



**THE BROOKINGS-BERN PROJECT
ON INTERNAL DISPLACEMENT**

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b
**UNIVERSITÄT
BERN**

**EXPERT SEMINAR ON PROTRACTED IDP
SITUATIONS**

**HOSTED BY:
UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
AND
THE BROOKINGS-BERN PROJECT
ON INTERNAL DISPLACEMENT**

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Introduction

The UNHCR and Brookings-Bern Expert Seminar on Protracted IDP Situations was opened by the United Nations Assistant High Commissioner for Refugees, Ms. Judy Cheng-Hopkins.

In his welcome and introduction, UNHCR's Senior Coordinator for IDP Operations, Neill Wright, pointed out that the majority of internally displaced persons (IDPs) today are in protracted situations. He explained that the seminar had convened a group of experts – field practitioners, policy advisors and researchers – to focus attention on a problem that has largely been ignored to date: the challenge of protracted IDP displacement. Increased recognition of the importance of addressing this issue has come from UNHCR's recent announcement that while there are 9 million refugees, there are half again as many -- 14.2 million -- IDPs of concern to UNHCR.

Through two days of presentations and roundtable discussions, UNHCR and the Brookings-Bern Project on Internal Displacement aimed to debate what can be done to best protect and assist IDPs in situations of protracted displacement, with a focus on lasting solutions such as return and local integration, as well as the role of development action in creating environments conducive to solutions, rather than to discuss the largely political causes of such situations.

To promote a diversity of opinion, participants were selected on the basis of operational experience and organizational representation. This included UN agencies (United Nations High Commissioner for Refugees, Office of the High Commissioner for Human Rights, United Nations Children's Fund, Office for the Coordination of Humanitarian Affairs and United Nations Development Programme), other international organizations (International Committee of the Red Cross, Internal Displacement Monitoring Centre/Norwegian Refugee Council), an international financial institution (the World Bank), and a national NGO (the Georgian IDP Women's Association), as well as academic and research centers (the Brookings Institution, the Calcutta Research Group, the London School of Economics and the Feinstein International Famine Centre at Tufts University).

The seminar commenced with several presentations to help structure the discussions. Ms. Ferris summarized the background paper (attached as Appendix 3), which had been prepared and distributed to participants in advance. The Representative of the Secretary-General for the Human Rights of Internally Displaced Persons, Walter Kälin, identified how the *Guiding Principles on Internal Displacement* should direct both national and international actors' response to protracted situations. UNHCR's Director of the Division of International Protection Services, George Okoth-Obbo, identified specific protection risks IDPs face in protracted displacement, and Jeff Crisp, UNHCR's Head of Policy Development and Evaluation Service, highlighted apparent similarities and differences between protracted IDP and refugee situations.¹ Presentations by two participants from the development sector, Awa Dabo of UNDP, and Colin Scott of the World Bank, helped identify the challenges and opportunities we

¹ PowerPoint slides from these presentations are attached as appendices.

face in bridging humanitarian and development responses. Finally, presentations from colleagues with current or prior experience in Colombia, Uganda, Georgia and the Balkans offered concrete challenges, lessons learned and creative responses from the field.

Defining Protracted Situations

The background paper suggested a definition of “protracted IDP situations” based on the UNHCR definition of protracted refugee situations: “those populations of 25,000 persons or more who have been displaced within their own countries for five or more years.” However participants felt that it was not useful to use an arbitrary figure such as 25,000, or even a particular timeframe, preferring instead a flexible approach. The participants felt that the focus should not be the amount of time or precise numbers affected, but rather the absence or failure of solutions as such. A reliance on figures also bears no relationship to the fact that governments retain primary responsibilities toward all of their citizens in all circumstances.

Accordingly, participants agreed that protracted IDP situations are those in which:

- the process for finding durable solutions is stalled,² and/or
- IDPs are marginalized as a consequence of violations or a lack of protection of human rights, including economic, social and cultural rights.

While humanitarian and development actors must certainly consider the scale of a situation in their operational responses and in setting priorities -- particularly in rules for engagement and disengagement – it was felt that the assessment of a situation as protracted should not be numerically bound.

General Themes

Participants affirmed the importance and timeliness of focusing attention on protracted IDP situations. They stressed the complexity of the issue, noting that the reasons for continued displacement are varied and contextual. IDPs may remain in protracted displacement where return is not possible or not desired, and where other solutions have not succeeded or have been ignored. Protracted IDP situations tend to be highly politicized: in some instances a government may highlight the presence of IDPs to press for funding or political advantage, while in others it may deny their existence to minimize attention domestically and internationally. Concerted advocacy by key actors is often essential to overcoming political obstacles and to building normative understanding and support for solutions.

National governments have and must retain a central responsibility in addressing protracted IDP situations. Most fundamentally, they have the primary responsibility to prevent displacement and to pursue solutions. When they are unable to do so, they have the obligation to protect the rights of those citizens who are displaced and to facilitate

² On substantive and procedural considerations for achieving durable solutions, see *Framework for Durable Solutions for Internally Displaced Persons*, Interagency Standing Committee, March 2007.

lasting solutions to resolve displacement. The fact that a situation has become protracted should not be used as an excuse for fulfilling this primary State responsibility. Several participants stressed that the international community still has substantial work to do to build the normative understanding, commitment and behavior of States. By building on regional efforts -- such as the African Union's development of a convention on internal displacement -- participants felt that it was possible to link commitment and best practice. It was suggested that UNHCR, in particular, needs to build its capacity to support normative development and commitment by increasing its understanding of the human rights and international humanitarian law conventions underlying the *Guiding Principles*. Understandably, as its institutional responsibilities with IDPs are still developing under the humanitarian reform process, it has an excellent understanding of the Refugee Convention, but it was questioned whether it can provide the necessary legal arguments needed when the *Guiding Principles* are challenged.

With full recognition of the role and responsibility of host Government, humanitarian and development agencies also have important roles to play. In the context of the humanitarian reform implementation, participants questioned how protracted situations relate to the cluster approach, especially as protracted situations are rarely seen as humanitarian emergencies. Yet participants agreed that it is paramount to clarify institutional roles and responsibilities, and they echoed Assistant High Commissioner Judy Cheng-Hopkins's reflection that protracted situations will be better resolved through successful collaboration and partnership among diverse actors, including national governments, the humanitarian and development communities, bilateral donors and international financial institutions.

Participants generally indicated that the existing normative framework for addressing protracted situations is sufficient; what is needed now is to operationalize protection and achieving solutions, which may require new ways of thinking and new activities. For example, in Northern Uganda, pursuing the right of IDPs to choose among lasting solutions has included efforts to facilitate return. At the operational level, this has recently entailed UNHCR becoming involved in access road rehabilitation as part of recognizing and protecting the choice to return, even though this is not a traditional activity for UNHCR.

The Guiding Principles and Protracted Situations

Walter Kälin framed the discussion by considering protracted situations from the perspective of the *Guiding Principles on Internal Displacement*. Although they do not address protracted situations *per se*, a number of principles are relevant. Together, Principles 6 and 28 suggest that States should begin to lay the groundwork for lasting solutions as soon as possible once displacement has occurred. Moreover, consciously creating or maintaining conditions where IDPs are marginalized or left in protracted situations is incompatible with the State's primary duty and responsibility pursuant to Principle 28 to establish the conditions and provide the means for IDPs to voluntarily choose a lasting solution among return, local integration or resettlement.

The *Guiding Principles* identify critical economic, social, cultural, civil and political rights that bear directly upon IDPs' marginalization and their ability to find a solution to protracted displacement, including: the rights to housing, work and livelihoods; access

to health services, education and food; access to essential documentation; freedom of movement; protection from discrimination; and protection of rights related to property left behind.

