

6. Incremental tenure

Description

Incremental tenure is a practice that acknowledges the fact that tenure is a process and not a fixed system. It acknowledges that both formal and informal land rights are fraught with challenges for the urban poor. Critics of the blanket approach of establishing formal land rights for all are not necessarily against ownership in itself. Rather they disagree with the imposition of a homogenous ownership or titling model that fails to acknowledge the costs and disadvantages that ownership can entail, such as taxation, service charges and the temptation to sell land as an area becomes gentrified and return to a prior state of tenure insecurity. Critics are sympathetic to a tenure security approach,¹ with general objectives as follows:

- Focus on blanket settlement rights first, instead of individual rights
- Try to provide administrative and legal protection against eviction
- Advocate for the implicit recognition of informal settlements, including service provision, service bills, electoral rolls, registers, site plans, street and shack numbering and the issuing of identity cards
- Apply an incremental approach to tenure, under which initial requirements are simple and affordable, but can be upgraded later
- Give communities the opportunity to consolidate settlements and clarify internal disputes through community processes, which may have more social legitimacy
- Give individual households time to become gradually more secure in their tenure and invest incrementally in upgrading their housing
- Give governments time to develop technical capacities to institutionalise new approaches to tenure, land registration, settlement upgrades and infrastructure provision
- Gradually make social processes and transactions more transparent
- Make the land market work better for the most vulnerable urban residents

Incremental tenure approaches work within the continuum of tenure security to increase it in accordance with the context. Urban Land Mark, a South African research organisation, has outlined one potential model of incremental tenure as follows:²

1. Administrative recognition

- a. Survey of physical site (topography, environmental factors, geology)
- b. Survey of planning aspects (land zoning, land use, compliance with spatial development framework)

- c. Survey of legal issues (existing land ownership, deeds office search, misc. legal constraints)
- d. Survey of infrastructure (available services, connections and capacity required)
- e. Survey of demographic and social data (resident demographics, economic status, origins, employment, tenant arrangements, prior commitments)
- f. Survey of existing tenure and property transaction norms (perceptions of ownership, how informal transactions are conducted, what is transacted, the impact of previous transactions)³
- g. Insertion of settlement name into municipal land information system
- h. Preparation of a base map or site plan (could be based on satellite or aerial photography)
- i. Register structures and households with community consultation and participation
- j. Acknowledge household occupation through register
- k. Ensuring provision of emergency services (water standpipes, basic sanitation, refuse removal, some grading of roadways, water channelling)

2. Legal recognition

- a. Government and municipality will incorporate the settlement into the broader municipal or urban development plan. This could mean rezoning it (but not applying zoning or land use laws internally yet) as an informal or less formal settlement or equivalent
 - i. Allows municipalities to begin developmental regulation or area
 - ii. Legal recognition decriminalises residents, their structures and activities
 - iii. Integral step towards establishing the settlement as a township or district

3. Developmental recognition

- a. Preparing basic layout or more detailed plan of the site (with community consultation)
- b. Conducting a participatory mapping or enumeration exercise to identify individual plot boundaries
- c. Providing a higher level of infrastructure and services (electricity provision)
- d. Consulting the community on multiple forms of tenure currently recognised
- e. Introducing a pro-poor and participatory land administration system
- f. Creating addresses for residents, which can be indicated on maps, leases, permits and service bills
- g. Introduce land use management in the form of a “mini” town planning scheme
- h. **Forms of tenure** acceptable at this stage:
 - i. A lease (short or long-term, registered or unregistered)
 - ii. A servitude of use (this is similar to an unregistered “contract” between the municipality and designated plot holder)



View of Bosaso's site, providing upgraded services, housing, tenure security and a relocation close to where urban IDPs were displaced, Somalia. Photo: UN HABITAT, October 2013

- iii. A certificate of occupancy or registration certificate
- iv. A municipal services account
- i. **Content of land rights** acceptable at this stage:
 - i. Occupation
 - ii. Construction of a temporary structure
 - iii. Use, including for production
 - iv. Letting or sub-letting
 - v. Bequeath the structure and occupation rights to a named beneficiary in the event of death
 - vi. Access to basic or higher level services
 - vii. Access to social services
 - viii. Sell the right to use, let or sub-let property
- 4. **Establishment of township or district** (if residents opt for full ownership model)
 - a. Deeds office enables title deed registration for residents
 - b. Subsidies for housing upgrade can be allocated if necessary to bring certain structures up to code or a negotiated standard
 - c. The rules and regulations for establishing a township or a legal settlement vary from country to country and must be researched and followed in coordination with local planning, municipal and land administration offices

The incremental tenure model is not specifically designed for urban IDPs, but given that many end up living either in separate or integrated informal settlements, their housing rights and needs must be addressed as part of a larger urban land management issue, particularly in cases of protracted displacement. The incremental model has the potential to increase urban IDPs' tenure security, protect them from forced eviction and improve housing and living conditions in a gradual and sustainable way.

