

Policy brief:

Housing, land and property in the context of climate change, disasters and displacement



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Cover photo: Somalia: A group of displaced women on their way back home after attending an information session in Alla-Amin 2 IDP camp on the outskirts of Beletweyne, Hiran region.
Photo: Abdulkadir Mohamed/NRC

Back cover photo: Iraq: Children play outside in Bzebez informal settlement in Anbar governorate.
Photo: Ahmed Kaka/NRC



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

This Policy brief was produced in collaboration with the Housing Land and Property Area of Responsibility (HLP AoR), which was established in 2007 under the Global Protection Cluster. The HLP AoR brings together NGOs, UN agencies and academic institutions that work to address HLP issues in humanitarian crises at the global and country level. Its goal is to support a more systematic approach to doing so by promoting collaboration and coherence among agencies undertaking HLP activities and by addressing gaps in policy and technical areas. NRC has led the HLP AoR since 2016, and UN-Habitat joined as co-lead in 2023. NRC also leads or co-leads 16 HLP AoR working groups at the country level.¹

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Afghanistan: Hakenullah, 25, is a villager of Korchan of Spera district, Khost province. His house was destroyed as the result of the devastating earthquake that happened on June 22, 2022.
Photo: Maisam Shafiey/NRC.



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Executive Summary

The UN Secretary-General's Action Agenda on Internal Displacement (Action Agenda) establishes that addressing internal displacement is a key priority for development, peace and climate change action. It also recognises the essential role of securing tenure of housing, land and property (HLP) in the design and delivery of solutions for the many millions of internally displaced people (IDPs) around the world. As part of the Action Agenda, a Special Adviser on Solutions to Internal Displacement has been appointed to mobilise required expertise within the UN system and lead collective efforts.

This brief presents NRC's knowledge and experience in addressing HLP issues associated with climate change, disasters and displacement, including those often aggravated by conflict. It is not a comprehensive catalogue of HLP issues, nor does it present the full breadth of NRC's operations. Rather, it reflects the organisation's experience in delivering information counselling and legal assistance (ICLA), shelter and settlements and other programmes, and draws on its role as lead and co-lead of inter-agency coordination. The brief documents examples of NRC's operations in Afghanistan, Iraq, Mozambique, Somalia and South Sudan, countries also identified for the work of the Special Adviser.

NRC's global experience and that of the Housing Land and Property Area of Responsibility (HLP AoR), indicates that HLP issues arise in one form or another in all humanitarian and displacement situations, and during every phase of the response. NRC has found that the breadth and complexity of HLP risks fuelled by conflict, disasters and climate change are often intrinsically related and mutually reinforcing.

IDPs are uprooted from their land, livelihoods and communities, and suffer various types of HLP violations in which denial of tenure security perpetuates their vulnerability. Disaster impacts may prevent them from returning to their homes and land, examples being rising and remaining water during historic floods in South Sudan in 2022 and rubble after Afghanistan's earthquake in the same year. The slow-onset impacts of climate change may lead to land disappearing completely, as in Bangladesh; or render it uninhabitable as a result of coastal erosion, as in Mozambique; repeated drought, as in Iraq, Somalia and South Sudan; or desertification, as in Somalia.

A core belief arising from NRC's experience is that HLP is a priority area in advancing solutions to displacement and should be central to discussions and actions on the intersection of climate change, disasters and displacement. Addressing HLP issues in a thoughtful and systematic way reduces individuals' and families' vulnerabilities, and can help to mitigate the impacts of climate change and disasters and contribute to the achievement of durable solutions. The Special Adviser on Solutions to Internal Displacement has a key role to play in promoting and protecting HLP rights. This brief puts forward five strategic priorities and actions that will advance solutions for IDPs:



Iraq: Livestock is affected by the drought and rising temperatures in Baaj, Ninewa. Photo: Fared Baram/NRC.



Mozambique: Environmentally friendly house in Mecufi, Cabo Delgado. These houses were built with improved technics being promoted by the Government, under the operationalization of the Policy and Strategy for the Management of Internally Displaced People. Photo: NRC.

1. To enable better planning and preparedness, HLP considerations should be mainstreamed into all stages of disaster risk management – pre-displacement and during and after a disaster – as set out, for example, in Mozambique’s policy and strategy on IDPs and illustrated by the Barwaqo relocation, which took place in response to the influx of families displaced by drought into Baidoa, Somalia.
2. Experience shows that addressing the loss of HLP and livelihood goes beyond accessing restitution/compensation including for “loss and damage” and building IDPs’ capacity to respond to and recover from a disaster that led or contributed to their displacement. It is about ensuring whatever long-term solutions are proposed – HLP, shelter and settlements, livelihoods or other interventions - they should be anchored in tenure security and climate and disaster resilience.
3. Experience shows an overwhelming need for collaborative dispute resolution (CDR) methods such as mediation and negotiation. These are a highly effective out-of-court remedies that allow parties to resolve their differences and exercise their HLP rights, while increasing trust and cohesion at the community level and fostering the rule of law.
4. NRC’s role in supporting the South Sudanese government in drafting and adopting a national land policy, and Iraqi authorities in mitigating the impact of climate change on vulnerable communities, highlights the need for specialised technical input at both the policy and operational levels.
5. Addressing HLP is key to protecting displaced women and supporting their path to recovery by promoting their socioeconomic wellbeing and their ability to recover from shocks. With the right kind of support, women are able to resolve their HLP claims through customary and religious mechanisms, which are often the most viable option for doing so. NRC’s experience reveals the need to improve women’s access to justice for HLP issues and address the barriers that arise from socioeconomic disadvantage, illiteracy and/or lack of awareness of their rights as part of a broader effort to promote the rule of law. Empowering women and supporting them in exercising their HLP rights can also have positive effects on household food security and sustainable land use and management.

