

Summary Report

ROUNDTABLE ON WHEN INTERNAL DISPLACEMENT ENDS

co-hosted by the Government of Canada and the Government of Switzerland

co-sponsored by The Brookings Institution - SAIS Project on Internal Displacement,
The Georgetown University Institute for the Study of International Migration and
The Global IDP Project of the Norwegian Refugee Council

held at the Permanent Mission of Canada, Geneva
27 September 2004

SUMMARY

A roundtable to discuss the issue of “when internal displacement ends” was convened on 27 September 2004 in Geneva. It was co-sponsored by the Brookings Institution - Johns Hopkins School of Advanced International Studies (SAIS) Project on Internal Displacement, the Georgetown University Institute for the Study of International Migration (ISIM) and the Global IDP Project of the Norwegian Refugee Council, with the support of the Canadian International Development Agency and the Federal Department of Foreign Affairs of the Government of Switzerland. The meeting was the third in a series of consultations organized in response to the request made by the United Nations Office for the Co-ordination of Humanitarian Affairs (OCHA) to the Representative of the United Nations Secretary General on Internally Displaced Persons for guidance and advice on ‘when an IDP [internally displaced person]...should no longer be considered under this category.’ The Representative had commissioned the Brookings-SAIS Project and ISIM to assist him in responding to this request.

Previous meetings held in Washington D.C. and Geneva had brought together representatives from the international humanitarian, development and human rights community as well as researchers and field practitioners. This third and final meeting was convened to seek the views of national governments faced with the challenge of internal displacement, of civil society from affected countries, and of donor countries. Participants at the meeting included representatives of national governments, civil society and donors, along with representatives from key international organizations and agencies (See APPENDIX for List of Participants).

After introductory remarks and an overview of work undertaken on the issue to date, approaches by national governments, civil society and donors were explored in a series of panel discussions (see APPENDIX for Agenda). *Draft Criteria and Guidance on When Internal Displacement Ends* (see APPENDIX) were then reviewed. There was broad agreement about the need for such guidance and participants expressed what was summarized by the co-host governments as “broad-based support for the practical guidance” provided in the draft document. To maximize its operational relevance, the consensus that emerged was that this guidance should come in the form of benchmarks of solutions for IDPs. In addition, the meeting recommended that a step-by-step flowchart be appended to the benchmarks to provide guidance on how to approach the issue of when displacement ends in different settings. Aside from the introductory and overview sessions, this summary report of the roundtable is organized according to key issues and themes that were discussed at the meeting and which relate to the development of the benchmarks.

INTRODUCTORY REMARKS

The meeting opened with welcome and introductory remarks from the two co-hosts, the Government of Canada and the Government of Switzerland. On behalf of the Government of Canada, Elissa Golberg, Deputy Director of Humanitarian Affairs in the Department of Foreign Affairs, noted that the fact that discussions were being held on the question of “when displacement ends” reflected the maturity of the issue of internal displacement; whereas it was not long ago that the problem of internal displacement went unacknowledged by many governments, an increasing number were now adopting national policies on the issue. Creating environments enabling sustainable solutions for IDPs was especially important. Franklin Thevenaz, Head of the Division of Multilateral Affairs and Special Assignment of the Swiss Development Cooperation Humanitarian Aid, noted that the question of when displacement ends was difficult and complex but needed to be addressed in order to ensure durable solutions for IDPs. In exploring this question, it was essential to learn from specific country experiences and the views of governments and civil society.

Roberta Cohen, Co-Director of the Brookings-SAIS Project, presented remarks on behalf of Francis Deng, fellow Co-Director of the Project and Representative of the Secretary-General on Internally Displaced Persons (1992-August 2004). She explained that the need for criteria on the issue of “when displacement ends” had emerged from the field in response to a number of queries and requests for guidance. How this issue was addressed could have significant implications for IDPs, including the termination of assistance. In addition, defining when displacement ends would help develop more accurate statistics on IDPs, which in turn would enable improved policies and programs. In developing this guidance, it was important to hear the views of international agencies, donors and governments of countries with situations of internal displacement as well as those of civil society and IDPs. Consultations with IDPs were particularly important since decisions on the issues affecting their lives would be more sustainable if the IDPs themselves were involved in the discussions.

OVERVIEW OF THE ISSUE

Susan Martin, Director of ISIM, provided an overview of the process leading up to the meeting. To begin with, background research had examined the issue through three lenses. The first lens was the normative framework, namely the *Guiding Principles on Internal Displacement*. Second, the refugee experience by analogy was explored, though the relevance of this approach had been found to be somewhat limited given the different legal situation of persons displaced in their own country. There nonetheless were important linkages to take into account; most notably, the fact that when refugees were returned prematurely to their country of origin, they often became internally displaced. A comprehensive approach to resolving displacement situations therefore was required. The third lens was to look at a number of specific case studies of internal displacement. Different types and phases of displacement were considered, in particular emergencies, post-conflict situations and cases of protracted displacement in so-called “frozen conflicts”. While the focus of the research and discussions had primarily been on displacement due to conflict, persecution and serious violations of human rights, it was recognized that displacement caused by natural disasters and development-induced displacement would need to be considered, though perhaps because of the particular issues involved may require different sets of criteria.

Erin Mooney, Deputy Director of the Brookings-SAIS Project pointed out that in the absence of criteria, decisions as to when IDPs should no longer be considered as such were taken on an ad hoc basis, according to often conflicting approaches among different actors, and with results that in many cases violated the rights of the internally displaced. Because these decisions could have serious ramifications for IDPs, there needed to be an understanding of how to ensure a transition from displacement that respected the rights of the displaced. The purpose was not to define a point in time when attention and support to persons who were once displaced would altogether cease, but rather to determine when national and international attention and resources should shift from a specific focus on IDPs. Reference was made to the Good Humanitarian Donorship Initiative and its commitment to support ‘transitions from humanitarian relief to recovery and development.’ Determining what “recovery” means for IDPs, that is, identifying what would be required to enable IDPs to be free of the specific risks and vulnerabilities that displacement entailed, was another, and perhaps more constructive way, of looking at the issue of “when displacement ends”.

Three possible approaches -- cause-oriented, needs-focused and solutions-based -- to the question had developed and been tested in earlier consultations. The consensus to emerge was that while each approach shed light on important aspects of the issue, no one approach adequately covered its complexity and the range of possible scenarios. In any case, the three approaches were not mutually exclusive, but in many ways were overlapping. The resulting preference was for particular weight to be given to a blend of needs-focused and solutions-based approaches. Criteria had been drafted on this basis and would be reviewed after hearing the views of governments faced with internal displacement, civil society and donors.

COUNTRY EXPERIENCES

It was recognized that national responsibility for responding to internal displacement extends to supporting solutions to the problem. The Guiding Principles envisage three possible solutions: return, resettlement and local integration. Further, they specify a responsibility on the part of the national authorities to establish the conditions and provide the means to enable IDPs to return or to resettle voluntarily and in safety and dignity. Towards identifying the necessary conditions enabling such solutions, a number of national approaches and experiences were considered.

The case of Guatemala, presented by Angela Chavez, Minister Counsellor from the Permanent Mission of Guatemala in Geneva, underscored that resolving situations of displacement could take a long time. Although peace agreements had been signed in 1996, conditions had not yet been met enabling an end to internal displacement for all those affected. The experience in Guatemala nonetheless underscored the value of addressing the return or resettlement and reintegration of refugees and IDPs in the framework of peace agreements. Also, it suggested that a durable solution required that ensuring that displaced persons have the opportunity to reach the same level of development as the populations that did not suffer displacement. Important aspects of displaced persons’ integration included: the recovery or replacement of personal documentation; access to land; property rights; and equal access to education. Some of these areas might require specific legislation or procedures, for which international technical support could be valuable. Development programs needed to be inclusive, ensuring IDPs’ participation and attention to their specific development needs. However, given the reluctance and fear among IDPs to come forward and identify themselves as such, confidence-building measures needed to be included and the benefits of their participation made apparent. In this connection, reconciliation was a key element of durable

return, resettlement and reintegration. Reconciliation efforts and promoting a culture of peace, tolerance and respect should be supported by a range of national actors, including the government, civil society and the media.