Table 4: Incremental tenure and settlement model (Urban Land Mark, South Africa)

Tenure mechanism	Administrative recognition	Legal recognition	Township establishment
Plot identification	Basic site plan – no individual plot boundaries, perhaps neighbourhood blocks, main roads. Based on aerial photographs and community verification	Detailed layout plan: individual plot boundaries, all roads, sites for facilities and plots identified	Approved layout plan with pegged sites which informs the General Plan that gets approved
Recording of occupants	List (database) of occupants, linked to a shack number with or without a single GPS point reference	Full register of all occupants linked to a property description, tenant relationships, next of kin	A township register as per the Deeds Registry Act
Tenure evidence	Letter of occupation certificate/card acknowledging occupation	Simple lease with municipality/province Simple servitude of use A municipal bill could serve as a contract	Title deed Lease Long lease
Land use management	Basic health and safety rules Can be indicated on letter of occupation	Through the Amendment Scheme, rezoning or DFA, rules or conditions for managing land use in the settlement.	Town Planning Scheme zoning and title deed conditions
Services provision	Basic services – communal level of services (LOS 1)	Planned, upgraded services, individual connections (LOS 2 - 3)	Highest level of services as per township establishment conditions

Improving urban IDPs tenure security in Bosaso (Somalia)

The first case study from Bosaso is not an exact replica of Urban Land Mark's model. It was a scheme implemented by UN-Habitat which evolved from local land considerations and constraints. When IDPs arrived in Bosaso, they settled in informal peri-urban settlements most of whose inhabitants had been displaced. They received humanitarian assistance, but as their displacement became protracted, a more integrated approach towards housing as a key element of durable solutions was increasingly called for. UN-Habitat combined improving tenure security in the short term with the introduction of incremental tenure through the establishment of new sites recognised and managed by municipal authorities.

The second case study from Bosaso contributed to upgrading IDP's settlements and strengthening their tenure security via the introduction of lease agreements.

Case study 1: Resettlement of urban IDPs and incremental tenure in Bosaso East

Snapshot	
Practice	Incremental tenure model (15 years to full ownership) in Bosaso East, Somalia. Resettlement programme for IDPs in urban and peri-urban areas, 2005 to 2008
Main actors	<ol style="list-style-type: none"> 1. UN-Habitat 2. Municipality of Bosaso and other local authorities 3. UNHCR 4. OCHA 5. Danish Refugee Council
Context	<ol style="list-style-type: none"> 1. Successive waves of displacement driven by conflict and environmental factors 2. Unsafe conditions, including high fire risk, in IDPs' settlements 3. Unclear ownership of land on which settlements were established 4. Existence of a joint UN-NGO strategy for IDPs in Somalia, and introduction in 2006 of an IASC shelter cluster approach to upgrade settlements to reduce fire risk and improve tenure security and access to services
Target group	<ol style="list-style-type: none"> 1. IDPs living in informal settlements in urban and peri-urban areas of Bosaso
Summary	<p>The practice consisted in the identification and allocation of land plots with secure tenure to urban IDPs in Bosaso. The new settlement was located in the proximity of where IDPs were displaced therefore facilitating the preservation of their social networks and livelihood opportunities.</p> <p>Taking the lead on the tenure security element of the shelter cluster approach, UN-Habitat worked with the municipality to identify areas where settlements could be upgraded and where IDPs could settle permanently. Based on consultations that included IDPs, a proposal was made to redirect urban growth to the east as means of making development more compact and taking in IDPs' settlements.</p> <p>A campaign was launched in which landowners were encouraged to donate land to the municipality for the purpose. In return, their land was included into urban development plans as land to be connected to services, therefore increasing its value and compensating for the land they had given up. The municipality then set up a team to survey the sites and develop neighbourhood plans for the new sites.</p> <p>When IDPs resettled there, they entered into rent-free incremental tenure contracts with the municipality, under which beneficiaries were not able to sell, rent, transfer, mortgage or donate their land until they have lived on it continuously for 15 years, at which point full ownership would be transferred to them. In the event of death, lawful dependents were to inherit the right to occupy the land. If IDPs left their property before the end of the 15-year period, the land was to revert back to municipal ownership to be reallocated to another displaced beneficiary.</p> <p>The settlements were connected to the water, main access roads were traced and boundary walls of blocks were built that defined the public space, individual plot boundaries, latrines and shower units. It was up to the beneficiaries to make improvements and extensions themselves, with support from local NGOs in the form of building materials and cash for labour.</p>
Strengths <i>(Key elements of right to adequate housing and key programmatic elements from matrix appear in bold)</i>	<ol style="list-style-type: none"> 1. The practice was centred on IDPs within wider urban development objectives. 2. It contributed to tenure security and uses an innovative incremental tenure approach that starts with a free and legally protected rental contract and culminates in full private ownership. 3. It involved collaboration between UN-Habitat and the municipality in establishing a resettlement plan of IDPs and the broader direction of urban growth, which benefitted the wider community. It also led to positive shifts in institutional norms and knowledge transfer, particularly by familiarising people with the concept of formal rental contracts. 4. The practice made affordable housing available to IDPs and the urban poor in locations close to their where they have sustainable access to livelihoods contributed to durable solutions by providing urban IDPs with secure tenure on plots designated by the municipality in areas close to their informal settlements, which allowed them to maintain their livelihoods and social networks. 5. Both the design of the settlements and the choice of building materials improved habitability, access to services and protection from fire risk. With national and international support, IDPs have invested incrementally in improving their property over the years, adding extra rooms, pavements and water tanks, and planting trees.