Background

The UN Secretary-General's Action Agenda on Internal Displacement (Action Agenda) helps mobilise collective action and advance solutions for the many millions of people displaced within their own countries.² It recognises that addressing internal displacement is a key priority for development, peace and climate change action, and sets three overarching and interlinked goals that the UN, national and local authorities, internally displaced people (IDPs), local communities, donors, civil society and the private sector must work together to achieve:

1. Help IDPs achieve durable solutions to their displacement
2. Better prevent new displacement crises from emerging
3. Ensure those facing displacement receive effective protection and assistance³

As part of the Action Agenda, a Special Adviser on Solutions to Internal Displacement has been appointed to mobilise required expertise within the UN system and lead collective efforts on solutions.⁴

The Action Agenda recognises the essential role of securing housing, land and property (HLP) tenure in the design and delivery of solutions in both in rural and urban areas in partnership with local and national authorities.⁵ It urges humanitarian organisations under the leadership of UN Resident and Humanitarian Coordinators to prioritise programmatic interventions that provide solutions for people affected by displacement and secure access to adequate housing and land.⁶ Addressing HLP issues as a central part of humanitarian responses should be recognised as a priority for action on durable solutions, peace and climate resilience.

This brief presents NRC's knowledge and experience on the challenges and opportunities inherent in addressing HLP issues associated with climate change and disasters displacement. It is not a comprehensive catalogue of HLP issues, nor does it present the full breadth of NRC's operations. Rather, it reflects the organisation's experience in delivering information counselling and legal assistance (ICLA), shelter and settlements and other programmes as part of its efforts to assist IDPs in accessing homes and land while displaced and during return, integration or settlement elsewhere. The brief documents examples of NRC's operational responses in Afghanistan, Iraq, Mozambique, Somalia and South Sudan, countries identified for the work of the Special Adviser



Somalia: A group of displaced women dismantling their houses after a forced eviction in Beletweyne. Photo: Abdulkadir Mohamed/NRC.

on Solutions to Internal Displacement. The brief was developed in collaboration with the Housing Land and Property Area of Responsibility (HLP AoR), drawing on NRC's role as co-lead of the global HLP AoR, and as lead or co-lead of 16 country-level HLP AoR working groups.⁷ Through the AoR, it draws on HLP expertise from the wider sector as a foundation for further analysis of the impact of HLP and climate on effective programming.

By putting forward five strategic priorities and actions to address HLP in climate change and disaster settings, the brief seeks to demonstrate that HLP is a fundamental cross-sectoral issue that arises in conflict as well as disaster and climate displacement. Although acknowledged by some sectors, more needs to be done to properly address it.

Box 1: HLP rights

In humanitarian responses, HLP rights are commonly understood as **having a home free from the fear of forced eviction and a place that offers shelter, safety and the ability to secure a livelihood**. The concept of HLP includes the full spectrum of rights, held according to statutory or customary law or informally, to both public and private housing, land and property assets.⁸ HLP rights are referenced and defined in several international and regional human rights instruments, and in national legal frameworks.^{9,10}

HLP rights include:

- The right to adequate housing
- The right of access to natural resources, such as land
- The right to tenure security and protection against forced eviction
- The right to non-discrimination, which often entails special protection for the most vulnerable and marginalised people
- The right to property restitution and/or compensation

South Sudan: School girls walk in flood waters as their school floods during the rainy season. Photo: NRC.



Introduction

HLP issues are closely intertwined with displacement. Risks vary and affect people differently, but all displaced families are uprooted and disconnected from their land, livelihoods and communities, and they suffer various types of HLP violations in which insecure tenure perpetuates their vulnerability. The global experience of NRC and the HLP AoR indicates that HLP issues arise in one form or another in all of the situations in which NRC operates – whether they involve conflict, disaster or climate displacement – and during every phase of the response.

