eviction usually reflects the lack of adequate national policies and legal framework on land and housing. Currently in numerous countries, new national and local laws consistent with international housing standards, aim at preventing and regulating forced evictions. In addition to national legislation and policies, several countries have some innovative, community-driven initiatives that have provided viable and sustainable solutions to forced eviction. These include:

- investigating with threatened communities viable alternative to forced eviction
- providing victims of forced eviction with adequate assistance and financial compensation
- negotiating relocation and resettlement of affected populations
- formally recognising informal settlements
- requiring the State to declare and enforce a moratorium on forced eviction.

Well-organised communities with strong mobilisation skills, play a key role in finding positive alternatives to forced eviction. Dialogue between municipal and central government authorities, civil society and vulnerable communities can identify alternative solutions to evictions and thus promote, protect and defend the right to adequate housing.

Humanitarian actors can play an instrumental role in working with local communities, civil societies and governments to stop the threats of eviction. International NGOs and the UN agencies can provide technical assistance and financial support to local civil society organisations and facilitate their dialogue with the national government with the aim of searching for negotiated alternatives. The lack of communication between threatened communities and claimants is always an obstacle to finding alternatives to eviction. In some countries, the provision of detailed legal information on the prohibition of forced eviction by the international community has been critical in stopping evictions.⁹⁴

Legal remedies

According to the ICESCR General comment no. 7, States have the primary obligation for prohibiting, preventing and remedying forced evictions in their jurisdiction, whether carried out by the State or private individuals.

The victim of a forced eviction has the right to a fair hearing in a competent, impartial and independent court of law. In addition, when a remedy (e.g. compensation or relocation) is granted by the court, the State should ensure that the competent authorities enforce such remedy.⁹⁵ According to General comment no. 7 the State should provide, where possible, “legal aid to persons who are in need of it to seek redress from the courts”.⁹⁶ The State should apply appropriate civil and/or criminal penalties against the person or entity that carried out the forced eviction.

However, in post-conflict countries often characterised by weak rule of law and judicial institutions, the victim of a forced eviction faces serious challenges when claiming the violation of their human right. Very often those left homeless lack the financial means to defend themselves in court and are not familiar with court procedures.

94 For more information and examples, see UN Economic and Social Commission for Asia and the Pacific, *Housing the Poor in Asian Cities*. <http://www.housing-the-urban-poor.net/index.asp>

95 International Covenant on Civil and Political Rights. Art. 2.3. <http://www2.ohchr.org/english/law/ccpr.htm>

96 CESCR General comment no. 7 Paragraph 15 (h). <http://www.fao.org/righttofood/kc/downloads/vl/docs/AH357.pdf>

Handout 8: Selecting the best alternative to address HLP disputes

Conflict sensitivity and Do No Harm approaches are critical for helping parties address and resolve land disputes, especially in a post-conflict context. The selection of the most appropriate mechanism and procedures to resolve HPL disputes is often highly dependent on the capacity of the judiciary or administrative bodies, the effectiveness of national and customary land administration systems, the quality of land records and the kind of outcomes desired by the parties. Making a wise and informed choice requires in-depth understanding by parties and their advisors of a number of factors. To encourage wise decision-making, parties those working on land issues need a thorough understanding of the context, institutional and legal framework in which the dispute is occurring and may be resolved. Parties and advisors should identify and assess:

- a. **State laws on HLP:** These include the national constitution, laws around property, land, forestry, agriculture, mining, marriage, marital property, inheritance; civil and family codes and any local application of international laws or conventions.
- b. **Customary or religious laws on HLP:** These include guidelines and procedures for land allocation to local community members, returnees and “outsiders” seeking customary land; practices for allocation or inheritance of land by women or children and measures to care for vulnerable parties.
- c. **State institutions that administer HLP assets/offer land dispute resolution:** These may include ministries / authorities whose mandates include land, planning, agriculture, the environment local government, rural development and justice. In post-conflict settings other actors may be restitution/resettlement agencies and ad-hoc land disputes resolution commissions.
- d. **Customary institutions that administer HLP assets/dispute resolution:** Typically, these are traditional and/or religious authorities with customary land allocation and/or land dispute resolution responsibilities.
- e. **Civil society:** Non-governmental or community-based organisations working on land issues can provide legal aid, promote rural development and encourage women’s empowerment. Other non-state actors may include landowners, tenants associations, chambers of commerce, cooperatives and farmers organisations.
- f. **Vested interests:** Powerful political, economic and/or military actors may seek to maintain or acquire tracts of land for agricultural use, to mine resources, to provide benefits for their troops or political clients and to settle different ethnic groups or supporters.

