Starting over: Community rights and post-disaster response

When a large disaster occurs, the initial responses from governments and from better-off households unaffected by the disaster are usually admirable. But rarely does this carry over to help those most affected with their two most pressing priorities: reconstructing their homes and livelihoods. While most national and international disaster relief agencies have become increasingly effective in the much-needed rapid response to disasters, they are less effective in developing longer-term responses that allow the survivors to rebuild their homes and livelihoods. They focus on what they can do for the victims, not what needs to be done by them. After a disaster, the needs for medical treatment, healthcare, food and water, and often temporary accommodation are obvious, as is the need for specialist help to find and help free many of those trapped in the wreckage. This is what both national and international disaster relief agencies are set up to do. But the stage after this is more difficult particularly where all well-located land sites are valuable and where most of those who are most impacted live or lived in informal settlements.

The disaster does not remove what are often antagonistic relationships between local governments and the urban poor and their informal settlements. Disaster relief agencies can provide relief but they cannot address the root cause of why so much of the city’s population was so heavily affected, i.e., because they lived in illegal settlements with poor-quality homes on dangerous sites to which the government had failed to provide infrastructure and services. Disaster relief agencies cannot get safer land sites for housing where those who lost their homes in informal settlements can build – such sites are too valuable and those in government and higher-income groups would not support this. If the people who lost their homes are allowed to occupy public spaces after the disaster (parks and school buildings, for instance), the local government usually wants them to move on after a certain period of time in order to return the spaces to their designated uses. Local governments may want to prevent people living in informal settlements from returning there and rebuilding. Indeed, disasters can provide possibilities for well-connected developers and businesses to acquire sites that were previously occupied by informal settlements as was evident in many coastal communities devastated by the 2004 Indian Ocean tsunami. The obvious and essential principle of allowing those most affected to be at the centre of decisions about where, and how, to rebuild is ignored. Disasters do not often change attitudes within government agencies in regard to the needs and rights of the inhabitants of informal settlements. However, as some examples given later in this chapter show, disasters can provide the opportunity to catalyse a change in relations with longer-term benefits for the urban poor.

Photo opposite page: Terrain Golf, a sports club in Pétionville, Haiti, was turned into a refugee camp almost overnight after the 12 January quake. It is managed by the J/P Haitian Relief Organization, set up by the actor Sean Penn. © José Manuel Jimenez / IFRC
Even if urban poor groups have some assets undamaged by the disaster, these can be quickly eroded by having to pay for consumption needs and through loss of livelihoods or sources of income, so all the inequalities and difficulties that the urban poor faced before the disaster remain to constrain the post-disaster response. Having a home in an informal settlement usually means lacking land tenure and any official documentation of ‘ownership’ of the land and house. It also often means living in a settlement with no infrastructure, such as piped water supplies, sewers, drains and paved roads, because local governments refuse to provide these to ‘illegal’ settlements. It is this lack of infrastructure that greatly increases the impact of the disaster event. Most informal settlements have little or no public provision for healthcare or emergency services, which further limits needed responses to disasters. After a disaster, the lack of tenure and documentation, combined with an absence of links to local government, compounds the constraints on response. Disaster relief and support for rebuilding often depend on proof of residence and identity cards, which also explains why many do not move to safer sites when warned about an approaching storm or flood as they fear they will not be allowed to return home. The Asian Coalition for Housing Rights has noted that, unless disaster aid quickly learns to work with the untitled, the unregistered, the unlisted and the undocumented, it can support and even reinforce the inequalities that existed prior to the disaster.

Local governments may allow people whose homes were destroyed to settle in temporary camps but would never sanction these as places where they can stay and rebuild permanent homes. They often do not permit them to return to their former settlement but they are also unwilling to provide them with alternative land sites (or if they do, these are peripheral sites with little or no infrastructure, far from their previous homes, social networks and places where they work). There may be good reasons for not wanting them to return to their former sites because these are so much at risk (from floods or cyclones, for instance) and post-disaster reconstruction could provide an opportunity to allow those affected to get safer sites on which to rebuild. However, they almost never get appropriate new sites and they are hardly ever consulted about the appropriateness of new locations. Fine words about ‘rebuilding a new, safe city’ and ‘decentralizing’ to avoid the previous high concentration of informal settlements usually become distant camps and reconstruction sites where no one wants to live.

