

## South Sudan Housing Land and Property (HLP) Technical Working Group (TWG) 2020 Workplan

The following 2020 workplan was developed by the HLP TWG in December 2019-January 2020 in order to support HLP TWG members and key stakeholders in the planning, coordination and implementation of HLP activities based on key TWG recommendations. The workplan will be reviewed and revised regularly by the TWG in 2020.

Recommendations of the HLP - TWG	Detailed Information	Activities	By Whom	Timeline			
				Q1	Q2	Q3	Q4
<b>General HLP TWG</b>				<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
The HLP TWG <b>should establish a website/ online repository of all relevant materials</b> , notes, tools, guidance docs, local & international publications, documents, maps, research findings, meeting notes, etc.	Creating a HLP TWG website will allow for materials to be accessible by all organizations in perpetuity, rather than via emails, which miss relevant or interested participants and are not passed down when members leave. A simple text-based website and / or HLP Resource Library can be created, materials categorized and uploaded, and access can be restricted by member login or password as necessary.	<b>Create a HLP Resource Library</b> for all research materials to allow for equitable access and increased awareness/ participation from members.  <b>Explore options for a HLP website / web-page.</b>	UNMISS RoL, UNHCR & IOM (via Shelter & Protection clusters, as co-leads)	X	X		
HLP TWG <b>membership should be extended to include relevant Government and development partners</b> . Encouraging partnerships through an integrated approach to HLP issues would go a long way in strengthening the delivery of HLP programming	All land-use-related line institutions need to be included in the HLP TWG. Extended membership will create an avenue through which the HLP TWG can advocate for the integration of HLP into the UNCF for South Sudan and other relevant development frameworks.	<b>HLP TWG chairs to expand membership / revise ToR</b> as necessary and confirm with wider TWG.	UNHCR, IOM	X	X		
<b>HLP Assessments</b>				<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
(i) All organizations conducting HLP assessments, surveys and data collection exercises should <b>unify their tools to generate objective, comparable datasets</b>	HLP TWG will develop assessment guidelines and make all tools/ data collection frameworks available to partners. The TWG could also provide technical assistance to humanitarian counterparts and other groups/clusters to ensure effective integration of HLP perspectives into programming and project development.  Voluntary trainings and skills-building sessions should be led by organisations with more experience/ success.	<b>Consolidate and disseminate</b> most useful/ relevant tools and data collection frameworks for partners/ members/ general public	HLP TWG member organizations, all HLP practitioners across South Sudan	X	X		

<p>(ii) <b>Areas or potential areas of return / relocation / local integration should be collectively identified</b> and given priority for assessment/data collection and mapping exercises as suitable.</p>	<p>Locations to be identified in TWG meetings. Data/ findings to be disseminated widely among partners and members in a timely manner, via HLP TWG meetings and via the forthcoming TWG website.</p> <p>Consider initiating a pilot project in areas where security and context are favourable; the outcome; lessons learned, and proposed improvement methods can be replicated in other areas of return/relocation/local integration. This should be coordinated with local Solutions Working Groups (SWGs).</p> <p>This pilot could also support leveraging existing capacity to assist with carrying out HLP assessments that will assist IDPs to better understand the status of their HLP and therefore make informed decisions about return or relocation.</p>	<p><b>Utilize information</b> from DTM, REACH and others to identify priority areas/ HLP issue hotspots</p> <p><b>Develop a pilot</b> design/action plan including lesson learning.</p>	<p>Partner organizations, Local Government represented by (SRRC), Local and affected communities and Humanitarian agencies</p>	X	X	X	X
<p>(iii) <b>Share assessment guidelines and findings with local Solutions Working Groups (SWG) and sub-national HLP TWGs</b> to ensure a coordinated response between clusters, stakeholders, and partner agencies for a prepared and timely response.</p>	<p>Contact information for local working groups and other relevant partners to be made available to be collected and disseminated to all HLP TWG members. Protocols for reporting information can be formalised as necessary.</p>	<p><b>Information sharing</b> between HLP TWG members to take place in all TWG meetings</p>	<p>HLP TWG members</p>	X	X	X	X
<p>(iv) <b>Assessments must consider conflict sensitivity and risks analysis</b>– partners conducting any activities in the field must be guided by a conflict sensitivity tool on HLP to be developed by the HLP TWG.</p>	<p>The assessment guidance should include components of conflict sensitivity assessments/tools and risk analysis. HLP TWG should therefore jointly develop conflict sensitivity tools and disseminate to all partners, and re-disseminate HLP Due Diligence guidelines and remind all members about the necessity of operating under this framework at all times</p>	<p>Repromote due diligence guidance and conduct refresher</p>	<p>IOM to lead refresher section on Due Diligence</p>	X	X	X	X
<p>(v) <b>Assessments must include existing community, institutional capacities and existing humanitarian/ development interventions</b> in the area to avoid duplicating or overlapping irrelevant or identical interventions</p>	<p>Prioritise mapping of the existing community capacities in order to build on existing community structures rather than duplicating or creating new ones.</p> <p>Community capacities and structures to be included as a component of all assessments, with gaps identified that require support, and updated</p>	<p>HLP TWG to frequently <b>request updates by partner locations and activities.</b></p> <p>TWG members to <b>communicate planned interventions</b> to collect relevant data from partners prior to intervention</p>	<p>All HLP TWG partners, including Government, humanitarians, development actors, academics etc</p>	X	X	X	X

