

Summary Report

MEETING ON WHEN INTERNAL DISPLACEMENT ENDS

co-sponsored by

The Brookings Institution Project on Internal Displacement and
The Georgetown University Institute for the Study of International Migration

held at The Brookings Institution, Washington, D.C.

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Introduction

A meeting on the subject of When Internal Displacement Ends was convened at the Brookings Institution in Washington, D.C. on 22 April 2002, sponsored by the Brookings Project on Internal Displacement and the Georgetown University Institute for the Study of International Migration. The need for this meeting arose from an increasing number of requests for criteria to determine when internal displacement ends emanating from organizations working in the field with internally displaced persons (IDPs), governments framing policies and programs for the internally displaced, and organizations and researchers compiling statistics. In response to these queries, the Office for the Coordination of Humanitarian Affairs (OCHA) requested the Representative of the United Nations Secretary-General on Internally Displaced Persons, Dr. Francis Deng, to provide guidance and advice on definitional issues “indicating when generically an individual would not only become an IDP but when he/she should no longer be considered under this category”. In making this request, OCHA emphasized that “operational demands...increasingly dictate the requirement for a coherent response.” The Representative, who also is Co-Director of the Brookings Project on Internal Displacement, chaired the meeting exploring these issues.

In advance of the meeting, a discussion paper by Erin Mooney (Brookings Project on Internal Displacement) entitled “*An IDP No More? Exploring the Issue of When Internal Displacement Ends*” (see attached), together with a comment by Professor Walter Kälin (University of Bern) on the legal dimension of the issue and a commentary by Matthew Karanian (Georgetown University), had been circulated to participants.

The 30 participants in the meeting included representatives from international organizations and non-governmental organizations working with internally displaced persons as well as experts from universities and research institutions studying displacement issues (see attached List of Participants). The varied perspectives and experiences participants shared at the meeting fostered a rich and stimulating discussion, the essence of which is summarized in this report.

I. Overview of the Discussion Paper

Following welcome and introductory remarks by the Representative, the discussion paper was introduced by its author, Erin Mooney. She began by noting that the paper represented a preliminary examination of the issue and would be part of an ongoing research project that would build on the conclusions of the meeting and involve further research and consultation, including at a meeting in Geneva later in the year.

To begin with, the discussion paper reviewed the reasons why the question of when internal displacement ends is critical to address: compiling reliable and agreed statistics; formulating government and international programs and policies addressing the needs of IDPs; determining issues of institutional responsibility; and informing IDPs of the duration of the benefits and possible restrictions associated with this classification. She noted that although some actors and organizations have begun to make determinations of when internal displacement ends, this occurs on an ad hoc, arbitrary and case-by-case basis. Moreover, in the absence of common criteria on the issue, the methodologies used and, consequently, the conclusions reached can differ among actors, often significantly. Towards the aim of developing common criteria, the discussion paper sought to help participants identify the main factors needing to be taken into consideration in determining when internal displacement ends.

The discussion paper examined the issue first in the light of the Guiding Principles on Internal Displacement. Though the Principles do not expressly address the issue of cessation, they nonetheless offer important guidance in three respects. First, the definition of “internally displaced person” used in the Principles defines the objective factual circumstances of internal displacement, the continued existence of which suggests that the classification of a person as “internally displaced” would still apply. Second, the Principles envisage three possible solutions to internal displacement: return, local integration, or resettlement. Third, the Principles spell out a number of conditions to be met in order for these solutions to be considered effective in terms of being safe and sustainable.

The paper then considered the relevance of the refugee experience, which, though not directly applicable to internally displaced persons, nonetheless can be instructive to consider by analogy. Reference was made to the “cessation clause” provided for in refugee law and in particular the “ceased circumstances” provisions according to which refugee status ends when the circumstances in connection with which a refugee has been recognized as such cease to exist. Possible implications that the cessation of refugee status could have for determining an end to internal displacement in that country or, conversely, actually increasing the number of internally displaced were explored through case examples.

Turning specifically to the IDP experience, the paper then reviewed a number of cases where internal displacement had been determined, by one organization or another, to have ended and it identified issues and implications arising from these decisions. From this empirical analysis, a number of questions emerged, including: Is the *possibility* of safe and voluntary return a sufficient criterion for cessation of internal displacement? Should the benchmark instead be a durable solution, and if so how should this be defined? Do socioeconomic conditions supporting the durability of return also need to be taken into account? Is property restitution or compensation a further pre-requisite? To what extent should the hope internally displaced persons hold of return be a factor and for how long, especially if there is no realistic possibility of return in sight? What if they integrate locally, if only as an interim measure?

