

THE URBAN LAW AND CONFLICT SERIES

EARLY RECOVERY

# HOUSING, LAND AND PROPERTY-SENSITIVE URBAN LAW



**Enhancing urban law to protect housing,  
land and property across the conflict cycle**



UN-HABITAT

**The Urban Law and Conflict Series (Volume 3, Early Recovery): Enhancing Urban Law to Protect Housing, Land and Property Across the Conflict Cycle.**

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United Nations Human Settlements Programme (UN-Habitat) P. O. Box 30030, 00100 Nairobi KENYA

Tel: 254-020-7623120 (Central Office)

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**Acknowledgements**

**Coordinator:** Anne Amin

**Principal author:** Christiana Sullivan

**Contributors:** Anne Amin, Norah Katunga, Samuel Njuguna

**Peer reviewers:** Lee Deuben, Caroline Kienast-Von Einem, Salvatore Fundaro, Firas Hamdan, Akram Homsy, Antony Lamba, Muslim Qazimi, Hussam Sulaiman, Samer Weber

**Design and layout:** Jean Robert Gatsinzi

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**UN-HABITAT**

# Foreword

Conflict is increasingly unfolding in cities. Urban areas are now the primary theatres of crisis, where the destruction of homes, infrastructure, and public institutions has profound and long-lasting consequences for communities, livelihoods, and social cohesion. It is in these contexts, spanning conflict prevention, emergency response, early recovery, and reconstruction, that urban law and housing, land and property (HLP) rights become most critical, and most vulnerable. This four-volume series, *Urban Law and Conflict*, addresses each of these phases in turn, offering legal frameworks, tools, case studies and guidance to protect HLP rights across the full arc of the conflict cycle.

Conflict exposes and deepens pre-existing structural vulnerabilities: insecure land tenure, the expansion of informal settlements and entrenched inequalities in access to adequate housing and basic services. The destruction of administrative records, displacement of populations, and the breakdown of land governance institutions generate overlapping claims, and heightened risks of dispossession, particularly for women, informal settlers, and other marginalised groups. Legal frameworks that protect HLP rights are therefore not peripheral to recovery efforts; they are foundational to them. Without them, reconstruction risks entrenching the very inequalities that conflict has laid bare.

Conflict does not arrive in a legal vacuum. It exposes and deepens pre-existing weaknesses in urban law that encompasses the legislative, regulatory, and institutional frameworks that govern how cities are planned, managed, and developed. Where land registries are incomplete, tenure protections are weak, or planning frameworks exclude informal settlements, conflict accelerates dispossession, erases documentary evidence of rights, and overwhelms already fragile governance institutions. The result is a compounding of legal vulnerability at precisely the moment when legal protection matters most. Yet urban law, when designed with conflict sensitivity, can also be part of the solution playing a key role in conflict prevention and reconstruction efforts that “build back better” with peaceful coexistence in mind. HLP-sensitive urban law can help prevent the conditions that make communities more vulnerable to conflict; provide critical protections during emergency response; enable safe and voluntary return in early recovery; and lay the legal foundations for inclusive, resilient reconstruction. Together, the four volumes of this series examine how urban law can be designed and strengthened to fulfil this role across all four phases.

UN-Habitat's Strategic Plan 2026-2029 places adequate housing, land and basic services at the centre of sustainable urbanization and identifies preparedness, response, recovery and reconstruction as a core impact area of the Agency's work. It recognises that in fragile and post-conflict settings, cities require integrated approaches that bridge humanitarian response, development, and long-term resilience. The protection of tenure security, pro-poor spatial planning, restitution of housing and land, and accessible dispute resolution mechanisms are critical to enabling safe return, preventing secondary displacement, and supporting inclusive recovery processes. Each of these depends on a sound and responsive legal framework. This series directly advances that agenda, translating normative commitments on HLP rights and the right to adequate housing into practical legal tools for governments and practitioners working in conflict-affected contexts.

This publication is both timely and consequential. By embedding HLP rights and urban legal frameworks into each phase of the conflict cycle, the series demonstrates that legal reform is not a post-crisis afterthought, it is a prerequisite for building cities that just, resilient, and inclusive. In doing so, it offers a pathway to transform recovery into an opportunity to build back better: creating cities that foster dignity, inclusion, and help create conditions for peace, in line with the Sustainable Development Goals, particularly Goal 11, and the New Urban Agenda.

I commend this series for its important contribution to policy, law, and practice, and trust that it will serve as a valuable and enduring resource for governments, legal practitioners, humanitarian actors, and development partners working at the intersection of urban recovery, law, and resilience.



**Rafael Tuts**

Director, Global Solutions Division

UN-Habitat

A handwritten signature in black ink, consisting of stylized cursive letters that appear to read 'R. Tuts', followed by a long horizontal flourish.

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# Glossary



## ADEQUATE HOUSING

A safe, affordable, habitable, and accessible place with security of tenure, essential services (water, sanitation, energy), and located near employment opportunities, health-care services, schools, childcare centres and other social facilities, respecting cultural identity, and protecting against threats like eviction or pollution, ensuring dignity and well-being.



## ALTERNATIVE DISPUTE-RESOLUTION

Dispute-resolution that takes place through processes outside of the formal judicial system (that is, litigation), such as through arbitration, mediation and negotiation; these can also include customary dispute-resolution processes such as mediation through community elders.



## CONFLICT CYCLE

The various phases of addressing and responding to conflict, from conflict prevention (pre-conflict) to emergency response (conflict), early recovery (transition) and reconstruction and redevelopment (post-conflict).



## CONFLICT SENSITIVITY

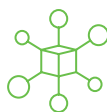
The ability to understand the interaction between humanitarian, development and other interventions and the (conflict) context, and to act upon this understanding to avoid negative impacts and maximize positive contributions.





### CONTINUUM OF LAND RIGHTS

Includes all legitimate types of tenure – based on the recognition that land has a social function and is not just a commodity. Both formal and informal land tenure types are considered legitimate in the eyes of the community and capable of being legalized with land documents. This includes formal and informal rental agreements, cooperative housing, leases, customary and indigenous rights, community and group rights and the informal land in urban slums.



### DECENTRALIZATION

The transfer of government responsibilities and resources from the central government to subnational levels of government



### EARLY RECOVERY

The set of specific programmatic actions to help people to move from humanitarian relief (shelter, food, aid) towards self-sustaining development (rebuilding livelihoods, governance, and infrastructure). It is a conceptual framework for promoting peace, stability, justice and inclusive economic growth while reducing immediate and protracted humanitarian needs by strengthening the self-reliance of affected populations, linking humanitarian and development outcomes.



### FIT-FOR-PURPOSE

An approach to land administration that is flexible and focused on serving communities' needs, such as providing security of tenure and control of land-use, rather than focusing on top-end technical solutions and high accuracy surveys. Fit-for-purpose land administration should be (a) designed along administrative rather than judicial lines; (b) comprehensive with the full continuum of land rights; (c) flexible, incremental and inclusive; and (d) non-discriminatory and supportive of gender equity.



### FORCED EVICTIONS

Permanent or temporary removal against the will of individuals from their homes or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.





### HLP DUE DILIGENCE

A systematic process of assessing, verifying, and documenting the ownership, use, and legal status of housing, land, and property rights before making decisions or taking actions that may affect those rights.



### HOUSING, LAND AND PROPERTY ISSUES (HLP)

The adverse impacts of conflict on HLP rights and the challenges to protect and restore such rights during and after violent conflict. These may include the following: mass displacement, homelessness, secondary occupation of land and housing, seizure of housing, land or property by armed groups, lost or damaged cadastral records and property documents, unrecorded, fraudulent or involuntary property transactions, damaged or destroyed urban infrastructure and housing units, real estate speculation and land grabbing, gender-based violence and discriminatory practices, incapacitated administrative institutions and governance bodies, proliferation of disputes over rights to housing, land and property, and conflict rubble, debris, explosive remnants of war and landmines.



### HOUSING AND PROPERTY RESTITUTION

The process of restoring homes, land, and property to people forcibly displaced by conflict or violations, allowing them to return or receive fair compensation.



### HOUSING, LAND AND PROPERTY RIGHTS

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. Grounded in international humanitarian and human rights law, HLP rights encompass the right to an adequate standard of living, to adequate housing, to property, and to return and remedy, including restitution and compensation.

### HOUSING LAW

The rules that regulate the housing sector, including housing rights legislation, housing acts, landlord-tenant laws, social housing law and real estate law.





### INFORMAL SETTLEMENTS

Urban areas where groups of housing lack legal tenure, planning approval, and basic services like safe water, sanitation, and/or adequate living space, often characterized by poor infrastructure, hazardous locations, and non-compliance with building codes.



### LAND-BASED ADJUDICATION

The process of final and authoritative determination of the existing rights and claims of people to land and represents the first stage in the registration of title to land in areas where the ownership of the land is not officially known.



### LAND TENURE

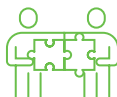
The complex social relationships among people with respect to land and its resources.



### LAND

The surface of the Earth, the materials beneath, the air above and all things fixed to the soil. It contains structures, resources and landscapes of significant political, economic, cultural, spiritual and symbolic value. It represents a strategic socioeconomic asset tied closely to complex relations of production, exchange and reproduction.

Because it is a resource of limited availability and a high value asset, issues related to access, control and ownership of land are tied closely to power, wealth, identity and even survival for a large part of the world's population. Land forms a part of economic, social, political, cultural and historical activity and is tied directly to peace and security, human rights and development.



### PARTICIPATORY AND INCLUSIVE LAND READJUSTMENT

A land assembly mechanism in which land units, with different claimants, are combined in a participatory and inclusive way into a contiguous area, for more efficient use, subdivision and development.





### **PARTICIPATORY ENUMERATIONS**

A data-gathering process in which the people or community being surveyed are actively involved in designing, implementing, and using the survey of their area, households and land/tenure relationships.



### **SECURITY OF TENURE**

The right of all individuals and groups to effective government protection against forced evictions from land and/or housing units.



### **TENURE-RESPONSIVE PLANNING**

An approach to spatial planning, and particularly land-use planning, that seeks to improve tenure security in a specific area, through the integration of tenure specific goals in the overall planning process.



### **PLANNING LAW**

The rules and regulations that determine the context, conditions and terms of the social contract for urban and territorial development, such as the provision and securing of public space, the granting of land and building rights, and the upholding of building codes and standards.



### **SETTLEMENT PROFILE**

A Settlement profile is a document that provides a succinct but comprehensive overview of all the relevant physical, socio-economic and policy dynamics that affect a particular settlement through a spatial lens. It should provide the reader with a clear overview of the challenges and opportunities facing the development of the settlement and its inhabitants as well as broad recommendations on potential ways forward.



### **TRIGGER**

Flashpoints that feed into the root cause and catalyse the onset of violent conflict.





### THE SOCIAL TENURE DOMAIN MODEL (SDTM)

SDTM is an innovative, inclusive land information model developed by UN-Habitat's Global Land Tool Network (GLTN) to record and represent people-land relationships in all types of tenure situations, especially where formal land administration systems do not exist or are inaccessible.



### URBAN LAND MANAGEMENT

Deals with ensuring that land resources are used efficiently to provide housing, infrastructure, public services and other amenities in the urban context through transparent land administration systems.



### URBAN GOVERNANCE

The structures and process by which Governments and stakeholders collectively decide how to plan, finance and manage urban areas.



### URBAN LAW

The collection of policies, laws, decisions and practices that govern the management and development of the urban environment.



### URBAN PROFILING

A UN-Habitat methodology for collecting and analysing data on the conditions in an urban area to inform crisis response, development plans, and rebuilding efforts. It involves assessing the needs, vulnerabilities, and capacities of a city's systems and population through a cross-sectoral approach that combines quantitative data, maps, and visualizations, with input from various stakeholders. The process helps in identifying challenges and prioritizing interventions for better urban function and quality of life.



# Acronyms

|                   |                                                                      |
|-------------------|----------------------------------------------------------------------|
| <b>ADR</b>        | Alternative dispute resolution                                       |
| <b>CPRC</b>       | Commission on Real Property Claims of Refugees and Displaced Persons |
| <b>CSO</b>        | Civil society organization                                           |
| <b>ERW</b>        | Explosive remnants of war                                            |
| <b>JPLG</b>       | Joint Programme on Local Governance                                  |
| <b>HLP</b>        | Housing, land and property                                           |
| <b>HDP</b>        | Humanitarian-development-peace                                       |
| <b>IOM</b>        | International Organization for Migration                             |
| <b>LVC</b>        | Land value capture                                                   |
| <b>MAB</b>        | Municipal advisory board                                             |
| <b>NGO</b>        | Non-governmental organization                                        |
| <b>OC</b>         | Occupancy certificate                                                |
| <b>PILaR</b>      | Participatory and Inclusive Land Readjustment                        |
| <b>STDM</b>       | Social tenure domain model                                           |
| <b>UN</b>         | United Nations                                                       |
| <b>UN-Habitat</b> | United Nations Human Settlements Programme                           |
| <b>UNDP</b>       | United Nations Development Programme                                 |
| <b>UNHCR</b>      | United Nations High Commissioner for Refugees                        |
| <b>URF</b>        | Urban Recovery Framework                                             |

# 1. INTRODUCTION

As the world continues to urbanize, cities face greater challenges in responding to humanitarian crises and achieving sustainable post-conflict development that upholds everyone's right to adequate housing.<sup>1</sup> The impacts of conflict are increasingly concentrated in urban areas worldwide, as evidenced by contemporary crises in Palestine, Sudan, Syria, Ukraine, and Yemen. These conflicts have led to the widespread destruction of housing, large-scale displacement, and heightened risks for civilians of losing their homes, property, or security of land tenure. Beyond direct destruction, violent conflict also affects cities indirectly, as they often absorb large numbers of internally displaced persons and refugees fleeing affected areas. Such influxes place substantial strain on urban systems, challenging cities' capacity to provide adequate basic services, housing, and livelihood opportunities.

Residents of informal settlements are particularly susceptible to the impacts of conflict and disaster. High living costs, pressure on natural resources, unplanned urbanization, and discriminatory housing laws and policies in urban areas have all

contributed to the growth of unauthorized settlements, where residents often face insecure land tenure. Conflict impacts to these areas can include eviction, displacement and residing in highly inadequate housing conditions due to crisis-induced damage to land, housing and basic infrastructure. Climate change, disaster risks and environmental degradation also tend to disproportionately affect communities residing in informal housing and further contribute to intersecting conflict vulnerabilities.

Urban law has a role to play in protecting people's housing, land and property (HLP) rights by addressing the conditions which undermine the security of tenure of dwellers in humanitarian contexts and by creating the conditions for peace and security during emergency response and post-conflict recovery. In establishing frameworks for the governance, management and development of urban areas, urban law offers numerous opportunities to ensure that such structures and processes promote security of tenure for all segments of the population in times of peace and crisis alike.

---

<sup>1</sup> See the subsection on housing, land and property rights below for a detailed description of the fundamental elements of "adequate housing" as defined in General Comment No. 4 of the Committee on Economic, Social and Cultural Rights.

However, in many parts of the world, urban law has been designed to primarily protect the interests of formal property rights holders, such as landowners, mortgage creditors, and registered leaseholders, leaving those with other forms of tenure, particularly vulnerable populations, especially exposed to the impacts of crises. This includes those who lack the capital or credit to participate in formal land registration or housing markets and those who rely on social or customary forms of land tenure.

Additionally, urban law can contribute to several land issues that have been recognized as root causes or triggers of conflict, such as politics of exclusion, capture of state instruments, population pressure, poverty, weak land administration systems and chaotic urbanization (United Nations, 2019, p. 9). When it comes to addressing the impacts of conflict in the short-, medium- and long-term, rigid urban law systems can be slow to respond to pressing HLP issues such as:



Thus, the urban law framework needs to be capable of adapting to reflect and effectively respond to the housing, land and property rights conditions of urban populations across the conflict cycle, from conflict prevention to emergency response, early recovery and post-conflict reconstruction.

This publication series, “Urban Law and Conflict”, aims to support the identification of where (in what laws, policies, rules or regulations and dealing with what subject matters) and how (suggested inspiring practices and reforms) urban law can better protect and promote the HLP rights of urban dwellers in periods of crisis to ***“ensure that all inhabitants, of present and future generations, without discrimination of any kind, are able to inhabit and produce just, safe, healthy, accessible, affordable, resilient and sustainable cities and human settlements”*** (New Urban Agenda, 2016, p. 11).

Urban law is the collection of policies, laws, decisions and practices that govern the management and development of the urban environment (UN-Habitat, 2015, p.1).

These instruments establish the institutional structures that manage urban areas, shape the spatial planning and physical organization of urban areas, determine the use and management of urban and peri-urban land, and ensure the provision of housing for urban and peri-urban populations.

Legal frameworks are powerful components of the urban ecosystem that underpin cities’ ability to fulfil their social, economic and environmental potential as foreseen in the New Urban Agenda. Urban law determines the rights, duties, powers and immunity of urban actors and defines the processes which dictate urban management and development. The binding nature of these legal instruments gives them a unique capacity to realize the targets of Sustainable Development Goal 11 and address the numerous challenges that cities face today, including housing affordability, resource scarcity, environmental degradation, public health and safety, poverty and socioeconomic inequality, as well as natural and human-made disasters and conflicts.

# I. HLP-SENSITIVE URBAN LAW FOR EARLY RECOVERY

This publication, part of the series “Urban Law and Conflict”, presents what legal and policy responses can protect HLP rights while contributing to early recovery priorities in urban areas during the de-escalation or end of conflict.

Early recovery consists of a set of specific programmatic actions to help people to move from humanitarian relief towards self-sustaining development (UNDP, 2012, p. 1). It is a conceptual framework for promoting peace, stability, justice and inclusive economic growth while reducing immediate and protracted humanitarian needs by strengthening the self-reliance of affected populations, linking humanitarian and development outcomes (UNHCR, 2024, p. 4; Maier, 2010). As such, this type of response evolves from emergency relief (shelter, food, aid) to rebuilding livelihoods, governance, and infrastructure.

Early recovery is not a discrete phase but a multi-sectoral, iterative process that begins alongside humanitarian response and progressively reinforces national and local systems (IASC Cluster Working Group on Early Recovery, 2006; Cluster Working Group on Early Recovery, 2008). It emphasizes national and local ownership, the use of

existing institutions where possible, and the gradual restoration of governance capacities rather than the creation of parallel structures. Within urban settings, this requires particular attention to municipal authorities, land registries, planning bodies, and local dispute resolution mechanisms, which are often at the frontline of recovery but are simultaneously among the institutions most affected by conflict-related damage, loss of records, and erosion of public trust.

Early recovery programming is often implemented as violent conflict transitions towards the reduction or cessation of active hostilities. In this transitional phase of a conflict, institutions are only partially functional; law enforcement and courts may be weak or distrusted. At the same time, population movements accelerate, displaced persons return, new waves of displacement may occur, and urban centres face sudden demographic pressures.

Moreover, in the immediate aftermath of conflict, there is often a surge in evictions and land-related disputes as displaced persons seek to reclaim their homes and property, while land resources are allocated by those in power and with authority with limited democratic oversight. (UNDP, 2012, p. 3).

The complexity of tenure arrangements and planning regulations, combined with the expedited rate of urbanistic change, further amplifies the number and complexity of HLP grievances in urban areas. A lack of accurate and timely land-related information due to lapsed land administration services, informal development and unregistered property transactions and the damage or loss of land and property records makes the fair and timely adjudication of HLP disputes extremely challenging. If left unresolved, such disputes can fester and become a catalyst for renewed hostilities, undermining stability and threatening any fragile peace established in the aftermath of conflict.

Moreover, urban areas face other urgent challenges to recovery following conflict. These include the damage and destruction of housing and infrastructure, along with the need for rapid resumption of critical basic services (such as schools, hospitals, among others) as well as the corresponding accumulation of hazardous conflict rubble and debris and the contamination of land and buildings with explosive remnants of war (ERWs) and mines.

Moreover, experiences from many post-conflict countries indicate that top-down, opaque reconstruction schemes focused on elites and large-scale investments often undermine locally driven reconstruction initiatives led by affected communities. In conflicts that result in radical shifts in governance, such as regime change, a legal

and constitutional void may emerge; existing laws may be suspended, applied selectively, or deemed unacceptable by the new authorities, while new legal frameworks are still being developed.

In this context, early recovery in urban areas requires careful consideration of HLP issues. As national ownership is a cornerstone of humanitarian early recovery, it is essential that governments and their partners are equipped to identify and address the diverse housing, land, and property challenges created or exacerbated by conflict in urban areas. This publication examines urban law and policy as a critical instrument for respecting, protecting, and fulfilling HLP rights during society's transition from conflict toward lasting peace. Legal frameworks for urban governance, spatial planning, land administration, and housing regulation must strike a careful balance between safeguarding HLP rights and addressing potentially competing urban recovery priorities.

Housing, land, and property rights sit at the core of early recovery because they underpin safe return, access to livelihoods, social cohesion, and the reactivation of local economies (NRC, 2024). The failure to address HLP issues early can lock populations into prolonged displacement, informal settlement, or exploitative housing arrangements, while allowing conflict-era dispossession and discrimination to become normalized through inaction (UNDP, 2012;

UNHCR, 2024). Urban law therefore plays a critical enabling role by providing the normative and procedural framework through which emergency shelter can transition into durable housing solutions, ensuring that rubble removal and ERW clearance are conducted safely and equitably, that land disputes are managed without violence, and that reconstruction proceeds in a manner consistent with human rights and the rule of law.”

This publication situates urban law as a central tool of humanitarian early recovery, not merely as a long-term development concern. Targeted, context-sensitive legal

and policy interventions, at both national and municipal levels, can mitigate protection risks, prevent renewed displacement, and support inclusive urban recovery even where institutions remain fragile.

By examining key areas such as urban governance, spatial planning, land administration and housing regulation, this publication seeks to demonstrate how law can function as a stabilizing force during the critical transition from conflict to peace, enabling cities to move beyond crisis management toward equitable and sustainable recovery.

**Table 1. HLP early recovery outcomes supported by urban law**

Source : Author

|                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Urban Governance</b>                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Spatial Planning</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <ul style="list-style-type: none"><li>» Legitimate, representative, and context-sensitive local governance structures.</li><li>» Transparent and accountable urban land and housing governance.</li><li>» Effective multi-level governance and coordinated urban recovery.</li><li>» Inclusive, participatory, and coordinated urban decision-making.</li><li>» Resilient service delivery and financially empowered municipalities.</li></ul> | <ul style="list-style-type: none"><li>» Evidence-based, conflict-sensitive spatial planning grounded in HLP risk analysis.</li><li>» Strategically coordinated and flexible urban recovery frameworks.</li><li>» Integrated and tenure-secure urban inclusion of informal and displacement-affected areas.</li><li>» Participatory, transparent, and inclusive spatial planning processes.</li><li>» Equitable, rights-based, and area-based urban reconstruction that prevents displacement.</li></ul> |



## Land Administration

- » Non-discriminatory, gender-responsive urban land administration systems.
- » Stabilized land markets and protection against land grabbing and fraud.
- » Restored, fit-for-purpose land information systems supporting reconstruction.
- » Accessible, consistent, and conflict-sensitive land adjudication and dispute resolution.
- » Operationalization of restitution and tenure security through localized implementation and interim measures.



## Housing Law

- » Inclusive, non-discriminatory access to housing assistance.
- » Immediate protection against forced evictions and homelessness.
- » Structured transition from emergency or temporary shelter to durable housing solutions.
- » Accelerated, safe, and HLP-sensitive housing reconstruction.
- » Stabilized housing markets and accountable allocation during early recovery.



## II. URBAN LAW

Urban law consists of a broad and diverse field of legislative and policy sources that govern the various functions of towns and cities, including urban planning, municipal finance, urban land administration and management, infrastructure provision, mobility and local economic development among others.

Individual pieces of urban legislation can operate at different levels of government (national, subnational, local) and be sourced from different branches of government (legislative, executive, judicial). As such, urban legislation can be comprised of, *inter alia*, constitutional law, national and subnational legislation, local regulations and bylaws, executive orders, ministerial resolutions and decrees, judicial judgments and court orders. Urban law can also include non-binding “soft law” instruments, such as policies, guidelines, strategies and plans.

Additionally, because urban areas are multifunctional sites of engagement for various sectors and industries, legal provisions impacting the spatial, economic and governance structure of cities will be found in a range of sectoral and public sources of law.

Constitutions, civil and criminal codes, environmental and climate laws, urban planning laws, land laws, public administration and local governance laws, public-private partnership laws, tax

laws, cultural heritage laws, energy laws, building codes and zoning ordinances will all, for example, have implications for urban management and development.

In this publication series, **urban law** is broken down into four inter-linked thematic areas: **urban governance, planning law, land administration and housing law** as defined below.

UN-Habitat defines **urban governance** as the sum of the many ways individuals and institutions, public and private, plan and manage the common affairs of the city. It is a continuing process through which conflicting or diverse interests may be accommodated and cooperative action can be taken (UN-Habitat, 2002, p. 14).

Urban law often establishes the framework for urban governance through provisions of administrative law and, occasionally, constitutional legislation that defines how local authorities are constituted, the nature of their powers and the scope of their authority, responsibilities, duties and functions.

Transparent, accountable, participatory and representative urban governance structures and processes with reliable dispute-resolution mechanisms can mitigate the risk of future land-based conflict. Ensuring that the legal framework allows for sufficient decentralization of powers, with local authorities having full responsibility in spheres involving interests of the residents (UN-Habitat, 2009, p.11), can also enable more efficient and fit-for-purpose responses to HLP challenges during various phases of the conflict cycle.

**Planning law** refers to the rules and regulations that determine the context, conditions and terms of the social contract for urban and territorial development, such as the provision and securing of public space, the granting of land and building rights, and the upholding of building codes and standards (UN-Habitat, 2018, p.15).

Planning law should also define the various spatial planning instruments and processes that can be used to organize and orient the sustainable development of urban areas, such as land-use plans, urban master plans, zoning plans, neighbourhood plans, building codes and so forth. In this way, planning laws establish and regulate complex systems that not only govern spatial development but also directly influence land management and land tenure security (UN-Habitat, 2018, p. 1).