RSG Kälin suggested that, just as the emergency phase of a situation has particular challenges and corresponding protection strategies, the international community should develop protection strategies uniquely addressed to the challenges created by protracted situations. He offered potential elements for such a strategy:

- (1) Advocacy for full recognition of human rights in protracted displacement, in that IDPs can live a normal life in dignity. This should not be mutually exclusive from the right to return. On the contrary, those living marginalized lives in displacement often do not have either the means or energy to rebuild their lives upon return.
- (2) Full respect for the principle that IDPs have the right to make a voluntary and informed choice among durable solutions. If IDPs do not have a meaningful choice, such decisions cannot be considered to have been freely made, and the lack of voluntariness may ultimately affect sustainability. Actions of the State and the humanitarian community during a protracted situation should not serve to preclude any of those choices and, indeed, should actively promote the availability of those choices.
- (3) Recognition that certain protection needs should be prioritized. For example:
 - a. Access to work and livelihoods should be addressed as early as possible, including through micro-credit and micro-finance programmes;
 - b. Provision or replacement of essential documentation – which might relate to education, professional training, marriage or birth status or property – should be prioritized;
 - c. Protection of land and property also warrants early attention;
 - d. The adequacy of housing should be revisited the longer a situation endures, since an adequate shelter in an emergency phase may become grossly inadequate over time;
 - e. A focus on access to health and education should be based on needs, recognizing that issues related to mental health, SGBV and domestic violence, and HIV/AIDS may be exacerbated in protracted situations.
- (4) Using the *Framework for Durable Solutions for Internally Displaced Persons* to advocate with governments when they declare that displacement has ended, but there is evidence to the contrary provided by UN agencies and/or NGOs.

Particular Protection Needs

George Okoth-Obbo, UNHCR's Director of International Protection Services, highlighted that while some protection related needs may diminish with time (*e.g.*, threats to physical integrity as a result of armed conflict), other risks may increase with time as the transition from humanitarian action and to development leaves a gap. IDPs displaced for long periods of time may face particular protection needs, including:

- Lack of permanent shelter
- Lack of work/livelihoods
- Lack of documentation
- No or limited access to health and education
- Difficulties accessing pension rights and asserting tenancy rights
- Discrimination related to the fact of their displacement
- Limitations on their free choice of durable solutions

Participants agreed that although human rights are “indivisible and inter-dependent” in their relation to the individual, it is important in situations of protracted displacement to disaggregate rights according to the most pressing needs. While rights related to physical integrity usually come first, there is a need to contextualize assessments based on a clear understanding of IDPs' wishes and intentions. After the conflict in the Balkans, education was the second priority expressed by IDPs, following security. Thus, the availability of educational facilities was essential to making their return possible and viable in the long term. Furthermore IDPs' priorities may change over time. In addition, specific protection needs of particular groups -- such as women heads of households, the elderly, persons with disabilities and children -- warrant heightened attention.

With regard to specific needs and risks identified above, participants noted RSG Kälin's point that temporary housing which is initially sufficient is likely to become degraded over time. Some IDPs have been left in collective centers and abandoned warehouses for more than a decade. Moreover, in some eastern European countries, permanent housing has been a precondition for permanent residency, which in turn is a precondition for enjoyment of certain rights, including employment and political participation.

In some situations, such as Colombia, lack of documentation can be a matter of life or death, as undocumented persons may be suspected of being members of a guerilla group. It also may preclude development of self-reliance, such as when lost school or employment records and professional qualifications are treated as a barrier to employment or further study. In other situations, the lack of procedures for restitution or compensation for land, housing, and other forms of property, as well as procedures that discriminate against women, can also limit the possibilities for IDPs to create their own solutions.

Too heavy a focus on return as the principal durable solution also poses risks to IDPs' rights. It may dissuade IDPs from investing in their present living situations, or it may lead to premature and unsustainable return, resulting in renewed displacement. Governments' focus on return to the exclusion of integration or resettlement may result in limited access to certain rights, particularly adequate housing, livelihoods and political rights.

Another risk comes from the current nature of international engagement: while international humanitarian action addresses some of the immediate needs of IDPs, typically this assistance diminishes with time, leaving IDPs in protracted situations particularly vulnerable when development actors do not step in to fill the gap. This vulnerability is intensified for groups who may have become dependent upon humanitarian aid, such as female-headed households, the elderly, and persons with disabilities.

Apparent similarities and critical differences between protracted refugee and protracted IDP situations

Jeff Crisp, UNHCR's Head of Policy Development and Evaluation Service, reflected upon apparent similarities and differences between protracted IDP and refugee situations. While there has been a high level of interest in protracted refugee situations, resulting in significant research, advocacy and practical interventions, very little has been done with regard to protracted IDP situations. There has also been little comparative analysis. He asked, however, whether there is actually a need for comparative analysis.

Similarities between IDPs and refugees in protracted situations include:

- Similar causes of displacement, including internal conflicts and the failure of international action to end conflict; similar obstacles to return; and similar use of both groups as political 'hostages,' as well as similar human consequences.
- Both groups tend to experience restriction or infringement of rights in their host communities, particularly freedom of movement, the right to work, and informed choices about their future.
- Similarities in survival strategies for both refugees and IDPs in protracted situations.

In spite of these apparent similarities, critical differences remain:

- Legally, there are fundamental differences between IDPs and refugees.
 - IDPs remain citizens of the countries in which they are living and thus, at least theoretically, are able to avail themselves of the protection of their government.

- Solutions for refugees are inherently international. They lie within the framework of the Refugee Convention, and with the assistance of the international community, most particularly UNHCR, solutions are sought. In contrast, solutions for IDPs are inherently national and must be grounded in primary State responsibility, whether or not the government is part of the cause of displacement. The root causes of refugee and IDP movements may be similar, but the causes of protractedness likely differ and solutions will therefore proceed along different political paths.
- Conceptually, the differences between IDPs and the broader affected population (whether “the poor”, “non-displaced with similar needs”, or “people at risk of displacement”) are not as clear as in the case of refugees.
- Institutionally, international arrangements are different, as UNHCR is recognized as playing the leading role for refugees, under the 1951 Convention and its 1967 Protocol. For IDPs, the recently adopted cluster approach assigns important leadership and coordination roles to UNHCR in the areas of protection, camp coordination and camp management, and emergency shelter, but in practice, and pursuant to its mandate, UNHCR’s legal responsibility for IDPs is less clear, particularly in countries where the cluster approach has not been activated.
- The need for humanitarian space is a more difficult issue in IDP situations than in refugee situations. IDPs have often been displaced by the action/inaction of their own government, which therefore may see an incentive to restrict humanitarian access. In refugee situations, host governments are generally more eager to cooperate with humanitarian actors.
- There is more research, more data and more analysis about long-term refugee situations. The lack of even basic knowledge about IDPs in protracted situations is a serious impediment to resolving these situations.
- It is likely that a greater percentage of IDPs than refugees in protracted situations live outside of camp settings.
- Protection responses likely differ: refugees need legal protection because they are foreigners living in a host country, while IDPs have protection needs related to their (in)ability to realize their rights as citizens.
- Solutions for protracted refugee situations include resettlement to a third country as well as local integration within the host country or return to the country of origin. Durable solutions for protracted IDP situations include return to their community of origin, local integration at the place of displacement, or relocation to another part of the country. Resettlement to a third country is generally not included, although migration opportunities may be a solution in some protracted IDP situations.

Local integration: the relationship to self-sufficiency and return

Participants repeatedly touched on the subject of local integration, noting in particular that governments, and even IDPs themselves, frequently fear that furthering self-reliance and even temporary local integration will prevent eventual return. As one example, in Georgia several years ago, discussion of “local integration” was not welcome politically; instead, when discussing the protection needs of IDPs, one made more progress by talking about “allowing IDPs to lead a normal life” in the place of displacement. Recently, that has changed, and now the state policy on IDPs specifically references local integration.

Thus, in protracted situations, there are at least two aspects to local integration, the latter perhaps warranting a new terminology: local integration as a durable solution, and local integration as a means of allowing people to live as normal a life as possible pending a solution, which ultimately may support their ability to return. This kind of “local integration” is about realizing and protecting rights during displacement, about building self-reliance and self-sufficiency. In this sense, the risks and needs of IDPs to support local integration – and the corresponding activities of government, and of humanitarian and development actors, will be highly contextual. One participant suggested that while the international community has substantial experience programming for either assistance or return, we are very weak on programming for local integration and will need to develop new operational responses. To facilitate this type of local integration, it is important as well to bring something to the host community, which likely will be more receptive to both the IDPs and programmes of the international community.