Alfredo Stein, commenting on the reconstruction plan in Haiti to move people away from the capital and drawing on his work in post-Hurricane Mitch reconstruction, said, “You are going to be constructing ghettos that are far away from where people will need to restore their economic lives.” The estate agent’s mantra ‘location, location, location’ is actually even more relevant for low-income groups. Stein, an expert on urban planning based at the Global Urban Research Centre at the University of Manchester, notes that planners must assume that people will return to their homesites and work closely with them to rebuild. If their former site is destroyed or too dangerous for them to rebuild on, then they must be included in real discussions about what would be appropriate relocation sites given government capacity to act rapidly.
on this. However, it is complicated to get them new land sites that they can afford and that meet their needs as regards livelihoods. Host communities, for instance, may not want them in their neighbourhoods, or the legal and institutional obstacles may be insuperable.

Despite these difficulties, there is now a rich experience of community-driven responses to disasters in urban areas upon which this chapter draws as it examines the experiences of community groups following a disaster. The complexity of needs and constraints created by the institutional framework in urban areas means that successful engagement with the state is critical in securing a pro-poor response, and this chapter explains how this can be achieved.

**Experiences with community-driven responses to disasters**

Drawing on the experience of many communities and local non-governmental organizations (NGOs) after disasters, one of the most important responses is to support the people affected to meet, network and often share their grief and, in their own time, begin to participate in creating solutions. This means involving local people from the start in any discussion of rebuilding and in managing the shift from relief to reconstruction. If people are living in temporary camps, they should also be engaged in camp organization and management. Well-organized, representative, community organizations are also valuable allies for agencies supporting reconstruction as they can provide much of the information base for rebuilding, contribute to the rebuilding and supervise local builders and contractors (all of which are time consuming and difficult for staff from donor agencies or international NGOs).

Post-disaster responses have to strengthen and support the survivors’ own organizations and keep women at the centre. This is often difficult, however, as more aggressive and well-connected groups frequently dominate priorities and actions. People are affected in different ways and may have different priorities, and they see other affected groups as competitors in seeking funds from external organizations.

Visits and exchanges between community organizations have proved important in many instances to allow survivor groups to learn from other community-driven experiences and also to show what they are doing or planning. In Banda Aceh, Indonesia, after the 2004 tsunami, a network of community organizations of survivors was needed to cope with what was called the second tsunami – the surge of unplanned, unregulated, uncoordinated international aid that poured into the city, often bypassing community structures. With international aid under pressure to spend and to build, many buildings were put up, but when construction was finished and aid agencies withdrew, communities were left with no source of income, no social cohesion and little support for the future.
After the earthquake in the Marathwada region of Maharashtra, India in 1993, two Indian NGOs with long experience in working with grass-roots associations organized meetings for affected communities in the two most-impacted districts to share their loss, grieve and also share their experiences of how they had saved many people. This was the first time that women were included in such meetings. It also allowed them to discuss what they needed and how they could become involved in rebuilding.

A local NGO working with the 20,000 households displaced by a mud volcano disaster in Sidoarjo, Indonesia in 2006, noted: “Perhaps the most important support from external donors could have been on-the-ground, long-term support for those affected to develop their capacities, to agree on and put forward their solutions and then implement them. It seems that changes in donor structures and staff have actually moved many donors further away from such an approach.”

Box 3.1 describes the experiences of the Philippines Homeless People’s Federation in community-driven responses to five disasters between 2000 and 2008. The federation is a national network of 161 urban poor community associations and savings groups with more than 70,000 individual members from 18 cities and 15 municipalities. Members promote community savings in order to build their own financial capacities and to promote community development and social cohesion.

Box 3.1 The Philippines Homeless People’s Federation’s role in community-driven disaster response

The Philippines’ location within the circum-Pacific seismic belt means that the country is regularly affected by earthquakes, volcanic eruptions, typhoons, storm surges, landslides, floods and droughts. The link between vulnerability, and disaster and poverty is strong – many low-income groups live in high-risk sites and have poor-quality housing. They also have less protective infrastructure and fewer resources to call on after being impacted by disasters.

The Philippines Homeless People’s Federation (HPF) is a national network of urban poor community associations and savings groups that are engaged in many initiatives to secure land tenure, build or improve homes and increase economic opportunity, working wherever possible in partnership with local governments. The five disasters listed in the table below encouraged the HPF to develop its own policies and practices first for disaster response, and later for disaster risk reduction.

