

YEMEN: CHALLENGES TO HOUSING, LAND, AND PROPERTY RIGHTS

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About this report

Aim: the report aims to provide a map of the HLP issues IDPs in Yemen are facing and highlight response gaps within the context of sustainable displacement solutions.

Methodology: the report is based on the secondary data analysis and review of publicly available sources and three key informant interviews with HLP experts in the Yemen response.

Limitations: this report provides a brief overview of HLP issues and a general analysis of gaps and needs. It does not include in-depth considerations of specific HLP issues, specific groups affected and in particular parts of the country, and changes over time because of a lack of data and information from dedicated assessments. Publicly available datasets capture some HLP-related issues but not to a level or degree allowing for the comprehensive analysis of issues, trends, and patterns.

OVERVIEW

Millions of people in Yemen experience years-long or multiple displacements (CCCM Cluster 15/03/2022). Sustainable solutions for IDPs in the country include returns to their area and community of origin, relocation to another part of the country, or integration into the host community where they have taken refuge (IASC 05/04/2010). Any long- or short-term efforts towards a solution must take into consideration people’s housing, land, and property (HLP) rights, which refer to their right to obtain and occupy a safe and secure home in which to live in peace and dignity, affirm socially or legally recognized entitlements to land and refer to the right to own property and decide how to use it (UNHCR unpublished). In the Yemeni context, the protection of HLP rights faces impediments that affect the efforts of IDPs to end their displacement and find durable solutions. HLP issues also remain a significant challenge to the effective delivery of humanitarian assistance (CCCM 15/03/2022).

Challenges to HLP rights in Yemen are complex and extensive. They include tenure insecurity, cases of overlapping land governance, inadequate land dispute resolution mechanisms, the lack of suitable land, and compromised water access for livelihood opportunities.

Providing dedicated assistance in protecting HLP rights as part of the response requires a thorough understanding of the relevant HLP issues and displacement dynamics. It calls for an integrated and multi-stakeholder response informed by a dedicated and reliable HLP information and analysis landscape. It also necessitates that IDPs are well informed about their options and the risks and opportunities attached to those, and that authorities take on their responsibilities to protect HLP rights.

KEY MESSAGES

- Many IDPs experience land tenure insecurity, which restricts temporary solutions from turning into durable solutions and creates the risk of multiple displacements, forced evictions, and exploitation.
- Displaced people living in non-camp IDP sites and among renters face forced evictions over a lack of tenure agreements and potential inability to pay rent. Forced evictions are a resource challenge for humanitarian services, which must provide infrastructure for new IDP sites.
- Conflict-induced displacement has created a huge influx to some cities, leading to higher service demands.
- Displaced women face protection issues in insecure tenure arrangements when unable to pay rent and when trying to claim their HLP rights in inheritance and divorce cases.
- Before the conflict, certain groups, such as women, already faced disadvantages in accessing their HLP rights. Both tradition and law largely restrict housing, land and property ownership to men. Members of the Muhamasheen in Yemen also face discrimination and cannot access their HLP rights. Access to adequate housing and land dispute resolution mechanisms has become even more difficult for those displaced.
- Refugees and asylum seekers face similar HLP issues as IDPs regarding host community integration.
- The lack of civil documentation of IDPs hampers any relocation, integration, or return efforts and access to services. IDPs may have lost documentation during displacement, authorities may have confiscated it, it may be outdated, or some IDPs may never have had any documents even before the conflict. The civil registry system for processing documents has largely collapsed or is rendered ineffective through competing governance claims in the IRG areas of Yemen.
- Relocation land is scarce, with territorial disputes between returnees and new owners, landlords unwilling to provide land for durable solutions, flood risks, and explosive remnants of war (ERW) aggravating the issue.
- An inefficient land registry system and verification mechanism for land titles and deeds, corruption, and land-grabbing hamper land dispute resolutions and durable displacement solutions.
- Local authorities have limited capacities to deal with land dispute resolution cases, and tribal land decisions sometimes weaken their authority and leverage.
- The lack of affordable housing influences IDPs' choices for temporary and durable displacement solutions.
- Returnees do not have durable solutions for restoring HLP ownership, livelihood opportunities, and access to services.
- Durable displacement solutions are built on integrated analyses to gain situational awareness of the situations of IDPs and the HLP challenges they face. This integration requires a good understanding of the information available from and collaboration with host communities, local authorities and responders, and other stakeholders beyond the humanitarian response.

