



Housing, Land and Property rights as proactive protection:
Custom, climate and community
Case studies from Afghanistan, South Sudan, Uganda and Honduras

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Overarching goal of the HLP Area of Responsibility

To facilitate a more predictable, accountable and effective HLP response

Strategic Priorities

1. Improved global support to HLP coordination and response
2. Enhanced global attention to HLP through donor engagement, advocacy and HLP inclusion across clusters



What is HLP?

Housing, Land and Property rights are about having:

...a home, free from the fear of forced eviction – a place that offers shelter, safety and the ability to secure a livelihood.

Two key HLP concepts...

- Security of Tenure
- Due Diligence

What is Security of Tenure or Tenure Security?

- Tenure is the relationship among groups or individuals with respect to housing and land
- **Tenure** is the system of rules that governs **Who**, can do **What**, for **How long** on **Which** housing, land and property
- Common tenure arrangements include ‘ownership’, ‘renting’ and ‘possession’
- **Security of tenure**: the right of all individuals to have guaranteed legal protection against forced eviction, harassment and other threats
- Particular focus on Women’s Tenure Security and HLP rights

But. Complexity...



Integrating HLP and Climate Programming

A case study of a community-based approach
in Afghanistan's informal settlements

Global Protection Forum
25th October 2023
Ben Flower, UN-Habitat Afghanistan

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Overview

- This presentation assesses the potential for integrated HLP and climate programming to result in long-term resilience outcomes in vulnerable informal settlements.
- It presents a case study of an integrated UN-Habitat programme in an informal settlement in Herat, Afghanistan, where conflict-and climate-displaced people reside in peripheral areas exposed to floods, drought, and disease.
- It shows that a community-centred, HLP and climate integrated approach has positive impacts from both a tenure security and climate resilience standpoint.

Linking HLP and climate vulnerability

- Insecure HLP rights cause climate vulnerability by restricting household and settlement upgrading investments.
- Informal settlements are key sites of HLP and climate vulnerability because of their physical attributes, the socioeconomic characteristics of their inhabitants, and their existence outside formal governance systems.
- Growing consensus for approaches that secure land rights and address climate vulnerability for long-term resilience outcomes (Mitchell et al., 2021).





Securing HLP rights for climate resilient outcomes: approaches

- Registration of individual land rights through replacing customary tenure systems (land titling) or strengthening such systems (fit-for-purpose, ICLA).
 - Evidence of links to investment in climate resilient assets (McDermott et al., 2021)
 - Potential risks - particularly debt (Natarajan et al., 2019)
- Community-based approaches that strengthen customary tenure
 - Community planning and implementing of investments (Varley, 2019)
 - Strengthening community-based organizations (Lankatilleke, 2018)

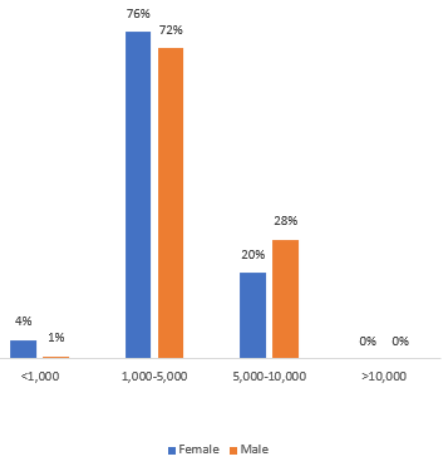
Integrating HLP and climate programming in Afghanistan

- Afghanistan ranked sixth in the most recent Climate Risk Index, with a population exposed to drought, floods, landslides, and extreme heat (Eckstein et al., 2021).
- These risks are occurring in one of the gravest humanitarian emergency globally, with almost universal poverty afflicting the country after four decades of conflict (OCHA, 2023)
- Residents of more than 1,000 urban informal settlements are acutely vulnerable: located in hazard prone areas; populated largely by IDPs; lacking basic services, adequate housing; and subject to frequent evictions by authorities (REACH Initiative, 2020).
- UN-Habitat's Housing, Land and Property (HLP) programme has worked to increase tenure security in Afghanistan's informal settlements.
- This case study focuses on an HLP pilot project that integrates HLP and climate resilience programme tools in an informal settlement in the city of Herat, Afghanistan's second largest city and the capital of the drought-prone Western Region.
- The case study settlement of Kart-E-Maiwand includes 347 households, accounting for 1,885 people; 30 percent of households are headed by women.





Income by gender of household head



Assessing HLP needs and climate vulnerability in Herat



Full coverage household survey and Participatory Hazard Vulnerability and Capacity Assessment undertaken to identify key sources of HLP and climate vulnerability