Moreover, can continued categorization as IDPs be disadvantageous in impeding other solutions, for instance their ability to integrate locally or resettle rather than return?

The final section of the paper distilled from the analysis three different possible approaches to answering the question of when internal displacement ends. The first approach, drawing on the refugee analogy, is situational, that is, that displacement ends when there is a fundamental change in the circumstances that caused displacement in the first place. Another possible approach is solutions-oriented, requiring implementation of one of the three possible solutions of return, resettlement or local integration, and according to conditions ensuring a safe and durable solution. A third way of looking at the issue is a needs-based approach of determining when the particular needs of internally displaced persons cease, together with the obligations of governments and the international community to take special measures to address these needs.

Reflecting the three main sections of the discussion paper, the meeting was structured around three issues: the refugee experience; the IDP experience; and, on these bases, considering what has been and should be the criteria for deciding when internal displacement ends.

II. The Refugee Experience

To launch the discussion as to what is instructive from the refugee experience, a number of speakers knowledgeable in this area were called upon to comment. Rafael Bonoan, whose research at MIT focuses on refugee cessation, elaborated on the standards and indicators that UNHCR had formulated for interpretation and application of the cessation clauses contained in the 1951 Refugee Convention. Briefly stated, these criteria require the occurrence of changes in the country of origin that are “fundamental” in removing the basis for persecution as well as “durable”, lasting a minimum period of one year and upwards of three years or more. The nature of the circumstances that had created refugees will have an important bearing on the type of changes required: whereas a peace agreement would indicate the resolution of armed conflict, persecution as the cause of refugee movements is more systematic and engrained into a country’s political and administrative structures. As to the relevance of the refugee experience to IDPs, Mr. Bonoan noted that because UNHCR focuses on the country of origin in its determination of the cessation of refugee status, it has an influential role in deciding when internal displacement ends as well. Accordingly, greater clarity on the issue of when internal displacement ends would benefit the protection both of refugees and IDPs, particularly in post-conflict situations.

Providing the UNHCR perspective, Guenet Guebre-Christos (Regional Representative of UNHCR in Washington) stated that UNHCR rarely applies the cessation clauses of the 1951 Refugee Convention and indeed has been criticized on this basis. With respect to IDPs, she stressed the importance of being flexible and assessing the issue of when internal displacement ends on a case-by-case basis. Referring to the case of Rwanda summarized in the discussion paper, she pointed to the difficulty of reconciling the conclusion by the UN field office that there were no longer IDPs in the country, with the determination that there remained considerable “unmet needs” among the internally displaced.

Dr. Patricia Weiss Fagan (Georgetown University) was also called upon to share insight from her experience with refugee resettlement in Central America. In her view, repatriation had been most successful when it was regarded as a process in which all UN agencies -- UNHCR as

well as development and human rights actors -- had a shared responsibility. Moreover, she stressed that ending a situation of displacement and its related needs is a gradual process; it does not happen overnight or simply with the physical movement of return. In this connection, and picking up a point in Walter Kälin's commentary, she noted that when refugees or IDPs return, they typically are referred to as "returnees", a classification which signals that although they have returned, they continue to have special needs and vulnerabilities. She suggested that integration, whether upon return or resettlement, is the key criterion of when displacement ends. As to when an IDP can be considered to be integrated, it is important to examine how the situation of the IDP compares with that of the local population (including the war-affected who did not move) as regards physical safety, access to services etc. She also stressed that return should not be a prerequisite for providing reintegration support. In Colombia, for example, encouraging return has put people in greater danger because the areas of potential return are not necessarily safe, while at the same time municipalities in areas where IDPs are located are unwilling to expend resources on reintegration support since they expect IDPs to return home. Furthermore, patterns of return will differ within the family unit; young people are less likely to return home, especially if this involves moving from urban to rural areas after a protracted period of displacement.