	partner mapping must be overlaid with any potential area selection prior to deployment.						
<b>HLP Interventions</b>				<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
<b>(i) Scale up coordinated efforts in supporting rehabilitation, repairs and reconstruction of houses.</b> Thorough adherence to the HLP Due Diligence framework is crucial, and advance verification of security of tenure and ownership of property are <u>mandatory</u> before any repairs, reconstructions, or materials distributions can be conducted.	<p>Issues to do with tenure security and secondary occupations must be resolved before any physical rehabilitation takes place.</p> <p>HLP TWG partners to jointly discuss and plan area-based interventions for communities experiencing mass property destruction. Once community and household selection is complete, comprehensive verification of property ownership is <u>mandatory</u> before any assistance can be delivered.</p> <p>Maintaining open lines of communication with community leadership and establishing accessible complaint and feedback structures are also mandatory.</p>	<p><b>Joint planning</b> of area-based interventions.</p> <p><b>Repair homes</b> which are in disrepair, reconstruct homes which have been destroyed.</p> <p><b>Train community members</b> on construction and repair skills to empower them to maintain homes and obtain income.</p>	<p>A clear National Government directive on secondary occupation to the States and Local Governments is required, based on the recommendations of the Land Policy.</p> <p>All humanitarian actors must maintain strict adherence to the due diligence guidelines and maintain open communication with local leadership and relevant land authorities</p>	X	X	X	X
<b>(ii) Additional data on secondary occupations should be gathered and shared</b> with all HLP TWG members through comprehensive assessments. The HLP TWG member organizations should lead these assessments to identify secondary occupation hotspots across the country and share the data with government partners and the public as feasible.	<p>Security of tenure is rooted in nationally-guaranteed rights (via the Constitution, the Land Act 2009, the Land Policy, others). HLP TWG members must conduct information sharing and awareness-raising campaigns regarding these rights with relevant state, boma, payam and community-level leaders and land allocators. The rights and responsibilities related to removal of secondary occupiers and restoration of rightful owners must be respected in accordance with national law</p> <p>Following the adoption of the 2020 National Land Policy, support implementation and dissemination of its enhanced protections; and support the subsequent integration of the Land Policy's protections through (i) the amendment of existing</p>	<p><b>Identify key potential problems,</b> map people/process as to how to raise HLP issues that arise during implementation, map people/process on how to address HLP issues that may arise later after return, resettlement and or relocation</p> <p><b>Support progressive and nuanced national-level legislation which addresses Secondary Occupation</b> (Land Policy 2020, revisions to the Land Act 2009).</p>	HLP TWG, MHL&UD.	X	X	X	X

