

# Disaster Laws

## Fact sheet: regulatory barriers to shelter

### Meeting emergency and transitional shelter needs

### Shelter after disasters: untying the regulatory knots

In November 2011, the state parties to the Geneva Conventions and the International Red Cross and Red Crescent Movement will come together to discuss the key humanitarian issues of the day at the 31<sup>st</sup> International Conference of the Red Cross and Red Crescent. High on their agenda will be how to resolve regulatory barriers to providing emergency and transitional shelter to those displaced by disasters.



Member of the Chilean Red Cross working in the recovery of the country after the earthquake.

### Why focus on this issue?

In the immediate aftermath of major disasters, such as the 2010 earthquake in Haiti and floods in Pakistan, huge numbers – even millions – of persons can be displaced at once. This is not just a national crisis for the governments concerned, but an ongoing personal crisis for each affected family. While permanent solutions are developed, providing people with immediate and transitional shelter is critical to keeping them healthy and able to rebuild their lives.

Yet, very often, regulatory issues stand in the way. Over and over again, governments, Red Cross and Red Crescent Societies and other humanitarian partners have been faced with questions such as:

- How can the use of land be obtained and assigned quickly and effectively to provide temporary housing for displaced persons?
- How can delays in implementing shelter solutions due to ownership clarification or compliance with construction or planning approval procedures be reduced?
- How can equity be ensured in shelter assistance efforts, including as between recognized property owners and non-owners (e.g. renters and squatters) and between men and women?
- What support should be provided to persons who lack formal documentation or recognized title to homes that have been destroyed?

Our lack of ready answers contributes to the sustained suffering of disaster-affected persons. So what can be done?

### Examples from the field

#### Fast-track procedures speed recovery: the experience of Chile

In February 2010, an earthquake measuring 8.8 on the Richter scale struck Chile and unleashed a tsunami causing additional damage. Over 200,000 homes were destroyed and over 800,000 people displaced. Finding shelter solutions for so many raised significant legal and regulatory challenges. As noted by Martin Bravo, Head of Property Purchases for the Chilean Ministry of National Property, “All reference points have disappeared....it is very difficult to finalize land titles when everything is upside down”. A new act was passed in Chile in August 2010, which accelerated the process for regularizing land titles for small properties in both rural and urban areas. What was normally a two year process was cut down to six months for those urgently requiring shelter assistance following the earthquake and tsunami.

## Restoring ownership and rebuilding lives in Sri Lanka

Finding solutions for Sri Lanka's landless farmers and homeless urban poor has weighed on national authorities for decades. This challenge was exacerbated by the 2004 Indian Ocean tsunami and a protracted conflict in the north of the country, which combined displaced close to a million people. Returning to homes and land was not easy. Commitments by the government, the Sri Lanka Red Cross Society (SLRCS), and other humanitarian actors were often frustrated by regulatory hurdles, including, requirements to produce proof of land ownership, shifting coastal buffer zones, and inheritance customs. As explained by then-acting Director-General, Tissa Abeywickrama, "We discovered so many cases where housing had been dealt with informally... no one thinks about legal ownership, or about deeds and registration. But when a tsunami sweeps those homes away, you find you have a legal problem." Through its programmes and advocacy, the SLRCS has helped to ensure that the needs and interests of the most vulnerable among the affected population are considered, whether coastal dwellers, landless renters or squatters. The National Society is also working to ensure more equitable results for women, whose rights to land and property are often not guaranteed. Momentum is now building to address these kinds of questions for future disasters. For his part, Abeywickrama is unequivocal. "...there should be wider discussion on these issues. They need to be reviewed and a process begun that could lead to new legislation".

## Launching a global dialogue on solutions

In communities around the world, Red Cross and Red Crescent Societies are at the front line in providing immediate post-disaster shelter. Their experiences and ideas are a key resource for governments struggling with these issues. Moreover, since 2005, as convenor of the Global Shelter Cluster in disaster situations, the IFRC has heard increasing concern from its humanitarian partners about the severity of this problem.

The 31<sup>st</sup> International Conference provides an important opportunity to begin a dialogue at the international level as to how governments and humanitarian actors can cooperate to creatively and effectively solve key problems in providing shelter after disasters.



Tsunami operation, Sri Lanka June 2009. Two men working on an owner-driven shelter project supported by the Swiss and American Red Cross Societies.

### For more information:

- available at [www.ifrc.org/idrl](http://www.ifrc.org/idrl) -

- On [regulatory barriers to emergency and transitional shelter](#)
- On [the work of the IFRC shelter and settlements department](#)



For further information,  
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