As to the refugee connection, she noted that because UNHCR typically works with local communities in areas of refugee return, it likely would be working with IDPs as well. In her experience, whenever UNHCR has had more resources available to support repatriation, it has tended to do better in taking the needs of IDPs into account. Moreover, she pointed out that although Mozambique is considered one of the most successful refugee repatriations, once the emergency phase ended and UNHCR left, the process really came to a halt, underscoring her earlier point about the need for other actors such as UNDP to be engaged.

In the discussion that followed, some speakers were of the opinion that the refugee analogy was not very helpful to addressing the issue of when internal displacement ends. One reason given was that because UNHCR has used the cessation clauses only rarely, there exists little experience from the refugee world from which to draw. Some suggested that UNHCR has applied the cessation clauses rarely because the standards to meet, for example a "total and comprehensive transformation" of the society, are so high. Another speaker, however, argued that the fact that the cessation provisions of refugee law are rarely invoked actually is beneficial in terms of preserving the rights of refugees.

In addition, a number of participants were of the view that the refugee experience did not necessarily offer good models to emulate. It was pointed out that standards for refugee return as being "voluntary" and occurring in "safety and dignity" had been seriously undercut in the 1990s and often not observed in practice, for instance in the case of refugee return to Rwanda. It was suggested that because refugee status is declaratory rather than constitutive, the objective circumstances of refugees should be given greater weight than official determinations on the cessation of refugee status. In this connection, reference was made to the phenomenon of "self-repatriation", compared with organized repatriation processes, which underscored the need to consider the multiplicity of reasons for which refugees return and what these tell us about when refugees themselves feel ready to return.

Several speakers expressed concern that premature refugee repatriation in the absence of conditions for a durable solution often leads to internal displacement. In addition to the example of Bosnia noted in the discussion paper, it was pointed out that this phenomenon currently was

occurring in Afghanistan, where many refugees were being repatriated to the country only to become internally displaced as they were unable to return to their homes. It was also noted that the increased use in refugee status determination procedures of the concept of “internal flight alternative” as a basis for denying asylum and returning refugees was essentially creating and legitimizing internal displacement. Because of this tendency for the cessation of refugee status to result in the creation of additional internal displacement, it was argued that there is a need for a comprehensive approach to the issue that takes into account both refugees and internally displaced persons and the relationship between their situations.

One speaker suggested that whereas the refugee analogy may not be very helpful for IDPs, the reverse is not true. Urging the need for restraint in refugee repatriation, it was suggested that provisions in the Guiding Principles regarding the prevention of arbitrary displacement provide an important basis for advocating against refugee repatriation when conditions for durable return do not exist.

Notwithstanding concerns about how refugee repatriation had occurred in particular cases, several participants felt that the refugee analogy nonetheless was relevant to consider in approaching the issue of when internal displacement ends. It was pointed out that from the point of refugee law, refugee cessation concerns not simply the possibility for a refugee to return to his or her country but the ability to regain access to national protection. It was suggested that a similar protection-focused approach would be useful to apply in the case of IDPs. In this connection, it was recommended that an agency with expertise in protection usefully could be designated to speak to the issue of when IDPs can fully regain national protection and no longer have specific needs. Specific reference was made to the Office of the UN High Commissioner for Human Rights. However, others questioned OHCHR’s suitability for this role, given its limited engagement with issues of internal displacement to date. Moreover, another participant expressed the view that both for refugees and IDPs, reintegration is the key issue and that for this to occur, not only protection but also assistance is essential; consequently, UNDP also would have a key role to play.

The point also was made that unlike with refugees, for internally displaced persons, a local rather than countrywide approach to the issue of “changed circumstances” provisions for cessation would be more relevant. There could, for instance, occur a change of circumstances in the village or home area of internally displaced populations which would enable return, but would fall short of the “fundamental” change of circumstances throughout the entire country that the refugee analogy requires. Moreover, it was recalled that in the case of refugees, even when the cessation clauses are applied, these allow for exemptions, for instance for individuals whom, despite the occurrence of such changes in a country, would continue to be at risk. These exemptions are considered to be especially important when group determination procedures are used. While recognizing that group determination can be a useful tool in expediting the granting of refugee status in situations of mass influx, concern was expressed that it also can lead to the revocation of refugee status *en masse*, without sufficiently taking into account individual needs. Accordingly, it was suggested there is a need to take both objective criteria and the subjective wishes of refugees and IDPs into account; it was pointed out that this used to be done in the case of refugees.