IDPs are forced to flee and leave behind their property, which can be damaged or destroyed by conflict or disasters, confiscated or stolen by armed groups or hostile governments, or occupied by other displaced families. They often end up in informal settlements in urban and peri-urban areas where they live in substandard accommodation. These areas are also exposed to hazards such as floods, landslides and drought that are expected to increase in frequency and severity because of the changing climate.¹¹ Displaced and returnee women who are widowed, divorced, disabled and/or illiterate are more vulnerable and need access to HLP for their survival and to support their families. IDPs often lack documents to prove HLP rights in their place of origin, which makes the prospect of their returning or benefiting from restitution and/or compensation less likely.¹²

IDPs may be prevented from returning to their homes and land after a disaster. Obstacles include rising and remaining water, as was the case after the historic 2022 floods in South Sudan and the 2020 hurricanes in Honduras; and rubble after earthquakes in Afghanistan and Syria in 2022 and 2023 respectively.¹³ The slow-onset impacts of climate change may lead to land disappearing completely, as in Bangladesh; or render it uninhabitable because of coastal erosion, as in provinces of Inhambane and Sofala, and the cities of Maputo, Nacala and Quelimane in Mozambique; or repeated drought and low rainfall levels, as in Iraq, Somalia, and South Sudan.¹⁴ Other areas, such as the Pacific islands, suffer climate change impacts in the form of rising sea levels, or in the case of Afghanistan, Iraq, Somalia and South Sudan, desertification. The increased frequency and intensity of extreme weather events or slow-onset changes can lead to the loss of assets such as land and housing, increase displacement and disrupt food chains. These factors also heighten the risk of conflict, making climate change not only a trigger of displacement but also a risk multiplier.¹⁵



Afghanistan: NRC staff doing assessment with an earthquake affected family in Spira district of Khost province. Photo: Maisam Shafiey/NRC.

NRC's experience in Afghanistan, Iraq, Mozambique, Somalia and South Sudan reveals that HLP risks that arise from conflict, disasters and climate change are often intrinsically related and mutually reinforcing. Its 2021 and 2022 drought assessments in Iraq, for example, show how the confluence of conflict, climate change and disasters made individuals and communities more vulnerable to HLP risks, undermined their adaptive capacity as a result of the serious repercussions on food, water and arable land, and forced some into secondary displacement.¹⁶ A quarter of the 1,341 households surveyed across five governorates in 2022 said they had witnessed more than 90 per cent of wheat production failure. One in three families in drought hotspots were forced to reduce the area of land they cultivated, resulting in significant loss of crops and income, while others had to leave their land altogether.¹⁷ This was also the case in Afghanistan after the 2018 – 2019 drought, which pushed millions of people into food insecurity and displaced more than 371,000, many of whom were already struggling to cope with the effects of conflict.¹⁸

In each scenario, secure access to land, property and natural resources – at the place of displacement, upon return or in a third location – is key to survival, recovery and the achievement of durable solutions.

Box 2: Land tenure and tenure security

Land tenure refers to the relationship of individuals and groups to land and housing. It can be defined legally, through custom or informally.¹⁹ Tenure can take many forms, including ownership, lease, occupation, cooperative housing, emergency housing and informal settlements. Land is multi-dimensional, bringing into play social, cultural, economic, institutional and political aspects that are often key considerations for IDPs in the countries where NRC operates. The concept of **tenure security** involves protection against forced evictions, harassment and other threats to residents and users of property regardless of the type of tenure. Secure land tenure is also a precondition for exercising a wide range of rights including those to adequate housing, food and work.



Somalia: Dofil camp for internally displaced people on the outskirts of Beletweyne, Hiran region. Photo: Abdulkadir Mohamed/NRC.

Five strategic priorities and actions

A core belief arising from NRC's experience is that HLP needs to be central to discussions and actions on the intersection of climate change, disasters and displacement. The organisation is doubling its efforts to institutionalise the issue through a strengthened HLP identity, integration in all core competencies beyond ICLA, which has been driving this agenda, and enhanced inter-agency coordination at the global and national level. This places HLP issues at the heart of its humanitarian responses and efforts to advance solutions.

When humanitarian and development stakeholders ignore or misunderstand HLP issues, serious protection concerns may emerge that have the potential to trigger further violence, dispossession and displacement. Ignoring HLP issues can do other harm with legal and financial consequences. It could result in the violation of other people's HLP rights, for example when a humanitarian organisation builds on confiscated land; expose displaced people to homelessness, violence and further displacement, for example when they are evicted from the temporary accommodation because the required documentation is not in place; or damage the environment and natural resources, for example when forest is felled for other land uses.

Such situations may also lead to funding being wasted. NRC has documented that more than \$4.6 million in infrastructure and investments such as water, sanitation and hygiene (WASH) facilities, community centres, schools and solar streetlights, which had been intended to alleviate immediate suffering caused by drought, was destroyed as a result of forced evictions in Somalia between January and October 2022.²⁰

The five strategic priorities laid out below show that addressing HLP issues in a clear, thoughtful and systematic way mitigates the impact of climate change and disasters on people affected by displacement and contributes to durable solutions. HLP considerations can enable better planning and preparedness, address losses caused by disasters and climate change, improve access to justice, contribute to conflict resolution, enhance the capacity of national and local government institutions, and promote women's socioeconomic wellbeing and their ability to recover from shocks.



Iraq: Farmer's land affected by drought in Hamdaniyah Ninawa. Photo: Ahmed Kaka/NRC.