The HPF was already active in Payatas when the trash slide happened and had been implementing a mix of community-based development programmes (savings and loan schemes, secure tenure initiatives) and welfare programmes (for the elderly, health, childcare and rehabilitation of children with disabilities) with support from the Vincentian Missionaries Social Development Foundation Inc. However, it recognized its lack of knowledge and skills in how to address disasters.

The HPF’s response to these disasters was to work with the survivors, helping them to organize and to influence reconstruction. For instance, in Barangay Guinsaugon, after the landslide, they worked with survivors, helping them to organize (including a survey covering
all those in the evacuation centre), supporting them in developing savings schemes, organizing exchange visits to see other community-based housing schemes and organizing the construction of 103 temporary housing units within four months of the disaster. The HPF’s immediate response to the Mount Mayor mudflow and floods was the dispatch of a team to establish links with all the affected communities and to help them set up community organizations. It also supported surveys, organized exchanges and promoted savings. These efforts focused on three municipalities where there were several communities on particularly dangerous sites, supportive local governments and communities interested in the HPF and an absence of sustained relief from aid agencies. Surveys were organized that included families in high-risk areas that had not been affected by the mudslide and families living in homes at risk of eviction along the railway tracks. The organized communities were able to select and acquire resettlement sites. The importance of this experience “is the pervading belief and commitment of affected families and communities to act and save to recover and to prepare for and evade future disasters. The communities showed this through their volunteering efforts and adoption of the savings programme, collectively saving close to P500,000 [US$ 11,000] in less than a year. Their willingness to provide counterparts in terms of volunteer work and savings prompted the federation to support their land acquisition initiatives,” said Jocelyn Cantoria, HPF’s regional coordinator.

<table>
<thead>
<tr>
<th>The disasters</th>
<th>Year</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trash slides at the Payatas solid waste dump in Quezon City (metro Manila)</td>
<td>2000</td>
<td>Heavy rains from typhoons caused a 15-metre (50ft) slope in the dump to collapse, burying hundreds of homes; 288 people were killed and several hundred families displaced. Subsequent flash floods affected the homes and livelihoods of many more people.</td>
</tr>
<tr>
<td>Landslide in Barangay Guinsaugon</td>
<td>2006</td>
<td>The whole barangay (district) was buried and another 80 barangays affected. A total of 164 deaths were recorded, 968 people reported missing, 3,742 displaced and 18,862 affected.</td>
</tr>
<tr>
<td>Mount Mayor mudflow and floods</td>
<td>2006</td>
<td>Typhoons triggered huge floods, mudslides and avalanches. In the Bicol region alone, at least 208 people died and another 261 were reported missing. These settlements were recovering from a previous typhoon.</td>
</tr>
<tr>
<td>Fire in the settlement of the lower Tipolo Homeowners Association in Mandaue</td>
<td>2007</td>
<td>246 structures were destroyed leaving 913 people homeless.</td>
</tr>
<tr>
<td>Flash flood in Iloilo</td>
<td>2008</td>
<td>In the city of Iloilo, 152 of its 180 barangays were affected by heavy rain and flooding. Up to 500 people were killed, 261,335 affected. Many houses were washed away and many households lost their documentation.</td>
</tr>
</tbody>
</table>

The work of the Philippines HPF in responding to disasters identified some constraints on community-driven responses that are common in most urban areas. These include:

- The difficulties faced by the affected population to produce documents required by the government because these were either lost or destroyed by the disaster
- The common response of those affected to wait for others, especially government agencies, to do things and not to take the lead themselves
The response limitations of local governments to provide land needed for temporary accommodation or permanent relocation and the stringent land-use subdivision and conversion regulations that inhibit this

The lack of funds to help with relocation (funding is often only available for immediate relief and not for resolving the more fundamental problems)

The difficulty in getting official permission for necessary actions that often require the agreement of many different bodies

The high price of building materials for reconstruction (especially for disasters with widespread impacts, such as the floods in Iloilo).

Community organizations take the lead

Problems always arise after a disaster in urban areas that need representative community organizations to manage them, such as who gets the temporary accommodation, who gets priority for new housing, how to design the ‘reblocking’ (reshaping of plot boundaries to improve access) that is acceptable to both tenants and ‘owners’. In 2007, CARE’s Kabul Area Shelter and Settlement Project, funded by the United States Agency for International Development’s Office of Foreign Disaster Assistance, began with a land usage survey and the creation of community councils to select beneficiaries in clusters rather than individually. CARE also signed a memorandum of understanding with the Kabul municipality, which linked housing to broader issues of land tenure, occupancy rights and housing security, and partnered with the Afghan Development Association and the Sanayee Development Organization, two local NGOs. CARE’s report on the project noted: “Essentially, a successful shelter intervention must include strategies for good governance that focus on increasing people’s understanding of their rights and responsibilities, as well as enhance the ability of authorities to listen to the needs of the people, that encourage all to find solutions to problems that affect everyone.”