While the meeting did not reach clear consensus as to whether the refugee experience is useful to consider by analogy when examining the issue of when internal displacement ends, on balance there was acknowledged to be value in doing so. After all, the arguments made for not

doing so mostly related to cautionary examples from the refugee experience rather than the irrelevance of refugee law standards on the issue, which participants generally regarded as useful to consider. Moreover, aside from the issue of whether the refugee experience is useful or not, the comments of a number of participants spoke to the importance of looking at both the refugee and IDP experience together. It was broadly recognized that there is a need for a comprehensive approach to the issue of when displacement ends, which encompasses both refugees and IDPs and takes into account the implications that a determination of cessation for one group can have on the situation of the other group.

III. The IDP Experience

Attention then turned to what could be learned from the IDP experience, in particular from the Guiding Principles as well as the practical experience to date. With respect to the Principles, it was noted that they offer important guidance on the issue of when internal displacement ends in three respects. First, from their reference, in the definition, to the causes and conditions creating IDPs, it can be inferred that the absence of these conditions would mean that a situation of internal displacement had ceased to exist. Second, it was pointed out that Guiding Principle 6 spelling out the guarantees required for displacement to be legitimate including consultation with IDPs speaks to the need to ensure that consultation with IDPs must also be a part of solutions to situations of internal displacement. Third, in addition to indicating the solutions of return or resettlement, the Principles also point to a number of necessary conditions for these solutions, including safety, compensation or restitution of property and reintegration assistance.

As to the practical experience, discussion began with the observation that in a number of recent cases, namely Bosnia and Abkhazia, international agreements had emphasized the right to return, whereas the Guiding Principles articulate obligations to facilitate return *or* resettlement. Another speaker noted that the case of Cyprus provides a longer-term example of the same phenomenon whereby political factors often lead to return being considered the only benchmark as to when internal displacement ends. The Principles, however, recognize other possible solutions than strictly return, namely resettlement. They also suggest that a solution to internal displacement requires more than the act of return or resettlement in spelling out conditions for *sustainable* return or resettlement, in particular safety, dignity and property compensation or restitution.

Even focusing on the solution of return, several participants noted that in the case of internally displaced persons, the meaning of return is not clearly defined or understood. Whereas the refugee regime speaks of repatriation, entailing return to one's country, for the internally displaced, the question arises as to where exactly to return? Must it be return to one's home or is it sufficient to return to one's village, town or even area of origin? In the case of Bosnia, international agreements specify the right of refugees and displaced persons to return to their "home". A number of participants considered this standard to be too high and in many cases unrealistic as homes may have been destroyed or be occupied by other people, often displaced persons who themselves are unable to return. Moreover, several participants were uncomfortable with the emphasis on "return to one's home or area of origin" insofar as it ties displaced persons to political goals such as reversing "ethnic cleansing" which, however desirable, risk precluding exercise by the displaced of their right to the alternative solution of resettlement. In this

connection, participants stressed the importance of consultation with the displaced and ensuring the voluntariness of return.

It was also felt to be important to de-link the issue of property compensation from that of return as well as IDP status. It was pointed out under human rights law, internally displaced persons would be entitled to regain their property even if they chose not to return to their home but instead chose to resettle and reintegrate in their area of refuge or elsewhere. This right needs to be emphasized to counter the danger, present in a number of situations, of internally displaced persons being misinformed on this point and manipulated to refrain from choosing to integrate locally.

Several participants stressed that return should be regarded as entailing much more than the physical act of returning to one's home/town/country. Attention must also be paid to ensuring that conditions exist for return (or resettlement for that matter) to be durable. In addition to the issues of safety as well as property already discussed, a number of other conditions for a durable solution to internal displacement were identified. Protection from the risk of landmines, also provided for in the Guiding Principles, would be important. Concurring that physical security is key, another speaker also stressed the importance of legal protection, noting that the two forms of protection -- physical and legal -- are closely inter-linked: people need to feel that there exists legal protection against possible security problems. In the absence of legal security, they may be unwilling to return. In this connection, several speakers suggested that a durable solution would entail restoration of the rights of internally displaced persons on a par with the rest of the population and their non-discrimination for having been displaced. The rights of internally displaced persons to equal access to public services and to political participation -- guarantees provided for in the Guiding Principles -- were cited as important benchmarks to consider in this regard.