1. Better planning and preparedness

Box 3: The Sendai Framework for Disaster Risk Reduction 2015 – 2030

The Sendai framework is intended to significantly reduce disaster risks and losses, and calls on governments to ensure displacement is addressed in disaster risk reduction (DRR) policies and plans.²¹ It recognises that successful DRR is linked to sustainable development and global efforts to combat the adverse impacts of climate change through the Paris Agreement of the UN Framework Convention on Climate Change.²² It provides strategic guidance on how to deal with HLP in disaster displacement settings, recognising the need for it to be mainstreamed into all stages of disaster risk management – before and during displacement and post-disaster – even though these are rarely linear.

Disaster risk assessments should be mainstreamed into displacement policies and land-use policies and practice, including urban planning, land degradation assessments, informal housing, the revision of building codes and repair and reconstruction techniques with a view to ensuring that structures are disaster resistant.²³ The framework also calls for the incorporation of disaster risk management into post-disaster recovery and reconstruction processes, including for temporary settlements planned to accommodate IDPs.²⁴

An increasing number of countries have promulgated laws and policies in recent years that recognise and deal with the consequences of displacement triggered by disasters and climate change, with Colombia being the first Latin American country to consider doing so.²⁵ NRC has acquired expertise in supporting governments in the development of national strategies on displacement that mainstream HLP issues as illustrated in the example below.

South Sudan: Floods and poor land administration create barriers to return for IDPs in South Sudan. Photo: NRC.



Box 4: Supporting the development of Mozambique's policy and strategy on IDPs

The cyclones that are striking Mozambique's shores with increasing frequency and intensity have triggered displacement and increased housing insecurity and homelessness.²⁶ The country is also frequently affected by drought, floods, landslides and erosion, making it particularly affected by climate change.²⁷ A recent report on deforestation also estimates that more than 250,000 hectares of natural forest are disappearing every year as a result of human activities.²⁸



Mozambique: Community evacuation simulation exercise during the inter-agency humanitarian pilot training for the operationalization of the Policy and Strategy for the Management of Internally Displaced People. Photo: NRC.

Mozambique's government has responded by defining disaster risk reduction and management as national priorities. It assists IDPs through the National Institute for Disaster Management, which is also responsible for DRR, and ensuring all government ministries and agencies coordinate their actions. The 2020 Law for Disaster Risk Management and Reduction sets the parameters for disaster prevention, preparedness, response and recovery.²⁹

In 2021, NRC together with International Organization of Migration (IOM), the UN Refugee Agency (UNHCR) and Oxfam South Africa, led the effort to support the development of the Policy and Strategy for the Management of Internally Displaced People (PSiDM) and a four-year Action Plan for its implementation.³⁰ The PSiDM covers both conflict and disaster displacement and sets out the following HLP parameters:

- The recognition of IDPs' role in the reconstruction of their homes³¹
- The need to ensure the safety and protection of people and property throughout the process of assisting IDPs, including during their return to their area of origin, or in their place of resettlement³²
- The need to ensure IDPs' tenure security in their place of displacement and make land available for them to develop economic activities and livelihoods³³



Other important HLP measures that should be part of robust displacement and/or DRR policies, plans and actions include the review of zoning laws and building codes to limit settlement in disaster-prone areas, the promotion of building resilient to local weather conditions, and the identification of land for short and long-term relocation.³⁴

Facilitating people's movement to avoid their exposure to life-threatening situations via evacuations or planned relocations is one of the most effective ways of reducing injury and mortality.³⁵ People's movement and vulnerabilities, however, may change over time. What begins as an evacuation may evolve into displacement, protracted displacement and, in the worst-case scenario, inability to return to their place of origin, forcing their permanent relocation. Evictions, evacuations and relocations should be measures of last resort and should not render people homeless, landless or vulnerable to other human rights violations.³⁶ During such events, international HLP standards and in particular the seven criteria of the right to adequate housing should be met, noting that the legal protections apply to all affected people, irrespective of their tenure status (see box 2).³⁷ Disaster preparedness and contingency plans should also account for the protection of HLP assets left behind, including from theft and occupation, and ensure they are not treated as abandoned.³⁸ The Inter-Cluster Coordination Group (ICCG) Guidance Note for Humanitarian-Supported Relocations in Somalia issued in early 2023 sets out applicable principles and standards and builds on best practice, such as the Barwaqo relocation summarised below.³⁹

Afghanistan: Guldasta, 6, cooking lunch for her 12-member family. Their family lost their house due to the devastating earthquake in Giyan district of Paktika province that happened on June 22, 2022. Photo: Maisam Shafiey/NRC.

Box 5: Ensuring tenure security for government-led relocations in Somalia

The Danwadaag Durable Solutions Consortium (DDSC), of which NRC is a member, has adopted a multi-pronged approach to supporting communities displaced by disasters that puts sustainable integrated land and housing solutions at its centre.⁴⁰ A landscape of overlapping conflict and disaster risks makes IDPs in Somalia particularly vulnerable, and their situation is complicated further by insecure land tenure arrangements that expose them to the constant risk of eviction.

