

#### **HLP Essential Guidance**

Below is an annotated list of *some* key references on Housing, Land and Property (HLP). The list is by no means complete and will be updated on a regular basis. If you would like to add a publication to the list, please write to the global HLP Coordinator Szilard Fricska: <a href="mailto:fricska:fric

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# 1. HLP and Displacement

#### Security of Tenure and Local Integration in Protracted Displacement Settings

NRC (2011)

This report seeks to analyse how evolving responses to tenure insecurity in settings involving protracted displacement or durable solutions are likely to affect the rights-based model of humanitarian assistance practiced by organizations such as the Norwegian Refugee Council.

#### **IASC Framework on Durable Solution for Internally Displaced Persons** FR ES AR

Brookings Institution (2010)

This framework primarily aims to help international and non-governmental actors to better assist Governments dealing with humanitarian and development challenges resulting from internal displacement. The framework may also be useful for Governments of countries affected by internal displacement, who have the primary duty and responsibility to provide protection and humanitarian assistance to IDPs, as well as for other stakeholders names donors and IDPs themselves.

# <u>Convention for the Protection and Assistance of Internally Displaced Persons in Africa FR PO AR</u> AFRICAN UNION (2009)

The first of its kind in the world, the Kampala Convention, which came into force on 6th December 2012, is a continental instrument that binds governments to provide legal protection for the rights and well-being of those forced to flee inside their home countries due to conflict, violence, natural disasters, or development projects. The Convention was adopted by the African Union and currently legally binds 15 African countries to prevent displacement, assist those who have been forced to leave their homes, and find safe and sustainable solutions to help people to rebuild their lives.

#### **Handbook on Housing and Property Restitution for Refugees and Displaced Persons**

OHCHR (2007)

Building on the Pinheiro Principles, this Handbook provides important and practical guidance to all those working on housing and property restitution issues. It aims at promoting durable solutions for internally displaced persons and refugees, including the right to return to the homes and properties from which they fled or were forced to leave due to armed conflict and human rights violations. This Handbook should contribute to the efforts to strengthen the protection of restitution rights, and in doing so, help to prevent future conflict and consolidate recent peace.

# <u>UN Principles on Housing and Property Restitutions for Refugees and Displaced Persons FR ES AR</u>

COHRE (2005)

This booklet contains the full text of an important new international standard which outlines the rights of refugees and displaced persons to return not only to their countries when they see fit to do so, but to their original homes and lands as well. The "Pinheiro Principles" are the culmination of more than a decade of international and local activities in support of the emerging right to housing and property restitution as a core remedy to displacement.

#### **Guiding Principles on Internal Displacement** FR ES AR

UN-OCHA (1998)

The guiding principles on internal displacement are a critical tool, providing an advocacy and monitoring framework for the assistance and protection needs of the internally displaced. The Principles identify the right and guarantees relevant to the protection of the internally displaced in all phases of displacement. They provide protection against arbitrary displacement, offer a basis for protection and assistance during displacement, and set forth guarantees for safe return, resettlement and reintegration.

## 2. HLP and Gender

#### Gendering Land Tools: Achieving Secure Tenure for Women and Men

UN-HABITAT (2008)

This publication, from the Global Land Tool Network, presents a mechanism for effective inclusion of women and men in land tool development and outlines methodologies and strategies for systematically developing land tools that are responsive to both women and men's needs.

#### **Gender and Property Rights within Post-Conflict Situations**

USAID (2005)

This paper provides an assessment of the nature of women's property rights in regions plagued by violent conflict, reviews property rights programs funded by donors in post-conflict situations, and attempts to tease out major policy and programmatic lessons

#### Gender, Disaster and Conflict: A Human Settlements Perspective

UN-HABITAT (2004)

The increasing occurrence of natural and human made disasters, including armed conflicts, are causing extensive loss of life, damage to property and the environment. Both conflicts and disasters have an inordinate impact on women. Women shoulder burdens as caregivers in times of crisis, they are at risk of exploitation and infringement of their rights, and inadequate support exists to protect and empower women during these critical periods.

#### **Gender and Access to Land**

FAO (2002)

The purpose of these guidelines is to provide background information to land administrators and other land professionals on why gender issues matter in land projects, and to provide guidelines to assist development specialists and land administration agencies in ensure that land administration enhances and protects the rights of all stakeholders.