While focusing on the restoration of the rights of IDPs, advocates of this approach underscored the importance of taking a comprehensive needs-based approach which avoids positive discrimination in favor of IDPs *vis à vis* the local population and instead ensures attention to the specific needs of IDPs. One speaker promoted a needs-based approach to populations in general, incorporating a special focus on IDPs not simply because they are IDPs but because are particularly in need. It was noted that at a fairly early stage, some humanitarian assistance agencies seek a transition from IDP-focused programs to more integrated, community-wide approaches focusing on the most vulnerable and in need.

As to the temporal element of the issue of when displacement ends, the point was made that it is difficult to predict when a "durable solution" will occur and to pinpoint when such a solution actually is achieved. For IDPs, as with refugees, it was suggested that the solutions phase is a gradual process. For example, the program for temporary settlement currently underway in Angola may in the end turn out to be permanent: only time will tell. In the case of Bosnia, displacement reportedly was considered to end six months after the displaced returned home or after "changed circumstances" in the country which removed the original cause of flight. Even then, however, some exceptions were allowed, thereby underscoring the need for a case-by-case approach ensuring that any determination process takes into account not only objective factors but also leaves room for the subjective element. Many participants regarded the personal assessment of the displaced as key to the criterion of voluntariness.

IV. Towards common criteria for deciding when internal displacement ends

In keeping with the specific objective of the meeting, discussion then focused on what has been and should be the criteria for when internal displacement ends as well as the reasons why common criteria are needed. Launching the discussion of these issues, Christophe Beau of the Global IDP Project of the Norwegian Refugee Council (NRC), an organization which compiles statistics on internally displaced persons in countries worldwide, spoke of the challenges it faces in undertaking this task. The lack of internationally accepted common criteria resulted in discrepancies, often huge, in figures for the number of internally displaced persons in any given country. There was also the problem of a lack of any information on certain internally displaced populations, especially in cases of protracted displacement when fewer organizations are present in a country to report on the situation. For example, in the case of Armenia, it was only with the mission the Representative of the Secretary-General on Internally Displaced Persons to the country that light was shed on a situation of internal displacement that had been overlooked by the international community as well as the government. Further to a recommendation of the Representative, NRC was undertaking a mapping exercise to identify the location and needs of the internally displaced in this country. In some countries, however, a lack of humanitarian access impeded reliable assessments of the number and needs of internally displaced persons. Another issue complicating the compilation of statistics was the question of whether the classification of “internally displaced person” can be passed on to children and, if so, for how many generations?

Bill Frelick of the U.S. Committee for Refugees (USCR) then was called on to share the experience of USCR, which is the one organization known to have established criteria on the issue of when internal displacement ends. He began by noting that the issue of when displacement ends is less clear cut for IDPs than refugees in particular because whereas there is a registration process for refugees, this often does not exist for IDPs. Consequently, the issue is not only when to stop counting but whether IDPs ever were really counted as such at all. USCR focuses on IDPs who, if they crossed an international border, would become refugees. In its annual compilation of statistics, USCR stops counting IDPs as per the criteria outlined in the meeting’s discussion paper; specifically, if return is considered to be possible, and regardless of whether the displaced actually return. If return is possible but people nonetheless do not return, they are considered to have made a *decision* not to return. Accordingly, Mr. Frelick suggested that it is important to consider what a lack of return indicates about the intentions of displaced persons. He pointed to the case of Lebanon, where the number of IDPs had decreased over the years as a result of having determined that many of those who had not returned did not actually intend to do so but instead had decided to resettle in their places of refuge. In Georgia and Azerbaijan, many of the internally displaced likewise may have no intention of returning to their areas of origin, were this to become possible, but are artificially and indefinitely maintained as internally displaced persons, and impeded from resettling and integrating elsewhere in the country, for political reasons.

Citing the case of Guatemala, where USCR’s determination that internal displacement had ended has been contested on the basis that the internally displaced have been unable to obtain restitution or compensation of land and property lost as a result of displacement, he questioned whether property restitution or compensation should be a prerequisite for internal displacement to be considered to have ended. The Refugee Convention, he pointed out, does not require this. Moreover, he argued that there is need to be wary of the experience of the

Palestinians, for whom return to or compensation for their homes has been identified as the only solution, but also is at the core of the long-standing political impasse impeding a resolution to their plight. He cautioned that this situation risks being repeated in other situations if the standard for when displacement ends is set too high.