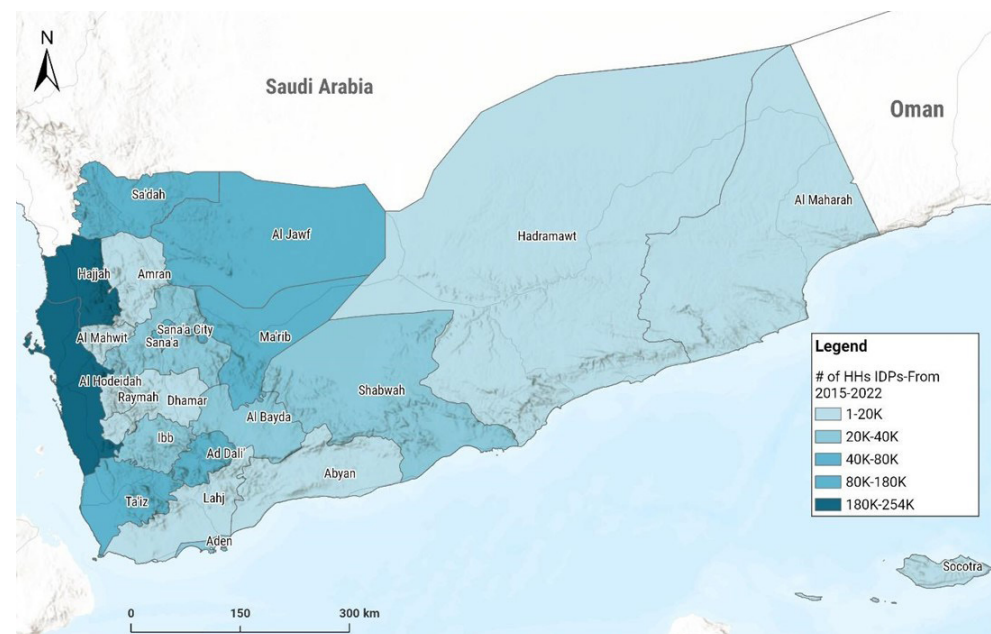
BACKGROUND – DISPLACEMENT – FIGURES

IDPs

Yemen hosts more than 4.5 million IDPs. 1.5 million (33%) of these live dispersed across over 2,300 IDP hosting sites, in makeshift tents, shelters, and spontaneously occupied informal settlements (UNHCR accessed 01/03/2023; HLP WG 22/04/2022). Of these 1.5 million, 615,000 are in 761 sites in areas under the control of the Internationally Recognized Government of Yemen (IRG), while 909,000 are in 1,563 sites in areas under the control of the de-facto authority (DFA) in the north of Yemen (also known as the Houthis) (CCCM Cluster/UNHCR 28/02/2023).

Yemen introduced a no-camp policy in 2018, emphasised in the National Cluster Strategy 2023–2024 of the Camp Coordination and Camp Management cluster in Yemen, in which they consider camps as a last resort for displaced people (CCCM Cluster/Shelter Cluster 26/05/2017; CCCM Cluster/Shelter Cluster 06/2018; CCCM Cluster/UNHCR 12/12/2022).

Host communities (including tribal groups) and local authorities continue to be the primary providers of land or shelter for the three million IDPs who are not living in IDP sites in Yemen; 44% of these IDPs live in rented housing or apartments and pay rent. Relatives or friends host the remainder (HLP WG 22/04/2022). Since 2015, the DFA governorates of Al Hodeidah and Hajjah have been hosting the highest number of IDPs.



Source: ACAPS Yemen Analysis Hub core dataset (accessed 19/03/2023) and DTM Yemen - Baseline Assessment Round 37 (accessed 19/03/2023)

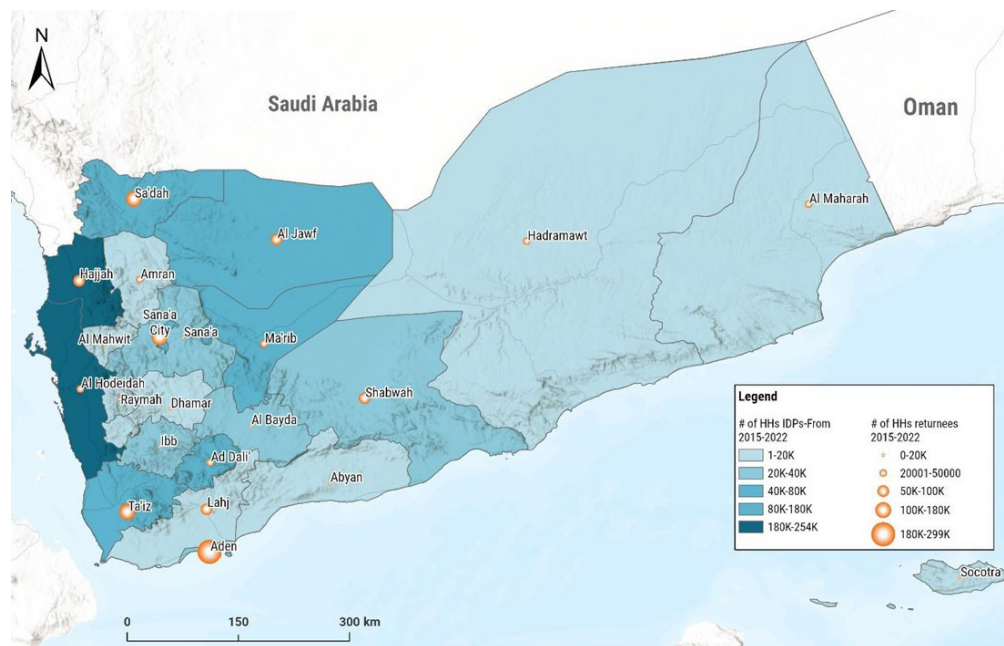
Disclaimer: The boundaries, names, and designation provided on this map do not imply official endorsement or acceptance by ACAPS

Note: 78% of IDPs are women and children (23% women, 28% boys, and 27% girls).