As such, a legal framework that promotes participatory, inclusive and tenure-responsive spatial planning can significantly reduce vulnerabilities prior to crises and facilitate the remedy of HLP violations in the transition and redevelopment phases of conflict.

**Land administration** entails defining the processes for adjudicating, registering, recording and disseminating information about land tenure, including the rights *in rem*,<sup>2</sup> value and use of land and its associated resources.

Land administration systems face significant challenges in urban areas where population density is high, institutional organization is often fragmented, and inconsistent and complex planning and land-use and other regulatory restrictions apply. Such challenges are multiplied in periods of crisis where land records and property documentation can be lost or destroyed. For these reasons, the legal framework for urban land administration must fully align with the New Urban Agenda, which advocates for the development of fit-for-purpose and age-, gender- and environment-responsive land administration solutions within the continuum of land and property rights, to increase security of tenure for all, recognizing the plurality of tenure types and giving particular attention to security of land tenure for women (UN-Habitat, 2016, p. 35).

<sup>2</sup> Rights in rem are property rights; they refer to the fact that property rights are exclusive, in that they can be enforced against any and all third parties. They contrast rights in personam, which are rights that can only be enforced against a specific person or group of people, such as contractual rights.

**Housing law** refers to housing rights legislation and the rules that regulate the housing sector, including housing acts, landlord-tenant laws, social housing law and real estate law.

These laws should be consistent and aligned with Sustainable Development Goal 11 which refers to “ensur[ing] access for all to adequate, safe and affordable housing and basic services and upgrade slums” and reducing the urban population living in slums, informal settlements or inadequate housing. The New Urban Agenda envisions cities and human settlements that “fulfil their social function [...] with a view to progressively achieving the full realization of the right to adequate housing as a component of the right to an adequate standard of living” (UN-Habitat, 2016, p.13).

To realize this vision, it calls for the development of adequate and enforceable regulations in the housing sector, including, as applicable, resilient building codes, standards, development permits, land-use by-laws and ordinances, and planning regulations combating and preventing speculation, displacement, homelessness and arbitrarily forced evictions, and ensuring sustainability, quality, affordability, health, safety, accessibility, energy and resource efficiency and resilience (UN-Habitat, 2016, p. 111). In times of crisis, rights-based housing law and policy can sit at the nexus of planning law and urban land management to help ensure that all people have access to a safe and secure home free from the fear of forced eviction.

## RESOURCES



Urban governance



Planning law



PLS  
ANNUAL  
REPORT 2025



New  
Urban  
Agenda



“ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums”



### III. HOUSING, LAND AND PROPERTY RIGHTS



The concept of housing, land and property (HLP) rights refers to the bundling of three overlapping elements of the same human rights claim: the right to a home, free from the fear of forced eviction, and a place that offers shelter, safety and the ability to secure livelihood opportunities (NRC/IFRC, 2016, p. 5).

Grounded in international humanitarian and human rights law, HLP rights encompass the rights to an adequate standard of living, adequate housing, property, and to return and remedy, including restitution and compensation (Jimenez-Damary, 2021, p. 4). The three distinct components of this bundle of rights collectively ensure that all types of tenure relationships are accounted for, and no group is excluded by not falling into the category of any one formal “land”, “housing” or “property” right (Leckie, 2005, p. 9). This bundle of rights is also intended to reflect the various ways in which these rights have been treated and referred to across international law and diverse domestic legal systems.

Housing, land and property rights are recognized in both international law and international standards (“soft law”), including the Universal Declaration of Human Rights (UDHR), the Covenant on Economic, Social and Cultural Rights (CESCR), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), and the Convention on

the Elimination of All Forms of Discrimination Against Women (CEDAW), amongst others. The UDHR is an explicit guarantee of the right to adequate housing (Art. 25) as well as every person’s right to own property alone as well as in association with others and protects against the arbitrary deprivation of one’s property (Art. 17).

There are multiple components of the right to adequate housing as elaborated by the Committee on Economic Social and Cultural Rights in General Comment No. 4 (1991). These components include legal security of tenure, access to public goods and services, affordability, habitability, physical accessibility, location and cultural adequacy. Security of tenure may exist in relation to land or housing units and entails “*the right of all individuals and groups to effective government protection against forced evictions*” (UN-Habitat/GLTN, 2008, p. 7). It derives from the fact that the right of access to, use and control of the housing, land and property is underwritten by a known

set of rules, and that this right is legitimate. As such, providing tenure security requires the recognition of a diversity of tenure rights along the continuum of land rights, ranging from the most informal types of possession and use to formal ownership (UN-Habitat/GLTN, 2016, p. 16).

Tenure security serves a “public benefit” function in human settlements, as reflected in the protection of private property rights in many constitutions and legal systems. Secure tenure rights create the enabling conditions for effective property tax collection and for the implementation of land value capture (LVC) mechanisms, which allow increases in land value resulting from public investment or planning to benefit the wider community. These mechanisms can be integrated into urban law to finance public goods, infrastructure, social housing, and public spaces, thereby ensuring that property value increments contribute to collective urban recovery and development. Such approaches help align tenure security, individual property rights with broader societal interests, which are key to urban resilience and equity during and following conflict.

Housing, land and property rights are primarily framed through both human rights and humanitarian lenses to jointly address the impacts of conflict on people’s secure access to their place of habitual residence. These conflict impacts include forced eviction, secondary occupation, displacement, lost civil and property documents, damaged

cadastral or land registry records, illegal or coercive property transactions, incapacitated land administration systems, unstable security conditions, and the physical destruction and damage of HLP assets. However, 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. In the urban context, for example, land tenure security and access to adequate housing is chronically undermined by gentrification and real estate speculation, poverty, discriminatory spatial organization, unplanned urban development, weak infrastructure and basic services, outdated property registration systems and under-capacitated land administration bodies.

HLP rights are normally distinguished from the broader concept of “land” and encompasses related terms and frameworks, including “property rights,” “territory,” and “legitimate tenure rights” as defined in international standards; “land rights,” “land management,” “land governance,” and the “land administration” and “geospatial data” systems used by governments; as well as “land tenure,” which reflects the complex social relationships between people in relation to land and its resources.

There is a continuum of land tenure types that includes all legitimate types, based on the recognition that land has a social function and is not just a commodity. Both formal and informal land tenure types are

considered legitimate in the eyes of the community and capable of being legalized with land documents. This includes formal and informal rental agreements, cooperative housing, leases, customary and Indigenous rights, community and group rights and the informal land in urban slums (United Nations, 2019, p. 4).

Because the legal framework plays a significant role in determining the security of tenure people have in relation to their housing, land and property, it is critical to ensure that the urban law framework is “HLP sensitive” across the conflict cycle. Having a more robust legal framework which prioritizes

tenure security for the most vulnerable members of society will proactively bolster cities against the unforeseen impacts of humanitarian crises, in line with the New Urban Agenda commitment of “moving from reactive to more proactive risk-based, all-hazards and all-of-society approaches” (UN-Habitat, 2016, p. 78).

Meanwhile, urban law issued during and after periods of crisis must actively protect against HLP violations in urban areas, support the restoration of HLP rights, and ensure that post-conflict urban development is just, inclusive and “builds back better”.



Mountain view, Rwanda © Tobias Doering/ Unsplash



## IV. THE URBAN LAW AND CONFLICT SERIES

Situated at the intersection of Sustainable Development Goals 11 (“sustainable cities and communities”) and 16 (“peace, justice and strong institutions”), this publication series is intended to empower governments, including legislative drafters and consultants, judicial bodies, and local authorities and policymakers, to autonomously enhance domestic law, policy and practice by assessing existing urban law frameworks through a conflict-sensitive lens.

In doing so, the aim is to help countries realize law and policy frameworks that better secure the housing, land and property rights of its population throughout periods of conflict, specifically the ever-increasing portion of populations residing in urban and peri-urban areas. The series is also intended to promote awareness of both the complexities and importance of securing HLP rights in the urban context. This publication series considers how urban law can mitigate the factors leading to weak tenure security in urban areas prior to, during and following conflict and provide legal solutions to these challenges.

The publication series is intended to address how urban law can be better adapted to address HLP issues at the following four stages of the conflict cycle: (1) conflict prevention, (2) emergency response, (3) early recovery and (4) reconstruction. During the conflict prevention phase, this entails ensuring that the urban law framework promotes inclusive land tenure security, reduces the likelihood of land being a trigger or root cause of conflict, and mitigates any potential impacts of conflict on HLP rights. In the emergency response phase, HLP-sensitive urban law should mitigate the immediate impacts of conflict on HLP rights,



The publication series is intended to address how urban law can be better adapted to address HLP issues at the following four stages of the conflict cycle:



**(1) conflict prevention**



**(2) emergency response**



**(3) early recovery**



**(4) reconstruction.**

by, *inter alia*, minimizing residential disruption and displacement, safeguarding land tenure records, furnishing emergency shelter and regulating secondary occupation. During the transition and early recovery phase (**this publication**), urban legal frameworks must be carefully designed to avoid exacerbating HLP violations and instead actively contribute to transitional justice objectives. Legal and regulatory measures adopted during this period should not entrench dispossession, legitimize unlawful occupation, or marginalize displaced populations. Rather, they should support accountability, restitution, compensation and equitable access to land and housing as part of a broader rights-based recovery process.

Within this context, urban law plays a critical role in facilitating durable solutions for displaced persons. It can enable local integration through inclusive spatial planning and secure tenure arrangements, while also creating pathways for voluntary return through clear property restitution and compensation procedures. Effective HLP dispute-resolution mechanisms, transparent housing allocation systems, debris removal frameworks, building repair regulations and conflict-sensitive recovery planning are essential to prevent renewed grievances and ensure that reconstruction efforts reinforce, rather than undermine, social cohesion and the rule of law.

Finally, urban law has a particularly critical role when it comes to urban reconstruction:

urban law should support equitable and inclusive post-conflict urban planning and reconstruction interventions, including durable and adequate housing solutions, land value capture systems, urban development plans, land readjustment and informal regularization, while also making provisions for capacity building in key urban governance institutions.

Individual publications in the series are each dedicated to one phase of the conflict cycle, and within each chapter, urban law is broken down into the four previously mentioned thematic areas: urban governance, planning law, land administration and housing law. Using this structure, the publication series identifies how different types of urban law instruments can be developed, revised and used to address the various HLP issues that emerge in times of conflict and promote access to adequate housing, secure land tenure and effective property rights across the conflict cycle. The series also features exemplary provisions and case studies of urban law instruments that demonstrate HLP-sensitive principles at work. As such, the author of the publication series has taken primarily a descriptive and exemplary approach to addressing the legislative and policy needs of each country or municipality in relation to HLP and urban law.

It should be noted that while this series is intended to provide a framework for assessing urban law with reference to a given subject matter, there is no presumption

that a specialized piece of legislation exists for that specific issue. The practice of issuing specialized legislation as opposed to amending broader pieces of national legislation or following a common law approach of judicial precedent-setting is a matter of preference closely tied to a country's legal culture and history. Lawmakers must adapt the law in a way that is appropriate and effective within their national, regional and local context. This tool is intended to focus on the content of the law and bring awareness to any substantive gaps which need to be addressed to better realize the housing, land and property rights of urban populations in conflict and post-conflict settings.

Whether these gaps are filled through amendments to existing law, the drafting and issuance of new legislation and soft law instruments, or by setting a new judicial precedent is a matter of choice which should be tailored to the needs of the country making use of the guiding framework. Each publication within the series concludes with a summary of ways forward, including ten cross-cutting principles for making urban legislation more HLP-sensitive; that is, to making urban law and policy more attuned to the diverse housing, land and property rights and associated entitlements of urban residents before, during and following conflict.

# 2. URBAN GOVERNANCE

|                                                                                                    |                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Role</b><br>   | Provide inclusive, transparent, and accountable decision-making regarding urban development, management and land-use at municipal and national levels.                                                                                                         |
| <b>Issues</b><br> | Collapsed municipal institutions, lack of revenue sources, loss of human resources, overlapping authorities, parallel governance structure or legal systems, reduced legitimacy and corruption risks, weak rule of law and exclusion of displaced populations. |
| <b>Risk</b><br>   | Weak governance undermines trust, enables elite capture of land and housing, and exacerbates inequalities.                                                                                                                                                     |

Post-conflict urban governance provides the institutional foundation for stabilizing cities, restoring state legitimacy and creating conditions for durable peace. Conflict frequently disrupts municipal administrations, weakens service delivery and generates overlapping formal, informal and customary governance structures, while simultaneously producing large-scale displacement and widespread damage to housing and infrastructure.

In this context, legal frameworks for early recovery must rebuild legitimate, inclusive, and functional municipal governance systems capable of coordinating complex urban recovery needs with local stakeholders. Central to this task is the protection of HLP rights, which are often at the core of displacement dynamics, tenure insecurity and community-level grievances that can undermine peace building if left unaddressed.

The immediate restoration of municipal governance often relies on transitional or interim frameworks, such as emergency decrees, interim statutes or temporary administrative arrangements, which clarify mandates, restore decision-making authority, and establish transparency, accountability, and oversight mechanisms to mitigate corruption and elite capture, particularly in sectors such as land allocation, housing reconstruction and public resource management. Sequencing is critical: decentralization and local elections should be carefully phased, ensuring that interim governance structures, fiscal capacity, and accountability measures are in place before authority is transferred to elected officials.

At the same time, municipalities should be reconnected to provincial and national authorities to ensure access to financial resources, technical support, and

coordinated implementation of national or regional recovery plans. This vertical coordination, however, must respect the principle of subsidiarity, ensuring that higher levels of government support, rather than override, the mandates and decision-making powers of local authorities.

Legal and policy frameworks should also promote horizontal coordination and inclusive participation. Multi-stakeholder urban recovery bodies and partnerships with UN agencies, humanitarian organizations, and development actors can strengthen municipal capacity across the humanitarian–development–peace nexus. Participatory

planning processes and recovery strategies that integrate HLP considerations ensure that displaced populations, women, minorities and other vulnerable groups are included in decision-making. By combining inclusive governance, accountable finance systems and prioritized restoration of basic services, municipalities can rebuild public trust, prevent the emergence of parallel governance structures, and create a foundation for subsequent recovery measures such as debris and ERW removal, rezoning, reconstruction, and tenure regularization, while safeguarding HLP rights and sustaining post-conflict stability.



#### Box 1. Summary of key recommendations on urban governance

1. **Re-establish municipal governance structures** in a way that recognises legitimate governance structures that emerged during the conflict as well as accepted customary governance structures that pre-date it, while ensuring alignment with national legal frameworks.
2. Establish interim municipal frameworks with clear **transparency, accountability and oversight mechanisms** to prevent corruption, land grabbing, and elite capture of land, housing and property resources.
3. **Restore functional vertical coordination**, by re-establishing formal links between municipal authorities and the provincial/regional and central government, where appropriate, to enable resource flows and coordinated implementation of national and/or regional recovery plans. This vertical coordination, however, must respect the principle of subsidiarity, ensuring that higher levels of government support, rather than override, the mandates and decision-making powers of local authorities.

4. Sequence **decentralization and local elections** carefully, ensuring that interim governance, fiscal capacity, and accountability mechanisms are in place before transferring authority to elected local institutions.
5. Formalise **partnerships with the UN** and other humanitarian organizations to support **local institutional recovery, capacity development** and interventions that bridge the humanitarian-development-peace nexus.
6. Create **inclusive urban recovery coordination bodies** that enable horizontal collaboration among municipal departments, technical experts, civil society organizations (CSOs), community representatives, the private sector, and humanitarian and development actors.
7. Prepare a **coordinated urban recovery strategy** that integrates HLP considerations into urban recovery priorities, informed by expert and community consultation, area-based HLP analysis and HLP due diligence requirements.
8. **Prioritize the restoration of basic services** (such as water, sanitation, energy, and waste management) **provision** to improve local housing conditions, support safe return and recovery, and rebuild public trust in local institutions and the social contract.
9. Adapt **municipal finance frameworks** to enable rapid, predictable and transparent resource flows for housing and service restoration while preventing corruption, strengthening local revenue generation, and safeguarding HLP rights.

## 2.1. Acknowledge conflict-era governance structures

Interim legal frameworks for municipal governance should recognize legitimate conflict-era and customary authorities, particularly in matters related to housing, land, and property.

Reconstituting municipal governance after conflict requires an approach that recognizes any legitimate governance arrangements that operated during the conflict as well as customary structures that pre-date it, many of which have historically influenced access to land, housing, and natural resources.

Where present, these bodies often retain strong social credibility and may have governed basic services provision,

land allocation, dispute resolution, and community-level property matters in the absence of formal institutions. Ignoring informal non-state authorities can considerably undermine any effort to reform local governance in the long term, whereas exclusive reliance on non-state authorities in service delivery and land administration can undermine efforts to strengthen state capacity and legitimacy in local arenas (Kyed, and Pedersen, 2008).

The introduction of interim local governance frameworks should therefore formally acknowledge the role that conflict-era actors and customary authorities may have played during periods of state absence. This can extend from acknowledgement to recognition to formal integration, depending on local contexts and political will, for example:

- a) Acknowledgement of pre-existing customary authorities as legitimate community representatives for purposes of consultation, mediation, and information dissemination, ensuring that such structures are inclusive and representative of all community sectors, including dissenting voices and displaced populations. Where full inclusiveness is not immediately feasible, clear and time-bound plans should be established to systematically incorporate and address the concerns of excluded groups.
- b) Careful review and conditional validation of decisions made by conflict-era authorities, particularly in relation to land allocation, housing occupancy, and dispute resolution, subject to independent assessment and oversight by interim municipal authorities. In contexts of internal conflict marked by sectarian, tribal, or ethnic divisions, such decisions should not be presumed legitimate, and any recognition of their legal or administrative effect must follow rigorous due diligence, with safeguards to prevent discrimination, dispossession, or exclusion.

- c) Admissibility of customary and conflict-era documentation and testimony as evidence in interim administrative and quasi-judicial processes, subject to review and validation requirements, especially where formal records were destroyed or unavailable.
- d) Delegation of defined administrative or advisory functions to customary or community authorities, such as participation in land dispute mediation, settlement management, or beneficiary identification, under clear legal mandates, subject to the necessary oversight and standardised procedural requirements.
- e) Establishment of consultative councils or advisory bodies attached to interim municipal authorities that formally include conflict-era and customary leaders.
- f) Reservation of council or committee seats for customary authorities within interim municipal governance structures, particularly where such authorities retain strong social legitimacy.
- g) Careful and conditional recognition of customary dispute-resolution mechanisms for defined categories of local disputes, subject to independent oversight and appellate jurisdiction retained by interim authorities. In contexts of internal conflict marked by sectarian, tribal, or ethnic divisions, such mechanisms should not be presumed legitimate, as they may reflect or reinforce exclusionary power structures. Any recognition of their legal or administrative effect must therefore follow rigorous due diligence, with safeguards to ensure fairness, non-discrimination, and protection of dissenting voices, minorities, women, and displaced populations.
- h) Integration of customary authorities into participatory planning and recovery processes, including urban recovery councils and housing or land-related task forces.
- i) Time-bound legal recognition clauses that specify the transitional nature of these arrangements and define pathways toward permanent governance structures.

When applied with contextual awareness and a conflict-sensitive lens, such measures can help safeguard HLP rights by ensuring that authorities traditionally relied upon to validate tenure, mediate land claims, and allocate housing resources are appropriately integrated into the post-conflict legal order rather than sidelined. However, integration should not be presumed inherently beneficial. In certain contexts, such as in Yemen,

including where customary or tribal structures function as gatekeepers, their structural design may restrict women's independent standing in land and housing matters, not necessarily through overt discrimination in decision-making, but through representational norms that require women to act through male relatives. Accordingly, any incorporation of customary authorities into formal governance frameworks should

be expressly conditional on compliance with minimum non-discrimination standards, including recognition of women's independent legal capacity to access HLP processes. Thus, integration must be accompanied by clear safeguards, oversight mechanisms, and accessible alternatives to prevent the entrenchment of exclusionary practices. When these conditions are met, inclusive and rights-aligned legal recognition can reduce the risk of parallel systems and competing claims during early recovery while strengthening the legitimacy of the post-conflict legal order.

## 2.2. Introduce accountability mechanisms

**Establish temporary municipal governance regulations with clear anti-corruption and public-accountability requirements for land and housing decisions.**

When conflict has severely weakened or fragmented local government institutions, interim municipal governance frameworks provide a critical bridge in restoring public authority and enabling early recovery.

However, because these arrangements are temporary, resource-intensive, and often established under exceptional circumstances, they are highly vulnerable to corruption, favouritism, and elite capture, particularly

in relation to land allocation, housing reconstruction subsidies and the distribution of humanitarian resources. Without robust safeguards, interim governance risks entrenching inequities, fuelling renewed grievances, and undermining confidence in public institutions at a critical moment of transition. To mitigate these risks, interim municipal regulations must embed clear accountability, transparency, anti-corruption and anti-discrimination requirements as core legal obligations rather than discretionary good practices. At a minimum, interim authorities should operate under well-defined mandates, standardized procedures, and documented decision-making processes that limit unchecked discretion in land and housing matters.

Transparency is central to this effort. Interim frameworks should require the systematic public disclosure of decisions related to land allocation, housing beneficiary selection, reconstruction permits, and procurement, including the legal basis and justification for each decision. Maintaining accessible public registries of land and housing transactions, including allocations, restitutions, leases, and temporary occupancy arrangements, further strengthens traceability and reduces opportunities for abuse.

Procedural clarity is equally important to limit discretion and build public trust during early recovery. Interim regulations should codify eligibility criteria and standardized

processes for housing assistance, land allocation, and reconstruction support, ensuring that decisions are rule-based and verifiable. Disclosure obligations for interim officials, particularly those involved in land, housing, and procurement decisions, can further reduce conflicts of interest by requiring declarations of assets, interests, and affiliations. Together, these measures help build public trust and provide affected communities with a clearer understanding of how and why decisions are taken.

The establishment of independent oversight bodies or inspectors with authority to review municipal actions, investigate complaints, and recommend corrective measures further promotes accountability. Time-bound mandates and mandatory periodic reviews of interim authorities further reduce the risk of power entrenchment, while clear appeal and review mechanisms enable individuals and communities to challenge decisions affecting HLP rights before administrative or judicial bodies, reinforcing legality and public trust.

Given the accelerated pace and significant financial flows associated with post-conflict recovery, interim municipal frameworks must also incorporate robust, context-specific anti-corruption measures. Mandatory third-party audits of municipal finances, procurement, and donor-funded programmes are critical to ensuring transparency and detecting misuse of resources. Special procurement rules can balance the need for speed with

accountability by simplifying procedures while requiring public disclosure of contracts, enforcing conflict-of-interest prohibitions, and maintaining traceable decision records.

Finally, community monitoring and participation safeguards provide a critical complementary layer of accountability in post-conflict contexts where formal oversight institutions are weak, overstretched, or lack public trust. Interim legal frameworks can strengthen governance legitimacy by formally recognizing community monitoring committees with mandates to oversee housing reconstruction, land allocation, and basic service delivery, thereby anchoring recovery processes in local scrutiny. Requirements for public hearings or consultations prior to major land-use changes, urban redevelopment, or relocation decisions further ensure transparency and informed consent. When combined with social accountability tools such as public scorecards and public expenditure tracking embedded in interim regulations, these measures help translate community participation into enforceable safeguards that protect HLP rights and reinforce accountability during early recovery.

By embedding transparency, oversight, anti-corruption, and participation requirements directly into interim municipal legislation, authorities establish a legal foundation that supports fair, accountable, and inclusive HLP governance.

These safeguards are not merely technical controls; they are essential to restoring public confidence, preventing renewed conflict

drivers, and ensuring that early recovery resources benefit the broader population rather than narrow or entrenched interests.



Kabul, Afghanistan © Mohammad Husaini/ Unsplash, December 4, 2021

### Case Study 1. Municipal Advisory Boards in Afghanistan

Municipal Advisory Boards (MABs) in Afghanistan provide a concrete example of how community monitoring and participation safeguards were operationalized within interim local governance frameworks prior to the Taliban's resurgence in 2021. Established in more than 30 provincial municipalities, MABs were designed to function as interim municipal councils in contexts where elected councils were not feasible due to insecurity, institutional fragility, or political constraints. Although MABs had no formal decision-making or veto powers, they were legally and administratively mandated to advise mayors and municipal administrations, creating a structured interface between residents and interim municipal authorities. Their core functions included public representation, monitoring of service delivery, review of municipal budgets and development plans, oversight of fees and charges, and accountability monitoring. These roles directly addressed the governance risks associated with early recovery, particularly corruption, elite capture, and exclusion from decision-making.

A key safeguard embedded in the MAB model was its inclusive and representative composition, which drew members from existing community governance structures that retained legitimacy during conflict, such as Community Development Councils (CDCs), **Gozars** (community representatives), and **Nahia** (city district within a municipal

boundary) Councils, as well as from religious and neighbourhood institutions. In addition, designated seats for women, youth, civil society, media, martyrs and persons with disabilities, religious scholars, and the private sector ensured that diverse social interests are formally represented. While women's participation was initially set at 10 per cent, the framework explicitly articulated a longer-term target of 25 per cent, signalling a normative commitment to gender inclusion even within an interim governance arrangement. This composition strengthened social oversight of municipal functions and enhanced public confidence in municipal decision-making during a period of limited formal accountability.

The experience of the Mazar-i-Sharif Municipal Advisory Board, established in 2013, illustrates how these safeguards functioned in practice. The MAB's structured internal organization through standing sub-committees on governance, revenue, service delivery, economic development, and complaints; it enabled systematic engagement with municipal departments and continuous monitoring of routine municipal activities. The Complaints Committee, in particular, provided an institutionalized channel for resident grievances, reducing the risk that disputes over services, fees, or housing-related matters would escalate into broader conflict. By institutionalizing community participation, review, and monitoring within an interim municipal framework, MABs helped compensate for the absence of elected councils, strengthened transparency, and mitigated governance risks in high-stakes sectors such as urban services, land-related decision-making, and recovery investments.