# 3. Women's HLP Rights

#### Policy Makers Guide to Women's Land, Property and Housing Rights across the World

UN-HABITAT (2007)

Implementation of women's rights to land, property and housing rights remains one of the more difficult challenges facing the world today. One of the difficulties associated with developing effective laws and policies on land rights stems from the immensely complex and diverse ways by which land is accessed, and the often gaping expanse between the position of formal laws and the reality of women's lives.

# <u>Progress Report on Removing Discrimination Against Women in Respect of Property & Inheritance Rights – Tools on Improving Women's Secure Tenure Series 1</u>

UN-HABITAT (2006)

This progress report briefly introduces the human rights and gender equality framework for inheritance rights and offers the rationale for monitoring inheritance rights. The second part provides an overview at country level of factors, which still stand in the way of women's enjoyment of their human rights. In the third part, Constitutions of a cross section of countries are tabulated and analyzed.

#### Shared Tenure Options for Women - A Global Overview

UN-HABITAT (2005)

In most countries, a range of land rights and tenure types exists, which forms a continuum (from informal to formal). Whether tenure is informal or formal, it is usually understood, recorded and/or registered in the name of men, leaving women's secure tenure often dependent on their relations with their in-laws. As women's access to land and housing is often through their husbands or fathers, they may lose such access after widowhood, divorce, desertion, or male migration. While collective forms of tenure also include women, the decision-making processes are often dominated by men, excluding women from the important decisions regarding the land and housing.

#### **Women's Rights to Land and Property**

UN-HABITAT (2004)

This paper was presented at the Commission on Sustainable Development in a session on Women in Human Settlements Development: Challenges and Opportunities. Women's equal rights to access, own and control land, adequate housing and property are firmly recognized under international law. However, at country level, the persistence of discriminatory laws, policies, patriarchal customs, traditions and attitudes in various countries are still blocking women from enjoying their rights.

#### Women's HLP Rights in Post-Conflict Situations and during Reconstruction – a Global Overview

**UN-HABITAT (1999)** 

This report reveals that while at the international and regional levels there are at least some instruments and documents which create and support women's rights to land, housing and property, at the national level, law custom and tradition pose serious barriers to women's enjoyment of their rights. The report then turns to focus specifically on these rights in the context of conflict and reconstruction, highlighting the additional barriers imposed on women in this context. It then addresses the conditions that are required for women to claim and enforce their rights, focusing on, education, the role of women's organizations, community action, legal reform, and international campaigns.

#### 4. HLP and Mine Action

#### <u>Handover of Released Land: Common Procedures and Good Practices</u>

GICHD (2013)

This report is based on desktop research and findings from country case study research carried out in collaboration with the Geneva International Centre for Human Demining in eight countries. It provides a typology of handover procedures, policies and standards, consolidates good practice and lessons learnt, assesses if gender considerations are taken into account, and presents general recommendations.

#### Frequently Asked Questions on Land Rights and Mine Action

GICHD – UNHABITAT (2012)

This document provides a collection of frequently asked questions and practical guidance on land issues for mine action organizations. It covers the following topics: why land matters for mine action; land rights and land release; what mine action organizations can do; and where to get additional information and support.

#### **Policy Brief on Land Rights and Landmines**

GICHD (2010)

This policy brief described the important linkages between land rights and landmines in conflict-affected contexts. Its purpose is to deepen awareness within the broader mine action and development communities about these linkages, and provide guidance on how to effectively mainstream land rights issues into mine action operations.

# 5. Adequate Housing in Emergencies

#### Security of Tenure as a component of the Right to Adequate Housing AR ES FR

Special Rapporteur on the Right to Adequate Housing (24 December 2012)

The backdrop of the report is one of a global tenure insecurity crisis, manifesting itself in many forms and contexts—forced evictions, displacement resulting from development, natural disasters and conflicts and land grabbing—and evident in the millions of urban dwellers living under insecure tenure arrangements. The Special Rapporteur discusses existing guidance under international human rights law, raising questions regarding the precise State obligations with respect to ensuring security of tenure.