Danwadaag programme activities are implemented in close collaboration with national and local authorities to ensure the required access to land for displaced communities. Long-term solutions include the allocation of public land and facilitation of government-led relocation projects. The Barwaqo relocation, carried out in response to an influx of families displaced by drought into Baidoa in 2017, is an example of good practice in how to address HLP issues. The settlement was conceived as a city extension and did not result in a displacement site. The process was led by the Baidoa municipality in partnership with Danwadaag, UN-Habitat, IOM and the Camp Coordination and Camp Management Cluster. The site, of around 306 hectares, was set up with infrastructure and services for the voluntary relocation of 2,009 households.⁴¹ NRC implemented phase one of the project with the provision of 1,000 shelters through an owner-driven approach and the facilitation of title deeds for the beneficiary households, who became owners of 10 by 20-metre plots of land (both phase one and two). Title deeds were earmarked and provided after a grace period of three years to mitigate the risk of households immediately selling, or being coerced to sell, their assets. NRC also built the community centre that currently serves as a safe space for legal services on civil documentation and HLP.⁴² In phase three, it will facilitate the provision of 1,150 title deeds for the planned relocation of additional households. The model is being replicated in other cities, such as Garowe, where NRC is leading on the relocation of 1,000 families.

Public land is not always available for large relocation projects. Danwadaag has explored alternative approaches such as empowering local authorities to enter into lease agreements with private landowners. The agreements often include site planning and list different structures that increase the value of the land and which NRC builds for IDPs' use. During the response to the 2021/22 drought, which triggered the displacement of more than 1.4 million people, NRC assisted more than 83,000 vulnerable individuals in securing land tenure in hotspot areas such as Mogadishu and Baidoa.⁴³ More than 60 per cent were displaced women.



Somalia: A family displaced by the flood in Beletweyne, Hiran region. Photo: Abdulkadir Mohamed/NRC.

2. Addressing loss of HLP and livelihoods

IDPs often have to deal with the damage, destruction and loss of HLP as well as other adverse effects of disasters and climate change. There is no universally accepted definition of “damage” and “loss”, but some key concepts and parameters are emerging. “Damage” is often used to refer to things such as homes or crops, which can be reinstated with funding and compensation, while “loss” tends to refer to things such as human lives and biodiversity, which are irretrievable. Displacement may simultaneously be a signal and a (non-economic) parameter of damage and loss incurred by people and communities; a damage or loss in itself and a determinant of damage or loss.⁴⁴ Current assessment of the damage and losses associated with displacement are limited because data on disaster displacement is rarely collected systematically.⁴⁵ The concepts also need to be further defined, and ways of quantifying economic and non-economic losses that should be compensated need to be tested. Lessons from Iraq suggest it may be necessary to be more granular in defining “damage and loss” related not only to rising sea levels or prolonged drought, but also long-term damage to land and property as a result of inhospitable temperatures, aridity and poor water management. These schemes and any HLP restitution and compensation should be negotiated with, and accepted by, the affected population. In NRC’s experience, successful initiatives in this sense are difficult to identify, including in conflict and post-conflict settings.

NRC works to protect IDPs’ rights, which means that addressing their loss of HLP and livelihoods goes beyond restitution and compensation to building their capacity to respond to, and recover from the disaster that triggered their displacement. It is about ensuring that the long-term solutions proposed – HLP, shelter and settlements, livelihoods or other interventions – are anchored in tenure security and climate and disaster resilience. For NRC, all these efforts include the recognition of informal as well as documented HLP rights. For shelter and settlements specifically, addressing the destruction of HLP means prioritising response options that reduce the need for new construction, such as repairs, hosting or rental interventions that are tenure secure, climate-proofed and resistant to the hazards most prevalent locally.⁴⁶ Under the four-year Action Plan for implementation of Mozambique’s PSiDM, for example, NRC, IOM and UNHCR are supporting the government in showcasing practices that improve the resilience of accommodation built from local materials through NRC interventions.



Mozambique: Environmentally friendly house in Mecufi, Cabo Delgado. These houses were built with improved technics being promoted by the Government, under the operationalization of the Policy and Strategy for the Management of Internally Displaced People. Photo: NRC.



South Sudan: A High Court judge making a presentation during an HLP workshop in Juba. Photo: NRC.

Settlement infrastructure such as WASH, healthcare and education facilities also need to be designed to be climate resilient and withstand hazards, as illustrated in the example below.

Box 6: HLP integration in shelter and WASH responses in disaster-affected areas of Afghanistan

Afghanistan has become increasingly vulnerable to disasters such as seasonal floods, flash floods, landslides, drought and earthquakes, which have resulted in loss of life and the damage or destruction of homes and livelihoods, and led to precarious displacement situations.⁴⁷ NRC has implemented integrated shelter, WASH and ICLA programmes that target IDPs and returnees affected by disasters in various provinces. Over the past few years, NRC has provided assistance – such as transitional shelter, shelter upgrades, water resource management and boreholes – that is disaster resilient, promotes environmental outcomes and includes HLP considerations. ICLA teams carry out HLP due diligence for beneficiary households to verify property rights and provide legal services to ensure they are able to secure tenure and obtain required documentation. This often entails resolving HLP disputes. Displaced women in Afghanistan face particular obstacles in exercising their HLP rights, and specific programme measures have been taken, including additional targets to reach women, training with female and male staff to assist women in line with what is culturally appropriate in the country, ensuring that the legitimate interests of project participants are at the centre of the intervention.