**Source:** Government of the Islamist Republic of Afghanistan (2015). *State of Afghan Cities: Volume I*. Kabul: GoIRA.



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## 2.3. Phase decentralization reforms

**Phase decentralization and local elections carefully, establishing interim governance, fiscal capacity and accountability mechanisms before transferring authority to local institutions.**

Decentralization is widely recognized in UN policy and international governance frameworks as a cornerstone of effective urban governance and, over the long term, to mitigate conflict risks by bringing decision-making closer to affected populations and increasing state responsiveness. However, in immediate post-conflict contexts, the timing of decentralization reforms becomes a critical peacebuilding and governance decision, particularly where political will is weak, central–local relations are strained, and local institutions lack administrative, financial and technical capacity. Rapid devolution of authority in such environments risks fragmenting state power, reinforcing war-time patronage networks, and empowering local elites or armed actors who can exploit newly devolved functions in the absence of effective oversight.

Without parallel investments in accountability mechanisms, anti-corruption safeguards and professional civil service systems, decentralization can undermine stability by entrenching local power brokers, fuelling inter-communal competition and eroding

trust in public institutions. These risks are exacerbated where fiscal decentralization lags behind administrative decentralization, leaving local authorities with responsibilities but no predictable revenues, incentivizing informal taxation, rent seeking or dependence on patronage and external actors. These impacts have direct and destabilizing implications for HLP rights, as weak or captured local authorities may formalize conflict-related dispossession, enable land grabbing or pursue exclusionary housing and redevelopment decisions.

A phased and legally sequenced approach to decentralization is therefore essential to HLP protection for early recovery, ensuring that the transfer of authority is matched by capacity building, transparent financial frameworks and clear lines of accountability. Transitional legal frameworks at the national level should establish:

- » A time-bound decentralization process while initially preserving central oversight over sensitive functions,
- » Interim supervision and performance benchmarks, and
- » Prioritizing the restoration of credible intergovernmental fiscal relations before expanding local mandates.

This process should include dialogues and capacity building mechanisms with regional, provincial and local governments and legal parameters for scheduling and managing local elections. In contexts where

conflict has created or exacerbated risks of separatist movements or warlordism at the regional level, the devolution of powers to the local level presents an opportunity for lower risk and high-impact decentralization.

By establishing such frameworks early on, local governments can be better equipped to fulfil their urban governance functions and protect HLP rights across the humanitarian-development-peace nexus.



Rwanda © Jean-Merci Nam/ Unsplash

## Case Study 2. Phased Participatory Decentralization in Post-Conflict Rwanda

Following the 1994 Rwandan genocide, the then Government of National Unity embarked on institutional arrangements to enable all layers of the Rwandan population to participate in reconstruction and national development. They conducted consultations at the national and local levels on governance issues between May 1998 and March 1999.

These extensive national consultations culminated in the adoption of the National Decentralization Policy on May 26, 2000. The policy's main strategic objectives included empowering communities and promoting participation, strengthening accountability and transparency, enhancing sensitivity and responsiveness to local needs, developing sustainable economic planning and management capacity at local council levels, and enhancing effectiveness and efficiency in planning, monitoring, and delivering services.

In 2006, the second phase of reforms began, significantly reducing the number of provinces, districts, sectors, and cells. A village or neighbourhood level was established, playing a key role in the region's social and economic development by providing services such as healthcare, education, agricultural extension, clean water and waste collection.

At the lowest administrative level (the cell) mechanisms for direct participatory decision-making were introduced.

Following these two reforms, a third phase of decentralization extended from 2011 to 2016. During this phase, the central government aimed to enhance the capacities and responsibilities of local governments, focusing on improving the skills of district employees and deepening financial decentralization. This demonstrates how decentralization has been formulated and implemented as a long-term peacebuilding and development strategy, rather than a “quick fix” to post-conflict institutional challenges.

Moreover, the early decentralization reforms also contributed to the establishment of deconcentrated land administration through the National Land Policy of 2004 and the Organic Land Law of 2005. The creation of local land committees was essential for the implementation of the 2008 Tenure Regularization Programme in the country. In this process, sector and cells land committees were tasked with conducting parcel adjudication, boundary demarcation and claims verification, supported by locally recruited para-surveyors. This approach embedded land administration within decentralized structures while constraining local discretion through clear legal rules, standardized forms, and centralized data systems. As a result, local authorities were empowered to resolve land issues efficiently, but not to redefine rights or outcomes in ways that could reproduce conflict-era inequalities.

**Source :** Semina, Naima and Bachir, Dahana (2024), “Decentralization Reform in Rwanda: A Study of Achievements and Challenges”, *Journal of Law and Sustainable Development* vol. 12 no. 12; Wall, Gareth J. (2016). “Decentralisation as a post-conflict state-building strategy in Northern Ireland, Sri Lanka, Sierra Leone and Rwanda”, *Third World Thematics: A TWQ Journal*, vol. 1 no. 6; African Development Bank (2016). *Land tenure regularization in Rwanda: Good practices in land reform*. Abidjan: African Development Bank.



Aerial view of rolling green hills and terraced fields in the Rwandan countryside © Rwanda Lens/ Pexels

## 2.4. Re-establish vertical multi-level coordination

**Reconstitute legal linkages between municipal authorities and higher-level governments to enable coordinated implementation of HLP laws and policies in early recovery frameworks.**

Reconnecting municipal authorities with higher levels of government is necessary to mobilize resources, align policies and integrate local HLP considerations into broader national recovery and peacebuilding strategies. Interim governance frameworks must therefore re-establish clear statutory relationships between local, provincial, and national institutions, ensuring that municipal authorities operate within coherent legal frameworks for land registration, HLP restitution, and urban planning (vertical multi-level coordination).

Conflicts frequently sever these relationships, leaving cities isolated, under-resourced, and administratively paralyzed. Re-establishing vertical linkages enables flows of funding, technical expertise and administrative support, while also ensuring that municipal recovery plans align with national or regional priorities. Multi-level coordination mechanisms, such as joint planning committees, intergovernmental task forces and integrated budgeting systems facilitate coherent, mutually reinforcing interventions across sectors. Multi-level coordination also

reduces the risk of contradictory policies, such as the treatment of unregulated urban redevelopment, that could lead to secondary displacement or undermine existing HLP rights. Rebuilding these ties is therefore essential for scaling local recovery, supporting institutional legitimacy and integrating urban areas into broader post-conflict stabilization strategies while ensuring that municipalities retain full authority to make decisions that directly affect the daily lives of their communities.

## 2.5. Facilitate partnerships with UN and humanitarian-development actors

**Formalize partnerships with UN and humanitarian-development actors through legal instruments that strengthen municipal capacities for HLP governance.**

Municipalities emerging from conflict often experience acute capacity deficits, particularly in areas such as service delivery, land administration, urban planning and public financial management.

Formal partnerships with UN agencies, NGOs and other humanitarian or development actors allow municipalities to leverage technical assistance, financial support and evidence-based approaches. Embedding these partnerships within the humanitarian-

development-peace (HDP) nexus ensures that immediate needs, such as shelter and civil documentation, are addressed while simultaneously building sustainable institutions for spatial planning, housing assistance and land governance.

This integrated approach prevents the siloing of humanitarian relief from developmental institution-building and peacebuilding efforts and helps create continuity from emergency response through recovery and stabilization. Such partnerships also introduce mechanisms for accountability, joint monitoring, and capacity transfer to local institutions, strengthening the municipality's long-term capacity to protect HLP rights and reducing the likelihood of renewed displacement or conflict.

In many early humanitarian recovery contexts, this coordination is operationalized through the country-level humanitarian cluster system, led strategically by the Humanitarian Country Team (HCT) and coordinated by the UN Office for the Coordination of Humanitarian Affairs (OCHA). The cluster system organizes humanitarian response into sectoral working groups (e.g., shelter, protection, camp coordination and camp management, and early recovery), each of which plays a critical role in aligning humanitarian interventions with national and subnational priorities. Within this structure, municipalities and local authorities are increasingly recognized as key counterparts for coordination, particularly in

relation to Housing, Land and Property (HLP), urban recovery, and service restoration. Cluster mechanisms and Humanitarian Response Plans (HRPs) therefore provide an important platform for ensuring that sectoral interventions are not only technically coordinated among international actors, but also aligned with municipal mandates, planning systems, and legal frameworks.

Legal instruments such as memoranda of understanding, municipal decrees, or statutory partnership frameworks are essential to anchor municipal engagement in cluster processes. These instruments can formally recognize municipal participation in relevant clusters, define data-sharing arrangements, and clarify decision-making roles in relation to HLP-related interventions such as housing allocation, settlement planning, tenure documentation, and land dispute resolution. This legal grounding helps bridge humanitarian coordination structures with domestic administrative and legal systems, ensuring that cluster-driven activities are not implemented in parallel to, but in support of, municipal authority. It also strengthens coherence between HRP priorities and local regulatory frameworks governing land use, property rights, and urban development.

By situating municipal engagement within both the HDP nexus and the cluster coordination architecture, municipalities are better able to translate humanitarian coordination into longer-term institutional

strengthening. This dual alignment enhances continuity from emergency response through recovery and reconstruction, while reinforcing legally grounded, locally owned systems for HLP governance.

## 2.6. Establish multi-stakeholder urban recovery bodies

**Establish urban recovery and planning bodies that facilitate horizontal coordination for recovery planning and interventions at the local level through inclusive, multi-stakeholder representation.**

In post-conflict urban settings, *ad hoc*, multi-stakeholder recovery coordination mechanisms, variously termed urban recovery councils, reconstruction committees, recovery task forces, urban platforms or urban labs, may be established to guide early recovery in contexts of weakened institutions and legal uncertainty. Typically created through executive decisions or policy directives rather than permanent legislation, these bodies respond to the need for coordinated decision-making across municipal departments, humanitarian and development actors, and affected communities. Regardless of their title, their core function is to provide a transitional governance forum that enables cities to plan and manage recovery interventions while formal municipal systems and legal

frameworks are being reconstituted. These multi-stakeholder mechanisms can play a critical role in integrating HLP considerations into urban recovery processes. Because early recovery interventions, such as housing reconstruction, infrastructure restoration, and spatial planning, directly affect tenure security and competing land claims, recovery coordination bodies can serve as *de facto* safeguards against HLP violations.

By including municipal officials, HLP and planning experts, civil society, customary or community authorities and representatives of displaced and returnee populations, these platforms help ensure that recovery priorities are informed by an understanding of displacement dynamics, informal development and unresolved tenure issues. UN- and NGO-supported recovery processes in cities such as Sarajevo, Kabul, Mogadishu, and Freetown demonstrate how such mechanisms can incorporate urban profiling and conflict-sensitive analysis to identify HLP risks early and avoid forced evictions or exclusionary redevelopment.

Legally and institutionally, multi-stakeholder recovery bodies offer a platform for horizontal coordination at the local level, supporting area-based recovery planning and interventions. They are particularly valuable because they operate at the interface between formal and informal governance, often engaging actors who exercised *de facto* authority and earned community trust during the conflict. Their inclusion enhances

social legitimacy, supports continuity in land and housing governance, and reduces the risk of parallel systems during early recovery. While inherently temporary, these bodies can serve as important transitional instruments by embedding transparency, participation, and HLP safeguards into recovery decision-making and linking *ad hoc* coordination to formal municipal authority. When appropriately designed, they contribute not only to effective urban recovery but also to the longer-term restoration of lawful, inclusive, and rights-based urban governance.

## 2.7. Develop an urban recovery strategy

Create policy or legal directives for the development of participatory urban recovery strategies or plans addressing HLP issues and risks.

An urban recovery strategy provides the overarching framework for prioritizing reconstruction, service restoration, economic revitalization and institutional strengthening. Such strategies must be shaped by integrated technical expertise (urban planning, infrastructure, land administration, HLP, shelter/housing, environmental management) as well as meaningful public participation to ensure the plan reflects community needs and aspirations. An inclusive and evidence-based preparation process strengthens the strategy's legitimacy and supports coordination across

governmental and non-governmental actors. The resulting framework should articulate clear recovery objectives, sequencing of interventions, institutional responsibilities, and resource requirements. Without such strategic direction, recovery efforts risk becoming fragmented, reactive, and vulnerable to political or donor-driven agendas.

HLP rights protection must be explicitly addressed and integrated in recovery strategies or plans. Engaging HLP experts, particularly those with local knowledge and community contact, in their formulation ensures that land and housing issues are integrated into the recovery framework from the outset. Broad public participation, including displaced populations and marginalized groups, helps identify priority neighbourhoods, tenure concerns, and areas at risk of eviction or contested claims.

The resulting strategy should integrate HLP considerations into urban recovery priorities, such as the restoration of essential services (schools, hospitals, transit, emergency services etc.); repair of critical infrastructure; ERW clearance; debris and rubble removal; emergency shelter and housing repair; rehabilitation of public spaces, community facilities, and cultural heritage; revival of local livelihoods and markets; and conflict-sensitive spatial planning. In addition to the consultation of experts and community members, this can be done through mechanisms such as area-based HLP

analysis and HLP due diligence procedures. By embedding HLP considerations in the core of the recovery strategy, municipalities can reduce conflict drivers, coordinate cross-sectoral interventions and promote equitable and durable solutions for affected communities.

UN-Habitat's **Urban Recovery Framework** (URF) supports local authorities and their partners in designing and implementing urban recovery strategies or plans in conflict- and crisis-affected contexts. It provides an enabling institutional and policy framework to guide resilient urban recovery at scale and the renewal of the social contract.

The URF offers a pragmatic, iterative approach that aligns recovery interventions across time and spatial scale, clarifies institutional roles and responsibilities, and strengthens local leadership, coordination, and accountability to maximize impact within available resources.

The URF employs an iterative and evolving procedural framework (see Figure 1 below) starting with detailed contextual analysis, to a participatory planning process, to the implementation of interventions in a given location (either at neighbourhood or city level, complemented by policy and planning at national levels), to monitoring systems for environmental, social and political safeguards.

**Figure 1. URF Cycle.**



**Source:** UN-Habitat (2022), Urban Recovery Framework Policy Brief.



Idlib, Idlib Governorate, Syria © Ahmed akacha/ Pexels

### Case Study 3. The Urban Recovery Framework (URF) in Syria

Since 2014, the URF concept has been piloted through an iterative process by UN-Habitat in collaboration with a wide range of partners in Syria. Its application has progressed from initial urban analysis to comprehensive multi-sectoral and multi-stakeholder approach that can be addressed both within the humanitarian (early recovery) architecture, as well as longer-term resilience interventions.

UN agencies, in collaboration with other stakeholders, developed comprehensive, multi-sectoral recovery plans for Syrian cities including Homs, Aleppo, Dar'a and Deir Ez Zor, as well as basic recovery plans in more than 80 other locations. The plans have been used to identify resilience and recovery-oriented priorities with strong inclusion of local participants and form a roadmap for multisectoral interventions. The URF has been used to further promote and support multi-level governance and multi-stakeholder partnerships in area-based initiatives, starting from the planning processes.

Furthermore, recovery plans have been developed to support objectives such as basic service restoration, mobility and access, economic recovery, social cohesion and return preparedness while also addressing HLP issues such as tenure verification challenges in informal settlements, development plans, unresolved HLP disputes, ERW contamination and underground tunnels. The city-wide recovery plans provide the foundation for further elaboration at the neighbourhood level. Neighbourhood plans are used for implementation in selected areas, based on severity of needs and the strategic focus and direction of the city recovery plan.

In Syria, participatory processes involving city officials and local community representatives have traditionally been limited or non-existent. The URF has contributed to breaking new grounds on such participatory planning processes which have gradually expanded the space for who and how involvement takes place. Over time, this has allowed for a balanced approach to recovery planning, with formal and informal representation centring on participatory planning with local authorities, and extensive community consultations to capture the voices of people. The URF community consultations started with participatory local planning through workshops and meetings with city officials and community representatives, followed by broader neighbourhood and city level consultations to ensure wide community participation, culminating in the validation and endorsement of the developed plans.

**Source :** UN-Habitat (2022), The Urban Recovery Framework Policy Brief. UN-Habitat (2022), Responding to Displacement in Urban Recovery Approaches.

## 2.8. Prioritize basic services provision

**Clarify mandates for service delivery, emergency procurement and coordination with private utilities providers, donors and humanitarian agencies, while establishing transparent prioritization criteria.**

In post-conflict settings, the rapid restoration of infrastructure and basic services requires clear local legal and policy frameworks that reassert municipal authority, coordinate external assistance, and establish predictable rules for decision-making and resource allocation. Where such frameworks are absent or weak, service provision is often managed by humanitarian actors, private providers or informal authorities, creating parallel governance structures that can persist long after the conflict and

undermine state legitimacy. Transitional municipal regulations should therefore clarify mandates for service delivery, emergency procurement and coordination with private utilities providers, donors and humanitarian agencies, while establishing transparent prioritization criteria based on need, damage levels and public health risks.

In contexts where municipal budgets and service provision depend substantially on federal or central government allocations, these frameworks must also define clear channels for intergovernmental coordination, fiscal transfers, and accountability. Without such vertical alignment, local authorities may be formally responsible for services but lack the financial or legal capacity to deliver them, weakening recovery efforts and public trust. By visibly restoring water, sanitation, electricity, solid waste management and access roads, local

authorities can demonstrate functionality and responsiveness, reinforcing the social contract and reducing incentives for communities to rely on non-state or conflict-era actors. Effective coordination, both horizontally with service partners and vertically with higher levels of government, is therefore central to rebuilding legitimate and sustainable local governance.

The restoration of basic services is also legally and normatively linked to the right to adequate housing, which under international human rights law includes access to essential services such as water, sanitation, energy, and infrastructure. From an early recovery perspective, the restoration of basic services, such as water, sanitation, energy, and infrastructure, should be treated as a foundational step. While certain HLP-sensitive interventions, including debris and ERW clearance, rezoning, reconstruction, and tenure regularization, may occur in parallel or subsequently, ensuring basic service access first helps stabilize communities and reduces the risk of exacerbating HLP disputes during later recovery measures. Prioritizing the establishment of services helps stabilize communities, mitigates immediate protection risks, and lays the groundwork for inclusive participation in subsequent land and housing-related decisions. Integrating service restoration into local legal frameworks not only strengthens municipal legitimacy and coordination but also minimizes the risk that later recovery measures will provoke

disputes, displacement, or exclusion, ensuring that urban recovery is rights-based, conflict-sensitive, and legally grounded.

## 2.9. Adapt municipal finance for early recovery

**Adapt municipal finance frameworks to legally enable rapid and transparent resource flows to restore services and housing while preventing corruption, supporting local revenue generation, and safeguarding HLP rights.**

In immediate post-conflict contexts, municipal finance must be framed through emergency legal and policy arrangements that enable cities to function while formal fiscal systems are being rebuilt.

Fiduciary risks at the local level are high in such settings, yet the risks to peace and state legitimacy, and therefore, HLP rights, are often higher if municipalities lack the means to deliver visible improvements in services and urban conditions.

Conflict typically collapses local revenue bases, disrupts financial administration, and weakens public trust, even as expenditure demands surge due to service restoration, housing repair, and displacement-related needs. In many contexts, local governments rely heavily on federal transfers or centrally allocated resources, leaving them with limited fiscal autonomy and, at times,

vulnerable to external actors, such as donors pursuing rapid, high-visibility projects or seeking to consolidate influence, especially when urgent post-conflict responses are needed. In these circumstances, recovery planning must explicitly consider the timing, predictability, and sufficiency of intergovernmental transfers, alongside the legal frameworks that govern their allocation and oversight. Interim legal frameworks, including instruments such as executive decrees, temporary regulations with sunset clauses, and delegated fiscal authorities, should therefore prioritize the establishment of workable funding mechanisms for local governments.

This includes clarifying their mandate to receive, manage, and disburse funds, as well as ensuring predictable and sustained financing for recovery functions such as housing repair, basic service delivery, and land administration. In practice, this may be achieved through dedicated local development funds, managed with external oversight, or through temporary enhancements to intergovernmental transfers where national systems can absorb and channel funds quickly and equitably.

At the same time, early recovery offers an important window for legal and policy measures to strengthen local revenue generation, particularly in urban areas with viable tax bases, in ways that reinforce tenure security rather than undermine it. Relatively modest investments in tax

administration, supported by interim regulations authorizing specific local taxes, service fees, or utility charges, can yield rapid returns and strengthen the social contract when revenues are visibly linked to service delivery and housing-related improvements. However, in post-conflict settings where households face acute economic precarity, the introduction or increase of local charges may also risk undermining stability if it imposes additional burdens at a time of heightened vulnerability. Accordingly, any legal revenue measures should be carefully sequenced, proportionate, and accompanied by safeguards such as exemptions, lifeline tariffs, phased implementation, or targeted subsidies for low-income, displaced, or conflict-affected households.

Legal reforms should explicitly address and prohibit non-regulated taxation practices that emerged during conflict, whether imposed by state or non-state actors, which often distort land markets and exacerbate insecurity. Large cities in fragile settings may mobilize revenues through property and business taxation or public-private investments, provided these are grounded in law, applied equitably, and accompanied by safeguards to prevent displacement, informal tenure penalization, or corrupt exemptions.

Finally, municipal finance policy in post-conflict settings must be embedded within a broader review of fiscal decentralization and intergovernmental fiscal relations. Interim legal measures should improve

the transparency of revenue-sharing arrangements, establish clear criteria for transfers, and reduce perceptions of political or ethnic favouritism.

Diversifying local revenue sources can enhance municipal autonomy and responsiveness, provided that such measures are designed to avoid financially overburdening households, particularly in fragile post-conflict contexts. Revenue reforms should therefore be proportionate, progressive where possible, and accompanied by appropriate social safeguards. At the same time, diversification must be paired with strong anti-corruption provisions, independent audits, transparent reporting, and controls on recurrent

expenditures to ensure that increased revenues translate into accountable and equitable service delivery rather than inefficiency or misuse.

Donor funding remains critical, yet legal frameworks should encourage modalities that eliminate suspicious donations and channel resources through municipal systems rather than parallel structures to build institutional capacity. Together, these legal and policy approaches enable municipal finance to serve as a stabilizing force in early recovery, supporting service delivery, safeguarding public trust, and establishing a foundation for sustainable urban governance as longer-term fiscal reforms become viable.



Benerbayla town (Pearl of Indian Ocean), Puntland, Somalia © Jamamd/ Wikimedia

#### Case Study 4. Local Government Finance Policy in Puntland, Somalia

After the collapse of Somalia's central government in 1991 and throughout the prolonged civil conflict of the 1990s and early 2000s, Puntland's urban centres experienced significant institutional disruption. Municipal administrations functioned with minimal capacity, revenue systems deteriorated and formal structures for land and service management were weakened. Urban communities, including displaced families, relied heavily on informal arrangements, which increased the risk of irregular land allocation and

weakened tenure security. In this environment, both the government and development partners recognised that urban recovery required more than service delivery. It required a functioning municipal finance system that could restore trust and enable accountable local administration.

In 2008, Puntland became a participating region in the Joint Programme on Local Governance (JPLG) and Decentralized Service Delivery led by UN-Habitat in collaboration with other UN partners. Early interventions tested practical steps such as district-level revenue collection through property taxation, financial record keeping and the use of the Local Development Fund to co-finance small infrastructure projects in towns like Garowe, Bosaso and Gardo. These pilots showed that, with clear procedures and external support, districts could plan and execute public investments. They also created an entry point for broader reforms by demonstrating that local authorities could handle funds responsibly.

These experiences helped shape a more formal system. In 2016, Puntland issued the Local Government Finance Policy and the accompanying Financial Management Manual. Both documents drew directly from the practices introduced during the JPLG pilots. They set out rules for budgeting, procurement, reporting and internal controls and clarified the financial relationship between state and district levels. Their adoption marked the first time Puntland had a unified framework guiding how municipalities should raise, manage and account for public resources.

The policy's impact was significant. Districts gained clearer mandates, procedures became more predictable and opportunities for irregular practices were reduced. However, implementation gaps remain. Many districts still have limited skilled staff, and weak oversight continues to pose risks. Revenue measures can also disadvantage low-income residents or displaced people if not designed with social inclusion in mind. Moreover, the finance reforms did not automatically resolve challenges in land management, which means risks of informal land allocation persist without stronger links to HLP safeguards.

Even so, Puntland's experience shows how local governments in a post-conflict setting can gradually move from *ad hoc* arrangements to structured systems grounded in law. By turning tested practice into formal policy, Puntland created a more stable foundation for urban governance, improved service delivery and enabled steps toward fairer and more secure access to land and services.

**Source :** [Puntland State of Somalia- Local Government Finance Policy](#) ; [Strengthening Local Governance and Municipal Finance through Property Taxation](#); and [UN-Habitat Joint Program on Local Governance and Decentralized Service Delivery in Somalia](#)

### 3. SPATIAL PLANNING

#### Role



Guide reconstruction, land use and infrastructure resourcing in ways that promote equitable urban recovery and secure the tenure rights of host communities as well as displaced persons.

#### Issues



Unregulated urban growth/informal expansion during conflict, unsafe settlements (damage, ERW/landmine contamination), destroyed buildings, housing and infrastructure, social divisions between urban communities.

#### Risk



Post-conflict spatial planning can enable exclusionary urban redevelopment that triggers forced evictions, gentrification and land grabbing and deprives displaced persons and vulnerable groups of their HLP rights.

Urban law and policy governing spatial planning are central to shaping equitable recovery outcomes in post-conflict cities, where reconstruction pressures intersect with widespread displacement, tenure insecurity, and profoundly altered urban landscapes. During and after conflict, unregulated urban growth, informal settlement expansion, and the occupation of damaged or unsafe areas, including those affected by explosive remnants of war, often emerge as survival strategies for displaced and host communities alike.

In this context, legal frameworks for spatial planning must balance the need to guide reconstruction, infrastructure resourcing, and land-use regulation with the protection of HLP rights. Planning law applied in early recovery is therefore not a neutral technical tool but a decisive instrument of strong

political, economic and social dimensions for shaping access to land, housing, and urban opportunities while preventing further conflict or exclusion.