Shack/Slum Dwellers International (SDI) is a confederation of country-level organizations of the urban poor from 28 countries throughout Africa, Asia and Latin America. According to the SDI affiliates that have responded to disasters, certain factors have facilitated effective responses. The first is the existence of savings groups in the affected settlements, which helped to provide immediate support for those impacted by the disasters. The second is the existence of community organizations which were able to help with immediate relief and support the social cohesion needed to take action to resolve longer-term issues such as rebuilding or relocation (see Box 3.2).

Community-leaders from SDI affiliates often visit disaster sites and impacted communities and encourage and support the formation of local representative organizations and savings groups. They also bring their experience with savings management, organizational development, community surveys and house modelling, developing life-size models of houses to see which design and which materials produce the best low-cost housing. They support community profiling and surveys in order to mobilize
those affected, help them get organized, gather necessary data about the disaster site and support them in showing their capabilities to local government. Where relocation is necessary, they help highlight the importance of being able to get land on suitable, well-located sites where access to income-earning opportunities is as important as the site itself. The effectiveness of this is much enhanced if there are supportive local governments and national agencies. Obtaining, when necessary, land or title to

**Box 3.2 Inclusive equitable cities**

Shack/Slum Dwellers International seeks to build local movements at a neighbourhood level, primarily around land and basic services. The network grew from the seven founding members in 1996 (Cambodia, India, Namibia, Nepal, South Africa, Thailand and Zimbabwe) to 16 core affiliates in 2006 (Brazil, Ghana, Kenya, Malawi, Philippines, Sri Lanka, Tanzania, Uganda, Zambia) with links to ten more countries by 2010 (Angola, Argentina, Bolivia, Egypt, Indonesia, Mozambique, Nigeria, Pakistan, Sierra Leone and Swaziland). SDI’s methodology encourages local communities to design housing solutions to address their needs, refining these solutions through practice. It also seeks, in general, to be non-confrontational in its relations with local authorities with the understanding that city-wide solutions to the problems of insecure tenure and lack of access to services need to be in place.

SDI affiliates have achieved significant success with secure tenure in India, Kenya, Malawi, Namibia, Philippines, South Africa, Thailand and Zimbabwe. Local groups have negotiated for state subsidies to secure land and basic services for over 150,000 families. Their experience highlights the importance of strong local organizations if community solutions are to be allowed to prevail and if communities are to have the capacities they need to take up new challenges once they move to permanent sites and new homes. In terms of disaster preparedness, there is an increasing awareness in SDI communities about the work required with local authorities and local NGOs to minimize disaster-related risk.

The interest of tenants and those who claim to ‘own’ land may differ considerably. The exceptions are notable because they are rare. SDI’s Kenyan affiliate, the Kenyan People’s Homeless Federation, supported by local NGOs, worked with local savings schemes in Huruma, one of Nairobi’s many informal settlements, to regularize the settlement. A community survey had identified 1,105 tenants, 1,002 structure owners (i.e., owners of the house but not legal owners of the land) and 202 resident landowners. The residents were unanimous in seeing security of their homes and land as their biggest need. Hence, when the government said that they could have legal tenure if the residents could agree on a land-sharing arrangement, they negotiated to divide the land. The outcome was inclusive of all groups and offered the owners sufficient land for them to accept a compromise.

Communities that come together to address their need for tenure, infrastructure and services are more likely to be prepared in the event of a disaster. As the risks of climate change are increasingly recognized, more community groups want to educate themselves about the risks attached to their location both to prepare themselves and to negotiate for appropriate assistance from the authorities.
it (which often requires high-level political support for a more rapid response from bureaucracies) and permission to begin rebuilding are particularly urgent. In some disasters, technical support for affected populations in developing responses (for example, forming home-owner associations, drafting memoranda of understanding with local governments, designing houses and site layout, and raising funds) proved important.