Source: UNHCR (accessed 14/03/2023)

Returns

Since the beginning of the conflict, 1,240,000 IDPs in Yemen have returned to their area or place of origin (IOM 30/11/2022). As at 2019, the governorates with the highest return figures were Aden, Amanat Al Asimah, Taiz, and Sadah (UNHCR accessed 14/03/2023).



Source: ACAPS Yemen Analysis Hub core dataset (accessed 19/03/2023) and DTM Yemen - Baseline Assessment Round 37 (accessed 19/03/2023)

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Refugees, asylum seekers, and migrants

As at November 2022, Yemen was hosting over 99,800 refugees and asylum seekers, with 46% in Sana'a governorate, 29% in Aden, and 10% in Lahj. In Lahj, more than 9,600 refugees and asylum seekers were staying in Yemen's only refugee camp, Kharaz camp. Most of the refugees and asylum seekers in this camp were from Somalia, but approximately 10% were from Ethiopia (UNHCR 01/03/2023; UNHCR accessed 03/03/2023).

As at September 2022, 43,000 migrants were stranded in Yemen on their way from the Horn of Africa to Saudi Arabia or other Gulf states (IOM accessed 01/03/2023).

DURABLE SOLUTIONS TO DISPLACEMENT AND THE NEED FOR HLP RIGHTS PROTECTION

The specific needs and human rights concerns of IDPs do not automatically disappear when conflict ends or when people find initial safety from conflict or disaster. Displaced people – whether they return to their homes, settle elsewhere in the country, or try to integrate locally – usually need support until they achieve a durable solution to their displacement. Different durable solutions apply to refugees and asylum seekers. In their displacement context, refugees and asylum seekers should be bestowed housing decisions as favourably as possible, and they should have access to safe shelter and essential services (OHCHR accessed 09/03/2023).

Durable solutions to displacement definition

The Inter-Agency Standing Committee's framework on durable solutions for IDPs builds on the UN Guiding Principles on Internal Displacement (UN 11/02/1998). It stipulates that a durable solution is achieved when IDPs no longer require any specific assistance and protection needs linked to their displacement and can enjoy their human rights without discrimination arising from their displacement. The framework lays out three solutions to internal displacement: sustainable return to the place of origin, sustainable local integration in areas where IDPs have taken refuge, or sustainable integration through resettlement in another part of the country (IASC 05/04/2010).

Box 1 lists the criteria for achieving durable displacement solutions according to this framework.

Box 1

IDPs who have achieved a durable solution will enjoy without discrimination:

- long-term safety, security, and freedom of movement
- an adequate living standard, including, at a minimum, access to adequate food, water, housing, healthcare, and basic education
- access to employment and livelihoods
- access to effective mechanisms that restore their HLP or compensate them.

In several contexts, it will also be necessary for IDPs to benefit, without discrimination, from the following to achieve a durable solution:

- access to and replacement of personal and other documentation
- voluntary reunification with family members separated during displacement
- participation in public affairs at all levels on an equal basis with the resident population
- effective remedies for displacement-related violations, including access to justice, reparations, and information about the causes of violations (IASC 05/04/2010).

HOUSING, LAND, AND PROPERTY RIGHTS DEFINITIONS

HLP rights are based in international law.

The **right to housing** is framed in international law as the right to adequate housing, an aspect of the right to an adequate standard of living. This right includes security of tenure, the availability of services, affordability, habitability, accessibility, location, and cultural adequacy.

Land rights include different types of rights to land, including the right to: occupy, enjoy, and use land and resources; restrict or exclude the access of others to land; transfer, sell, purchase, grant, or lend land; mortgage or secure credit with land; inherit or bequeath land; develop or improve land; rent or sublet land; and benefit from improved land values or rental income.

Property can be defined as anything that a person or entity owns. It is divided into two types: 'real property', which covers any interest in land, real estate, crops, or fixed improvements on land, and 'personal property', which covers everything else (UNHCR unpublished).

YEMEN HOUSING, LAND, AND PROPERTY LEGAL FRAMEWORK

International laws and guidelines

Yemen has ratified declarations and conventions relevant to HLP rights, as listed below.

