



# URBAN INFORMAL SETTLERS DISPLACED BY DISASTERS: CHALLENGES TO HOUSING RESPONSES

## REPORT

This report was written by Barbara McCallin and Isabelle Scherer  
based on research and analysis produced by Jennifer Duyme  
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DISASTERS  
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# ACRONYMS

<b>ALNAP</b>	Active Learning Network for Accountability and Performance
<b>BhADA</b>	Bhachau Area Development Authority
<b>BRR</b>	Agency for the Reconstruction and Rehabilitation (Badan Rehabilitasi dan Rekonstruksi)
<b>CRRP</b>	Comprehensive rehabilitation and recovery plan
<b>CSOs</b>	Civil society organisations
<b>DRR</b>	Disaster risk reduction
<b>FAO</b>	Food and Agriculture Organisation
<b>GFDRR</b>	Global facility for disaster reduction and recovery
<b>GSDMA</b>	Gujarat State Disaster Management Authority
<b>HIC</b>	Habitat International Coalition
<b>IASC</b>	Inter-agency Standing Committee
<b>IDMC</b>	Internal Displacement Monitoring Centre
<b>IDP</b>	Internally displaced people
<b>IFRC</b>	International Federation of Red Cross and Red Crescent Societies
<b>IHRC</b>	Interim Haiti Recovery Commission
<b>INIDE</b>	National Information and Development Institute ( <i>Instituto Nacional de Información de Desarrollo</i> )
<b>NGO</b>	Non-governmental organisation
<b>NRC</b>	Norwegian Refugee Council
<b>NSK</b>	Bhachau Citizen Support Cell ( <i>Nagrik Sahyog Kendra</i> )
<b>OPARR</b>	Office of the presidential assistant for rehabilitation and recovery
<b>TAFREN</b>	Task Force for Rebuilding the Nation
<b>UNECE</b>	United Nations Economic Commission for Europe
<b>UN CESCR</b>	United Nations Committee on Economic Social and Cultural Rights
<b>UN-Habitat</b>	United Nations Human Settlements Programme
<b>UNHCR</b>	United Nations Refugee Agency
<b>UNISDR</b>	United Nations Office for Disaster Risk Reduction
<b>UN OCHA</b>	United Nations Office for the Coordination of Humanitarian Affairs
<b>WB</b>	World Bank
<b>WHRC</b>	World Habitat Research Centre
<b>WRR</b>	World Risk Report





# EXECUTIVE SUMMARY

According to IDMC's 2014 Global Estimates report, 165 million people were displaced by disasters brought on by natural hazards between 2008 and 2013, an average of 27 million a year. Urban displacement associated with disasters is expected to grow in the coming decades, as rapid and unplanned urbanisation continues to increase and hazards become more frequent and intense.

Ever more people are expected to be exposed to natural hazards, particularly in developing countries where the pace of urbanisation is fastest, and where governments are least able to engage in urban planning, provide affordable housing to urban poor and limit the risk of displacement associated with disasters. Most cities in developing countries have only been able to absorb their rapidly growing populations through the expansion of informal settlements.

The UN Human Settlements Programme (UN-Habitat) estimates that a billion people, or a third of the urban population in developing countries, live in slums. Migrants, refugees and internally displaced people (IDPs) tend to be drawn to such settlements, where they become dispersed among local people who are also socially and economically marginalised, and unable to afford better housing. IDPs in informal settlements are particularly vulnerable to disasters and renewed displacement, given that their initial flight is likely to have worsened their pre-existing vulnerabilities and increased their impoverishment. This report does not examine this particular category of residents but focuses on informal settlers displaced by urban disasters, irrespective of whether they were previously displaced or not.

Informal settlers are more exposed and vulnerable to natural hazards than the general population and because they tend to live in flimsy, makeshift housing in at-risk areas, they are more likely to be affected and displaced by disasters. Moreover, they tend to receive less housing assistance in their aftermath, because they have only weak or informal tenure. This perpetuates and even increases their vulnerability to future disasters and displacement, and constitutes a serious obstacle to their achievement of durable solutions.

Many shelter and housing assistance programmes focus on owners to the detriment or exclusion of people who do not hold title deeds or are unable to prove their legitimate occupation, such as informal settlers. The result is often what Raquel Rolnik, the former special rapporteur on adequate housing, describes as "discrimination on the basis of tenure".

The growing frequency of urban disasters and the lessons learned from mega-events such as the 2004 Indian Ocean tsunami and the 2010 earthquake in Haiti have spurred the development of human rights guidelines on adequate housing in post-disaster settings. Those disasters have also raised international responders' awareness of the importance of adopting a rights-based approach to shelter assistance and disaster risk reduction (DRR), and addressing the needs of non-owners in general and informal settlers in particular.

This report aims to inform national and regional humanitarian and development responses that facilitate adequate and durable housing solutions for displaced informal settlers following urban disasters. After reviewing the human rights standards and operational frameworks relevant to disasters, displacement and adequate housing, it examines the extent to which responses to date have addressed displaced informal settlers' needs in line with the right to adequate housing. It briefly presents and analyses nine case studies from Asia, America and Europe that illustrate the challenges inherent to the provision of durable housing in urban settings, and ways in which some of these challenges have been overcome.

The report confirms that housing responses tend to favour owners, often to the exclusion of urban informal settlers, most of whom are tenants or squatters. The complex and often confusing tenure arrangements in informal settlements, combined with weak urban governance, represent a significant obstacle to the provision of adequate housing assistance.

Cases studies illustrate that in the absence of land registries that accurately reflect the situation on the ground, of urban regulations identifying areas where reconstruction can take place, and of national recovery plans to coordinate international assistance efforts, responders often limit their interventions to temporary solutions such as emergency and transitional shelter. The lack of national leadership to guide responses has also led to cases of inequity and de facto discrimination when some positive initiatives remained isolated and only benefitted certain regions and a limited number of displaced informal settlers. That said, one of the featured case studies suggests that humanitarians are increasingly willing to adopt a human rights-based approach to their shelter interventions based on needs rather than tenure status.

The analysis of the responses described in the case studies indicates that large-scale reconstruction programmes led by central governments tend to overlook informal settlers or focus primarily on their relocation. Such responses are often inadequate, less favourable than those offered to owners, or implemented much later.

The case studies also illustrate the risks of increased impoverishment and social marginalisation associated with relocation. They show that informal settlers are more likely to be relocated than other groups, particularly when their area of origin has been declared a no-build zone. This is mostly because they are over-represented in at-risk areas.

The report's findings suggest that the response to most urban disasters requires not only humanitarian assistance to address IDPs' immediate needs, but also development initiatives that improve urban governance in order to address pre-existing vulnerabilities and rein in the chaotic development of informal settlements. This in turn calls for better cooperation between humanitarians and their counterparts in the development sector from the earliest possible stage of disaster response.

It concludes that housing responses, whether in-situ or in relocation sites, can only be successful when they involve communities in their design and implementation in order to guarantee acceptance and ownership. To fulfil IDPs' right to adequate housing, responses should go beyond simply providing a roof and four walls and include improved living conditions and hazard resilience. This can be achieved by strengthening tenure security, using adapted building methods and materials, and providing access to basic services and livelihood opportunities.

A participatory and comprehensive approach is particularly important for urban informal settlers, who tend to be socially and economically marginalised even before a disaster strikes, and whose housing conditions require improvement on a number of levels.

Several of the featured case studies illustrate the important role municipalities can play, given their knowledge of local contexts and affected communities, and their competence in terms of urban regulation and planning. This enables them to make the most appropriate use of tools at their disposal such as the regularisation of informal settlements, the setting and enforcement of building specifications, and the acquisition of private land or the allocation of public plots for housing purposes.

Other case studies show that national civil society organisations have been instrumental in reversing municipal authorities' initial neglect of displaced informal settlers' needs.

Finally, the report highlights the need for further monitoring and research to assess whether improved guidance and humanitarians' increased awareness of the housing needs of urban informal settlers displaced by disasters concretely enhance the national and international responses.

Additional research should also be carried out to better understand how such events and the ensuing displacement increase people's vulnerability, particularly in terms of housing conditions, and lead them to become informal settlers in the first place.



## Key findings

- 1 Urban informal settlers are particularly vulnerable to disasters and represent a significant proportion of those displaced
- 2 Housing assistance tends to be based on ownership criteria rather than needs, which excludes many urban informal settlers who are mostly tenants or squatters
- 3 The complex and unclear tenure situation in informal settlements, combined with weak urban governance, hinders the provision of housing assistance. As a result, a disproportionate amount of international resources are dedicated to temporary shelter rather than long-term interventions
- 4 Housing responses for urban informal settlers displaced by disasters require consistency and continuity between humanitarian and development assistance to address beneficiaries' immediate needs as well as their underlying vulnerability to future disaster and displacement
- 5 Municipalities can contribute significantly to upholding informal settlers' right to adequate housing after disasters, particularly in terms of tenure security
- 6 Post-disaster reconstruction is an opportunity to build back better if DRR measures and assistance benefit informal settlers and IDPs who are not home-owners
- 7 Relocation tends to affect informal settlers more than other groups
- 8 Relocation can have serious socio-economic consequences that disproportionately affect informal settlers, and does not necessarily improve access to adequate housing
- 9 Successful housing responses, whether in-situ or via relocation, should ensure a participatory and integrated approach that includes informal settlers
- 10 The high population density and lack of services in informal settlements make it difficult for humanitarians to provide shelter assistance in line with international standards
- 11 The risk of partial or discriminatory responses increases when disasters and conflict combine, and disproportionately affects marginalised groups such as informal settlers
- 12 Civil society can play a significant role in improving the housing and tenure situation of informal settlers by supporting and pressuring authorities
- 13 Further research is needed into the implementation of guidelines and standards relating to tenure security for the urban poor and the right to adequate housing in the aftermath of disasters

## Recommendations

### To national and international responders

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- 1 Identify housing responses that respect urban informal settlers' housing rights and address their needs as soon as possible after the onset of a disaster, to avoid delaying their achievement of durable solutions
- 2 Ensure that Improvement to tenure security is linked to effective access to other elements of the right to adequate housing notably access to services and livelihood opportunities.
- 3 Ensure that informal settlers benefit from DRR measures such as financial and technical assistance regardless of their tenure status.
- 4 Design mid to long-term policies and programmes that increase the stock of affordable rental housing to address the needs of non-owners, including informal settlers.
- 5 Given that relocation often leads to deterioration in socio-economic conditions, prioritise the mitigation of risks in-situ, and if not possible, ensure relocation is carried out based on risk exposure rather than tenure status.

- 6 Ensure that housing responses adopt a participatory and integrated approach that involves affected communities in the design and implementation of programmes,
- 7 Carry out further research to document the extent to which inadequate housing responses for urban informal settlers after a disaster contribute to their protracted displacement.
- 8 Consider experience gained and apply lessons learned from involuntary relocation associated with development projects to post-disaster reconstruction, in an effort to reduce the risks posed by hazards including those linked to climate change.

#### To international responders

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- 1 Systematically **analyse the often complex tenure situation** in informal settlements and the urban regulatory frameworks applicable to them as part of programme design.
- 2 Ensure close **cooperation between the humanitarian and development sectors** and urban experts at the national and international level to improve the impact, continuity and sustainability of short and longer-term housing responses.
- 3 Provide local and national authorities with **technical and financial assistance on urban governance**, ideally before the onset of disasters and failing that as soon as possible after they strike.
- 4 In coordination with the global shelter cluster and national authorities, study ways to **ensure that indicators for international shelter standards** are adapted to informal settlements, where pressure on space restricts plot sizes and complicates the installation of basic infrastructure.
- 5 When operating in countries that suffer disasters on top of conflict, ensure responses are informed by a thorough understanding of the political and social context in an effort to guarantee the **impartial delivery of housing assistance**.
- 6 Strengthen **cooperation with local stakeholders and municipal authorities** when designing and implementing housing responses, particularly in countries with decentralised institutions with greater responsibility in terms of land planning and urban regulation.

#### To national responders

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- 1 Ensure that housing responses for displaced urban informal settlers are rights-based and **do not discriminate on the basis of tenure or socio-economic status**
- 2 Enhance their and local authorities' **cooperation with CSOs** and displaced informal settlers to address their concerns and ensure they contribute meaningfully to recovery programmes and municipal urban planning.
- 3 Ensure consistency between urban planning, housing policies and national disaster recovery policies to guide and coordinate response and clarify priorities to limit delays in the provision of housing assistance and regulate the development of informal settlements.

**Table 1:** Case studies: key aspects

	SETTLEMENT OPTION		KEY ACTOR		PROGRAMMATIC ASPECTS						
	In situ	Relocation	Role of civil society	Role of municipality	Housing measure	Discrimination on the basis of tenure status/initial focus on owners	Consultative and participatory approach	Disaster risk reduction measures	Improvement of tenure security	Access to livelihood	Access to services
Tsunami											
Indonesia		x	x		Cash/ Free land allocation and housing with property title	x			x		
Sri Lanka		x	x		Free land allocation and housing with property title	x			x		
Earthquake											
Turkey		x	x		Cooperative housing	x			x		
India	x		x	x	Community mapping and owner paid regularisation	x	x	x	x	x	x
Haiti	x	x			Temporary housing	x					
Hurricane											
Nicaragua		x		x	Free land allocation and housing with property title		x	x	x	x	x
Philippines		x				x					
Floods/debris flow											
Dominican Republic		x		x	Free land allocation and housing with property title		x	x	x	x	x
Argentina	x			x	Free land allocation and housing with property title		x	x	x	x	x



# 1. INTRODUCTION

Between 2008 and 2013, 165 million people were displaced by disasters brought on by natural hazards worldwide, an average of 27 million a year.<sup>1</sup> The figure for 2013 was 22 million people, many of them displaced in urban areas. In the coming decades, the global risk of displacement associated with disasters is predicted to increase, and rapid unplanned urban growth in many low to middle-income countries is expected to be one of the main drivers of that risk. As the UN International Strategy for Disaster Reduction (UNISDR)'s 2009 Global Assessment Report states: "People, poverty and disaster risk are increasingly concentrated in cities."<sup>2</sup>

Rapid unplanned development in urban areas prone to hazards has concentrated ever greater numbers of vulnerable people in dangerous places since the 1970s.<sup>3</sup> The urban population in developing countries has increased by 326 per cent, compared with 187 per cent globally and an overall population rise of 96 per cent.<sup>4</sup> The urban population in south Asia and sub-Saharan Africa, the world's two poorest regions, is expected to double over the next two decades.<sup>5</sup> In essence, the most rapid urbanisation is taking place in countries least able to engage in urban planning and provide adequate and affordable housing for the poor, and with it to limit the risk of displacement caused by disasters.

Most cities in developing countries have only been able to absorb their rapidly growing populations through the expansion of informal settlements and slums, which tend to be established near livelihood opportunities but often in areas considered too prone to risk for formal

commercial or residential development. Migrants, refugees and internally displaced people (IDPs) tend to be drawn to such settlements, where they become dispersed among local people unable to afford better housing. The UN Human Settlements Programme (UN-Habitat) estimates that a billion people, or a third of the urban population in developing countries, live in slums.<sup>6,7</sup>

Informal settlements combine high exposure to disasters – linked to the population density- and high vulnerability - related to their location and other social, economic and political factors, which together significantly increase the risk of displacement.<sup>8</sup> There are no precise figures for IDPs living in informal urban settlements, but they are recognised as being particularly vulnerable to disasters and renewed displacement, given that their initial flight is likely to have made their pre-existing vulnerabilities worse and increased their impoverishment.<sup>9</sup>

Urban informal settlers cumulate multiple risk factors. Poverty drives them to live in unsuitable locations that are unhealthy or prone to natural hazards, where they live in flimsy makeshift homes with little access to basic services and sanitation. Their precarious conditions bear testimony to the failure of most states to comply with their human rights obligations, particularly the right to adequate housing, and mean that urban informal settlers are disproportionately affected when a disaster strikes.

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<sup>1</sup> IDMC Disaster-induced displacement database, as of October 2014

<sup>2</sup> UNISDR, Global Assessment Report, 2009

<sup>3</sup> IDMC, *Disaster-related displacement risk: Measuring the risk and addressing its drivers*, March 2015, p.9

<sup>4</sup> IDMC, *Global Estimates 2014*, p.24

<sup>5</sup> World Bank 2011 estimates in UN-Habitat, *Voices from slums, background paper for World Habitat Day*, 6 October 2014, available at <http://goo.gl/QxGt4D>

<sup>6</sup> UN-Habitat, *Voices from slums, message of UN-Habitat executive director for World Habitat Day*, 2014, available at <http://goo.gl/KeXI80>

<sup>7</sup> UN-Habitat, *Voices from slums, background paper for World Habitat Day*, 6 October 2014, available at <http://goo.gl/o90jms>

<sup>8</sup> IDMC, 2015, op cit, pp.20, 27 and 29

<sup>9</sup> *Ibid*, p.15



Residents survey the scene on Long Island, New York following Hurricane Sandy. Photo credit: The Legacy Center, November 2012

The displacement disasters cause increases their vulnerability to human rights violations still further. They may face discrimination on the basis of their tenure status, in that they may be ineligible for reconstruction assistance if they do not own their land or home, and they may be exposed to forced eviction and unjustified or inadequate relocation if their settlement is declared unsuitable for reconstruction. Urban IDPs forced to flee again by a disaster face similar challenges, often made worse by their illegal presence in a settlement and their lack of documents proving residence.

