Spontaneous settlement strategy guidance

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Key points

- Although they may seem chaotic, there may be some reason for why groups have settled in certain locations that may not be immediately apparent, such as division by area of origin or along ethnic lines. It is better to discuss these reasons with the concerned individuals to find a solution rather than forcing people to move.

- The location for a refugee camp and its planning significantly impacts on protection and access to assistance.

- As a priority it should be determined whether or not a spontaneous camp is the most appropriate settlement option for the displaced population.

- When addressing an existing settlement, UNHCR should engage in advocacy and plan its operational response in such a way which enables phasing them out as early as possible or facilitating a transition to more integrated and sustainable settlement solution.

- Spontaneous settlements should respect minimum international standards and best practice.

- Ensure phase-out, exit and camp closure is considered and planned from the start.

1. Overview

Suitable, well-selected sites and soundly planned refugee settlements with adequate shelter and integrated, appropriate infrastructure are essential from the early stages of a refugee emergency as they are life-saving and alleviate hardship. Accommodating refugees in emergencies may take the form of host families/communities, mass accommodation in existing shelters or collective centres, or organized camps. It is of upmost importance to identify the most suitable option or combination of options for accommodating persons of concern appropriate to the context in which displacement is taking place.
Camps are a form of settlement in which refugees or IDPs reside and receive centralised protection, humanitarian assistance, and other services from host governments and humanitarian actors. These settlements can be planned and developed on land allocated by the Government, or created spontaneously when persons of concern settle on land which has not been designated to accommodate them. Spontaneous settlements are formed by persons of concern without adequate planning and permissions in order to meet immediate needs. Aside from creating an unfriendly environment, the provision of services may become cumbersome and costly.

Spontaneous settlements occur when displaced groups of people populate areas without assistance or guidance from local government or the humanitarian community. Such settlements are located on land the displaced population does not officially have the right to occupy.

A camp's location, size, design and duration are context-specific. The location of a camp its layout and available services significantly impact on protection and access to assistance. Initial site selection has an impact on decisions throughout the camp life-cycle. Ideally, UNHCR and partners should be involved in site selection and planning of all camps; however, in reality a large number of camps are settled spontaneously before support is available.

Generally, spontaneous camps have more disadvantages than advantages. Re-designing the camp would be necessary (where resources are available) as may be re-location as early as possible, to a well-identified site; especially if there is conflict with local community. The layout, infrastructure and shelter of a camp will have a major influence on the safety and well-being of its residents.

2. Main guidance

Context characteristics and risks associated

As a priority it should be determined whether or not a camp is the most appropriate settlement option for the displaced population. Camps are a last resort, and should be established only when other solutions are not available. If some displaced persons are lodging with host families or have self-settled within local communities that share cultural ties with them for example, consider these options and determine if these alternatives are more appropriate.

Spontaneous camps are often situated on poor and possibly hazardous sites, or situated close to areas of insecurity. Immediately assess whether the camp should be supported in situ, relocated or if the population of concern should be moved to other settlements such as a planned camp or a collective centre. This process and the solution adopted generally require political and economic motivations as well as technical and social aspects.

Spontaneous camps are often very densely populated and arranged with little consideration to communal facilities and infrastructure. They generally require phased upgrading in order to meet international standards and local and international good practices, including introducing fire-breaks, surface water drainage and infrastructure such as schools, distribution centres, water
supplies and recreational areas.

It is also important to determine who has the right to the land (HLP concerns) where the self-settled camp is located and to understand what arrangements, if any, have been put in place to use that land. The permission to settle on these sites is usually informal, often an ad hoc agreement with host community, and requires reconsideration or negotiation with authorities or private landowners.

**Context-specific protection objectives**

- To provide a secure and healthy living environment with privacy and dignity to persons of concern
- To protect persons of concern from a range of risks, including eviction, exploitation and abuse, overcrowding, poor access to services, and unhygienic living conditions.
- To support self-reliance, allowing persons of concern to live constructive and dignified lives.