Hazards: droughts, flash flooding, disease



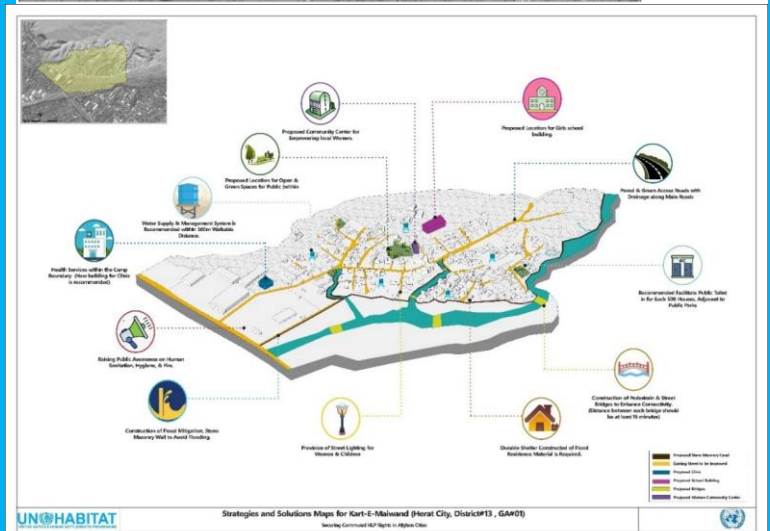
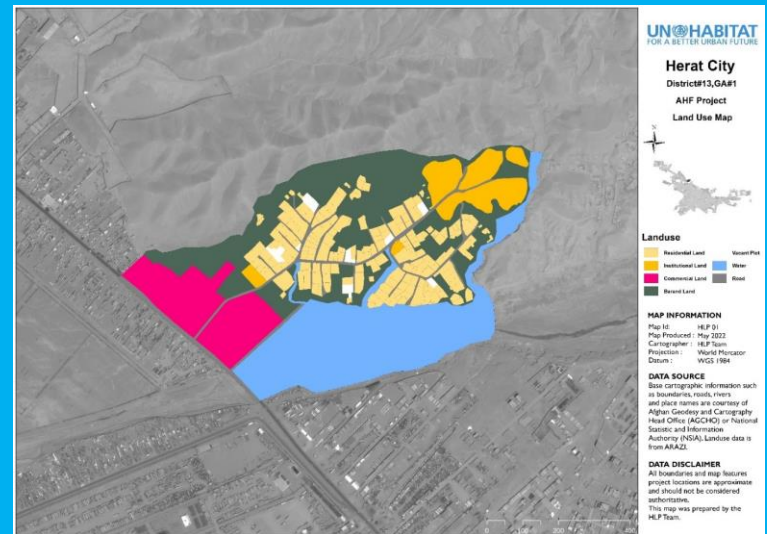
Vulnerability: Insecure HLP rights, low quality shelter, lack of basic services, extremely low incomes, women most vulnerable



Capacity: Community-based organizations

Actioning an HLP and climate response

- The UN-Habitat project deployed an integrated communal HLP and climate resilience approach:
 - strengthening community HLP rights at the settlement scale;
 - planning and implementing climate resilient community investments.
- Land use mapping was conducted to create a spatial record of the settlement, endorsed by CBO and local authorities
- Strategies and solutions maps developed to address climate risks, endorsed by CBO and local authorities
- Climate resilient investment actioned to reduce flood risk, using cash-for-work modality



“We occupied this area after leaving our homeland because of drought. Before we occupied the land was vacant, located between the mountains and the river. We have no documents for this land. The flood canal solves some the biggest challenges for the community, such as the stagnant wastewater causing diseases, impassable commuting routes, and most importantly protection against flooding from the river. With the construction of the canal, we can also use the river water to wash dishes and clothes, because we can access the river safely. The project has also improved the income of our family. My husband works as a labourer on the project curing the cement for construction. The cash he has received supports our family and pays our living costs.”

Zainab, 30-year-old mother of seven and resident of Kart-E-Maiwand.



Programmatic tools for integrated HLP and climate resilience outcomes

Tool	Tenure outcome	Climate resilience outcome
Household survey	Creates socioeconomic record of occupancy history linked to parcels.	Provides detailed gender-disaggregated data on climate vulnerable to inform investments.
PHVCA workshop	Identifies sources of tenure insecurity and associated vulnerabilities.	Identifies climate hazards, vulnerability and capacity to respond.
Land use mapping	Creates spatial record of land use and customary claims. Endorsed maps confer authorities' recognition of communal land tenure rights.	Provides a spatial profile of the area that is useful for future climate resilient planning and investment.
Hazard and solutions mapping	Endorsed maps confer authorities' recognition of communal investment and development plan.	A key tool informing appropriate climate resilience investments that meet the needs of the population.
Infrastructure investment	Consolidate the settlement to increase tenure security.	Increases resilience of settlement to climate hazards
Cash-for-work	Labour deployed to construct community assets that strengthen tenure.	Strengthens economic capacity of community to respond to climate shocks.
Capacity building of CBOs	Strengthened community structures to negotiate for tenure security.	Strengthened community structures to identify, implement and monitor climate resilient infrastructure construction, and increase social resilience of community,

Thank You!

HOUSING, LAND AND PROPERTY RIGHTS AS PROACTIVE PROTECTION: CUSTOM, CLIMATE AND COMMUNITY.

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South Sudan

Housing Land and Property(HLP) in South Sudan

The Dual Nature of HLP Protections In South- Sudan



Formal
Systems

Customary
systems

County Land
Authorities

Payam Land
Councils

Chiefs

South Sudan has a dual land tenure system based on Statutory (Transitional Constitution) and Customary legal rights and both have attempted to protect HLP rights.

The South Sudan rules for access to and land usage are established by of unwritten customary law and administered , interpreted and enforced by the formal systems.

Largely the customary rules of land usage and access are unwritten, vary from one community to another however the customary institutions and their mandate are recognized under the Local Government Act.

Traditional authorities allocate land for residential, agricultural, forestry and grazing purposes subject to consultation with their communities and must inform the Payam Land Council and County Land authority.