#### The Right to Adequate Housing in Disaster Relief Efforts AR ES FR

Special Rapporteur on the Right to Adequate Housing (5 August 2011)

The report elaborates upon key challenges relating to the protection and realization of the right to adequate housing in disaster response: inattention to or discrimination against vulnerable and disadvantaged groups; the over-emphasis on individual property ownership and the associated difficulty to recognize and address the multiplicity of tenure forms equally in restitution and recovery programmes; the risks of approaching post-disaster reconstruction predominantly as a business or development opportunity that benefits only a few; and limitations in existing frameworks for reconstruction and recovery.

#### Factsheet on the Right to Adequate Housing AR ES FR

**OHCHR-UNHABITAT (2010)** 

This Fact Sheet starts by explaining what the right to adequate housing is, illustrates what it means for specific individuals and groups, and then elaborates upon States' related obligations. It concludes with an overview of national, regional and international accountability and monitoring mechanisms.

#### The Right to Adequate Housing in Post-Disaster and in Post-Conflict Settings AR ES FR

Special Rapporteur on the Right to Adequate Housing (20 December 2010)

While taking account of the differences existing between post-conflict and post-disaster situations, the report focuses on common issues, and particularly on three key entry points: security of tenure, consultation and participation, and institutional coordination, through which the elements of the right to adequate housing are highlighted. The report addresses a number of recommendations to States and the international community on how to improve prevention, relief and rehabilitation efforts by incorporating the right to adequate housing.

## 6. Forced Evictions

#### **Forced Evictions Assessment Questionnaire**

OHCHR (2011)

This documents is intended to serve as a guidance tool for addressing situations of forced evictions by: a) contextualizing events; b) assessing the existence and the type of human rights violations that are foreseen or on-going; c) offering practical advice to all parties; and d) helping to monitor and report on the situation.

#### Forced Evictions: Global Crisis, Global Solutions

UN-HABITAT (2011)

The publication highlights the important successes and challenges related to the prevention, monitoring and assessment of forced evictions. It describes the five most common causes of forced evictions, namely: urban development; large scale development projects; natural disasters and climate change; mega-events; and, evictions related to economic forces and the global financial crisis. It also encourages readers to use the text as a practical tool to inform public policy decisions related to urban planning and development.

#### **Losing Your Home: Assessing the Impact of Eviction**

UN-HABITAT (2011)

This report maps out existing eviction impact assessment methodologies globally. While many good practices exist in localized situations, and while some tools have been appropriated to suit the specific needs and contexts, this is the first time such practices been pulled together into a single report. The report is an important step towards understanding the tools and approaches that are required to create a solid evidence base of the actual and potential losses of forced evictions.

#### Fact Sheet on Forced Evictions and Human Rights ES FR

OHCHR (2005)

This Fact Sheet examines the issue of forced evictions in an international human rights framework and outlines the distinct connections between forced evictions and human rights. It also outlines the relevant international, regional, national and local legal and other developments addressing this topic.

## 7. HLP Restitution

#### Property, Restitution and Compensation: Practices and Experiences of Claims Programmes

IOM (2008)

This book reports on the practices and experiences of international and national claims programmes and gives an overview of the different approaches taken for large-scale restitution of property rights and payment of compensation. It outlines different options that could benefit those concerned with the planning, negotiation of design of future claims programmes. It consists of comparative studies on certain legal and technical aspects of the implementation of claims programmes.

#### Handbook on 'Housing and Property Restitution for Refugees and Displaced Persons'

UN-HABITAT, UNHCR, OHCHR, UNOCHA, IDMC/NRC, FAO (2007)

The Handbook is organized on a principle-by-principle basis, each beginning with a brief description of the rationale and legal basis for including the principle in question within the text. This is followed by 'typical scenarios' in which each principle could be applicable. These scenarios provide practical examples on how the contents of each principle have been addressed previously in restitution processes, and how practitioners can most effectively benefit from best practices and lessons learned over the past decades in addressing restitution questions.

#### The Contemporary Right to Property Restitution in the Context of Transitional Justice

ICTJ (2007)

This study examines the development of restitution and reparations in international law and practice over the last century. It aims to provide recommendations on how restitution can best contribute to transitional justice by reviewing four case-studies: the Czech Republic, South Africa, Bosnia, and Guatemala. The paper provides general conclusions on how restitution—particularly property restitution as a remedy for forced displacement—can best be implemented in contemporary transitional settings.