Disasters triggered by natural hazards and climate change have traditionally been discussed in scientific or technical terms, or as a mainly humanitarian issue.<sup>10</sup> Only after the Indian Ocean tsunami in December 2004, when large numbers of IDPs were prohibited from returning to their homes in coastal areas and forcibly relocated, did international awareness increase of the challenges posed by post-disaster recovery and the potential for abuses inherent in managing disaster risk. As Raquel Rolnik, the former UN special rapporteur on

adequate housing, pointed out, international humanitarian and development organisations have taken a long time to recognise the human rights implications of post-disaster responses.<sup>11</sup>

The need for the humanitarian and development sectors to coordinate urban housing responses, and more generally to improve the transition from emergency action to recovery and development in pursuit of durable solutions, has been increasingly emphasised. Such an approach is particularly relevant to displaced informal settlers, who require assistance to meet their immediate basic needs and longer-term responses that address their pre-existing vulnerabilities and provide sustainable settlement options. Dovetailing the different timeframes can be difficult, however, given that the humanitarian response needs to be immediate while authorities often need time to decide on the future of informal settlements and their longer-term development plans.

Among the many challenges humanitarians face in the aftermath of a disaster, the issue of tenure<sup>12</sup> is a major

<sup>10</sup> Brookings-LSE Project on Internal Displacement, *Climate change and internal displacement*, October 2014

<sup>11</sup> UN General Assembly, 2011, Note by the secretary general on the report of the special rapporteur on adequate housing as a component of the right to an adequate standard of living, A/66/270, 5 August 2011, available at: <http://goo.gl/gfkBB9>

<sup>12</sup> Tenure refers to the conditions under which land and buildings are owned or occupied. See key terms section

obstacle to the fair and non-discriminatory delivery of assistance.<sup>13</sup> The overwhelming majority of informal settlers are tenants and squatters, but help for IDPs who do not own their land or homes has tended to be restricted to the provision of emergency shelter, falling short of the support they need to achieve durable solutions.<sup>14</sup>

Authorities meantime have to decide on the one hand whether reconstruction will take place in-situ, and in which case whether it will involve the incorporation of disaster risk reduction (DRR) measures, the regularisation of the settlement, the provision of utilities and the strengthening of residents' tenure security; or on the other, whether IDPs will be relocated and under which conditions and criteria. Such decisions require time and careful planning, and functioning and empowered institutions.

When urban planning is poor, however, and DRR measures have not been adopted before a disaster, they are often difficult to implement in its aftermath when national and local capacity to respond is seriously hampered or overstretched. That said, disasters can also be an opportunity to benefit from international funding and expertise that may not have been available otherwise, and which could contribute to addressing both urgent and longer-term needs in terms of urban planning, capacity building and development. The involvement of humanitarians can also help to raise authorities' awareness of applicable international standards.

Until recently, governments and international organisations tended to assume that housing reconstruction was the main priority, and as such they have focussed on building standards and materials at the expense of the broader social, political and economic conditions required to facilitate durable solutions. The number of homes built has generally been the accepted measure of success, and other aspects of the right to adequate housing such as tenure security, access to services, affordability, location, employment and cultural adequacy have been neglected.

International human rights standards related to housing, land and property (HLP) tend to have been poorly understood and implemented following disasters, and there is a frequent disconnect between humanitarian

shelter responses and longer-term but concurrent issues of land, sustainable settlement and livelihoods. As global attention to DRR in urban areas and post-disaster reconstruction increases, however, whether in-situ or as part of relocation, existing human rights standards and guidance can help to redress and prevent such failures if they are used to inform programmes and policies.

There is an increasing body of literature that discusses humanitarian challenges in urban areas following disasters in general terms,<sup>15</sup> but few studies have focussed on those specific to the protection and assistance of informal settlers who become displaced by disaster. The paucity of information reflects humanitarian agencies' limited experience of responding to the housing needs of urban populations in general, and displaced informal settlers in particular.<sup>16</sup> Previous research has highlighted their limited access to reconstruction assistance and their lack of integration into risk assessment mapping.

This report aims to inform national and international humanitarian and development responses that facilitate adequate and durable housing solutions for displaced informal settlers in the aftermath of urban disasters. It explores the extent to which previous responses have provided them with such solutions, and with reference to case studies and international standards, it identifies recurring challenges and their impact on informal settlers' ability to exercise their right to adequate housing.

The second section reviews the main international human rights standards and operational frameworks relevant to the protection of IDPs' rights, including the right to adequate housing. Given that no single international standard deals specifically with urban informal settlers displaced by disasters, their rights are determined and responses to their needs informed by a variety of legal instruments and guidelines.

The third section presents a series of case studies that illustrate the efforts of governments, municipal authorities and local and international NGOs to address the housing needs of urban informal settlers displaced by disasters in terms of reconstruction, DRR and relocation. It specifically addresses weak tenure security as a potential obstacle to housing assistance.

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<sup>13</sup> International Federation of Red Cross and Red Crescent Societies (IFRC), *Addressing regulatory barriers to providing emergency and transitional shelter in a rapid and equitable manner after natural disasters*, 2011 a); IFRC, *Disasters in Africa: The case for legal preparedness*, 2011 b); IFRC, *Disasters in the Americas: The case for legal preparedness*, 2011, c); IFRC and Norwegian Refugee Council (NRC) 2014, *Security of Tenure in Humanitarian Shelter Operations*, Geneva, available at: <http://goo.gl/PnUVOD>

<sup>14</sup> Leckie S, *Regulatory obstacles to rapid and equitable emergency and interim shelter solutions after natural disasters*, Report prepared by Displacement Solutions for IFRC, 2011

<sup>15</sup> For example, see ALNAP, *Responding to urban disasters: learning from previous relief and recovery operations*, lessons paper, 2012, Clermont C et al, *Urban Disasters – Lessons from Haiti: Study of Member Agencies' Responses to the Earthquake in Port au Prince, Haiti, January 2010*, Disasters Emergency Committee, 2011

<sup>16</sup> This report focuses on people who were informal settlers before they became displaced. It does not cover those displaced to informal settlements as a result of a disaster

The report concludes with a set of recommendations that highlight areas for improvement and potential solutions.

## 1.1 METHODOLOGY

This report is based primarily on a review of policy and project documents and scientific literature, and previous empirical research and evaluations the researcher Jennifer Duyn Barenstein carried out in Argentina, Haiti, India, Indonesia, the Philippines and Sri Lanka over the last two decades.

One of the case studies was written by Vivek Rawal, founder of People in Centre Consulting, an enterprise providing advice disaster safe housing and inclusive urban development. The data sources used are discussed further for each case study.

Given humanitarian agencies' limited experience in responding to the housing needs of informal settlers displaced by disasters, and the consequent paucity of information on reconstruction programmes and projects, the report draws on a limited number of case studies. For those that are mainly based on secondary data, the main sources were contacted to obtain additional information and clarification.<sup>17</sup>

The report reviews and builds on IDMC's research carried out as part of a EuropeAid project on climate change and displacement that aims to build an evidence base and equip states with tools and guidance for action. Reports on the Pacific islands,<sup>18</sup> the San Remo regional consultations on relocation,<sup>19</sup> the meta-data analysis on displacement caused by disasters presented at the 2015 World Conference on Disaster Risk Reduction in Sendai, and the Norwegian Refugee Council (NRC)'s study on urban displacement all highlighted informal settlers' vulnerability to displacement, the difficulty they face in accessing reconstruction assistance and their lack of integration in risk assessment mapping.

## 1.2 KEY TERMS AND CONCEPTS

This section provides basic information on key concepts relevant to the report and explains the relationship between them.

## Informal settlements

There is no single conceptual and operational definition of an informal settlement. The Organisation for Economic Co-operation and Development (OECD) and the UN Economic Commission for Europe (UNECE) define them as “areas where groups of housing units have been constructed on land that the occupants have no legal claim to, or occupy illegally” and “unplanned settlements and areas where housing is not in compliance with current planning and building regulations”.<sup>20</sup> Many publications use the term “slum” as a synonym. The Millennium Development Goals (MDG) and agencies such as the UN Human Settlements Programme (UN-Habitat) and the Cities Alliance use it, and it is also employed for national and global statistical purposes.

Based on a review of definitions used by national and local governments, statistical offices, other institutions and public perceptions, UN-Habitat defined slums in 2003 as human settlements with the following characteristics:<sup>22</sup>

- Lack of basic services
- Substandard housing and inadequate structures
- High population density and overcrowding
- Unhealthy living conditions and hazardous locations
- Insecure tenure
- Poverty and social exclusion

It is important, however, to recognise that informal settlements are socially heterogeneous and that their inhabitants face varying degrees of vulnerability, poverty, tenure insecurity and housing conditions. The common denominator of all informal settlements is that they are to some extent irregular in terms of their location and housing.

## Tenure security

Tenure security is one of the seven essential elements of the right to adequate housing. Tenure can take various forms, including ownership, tenancy, cooperative housing, authorised free occupation and squatting. Regardless of type, people should possess a degree of security

<sup>17</sup> Turkey, Nicaragua and the Dominican Republic

<sup>18</sup> IDMC, *Technical paper: the risk of disaster-induced displacement. South Pacific island states*, 14 January 2014

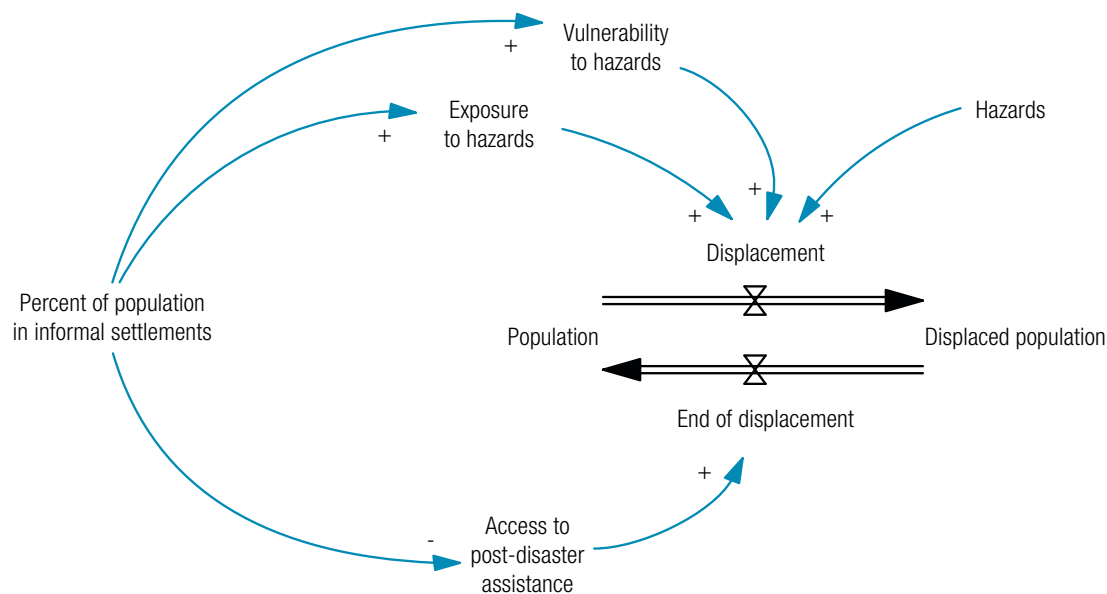
<sup>19</sup> UNHCR, *Planned relocations disasters and climate change: consolidating good practices and consolidating for the future*, March 2014 for expert consultations in San Remo, 12-14 March 2014

<sup>20</sup> UNECE, *Self-made Cities. In search of sustainable solutions for informal settlements in the United Nations Economic Commission for Europe Region*, 2009, available at: <http://goo.gl/QKQwHK>

<sup>21</sup> OECD statistical glossary, available at: <http://goo.gl/TbJM3l>

<sup>22</sup> UN-Habitat, *The Challenge of Slums*, global report on human settlements, 2003, pp.9-11

**Figure 1: Disaster risk and displacement**



that protects them against forced eviction, harassment and other threats. States are responsible for providing legal tenure security to people who lack such protection.<sup>23</sup>

The former special rapporteur on the right to adequate housing, Raquel Rolnik, offers the following definition: “Security of tenure is understood as a set of relationships with respect to housing and land, established through statutory or customary law or informal or hybrid arrangements, that enables one to live in one’s home in security, peace and dignity.” In the guiding principles on security of tenure for the urban poor that she formulated, she highlights the particular risks faced by urban poor living in informal settlements. She advocates for the presumption of legitimate tenure rights for people who have no adequate option other than to occupy land or property to exercise their right to adequate housing. Legitimate tenure rights should be secured and protected, and extend beyond private ownership.<sup>24</sup>

## Displacement<sup>25</sup>

The term displacement refers to the involuntary or forced movement, evacuation or relocation of individuals or groups of people from their homes or places of habitual residence.<sup>26</sup> Many factors contribute to displacement, of which natural hazards, conflict and violence are the most immediate and obvious triggers. For the purpose of this report, people’s efforts to escape the impacts or threat of natural hazards and disasters can be taken as the cause.

The vast majority of people who flee disasters remain within their country of residence. As set out in the Guiding Principles on Internal Displacement, they are described as internally displaced people or IDPs. Displacement heightens their risk of impoverishment and discrimination, and creates specific needs. It can take place over short or long distances and includes situations where people are rendered homeless or deprived of their livelihoods but remain close to their original dwellings, whether by choice or because they have no alternative access to shelter and assistance.

Displacement includes complex patterns of movement beyond IDPs’ initial flight. From their first place of refuge, such as an evacuation centre, they may move to transitional shelter sites and make temporary visits home before they are able to achieve a durable solution.

The relation between displacement and disasters is illustrated in the diagram below, which shows how informal settlers’ level of exposure combined with their vulnerability increases the risk of their being displaced.

## Natural hazard

Natural hazards are events or conditions that originate in the natural environment, and which pose a severe threat to people and assets in exposed areas. They include geophysical (earthquake), climate and weather-related events (floods and hurricanes). Their impact is often strongly influenced by human activity, including

<sup>23</sup> CESCR, *general comment no. 4, the right to adequate housing*, UN doc. E/1992/23, annex III

<sup>24</sup> UNGA, Human Rights Council, *Guiding principles on security of tenure for the urban poor*, A/HRC/ 25/54, 30 December 2013

<sup>25</sup> IDMC, *Global Estimates 2013*, September 2014, p.13; IDMC, *Global Estimates 2012*, May 2013, p.10

<sup>26</sup> UN, *Guiding Principles on Internal Displacement*, 1998



urban development, deforestation, dam water releases and emissions that contribute to long-term changes in the global climate.<sup>27</sup>

Geographical location is important in determining the types of natural hazard to which a country is exposed. They vary greatly in terms of warning times, their speed of onset, duration, intensity and impacts. Approaches to mitigating the effects of natural hazards need to be tailored to each type of event and the specific context of exposed areas, populations and assets.<sup>28</sup>

## Disaster

A disaster is defined as the “serious disruption of the functioning of a community or a society causing widespread human, material, economic or environmental losses which exceed the ability of the affected community or society to cope using its own resources”.<sup>29</sup> They are generally triggered by the onset of natural hazards.

Disasters result from a combination of risk factors: the exposure of people and assets to natural hazards and their pre-existing vulnerabilities, including their lack of capacity to cope with shocks.<sup>30</sup> This is represented in the following equation:

**Disaster risk = Hazard x Exposure x Vulnerability<sup>31</sup>**

Most disasters are as much man-made as they are natural, and much can be done to strengthen community-based and national resilience to mitigate their worst impacts and better prepare for events that cannot be avoided. Policies and practice that protect and respect the rights of IDPs and those at risk of displacement, and target their specific needs, can play a vital role in this sense, and in breaking recurrent patterns and preventing displacement or avoiding it becoming protracted.<sup>32</sup>

## Disaster risk reduction

Disaster risk reduction (DRR) describes measures that communities, civil society, national authorities and international organisations take to prepare for and mitigate the impact of disasters. It is defined as “the conceptual framework of elements considered with the possibility to minimise vulnerabilities and disaster risks throughout society, to avoid [prevention] or to limit [mitigation and preparedness] the adverse impacts of hazards, within the broad context of sustainable development”.<sup>33</sup>

## Relocation

The relocation of people living in areas prone to natural hazards may be necessary in the case of sudden-onset events, acute environmental degradation and the longer-term effects of climate change. The fact that disasters related to climate change are becoming ever more frequent suggests that relocation will be used more often in the future to protect people from their impacts.<sup>34</sup>

Although it is intended as a protective measure, relocation often involves impoverishment, social fragmentation and the violation of human rights. The World Bank (WB) has developed guidance on how to avoid such negative consequences in general, and more recently on relocation in the context of climate change specifically. The latter can also be applied to disasters linked to other causes.<sup>35 36</sup>

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<sup>27</sup> IDMC, *Disaster-related displacement risk: Measuring the risk and addressing its drivers*, March 2015, p.16

<sup>28</sup> IDMC, *Global Estimates 2013*, September 2014, p.13

<sup>29</sup> UN Office for Disaster Risk Reduction, 2009, quoted in IDMC, *Global Estimates 2013*, September 2014, p.13

<sup>30</sup> IDMC, *Global Estimates 2013*, September 2014, p.13

<sup>31</sup> For more information on these terms, see IDMC, 2015, op cit, p.13

<sup>32</sup> IDMC, *Global Estimates 2013*, September 2014, p.7

<sup>33</sup> UNISDR, *Living with risks: a global review of disaster reduction initiatives*, 2004, p.17, as quoted in Brookings-LSE Project on Internal Displacement, *Climate change and internal displacement*, October 2014, p.10

<sup>34</sup> UNHCR, Brookings Institution, *Planned relocations, disasters and climate change: consolidating good practices and preparing for the future*, Background document, San Remo consultation, March 2014

<sup>35</sup> World Bank, *Operational policy on involuntary resettlement*, 12 December 2001 (revised April 2013)

<sup>36</sup> World Bank, *The peninsula principles on climate displacement within states*, 18 August 2013



## 2. INTERNATIONAL LEGAL STANDARDS AND OPERATIONAL FRAMEWORKS

### 2.1 DISASTERS AS TRIGGERS FOR ENHANCED STANDARDS

As the right of urban informal settlers displaced by disasters to adequate housing is not enshrined in one specific legal instrument, a number of international standards, policies and operational guidelines should be drawn upon when analysing the issue.<sup>37</sup>

Some of the key rights and principles relevant to adequate housing and displacement are several decades old. That said, international human rights and operational standards have recently evolved towards more specific guidance on the protection of human rights in the context of disasters, and the tenure rights of the urban poor, particularly those living in informal settlements. This development has been prompted by the impact of mega-disasters such as the 2004 Indian Ocean tsunami and the 2010 earthquake in Haiti.