Box 2

International law that frames HLP rights includes:

- Universal Declaration of Human Rights (article 25, paragraph a)
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights (article 11, paragraph 1)
- International Convention on the Elimination of All Forms of Racial Discrimination (article 5, section e, subsection iii)
- Convention on the Elimination of All Forms of Discrimination against Women (article 14, paragraph 2, section h)
- Convention Relating to the Status of Refugees (article 21)
- Convention on the Rights of the Child (article 27, paragraph 3)
- Convention on the Rights of Persons with Disabilities (article 28)

Box 2.1

Other relevant guidelines and principles for HLP rights are:

- General Comment No. 26 on Land and Economic, Social and Cultural Rights
- Guidelines for the Implementation of the Right to Adequate Housing - Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-discrimination in this Context
- International Conference on the Great Lakes Region: Protocol on the Property Rights of Returning Populations
- Basic Principles and Guidelines on Development-Based Evictions and Displacement
- Guiding Principles on Security of Tenure for the Urban Poor
- Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security
- Guiding Principles on Internal Displacement (principle 18)
- Principles on Housing and Property Restitution for Refugees and Displaced Persons (principle 8), also known as the Pinheiro Principles

(Social Watch accessed 28/02/2023; IDMC/NRC 09/10/2025, OHCHR accessed 28/02/2023, UNHCR unpublished)

HLP CHALLENGES BEING FACED BY DISPLACED PEOPLE IN YEMEN

Box 3

HLP issues can be root causes, triggers, or effects of violence or conflict. In most emergencies, respect for HLP rights deteriorates quickly, delaying and complicating the response and solutions. Organisations involved in emergency response should be aware of local HLP practices and history (in both the area of origin and the area of refuge) to avoid doing harm (UNHCR unpublished).

Different displacement solutions have different HLP rights implications and, based on the intent of the displaced person, are likely to have different requirements and assistance needs for sustainable solutions. Displaced people in Yemen face challenges to their HLP rights, including those listed below.

Lack of availability, affordability, and high-quality land and housing limiting displacement solutions

The lack of affordable housing in urban areas affects choices for IDPs with little or no income and funds. Pre-existing deficiencies in the housing market mean that Yemen's urban areas generally have an insufficient housing supply. Before the onset of armed conflict in 2014 increasing rates of urbanisation, poverty, and unemployment, as well as water scarcity, drought, and natural hazards, had led to a rapid rise in slums and informal housing, and an estimated 60% of Yemen's urban population were living in informal settlements (UN Habitat 01/02/2020). For example, Houthi officials indicated internal migration and the increase of IDPs from other regions as the drivers of the population increase in Sana'a, from 2.9 million in 2015 to over 7 million in 2021 (YNP 25/07/2021). This increase has created a huge demand for services, including accommodation (AI-Monitor 17/03/2022).

Affordable housing has become even scarcer, as conflict-induced displacement into the cities has increased the prices of land, real estate, and rent and the demand for services and accommodation. A consequence of the unavailability of affordable housing options for IDPs is the proliferation of informal settlements and unserved peripheral neighbourhoods (UN Habitat 07/08/2020). That Yemenis consider housing and land as the most secure way to invest money, instead of in banks, also influences housing affordability. For example, Yemenis working abroad may establish family homes that are rented out until they return permanently (AI-Monitor 17/03/2022; KII 08/03/2023). This characteristic has contributed to rising house and

land prices in urban areas. At the same time, the rising costs of imported building materials, such as steel, cement brick, and timber, as well as of production and transportation, have increased prices for the construction of new housing and repair work (UN Habitat 07/08/2020). Many IDPs likely have no or only low income and no funds for buying or renting a property at high prices (Al-Abed 2015).

Destruction and damage to houses and property require repair and rebuilding efforts that IDPs cannot afford. Large-scale damage to houses in both urban and rural areas influences people's choice to return to their places of origin. Besides continued insecurity and a lack of viable livelihood options, the destruction of houses, markets, and infrastructure is one of the reasons for the very low rate of intention to return, as people anticipate large repair and rebuilding work that for most is unaffordable without support (KII 27/03/2023).

The contamination of houses and land with landmines and other ERW poses a danger to returnees or those relocating, limiting the availability of safe land and property. Contamination through conflict has forced communities to abandon certain areas. Many of these abandoned areas used to be cultivatable agricultural land that provided livelihoods and cash crops for the domestic market. Houthis would also lay additional landmines in areas after people fled from fighting (CIVIC 04/10/2022; HRW 08/09/2016). The presence of mines and other ERW poses a danger to people and renders buildings and pieces of land that would otherwise be suitable for agriculture unavailable for safe use.

