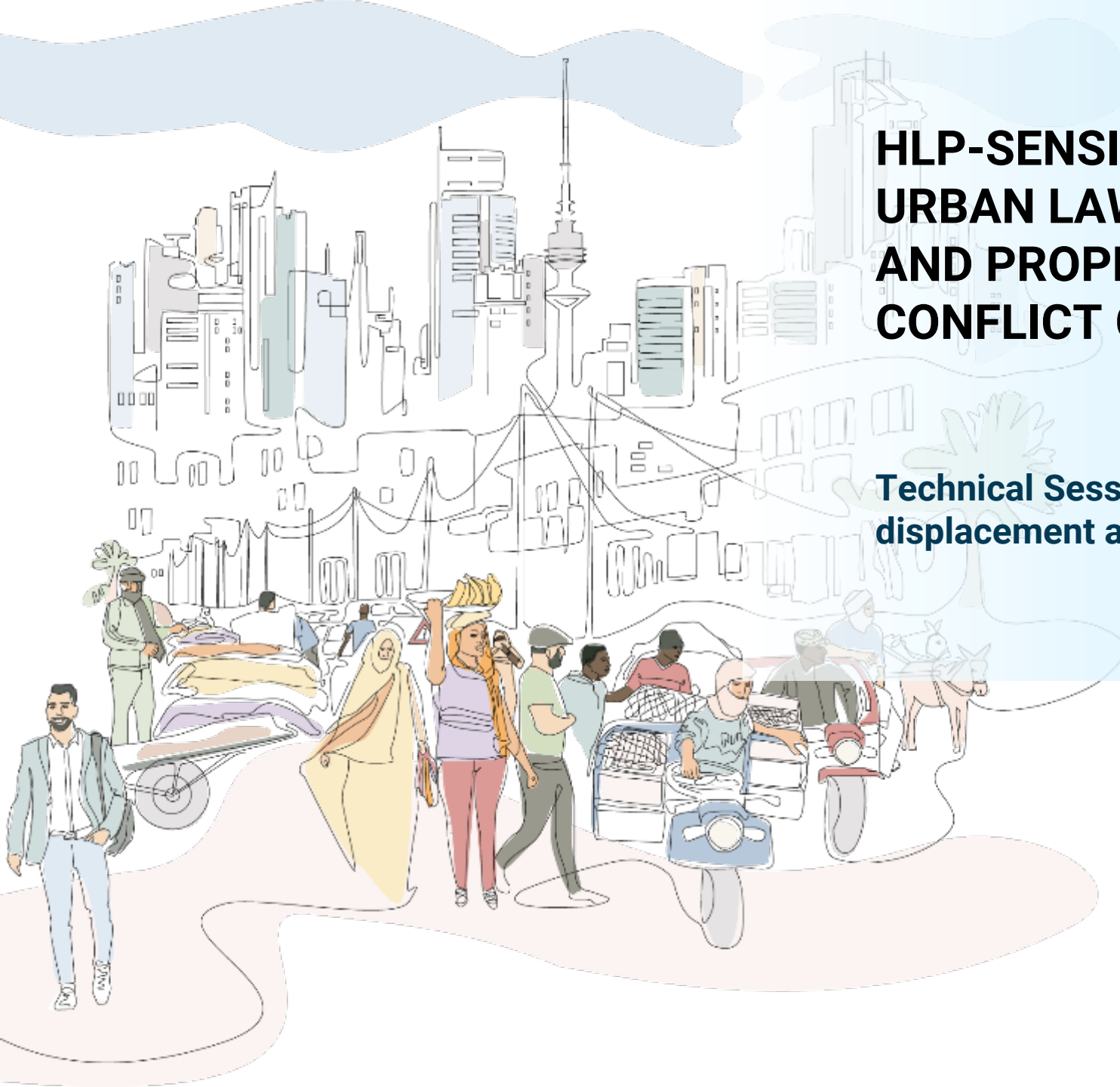


HLP-SENSITIVE URBAN LAW: ENHANCING URBAN LAW TO PROTECT HOUSING, LAND AND PROPERTY RIGHTS ACROSS THE CONFLICT CYCLE

Technical Session: Housing, land and property solutions for displacement and crisis