Key challenge(s)	<ol style="list-style-type: none"> 1. Lack of public land available and shortage of donated private land, leaving many IDPs on the waiting list to become a beneficiary. Some chose to buy their own land privately rather than wait for a donation. 2. IDPs' capacity to invest in and improve their property was limited without adequate access to credit.
Factors for potential replicability	<ol style="list-style-type: none"> 1. Landowners' interest in donating land to the municipality 2. Municipality's willingness to cooperate with external organisations to devise a new urban growth management plan

Overview

Since the state of Puntland proclaimed itself an autonomous region of Somalia in 1998, Bosaso - its largest city and commercial centre - has attracted thousands of IDPs fleeing conflict and drought over the past 15 years. As a port, it is an important transit point that connects the economy of southern Somalia, including Mogadishu, to the Gulf of Aden. Its rapid economic growth is the result of its strategic geographical location, recent population increases and the export and import of goods, both legal and otherwise. It is also a hub for the trafficking of Somali and Ethiopian migrants to the Gulf States.⁴

As of January 2015, there were around 130,000 IDPs in Puntland, according to UNHCR. Bosaso's municipal authorities estimate the population of the city to be between 500,000 and 700,000 people, compared with 15,000 to 25,000 before the outbreak of the civil war in 1991. It also estimates that the city's population includes around 100,000 IDPs living in its urban and peri-urban areas.⁵ The figures, however, may not be reliable, given the "constant movement of persons in Somalia, including return movements, new displacements, multiple displacements, a number of 'invisible' IDPs, and lack of access to some parts of the country".⁶ "Invisible" IDPs are those living with and receiving support from host families, relatives or clan members.

Many IDPs live in protracted displacement. Drivers in relatively recent years include fighting between the federal government and insurgent groups in 2007 and torrential rainfall and subsequent floods in the riverine regions of southern Somalia in 2009.

Settlement conditions

Many of Bosaso's IDPs have been living in 32 settlements in and around the city for several years. Others are dispersed among the urban poor, asylum seekers, returning refugees and refugees from neighbouring Ethiopia. Public land was all but unavailable in the early 2000s and most IDPs settled on private land, making deals with local landlords. These, however, were often contested. The fact that secular, sharia and customary law govern land rights often makes them unclear, and land grabs became widespread following the breakdown of the state and its institutions.

Those who control the peri-urban land on which some on IDPs' settlements are based often use their presence to secure a return through rent and to hold on to the land until they were ready to formally develop it. There has been a tendency towards making populations as dense as possible to maximise rent returns, and a reluctance to invest in building latrines and improving shelters. The spread of informal settlements⁷ has placed extra pressure on the already strained public infrastructure and the conditions in many have become dire.