A core objective of post-conflict spatial planning law is to enable recovery that promotes equity, inclusion, and tenure security for both displaced populations, returnees and host communities. Legal frameworks should institutionalize pre-planning assessments such as urban profiling to provide evidence on population distribution, tenure, and risk conditions, formally recognize transitional settlements and informal neighbourhoods and protect them from forced eviction or arbitrary demolition. By embedding iterative planning processes, conflict-sensitive application criteria, as well as inclusive and meaningful participation mechanisms, municipalities

can manage informal expansion, prioritize reconstruction, and integrate vulnerable populations into statutory planning systems while also ensuring structured community engagement in decision-making processes and consultation on planning priorities and outcomes. At the same time, city-wide spatial strategies, urban design principles, and area-based planning tools, applied with mandatory HLP safeguards, allow local authorities to translate strategic objectives into targeted interventions that are flexible, adaptive, and socially equitable while addressing compensation gaps for affected populations, strengthening institutional capacity for implementation, and improving coordination mechanisms between the various land, housing, planning, and service-delivery institutions involved in the recovery process.

Planning processes can also incorporate Land Value Capture (LVC) mechanisms, which can support reconstruction by offsetting infrastructure costs, incentivizing investment in underserved areas, and clarifying land tenure arrangements. When carefully designed and implemented alongside HLP safeguards, LVC can strengthen municipal finances while promoting inclusive, rights-aligned urban recovery.

Weak or poorly regulated spatial planning in post-conflict settings carries significant risks. In the absence of clear legal safeguards, spatial planning processes can be co-opted to enable exclusionary redevelopment, land speculation, or gentrification, resulting in forced evictions and undermining HLP rights. In some cases, urban laws have even been designed in a manner that seeks to perpetuate HLP violations by excluding certain groups, such as displaced persons and informal settlement residents, from enforcing their tenure rights during urban redevelopment processes (e.g., brief claim and appeal periods, limited dissemination of information, unrealistic evidentiary requirements, strict security clearance requirements, etc.).

Moreover, accelerated reconstruction during early recovery often outpaces institutional oversight, heightening fiduciary and governance risks. Strengthening urban law for spatial planning through explicit HLP protections, transparent procedures, and accountability mechanisms is therefore essential to ensure that recovery interventions safeguard tenure security, support social cohesion, and guide post-conflict urban transformation toward sustainable, inclusive, and rights-based outcomes.

**Box 2. Summary of key recommendations on spatial planning**

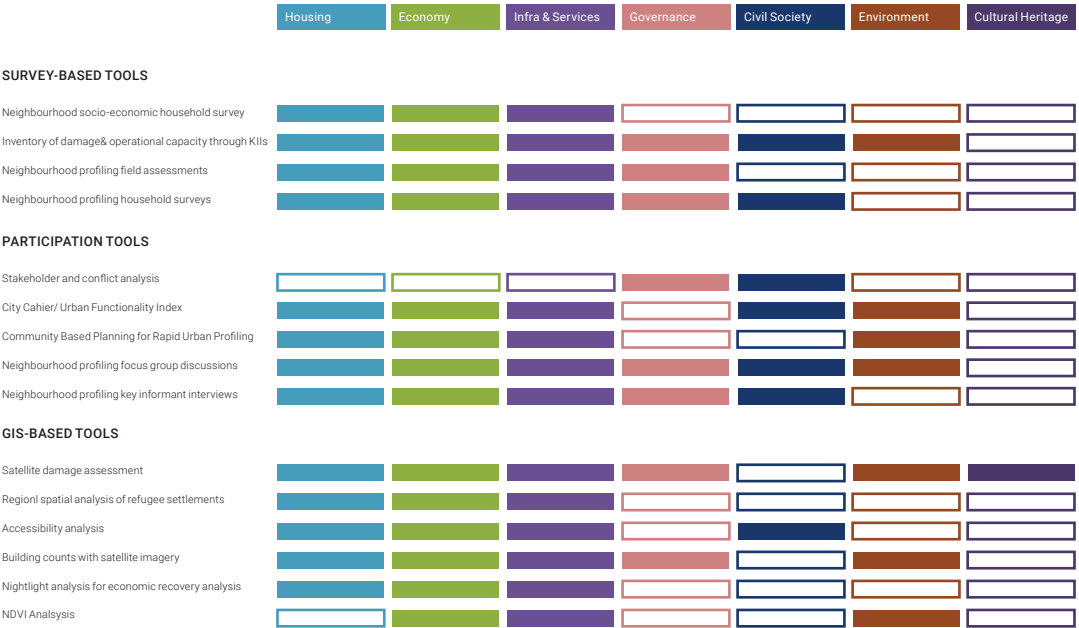
1. Mandate **urban profiling as a pre-planning requirement** in post-conflict early recovery to ensure spatial planning decisions are evidence-based, conflict-sensitive, and protect HLP rights and are informed by context-specific risk analysis and institutional capacity assessments.
2. Develop a **city-wide spatial strategy** to guide post-conflict early recovery by prioritizing reconstruction and infrastructure investments at a strategic level while preserving flexibility and embedding HLP safeguards.
3. Formally recognize camps and transitional settlements within statutory planning frameworks to **transition from emergency site-based planning to integrated urban planning**.
4. Establish **legal protections for informal settlements** by prohibiting forced evictions, abstaining from mass demolitions, monitoring informal expansion, and embedding objective, rights-based criteria to guide upgrading, regularization, or resettlement.
5. Define and codify **conflict-sensitive application criteria for planning instruments**, grounded in HLP indicators and risk metrics, to ensure that post-conflict urban interventions are sequenced safely, transparently, and without undermining HLP rights.
6. Adopt **iterative and participatory spatial planning processes** that use flexible, phased instruments to respond to post-conflict urban realities, manage uncertainty, and address contested land claims.
7. Embed legally mandated, **inclusive participation tools** such as community mapping, planning workshops, and public consultations into post-conflict urban planning procedures supported by long-term capacity-building for local authorities to effectively manage these participatory processes.
8. Establish **conflict-sensitive urban design principles** to guide post-conflict reconstruction with flexible, rights-based parameters on density, land use, public space, and social mix that prevent exclusionary development.
9. Apply **area-based urban planning tools with mandatory HLP safeguards** to drive post-conflict recovery without causing displacement, exclusion, or new land-related grievances while incorporating clear mechanisms for dispute resolution, compensation when applicable, and coordinated follow-up across municipal and national institutions.

### 3.1. Mandate pre-planning studies for post-conflict urban planning

**Mandate urban profiling as a pre-planning requirement in post-conflict early recovery to ensure planning decisions are evidence-based, conflict-sensitive and protect HLP rights.**

Pre-planning studies, and in particular urban profiling, are critical for safeguarding HLP rights in post-conflict urban planning and early recovery. Urban profiling provides a structured, city-wide analysis of how conflict has reshaped spatial patterns, governance arrangements, service delivery, displacement dynamics, and land tenure conditions. By consolidating spatial, demographic, socio-economic, and institutional data, urban profiles establish a shared and dynamic evidence base that can guide early recovery priorities and sequencing. As promoted through UN-Habitat's urban profiling methodology, these studies support a conflict-sensitive understanding of the city as a system, enabling authorities and partners to identify priority neighbourhoods, infrastructure gaps, and populations at risk before planning decisions are formalized. Importantly, urban profiling is designed as a participatory and iterative process, strengthening transparency, coordination, and legitimacy in contexts where trust in public institutions may be fragile.

Urban profiling serves as an essential due-diligence tool by making land tenure patterns, housing typologies, displacement pressures, and governance constraints visible at an early stage of recovery planning. UN-Habitat's approach explicitly integrates analysis of formal, informal, and customary tenure arrangements, the functionality of land administration systems and areas of overlapping or contested claims. This allows planners and decision-makers to anticipate where redevelopment, rezoning, infrastructure restoration, or land value-capture initiatives may trigger eviction risks, restitution claims, or secondary occupation disputes. Embedding urban profiling as a formal pre-planning requirement helps ensure that early recovery interventions are grounded in verified data rather than political expediency, reducing the likelihood of exclusionary redevelopment and forced displacement. In this way, urban profiling strengthens the legal and policy foundations for rights-based urban recovery, enabling cities to align reconstruction objectives with the protection of HLP rights and longer-term stability.



**Figure 2. Urban Profiling Toolbox Overview from UN-Habitat’s Urban Recovery Framework**  
Urban Profiling Toolbox

### 3.2. Develop a city-wide spatial strategy

**Develop a city-wide spatial strategy to guide post-conflict early recovery by prioritizing reconstruction and infrastructure investments at a strategic level while preserving flexibility and embedding HLP safeguards.**

In post-conflict early recovery contexts, the use of city-wide spatial strategies offers a pragmatic alternative to detailed urban plans, which are often ill-suited to conditions of uncertainty, limited data, and contested land tenure. A city-wide spatial strategy provides a flexible, strategic framework

that can rapidly articulate early recovery priorities while protecting HLP rights. By setting out broad development objectives, guiding the direction of urban extensions and infill, and identifying priority areas for reconstruction and infrastructure investment, such strategies help municipalities steer recovery in a coherent manner while avoiding premature zoning or parcel-level decisions that could legitimize dispossession or exclusion. Importantly, a city-wide approach allows for the balancing of urban and peri-urban areas, accounting for the needs of host communities, returnees, and displaced populations within a single, integrated spatial vision.

City-wide spatial strategies function as a negotiation and coordination tool rather than a fixed regulatory instrument. They can identify valuable landscape elements, heritage areas and environmentally sensitive zones requiring protection, while also flagging areas where redevelopment, densification, or urban expansion may be appropriate once legal clarity and safety conditions are established. By defining key transformative projects, infrastructure corridors, and service priorities at a strategic level, municipalities can embed

mechanisms for land value capture that support public investment without triggering forced displacement. Evaluation criteria built into the strategy, such as tenure security and social cohesion, provide a transparent basis for assessing subsequent detailed plans and projects. Accordingly, city-wide spatial strategies link early recovery investments to longer-term urban development goals, while maintaining the adaptability required to resolve HLP issues and recalibrate planning decisions as post-conflict realities change.



Bosaso city, Somalia © Faaruuq/ Wikimedia

### Case Study 5. Bossaso City Strategy in Somalia

Bossaso is a major port city in Puntland that grew rapidly during and after the long civil conflict that began in 1991. Displacement increased the urban population and many families settled in informal sites on the city edges with limited services and high risk of eviction. Municipal institutions struggled for many years, which weakened land management and reduced public trust.

In 2024 the local authority, with support from UNDP and other partners, adopted the Bossaso City Strategy. This marked an important step in restoring formal urban governance in a transitional context.

The Strategy builds on earlier work from 2016 when the municipality and UN-Habitat prepared a City Extension Plan that identified areas for housing, markets and public services. Practices from that earlier process, such as community consultations with elders, women and business groups, have now been formalized within the Bossaso City Strategy.

The strategy was also adopted in the context of several key urban law instruments having been issued at the regional and district level, namely the Puntland Urban Land Management Law of 2020, the Urban Regulatory Framework Puntland of 2015 and the Bossaso Municipality District Development Framework (2023-2027). These instruments clarified municipal mandates over land management and urban regulation, established procedural and substantive standards for planning and development control, and articulated medium-term development priorities at the district level. This legal and policy architecture provided both the authority and the coherence necessary to formulate a city-wide spatial strategy, enabling Bossaso to align strategic planning objectives with enforceable land governance rules, institutional responsibilities, and investment frameworks.

A key focus of the Strategy is the eastern part of the city where most of the registered displacement sites are located. The plan prioritizes infrastructure upgrading, service delivery and clearer land use arrangements. This is directly linked to tenure security because many displaced households rent land informally from private owners and face eviction risks. By defining land use zones, improving municipal oversight and aligning development with durable solutions programs under the Saameynta project on “scaling-up solutions to displacement in Somalia”, the Strategy aims to reduce these risks.

The Strategy also introduces new participatory tools. The Benderqasim public engagement platform launched in 2024, allows residents, including displaced persons and women, to propose and vote on municipal projects. This built accountability and supported the elected council formed in 2023. The Bossaso example shows how an early post conflict city can strengthen governance through a combination of formal planning documents, community-based practices and international support.

It also highlights the importance of linking urban recovery with HLP rights so that development does not reinforce past inequalities.

**Source :** UNDP (2024), [Bossaso City Strategy](#); UN Somalia (2022), Social Accountability and Durable Solutions Perception Survey: Bossaso and Baidoa; UN Habitat, [Bossaso City Extension Plan 2016](#); UNDP, [Saameynta: Scaling Solutions for Displacement in Somalia](#); IGAD, [Land Governance in the IGAD Region: Somalia Country Profile](#)

### 3.3. Transition from site planning to urban planning

Formally recognize camps and transitional settlements within statutory planning frameworks to transition from emergency site-based planning to integrated urban planning.

In post-conflict contexts, spatial planning systems often inherit site-based arrangements established during the emergency phase of conflict, including camps, collective shelters, and *ad hoc* settlement layouts created under humanitarian mandates. While these sites may have been necessary to meet immediate protection and shelter needs, they are rarely designed to function as part of a coherent urban system. Post-conflict recovery therefore requires a deliberate transition from emergency site planning towards durable solutions for displaced persons. Where return to places of origin remains impossible or undesirable for a large number of residing displaced persons, it is recommended to prioritize the use of integrated urban planning frameworks that can accommodate population stabilization, urban growth, service delivery and land management at scale. Spatial planning laws and policies should explicitly address the legal and planning status of displaced populations and transitional settlements, including IDP

and refugee camps, by bringing them within statutory planning and municipal decision-making processes whenever possible (i.e., subject to environmental and location-based feasibility criteria) rather than treating them as temporary exceptions.

Legal frameworks for integrated settlement planning enable authorities to progressively link emergency sites to long-term urban development pathways, including permanent housing, infrastructure provision, and appropriate tenure arrangements. By formally recognizing camps and spontaneous settlements within the urban planning system, municipalities can plan phased upgrading, connectivity to surrounding neighbourhoods and incremental tenure solutions that support return, local integration or resettlement in a rights-based manner. This legal recognition is critical to preventing the marginalization or indefinite persistence of transitional settlements and to avoiding land disputes, forced evictions, or speculative pressures as cities recover. Embedding the transition from site-based emergency planning to comprehensive urban planning within post-conflict legal frameworks is therefore essential to safeguarding housing, land and property rights and to ensuring that early recovery interventions do not entrench spatial exclusion or long-term displacement.

A procedural complement to this transition is the use of UN-Habitat's **Settlement Profiling Tool** as an integral planning tool for camps, collective centres, and spontaneous

settlements in post-conflict settings. Settlement profiling provides a structured, evidence-based assessment of the physical, social, legal, and economic characteristics of a settlement and the surrounding urban or peri-urban context, including population composition, displacement trajectories, land ownership and tenure arrangements, service

access, environmental risks and linkages to surrounding urban areas. The assessment of HLP conditions is an integral part of the profiling process, ensuring that HLP rights protection and improved tenure security are embedded as core outcomes of settlement planning and urban integration processes (see Box 3 below).

### Box 3. Assessing HLP Conditions in Settlement Profiling Procedures

In line with the seventh guiding principle of UNHCR's Masterplan Approach to Settlement Planning ("Addressing housing, land and property issues through an incremental tenure approach"), UN-Habitat's Settlement Profiling Tool includes the following questions in its Framework of Investigation:

- What types of shelter or housing can be found in the settlement (emergency, transitional etc)?
  - o How does the quality of the housing in the settlement compare to the housing of members of the host community?
  - o Does any housing within the host community meet the criteria for adequate housing?
  - o Have refugees invested significant personal funds into shelter improvements or commercial properties?
- Do refugees generally believe that their stay in the settlement will be permanent?
- What rights do refugee families have over their assigned plot and shelter (e.g., are they not allowed to leave the unit vacant for longer than x number of days, improvements only following written authorisation, inheritance etc).
- Does an (informal) market exist for the selling and buying of shelters and/or commercial properties?
- What kinds of land tenure exist in the country and how do they relate to the district and settlement?
- Are there any current HLP-related conflicts? If so, what are the typical drivers of conflict? Have the conflicts increased over time?
- Is there clear land demarcation for the overall settlement area?

- o What is the status (i.e., official classification) for the land identified for the humanitarian settlement?
- o Who owns the land? Be aware that ownership may be customary.
- o Which entity manages and administers the land (e.g., municipality, ministry of agriculture, clan etc)?
- o What are the details of the agreement for use of the land for the settlement? E.g., how long may the land be used for? What type of construction materials may, or may not be used?
- o Does the agreement require the payment of rental fees or compensation to private owners/users of the land before the settlement can be created? If yes, has this been concluded or is it ongoing? Is there any document outlining the agreed type of usage of the land?
- Are there any relevant cadastral maps?
- Is there any system of residential addresses within the settlement? Is the addressing system linked to the UNHCR Refugee Registration tools (e.g., proGres)?
- Is there a system for the registration of plots for individual families? If so, when does this date from? Is there any ongoing initiative for the establishment of tenure systems? If so, how does this system relate to that of the surrounding area?
- How do refugees perceive their security of tenure? How does this compare to members of the host community's perceptions of their own tenure security?

**Source :** UN-Habitat/UNHCR (2020), Settlement Profiling Tool; UNHCR (2020). Master Plan Approach to Settlement Planning.

This approach can support joint analysis by municipalities, humanitarian actors, and communities to determine whether settlements are likely to evolve toward return, local integration, upgrading or relocation, and what legal and planning pathways are required to support those outcomes.

Embedding settlement profiling procedures within spatial planning law and policy enables authorities to move beyond ad hoc decision-making, align camp planning with city-wide strategies, and design durable solutions that progressively secure HLP rights while minimizing conflict risks, social exclusion, and protracted displacement.



Kakuma, Kalobeyei © Axel Fassio/CIFOR-ICRAF

### Case Study 6. Integrated Planning in a Post-crisis Context in Kalobeyei, Kenya

Kalobeyei Settlement in Turkana County was established in 2015 to respond to the growing population and overcrowding in Kakuma Refugee Camp caused by conflict in neighbouring countries. The settlement was designed as an integrated space for both refugees and host community members, with a vision for long-term residence, infrastructure, and social cohesion. In 2018, the Kalobeyei Settlement Advisory Development Plan was drafted, formalizing spatial planning, land allocation, and infrastructure development through consultations with residents, local government, and humanitarian actors. These early participatory practices, including input from women, youth, and vulnerable groups, have since been institutionalized into formal planning processes under the Kalobeyei Integrated Socio-Economic Development Programme (KISEDPP).

The settlement emphasizes inclusive governance, service delivery, and HLP rights. Residents participate in decision-making through development groups, fostering social cohesion and reducing tensions between refugees and the host community. Infrastructure projects, such as integrated waste management and green sanitation systems, improve public health and support tenure security by linking housing and services to formal municipal oversight. Challenges remain, including environmental vulnerability, pressure on natural resources, and the need to sustain municipal capacity to scale services equitably. Nonetheless, Kalobeyei demonstrates that early post-crisis urban planning combined with participatory governance and the integration of displaced populations can establish a durable, rights-based foundation for inclusive settlement and urban development.

The realization of these plans and programmes was further facilitated through the issuance of the 2021 Refugee Act, which introduced new provisions for the local integration of refugees. The law specifically provides for the integrated use of public institutions, facilities, and spaces between refugees and host communities, the sensitization of host communities about the presence of refugees in relation to peaceful co-existence with one another, and the consideration of refugee matters in the formulation of sustainable development and environmental plans.

**Source :** [UN-Habitat \(2020\) Urban Planning Responses in Post-Crisis Contexts](#); [UNHCR \(n.d\) Kalobeyei Settlement](#); [UNHCR \(2023\) KISEDPP II](#)

### 3.4. Protect and monitor informal settlements

**Establish legal protections for informal settlements by prohibiting forced evictions, abstaining from mass demolitions, monitoring informal expansion and embedding objective, rights-based criteria to guide upgrading, regularization or resettlement.**

In post-conflict urban contexts, protecting and monitoring informal settlements is a critical component of early recovery and a key safeguard for HLP rights.

Residents of informal settlements are particularly vulnerable, as their HLP rights are often weak, and conflict further exposes them to dispossession and insecurity. Informal settlements frequently expand rapidly during conflict due to displacement, disruptions in land administration, and the collapse of urban planning controls. In many civil wars, these settlements suffer extensive

damage, becoming battlegrounds or sites of urban warfare, which forces inhabitants to flee in search of safety. In the aftermath of violence, these areas are frequently targeted for politically motivated demolitions or large-scale redevelopment projects, exposing residents to forced evictions, prolonged displacement, secondary displacement, and loss of restitution opportunities. Best practice emphasizes that informal settlements should not be treated as inherently illegal or temporary anomalies, but as a structural response to crisis conditions or pre-crisis housing policy shortcomings and unmet housing demand. Early recovery legal frameworks should therefore establish an explicit moratorium on forced evictions, coupled with regulatory protections against demolition without due process, consultation, and provision of alternatives, in line with international human rights standards.

Early recovery also presents a strategic opportunity to systematically assess and manage informal expansion through

objective, transparent, and rights-based planning approaches. This includes mapping informal settlements, profiling resident populations, and analysing pre-conflict and conflict-related drivers of informality such as land scarcity, affordability constraints, displacement patterns, and governance failures. Based on this evidence, authorities can develop clear policy and legal criteria to determine appropriate responses; whether preservation, regularization and upgrading, phased redevelopment, or, where necessary, relocation with adequate compensation and resettlement options. Embedding such criteria within urban planning law and recovery regulations helps prevent arbitrary decision-making, reduces the risk of land grabbing and elite capture, and provides predictability for residents.

By prioritizing incremental upgrading, tenure security through promoting recognition and inclusion of the legitimate HLP rights in the official land recordation systems, and integration into the formal urban fabric wherever possible, post-conflict governance systems can transform informal settlements from sites of vulnerability into entry points for equitable recovery, social stabilization, and the progressive realization of HLP rights.

### 3.5. Establish conflict-sensitive application criteria for planning interventions

**Define and codify conflict-sensitive application criteria for planning instruments, grounded in HLP indicators and risk metrics, to ensure that post-conflict urban interventions are sequenced safely, transparently and without undermining HLP rights.**

Spatial planning law should require the establishment of clear application criteria for the use of planning instruments in areas affected by conflict. These criteria translate analytical findings from pre-planning studies and urban profiling, such as displacement and return patterns, tenure diversity, secondary occupation, and land administration functionality, into legally grounded thresholds that determine where and how specific planning tools may be applied.

By anchoring planning decisions in defined HLP indicators, authorities can distinguish between areas suitable for reconstruction, upgrading, or redevelopment and those requiring stabilization, dispute resolution or restitution processes before intervention. This approach limits discretionary decision-making during early recovery, reduces political manipulation of planning instruments and ensures that interventions

do not inadvertently undermine tenure security or exclude displaced populations with legitimate claims.

Such HLP indicators should exist within a broader framework of application criteria consisting of conflict-sensitive metrics relevant to post-conflict urban environments, including levels of tenure security, physical destruction, environmental hazards, unexploded ordnance or landmine contamination, infrastructure functionality and corruption or elite-capture risks. Planning law and regulations can require that high-risk areas meet minimum safety, clearance, and governance benchmarks before instruments such as rezoning, land readjustment, urban renewal or other land value capture instruments are deployed.

Embedding these safeguards helps prevent premature redevelopment that may expose residents to harm or legitimize land appropriation in contested contexts. When combined with transparent documentation and review procedures, conflict-sensitive application criteria provide municipalities with a defensible legal basis for sequencing recovery interventions, prioritizing protection over transformation, and ensuring that spatial planning supports stabilization, accountability, and the protection of HLP rights during early recovery.

### 3.6. Adopt iterative and participatory spatial planning processes

**Adopt iterative and participatory spatial planning processes that use flexible, phased instruments to respond to post-conflict urban realities, manage uncertainty and contested land claims.**

Violent conflict significantly alters urban settlement patterns, rendering pre-conflict master plans outdated or inappropriate. Post-conflict urban contexts therefore require planning systems that can respond to rapidly changing conditions, incomplete data and contested land claims. Rigid planning instruments prescribed in existing planning law can exacerbate exclusion, legitimize conflict-era dispossession or trigger forced evictions when introduced too early. Iterative planning approaches based on phased frameworks, interim plans, and regularly updated spatial strategies allow planning authorities to respond to evolving realities on the ground, including return dynamics, informal urban expansion, and safety constraints, while avoiding irreversible decisions that could undermine rights and recovery.

Iterative planning also enables authorities and stakeholders to explore multiple development possibilities before committing to binding land-use decisions. Tools such as scenarios, spatial models, and phased

options allow planners to map opportunities and risks, assess the potential impacts of recovery interventions, and adjust proposals in response to changing return dynamics, safety conditions, and social tensions. Importantly, any approved planning document should be treated as flexible and dynamic, subject to monitoring, periodic updating, and progressive elaboration into more detailed area-based plans. A planning process does not end with plan approval; rather, it enters a new phase of refinement and implementation, ensuring that instruments remain fit-for-purpose and responsive to realities on the ground.

Iterative and participatory spatial planning supports the development of fit-for-purpose planning instruments that align immediate recovery needs with longer-term tenure security objectives. Rather than relying on comprehensive zoning or redevelopment plans, authorities can adopt flexible tools, such as city-wide spatial strategies, interim land-use guidelines, or area-based recovery frameworks, that incorporate HLP safeguards and can be adjusted as population patterns stabilize, legal clarity improves, and institutional capacity is rebuilt. By keeping key stakeholders engaged and informed throughout the process, such approaches help ensure that early recovery interventions do not pre-empt restitution, regularization, or durable solutions for displaced persons, thereby enabling more equitable, conflict-sensitive, and sustainable urban recovery.

