Analytical & advocacy tools

In Lebanon, which hosts large populations of both Palestinian and Syrian refugees, the challenges are different. Despite refugees not requiring valid documentation or legal residency to enter into a written or verbal lease agreement under Lebanese law, they rarely do so - either because they do not understand the benefits or because they feel too insecure to approach their landlord, particularly those living in informal settlements.3

The ICLA team ran a pilot project in the Bekaa valley to promote the use of written lease agreements, intended to protect the rights and responsibilities of both tenants and landlords. Given that tenants were often found to violate tenancy agreements, for example by not maintaining the property, leases aim to manage and balance expectations and responsibilities between all parties.

Conclusion

Legal aid organisations and the assistance they provide are vital to any effective rights-based approach to supporting urban IDPs’ durable solutions. Multiple legal and tenure regimes are common in cities, and they affect the marginalised and poor disproportionately. IDPs and refugees need clear and timely information about their legal rights and entitlements in terms of housing, tenure and protection issues in their areas of refuge.

Notes

1. The Humanitarian Coordinator and Resident Coordinator Checklist of Housing, Land and Property Rights and Broader Land Issues Throughout the Displacement Timeline from Emergency to Recovery is an important resource for humanitarian organisations. Available at: http://www.ifrc.org.
2. Other thematic areas of focus the ICLA programme legal identity, including obtaining civil documentation; citizenship and statelessness issues related to displacement; procedures for refugee status determination; registration procedures for IDPs when access to rights and services is dependent on it; NRC, Programme policy, 2012.
5. NRC, Increasing Security of Tenure through Relationship Building and Written Lease Agreements: An Assessment of NRC’s Housing, Land and Property Rights Pilot Project in Lebanon, August 2014, p.8

4. Community participation approaches

Community participation is an essential component of good programming, because it ensures that assistance is better adjusted to the skills and needs the beneficiaries themselves prioritise. It gives communities a sense of ownership of the programme, and engages members in skills development, consensus building and demands authorities’ accountability. Community participation can take different forms, some of which are more time-consuming and in-depth than others, depending on the level of emergency and responders’ culture and methods. Community enumeration and mapping, and the social tenure domain model are particularly useful in urban areas to clarify unclear tenure.

4.1 Community enumeration and mapping

Description

Community enumeration1 involves members in designing a method of data collection and using it to gather information about themselves and identify and prioritise their needs2. They then develop an action plan as the basis of emergency and responders’ culture and methods. Community enumeration and mapping, and the social tenure domain model are particularly useful in urban areas to clarify unclear tenure.

Overview

Habitat for Humanity Haiti used community enumeration and mapping to empower the inhabitants of Simon Pelé, a densely populated informal settlement of 50,000 people on low incomes, to identify and prioritise their needs in terms of housing, infrastructure, health and livelihoods.

Based on the community action plan that emerged from the consultations, Habitat for Humanity developed a wide range of interventions including damage assessment, street naming, house numbering, reconstruction and retrofitting of homes, infrastructure projects, vocational training, health programmes and support for community governance. The project was part of a wider programme implementing the same methodology across a number of informal neighbourhoods in Port-au-Prince.

It also coordinated with the subsequent census and mapping activities conducted by the government with IOM and UN-Habitat support. The methodology and tools used were based on the experiences of Slum Dwellers International, the Asian Coalition for Housing Rights and other organisations.8

The process

The project began with a community enumeration exercise consisting of the following phases:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building a team</td>
<td>A local enumeration team is selected via engagement with community representatives, community-based organisations and camp committees. The team includes members of the target community, local authorities, academics and support professionals.</td>
</tr>
<tr>
<td>Rough mapping</td>
<td>The team meets local community leaders and city officials to “rough map” the entire settlement, identifying toilets, water taps, public services and transport systems. The exercise provides a general sense of issues to be addressed by the enumeration process, and informs the preparation of a questionnaire.</td>
</tr>
<tr>
<td>Training</td>
<td>Community members improve their skills and capacities to formulate the questionnaire and carry out the survey via a trial run in a sample section of the settlement.</td>
</tr>
</tbody>
</table>