#### **UN Principles on Housing and Property Restitutions for Refugees and Displaced Persons**

COHRE (2005)

This booklet contains the full text of an important new international standard which outlines the rights of refugees and displaced persons to return not only to their countries when they see fit to do so, but to their original homes and lands as well. The Pinheiro Principles are the culmination of more than a decade of international and local activities in support of the emerging right to housing and property restitution as a core remedy to displacement.

#### Property Restitution in Practice: the Norwegian Refugee Council's Experience

Aursnes, Ingunn Sofie and Foley, Conor (2005)

The publication documents NRC's experiences of attempting to uphold HLP rights in the different settings where NRC has programs. It details some of the problems encountered and the solutions that have been developed in response. The issue of HLP rights restitution is examined from within the context of NRC's information, counseling and legal assistance (ICLA) programmes.

# 8. Land Conflict and Dispute Resolution

#### **Land and Conflict Guidance Note for Practitioners**

The United Nations Interagency Framework, Team for Preventive Action (2012)

A comprehensive and systematic approach to land grievances and conflicts can contribute to broader objectives of economic growth, poverty reduction, rule of law and good governance. The Guidance Note presents a framework to understand the relationship between land, conflict and international action at different stages of conflict and includes broad strategies to guide international support at different stages of the conflict cycle.

#### **Land and Conflict Prevention**

Initiative on Quiet Diplomacy (2011)

This handbook provides step-by-step guidance for conflict prevention actors working to prevent land-related violence by promoting legal, institutional and policy reform in the land sector. It sets out process-oriented measures which can help manage conflict and buy valuable time, as well as options for substantive responses that are crucial to address the underlying fundamental needs and grievances which can lead to conflict.

#### **Land Conflicts: A Practical Guide to Dealing with Land Disputes**

GTZ Land Management (2008)

This guide has been written for people working in the land sector, in natural resource management and in urban and rural development. It aims to broaden the understanding of the complexity of causes that lead to land conflicts in order to provide for better-targeted ways of addressing such conflicts. It also provides a number of tools with which to analyze land conflicts.

# Handbook on Post-Conflict Land Administration and Peace Building in Countries with Land Records

UN-HABITAT (2007)

This handbook is a tool to facilitate rights-based approaches to the administration of land in post-conflict environments, focusing on countries with land records. It takes in the fresh insights, lessons, and experiences that have recently come to bear on the integrated approach to the protection of housing, land and property (HLP) rights. This handbook focuses primarily on the fundamental question of land administration, and the pivotal role played by the administration of land in the broader enjoyment of housing, land and property rights – in particular, the right to security of tenure.

#### **Land Tenure Alternative Conflict Management Manual FR**

FAO (2006)

The aim of this training manual is to acquaint practitioners with the main characteristics of land tenure conflict, the context in which the conflict takes place, the stakeholders taking part in the conflict, and the balance of power in their relations. The manual provides users with resources to identify the processes and evolution of a conflict and the different options for its management and eventual resolution.

#### **Land and Conflict: a Toolkit for Intervention**

USAID (2005)

The purpose of this toolkit is to provide a practical introduction to the relationship between land and violent conflict, whether it is talking about how land issues function as causal or aggravating factors in conflict, or whether it is thinking about land issues that arise in post-conflict settings. The toolkit is also designed to familiarize practitioners with a range of programmatic interventions and to sensitize officers to the fact that development activities, such as infrastructure projects and the exploitation of underground resources, can inadvertently cause land conflicts to erupt.

#### Challenges to Sustainable Peace: Land Disputes Following Conflict

UN-HABITAT (2004)

This conference paper poses four key questions for debate namely: Is land a conflict issue? What is secondary conflict? Can it be prevented? And how can we learn from past experience? The paper provokes discussion and debate, and builds on experiences past to inform strategies for the future.