In Serbia-Montenegro, Ambassador Dejan Sahovic noted, the situation was not as advanced as in Guatemala in that the conflict that had produced the displacement had not yet been resolved, but rather was in a “frozen” stage. Uncertainty remained about the eventual political status of Kosovo, which was a complex and highly politicised issue with important implications for finding solutions for IDPs. In the meantime, international assistance, which was being reduced, was still very much needed to address humanitarian and development needs of the displaced and others in the country, where it was noted that thirty percent of the population lived below the poverty line. A national strategy on internal displacement adopted in 2002 took as its starting point that IDPs were entitled to the full enjoyment of their rights on a par with the rest of the population, but that their situation may require special measures to enable them to access their rights. For instance, regulations had been changed in Serbia to enable IDPs to register as permanent residents in order to facilitate their access to certain social services and benefits, but without losing their entitlements as IDPs. However, few IDPs had exercised this option to date and it appeared that most IDPs were set on returning to their places of origin. Conditions in these areas were not yet conducive to safe return; in fact a recent outbreak of hostilities had reversed the small trend towards returns that had occurred. In Serbia-Montenegro, suggesting that durable solutions for IDPs would follow only after fundamental political issues, in particular the status of Kosovo, were resolved.

Political factors indeed were considered an essential part of the equation of resolving situations of conflict-induced displacement and it was recognized that they could both support and impede efforts to find solutions. A worse case scenario would be when a government arbitrarily decides to end displacement and forcibly returns displaced persons. At the other extreme, there are situations where the absence of a political settlement prolonged situations of displacement indefinitely, as political interests to reclaim territory impeded any solution other than return of the displaced. Moreover, political obstacles could arise at the local level, for instance when local communities resist the return of IDPs.

The case of Cyprus further illustrated that arriving at durable solutions for displaced persons could be a highly politicised issue with deep implications for conflict resolution efforts. In 2004, thirty years after the cease-fire agreement and the mass displacement of Greek Cypriots from the North of the island to the South and of Turkish Cypriots to the North, the UN Plan for Cyprus was put to a popular referendum, but failed to receive the required endorsement of both sides. The issue of IDP return had been among the key points of contention, in particular the limits placed by the Plan on the number of displaced Greek Cypriots permitted to return to the North, where a mass influx would leave Turkish Cypriots in the minority. At the same time, it had to be recognized that the displaced on both sides of the cease-fire line were generally considered to have fully integrated into their communities. Many had outstanding claims for property, which it was suggested should be addressed on an individual rather than a wholesale basis, but they no longer had specific needs, such as material assistance, as a result of their displacement. Moreover, it was stressed that even when return might become possible, it would be essential to safeguard the right to freedom of movement, including the choice whether or not to return.

What was clear was that especially in situations of conflict-induced displacement, the need for a political process to resolve the conflict and root causes was critical both to resolving displacement and to preventing future displacement. Above all, the goal must be to restore for IDPs and all residents of the country access to national protection. This would require

establishing good governance and the rule of law, including by ending impunity for human rights violations and promoting an environment of respect for human rights. Solutions would need to come from the countries concerned, including not only from the governments and from any non-state actors involved in the conflict, but also by engaging IDPs and ensuring that their views were integrated into peace processes as well as peace-building efforts.

The international community, for its part, could do more to support national and local efforts to assess and address the root causes of displacement. To do so effectively, it needed to take a broader approach to internal displacement than strictly a humanitarian response. In particular, there was need for better analysis of why conflicts and displacement had occurred and an examination not only of the political causes but of the economic and social roots as well. In addition, a more comprehensive approach to what was recognized as a multi-dimensional problem necessitated stronger linkages between the humanitarian and human rights community as well as with international development, political and security actors. Further, there would be need in many cases to look beyond the strictly national context to also take into account the regional and international dimension of the situation and therefore to engage regional and sub-regional partners.

In the absence of a political solution, participants suggested that there nonetheless could be steps that governments could take to set IDPs on the path towards solutions. In Georgia, another case of protracted displacement, the government recently had begun to pursue solutions more proactively, both at the political level as well as in initiating programs to improve the living conditions of IDPs. In this latter connection, a reassessment and recount of the IDP population had been undertaken with a view to determining more accurate numbers of IDPs. Persons who were not bona fide IDPs, for example individuals who married IDPs but who themselves had not been displaced, would cease to receive IDP-specific benefits. As a technical exercise and a planning tool designed to enable the improved targeting of government programs for IDPs, this was considered a useful initiative. However, actual implementation of the process had been marred by a lack of transparency and information-sharing with the displaced, which led to confusion and fear among them, in particular due to uncertainty as to whether this process would have implications for their entitlements and their rights, including the right to property restitution and the right to return. This experience underscored that while there could be practical benefits to rationalizing IDP figures, such exercises required proper planning, the inclusion of IDPs in this planning, and timely and accurate information to IDPs on the process as well as its implications in terms of their eligibility for assistance and the exercise of their rights.

THE ROLE OF CIVIL SOCIETY

Civil society had a critically important role to play in supporting durable solutions for IDPs. Representatives of local groups engaged with the internally displaced in Sri Lanka, Sudan and Peru highlighted a number of ways in which civil society could contribute to supporting solutions for IDPs and how these groups in turn could be supported in their efforts.

Enabling IDPs to make informed choices about solutions -- whether to return, resettle or integrate locally -- was an essential criterion for a voluntary decision. Representatives of civil society suggested that one of their key roles was to ensure that IDPs had access to information about these choices and an objective assessment of the situation in areas of return or resettlement. Awareness campaigns using the media, posters and other dissemination vehicles were critical to conveying this information to IDPs and those working closely with them. One

innovative example was the *Practitioner's Kit for Return, Resettlement, Rehabilitation and Development*, produced by the Consortium of Humanitarian Agencies in Sri Lanka, which elaborated strategies on a range of issues, such as documentation and access to land, needing to be addressed as part of solutions to internal displacement.¹ The *Kit* was being widely disseminated in Sri Lanka, including in LTTE-held areas, and its use was also being promoted as a tool in other countries where IDP return and resettlement processes were underway.

Civil society could also serve as a useful conduit for the flow of information from IDPs to national and international decision-makers, including donors. Consulting only government representatives from countries affected by internal displacement provided a narrow perspective, and one often guided by political, rather than humanitarian, considerations. For instance, there could be situations in which it may be in the government's interest to prematurely declare an end to displacement or, conversely, to prolong a situation of displacement to the detriment of the displaced. Expanding the sources of information relied upon could give a clearer picture of the conditions of IDPs as well as of the situation in areas of potential return or resettlement. Listening to the views of civil society therefore could enhance national and international actors' understanding of the situation and enable more informed decisions about aid and other programs for the displaced. To facilitate this interaction, effective information-sharing channels and forums for dialogue between civil society and national as well as international authorities should be established.

The contributions that civil society could make to facilitating and supporting durable solutions to displacement were wide-ranging. These included: ensuring IDPs had access to information about the return or resettlement process and conditions in areas of return or resettlement; advocating IDPs' concerns as regards return and resettlement as well as in peace processes; pressing for and facilitating the creation of forums for consultation directly with IDPs; promoting reconciliation; and monitoring and reporting on IDPs' conditions after their return or resettlement to ensure that so long as IDPs have specific needs they do not disappear from attention. There was broad consensus that efforts should be undertaken to support and enable the greater engagement of civil society groups in these and other activities on behalf of IDPs.