The response to the tsunami highlighted the risks inherent in non-participative and inadequate relocations and the particular vulnerability of informal settlers given that they often live in the most exposed areas. This response triggered a reflection on the human rights dimension of post-disaster responses and led to the formulation in 2006 of the Inter-Agency Standing Committee (IASC)'s operational guidelines on human rights and disasters. The guidelines were updated in 2011 to reflect lessons learned from the Haiti earthquake.

A 2009 report by the Office of the High Commissioner for Human Rights analysed the impact of climate change on specific rights and vulnerable groups, and its contribution as a driver of forced displacement and, ultimately, conflict.<sup>38</sup> The study prepared the ground for the development of the Nansen principles on climate change and displacement, which were adopted in 2012.

Both the Nansen principles and IASC's operational guidelines on disasters include provisions that support the housing rights of displaced informal settlers in terms of reconstruction and protection from forced eviction in the case of relocation. They call for non-discriminatory access to permanent housing and for consultation with IDPs, particularly the most vulnerable, on settlement options that constitute durable solutions.

The right to adequate housing has followed a similar evolution elaborating on the disaster specific dimension. Tenure security has long been recognised as an essential element, but the guidance issued by the special rapporteur following her post-earthquake visit to Haiti has led to much more specific findings and recommendations.<sup>39</sup> They highlight the need to address the plight of the urban poor, including informal settlers, and the shelter requirements of people displaced by disasters.<sup>40</sup>

The two global policy frameworks on DRR, the 2005 Hyogo framework and its successor agreement, the 2015 Sendai framework, also reflect an evolution towards greater recognition of displacement as an impact of disasters and a risk to mitigate.

<sup>37</sup> See IFRC&NRC 2014 op.cit, Food and Agriculture Organisation (FAO), Assessing and responding to land tenure issues in disaster risk management, training manual, Rome, 2011; Harper E, International Law and Standards applicable in natural disaster situations, IDLO, Rome, 2009; Habitat International Coalition (HIC), *International Human Rights Standards on Post-disaster Resettlement and Rehabilitation*, online publication, 2005; Interagency Standing Committee (IASC), *Framework for Durable Solutions for Internally Displaced Persons*, Geneva, 2010 a); OCHA, *Guiding Principles on Internal Displacement*, 2004

<sup>38</sup> UN General Assembly, Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights, A/HRC/10/61, 15 January 2015 available at <http://goo.gl/lfP1CQ>

<sup>39</sup> The Haitian capital, Port-au-Prince, was one of the area worst hit by the earthquake and a large majority of the people displaced were informal settlers

<sup>40</sup> UNGA, report of the special rapporteur on the right to adequate housing, A/66/270, 5 August 2011

## 2.2 INTERNATIONAL HUMAN RIGHTS STANDARDS AND POLICY FRAMEWORKS

### International human rights law

#### The right to adequate housing

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The right to adequate housing provides important guidance in terms of responses in general, but also more specifically in terms of informal settlers and others with weak tenure security and limited access to services. It covers not only shelter but also a wide range of social and economic aspects which are often disregarded.

It is enshrined in article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), where it is defined as “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions”. ICESCR explicitly identifies people affected by disasters and those living in areas prone to them among disadvantaged groups that should receive priority consideration in terms of housing.

In its general comments four and seven adopted in 1991 and 1997, the Committee on Economic, Social and Cultural Rights (CESCR), which monitors state parties’ implementation of ICESCR, elaborated on the right to adequate housing and forced evictions respectively. It determined that adequate housing constitutes more than simply “four walls and a roof”, and identified seven elements of the right:

- 1 Legal security of tenure
- 2 Access to public goods and services
- 3 Affordability
- 4 Habitability
- 5 Physical accessibility
- 6 Location
- 7 Cultural adequacy

General comment seven sets out measures to ensure that evictions do not violate human rights, such as meaningful consultations with affected populations on alternatives to eviction or relocation, and the provision of legal remedies and alternative accommodation when necessary. It does not refer specifically to evictions that take place in the aftermath of disasters, but it provides useful guidance that can be applied to ensure that evacuations and relocations do not amount to forced eviction.

### UN Guiding principles, policy frameworks and UN mechanisms

#### Guiding Principles on Internal Displacement<sup>41</sup>

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The Guiding Principles on Internal Displacement (Guiding Principles), adopted in 1998, define IDPs as “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border”.

They do not contain specific provisions on urban displacement or informal settlers, but they establish a clear link between certain types of evacuation or eviction and displacement. They are not formally binding in and of themselves, but they are based upon and draw their legitimacy from legally binding international humanitarian law, human rights law - notably the right to adequate housing<sup>42</sup> - and refugee law. They have also been incorporated into binding regional instruments such as the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, widely known as the Kampala Convention.<sup>43</sup>

The Guiding Principles offer authoritative guidance applicable to displacement caused by disasters and the development of national and international responses in terms of housing and durable solutions, including in terms of relocation.<sup>44</sup>

The provisions on the right to be protected from displacement in its various forms make it clear that displacement is considered arbitrary in the aftermath of a disaster unless the safety and health of those affected requires their evacuation.<sup>45</sup> Before displacement is de-

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<sup>41</sup> UN *Guiding Principles on Internal Displacement*, E/CN.4/1998/53/Add.2, 11 February 1998

<sup>42</sup> *Ibid*, principles 7.1 and 7.2

<sup>43</sup> The Kampala Convention entered into force in December 2012 and applies to all causes of forced displacement, including conflict, disasters and development projects

<sup>44</sup> The Guiding principles use the term “resettlement”, but this report uses “relocation” to avoid confusion with the resettlement of refugees in a country other than the one they have been displaced to

<sup>45</sup> UN *Guiding Principles on Internal Displacement*, E/CN.4/1998/53/Add.2, 11 February 1998, principle 6

cided upon, feasible alternatives should be explored and in their absence measures should be taken to minimise the upheaval and its adverse effects.<sup>46</sup> If displacement is to take place in a situation that is not an emergency, authorities should ensure that those affected receive adequate accommodation, acceptable conditions in terms of safety, nutrition, health and hygiene, and that family members are not separated.<sup>47</sup>

Guiding principle seven sets out in detail the procedures the authorities should follow prior to displacement, which derive from the right to adequate housing and the provisions on forced evictions in CESCR's general comment seven. As such, the Guiding Principles clearly highlight the link between displacement and evacuation, relocation and forced eviction in disaster situations. They also emphasise that IDPs should participate fully in the planning and management of their return, resettlement or reintegration<sup>48</sup>.

### Framework for durable solutions

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IDPs' lack of access to adequate housing is a key obstacle to their achievement of durable solutions, particularly for displaced informal settlers who are often discriminated against in terms of housing assistance. A number of provisions in IASC's 2009 Framework for Durable Solutions for Internally Displaced Persons<sup>49</sup> echo essential elements of the right to adequate housing, reflecting its significance in terms of bringing displacement to a sustainable end.

Building on the Guiding Principles, the framework clarifies authorities' responsibilities and the role of the humanitarian and development sector in facilitating durable solutions. The Guiding Principles define the point at which someone becomes an IDP, but not the point at which they cease to be one. The IASC framework determines that IDPs can be considered to have achieved a durable solution when they "no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement".

More specifically, it identifies eight interlinked criteria to be met:

- ① Safety and security
- ② Adequate standard of living
- ③ Access to livelihoods
- ④ Access to effective remedies and justice
- ⑤ Restoration of housing, land and property
- ⑥ Access to documentation
- ⑦ Family reunification
- ⑧ Participation in public affairs

These criteria are directly relevant to the housing situation of displaced urban informal settlers.

### Hyogo and Sendai DRR frameworks

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The Hyogo and Sendai frameworks reflect an increased awareness of governments, international organisations and disaster experts of the need to address the risk of displacement associated with disasters.

The Hyogo Framework for Action (HFA) is the outcome of the 2005 World Conference on Disaster Reduction.<sup>50</sup> HFA is a 10-year plan that sets out principles and practical means for improving resilience to disasters at the national and community level, and outlines priorities for action. Its goal is to substantially reduce the loss of life and social, economic, and environmental assets when natural hazards strike.<sup>51</sup> HFA only mentions displacement marginally. There are references to prioritising disaster risk assessments in informal settlements and high risk areas,<sup>52</sup> and to focussing disaster preparedness on the most vulnerable areas and groups,<sup>53</sup> but it does not address the risk of displacement triggered by disasters. Nor does it include specific measures to reduce the risk or improve the response to IDPs' needs.<sup>54</sup>

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<sup>46</sup> *Ibid*, principle 7.1

<sup>47</sup> *Ibid*, principle 7.2

<sup>48</sup> *Ibid*, principle 28.2

<sup>49</sup> IASC regroups key UN and non-UN humanitarian partners for inter-agency coordination of humanitarian assistance

<sup>50</sup> Hyogo Framework for Action 2005-2015, World Conference on Disaster Reduction, January 2005, Hyogo, Japan, available at: <http://goo.gl/E8mR2y>

<sup>51</sup> See <http://goo.gl/6EPTgm>

<sup>52</sup> HFA, priority for action 4. 19 (iii. n): "Incorporate disaster risk assessments into the urban planning and management of disaster-prone human settlements. The issues of informal or non-permanent housing and the location of housing in high-risk areas should be addressed as priorities, including in the framework of urban poverty reduction and slum-upgrading programmes"

<sup>53</sup> HFA, priority for action 5. 20.(d): "Prepare or review and periodically update disaster preparedness and contingency plans and policies at all levels, with a particular focus on the most vulnerable areas and groups."

<sup>54</sup> IDMC, March 2015, op cit, p.7

The Sendai framework, HFA's successor, adopted at the 2015 World Conference on Disaster Risk Reduction in March, makes explicit reference to displacement, which is recognised in the preamble as a major disaster impact. It provides a stronger policy framework for research and advocacy on reducing and mitigating displacement risk, and monitoring government's progress in implementing their commitments. Measures to improve disaster preparedness and effective responses are highlighted, and evacuations are acknowledged for the first time as a form of displacement.

The Sendai framework also calls for the integration of disaster risk management into recovery and rehabilitation process as a means of bridging the gap between emergency and development work. Measures to reduce risk through land use planning and improved building standards are suggested, including for temporary settlements for people displaced by disasters.<sup>55</sup>

### Nansen principles

In 2012, the Nansen Conference on Climate Change and Displacement adopted the Nansen principles, which provide guidance on the challenges inherent in responding to displacement caused by climate change and natural hazards.<sup>56</sup>

Several principles are relevant to urban informal settlers, in particular the imperative to respect human dignity, human rights and international cooperation when responding to climate change and environmental hazards<sup>57</sup>; the need for regional frameworks and international organisations to support national responses and capacity building when necessary<sup>58</sup>; the states' obligations to protect their populations and pay special attention to the most vulnerable and those most affected by climate change, environmental hazards and displacement risk<sup>59</sup>; and the need to consult affected populations on decisions that impact their lives, particularly in terms of relocation, and the preferences of those wishing to remain in their places of origin.<sup>60</sup>

The Nansen principles build on the Human Rights Council 2009 report, which explores the link between disasters and human rights. As mentioned above, the report examines the impact of climate change and disaster-induced displacement on the enjoyment of specific rights and on vulnerable groups, and ways in which it contributes to forced displacement and conflict.<sup>61</sup>



Residents in new housing in Ravine Pintade, a hilly area in the center of Port-au-Prince which was previously damaged by the earthquake. An extra floor was added to address the small size of the plots. Photo: CHF/Maggie Steber, May 2012

### UN mechanisms

Two mechanisms created by the UN Commission on Human Rights (UNCHR) are particularly relevant to the housing issues IDPs face. The Rapporteurs' country and thematic reports have contributed to the evolution of their respective areas of expertise by pointing to gaps related to urban issues, tenure and disasters, and providing guidance on how to address them.

#### a. Special rapporteur on the human rights of internally displaced persons

The UN secretary general appointed a representative on IDPs in 1992, but this mechanism was superseded

<sup>55</sup> UNGA, Sendai framework for disaster risk reduction 2015-2030, A/conf 224/L2, 7 April 2015, priority 4.33

<sup>56</sup> Nansen Conference on Climate Change and Displacement in the 21st century, Oslo, Norway, June 2011

<sup>57</sup> Principle 1

<sup>58</sup> Principle 4

<sup>59</sup> Principle 2

<sup>60</sup> Principle 10

<sup>61</sup> UN report A/HRC/10/61 quoted by Brookings, 2014 as quoted in Brookings-LSE Project on Internal Displacement, *Climate change and internal displacement*, October 2014

in 2004 when the UN Commission on Human Rights created the mandate of special rapporteur to promote, disseminate and ensure the application of the Guiding Principles. Chaloka Beyani, the current special rapporteur, dedicated his 2014 annual report to the UN General Assembly to the challenges urban IDPs face in achieving durable solutions.<sup>62</sup> It highlights the specific difficulties experienced by IDPs dispersed among the urban poor in informal settlements in achieving durable solutions<sup>62</sup> and recommends the establishment of urban development plans and poverty reduction strategies informed by displacement dynamics.<sup>63</sup>

#### b. Special rapporteur on adequate housing

In her 2011 report to the UN General Assembly, the special rapporteur on adequate housing, Raquel Rolnik, stressed that responses to disasters had failed to pay broad enough attention to the right covered by her mandate, instead narrowing it down to focus on reconstruction and the most tangible aspects of housing such as physical structures.<sup>64</sup>

As a consequence, she developed a general framework for disaster responses based on the right to adequate housing.<sup>65</sup> (see below) Given that the overwhelming majority of urban informal settlers are either tenants or squatters, the framework highlights the need for humanitarian agencies and authorities to recognise forms of tenure other than ownership when designing and delivering programmes and policies in the areas of reconstruction, settlement upgrades and DRR measures.

In the general framework below, the provisions most relevant to displaced urban informal settlers are highlighted in bold.

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<sup>62</sup> UNGA, report of the special rapporteur on the human rights of internally displaced persons: Protection of and assistance to internally displaced persons, A/69/295, 11 August 2014

<sup>63</sup> *Ibid*, recommendation (n)

<sup>64</sup> UNGA, 5 August 2011, op. cit.

<sup>65</sup> *Ibid*

# GENERAL FRAMEWORK FOR DISASTER RESPONSE BASED ON THE RIGHT TO ADEQUATE HOUSING

## Overarching principles

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### 1 Right to adequate housing

In all phases of disaster response the right to adequate housing should be respected and protected. It should be understood as the right to live in safety and security, in conditions deemed adequate on grounds of security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy.

### 2 Security of tenure

The multiplicity of forms of tenure should be recognized equally and security of tenure should be ensured for everyone post-disaster.

### 3 Participation

- All affected persons and groups should have access to information and be able to participate meaningfully in the planning and implementation of the various stages of the disaster response.
- In particular, all affected persons and groups should have the opportunity to participate in the identification and determination of tenure rights; the choice over, planning and implementation of transitional shelter and permanent housing programmes, and of durable solutions (return, local integration, resettlement); and in decisions over land use planning and restrictions.
- Women's participation must be ensured

### 4 Non-discrimination and vulnerability

- In post-disaster needs assessments (for both emergency and recovery), pre-disaster inequalities and vulnerabilities should be identified, whether based on race, socio-economic status, tenure, gender or any other relevant grounds.
- In recovery plans, programmes should be devised to specifically address inequalities identified.
- Special measures should be taken to redress discrimination and ensure the realization of the right to adequate housing for the most disadvantaged groups, including through measures to strengthen tenure security for those with insecure status and/or through the prioritization of housing reconstruction and the provision of alternate housing, such as social or public housing, for the most vulnerable.

## Operational principles

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### 1 Equal rights to shelter and housing

- All affected persons, irrespective of their tenure status pre-disaster, should have equal rights to shelter in the emergency and transitional phases.
- Shelter and housing must fulfil the requirements of adequacy in international human rights law

### 2 Do no harm

No harm should be caused by or to others in respecting and protecting the right to adequate housing, including tenure security:

- Existing land, housing and identity records should be protected.
- Housing, land and property should be protected from further damage or destruction.
- States must prohibit and sanction forced evictions by Government and private actors alike.
- Health and safety regulations as well as disaster risk reduction measures, which may call for land use or housing restrictions, must be subject to human rights standards: their impacts on the human rights of individuals and communities must be assessed, and due process rights, and the rights to information and participation, must be upheld in all circumstances.
- Efforts must be made to ensure that humanitarian and shelter assistance, as well as the restitution laws, mechanisms and institutions that may emerge in post-disaster situations, do not intentionally or by default discriminate on the basis of tenure status.

### 3 Tenure of “non-formal owners”

The tenure rights of “non-formal owners”, namely those without individual, formally registered, property ownership, should be honoured:

- All pre-disaster tenure rights, including in disaster damage and needs assessments, should be assessed and recorded.
- In contexts where property and ownership are not formally registered, fast-track mechanisms to determine tenure rights, notably community-led processes (community enumeration), should be

considered an essential element of and prerequisite to the implementation of restitution, reconstruction and recovery programmes.