Susceptibility to flooding limits the availability of land for relocation and poses risks of re-displacement from current IDP sites. Floods and the risk of floods make land unsuitable for IDP relocations. IDPs relocating to flood-prone areas must sometimes relocate again to avoid this risk (KII 27/02/2023). In 2022, more than 430 flooding incidents occurred in Yemen, affecting 44,000 people living in over 330 IDP sites (CCCM Cluster 05/02/2023). Reports indicate that 40% of IDP sites in the country are at risk of flooding, and alternative sites are necessary. Flooding is also one of the most common threats IDPs perceive in displacement sites (CCCM Cluster 12/12/2022; accessed 28/02/2023). Flood-susceptible districts with many IDP sites are Al Hodeidah, Al Jawf, Hajjah, and Ma'rib governorates (CCCM Cluster et al. 16/02/2023).

Inadequate shelter options and a lack of access to services increase shelter, WASH, and protection needs. These needs include concerns about gender-based violence (GBV), especially for women, girls, people with disabilities, and members of the Muhamasheen among the IDPs. Those displaced in collective centres, spontaneous informal settlements, and makeshift shelters often find shelter built and furnished from low-quality and improvised locally available materials (Global Shelter Cluster 14/03/2019). Limited shelter options also often disproportionately affect displaced women and girls given the resulting lack of privacy, threats to safety, and limited access to basic services. Shelter arrangements and services in IDP sites also often do not consider the specific needs of people with disabilities, including accessibility standards (HI 23/05/2022).

Tenure insecurity posing protection risks

IDPs risk forced eviction because of precarious tenure arrangements. 75% of IDP sites are on private land, and an estimated 87% of IDP sites lack formal land occupancy agreements. Likewise, most IDPs living in rented accommodation or a hosting arrangement lack a rental agreement, increasing the risk of eviction or eviction threats. An estimated 1.4 million people are living with insecure tenure. 82% of IDPs report difficulties paying rent, and 76% have been unable to pay rent for more than three months (ACAPS/Protection Cluster 29/12/2022). In 2022, the HLP working group reported that of those renting, 81% had received threats of eviction in the past year, predominantly verbal threats following non-payment of rent or because the host community wanted the land or housing back (HLP WG 22/04/2022). Overall, there has been an increase in eviction threats, especially in urban areas (KII 08/03/2023). In many cases, landlords confiscate IDPs' household belongings, including civil and HLP documentation, and authorities imprison household heads because of the non-payment of rent. The imprisonment of male household heads, often over months and made worse by the lack of legal assistance, is a serious issue that causes livelihood issues for their wives (KIIs 03/2023). Between January–September 2022, there were more than 31,000 recorded incidences of forced evictions, with a high concentration in the DFA governorates of Al Bayda, Al Hodeidah, Amran, Dhamar, and Sana'a (ACAPS/Protection Cluster 29/12/2022). Where evictions cause IDPs to move to IDP sites, access to humanitarian services and resources to provide services and infrastructure in the new location might be limited. Insecure tenure arrangements can expose IDPs to unregulated rent increases and landlord exploitation.

Displaced women-headed households are especially vulnerable to insecure tenure, raising protection concerns. A lack of education, early marriage, and an inability to leave home to find work make households headed by women especially vulnerable to insecure tenure. Many women cannot pay rent without an income, resulting in negative coping mechanisms that expose them to GBV (including those of a sexual nature), even from landlords (UN Habitat 07/08/2020). Anecdotal evidence points to cases of landlords proposing sexual relationships to female tenants unable to pay rent (KII 07/03/2023).

Women who would like to exert their rights to land from a divorce or inheritance experience GBV, leading them to renounce their rights. Discriminatory practices exclude women from HLP ownership and their inheritance of marital property. Research from the Norwegian Research Council (NRC) found that people use threats and acts of violence to deter women from claiming their rights within a divorce or to an inheritance, which is a form of GBV (NRC 02/12/2019). Regarding displacement solutions, female household heads wanting to rebuild their lives in their places of origin risk violence when claiming their HLP rights (IOM 23/07/2018). Women in Yemen have the legal right to own land and non-land assets. Within marriage, women retain ownership and control over their property and assets, including dowry or gold, as the default marital property regimen is the separation of property. Despite this, property



registration is often done in a man's name: the father, husband, or brother. In practice, few women have ownership rights to land. In case of separation or divorce, the man often retains property or land rights, whereas the woman becomes homeless or has to share the property with her in-laws without gaining control or rights over it. In certain rural areas, women must obtain the permission of their husbands to transact land, regardless of ownership (OECD 2019). There are also practices where women marry close relatives, such as cousins, to keep land within a family (KII 07/03/2023).