Urgent consideration should be given to relocation if the site has been judged to be unsatisfactory. Relocation should be done in coordination with the local authorities and government. The difficulty in moving refugees from an unsuitable site increases markedly with time. Even if those already there cannot be moved, divert new arrivals elsewhere.

Conflict, violence and persecution continue to cause large-scale displacement in many parts of the world. To provide international protection, and ensure that the rights and dignity of persons of concern are respected, UNHCR must act in a variety of ways, which include the provision of adequate shelter and settlement. When developing an operational response, the following key protection issues should be considered:

- Ethnicity and culture. Close ethnic and cultural affinities between refugees and their host communities should be identified at an early stage. Settlement planning and responses should aim to mitigate friction and reduce potential tensions between refugee and host communities and reduce other security risks.
- Proximity to borders. To ensure security and protection of refugees, camps should be located at a reasonable distance from international borders and other sensitive areas (such as military installations).
- Freedom of movement. International human rights law and refugee law recognize the rights of every individual, including refugees, to move freely. UNHCR encourages every State to respect refugees’ freedom of movement and encourages States that have reservations to lift them.
- Self-reliance. Refugees wish to cater for their essential needs and enjoy their economic and social rights, sustainably and with dignity. UNHCR encourages States to help refugees become self-reliant, enabling them to contribute to their host country and find long term solutions for themselves.
- Best interest of refugees. Settlements policy and decisions should be driven primarily by
the best interest of refugees
- **Age, gender and diversity.** Policies and programmes systematically apply an Age, Gender and Diversity (AGD) approach to ensure that all persons of concern have equal access to their rights, protection, services and resources, and are able to participate as active partners in the decisions that affect them.

**Principles and policy considerations for the emergency response strategy in this context**

The particular way settlements are planned and designed can impact the community cohesion. Good settlement planning can also allow for more efficient and affordable access to basic services, mitigate risks (such as flooding or outbreak of diseases), and enhance living environments; allowing families to enjoy a better quality of life.

Before considering the upgrading of a spontaneous settlement, determine if it is possible to pursue alternatives which can ultimately be more sustainable and cost-effective, they harness the potential of refugees, rationalize service delivery or allow for more targeted assistance to those most in need.

The layout and organization of a spontaneous settlement often reflects the priorities and preferences of persons of concern and should be taken into consideration when upgrading a site or relocating its residents.

If the refugees have spontaneously settled in a scattered manner, they should not be brought together unless there are compelling reasons for breaking their present settlement pattern.

When addressing an existing settlement, UNHCR should engage in advocacy and plan its operational response in such a way which enables phasing them out as early as possible or facilitating a transition to more integrated and sustainable settlement solution.

Spontaneous settlements should respect minimum standards. See entries on Site Planning for camps and Camp planning standards (planned settlements) of this handbook.

**Priority operational delivery mode and responses in this context**

Determine if the spontaneously settled site is viable and should be upgraded. See entry on Camp planning standards (planned settlements) of this handbook.

Determine the need to negotiate existing agreements to occupy the land. UNHCR neither rents nor purchases land for refugees.
Residents make investments to adapt the sites when they settle. Consider and be sensitive to their investment (financial or social) when discussing upgrading plans.

Residents must participate meaningfully in all decisions that affect their current and future accommodation.

Once the decision has been made to upgrade the spontaneous camp, follow the principles, standards and indicators detailed in entries on camp strategy guidance (planned settlements) and on site planning for camps.

**Priority actors and partners in this context**

- Consult with relevant authorities, implementing partners and the affected population at all phases of camp development.
- Consult with spontaneous camp residents and host community prior to making any decisions on upgrading the settlement or arranging relocation.
- Ensure common agreements with humanitarian stakeholders, international donors.
- Establish an immediate link and collaborate with local authorities' technical departments, and study local rules and regulations about land tenure, public works and housing to reduce risk of conflict over land and to ensure compliance to local building regulations.
- Technical staff both shelter and other relevant sectors e.g. WASH

**Annexes**

UNHCR’s Global Shelter and Settlement Strategy, 2014-2018

UNHCR Policy on alternatives to camps

Sphere Handbook (2018)

3. Links


4. Main contacts

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