

Tenure Security Inquiry in Shelter Intervention Planning

Context factor 1: Tenure situation of the target population

Question 1.1 Do the target population have pre-existing or current access/rights to housing/land?

If YES, does beneficiary:

- ▶ Have documentation of rights/tenure?
- ▶ Need access to land in order to access shelter?
- ▶ Need to regain access/rights to previous shelter/residence and/or land, which is available/unoccupied?
- ▶ Need to regain access/rights to previous shelter/residence and/or land now occupied by someone else?
- ▶ Need to retain access/rights to current shelter/residence and/or land, which they currently occupy with permission?
- ▶ Need to retain access/rights to current shelter/residence and/or land, which they occupy without permission?

If NO:

- ▶ How can target population gain access to shelter rights in the first instance within the host/integration/return communities' system for structuring housing and land?
- ▶ Is access to land (i.e., individual assignment/allocation/right to use for members of the target population/shelter beneficiaries) required to fulfil the need for shelter?
- ▶ If yes, is it feasible to design a shelter intervention that includes first-time land allocation/assignment either on a temporary or longer term basis?

Question 1.2 What type of access/rights did/does PAD have (i.e. what form of tenure)?

Statutory or customary?

Ownership?

Use rights?

Rental?

Collective?

Question 1.3 If beneficiaries of the shelter intervention need land as part of the solution to their housing (regardless of displacement status or prior rights), do they need it for:

Shelter only?

Shelter + sustenance/food security/livelihood?

WASH/other?

Question 1.4 In what displacement context is intervention for intended shelter beneficiaries (target population) proposed to take place?

- ▶ Durable solution (Return & resettlement/local integration)
- ▶ In displacement (Short-term vs. protracted)

The displacement status affects the analysis of the degree of tenure security that is "secure enough" for the context including time frame.

Question 1.5 Is the intention to design shelter interventions for:

Individual members of the target population?

Group/community?

Context factor 2: Available shelter / housing stock

Question 2.1 What housing stock is already available in the host community that could be used or made usable for shelter to benefit populations/persons in displacement?

- ▶ None
- ▶ Abandoned housing/shelter (due to absence of original residents, including through displacement)
- ▶ Completed/empty or other available housing
- ▶ Incomplete/sub-standard/enlargeable housing

Question 2.2 Who controls access to/use of any identified available housing/shelter stock?

Context factor 3: Local legal framework for land and housing tenure

Question 3.1 What Legal System, Decision-Makers, and Rules are in practice at the specific location and time of the shelter intervention that control use and allocation of housing and land, and resolution of disputes?

Relevant information should be available from:

- ▶ Local lawyers with knowledge on property relations (can include local ICLA staff)
- ▶ Officials and institutions charged with regulating or resolving disputes related to housing/shelter/land?

NRC frequently operates where either:

- ▶ Multiple legal systems are present at the same time – legal pluralism, e.g., formal laws and regulations are on the books, but in practice local customs, which may vary from region to region, apply.
- ▶ The legal system has been disrupted by either conflict or disaster and either there is a vacuum with no apparent authorities or interim authorities have taken over the pre-disruption system or put in a new place a system.

It is important to identify:

- ▶ What system of rules and decision-making applies in fact (not just formally) to the proposed shelter intervention in different locations?
- ▶ Do the same rules apply to housing/shelter and to land when it comes to access, use, control, and transfer?
- ▶ What rules structure shelter/housing and land tenure arrangements between individuals, and between individuals and authorities (of whatever kind)?

Question 3.2 Identify type of tenure system: Is housing and land actually and currently managed and allocated in this location according to:

- ▶ Written laws/regulations issued by formal authorities, and implemented by formal government institutions that keep records and issue documents to individuals that evidence their right to shelter and land, and provide remedies for disputes? (Statutory)
- ▶ Informal community leaders according to rules (written or not) developed by the community with or without records or documents evidencing rights with disputes resolved by community leaders using local methods? (Customary)