- Housing and property restitution must be understood as the recognition and restitution of all tenure rights to housing or land.
- For those with insecure tenure, measures should aim at strengthening their security of tenure, for instance by granting rights to housing or land at places of origin, either immediately or in incremental stages. When restitution or return is not desirable for the affected persons or is not possible owing to land having disappeared or to compelling safety reasons that prevent the return, alternative housing or land should be granted at another location.
- Measures must be taken to support the repossession of or alternative access to adequate housing or land for all non-formal owners, with a particular focus on the most vulnerable.

#### 4 Context of relief and recovery programmes

Relief and recovery programmes should be addressed within the overall housing context (of an area/city/country):

- In post-disaster needs assessments, major pre-disaster impediments to the realization of the right to adequate housing should be identified, as should the impact of pre-disaster situations on durable solutions and the recovery process.
- The broader housing situation, including unplanned and unserviced settlements, should be addressed through targeted programmes in conjunction with programmes for disaster response and with a focus on the most vulnerable populations.

#### 5 Rebuilding communities

Communities and settlements, not just houses, should be rebuilt or resettled:

- Reconstruction should not only apply to physical structures but should also include or prioritize, as appropriate and according to the needs and requests of affected persons, the rebuilding or setting up of basic infrastructure and services and the upgrading of settlements.
- Community structures and networks, to the extent that they respect international human rights standards including on gender equality, should be deliberately preserved and supported.

#### 6 Compliance with international standards

If return is impossible because the land has disappeared or there are objective safety grounds preventing return, or if it is not desired by the affected individuals or groups, resettlement and local integration conditions must comply with international human rights standards and guidelines pertaining to adequate housing, evictions and displacement.

#### 7 Disaster risk reduction legislation

States must adopt disaster risk reduction legislation that respects the right to adequate housing. Special attention must be given to those who may face discrimination and exclusion, including on the ground of tenure status, and measures must be devised to protect them.

Source: UNGA 2011, A/66/270, 5 August 2011, pp.22-25



Acknowledging the fact that the majority of urban informal settlers are either tenants or squatters, Rolnik focused her report two years later on the need to recognize other forms of tenures, such as rental contracts, and formulated guiding principles on tenure security for the urban poor. The principles affirm the need to improve tenure security in-situ when mitigating and managing disaster risks, and to combat discrimination on the basis of tenure in relation to urban planning and humanitarian shelter.<sup>66</sup>

## 2.3 OPERATIONAL FRAMEWORKS

Humanitarians have developed a number of practical guidelines to help responders in specific contexts such as natural disasters, and with certain categories of beneficiaries such as non-owners. They have also adopted strategies, set in motion initiatives and established bodies to explore various sub-issues.

It should be noted that guidelines related to disasters, tenure security and urban informal settlers have been developed only recently, after most of the responses discussed in this report took place. It is only in the Philippines shelter cluster that guidance on tenure security for non-owners is reflected in the country's policy documents (see section xxx), and it is too early to assess their impact on the reconstruction process on the ground. That said, guidelines constitute an important framework for analysing the extent to which previous responses to urban informal settlers displaced by disasters have enabled them to fulfil their right to adequate housing.

### a. Guidelines for practitioners on land and disasters

In 2010, UN-Habitat published guidelines on land and disasters that emphasise victims' right to adequate housing and tenure security, and their right not to be arbitrarily deprived of property. They also specifically reaffirm the importance of tenure security to reconstruction, socio-economic recovery and the restoration of livelihoods in urban environments.<sup>67</sup>

### b. Operational guidelines for the protection of people affected by disasters

In 2011, IASC adopted operational guidelines for the protection of people affected by disasters that advocate a rights-based approach to humanitarian responses.<sup>68</sup> They are intended to help responders understand the human rights dimensions of their work by providing practical examples and suggesting specific measures to adopt. They provide guidance in relation to four sets of human rights typically undermined by disasters:

- The protection of life, security, physical integrity and family ties
- The protection of rights related to food, health, shelter and education
- The protection of rights related to HLP, livelihoods and secondary and higher education
- The protection of rights related to documentation, movement, freedom of expression and electoral participation

The operational guidelines state that “measures to move from transitional shelter to permanent housing should be taken without discrimination of any kind”<sup>69</sup>, and that “the full participation and decision/agreement of the persons concerned” is required<sup>70</sup>. These points are particularly important, because experience shows that while emergency shelter or transitional housing is usually provided to all, permanent housing tends to be limited to owners and exclude urban informal settlers who generally rent or squat.

The guidelines state that consultations should also take place regarding evictions and relocation, and include a range of other measures related to protection from forced eviction.<sup>71</sup>

### c. The Sphere standards

The Sphere standards are the product of the collective experience of many humanitarian practitioners and provide a set of common principles and universal benchmarks for humanitarian responses, covering different

<sup>66</sup> UNGA, special rapporteur on the right to adequate housing, *Guiding principles on security of tenure for the urban poor*, A/HRC/25/54, 30 December 2013, principles 3 and 5

<sup>67</sup> UN-Habitat, *Guidelines for Practitioners on Land and Natural Disasters*, 2010, available at: <http://goo.gl/dqWaip>

<sup>68</sup> IASC, *Operational Guidelines on the Protection of Persons in Situations of Natural Disasters*, 2011, introduction, p.2, available at: <http://goo.gl/W1RpTI>

<sup>69</sup> Para C.2.2

<sup>70</sup> Paragraph C.2.3

<sup>71</sup> Paragraphs C.2.4 and C.2.5 For further guidance, see *Basic Principles and Guidelines for Development Induced Evictions and Displacement*, A/HRC/4/18, special rapporteur on the right to adequate housing, 2008, available at <http://goo.gl/U1z2RV>

areas of action including shelter.<sup>72</sup> They aim to improve the quality of assistance people affected by disasters receive, and to make the humanitarian system more accountable for its responses.

In terms of shelter, the Sphere standards set a minimum number of square metres per inhabitant for a housing unit to be deemed adequate, and require the connection of reconstructed units to utilities such as water and sewage systems. This can prove very difficult to achieve in informal settlements, given their high population density, limited plot sizes and pre-existing lack of utilities.

#### **d. IASC reference group on meeting humanitarian challenges in urban areas**

Humanitarians often struggle when they operate in unfamiliar environments, for example in urban areas where their usual beneficiaries are dispersed among the local population and the authorities do not necessarily engage in clear urban planning. To address such issues, IASC has developed a strategy on meeting humanitarian challenges in urban areas<sup>73</sup> to improve responses to both conflict and disasters. It has also set up a reference group to share information and practices. The strategy aims to adapt humanitarian tools to urban areas, and improve preparedness in such environments to save lives and reduce the vulnerability of affected populations.

#### **e. Global shelter cluster**

Humanitarians have increasingly recognised the need to address the challenges urban IDPs face in achieving durable solutions regardless of their tenure status, and they have attempted to meet the housing needs of non-owners and of those unable prove their pre-disaster residence. In 2011, at the initiative of the International Federation of Red Cross and Red Crescent Societies (IFRC), the global shelter cluster set up a group to focus on regulatory barriers to shelter and study ways to facilitate the inclusion of non-owners in reconstruction programmes.<sup>74</sup> The initiative reflects humanitarian shelter organisations' acknowledgement that tenure issues are a significant obstacle to fair and equitable aid, and to the achievement of durable housing solutions after disasters.<sup>75</sup>

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<sup>72</sup> The Steering Committee for Humanitarian Response, InterAction, VOICE and ICVA launched the Sphere project in 1997 to develop a set of universal minimum standards in core areas of humanitarian assistance. For more information, see: <http://goo.gl/Jt57HB>

<sup>73</sup> IASC, *Strategy: meeting humanitarian challenges in urban areas*, 2010, available at <http://goo.gl/swSQSH>

<sup>74</sup> IFRC and NRC, *Security of Tenure in Humanitarian Shelter Operations*, 2014, available at <http://goo.gl/qPTpvE>

<sup>75</sup> International Federation of Red Cross and Red Crescent Societies (IFRC), *Addressing regulatory barriers to providing emergency and transitional shelter in a rapid and equitable manner after natural disasters*, 2011; IFRC, *Disasters in Africa: The case for legal preparedness*, 2011; IFRC, *Disasters in the Americas: The case for legal preparedness*, 2011; IFRC & NRC 2014, op.cit



## 3. THE HOUSING RESPONSE FOR INFORMAL SETTLERS DISPLACED BY DISASTERS

This section features nine case studies from Asia, Europe and Latin America that illustrate how governments, municipal authorities and local and international NGOs have addressed the housing needs of urban informal settlers displaced by disasters, particularly in terms of reconstruction, DRR and relocation. It specifically addresses the issue of weak tenure security as a potential obstacle to housing assistance.

The case studies are based on research that varied considerably in its focus and methodological approach. That said, each of them describes the experiences and achievements of responders and the challenges they faced in addressing urban informal settlers' housing needs following disasters. They are presented in two sub-sections according to the type of solution they offer, relocation or in-situ. A third sub-section contains case studies that show how a lack of national or municipal leadership can hamper international responses.

The case studies do not necessarily offer replicable solutions, but they highlight context-specific opportunities and challenges in meeting the housing needs of informal settlers displaced by disasters. They also draw attention to some of the risks inherent in supporting post-disaster recovery when interventions are based on a narrow understanding of hazards and the right to adequate housing, and only limited knowledge of the local context.

### 3.1 ADDRESSING URBAN INFORMAL SETTLERS' HOUSING NEEDS THROUGH RELOCATION

#### 3.1.1 Neglect of informal settlers and tenants displaced by the December 2004 tsunami in Indonesia<sup>76</sup>

##### Context

The December 2004 Indian Ocean tsunami was one of the most devastating disasters in recorded history, killing more than 286,000 people in 14 countries<sup>77</sup> and 220,000 in the Aceh province alone<sup>78</sup>. The most severe human and material losses occurred along the west coast of Indonesia's Aceh province, and particularly the cities of Banda Aceh and Meulaboh, where the death toll reached at least 120,000 and 25,000 respectively. A high proportion of the victims were women and children<sup>79</sup>. Damage and loss assessments in the two cities indicated that about 127,000 houses were completely destroyed and 152,000 damaged, displacing an estimated 500,000 people.<sup>80</sup>

##### Response

In January 2005, the Indonesian government announced that all families affected by the earthquake and tsunami would be entitled to reconstruction assistance, and in April 2005 it established the Agency for Reha-

<sup>76</sup> Duynne Barenstein J, *People-driven Reconstruction and Rehabilitation in Aceh: A Review Uplink's Concepts, Strategies and Achievements*, report prepared for Misereor, Aachen, Germany, 2008; Steinberg F, "Housing reconstruction and rehabilitation in Aceh and Nias, Indonesia: Rebuilding lives", *Habitat International* 31, 2007, pp.150-166; Steinberg F and Schmid P, *Rebuilding homes in Aceh and Nias*, ADB, Manila, 2010; Da Silva J, Key considerations in post-disaster reconstruction, *Practical Action for DEC and ARUP*, Rugby, 2010; Oxfam International, *The tsunami two years on: Land Rights in Aceh*, Oxfam briefing notes, 2006

<sup>77</sup> World Bank, *Indonesia; a reconstruction chapter ends 8 years after the tsunami*, 26 December 2012

<sup>78</sup> *Ibid*

<sup>79</sup> Steinberg, F. 2007. Housing reconstruction and rehabilitation in Aceh and Nias, Indonesia. Rebuilding lives. *Habitat International* 31:150-166.

<sup>80</sup> BRR and partners, *Aceh and Nias, two years after the tsunami*, December 2006

bilitation and Reconstruction (Badan Rehabilitasi dan Rekonstruksi, BRR) to manage recovery. BRR's assistance consisted of providing owners of destroyed homes with a 36 m<sup>2</sup> dwelling, and owners of damaged homes with reconstruction assistance. Most donor agencies' reconstruction projects were also targeted primarily at home owners.

As a consequence, the housing needs of about 70,000 displaced squatters and renters, many of them living in informal settlements, were overlooked. Many were still homeless and with no prospect of being re-housed two years after the disaster.

Advocacy efforts by several national and international NGOs highlighted the neglect of squatters' and tenants' needs, and led BRR to allocate them cash grants.<sup>81</sup> According to government regulations issued in June 2006, those who were tenants before the tsunami were to receive around \$2,800 and squatters \$1,150. Disbursement was delayed, however, and with inflation running at 40%, the value of the grants was significantly reduced - along with beneficiaries' ability to achieve an adequate and durable housing solution.

Confronted with major demonstrations outside BRR's head office in Banda Aceh, the government announced in February 2007 the allocation of free land and housing for tenants' and squatters' relocation. The initiative, however, split communities with owners staying and non-owners being relocated to various sites. Social cohesion was disrupted, along with the capacity of those affected to pursue their livelihoods.

## Conclusion

This case study illustrates the tendency of authorities to focus reconstruction assistance following a disaster on owners. International organisations by and large endorsed the approach, undermining informal settlers' access to adequate housing and driving many into protracted displacement.

The assistance the government eventually provided to informal settlers under pressure from civil society still left them at a disadvantage compared with owners. The nature and amount of assistance was clearly linked to beneficiaries' tenure situation rather than their vulnerabilities and needs. Owners received a home while non-owners received cash or were relocated, and tenants received larger cash grants than generally poorer squatters - clear cases of discrimination on the basis of tenure status.

The case study illustrates the need to facilitate durable solutions for displaced informal settlers that take social cohesion and access to livelihoods into account. It shows that cash grants are in this case used as a short time



An Indonesian woman searches through debris in the rain, where her house once stood, in the city of Banda Aceh on the island of Sumatra, Indonesia. Photo credit: US Navy/Jordon R. Beesley, January 2005

measure to support tenants' housing needs, including those living in informal settlements, and the need to disburse and spend them quickly in countries suffering high inflation.

Consultation with IDPs to be relocated would have allowed the choice of relocation sites to be reconsidered, and measures agreed to address both the risk of impoverishment caused by the lack of livelihood opportunities and the breakdown of social cohesion arising from the separation of communities. Efforts to improve social cohesion in newly relocated communities are key to facilitating the reintegration of informal settlers and tenants.

<sup>81</sup> Informal settlements are inhabited by squatters (people who occupy land or buildings without paying) and tenants. Squatters live in mostly in informal settlements, but tenants can be found in both the formal and informal sector

### 3.1.2 The impact of 2004 post-tsunami relocation on informal settlers in Sri Lanka: the cases of Ampara and Hambantota<sup>82</sup>

#### Context

Sri Lanka was one of the countries worst affected by the Indian Ocean tsunami, which killed more than 30,000 people and displaced a million on the island.<sup>83</sup> It destroyed 99,525 homes and damaged 44,290, representing about 13 per cent of the housing stock in the 12 affected districts.<sup>84</sup> When the tsunami struck, between 350,000 and 400,000 people were already living in internal displacement as a result of 20 years of inter-ethnic violence and internal armed conflict.<sup>85</sup> The tsunami affected coastal areas controlled by the government and the Liberation Tigers of Tamil Eelam (LTTE) almost equally, reinforcing LTTE's demand to be treated as an equal partner in the reconstruction process in areas of the north-east.

#### Response

The post-tsunami response in Sri Lanka focussed on people's relocation from coastal areas. The declaration of no-build zones along the coast particularly affected informal settlers who were over-represented in the areas concerned. After the tsunami, the authorities, with the support of leading international agencies, announced that no reconstruction would be allowed within a zone varying from 100 to 200 metres from the coast, although in some areas the no-build zone extended beyond this. The aim was to reduce the vulnerability of the coastal population to future disasters by relocating 50,000 households living inside the no-build zone.<sup>86</sup> The zone was later reduced to between 55 and 100 metres because of the difficulty in identifying appropriate land for relocation and the forthright opposition of those to be affected. The change reduced the number of households subject to relocation to 30,000. Many were informal settlers, but the relocation policy did not distinguish between home owners, tenants or squatters.

Outside the no-build zone, however, housing responses differed depending on IDPs' tenure status. Owners of damaged land and property were entitled to financial assistance to rebuild their homes in-situ through an owner-driven reconstruction programme. Tenants and squatters, including informal settlers, were destined for relocation and housing assistance at their new sites.

Political considerations linked to the conflict affecting Northern and Eastern provinces also hampered the delivery of housing assistance in areas affected by both the fighting and the tsunami. This had a serious impact on informal settlers, who were often more socially and economically vulnerable and had less capacity to cope without assistance. In order to facilitate the provision of relief, several donors made their aid conditional on the government and LTTE, the two parties to the conflict signing an agreement guaranteeing its distribution in both areas.<sup>87</sup> Six months after the tsunami struck, and with the support of international facilitators of the ceasefire agreements, the parties agreed a joint administrative mechanism for post-tsunami reconstruction that included an operational component.<sup>88</sup> The mechanism, however, was barely implemented before the prime minister abandoned it in September 2005.<sup>89</sup>

Access to assistance also varied significantly depending on IDPs' ethnicity and who was in effective control of given areas. Muslim communities in Eastern province who had already been affected by conflict received less government support, which was focussed instead on Sinhalese communities, while LTTE provided assistance to Tamil communities affected by the disaster. A lack of clarity in some of the policy guidelines and instructions issued by the national authorities, particularly in terms of eligibility criteria, constituted a further problem, opening the door to varying interpretations and resulting in inequitable access to housing assistance across the country.<sup>90</sup>

A comparison of the post-tsunami housing assistance provided in the towns of Hambantota and Ampara reveals the extent to which political and practical considerations often prevailed over IDPs' needs. It also provides an insight into the risks associated with relocation.

