

Whose land is it Anyway?

HLP AND MINE ACTION



NORWEGIAN
REFUGEE COUNCIL

Housing, Land, and Property (HLP) Rights - Definition

- ✓ Housing, land and property rights are about having a home free from the fear of forced eviction and a place that offers shelter, safety and the ability to secure a livelihood.
- ✓ HLP Rights include:
 - The right to adequate housing;
 - The right of access to natural resources;
 - The right to security of tenure;
 - The right to non-discrimination in accessing HLP rights

Do No Harm

Sphere handbook, Protection Principle 1:

- Avoid exposing people to further harm as a result of your actions

Components of Do No Harm Principle:

- Do not expose people to physical hazards, violence or other rights abuse
- Do not undermine the affected population's capacity for self-protection
- Manage information with respect to confidentiality

HLP in Conflict Affected Settings

- often in the heart of the conflict;
- Access to land as part of political agenda and tribal/ethnic identity;
- Conflict leads to destruction, abandonment and grabbing of properties;
- Land grabbing, multiple claims on the same land etc.
- Land registries partially or fully destroyed;
- Unclear legal system and land governance
- Organized/ forced evictions



Considerations for Mine Action Agencies – Prior to Intervention

- Contamination reduces available land and increases competition over it;
- Who owns the land and are there disputes over it?
- Clearance of land makes can trigger grabbing of “soon to be released land”;
- Land that borders contaminated areas – status changes after clearance;
- How released land will be used and why it is prioritized for clearance?
- Explicit use of mines in land right issues



Considerations for Mine Action Agencies – During Intervention

- Clearance in disputed areas might undermine neutrality of mine actors;
- Issues related to community participation;
- Issues related to HLP documentation;
- Physical damage to agricultural land during clearance – soil and borders



Considerations for Mine Action Agencies – After Intervention

- Risks associated with clearing residential land first
- Released land can be used for military or other purposes rather than returned to previous owners.
- Risks associated with insufficient engagement with the community;
- Handover documents after clearance - evidence of land rights when no other documents are available;



Women's HLP Rights

Women are more vulnerable as they are more likely to be:

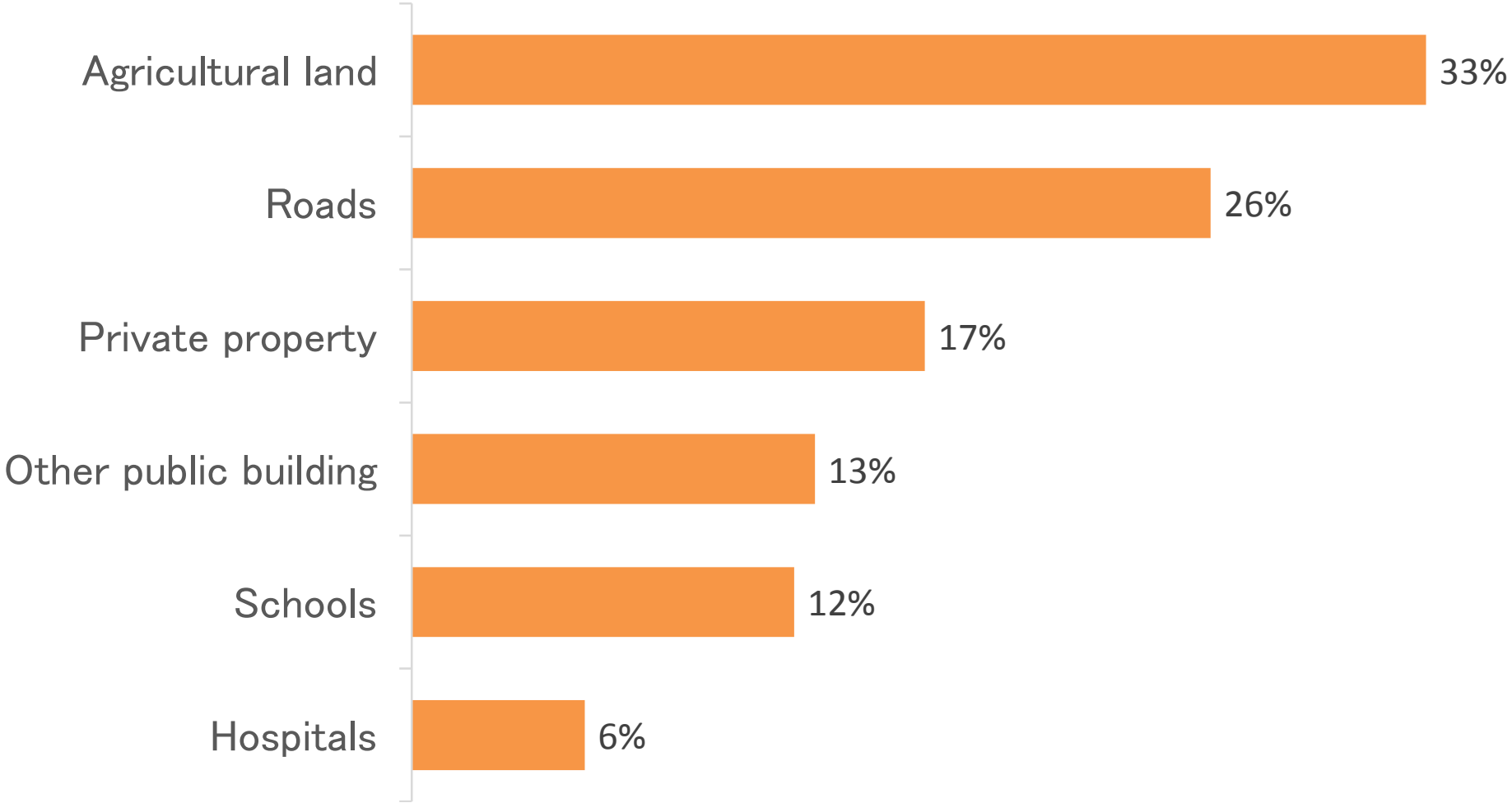
- Lower education
- Lacking independent livelihood
- Underrepresented
- Exercising their HLP rights through males
- Not mentioned in HLP documents
- Have limited inheritance rights under customary or statutory law

HLP and Mine Action in Syria

- 43% of communities have reported explosive hazards as a protection concern.
- 8.2 million people are now living in areas contaminated by explosive hazards
- 57% of communities reported issues of Housing, Land and properties
 - Lack of documents
 - Disputed Ownership
 - Rules changing
 - Unlawful occupation
 - Damage/destruction



Type of Land Contaminated by Explosive Hazards in Syria



Guidance on HLP for Mine Action Operators

Structure:

- General guidance for HLP sensitive MA interventions
- Activity specific guidance (CL, Survey, Clearance)
- Checklists for MA actors before, during and after interventions



Guidance Note on Housing, Land and Property (HLP) for Mine Action Implementers in the Syrian Arab Republic (Syria)

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Recommendations

- Raise awareness about land rights and laws at the community level (through MRE)
- Consider HLP rights when setting mine action priorities;
- Establish links with humanitarian agencies working on HLP;
- Consider issues related to women access to HLP;
- Carry out HLP DD;
- Put in place a post-clearance monitoring process including on HLP issues