The Muhamasheen face discrimination in accessing affordable housing and services, denying them their HLP rights. The estimated 3.5 million Muhamasheen in Yemen suffer from caste-based, socioeconomic, and political discrimination and fall outside established tribal and societal structures in terms of support networks (MRG accessed 02/03/2023). They are present in every Yemeni governorate, including in large numbers in Al Hodeidah, Hajjah, and Ta'iz governorates (UN Habitat 07/08/2020). Historically, the Muhamasheen have lived in very poor conditions in segregated slums on the periphery of urban areas, comprising small wooden and cloth huts with few basic services available. Many Muhamasheen are unemployed and generally excluded from public sector jobs, except those employed in waste management and as street cleaners. The Muhamasheen were among the first groups displaced by the conflict, worsening existing discrimination. Aside from facing general discrimination, there have also been cases of community sheikhs denying them access to aid distribution. In most cities, the Muhamasheen have moved towards the city's edges to open lands, staying in spontaneous settlements where they often face hostility from the community and landowners (MRG accessed 02/03/2023). There are reports of other displaced people preventing the Muhamasheen from accessing IDP camps or shelter in collective centres and vacant buildings, excluding them from the efforts of host communities and local authorities to support IDPs. They also regularly face threats of eviction from the land where they take refuge (UN Habitat 07/08/2020). The NRC reported the use of threats of violence against the Muhamasheen to deter them from using courts to claim HLP rights, as well as the failure of customary and state authorities to perform their duty of protecting the lives of and ensuring equal rights for all vulnerable groups, including the Muhamasheen (NRC 02/12/2019).

People with disabilities lack representation and support in accessing adequate housing and services. Before the current conflict, the Ministry of Social Affairs and Labour was responsible for the social protection of people with disabilities. This care is currently not being provided to IDPs, and people with disabilities are especially exposed to the risk of communicable diseases through seasonal rains, floods, poor sanitation and hygiene, barriers in the physical environment, limited access to education and healthcare services, and limited dedicated institutional support (OHCHR 03/12/2022).

A lack of access to provided HLP support leaves the protection of rights unattended. The most marginalised IDPs are settled in locations that are difficult to access, limiting

the assistance available to the affected populations and the understanding of their needs. People themselves need permission or guidance from their community leaders to receive assistance. If they act on their own accord, they face the threat of losing protection or even forfeiting what they receive (KII 07/03/2023; Global Shelter Cluster 14/03/2019).

Most refugees, asylum seekers, and migrants live in inadequate, overcrowded accommodations without water or sanitation, particularly in urban areas, where they share the space with IDPs. With the near absence of camps for shelter and a lack of income to afford rented accommodation, many refugees and asylum seekers increasingly risk eviction. Refugees and asylum seekers can access public health and education in principle, but they suffer from discriminatory attitudes and legal and linguistic barriers, particularly when personal documentation is required or when their refugee identification or asylum certificates have expired (OCHA 12/2022). Migrants travelling through Yemen to work in other countries lack a legal status. Violations of their human rights, such as inhumane detention conditions, exploitation, and forced transfers across lines of control, are increasing (IOM 31/05/2022). There are indications that some local authorities are planning to encamp migrants (KII 08/03/2023).

Social tensions with the host community stemming from displaced people occupying public buildings can increase the likelihood of conflict between the two communities and increase tenure insecurity for IDPs. Communities have expressed frustrations with IDPs occupying public buildings that provide essential services, such as schools and health facilities (NRC 02/12/2019; Global Shelter Cluster 14/03/2019). Land and property disputes, in general, can also weaken the precarious relationship between IDPs and their host communities, worsening tensions and giving rise to protection incidents, potentially causing new displacements (CCCM Cluster 15/03/2022).

Overlapping land governance, lack of transparency in documentation systems, and inadequate dispute resolutions hampering land rights claims

The absence of a transparent land registry with a private land inventory and a system for authenticating land deeds and documents impedes contested land claim disputes. Legislation on land rights in Yemen is based on Islamic law principles under the 1994 Constitution of the Republic of Yemen. This legislation respects and protects private property. Constitutional and civil law also governs private land property. The primary civil law governing land is the Law of Land and Real Estate No. 21 of 1995. It provides for the classification and terms of use of land in Yemen (USAID 09/2016). The main types of land in Yemen are reflected in Box 4.

In rural areas, the administration of privately owned land is conducted through customary laws outside of statutory structures, using traditional and formal tribunals involving a title

deed or other contractual documents that a religious authority or sheikh has signed. Records show the registration of only an estimated 10–20% of Yemeni land before the conflict (USAID 09/2016). Public confidence in the land registry is low, particularly in rural areas, where landowners depend on community leaders to obtain documents and deeds, and where the neutrality of sheiks, who often deal with land conflicts, can be problematic. This issue is likely more widespread in IRG Areas, as land tenure issues before the country's reunification were largely based on the informal system of land title issuance.

In urban areas, an estimated 50–60% of residents have documentation of their rights that are enforceable through civil law (FAO 09/2021; USAID 09/2016). The courts are tasked to settle land disputes in urban areas, but slow court processes, high costs, and a system subject to corruption hamper dispute resolution. These problems make displaced people claiming land rights reliant on customary and informal dispute resolution mechanisms, even in cities, and put them at risk of not having any access to legal recourse at all (UN Habitat 01/02/2020). The UN Committee on Economic, Social and Cultural Rights raised concerns about the large number of land disputes and land-grabbing cases in Yemen resulting from the absence of a system for documenting land titles, whether the land tenure is formal or customary (UN 03/03/2023).