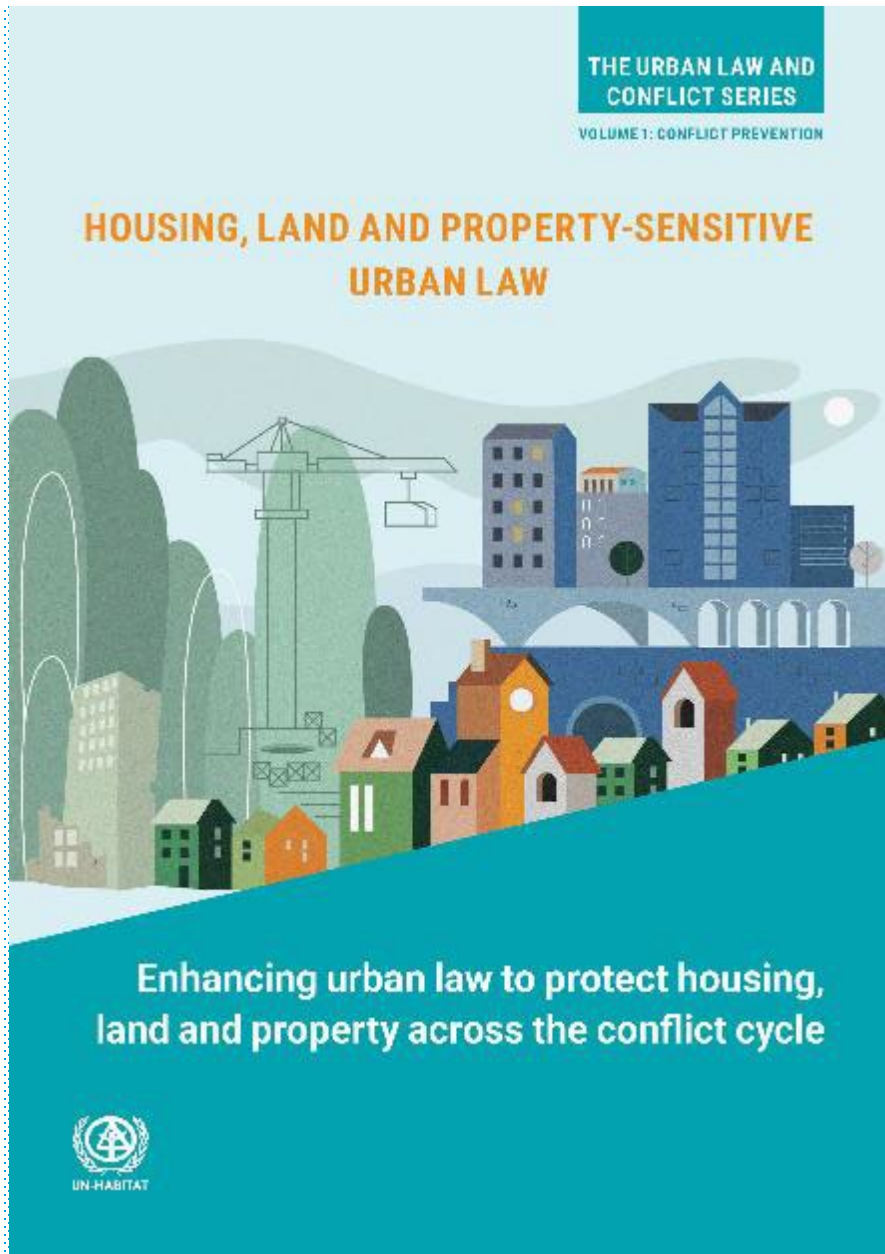
الإدارة العربية للأراضي
Arab Land Initiative



وزارة الإسكان والتعمير والتنمية
والإسكان ومجتمعات محلية
الجمهورية المغربية
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Third Arab Land Conference
Troisième Conférence Arabe sur le Foncier
المؤتمر العربي الثالث للأراضي
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JIA ANG CONG, PROGRAMME MANAGEMENT OFFICER,
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Urban Law and Conflict Series

- Empower governments to autonomously enhance domestic law, policy and practice by assessing existing urban law frameworks through a conflict-sensitive lens.
- Realize law and policy frameworks that better secure the HLP rights of its population during periods of conflict.
- Promote awareness of both the complexities and importance of securing HLP rights in the urban context.