Parties and advisors should identify and assess:

- a. **All parties to the dispute.** These include disputants (differentiated by ethnicity, gender, age, religion and other factors) and other key actors. These could be neighbours who can provide information on the history of the assets in dispute and influential traditional or religious leaders.
- b. **The issues in dispute and parties’ claims:** Explore all the issues in contestation and what parties want from each other and are prepared to compromise over.
- c. **The parties’ legal rights to the HLP asset:** Where possible seek to examine ownership/user rights and any attested forms of evidence that could substantiate a claim: these may include deeds, receipts for utility payments, testimonies of neighbours or property boundary markers.
- d. **Links to wider conflicts:** It is important to see how a particular dispute relates to conflict, displacement, dislocation resulting from return processes, ethnic tensions and animosity towards toward “strangers” or “outsiders”. Risks of recurrence of conflict should be explored.

- e. **Steps taken to promote resolution:** It is important to understand the nature of previous or ongoing attempts to resolve differences, whether third parties have been involved, whether they have been successful, whether any previous offers of settlement and compensation have been made and, if so, whether they have brought the disputing parties any closer to resolution.
- f. **Cost-benefit analysis of dispute settlement:** It is important to consider the time, money, energy, emotional impacts and risks associated with seeking solutions.

Understanding the likely outcome of the resolution process in light of such contextual factors is important, both to the parties and those who advise them.⁹⁷ Remember that a central objective is always to ensure that humanitarian activities avoid aggravating tensions or undermining the HLP rights of members of vulnerable groups.

⁹⁷ UN HABITAT, 2009. Land and conflicts: A Handbook for Humanitarians, p.10. <http://onerresponse.info/.../LAND AND CONFLICT - A Handbook for Humanitarians.doc>

Handout 9: Glossary

Access to land generally refers to the ability to use land and other natural resources, to control the resources and to transfer the rights to the land.

Adjudication is the most formal and contentious litigation process. It is the process of providing a judgment in a dispute. Parties in the dispute provide evidence to support their claim, but they do not participate in making the final decision. The ruling is given by the judge in the form of a “win-lose decision”.

Adverse possession (usucapion) is a method of gaining legal title to real property by the actual, open, hostile, and continuous possession of it to the exclusion of its true owner for the period prescribed by state law. Adverse possession depends upon the intent of the occupant to claim and hold real property in opposition to the world and the demonstration of this intention by visible and hostile possession of the land so that the owner is, or should be, aware that adverse claims are being made. The legal theory underlying the vesting of title by adverse possession is that title to land must be certain. Since the owner has, by his/her own fault and neglect, failed to protect the land against the hostile actions of the adverse possessor, an adverse possessor who has treated the land as his or her own for a significant period of time is recognised as its owner. In some countries, government-owned land (public land) is exempt from adverse possession. In civil law systems, usucapion implies continued, public and pacific possession, rather than hostile.

Alternative Dispute Resolution (ADR) typically refers to non-adversarial procedures for resolving disputes (i.e. procedures that fall outside of the judicial process). These procedures are used as an alternative to litigation in court and include consensus-building processes such as mediation, negotiation and arbitration.

Cadastre / cadastral record is a register of property showing the extent, value, and ownership of land.

Customary land tenure systems regulate people’s right to enjoy the use of land arising from customary practice, rather than through written or codified law.

Durable solutions for IDPs are achieved when internally displaced persons no longer have protection needs linked to their displacement and can enjoy their human rights without discrimination on account of their displacement. There are three potential durable solutions: 1) return to the place of former residence; 2) local integration at the site of displacement or 3) resettlement to a third location within the country.

Durable solutions for refugees are lasting solutions through: 1) local integration in the country of asylum; 2) voluntary repatriation to the country of origin or 3) resettlement in a third country.

Eminent domain is a legal expression identifying the State’s ultimate, sovereign power over land. In some countries, the term is used to describe the power held by the State to acquire land by expropriation.

Encroachment is the illegal occupation or use of a portion of land owned by someone else.

Forced Eviction is “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”.⁹⁸

⁹⁸ Committee on Economic, Social and Cultural Rights, General Comment No. 7 (1997) on the Right to Adequate Housing (Art. 11 (1) of the Covenant): Forced Evictions.