Related to self-sufficiency, several participants raised the issue of how we can strengthen the coping mechanisms of IDPs in protracted situations. In Colombia, where it is impossible to provide housing to 3 million IDPs in need, it would be important to address the needs of IDPs in the national development plan. In addition, UNHCR has worked to ensure complementary efforts by a wide array of actors – the government has contributed money, IDPs have contributed their labor, the Church has donated land, and the international community and the municipalities have also been involved in finding solutions. In addition, for income generation, the private sector must be brought in. At the same time, these efforts to foster self-sufficiency and local integration must not preclude or overshadow the possibility of eventual return and the right to compensation.

A final issue was the relationship of local integration to ethnic cleansing. Where ethnic cleansing had been a strategy in armed conflict, advocating for freedom of choice in relocation or local integration has tended to be taboo because it was perceived as endorsing the ethnic cleansing. This was the case in the Balkans. On the other hand, in Bosnia & Herzegovina, the fact that people would not return home to areas where genocide had occurred was under-estimated. Return happened many years later, long after international humanitarian aid had dwindled. Bosnia & Herzegovina has taught us that where there has been genocide or ethnic cleansing, a sequencing of events must occur before return is possible. These may include: identification of mass graves, establishment of criminal courts, memorials, etc. In other situations of protracted displacement, such as Northern Uganda, re-establishment of essential services and infrastructure (medical care, civilian police, and operational courts) has been necessary in tandem with return.

Development Actors and Early Recovery

The group emphasized the importance of early, active and sustained engagement of development actors, as it recognized that there are still substantial shortcomings in the international community's response to the gap between relief and development. Factors influencing this gap are "cultural differences" between humanitarian and development actors, different institutional timeframes for engagement and for results, lack of coordination mechanisms, diminishing funding as a situation moves from humanitarian crisis to protracted displacement, and competition for funding.

Awa Dabo of UNDP noted that although the agency has no formal mandate with regard to IDPs, its role as a development actor makes it an obvious player in the search for durable solutions. UNDP has a special role with regard to poverty reduction and good governance, and it also can provide technical advice and advocacy with regard to legislation. Furthermore, it has the ability to work with governments to strengthen the capacity of national institutions. For example, its interventions to establish protection networks in the camps in Liberia not only provided immediate deterrence of abuse, but also created a viable national network that could map and respond to human rights violations in the future. Thus UNDP has recognized that early recovery begins in a humanitarian setting, but with the distinct objective of augmenting assistance through promotion of self-sufficiency and building capacity.

At the same time, there is a perennial debate about when it is appropriate to move to early recovery. Some question whether early recovery is a priority when the humanitarians are still talking about basic needs such as physical security and food. Participants generally agreed, however, that attention to early recovery usually comes far too late. As for particular activities and the hierarchy of needs, participants placed great emphasis on access to livelihoods, with some suggesting that this must come even before reconstruction of housing, as it enables some IDPs to take control of reconstruction.

Colin Scott encouraged participants to think about using the World Bank as a partner in the search for solutions. He stressed that it is an inescapable truth that the Bank has convening power: it provides a means of bringing together affected governments and donors. It also can provide attractive resources, both technical and financial. For example, the Bank can contribute to solutions through (1) joint needs assessments in emerging post-conflict situations, (2) targeted grants from the Post-Conflict Fund, to help initiate work with a shorter lead-time, and (3) use of other trust funds where normal bank financing might not be possible.

A key to successfully working with the Bank, however, is to keep several factors in mind: the Bank is non-political (this was contested); it does not use a human rights based approach; and its mandate is economic - pure and simple. Since it does not have a humanitarian mandate, using humanitarian or right-based language will be far less productive than using language related to livelihoods, recovery and development. Humanitarians should avoid perceiving the Bank as a unitary actor, rather being selective about which parts can be used to advantage in a given context. Many view its

work as highly-country specific with country teams carrying an acknowledged degree of autonomy.

Discussion revealed agreement that the results of development projects are all too often dependent upon the individual personalities leading institutions -- both the World Bank country office and the individual UN agencies -- and that more standardized coordination is necessary. The knowledge base and extent of good will rests with each agency head; in addition, rapid staff turnover often undermines the longer-term hope of promoting durable solutions. It was suggested that UNHCR's evaluation service might consider more systematically what makes humanitarian-development collaboration work on the ground.

Regarding funding, participants noted that there is a perception of competition between humanitarian and development actors for funds. In response to this problem, it was suggested that UNDP might create an "Early Recovery Trust Fund." In addition, with regard to the World Bank, it was noted that many countries emerging from conflict are in non-accrual status and thus cannot access loans when they most need them. The Bank cannot simply write-off loans; other devices must be considered. In Bosnia & Herzegovina, a solution was found when a donor was willing to provide a bridging loan to put the country back into accrual status. Today, the Bank's "Low-Income Countries in Distress Trust Fund", which provides grants for service programmes and governance, may help address this limitation. Where there is a protracted situation but there also is a peace agreement, the new Peace Building Fund may provide an opportunity in a situation which is neither a humanitarian crisis or at the stage for full-fledged development funding.

There was some debate whether it made sense to focus more broadly on "the poor" as a category, rather than IDPs, since IDPs are often disproportionately represented among the poor. Some felt that such a focus might well be more effective and more palatable to development actors. A focus on the poor may also work better with some governments. Others participants felt that the specificity of IDPs' needs must be recognized. Despite the lack of agreement on this point, it was broadly recognized that the phenomenon of protracted displacement needs to be addressed more forcefully and consistently in poverty-reduction strategy plans, the Millennium Development Goals process, and in CCAs, UNDAFs, CHAPs and CAPs.

Unresolved issues and research agenda

As shown above, over the course of the seminar, participants raised a number of unresolved issues and questions which may be helpful in shaping the agenda for future research on protracted IDP situations. Several participants from UNHCR urged, in particular, that research be driven by the need to operationalize protection, with a focus on needs on the ground.

Conceptual issues

- Important conceptual debates included: (1) whether certain contexts suggest that a focus on "the poor" (or other affected groups) is more practical or politically feasible than a focus on IDPs; (2) what "local integration" means in a protracted

context, and whether different terminology is needed; (3) whether the concept of “early recovery” is helpful where conflicts have been stalemated for years; (4) whether there is a distinct phase, between humanitarian crisis and early recovery, where humanitarian and development actors can collaborate on enabling solutions for protracted displacement.

Understanding responses

- What are the experiences of countries with both protracted internal displacement and protracted refugee situations? Are there differences in the way the governments treat the two groups?
- How can the international community use the *Framework for Durable Solutions for Internally Displaced Persons* when governments declare that the country no longer has IDPs yet there is evidence to the contrary?
- What is the relationship between IDPs’ political participation and the government’s will to find solutions for them?
- What are the coping mechanisms of IDPs in protracted situations, and how can these be strengthened? How can mental health issues of IDPs be addressed more effectively?

Solutions

- How will improved living conditions and realization of IDPs’ rights in their host communities affect their eventual return? How should governments be approached in situations where discussion of local integration is politically sensitive? Is integration a better solution for IDPs in some cases?
- Where displacement has been a consequence of ethnic cleansing, does local integration necessarily mean playing into that agenda? How can we address this concern?
- Should traditional social and governance structures be transferred or preserved with the IDPs, both as a means to support social and cultural rights, but also as a mechanism to facilitate eventual return? Where separate schools and villages have been established for IDPs, does this result in second-class citizenship?
- How much should be invested in the infrastructure of interim sites relative to the communities of origin to which the IDPs may eventually return?
- Can targeted development assistance play a role in finding solutions for protracted IDP situations? How can we address the fact that some protracted situations are viewed as neither humanitarian crises nor ripe for development assistance?
- How can we respond to the absence of effective State structures? What work should be done at the local, municipal or community levels?

- How can we obtain better data on the situation of IDPs in protracted displacement?
- Can resettlement to a third country and asylum elsewhere be solutions for protracted IDP situations?
- Can a focus on peace building be helpful in the search for durable solutions for IDPs?

