Whose land is it Anyway?

HLP AND MINE ACTION
Housing, Land, and Property (HLP) Rights - Definition

Housing, land and property rights are about having a home free from the fear of forced eviction and a place that offers shelter, safety and the ability to secure a livelihood.

HLP Rights include:
- The right to adequate housing;
- The right of access to natural resources;
- The right to security of tenure;
- The right to non-discrimination in accessing HLP rights
Do No Harm

**Sphere handbook, Protection Principle 1:**

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

**Components of Do No Harm Principle:**

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

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

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

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

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

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

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

• 43% of communities have reported explosive hazards as a protection concern.

• 8.2 million people are now living in areas contaminated by explosive hazards

• 57% of communities reported issues of Housing, Land and properties
  • Lack of documents
  • Disputed Ownership
  • Rules changing
  • Unlawful occupation
  • Damage/destruction
Type of Land Contaminated by Explosive Hazards in Syria

- Agricultural land: 33%
- Roads: 26%
- Private property: 17%
- Other public building: 13%
- Schools: 12%
- Hospitals: 6%
Guidance on HLP for Mine Action Operators

Structure:

• General guidance for HLP sensitive MA interventions

• Activity specific guidance (CL, Survey, Clearance)

• Checklists for MA actors before, during and after interventions
Recommendations

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