Homelessness has been described as “perhaps the most visible and most severe symptom of the lack of respect for the right to adequate housing”.⁹⁹ Somebody without a home is homeless. This definition includes people living in parks, on the streets and under bridges and also people moving between various forms of temporary shelter such as refuges, boarding houses, hostels or friends. Victims of forced and arbitrary eviction become homeless and displaced.

Human rights are a core set of rights that human beings possess by simple virtue of their humanity. These rights are spelled out in a number of international human rights instruments which determine their validity as well as the extent to which they bind States.

Illegal occupants or squatters: The definition of squatter (a word which carries a negative connotation) varies from country to country. Usually it is taken to mean someone who occupies a vacant piece of land (either private or public) or takes possession of an unoccupied premises (either private or public) without a legal right to do so.

Internal displacement describes situations in which individuals and groups have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of, or in order to avoid, the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border.¹⁰⁰

Land administration “is the way in which the rules of land tenure are applied and made operational.”¹⁰¹ It usually includes the administration of land rights, land use regulations, and land valuation and taxation.

Land grabbing occurs when someone uses force to seize land or uses discriminatory laws to arbitrarily acquire land as abandoned property.

Land management refers to allocation, use and development of land and land resources (e.g. how to use land efficiently for producing food, providing shelter or preserving valuable resources for environmental or cultural reasons).

Land policy is the set of intentions embodied in various policy instruments that are adopted by the State to organise land tenure and land use.

Land reform refers to modifications in the legal and institutional framework governing land policy. It is intended to implement changes in the political, economic and social environment.

Land registration is the process of recording rights and other interests in land in some form of public register. The procedures used and legal effects can differ greatly from country to country. Registration can be parcel-oriented (sometimes referred to as title registration) or based on the holder’s or transferor’s documents (sometimes referred to as deed registration).

Land tenure is the way in which individuals and groups relate to land and its resources. Land tenure refers to the rights, rules, authorities and institutions that govern access to and control over land and related resources. In other words, land tenure determines who can use what resource of the land, for how long, and under what conditions.

Land title is the right of ownership of real property.

99 Kothari, Miloon, 2005, Study by the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, UN Economic and Social Council 41, U.N. Doc. E/CN.4/2005/48. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G05/117/55/PDF/G0511755.pdf?OpenElement>, p. 13.

100 Guiding Principles on Internal Displacement, Introduction, paragraph 2. http://www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html

101 Food and Agriculture Organization, 2005, Access to rural land and land administration after violent conflicts. P.23. <http://www.fao.org/docrep/008/y9354e/y9354e00.htm>

Landlessness. There are many definitions of landlessness. The main kind is physical and refers to a situation in which a person does not have access to any land as a result for example of a natural disaster or conflict. The second is structural and refers to a situation in which someone does not have legally recognised rights to land. This second is linked to political and social contexts.

Legal Pluralism is the co-existence of parallel source of authorities (e.g. statutory and customary) considered as legitimate by those who use them and rendering justice in similar matters.

Non-refoulement is the principle (enshrined in the 1951 Refugee Convention) that “no Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers or territories where his or her life or freedom would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion.”¹⁰²

Secondary occupation refers to those who take up residence in a home or on land after the legitimate owners or users have fled. Secondary occupants may also be victims of the conflict. Secondary occupation is common to all post-conflict situations and care must be taken not only to protect the rights of the original inhabitants but also to protect secondary occupants against homelessness, unreasonable eviction or any other human rights violation.

Security of tenure refers to the certainty that a person's rights to HLP will be protected. According to ICESCR General comment 4, security of tenure “guarantees legal protection against forced eviction, harassment and other threats.”¹⁰³

Slums and informal settlements usually are urban areas lacking one or more of the following: 1) secure residential status; 2) adequate access to safe water and sanitation; 3) adequate infrastructure; 4) structurally sound housing and; 5) sufficient space. Not all slums are homogeneous and not all slum dwellers suffer from the same degree of deprivation.

Squatter settlements usually are residential areas that have developed without legal claims to the land or permission from the concerned authorities to build/occupy.

Statutory land tenure system describes a regime where State legislation and institutions govern land and natural resource rights within the State's boundaries.

102 Article 33(1) of the 1951 Refugee Convention. <http://www.unhcr.org/pages/49da0e466.html>

103 ICESCR General comment 4 The right to adequate housing, para. 8. <http://www.unhchr.ch/tbs/doc.nsf/0/469f4d91a9378221c12563ed0053547e?Opendocument>





HLP@nrc.no