Before shelter construction, NRC provides DRR training for all programme participants. This focuses on standards for safer shelter construction including avoiding hazardous sites, building on strong foundations, lateral stability, retrofitting and roofing. NRC lawyers also conduct HLP training with a gender lens that targets informal justice actors such as shura and jirga members, community leaders and religious elders, who play a key role in HLP dispute resolution.

NRC is also designing and building disaster-resilient learning spaces, such as community or government schools. If a learning space is being built in an area prone to earthquakes, for example, different construction standards are employed, including the use of earthquake resistant materials and additional mitigations against earthquake impacts.



Afghanistan: Shukria, 6, lost her house due to a devastating earthquake which took place in June 2022 in Giyan district of Paktika province. Photo: Maisam Shafiey/NRC.

The global experience of NRC and the HLP AoR indicates that addressing the loss of land and livelihood also involves negotiating access to land and different land arrangements, which can be sensitive and complex. In such scenarios the involvement of displaced and host communities as well as local authorities can produce a higher degree of tenure security. Emphasis should be placed on promoting voluntary arrangements rather than involuntary land acquisition. Settlement agreements are about creating a safe environment for the entire community, where those displaced have access to adequate housing with secure tenure and infrastructure, services and livelihood opportunities.

3. Promote access to justice and contribute to conflict resolution

Many IDPs face HLP disputes, whether in conflict, disaster or climate displacement situations. In resource-poor environments such as Afghanistan, Somalia and South Sudan, climate change has increased competition for land and natural resources, which can lead to communal tensions, violence and further displacement.⁴⁸ In Northern Iraq, limited access to land and natural resources caused by climate change amplifies social tension within conflict-affected populations. In Mosul, more than half of the households assessed by NRC (55 per cent) stated that tensions have increased in their communities due to water scarcity.⁴⁹ When conflict ends, or in the aftermath of a disaster, disputes over occupied HLP assets are a continued source of instability and may cause recurring displacement.

NRC's ICLA programmes support IDPs and returnees by raising their awareness of legal issues and through the provision of counselling, legal assistance, collaborative dispute resolution (CDR) and capacity-building initiatives to enable people to exercise their HLP rights. Its experience shows that CDR methods such as mediation and negotiation are highly effective out-of-court remedies that allow parties to resolve a dispute while increasing community trust and cohesion. Dispute resolution through traditional, faith-based and statutory mechanisms, and the restoration of HLP rights promote access to justice, foster the rule of law and help displaced families and communities to rebuild their lives. This also provides a range of other longer-term benefits in terms of social, economic and political stability.⁵⁰ The challenge ahead is to integrate disasters and the changing climate as triggers in the analysis of HLP disputes and to show how engaging with these issues can influence their sustainable resolution, as the example below shows.

Iraq: Al Chibayish Marshes, Dhi Qar governorate, March 2023. Photo: Ahmed Kaka/NRC.



Box 7: Resolution of HLP disputes in South Sudan

A combination of floods, conflict and food insecurity triggered 933,000 internal displacements in South Sudan in 2022.⁵¹ The highest levels of food insecurity are concentrated in areas affected by climate shocks and violence, including Jonglei, Lakes, Unity, Upper Nile and Warrap states. NRC has been working with affected communities to enhance their natural resource management and climate mitigation and adaptation capacity through integrated interventions that address HLP. Indigenous strategies are promoted with the objectives of mitigating displacement, avoiding disruption and local conflict, and improving food security. This includes community-driven efforts to apply appropriate technology to support flood mitigation measures or soil and water conservation structures in mapped flood-prone areas. NRC has also been supporting projects to repair and restore degraded areas and promote sustainable approaches such as climate-smart agriculture and environmentally friendly energy solutions.

Legal services on HLP matters and identity and civil documentation are key to securing tenure, promoting displaced women's rights and managing and resolving disputes. NRC is currently increasing its CDR efforts to address and resolve a range of HLP conflicts effectively, both in places of displacement and return. Comprehensive conflict analysis carried out by the ICLA teams often includes climate and disasters as key factors that trigger displacement and influence the dynamics, development and resolution of disputes. IDPs often end up taking shelter near riverbanks, for example, which creates tensions in the community and exposes them to further displacement because the areas are prone to flooding. Other challenging HLP issues include intra-communal and intra-tribal conflicts, and tensions between pastoralists and farmers – often related to access to natural resources – and disputes that involve women. The lack of written records in communities that have been displaced over generations further complicates the matter. In such scenarios, NRC's approach is twofold: the teams mediate in the disputes directly and they support customary institutions when they exist and can be effective vehicles for the institutionalisation of dispute resolution services and the promotion of access to justice.



South Sudan: Second HLP Roundtable Dialogue held in Juba on 24th May 2023. Photo: NRC.



Mozambique: Delivery of 4 local-based material and environmental friendly houses in Mecufi, Cabo Delgado. These houses were built with improved technics being promoted by the Government, under the operationalization of the Policy and Strategy for the Management of Internally Displaced People. Photo: NRC.