Institutional issues

- How can we ensure that work of international humanitarian agencies supports, and does not inadvertently supplant, States' primary responsibility for IDPs?
- How do protracted IDP situations relate to the humanitarian reform process and, specifically, the cluster approach? Does the cluster approach even address protracted situations, as they are rarely identified as humanitarian crises? What institutional arrangements are appropriate in non-cluster countries?
- Is there an institutional gap such that the issue of livelihoods is not systematically addressed? Should humanitarians be working with country teams to ensure that livelihoods are made a national priority in protracted situations?
- As the international community seeks to bridge the gap between humanitarian and development action, how do we ensure effective work with national governments, which also have different institutions to address humanitarian affairs and development?
- How can we ensure that protection responsibilities and activities, as a cross-cutting issue, are transferred from a humanitarian sector/cluster to a development sector/cluster as time goes on?
- How can the relief to development continuum be implemented more effectively? How can the early involvement of development actors in post-conflict situations be encouraged? How can development agencies without a mandate to work on humanitarian issues be encouraged to play a role in finding solutions for IDPs? How can some of the tools available to development actors be used to contribute to the resolution of protracted IDP situations, such as the MDGs, CCAs, UNDAFs?
- How can donors be educated about the continuing needs of IDPs living in protracted situations? How can funds be raised for early recovery, and competition be minimized between early recovery and humanitarian programs? Is early recovery a priority when there are basic needs which have not been met?
- How can peace building activities be used to facilitate solutions for protracted displacement? What is the role of the new Peace Building Commission? And of the Peace Building Fund?

Advocacy agenda

Participants acknowledged that there is an important advocacy agenda and that, in particular, tools to work with national governments on assuming and meeting their responsibilities are needed. Participants stressed that advocacy is important in building both political commitment and normative understanding, providing the example of the work in Georgia to develop an action plan, following the RSG's first official mission to that country. In this regard, a more systematic analysis is needed of what has led certain governments – *e.g.* Georgia, Turkey, Azerbaijan, Colombia – to change their approaches to protracted IDP situations.

At the same time, there is a need to work with other actors, especially donor governments, to further their understanding of protracted situations and facilitate effective responses. For example, donors should understand potential linkages between unresolved protracted displacement and the potential for relapse into conflict. In this regard, they may respond to protection needs in protracted displacement when seen through the lense of peace building.

Next Steps

Participants concluded that the seminar had been useful in highlighting the complexities of protracted IDP situations and agreed that further work is needed to increase both our understanding and response to these situations. In particular:

- Work is needed to develop protection strategies tailored to protracted displacement. Insights from this meeting will be shared with the global Protection Cluster Working Group, and it is hoped that guidance on protection strategies in protracted situations will be included in the forthcoming Inter-agency IDP Protection Handbook.
- Work is needed with development actors to highlight the needs of IDPs in protracted situations. As concrete measures,

It would be helpful if the World Bank were to identify a focal point for IDPs. Further work should be done to explore ways in which World Bank funding might be used to support durable solutions in protracted situations.

Humanitarian actors should consciously expand the focus of their meetings to facilitate the inclusion and participation of development actors.

A follow-up workshop could be organized for donors to discuss the findings of this report, highlight protection concerns in protracted situations, emphasize linkages to peace building, and encourage a more integrated response.

In addition to the Representative of the Secretary-General, other actors should engage with the UN's Peacebuilding Commission on these issues, particularly its *Lessons Learnt Working Group*, and with regard to the Peacebuilding Fund.

UNHCR, the RSG and donors should advocate for the Central Emergency Response Fund (CERF) to provide support for solutions to protracted IDP situations, especially in the time when humanitarian operations are ending and development funds have not yet materialized.

UNHCR committed to commission a study on protracted IDP situations to draw attention to this issue. A meeting is also planned for 2008 in Sarajevo on lessons learned from the experience in the Balkans, which will be relevant to future discussion about protracted IDP situations. The Brookings-Bern project will continue to do research on the issue and will widely circulate both the report of this meeting and supporting materials.

Additional References

1. *Framework for Durable Solutions for Internally Displaced Persons*, IASC, March 2007
2. UNHCR Colombia, *Best Practices and Lessons Learned*, (UNHCR hard copy)
3. Guido Ambroso, *The Balkans at a crossroads: Progress and challenges in finding durable solutions for refugees and displaced persons from the wars in the former Yugoslavia*, November 2006

Appendix 1

UNHCR and Brookings-Bern Project on Internal Displacement Expert Seminar on Protracted IDP Situations

Participants List

| Name | Title, Organization |
|--------------------|---|
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| Chaloka Beyani | London School of Economics |
| Jeff Crisp | Head, Policy Development and Evaluation Services, UNHCR |
| Awa Dabo | Transitional Governance Specialist, Bureau for Crisis Prevention and Recovery, UNCP |
| Brigitte deLay | UNICEF |
| Khassim Diagne | Senior Policy Advisor, IDP Operations, UNHCR |
| Elizabeth Ferris | Senior Fellow and Co-Director, Brookings-Bern Project on Internal Displacement |
| Catherine Huser | International Committee of the Red Cross (ICRC) |
| Karen Jacobsen | Tufts University |
| Udo Janz | Deputy Director, Bureau for Europe, UNHCR |
| Walter Kälin | Representative of the Secretary-General on the Human Rights of Internally Displaced Persons |
| Daniel Kamphuis | OHCHR Uganda |
| Julia Kharashvili | Chair, Georgian IDP Women's Association Consent |
| Roberto Meier | Representative for Colombia, UNHCR |
| Victoria Meltcalfe | DPSS, OCHA |
| Erin Mooney | Senior Protection Officer, PROCAP, UNHCR |
| Paul Nesse | Representative (Geneva), Norwegian Refugee Council |
| George Okoth-Obbo | Director, Division of International Protection Services, UNHCR |
| Colin Scott | World Bank |
| Stefano Severe | Representative for Uganda, UNHCR |
| Rebecca Symington | UNICEF |
| Neill Wright | Senior Coordinator, IDP Operations, UNHCR |

Rapporteurs/ Observers

| Name | Title, Organization |
|-------------------|--|
| Hannah Entwisle | Programme Officer, IDP Advisory Team, UNHCR |
| Karen Gulick | Senior Legal Advisor to the RSG, UNHCR/Brookings-Bern Project on Internal Displacement |
| Annika Sjöberg | Associate Programme Officer, IDP Advisory Team, UNHCR |
| Adriano Silvestri | Division of International Protection Services, UNHCR |
| Atle Solberg | Division of International Protection Services, UNHCR |

Appendix 2

Provisional Programme UNHCR and Brookings-Bern Expert Seminar on Protracted IDP Situations

21 June 2007

- 9.00 – 9.30 Welcome
Judy Cheng-Hopkins, Assistant High Commissioner (Operations), UNHCR
Elisabeth Ferris, Senior Fellow and Co-Director, Brookings-Bern Project on Internal Displacement
- Introductions and Review of Objectives
Neill Wright, Senior Coordinator, IDP Operations, UNHCR
- 9.30-9.50 The Guiding Principles on Internal Displacement and Protracted Situations
Walter Kälin, Representative of the Secretary-General on the Human Rights of Internally Displaced Persons
- 9.50-10.45 Presentation of Background Paper: Durable Solutions for IDPs in Protracted Situations
(A work in progress)
Beth Ferris
Plenary discussion and identifying key issues
- 10.45-11.00 Tea Break
- 11.00-13.00 Country Experiences and Lessons Learned
Moderator: **Neill Wright**
Panel presentations (15 minutes each)
Colombia: **Roberto Meier**, UNHCR Representative in Colombia
Georgia: **Julia Kharashvili**, and **Erin Mooney**, PROCAP
Uganda: **Stefano Severe**, UNHCR Representative in Uganda;
Daniel Kamphuis, OHCHR Uganda
Balkans: **Udo Janz**, Deputy Director, Bureau for Europe, UNHCR
- Plenary discussion
- 13.00-14.00 Lunch
- 14.00-15.00 Protection and Assistance Needs of IDPs in Protracted Situations
Presentation by **George Okoth-Obbo**, Director, Division of International Protection Services, UNHCR (15-20 minutes)