Duality of HLP Institutions in South Sudan

Ministry of Lands, Housing and
Urban Development

Ministry of Housing, Lands and
Public Utilities

South Sudan Land Commission

State Land Commissions

Judiciary

County Land Authorities

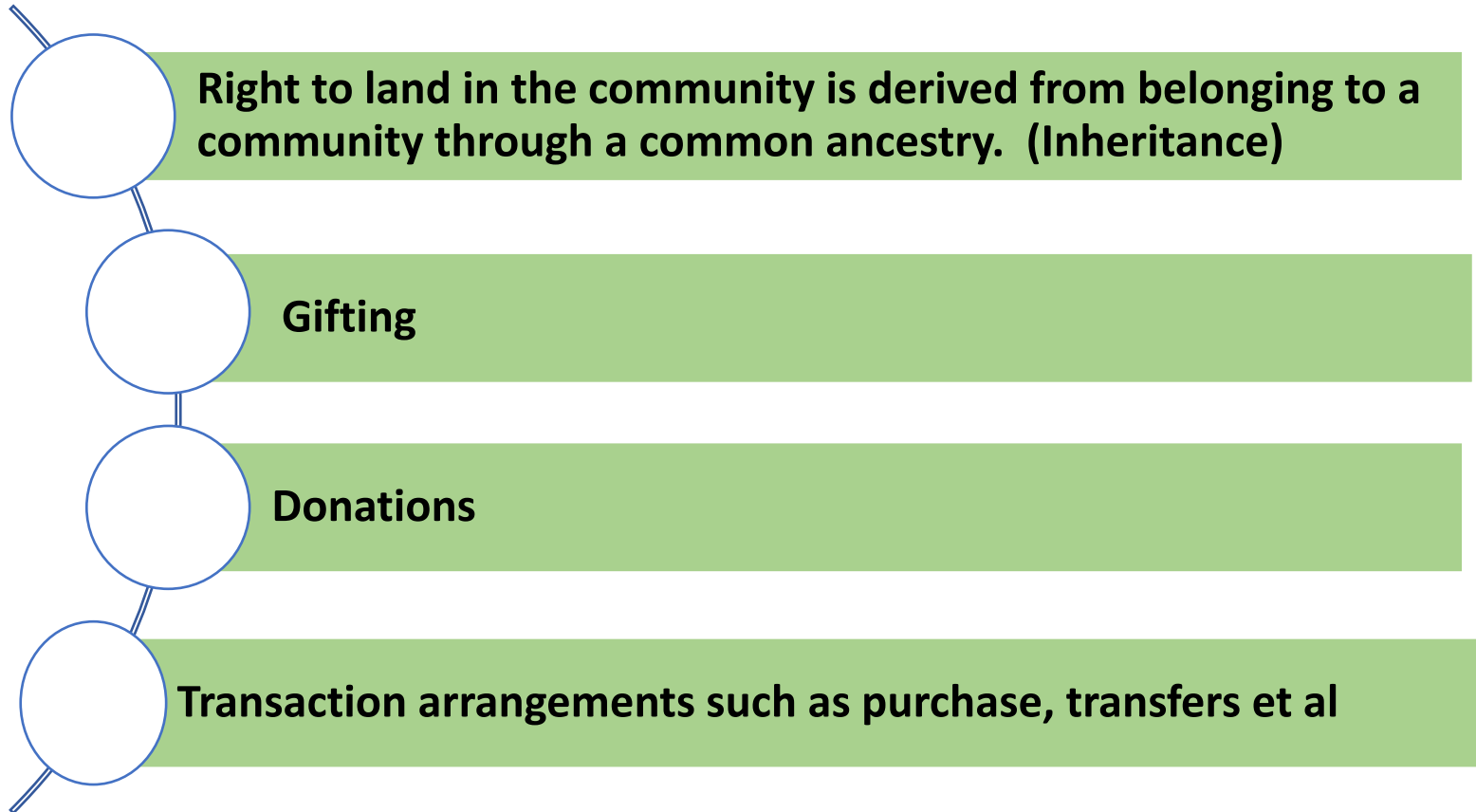
Payam Land Councils

Customary Law courts

Chiefs

Both systems are recognized under the law,

Access to HLP in South Sudan



Customary systems and HLP in South Sudan



Mostly oral, unwritten and subject to the interpretation of elders which makes protections biased

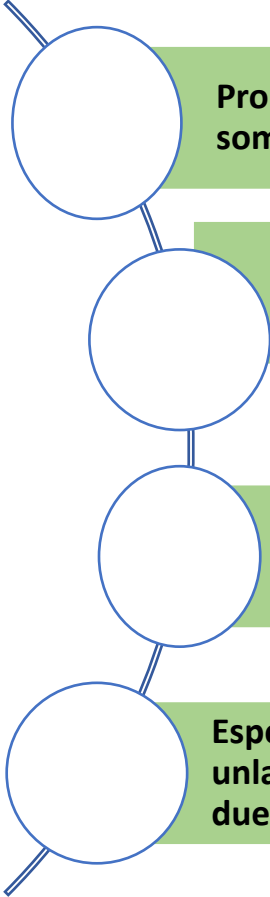
Custodians of custom are the sole proprietors and collectively own land. They often use their discretion to allocate land and has offered some protections based on tribal and clan affiliations.

Gender: despite significant steps taken by customary courts and chiefs to protect women's HLP rights especially widows and women in polygamous marriages, there are limitations to this. More progress has been registered in areas where HLP actors have injected capacity investments in the form of HLP trainings and dispute resolution trainings. However, gender biases still exist in certain locations that often limited the full enjoyment of these rights hence the need to do more on women and HLP.

Increases access to justice where formal justice structures have been destroyed, under resources or non existent/not functional: informal justice is more accessible in displacement contexts and resolution of conflicts and disputes is faster, cheaper and easier to find.