## 9. Natural Resource Conflicts

#### **Environmental Scarcity and Conflict: Guidance Note for Practitioners**

The United Nations Interagency Framework, Team for Preventive Action (2012)

This series of Guidance Notes focuses on the role of natural resources in triggering, escalating or sustaining violent conflict. It provides practical guidance on the role that the UN and EU can play in early warning and assessment, structural conflict prevention (long-term measures) and direct conflict prevention (short-term measures). It also provides a combination of strategic advice and operational guidance, as well as methods to unite existing tools and guidance under a single framework.

#### **Extractive Industries and Conflict: Guidance Note for Practitioners**

The United Nations Interagency Framework, Team for Preventive Action (2012)

This Guidance Note begins by explaining the main reasons why the extractive industries can cause tensions at a local or national level, and how these tensions can lead to conflict. It then offers guidance on strategies for mitigating the impacts of conflicts associated with the extractive industry. It also provides a combination of strategic advice and operational guidance, as well as methods to unite existing tools and guidance under a single framework.

#### From Conflict to Peace-building: The Role of Natural Resources and the Environment

UNEP (2009)

Environmental and natural resources can be a contributing factor to violent conflict. They can also be potential tools for cooperation and confidence-building in conflict-affected societies. This report summarizes current knowledge on the links between environment, conflict and peace building gained through thirteen field-based case studies. It argues that investing in environmental management and the governance of natural resources is an investment in conflict prevention.

#### Commons and Conflict States: Why the Ownership of Commons Matters in Making and Keeping Peace

Rights and Resources Initiative (2008)

This paper addresses the tenure fate of three commons: the 30 million hectares of pasturelands of Afghanistan which represent 45 percent of the total land area and are key to livelihood and water catchment in that exceedingly dry country; the 5.7 million hectares of timber-rich tropical forests in Liberia, 59 percent of the total land area; and the 25 million hectares of savannah in Sudan, half the area of that largest state of Africa. All three resources have a long history as the customary properties of local communities.

# <u>Post - Conflict Land Tenure, Using a Sustainable Livelihoods Approach</u>

FAO (2004)

This paper addresses the application of sustainable livelihood approaches to access to land and land administration in post-conflict situations. Its preparation is based on policy and research experience in conflict and post-conflict settings, particularly in Somalia, Mozambique, East Timor, Uganda, and Ethiopia, complemented by additional land tenure work in Zambia, Madagascar, Saudi Arabia, and Peru. The working paper articulates how informal, or customary land tenure systems function "on the ground" in post-conflict scenarios, and the intersection between this reality and the reduced capacity of the formal system.

#### 10. HLP and Natural Disasters

#### Land Readjustment for Urban Development and Post-Disaster Reconstruction

Lincoln Institute of Land Policy (2012)

The current state of global urban development is unsettling and plagued with manmade and natural disasters. In many developing countries, the government does not have the fiscal and institutional capacity to build affordable housing and basic infrastructure for the growing urban population, resulting in a proliferation of informal settlements and slums. At the same time, natural disasters in some of these distressed regions have destroyed homes, roads, water and sewage systems, and other public facilities, exacerbating the already limited basic services available to the urban poor.

#### Assessing and Responding to Land Tenure Issues in Disaster Risk Management

FAO (2011)

This publication provides an overview of the major land issues that may arise following a natural disaster which need to be considered and included in the decision-making processes associated with response, recovery and rehabilitation. In particular, it discusses why land tenure is important and informs land experts on how land issues differ from one disaster to another based on, suggesting that land tenure security and protecting access to land will reduce the risk of future disasters to all landholders and communities.

#### **Land and Natural Disasters: Guidance for Practitioners**

UN-HABITAT, Global Land tool Network, FAO, and Early Recovery Cluster (2010)

The Guidelines provide a holistic approach to addressing land issues from the immediate aftermath of a natural disaster through early recovery and reconstruction phases. Readers will find many short cases illustrating practical ways to address land issues in the post-disaster recovery process. Tools and other useful references are also included.

#### **Climate Change Displaced Persons and HLP Rights**

Displacement Solutions (2010)

This publication examines the specific housing, land and property rights issues arising within the context of climate induced displacement. It contains a series of recommendations to policy-makers and others for the prompt resolution of this particularly complex and large-scale form of displacement.