What does the concept of protection mean for IDPs in protracted situations? Identification of issues and particular vulnerabilities.
Plenary Discussion

- 15.00-16.00 Drawing Lessons from Protracted Refugee and IDP Situations: Relevant Similarities and Critical Differences
Jeff Crisp, Head, Policy Development and Evaluation Services, UNHCR
Plenary discussion
- 16:00 – 16.15 Tea Break
- 16.15 – 17.30 Working Group Session 1: Local Integration during Protracted Displacement (split into two groups)
Moderators: **Beth Ferris** and **Walter Kälin**
Rapporteurs: **Hannah Entwisle** and **Karen Gulick**
- When return and relocation are not present options, what would local integration look like? When should the international community push for local integration? How can local integration be pursued while simultaneously preserving the option of return at a later date? How does local integration affect traditional community structures (social, political)?*
- 17.30 – 18:00 Reporting Back by Rapporteurs in Plenary Session
- Closing Comments
Khassim Diagne, Senior Policy Adviser (IDP Operations), UNHCR

22 June 2007

- 9.00 – 10.00 Early Recovery and Development: Lessons Learned and Institutional Perspectives
Moderator: **Arnauld Akodjenou**, Director, Division of Operational Support, UNHCR
Discussant: **Colin Scott**, World Bank, and **Awa Dabo**, UNDP
- 10.00 – 11.15 Working Group Session 2: Early Recovery and Development
- How can early recovery and development programmes facilitate solutions to protracted displacement?*
- What does a rights-based approach to early recovery and development look like in a situation of protracted displacement?*
- How can issues related to protracted displacement be incorporated into post-conflict reconstruction efforts and implementation of peace agreements?*

| | |
|---------------|---|
| 11.15 – 11.30 | Tea Break |
| 11.30 – 12.15 | <u>Reporting Back by Rapporteurs in Plenary Session</u> Moderator: Arnauld Akodjenou |
| 12.15 – 13.15 | <u>Plenary Working Session: Key Challenges</u> Moderator: Walter Kälin <i>Identifying key challenges to effective work in situations of protracted displacement: pragmatic, operational, organizational, conceptual, and political</i> |
| 13.15 – 14.30 | Lunch |
| 14.30 – 16.00 | <u>Plenary Working Session: The Way Forward</u> Moderator: Beth Ferris <i>Identification of next steps in the agenda on protracted displacement situations</i> |
| 16.00 | <u>Closing Remarks</u> Walter Kälin and Neill Wright |

Appendix 3

Durable Solutions for IDPs in Protracted Situations³

A Work in Progress

1 June 2007

Elizabeth Ferris

Brookings-Bern Project on Internal Displacement

In recent years, there has been increasing interest in protracted refugee situations as UNHCR, NGOs, governments, and academic institutions have grappled with the question of finding solutions for refugees who have lived in refugee camps for far too long. Studies have been carried out, campaigns have been launched, and considerable thought has gone into how to resolve these long-term refugee situations.⁴

While millions of IDPs, like refugees, have languished in camps for extended periods of time and there are important similarities in the impact of prolonged displacement on their lives, there are also significant differences between IDPs and refugees – particularly when it comes to solutions.

This background paper is intended to facilitate discussion about solutions for protracted refugee situations. It begins by suggesting a definition for and providing basic data about protracted IDP situations. It then discusses similarities and differences between protracted refugee and IDP situations, examines the range of solutions available in protracted IDP situations, and suggests areas where further work is needed. Given the shortcomings in the data, this paper is very much a work in progress and will be revised following the UNHCR-Brookings-Bern Seminar on Protracted IDP Situations and Durable Solutions.

³ Joy Miller provided invaluable research assistance in preparing this paper.

⁴ See, for example, Gil Loescher and James Milner, Protracted Refugee Situations: Domestic and International Security Implications, Adelphi paper 375, London: Routledge, 2005. Gil Loescher, Edward Newman, and Gary Troeller, eds., The Politics, Human Rights and Security Implications of Protracted Refugee Situations, forthcoming. Merrill Smith, "Warehousing Refugees: A Denial of Rights, a Waste of Humanity," World Refugee Survey, 2004, Washington: US Committee for Refugees and Immigrants. James Milner, "Protracted Refugee Situations: Human rights, political implications and the search for durable solutions," Paper presented at the Canadian Council for Refugees, Fall Consultations, London, Ontario, 17-19 November 2005. Jeff Crisp, "No Solution in Sight: The Problem of Protracted Refugee Situations in Africa," New Issues in Refugee Research, Working Paper No. 75, UNHCR, 2003. Executive Committee of the High Commissioner's Programme, Standing Committee, "Protracted Refugee Situations," EC/54/SC/CRP.14, 2004. UNHCR, "Economic and Social Impact of Massive Refugee Populations on Host Developing Countries, as well as Other Countries," UN Doc. EC/54/SC/CRP.5, Geneva: UNHCR, 2004. Also see UNHCR, The State of the World's Refugees, Oxford: Oxford University Press, 2006, pp. 105-127.

A word about definitions

Internally displaced persons are defined in the *Guiding Principles on Internal Displacement* as “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.”⁵

There are certain crucial differences in the definition, status and responsibilities for internally displaced persons and refugees which are highlighted in Table 1 below.

Table 1. Comparison of refugee and IDP definitions

| | Refugees | IDPs |
|---|---|---|
| Source of definition | 1951 Convention on Refugees and 1967 Protocol | Guiding Principles on Internal Displacement |
| Status of definition | Adopted and ratified by 146 countries, incorporated into domestic legislation in many countries | Affirmed by UN General Assembly, 2005; incorporated into domestic legislation in 15 countries |
| Reasons for being considered as a refugee/IDP | Persecution or well-founded fear of persecution on the basis of race, religion, nationality, membership of a particular social group and outside country of origin; Under the 1969 OAU Convention and the 1984 Cartagena Declaration this definition is expanded to include those fleeing generalized violence. | Armed conflict, situations of generalized violence, violations of human rights, or natural or human-made disasters, who have not crossed an internationally-recognized border |
| How status/category is applied | Refugee Status Determination procedures – people are “determined” to be refugees by competent authorities. This can include group determination, prima facie determination | IDP is a descriptive term, not a legal status. |
| Registration/counting | Essential for determining legality of continued presence and eligibility for assistance. Host governments want to know. | Important when assistance is tied to registration. |
| Primary responsibility | Host governments and UNHCR | National authorities |
| Responsible UN agency | UNHCR mandated to protect and assist refugees (except for Palestinians in the Middle East | Under the cluster*** approach, UNHCR is the cluster lead for Protection, Camp Management |

⁵ *The Guiding Principles on Internal Displacement*, Introduction, point 2.

| | | |
|--|---|---|
| | coming under UNRWA's mandate) | and Camp Coordination and Emergency Shelter, primarily for conflict-induced IDPs and participates in other clusters and in working on cross-cutting themes. ICRC has mandate to work with IDPs in areas of conflict. In practice, others may take lead (e.g. IOM) and responsibility may be shared. |
| Number | 8.7 million refugees* | 24.5 million (12/06) 23.7 million (12/05)** |
| Living situations | Camps Urban areas | Urban areas, settlements, dispersed in communities, camps |
| Concerns in host communities/countries | Economic/social impact; political/ethnic/cultural impact; security concerns; May complicate relations with country of origin | Economic/social impact; political/ethnic/cultural impact; security concerns; |

*figures from December 2005, UNHCR, *Measuring Protection by Numbers*, UNHCR, 2006. <http://www.unhcr.org/publ/PUBL/4579701b2.pdf>, p. 5.

***Internal Displacement Monitoring Centre, Internal Displacement: Global Overview of Trends and Developments in 2006*, Geneva: IDMC, p.9.