Promotes local ownership, hence more acceptance of decisions by communities and also provides opportunities for HLP actors to influence customary practices for the promotion of HLP rights.

Customary systems and HLP in South Sudan



Promoting access to land by displaced communities through negotiation with Gov't and communities. In some areas however led to secondary occupation where no proper due diligence has been conducted.

Preserved land for absentee landowners/exiles and other displaced communities.

Operating as a protection in rural areas from land Grabbing/eviction

Especially in Urban areas promoting the Violation of HLP rights through land Grabbing/eviction, unlawful land distribution/ allocation etc- Customary Custodian of HLP rights wielding a lot of power due to ambiguity of the law.

Implications for the dual legal system in South Sudan.



Host community less inclined to local integration of IDPs and more on voluntary returns or relocation

- Host community strict/unwilling to distribute land

Instances of chiefs' sole distribution of land causing tension in the community; authorities, IDPs, host. Could result in land conflicts

Local chiefs to distribute land unlawfully

Unpacking the role of HLP Actors

Empowerment of right holders on HLP rights; sensitise and awareness creation

Capacity building of both HLP actors - train Customary and formal.

Improving access to justice for HLP specific cases; provide legal assistance and engage volunteers/ community-based paralegals.

Providing technical assistance and guidance on HLP; Land allocation, due diligence etc

Advocacy; HLP AoR and HLP actors have developed a comprehensive strategy for advocating on land related issues including policy reforms

Material support to customary justice systems and mechanisms to enable them deliver on HLP services and assistance.

DISPUTE RESOLUTION; how do we respond

Unassisted collaborative problem solving

- Negotiation

Assisted collaborative problem solving

- Mediation

Third party decision making (ADVERSARIAL APPROACH)

- Judge. Gov't Official. Private arbitrator. *Customary leader*



Implications for climate change

- HLP issues are often exacerbated prior to, during and post disasters such as flooding, drought etc.
- Loss of documents during climate related disasters may affect the tenure security and result in HLP specific violations.
- Climate related issues may exacerbate natural resource conflicts, and this does have implications for the enjoyment of HLP rights.
- It is therefore important that HLP projects are designed with a climate focus to ensure adaptation and mitigation measures do not contribute to HLP violations but also help promote HLP specific rights.

Illustrations: Climate and Protracted Conflict on HLP

- **Floods** uprooted many particularly in Southern Jonglei to Central Equatoria
- Impacting further on **protracted displacements**
- Increased **vulnerability** and **cost of living**. Congestion in the IDP camps and renting from those among the host
- **Hostility** among the host and IDPs. Cattle destroying crops in the Equatorial
- Impeding **durable solutions**



- Photo: NRC in Jonglei State
- Hundreds of people are forced to move to higher grounds due to flooding in their areas



Key Actions taken

- Capacity development of communities on climate change and environment including preventive actions such as flood mitigation strategies within the context of HLP.
- Awareness creation and information sessions aimed at encouraging communities to move to higher ground in the rainy season.
- Integrated approaches and synergies; working hand in hand with actors from clusters such as Shelter and LFS. This has also enabled investment in infrastructure such as dykes

CUSTOMS AND LAW

- Land is owned through **inheritance** and is ancestral
- **Land law:** land belongs to the community
- Land seen as a **valuable asset**.
All want to own one



Lessons learnt and Recommendations

IDPs and local chiefs unaware of the HLP laws and procedures.

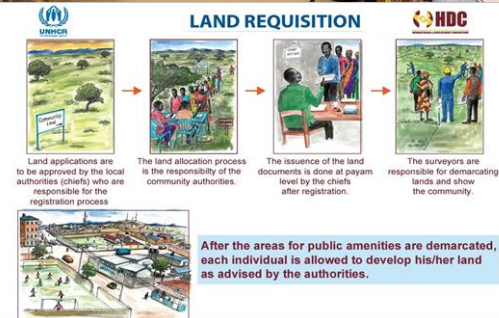
Awareness raising and capacity building of the IDP leaders and local chief

Alternative Dispute Resolution mechanism most preferred medium to address HLP disputes

Roundtable dialogues

HLP assessments to gather evidence

Alternative Dispute Resolution mechanism most preferred medium to address HLP disputes



THANK YOU



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SECURING LAND AND PROPERTY RIGHTS FOR ALL

**Unlocking the Climate Change Puzzle: Integrating Land Registration
and Wetland Wise Use Planning as Essential Solutions**

Presented by: Evelyne Ajambo and Jordana Wamboga
25th October 2023

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Uganda- Demographics



- Uganda is located in East Africa, it has a total **population of approx 48 million** people and an average population growth rate of **3% per annum**.
- **Approximately 73.6% live rural areas** and **26.4%** of the population live in urban areas.
- Uganda has the world's **youngest population** with over **78% below the age of 30**.
- The economy heavily relies **on agriculture** which is subsistence & accounts for 22.5 % of Uganda's GDP.