**Building the information base for effective responses**

One obvious first step in reconstruction is surveys of settlements and impacted households in order to assess the damages and to develop a costed plan for rebuilding, but a key issue is who should be engaged in this process? Is this to be done by external experts who report to the official organizations ‘in charge’ or might it be better done by involving community organizations and volunteers? In a growing number of cases, community organizations formed by survivors have taken the lead role in these surveys and, in doing so, have reinforced their opportunities to influence responses. This draws on the experiences of federations of slum/shack dwellers in informal settlements in cities in Asia and Africa which have undertaken careful, detailed surveys and mapping of their settlements to provide the information base for upgrading and for negotiating with local governments for support.

This documentation, covering every household and providing detailed maps undertaken by the survivors, helps not only to provide necessary documents for reconstruction but it also fosters the strong community organization needed to cope with inappropriate government policies and with the commercial forces which often seek to take advantage of the disaster. For instance, the surveys help provide households with documentation of the land site they occupy or occupied prior to the disaster. Community-managed surveys also help build the confidence and capacity of the inhabitants. This is real disaster prevention because it provides the basis for low-income communities to avoid eviction and to negotiate the right to rebuild and to get tenure, and thus avoids the catastrophic impact of relocation to inappropriate locations. The surveys and maps also help to ensure that the government takes the local organizations seriously. An engagement with local organizations that have information about the population to be assisted changes the nature of the relationship and the potential capacity of the local community is better appreciated.

**Starting repairs and reconstruction**

A second obvious step is to start with repairs and reconstruction. And, again, who should undertake this? In Pakistan, after the devastating earthquake in 2005, there was a legitimate desire within government to make sure that the rebuilding produced buildings and infrastructure that were more resilient to likely future
disaster events. Governments often try to ban rebuilding until there is a detailed assessment of damages and until it can set guidelines and standards for rebuilding – but this can very often delay essential responses. For those with the least assets, who need to restart livelihoods and rebuild homes, all delays add to their difficulties. Community-driven reconstruction can draw on people’s own knowledge and skills. There are, for instance, often many skilled artisans and experienced builders among the affected population who can play an important role in the reconstruction if given appropriate technical support to ensure they build disaster reliance into new structures.

It is important for the network of affected communities to develop their relations with local governments and with professionals who are part of the reconstruction effort. They need to develop a common understanding among professionals, aid organizations, government departments and other community groups about what should be done and then use this common understanding to devise ways to deal with problems in a more collective and coordinated way. This is necessary to avoid a lack of coordination among different organizations and competition among community groups for funds or recognition. Again, community exchanges are key mechanisms by which everyone can learn – and slum dwellers’ federations have long learned the value of bringing government agency staff and other professionals into these community exchanges. This also allows successful partnerships between government agencies, professionals and community organizations to be highlighted so, for instance, government staff worried about allowing more flexible standards for building and infrastructure can visit a site where local government has successfully followed such an approach.

In urban areas, community-based initiatives to build or improve housing and to install infrastructure and services have shown their effectiveness in many places but they are limited by their impossibility to put in place large infrastructure, such as water mains to supply communities with piped water systems or the trunk sewers and storm drains into which community-developed systems can feed. Clearing household waste from streets, gutters, drains and open spaces can be organized by communities but it needs a larger system to collect and remove it. So community-driven strategies have to forge linkages and develop partnerships with local governments and this is where a real partnership between community-managed ‘little pipes’ and government-provided ‘big pipes’ can achieve risk reduction at scale.

**Getting land**

It is much easier to rebuild in existing settlements as no new land site has to be acquired and most existing urban settlements have some infrastructure or at least have trunk infrastructure (roads, water mains, sewers, drains, electricity cables) close by. But wherever land is valuable – which means most urban contexts – it is often more difficult for affected communities either to get back the land on which they lived prior to the
disaster or to get safer sites on which to rebuild. ‘Safe’ sites are of no use to low-income households if they are far from former homes and from income-earning opportunities. Whenever a large-scale disaster hits a city, there is always a temptation to envisage a reconstruction process that avoids the sites most impacted, especially the informal settlements. Governments often respond to disasters by passing new land-use regulations that prevent rebuilding in many of the most affected areas.

One common community-driven response is for community organizations to demonstrate to governments and, where relevant, international agencies their competence and capacity in rebuilding. One way to do this is by reoccupying the old sites and building permanent homes. This is what took place in Gujarat, India, after the 2001 earthquake when the government tried to stop people moving back to ‘unsafe’ places. But when the people who moved back showed evidence of their investment in permanent houses, the government had little choice but to agree with them staying there. In the immediate aftermath of the 2004 tsunami in Banda Aceh, survivors from 25 coastal settlements moved back in defiance of the government relocation programme. When they proved they were able to rebuild and to establish a plan to create protective ecological buffers between their settlements and the sea, the government supported their actions. In the responses to the disasters in Payatas described in Box 3.1, it was possible to get land for temporary or permanent accommodation on suitable sites.