4. Supporting national and local systems to address HLP issues

The Action Agenda points to the role of local and national authorities because states bear the primary responsibility to facilitate sustainable solutions to internal displacement.⁵² The UN Secretary-General's Guidance Note on Land and Conflict recognises that addressing land issues is essential to ending displacement and stresses that any land-related initiatives should be nationally owned and, wherever possible, nationally led.⁵³

Both NRC's global experience and that of the HLP AoR have found that while government laws, policies and practices can and should address IDPs' HLP issues, they often further restrict access to HLP, whether intentionally or unintentionally. Supporting national and local systems can be strategic and effective, especially in responding adequately to land tenure concerns in rural areas and dealing with the rapid urbanisation taking place in most of the countries where NRC operates. South Sudan's government is in the final stages of reviewing a draft national land policy, which when adopted will be used as a benchmark for amending the 2009 Land Act with the aim of improving land governance and administration.⁵⁴ NRC has been involved in this process since it began in 2014, leading and coordinating technical dialogue and consultation, providing recommendations and sharing field and sector experience with the government. It has also played a central role in the formulation and adoption of the national women's land rights agenda, particularly on the promotion of displaced women's HLP rights.⁵⁵

System building requires coordinated efforts from specialised agencies to improve capacity and processes, and ultimately make land governance more effective, inclusive and transparent. The process has to recognise the cross-cutting nature of HLP rights because it intersects with many areas of political capacity, responsibility and will. Governments' HLP approaches are often spread across a range of ministries and authorities, in some situations including de facto authorities, in which individuals shape responses as part of wider organisational cultures and other interests. The role and relationship with civil society must also be considered.

South Sudan: floods and poor land administration create barriers to the return of IDPs. Photo: NRC.



At the operational level, this entails strengthening community-based land use planning and sustainable land and natural resource management by facilitating the meaningful involvement of people of all ages, genders, diversities and displacement status.⁵⁶ The sustainable management and use of land and natural resources is key to addressing climate change impacts for communities affected by displacement, and to avoiding the degradation of the environment and creating new risks or environmental pressures that might lead to disasters, violence, conflict and further displacement.

Box 8: Mitigating the impact of climate change on vulnerable communities in Iraq

The impact of drought and water scarcity on sustainable solutions to displacement is a cross-cutting priority for NRC in Iraq. The organisation has assessed the impact of the climate crisis on harvest seasons and the life of people affected by displacement for two consecutive years.⁵⁷ Findings indicate serious repercussions for access to food, livelihoods and income, which together can precipitate risks of climate displacement.

Half of the households surveyed reported low or poor-quality wheat production and a quarter reported more than 90 per cent of their wheat crop had failed. This resulted in a complete loss of income for a quarter of farming households, which in turn affected their ability to retain legal tenure over land and access to essential services such as health and education. Emerging negative coping strategies included reducing expenditure on health and education, cited by 16 per cent of respondents, and selling their property, cited by 14 per cent. Using savings and going into debt were also mentioned. New displacement was reported for eight per cent of displaced/returnee respondents who stated that a family member had already moved as a result of the drought.⁵⁸

NRC supports communities recovering from conflict and at risk in a changing climate through integrated programmes that provide dignified shelter, expand livelihood opportunities through training and grants, improve safety and security, and offer legal assistance to individuals and families seeking to recover their civil documents or exercise their HLP rights. In response to a rapidly changing climate in Iraq, NRC also works with local authorities to improve land and water resource management through technical training; repair and improve communities' agriculture infrastructure such as canals, grain silos and markets; support climate-smart solutions such as drip irrigation, rainwater harvesting and greenhouses; and facilitate community-led approaches through local farmer alliances to enhance local capacity to absorb and recover from climate-induced shocks. For areas completely dependent on rainwater, NRC supports alternate value chains such as livestock rearing.

NRC is also working concurrently to increase the capacity of local authorities such as *mukhtars*, officials working in municipalities and local representatives to resolve HLP disputes by providing CDR training. Legal training targets female government officials, private lawyers and community leaders.



Iraq: Water scarcity had a negative impact on wheat production in Iraq. Photo: Ahmed Kaka/NRC

5. Protecting women and supporting their path to recovery

NRC has found that displaced women face disproportionate barriers to claiming and exercising their HLP rights.⁵⁹ Women's right to own property through inheritance, for example, is often denied, including by their own family members. Customary restrictions in Afghanistan, Iraq, Mozambique, Somalia and South Sudan severely limit women's HLP rights, which continue to be determined through their relationships with men.⁶⁰ These social norms and practices make displaced women particularly susceptible to the negative repercussions of climate change, particularly in areas with higher dependence on agriculture, pasture or other natural resources. The gendered impacts of climate change in many ways mirror the same vulnerabilities women face in conflict situations. They are evicted from family homes after divorce and pressured to give up inheritance, and family members take or sell their land without their consent.⁶¹ Overall, women's limited tenure security reduces their capacity to contribute to the sustainable use of HLP, which would support the alleviation of land degradation and facilitate the take-up of integrated adaptation and mitigation measures.⁶²

NRC has been implementing ICLA programmes that target displaced women not only in rural but also urban areas, where they often move in order to access essential services and secure housing, particularly in protracted crises or when disasters put them at repeated risk of harm. NRC's experience shows that with the right kind of support, women can resolve their HLP claims through customary and religious mechanisms, which are often the most viable option in a pluralistic legal system. This usually entails supporting women's access to justice for HLP issues and addressing the practical barriers caused by socioeconomic disadvantage, illiteracy and/or lack of awareness of their rights.⁶³

This is part of a broader effort to rebuild the judicial system and strengthening the rule of law targeting statutory, religious and customary mechanisms through national HLP and other inter-agency coordination forums in countries such as Somalia and South Sudan. Empowering women and supporting them in claiming their HLP rights can also have positive effects on household food security and sustainable land use and management.⁶⁴

Afghanistan: A legal training on HLP targeting female IDPs in Afghanistan. Photo NRC.