### 3.7. Institutionalize inclusive participation in post-conflict urban planning

**Legally mandate inclusive participation tools such as community mapping, planning workshops and public consultations into post-conflict urban planning procedures.**

Participatory and inclusive planning approaches are essential to restore legitimacy, rebuild trust, and safeguard HLP rights in highly contested urban environments. Conflict often fragments social relations and weakens formal institutions, while planning decisions, particularly those related to land use, redevelopment or infrastructure, carry a high risk of exclusion or dispossession if taken unilaterally. Embedding participation in planning law and procedures ensures that affected populations, including displaced persons, women, informal settlers, and minorities, have a recognized role in shaping recovery outcomes. Participatory tools such as community mapping, public hearings, neighbourhood planning workshops, and participatory verification of land and housing claims help source local knowledge, identify tenure arrangements that may not be formally recorded and reduce the likelihood of forced evictions or secondary displacement during early recovery interventions.

More structured participatory instruments, such as UN-Habitat's **Participatory and Inclusive Land Readjustment (PILaR)** approach, provide concrete mechanisms to reconcile urban transformation with HLP protection. PILaR enables land to be reconfigured, serviced, and redeveloped while ensuring that original landholders and occupants, including those with informal or customary claims, retain a fair share of land or housing in the readjusted area.

By requiring collective decision-making, transparent valuation, and negotiated outcomes, PILaR reduces conflict, limits elite capture, and distributes recovery-generated land value more equitably. When combined with participatory budgeting, grievance redress mechanisms, and legally mandated consultation processes, such tools transform participation from a discretionary practice into a safeguard embedded in urban planning systems.



Colombia © Random Institute/ Unsplash

### Case Study 7. Participatory and Inclusive Land Readjustment (PILaR) in Colombia

Land readjustment was formally introduced in Colombia under the Urban Reform Law (Law No. 9 of 1989), which contained instruments for land use planning and management. Article 77 of the law defined land readjustment as a mechanism to “encompass several land plots to, as consequence, subdivide them more adequately, providing basic infrastructure, such as roads, parks, water supply network, electricity and telecommunication networks” in areas without proper urbanization and real estate connectivity, designated for undeveloped areas, renewal, renovation or densification.

Law 9 introduced the conceptual instrument of land readjustment to Colombia's urban law framework while the institutional arrangements and procedural provisions for the development and implementation of land readjustment projects rely upon the Territorial Development Law (Law No. 388 of 1997). The law introduced provisions for cooperation among stakeholders (Article 47), the partial plan (*planes parciales*), the urban action units (*unidades de actuación urbanística*), and the equitable sharing of costs and benefits, which were mainly adapted from the Spanish Land Law.

This legal and institutional framework was introduced into Colombian urban law amidst ongoing political contestation and armed conflict in the country. One of the cities most impacted by narco-terrorism and conflict between para-military groups and the government was Medellín, which has since become a symbol of urban transformation and innovation. The country's urban law framework, rather than being abandoned during the armed conflict, continued to evolve and proved instrumental in facilitating transformation and supporting new models of inclusive reconstruction and growth. With respect to land readjustment, this robust legislative framework facilitated a collaboration between UN-Habitat and the Municipality of Medellín in 2013 to launch a pilot of the PILaR approach in the informal settlement, La Candelaria. It was also utilized in the urban renewal project of the Bogotá neighbourhood of Fenicia (*Triángulo de Fenicia*), which was promoted by Los Andes University and structured around principles of participatory governance and social inclusion. By late 2014, the Partial Plan for Fenicia was approved via District Decree 420 of 2014 and implementation formally began when the Bogota Mayor's Office issued District Decree 146 of 2016, delimiting *Unidad de Actuación Urbanística* No. 1 (UAU1) and declaring it a priority development area.

**Source :** UN-Habitat (2018), Global Experiences in Land Readjustment (Urban Legal Case Studies Vol. 7); UN-Habitat (2018), Urban Law in Colombia ((Urban Legal Case Studies Vol. 5); JIKA (2018), "International Experiences of Land Readjustment" in Land Readjustment: Solving Urban Problems Through Innovative Approach.

### 3.8. Establish conflict-sensitive urban design principles

**Establish conflict-sensitive urban design principles to guide post-conflict reconstruction with flexible, rights-based parameters on density, land use, public space, and social mix that prevent exclusionary development.**

Establishing urban design principles equips municipalities with a shared and accessible framework to guide reconstruction decisions while protecting HLP rights. Rather than imposing fixed layouts, these principles operate as a foundational “grammar” for settlement structure, providing flexible reference parameters for density, land use, plot configuration, and public space that can be adapted to diverse contexts. In environments where formal planning systems are weakened and land relations are contested, these principles serve as powerful discussion tools for both institutional actors and affected communities, making the trade-offs and risks associated with different settlement models explicit. By foregrounding issues such as plot size and orientation, the allocation of public space, and appropriate densities, design principles help prevent *ad hoc* reconstruction that can entrench spatial inequality, undermine tenure security or facilitate elite capture of well-located land.

From a rights-based and recovery-oriented perspective, the adoption of sustainable neighbourhood planning principles introduces a longer-term horizon into early recovery interventions and moves discussions beyond donor-driven emergency responses. Principles such as allocating adequate space for streets and an efficient street network, promoting higher densities, and limiting land-use specialization help ensure that reconstructed neighbourhoods remain accessible, serviceable and adaptable over time. Requirements for mixed land use and social mix are particularly important for HLP protection, as they integrate economic activities into residential areas, support livelihoods, and reduce pressures for informal encroachment or secondary displacement. By encouraging a diversity of housing tenures and price ranges within the same neighbourhood, these principles reduce segregation and support equitable access to urban land. Collectively, urban design principles provide a legally and politically neutral entry point for shaping early recovery outcomes in a way that supports tenure security, social cohesion, and the progressive realization of HLP rights as cities transition from crisis to stability.

### 3.9. Utilize urban planning tools with HLP safeguards for area-based recovery

**Apply area-based urban planning tools with mandatory HLP safeguards to drive post-conflict recovery without causing displacement, exclusion, or new land-related grievance**

In post-conflict and early recovery contexts, area-based urban planning tools such as planned city extensions, urban regeneration, infill, and renewal provide practical mechanisms for translating strategic recovery objectives into targeted spatial interventions. These tools allow municipalities to focus limited resources on priority areas, such as heavily damaged neighbourhoods, return corridors, informal settlements, or zones hosting large, displaced populations, while maintaining coherence with broader city-wide recovery strategies. Planned city extensions can help relieve pressure on contested inner-city land and accommodate population growth in a more orderly manner, while regeneration, infill, and renewal enable the rehabilitation of existing urban fabric without unnecessary outward expansion. When applied in a conflict-sensitive manner, area-based tools support incremental recovery, infrastructure re-servicing, and livelihood restoration at scales that are manageable for fragile institutions.

The application of these planning tools must, however, be accompanied by robust HLP safeguards to prevent exclusion, displacement, or the consolidation of conflict-related dispossession. Legal and policy frameworks should require pre-intervention assessments of tenure status, displacement and return patterns, secondary occupation, women's tenure rights and the integrity of land records before regeneration or renewal is initiated. Clear rules on consultation, compensation, temporary occupation, and resettlement are essential where interventions affect occupied land or housing. Such rules and safeguards must also be gender-responsive, ensuring that participation mechanisms are truly accessible to women considering the prevailing cultural and social norms.

In the case of city extensions, safeguards are needed to ensure equitable land acquisition, avoid speculative land grabbing, and protect customary or informal rights. Embedding HLP due diligence, participatory decision-making, and transparent eligibility criteria into the design and implementation of area-based planning tools helps ensure that urban recovery interventions strengthen tenure security and social cohesion, rather than generating new grievances in already fragile post-conflict environments.

# 4. LAND ADMINISTRATION

|                                                                                                    |                                                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Role</b><br>   | Provide the essential systems and processes for restoring clarity, security, and fairness in land rights, enabling safe returns, resolving disputes, preventing land grabbing, and supporting equitable reconstruction and stabilization. |
| <b>Issues</b><br> | Destroyed or manipulated land registries, competing claims, widespread informal tenure, and gender inequities.                                                                                                                            |
| <b>Risk</b><br>   | Fraud, unresolved disputes, marginalization of women and minorities, prolonged displacement, and loss of trust in formal law, public officials or institutions.                                                                           |

Urban land administration is a cornerstone of HLP rights protection in post-conflict early recovery, providing the institutional backbone for restoring legal certainty, social trust, and equitable access to urban land. Violent conflict typically disrupts or destroys land administration systems, fragments authority, and alters tenure relations through displacement, secondary occupation, informal transactions, manipulation of land records, and coercive transfers. In cities, these disruptions are amplified by high land values, dense settlement patterns, and intense reconstruction pressures. In this context, urban land administration is not merely a technical function concerned with records and procedures; it is a central governance instrument that enables safe and voluntary return, supports restitution and compensation, prevents land grabbing, and underpins inclusive and conflict-sensitive urban recovery.

The primary role of post-conflict urban land administration is to re-establish clarity, security, and fairness in land rights under conditions of uncertainty and contested claims. This requires systems that can accommodate damaged or incomplete records, recognize diverse forms of tenure, and respond to overlapping legal, customary, and informal arrangements that have emerged before and during the conflict. Effective land administration supports early recovery by stabilizing tenure through interim documentation, safeguarding evidence of rights, and creating transparent procedures for claims verification and dispute resolution. When aligned with spatial planning and reconstruction processes, land administration helps ensure that infrastructure investment, debris removal, redevelopment, and urban expansion do not entrench dispossession or generate new grievances but instead contribute to social

stabilization and equitable reconstruction. Post-conflict urban land administration systems must confront a set of structural challenges that distinguish them from peacetime contexts. Land registries may have been destroyed, selectively manipulated, or rendered unreliable, while large segments of the urban population may occupy land or housing without formal documentation. Competing claims between returnees, secondary occupants, customary rights holders, and public authorities are common, particularly in strategic or high-value locations.

Gender inequities are often exacerbated, as women's HLP rights, frequently mediated through male relatives or informal arrangements, are disproportionately undermined by displacement, inheritance disputes, and discriminatory legal frameworks. Without deliberate corrective measures, the reactivation of formal land systems risks reproducing pre-conflict inequalities or legitimizing conflict-era dispossession.

These challenges give rise to significant risks during early recovery. Weak safeguards can enable fraud, speculative land accumulation, and elite capture, particularly where land values rise rapidly in response to reconstruction and investment. Unresolved disputes and opaque procedures erode confidence in public institutions and may drive people to informal or coercive mechanisms to secure land, undermining the

rule of law. Women, minorities, and displaced populations are especially vulnerable to exclusion if evidentiary standards are overly rigid, information is inaccessible, or customary practices are ignored or selectively applied. In such conditions, land administration failures can become a driver of renewed conflict rather than a foundation for peace.

A post-conflict urban land administration framework must therefore be explicitly rights-based, conflict-sensitive, and adaptive. Key priorities include repealing discriminatory land laws; safeguarding and reconstructing land and property records; establishing flexible hierarchies of evidence that reflect historic tenure practices and conflict realities; and creating accessible, legitimate mechanisms for restitution and dispute resolution. Emergency measures to prevent land grabbing, the issuance of interim land documentation, and the integration of HLP safeguards into clearance and reconstruction activities are critical during early recovery. Strong coordination mechanisms between land administration bodies, dispute resolution institutions, and spatial planning authorities, are equally important as well as effective public communication strategies that reach both in-situ and displaced populations.

When designed and implemented in this way, urban land administration becomes a stabilizing force in post-conflict recovery. It enables cities to transition from uncertainty to legal clarity, from contestation to

negotiated solutions, and from exclusion to more equitable urban development pathways. By anchoring reconstruction and planning processes in fair and transparent land governance, post-conflict societies can

reduce the risk of renewed displacement, strengthen social cohesion, and lay the institutional foundations for sustainable peace and inclusive urban growth.

#### Box 4. Summary of key recommendations on land administration

1. **Repeal any discriminatory land laws** which structurally undermine the housing, land and property rights of various social, economic, ethnic and gender groups.
2. Introduce legal provisions and judicial practices that **protect women's housing, land and property rights** in land adjudication and restitution processes.
3. Introduce **emergency measures to prevent land grabbing, fraudulent transactions, and speculative land accumulation**, including temporary freezes or heightened reviews of high-risk transfers, and clear sanctions for illegal land appropriation.
4. Integrate **HLP safeguards into debris removal and landmine and ERW clearance** procedures.
5. Define procedures and guidelines for the establishment of a **Fit-for-purpose land record database** to protect and restore land and property records with specific standards for verification of HLP rights.
6. Establish **hierarchies of evidence** for HLP claims that reflect historic land tenure arrangements as well as legitimate measures adopted during the conflict.
7. Legally empower local authorities to **coordinate, enforce, and operationalize housing and property restitution and dispute resolution decisions** with appropriate oversight mechanisms.
8. Establish **dedicated mechanisms or avenues for resolving housing, land and property disputes** that respect the rule of law while recognizing alternative dispute resolution mechanisms.
9. Issue **interim land documentation where formal systems are not yet functional or subject to customary or informal tenure systems**, using temporary certificates or occupancy records to stabilize tenure while comprehensive land administration systems are being restored and reformed.

10. Land record offices and any agencies dealing with land dispute resolution must establish **effective co-ordination and information flows** between them.
11. Establish effective **public information and communication channels for procedures that impact HLP rights** to reach both in-situ and displaced populations.
12. Introduce **transparent, conflict-sensitive land valuation and compensation standards**.
13. Strengthen **institutional capacity and professional standards** for land administration.

## 4.1. Repeal discriminatory land laws

**Repeal any discriminatory land laws which structurally undermine the rights of various social, economic, ethnic and gender groups.**

Discriminatory land laws often reflect the structural inequalities and exclusionary governance practices that contributed to conflict and displacement in the first place. Legal provisions that restrict land ownership, inheritance, registration or use based on gender, ethnicity, religion, affordability, displacement status, customary affiliation or other status, systematically undermine tenure security and impede equitable recovery. Common examples of such provisions include the following:

- a. Gender-discriminatory inheritance and marital property laws.
- b. Citizenship-or ethnicity-based land ownership restrictions.

- c. Discriminatory land registration and documentation requirements.
- d. Emergency or security legislation affecting land rights.
- e. Laws granting unequal access to land dispute resolution mechanisms.
- f. Recognition and tolerance or enforcement of discriminatory customary law.
- g. Abandonment laws or statutes of limitations enabling unjust acquisitive prescription (adverse possession) claims.

During early recovery, the continued application of such laws can legitimize conflict-era dispossession, entrench secondary occupation, and obstruct return, restitution, or local integration for affected populations. Principle 19 of the Pinheiro Principles (see Box 5 below) explicitly calls on States to abstain from adopting or applying such discriminatory legislation

and to take immediate steps to repeal laws that have a discriminatory effect on HLP restitution. Repealing discriminatory land laws is therefore a foundational step

in re-establishing fairness in urban land administration and in restoring confidence that post-conflict recovery processes will be fair, inclusive, and rights-based.

**Box 5. Principle 19 of the “Pinheiro Principles” (Principles on Housing and Property Restitution for Refugees and Displaced Persons)**

**Principle 19: Prohibition of arbitrary and discriminatory laws**

19.1 States should neither adopt nor apply laws that prejudice the restitution process, through arbitrary, discriminatory, or otherwise unjust abandonment laws or statutes of limitations.

19.2 States should take immediate steps to repeal unjust or arbitrary laws and laws that otherwise have a discriminatory effect on the enjoyment of the right to housing, land and property restitution, and should ensure remedies for those wrongfully harmed by the prior application of such laws.

19.3 States should ensure that all national policies related to the right to housing, land and property restitution fully guarantee the rights of women and girls to be protected from discrimination and to equality in both law and practice.

**Source :** FAO, NRC, OCHA, OHCHR, UN-HABITAT, UNHCR (2007), Handbook on Housing and Property Restitution for Refugees and Displaced Persons: Implementing the “Pinheiro Principles”.

Removing discriminatory provisions also strengthens the effectiveness and legitimacy of urban land administration systems during early recovery. Equal access to land registration, documentation, inheritance, and dispute resolution enables municipalities to regularize tenure, support housing reconstruction, and mobilize land for public purposes without exacerbating grievances or exclusion. Gender-equal land laws, in particular, are critical in post-conflict settings where widowhood, female-headed households, and informal caregiving roles

are prevalent and where women often face heightened risks of eviction or loss of housing. Moreover, as highlighted in the Pinheiro Principles, the removal of discriminatory HLP legislation is a non-negotiable pre-cursor to the implementation of property restitution procedures. By aligning housing, land and property legislation with principles of non-discrimination and equal protection, post-conflict states create the legal conditions necessary for inclusive urban recovery, the protection of HLP rights and the prevention of renewed land-related conflict.



Prizren, Kosovo © Besart Ademi/ Unsplash

### Case Study 8. Repealing Discriminatory Land Laws in Georgia, Kosovo, Bosnia and Herzegovina and South Africa for Equitable Land and Property Restitution

Failing to rectify discriminatory, arbitrary or otherwise unjust application of law in countries of return prevents successful restitution and recovery; moreover, it may even contribute to future instability and conflict. In Georgia, for example, the legacy of discriminatory application of the 1983 Housing Code against Ossetians who fled their homes during the 1990-1992 conflict prevented large-scale return for many years. Likewise, the application in Kosovo of the Law on Changes and Supplements to the Limitations on Real Estate Transactions, as well as the persistent discrimination directed against the Albanian population of Kosovo, resulted in the arbitrary annulment of housing and occupancy rights, thus complicating the restitution process. The interim UN administration, UNMIK, repealed this law with the issuance of Regulation No. 1999/10.

In Bosnia and Herzegovina all sides to the conflict enforced laws on abandoned property or applied existing abandonment provisions, seeking to legitimise the ethnic cleansing and housing and property confiscation that took place during the war. One of the international community's most widely hailed contributions in Bosnia and Herzegovina was the role it played in ensuring the repeal of these draconian laws. In South Africa post-apartheid legal reforms entailed repealing a series of discriminatory housing and land laws and replacing these with new laws recognising certain land restitution rights. These examples demonstrate how repeal is often a prerequisite for the effective implementation of HLP restitution rights.

**Source:** FAO, NRC, OCHA, OHCHR, UN-HABITAT, UNHCR (2007), Handbook on Housing and Property Restitution for Refugees and Displaced Persons: Implementing the "Pinheiro Principles".

## 4.2. Enforce legal provisions and judicial practices that protect women's HLP rights

**Introduce legal provisions and judicial practices that protect women's housing, land and property rights in land adjudication and restitution processes.**

Introducing explicit legal provisions and judicial practices to protect women's HLP rights is a foundational requirement for equitable land adjudication and restitution in post-conflict urban early recovery. Conflict and displacement frequently exacerbate pre-existing gender inequalities in land access, documentation, inheritance, and dispute resolution, leaving women, particularly widows, female-headed households, and

displaced women, at heightened risk of dispossession and secondary eviction. Post-conflict land laws should therefore clearly prohibit discrimination based on gender, marital status, or displacement history, and require equal recognition of women's rights to own, inherit, occupy, and transfer land and housing. Legal frameworks governing restitution, land registration, and adjudication should mandate joint titling for spouses, recognize women's independent tenure rights, and ensure that customary or religious norms are applied only to the extent that they are consistent with constitutional equality guarantees and international human rights standards, including the Principles on Housing and Property Restitution for Refugees and Displaced Persons (see Box 6 below).

### Box 6. Principle 4 of the "Pinheiro Principles" (Principles on Housing and Property Restitution for Refugees and Displaced Persons)

#### **Principle 4: The right to equality between men and women**

4.1 States shall ensure the equal right of men and women, and the equal right of boys and girls, to housing, land and property restitution. States shall ensure the equal right of men and women, and the equal right of boys and girls, *inter alia*, to voluntary return in safety and dignity, legal security of tenure, property ownership, equal access to inheritance, as well as the use, control of, and access to housing, land, and property.

4.2 States should ensure that housing, land and property restitution programmes, policies and, practices recognise the joint ownership rights of both male and female heads of the household as an explicit component of the restitution process, and that restitution programmes, policies, and practices reflect a gender-sensitive approach.

4.3 States shall ensure that housing, land and property restitution programmes, policies, and practices do not disadvantage women and girls. States should adopt positive measures to ensure gender equality in this regard.

**Source:** FAO, NRC, OCHA, OHCHR, UN-HABITAT, UNHCR (2007), Handbook on Housing and Property Restitution for Refugees and Displaced Persons: Implementing the “Pinheiro Principles”.

Judicial and quasi-judicial practices are equally critical to translating formal gender-equality provisions into effective protection on the ground. Courts, land commissions, and restitution bodies should adopt gender-sensitive procedures, including flexible evidentiary standards that recognize non-documentary proof of tenure, protection against intimidation during claims processes, and the inclusion of women in decision-making bodies. Training judges, adjudicators, and land officials on women’s HLP rights, combined with accessible legal aid and targeted public information campaigns, helps ensure that women can assert their claims safely and effectively. However, training alone is often insufficient. Clear judicial guidance, binding directives, or formal protocols clarifying jurisdiction over HLP disputes, particularly in informal

settlement contexts, are essential to ensure consistent application of the law and prevent administrative gaps that could undermine women’s access to justice. When combined with capacity-building and public outreach, such measures strengthen both the effectiveness and legitimacy of HLP dispute resolution. Safeguarding women’s HLP rights is not only a matter of legal equality, but also a core peacebuilding measure, as secure tenure for women contributes to household stability, improved livelihoods, and reduced vulnerability to renewed displacement. Embedding gender-responsive legal provisions and judicial practices into land adjudication and restitution processes is therefore essential to restoring justice, strengthening social cohesion, and ensuring that post-conflict recovery benefits women and men equally.



Kabul, Afghanistan © Khalid aljmmman/ Pexels

### Case Study 9. Gender-Sensitive Land Law in Afghanistan

Inequitable land rights are a major cause of gender inequality in Afghanistan. A UN-Habitat survey of over one million land parcels between 2013 and 2021 found less than 5 per cent of ownership documents included a woman's name. Instead, women's relationship to land is typically secondary, established through their relationship with a male owner. Consequently, gender inequitable land rights constitute a major cause of gender-based asset inequality, particularly given that land is usually a household's most valuable asset. UN-Habitat notes that restricted land rights also impact women's access to a range of development opportunities, including banking services, social programmes, and humanitarian assistance.

In recent years, UN-Habitat support has resulted in progress in securing women's land rights through the promulgation and implementation of gender-sensitive land laws. In this regard, UN-Habitat has supported two key interventions.

First, UN-Habitat supported the development of a regulatory system for documenting the occupancy rights of women residing in informal settlements through issuing Occupancy Certificates (OCs). The OC regulation of 2017 included several gender-sensitive attributes. Article 8 enshrines women's legal right to receive an OC. Article 9 determines that women have the right to an equal share of property documented with an OC; asserts women's right to a share of inheritance in such properties; and states women's names will appear on OC as equal shareholder of the property with their husband. The regulation was operationalised by UN-Habitat through the City for All programme, which ran from 2013

to 2021. The programme was implemented through the Ministry of Urban Development and Land (MUDL), with the Afghan Land Authority (ARAZI) responsible for surveying land parcels and issuing OCs. As part of this process, over one million land parcels were surveyed across the country, and over 31,000 OCs were allocated to residents of informal settlements before the events of 2021 brought the scheme to a halt.

Second, UN-Habitat supported the development of the Presidential Decree 305 (PD 305) of 2018 (later amended to PD 108 in 2020), which provided millions of displaced people the legal right to apply for land parcels allocated by the State, and included important legal provisions to secure women's land rights. Article 13 states that women are provided with an equal share of property distributed under the decree and that their names appear on the title deed. Article 14 holds that women can be sole owner of land distributed under the decree. From 2017 to 2021, UN-Habitat operationalised the PD 305/108 through the SHURA programme. SHURA registered 14,119 eligible households, and 3,170 families in Kabul and Herat were selected for land allocations in two pilot settlements before the programme was suspended in 2021. In addition, more than 10 million jeribs of state land across all Afghanistan's regions was entered into the State Land Bank for future allocation.

The events of August 2021 have resulted in ambiguity over the status of Afghanistan's land laws, and many of their associated programmes have been suspended or terminated, particularly those reliant on funds from international donors. Since 2022, however, there have been signs that the *de facto* Authorities intend to resume issuing land documents, including OCs, and to begin land allocation.

**Source :** UN-Habitat, A Brief Guide to Women's Land Rights in Afghanistan (Kabul: UN-Habitat, 2020).



Rwanda Parliament Building, Kimihurura, Kigali © Emmanuel Kwizera/ Pexels

### Case Study 10. Inheritance Law Reform in Post-Conflict Rwanda

After the 1994 genocide, Rwanda faced acute land scarcity, massive displacement and a high proportion of female-headed households because of mass killings and disruption to family structures. Prior to reform, customary practices often excluded women and girls from inheriting or owning land, leaving widows and orphans particularly vulnerable to exclusion from access to land and property. This led to the widespread emergence of serious housing and land problems facing widows unable to reclaim their original homes. In response, the Government of Rwanda introduced a series of legal reforms that explicitly eliminated formal discrimination in land ownership and inheritance as part of national recovery and land administration reform.

A foundational reform was Law No. 22/99 of 12 November 1999 on matrimonial regimes, liberalities, and succession, which provided that “all legitimate children ... inherit equally without any discrimination between male and female children,” abolishing longstanding gender barriers to inheritance. The 2003 Constitution enshrined a broad principle of gender equality and prohibited discrimination based on sex, creating a constitutional basis for equal property and land rights. Subsequent land legislation, including the Organic Land Law of 2005 and its successors, reaffirmed that “[a]ny discrimination ... based on sex or origin in matters relating to ownership or possession of rights over the land is prohibited” and established equal rights for husbands and wives over land.

The nationwide Land Tenure Regularization Program (LTRP), launched in 2008, operationalized these legal provisions by systematically registering parcels and granting

formal titles, often jointly to spouses, thereby reducing tenure insecurity and increasing women's formal land ownership.

**Source :** Office of the Special Representative for Children and Armed Conflict (2000), "Special representative on children and armed conflict welcomes Rwandan law allowing girls to inherit property." Núñez, Paula Sevilla (2023), "How land titling prevented conflict, increased women's land ownership, and reduced corruption in Rwanda". Ngoga, Thierry Hoza (2012), Empowering women through land tenure reform: The Rwandan experience. FAO, NRC, OCHA, OHCHR, UN-HABITAT, UNHCR (2007), Handbook on Housing and Property Restitution for Refugees and Displaced Persons: Implementing the "Pinheiro Principles".