**The need for ‘flexible’ money for affected households and communities**

There is a need for national and local disaster funds that are able to respond rapidly and have the capacity to provide support right down to affected individuals and households. These funds should support both immediate responses and the development of longer-term solutions in ways that serve each affected community. Cash support for affected households has proved effective in many instances and can also stop the erosion of household assets, which is particularly serious for low-income groups.

As noted earlier, key priorities – apart from guaranteeing basic needs (shelter, food, clean water, sanitation) and avoiding household asset depletion – are supporting livelihoods and rebuilding. This often needs administrative streamlining to get faster responses from bureaucracies in terms of approving community-driven plans and helping to resource them. This is not easy, especially for external funders who respond to the emergency with neither contacts nor knowledge of the areas in which they are suddenly working. It is difficult for outsiders to know how to support livelihoods and those most in need. This is more easily done if community organizations, such as local savings groups, can help. In many nations, national federations of slum/shack dwellers have set up their own national and local funds through which external support for their work can be channelled.
In urban areas, rebuilding homes and restoring livelihoods are usually closely linked, as the home provides a safe place for families, access for income earners and, often, a site for home-based enterprises. An evaluation of responses to the Gujarat earthquake noted: “People constantly emphasized the need to restore livelihoods rather than receive relief and expressed some frustration that outsiders did not listen to them on this point.”

**Community-driven initiatives for disaster risk reduction**

Most disasters, including the five listed in Box 3.1, could have been anticipated and much death and destruction avoided, had surveys of settlements in high-risk sites been undertaken and follow-up action carried out to address problems the surveys highlighted. Interviews or discussions with those living in informal settlements that flood point to a range of measures that they take in the home to reduce the impact. Obvious modifications can be made to houses to make them more resistant to disaster. These include having high or raised cupboards or other types of furniture that people can sit on in case of floods, fitting high shelves on which goods can be stored (including food and water) and keeping all electric wiring and plugs close to the roof (if the house is connected to a source of electricity). In Indore, India, many households had heavy
metal beds that did not wash away. Stores of food and water are essential in places prone to flooding. Brazilian President Lula da Silva has described how the homes he lived in as a child were often flooded. “When our house flooded, I sometimes woke up at midnight to find my feet in water, cockroaches and rats fighting over space, and various objects floating around the living room, so I had to get up in the middle of the night,” he said. “Our biggest concern was preventing the furniture from getting ruined. Not that we had much to get ruined... Every time it rained, we used to nail another piece of wood across the doorframe, and dump another truckload of earth to reinforce the barricade. But every time it rained the water level rose further. And the authorities never did anything.” Houses can be protected against flooding to some degree by building on stilts, creating drainage ditches nearby, erecting barriers to stop water coming in (these include temporary measures such as sandbags) or having outlets so that flood waters flow out.

Community-driven ‘upgrading’ of informal settlements is an important aspect of disaster risk reduction, as it improves the quality of housing and puts in place the infrastructure and services that reduce disaster risk. Upgrading slums has become one of the most common and effective ways to improve housing conditions in cities in Latin America and Asia. In nations such as Argentina, Brazil and Thailand, upgrading programmes have reached a significant proportion of the urban population that lives or used to live in informal settlements. At their best, upgrading programmes on sites at risk of flooding make space for necessary storm drains but also rehouse people who have to move to make way for infrastructure within the same community.

Box 3.3 Housing, land and property rights and post-disaster shelter programming

Problems concerning housing, land and property (HLP) rights and other issues frequently arise following natural disaster. These are often instrumental in determining the extent to which post-disaster shelter programming succeeds or fails. HLP issues can determine the extent to which the rights of those affected by disaster are respected, protected and, ultimately, fulfilled and enforced. If left without suitable policy (or sometimes legal) interventions, such HLP problems can create obstacles for the implementation of shelter programmes. What works well in a highly urbanized context may prove entirely ill suited for post-disaster shelter needs in a rural area of a developing country. Likewise, relocation of disaster-affected communities may be necessary and desired by certain groups in some contexts, but may be wholly inappropriate or illegal in many others. There is a growing realization that HLP rights perspectives need to be woven into the international community’s shelter programming activities. Though HLP rights issues may play themselves out in different ways, it is possible to identify the most likely types of HLP challenges to emerge following disaster. These include:

**HLP rights issues in informal, customary or extralegal settlements.** Dwellers residing within informal, customary or extralegal settlements (those without explicit
ownership or other formalized/legal rights to reside at a given location) often bear the brunt of natural disasters and resultant displacement and damage to property. However, on the whole, post-disaster HLP policy tends to provide clearly preferential treatment to formal property owners, often to the detriment of the rights of those within the informal or customary sectors, thus raising questions of equity and rights.

**Structural landlessness and homelessness.** Even though pre-disaster landless and homeless families constitute one of the most vulnerable groups affected by disaster, these families are frequently excluded or at best marginalized in relief and recovery processes. This group can include informal occupants or squatters on public or private land who are unable to return to their homes, such as people living in a coastal buffer zone in post-tsunami Sri Lanka. They can also be pre-disaster tenants who were not allowed to return to their former homes and lands or households headed by women who were not permitted to purchase property or not on the same terms as men. In post-tsunami Aceh, more than 15,000 land parcels (7,000 hectares) were irretrievably damaged, with resettlement on public land as the only available option. Following the 2005 Pakistan earthquake, the failure of the authorities to provide housing assistance to the landless was identified as a major reason for long-term displacement and the prolonged existence of temporary shelter settlements.

**Land grabbing and illegal/unfair land acquisition.** The unjust acquisition of land following a disaster can have a detrimental impact both on the people whose land is literally stolen and on humanitarian agencies engaged in shelter activities. Land grabbing can take a variety of forms ranging from outright violence (by both public and private actors), to carefully orchestrated legislative measures designed to achieve outcomes in the aftermath of disaster that would have been politically infeasible had the disaster itself not taken place. Following Hurricane Katrina in New Orleans, public officials attempted to undertake a range of planning and zoning measures during the reconstruction process, which had the actual effect of significantly changing land use and land and housing ownership patterns – in other words, a land grab.

**Restitution or resettlement?** According to relevant international standards, such as the United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons (2005), there is, when conditions so permit, a presumption of restitution and an emerging right to return to one’s original home for displaced people following both disaster and conflict. In many instances, however, restitution can be blocked due to HLP disputes over a land plot or dwelling, real or attempted land grabs, the secondary occupation of homes and lands and various other common post-disaster situations. In post-tsunami Thailand, HLP restitution rights for communities living on land informally were secured through the resolution of many HLP disputes by a special land sub-commission, but in many cases, the technically extralegal or informal tenure status held by disaster victims can greatly affect their rights in post-disaster settings.

**Proving who has which HLP rights.** Following the Pisco earthquake in Peru, shelter programming was affected due to the difficulties in clarifying the existence of property titles for the land potential beneficiaries were occupying. The international community developed procedures to select reconstruction beneficiaries, which procedures rely on vulnerability criteria (i.e., the elderly, disabled people, children and others) and on criteria related to the tenure of the land and properties built on it.
Inequitable treatment of owners and non-owners. Although housing, land or property owners (many of whom may have forms of HLP insurance protection) and tenants and other non-owners are equally affected by disaster, frequently the latter groups face inequitable treatment within the HLP sector. Following the Pisco earthquake, 78 per cent of the population that had title received grants for reconstruction, while tenants and informal dwellers generally did not. The same distinctions were made after the 1995 Kobe earthquake in Japan, where owners were invariably entitled to return to their pre-quake homes, whereas tenants were often forced to find new housing as their former neighbourhoods were transformed into new and more expensive areas. After Hurricane Katrina, relatively small amounts of financial assistance were provided to rebuild rental units compared to the considerable sums provided to owner-occupiers to rebuild.

HLP disputes and secondary occupation. HLP disputes generated by the secondary occupation of homes and lands are commonplace following disasters. Such disputes can occur between many different parties, such as two poor families struggling over access to a single piece of land. More ominously, disputes between poor communities and private sector interests, which seek to control the disputed land for development purposes, can seriously undermine broader post-disaster recovery efforts and cause forced and arbitrary evictions.