One participant recommended that emphasis should be given to the right of refugees and displaced persons to return to their original homes. Doing so, it was argued, would avoid a situation as was presently occurring in Afghanistan, where refugees were being returned prematurely only to become internally displaced as they were unable to return home. However, reiterating a point made in an earlier session, another participant argued that the problem with emphasizing return “home” is that it binds displaced persons to political goals, such as reversing “ethnic cleansing”, which, however desirable, risk undercutting the criterion of voluntariness of return. In addition, and as had also been emphasized earlier, from the point of view of human rights law, it is possible and indeed important to de-link the issue of property compensation from that of return; internally displaced persons would be entitled to property compensation regardless of whether they choose to return.

Representatives of NRC’s Global IDP Project, while noting that they relied heavily on the statistics compiled by USCR, advocated that rather than return, the benchmark should be implementation of a durable solution for the internally displaced. They explained that continuing to count IDPs until they have access to a durable solution is viewed as important to their organization’s advocacy efforts for such durable solutions to be made available for the displaced. In their view, the possibility of return is simply not an adequate measure of when internal displacement ends and IDPs should continue to be considered as such even after they have returned, as long as they continue to have specific needs arising from the fact that they were displaced.

Some participants urged having the simplest set of criteria, with possibly just physical security as the sole criterion. Certainly, there was widespread agreement that safety should be a key, though not necessarily the only, criterion. At the same time, however, it was recognized that there is a need to define exactly what “safety” means. For instance, many felt that the reference to return in “safety and dignity”, despite its increasing use, remains nebulous and requires elaboration, thereby reinforcing the need for cessation criteria for internally displaced persons. What, for instance, would be considered an acceptable risk? There was also the question of who guarantees safety and determines it to exist, with the suggestion made that the existence of conditions of safety should be monitored as well as facilitated by the international community. The meaning of return in “dignity” was considered to be even less clear. One participant even called into question the appropriateness of this criterion, arguing that people may return and reintegrate but should it be denied that a solution has been arrived at “because their trip was bad”, i.e. did not comply with standards of dignity?

Beyond defining the conditions for return, other participants advocated a more comprehensive approach emphasizing integration rather than simply return. It was pointed out that many internally displaced persons, especially those displaced from rural to urban areas, might not want to return but rather may remain indefinitely in their place of refuge. After a certain point, however, one must ask what separates the displaced from the rest of the population? Reference was made to criteria for assessing integration by refugees and it was suggested that it would be useful to define what integration would mean for internally displaced

persons. It was proposed that one way to do so would be to consider the needs and vulnerabilities specific to internally displaced persons and when these end.

In this connection, it was recalled that the Guiding Principles take a needs-based approach of identifying the specific needs and vulnerabilities that internally displaced persons may face as a result of their factual situation of being displaced. Accordingly, it was suggested that the key question, therefore, is when do these specific needs and vulnerabilities cease to exist? Consideration of this question, it was urged, should not be limited to issues of physical security. Though physical security is key, the Guiding Principles recognize that the specific needs and vulnerabilities of IDPs are much broader, taking into account economic, social and cultural rights as well as civil and political rights, such as the right to vote, the right to property and to employment. Attention was drawn to Section III of the Guiding Principles entitled “Protection and Assistance *During* Displacement”, which it was suggested provide a checklist of rights and guarantees against which to measure the viability of a solution suggesting an end to a situation of internal displacement.

Related to this approach, several participants advocated making human rights considerations central to the issue of when internal displacement ends. Specifically, internal displacement could be considered to have ended only once the rights of internally displaced persons were restored on a level on par with the rest of the population and IDPs were not discriminated against in the enjoyment of their rights on the basis that they had been displaced.

As to the scope of criteria being discussed, the focus of the meeting was on internal displacement from refugee-like circumstances. Recalling a point made in the discussion paper, one participant noted that internal displacement caused by natural disasters or development projects may require separate criteria on the issue of when internal displacement ends and suggested that developing criteria covering these circumstances indeed may be more straightforward. Another speaker made the point that although the discussion was focusing on internal displacement from refugee-like circumstances, consideration of the issue in the context of displacement as a result of natural disasters and development nonetheless may be instructive. For instance, the cessation of a natural disaster phenomenon may mean that a situation is once again safe. However, safety is not a sufficient condition for a solution; rather, it is only then that rehabilitation and reconstruction can *begin*. Reference also was made to a model used in development-induced displacement that recently had been updated to include the restoration of civil and political rights as an indicator of a situation having been effectively resolved.

