

### 3. Legal aid

#### Description

Urban IDPs' tenure is often precarious or unclear. They may not have formally owned their land or homes in their places of origin or they may have lost their personal documents, title deeds or tenancy papers during their flight. They rarely own their homes in their places of refuge and often rent informally or occupy private or public property without authorisation, exposing themselves to the risk of forced eviction.

Without their personal documents, they often struggle to access social services and benefits they would otherwise qualify for, and to exercise their rights in terms of inheritance, restitution, compensation and assistance, resulting in dispossession and long-term impoverishment. Lack of documentation also makes it difficult to enter into legal agreements and constitutes a significant obstacle to the achievement of durable solutions. The fact that IDPs tend to have little access to legal information perpetuates asymmetries between them and their landlords and state agencies, and leads to disenfranchisement and disempowerment.

As such, IDPs need legal support and counselling in a number of areas:

- a. General legal information: awareness of local laws, eligibility requirements for benefits, housing, land and property issues, urban government institutions, domestic and international human rights standards
- b. Awareness of the right to adequate housing and tenure security
- c. Help in obtaining personal documents
- d. Assistance in drafting and entering into written lease agreements
- e. Help with property and inheritance claims in their places of origin
- f. Help with claims for ethnic, racial or religious discrimination
- g. Assistance for women and children to deal with discrimination in terms of their housing, land and property rights
- h. Counselling and arbitration for property and land disputes
- i. Counselling and arbitration when dealing with parallel legal systems, such as formal, informal, religious and local law
- j. Counselling on dispute resolution and legal remedies in cases of forced eviction and housing rights violations

International organisations such as IOM and NRC often provide legal aid on housing, land and property issues to refugees displaced by conflict and disasters. Most countries also have local legal aid organisations and lawyer's associations that provide similar services. Urban IDPs tend to need help with written lease and tenancy agreements, which are key to improving their tenure security.

Humanitarian and development organisations that assist IDPs should also be aware themselves of the complex legal environment in which they operate. This means translating local laws into their operational language and disseminating information to the communities they are working with. They should also be aware of a country's international human rights commitments and how they align or conflict with local and national laws and policies.<sup>1</sup>

#### Case study: Information, counselling and legal assistance (ICLA) programme (NRC)

The general objective of NRC's ICLA programme is to contribute to IDPs' durable solutions by providing them with information, counselling, legal assistance and advocacy, particularly on housing, land and property issues.<sup>2</sup> It includes help with the procurement of personal documentation, clarifying legal status and increasing access to justice through both formal and informal institutions.

The programme - which NRC has implemented in a number of countries to assist both IDPs and refugees, including Afghanistan, Georgia, Jordan, Lebanon and Pakistan - aims to help beneficiaries access mechanisms to claim and exercise their rights as necessary to prevent primary and secondary displacement, notably in the case of forced evictions or displacement caused by development projects when this process is fuelled by conflict; claim and exercise the rights to which they are entitled during displacement; and achieve durable solutions.

In recent years, the organisation has reinforced linkages between its ICLA programme and its shelter activities. In doing so, it seeks to establish a better understanding of national legal frameworks, clarify the tenure status of potential shelter beneficiaries, facilitate their inclusion, and address the fact that shelter and housing assistance tends to favour owners over tenants.

In Jordan, the legal aid has formed part of a package of services and assistance NRC provides to Syrian refugees, including its integrated urban housing programme. Around 620,000<sup>3</sup> Syrians have taken refuge in Jordan since 2011, and many have sought rented accommodation in urban areas. The increase in demand for rental housing often means that landlords have disproportionate leverage in setting the terms of leases, determining the

standard of housing and services provided and arbitrarily deciding to evict residents, whether to make way for higher paying tenants or other reasons.

Poorer urban refugees tend to be disempowered, having to dig into their savings for shelter and security. Even with financial assistance in the form of rental support grants, they often still face unfavourable terms and substandard conditions. NRC works to ensure that refugees in urban areas have proper lease agreements in keeping with national legislation, which on the one hand improves their tenure security and protection from eviction, and on the other is a precondition for their ability to re-register with the Ministry of Interior in the place of their residence.

In Lebanon, which hosts large populations of both Palestinian and Syrian refugees, the challenges are different. Despite refugees not requiring valid documentation or legal residency to enter into a written or verbal lease agreement under Lebanese law,<sup>4</sup> they rarely do so - either because they do not understand the benefits or because they feel too insecure to approach their landlord, particularly those living in informal settlements.<sup>5</sup>

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

### Conclusion

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

### Notes

1. The Humanitarian Coordinator and Resident Coordinator Checklist of Housing, Land and Property Rights and Broader Land Issues Throughout the Displacement Timeline from Emergency to Recovery is an important resource for humanitarian organisations. Available at: <http://goo.gl/AdlBbF>
2. Other thematic areas of focus the ICLA programme are legal identity, including obtaining civil documentation; citizenship and statelessness issues related to displacement; procedures for refugee status determination; registration procedures for IDPs when access to rights and services is dependent on it; NRC, Programme policy, 2012
3. UNHCR, [Syria Refugee Response Inter-Agency Information Sharing Portal](#), last accessed 9 February 2015)
4. Government of Lebanon, Code of Obligations and Contracts, 1932
5. NRC, Increasing Security of Tenure through Relationship Building and Written Lease Agreements: An Assessment of NRC's Housing, Land and Property Rights Pilot Project in Lebanon, August 2014, p.8