THE ROLE OF DONORS

Participants recognized that donors could significantly influence decisions about when, and on what basis, programs and assistance specific to IDPs would cease. While donors pointed out that for the most part these decisions were made by the humanitarian agencies they funded or determined by the policies of the government of the country concerned, they acknowledged the importance of their having their own perspective on the issue and ensuring that these decisions accorded with the rights of the displaced. Donors, after all, had an interest in promoting durable solutions for displaced persons. They also wanted to safeguard against IDPs falling into a state of dependency and ensure that assistance did not become a substitute for addressing the root causes of displacement. Donors suggested that they could and should play a more active role on the issue, in particular in advocating against decisions taken prematurely to end IDP-specific programs. To do so effectively and ensure a principled approach, however, they pointed out the need for guidance on the issue and therefore welcomed the initiative to develop this guidance.

¹ *Practitioner's Kit for Return, Resettlement, Rehabilitation and Development: An Agenda for a Call for Action* (Consortium of Humanitarian Agencies and the Brookings-SAIS Project on Internal Displacement, March 2004).

For donors, key to the issue was identifying the degree of differential vulnerability that IDPs experienced compared with other groups, who may also be in need. This would need to be considered on a case-by-case basis. In this connection, the evaluation that was being undertaken of donor responses to a number of IDP situations, and which would be examining the issue of “when displacement ends” in different country contexts, was welcomed and should prove informative.² Generally, donors would require objective information on the conditions of IDPs information that they noted would often best be provided by civil society.

Supporting durable solutions for IDPs also would require, in the words of one donor representative, that “funds follow them home” to their areas of return or resettlement. In some cases, returning or resettling IDPs would have ongoing humanitarian needs that required continued support. This would require that humanitarian assistance funding portfolios accordingly devote greater attention and funds to IDPs’ needs upon return or resettlement. At the same time, there was a need for development actors to become engaged much earlier, starting in the emergency phases, to begin promoting IDPs’ self-reliance.

The policy on internal displacement that had recently been developed by the U.S. Agency for International Development was welcomed, in particular for its comprehensive approach to internal displacement, which extended to facilitating durable solutions and transitions to development. Beyond using the Guiding Principles on Internal Displacement as a framework and applying a protection lens to all phases of displacement, among the core principles guiding the policy were: that humanitarian assistance be given on the basis of greatest need; that assistance should seek to build the capacity of IDPs; and that a long-term approach was needed which promoted IDPs’ self-reliance and their ability to be full contributors to the overall development of their country.

TOWARDS A SET OF BENCHMARKS

The *Draft Criteria and Guidance on When Displacement Ends* that had been prepared for discussion at the roundtable were then reviewed (see APPENDIX). Ten core elements of a solution to internal displacement had been identified: (1) return or resettlement; (2) a voluntary decision; (3) safety and dignity; (4) durability of the solution; (5) participation of IDPs; (6) reintegration, including social, economic and political reintegration; (7) non-discrimination; (8) property restitution or compensation; (9) access for humanitarian organizations; and (10) national responsibility to establish these conditions. A number of scenarios and the questions these raised were then considered, including scenarios related to the causes of displacement as well as the possible implications of decisions on when displacement ends for the provision of material aid.

Participants at the meeting expressed “broad-based support for the practical guidance” provided in the draft document. The consensus to emerge from the meeting was that this guidance should come in the form of benchmarks of solutions for IDPs. To maximize their operational relevance, this set of benchmarks should be accompanied by a flowchart providing guidance as to how to apply these in different contexts.

Throughout the meeting, participants gave emphasis to a number of elements considered key to solutions to internal displacement and identified some additional ones, such as the

² John Borton, Margie Buchanan-Smith and Ralf Otto, *Learning from Evaluations of Support to Internally Displaced Persons. IDP Synthesis Report: Final Report* (Ohain, Belgium: Channel Research, 2005).

importance of reconciliation, that would be important to include or to bring out more explicitly in the benchmarks. In addition to the above-mentioned emphasis on addressing root causes and enhancing support for the role of civil society, the following were key themes to emerge from the discussions:

PARTICIPATION OF IDPS

It was considered of primary importance that IDPs themselves be directly engaged in the search for solutions to their situation as well as in peace-building and development efforts. Their ownership of solutions was essential to the durability of solutions and to reducing the risk of IDPs' long-term dependency. As the draft criteria pointed out, IDPs' participation in the process also was important for upholding the criteria of voluntary return or resettlement in dignity. Civil society groups were recognized as particularly valuable partners for facilitating and promoting the participation of IDPs.

It was critical to ensure an inclusive methodology of consultation, paying attention to "who's in and who's out" and ensuring the access to the process by all segments of the IDP populations. It was recognized that displacement, whether caused by conflict or other causes such as development, often occurred along cultural and ethnic divides which needed to be bridged in order to achieve durable solutions. Minority and indigenous groups, who were often disproportionately affected by displacement and traditionally marginalized, must be engaged and their specific concerns taken into account. Particular attention should be paid to ensuring that the voices of women and children, who often faced discriminatory barriers to participation, were heard. Indeed, one participant from a country deeply afflicted by internal displacement noted that consultation with women was all the more essential when assessing possibilities for return or resettlement and determining whether the causes of displacement have ended as women 'have the survival of their families as their priority and will therefore require more information before trusting an area is safe enough for return.'

VOLUNTARY SOLUTIONS

There was no question that a solution to displacement -- whether return to one's area of habitual residence or resettlement elsewhere in the country -- must be voluntary, entailing freedom of choice based on an informed decision and without coercion. However, there was no set formula for determining at what point in time IDPs would be in a position to make a free choice. In Southern Sudan, for instance, a representative of civil society pointed out that IDPs would likely fall into four groups: (i) those able to return before the peace agreement was finalized; (ii) those who would return shortly after an agreement is signed; (iii) those who would wait to see evidence of an improvement in security and the restoration or establishment of basic services in areas of return; and (iv) those who would decide not to return, but instead choose to integrate in the areas to which they were displaced. These were all valid choices and each should be supported and facilitated.

Particularly important was that accurate information on the conditions in areas of return or resettlement was available at each stage. As noted above, civil society could play a valuable role in ensuring IDPs had access to this information. In addition, "go and see" visits were useful. However, it was pointed out that these must be organized with caution, for if these were encouraged too early, when conditions were not yet ripe for return, they could be traumatic and discourage return in the long run even when adequate conditions for return eventually materialized. It was also essential to consider how decisions about the provision of aid could affect IDPs' choice of solutions. For instance, if assistance was only provided to IDPs who

returned but denied to those who opted for resettlement, this would be a form of coercion. Donors indicated that specific guidance on this issue would be helpful.

In cases where the causes of internal displacement persisted indefinitely, especially in so-called “frozen conflicts”, it was not likely that return would be a safe and viable option for the near future. In such situations, there was broad consensus that having choices must mean that IDPs are not held hostage to the goal of return for political and strategic interests, and left in a state of dependency, but are able to pursue the option of local integration or resettlement.

RECONCILIATION

Reconciliation was considered so critical to the safety of durable solutions that it merited specific attention. Beyond addressing the causes of displacement at the political level, national and local level reconciliation was essential to the reintegration of the displaced. Experiences on the ground had shown that the process of return and reintegration could be as traumatic as the initial displacement. Tensions could continue long after the signing of a formal peace agreement and new sources of conflict often emerged, for instance over land and property ownership. Communities to which displaced people were returning or resettling must be prepared for their arrival and reintegration. To this end, consulting and sharing information with the local community about programs to reintegrate the displaced and to help rebuild the entire community was essential to prepare these communities for IDPs’ return or resettlement. Civil society could play an instrumental role in facilitating this interaction. Solutions arrived at in cooperation with all affected communities, including both the displaced and the communities to which they were returning or resettling, would foster a sense of ownership and therefore be the most effective and lasting.