The rapid spread of the fire, whether started deliberately or by accident, has burned down a quarter of the shelters in some settlements each year. The presence of inflammable shelter materials, high seasonal winds and population density all serve to make fires worse.⁸ A major blaze displaced 507 families in May 2006, and the local authorities used the event to propose the resettlement of all IDPs to another site more than 10 kilometres south of the city.

The proposal was ultimately rejected because it would have led to an unsustainable increase in transport, food and water costs for families who would no longer have access to local markets, and to their social segregation. Experience in other cities, such as Burao, had also shown that IDPs in remote relocation areas would gradually move back to informal settlements sites in town, drawn by the livelihood opportunities on offer there. Following criticism from several organisations, the government agreed to review resettlement options and criteria, which it did via a June 2005 assessment led by UN-Habitat.⁹

Coordination and process

Following the rejection of the first resettlement plan, two complementary approaches to meeting IDPs' needs emerged. A joint initiative by the UN and international NGOs led to the development of a strategy on IDPs for Somalia in 2005, and the IASC shelter cluster approach was introduced in 2006. One of the main interventions to come out of the cluster approach was to upgrade existing settlements to reduce fire risk, increase access to services and improve IDPs' tenure security. The initiative was based on the recognition that more IDPs would continue to arrive, and that short-term durable solutions were not feasible. By 2008, five settlements had been upgraded.

The process involved:

1. Re-planning the settlement to allow enough living space for families, roads, firebreaks, basic services and infrastructure
2. Distributing improved and less flammable temporary shelter kits
3. Conducting basic training on settlement planning and fire prevention
4. Negotiating with local authorities and landowners to improve IDPs' tenure security

UN-Habitat took the lead on the fourth element by trying to institutionalise the use of tri-partite leasehold agreements.

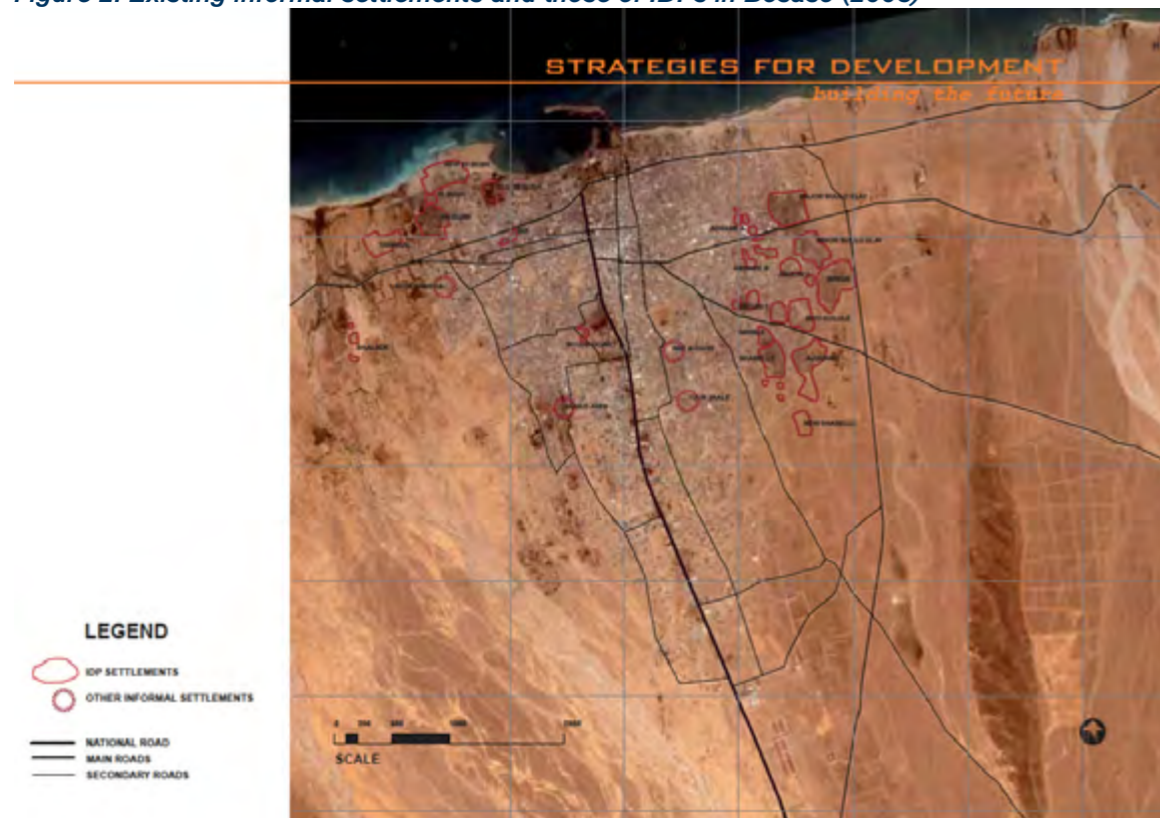
The first track of the joint strategy on IDPs sought to improve their conditions in informal settlements. The second focused on providing durable solutions, combining interventions centred on IDPs with a wider urban development approach. At the time, the city was expanding rapidly along the main road leading into town from the port, slowly stifling mobility. In conjunction with Bosaaso municipality, UN-Habitat used the pursuit of durable solutions for IDPs as an entry point for engagement in a debate on more sustainable urban growth strategies, with a view to establishing an integrated approach.