Case study: Community enumeration in Simon Pelé (Haiti)

The project began with a community enumeration exercise consisting of the following phases:

1. Understanding a community’s needs
2. Enabling residents to advocate for their rights
3. Improving tenure security
4. Planning the provision of infrastructure and services
5. Redeveloping informal settlements or planning relocations
6. Assessing a community’s assets and capacities
7. Identifying risks and vulnerabilities
8. Guiding land allocation plans and information systems
9. Community planning
10. Project planning

The various uses of enumeration include:

- Understanding a community’s needs
- Enabling residents to advocate for their rights
- Improving tenure security
- Planning the provision of infrastructure and services
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Launch

The enumeration exercise is launched at a public ceremony. Ministers, mayors and local leaders attend to add political credibility.

Household survey

A survey of each household is carried out, and staff members begin to assess and compile data.

A verification process enables community members to identify and mediate areas of disagreement.

The support organisation prepares detailed documentation, including graphs, charts and narratives, to give to the community, city officials and other stakeholders. The community then uses the data in future negotiations over resources.

Household mapping

With clipboards, pencils, tape measures and GPS units, enumerators create a qualitative and quantitative map of the settlement. The work is twofold, to survey each household, and number and measure every structure.

The information forms the basis of a physical and narrative picture of community-level challenges.

Community mapping

Community mapping sessions build on the initial rough mappings done by the enumerators. The focus remains on the bigger-picture elements of physical mapping, such as the mapping of social services and water and sanitation facilities.

Several iterations take place, creating a more comprehensive view of the neighbourhood. Different versions of the community map are produced that highlight different key themes within the community. Each map can be laid over another as required.

Community master planning

Elements of the household and cadastral surveys are combined with the community mapping in order to provide a more in-depth and comprehensive view of the neighbourhood.

Based on the three elements, the community makes informed decisions about what members need and desire, what to prioritise and what to sacrifice or delay until further resources are available.

Further community workshops incorporate the information into a physical and spatial master plan.

Reporting back

The results of the enumeration are tabulated and presented to the community at a validation event, designed both to test whether the results seem plausible and to cement relationships with politicians and others.

Action planning

The main goal is to reach a position in which the community has an action plan developed with their own participation. It allows them to advance for their rights, invite investment in their community, and in many cases use their skills and capacities to address the issues identified.

The creation of a Habitat resource centre in the heart of the neighbourhood was key to catalysing community participation. It serves as the focal point for community consultation, training and the organisation of home and latitude construction, retrofits and large-scale infrastructure projects.

Community contracts have been put in place to implement the action plan. Such contracts are a procurement tool that empowers communities by ensuring they have an executive role in the identification, planning and implementation of development initiatives. They are an agreement between the funding agency, in this case Habitat, and a community council representing residents.

The community undertakes to implement an agreed development project according to mutually established processes and funding arrangements. In essence, the community is the contractor and the funding agency the client. The funding agency also trains community members in specifying a development project, selecting the community council and understanding the various phases of the process.

Once the development initiative is defined, the funding agency finances it and community members recruited for the project implement it, monitored by the community council.

Lessons learned

Habitat for Humanity Haiti identified the following lessons learned:

- Community enumeration and mapping can be a time-consuming process in earlier phases, but leads towards a long-term strategy where the process can be simplified and accelerated.
- Many of the “outputs” are not the traditional ones measured, but the “outcomes” have the most impact and can be measured over time.
- Institutional donors are supportive of this type of programming, ensuring that principles of participation are at the heart of the interventions.
- Security issues can stop the process, but strong community relationships and ownership of the process allows things to keep moving.
- Being embedded in the community with a Habitat resource centre is vital and builds trust that the agency is committed to the process.
- There are many “community representatives”, and navigating their agendas and influences is difficult.
- Building relationships with the community as a facilitator rather than an aid provider takes time.
- Technology is a great asset, but good knowledge of geographic information systems is necessary to make the most out of community mapping.
- It is important to establish who owns and has access to data.
- It is important to establish common methodologies and data collection tools between partners and other NGOs or community-based organisations running similar projects.