### 4.3. Introduce emergency measures to prevent unscrupulous land transactions

**Introduce emergency measures to prevent land grabbing, fraudulent transactions and speculative land accumulation.**

Introducing emergency legal measures to prevent land grabbing, fraudulent transactions, and speculative land accumulation is a critical safeguard for post-conflict urban early recovery, when weakened institutions, unauthorised access to official land records, destroyed land records, and mass displacement create acute vulnerabilities in land markets. In the immediate aftermath of conflict, powerful actors often exploit legal uncertainty to acquire land through coercion, falsified documents, or opportunistic transactions involving abandoned or damaged property.

This is especially true for high value urban and peri-urban land with potential for lucrative post-conflict development. Temporary regulatory interventions, such as moratoria on high-risk land transfers, restrictions on sales in areas affected by displacement or destruction, and heightened scrutiny of transactions involving absentee owners, can help stabilize tenure relations while land administration systems are being restored. These measures should be clearly defined in law, time-bound, and geographically targeted to areas of heightened risk, ensuring that emergency controls support recovery without unduly constraining legitimate economic activity.

Equally important is the establishment of clear sanctions and enforcement mechanisms to deter illegal land appropriation and restore confidence in public authority. Emergency frameworks should criminalize land grabbing, document fraud, and abuse of office related to land transactions, with penalties that are enforceable even during transitional governance arrangements.

Specialized investigative units, interim land commissions, or dedicated prosecutorial mandates can support enforcement where ordinary judicial systems are overstretched or compromised. Public communication of emergency measures, combined with accessible complaint and reporting mechanisms for affected communities and displaced persons, further strengthens their deterrent effect. By halting speculative pressures and preventing the consolidation of conflict-era dispossession, such emergency anti-grabbing protection measures create the legal space necessary for restitution, dispute resolution, and orderly land administration, thereby protecting safeguarding housing, land and property rights and reducing the risk of renewed conflict driven by land-related grievances.

#### 4.4. Integrate HLP safeguards into debris removal and ERW clearance

**Integrate HLP safeguards into debris removal as well as landmine and ERW clearance procedures.**

The clearance of conflict debris and explosive remnants of war (ERW) is a top priority for post-conflict recovery, particularly in urban settings where greater numbers of people remain at risk and clearance may be urgently needed for infrastructure repairs.

However, the urgency of such interventions must be balanced with appropriate safeguards considering the potential impacts to people's housing, land and property rights. Integrating HLP safeguards into debris removal as well as landmine and explosive remnants of war (ERW) clearance procedures is essential in post-conflict urban early recovery, where physical clearance activities often precede formal restitution, reconstruction, or land adjudication processes. Debris removal and ERW clearance are frequently treated as purely technical or humanitarian operations, yet they have profound legal and spatial implications: clearing rubble, demolishing damaged structures, or declaring land "safe" can unintentionally erase physical evidence of prior occupation, boundary markers, and housing structures that are critical for verifying ownership, tenancy, or use rights, an issue that is especially pressing when operations take place in informal settlements due to the absence of formal land records as HLP evidence. Moreover, debris removal and mine clearance may ignite dormant disputes over newly cleared lands as the land recuperates (near) its original value before the contamination. For these reasons, integrating HLP safeguards into debris removal as well as landmine and ERW clearance procedures is essential in post-conflict urban early recovery, where physical clearance activities often precede formal restitution, reconstruction, or land adjudication

processes. Legal and policy frameworks should therefore require that clearance operations be sequenced and conducted in ways that preserve HLP evidence, including photographic documentation, geo-referencing of structures, and coordination with land administration and restitution bodies before irreversible actions are taken.

Post-conflict regulations should also mandate conflict-sensitive clearance procedures that protect occupants, returnees, and displaced owners from dispossession resulting from premature or poorly coordinated interventions. This includes establishing criteria for site selection, requiring HLP due diligence prior to debris removal or ERW clearance, notification and consultation with affected rights holders where feasible, transparent land release and handover procedures, and safeguards against reallocation or redevelopment of cleared land until HLP claims are resolved or interim tenure protections are in place. Clear legal prohibitions should prevent cleared land from being transferred, privatized, or redeveloped in ways that disadvantage displaced populations. By embedding HLP safeguards into clearance laws, contracts, and operational guidelines, authorities can ensure that life-saving clearance activities support, rather than undermine, restitution, tenure security, and the right to return, thereby reducing the risk that early recovery interventions inadvertently entrench conflict-related dispossession or trigger new land disputes.

## 4.5. Define procedures and guidelines to establish a fit-for-purpose land record database

**Define procedures and guidelines for the establishment of a Fit-for-purpose land record database to protect and restore land and property records with specific standards for HLP verification.**

The protection, restoration, and, where necessary, reconstruction of land and property records is a foundational step for promoting tenure security and facilitating equitable recovery. Conflict often results in the destruction, loss, or deliberate manipulation of cadastral, land registry, and other property-related records, leaving displaced populations and vulnerable groups at risk of exclusion from restitution and reconstruction processes. Moreover, conflict impacts may compound pre-existing weaknesses in the land administration system, such as fragmented, out-dated and exclusionary record-keeping. This results in land and property records that fail to reflect the way land is used and property is held in practice, especially in urban areas where land-use changes take place with greater speed before and during conflict periods.

The availability of comprehensive and reliable land and property records is essential to facilitate returns, restitution, and reconstruction in urban areas.

To support the restoration and updating of existing land information systems, legal measures can be introduced to establish clear, incremental procedures for the creation of a Fit-for-purpose land information database capable of integrating housing, land, and property information in a flexible, inclusive, secure, and upgradable manner.

Such procedures should begin with a systematic assessment of existing cadastral, land registry, and other official records and supporting evidence, followed by the identification of missing, damaged, or at-risk records, and the immediate safeguarding of surviving documentation. The information incorporated into the Fit-for-purpose database should not be limited to information in public registries, however; it should also allow for the inclusion of information supplied by individuals and secondary sources (e.g., notarized contracts, tax receipts, utility bills, building permits, witness testimony, among others) subject to verification procedures, especially when official data is not available or accessible.

Standards for the interim Fit-for-purpose database should reflect the need to establish baseline spatial and descriptive information that can be easily obtained and verified considering local capacity, while more complete data can be progressively added as early recovery gives way to reconstruction. Where sufficient pre-conflict evidence exists, legal provisions should allow for the administrative reconstruction of lost

or damaged records prior to or alongside restitution processes. Individual adjudication decisions and registry transactions can further update the database in a piecemeal fashion as recovery progresses, and for this reason it is important to flag properties that are subject to disputes or restitution proceedings in the judicial system or dedicated adjudication bodies.

While information in the interim database need not be entirely complete, it must be reliable. As such, integrated land and property records must meet specific verification standards that are cognizant of the prevailing HLP risks. The legal standards for verification should establish clear criteria for assessing the authenticity, reliability, and relevance of each record, including cross-referencing with existing cadastral maps, customary tenure documentation, and conflict-era allocations. In addition, procedural rules should provide for public access, transparency, and opportunities for claimants to challenge or supplement records, helping to prevent fraud and land grabbing.

The resulting Fit-for-purpose database can support urgent urban recovery functions, including the issuance of reconstruction permits, the allocation of repair subsidies, the monitoring of land and housing occupation, and the temporary assignment of dwelling space to vulnerable households. By utilising a digital Fit-for-purpose database, this process can also support the modernisation of the land information system, contributing

to future land administration reforms where necessary. By codifying these procedures and verification standards in legal frameworks, municipalities can create a more reliable, equitable, and accountable

land administration system that supports restitution, reconstruction, and the progressive realization of HLP rights in urban recovery.



City streets after the war, Syria © Mahmoud Sulaiman/ Unsplash

### Case Study 11. Cadastral reconstitution procedures and participatory enumerations for Fit-for-purpose land administration in Syria

The conflict in Syria resulted in the destruction, damage and loss of many property documents in different parts of the country. To address this issue, Law No. 33 of 2017 was put in place for the reconstitution of lost or damaged (in part or in full) cadastral documents. The law provides two main avenues for such reconstitution: (1) an administrative path where the reconstitution is done based on the existing cadastral documents, and (2) the judicial path where the cadastral documents are not sufficient to reconstitute the lost land records and the rights holders are thus called to prove their HLP rights claims.

The law was intended to enable the General Directorate of Cadastral Affairs (GDCA) to reissue cadastral records and verify ownership claims where archives had been destroyed. However, humanitarian and HLP experts raised concerns that the law could be used to legitimize property dispossession, given limited safeguards for displaced persons and the short objection periods for contesting reconstituted records.

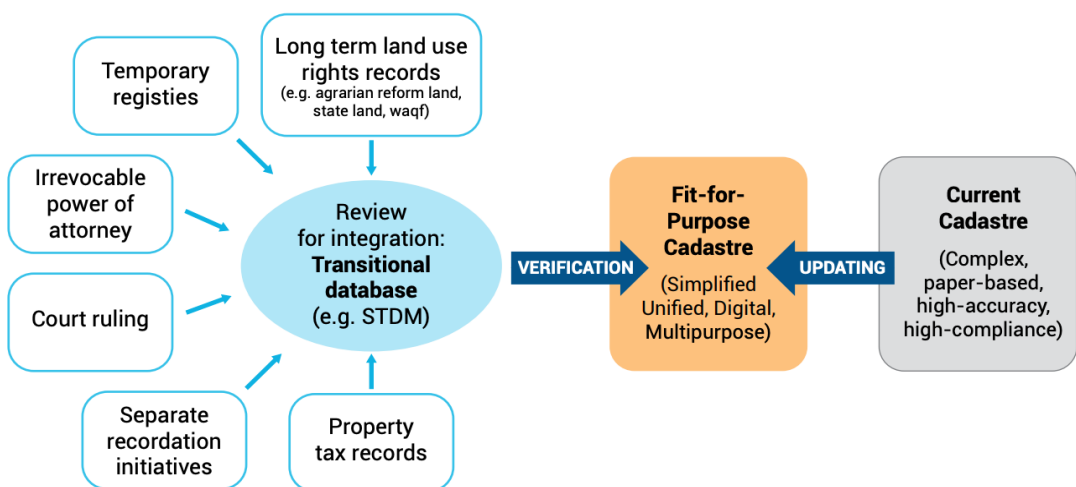
UN-Habitat, through its country office and regional initiatives such as the Global Land Tool Network (GLTN) and the Arab Land Initiative, provided **technical assistance** to the GDCA to

help modernize and digitize cadastral systems, protect remaining archives, and establish reliable procedures for record recovery. This collaboration included legal and institutional advice, development of supplementary and digital record systems, and guidance on integrating cadastral recovery into broader urban and housing reconstruction strategies.

This was done alongside the development of other knowledge products and initiatives by UN-Habitat and partners to support the use of Fit-for-purpose land administration in conflict and post-conflict Syria. Since 2020, for example, UN-Habitat and the Global Land Tool Network have been working with international and local partners in Lebanon and Iraq to safeguard the housing, land and property rights of Syrian refugees for their eventual return. Using a participatory and inclusive enumeration process, Syrian refugees' claims to their residential and non-residential properties in Syria were documented along with any supporting evidence that could be provided. The information collected is being used to inform advocacy efforts and to design future programmes aimed at restituting properties that were illegally occupied, transferred, or destroyed, facilitating compensation claims, and supporting dispute resolution processes.

**Source :** UN-Habitat (2022), Guidance Note on Fit-For-Purpose Land Administration for Syria; UN-Habitat (2024), Policy Directions: Housing, land and property solutions to resolve and prevent displacement.

**Figure 3.** Fit-For-Purpose Land Administration for Syria



**Source :** UN-Habitat (2022), Guidance Note on Fit-For-Purpose Land Administration for Syria

## 4.6. Establish hierarchies of evidence for HLP claims

**Establish hierarchies of evidence for HLP claims that reflect historic land tenure arrangements as well as legitimate measures adopted during the conflict.**

Land administration systems rely upon clearly defined legal standards of evidence for the formal adjudication of land and property rights. These standards are used to determine which types of proof may be relied upon in deciding property claims and disputes as well as their relative evidentiary weight. In peacetime, land administration systems often rely on rigid statutory hierarchies of legal evidence, but post-conflict conditions require a more adaptive approach to account for the disruptions and complexities of conflict, one that reflects historical tenure arrangements as well as legitimate arrangements adopted during the conflict.

Evidence should be assessed according to its context, reliability, and social relevance, incorporating possession lists, cadastral plans, notarized property transfer contracts, apartment use agreements, lease/rental agreements, public housing records, building permits, permits of use, tax receipts, utility bills, and oral testimony.

Decisions should not rely solely on a single form of evidence but instead triangulate multiple sources, including secondary and informal records, to ensure fair outcomes and avoid privileging groups that were in power during or after the conflict.

Rules governing HLP evidence must also be non-discriminatory, accommodating the realities of unregistered transfers, absent owners, displaced populations, and informal or customary property arrangements. Oral witnessing and testimony from community leaders or informal authorities should be recognized as legitimate evidence where written records are lacking.

Hierarchies of evidence should guide adjudicators in prioritizing sources, balancing statutory records with alternative documentation to resolve disputes over the same property while mitigating risks of fraud or power imbalances. Special attention is required when powers of attorney or proxy transfers were used during displacement periods, as these mechanisms may have been misused to disenfranchise absentee owners. By codifying flexible, inclusive rules of evidence, post-conflict land administration systems can uphold tenure security, protect HLP rights, and ensure equitable restitution and dispute resolution in urban early recovery.

## 4.7. Empower local authorities to coordinate, enforce, and operationalize restitution and dispute resolution decisions

**Legally empower local authorities to coordinate, enforce, and operationalize housing and property restitution and dispute resolution decisions with appropriate oversight mechanisms.**

Property restitution and dispute resolution mechanisms are typically established in post-conflict settings to address the large volume of HLP disputes that arise and to restore displaced persons to housing, land, or property from which they were arbitrarily or unlawfully deprived, or to provide just compensation where restitution is not possible. Such mechanisms are typically established at the national level and take various forms in terms of institutional arrangements. Property restitution proceedings and related HLP disputes can be fully absorbed by the judicial system when it continues to function impartially and with the necessary capacity to adjudicate cases efficiently while upholding due process and rule of law. However, more often this is not the case and *ad hoc* mechanisms, which can be administrative, judicial or quasi-judicial in nature, are needed, as seen in Iraq, Afghanistan, Bosnia and Herzegovina,

Kosovo, Tajikistan, Cyprus, and elsewhere. At times international agencies such as the UN may be involved in establishing provisional regimes for restitution procedures when domestic institutional frameworks are considered inadequate due to the capacity or political risks. Kosovo and Timor Leste provide examples of such arrangements.

While property restitution and dispute resolution are primarily framed in the aforementioned national procedures, institutions, and mechanisms, local authorities play a central role in the coordination and enforcement of HLP restitution and dispute resolution mechanisms, acting as the operational agents that give effect to formal restitution mandates. Local authorities often serve as the first point of interaction between displaced claimants and the restitution or dispute resolution system: they may be mandated to communicate decisions, facilitate access to municipal records, coordinate inventories of contested properties, and oversee the physical restoration of housing and land once legal entitlements are confirmed.

Under internationally recognized standards such as the Pinheiro Principles, States are required to designate specific public agencies responsible for enforcing restitution decisions and judgments, and to ensure that local as well as national authorities are legally obligated to respect, implement, and enforce those decisions within their jurisdictions (Principle 20).

Effective enforcement of restitution and dispute resolution decisions require both institutional coordination and supportive urban law at the local level. Local governments often need clear authority, procedures, and resources codified in domestic legislation or municipal regulations to execute restitution orders, mediate between occupants and rightful owners, and manage transitions such as relocation or compensation where direct return is infeasible.

Urban law can provide this through statutory obligations that prohibit interference with restitution enforcement, criminalize obstruction, and require public information campaigns so that both primary and secondary occupants understand their rights and legal consequences of non-compliance. Moreover, municipal legal and planning frameworks should be adapted or interpreted in a way that aligns administrative practices

with restitution law, ensuring that local regulatory actions, such as land-use permits, building approvals, or service reconnection, do not inadvertently undermine restitution decisions.

In contexts where local judicial capacity is limited or municipal institutions remain weak post-conflict, urban law can provide for alternative administrative mechanisms or require that local courts and officials undergo targeted training and ethical vetting to adjudicate HLP disputes fairly and efficiently, in line with implementation guidance for restitution standards. Such integrated legal and institutional arrangements help to ensure that restitution frameworks are not only formally adopted at the national level but are operationalized at the local level in ways that uphold the rule of law, protect HLP rights, and support durable solutions for displaced populations.



Mostar, Bosnia and Herzegovina © Mana5280/ Unsplash

### Case Study 12. The Property Claims Commission in Bosnia and Herzegovina

The Bosnian War lasted from 1992 to 1995, resulting in the loss of homes and large-scale displacement that prevented returns and weakened social cohesion. The Dayton Peace Agreement created a clear legal obligation to restore pre-war property rights or provide commensurate compensation. It also established the Commission on Real Property Claims of Refugees and Displaced Persons (CPRC) to process claims where property had not been voluntarily transferred since April 1992 and where the claimant no longer had possession. The commission had authority to review all cadastral and administrative records, identify transfers made under coercion, and issue certificates that confirmed the claimant as the lawful owner. This structure aimed to provide a single and reliable remedy that could address destroyed registries, inconsistent local practices and competing wartime transactions.

However, decisions issued by the CRPC were not immediately enforceable by local authorities. Between 1997 and 2000, domestic authorities obstructed the implementation of the Commission's decisions and failed to fulfil their obligations to enforce them. Many municipalities in the Republika Srpska and some in the Federation, for example, advanced slowly due to political resistance, limited staff, and reluctance to remove secondary occupants. Sarajevo Canton progressed more quickly once harmonised property laws were adopted and monitored by international actors.

By 1999, the Office of the High Representative had imposed new legislation upon the domestic authorities to properly decide property claims.

In the same year, the Law on the Implementation of CRPC Decisions also made the municipal housing authorities responsible for implementing the CRPC property decisions. Consequently, the persons holding CRPC decisions had to go through the local administrative process to have their decision implemented, which made them dependent on the functioning of the domestic housing office system.

The Office of the High Representative and other international actors supported the broader restitution system by removing officials who were obstructing the process, guiding harmonisation of the property laws adopted by the entities, and supervising implementation deadlines. Moreover, the Law on Property Books issued in 1999 confirmed that the CRPC Decisions could be used as evidence in administrative, judicial, and other legal proceedings to register ownership. These actions strengthened the conditions for enforcement without changing the mandate of the commission itself.

The Bosnia experience shows that legal clarity at the national level alone cannot secure practical outcomes. It requires coordinated administrative action that considers implementation and enforcement at the local level.

**Source :** Annex 7, [Agreement on Refugees and Displaced Persons, Dayton Pease Agreement](#); Catherine Phuong, "At the heart of the return process: solving property issues in Bosnia and Herzegovina", *Forced Migration Review*, Issue 21, 2004; IOM, [Property Restitution and Compensation](#) (background paper); OSCE Mission to Bosnia and Herzegovina. (2003, June 17), [New amendments to accelerate property law implementation published in Bosnia and Herzegovina](#); Hans van Houtte (2024), [Commission for Real Property Claims of Displaced Persons and Refugees](#); FAO, IOM, UN-Habitat (2025), [Housing and Property Restitution for Refugees and Displaced Persons: Implementing the Pinheiro Principles in the Middle East and North Africa](#).

## 4.8. Establish balanced HLP dispute resolution mechanisms

**Establish dedicated mechanisms or avenues for resolving HLP disputes that respect the rule of law while recognizing customary dispute resolution mechanisms.**

In post-conflict urban contexts, HLP dispute resolution may be organized through a range of institutional arrangements, each requiring a clear legal basis and strong links to urban governance systems. Disputes may be adjudicated by dedicated national-level bodies such as property claims commissions, special tribunals, or restitution authorities established to address large-scale displacement and conflict-related dispossession. Dispute resolution may also be decentralized to subnational or municipal levels through specialized local committees, administrative boards, or courts operating under standardized procedures and evidentiary rules. In other contexts, HLP disputes may be resolved through existing avenues for dispute resolution, such as the judicial system, alternative dispute resolution (ADR) forums such as mediation and conciliation, or customary dispute resolution mechanisms. Urban law plays a critical role in defining how these various pathways interact with municipal functions, including land-use regulation, planning approvals, building permits, and service provision, ensuring

that dispute outcomes are enforceable and reflected in urban administrative decisions.

Where dispute resolution is decentralized or relies on existing dispute resolution avenues, national legal and policy frameworks are essential to ensure consistency, legal certainty, and respect for the rule of law. This is especially true for customary dispute resolution, which should not be ignored when designing national or local dispute resolution programmes, but should neither be left entirely unregulated due to risks and limitations related to discrimination and bias. Experience in contexts such as Yemen, for example, highlights a structural limitation: customary and informal forums often require women to be represented by a male relative, which can entrench exclusion if these mechanisms are formally integrated without explicit gender safeguards. In Syria, there have been cases of biased customary adjudication in favour of the local or predominant ethnic, tribal or political group, especially after conflict has created a sense of “winners” and “losers” which may fall along sectarian lines.

In such contexts, the decisions resulting from customary or alternative dispute resolution (ADR) should be subject to scrutiny by higher bodies and to appeals within the formal judicial system before they can be included in the official land administration systems. Moreover, any incorporation of customary or informal dispute-resolution mechanisms must include mandatory measures to protect

women's independent access to HLP rights and ensure that integration strengthens, rather than undermines, inclusive post-conflict recovery.

National guidelines can establish minimum procedural safeguards, standardized evidentiary hierarchies, and decision-making principles that apply across formal, informal, and hybrid mechanisms, reducing the risk of arbitrary or discriminatory outcomes. By aligning customary or informal processes with statutory law and embedding oversight measures, authorities can leverage local knowledge, ensure culturally appropriate outcomes, and increase the legitimacy and acceptance of decisions. At the same time, these arrangements must explicitly safeguard women's independent access to HLP processes, ensuring that customary or informal norms such as requiring male representation do not restrict their ability to assert claims. This calibrated approach allows post-conflict cities to benefit from the accessibility and legitimacy of localized dispute resolution practices while maintaining coherence with statutory urban governance, supporting tenure security, and preventing renewed land-related conflict during early recovery.

## 4.9. Issue interim tenure documentation

**Issue interim land documentation where formal systems are not yet functional, using temporary certificates or occupancy records to stabilize tenure while comprehensive land administration systems are being restored.**

Issuing interim land documentation is a critical measure in post-conflict urban settings to stabilize tenure and protect HLP rights while formal land administration systems are being restored. Temporary certificates, occupancy records, or provisional registration documents can provide legal recognition of land and housing claims, offering residents a degree of security against displacement, illegal transactions or land grabbing while formal land adjudication and administration procedures are restored or developed.

These interim instruments allow local authorities to acknowledge the occupancy and use rights of displaced populations, secondary occupants, returnees, and host communities without pre-empting the comprehensive verification and restitution processes required under full-scale land administration systems. Tools such as the UN-Habitat **Social Tenure Domain Model (STDM)** can be employed to record, manage and visualize these tenure claims in a standardized, flexible, and inclusive

digital format, and integrate them into any interim Fit-for-purpose land record databases being established. By providing an official record of tenure status, even if provisional, municipalities can reduce disputes, support early recovery investments, and foster public confidence in the emerging urban governance framework.

The design and issuance of interim documentation must be accompanied by clear procedural standards, including eligibility criteria, documentation requirements, and transparent registration processes. Authorities should ensure that temporary records are systematically collected, securely stored, and linked to broader HLP databases to facilitate eventual integration into permanent land registration systems. Inclusivity is critical, particularly for marginalized groups such as women, minorities, and displaced populations, who may otherwise be excluded from tenure recognition. By embedding these safeguards into post-conflict urban governance frameworks, interim land documentation serves not only as a stopgap measure but also as a foundational tool for orderly, equitable, and conflict-sensitive reconstruction of the urban land administration system.

Interim land documentation can also be used to recognize and integrate customary or informal tenure practices into national systems. Fit-for-purpose approaches that allow for the incremental recognition and recording of a continuum of land rights, rather than imposing rigid formalization requirements, can provide an essential pathway for improving post-conflict tenure security in areas historically governed by informal or customary systems that operate outside formal legal frameworks. Legal provisions may authorize the use of simplified data collection methods, community-based enumeration, and locally validated evidence to document occupancy and use rights.

They can also establish procedures for converting informal or customary claims into legally recognized rights over time, while ensuring compatibility with statutory systems. Legal frameworks should define safeguards to prevent elite capture or exclusion within customary systems, aligning them with principles of non-discrimination and due process. By bridging formal and informal systems, urban law enhances tenure security for a broader population, reduces disputes, and supports more inclusive and effective HLP-sensitive reconstruction.



Mazar-e Sharif, Afghanistan © Marko Beijan/ Unsplash

### Case Study 13. Issuing Occupancy Certificates in Informal Areas of Afghanistan

Amidst a protracted conflict environment, the Government of Afghanistan adopted legal and policy measures to improve tenure security in the country's urban informal settlements. This took place with the issuance of the Regulation on Managing the Affairs of Urban Informal Areas (2017), based on Article 112 of the 2017 Land Management Law. The regulation allows residents of informal settlements who meet the prescribed eligibility requirements (Article 5, see below) to receive an OC recognizing their right to occupy their dwelling site. The law provides definitions, eligibility criteria, institutional mechanisms and competencies, procedures for the determination of boundaries, differential rates for registration of structures on state land, limitations on the acreage that can be registered for structures built on state land, requirements for contracts to be signed and the basic cost for issuance of the OC document.