	<p>laws and policies; and (ii) the development of additional legislation.</p> <p>The process needs to look at assessments of need (shelters requiring rehabilitation), HLP due diligence (verification of ownership), resolve outstanding issues of multiple claimants/secondary occupation etc if any, assist bonafide land /property owners with necessary legal documentation, undertake shelter activities to address the needs.</p> <p>In addition to gathering data, it is important to identify/map the types of mechanisms that will be able to peacefully resolve potential disputes related to secondary occupation of HLP.</p>	<p><b>Refresh all HLP TWG members and land authorities on rights guaranteed</b> by the state regarding ownership, occupation and control of land and property, including rights in adverse possession.</p>					
<p>(iii) <b>Address the importance of supporting national authorities to develop and implement transparent land allocation</b> programmes to assist return, relocation and reintegration</p>	<p>This process must not forget that secondary occupiers are also citizens with rights secured by international and national legislation. All HLP TWG members and government partners must maintain respect for their rights and consider alternative arrangements for them as part of any intervention.</p> <p>Supporting national institution to strengthen cadastral records, look at inheritance laws through both formal and informal system and strengthen will writing. Work closely with Solutions Working Groups.</p>	<p>TWG to work with the Government line department to <b>ensure that the law in force has no discriminatory effect against the displaced</b> because of their particular situation.</p>	HLP TWG	X	X	X	X
<p>(iv) Ensure all HLP TWG interventions <b>prioritize women and child-headed households, and are inclusive</b> of persons with specific needs.</p>	<p>The protection of women and vulnerable groups' HLP rights should be mainstreamed throughout all HLP interventions.</p> <p>The HLP TWG should establish and disseminate guidance documents on serving more vulnerable community members in a transparent and ethical way.</p>	<p><b>Pull together best practices and guidance</b> from Child Protection sub-cluster, GBV sub-cluster, Protection cluster</p>	All HLP TWG members, with leadership from Protection cluster and sub-cluster partners				
<p>(v) <b>Conflict sensitivity is a key consideration</b> for the implementation of guidelines including the August 2019 HCT guidance note on returns, relocations, and local integration. Therefore, while HLP interventions should be need-based,</p>	<p>HLP-related conflicts are very common in urban centres. These cases are poorly documented and understood. Tools / lessons to examine and guidance to curb this practice need to be developed by the HLP TWG.</p>	<p><b>Sensitization on Due Diligence guidelines</b> must take place on recurrent basis within HLP TWG.</p>	MHL&UD, MHA&DM, SSRRC; HLP TWG and Local Authorities	X	X	X	X