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Country Context

- 80% - customary land tenure system which is largely unregistered
- Limited access to land information
- Systemic inequalities (e.g. women's limited access/control over land) -less than 3% of registered land is owned by women.
- High number of land evictions and disputes
- Implementation of Legal, regulatory reforms has been slow.
- Wetlands highly sustain rural livelihoods in areas
- Wetlands are among the most important natural resources in Uganda



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Current Status- Customary Land Tenure

- Land laws and policies that recognise customary land tenure and give it legal status. i.e the Constitution 1995; Land Act; 1998; Land Regulations; 2004 and the National Land Policy; 2013
- Provide equal status of customary land tenure with other forms of tenure and issuance of Certificates of Customary Ownership (CCOs). The CCO is admissible in courts of law as proof of ownership, can be transferred and mortgaged.
- It is subject to customary law of the area in which the land is situated. It is much more affordable because it doesn't require official land survey, and is issued at sub-county (which is a LG administrative unit that is nearer to the communities)
- Despite, having the necessary policy and legal framework to improve customary land administration, little progress has been registered in terms of implementation

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GLTN RESPONSE

GLTN FRAMEWORK



'For a world in which everyone enjoys secure land rights'

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GLTN's Response: Implementation of the LAND-at-Scale in Uganda Project

Building on the experiences and lessons of the Past Projects, **the Overall Goal** of Uganda Land at Scale Project is to contribute to the development of a structured and scalable approach towards **improved tenure security and sustainable land use** for men, women and youth on customary land, in a participatory way.

- 1) **Improved tenure security** for men, women and youth
- 2) **Inclusive, climate-smart and sustainable land use planning**
- 3) **Improved capacity and awareness** of key land stakeholders on customary land registration and land use planning



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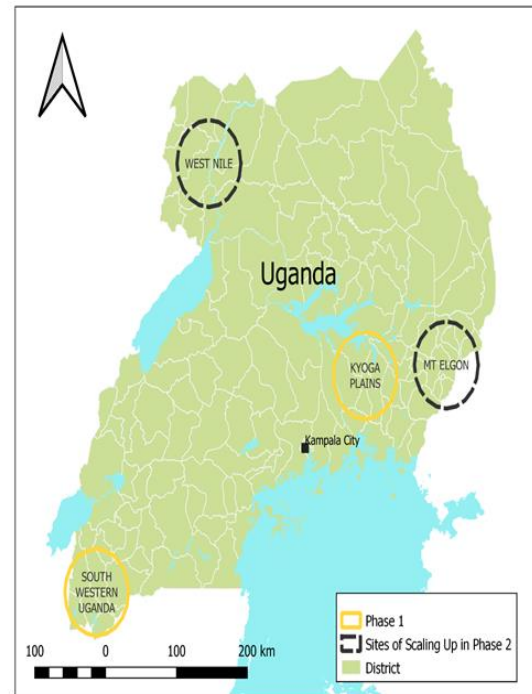
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Project Sites and Phases

- Four proposed sites; South western, Mt. Elgon region, Kyoga Plains and West Nile.
- West Nile is a refugee hosting region

The Project has **two phases**:

- 1.5 years (consolidation, SOPs and Proof of Concept)
- 2.5 years (scaling-up)
- Target beneficiaries: 30,000 (f/m/y)



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Key Achievements-Improved tenure security

- Systematic mapping, adjudication, and registration of customary land rights in Kabale and Butaleja districts; Over 13,677 parcels, representing 14,675 beneficiaries (8,079 males, 6596 females) and 5,136 youth have been mapped.
- Over 4,000 Certificates of Customary Ownership (CCOs) have been issued. Over 8,000 CCOs are pending issuance
- Using the ADR mechanism, 92 disputes have been resolved out of the 118 disputes registered in the two districts.



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Key Achievements-Improved capacity and awareness

- Training GLTN land tools and approaches ie
STDM, GEC,TRLUP, YLRC
- Land Laws and regulations for CCO registration
- Field data collection
- Sustainable Wetland Management
- Alternative Dispute Resolution



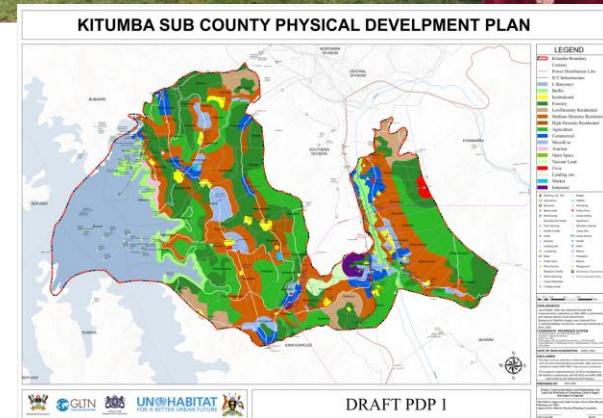
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Key Achievements- Sustainable, climate smart and inclusive land use planning:

- Rapid physical plans developed preceding land registration and mapping
- A Physical Development Framework for Kabale district was developed and approved and adopted
- A Physical Development Plan for Kitumba Sub County was developed and approved.
- A capacity development workshop was conducted to build capacity of the relevant actors for implementation of the plan.



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Key Achievements- Sustainable Wetland Management

Implemented in Butaleja District

- Located in the Kyoga Plains in the eastern part of Uganda.
- With 40% of the land being a wetland.
- Customary land is the predominant form of land tenure system.
- Documentation of land rights is mainly through land agreements
- Butaleja – livelihoods of communities evolve around wetland resource exploitation through; agriculture, fishing, grazing, crafts, water among others.
- Women hold secondary rights through relationships with men

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LEGAL FRAMEWORK

- ❖ National Environment Act Cap 153 & Wetland Use Regulations
- ❖ Uganda adopted the Ramsar Convention on Wetlands- developed and adopted wetland wise-use guidelines and regulations
- ❖ Ministry of Water and Environment and National Environment Management Authority
- ❖ Wetland Resource Use Permits – (Individuals and groups)