Related to the issue of reconciliation, participants recognized that the experience of displacement and of being identified as an IDP had a psychological aspect that it was important not to ignore. Especially in protracted situations of displacement that persist for decades, even if IDPs are able to fully integrate locally, enjoy national protection and no longer have specific needs and vulnerabilities requiring specific assistance, they may nonetheless fear that the traumatic events leading to displacement will be forgotten. In some situations, the need for remembrance and recognition of the particular plight of those who were displaced may therefore be an important element of IDPs’ reintegration into society and the process of national reconciliation.

LINKAGES TO DEVELOPMENT

Continuity between return or resettlement and a development process in which IDPs are fully engaged was identified as an essential ingredient of a durable solution. To facilitate this, programs promoting IDPs’ self-reliance needed to begin early on and be incorporated into assistance programming. This would safeguard against the risk of dependency while they were displaced and also facilitate their economic reintegration upon return or resettlement. Depending on the duration of their displacement and their plans on whether to return or to resettle, IDPs may need to learn completely new skills and means of income-generation, and this also should begin well before return or resettlement.

The question arose as to whether a certain level of development must first occur in order to enable solutions for IDPs. To be sure, certain conditions, including access to basic services as well as opportunities for a livelihood, were considered key to ensuring the sustainability of solutions for IDPs. However, in many situations of displacement entire countries were

devastated or suffered extreme poverty, with the result that non-displaced populations also were living a precarious existence. Indeed, IDPs may have received certain services while in camps, such as medical care, that they may not be able to access so readily at home, especially in rural areas. Solutions for IDPs therefore needed to be viewed and pursued in the context of overall economic development and broad-based approaches benefiting communities as a whole.

In Guatemala, where many of the IDPs had come from agrarian backgrounds, the main thrust of efforts to restore livelihoods for the displaced had been a general program of rural development. In addition to enabling the return and reintegration of IDPs, this program had stimulated progress in agricultural practices and productivity. A representative of the Government noted that although this general development approach had somewhat diluted the focus on IDPs, this strategy had by and large met their assistance and development needs.

Generally, what was important was to ensure that IDPs could participate, both before as well as after they returned or resettled, in development processes on a par with the rest of the population. Where IDPs continued to have special needs and vulnerabilities, it was recognized that these would need to be taken into account and addressed by development strategies. To help ensure this, the recommendation was put forth to examine the extent to which IDPs' particular development needs were being addressed in Poverty Reduction Strategy Papers (PRSPs) and UN Development Assistance Frameworks (UNDAFs). A checklist could then be developed for ensuring attention to IDPs' specific needs in these key vehicles for development programming. When IDPs ceased to have needs specific to their situation of having been displaced, they no longer needed to be a special focus but could be covered as part of general development programming.

AN INTEGRATED APPROACH

An overarching theme throughout the discussions was the need for an integrated approach to ending situations of displacement. Causes of displacement needed to be analysed more broadly to capture the range of political, economic, social and cultural factors at issue, which would need to be addressed in order to arrive at effective solutions and avoid further displacement. Stronger linkages between relief and development were required, with holistic community-based approaches that ensured attention to IDPs' particular needs and vulnerabilities while promoting the development of communities as a whole. Protection must be a focus throughout; one important mechanism for facilitating this focus was the establishment of protection working groups at the country level.

The need for an integrated approach also related to the range of actors needing to be involved in finding and implementing solutions to internal displacement. Responses needed to be broadened beyond the humanitarian and human rights community to include greater involvement and cooperation on the part of development, peacekeeping and political branches of the UN and with regional organizations. Increased communication and cooperation on the issue was needed between and among donors, humanitarian and development agencies, and governments of the countries concerned, as was greater interaction and partnership with civil society. Ensuring the participation of IDPs and local communities would promote a sense of ownership in solutions and thereby increase the sustainability and effectiveness of solutions.

CONCLUSION

The roundtable concluded with consensus that guidance was needed to avoid a continuation of arbitrary decisions about the termination of aid and of programs specifically targeted to the internally displaced. The issue was not so much about exactly *when* displacement ends but rather *how* best to promote solutions for IDPs that are durable and respect their human rights. The fact that work on this issue had been grounded in the Guiding Principles on Internal Displacement was highlighted as especially important and as an essential framework to maintain.

The draft criteria presented to the meeting received broad support, with some useful suggestions for elaboration. The overall recommendation was that rather than “criteria” these could instead be packaged as a set of benchmarks of what solutions for IDPs should entail. These benchmarks should set out both situational conditions, such as safety, as well as procedural conditions, including access and monitoring in areas of return. Moreover, because certain considerations would vary depending on the context, guidance as to how to apply these benchmarks in different scenarios was considered to be particularly valuable. Drawing on the scenario analysis already prepared, it was suggested that this guidance could most usefully be provided in the form of a flowchart or checklist setting out key questions to ask depending on the circumstances and main characteristics of any given situation. This would promote the use and application of the benchmarks and, by extension, durable solutions in actual situations of internal displacement.

Rapporteur: Erin Mooney

with thanks to Amalia Fawcett,
NRC Global IDP Project

APPENDIX I

MEETING ON WHEN INTERNAL DISPLACEMENT ENDS

Geneva, 27 September 2004

sponsored by

The Brookings Institution – Johns Hopkins SAIS Project on Internal Displacement, Georgetown University – Institute for the Study of International Migration, and Norwegian Refugee Council - Global IDP Project

DRAFT - Criteria and Guidance on When Internal Displacement Ends

Internal displacement “shall last no longer than required by the circumstances,” the Guiding Principles on Internal Displacement stipulate. It is now well recognized that to be internally displaced is to be exposed to a range of particular risks and vulnerabilities. Bringing an end as soon as possible to this precarious plight therefore is critically important. However, because a premature end to displacement can have serious ramifications, there has to be an understanding of how to define and realize this end in a manner that respects the safety and security of the displaced.

Criteria as to when internal displacement ends currently do not exist. Instead, decisions on when internally displaced persons should cease to be considered as such are taken on an *ad hoc* and arbitrary basis, which in many cases violate the rights of the displaced. Around the world, guidance on when internal displacement can be considered to have ended is being sought by many actors -- Governments responding to internal displacement crises, UN and other international agencies seeking to assist them, donors funding programs for the internally displaced, civil society groups promoting their rights and, most importantly, the internally displaced themselves.

A. CORE CRITERIA

Core criteria for when displacement ends can be found in the Guiding Principles on Internal Displacement, which set out the rights of internally displaced persons as well as the responsibilities towards them. The Principles, which have gained broad international standing, provide guidance to states, non-state actors, international and non-governmental organizations, and all other actors, including donors, when addressing internal displacement. Specifically, a set of ten core criteria as to when displacement ends can be drawn from the Guiding Principles:

- 1. Return or resettlement**
- 2. Voluntariness**
- 3. Safety and dignity**
- 4. Durability of the solution**
- 5. Participation of IDPs**
- 6. Reintegration**
- 7. Non-discrimination**
- 8. Property restitution or compensation**
- 9. Access for humanitarian organizations**
- 10. National responsibility to establish these conditions**

1. **Return or Resettlement:** The Guiding Principles explicitly envisage two possible solutions to internal displacement: return or resettlement. In the context of internal displacement, these terms have a specific meaning:

Return entails going back to one's place of habitual residence, i.e. the place of residence prior to displacement.

Resettlement, for IDPs, entails resettling and starting a new life in another part of the country. In principle, this could be in the location where IDPs found temporary refuge during displacement or it could be in another part of the country altogether.³

2. **Voluntariness:** The decision to return or resettle must be voluntary. This means free and informed choice that is not taken as a result of coercion.