<sup>82</sup> This case study is based on the research project *Appropriate post-disaster reconstruction in Sri Lanka: housing processes in contested and conflictive environments*, carried out by the WHRC in partnership with the University of Peradeniya in 2008-2009 (see Duyne Barenstein, 2013). Funding from the Swiss Agency for Development Cooperation is gratefully acknowledged

<sup>83</sup> IDMC, Sri Lanka country profile, 1 September 2005

<sup>84</sup> ADB, 2005

<sup>85</sup> IDMC, 2005, op cit, pp.40-41

<sup>86</sup> In some LTTE-controlled areas in the north, such as Mullaitivu district, the buffer zone extended to 300m

<sup>87</sup> J Uyangoda, *Ethnic conflict, the Sri Lankan state and the tsunami*, Forced Migration Review, July 2005, available at: <http://goo.gl/4GnEi2>

<sup>88</sup> *Ibid*, p.34

<sup>89</sup> Tamil Nation, Agreement between SLFP presidential nominee Mahinda Rajapakse & JVP, 8 September 2005, available at: <http://goo.gl/kpn5cb>

<sup>90</sup> ALNAP, *Responding to urban disasters: learning from previous relief and recovery operations*, lessons paper, ALNAP, 2012, p.26

**Table 2:** Housing assistance in relocation sites

	% of population affected by the tsunami	% of people in relocation sites who were genuine IDPs <sup>92</sup>	Housing unit requirement for IDPs in relocation sites	Ongoing reconstruction as of end 2005	Housing units completed as of end 2006
Hambantota <sup>93</sup>	20%	47%	1,057	2,700	4,161
Ampara <sup>94</sup>	78%	98%	3,721	379	871

### Hambantota and Ampara

Hambantota was less affected by the tsunami than Ampara, but received much more national and international assistance. In Hambantota, 1,507 people lost their lives, 17,723 were displaced and 4,084 homes were damaged. In Ampara, 10,440 people were killed, 75,238 displaced and 24,438 houses damaged.

Hambantota is located in Southern province in a government-controlled area unaffected by the conflict. It is the capital of Hambantota district, which had a population of 533,000 at the time of the tsunami, of whom 97 per cent are Sinhalese Buddhists. It is also the home district of Sri Lanka's former president Mahinda Rajapaksa, who was in office at the time of the tsunami.

Ampara is located in Eastern province. It is the capital of Ampara district, which has a population of 649,402 and was already hosting people displaced by the conflict when the tsunami struck. The latter severely affected the densely urbanised coastal belt, predominantly inhabited by Muslims and Tamils living in informal settlements.

The table above shows the housing assistance received by IDPs who formerly lived in the no-build zone, or in the adjacent area but were not property owners, and who were relocated.

The table shows the clear discrepancy between assistance and needs in the two towns. Not even a quarter of IDPs' housing needs were met in Ampara, while in Hambantota almost 75% of people who benefitted from housing units in relocation sites had not been affected by the tsunami. This reflected a general trend across the country, in which IDPs in Northern and Eastern provinces had less access to assistance than those in Southern and Western provinces.<sup>91</sup>

Various factors lay behind the discrepancy. Political considerations and ethnic discrimination linked to the conflict explain the authorities' reluctance to provide

assistance in LTTE-controlled areas such as Ampara, and their decision to focus their attention on southern areas such as Hambantota. International assistance in LTTE-controlled areas was affected not only by the same political constraints, but also by practical considerations that led many organisations to concentrate their efforts in areas where it was easier to operate. Better infrastructure in the south also enabled faster delivery faster than in the north and east.<sup>95</sup>

This was the case in Hambantota, which was less politically complicated for international agencies to operate in than Ampara. In a context of abundant funding, it seems a number of international organisations prioritised areas where funds could be disbursed rapidly over IDPs' needs. In other cases, a lack of awareness of local political dynamics led to the poor selection of beneficiaries.

Communities targeted for relocation were not consulted about the process in either Hambantota or Ampara, which resulted in a serious deterioration of IDPs' living conditions. Authorities also faced significant difficulties in identifying enough land with livelihood opportunities and access to basic services and infrastructure.

The no-build zone, which extended up to 300 metres from the coast in some areas of the country and particularly the LTTE-controlled north, represented a major obstacle to permanent housing solutions, because it increased the number of IDPs to relocate and the amount of land needed to accommodate them. The problem was particularly acute in areas such as Ampara, where there was a shortage of appropriate land. As a result, the plots allocated to households in Ampara generally tended to be smaller and less suitable than those in the south or west.<sup>96</sup> Because some relocation sites were established in low-lying areas prone to flooding during the rainy season and which remained submerged for prolonged periods of time, many relocated IDPs had to leave their house.

<sup>91</sup> ALNAP, op cit, 2006, p.2

<sup>92</sup> Figures based on qualitative research covering 350 households in 16 relocation sites in Hambantota and 13 in Ampara district, carried out by WHRC in partnership with the University of Peradeniya in 2008-2009 (see Duyne Barenstein, 2013)

<sup>93</sup> Asian Development Bank, *Economic Challenges of Post-tsunami Reconstruction*, discussion paper no. 75, ADB, Manila, 2007

<sup>94</sup> Task Force for Rebuilding the Nation (TAFREN), *Tsunami Reconstruction Progress Information*, Colombo, 2006

<sup>95</sup> *Ibid*, p.2

<sup>96</sup> *Ibid*, p.19

The authorities made only limited efforts to keep communities together as they were relocated. The number of homes built at each site was determined not by the requirements of the communities concerned but by the amount of land available, and varied from 22 units to more than 640. Communities and families were dispersed across various relocation sites, leading to reduced social cohesion and the loss of social networks, and in some cases generating tensions.

Many of the relocation sites identified in both Hambantota and Ampara were inadequate and did not fulfil elements of the right to adequate housing such as access to basic infrastructure and services, employment, livelihood opportunities and cultural adequacy. This had serious consequences for the wellbeing of the people relocated and impoverished them further.

Seventy per cent of households surveyed<sup>97</sup> in Ampara and Hambantota said their income had dropped since their relocation. The absence of markets and public transport serving the new sites, and their distance from education and livelihood opportunities, particularly fishing, left inhabitants facing significant transport costs to get to and from work and school. Many families resorted to negative coping strategies, reducing their food expenditure or not sending their children to school.

Water shortages in Ampara hampered people's ability to grow their own vegetables, and the construction of multi-storey apartments to make the most use of the limited land available prevented them from keeping poultry and livestock. As such the buildings were neither culturally or economically adequate. Most relocation sites were not equipped with drainage systems, roads, solid waste disposal services or streetlights, leading to health and safety concerns.

## Conclusion

The focus of the response on relocation did not take into account the limited amount of land available to accommodate such a large number of people. It also significantly underestimated the negative social impacts of relocation on such a large scale. The authorities tried to limit people's exposure to the risk of future tsunamis, but the different treatment of owners outside the no-build zone, who were allowed to stay and received reconstruction assistance, and non-owners who were asked to relocate suggests that political and practical considerations were also at play. The scope of no-build zones should be carefully determined based on objective risk assessments so as to limit relocation to cases where mitigating risk in-situ is not possible.

The decision to relocate communities whose livelihoods relied largely on access to the sea was taken with little consideration of alternatives, and the inadequacy of sites in terms of access to water, sanitation, transport, schools and health facilities exposed many relocated IDPs to increased poverty and health risks.

This case study highlights the importance of consulting the communities to be relocated, and of using the elements of the right to adequate housing as the basis for determining suitable sites. It shows the extent to which the onset of a disaster in a country that is also suffering conflict increases the risk of partial or discriminatory responses, and can lead to different groups of IDPs receiving different levels of assistance depending on their location or ethnicity.

The analysis of reconstruction in Ampara and Hambantota reveals that political considerations and the tendency of some responders to prioritise practical and logistical concerns created a significant disconnect between IDPs' needs and the assistance provided. People living in regions affected by the conflict, whose vulnerability was increased by the tsunami, were not supported according to their needs. The failure to implement an impartial and needs-based response had a disproportionate effect on the most vulnerable and marginalised groups, including informal settlers.

### 3.1.3 Cooperative housing for informal settlers after the 1999 Marmara earthquake in Turkey<sup>98</sup>

#### Context

On 17 August 1999 two devastating earthquakes struck the Marmara and Bodu regions of Turkey, affecting the largely industrial areas to the east of Istanbul, killing more than 18,000 people and displacing an estimated 250,000<sup>99</sup>.

#### Response

The Turkish authorities implemented a housing reconstruction programme that lasted for more than five years and re-housed about 43,000 families in a range of different accommodation. It included large-scale infrastructure projects and new housing for previous homeowners, but people such as informal settlers without clear legal tenure were left out.

*DepDer Düzce*, one of seven associations set up in the city of Düzce to defend the housing rights of people af-

<sup>97</sup> See endnote 83

<sup>98</sup> This case study is primarily based on Arslan and Johnson, 2010; Johnson, 2011; and personal communication with Julia Strutz, 2014

<sup>99</sup> John L. Gross, Long T. Phan, *Implications for Earthquake Risk Reduction in the United States From the Kocaeli, Turkey, Earthquake of August 17, 1999, 1999*



The devastation of the 1999 Turkey earthquake. Photo credit: <https://flic.kr/p/7eJ5Aa>

ected by the earthquakes, initially focused on ensuring that property owners would benefit from the government’s programme, and later supported the tenants and urban informal settlers sidelined by it. Two years after the earthquakes, when the municipality began demolishing tenants’ and informal settlers’ prefabricated houses and tents without offering them alternative housing, the association questioned government policies that only considered the owners of damaged and destroyed property as “victims”.

IDPs excluded from the government programme held a mass demonstration in Ankara in 2001, but to no avail. They therefore founded a cooperative for people left homeless by the earthquakes, known locally as EDK<sup>100</sup>, to identify and buy cheap land with government loans and build affordable housing for displaced informal settlers and other non-owners.<sup>101</sup>

In 2001 and 2002, the EDK initiative led to three other cooperatives being granted large plots of suitable land on which to build. The land promised to EDK itself, however, did not materialise and in September 2003 it filed a lawsuit claiming other associations had better access to land. EDK won its case in 2011 and the gov-

ernment’s housing development administration (Toplu Konut İdaresi Başkanlığı, TOKİ) granted it a piece of land with infrastructure suitable for the construction of 570 housing units. EDK, however, was unable to pay the taxes to register the land or for tests to ensure it was earthquake-safe. After several years of discussions, the cooperative received in June 2014 a title granting it land for its project, 15 years after the earthquake struck.

### Conclusion

The Marmara case study highlights the exclusive focus of the government’s reconstruction programmes on owners and its neglect of displaced tenants and informal settlers in the first phase of its response. It also underlines the key role civil society organisations (CSOs) can play in defending non-owners’ housing rights and advocating for equitable policies for them. Such advocacy led to several cooperatives being allocated free public land in urban areas on which to build affordable homes for informal settlers and tenants, but it only succeeded after a number years, delaying their access to adequate housing.

<sup>100</sup> The Disaster-Affected Homeless People Cooperative

<sup>101</sup> Cooperative housing is an arrangement in which an association owns housing units and common areas for the use of all residents. Beneficiaries own a share in the cooperative, which entitles them to occupy a dwelling as if they were owners. There are often restrictions on the transfer of shares, limits on income and maximum sale prices



### 3.1.4 Limiting disaster risk through participatory relocation after hurricane Mitch in Nicaragua<sup>102</sup>

#### Context

Hurricane Mitch struck Central America in October 1998, devastating extensive areas of Honduras and neighbouring regions of Nicaragua. In Ocotal, the capital of Nueva Segovia department close to the border with Honduras, there was no loss of life, but 328 of the town's 5,400 homes, or six per cent, were destroyed and 1,164, or 22 per cent, were damaged.<sup>103</sup> More than 1,600 people were displaced.<sup>104</sup>

A third of the homes affected, or 498 units, were in a risk zone and the authorities decided to relocate their inhabitants, most of them informal settlers.<sup>105</sup> Ocotal's urban area had doubled in the 20 years before Mitch struck, mainly as a result of IDPs who moved to the town during the civil war in the 1980s, and repatriations and people fleeing drought in the 1990s. Many had established informal settlements along riverbanks and on unstable hillsides that were prone to floods, landslides and rock falls, and those who had set up home on a former waste disposal site that suffered periodic flooding were exposed to dangerous toxins.

#### Response

The municipal authorities saw post-Mitch reconstruction as an opportunity to address a number of long-standing problems, such as improving the precarious housing conditions of the urban poor and reining in uncontrolled urban development, at the same time as responding to the immediate impacts of the hurricane.<sup>106</sup> Shortly after the hurricane, and before prices rose, it acquired safe building land on the edge of the town to build a new *barrio* or neighbourhood with large 300m<sup>2</sup> individual land plots.

The municipality's response was tailored to the different levels of risk. It assisted 67 per cent of those living in safe areas with building materials and technical assistance that enabled them to repair or rebuild their homes quickly and in-situ, regardless of their tenure status.

For those who lived in risk zones, mainly informal settlers, the municipality envisioned a participatory community-driven relocation project. Damage and needs assessments were carried out in a transparent way, which helped to ensure that the affected communities accepted the decisions taken.

The municipality also involved IDPs by presenting them the relocation plan and sensitising them to the need to leave at-risk sites which ensured their acceptance of the process and helped to identify vulnerable households. Affected neighbourhoods were assessed regardless of their inhabitants' tenure status, and all those relocated received tenure security in the form of title deeds. The majority of homes were registered in the name of women and their children.<sup>107</sup>

The municipality integrated social, cultural and economic aspects into the design and construction of the new neighbourhood, including basic infrastructure and social services, employment opportunities and leisure facilities to foster social cohesion and create a neighbourhood identity. The *barrio* was designed to host 498 families and included a community centre, primary healthcare facilities, a kindergarten and day nursery, a primary school, a small market, a sports field and a park.

Beneficiaries contributed 60 days' labour to the design and construction of their new neighbourhood, as a result of which they learned the traditional adobe-building technique modified to improve hazard resistance. The technique made use of readily available materials, and was relatively cheap and culturally adequate. The project helped to restore confidence in adobe construction and created jobs for those to be relocated, including the opening of an adobe factory.

Construction, however, was not completed as planned. Not all of the infrastructure and services were provided, and only 230 of the 498 homes were eventually built, with the last houses completed in 2004. The new *barrio* developed slowly and in a piecemeal way, with new units only built when the municipality had the funds to do so.

Beyond the initial post-disaster phase, when the municipality succeeded in mobilising its traditional develop-

<sup>102</sup> This case study draws on research by Dr Esther Leemann for the 2005 project *Towards sustainable disaster preparedness: the role of local, national and global responses in enhancing societal resilience to natural hazards in India and Nicaragua*, funded by the Swiss National Science Foundation (SNSF) and the Swiss Agency for Development Cooperation (SDC)

<sup>103</sup> Based on a review of data from the municipality and the National Information and Development Institute (INIDE), 2005

<sup>104</sup> Calculated using IDMC's methodology for displacement caused by disasters, by multiplying the number of destroyed homes by average household size. In the absence of data from 1999, household size was determined using UN fertility rate data for 2010 to 2015

<sup>105</sup> *Op. cit.* INIDE, 2005

<sup>106</sup> Leemann, E. "Communal leadership in post-Mitch housing reconstruction in Nicaragua". In: Duyne Barenstein, Jennifer and Esther Leemann (eds.), *Post-Disaster Reconstruction and Change: Communities' Perspectives*. Boca Raton: CRC Press, Taylor & Francis Group, 2013

<sup>107</sup> Leemann, E. "Housing Reconstruction in Post-Mitch Nicaragua: Two Case Studies from the Communities of San Dionisio and Ocotal", In: Miller, DeMond and Jason Rivera (eds.), *Community disaster recovery and resiliency: exploring global opportunities and challenges*, Boca Raton, CRC Press: 319-342, 2011



Displaced villagers from Hurricane Mitch now living in the Chinnidaga Dump.  
Photo credit: Jana Allingham, November 2014. <https://flic.kr/p/pUe5Sa>

ment partners, international organisations showed little interest in the *barrio* project and preferred to develop their own programmes.

The municipality's lack of funds has left it unable to solve the long-term housing needs of Ocotal's growing population of urban poor, including informal settlers. The risk zones from which people were relocated were never converted into green areas as planned, and in the absence of other affordable housing options new informal settlers gradually reoccupied them despite the authorities' efforts to enforce land use planning in at-risk zones. Shortly after hurricane Mitch only about 20 households were living in such areas, but by 2005 the number had risen to 354.<sup>108</sup>

### Conclusion

The Ocotal relocation project is an example of a non-discriminatory initiative that did not distinguish

between owners, tenants and informal settlers. Eligibility for housing assistance was determined by beneficiaries' exposure to risk rather than their tenure status, and women's and children's names were included on the titles deed for their new homes.

The municipality led the design of a community-driven project with a holistic approach that went beyond simple housing to integrate the various elements of the right to adequate housing, including legal tenure security, cultural adequacy and access to public services, infrastructure and livelihoods.

Its willingness to acquire land to provide adequate housing solutions for those affected by the hurricane and others living in high-risk areas, its adoption of a highly participatory approach and its efforts to disseminate information widely were key factors in ensuring that the project was a success – albeit a limited one –, with a

<sup>108</sup> INIDE (Instituto Nacional de Información de Desarrollo), *Ocotal en Cifras*, Managua, 2005, available at <http://goo.gl/pJfGrA>

high occupancy rate and degree of satisfaction among its beneficiaries.

It used the hurricane's impact as an opportunity to build back better and address some of its pre-existing challenges in housing the urban poor, but it has been unable to solve them in the long term without the attention and funding that the disaster initially prompted. Political will was a prerequisite, but was not sufficient to address the housing rights of informal settlers, and financial constraints remain a major obstacle to providing adequate housing for its rapidly growing urban population.

