



## Access to Housing, Land and Property (HLP) Rights – Rohingya Response

### A Brief Analysis of the Current Situation and Some Suggested Actions Going Forward

#### 1. Background

Rohingya refugees are currently settled on a mixture of public and private land. In Ukhiya, most of the camp area is forestry and, consequently, public land. In Teknaf camps, a big portion of land is privately owned. Based on an assessment conducted by NRC in June 2024 surveying over 300 households, overall, 25% of participants in survey live on private land while the rest remain on public land.

After the 2017 influx, Rohingya initially settled in Ukhiya and Teknaf. The assumption was that all this land was public and, therefore, they would enjoy a safe settlement without facing any evictions threat or demand of rent. However, after a few years, some host community (HC) members started claiming use rights on most parts of the forestry areas and demanded refugees to pay rent. Most of the land in the camps of Ukhiya was originally managed by the Forest Department on behalf of the Government, with HC holding use and management rights over it, under the forestry agreement, as they were dependent on the forest for their livelihoods. In Teknaf, the public land overlaps with private land and creates another level of challenges and tension amongst refugees and HC.

In this situation, the Rohingya refugees are dealing with different alleged landowners and face many HLP issues, including paying rent to individuals without any proof of ownership, evictions, arbitrary rent increase, verbal and physical abuse and threats.

#### 2. HLP challenges faced by the Rohingya refugees

The Rohingya refugees have been facing the following challenges when exercising their HLP rights:

- **Lack of clarity in land landownership.** The social forestry land allocated to the Rohingya refugees is, in large part, claimed by HC as a use right. The HC claims to have a long-term contract for use rights on this land. As a result, members of HC claim full control over this public land and therefore charge arbitrary sums of rent to the refugees residing on it. Given the vulnerable situation of the refugees, they usually end up submitting to the demand and pay rent. On the other hand, since there is not a land management system in place, it is not easy to prove the forged claims from the right ones but still those without right over the public land can claim it and charge rent.
- **Claims over public land:** In Teknaf, for instance, public land overlaps with private land (no clear demarcation), resulting in HC claiming ownership on land thought to be public, on which the Rohingya have settled.
- **Lack of security of tenure:** Data shows that over 90% of the Rohingya refugees renting land/shelter have no written agreements with the landowner, nor get a receipt for the rent they pay. This situation makes them very vulnerable to risks, including eviction without sufficient notice, arbitrary rent increase, exploitation, etc.



- **Forced evictions:** Many Rohingya families have experienced eviction in different camps. During 2023, around 350 families have been evicted against around 900 families that got evictions threat. Based on NRC's recent assessment HLP assessment, out of 300 households surveyed, 62 participants (21%) have faced eviction in the last three years (2022-2024), and 70 families (23%) are currently dealing with eviction cases.  
Evictions take place from public land and private land, for different reasons, including delay in paying rent by the refugee families, tensions between HS and refugees, landowners needing their land. On top of this, organized groups' activities to forcefully recruit people across camps, especially in Ukhiya, is driving people out of their shelters: both individually and collectively too.
- **Rental claims and arbitrary rent increase:** NRC's HLP assessment conducted in June 2024, indicates that 50% of people (attending the survey) are paying rent. Refugees pay rent for public and private land. For public land, the HC claim use right and charge rent.
- **Disputes over shared facilities:** HC and refugees face tensions that result in disputes over waterpoints, latrine, pathways, and other common services. etc.

### 3. Recent developments exacerbating HLP challenges

Given the fluid situation that evolved because of the civil unrest in Bangladesh, refugees are facing additional HLP challenges. Reportedly, different local interest groups seem to be playing a role in creating these challenges by taking advantage of the civil unrest in the country. Some members have started to claim ownership on public land, demanding rent of those settling on them. New arrivals have also contributed to additional challenges for house, land and property issues inside the camps.