Box 9: Promoting displaced women’s HLP rights in Somalia: challenges and opportunities

The majority of families displaced by conflict and disasters in Beletweyne live in camps and settlements established on undocumented land with limited tenure security. Beletweyne has been a hotspot for flooding for decades, and the Shabelle River last burst its banks in May 2023. Each time vulnerable families are forced to leave, they lose vital assets, business and livelihood sources.⁶⁵ NRC paints a grim picture for women displaced in Beletweyne, who not only face these challenges but are also at increased risk of eviction, threat, harassment and gender-based violence. Somali women are at greater risk of intimate partner violence as tensions within households rise as a result of water scarcity.⁶⁶



Somalia: A group of displaced women on their way back home after attending an information session in Alla-Amin 2 IDP camp on the outskirts of Beletweyne, Hiran region. Photo: Abdulkadir Mohamed/NRC.

The ICLA team has been working across the country to create supportive spaces where women can come together and talk about problems, and gain access and audience with decision-makers, who are still primarily male, in both statutory and customary systems.⁶⁷ Legal training efforts are put in place to increase both women’s and men’s knowledge about women’s rights, particularly those relating to mahr or dowry, divorce and inheritance, and to emphasise the fact that the underlying right of all women to own land and property directly is protected by the Qur’an.⁶⁸ This is combined with efforts to create more opportunities for women to claim and exercise their HLP rights, including during ongoing recovery. The ICLA team also provides legal assistance in both customary and statutory forums, and has developed expertise in applying CDR to advance women’s HLP rights. NRC is increasingly building the capacity of the land dispute tribunals that are being established in cities such as Baidoa, Beletweyne and Garowe, and which are mandated to resolve disputes over HLP assets located within the cities’ master plans.

Humanitarian organisations have limited insight on the complexity of women’s roles in conflict and displacement situations where climate-related hazards heighten pre-existing vulnerabilities. This is an area where further research and practice is needed to better understand and document displaced women’s great agency and the strength, resourcefulness and resilience they display in the face of disasters and displacement, despite the challenges, barriers and discrimination they confront. This is essential to inform effective action in line with the UN’s Women, Peace and Security Agenda.⁶⁹

Conclusion

Box 10: HLP in globally recognised durable solutions standards

The IASC Framework on Durable Solutions for IDPs sets out the criteria for determining whether a durable solution has been achieved. HLP rights are listed as one of eight criteria that must be addressed in every displacement situation through effective and accessible mechanisms to restore housing, land and property.⁷⁰ The restoration of HLP is also fundamental to other criteria, including safety and security, the enjoyment of an adequate standard of living and access to livelihoods. The Pinheiro Principles broaden the scope of restitution as defined in the Guiding Principles on Internal Displacement 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 title and agreement.^{71 72}



Afghanistan: A legal assistance session with an NRC lawyer.
Photo: NRC

Experience in HLP responses and inter-agency coordination illustrates the challenges, opportunities and positive results of addressing HLP in the planning and delivery of solutions in partnership with local and national authorities. Secure HLP rights are essential to the protection needed in disaster responses and to the achievement of durable solutions. Tenure security reduces individuals and families’ vulnerability, including to climate and disaster risks. HLP rights provide a foundation on which IDPs can sustainably rebuild their lives and they are vital for promoting gender equality and the role of women.



South Sudan: Second HLP Roundtable Dialogue held in Juba on 24th May 2023. Photo: NRC.

The breadth and complexity of HLP issues, however, continue to present real challenges for operational agencies and local and national governments in climate change and disaster settings, often combined with the effects of conflict. The Special Adviser on Solutions to Internal Displacement has a key role to play in promoting and protecting HLP as outlined in Action Agenda. This should be done by supporting national efforts to realise the right to adequate housing by working with governments at all levels and in partnership with technical organisations, IDPs, civil society, donors and the private sector.

Leadership and guidance are required from HLP specialists to enable better identification and engagement with HLP issues, test programmatic interventions across different sectors and document lessons learned. The engagement of the Special Adviser is important to draw global attention to the need to secure tenure for populations affected by displacement and ensure HLP is central to the achievement of lasting solutions for them.



Iraq: Al Chibayish Marshes, Dhi Qar governorate, March 2023. Photo: Ahmed Kaka/NRC

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- 72 Guiding Principles on Internal Displacement, 1998, available at <http://www.idpguidingprinciples.org/>



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