This case study highlights the need to explore partnerships between municipalities and international responders, particularly on projects with a high level of community involvement and that fully incorporate the elements of the right to adequate housing.

### 3.1.5 Disaster risk reduction and relocation of an informal settlement in Jimaní, Dominican Republic, after the debris flow of 2004 <sup>109</sup>

#### Context

In May 2004, a debris flow in the town of Jimaní killed around 400 of its 11,000 residents and damaged or destroyed at least 870 homes, between 10 and 15 per cent of its housing stock. Debris flows are moving masses of mud, water, sand and rocks funnelled into stream channels that sweep away objects in their path and create deposits on valley floors.<sup>110</sup> Their speed and volume can make them highly dangerous. The worst-affected area in Jimaní was an informal settlement occupied by poor Dominicans and Haitian immigrants, and located on active alluvial fan just metres from a river. They had chosen the site because the land was considered "vacant" and was next to a water supply for drinking and washing.

#### Response

All of those displaced by the debris flow were temporarily relocated to safe shelters elsewhere in the town within three weeks, and the Jimaní municipality made DRR a central feature of its response. However, when IDPs asked if they would accept permanent housing in their place of refuge, all expressed a preference for a location closer to their original settlement, even though it was more exposed to floods. They deemed their temporary relocation site too dry and treeless.

To reduce vulnerability, the municipality focussed on mitigating risks in the location IDPs had chosen. Unsafe riverside areas were declared no-development zones, freeing up space for structural protection work. The river channel was widened and a levee system and re-vestment, or retaining wall, were built. The municipality provided medium-scale protective infrastructure which, in tandem with an international project to build disaster-resistant housing, allowed for their relocation from a high to a lower-risk area of the same town.

More than 150 houses with electricity and running water were built at the relocation site, which considerably improved beneficiaries' living conditions. To make the houses more resistant to hazards, they were constructed with reinforced concrete blocks and included a second floor to serve as a safe zone for their occupants in case of flooding. The site, two kilometres from the disaster zone, also had an access road and sewers. Two years after the debris flow, all IDPs received tenure security in the form of title deeds to their new homes.

#### Conclusion

The Jimaní project was a successful undertaking that incorporated elements of the right to adequate housing including tenure security, access to services and habitability. Despite the fact that the IDPs did not previously own their own homes, the municipality not only provided them with tenure security but also substantially improved their living conditions. Housing assistance was allocated on the basis risk exposure alone, irrespective of the beneficiaries' former tenure status. The relatively small scale of the relocation was a factor in its success, but the approach is still to be commended.

This case study also shows how the IDPs prioritised their needs, giving greater weight to general living conditions and access to water than safety considerations. The municipality's readiness to consult informal settlers about options for relocation and adapt to their preferences by implementing DRR measures was a key element in the project's success.

<sup>109</sup> Source: Brent Doberstein and Heather Stager, Towards guidelines for post-disaster vulnerability reduction in informal settlements, *Disasters* 37/1: pp28-47, 2012

<sup>110</sup> For more information, see: <http://goo.gl/xGV4o6>

## 3.2 ADDRESSING URBAN INFORMAL SETTLERS' HOUSING NEEDS IN-SITU

### 3.2.1 Regularizing informal settlers' land tenure in situ after the 2001 Gujarat earthquake in India<sup>111</sup>

#### Context

The January 2001 Gujarat earthquake reduced many parts of the towns of Anjar, Bhachau, Bhuj and Rapar in Kutch district to rubble. Bhachau, with a population of 35,000, was close to the epicentre and suffered the worst devastation. More than 2,000 people were killed and 10,000 of the city's buildings (93 per cent of the housing stock) collapsed<sup>112</sup>. There are no statistics on the number of people displaced.

At the time of the earthquake, more than 50 per cent of the town's population were living in slums. People's access to land and housing was intimately linked to their livelihood opportunities, whether because it enabled them to rent rooms, run micro-businesses from home or produce items for sale.

The tenure situation in Bhachau's informal settlements was highly complex, with different levels of irregularity or informality that hindered the delivery of housing assistance, such as:

- The purchase of land in good faith and with a seemingly legal process, but from sellers who were not actually the owners
- The purchase of non-transferable land the government had allocated to poor households
- Tenancy agreements with people pretending to be rightful owners when in fact they were encroaching on public or private land
- Encroachment onto land plots not mapped in land registries
- Squatting on private, public or common grazing land
- Squatting but paying municipal taxes and bills for years, with ration cards as proof of residence

#### Response

The Gujarat state government provided financial support for housing reconstruction. Financial reconstruction assistance was paid on the condition that beneficiaries agreed to adhere to building specifications that included DRR measures. A building permit linked to the provision of technical advice on ways of meeting the

new regulations was required before further instalments were released.

The building permits system, which was introduced in response to the earthquake, was limited to property owners. Many families with unclear tenure were unable to obtain them and were thus deprived of financial and technical assistance to rebuild their homes.

A survey by the *Nagrik Sahyog Kendra* citizen support cell (NSK)<sup>113</sup> in collaboration with the Bhachau Area Development Authority (BhADA) and the Gujarat State Disaster Management Authority (GSDMA) revealed that unclear land tenure was the main obstacle to low-income families accessing housing assistance. It identified 1,767 families for whom this was the case<sup>114</sup>. The survey also suggested that many families who started rebuilding their homes were unable to receive financial assistance because, in the absence of a building permit and related technical assistance, the building did not conform to the new regulations. The survey found that 95 per cent of households in this position were willing to pay for their land to be regularised.

To support this process, NSK carried out community enumeration to map the boundaries of land possession, trace beneficiaries' legal documentation and the construction they had already undertaken.

Based on this information, the authorities agreed to regularise each family's residential plot and support the retrofitting of their building work to ensure it complied with building bylaws and seismic safety norms.

About 1,300 of the 1,767 families identified completed the regularisation process and the municipality issued them with title deeds for 50m<sup>2</sup> of land. NSK helped beneficiaries with the administrative procedures involved. The remaining families were unable to do so, either because they could not prove their residence in Bhachau or could not afford the cost of the process.

#### Conclusion

This case study illustrates the complexity of tenure issues in informal urban settlements and the fact that unclear tenure can increase IDPs' vulnerability to disasters by excluding them from financial and technical support meant to improve their housing to withstand future hazards.

Complex tenure situations go part way to explaining authorities' and international organisations' reluctance to carry out reconstruction projects in such circumstances.

<sup>111</sup> This case study was written by Vivek Rawal, the director of People in Centre, Ahmedabad. After the Gujarat earthquake he was as a senior architect with the Unnati Organisation's rehabilitation project in Bhachau

<sup>112</sup> UNNATI, Malteser, Basin South Asia, *Owner driven housing process: Reconstruction programme in Bhachau*, December 2006

<sup>113</sup> The Nagrik Sahyog Kendra citizen support cell (NSK) was set up by the Indian NGO Unnati, in collaboration with authorities.

<sup>114</sup> UNNATI, Malteser, Basin South Asia, op.cit

The fact that land registries do not accurately reflect the reality of transactions and occupation on the ground raises the risk of conflicting claims and disputes, which any responder would rather avoid.

The Bhachau initiative shows how effective and constructive collaboration between civil society organisations and municipal authorities can be to achieve durable housing solutions for urban informal settlers following a disaster. It also highlights some limitations, including the fact that the poorest were unable to afford the cost of regularisation, leaving the most vulnerable people without tenure security.

Bhachau's land regularisation process was led at the municipal rather than state or national level. While this provided for a more flexible and rapid response, a broader policy on post-disaster regularisation, however, would have positively impacted informal settlers in other affected towns.

### 3.2.2 Reducing informal settlers' vulnerability through in-situ disaster risk reduction and participatory relocation in Santa Fe, Argentina, after 2003 floods<sup>115</sup>

#### Context

In 2003, the city of Santa Fe, with a population of 391,000, was hit by devastating floods that killed at least 23 people, displaced nearly 140,000, and damaged or destroyed 28,000 homes.<sup>116</sup> The majority of those affected were informal settlers, who constituted some of the city's most vulnerable people. Santa Fe's position on the southern tip of a peninsula at the confluence of two rivers makes it highly exposed to flooding. It had already suffered serious floods in 1985 and 1998 that displaced thousands of people, and was struck again in 2007 and 2009.

Between 1960 and 2001 the city's population grew at an annual rate of 13 per cent, but given its geographical location it could only grow to the north, in areas relatively far from its economic and political centre. Affordable rental housing was available to some extent on the edge of the city, but the urban poor considered it unattractive because of the high transport costs they would incur. For lack of other affordable and safer options, most of those whose livelihoods depended on proximity to the city centre chose to settle in informal settlements in low-lying and high-risk areas near the old town.

#### Response

The municipality's initial response to the disaster focused on the relocation of informal settlers in high-risk areas affected by the floods, but CSOs and the settlers themselves objected strongly the plans. The recurrent floods and their socio-economic consequences contributed to the election of a new mayor in 2007, whose main priority was to reduce the city's vulnerability in consultation with affected communities. The implementation of DRR measures and the improvement of communities' resilience to natural hazards became the main objectives of the city's urban development plan.

The municipality's strategy was based on the recognition that the city would always be vulnerable to flooding, and that its response should adapt to and mitigate the risks rather than negating them. The mass forced relocation plans the previous administration had announced were abandoned in favour of reducing risks in-situ. The strategy was to maintain and improve existing protective infrastructure and invest in new embankments and drainage channels. Relocation was only resorted to when risks could not be mitigated in-situ, and for settlers whose living conditions were so poor that the move was perceived as an opportunity for them to start a better life.

The municipality also included informal settlements in the city's urban master plan, which led to the installation of infrastructure and utilities, and facilitated tenure regularisation for inhabitants, who received title deeds. It adopted a participatory approach, involving communities and CSOs in designing risk assessment tools, disaster preparedness plans and emergency management and rehabilitation strategies. Workshops and training courses were organised to raise awareness of disaster risk management among teachers, journalists, social workers, and civil servants.

Santa Fe's commitment to a socially inclusive DRR strategy gained international recognition and in 2011 its municipal government was awarded the UN Sasakawa award.

#### Conclusion

This case study illustrates the role municipalities can play in mitigating and responding to disaster risk and related displacement. It also shows how disasters can influence local politics, in this case by inciting voters to elect a mayor based on the candidates' disaster response and risk reduction programmes.

<sup>115</sup> This case study is based on a research project conducted by Jennifer Duyne Barenstein in partnership with the Universidad Nacional del Litoral in 2009 and 2010. Funding from SDC is gratefully acknowledged. For more details see Duyne Barenstein, J. and B. Marti Rojas Riva. 2013. "Is resettlement a viable strategy to mitigate the risk of natural disasters? Perceptions and voices from the citizens of Santa Fe, Argentina". In: Duyne and Leemann (eds) 2013. *Post-disaster reconstruction and change: A community perspective*. Boca Raton: CRC Press, Taylor & Francis, 2013, pp. 299-324.

<sup>116</sup> Hardoy J. G. Pandiella and L.S. Velasquez Barrero. 2011. Local disaster risk reduction in Latin American urban areas. *Environment and Urbanization* 23/2: 401-413.

The strength of Santa Fe's response lies in its participatory and flexible approach, taking into account the preference of IDPs and residents at risk, providing in-situ assistance where possible and only resorting to relocation from areas when the risks were deemed too high. The municipality also used its disaster response as an opportunity to provide displaced informal settlers with improved and durable housing solutions by regularising their tenure and including their settlements in the urban master plan, which facilitated their access to basic services.

### 3.3 LACK OF NATIONAL LEADERSHIP AND ITS IMPACT ON INTERNATIONAL HOUSING RESPONSES

#### 3.3.1 Challenges in achieving durable housing solutions for displaced informal settlers and tenants after the 2010 earthquake in Haiti<sup>117</sup>

##### Context

The earthquake that struck Haiti in January 2010 was an urban disaster that killed 200,000 people, injured a similar number and displaced 1.5 million. The capital Port-au-Prince and surrounding areas borne the brunt of the devastation, which saw 105,000 buildings destroyed and 208,000 damaged.<sup>118</sup> Around 80 per cent of the people rendered homeless were informal settlers. They were particularly affected because builders had used low-cost and poor materials, outside of any quality control mechanism either because they were unaware of earthquake regulations or unable to respect them because they lacked the skills or means to do so.

The earthquake also destroyed or severely damaged health facilities, schools, hospitals, roads, ministerial and other institutional buildings, and water and electricity infrastructure. The scale of the destruction confronted the affected people, local agencies and the

international aid community with unprecedented challenges in a country already facing serious housing and socio-economic difficulties.

Prior to the disaster, Haiti already ranked 145th out of 169 countries on the UN's Human Development Index. Seventy-eight per cent of its population survived on an average income of less than \$2 a day and it had a national housing shortage of 700,000 units.<sup>119</sup> It was considered a fragile state with poor governance and low levels of engagement between the authorities and civil society.

Living conditions in Haiti's informal settlements and disadvantaged urban areas were among the worst in the Americas. Rapid urbanisation since the 1980s had increased pressure on the country's already limited housing stock and basic services. More than half of the informal settlements in Port-au-Prince were in high-risk areas, such as steep slopes prone to landslides, and ravines and gullies susceptible to flooding. Many were classified as no-build zones.

Eighty per cent of the urban population was living on 20 per cent of the land when the earthquake struck.<sup>120</sup> Less than 50 per cent had access to water and sanitation, and the majority of informal settlements had no solid waste collection, with significant implications for inhabitants' health. Only ten per cent of informal settlers held title deeds, whether because of the absence of a formalised land market for low-income people, the lack of a reliable cadastre or an incomplete civil registry.

Such issues seriously hampered the government's ability to organise and coordinate the international response and highlighted the fact that Haiti required a combination of humanitarian and development assistance.<sup>121</sup>

##### Response

The international community mobilised rapidly and en masse to offer assistance after the earthquake. International agencies and military forces deployed staff quickly, and thousands of NGOs rushed to the scene. Despite \$3 billion pledged for relief and recovery efforts, however, the huge mobilisation of resources and the creation of international mechanisms to coordinate the humanitarian response, 1.1 million IDPs were still

<sup>117</sup> This case study is primarily based on Phelps P, *Analysing the Haiti post-earthquake shelter response and housing recovery: Results and lessons from the first two years*, main report vol. 1 and case studies and annexes vol. 2, World Bank, Washington DC, 2013; Sherwood A et al, *Supporting durable solutions to urban, post-disaster displacement: challenges and opportunities in Haiti*, Brookings and IOM, Massachusetts and Geneva, 2014; Government of Haiti (GOH), *Politique Nationale du logement, de l'habitat et du développement urbain. Port-au-Prince*, 2012; Baptista E et al, final evaluation of the Cordaid shelter programme in Haiti 2010-2012, 2012 but also on the author's own experiences and observations in post-earthquake Haiti as a consultant to the World Bank in 2010 and to the Haiti Interim Haiti Recovery Commission (IHRC) in 2011

<sup>118</sup> GOH (Government of Haiti). 2010. Haiti Earthquake PDNA. Assessment of damage, losses, general and sectoral needs. Available at: <http://goo.gl/m5Np7A>

<sup>119</sup> Amnesty international, Haiti : Facts and figures document, 9 January 2014

<sup>120</sup> *Ibid*

<sup>121</sup> IDMC, Haiti overview : A humanitarian crisis in need of a development solutions, 20 December 2012

living in camps in Port-au-Prince ten months later. Two years after the earthquake, the camp population had decreased to 500,000, and in early 2015 it had dropped to less than 64,700.<sup>122</sup> That said, it is difficult to determine how many of those no longer living in camps have achieved durable solutions or at least have access to adequate housing.

The first major obstacle to the provision of adequate housing assistance for IDPs was the government's lack of leadership in guiding the reconstruction effort and clarifying the roles of the many ministries and agencies involved, which led to internal disputes. In the absence of a coordinating national agency and policy framework, international responders such as USAID, the Inter-American Development Bank, the World Bank and UN-Habitat attempted to take the lead in defining minimum standards and operational priorities, but none had the legitimacy, recognition or capacity to fill the gap. The lack of coordination was made worse by the fact that many organisations were inexperienced in post-disaster shelter issues and were operating with limited accountability.<sup>123</sup>

As a result of the government's inability to develop a housing reconstruction policy, many agencies had no choice but to limit themselves to emergency relief and transitional shelter, with scant possibilities or efforts to link their assistance to long-term housing responses.

In order to obtain a transitional shelter, IDPs had to have land on which to set it up. This requirement excluded former tenants, holders of plots that were too small for the type of shelter on offer, and those whose land was covered in rubble and were unable to afford to have it cleared. As a result, transitional shelters provided at a cost of \$500 million made only a marginal contribution to decreasing the camp population in the two years after the earthquake. Only five per cent of IDPs left their camps after receiving a transitional shelter.

The absence of a coherent and centralised housing reconstruction policy also encouraged people to rebuild themselves, often in high-risk areas. The result was unsafe and poor quality construction that did not incorporate earthquake-resistant materials or techniques, and which perpetuated the chaotic and hazardous urban development that prevailed before the earthquake struck. This was illustrated in the Canaan settlement in Croix-des-Bouquets, a new "town" that developed spontaneously near Port-au-Prince and which housed about 40,000 people without any access to services as of the end of 2014.

Several projects led by international NGOs provided community-driven reconstruction at the neighbour-

hood level in cooperation with municipalities. They resulted in improved housing conditions, earthquake resistance and access to infrastructure and services, but they were isolated initiatives with relatively few beneficiaries. In the absence of coordination between the various projects, some even led to social tensions and raised issues of equity, given that the majority were excluded from their benefits.