Housing, Land and Property Rights (HLP)

- HLP rights represents the bundling of three overlapping elements of the same human rights claim: the right to a home, free from the fear of forced eviction; a place that offers shelter, safety and the ability to secure livelihood opportunities.
- HLP vulnerabilities are often exacerbated by land and housing issues that predate the crisis period and have been entrenched by inadequate laws, policies and practices.

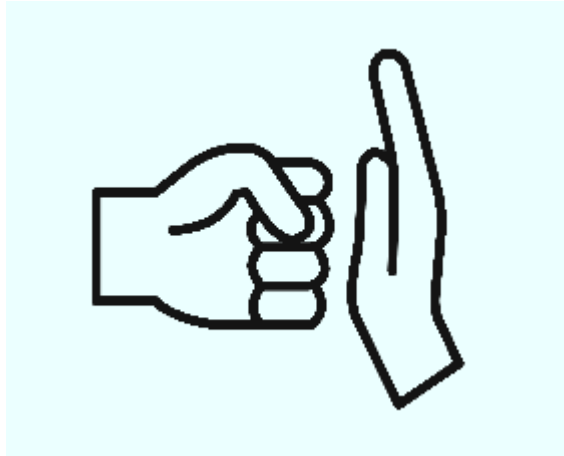




Urban Law

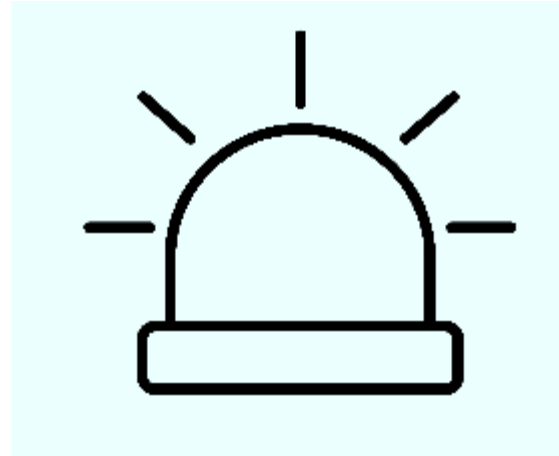
- Urban law has a role to play in addressing the urban conditions which undermine the HLP rights of city dwellers in humanitarian contexts.
- In this publication series, urban law is broken down into four thematic areas: **urban governance, planning law, housing law and land management.**

Urban Law and Conflict Cycle



Conflict Prevention: Urban law that promotes inclusive land tenure security to:

- reduce the likelihood of land being a root cause or trigger of conflict, and
- mitigate any potential impacts of conflict on HLP rights and
- *mitigates other potential root causes of conflict.*



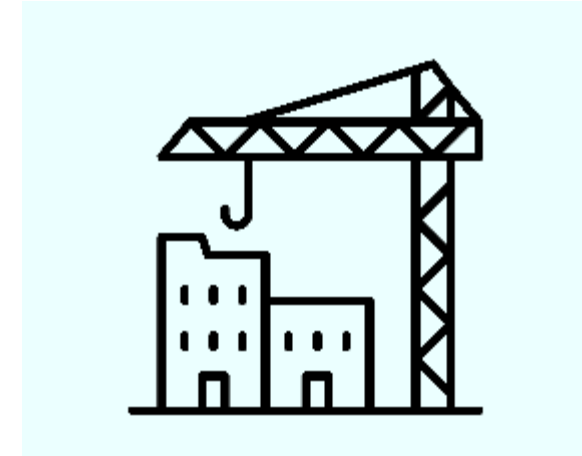
Emergency Response: Urban law that mitigates the immediate impacts of conflict on HLP rights by (inter alia):

- minimizing displacement.
- safeguarding land tenure records.
- furnishing emergency shelter, and
- documenting secondary occupation.