CHALLENGES IN APPLICATION

Implementation and Enforcement still a huge challenge. This is attributed to:

- ❖ Regulatory frameworks and procedures unknown
- ❖ Procedures quite complicated
- ❖ Procedures not affordable for many individual small-scale farmers
- ❖ Low capacity of responsible institutions esp. at local government level

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STATUS OF WETLANDS IN BUTALEJA DISTRICT

- Floods
- Drying of wetlands
- Loss of Biodiversity due to severe degradation
- Wetland use conflicts



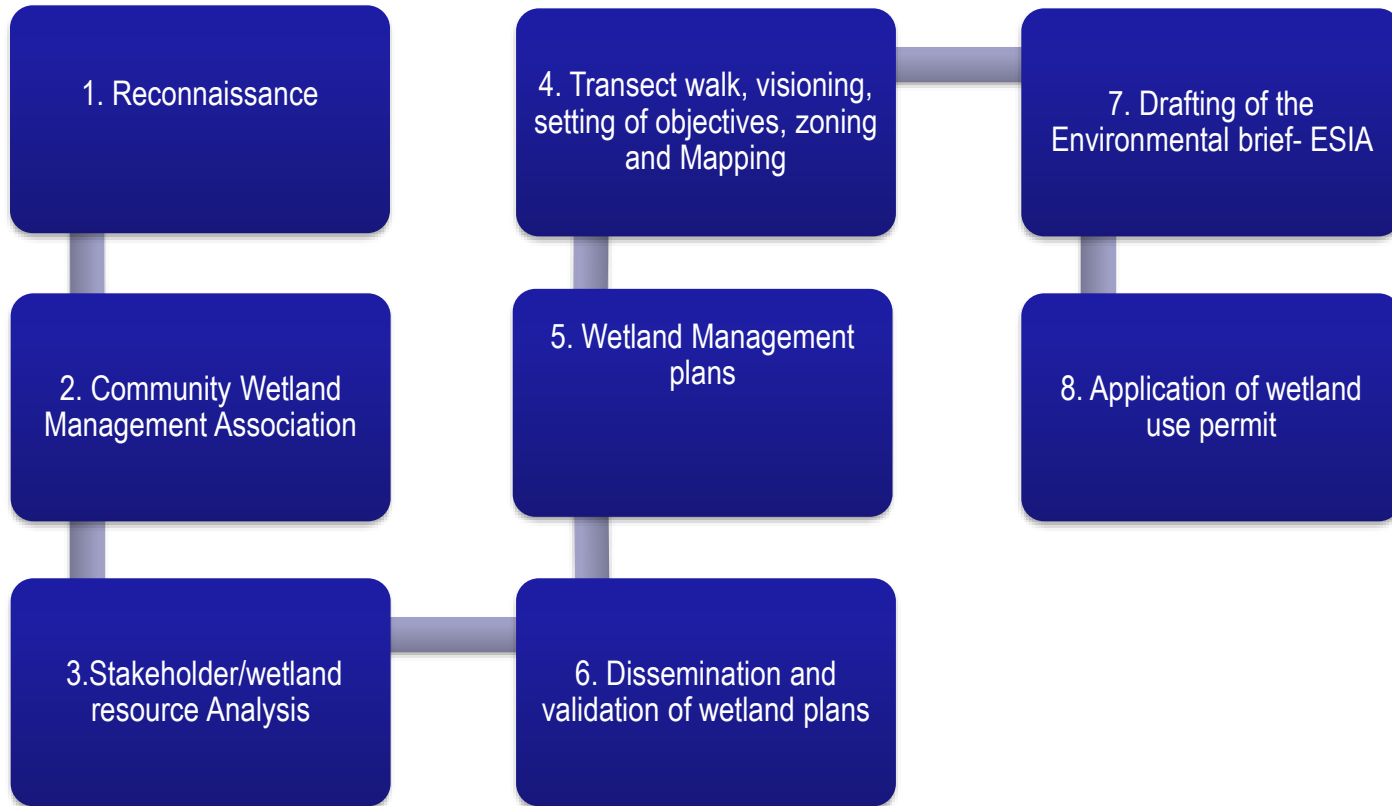
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GLTN's Interventions: Promote Wise-Use of Wetlands



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BENEFITS OF COMMUNITY-BASED APPROACH

- Enhances local knowledge of wetland ecosystems, their functions, and the importance of conservation.
- Promotes a sense of ownership and stewardship towards the wetlands.
- Promotes community engagement and participation in land registration wetland management processes.
- Strengthens local institutions and organizations involved in land and wetland management in Butaleja.
- Raises awareness among wetland communities about the value and importance of wetlands.
- Involving them in decision-making processes ensures that management strategies respect and incorporate their cultural perspectives.

It ensures the development of management strategies that are context-specific, socially acceptable, and ecologically sound, leading to the long-term sustainability and conservation of Butaleja's wetlands.

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RESULTS AND IMPACTS

- Community management plan Developed for Nasinyi, Muhula and Kaiti.
- Sustainable Resource Use
- Community Empowerment
- Enhanced Collaboration and Partnerships
- Decrease in conflicts
- Improved access and user rights on the wetland resource by the vulnerable



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CHALLENGES

Some of the challenges highlight the complexities and potential barriers associated with implementing such an approach;

- Political interference from the leaders in the community (Members of Parliament)
- Unpredictable weather conditions
- Discriminatory Cultural Beliefs (patriarchy)
- Presidential directives halting activities in the wetland

Recognizing and addressing these challenges can guide future implementations, improving the effectiveness and long-term sustainability of wetland management efforts.