Humanitarians faced another challenge in responding effectively to a situation that required development as much as humanitarian interventions to address structural problems linked to unplanned urban sprawl. Conditions in the informal settlements also seriously impaired implementation of humanitarian reconstruction standards. Plot sizes were below those established by the Sphere standards's indicators, creating a dilemma for international organisations and delaying the transition from emergency shelter to permanent reconstruction. The density of the settlements and their narrow lanes also seriously complicated the installation of electricity, water and sewage infrastructure.

## Conclusion

The case study illustrates the difficulty humanitarians face in providing durable housing solutions without a national housing or reconstruction policy and an urban development plan in place. A reconstruction policy would have helped guide and coordinate humanitarian recovery activities, and an urban development plan addressing the sprawl of informal settlements and their possible upgrade and regularisation would have opened the way for humanitarian and development organisations to engage in longer-term housing responses. In their absence, humanitarian interventions focussed almost entirely on emergency and transitional shelter, which delayed the achievement of adequate and durable housing solutions. The lack of national guidance also limited the impact of some positive initiatives, such as successful community-driven reconstruction projects which as a result remained isolated and benefitted relatively few people. This led to glaring discrepancies in terms of the assistance provided, raising issues of equity.

The experience of Haiti highlights the need for humanitarian and development organisations to work jointly when the response to a disaster requires that pre-existing structural vulnerabilities in terms of urban housing and development planning be addressed.

This case study points to the need for national leadership to guide reconstruction efforts. A clear attribution of responsibilities early in the recovery process would have been of pivotal importance in defining objectives and strategies, and coordinating the effective and equi-

<sup>122</sup> IOM, Displacement Tracking Matrix, March 2015, available at: <http://iomhaitidataportal.info/dtm/index2.aspx>

<sup>123</sup> Phelps, 2013, p.13: A survey revealed that only 22.2% of organisations operating in Haiti had experience in post-disaster shelter and housing, and that 52.5% had no previous experience either in Haiti or in the sector

table distribution of available resources to assist informal settlers and others affected by the earthquake.

### 3.3.2 Shelter cluster support for a rights-based approach to recovery after typhoon Haiyan in the Philippines

#### Context

The Philippines, a country of more than 7,000 islands, is highly prone to natural hazards. It was ranked the second most exposed country in the 2014 World Risk Report.<sup>124</sup> Disasters are frequent, and between 2008 and 2013 they displaced more than 19 million people.<sup>125</sup> More than 7.2 million people were displaced in 2013 alone, the highest figure in the world for that year.<sup>126</sup>

Typhoon Haiyan, known locally as Yolanda, made landfall in the Philippines in November 2013. It was one of the deadliest storms in recorded history, and caused unprecedented damage across 44 provinces and nine regions, affecting almost 600 municipalities and 56 cities. More than 6,200 people were killed, four million displaced, 14 million affected and 1.1 million homes damaged or destroyed.<sup>127</sup> The Philippines humanitarian country team put the cost of meeting the needs at \$788 million, of which more than \$178 million was required for shelter provision.<sup>128</sup>

#### Response

In December 2013, the government set up the Office of the Presidential Assistant for Rehabilitation and Recovery (OPARR) to develop an overall recovery strategy. The new institution launched the Yolanda Comprehensive Rehabilitation and Recovery Plan (CRRP) in August 2014, officially marking the shift from the emergency to the recovery phase. The plan, which was endorsed by the president three months later, put significant emphasis on relocation in an effort to reduce the number of people living in areas the government considered high-risk.<sup>129</sup> It targeted 205,000 families living in coastal areas for relocation.

The government initially recommended the establishment of a blanket no-build zone stretching 40 metres



Life inside the International Pharmaceuticals Inc. bunkhouse community in Tacloban, one of the biggest cities affected by Haiyan. © IOM/Alan Motus, April 2014. <https://flic.kr/p/n8snfX>

from the high tide mark, but five months later in March 2014 it opted for three types of zone to be determined based on multi-hazard mapping surveys of the coastal areas affected by Haiyan. It envisaged safe zones, where residential buildings were allowed, providing they met disaster resilience standards; controlled zones, where residential buildings were prohibited but livelihood and commercial activities were authorised; and unsafe zones, where residential buildings and human activity were prohibited.

In the absence of detailed central government guidelines, local authorities, which enjoy considerable political and administrative autonomy and are responsible for disaster preparedness and response, were left to determine how to implement and complete the zoning process. By September 2014, however, many had failed to do so.<sup>130</sup> The delay created confusion among humanitarians and hindered the provision of shelter assistance. Given the lack of clarity about the three zones, they continued to be referred together as the no-build zone.

The CRRP relocation plan provided for the construction of more than 200,000 housing units in “safe and sustainable” sites.<sup>131</sup> Local authorities were in charge of implementing the relocation plan at their level, and the absence of clear central government guidelines on the

<sup>124</sup> WRR, 2014, p.9

<sup>125</sup> IDMC, Global Estimates 2014, September 2014, p.32

<sup>126</sup> *Ibid*

<sup>127</sup> GFDRR, 2014, p.6

<sup>128</sup> Humanitarian Country Team, strategic response plan for typhoon Haiyan, 2013, available at: <http://goo.gl/I4Hvyp>

<sup>129</sup> Rappler, Finally, Aquino approves Yolanda rehabilitation plan, 30 October 2014, available at: <http://goo.gl/IAzINi>

<sup>130</sup> Philippines shelter cluster, shelter sector response monitoring, preliminary findings factsheets, typhoon Haiyan, September 2014, p.15, available at: <http://goo.gl/LyNNnt>

<sup>131</sup> The Office of Civil Defense estimated there to be 205,128 families living in “unsafe zones” in Region IV-B (8,760), V (102), VI (117,203), VII (22,423), and VIII (56,140); see Resettlement Cluster Recovery and Rehabilitation Action Plan, 2014, available at: <http://goo.gl/vycG5y>



eligibility criteria for housing assistance raised concerns that this would lead to uneven implementation throughout the country and that those with weak tenure security, such as tenants and informal settlers, might be excluded.<sup>132</sup> For those who qualified for housing assistance, the lack of a guarantee that the relocation sites would offer adequate living conditions and livelihood opportunities was a key concern.<sup>133</sup>

The shelter cluster highlighted the potential risks associated with relocation in terms of access to livelihoods, services and infrastructure, and emphasised that the process should be voluntary, dignified and based on IDPs' informed consent. It stressed IDPs' right to return to their original places of residence, unless doing so were to put their life, health or physical security at risk. It also noted that the relocation scheme would primarily affect informal settlers, who were over-represented in low-lying coastal areas, and it advocated for shelter assistance to be provided based on people's needs and regardless of their tenure status.<sup>134</sup>

The shelter cluster also underlined the vulnerability and exposure to multiple displacement of IDPs who could not return or rebuild their houses, either because they did not have legal tenure or their original home was in an area deemed unsafe.<sup>135</sup> To better address their housing needs it developed recovery shelter guidelines presenting a range of solutions adapted to different forms of tenure and different phases of the crisis, from emergency to transitional and permanent shelter (see annex 1).<sup>136</sup>

To prevent the risk of forced eviction for informal settlers and other vulnerable people in areas considered unsafe, it advocated strongly for the relocation process to be guided by human rights principles and standards. To that effect, in December 2013, it issued additional guidance entitled Land Rights and Shelter: the Due Diligence Standards; and in March 2014, it published an HLP guidance note on relocation and HLP principles for shelter partners.<sup>137</sup> The guidelines stressed that the Guiding Principles, international law and the recommendations of the Philippines Commission on Human Rights should be taken into account to ensure displaced communities were consulted, alternatives to relocation

considered and that any relocation that did take place was voluntary.

As of early 2015, many households living in the no-build zone and affected by Haiyan were still waiting to be relocated, because available and suitable land had turned out to be difficult to identify.<sup>138</sup> Until their permanent relocation can be organised, they are only in a position to receive temporary assistance, and assessments show that even that has been limited despite their living in areas that suffered some of the worst effects of the disaster.<sup>139</sup>

## Conclusion

This case study shows how the lack of clear guidance and leadership from central authorities can delay local responses and hinder the delivery of international shelter assistance, by limiting it to temporary shelter until the demarcation of safe and unsafe areas has been clarified. It illustrates how DRR measures such as a no-build zone can complicate reconstruction and recovery following a disaster, particularly for those living in areas considered high-risk and for people without tenure security. These groups are less likely to receive assistance to rebuild their homes, and there is also a higher risk they may be forced to relocate to areas where their access to adequate housing and livelihood opportunities may be reduced.

The various guidelines issued by the Philippines shelter cluster reflect its strong commitment to adopting a rights-based approach, and an awareness of the difficulties informal settlers face in obtaining housing assistance in their pursuit of durable solutions.

The guidelines reflect the humanitarians' increasing awareness of the need to provide assistance not only to owners but also to people with other forms of tenure such as rental contracts. Given the underfunding of the shelter and recovery operations, however, and the authorities' lack of official support for the kind of rights-based approach set out in the shelter cluster's guidelines, the impact of those principles and standards on the recovery process remains limited.<sup>140</sup>

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<sup>132</sup> [Oxfam](#), 11 August 2014, pp.7-8

<sup>133</sup> [Oxfam](#), 30 April 2014, p.8

<sup>134</sup> The shelter cluster survey shows that 56% of households in no-build zones report informal tenure arrangements, compared with 43% outside them – the result of a higher proportion of informal settlements in no-build zones. Philippines shelter cluster, September 2014, p.16

<sup>135</sup> Shelter cluster, key message on housing, land and property, 15 December 2013, available at: <http://goo.gl/l4h6Q3>

<sup>136</sup> Shelter cluster, recovery shelter guidelines, August 2014, available at: <http://goo.gl/tjAsqX> and <http://goo.gl/PIICgk>

<sup>137</sup> All of the shelter cluster's HLP guidance is available at: <http://goo.gl/l5U5LK>

<sup>138</sup> Shelter Cluster; 2014, op. cit, p.31

<sup>139</sup> According to the shelter cluster, the number of destroyed houses was eight per cent higher inside the no-build zone than outside it

<sup>140</sup> The Humanitarian Country Team's final periodic monitoring review states that of the \$172 million needed for the provision of emergency shelter, over \$92 million was met. See: <http://goo.gl/Hpgozl>, last accessed on 13 March 2015



## 4. ANALYTICAL SUMMARY AND KEY FINDINGS

### **1** Urban informal settlers are particularly vulnerable to disasters and represent a significant proportion of those displaced

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This report shows that several factors increase urban informal settlers' vulnerability, including the high cost of urban accommodation, the fact that many live in hazardous areas and often in makeshift and flimsy housing. Rapid urbanisation increases the price of land and housing, pushing poor sectors of the population to live in informal settlements in hazard-prone or undesirable areas without access to services. This explains why informal settlers represent a significant proportion of those affected and displaced.

Several of the featured cases studies illustrate the risks associated with the location of informal settlements. In Argentina, the Dominican Republic, Haiti and Nicaragua, informal settlers were living in high-risk areas such as riverbanks, alluvial fans and unstable hillsides, and in the case of tsunami and typhoon affected countries (Indonesia, Sri Lanka, the Philippines) on coastal areas.

### **2** Housing assistance tends to be based on ownership criteria rather than needs, which excludes many urban informal settlers who are mostly tenants or squatters

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The case studies from Haiti, India, Indonesia, the Philippines and Turkey reveal the tendency of national and international housing responses to focus primarily on owners, at least during the initial phase after a disaster strikes. In Haiti, IDPs needed to own a plot of land to receive more than emergency shelter. Discrimination on the basis of tenure status was even more blatant in Sri Lanka, where owners living outside the no-build zone were entitled to housing assistance in-situ, while informal settlers living in the same area had to relocate. In Indonesia, housing assistance varied based on the type of tenure of the IDPs: owners received reconstruction assistance, while tenants and squatters were offered cash grants, with the latter receiving smaller amounts.

When displaced informal settlers do get long-term housing assistance, it tends to come several years after that dispensed to owners and often only after pressure

from civil society, as illustrated by the India, Indonesia and Turkey case studies. In the Philippines, delays in clearly defining the no-build zone, where most informal settlers were living, deferred assistance to them and led to a de facto focus on owners.

Such differentiated responses prolong displacement, perpetuate and exacerbate inadequate housing conditions and poverty, and leave people vulnerable to future disasters and displacement. The shortcomings of housing assistance focussed on ownership highlight the need to support strategies that improve the stock of affordable rental housing for low-income populations, which would directly benefit displaced urban informal settlers.

### **3** The complex and unclear tenure situation in informal settlements, combined with weak urban governance, hinders the provision of housing assistance. As a result, a disproportionate amount of international resources are dedicated to temporary shelter rather than long-term interventions

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**A** The India case study illustrates the complex tenure arrangements national and international responders face in informal urban settlements, where varying levels of informality co-exist and may overlap. Owners may own their land but not the house built on it or vice versa, while others may have bought their property from someone who was not the legitimate owner. Tenants may or may not have formal contracts, they may or may not be renting from the legitimate owner, and squatters may have been paying municipal taxes for years and hold official proof of residency.

The tenure situation in Bhachau shows that the classification of owners and tenants is too simplistic to capture the complexity of the reality on the ground. Tenure and land rights in most countries are highly intricate, and understanding them requires deep knowledge in terms of prevailing legal, social, cultural, historical and political issues.<sup>141</sup>

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<sup>141</sup> NRC and IFRC, Security of Tenure in Humanitarian Shelter Operations, 2013

Such complexity goes part way to explaining national and international responders' focus on owners, and on limiting their assistance to emergency or transitional shelter when it comes to displaced informal settlers, as evidenced in the cases of Indonesia and Haiti. The fact that unclear tenure may raise the risk of disputes prevents investment in reconstruction and long-term housing solutions.

**B** In all of the featured case studies, the existence of informal settlements in the first place reflects weak urban governance, which is the authorities' inability to establish and enforce urban regulations. Tenure and land rights are not recorded accurately in land registries, and as a result do not reflect the reality on the ground. Given that most buildings in informal settlements conform neither with zoning regulations, which determine areas that can be used for residential or other purposes, nor with building regulations that determine technical and safety requirements, international responders may find it difficult or consider it unwise to support housing reconstruction in such areas.

The Philippines case study shows how a lack of clear central government guidance on the implementation of a no-build zone and delays in mapping areas at risk created uneven implementation and confusion about where to target long-term shelter assistance. This in turn limited the delivery of relief to people living in the area concerned, most of whom were informal settlers.

In Haiti, the government's failure to develop a long-term housing reconstruction policy that clarified which areas and informal settlements would be zoned for reconstruction or regularisation led many organisations to restrict their assistance to the provision of emergency or transitional shelter. The lack of national framework also limited the impact of a number of positive initiatives and led to wide discrepancies in the assistance provided, raising issues of equity.

These shortcomings in terms of coordination between national and local authorities and the lack of guidance for international responders highlight the importance of a national housing or reconstruction plan as a framework for response to a major disaster.

#### **4 Housing responses for urban informal settlers displaced by disasters require consistency and continuity between humanitarian and development assistance to address beneficiaries' immediate needs as well as their underlying vulnerability to future disaster and displacement**

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The Haiti case study illustrates that when urban governance is weak and displaced informal settlers are deprived of housing assistance, they establish new settlements and build unsafe and poor quality housing again. The outcome is a continuation of the unregulated urban sprawl underway before the disaster that perpetuates disaster and displacement risk.

Efforts to improve national and local authorities' capacity for urban governance need to be put in place in the very early stages after an emergency and should be linked to national recovery plans so as not to delay the provision of housing assistance, and put in place conditions limiting the development of informal settlements.

The existence of informal settlements is symptomatic of rapid and uncontrolled urbanisation, weak urban governance and lack of resources, and the ability of national and local authorities to respond to a new housing crisis is further compromised in the aftermath of a disaster. Humanitarian intervention is required to meet people's most urgent needs, alongside development initiatives to improve urban governance and with it reduce vulnerability to disasters and displacement. The humanitarian and development sectors should cooperate to ensure the consistency and continuity of short and long-term action in addressing the housing needs of informal settlers after a disaster.

Such coordination, however, can be difficult to achieve because the two sectors operate under different time-frames. Longer-term development initiatives to address the structural issues that lead to the establishment of informal settlements do not dovetail easily with humanitarian interventions, for which funding diminishes relatively quickly after a disaster. Authorities need time, and sometimes better capacity to facilitate the delivery of housing assistance; to define and enforce an urban planning policy, as in Haiti; to regularise informal settlements, as in India; and to adapt zoning and building regulations to take disaster risk into account, as India, the Philippines and Sri Lanka.

#### **5 Municipalities can contribute significantly to upholding informal settlers' right to adequate housing after disasters, particularly in terms of tenure security**

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The case studies from Argentina, the Dominican Republic and India illustrate how municipal authorities' knowledge of the specificities and needs of their town or city enabled them to identify the most suitable solutions. In Argentina and the Dominican Republic, the municipal authorities' of Santa Fe and Jimaní respectively proved their commitment and capacity to uphold informal settlers' right to adequate housing through participatory and integrated approaches, improving tenure security, introducing DRR measures, integrating settlements into their urban master plan and installing utilities and services.

The authorities in the Nicaraguan town of Ocotal acquired private land on which to establish a relocation site, while those in Jimaní allocated municipal land for the purpose. In the Indian town of Bhachau, they regularised the tenure of houses built illegally, and in all four cases they issued title deeds to the beneficiaries of their housing assistance.

Despite the important role municipal authorities can play, the impact of their interventions is limited by their geographical area of jurisdiction. Had the regularisation of informal settlements and land titling undertaken in Bhachau been driven by a decision by the central authorities in Delhi, it would have also benefitted other towns and cities affected by the earthquake.