Freedom of choice: IDPs have the choice whether to return or resettle in another part of the country. This is the logical extension of the right to freedom of movement and the right to choose one's residence. IDPs should not be forced for political or other reasons to return home or, alternatively, to resettle in another location against their will. While return is often the preferred solution, it must be borne in mind that IDPs may not wish to return to home areas. Should an IDP wish to move to another location within the country, that is her/his right. Moreover, implicit in the concept of voluntariness and the element of freedom of choice that it entails is that an IDP can change her/his mind about the decision to return or resettle.⁴

Informed Decision: To be voluntary, IDPs must have access to the information needed to make an informed decision on return. They need information about the conditions in areas of return or resettlement as well as about the type of support they can expect to receive upon return or resettlement. Such information, especially as it regards conditions of safety in areas of potential return or resettlement, should come not only from official sources but also from independent assessments by local organizations and human rights monitors. "Go and see visits" by IDP community and family representatives to areas of potential return or resettlement are one of the best means of enabling IDPs to make an informed decision. Visits by IDPs to inform themselves of the situation in areas of potential return or resettlement should not result in loss of recognition as an IDP or of IDP benefits.⁵

³ Because these two forms of resettlement can involve different issues and challenges, a distinction sometimes is made between resettlement of IDPs in another part of the country and a third solution of *local integration*, which involves IDPs settling and starting a new life in the areas in which they temporarily were located during their displacement. In this paper, "resettlement" covers both settlement in the place of refuge and settlement in another part of the country. Resettlement in another country is, of course, also a possibility for IDPs, but it is clear that if IDPs migrate to another country, they are no longer IDPs. Some countries that resettle refugees from countries of asylum also consider applications from individuals still within their home countries who have a well-founded fear of persecution, including internally displaced persons.

⁴ Drawing by analogy from an International Council of Voluntary Agencies (ICVA) draft paper on refugee return prepared for pre-UNHCR ExCom (summer 2004).

⁵ This principle draws by analogy from the recognition that individual refugees or representatives of refugee populations should have the possibility "to return to their country of origin to inform themselves of the situation

Absence of coercion: To be voluntary, IDPs' decision to return or resettle must not be a result of coercion. Clearly, this means that IDPs must not be compelled to return or resettle at the point of a gun or otherwise be physically forced, harassed or intimidated to do so. However, coercion might also come in less direct, more circumstantial, forms. In a number of countries, IDP camps have been closed and assistance provided *only* to those IDPs who return home, as part of an overall strategy to induce return. Moreover, IDPs must not be pressed to return to precarious security conditions and unsustainable living conditions: any measures to return, resettle or relocate IDPs against their will to a place where their life, safety or health would be at risk are absolutely prohibited under international law. Particular safeguards are required to ensure that the decision of IDP women is truly voluntary and not the result of coercion, either direct or circumstantial.⁶

- 3. Safety and Dignity:** Voluntary return or resettlement must occur in conditions of safety and dignity. To start, this typically requires that the threats that forced people to flee in the first place are removed, for instance, with an end to hostilities in the case of conflict-induced displacement. However, it also requires that there be adequate protection from other threats to security such as physical attacks, abuses and intimidation, and landmines. Safety implies the availability of effective national protection mechanisms, including police and the re-establishment of the rule of law, which IDPs are able to access without discrimination.

In addition to physical security, safety for returning/resettling displaced persons is widely understood to comprise two further elements: "legal safety" and "material security".⁷ "**Legal safety**" means not only the restoration of the rule of law, but that returning or resettling displaced persons can freely and fairly access national legal protection to guarantee respect for their rights should they encounter security or other problems. "**Material security**" refers to an ability to maintain oneself through access to land or means of livelihood. It would likely require the provision of assistance to support IDPs to re-establish themselves and, until this proves possible, the continued provision of humanitarian aid for essential needs, for example until the first harvest. The concept of material security therefore is closely connected to the criterion of reintegration assistance (see point 6 below).

Conditions of safety must be carefully and impartially assessed prior to promoting return or resettlement. Human rights monitoring in areas of return or resettlement therefore is key. Given that women and children typically comprise the overwhelming majority of displaced populations, it is critical that assessments of safety take into account threats of gender-specific violence and exploitation as well as threats specific to children, such as military recruitment, and to other groups with particular protection concerns, such as indigenous

there – without such visits automatically involving the loss of refugee status." UNHCR Executive Committee, UN Doc. A/AC.96/588, (1980), para. 483 (3)(e).

⁶ Walter Kälin, *Guiding Principles on Internal Displacement: Annotations*, Studies in Transnational Legal Policy, No. 32 (Washington, D.C.: American Society of International Law and the Brookings Institution Project on Internal Displacement, 2000), p. 71, citing, by analogy, UNHCR Executive Committee Conclusion No. 73 (XLIV/1993).

⁷ UNHCR, *Handbook on Voluntary Repatriation* (Geneva: UNHCR, 1996), p. 11.

populations. For certain individuals, such as IDPs who have given testimony against war criminals or traffickers, it may be that safe return is not a feasible option.

The UNHCR Handbook on Voluntary Repatriation considers return “in dignity” to mean being treated with respect and full acceptance by national authorities, including full restoration of rights, and not being “manhandled”, arbitrarily separated from family members or having conditions placed on return.⁸ Others have taken dignity to mean “the right of individuals to achieve human potential in ways that are determined by themselves and free from coercion.”⁹ This would imply that in addition to being voluntary, the decision to return should be supported with the availability of means to achieve a minimum quality of life upon return.¹⁰ Return “in safety and dignity” accordingly requires addressing both protection as well as reintegration concerns.

4. **Durability of the Solution:** The UNHCR often refers to the three “durable” solutions to refugee crises. There is explicit recognition that refugee status does not end until the solution, whether repatriation, local integration or resettlement, has proven to be lasting. Particularly when the solutions are prompted by changed circumstances (e.g., the end of hostilities), the changes must be assessed over time -- a minimum of 12 to 18 months. A similar timeframe of monitoring the situation of returned/resettled IDPs would be important to ensure that the solution they choose is indeed durable and supported with the necessary assistance. Without giving the situation time, it is very possible that the causes of displacement will re-appear and people will be forced to relocate.
5. **Participation of IDPs:** The participation of IDPs in the planning and management of their return or resettlement and reintegration is an important element of upholding the criteria of “voluntariness” and “dignity”. Moreover, involving the displaced in their return/resettlement will greatly facilitate these processes and is likely to ensure more lasting and sustainable returns or resettlement. Participation of IDPs must include the participation of IDP women and representatives of all main segments of the displaced community.
6. **Reintegration:** An end to displacement entails more than simply IDPs’ return or resettlement. Indeed, return/resettlement typically brings its own set of challenges and even continued risks and vulnerabilities that can be nearly as traumatic as displacement. The fact that refugees who repatriate typically are referred to as returnees for a certain period underscores this point. Although they have returned, they continue to have special needs and vulnerabilities. IDPs, whether they return, resettle or decide to integrate locally, likewise should remain of concern until their reintegration into the local community can be assured.

⁸ UNHCR, *Handbook on Voluntary Repatriation*, *ibid.* This definition of “dignity” has been applied in the IDP context. See, for example, Norwegian Refugee Council (in association with the Office of the High Commissioner for Human Rights), Training Module No. 4: Return, Resettlement and Reintegration (1999).

⁹ *Social Applications of Refugee Law Repatriation in Safety and Dignity*, S. Quick, M. Chingono and R. Preston (eds.), unpublished paper prepared for the International Refugee Law Project, University of Warwick, International Center for Education in Development (1995), p. 28, cited in Rosemary Preston, ‘Researching Repatriation and Reconstruction: Who is Researching What and Why?’ in *The End of the Refugee Cycle?: Refugee Repatriation and Reconstruction*, Richard Black and Khalid Koser (eds.) (Oxford: Berghahn Books, 1999), p. 28.