community level interventions that benefit both returnees/ relocation / local integration and host populations should be promoted, and open lines of communication between communities and aid organizations must be promoted and maintained.	Conflicts surrounding HLP interventions may be largely mitigated by thorough adherence to the HLP Due Diligence guidelines, which must be reiterated among partners and practitioners.	<b>Organizations with specific experience in conflict mediation and sensitivity should lead</b> other HLP TWG members on best practices					
<b>(vi) Prioritization of funding for legal services must continue</b> in order to raise awareness among communities of their legal rights and referral pathway options.	Legal referral pathways and resource centers should continue to be established and promoted. The HLP TWG can forge greater partnerships with the SSLS and other legal practitioners. This must be embodied in the Land Regulations to avoid undefined protracted litigation process.	NRC's ICLA staffers can <b>share with HLP TWG members about formal and informal legal arbitration</b> methodologies	HLP TWG, SSLS, NRC's ICLA programme	X	X	X	X
<b>(vii) Paralegal counselling should continue, with more women being trained</b> as counsellors in order to reach fellow women and help other vulnerable individuals through the legal system.	Paralegals need to be trained in both traditional alternative dispute resolution as well as modern legal dispute resolution. The HLP TWG can build greater partnerships with South Sudanese legal institutions, including the judiciary  The provision of pro-bono legal services could also be afforded to women and vulnerable groups to support the peaceful resolution of HLP-related disputes and the process for registering HLP.	<b>Advocate for womens' roles in the SSLS;</b> organizations to prioritize hiring women legal experts	HLP TWG partners, judiciary, SSLS, legal NNGOs	X	X	X	X
<b>Advocacy and Awareness Raising</b>				<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
(i) The HLP TWG should <b>develop an advocacy paper on the relevance and importance of HLP</b> considerations in South Sudan, incorporating the views and roles of government, donors and partners.	Develop an advocacy paper to extol the benefits yielded through promotion of HLP needs in South Sudan. Examine how HLP issues relate to peacebuilding, economic growth, nutrition, education, health, civil documentation, etc. Build an argument for greater donor and government investment in HLP needs, given that HLP may function as a catalyst to peace and prosperity.	<b>Call for interest</b> among HLP TWG members, <b>open review and editing</b> sessions to all interested partners. <b>Present to government, donors, partners,</b> etc as suitable.	HLP TWG	X	X		
<b>(ii) Prioritise the advocacy and dissemination of the 2020 National Land Policy</b> (following its adoption).	This should include advocacy and awareness raising at all levels – from the grassroots to institutional authorities.  This could form part of an advocacy strategy or the advocacy paper (see i above), which includes a primer on the key protections provided by the 2020	Create <b>plan for advocacy and dissemination.</b>	HLP TWG members, UNMISS RoL	X	X	X	X

	Land Policy and a strategy to ensure a coordinated response to dissemination.						
(iii) HLP TWG members <b>must work with relevant Government partners in gradually building the capacity and transferring the responsibility</b> for all HLP matters from humanitarian partners to federal, state and local government authorities. This must be done with a thorough contextual understanding and conflict sensitivity in mind, ideally after an assessment.	<p>Humanitarians and development actors currently handle a significant percentage of the country’s HLP matters, but ultimately HLP is entirely the responsibility of the Government (at many levels).</p> <p>This includes land allocation; records maintenance and issuance; equitable, transparent and accessible dispute resolution services; verification of documents; handling transfers of property, inheritance issues and sales; negotiating secondary occupation and land grabbing; regulating rental and housing markets; and establishing and enforcing building, zoning and housing codes, etc.</p>	<p>The HLP TWG must collectively <b>examine technical and financial capacity to extend long-term training</b>, support, education, skills/ capacity building and material support to government partners.</p> <p>The HLP TWG could develop a separate, and <b>time-specific workplan to determine responsibilities and specific objectives</b> per partner.</p>	HLP TWG member organizations and their relevant government partners (MLH&UD), parliamentary Committee on Land and Urban Development, state and local land authorities, etc	X	X	X	X
(iv) <b>Organize donor briefings to raise awareness</b> on HLP needs and solicit support and/or funding. HLP advocacy should lead to incremental and measured intervention among all actors, including the unification of land related legislation across states towards an updated national policy and land act.	HLP TWG, including the Parliamentary Committee on Land and Physical Infrastructure, to develop a Briefing Note to solicit Donor support.	Plan a <b>collective briefing and update on accomplishments</b> to inform donors about HLP progress and outstanding needs.	Parliamentary Committee on Land and PI, HLP TWG Partners, MHL&UD with technical support from HLP TWG Partners	X	X	X	X
(v) The HLP TWG <b>should work with the Government to advocate for greater understanding on the legal validity of ‘alternative’ evidence of land ownership</b> , especially in cases where documentation has been lost as a result of conflict. The TWG should also work with community leaders who administer land to also recognize this is a legally valid way of reestablishing land claims.	Educate partners, government officers and the general public about the legal validity of “alternative evidence”, as explained in the Draft National Land Policy	Incorporate this into <b>partner training plans and capacity building</b> approaches (see above).	Land Commission, MHL&UD, Judiciary and HLP TWG Partners. Land Commission and MHL&UD; with technical support from HLP TWG Partners. SSRRC, Local Authorities and Communities and HLP TWG.		X	X	X