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LESSONS LEARNED

The approach has provided valuable lessons that can guide future initiatives;

- Collaborations with Government Institutions and the District Natural Resource Department have proved to be effective.
- Establishment of Community Wetland Planning Committees and Management Committees play an important role during community led approaches.
- Involvement of the local political leadership is vital.
- Continuous awareness raising is effective in addressing mindset change.
- Organizing learning exchanges for the wetland users is important



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RECOMMENDATIONS

- Government needs to integrate these initiatives to maintain the momentum
- Mindset change.
- Continuous sensitization on wetland use in the other sub-counties.
- Build capacity of local leaders on gender issues
- Adopt a holistic management (support communities with alternative livelihoods to ease pressure on wetlands).
- Lobby government to establish rice schemes so that the users are regulated (like the Doho- Irrigation scheme).
- Knowledge Sharing and Learning Networks are vital

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RESOURCES

Video documentaries:

- CCO issuance in Adjumani district: <https://new.unhabitat.org/uganda-affordable-land-mapping-facilitates-issuance-of-3000-customary-land-titles>
- Application of STDM in Mbale city: <https://youtu.be/6UxA0Qbe65w>
- CCO issuance in Butaleja under Land at Scale in Uganda
Project: <https://www.youtube.com/watch?v=pb5P4XNQL4o>
- Customary land registration and land Use planning in Kabale district: <https://bit.ly/3BdVKoQ>
- Secure Access to Land and Resources (SALaR) in South-Western Uganda and West Nile: <https://www.youtube.com/watch?v=CffnAsFiDlo&list=PLcJEt0IKrIJ9Tan4yubLVBCnRy-JeJeQE&index=2>

Articles:

- GLTN website: <https://gltn.net/2021/08/20/securing-land-rights-of-smallholder-farmers-the-secure-access-to-land-and-resources-salar-project-experience-in-laos-the-philippines-and-uganda/>

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Thank you for Listening Questions?

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La protección de viviendas y tierras como estrategia de **prevención de conflictos** y promoción de **soluciones al desplazamiento forzado** en **Honduras**

Global Protection Forum
Octubre 2023



CONTEXTO DE VIOLENCIA Y DESPLAZAMIENTO FORZADO EN HONDURAS

VIOLENCIA GENERALIZADA

- 2022: Tasa de homicidio 35.8
- 2023: Femicidios – cada 20 horas es asesinada una mujer
- +247.090 IDPs
- 2022: 8º país con el mayor número de nuevos solicitantes de asilo
- CONADEH (Ombudsperson) 10/ 2023: **23 defensores del ambiente y el territorio asesinados desde 2022** (Oct, 2023) – Honduras es uno de los países más peligroso en la defensa del tierra y territorio.
- WB, 2023: Probabilidad de incremento de conflictos por las tierras por **inseguridad de la tenencia** y pérdida de productividad de las tierras agrícolas.
- *Alrededor del 68% de los hogares que poseían VTP previo al desplazamiento, sufrieron una afectación a su patrimonio. Sólo el 32% logró conservar su Vivienda (2019)*

¡Inseguridad en la colonia Villa Nueva! Familias abandonan sus hogares tras amenazas de criminales



News & Events / Defensores de Tierra y Territorio bajo ataque en Honduras

Defensores de Tierra y Territorio bajo ataque en Honduras

27 Enero 2023



Causas de desplazamiento interno en Honduras

CIDH, 04/2023

“15. Estos **conflictos sociales, ambientales y agrarios de larga data en el país relacionados con las tierras y territorios han derivado en altos niveles de violencia.**

Detrás de esta conflictividad social subyacen problemas estructurales como la distribución inequitativa de la tierra y recursos, las **debilidades de la institucionalidad encargada del registro y titulación de tierras**, la corrupción generalizada, irregularidades en la autorización y concesión de proyectos de desarrollo, así como una falta de respuesta efectiva de las autoridades”.



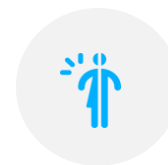
Extorsión



Reclutamiento
forzado



**Despojo de
viviendas,
tierras y
propiedades**



Violencia de
género



Control social y
territorial



Violaciones a DDHH



Violencia política

Hechos violentos/detonantes: amenazas + homicidios + extorsión + violencia sexual + secuestro + intimidación + reclutamiento forzado + **destrucción/usurpación de propiedades** + temor



Despojo de viviendas, tierras y propiedades

- **Finalidad:** ejercer control territorial por fines económicos + ubicación estratégica + marcar una **frontera invisible** + estrategia de cobro de extorsión // narcotráfico + explotación de recursos naturales
- **Detonantes:** amenazas, asesinatos, hostigamiento, disputas de territorio // desalojos forzosos, persecución/presencia militar/paramilitar
- **Dinámicas:** despojo + usurpación + destrucción + abandono + represalia // conflictos de tierras + megaproyectos
- **Perfiles:** mujeres jefas de hogar + personas con tenencia informal de la tierra + campesinas + indígenas y afrohondureñas + defensoras de tierras, territorio y medio ambiente//+ personas con viviendas con valor estratégico por su ubicación



RETOS EN LA REGULARIZACIÓN DEL TERRITORIO: CONTEXTO PAÍS

- **Múltiples registros y sistemas de catastro:** 3 normativas e instituciones con potestades para la administración de tierra en Honduras (IP+INA+Municipalidades)
- **Inventario de las tierras en Honduras:**
 - Menos del 29.3% (32,000 km²) está claramente identificada en imágenes o mapas (Catastro nacional)
 - Menos del 27% de las tierras están registradas.
- **Carencia de títulos de propiedad y/o múltiples títulos de propiedad sobre un mismo bien.**

Estos retos afectan de manera desproporcional e incrementan la vulnerabilidad de las personas forzadas en abandonar sus hogares.