4.2 Social tenure domain model

Description

The social tenure domain model is a pro-poor, gender responsive and participatory land tool developed in recognition of the fact that the vast majority of the land around the world is not registered or included in cadastres. Social tenure arrangements are more popular and greatly outnumber their formal or statutory counterparts in both urban and rural areas.

Where informal, traditional, customary and indigenous tenure practices are in place, cadastral surveys and the formalisation of titles are perceived as yielding fewer benefits for poorer and marginalised populations.

The broad continuum of tenure practices, individual freehold is only one of a number of options. As Jon D Uhruh notes: “All claims to land are part of a construction of an evidence-based ‘argument for claim.’” As such, it is important not only to recognise all forms of land and tenure claims, but also to “argue” for them based on alternative models of evidence.

The International Federation of Surveyors, the Global Land Tool Network and UN-Habitat have created a land administration system (LAS) that works with various forms of tenure recorded through on-the-ground observation and consultation with local communities, and which promotes the concept of a continuum. Tenure data generated by a partnership between professional surveyors and the people affected yields more sophisticated maps and in turn a better land administration system that can address IDPs’ specific needs and vulnerabilities and support their achievement of durable solutions.

A major challenge in surveying lies in reconciling different levels of accuracy and labelling practices. Traditional land surveys are extremely time-consuming and expensive, so the creators of the social tenure domain model advocate the use of satellite images and handheld GPS devices to conduct boundary surveys in conjunction with traditional land surveys. Such approaches are not cheap either, and there is the question of who a community will trust to apply them. Only after a boundary survey is complete, however, and the information has been compiled with topographic and GPS data coordinated into maps, can policymakers address land tenure, use and development issues by designing better policies.

The social tenure domain model could also help communities, civil society organisations and governments to improve their monitoring and prevention of illegal land grabs, which become more common during conflict or in the aftermath of disasters when institutions and the rule of law are weakened.

Methodology

Figure 1: A screen grab of prototype software for the social tenure domain model. Drawn boundaries are vectorised to closed polygons, which in turn can be related to people via social tenure relationships.

The creators of the social tenure domain model aim to pioneer a new way of maintaining land records, using free open-source software that enables individuals with minimal training to collect, record, analyse and disseminate data. The software used should not be understood merely as a technical exercise. It is also a deeply political process of engendering, mapping and negotiating rela-
1. The software allows for the linking of individuals or “land users” with specific plots of land or “ spatial units” (see Figure 1) using different social tenure options. The individual is identified by their photograph, fingerprint and signature to ensure the validity of the record. But before inputting data, however, the land must be surveyed. The different sequences of the model are:

1. First the data needs to be acquired. Communities, villages, cooperatives, slum dwellers’ organisations or NGOs can organise this, but they need tools to do so.

2. On-site tests of the potential use of high-resolution satellite images were performed to establish parcel index maps in selected cities or villages. After printing the images on paper on a 1:2,000 scale, the boundaries of spatial units were determined in the field using a pencil.

3. Data collection in the field was performed in the presence of land rights holders and local officials.

4. Apart from the boundaries, administrative data such as village names were collected. The understanding of the paper prints on a 1:2,000 scale was high, which makes the process very participatory.

5. Additional supporting documents such as photographs, maps and images can also be uploaded using the software.

6. After field data acquisition, the images with drawn boundaries were vectorised and given inputting data, however, the land must be surveyed. The drawn boundaries were determined in the field using a pencil.