# 11. Land Policy and Administration

#### Handling Land: Innovative tools for land governance and secure tenure

UNHABITAT (2012)

This book presents how the Global Land Tool Network (GLTN) is setting an international agenda on land through a global network of partners. GLTN is introducing set of "land tools" that are practical ways to solve problems in land administration and management, and that are affordable and capable of being scaled up to be used in the whole country.

#### **Voluntary Guidelines on the Responsible Governance of Tenure** AR FR ES

FAO (2012)

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security promote secure tenure rights and equitable access to land, fisheries and forests as a means of eradicating hunger and poverty, supporting sustainable development and enhancing the environment.

#### **Good Governance in Land Tenure and Administration**

FAO (2007)

This guide is written for people who work in land administration and all those with an interest in land, land tenure and their governance. Although much has been written about the importance of good governance in achieving development goals, there is comparatively little material on good governance in land tenure and administration. Failings in governance have adverse consequences for society as a whole. By contrast, good governance can help achieve economic development and the reduction of poverty.

# <u>Handbook on Post-Conflict Land Administration and Peace Building in Countries with Land Records</u> UN-HABITAT (2007)

This handbook is a tool to facilitate rights-based approaches to the administration of land in post-conflict environments, focusing on countries with land records. It takes in the fresh insights, lessons, and experiences that have recently come to bear on the integrated approach to the protection of housing, land and property (HLP) rights. This handbook focuses primarily on the fundamental question of land administration, and the pivotal role played by the administration of land in the broader enjoyment of housing, land and property rights – in particular, the right to security of tenure.

#### Access to Rural Land and Land Administration after Violent Conflicts

FAO (2005)

Addressing emergency humanitarian needs after a conflict requires finding places for people to live in the short-term. Building longer-term social and economic stability requires finding more permanent solutions to where people can live and work. Yet too often, initiatives for recovery and reconstruction are planned without considering the need to resolve land tenure problems. This publication provides support to land tenure and land administration specialists who participate in the recreation of land tenure and its administration in countries following violent conflicts.

# 12. Rule of Law and Customary Systems

#### **Working with Customary Justice Systems: Post-Conflict and Fragile States**

IDLO (2011)

This publication is a collection of articles which serve to evaluate the impact of an initiative on customary justice. The case studies on initiatives implemented in Namibia, Rwanda, Somalia, Tanzania, Mozambique, Papua New Guinea, Liberia and Uganda illustrate that effective solutions are often situation-specific and contingent upon a variety of factors including social norms, the presence and strength of a rule of law culture, socioeconomic realities and political forces.

#### **Customary Justice: from Program Design to Impact Evaluation**

IDLO (2011)

This publication is intended to provide guidance to international and national actors on the potential role of customary justice systems in fostering the rule of law and access to justice in post-conflict, post-disaster and development contexts. The book discusses the objectives of customary law interventions, encourages a critical assessments of the criteria on which programming decisions are made, and provides tools to assist in gauging the extent to which interventions are having a positive impact.

#### **Customary Justice: Perspectives on Legal Empowerment**

IDLO (2011)

This publication features articles which discuss key aspects of traditional justice, such as the rise of customary law in justice sector reform, the effectiveness of hybrid justice systems, access to justice through community courts, customary law and land tenure, land rights and nature conservation, and the analysis of policy proposals for justice reforms based on traditional justice. Discussions are informed by case studies in a number of countries, including Liberia, Eritrea, the Solomon Islands, Indonesia and the Peruvian Amazon.

#### Land, Law and Islam: Property and Human Rights in the Muslim World AR

UN-HABITAT (2006)

This is a preliminary study which seeks to contribute to the debate about appropriate strategies to realize innovative and pro-poor land tools in their particular context. With that in mind, it has been written for a general audience without any assumption of knowledge regarding Islam, law or property rights, offering basic information as well as an opportunity to revisit first principles.

#### **HLP and Conflict Management: Identifying Policy Options for Rule of Law Programming**

International Peace Academy (2005)

This paper reviews discussions that took place at the Experts' Workshop on Land, Property and Conflict Management in December of 2004, and builds on them to develop policy relevant recommendations. It also examines multi-disciplinary approaches to HLP issues and their application in various contexts, highlighting insights of relevance to the development from a conflict sensitive perspective.