Early Recovery: Urban law that facilitates the safeguarding and restitution of HLP rights during the transition from violent conflict to peace through (inter alia):

- property restitution and compensation procedures.
- HLP dispute resolution mechanisms,
- temporary housing allocation, debris removal, and building repairs.



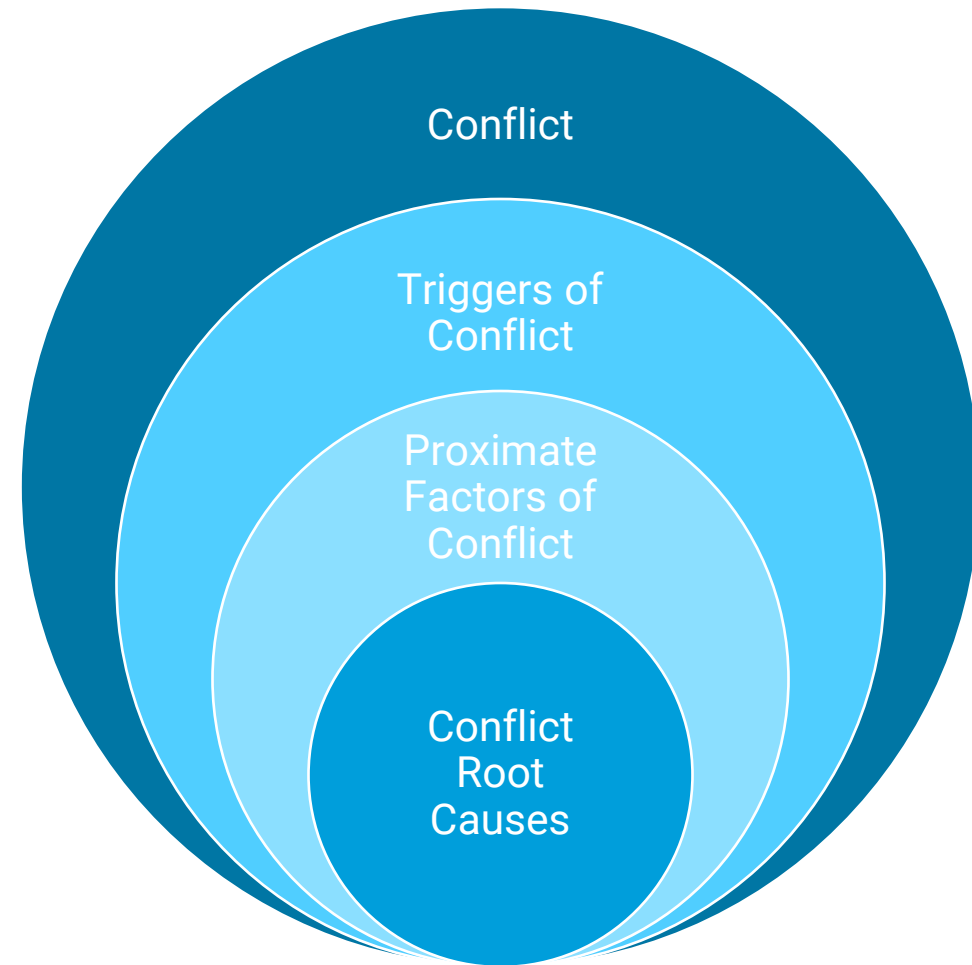
Reconstruction: Urban law that supports equitable and inclusive post-conflict urban planning and reconstruction interventions, such as:

- local recovery plans, land readjustment and informal regularization.



Urban Law and Conflict Prevention

- HLP-sensitive urban must pursue the overlapping objectives of promoting conflict prevention and security of tenure.
- Urban law can contribute to conflict prevention by addressing structural issues that prevent certain groups from gaining secure access to land, housing and basic services.
- HLP-sensitive urban law must not only address potential root causes, proximate factors and triggers of conflict, but it must also preventatively address the causes of tenure insecurity that are exacerbated by conflict conditions.