A rapid urban profile including a rudimentary strategic urban development plan for the city was developed that integrated IDPs' large-scale resettlement. As part of the planning phase, UN-Habitat ran a three-day consultation meeting in March 2005. It included representatives of central and local authorities, NGOs, traditional and religious leaders, displaced communities, media, the business sector, and the project committee. The inclusion of three representatives from displaced communities was important in emphasising that IDPs' housing and durable solution needs should be a central consideration in the development of any urban strategy.

The first step was to identify the existing informal settlements and those of IDPs (see Figure 2).

The basic proposition was to redirect urban growth to the east to create more compact development around a new bypass to the port that linked up with existing roads leading to the centre of town. It was suggested that the development of resettlement sites would be accompanied by investment in infrastructure to service them, which would at the same time lay the foundation of the Strategic Urban Development plan (see Figure 3).

Figure 2: Existing informal settlements and those of IDPs in Bosaaso (2008)



Given that the vast majority of the land targeted was controlled by the local elite, land donations were sought for the first resettlement sites (see Figure 4), based on the argument that the overall plan would increase land values, resolve major urban problems and facilitate the

city's sustainable economic growth. The municipality then set up a planning team to survey the sites, develop neighbourhood plans and outline capacity development support for East Bosaaso. Resettled IDPs entered into incremental tenure contracts.

Figure 3: Proposed expansion of the city of Bosaaso (2008)