*** *The cluster approach is presently being implemented in Colombia, Côte d'Ivoire, Democratic Republic of Congo, Ethiopia, Liberia, Somalia and Uganda and has been used in 6 major new emergencies (Indonesia, Mozambique, the Philippines, Madagascar, Pakistan and Lebanon.) UNHCR served as cluster lead in the latter two cases.*

The central elements of the definition of internal displacement are that the movement is coercive or involuntary and the fact that the movement takes place within national borders.

Unlike refugees, IDPs have not crossed an internationally recognized border. While refugees can claim refugee status based on persecution or a well-founded fear of persecution for five reasons – race, religion, nationality, membership of a particular social group, or political opinion – IDPs may be displaced because of generalized violence, violations of human rights and natural or human-made disasters. Thus, the IDP category is much broader than that of refugees, particularly as causes such as development-induced displacement and environmental displacement are included. Moreover, the definition in the *Guiding Principles* is a descriptive, not a legal definition. “Internally displaced persons need not and cannot be granted a special legal status comparable to refugee status.”⁶ While refugees are given a special legal status precisely because they are unable to avail themselves of the protection of their governments, IDPs as citizens of their own countries, are entitled to the full rights and protections from their own governments. While UNHCR is charged with protecting and

⁶ *Guiding Principles on Internal Displacement: Annotations*, Studies in Transnational Legal Policy, No. 32, Washington, DC: American Society of International Law and Brookings Institution Project on Internal Displacement, 2000, p. 3.

assisting refugees, its responsibilities vis-à-vis IDPs are not based in international law and are, in fact, much less clear.⁷

Defining protracted IDP situations

UNHCR defines a protracted refugee situation as: “one in which refugees find themselves in a long-lasting and intractable state of limbo. Their lives may not be at risk, but their basic rights and essential economic, social and psychological needs remain unfulfilled after years in exile. A refugee in this situation is often unable to break free from enforced reliance on external assistance.”⁸

Depending on their proximity to on-going conflict, IDPs in protracted situations may find their lives at risk although most probably do not face immediate threats to their security. Like refugees in protracted situations, IDPs find that their basic rights and essential economic, social and psychological needs remain unfilled after years of displacement. While refugees are dependent on external assistance, data do not exist on the extent to which IDPs in protracted situations receive international assistance.

In identifying the major protracted refugee situations in the world,⁹ UNHCR uses the “crude measure of refugee populations of 25,000 persons or more who have been in exile for five or more years in developing countries.”¹⁰ Gil Loescher and James Milner, applying this definition to UNHCR refugee statistics from the end of 2004, identified 33 protracted refugee situations, totalling 5,691,000 refugees, at the start of 2005.¹¹

As Loescher and Milner point out, there are problems with the data on refugees. Refugee populations are dynamic rather than static and large numbers of refugees (though the exact figures are unknown) live in urban areas where they are far more difficult to count. These problems are even more acute in IDP situations. As a recent meeting of researchers in Cairo identified, the problems of data collection on IDPs are manifold.¹² Most of the world’s IDPs do not live in camps and are not registered with their governments or any international or national agency. In fact, many IDPs who remain closer to the causes of their displacement are anxious not to identify themselves to either the authorities or to others in the community who might be perceived as a threat. In some countries – such as Indonesia, Rwanda and Guatemala – governments or the UN have concluded that there are no more IDPs, even though NGOs and others identify significant numbers of internally displaced persons. While refugee situations are dynamic, with people crossing and re-crossing international borders, IDP situations are likely to be even more so as travel within a country may be easier than crossing an international border. Like refugee populations, IDP populations also experience births, deaths and migration and statistics, collected at a particular moment in time, do not capture the dynamic nature of displaced populations. Although comparative data are

⁷ See for example, UNHCR Global Appeal 2007, Geneva: UNHCR, p. 40.

⁸ UNHCR, “Protracted Refugee Situations”, p. 1.

⁹ With the major exception of Palestinians falling under the mandate of UNRWA.

¹⁰ UNHCR, “Protracted Refugee Situations”, p. 2.

¹¹ Loescher and Milner, ch. 1 in *The Politics, Human Rights and Security Implications*, forthcoming, p. 3.

¹² Brookings-Bern Project on Internal Displacement, “Towards a Research Agenda on Internal Displacement,” Report of a meeting of academic researchers, Cairo, Egypt, 8-9 March 2007. http://www3.brookings.edu/fp/projects/idp/conferences/2007_Cairorpt.pdf

lacking, it seems likely that statistics on numbers of refugees are collected more frequently and systematically, particularly when undertaken by UNHCR, than for IDPs where governments, NGOs and international organizations may use their own operational definitions of IDPs.

While UNHCR figures for numbers of refugees are recognized as definitive, there is no corresponding UN agency responsible for collecting and analyzing statistics on IDPs. The Internal Displacement Monitoring Centre (IDMC) is widely recognized as the single most authoritative source on IDP statistics and bases its estimates on a variety of UN, governmental and non-governmental sources. For example, data collected by UNHCR on IDPs are used by IDMC. This study is based on IDMC statistics, but in comparing refugee and IDP figures, it is clear that the data for IDPs are much less firm than for refugees, as witnessed by the range of estimates provided for some populations (e.g. Lebanon where the number of IDPs in protracted situations is estimated at between 16,750 and 600,000). IDMC is presently finalizing guidelines for “profiling” IDPs which will improve consistency in reporting statistics.¹³ IDMC collects information on 52 countries and, at least until now, only on conflict-induced IDPs. The figures for development-induced and environmental/natural disaster-induced displacement would undoubtedly be far higher. As statistics for development- and environmentally-displaced populations are not available, this study focuses only on conflict-induced internal displacement.

Based on UNHCR’s definition of protracted refugee situations, this study suggests using the following definition: “protracted IDP situations are those populations of 25,000 persons or more who have been displaced within their own countries for five or more years.”¹⁴

Table 2 (attached) includes a listing of protracted refugee situations as reported by UNHCR as well as a listing of protracted IDP situations from the same and other countries. The table also includes situations where smaller numbers of IDPs have remained in protracted situations for long periods of time. It should be noted that data for refugees are for the end of 2004, while data for IDPs are the most recent available.

As expected, there are a number of countries with significant numbers of both protracted refugee and protracted IDP situations. Out of the 14 such countries, in seven the number of refugees in protracted situations is higher than the number of IDPs, while the other seven show the reverse pattern. There are six countries of origin – Bhutan, Chad, China, Tajikistan, Viet Nam and Western Sahara – where there are reported to be long-term refugee situations but no reported IDPs.¹⁵ (This has obviously changed in the past two years with the emergence of large-scale IDP movements in Chad although they are not – yet – considered to be living in a protracted situation.) Of more interest to this analysis though are the 23 countries which report IDPs living in protracted situations

¹³ IDMC is currently finalizing guidelines on profiling IDPs which should be published in the next few months.

¹⁴ While the definition of protracted refugee situations includes the caveat “in developing countries,” this definition of protracted IDP situations does not include that restriction. For example, if there are still more than 25,000 IDPs in the US in 2010 as a result of the Katrina hurricane, this would be considered as a protracted IDP situation.

¹⁵ This has obviously changed in the past two year with the emergence of large-scale IDP movements in Chad. These are also all countries where IDMC does not collect information on the number of IDPs, so the actual figure could be higher.

but no protracted refugee situations. This includes a number of countries where reliable statistics are particularly uncertain.

The cases where the number of protracted IDPs is less than 25,000 are: Armenia, Croatia, Macedonia, Mexico, and Senegal. It would be interesting to do further research on these countries to see what the problems are in determining durable solutions for a relatively limited number of people.

It is likely that between half and three-quarters of all conflict-induced IDPs are living in situations of protracted displacement,¹⁶ a percentage that is quite close to the 64 percent of refugees considered to be living in protracted situations.¹⁷

Another perspective is to look at the relationship between countries which are *hosting* refugees in protracted situations and protracted IDP situations. Table 3 (attached) presents this comparison. It is interesting to note that of the 26 countries hosting protracted refugee situations, eight also have long-term IDP situations: Burundi, Ethiopia, India, Kenya (although the data are fragmentary), Nepal, Serbia, Sudan, and Uganda. In a sense these countries are doubly-burdened by having both refugees and IDPs and issues of durable solutions for refugees and IDPs are closely linked. In looking at solutions for IDPs in these countries, cooperation with UNHCR is particularly important in ensuring that returns of IDPs and refugees are handled equitably and in a manner that promotes durable solutions. For example, IDPs are often able to return earlier than refugees and countries may be overburdened if all returns take place at the same time.