Municipalities' interventions also depend on their capacity to mobilise international assistance. The authorities in Ocotal, Nicaragua, adopted a participatory approach to addressing the vulnerabilities of informal settlers affected by hurricane Mitch and providing them with adequate housing, but funding shortages meant they were unable to complete the project, while international responders chose to run their own programmes rather than support municipality's initiative.<sup>142</sup>

#### **6 Post-disaster reconstruction is an opportunity to build back better if DRR measures and assistance benefit informal settlers and IDPs who are not home-owners**

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The widespread destruction disasters cause can be an opportunity to rebuild hazard-resistant housing and infrastructure, provided that informal settlers are not excluded from DRR measures on the basis of their tenure status.

Analysis of the featured case studies points to a negative and a positive lesson in terms of building back better. If not provided with adequate assistance, informal settlers are likely to undertake construction or reconstruction themselves without adhering to building regulations or safety standards, but effective interventions can incorporate DRR measures by improving homes and local infrastructure, and training informal settlers in the appropriate building methods and norms.

The India case study shows that assistance tied to building permits and respect for regulations can have a negative impact on informal settlers and others who do not own their property, because permits tend only to be granted to owners. In Bhachau, displaced informal settlers wanted to rebuild their homes but were initially unable to request a building permit. As a result, they did not benefit from financial and technical assistance that would have ensured their building work met the newly adopted earthquake safety norms.

The impact and sustainability of DRR measures improves significantly when IDPs are involved in the reconstruction and trained in hazard-resistant building techniques. In Ocotal, Nicaragua, training in traditional adobe building techniques enabled them to rebuild their homes more easily while ensuring their safety.

Several of the featured case studies illustrate the type of measures authorities can take to mitigate risks in-situ when settlements are in potentially dangerous areas (e.g. widening of the river channel and building of an embankment, second floor in new homes to be used as a safe zone in the Dominican Republic, construction of drainage system, introduction of waste management and installation of utilities in Santa Fe, Argentine). The measures reduced the risk of future displacement caused by disasters at the same time as improving informal settlers' living conditions.

When authorities decide that mitigating risk in-situ is not possible, they often resort to relocation to reduce exposure to hazards, as illustrated by the Indonesia, Philippines and Sri Lanka case studies.

#### **7 Relocation tends to affect informal settlers more than other groups**

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The Dominican Republic, Indonesia, Nicaragua and Sri Lanka case studies show that the declaration of a no-build zone following a disaster and the relocation of its former residents tend to affect informal settlers disproportionately, because many of them live in areas prone to hazards. In Sri Lanka, all IDPs were obliged to relocate from the no-build zone regardless of their tenure status. Outside it, however, home owners received reconstruction assistance while informal settlers from the same area were relocated - a case of discrimination on the basis of tenure status.

#### **8 Relocation can have serious socio-economic consequences that disproportionately affect informal settlers, and does not necessarily improve access to adequate housing**

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Several of the case studies illustrate the linkage between relocation and economic opportunities, and IDPs' top priority in accessing livelihoods even at the expense of settling in more exposed areas. In Santa Fe, Argentina, and Sri Lanka, informal settlers chose to return to their original settlement, closer to the city centre rather than a safer, but more remote location that would have meant high transport costs to access livelihood opportunities. In Sri Lanka, the type of housing provided impaired IDPs' ability to pursue their traditional livelihoods, as the construction of apartments without gardens prevented them from growing their own food or raising poultry or livestock.

The Indonesia and Sri Lanka case studies also show that a shortage of available land near urban centres can lead authorities to choose inappropriate relocation sites with little access to services, and infrastructure, worse housing conditions, limited livelihood opportunities and in some cases increased vulnerability to natural hazards.

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<sup>142</sup> Graf, 2013

In both countries, large scale relocations to mitigate people's exposure to future tsunamis involved sites where the exposure to the risk of flooding was more frequent. In the case of Sri Lanka, this situation led many IDPs to leave the house they had been allocated. Those examples show that providing tenure security without ensuring effective access to livelihood and basic services precludes the achievement of durable solutions.

**9 Successful housing responses, whether in-situ or via relocation, should ensure a participatory and integrated approach that includes informal settlers**

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This report presents several examples of good practices in terms of participatory planning and the implementation of reconstruction projects that involved informal settlers. They demonstrate the effectiveness of such approaches to housing solutions, whether in-situ or via relocation, and their importance in ensuring that informal settlers do not continue to be marginalised.

These approaches were key to the success of the housing responses – in situ in Santa Fe, Argentina, and in relocation sites in Jimaní, Dominican Republic, where IDPs' active involvement facilitated the adoption of an integrated approach and convinced the municipality to abandon planned relocations to distant sites and to support projects that mitigated risks in-situ or close to their original settlement. Both municipalities improved informal settlers' housing conditions through reconstruction, the installation of utilities, the incorporation of DRR measures and tenure security and other elements of the right to adequate housing such as habitability, access to services and livelihood opportunities, thus contributing to the success of projects that won high levels of beneficiary satisfaction.

In Ocotal, Nicaragua, consultation with IDPs via information campaigns that explained the risks associated with the original settlements, the promotion of a neighbourhood identity in the relocation site, and their participation in the response facilitated their acceptance of the plan.

In Bhachau, India, community enumeration was used, in which those affected by the disaster mapped plots boundaries themselves as a means of clarifying and reaching consensus over informal or undocumented land rights. Such an approach also helps to enhance community cohesion and develop a shared vision of a neighbourhood's future.

**10 The high population density and lack of services in informal settlements make it difficult for humanitarians to provide shelter assistance in line with international standards**

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The population density of Haiti's informal settlements meant the plot sizes available for reconstruction had fewer square metres per family member than those set out in the Sphere standards indicators for hous-

ing construction. Their unplanned development and narrow lanes severely impaired the installation of basic infrastructure such as water, sanitation and drainage systems, which also meant the housing provided fell short of international standards. The nature and configuration of informal settlements can make implementation of minimum shelter benchmarks such as the Sphere standards difficult to achieve.

**11 The risk of partial or discriminatory responses increases when disasters and conflict combine, and disproportionately affects marginalised groups such as informal settlers**

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In countries affected by both conflict and disasters, tensions between the authorities and opposition groups can seriously hamper the impartial provision of housing assistance. In Sri Lanka, conflict between the government and LTTE limited and delayed responses in rebel-controlled areas, even though the effects of the tsunami were worse there than in areas under government control. The Sinhalese authorities' reluctance to facilitate the delivery of assistance to Tamil LTTE areas raised issues of inequity and unequal access to assistance based on IDPs' location and ethnicity. Without the support of either the government or the rebels, Muslims communities received less assistance still.

The discrepancies between the housing responses in rebel and government-controlled areas were amplified by that the fact that infrastructure was better and the private sector more active in the latter. The Sri Lanka case study also suggests that some organisations prioritised rapid expenditure of funds and ease of delivery over the careful identification and targeting of needs. As such, it underlines the need for international responders to be aware of and sensitive to local power dynamics when a disaster takes place in a country or area already affected by conflict.

**12 Civil society can play a significant role in improving the housing and tenure situation of informal settlers by supporting and pressuring authorities**

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Several of the featured case studies show that informal settlers initially excluded from assistance were only able to improve their housing and tenure security through free land allocation or regularisation thanks to the efforts of CSOs. In Indonesia, Turkey and India, central authorities whose large-scale reconstruction programmes initially neglected informal settlers or addressed their needs inadequately changed their approach following such pressure. Only after activism and lobbying by those affected, supported by local CSOs did the authorities eventually respond – and even then only partially - to their housing needs.

In Indonesia, Aceh's BRR reconstruction agency initially overlooked the housing needs of about 70,000 informal settlers and tenants displaced by the tsunami. Advocacy and lobbying by civil society and internation-

al organisations eventually convinced the authorities to distribute cash grants, but not until two years after the disaster.

In Turkey, plans to dismantle tents inhabited by informal settlers left out of post-earthquake housing assistance triggered a civil society movement that led the authorities to allocate urban land for cooperative housing, though again not until more than two years after the disaster. In India, a CSO played a key role in clarifying the complex tenure security situation in Bhachau, convincing and supporting the municipality to regularise the land tenure of informal settlers who had been deprived of housing assistance available only to property owners.

### 13 Further research is needed into the implementation of guidelines and standards relating to tenure security for the urban poor and the right to adequate housing in the aftermath of disasters

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State parties to ICESCR are under an international obligation to implement, among others, the provision related to the right to adequate housing. This report gives examples of measures adopted by authorities in Argentina, the Dominican Republic and India that are in line with this right, particularly in terms of tenure security, affordability, location and habitability.

As mentioned in section 2, ICESCR's provisions on adequate housing are broadly formulated, however, and do not provide a clear framework that defines responses to the specific needs of people displaced by disasters in urban areas. Consequently, specific guidance has to be drawn from other standards and principles (e.g. IASC's framework for durable solutions; UN-Habitat's guidelines on land and disasters; IASC operational guidelines for the protection of people affected by disasters; Nansen principles; general framework for disaster responses; Sendai DRR framework).

However, most of these guidelines were developed in the last five years, namely after most of the disasters examined in this report took place, with the exception of typhoon Haiyan in the Philippines. While it would be premature to assess the extent to which they have shaped the responses of humanitarian agencies, it is clear that mega-disasters such as the 2004 Indian Ocean tsunami and the 2010 earthquake in Haiti, and the dramatic shortcomings of the housing responses in both cases, have raised their awareness of the risks associated with relocation and assistance based on the discriminatory criteria of tenure status.

In the Philippines, the shelter cluster advocated for a rights-based approach to shelter assistance regardless of tenure status. This would suggest that the recent guidelines and principles have been successful in putting such issues firmly on the humanitarian agenda and integrating them into planned responses. Such awareness and willingness, however, are not necessarily reflected in

national authorities' approaches, nor is it possible to say whether they indicate improved awareness at the global level.

The research for this report found that there are hardly any detailed studies that focus on the socio-economic impacts and sustainability of post-disaster reconstruction in informal settlements, or publications that attempt to consolidate experiences gained and lessons learned so far. This report focuses on informal settlers who were displaced by the impacts of a disaster in urban environments. However, research is also needed to better understand how such events and the ensuing displacement, increase people's vulnerability, particularly in terms of housing conditions, and lead them to become informal settlers.



## 5. RECOMMENDATIONS

### To national and international responders

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- 1 Identify housing responses that respect urban informal settlers' housing rights and address their needs as soon as possible after the onset of a disaster, to avoid delaying their achievement of durable solutions
- 2 Ensure that Improvement to tenure security is linked to effective access to other elements of the right to adequate housing notably access to services and livelihood opportunities.
- 3 Ensure that informal settlers benefit from DRR measures such as financial and technical assistance regardless of their tenure status.
- 4 Design mid to long-term policies and programmes that increase the stock of affordable rental housing to address the needs of non-owners, including informal settlers.
- 5 Given that relocation often leads to deterioration in socio-economic conditions, prioritise the mitigation of risks in-situ, and if not possible, ensure relocation is carried out based on risk exposure rather than tenure status.
- 6 Ensure that housing responses adopt a participatory and integrated approach that involves affected communities in the design and implementation of programmes,
- 7 Carry out further research to document the extent to which inadequate housing responses for urban informal settlers after a disaster contribute to their protracted displacement.
- 8 Consider experience gained and apply lessons learned from involuntary relocation associated with development projects to post-disaster reconstruction, in an effort to reduce the risks posed by hazards including those linked to climate change.

### To international responders

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- 1 Systematically analyse the often complex tenure situation in informal settlements and the urban regulatory frameworks applicable to them as part of programme design.
- 2 Ensure close cooperation between the humanitarian and development sectors and urban experts at the national and international level to improve the impact, continuity and sustainability of short and longer-term housing responses.
- 3 Provide local and national authorities with technical and financial assistance on urban governance, ideally before the onset of disasters and failing that as soon as possible after they strike.
- 4 In coordination with the global shelter cluster and national authorities, study ways to ensure that indicators for international shelter standards are adapted to informal settlements, where pressure on space restricts plot sizes and complicates the installation of basic infrastructure.
- 5 When operating in countries that suffer disasters on top of conflict, ensure responses are informed by a thorough understanding of the political and social context in an effort to guarantee the impartial delivery of housing assistance.
- 6 Strengthen cooperation with local stakeholders and municipal authorities when designing and implementing housing responses, particularly in countries with decentralised institutions with greater responsibility in terms of land planning and urban regulation.

## To national responders

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- ① Ensure that housing responses for displaced urban informal settlers are rights-based and do not discriminate on the basis of tenure or socio-economic status
- ② Enhance their and local authorities' cooperation with CSOs and displaced informal settlers to address their concerns and ensure they contribute meaningfully to recovery programmes and municipal urban planning.
- ③ Ensure consistency between urban planning, housing policies and national disaster recovery policies to guide and coordinate response and clarify priorities to limit delays in the provision of housing assistance and regulate the development of informal settlements.





# ANNEX

## SUMMARY OF THE GLOBAL SHELTER CLUSTER'S RECOVERY ASSISTANCE OPTIONS

	Recovery shelter option	Type of assistance & timeframe	Description
1	Emergency shelter replacement & upgrade (ESR)	Emergency  <i>Six months to a year</i>	ESR aims to ensure that those still living in tents and makeshift shelters are able to do so with health and dignity while better solutions are found. It is not a substitute for better quality temporary or permanent shelter solutions, but an improvement or replacement of existing emergency shelter. ESR programmes in higher-risk areas should include mitigation measures such as preparedness and evacuation plans.
2	Temporary shelter (TS)	Temporary  <i>Two years</i>	TS programmes aim to provide safe, adequate and appropriate shelter for households whose permanent housing situation is still to be resolved. To ensure a smooth transition on to permanent solutions, TS is designed so that it can be relocated, resold or reused. It should include DRR measures and access to water, sanitation and hygiene (WASH) and cooking facilities, though it may not provide them directly. TS programmes in higher-risk areas should include risk mitigation measures such as preparedness and evacuation plans.
3	Sharing programme (SP)	Temporary  <i>Up to two years</i>	SP are designed to support families choosing to be hosted by another household as a temporary solution, as well as addressing the separate needs of the hosting family. SP may provide support to existing sharing arrangements or encourage new sharing arrangements as a temporary option. This may include financial, physical or social assistance including repairs and house extensions. SP should remain flexible to address the differing needs and capacities of the hosted and hosting families, whilst respecting the existing, potentially informal, arrangement and ensuring all involved can live in safety and dignity.
4	Rental Support (RS)	Temporary Shelter Assistance  <i>up to 2 years</i>	RS programs provide temporary support to households choosing to live in a rental property or rented land. These programs may also support landlords to recover their property and open it to the rental market. RS programs are temporary assistance programs, which can support existing rental arrangements or promote rental solutions as an alternative shelter solution. These may include financial, physical or social support separately or jointly to renters and to landlords.
5	Bunkhouse program (BH)	Temporary Shelter Assistance  <i>up to 2 years</i>	Bunkhouse, also called collective temporary shelter programs, should be designed to ensure safe, adequate and appropriate temporary shelter assistance as a bridging solutions for families choosing to move out of high risk areas whilst awaiting permanent relocation assistance. BH programs may include upgrading existing bunkhouses or the construction of new bunkhouses. The congested nature of BH programs will require increased ongoing WASH and social assistance programs.
6	Repair and Retrofit (R&R)	Permanent Shelter Assistance  <i>9+ years</i>	Repair and Retrofit programs aim to assist households to repair and improve structural resilience of houses to future hazards. R&R programs are divided in Minor and Major depending on the scale of the damage and need of repair, and they may include a combination of cash, material and technical assistance whilst targeting, informal or formal landlords, renters and home owners. Retrofit specifically aims at structurally strengthening existing buildings to withstand future disasters, whereas repairs aims at fixing the damage. In the recovery phase, all repair programs should include retrofitting.
7	Core House (CH)	Permanent Shelter Assistance  <i>9+ years</i>	Provide households with the core of their future house: one safe room, or the frame of a permanent house with a safe room to inhabit. CH programs are targeted at households located on permanent sites with security of tenure and the capacity to extend and upgrade in the future. They may include a combination of implementation modalities (direct, indirect, cash, contractor, government or partnership) using materials, cash, labour and technical support as assistance type. CH programs should meet all key shelter principles, parameters and minimum standards.
8	Permanent House (PH)	“Permanent Shelter Assistance  <i>9+ years</i> “	Permanent housing programs aim to provide households with a complete house that could still be extended and upgraded in the future. Permanent house programs should be targeted at families who do not face further relocation and may not have the capacity to self-recover, they include at least one bedroom, one living space, dedicated WASH and cooking and ensure access to appropriate livelihoods and other social services.
9	Settlement Planning & Development (SPD)	Permanent Shelter Assistance  <i>9+ years “</i>	Settlement Planning and Development programs aim to assist the affected population through the design and development of new or existing settlements. SPD programs are designed to address a broad range of socio-economic and environmental considerations such as access to roads, utilities, community facilities, public transport, livelihoods and other government services. SPD programs should be conducted in conjunction with Permanent Shelter Assistance Options.

Source: Philippines shelter cluster, 2014



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DISASTERS  
CLIMATE CHANGE AND  
DISPLACEMENT



## EVIDENCE FOR ACTION

This is a multi-partner project funded by the European Commission (EC) whose overall aim is to address a legal gap regarding cross-border displacement in the context of disasters. The project brings together the expertise of three distinct partners (UNHCR, NRC/IDMC and the Nansen Initiative) seeking to:

- 1 › **increase the understanding** of States and relevant actors in the international community about displacement related to disasters and climate change;
- 2 › **equip them to plan for and manage** internal relocations of populations in a protection sensitive manner; and
- 3 › **provide States and other relevant actors tools and guidance** to protect persons who cross international borders owing to disasters, including those linked to climate change.