¹⁰ *Ibid.*, p. 33.

Indeed, IDPs' reintegration and ability to enjoy a normal livelihood in safety is considered by many to be *the* key determinant of when internal displacement ends.

As to when an IDP can be considered to be reintegrated, it is important to examine how the situation of IDPs compares with that of the local population in various respects including physical safety, access to public services, access to land and means of livelihood, and documentation. Reintegration is therefore closely connected to the criterion of non-discrimination (see point 7). Reintegration can be broadly defined as "the re-entry of formerly internally displaced people into the social, economic, cultural and political fabric of their community of origin or new community."¹¹

While there are no fixed indicators to measure "reintegration" even in the case of refugees, it is possible to draw from the Guiding Principles to identify key elements of what reintegration must constitute for IDPs. These would include:

- **Social reintegration:** equal access to public services, including education, health services and pensions; family reunification; restoration of community links including through reconciliation programs.
- **Economic reintegration:** equal access to employment and to other opportunities for income-generation and achieving a viable livelihood; equal access to land, especially agricultural land, which typically is crucial for IDPs' livelihoods, otherwise IDPs become dependent on assistance; assistance to rebuild/repair damaged shelter or build new permanent shelter.
- **Political reintegration:** the right to participate fully and equally in public affairs at all levels, including the right to vote and to stand for public office; replacement of personal documentation.
- **Cultural reintegration:** the right of IDPs to education and to receive public information in a language they understand; resettlement and reintegration programs that respect IDPs' cultural traditions, ex. settling in communal groups.

What must be emphasized is that the process of reintegration is a gradual one that takes time. To support safe and durable reintegration in post-conflict societies, reconciliation and transitional justice programs likely will be needed. As regards economic reintegration and the recovery of livelihood, it must be understood that IDPs will likely require continued humanitarian assistance to meet essential needs for some time after they return or resettle and likewise will require specific reintegration assistance packages (ex. with seeds, tools, and shelter material) to assist their transition towards self-sufficiency. Safeguards for continued humanitarian assistance and special reintegration assistance programs will be needed for unaccompanied minors, the elderly and other special needs groups. Consultation with the displaced in the design and implementation of reintegration and reconstruction programs is the best way of ensuring that the special needs of particular groups of IDPs are met and that reintegration programs overall are effective.

¹¹ *Practitioner's Kit for Return, Resettlement, Rehabilitation and Development: An Agenda for a Call for Action* (Colombo, Sri Lanka: Consortium of Humanitarian Agencies and the Brookings-SAIS Project on Internal Displacement, 2004), p. 8.

7. **Non-discrimination**: IDPs who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of having been displaced. They have the right to participate fully and equally in public affairs at all levels and to have equal access to public services. Non-discrimination of IDPs upon return/resettlement is therefore an important indicator of IDPs' reintegration into the community. Among the areas where attention to ensuring non-discrimination of IDPs is most important:

- IDPs' physical security. Returning or resettling IDPs must not be considered as "enemies" and targeted on this basis.
- IDPs' legal security. International human rights law provides that "all persons are equal before the law and are entitled without any discrimination to the equal protection of the law."¹²
- Equality of access for IDPs generally as well as for particular groups, such as women, indigenous persons and ethnic minorities, within IDP populations who may be particularly vulnerable to discrimination.
- Access to public services, including education and health services, which may require that these public services be rebuilt or repaired, for instance, in the aftermath of displacement due to conflict.
- Access to personal documentation, which typically is a prerequisite to accessing public services, to vote and even to recognition before the law.
- Political participation, including the right to vote and to stand for election to public office.

8. **Property restitution or compensation**: Authorities have the responsibility to assist IDPs recover, to the extent possible, property and possessions or, if this is not possible, to obtain compensation or other reparation. Ensuring IDPs' property rights is essential not only for their legal protection and material security. Property disputes often are a source of conflict, including among different groups of displaced persons; therefore resolving property issues in a fair and equitable manner is crucial for conflict resolution and sustainable solutions to displacement. Resolving these will remain an important aspect of truly enabling someone to move beyond their displacement. It is important to note that even if IDPs choose not to return to their home areas but to resettle elsewhere, they retain their property rights; in no way, does IDPs' choice not to return abrogate their rights to their property and to dispose of it as they wish.

9. **Access by Humanitarian Organizations**: International humanitarian organizations and other relevant actors, including international development organizations and human rights monitors, must have safe, unimpeded and timely access to assist IDPs in their return or resettlement and reintegration. In the absence of such access, it is impossible to verify that the requisite conditions of voluntary return or resettlement in safety and dignity exist or to determine the type of reintegration support that returned or resettled IDPs require. If humanitarian organizations are unable, due to unsafe conditions, to accompany IDPs or to

¹² International Covenant on Civil and Political Rights, Art. 26.

have access to them upon return or resettlement, serious questions arise as to the sustainability and appropriateness of the solution to displacement, whether it is return or resettlement.

10. National Responsibility to Establish the Conditions Enabling an End to Displacement:

The Guiding Principles, in particular Principles 28-30, specify that the authorities have primary responsibility to establish the conditions enabling an end to displacement. Specifically, authorities have the responsibility to:

- establish conditions, as well as to provide the means, to enable internally displaced persons to return voluntarily, in safety and with dignity, or to resettle voluntarily in another part of the country and to facilitate the reintegration of returned or resettled IDPs. Special efforts are to be made to ensure the full participation of IDPs in the planning and management of their return or resettlement and reintegration.
- ensure that IDPs who have returned or resettled are not discriminated against as a result of their having been displaced.
- guarantee the right to participate fully and equally in public affairs at all levels and have equal access to public services.
- assist return and/or resettled IDPs to recover, to the extent possible, their property and possessions or, if this is impossible, to obtain appropriate compensation or another form of just reparation.
- grant and facilitate for international humanitarian organizations and other relevant actors, rapid and unimpeded access to IDPs to assist in their return or resettlement and reintegration.

B. GUIDANCE IN DECISION-MAKING ON WHEN DISPLACEMENT ENDS

An answer to the question of “when does internal displacement end” has been elusive precisely because of the complexity of actual situations in which it arises. Criteria and benchmarks are important to know, but guidance still is needed on how to apply criteria in actual situations, which don’t often lend themselves to easy or straightforward answers. At various points in the evolution of situations of internal displacement, there will be important questions to ask and answer before taking a decision on whether internal displacement ends. Among the possible scenarios that arise and beg the question of whether internal displacement has ended are the following, coupled with the critical questions that must be asked:

Scenario 1 – Causes of displacement no longer exist: One way to look at the issue of when displacement ends would be to focus on the causes of internal displacement and, drawing on the refugee analogy, consider the existence of “changed circumstances.” In the case of conflict-induced displacement, the signing of a peace agreement or even the cessation of hostilities would

be key indicators. Even when a ceasefire or peace agreement is in place, conditions of peace and security may take time to materialize. Conflicts often persist long after peace agreements are signed, and the cessation of hostilities may be followed by new forms of instability and insecurity, particularly if armed groups fail to demobilize.