Table 4 below presents those 35 protracted IDP situations with populations over 25,000 along two dimensions: the nature of the conflict and the protracted presence of refugees from the same country. The first column lists those situations where the conflict has officially been resolved, e.g. Sierra Leone and Croatia, or where the conflicts are “frozen,” with little significant progress in recent years in resolving the crisis, e.g. Cyprus, Georgia. It should be noted that in some cases, the situations of ‘resolved crises’ may be particularly fragile, e.g. Nepal or Serbia/Kosovo. The second column indicates countries where conflicts and displacement continue.

Table 4. Protracted IDP/Refugee Situations

| | Conflicts are over or stalemated – no significant new displacement | Conflicts are on-going and displacement continues |
|---|--|--|
| Countries with protracted IDP situations but no significant refugee movements | Algeria* Bangladesh Cyprus Ethiopia Georgia Guatemala* DP India | Central African Republic* Colombia Philippines* |

¹⁶ See Table 7 (attached) for a description of how this was determined.

¹⁷ Loescher & Milner, ch. 1, pp. 8-9.

| | | |
|---|---|--|
| | Indonesia Israel Kenya* Lebanon* Nepal PA Peru DP* Russia (N. Caucasus CAP) Rwanda* Serbia PA Sierra Leone* PA Syria Turkey Uganda | |
| Countries with protracted IDP situations and significant numbers of citizens living in protracted refugee situations in other countries | Angola PA Azerbaijan Bosnia-Herzegovina PA Burundi, PA, DP Croatia PA Eritrea, PA Liberia, PA | Afghanistan ,PA, DP Democratic Republic of Congo,* DP Iraq Myanmar* Palestine Somalia Sri Lanka Sudan, PA (South Sudan) |

** indicates that the data on numbers are particularly uncertain. Note that countries listed in bold are the subject of a CAP appeal as of March 2007.*

PA indicates a formal peace agreement has taken place. DP indicates a democratic process resolved the conflict.

Causes of protracted internal displacement

The causes of protracted internal displacement are several. Like protracted refugee situations, people are displaced – and remain displaced – because the violence which uprooted them has not come to an end. The lack of a political solution to the violence, in places such as Somalia and Colombia, means that people are unable to return to their homes. In these cases, it is difficult to talk of durable solutions for IDPs – just as it is difficult to consider voluntary repatriation as a durable solution for refugees from these countries (although in both Afghanistan and Southern Sudan, repatriation has taken place in considerable numbers).

But of particular interest to this analysis are the large number of cases – 27 – where there are protracted IDP situations and where conflicts are “frozen” or have been officially brought to an end and yet solutions have not been found for IDPs living in protracted situations. These frozen conflicts include: Algeria, Azerbaijan, Cyprus, Georgia, Israel, Russia, and Turkey. In some cases, there are important regional dimensions to the conflicts, such as Georgia and Cyprus, which prevent a resolution of the situation. In other cases, peace agreements or democratic transitions have occurred, but people remain displaced because it takes time to restore sufficient stability or to move them back home. These resolved crises include: Angola, Bangladesh, Bosnia-Herzegovina, Burundi, Croatia, Eritrea, Lebanon, Liberia, Nepal, Peru, Rwanda, Serbia, Sierra Leone, Syria and Uganda. Sometimes people have in fact found solutions of a

sort – as the thousands displaced after Lebanon’s war in the 1980s – but the solutions are not what the drafters of the Guiding Principles had in mind.

When one looks at the list of protracted IDP solutions, there are a number of very long-term situations, e.g. the IDPs who remain displaced in Bangladesh following its 1971 independence, displaced Palestinians in Israel whose uprooting dates from the late 1940s. It may be that these individuals should no longer be considered as IDPs. At this stage, it may be useful to look at the issue of durable solutions for IDPs.

Durable solutions

There are three durable solutions for internal displacement: return to the place of origin, local integration in the areas in which IDPs initially take refuge or settlement in another part of the country (the latter two being termed “resettlement” by the Guiding Principles on Internal Displacement).¹⁸ “Displacement ends when one of these durable solutions occurs and IDPs no longer have needs specifically related to their displacement. This does not mean that they may not continue to have a need for protection and assistance, but their needs would be no different from other similarly situated citizens.”¹⁹

It should be noted that the question of durable solutions for refugees is usually more clear-cut than for IDPs. Most obviously, in some cases, the cessation cause is applied and UNHCR determines that due to a change in political conditions, there is no need to consider people outside their country of origin as refugees.²⁰ When refugees return to their countries of origin, they are no longer considered as refugees (although they may receive assistance as returnees and in fact, may join the ranks of the internally displaced). When they are resettled to a third country, they are no longer considered to be in need of assistance or protection. In the best of cases, local integration becomes a durable solution when the refugee is able to assume the citizenship of the host country (although such cases are few and far between).

For IDPs, it is generally more difficult to determine when displacement ends although, as noted above, in some cases governments or the UN simply announce that there are no more IDPs. For the past several years, the Brookings-Bern Project on Internal Displacement has been working to draft a framework for determining when a durable solution has been found and internal displacement can be considered as ended.²¹

¹⁸ Guiding Principles 28-30 spell out the rights of IDPs and responsibilities of competent authorities relating to return, resettlement and reintegration. Since former IDPs should not be disadvantaged relative to those who are still displaced, the Guiding Principles relating to protection from displacement, protection during displacement, and humanitarian assistance apply, where appropriate, after return or resettlement.

¹⁹ When Displacement Ends: A Framework for Durable Solutions, Brookings-Bern Project on Internal Displacement, Washington: Brookings, 2007, pp. 1-2.

²⁰ See for example, Rafael Bonoan, “Cessation of Refugee Status: A Guide for Determining when Internal Displacement Ends,” Forced Migration Review, no. 17, May 2003, pp. 8-9.

²¹ Note that there is still some debate over the question of whether the end goal is ‘when displacement ends’ or ‘when the displaced are no longer in need of protection or assistance.’ For further background material, see When Displacement Ends: A Framework for Durable Solutions, Brookings-Bern Project on Internal Displacement, 2007.

In March 2007 this framework was welcomed by the Inter-Agency Standing Committee and work is currently underway to translate the general benchmarks into indicators which can be used in determining when individuals can be said to no longer need to be treated as IDPs. But in general, displacement can be deemed to have ended when both the process by which solutions are found and the conditions of these solutions meet certain criteria. To simplify the criteria, the following questions/checklist may be useful:

Process:

- Have the IDPs made voluntary and informed decisions about the durable solution?
- Have IDPs participated fully in planning for return or resettlement? For example, have IDP representatives been able to visit and assess conditions for return or resettlement?
- Has coercion – including physical force or denial of basic services – been used to induce or to prevent return or resettlement?
- Have national authorities consulted with IDPs and ensured their full participation in decisions about return or resettlement?
- Have national authorities taken appropriate measures to establish conditions and provide the means for IDPs to return voluntarily, in safety and dignity, or to resettle voluntarily in another part of the country and to facilitate the reintegration of returned or resettled IDPs?

Conditions:

- Do formerly displaced persons suffer attacks or intimidation after their return to their home communities or resettlement in another location?
- Are formerly displaced persons subject to discrimination because of their displacement?
- Do formerly displaced persons have full and non-discriminatory access to national and local protection mechanisms, including police and courts?
- Do formerly displaced persons have access to personal documentation, such as that needed to access public services and to vote?
- Do formerly displaced persons have access to mechanisms for property restitution or compensation regardless of whether they return or settle elsewhere?
- Do formerly displaced persons enjoy an adequate standard of living without discrimination and in particular, do they have non-discriminatory access to employment opportunities and basic public services, including education, health services and pensions?
- Have formerly displaced persons been able to reunite with family members if they choose to do so?
- Are formerly displaced persons able to exercise the right to participate full and equally in public affairs?