Urban Governance for Conflict Prevention

- Decentralization and subsidiarity
- Multilevel governance
- Defined roles and responsibilities
- Proportional representation
- Public participation and social inclusion
- Digital services
- Fiscal autonomy
- Capacity development
- Natural resource governance



CASE STUDY: BOGOTA, COLOMBIA OPEN GOVERNMENT DIRECTIVE 005 (2020)

- In 2020, the city of Bogota formally adopted the “Open Government” model through Directive 005 of 2020.
- The Directive establishes a virtual platform managed by the General Secretary of the Mayor's Office of Bogotá, which functions as the hub for government services and resources organized into four pillars: transparency, participation, collaboration and public services..”
- As of 2024, the virtual platform provides the public with the opportunity to participate in public consultations, participatory budgets, electoral voting and to propose local initiatives. It also provides access to a variety of government services through “[SuperCADE Virtual](#)”, a digital channel through which the public can complete various administrative procedures.

Open
Government

Spatial Planning Law for Conflict Prevention



- Multi-level and inter-sectoral integration
- Data collection and analysis requirements
- Risk assessments



- Public participation and stakeholder engagement
- Compensatory obligations
- Flexibility and adaptability



- Integration with land information systems
- Monitoring, evaluation and defined review periods
- Sanctions for violations and enforcement



CASE STUDY: LAND LAW OF CAMBODIA (2001)

- The continual updating and maintenance of land and property records is promoted in Articles 236, 238 and 239 of the Land Law of Cambodia.
- Article 238 states that “[...] any subsequent changes in the land [registry] data must be registered as soon as the Cadastral Administration is informed of such changes”, while Article 239 goes on to state that “cadastral offices at all levels are legally responsible to ensure the due and proper maintenance of such Land Registers and the accuracy of survey operations and to preserve the documents.”

Land
Administration

Land Management for Conflict Prevention

- Fit-for-purpose land administration
- Institutional organization
- Continuum of land rights
- Compulsory acquisition
- Adverse possession



- Inclusive land adjudication and recordation
- Gender equity and non-discrimination
- Dispute resolution



- Access to land information
- Safeguarding of land records
- Land information maintenance requirements



CASE STUDY: TUNISIA LAND-USE AND URBAN PLANNING CODE (2011)

- **Article 16** - promotes multilevel and intersectoral coordination in the formulation of urban land use and development plans.
- On expiry of the public observation period, the president of the municipal council or regional council is responsible for forwarding the draft plan, together with any objections or observations, to the regional departments directly concerned for their opinion.
- The president of the council is also responsible for automatically forwarding the draft to the regional departments or the central departments reporting to the ministry in charge of urban planning, to make any necessary changes to bring it into harmony with other development plans for neighbouring areas and into conformity with the urban planning regulations in force.

**Multisectoral
planning
integration**

Housing Law for Conflict Prevention

- Eviction protections and proportionality
- Housing rights
- National and local strategies
- Eviction law and policy
- Landlord-tenant law



- Lease registration
- Force majeure
- Lease renewal



- Rent regulation
- Hosting agreements
- Social housing



CASE STUDY: EGYPT HOUSING STRATEGY (2020)

- Issued in 2020, the National Housing Strategy of Egypt was prepared by the Ministry of Housing, Utilities and Urban Communities and with the technical support of the UN-Habitat Egypt Office.
- The strategy seeks to create an enabling environment that increases the supply of affordable housing in Egypt, and it is aligned with international law and regional agreements.
- The Egyptian strategy document also adopted a participatory approach, which resulted in a document characterized by an inclusive view of the roles of different actors, and how those roles are integrated to achieve maximum benefit from physical and spatial resources and then direct those resources to achieve maximum social and spatial justice. The strategy is based on the constitutional right to housing, which was introduced in the 2014 amendment to the Constitution.

**National and
Local Housing
Strategies**

THANK YOU!



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Arab Land Initiative



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