Some of the HLP incidents as of late July are as follows:

- In Camps 22 and Camp 16, host community members have demanded rents from both humanitarian agencies and refugees, claiming ownership over the land.
- In Camp 27, a landowner sold the land where 23 Rohingya families were living, and they are now worried of eviction by the new owners.
- On 8 August, two groups accompanied by two community leaders, approached the CiC office claiming ownership of a parcel of land located in Camp 22 (Block C1), which is currently being used as a playground for the refugee youth. These individuals have not been able to provide any ownership document yet despite frequent requests from the CiC. However, on 10 and 11 August, the people claiming ownership over this space fenced off the land with bamboos, preventing its use by the community.
- In Camp 16, an influential host community member has begun demanding rent for Global Relief organization for their Orphanage School and Health Service centre, which is located on land believed to be public. The person, along with two others, claims ownership of the land, stating they occupied it before the influx of Rohingyas. The organization has not provided him rent yet.
- A few new arrivals have shared their challenges regarding accommodation in their relatives' shelters. The existing refugees, who already face difficulties due to large family sizes, now have additional strain with new arrivals when sharing their living spaces. This situation creates tension



and challenges, especially since the CiC is not considering these new arrivals in the existing processes that ensure their needs are met. As a result, it has become increasingly difficult for humanitarian agencies to provide adequate services, particularly when disputes arise concerning HLP (Camp 8E, 11,12).

- Members of host communities are refusing to accommodate new arrivals, and, in some instances, they are demanding extra money from project participants temporarily staying with relatives. It has been reported that host community families are demanded around BDT 2,000-3,000 to host refugees.

#### 4. Current HLP Response Framework

The current HLP response framework consists of 1) direct support to refugees and 2) capacity building of stakeholders, including community refugee leaders, Host Community members and NGO staff. For direct support, awareness raising, counselling and legal assistance services are delivered to refugees. Those refugees facing HLP disputes, including eviction threats, receive legal assistance support, including mediation and negotiation on their behalf with the landowners. Also, awareness raising sessions are conducted in camps for refugees as well as the HS educating them and their HLP rights, including the importance registering rent agreements. Capacity building trainings on HLP are delivered to Majhis, Imams, HS leaders and NGO partners providing them with basic knowledge on HLP and skills to resolve HLP disputes arising in camps.

Currently, NRC is the only organization working on HLP in camps, covering around 22 out of 32 camps. This means that camps hosting high numbers of refugees are left out as there is no active presence of HLP actors.

#### 5. Response challenges:

The current HLP response is facing some challenges which include:

- **Unmet needs:** As stated, NRC is the only organization doing HLP and given the rising HLP needs around the camps with the new political developments, HLP response needs to expand geographically and cover all refugee camps.
- **Lack of strong dispute resolution mechanism in the camps supported by the local authorities (RRRC):** The majority of HLP disputes in the camps are dealt with the intervention of Majhis, Imams and other influential community members. According to NRC's recent HLP Assessment, over 50% of Rohingya are relying on Majhis and Imams to resolve their HLP disputes, with 26% referring to CiCs to resolve their issues.
- **Lack of clear policy and involvement from the Government on HLP rights** including land classification and boundary demarcation in camp areas. This leaves refugees always vulnerable to eviction and demand of rent increase.

#### 6. Suggested approaches/intervention to enhance access to HLP rights

- Mapping out emerging HLP issues inside the camps to better understand the scale and new trends and ensure a comprehensive intervention.



- Establishing community structures headed by the CiCs to manage HLP issues in the camps, including allocating land to refugees, addressing HLP disputes, checking and verifying land ownership claims.
- Strengthening coordination among NGOs and UN agencies to ensure proper due diligence prior to any site development and infrastructure planning.
- Regulating rent agreements by perusing written forms as much as possible and, if possible, get CiCs involved in signing the contracts.
- Advocacy with the government needs to be enhanced both at Cox's Bazar (RRRC) and Dhaka (MoDMR) levels to come up with an overall framework on managing the forestry land claimed by the HS, on which Rohingya people live. A general approach needs to be followed to this issue, e.g. if the refugees should pay rent for land that the Government has allocated to them and if so, what mechanism must apply to verify use right on different pieces of land.

## 7. Advocacy points

### Short term-advocacy points:

- Ask the Government and relevant Authorities to freeze any land claims during the interim Government period and until the new Government assumes their position to ensure clarity and due diligence of claims over land.

### Long-term advocacy points:

- Advocate with the Government to support developing general framework on addressing HLP rights of Rohingya refugees, including clarifying the public land with no use right on it from those with use right, verification of land ownership claims by HS, prevention of forced evictions, regulating rent agreements, preventing arbitrary rent increase (*this advocacy point could be broken down to few smaller steps.*)

*End*