



APRIL 2024

# OUTCOMES FROM THE PUERTO RICO CONFERENCE ON HOUSING, LAND, AND PROPERTY IN CRISIS CONTEXTS

## DIALOGUE ON COMMUNITY AND COLLECTIVE LAND RIGHTS



College of Engineering and Architecture

## SUMMARY

This document captures the outcomes of the Puerto Rico Conference on Housing, Land, and Property Rights in Crisis Contexts: Dialogue on Community and Collective Land Rights which took place at the University of Puerto Rico School of Law<sup>1</sup> on April 2-4, 2024, as a lead event to the second Conference on Housing Land and Property (HLP) Rights in Crisis Contexts held in Washington DC at Howard University College of Engineering and Architecture on May 16-17, 2024.

The dialogue's chosen location, University of Puerto Rico, was a result of the [recommendations](#) from the *Inaugural Conference on HLP in Crisis Contexts* held in Washington DC in June 2023. The dialogue aimed to bring together local, federal, and international actors to explore HLP issues arising in crisis contexts and learn about the experience of Puerto Rico during multiple disaster responses<sup>2</sup> that the island has faced since 2017.

The dialogue brought together over 130 participants<sup>3</sup>; from local and US government officials, international organizations, representatives from multiple US universities, local community-based and non-governmental organizations, think tanks, trust funds, multilateral and bilateral donors, international non-governmental organizations, university students, and social entrepreneurs.

Over the two-day conference and the following site visit to the Caño Martin Peña Community Land Trust, participants shared experiences and practices relating to HLP issues faced by people and communities affected by crisis. One of the key outcomes was building bridges between local, US domestic, and international actors to discuss challenges and opportunities that land issues pose in crisis contexts creating an appetite and momentum for further collaboration and exchanges between those participating.

## WHAT IS HLP?

HLP stands for “[housing, land, and property](#)” and it refers to the rules and arrangements that make it possible for people to live on a plot of land and use and enjoy their rights to their homes and property. HLP is not only about laws—although laws are essential. HLP also involves the practices, customs, and attitudes around specific land and property rights. Therefore, it is critical for not only lawyers and specialists but also humanitarian professionals to address concerns and provide solutions for HLP issues.

Addressing HLP rights from the beginning of a response is essential for successfully sustaining the stability, safety, and livelihoods of the community. Addressing HLP rights helps humanitarian assistance solutions last longer by reassuring people that they can stay on the property in the long term. This encourages, among other activities:

- Documenting the right to use or live on land.
- Peace-making and preventing disputes over land or property from causing future conflict.
- Investing in property maintenance and improvements.
- Local school enrollment and access to other services.
- Stronger relationships with neighbors.

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<sup>1</sup> Rio Piedras Campus

<sup>2</sup> Hurricanes Irma and Maria (2017), Puerto Rico Earthquakes (2020), and Hurricane Fiona (2022)

<sup>3</sup> 91 in person attendees, and 47 online attendees

## DIALOGUE OUTCOMES

The sessions during the dialogue showcased the need for solutions with communities and affected individuals at the center, and how some of the solutions found on the island, such as the use of community land rights, advocacy to modify local legislation and government guidelines for disaster assistance, and the use of adverse possession to secure land rights for those most vulnerable, could be highly adaptable to international crisis. The dialogue brought to light the following opportunities and challenges, and subsequent recommendations.

### **Addressing HLP issues is paramount for community empowerment and community resilience.**

- Community participation is key, especially when passive knowledge is transformed into real action.
- When communities understand the legal contexts and how that context affects their rights, it allows them to identify advocacy actions to change or adapt legislation to better serve vulnerable communities or identify legal solutions that may exist within the law that can be mainstreamed or fast tracked.
- Gender plays a major part within community empowerment. Women are disproportionately impacted when it comes to disasters and how they impact their HLP rights, but they are also an important part of the solution. Including both women and men in land rights has many positive cascading effects.

### **Communal and collective HLP rights are key approaches for disaster preparedness and anticipatory action to climate-related displacement for both urban and rural areas.**

- Mainstreaming understanding of communal and collective HLP approaches among humanitarian and development practitioners can be an effective way to address the barriers that hinder community resilience and to prevent and mitigate climate and environmental risks and impacts.

### **The conference opened lines of dialogue among Puerto Rico local actors involved in post disaster reconstruction, with government, universities, CBOs, NGOs, and donors seated at the same table for reflection and discussion.**

- During the conference, channels for dialogue opened and participants discussed potential funding opportunities among the Puerto Rico Department of Housing and local HLP initiatives, such as the Caño Martín Peña Community Land trust.
- Having different local actors present helped participants understand the challenges that each of them faced and identify opportunities to collaborate on local and international advocacy initiatives related to HLP rights.