Even when peace comes, a strictly cause-based approach has its limitations. Though often important in creating an enabling environment, peace is not necessarily the end of displacement. People may still be unable to return or resettle and reintegrate. As aptly put by an IDP in Southern Sudan:

Our hopes for peace are not very high following the signing of the three protocols by the Sudanese government and SPLA. ...peace also comes with its own problems – how do we return home? Already some people are saying that since there is peace, we are no longer IDPs. ...For us we are still IDPs until we return to our original homes or opt to remain in the northern part of Sudan.¹³

Once the causes of displacement no longer exist, among the key questions one must ask are:

- Is the peace sustainable in the short and medium term?
- Do conditions of safety exist in areas of potential IDP return or resettlement? For example, have armed actors been demobilized, landmines been removed and effective protection mechanisms established?
- Is this the case for all segments of the IDP population, including groups such as ethnic minorities with particular protection concerns?
- Will IDPs be assisted and enabled, including through having access to land, to rebuild their lives?
- Will returning IDPs be able to have equal access to public services, including education and medical care?
- Will lost personal documentation, which is so essential to access public services and for protection, be replaced?

Scenario 2 – Reversing displacement through the right to return: For some observers, being an internally displaced person ceases only when the forced movement that is inherent in the definition is reversed, that is, through the return of the displaced to the place from which they were displaced.¹⁴ Those IDPs who opt not to return, even though return is considered feasible, would then cease to be considered IDPs.¹⁵ Such an approach, however, would have the effect, of

¹³ *Sudan Assistance Bulletin* (Khartoum: Office of the Resident Coordinator/Humanitarian Coordinator, 1 July 2004), section 6.

¹⁴ Bill Frelick, 'Displacement without End: Internally Displaced Who Can't Go Home,' *Forced Migration Review*, Issue 17 (May 2003), p. 10.

¹⁵ It is on this basis that the U.S. Committee for Refugees decided in the case of Guatemala, for instance, to no longer count as IDPs, those who did not return when return was considered by USCR to be feasible. See Erin

making return more of a requirement than a right. In most cases, return is preferred solution of IDPs and the best solution for all concerned. Indeed, the international community in some recent cases has even expanded the right to include a right to return to one's home, and has enshrined this right in a number of peace agreements. However, care must be exercised to ensure that the overriding emphasis on return, and return to a specific place, does not tie displaced persons to political goals, such as reversing "ethnic cleansing", which however desirable, risk infringing upon IDPs' rights to freedom of movement and choice of residence. Doing so can also infringe on IDPs' right to safety since in some cases IDPs encouraged to return to their homes have encountered violence and persecution. Under these circumstances, among the questions one must ask are:

- Is the return truly voluntary? What safeguards are in place to ensure this?
- Is return occurring in conditions of safety? Are conditions of safety and non-discrimination possible for all segments of the IDP population or do there exist groups, such as minorities, who cannot return safely even if general conditions of safety exist?
- Does return to their homes to reverse ethnic cleansing accord with IDPs' rights to freedom of movement and choice of residence?
- Are conditions in areas of return economically viable, enabling IDPs to support themselves, after receiving reintegration support for a transitional period?
- Have IDPs participated in the plans for return and are their preferences, whether to return, resettle or reintegrate locally, known?
- Are IDPs also able to exercise their right to voluntarily resettle or integrate locally, and with the benefits and assistance comparable to that they would have received had they returned?

Scenario 3 – **Causes of displacement persist indefinitely, safe return remains unrealistic:** In the case of prolonged or frozen conflicts, IDPs may become hostage for years, even decades, to political objectives insisting on a "right to return" that remains elusive. In such situations, however, political imperatives often dictate that the return of IDPs is considered the *only* possible solution to displacement. While return is a goal often shared by the IDPs themselves, continuing under these circumstances to consider IDPs as such can actually be to their disadvantage and an abuse of their rights. The IDPs may be kept in a state of dependence and impeded from even temporary integration into the communities where they have resided for years. They may, for instance, be denied the right to own land or property, to attend schools with local children or to vote in local and national elections for candidates in the areas where they reside during their displacement. Under such circumstances, among the questions to ask are:

- Do IDPs in these situations still experience vulnerabilities, as a result of having been displaced, that are different from those of non-displaced population, such that they continue to require special assistance?

Mooney, *An IDP No More?: Exploring the Issue of When Internal Displacement Ends*, Discussion Paper (2002), p. 6.

- Do IDPs have the ability to integrate locally or resettle elsewhere, if only temporarily, without undermining their right to return, should this ever become possible?
- Even if an IDP has achieved integration in his/her host community and no longer has special needs resulting from displacement, does he/she still wish to return to his/her home area whenever this becomes possible?
- Are the intentions of IDPs to return or to resettle known and based on impartial information?

Scenario 4 – Development-induced displacement: Unlike in most situations of displacement caused by conflict, violence or sudden natural disasters, in the case of development-induced displacement, measures to ensure a durable solution for IDPs can, and indeed should, be planned and even begin to be implemented *prior* to the onset of the displacement. Indeed, criteria to be observed in cases of development-induced displacement have been elaborated.¹⁶ Among the elements that will require attention are consultation with the displaced, resettlement, reintegration and compensation for lost property.

C. USE OF ASSISTANCE POLICIES TO END DISPLACEMENT

Donors and agencies providing assistance to IDPs play an important role in determining when displacement ends via the choices they make about how long, where and to whom aid will be given. The following scenarios demonstrate two approaches and the questions that should be asked in determining whether and how to use assistance in ending displacement.

Scenario 1 – Cutting off food and/or other basic assistance to IDPs: Food and/or other basic assistance to IDPs, such as electricity in IDP communal centers, often has been cut off with a view to inducing IDPs to return to their home areas or resettle elsewhere. Some categorically assert that return/resettlement cannot be voluntary if the Government (or international community) cuts off aid to encourage this movement. Humanitarian assistance to IDPs, however, might be cut off for more practical reasons, such as because aid agencies' money has run out. It might also occur because agencies and donors decide, after an extended period of providing emergency humanitarian assistance, that they don't want to create long-term dependence and, accordingly, that it is more important to support more transitional, development-type assistance promoting IDPs' self-reliance and the recovery of livelihoods. Although an eventual shift from humanitarian assistance to more development assistance in principle would be desirable, the withdrawal of aid must be guided by certain criteria in order for this not to constitute coercion.

- If by cutting off assistance, IDPs are likely to have few options but to return, is it possible for them to return in safety and dignity?
- Has the decision to cut off of food aid or other assistance to IDPs been based on an objective assessment that, without this assistance, IDPs can cope, and will it be

¹⁶ See World Bank, Operational Policy 4.12: Involuntary Resettlement (Washington, D.C., 2001) and OECD-DAC, Guidelines for Aid Agencies on Involuntary Displacement in Development Projects (Paris, 1992).

- accompanied by guarantees for support to enable IDPs to re-establish a means of livelihood with a view to ultimately being able to provide for themselves?
- Did IDPs receive ample notice of the reduction in rations or other assistance and have they been consulted in the modalities for implementing this decision and preparing contingencies?
 - Are special safeguards in place for individuals, such as the elderly, single mothers with young children, and the disabled, who may require continued humanitarian assistance over the medium to longer-term? In this connection, a potential model to follow may be the approach planned in Sri Lanka, where the Government has committed to not end food assistance to IDPs before a needs assessment is conducted on a family-by-family basis.

Scenario 2 – Incentives for return or resettlement: The implications of incentives on the principle of voluntary return or resettlement must also be considered. Some would argue that *a small amount of* encouragement or inducement for IDPs to return or resettle could prove valuable. For example, the government could give IDPs money if they return. However, certain benchmarks should apply. Most importantly, any incentives for return or resettlement should be permissible only if conditions of safety exist in the areas of return or resettlement. In Tajikistan in the mid-1990s, for example, UNHCR considered extending its returnee shelter assistance program to a particular area of the country. However, after assessing that the area was still too dangerous, it decided against initiating the program after having concluded that doing so would compromise the voluntary nature of return.¹⁷ Accurate and objective information on conditions in areas of return and ensuring that IDPs themselves have such information is critical. Among the questions to ask are:

- Do conditions of safety exist in the areas of potential return or resettlement?
- Do IDPs have access to impartial assessments of conditions in areas of return or resettlement before accepting the incentive?
- Are these incentives sufficient to support IDP reintegration upon return/resettlement or will additional assistance be required and is this included in the planning?