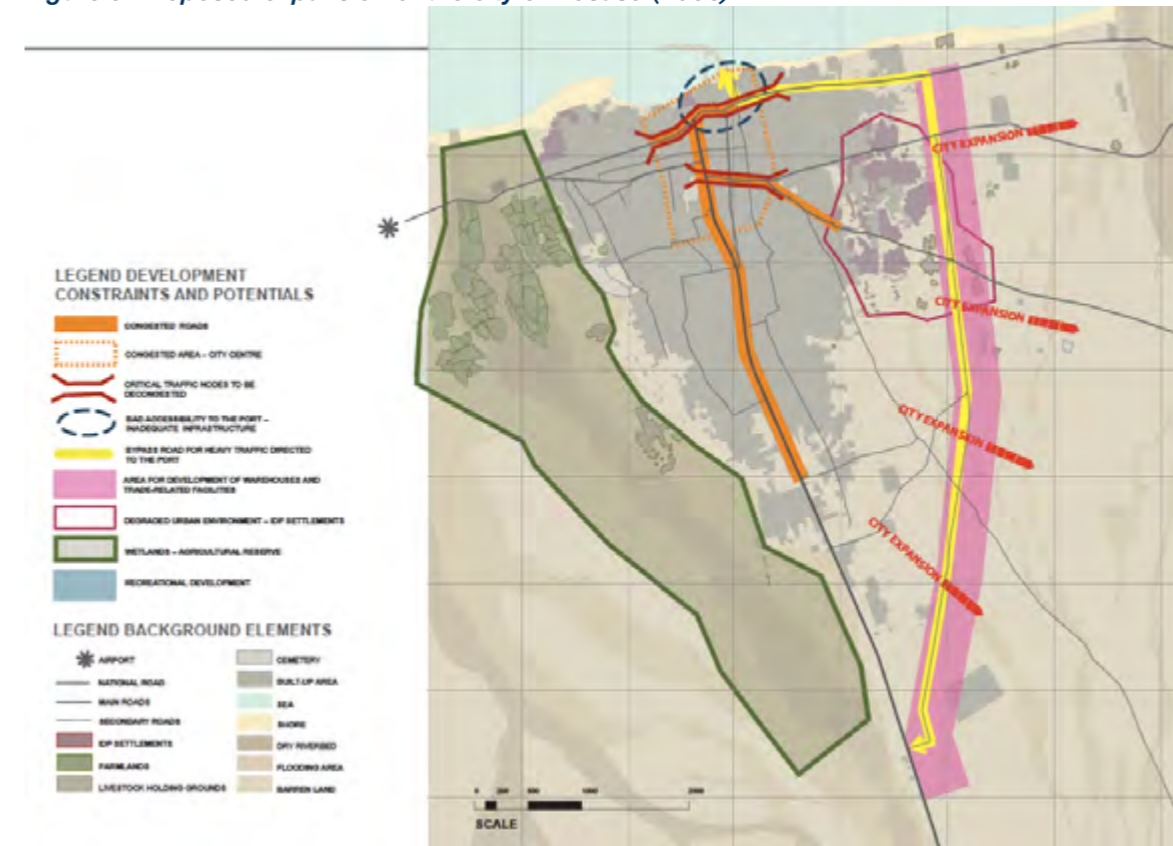


Figure 4: Map of donated settlement land and implemented resettlement sites



Incremental tenure model: Resettlement to East Bosaso

Given that no public land was available and it was unclear who controlled what, a campaign to encourage land donations using local media and town hall meetings was launched. It appealed to religious sentiments of charity and offered owners the incentive that their land would benefit from new roads and basic services if they donated a portion of it.

In absence of a functioning land administration system, the ownership of land donated for resettlement was transferred to the Bosaso municipality, which then entered into incremental tenure agreements with beneficiaries that were certified by the sharia court. This type of arrangement is particular suitable for IDPs trying to integrate locally.

Beneficiaries would not be able to sell, rent, transfer, mortgage or donate their land until they have lived on it continuously for 15 years. In the event of death, the lawful dependent(s) would inherit the right to occupy the land. After 15 years, full ownership is transferred. If a beneficiary leaves their land before the 15-year period is up, it reverts back to the municipality for reallocation. Disputes are heard by the city's district court.

Today, IDPs have started purchasing individual plots, registering them with the municipality, paying registration fees and approaching the international community for support in upgrading their property.

Selection criteria

The current eligibility criteria for housing support as part of permanent resettlement, including the incremental tenure scheme, are as follows:

1. Must have lived in Bosaso for at least five years
 - a. This targets those living in protracted displacement
2. Must not own other property in Bosaso
 - a. This targets those who are vulnerable and most in need
3. Must be willing to contribute resources and participate in the housing construction programme
 - a. This targets those willing to investment in their pursuit of long term integration
4. Should be living on the land as "visible IDPs"
 - a. *This avoids attracting those who want to hold land as an investment.*
5. Must provide proof of ownership transfer and register it with the municipality

Preference is given to IDPs who have already made some investment on their land, such as building a toilet or shed, erecting fences or creating a underground rainwater reservoir or *berkad*.

- a. This ensures the success of long-term investment and integration. In incremental shelter models, a toilet is the most expensive element. Investment in a toilet can indicate that IDPs intend to settle.

Eligibility criteria for land eligible for housing support are as follows:

1. Should be located within IDPs' settlements or not far from town limits
 - a. This is meant to avoid proposals such as the 2005 resettlement scheme that would have placed prohibitive transport, food and service costs on IDPs and reduced their livelihood opportunities.
2. Should be free of disputes
 - a. This means that prior to transfer, landowners and the municipality should settle any existing disputes or multiple claims on the plot.
3. Preference is given to a cluster of ten plots that meet the above criteria
 - a. This is to avoid urban sprawl and ensure that settlements grow with a level of population and housing density that would justify the cost of providing infrastructure and basic services.

During the initial phase, demand for resettlement plots was far greater than supply, so a lottery system was used to select beneficiaries from among eligible households. A long list was established based on criteria to prioritise beneficiaries, and supported by an external complaint mechanism to provide a check on the selection committee. There was, however, a wave of individual purchases of land following initial resettlement, which may indicate that people did not wait for further land donations and took matters into their own hands.

Incremental housing process

The initial East Bosaso scheme included the extension of the municipal water mains to the resettlement site. Access roads were traced and local construction companies were hired to build boundary walls that defined the public space, the foundations of the individual plot boundaries, latrines and shower units. It is up to beneficiaries to make improvements and add extensions themselves, with local NGOs providing support in the form of building materials and cash-for-labour schemes.