Box 4

The main types of land in Yemen include the following.

- **Privately owned land (mulk)** is subject to Shari'a law, which dictates that the direct descendants of the rightful owner will inherit the land upon the death of the owner.
- **State-owned or government land (miri)** is defined as whatever the State or public bodies own under the law. Such property shall not be disposed of or confiscated. Individuals shall not be entitled to the ownership of such property if it remains public.
- **Communal land:** grazing and firewood collection are the primary uses of communal land. Customary law entrusts sheikhs with the management of these lands.
- **Endowment land (waqf):** in Islam, the word waqf means holding certain property and preserving it for the confined benefit of certain philanthropy and prohibiting any use or disposition of it outside that specific objective (FAO 09/2021).

The absence of a national cadastre system increases the difficulty of resolving boundary disputes. As Yemen does not use a formal cadastre system, disputes call on other forms of evidence, including physical markers (trees, streams, and rocks), to determine boundaries. Physical events, such as floods and landslides during monsoon seasons, can change the location of such markers, or these markers can become overgrown or forgotten. Without cadastral maps, boundary conflict resolution also relies on elders' oral histories. Elders represent a body of knowledge that can disappear if they experience displacement, if they die, or if others undermine their power (NRC 02/12/2019).

The number of inheritance disputes requiring resolution in Yemen has increased. Contested inheritance has been a major source of tension and dispute even before the outbreak of the 2014 conflict (OECD 2019). The conflict has worsened inheritance disputes, in part because of the displacement of city dwellers who return to their villages, leading to the reopening of old claims. The conflict, natural hazards, and diseases increase the death toll, creating further land claims (UN Habitat 07/08/2022).

Re-asserting ownership rights and denying temporary permissions for IDPs can lead to a lack of available land for IDPs. Often, IDPs build homes and camps on lands where the owner is not in the area or the owner has granted permission for IDPs to stay temporarily. With the length of the conflict and the continued need for land for IDPs, more landowners who have previously permitted IDPs to stay are seeking the return of their land (CIVIC 04/10/2022). Many landlords want to ensure that IDPs only stay temporarily on their land and do not agree to setting up more permanent structures and infrastructure (KII 23/02/2023; KII 08/03/2023). The destruction of property and loss of relevant documents in the conflict also complicate inheritance cases (UN Habitat 07/08/2022).

A lack of local authority capacity to deal with land disputes limits the number of resolved cases. The large number of cases in the displacement context limits the local authority's capacity to deal with HLP rights issues (KII 23/02/2023). In urban areas, land conflict cases overburden the court system, and the absence of defined classifications for the issues related to land acquisition in civil law hampers efficient and successful dispute resolution (FAO 09/2021). In general, Yemenis choose their preferred type of legal assistance based on costs (for legal support and transportation to court), the time it will take until the system handles the case, and the preference for a mediator who can negotiate between conflicting parties; for these reasons, some do not choose to go through the courts (KII 28/03/2023).

Tribal land claims cause conflict and potential new displacements. Tribes can have a powerful influence over land-related decision-making and can have more leverage over land than local authorities. This influence often results in violent conflict, which can cause new displacement (KII 27/02/2023). The 2022 truce saw increased tribal violence, as more tribesmen returned to their places of origin. Unresolved land disputes triggered intratribal

clashes across the country, often to demarcate territorial borders and gain access to water resources. Blood feuds also caused intratribal clashes (ACLEDD 14/10/2022).

A lack of civil documentation hampers the tenure security of IDPs and returnees and their access to public services. A protection monitoring survey in IRG governorates, which assessed close to 500,000 individuals between January–May 2022, revealed that 43% of assessed individuals lacked civil status documentation (ACAPS/Protection Cluster 29/12/2022). Estimations of the percentage of IDPs who lack documentation, including identification cards, birth certificates, and other vital documents, are much higher (KII 08/03/2023). This lack often leaves IDPs without the necessary documentation to claim their HLP rights and prevents them from accessing their basic rights, including education and healthcare (OHCHR 06/2013). The lack of birth certificates means children have no legal proof of family ties (NRC 28/03/2019). People lose or damage their documentation through displacement, flooding, or inadequate shelter. Authorities also confiscate documentation during forced evictions. There are also some groups who did not have access to such types of documentation even before the conflict (ACAPS/Protection Cluster 29/12/2022). Women, children, elderly people, and those with disabilities, especially from rural areas, are not required official identification to access civil and public services, so they do not spend time and money getting documentation (OCHA accessed 13/03/2023). Still, official identification is required to receive a head of household registration card, which entitles the bearer to humanitarian aid. Applying for new documents, replacements, or updates is difficult, as Yemen’s civil registry has largely collapsed during the conflict (KII 08/03/2023). As a result, many people remain un- or under-documented (ACAPS/Protection Cluster 29/12/2022). In IRG areas of Yemen, with many different groups controlling the area, it is not clear who the issuing authority is, and competition among the different authorities is high (KII 08/03/2023). The Protection Monitoring report indicated that the governorates with the most people lacking civil documentation were Ad Dali’, Al Bayda, Al Hodeidah, Al Jawf, Amran, Dhamar, Hajjah, Ibb, Ma’rib, and Ta’iz governorates (ACAPS/Protection Cluster 29/12/2022).