RETOS EN COMUNIDADES EN RIESGO / DESPLAZADAS/ RETORNADAS

Tenencia poco clara para las comunidades

Destrucción y ocupación de viviendas por maras y pandillas

Conflictos agrarios o territoriales no resueltos en las zonas rurales y agudizados por grupos criminales

Pérdida de propiedad en el lugar de origen + ausencia de mecanismos de restitución/compensación

Sistemas de información sensibles a violencia y efecto en la tenencia

Pedagogía en derechos de tenencia



“Yo tenía los papeles de mi casa, pero como me tuve que ir debido a la situación de violencia y el desplazamiento que sufrí todo se quedó allí. Tuvimos que huir porque sino nos mataban; ya habían matado a uno de mis hijos”.

- Testimonio de hombre con discapacidad,
Tegucigalpa



CONTRIBUCIONES PARA GENERAR
RESPUESTAS DEL ESTADO PARA
PROTEGER VIVIENDAS Y TIERRAS

ESTRATEGIA PARA PROTEGER VTP EN HONDURAS



1. Evidencia

- 2017: Informe sobre tierras, viviendas y desplazamiento forzado UNHCR
- 2019: Estudio caracterización DF
- 2016-2023: Informes DF del [CONADEH](#) (Ombudperson)
- 2023: HHS variables de desplazamiento y seguridad jurídica [INE \(JDC+WB\)](#)
- RELACIÓN DESPOJO Y DESPLAZAMIENTO**
- IDENTIFICAR VACÍOS DE PROTECCIÓN: DATA FOR SOLUTIONS**



2. Fortalecimiento institucional

- Mejorar capacidades de sistemas de catastro y registro (formación y adecuación de MN)
- Herramientas tecnología: estaciones CORS y drones para georreferenciación (comunidades en riesgo / redox. Tiempos)
- RUTAS DE COORDINACIÓN INSTITUCIONAL PARA PROTEGER VT ABANDONADAS [SEDH + IP](#)**



3. Identificación de AFECTACIONES en VTP necesidades de protección

- [Liderazgos comunitarios](#)
- [Casos individuales](#) de personas desplazadas y en riesgo [SEDH](#)
- REPOSITORIO DE VT ABANDONADOS EN [EL IP](#)**



4. Adecuación normativa e institucional

- Marco legal existente (violencia y despojo): catastro y registro (criterios para prevenir despojo)
- LEY DE DESPLAZAMIENTO O FORZADO – ABRIL 2023**



5. Implementación de mecanismos para asegurar la protección de VT y propiciar la restitución

- [Pedagogía Ejercicio de derechos \(socialización\)](#)
- CREACIÓN DEL REGISTRO DE BIENES ABANDONADOS [IP](#)**
- PROTECCIÓN PARA PREVENIR CONFLICTOS**
- PROMOVER RESTITUCIÓN**

ESTRATEGIA PARA PROTEGER VTP EN HONDURAS

RETOS ESTRUCTURALES

- Ordenamiento del territorio
- Protección de derechos – tenencia segura VTP

→ Restitución (compensación)
y soluciones duraderas



Desarrollo + respuesta
humanitaria

Comunidades + Estado



¡Es Ley!

Honduras **aprobó** la Ley
para la prevención,
atención y protección de
las **personas desplazadas
internamente**



La Ley establece medidas de **protección jurídica y protección material** de los derechos de vivienda, tierra y propiedad afectados por el desplazamiento forzado interno.

¿Cómo se concreta la protección **material**?



Conjunto de medidas adoptadas por la autoridad para **evitar** que los bienes abandonados por la población desplazada **sean objeto de destrucción u ocupación por parte de terceros.**

¿Cómo se concreta la protección **jurídica**?



a. Conjunto de medidas encaminadas a **registrar y verificar los derechos** sobre los bienes que dejan las IDPs al momento de su salida.



b. Así como, **las medidas de verificación de la voluntariedad** en los eventuales contratos en los que se disponga sobre los derechos patrimoniales de los bienes abandonados.

Registro de Bienes Abandonados (RBA) finalidad (Art. 53 - 55):

- ✓ Prohibición de transacciones sobre el bien abandonado
- ✓ Exención del pago de impuesto de bien inmueble hasta que se pueda ejercer el dominio del inmueble
- ✓ Las instituciones prestadoras de servicios públicos (agua, energía): (a) suspende servicios y (b) no genera cobro
- ✓ Prórroga de créditos para el pago sin intereses
- ✓ Acceso a asistencia y orientación jurídica gratuita



¡Gracias por su atención!



Useful resources:

- UN-Habitat/GLTN (2019) Customary Land Tenure Security: Tools and Approaches in Sub-Saharan Africa. A synthesis report
- UN-Habitat/GLTN (2015) Certificates of Customary Ownership. Experiences from the District Livelihood Support Programme in Uganda
- UN-Habitat/GLTN (2010) Land and Natural Disasters. Guidance for Practitioners
- UN-Habitat/GLTN (2019) Land Tenure and Climate Vulnerability
- GP20 (2020) Honduras: Preparing for Solutions through Abandoned Property Registration



For more information

Visit: www.globalprotectioncluster.org/AoR/HLP
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