In incremental housing models, it is generally better for IDPs to have a core room built on site so they can move in immediately. Given that they have to contribute some

of their own time and resources to their new home, they should not be put in a position of having to maintain their previous site or pay rent on it while working on their new one. In East Bosaso, improved tents from the temporary settlements were used to facilitate the transition.

After the beneficiaries moved in, humanitarian agencies contributed to improving site by planting trees and building a mosque and school. Beneficiaries invested incrementally in their property by adding pavements, water tanks, trees and extra rooms. Given their land was part of a resettlement scheme, they received it free, but are subject to municipal laws such as local taxation and planning procedures.

As such they have to obtain building permits from the local authorities if they want to build new structures on their land. It is not clear, however, to what extent the municipality enforces the use of permits, the application of building regulations or land use zoning. It may be that they choose to "look the other way" when it comes to the incremental upgrading of homes. As a settlement grows and becomes more formalised, authorities can begin to be more stringent in applying local regulations and collecting revenue through taxes and permits.

Impact and conclusion

Incremental tenure resettlement schemes cannot be evaluated effectively in the short term. They take decades to evolve into formal settlements that are fully integrated into the urban development framework of a city. The East Bosaso scheme is a work in progress, and it is not without stumbling blocks. The lack of affordable and serviced land remains an issue, and this often requires state-led land redistribution and sharing schemes.

In some countries, the government purchases plots from private landowners to meet existing and projected future demand. Corruption and land grabs, however, can make the process complicated. Many governments may simply not be able to afford to buy land for IDPs' resettlement, though international could support such purchases.

Without an on-site evaluation in East Bosaso is hard to tell to what extent IDPs, who may have limited access to credit and capital, have been able to incrementally upgrade their homes. The smaller auxiliary programmes that exist to provide credit, capital and materials should be scaled up. It is also unclear whether the dispute resolution mechanisms in place have been affordable and effective.¹⁰

Local elites used to refuse to sell land to IDPs. Following the first successful resettlements, however, and acknowledgement of the benefits for the host community, individual and collective transfers began to take place.

As of August 2014, 11,022 beneficiaries, or nearly 1,700 households, had purchased land in existing settlements for IDPs or in the broader urban periphery.

The East Bosaso scheme seems to have increased momentum towards employing a durable solutions framework into Puntland's policies. Article 58, section 8 of its transitional constitution states that the regional government will be responsible for "planning for the resettlement of the refugees and displaced persons". The statement, however, needed further clarification, so in 2012, the Puntland policy guidelines on displacement were adopted, integrating the Guiding Principles on Internal Displacement, the state's obligations under the Kampala Convention and the IASC durable solutions framework. They also recognise IDPs' participatory rights.

The guidelines represent an important shift in Puntland's legal framework for the promotion of IDPs' durable solutions and their non-discriminatory access to all services, including adequate housing. They will hopefully create opportunities to expand the use of the incremental tenure model in the growing informal settlements and those of IDPs in and around Bosaso.

Case study 2: Upgrading IDPs' settlements and strengthening tenure through rental agreements

Settlement upgrade

This practice focussed on upgrading existing settlements rather than permanent relocation. A series of negotiations were conducted with private landlords - who may or may not have been the title deed holders - of the land on which IDPs had informally settled. UN-Habitat proposed a temporary tenure model, a tri-partite leasehold agreement between the landlords, the IDPs residing on the land and the municipality. Under the agreement, landlords had to comply with minimum humanitarian standards to reduce the population density of the settlements and ensure space for effective firebreaks and communal services. Landlords kept their right to develop the site as long as sufficient notice was given. The approach improved tenure security, living conditions and access to services.

To ensure access to basic utilities during the upgrades, UN-Habitat and the municipality negotiated an agreement with GUMco, the local water provider, to install water taps on the main streets of the settlements at a maximum distance of 250 metres from each household. The taps were managed by members of the displaced community members in direct cooperation with GUMco. Landlords were not allowed to intervene, act as gatekeepers to services or charge extra fees. The upgrades also allocated space for community centres, mosques, temporary schools and sand storage for fire-fighting.

The main streets were later widened to six metres to act as firebreaks and ensure quick access for fire-fighting vehicles. A committee representing the community was tasked with keeping the roads clear and free of obstruction. Secondary access lanes between housing rows were made four metres wide. The new settlement layout, awareness raising with the local community and training of both community members and local authorities led to a 50 per cent fall in the number of families affected by outbreaks of fire in 2008 compared with 2007. Women's safety and security was also a recurring issue, particularly when using latrines at night, so the upgrades included separate pit latrines for men and women, at a minimum ratio of one toilet per 20 people and installed at strategic points.