7. The drawn boundaries were vectorised and given inputting data, however, the land must be surveyed. The spatial data can then be linked to the person’s tenure and land tenure claims. It can be used to determine who rents, owns or has claims to property, and it facilitates the clarification of tenure, on which eligibility for housing assistance programmes and social benefits often rides. It is also useful in resolving tenure disputes and can help protect from evictions if informal tenure claims are recognised and recorded as part of a legitimate land administration system.

The model not only feeds community-driven advocacy for tenure and housing rights, including access to basic services. It can also help municipalities and other urban governance institutions to provide services for population influxes.

Case study: Social tenure domain model pilot project in Mbale (Uganda)

Background

Seventy-two per cent of Kampala’s population live in conditions that cover only 25 per cent of the city’s land area. In order to begin tackling the high population density and poor service delivery, more accurate profiles of the settlements are needed to better inform urban planning, growth management and infrastructure development policies.

Overview

The national Slum Dwellers Federation of Uganda (NSDFU) and the municipality of Mbale, a city in eastern Uganda, piloted a community enumeration exercise together using the social tenure domain model (STDM) tool. The project was supported by the local NGO ACTogether, which is affiliated to Slum Dwellers International, and the Ministry of Land and Housing and Urban Development.

Many of the community members who were trained in using the tool and led the enumeration exercise were active NSDFU members, which ensured meaningful community participation. Sensitisation and awareness raising activities made sure it was conducted with respect for local principles of cultural adequacy.

The tool was adapted to the local context, with the methodology and questionnaire determined through a process of consensus building between community members and stakeholders. The necessary reference maps were produced using satellite imagery, which helped to digitalise existing structures to guide the enumeration process.

With the help of the maps, enumerators used handheld GPS units to number and record existing structures with a unique code. They administered the questionnaires and collected supporting material such as photographs and documents, validated the data to increase its legitimacy and entered it into the STDM software.

Some of the NSDFU leaders were trained to use the software to update information as changes occurred or new data became available. They were also able to use it to generate quick reports and analyse data in spatial and quantitative terms.

Impact

The pilot project and the data it yielded led to the production of a settlement map, on which structures, housing units, roads and water points were digitalised. The STDM software also includes a tenure instrument that combines the information gathered with the map to indicate tenure and land claims. Once authorities decide to regularise Mbale’s settlements, they will be able to use the feature to produce “certificates of residency”. The STDM software is not yet a legally recognised instrument of tenure security, but the certificates may help to clarify tenure claims.

The house numbers generated create a physical address system, which has the potential to improve residents’ access to services. The tool also allows authorities and slum communities to use a common set of information to discuss future urban planning that is more inclusive and ensures better access to public infrastructure and services.

Challenges and lessons learned

Initiatives were taken to mobilise and sensitise the community, but the pilot could have done more in this direction. Some technical staff were apprehensive about integrating a new tool, which indicates a need for better training to familiarise enumerators and NGO staff. The success of an enumeration exercise is based on a strong partnership between the community, local authorities, local NGOs and international organisations. Community ownership of the process is also vital.

The STDM tool also needs to be scaled-up to address more structural issues in national and local land administration systems and cadastral mapping. Given that it has been piloted in other countries such as Colombia, their experiences could help to inform the development of a sustainable method to scale the tool up across municipalities and city planning departments.

Conclusion

The pilot project demonstrated that the STDM tool can be used in conjunction with other pro-poor land tools to better reflect the realities on the ground, which in turn can lead to better urban growth management, settlement and infrastructure planning.

Notes

1. Additional resources on this approach: Count me in by UN-Habitat, 2010; Slum Dwellers International website: http://www.sdinet.org Why enumeration counts: documenting the undocumented, Sheela Panjwani IIEG. The article provides links to community enumerations conducted in urban informal settlements of Ghana, Kenya, India, Namibia, South Africa, Tanzania, Thailand, Uganda and Zimbabwe.


5. Ibid, p8

6. Ibid, p15

7. Ibid, p14

8. The Haitian government has further developed and institutionalised participatory enumeration methodology under the leadership of the inter-ministerial committee for regional development (CIAT).