#### **Article 5 of the Regulation on Managing the Affairs of Urban Informal Areas 2017 on Eligibility for Occupancy Certificates**

Arazi (the national land authority) in collaboration with Ministry of Urban Development and Housing, Independent Directorate for Local Governance and municipalities will identify the residential houses which are built in informal settlements for the purpose of registration and granting of occupancy certificates to the occupants according to the following conditions:

- i. The property should be within the boundaries of the master plan or urban strategic plan.

- ii. The settlement should be able to be included in “urban plan” by the municipality.
- iii. The settlement should have existed for at least 15 years before the passing of this regulation.
- iv. The property should not be located within a water source area.
- v. The property should not be located in public service establishments, entertainment parks, sports grounds, green areas or protected area.
- vi. The property should not be in an area that is planned for the development of government or public projects within a period of ten years.

OC were designed as an upgradable form of land tenure documentation that could eventually facilitate the issuance of a title deed. They also contributed to land value capture and municipal finances by requiring municipalities to collect a safai tax (municipal service fee). The law was also gender sensitive, as it provided for occupancy certificates to be issued jointly to heads of households and their spouses for all properties on state owned land.

The legal measure was adopted and implemented in the context of technical support from UN-Habitat and financing from USAID and the EU. UN-Habitat supported the surveying of urban plots and identifying households occupying such plots within the informal areas. Certificates were distributed by the Government of the Islamic Republic of Afghanistan through systematic land registration of urban informal properties under the City for All (CFA) programme between 2016 and 2020.

**Source :** Housing, Land and Property Taskforce Afghanistan (2020), A Brief Guide to Ownership Documents in Afghanistan; UN-Habitat (February 2018), “Afghanistan launches an innovative land management initiative”; World Bank (2019), Afghanistan Land Administration System Project (ALASP).

## 4.10. Establish effective interagency co-ordination and information flows

**Establish effective co-ordination and information flows between land record offices and authorities responsible for dispute resolution and those responsible for spatial planning.**

Effective post-conflict land administration requires that land administration agencies and local record offices operate in a coordinated manner amongst themselves and also with land adjudication bodies (e.g., dispute resolution and/or restitution), ensuring that information on tenure, occupancy, and property claims flows efficiently between and within institutions. Fragmented or siloed operations can exacerbate disputes, delay restitution, and increase the risk of illegal transactions. By establishing clear communication channels, joint protocols, and shared databases, these agencies can verify claims more accurately, reconcile overlapping interests, and expedite resolution processes. Coordination ensures that both formal records and provisional or alternative documentation, such as interim certificates or STDM-based tenure records, are recognized across institutions, providing consistency and legal certainty for residents while supporting transparent and equitable recovery.

Ministerial decrees and other dedicated legal instruments establishing procedural and operational requirements for post-conflict land administration should contain explicit and implicit provisions fostering inter-agency coordination. This can include requirements to notify the relevant bodies regarding the lodging of a claim or dispute, the amendment of cadastral records, and the rendering of an HLP adjudication decision, *inter alia*. Local offices may be required to initiate procedures which are decided or reviewed at higher levels. Furthermore, land administration agencies should be required to update the status of land records, indicating whether they are subject to a dispute or restitution claim, whether they have been damaged, are missing or have been flagged as being at risk of having been manipulated.

Such measures also apply to coordination between land administration and spatial planning bodies, as integrating spatial planning authorities into these information flows is essential. Urban planners require up-to-date land tenure and dispute-resolution data to make informed decisions on reconstruction, infrastructure placement, and service provision. Experience in contexts such as Yemen shows that insufficient coordination between courts and land administration offices can prolong disputes, as courts rely on the administration for document verification and boundary data but often receive contradictory or delayed responses.

To prevent such fragmentation, coordination protocols should include clearly defined responsibilities, standardized procedures, and agreed response timeframes, ensuring that adjudication and planning decisions are based on complete and reliable information. Harmonized data exchange allows for the identification of areas affected by contested claims, informal settlements, or unsafe land, enabling planning instruments and interventions to incorporate HLP safeguards. Such integration strengthens the alignment of land administration and urban recovery, ensuring that planning decisions support tenure security, prevent forced evictions, and contribute to a coherent, rights-based post-conflict rebuilding process.

#### 4.11. Establish effective public information and communication channels

**Establish effective public information and communication channels regarding procedures impacting HLP rights that reach both in-situ and displaced populations.**

In post-conflict urban contexts, establishing effective public information and communication channels serves to ensure that procedures affecting HLP rights are accessible, transparent and understood by all affected populations.

Displacement, institutional collapse, and the loss of documentation often leave residents unaware of restitution processes, land registration requirements, dispute resolution mechanisms or safeguards related to eviction and redevelopment. Clear legal and policy frameworks should therefore mandate proactive information dissemination by land administration and municipal authorities, using multiple formats and languages to reach diverse audiences. Information on eligibility criteria, application procedures, deadlines and legal rights should be publicly available and communicated through channels that account for low literacy, limited connectivity, and ongoing displacement.

Communication strategies must also explicitly target displaced populations, including refugees and internally displaced persons who may be outside municipal boundaries or national territory. Legal provisions should require authorities to use outreach mechanisms such as mobile information teams, community radio, digital platforms, diaspora networks, and coordination with humanitarian actors to ensure that displaced rights holders can access information and participate meaningfully in HLP-related processes. Providing timely, accurate, and consistent information reduces the risk of misinformation, fraud and elite capture, while strengthening trust in public institutions. By embedding public communication obligations into post-conflict land governance

frameworks, authorities can help ensure that HLP procedures are inclusive, predictable and fair, thereby supporting tenure security, restitution, and social stability during early recovery.

Equally, urban law should provide for the establishment and public financing of legal aid services to ensure that affected populations can effectively navigate HLP procedures and assert their rights. In early recovery contexts, financial barriers such as court fees, notarization costs, administrative charges, and the expense of legal representation can be prohibitive, particularly for vulnerable groups including women-headed households, displaced persons, and those without formal income. Legal frameworks should therefore mandate the provision of free or subsidized legal assistance, including legal counselling, representation, and support with documentation and claims submission.

The availability of such services must be widely communicated through the same public information channels, ensuring that individuals are aware not only of their rights and procedures, but also of the means to access justice. By coupling accessible information with effective legal aid, urban law strengthens procedural fairness, reduces inequality in access to remedies, and enhances the overall effectiveness and legitimacy of HLP-related processes in post-conflict recovery.

## 4.12. Introduce conflict-sensitive land valuation and compensation standards

**Introduce transparent and conflict-sensitive land valuation and compensation frameworks to ensure fair, consistent, and accountable treatment of affected populations during land-based recovery interventions.**

Land valuation and compensation are highly sensitive issues in post-conflict settings, where property has been damaged, destroyed, occupied, or informally transferred under duress. In the absence of clear and transparent standards, valuation processes can become a source of grievance, enabling unequal treatment, manipulation, or corruption. This is particularly critical in urban areas undergoing rapid reconstruction, where land values may fluctuate significantly and where decisions regarding compensation, expropriation, or redevelopment can have far-reaching social and economic impacts. Establishing fair and conflict-sensitive valuation systems is therefore essential to prevent renewed tensions and ensure equitable recovery.

Urban law can address this by defining standardized methodologies and procedures for land and property valuation that are adapted to post-conflict realities.

This may include the use of simplified or mass appraisal techniques, consideration of pre-conflict and current values, and adjustments for damage, displacement, or loss of use. Legal frameworks should also require transparency in valuation processes, including public disclosure of criteria, independent oversight, and accessible appeal mechanisms. For compensation, laws can establish clear entitlements, modalities (cash, in-kind, land swaps), and timelines, ensuring that affected individuals are treated consistently and fairly. By embedding these standards in law, authorities can reduce arbitrariness, build trust in reconstruction processes, and ensure that compensation mechanisms uphold and reinforce HLP rights rather than undermining them.

#### 4.13. Strengthen institutional capacity and professional standards for land administration

**Strengthen the capacity, professionalism, and accountability of land administration institutions to ensure competent, consistent, and rights-based management of land processes in post-conflict recovery.**

In post-conflict urban contexts, land administration institutions are often weakened by loss of personnel, damaged infrastructure, fragmented mandates, and

diminished public trust. At the same time, they face an unprecedented surge in demand to process land claims, support reconstruction, and coordinate with restitution and planning processes. Without adequate institutional capacity and professional standards, these pressures can lead to inconsistent decision-making, corruption risks, administrative delays, and the erosion of tenure security. Strengthening institutional capacity is therefore essential not only for operational effectiveness but also for restoring confidence in land governance systems as neutral and reliable arbiters of housing, land and property rights.

Urban law can play a central role by clearly defining institutional mandates, establishing minimum professional and ethical standards, and requiring targeted capacity-building measures for land administration personnel. Legal frameworks may mandate certification requirements, codes of conduct, and disciplinary procedures, as well as continuous training on conflict-sensitive land administration, gender equality, and HLP rights. They can also formalize coordination mechanisms between land registries, cadastral offices, planning authorities, and dispute resolution bodies, ensuring consistent information flows and decision-making. By embedding these requirements in law, post-conflict states create durable institutional foundations that improve the quality, transparency, and accountability of land administration.

This, in turn, strengthens HLP rights by ensuring that land-related decisions are made competently, fairly, and in accordance with the rule of law.



Korhogo, Côte d'Ivoire © Shane Ryan Herilalaina/ Unsplash

## 5. HOUSING LAW

### Role



Regulate housing allocation, reconstruction, rental rights, and access to affordable housing to mitigate housing shortages and facilitate the recovery of urban housing stock.

### Issues



Urgent shelter needs, restitution of housing for returnees, secondary occupation, housing reconstruction and restoration, inflated rental markets, housing in informal settlements.

### Risk



Housing shortages result in prolonged displacement and homelessness while discriminatory housing allocation and reconstruction permitting can reignite social unrest.

Housing law and policy are central to post-conflict urban recovery, as they directly shape how cities respond to mass displacement, housing destruction, and the urgent need to restore safe and dignified living conditions. Violent conflict often results in widespread damage to housing stock, the occupation of homes by secondary occupants, severe shortages of affordable rental housing, and the proliferation of informal shelter solutions. In the immediate aftermath of conflict, legal frameworks must therefore regulate emergency shelter provision, housing allocation, reconstruction, and rental markets in ways that stabilize living conditions while preventing new forms of exclusion or insecurity. Housing law applied during early recovery is not merely a technical instrument; it is a core mechanism for protecting the right to adequate housing and for restoring public confidence in state institutions responsible for managing scarce and contested urban resources.

A central role of post-conflict housing law is to mitigate housing shortages while enabling pathways from emergency shelter to durable housing solutions. Legal frameworks should allow for the rapid establishment of temporary shelters, collective centres, and emergency public housing allocations, while explicitly linking these measures to longer-term strategies for housing reconstruction, restitution, informal settlement upgrading, and local integration or return. At the same time, housing law must regulate reconstruction permitting, debris clearance, and housing assistance schemes to ensure that recovery interventions do not legitimize conflict-era dispossession or entrench tenure insecurity. Clear, rights-based approaches to resolving secondary occupation, combined with safeguards against forced eviction and homelessness, are essential to balancing the rights of returnees, secondary occupants, and host communities in a manner that supports social stability.

Post-conflict housing systems are also highly vulnerable to inequality, speculation, and abuse. Inflated rental markets, discriminatory allocation practices, and corruption within reconstruction programs can deepen marginalization and reignite grievances if left unchecked. Housing law must therefore incorporate strong protections for inclusion and non-discrimination, ensuring equal access to shelter, housing assistance, and reconstruction support for women, displaced persons, ethnic and religious minorities, and other vulnerable groups. Regulatory tools such as temporary rental controls, social housing schemes, and targeted housing subsidies can help stabilize markets and protect low-income households during periods of acute shortage, while oversight and grievance mechanisms are critical to preventing fraud and elite capture.

Finally, effective housing recovery depends on meaningful participation and adherence to minimum adequacy standards. Legal and policy frameworks should require community engagement in the design and implementation of housing programs, establish clear eligibility and appeal procedures, and mandate monitoring to ensure that emergency and transitional housing meets standards of safety, habitability, accessibility, and cultural appropriateness. By embedding these principles into post-conflict housing law, authorities can reduce the risk of prolonged displacement and homelessness, prevent discriminatory or destabilizing housing outcomes, and ensure that urban recovery contributes to equitable reconstruction, social cohesion, and the progressive realization of the right to adequate housing for all segments of the population.

### Box 7. Summary of key recommendations on housing law

1. **Guarantee inclusion and non-discrimination** in housing law and policy, ensuring equal access to shelter, housing assistance, and reconstruction support for women, ethnic and religious minorities, displaced persons, and other marginalized groups.
2. **Apply conflict-sensitive eviction safeguards** in line with international human rights law, including consultation, adequate notice, access to legal remedies, and the provision of alternative accommodation where eviction is unavoidable.
3. **Establish legal frameworks for emergency housing**, covering temporary shelters, collective centres, and public allocations, with safeguards against tenure insecurity, arbitrary eviction, and prolonged encampment.
4. Link emergency shelter responses **to durable housing solutions**, embedding temporary arrangements within longer-term strategies for reconstruction, restitution, informal settlement upgrading, and return.
5. **Set and enforce minimum housing adequacy standards**, including safety, habitability, accessibility, and cultural appropriateness, with monitoring mechanisms to prevent substandard emergency housing from becoming permanent.
6. **Streamline reconstruction permitting with HLP safeguards**, balancing due diligence with simplified procedures to avoid delays and informal rebuilding.
7. **Integrate informal settlements into housing recovery**, prioritizing upgrading and formalization where feasible ensuring adequate alternatives where relocation is necessary.
8. **Provide social and affordable housing options** for returnees and vulnerable households through transparent eligibility, subsidies, rental assistance, and accessible housing finance.
9. Use **rental regulation measures** to prevent exploitative rent increases and evictions, particularly in contexts of mass displacement, return, and housing shortages, while avoiding market distortions that could reduce supply. Legal interventions can also include temporary resale moratoriums or restrictions on property transfers en masse to curb predatory real estate speculation.
10. **Ensure accountability and participation in housing recovery**, through anti-corruption safeguards, grievance mechanisms, and meaningful community engagement in decision-making.

## 5.1. Guarantee inclusion and non-discrimination in post-conflict housing law and policy

**Guarantee inclusion and non-discrimination in housing law and policy, ensuring equal access to shelter, housing assistance, and reconstruction support for women, minorities, displaced persons, and other marginalized groups.**

Post-conflict housing law and policy must explicitly embed principles of inclusion and non-discrimination to address the structural inequalities exacerbated by conflict and displacement. Legal frameworks should guarantee equal access to shelter, housing assistance, and reconstruction support regardless of gender, ethnicity, religion, displacement status, disability, or socio-economic background. This requires the removal of discriminatory eligibility criteria, documentation requirements, or inheritance and marital property rules that systematically exclude women, minorities, or displaced persons from housing programs. Inclusion must be treated not as a discretionary policy objective, but as a binding legal obligation guiding the design, implementation, and oversight of all housing interventions during early recovery.

Beyond formal equality, housing law must incorporate targeted measures to address substantive disadvantage. Women-

headed households, returnees lacking documentation, minority groups residing in informal or contested areas, and displaced persons living outside camps often face heightened barriers to accessing housing assistance. Legal and policy instruments should therefore mandate proactive outreach, simplified administrative procedures, and affirmative measures to ensure these groups can effectively claim housing support. By embedding non-discrimination standards into housing legislation, allocation rules, and monitoring mechanisms, post-conflict governments can reduce exclusion, rebuild trust in public institutions, and support recovery processes that contribute to social cohesion and durable peace.

## 5.2. Apply conflict-sensitive eviction procedures

**Apply conflict-sensitive eviction safeguards in line with international human rights law, including consultation, adequate notice, access to legal remedies, and the provision of alternative accommodation where eviction is unavoidable.**

In post-conflict settings, eviction practices carry heightened risks of renewed displacement, social unrest, and violations of HLP rights. Housing laws and regulations must therefore strictly regulate evictions, ensuring that they are used only as a measure of last resort and conducted in

full compliance with international human rights standards. Conflict-sensitive eviction frameworks should require meaningful consultation with affected households, adequate advance notice, access to independent legal remedies, and clear procedural safeguards to prevent arbitrary or collective removals. Evictions carried out without due process can legitimize conflict-era dispossession and undermine broader recovery efforts.

Adopting a coherent approach to addressing secondary occupation is highly relevant in this respect. Secondary occupation of housing and land, where properties are occupied by persons other than their original owners or right holders, is a widespread and sensitive issue in post-conflict contexts. Housing law and policy must address this reality through clear, rights-based frameworks that avoid mass evictions and recognize the legitimate vulnerabilities of both original owners and secondary occupants. Blanket or punitive approaches risk triggering humanitarian crises, renewed displacement, and social tensions. Instead,

legal frameworks should clearly define secondary occupation scenarios, establish transparent procedures for claims and counterclaims, and link resolution processes to restitution, compensation, or alternative housing options.

Where evictions are unavoidable, whether due to restitution decisions or other reasons such as safety risks, public infrastructure needs, or restitution decisions, legal frameworks must require the provision of adequate alternative accommodation and protection against homelessness. Extended notice delays may be necessary to ensure that the impacted persons can find access to alternative housing. Special attention should be given to displaced persons, women, children, older persons, and persons with disabilities, who are disproportionately harmed by forced evictions. By codifying strict procedural requirements and oversight mechanisms, post-conflict housing law can ensure that necessary urban recovery interventions do not generate new human rights violations or perpetuate cycles of displacement and insecurity.



Parliament, Bogotá, Colombia © Gustavo Solmott/ Pexels

#### Case Study 14. Colombia Constitutional Court Decision T-025 on the Protection of IDPs

Colombia's Constitutional Court Decision T-025 of 2004 is a landmark case addressing the protection of internally displaced persons (IDPs) in situations of armed conflict. The Court recognized that the State was failing to uphold fundamental rights, including the rights to housing, food, health, education, and personal security, for people forcibly displaced by violence. Legally, the Court framed displacement as a structural problem requiring systemic remedies, not merely isolated administrative fixes. It held that failure to provide protection and assistance, violated constitutional guarantees of equality, human dignity, and social rights.

The decision mandated the development of legal and administrative frameworks to ensure that evictions or relocations were conflict sensitive. It required authorities to ensure immediate access to emergency shelter and basic services; protect land and property rights of displaced persons wherever possible; coordinate efforts across institutions; and create mechanisms for accountability when responsibilities were not fulfilled. Legally, the Court emphasized that displaced persons are rights holders, not beneficiaries of discretionary aid, and that all State actions must comply with constitutional obligations. This shifted the legal perspective from reactive assistance to proactive protection under the law.

T-025 also introduced procedural innovations to strengthen the rule of law in displacement contexts.

It ordered simplified registration procedures for IDPs to access their rights, the creation of monitoring mechanisms to evaluate compliance, and mandatory reporting to the Court. These measures recognized the legal principle that timely and enforceable access to rights is critical to prevent the exacerbation of vulnerabilities caused by conflict. The Court's injunctions effectively created a legal blueprint for conflict sensitive eviction and relocation procedures.

**Source :** [Constitutional Court of Colombia, Decision T 025 of 2004.](#)

### 5.3. Establish legal frameworks with safeguards to meet urgent shelter needs

**Adopt rights-based approaches to secondary occupation, linking solutions to restitution processes and alternative housing, and avoiding mass or arbitrary evictions.**

In the immediate aftermath of conflict, legal frameworks governing shelter provision play a critical role in stabilizing displaced and conflict-affected populations while preventing the emergence of new protection risks. Emergency shelter responses, such as temporary shelters, collective centres, or the short-term allocation of public buildings and housing, should be grounded in clear legal mandates that define eligibility, duration, management responsibilities, and residents' rights. Without such frameworks, emergency shelter arrangements can expose occupants to arbitrary eviction, exploitation, or indefinite

displacement, particularly where sites are administered through *ad hoc* or discretionary arrangements. Explicit safeguards are therefore required to ensure that occupancy is legally recognized, protected from forced eviction without due process, and not used to undermine future restitution or tenure claims.

At the same time, law regulating emergency shelter provision must avoid institutionalizing encampment or segregation as a default response to displacement. Legal provisions should establish review mechanisms, and clear pathways for transition, while prohibiting the use of temporary shelter status as a justification for denying access to services, livelihoods, or legal remedies.

By clarifying that emergency shelter does not extinguish pre-existing housing, land or property rights, and by embedding oversight and grievance mechanisms, governments can meet urgent humanitarian needs while maintaining alignment with longer-term recovery objectives and human rights obligations.

## 5.4. Frame emergency shelter responses within a longer-term housing strategy

**Link emergency shelter responses to durable housing solutions, embedding temporary arrangements within longer-term strategies for reconstruction, restitution, informal settlement upgrading, and return.**

Emergency shelter interventions are most effective when they are legally and institutionally embedded within a broader housing recovery strategy rather than treated as stand-alone humanitarian measures. Housing law and policy should require that temporary shelter programs are explicitly linked to longer-term pathways, including housing reconstruction, restitution of occupied or damaged property, upgrading of informal settlements, and options for local integration, return, or resettlement. This strategic framing helps ensure coherence between short-term protection measures and longer-term housing, land and property outcomes, reducing the risk that temporary solutions become *de facto* permanent or undermine durable solutions.

Embedding emergency shelter within a longer-term housing framework also improves coordination across humanitarian, development and peacebuilding actors.

Legal requirements for transition planning, data sharing, and alignment with land administration and spatial planning systems enable authorities to track displacement trajectories and progressively move households toward stable housing solutions. By clearly situating emergency shelter within a continuum of housing responses, post-conflict states can avoid policy fragmentation, manage expectations among affected populations, and reinforce trust in public institutions responsible for recovery.

## 5.5. Ensure all post-conflict housing assistance meets minimum adequacy standards

**Set and enforce minimum housing adequacy standards, including safety, habitability, accessibility, and cultural appropriateness, with monitoring mechanisms to prevent substandard emergency housing from becoming permanent.**

Minimum adequacy standards are essential to ensure that emergency and early recovery housing assistance upholds the right to adequate housing, rather than merely providing physical shelter. Legal and policy frameworks should require that all housing assistance, whether temporary shelters, transitional housing, or early reconstruction, meet baseline standards for structural safety,

habitability, access to basic services, physical accessibility, and cultural appropriateness. In post-conflict contexts, where speed and resource constraints often drive decision-making, the absence of enforceable standards can result in unsafe, overcrowded, or socially inappropriate housing that exacerbates vulnerability and undermines recovery.

Monitoring and enforcement mechanisms are equally important to ensure that emergency housing does not become entrenched as substandard permanent accommodation. Laws should mandate regular inspections, time-bound reviews, and clear criteria for upgrading, replacement, or decommissioning of temporary housing.

By linking compliance with adequacy standards to funding, permits, and occupancy approvals, authorities can incentivize quality and accountability. Such measures help protect dignity, health, and security in the short term, while ensuring that early recovery housing interventions support, rather than obstruct, the transition to durable and rights-compliant housing solutions.

## 5.6. Establish secure and streamlined procedures for issuing reconstruction permits

**Streamline reconstruction permitting with HLP safeguards, balancing due diligence with simplified procedures to avoid delays and informal rebuilding.**

In post-conflict environments, housing reconstruction permit regimes often become a major bottleneck due to destroyed records, institutional fragmentation, and heightened contestation over land rights. Yet these permits are a central legal instrument for restoring safety, order, and legitimacy in the rebuilding process. Post-conflict legal frameworks should therefore establish simplified, time-bound, and clearly sequenced reconstruction permit procedures that are explicitly adapted to early recovery conditions. Proportionate HLP due diligence should be embedded into these procedures, focusing on verifying basic occupancy or use rights, displacement status, and the absence of unresolved competing claims, rather than requiring full formal title as a precondition for rebuilding. This approach helps prevent the entrenchment of conflict-era dispossession, speculative reconstruction, or the consolidation of fraudulent claims, while ensuring that displaced and documentation-poor households are not excluded from recovery assistance.

Moreover, reconstruction permit systems need to operate effectively in contexts of limited capacity and urgency. Overly rigid requirements, ambiguous mandates among planning, land, and building authorities, or extended approval timelines can drive households to rebuild informally, increasing their risk of future eviction, demolition, or exclusion from essential services. Legal provisions should therefore mandate coordination between land administration, spatial planning, and building control authorities, introduce standardized application forms and evidentiary thresholds, and allow for provisional or conditional permits where tenure verification is ongoing. By combining legal certainty, administrative efficiency, and targeted HLP safeguards, streamlined reconstruction permitting can support safe rebuilding at scale, reduce disputes, and reinforce public confidence in state-led recovery processes.

### 5.7. Include informal settlements in housing recovery and reconstruction strategies

**Integrate informal settlements into housing recovery, prioritizing upgrading and formalization where feasible, ensuring adequate alternatives where relocation is necessary.**

Informal settlements are often among the areas most affected by conflict-related destruction, displacement, and service collapse, yet they are frequently excluded from formal housing recovery programs due to their perceived illegality or planning non-compliance. In post-conflict contexts, such exclusion risks perpetuating structural inequality, reinforcing tenure insecurity, and triggering secondary displacement through clearance or redevelopment initiatives. Legal and policy frameworks for housing recovery should therefore explicitly recognize informal settlements as legitimate targets of recovery assistance, emphasizing in situ upgrading, infrastructure provision, and progressive tenure formalization wherever safety and environmental conditions permit. This rights-based approach aligns recovery interventions with actual settlement patterns and helps transform informality from a source of vulnerability into an entry point for equitable urban recovery.

Where upgrading or formalization is not feasible due to factors such as severe environmental risk, explosive remnants of war, or essential public infrastructure needs, relocation must be governed by clear legal standards. Laws and policies should require genuine consultation, transparent justification, and the provision of adequate alternative housing that meets minimum adequacy standards and preserves access to livelihoods, education, and services. Relocation should be treated as a last resort

rather than a default response to informality. Embedding these safeguards within housing recovery and reconstruction schemes helps ensure that interventions in informal

settlements contribute to stabilization and social cohesion, rather than reproducing patterns of dispossession that can undermine post-conflict peacebuilding.