Landowners tended to favour five-year leases, on the basis that the additional public investment and development would increase the value of their land value and attract private investors. Such agreements were also a pragmatic option for IDPs not seeking to integrate locally and unable to purchase property themselves.

It guaranteed tenants protection from eviction for five years, and thereafter landlords were obliged to give 90 days' notice if they wanted to repossess their land for developments or other purposes, in accordance with the UN basic principles and guidelines on development-based evictions and displacement¹¹.

The temporary tenure model relied on traditional and informal dispute resolution mechanisms. The rental agreements stipulated that disputes should be settled "through dialogue by the concerned parties", but was not clear what recourse IDPs had beyond appealing to the local authorities or their landlords. In 2012, the Ministry of Interior took over the mayor's responsibility for witnessing and overseeing the agreements on the basis that "if an agreement between a landowner and a tenant is signed by the Ministry of Interior, the Mayor and the Islamic court, then it is stronger".¹²

At the outset of the programme, UN-Habitat launched a radio and television campaign to discuss the minimum standards IDPs might expect and be able to demand from the local authorities and landlords. The debate mobilised local authorities and religious and community leaders to discuss IDPs' rights and economic contribution, and brought the issues of fire prevention and hygiene to light.¹³

Despite the obligation established for landlords to give 90 days' notice of their intention to evict tenants after five years of occupancy, many people agreed to 60-day notice periods agreement. The rental agreements could also have been clearer about tenants' obligations to maintain the land, latrine construction and other developments, rent payments, right to purchase, ownership of shelter materials and inheritance and sub-letting rights. IDPs needed to be the documented owners of their shelter materials so that, in the event of eviction they could relocate to another site and quickly rebuild their homes. For landlords not receiving rent from their tenants, the municipality might have been better to reassure them "that they will not be forced to pay tax on lands used by IDPs from which they derive no income."¹⁴ Such a guarantee might make them more willing to provide land for IDPs' settlements.

The radio and television campaign that accompanied the start of the programme succeeded in raising awareness of IDPs' and tenants' rights, a fact that is perhaps its crowning achievement. Displaced households have been empowered as tenants who can exercise leverage with landlords unwilling to sign a tenancy agreement that guarantees a 90-day eviction notice and basic provision and maintenance of services.

Notes

1. The incremental tenure model discussed in this section is based on the work of the Pretoria-based research organisation Urban Land Mark, which focuses on how to make urban land markets work better for the poor. This information was reproduced from Dan Smit and Gemey Abrahams, *Incrementally Securing Tenure: An Approach for Informal Settlement Upgrading in South Africa*. Urban Land Mark, April 2010, <http://goo.gl/cmnaoN>, last accessed on 1 January 2015
2. *Ibid*, p.19
3. May require community consultations and background research on community conflicts and leadership structures
4. UN-Habitat, *Bosaso: First Steps Towards Strategic Urban Planning*, 2009
5. Bosaso *municipality figures*; A 2010 Forced Migration Review article estimated the city's population as 150,000 with 35,000 IDPs
6. UNHRC, *Report of the Representative of the Secretary-General on the human rights of internally displaced persons*, Walter Kälin, A/HRC/13/21/Add.2, 21 January 2010, p.7
7. UN-Habitat, *Bosaso: First Steps Towards Strategic Urban Planning*, 2009, p.26
8. Filiep Decorte and Ombretta Tempra, *Improving living conditions in Bosaso, Somalia*, in *Forced Migration Review* no. 34, ISSN 1460-9819, February 2010, p.16
9. UN-Habitat Somalia, *Resettlement Options for IDPs: Bosaso – Garowe – Galkaio*, June 2005
10. Emergency Shelter: NFI Cluster, *Bariga Bossaso Shelter Project: Land Tenure Issues*, April 2012, p.7
11. UN Human Rights Council, *Basic Principles and Guidelines on Development-Based Evictions and Displacement: Annex 1*, Miloon Kothari, 5 February 2007, A/HRC/4/18, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/Go7/106/28/PDF/Go710628.pdf?OpenElement>, page 13
12. Emergency Shelter: NFI Cluster. "Bariga Bossaso Shelter Project: Land Tenure Issues." April 2012, page 6
13. *Ibid*
14. *Ibid*, p.7