### **There is an opportunity for further collaboration between domestic and international actors dealing with HLP rights.**

- Conference participants expressed interest in continuing the conversation to break geographic siloes and learn from experiences on HLP rights in disaster prone locations, connected to climate related displacement, conflict and crisis.
- The organizing committee will explore opening channels for continued discussion among stakeholders to foster learning, use knowledge, and undertake initiatives in coordination with existing communities of practice across geographic contexts.

# RECOMMENDATIONS

## LEARNING AND UNDERSTANDING

- Acknowledge that humanitarian response and recovery practitioners and policy makers at all levels do not systematically understand the importance of HLP issues to the effectiveness of humanitarian response.
  - Create learning opportunities around HLP rights in crisis contexts to increase the expertise of disaster management and humanitarian practitioners that get involved in preparedness, response, and recovery processes when disaster or conflict strike (policy makers, architects, engineers, lawyers, social workers, urban planners, etc.).
  - Recognize that community and collective land rights are a key area of HLP that is often overlooked.
- Support university learning opportunities and courses with components on HLP in crisis contexts.
  - Universities in the US and beyond have a responsibility to train the workforce of the future to deal with climate change and forced displacement, and within this responsibility attention to HLP is paramount for the success of this endeavor.
  - Developing undergraduate and master's level courses with interdisciplinary scope including HLP rights can provide a career path to professionals of multiple backgrounds to transition into humanitarian response through the HLP in crisis entry point.
  - U.S. universities with international ties could develop HLP courses that facilitate connections between recovery processes within and outside the United States targeting domestic and international students. For example, University of Puerto Rico could integrate both English and Spanish languages curricula, along with principles from both common law and civil law systems.
  - Developing learning tracks on community and collective land rights for humanitarian and development practitioners will increase the effectiveness of a response and optimize anticipatory actions pre crisis.
  - Furthermore, universities can function as facilitators, bridging various stakeholders to disseminate knowledge on HLP rights. This includes educating policymakers, judges, local communities, builders, and other relevant actors about the importance and nuances of HLP rights in crisis contexts.
- Develop a research agenda on HLP rights in crisis to increase evidence based humanitarian programming, which could include research pursued by academia.
  - There are opportunities for students to contribute to the knowledge of the humanitarian and disaster response and recovery sector through the development of HLP country profiles and case studies connected with disaster and conflict prone countries.
  - PhD candidates in U.S. universities could align their research thesis with this agenda and increase the knowledge base of the sector as well as increase the number of subject matter experts in this area.
- Continue identifying and creating links between HLP in crisis and the experience that development actors have from implementing HLP programming, learning from non-emergency settings, and from innovative tools and approaches driven by realities and pragmatism from the ground. (e.g., community mapping, enumeration tools, etc.)

## COLLABORATION

- Increase collaboration with stakeholders who humanitarians do not regularly engage, especially actors specialized in community and collective land rights, land recordation, policymakers, and philanthropist to further advance HLP in crisis agenda and priorities.
  - Expand participation in existing communities of practice on land governance to bring attention to the importance of this issue as a preparedness tool for crisis, disasters, and climate change adaptation.
- Leverage the momentum created by the Puerto Rico Dialogue to engage with participant universities to bridge knowledge between domestic and international practice in HLP in crisis, recognizing that:
  - There is a wealth of knowledge of HLP issues connected with domestic disaster response that can inform international practices such as heirs' property, generational land, black land loss, and Indigenous land rights.
  - Engage university dialogues on the pedagogy approaches that are more conducive to learning related to HLP rights in crisis contexts to incentivize learning between universities aiming to include modules in these issues.
- Keep the momentum created by the Puerto Rico Dialogue to link previously disconnected and loosely connected communities of practice who are interested in HLP in crisis issues and create a space of continued sharing around HLP in crisis.
  - Launch a brief survey to identify the need and desire by members of the different communities of practice to connect more regularly to figure out a way to enhance these connections.

## PROFILE OF HLP

- Promote enhanced understanding of HLP in crisis for policy makers at domestic and international policy level.
- Advocate for implementing organizations to apply the concept of secure enough tenure to lead crisis response programming versus focusing on land ownership and clean title only.
- Encourage donors to demand HLP be included in crisis responses and allocate resources to understand HLP issues in a specific response.
- There is an opportunity to mobilize philanthropists that may be interested in having an impact in climate change, forced displacement, or disaster preparedness to fund HLP in crisis programming or priorities.

*Disclaimer:* This document represents the outcomes of the conference and does not necessarily reflect institutional policies.