A view of Kosovo's capital Pristina Kosovo © Mario Heller/ Pexels

### Case Study 15. Zatra Informal Settlement in Kosovo Housing Recovery

After the conflict in Kosovo, many residents of Peja lived in informal settlements, including Zatra, without legal recognition of their homes or plots. This lack of formal status meant that reconstruction programs and municipal investments could not reach them under existing law, leaving households excluded from services and legal protections. Recognising this gap, the Municipal Development Plan (MDP) and the Urban Regulatory Plan (URP) for Zatra, approved by the Peja Municipal Assembly in 2010, legally integrated the settlement into the city's planning framework. This gave residents a legal basis for service provision and housing recovery, ensuring their homes were included in reconstruction schemes rather than being treated as illegal structures.

The URP for Zatra provided clear legal rules for land use, plot division, and infrastructure development, creating a lawful foundation for extending roads, water, electricity, and public spaces. By formalising the settlement under municipal planning law, authorities could legally direct investments and improvements to households that were previously excluded from reconstruction schemes. Importantly, this approach respected the rights of residents, providing a legal pathway for secure tenure and reducing the risk of eviction while enabling reconstruction support.

The participatory process mandated by the Law on Spatial Planning (Law No. 04/L-174) and MDP ensured residents were consulted and their housing needs were incorporated into the URP. Legal recognition of Zatra through planning legislation not only enabled infrastructure and reconstruction projects but also strengthened tenure security and reinforced municipal authority to manage and invest in informal settlements. This demonstrates how law can make informal settlements part of formal recovery and reconstruction, ensuring that post-conflict housing programs reach those who are often most vulnerable.

**Source :** Sources: UN-Habitat Kosovo (2014), [Evaluation of MuSPP Phase 3: Decentralized Evaluation](#); UN Habitat Kosovo. (n.d.), [Municipal Spatial Planning Support Programme: Zatra Green Boulevard and planning context for Pejë/Peć \(4CIPs\\_933745](#); Boussauw, Kobe (2012). ["Challenges, threats and opportunities in post-conflict urban development in Kosovo"](#), Habitat International; Republic of Kosovo (2013), [Law No. 04/L174 on Spatial Planning](#) [Official Gazette of the Republic of Kosovo, 30/2013].

## 5.8. Establish social housing schemes for returnees and vulnerable households

**Provide social options for returnees and vulnerable households through transparent eligibility, subsidies, rental assistance, and accessible housing finance.**

Social housing is a critical tool for addressing acute housing needs among returnees, internally displaced persons, female-headed households, elderly persons, and others who have lost access to housing as a direct or indirect result of conflict. In post-conflict early recovery, legal frameworks should provide a clear mandate for the establishment or expansion of social housing schemes,

defining their objectives, governance structures, funding mechanisms, and relationship to restitution and reconstruction programs.

Transparent and objective eligibility criteria, based on displacement status, vulnerability, and housing need, are essential to prevent politicization, discrimination, or elite capture, which can rapidly erode trust in public institutions during fragile recovery periods.

While the construction of permanent new housing typically has a long-term horizon, shorter- and medium-term measures, such as rent subsidies, expanded access to housing loans, incremental or core housing programs, and rehabilitation of existing structures, can provide faster, more resource-efficient support to households in immediate need. For social housing to contribute to durable recovery rather than long-term dependency

or spatial segregation, it must be embedded within broader urban development and spatial planning strategies. Legal provisions should promote the integration of social housing into well-connected urban areas with access to infrastructure, services, and livelihoods, rather than relegating vulnerable populations to peripheral or isolated locations.

Coordination with municipal planning authorities, land administration systems, and housing finance mechanisms helps ensure that social housing investments support inclusive urban growth and long-term tenure security. When designed and governed effectively, social housing schemes can serve not only as a safety net for those most affected by conflict, but also as a cornerstone of equitable urban reconstruction and social stabilization.

## 5.9. Promote affordable housing options

**Promote affordable housing options during early recovery, including targeted subsidies, rental assistance, and accessible housing finance mechanisms for low-income and vulnerable groups.**

In the aftermath of conflict, housing markets are typically characterized by acute supply shortages, damaged housing stock, disrupted livelihoods, and sudden shifts in demand driven by returnees, secondary displacement, and urban in-migration. Without deliberate

legal and policy intervention, these dynamics can rapidly price low-income households and displaced populations out of the market, deepening inequality and prolonging housing insecurity. Post-conflict housing law and policy should therefore prioritize the promotion of affordable housing options as a core early recovery objective.

This includes establishing targeted housing subsidies, rental assistance schemes, and time-bound support mechanisms for households that lack the resources to access safe and adequate housing through market channels. Eligibility criteria should be transparent, vulnerability-based, and coordinated with displacement and social protection systems to ensure assistance reaches those most in need.

Beyond direct subsidies, legal frameworks should enable accessible and conflict-sensitive housing finance mechanisms that respond to the realities of post-conflict economies. This may include microfinance for incremental housing repair, guarantees or blended finance instruments to reduce lending risks, and simplified requirements that accommodate households without formal income documentation or title.

Importantly, affordable housing interventions should be aligned with spatial planning and land administration reforms to avoid reinforcing informal or unsafe settlement patterns. By supporting affordability through a mix of fiscal, regulatory, and financial tools, early recovery housing policies can stabilize

urban populations, reduce pressure on informal settlements, and create pathways toward longer-term tenure security and self-reliance.



Marawi City, Philippines © Patrickroque/ Pexels

### Case Study 16. Rebuilding Homes for IDPs Following Urban Conflict in Marawi City, the Philippines

In 2017, Marawi City, Philippines experienced an armed conflict that destroyed extensive parts of the urban area. Entire neighbourhoods became uninhabitable, and thousands of residents were forced to leave their homes. The conflict resulted in the demolition of homes and community structures, leaving families without shelter, secure land tenure, or means of livelihood.

To address this, the Philippine national government, local authorities, and UN-Habitat implemented a post-conflict housing recovery programme. By May 2022, the programme had delivered 1,000 permanent houses to internally displaced families. The houses were financed by the Government of Japan and built on land provided by the Social Housing Finance Corporation and the National Housing Authority. They replaced tents, temporary shelters, and rental accommodations that families had relied upon for years.

The project adopted a community-driven approach known as the People's Process. This included participatory resettlement planning and culturally sensitive house designs. The public were trained and engaged in masonry and construction work. The programme provided concrete livelihood support, including skills training, enterprise development,

agribusiness initiatives, and employment generation, benefiting 4,000 families. Homeowners' associations were established and trained in financial, estate, and project management.

The initiative demonstrates how principles typically embedded in housing law, including secure tenure, adequate and habitable housing, equitable allocation, and participatory governance, can be applied in practice to support displaced families in post-conflict recovery. It addressed immediate shelter needs while safeguarding housing, land, and property rights, facilitating durable solutions for displaced families.

However, some challenges remained. Many beneficiaries had previously lived in areas now designated as no-dwelling zones or government easements along rivers. Reconstruction therefore involved not only rebuilding homes, but also securing land titles, clarifying allocations, and ensuring transparent processes. Long-term reintegration and community cohesion remained necessary for sustained recovery, even with permanent housing and livelihood programmes in place.

In 2022, the Marawi Siege Victims Compensation Act (Republic Act No. 11696 of 2022) was issued to provide financial aid and reparations for victims of the 2017 Marawi Siege. It created the Marawi Compensation Board (MCB) to process claims for lost properties (residential, commercial, cultural), aiming to help residents recover through property compensation, tax-free payments, and livelihood support. This legal measure further supports housing reconstruction in Marawi, ensuring the larger population can have the means to independently conduct repairs and reconstruction.

The Marawi experience illustrates that post-conflict housing law and programmes must extend beyond construction. They require secure land allocation, tenure protection, participation of affected communities, and integration with urban planning. Properly implemented, such initiatives can restore stability, dignity, and hope for conflict-affected populations.

**Source:** UN-Habitat Philippines. (2022). [Marawi City conflict overview and displacement impacts](#); UN-Habitat Philippines. (2023). [Rebuilding Marawi: Accomplishment Brochure](#). UN-Habitat Philippines. (2022, May 16). [UN-Habitat wraps up project in Marawi with total 1,000 permanent houses awarded to IDPs](#).

## 5.10. Use rental regulations to prevent exploitative rent increases and evictions

**Use rental regulation measures to prevent exploitative rent increases and evictions, particularly in contexts of mass displacement, return, and housing shortages, while avoiding market distortions that could reduce supply.**

Rental housing often becomes the primary housing solution in post-conflict cities, especially for displaced households, returnees awaiting restitution, and families rebuilding incrementally. However, sudden increases in demand combined with limited supply frequently led to sharp rent hikes, informal eviction practices, and exploitative landlord-tenant relationships. Legal frameworks for early recovery should therefore introduce targeted rental regulation measures aimed at preventing abuse while maintaining basic market functionality. These may include temporary caps on rent increases, minimum notice periods for eviction, standardized lease requirements, and prohibitions on discriminatory rental practices against displaced or minority households.

Such measures help protect vulnerable tenants during periods of instability and prevent secondary displacement driven by market pressures. Legal interventions can also include temporary resale moratoriums or restrictions on large-scale property transfers to curb predatory real estate speculation. Such measures help stabilise housing markets, protect vulnerable households, and support equitable post-conflict recovery. At the same time, rental regulation must be carefully calibrated to avoid discouraging landlords from maintaining or offering rental units, which could further constrain supply. Post-conflict policies should favour time-bound, geographically targeted, and reviewable regulatory interventions rather than rigid, indefinite controls. Complementary measures, such as incentives for landlords to rehabilitate damaged units, tax relief linked to compliance with tenant protections, or mediation mechanisms for resolving rental disputes, can help balance tenant protection with market viability. When embedded within a broader housing recovery strategy, proportionate rental regulation can stabilize housing access during early recovery while laying the groundwork for a more equitable and functional rental market as conditions normalize.



A view of Zadar's Old Town and the Adriatic Sea, Croatia © Linda Gerbec/ Unsplash

### Case Study 17. Using Rental Law to Protect Tenants - Croatia's Apartment Lease Act of 1996

After the war in Croatia (1991–1995), many returned to cities and towns to find housing in short supply and rental markets disrupted. Some apartments were destroyed, others were occupied by displaced families, and landlords in the private rental market could have exploited the situation by increasing rents unfairly or evicting tenants without notice. To address these challenges, Croatia introduced the Apartment Lease Act of 1996, which set out clear legal rules on how apartments could be rented, how rent could be adjusted, and under what conditions tenants could be evicted. This law gave both landlords and tenants legal certainty and provided a framework for fair housing practices during a critical period of post-conflict recovery.

The Act differentiates between protected tenants and other renters, placing limits on allowable rent increases. Protected tenants, typically long-term residents or vulnerable households, were entitled to fixed rents or gradual, regulated adjustments, preventing landlords from imposing excessive or exploitative charges. The law also required formal notice periods and legal grounds for eviction, ensuring that tenants could not be evicted arbitrarily. This legal protection was particularly important for families returning after displacement, as it prevented sudden homelessness and gave them time to secure alternative housing if needed.

By establishing clear rules for rent adjustments and eviction procedures, the law supported early recovery in the housing sector. Municipalities and courts were empowered to monitor rental agreements, resolve disputes, and enforce the law, creating predictability in urban housing markets. Vulnerable populations, including war returnees, were able to maintain stable homes, which helped communities recover socially and economically. The Act effectively balanced the rights of landlords to receive fair rent with the rights of tenants to security and affordability.

**Source :** Human Rights Watch (2003), [Broken promises: Impediments to refugee return - Tenancy rights in Croatia](#); Croatian Parliament (1996), [Apartment Lease Act \(Zakon o najmu stanova\)](#).

### 5.11. Ensure accountability and participation in housing recovery programs

**Ensure accountability and participation in housing recovery, through anti-corruption safeguards, grievance mechanisms, and meaningful community engagement in decision-making.**

Housing recovery programs in post-conflict settings often involve substantial financial resources, compressed timelines, and weakened institutional oversight, creating fertile conditions for corruption, elite capture, and fraudulent practices. Legal and policy frameworks governing housing assistance should therefore embed robust anti-corruption safeguards from the outset. Clear and publicly accessible eligibility criteria for reconstruction grants, rental assistance, and social housing allocations are essential

to limit discretion and prevent favouritism. These criteria should be grounded in objective vulnerability and damage assessments, consistently applied across locations, and accompanied by transparent procedures for beneficiary selection and verification.

Oversight and accountability mechanisms are equally critical to ensuring integrity throughout program implementation. Housing recovery frameworks should mandate independent audits, regular public reporting on allocations and expenditures, and the separation of decision-making, implementation, and monitoring functions wherever possible. In parallel, accessible grievance and appeal procedures must be established to allow households to contest exclusion, report abuse, or challenge decisions affecting their housing rights. Such mechanisms should be simple, locally available, and safe to use, particularly for displaced persons and marginalized groups who may fear retaliation.

By institutionalizing transparency, oversight, and remedies, post-conflict housing programs can reduce corruption risks, strengthen public trust, and ensure that recovery assistance contributes to equitable stabilization rather than renewed grievance.

Meaningful community participation is a cornerstone of effective and legitimate housing recovery in post-conflict contexts, where trust in public institutions is often low and externally driven interventions have historically failed to reflect local realities. Legal and policy frameworks should therefore require participatory processes at each stage of housing recovery, from program design to implementation and monitoring. This includes engaging affected communities in defining reconstruction standards, identifying culturally appropriate housing models, and shaping allocation criteria that reflect household composition, tenure histories, and livelihood needs. Participation should be inclusive, ensuring the representation of women, displaced persons, tenants, persons with disabilities, and minority groups whose housing needs are frequently overlooked.

Beyond consultation, participatory approaches should enable communities to influence concrete decisions at the neighbourhood level, such as layout, service provision, phasing of reconstruction, and mechanisms for resolving disputes. Tools such as community planning workshops, beneficiary committees, and participatory monitoring can help translate local knowledge into practical solutions while increasing accountability.

When embedded in formal procedures rather than treated as ad hoc engagement, meaningful participation strengthens the legitimacy of housing interventions and reduces the risk of resistance, exclusion, or informal rebuilding. Ultimately, participatory housing recovery not only improves technical outcomes but also contributes to social cohesion and the restoration of the social contract in post-conflict cities.

## 6. CONCLUSION

The protection of housing, land, and property rights is a cornerstone of inclusive, resilient, and conflict-sensitive urban recovery. Urban law is not merely a regulatory instrument but a central enabler of people-centred recovery, supporting the transition from humanitarian response towards sustainable urban development and peace. In post-conflict cities, where displacement, informality, tenure insecurity, and institutional fragility

converge, urban legal frameworks play a decisive role in determining whether recovery processes advance equity and social cohesion or reproduce exclusion and instability. As shown in the figure below, urban law can be utilised across overlapping thematic issues to promote early recovery outcomes that protect all people’s housing, land and property rights following conflict.

**Table 2. Matrix of early recovery outcomes supported by urban law**

Source : Author

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Outcome 1: Restored legitimacy and functionality of urban institutions</b></p> <ul style="list-style-type: none"><li>» Re-establishes municipal authorities with clear mandates, oversight, and inclusive governance arrangements that rebuild trust in public institutions (urban governance).</li><li>» Anchors reconstruction in transparent, participatory, and city-wide spatial strategies that demonstrate accountable decision-making (spatial planning).</li><li>» Restores land administration services and legal frameworks, including registries and dispute resolution systems, as visible expressions of the rule of law (land administration).</li><li>» Ensures transparent and equitable housing allocation and assistance systems with accessible grievance mechanisms (housing).</li></ul> |
| <p><b>Outcome 2: Inclusive, non-discriminatory access to land and housing</b></p> <ul style="list-style-type: none"><li>» Institutionalizes inclusive decision-making and representation of displaced and marginalized groups in recovery governance (urban governance).</li><li>» Integrates informal settlements and displacement-affected areas into planning frameworks using rights-based criteria (spatial planning).</li><li>» Removes discriminatory land laws and introduces gender-responsive and flexible evidentiary standards (land administration).</li><li>» Establishes vulnerability-based eligibility and equal access to housing assistance, reconstruction, and finance (housing).</li></ul>                                                                                                    |

**Outcome 3: Stabilized tenure and prevention of displacement and land grabbing**

- » Introduces oversight, anti-corruption measures, and coordinated enforcement to prevent elite capture of land and housing (urban governance).
- » Prohibits forced evictions and applies area-based planning approaches to minimize displacement (spatial planning).
- » Implements emergency measures such as transaction controls and interim documentation to stabilize tenure (land administration).
- » Applies eviction safeguards, regulates rental markets, and provides protected emergency housing (housing).

**Outcome 4: Operational and accessible systems for HLP adjudication and restitution**

- » Establishes coordination and grievance mechanisms linking local authorities with national restitution and dispute resolution bodies (urban governance).
- » Aligns planning decisions with restitution outcomes and integrates safeguards in redevelopment processes (spatial planning).
- » Defines standardized adjudication procedures, evidentiary hierarchies, and supports specialized and alternative dispute resolution mechanisms (land administration).
- » Links housing assistance and reconstruction to verified claims while avoiding interference with unresolved property rights (housing).

**Outcome 5: Fit-for-purpose land information and planning systems supporting recovery**

- » Mandates coordination and data-sharing across institutions managing land, housing, and planning systems (urban governance).
- » Requires urban profiling and iterative, data-driven planning approaches using geospatial and risk-informed tools (spatial planning).
- » Reconstructs and digitizes land records using fit-for-purpose, flexible, and upgradable land information systems (land administration).
- » Uses integrated land and housing data to target assistance, guide reconstruction, and support permitting processes (housing).

### **Outcome 6: Coordinated, participatory, and conflict-sensitive recovery planning**

- » Establishes multi-level, multi-stakeholder coordination bodies and participatory governance mechanisms (urban governance).
- » Institutionalizes participatory and iterative planning processes, including community mapping and consultations (spatial planning).
- » Incorporates community validation and local knowledge into adjudication and land record reconstruction (land administration).
- » Engages affected populations in housing design, allocation, and reconstruction decision-making (housing).

### **Outcome 7: Accelerated yet controlled housing and infrastructure recovery**

- » Streamlines administrative procedures and mobilizes resources while maintaining oversight and accountability (urban governance).
- » Applies flexible and phased planning tools to guide reconstruction and prioritize infrastructure restoration (spatial planning).
- » Enables rapid adjudication and interim tenure recognition to support reconstruction activities (land administration).
- » Simplifies reconstruction permitting and supports self-recovery and housing finance while maintaining minimum standards (housing).

### **Outcome 8: Transparent, accountable, and financially sustainable urban recovery systems**

- » Embeds anti-corruption safeguards, audits, and transparent municipal finance systems for reconstruction (urban governance).
- » Introduces land-based financing tools and ensures transparency in land use planning and development decisions (spatial planning).
- » Strengthens transparency and monitoring of land transactions and registry operations to prevent fraud (land administration).
- » Regulates housing markets and ensures transparent allocation of housing assistance and social housing programmes (housing).

As evidenced above, post-conflict early recovery requires legal systems that are flexible, incremental, and responsive to complex tenure realities. Rigid application of pre-conflict planning standards, cadastral requirements, or housing regulations risks legitimizing dispossession and triggering forced evictions.

Conversely, adaptive legal measures such as interim land documentation, participatory planning tools, phased spatial strategies, and simplified administrative procedures allow authorities to stabilize tenure, manage rapid urban change, and progressively strengthen land governance as institutional capacity is rebuilt.

UN-Habitat's normative guidance on inclusive urbanization underscores the importance of municipalities as frontline actors in recovery. Local authorities are not only service providers but also custodians of urban land governance, responsible for coordinating spatial planning, land administration, housing recovery, and dispute resolution at the scale where impacts are most immediate. Empowering municipalities through clear legal mandates, coordination mechanisms, and accountability safeguards is essential to operationalizing national recovery policies and ensuring that HLP rights are respected in practice. Vertical and horizontal coordination across levels of government and between sectors is therefore a legal and institutional prerequisite for coherent recovery.

A recurring theme across the analysis is the need to balance urgency with rights protection. Early recovery demands rapid action to clear debris, restore services, issue permits, and provide shelter; however, speed must not override due process, non-discrimination, or participation.

Legal frameworks that embed safeguards, such as moratoria on forced evictions, HLP due diligence requirements, transparent eligibility criteria, and accessible grievance mechanisms, help ensure that accelerated recovery does not entrench new vulnerabilities or grievances.

As this publication has demonstrated, HLP-sensitive urban law contributes directly to the humanitarian–development–peace nexus. By embedding human rights, social equity, and conflict sensitivity into urban governance, spatial planning, land administration, and housing regulation, post-conflict states can transform early recovery from a short-term stabilization exercise into a foundation for inclusive urban development. In line with UN-Habitat's vision of cities as engines of recovery and peace, the legal approaches outlined provide practical pathways for rebuilding urban systems that are not only functional, but fair, resilient, and responsive to the needs of all urban residents. The table below summarizes the cross-cutting key messages for policymakers, legislators and other stakeholders in integrating HLP considerations into urban law during early recovery.

**Table 3. Cross-cutting key messages for HLP-sensitive urban law in early recovery**

Source: Author

|                                                      |                                                                                                                                                                                                            |
|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. People-centred and inclusive recovery</b>      | Anchor urban legal frameworks in the protection of people, prioritizing the HLP rights of displaced persons, women, informal settlement occupants, and marginalized groups as central recovery objectives. |
| <b>2. Non-discrimination and gender equality</b>     | Repeal discriminatory laws and ensure equal access to land, housing, documentation, and dispute resolution, in line with gender-responsive and inclusive land governance principles.                       |
| <b>3. Fit-for-purpose and incremental approaches</b> | Apply simplified, flexible, and upgradable legal tools that reflect post-conflict realities and support progressive tenure security rather than immediate formalization.                                   |
| <b>4. Continuum of land rights</b>                   | Recognize and protect a range of formal, informal, customary, and temporary tenure arrangements as legitimate bases for recovery and reconstruction.                                                       |
| <b>5. Conflict sensitivity and do-no-harm</b>        | Design urban legal measures that explicitly mitigate displacement risks, avoid forced evictions, and prevent the legitimization of conflict-related dispossession.                                         |
| <b>6. Safeguards and accountability</b>              | Embed legal safeguards, oversight mechanisms, and grievance procedures to prevent land grabbing, corruption, and elite capture during accelerated recovery.                                                |
| <b>7. Local governance and subsidiarity</b>          | Legally empower municipalities to implement recovery measures while ensuring coordination with national authorities and alignment with statutory frameworks.                                               |
| <b>8. Participation and social accountability</b>    | Institutionalize participatory planning, community verification, and public consultation as core components of lawful urban recovery processes.                                                            |
| <b>9. Humanitarian–development–peace nexus</b>       | Frame urban law to bridge immediate humanitarian needs with longer-term development, restitution, and peacebuilding objectives.                                                                            |
| <b>10. Legal adaptability and transition</b>         | Ensure that emergency and interim legal measures are compatible with long-term urban governance systems and can transition into durable statutory arrangements.                                            |

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## 8. TOOLS REFERENCED

Urban Recovery Framework (URF)  
Settlement Profiling Tool  
Urban Profiling Toolbox  
Social Tenure Domain Model (STDM)  
Participatory and Inclusive Land Readjustment (PILaR)  
People's Process  
Master Plan Approach to Settlement Planning

## 9. DOMESTIC LAWS REFERENCED

### **Afghanistan, the Islamic Republic of**

Regulation on Managing the Affairs of Urban Informal Areas (2017)  
Land Management Law (2017)

### **Bosnia and Herzegovina**

General Framework Agreement for Peace in Bosnia and Herzegovina (signed and entered into force 14 December 1995) (1996) 35 ILM 89 (Dayton Agreement)  
Law on Implementation of the Decisions of the Commission for Real Property Claims of Displaced Persons and Refugees (1999)  
Book of Regulations on the Conditions and Decision Making Procedure for Claims for Return of Real Property of Displaced Persons and Refugees (1999)

### **Colombia, the Republic of**

Law No. 9 of 1989 (Urban Reform Law)  
Act No. 388 of 1997 (Territorial Development Law)  
Bogotá District Decree No. 420 of 2014

### **Croatia, the Republic of**

Apartment Lease Act of 1996

### **Georgia, the Republic of**

Housing Code of 1938

**Kenya, the Republic of**

Refugees Act of 2021

**Kosovo, the Republic of**

UNMIK Regulation No. 1999/10

Law No. 04/L174 on Spatial Planning

**Philippines, the Republic of**

Marawi Siege Victims Compensation Act of 2022

**Rwanda, the Republic of**

Law No. 22/99 of 12 November 1999

Constitution of Rwanda of 2003

Organic Land Law of 2005

**Somalia, the Federal Republic of**

Urban Land Management Law of 2020

Urban Regulatory Framework Puntland of 2015

Bossaso Municipality District Development Framework (2023-2027)

Bossaso City Strategy

**Syrian Arab Republic**

Law No. 33 of 2017 on the Reconstitution of Lost or Totally or Partially  
Damaged Real Estate Documents

As global urbanization accelerates, cities are increasingly on the front lines of humanitarian crises and post-conflict recovery, while bearing a growing responsibility to uphold the right to adequate housing. Conflict is now predominantly unfolding in urban settings, as seen in recent crises in Palestine, Syria, Ukraine, and Yemen, where widespread housing destruction and mass displacement have placed large civilian populations at risk of losing their homes, land, and tenure security. Many of the resulting challenges, such as safe return, restitution, adjudication, and dispute resolution, are rooted in pre-existing tenure insecurity linked to weak governance, unplanned urbanization, fragile land administration systems, and inadequate housing laws and policies.

Against this backdrop, urban law plays a critical role in creating the conditions for peace, security, and recovery during emergencies and in post-conflict contexts. As the third publication in the Urban Law and Conflict Series, it examines the role of urban law and policy as critical instruments for respecting, protecting, and fulfilling HLP rights during society's transition from conflict toward lasting peace. Legal frameworks for urban governance, spatial planning, land administration, and housing regulation must strike a careful balance between safeguarding HLP rights and addressing potentially competing urban recovery priorities.



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