Limited creation of livelihood opportunities for durable solutions

A lack of income and funds hampers the rebuilding of returnees’ livelihoods. Their most urgent humanitarian needs are financial support, NFIs, and food (IOM accessed 14/03/2023). Public sector salaries in the DFA governorates have not been paid for several years, and there are limited alternative income-generation options (KII 07/03/2023). In an NRC study on displacement solutions, most respondents who considered returning to their area of origin as the preferred solution for HLP issues lacked sustainable livelihood options there (NRC 23/02/2021). Income and funds are essential for meeting basic needs and securing adequate housing, as well as, more generally, normalising displaced people’s situations, re-establishing a dignified life, and ending long-term reliance on support (ICRC 16/08/2018).

Securing water rights and access to water sources is key to return intentions. Even before the conflict, access to water, which is tied to land rights, has been a common cause of land disputes, particularly in areas of water scarcity (USAID 09/2016). Parties in conflict and community members facing water disputes have targeted water infrastructure, damaging or destroying an unknown but significant proportion of water systems, including tanks and buckets where people collect rainwater (KII 07/03/2023). Active conflict or the presence of ERW near water sources between the warring parties that own or occupy them further affect access to these resources (UNDP 29/11/2022). Displaced people consider the lack of water access in their home villages when deciding whether to return (KII 07/03/2023). Law 33 of 2022 recognises traditional arrangements for managing and sharing water in Yemen. It does not contain any provision about water rights other than the request to register them “without prejudice” with the National Water Resources Authority. Such a registration has never occurred, adding to the difficulties in securing water rights and accessing water sources (UNDP 29/11/2022).

A lack of access to services remains an issue in current displacement locations, limiting the options of places where IDPs could integrate. This lack of access is especially critical for discriminated groups, such as the Muhamasheen, who do not have access to services, and people with disabilities (KIIs 03/2023).

ACTIONABLE ASSISTANCE TO ENABLE DURABLE DISPLACEMENT SOLUTIONS

Provide expert support and coordination from the humanitarian side. Many humanitarian organisations are working towards protecting HLP rights and achieving durable displacement solutions by strengthening a multi-stakeholder and integrated approach. For example, the Durable Solutions Working Group and the Protection Cluster have developed an approach to identify patterns of forced eviction or relocation and designed an overall framework for an integrated response (at the hub level). The Protection Cluster has recently issued the Framework for Voluntary Relocations of IDPs Elsewhere in the Country. This framework aims to set out the minimum standards that will guide the engagement of humanitarian organisations in relocations in line with humanitarian standards, international human rights law, and international humanitarian law. The framework also includes cluster relocation support packages through each phase of the relocation process.

Integrated analysis with other stakeholders supports long-term considerations required for meeting displaced people’s needs and finding a solution to their displacement (ICRC 16/08/2018). This analysis requires establishing good situational awareness of what challenges to their HLP rights displaced people face and how these challenges impede durable displacement solutions, specifically on tenure security, land governance, and livelihoods. Organisations carry out data collection on the topics to various extents and depths. Generally,

where analysis and publication in the Yemen context are possible, approaches are sectoral and restrained within individual clusters that favour humanitarian indicators but do not tailor development strategies for durable displacement solutions (ACAPS accessed 13/03/2023; OCHA 22/06/2017). Situational awareness of HLP issues requires collaboration among clusters and humanitarian organisations and information input from outside humanitarian responders. Integrated spatial analysis of the IDP situation is also necessary to identify suitable land for durable solutions.

IDPs require information about durable displacement solutions to make informed choices to end their displacement and relevant information to become aware of and access the relevant services available. This support includes options to integrate IDPs into the host community in a durable way instead of as a temporary measure, involving the host community and local authorities, and establishing the options for people to return home. It also requires support in accessing assistance and mechanisms to resolve HLP disputes and to overcome the most common challenges to claiming HLP rights.

Developing durable displacement solutions requires engagement with and the information of authorities. As suggested in the plan of action on the occasion of the 20th Anniversary of the Guiding Principles on Internal Displacement in 2018, engagement “in a dialogue with national governments and IDPs to ensure that they prioritize durable solutions to internal displacement in their national and regional planning” should take place, for which the protection of HLP rights is indispensable (OHCHR 23/05/2018).

This product was made possible by the generous support of the Directorate-General for European Civil Protection and Humanitarian Aid Operations.