Insecure tenure. Inadequate or insecure HLP tenure can significantly worsen the HLP prospects of disaster-affected populations, as well as creating considerable challenges for shelter providers in the aftermath of disasters. Tenure insecurity – or the reduced degree of protection against eviction and other threats – can arise through a wide range of pre-existing or post-disaster circumstances. These can relate to structural weaknesses of the HLP rights registration and record-keeping systems in countries affected by disaster, a lack of clarity between customary and formal HLP rights frameworks, systemic bias against non-owners (resulting in far lesser tenure protection) and the loss, damage or manipulation of land registers and other methods of recording HLP rights. Insecure tenure can make people reluctant to flee from their homes and lands when disaster strikes for fear of losing access to them after the event.

In the specific context of HLP rights and disaster, the ‘do no harm’ principle should mean that humanitarian actors only support local or national HLP laws and policies that are consistent with internationally protected HLP rights. International agencies should build these perspectives into their overall activities to ensure the broad promotion and protection of HLP rights. It should also mean that humanitarian institutions consciously ensure that they are not complicit in any approaches to HLP issues pursued by national and local governments that are contrary to international rules and regulations. In effect, such an approach would prioritize rights over expediency, strive to remove the pro-ownership bias that still dominates many shelter efforts and develop new internal and external mechanisms to continually strengthen HLP rights issues in the context of shelter programming. Five key principles are worthy of consideration in this respect:

- Expand beneficiary participation in HLP processes and decision-making
- Define ‘building back better’ as ‘lands for the landless and homes for the homeless’
- Treat owners, tenants and informal dwellers equally by emphasizing security of tenure
- Oppose openly arbitrary and disaster-driven land grabs
- Prioritize restitution first.
However, the scope of the upgrading varies from minor improvements such as communal water taps, paved roads and street lighting, which do little to reduce disaster risk, to comprehensive improvements to each house and good-quality infrastructure (piped water and sewers to each house) and services (including schools and healthcare centres). Upgrading should also include the provision of legal tenure of the land and house to the occupants but this is often avoided due to costs and legal complications, which may also involve compensation for the landowner.

The concept of upgrading implies an acceptance by governments that the settlement to be upgraded is legitimate and that the inhabitants have a right to live there and the right to the infrastructure and services that are so central to risk reduction. But the extent to which it engages the inhabitants and their community organizations in its design and implementation varies a lot. One of the most interesting upgrading initiatives is that of the Thai government because it supports community-driven upgrading, and scale is achieved by the very large number of local initiatives that it supports.

Managed by the Community Organizations Development Institute (CODI), this channels government funds in the form of infrastructure subsidies and housing loans direct to savings groups formed by low-income inhabitants in informal settlements. It is these savings groups that plan and carry out improvements to their housing or develop new housing, and work with local governments or utilities to improve infrastructure and services. From 2003 to early 2008, within the Baan Mankong or secure housing programme, CODI approved 512 projects in over 200 urban centres covering 53,976 households, and it plans a considerable expansion of the programme within the next few years. Overall, CODI (and the organization out of which it developed, the Urban Community Development Office) has provided loans and grants to community organizations that reached 2.4 million households between 1992 and 2007.

This initiative has particular significance in three aspects: the scale; the extent of community-involvement; and the extent to which it seeks to institutionalize community-driven solutions within local governments. Its funding is drawn almost entirely from domestic resources – a combination of contributions from national and local government and from households and communities. CODI also provides support to networks of community organizations formed by the urban poor, to allow them to work with municipal authorities, other local actors and national agencies on city-wide upgrading programmes. It also demonstrates how to regularize illegal land tenure. Those living in illegal settlements can get legal land tenure by a variety of means, including purchasing the land from the landowner supported by a government loan, negotiating a lease, agreeing to move to another location provided by the government agency on whose land they are squatting, or agreeing to move to part of the site they are occupying in return for tenure (land sharing). CODI also provides loans to community organizations to lend to their members to help build or improve their homes.
**Conclusion**

Most of the experiences described above are from nations where national federations of slum or shack dwellers have developed and have actively sought to work with local governments. The kinds of post-disaster interventions described in this chapter, including the capacity to reduce or avoid extreme events, should be a key part of urban poverty reduction strategies. Often, however, they are not seen as the responsibility of agencies that work on poverty reduction. Meanwhile, guidelines for urban poverty reduction, such as the Poverty Reduction Strategy Papers fostered by the World Bank and the International Monetary Fund, often give little or no attention to disaster risk reduction in urban areas – although in fact, this is part of a larger problem: that these institutions do not give much attention to urban areas at all.

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Sources and further information


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