The extent to which the views of individual internally displaced persons should be taken into account was another point of discussion. Some participants felt it was essential to remove the hopes of IDPs, especially as these may be mere nostalgia rather than indicative of their actual intentions to return. Others, however, urged against taking the wishes of internally displaced persons totally out of the equation and stressed that their voices must be heard. Consultation with the displaced, it was pointed out, is considered to be an important element of the voluntariness of return or resettlement.

Though consensus was not reached on the specific elements to be included, there was broad agreement as to the importance of developing criteria for determining when internal displacement ends. Certain concerns about the use of such criteria nonetheless were raised. It was urged that care should be taken to avoid any negative implications of having such criteria, for instance in “keeping on the list” people who may not want to continue to be penalized by this

status, with reference being made to the examples of Georgia and Azerbaijan. Another concern was that the international community has only barely acknowledged the specific needs and vulnerabilities of internally displaced persons and recently begun to meaningfully address these; now talk has turned to cessation, which could be misconstrued as a search for exit strategies. In this regard, one participant considered the reference to “operational demands” in OCHA’s request for guidance on the issue of when internal displacement ends to be particularly disconcerting in that it “sounds exactly like an exit strategy”. Responding to these concerns, another speaker suggested that there was value in having objective criteria as to when international concern and resources devoted to internal displacement should be diverted elsewhere, even if this means only shifting concern and resources into a development context and taking a community-wide approach. Certainly, there was shared concern that the decision as to when internal displacement ends should not be driven by donor interests but rather the needs of the displaced. To safeguard against this, one participant called into question whether it would in fact be in the best interests of internally displaced persons for the international community to have common criteria as to when internal displacement ends. For organizations and individuals engaged in advocacy, their determination of when displacement ends should not be influenced by operational demands but rather be guided, above all, by the interests of the internally displaced; this may require that they maintain more rigid criteria grounded in human rights guarantees. Generally, however, participants were of the view that the development of criteria through a broad-based consultative process was the best way to ensure that protection of the rights of the internally displaced was central to any decision as to when internal displacement ends.

Concluding remarks

In providing concluding remarks to the meeting, Dr. Susan Forbes-Martin (Georgetown University) began by thanking participants for contributing to such a thought-provoking discussion. Though the meeting had not come up with a definitive answer to the question of when displacement ends, the discussion had served to identify a number of issues needing to be taken into account and thereby had greatly assisted in furthering thinking on this issue. It provided an important basis for the still further thinking and follow-up that would be required, including at the next meeting to be held in Geneva later in the year.

Overall, Dr. Martin observed that there was consensus that the flexibility provided by a case-by-case approach was useful but, at the same time, that it would be important to apply this in conjunction with an established set of criteria. As to what these criteria should be, three different possible approaches to the issue could be distilled from the discussion. One way to look at the issue would be to focus on the causes of displacement and, drawing on the refugee analogy, consider the existence of “changed circumstances” from those that had compelled flight to signal the end of displacement. A second approach would be oriented towards solutions, specifically return or resettlement (either in the country of origin or in another country), and according to the satisfaction of certain conditions in order for these solutions to be considered effective. A third approach would be needs-based, focused on the continued existence of IDP-specific needs and vulnerabilities and relating to issues of transition and integration with the non-displaced population, which was considered key. It was pointed out that these three approaches are not mutually exclusive but should be considered as overlapping. Moreover, the discussion had also highlighted the need for a comprehensive approach, taking into account not only internally

displaced persons but also refugees as well as war-affected non-displaced populations, as the approach to the plight of one group can impact greatly on the situation of another.

Aside from the specific content of criteria for determining when internal displacement ends, an important related question, also requiring closer examination, concerns who should make this decision and what weight should be given to the views and intentions of the displaced. While acknowledging that operational agencies require guidance on the issue of when internal displacement ends, Dr. Martin noted that the meeting also highlighted the need to safeguard against the discussion of when internal displacement ends being driven by operational demands and donor interests. There was broad consensus that protection of the rights and best interests of the internally displaced must remain central to the decision process.

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