¹⁷ *Manual on Field Practice in Internal Displacement: Examples from UN Agencies and Partner Organizations of Field Based Initiatives Supporting Internally Displaced Persons*, Inter-Agency Standing Committee Policy Paper Series No. 1 (New York: OCHA, 2000), p. 69.

C. Conclusion

In asking the question “when does internal displacement end?” the expectation may be an answer giving a specific point in time when attention and assistance to persons who have been internally displaced suddenly ceases, allowing governments, international agencies and donors to suddenly terminate support for these populations. The shift, however, must not be abrupt or automatic but carried out within a humane framework based on the criteria enumerated above and that involves consultations with the internally displaced themselves. Most importantly, it must not introduce hardship for the displaced but seek to provide assistance, protection and reintegration and development support to enable the displaced to resume and rebuild their lives in an environment of safety and dignity.

*This paper was prepared by Erin Mooney,
with input from Susan Martin, Roberta Cohen and Christophe Beau.*

APPENDIX II

AGENDA

Co-Chairs: Government of Canada and Government of Switzerland

9:00 WELCOME AND INTRODUCTORY REMARKS

Elissa Golberg, Deputy Director, Humanitarian Affairs Department of Foreign Affairs, Government of Canada

Franklin Thevenaz, Head of Division Multilateral Affairs and Special Assignment, Swiss Development Cooperation Humanitarian Aid, Government of Switzerland

Roberta Cohen, Co-Director, The Brookings Institution-Johns Hopkins SAIS Project on Internal Displacement

9:15 INTRODUCTION TO THE ISSUE

Susan F. Martin, Director, Institute for the Study of Forced Migration, Georgetown University

Erin Mooney, Deputy Director, Brookings Institution-Johns Hopkins SAIS Project on Internal Displacement

9:30 NATIONAL APPROACHES

What criteria do Governments use in determining “when displacement ends”? How are durable solutions for IDPs defined and supported? What problems need to be addressed to find solutions for IDPs? What lessons and best practices can be derived from experiences to date? How effectively can policies for IDPs be integrated with efforts to obtain durable solutions for refugees?

Moderator: Franklin Thevenaz, Swiss Development Cooperation, Government of Switzerland

Lessons from Guatemala – Angela Chavez, Minister Counselor, Permanent Mission of Guatemala

Current Challenges in Serbia-Montenegro – Ambassador Dejan Sahovic, Permanent Representative, Permanent Mission of Serbia and Montenegro

Discussion

10:45 Coffee break

11:00 THE ROLE OF CIVIL SOCIETY

What criteria do civil society consider important in determining “when displacement ends”? How can civil society organizations help ensure that IDPs’ views are taken into account in these decisions? What role can civil society play in supporting durable solutions for IDPs?

Moderator: Elisabeth Rasmusson, Resident Representative Norwegian Refugee Council

Sri Lanka - Jeevan Thiagarajah, Executive Director, Consortium of Humanitarian Agencies

Sudan – Dong Samuel Luak, Secretary General, South Sudan Lawyers’ Society

Peru - Fabian Taype Calixto, President, CONDECOREP
(remarks delivered on his behalf due to travel complication)

Discussion

12:00 OPPORTUNITIES AND CHALLENGES TO ENDING DISPLACEMENT

What are the opportunities and challenges for ending displacement? What are the political factors that support or impede efforts to find solutions for internally displaced persons? What are the socio-economic factors that support or impede such efforts? In the absence of a solution to the cause of displacement, what are the most effective ways of promoting IDP integration and self-reliance?

Moderator: Roberta Cohen, Co-Director, Brookings-Johns Hopkins SAIS Project on Internal Displacement

The Role of the UN in Finding Solutions to Displacement

Dennis McNamara, Director and Special Adviser to the UN Emergency Relief Coordinator, Inter-agency Internal Displacement Division

Negotiating Solutions to Protracted Displacement: The Case of Cyprus

Lisa Jones, Policy Adviser, OCHA, Policy Development and Studies Branch and formerly Political Affairs Officer in the Secretary-General's Good Offices Mission on Cyprus

End of Displacement? The Case of Georgia

Anna Morck, Project Manager: Information, Counseling and Legal Aid Norwegian Refugee Council, Georgia

Discussion

13:15 LUNCH

14:15 THE ROLE OF DONORS

What criteria do donors use in determining when displacement ends and when to cease funding special programs for IDPs? What is the impact of ending humanitarian aid to IDPs on when displacement ends? What constitutes a “durable solution” for IDPs and how can donors best support its achievement? How should donors balance relief and development needs in promoting solutions?

Moderator: Leslie Norton, Permanent Mission of Canada

Mikael Lindvall, First Secretary, Humanitarian Affairs, Permanent Mission of Sweden

Bill Garvelink, Senior Deputy Assistant Administrator, Bureau of Democracy, Conflict and Humanitarian Assistance, USAID

Sarah Maguire, Senior Legal and Human Rights Consultant, Department for International Development, United Kingdom

Discussion

15:45 Coffee break

16:00 TOWARDS CRITERIA ON WHEN DISPLACEMENT ENDS

Moderator: Leslie Norton, Permanent Mission of Canada

Presentation of Draft Criteria and Guidance
Susan F. Martin and Erin Mooney

Discussion

17: 45 CLOSING REMARKS

Susan F. Martin

Patrick Egloff, Government of Switzerland

Elissa Golberg, Government of Canada

APPENDIX III

LIST OF PARTICIPANTS

NAME	ORGANIZATION
AESCHLIMANN, Alain	ICRC Head, Protection Division
ALMAGLY, Elsadig Mustafa Osman	Permanent Mission of Sudan Ambassador
BEAU, Christophe	Norwegian Refugee Council, Global IDP Project Senior Country Analyst/Training Coordinator
BELGASMI, Daly	WFP Director, Geneva Office
BENETTI, Cathy	Norwegian Refugee Council Country Analyst
BIRDSALL, Paul	Permanent Mission of the United States First Secretary
BRAANAAS, Asbjørn	Permanent Mission of Norway Counsellor, Humanitarian Affairs
CALIXTO, Fabian Taype	CONDECOREP, Peru President
CHAVEZ, Angela	Permanent Mission of Guatemala Minister Counsellor
COHEN, Roberta	Brookings Institution-Johns Hopkins SAIS Project on Internal Displacement Co-Director
CUTTS, Mark	UN Inter-Agency Internal Displacement Division Chief, First Response Section
DUSSEY-CAVASSINI, Tania	Permanent Mission of Switzerland Counsellor
EGLOFF, Patrick	Federal Department of Foreign Affairs, Switzerland Political Division on Human Security
EL NOUR, Ashraf	UNDP, Bureau for Crisis Prevention and Recovery Senior Advisor on Reintegration
FABER, B. Eeuwke	Permanent Mission of the Netherlands Second Secretary

FERERO, Clemencia	Permanent Mission of Colombia Ambassador
FORNARA, Dominique	Permanent Mission of Italy First Secretary
GARVELINK, Bill	USAID, Bureau of Democracy, Conflict and Humanitarian Assistance Deputy Assistant Administrator
GOLBERG, Elissa	Department of Foreign Affairs, Canada Deputy Director, Humanitarian Affairs
GRÉN, Tanja	Permanent Mission of Finland Second Secretary
JONES, Lisa	OCHA, Policy Development and Studies Branch Policy Adviser (formerly Political Affairs Officer in the UN Mission on Cyprus)
KAESER, Philippe	Permanent Mission of Switzerland First Secretary
KENT, Deirdre	Permanent Mission of Canada Counsellor
KYLOH, Nance	USAID Representative (Geneva)
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