Although no systematic research is available on applying these criteria to IDP situations, it is most likely that the indicators about process are rarely satisfied and that the benchmarks for the conditions are typically only partially met. Anecdotal evidence suggests, for example, that many Lebanese displaced from their rural villages to urban areas in the 1980s – particularly young people – will not return to their villages and are choosing to remain in the urban areas because of the availability of public services and the passage of time. Yet there were no consultations with national authorities nor were the IDPs given any real choices in determining their solution. Regarding the conditions, it seems likely that restitution and compensation of property occurs less frequently than access to basic public services. This is clearly an area where further research is needed – both in terms of fleshing out the indicators for application of the framework and in assessing the extent to which at least some IDPs in protracted situations may be considered to have found durable solutions.

Protracted IDP Situations, On-going Needs and International Assistance

As Table 3 (attached) indicates, there is more international humanitarian interest in countries listed in the second column in which conflicts are continuing. For example, a listing of current Consolidated Action Plan (CAP) appeals which are open in March 2007, reveals that most of the countries listed in column 2 are the subject of a CAP appeal while only six of the 27 listed in column 1 are not. And yet, the needs of IDPs in protracted situations typically continue even after peace agreements or democratic transitions have taken place. While humanitarian assistance is a significant factor in the initial years of displacement, as time wears on, this assistance diminishes. In some cases, the national governments attempt to fill this gap. For example, in Azerbaijan, government expenditures on IDPs have reached over \$150 million per year which is three percent of gross domestic product and which exceeded the cost of all other individual social protection programs, including pensions.²² But in other countries, governmental assistance to IDPs is not so transparent nor as generous.

The reports of the Representative to the Secretary General on the Human Rights of IDPs and his predecessor indicate that IDPs in protracted situations have a range of needs which are unmet.²³ Holtzman and Nezam conducted a study of conflict-induced displacement (both refugees and IDPs) in Europe and Central Asia²⁴ and found that those who were displaced, most for more than 10 years, were more vulnerable than the general population. They are generally poorer, have higher unemployment rates, have fewer material assets, and have less access to land than those who were not displaced. Long-term IDPs face particular vulnerabilities in the area of housing, with IDPs relying on “temporary” shelter for many years.²⁵ But while the needs continue, the modalities of responding to them are lacking.

²² Steven B. Holtzman and Taies Nezam, *Living in Limbo*, Washington, DC: World Bank, publication no. 20697, 2004, p. 9.

²³ See for example: http://www.brookings.edu/fp/projects/idp/200606_rsg_colombia.htm;
http://www.brookings.edu/dybdocroot/fp/projects/idp/200603_rpt_Georgia.pdf;
http://www.brookings.edu/fp/projects/idp/200602_rpt_Sudan.pdf;
http://www.brookings.edu/fp/projects/idp/2005_rpt_SerbMont.pdf;
http://www.brookings.edu/fp/projects/idp/2005_rpt_BosHerz.pdf;
http://www.brookings.edu/fp/projects/idp/2005_rpt_Croatia.pdf

²⁴ Holtzman and Nezam, *op cit*.

²⁵ *Ibid.*, p. 4 and p. 145.

The table below provides information on UNHCR's involvement in countries with protracted IDP situations. These data are quite general and, as they were published in the 2007 Global appeal, the figures have undoubtedly changed in many cases, particularly in situations for which displacement continues. Table 5 below indicates that UNHCR is working in 34 of the 38 countries with protracted IDP situations, but is not working with IDPs in 19 of those countries. In fact, UNHCR is working with IDPs in less than half of the countries with protracted IDP situations (15 of 38). UNHCR is not working at all in some countries where there are long-standing IDP situations, including Guatemala and Peru while Palestine falls under UNRWA's mandate. UNHCR is working with eight of the 11 situations where there are both protracted IDP situations and new displacements.

For countries where new displacements are not taking place, it is interesting to note that – with the exception of Uganda – UNHCR's involvement with protracted IDP situations is limited to European countries (Georgia, Russia, Serbia, Azerbaijan, Bosnia-Herzegovina). With additional data on budgets and programs for IDPs, it would be possible to analyze patterns of expenditure and types of UNHCR involvement. For example, Serbia's 2007 budget of almost \$21 million is greater than UNHCR's planned expenditures in DRC, Myanmar, Somalia, Sri Lanka or Sudan.

Table 5. UNHCR's involvement in countries with protracted IDP situations

| Name of country | UNHCR 2007 budget (USD) | Number of IDPs with whom UNHCR is working |
|--|--------------------------------|--|
| Protracted IDPs but no significant refugee movements where conflicts are over or frozen | | |
| Algeria | 4,268,794 | 0 |
| Bangladesh | 2,890,103 | 0 |
| Cyprus | | |
| Ethiopia | 14,835,859 | 0 |
| Georgia | 4,462,858 | Working with IDPs, but no number given |
| Guatemala | | |
| India | 3,438,192 | 0 |
| Indonesia | 2,107,133 | 0 |
| Israel | 144,000 | 0 |
| Kenya | 32,338,766 | 0 |
| Lebanon | 3,667,704 | Includes some IDPs from 2006 |
| Nepal | 6,975,643 | 0 |
| Peru | | |
| Russia | 13,415,656 | 150,000 IDPs + 36,870 others |
| Rwanda | 4,927,870 | 0 |
| Serbia | 20,956,650 | 204,000 IDPs + 52,660 |

| | | |
|---|------------|---|
| | | others. Kosovo: 15,000 IDPs + 96,300 other |
| Sierra Leone | 11,971,696 | 0 |
| Syria | 2,050,212 | 0 |
| Turkey | 6,716,171 | 0 |
| Uganda | 17,949,014 | 900,000 IDPs + 410,720 others |
| Countries with protracted IDPs and significant numbers of citizens living in protracted refugee situations where conflicts are over/stalemated | | |
| Angola | 14,836,616 | 0 |
| Azerbaijan | 3,023,063 | Including IDPs |
| Bosnia-Herzegovina | 6,702,164 | 17,000 IDPs + 4,860 others |
| Burundi | 23,792,407 | 0 |
| Croatia | 3,191,177 | 0 |
| Eritrea | 4,357,237 | 0 |
| Liberia | 32,265,201 | 0 |
| Countries with protracted IDP situations, no significant refugee movements where conflicts are on- going | | |
| Central African Republic | 2,013,589 | 0 |
| Colombia (including Colombians in neighboring countries) | 23,874,822 | 350,000 IDPs + 50,290 others |
| Philippines | 196,845 | 0 |
| Countries with protracted IDPs and significant numbers of citizens living in protracted refugee situations where displacement continues | | |
| Afghanistan | 52,270,958 | 50,000 IDPs + 416,050 others |
| DRC | 11,520,750 | 1.1 million IDPs + 117,750 others |
| Iraq | 1,305,042 | 600,000 IDPs + 236,000 others |
| Myanmar | 4,304,946 | IDPs but number not specified |
| Palestine | | |
| Somalia | 6,103,812 | 150,000 IDPs + 6300 others |
| Sri Lanka | 7,331,779 | 465,000 IDPs + 50,000 others |
| Sudan | 13,676,273 | 400,000 IDPs in Darfur + 17,500 others; 1,956,000 IDPs in South and Khartoum + 146,200 other |

Source: UNHCR, *Global Appeal, 2007*. Geneva: UNHCR, 2006. Note that these figures vary somewhat from those presented in the “Workplan on UNHCR IDP Operations,” *Informal Consultations Meeting, 25 May 2007*.

Shaded countries are those where the cluster approach is currently being implemented. The cluster approach was also used in Lebanon in the 2006 displacement as well as in Pakistan.

After conflicts are over, the expectation is that development actors will play the leading role in addressing the needs of displaced persons and yet the transition from humanitarian response to long-term development is far from being a seamless one. In spite of hundreds of articles, countless speeches and numerous conferences, the gap between relief and development (or refugee aid and development as it was called in an earlier generation) is still far from being overcome.²⁶

There are, however, some positive signs. Development actors like the UN Development Programme (UNDP) and the World Bank have devoted significant attention to post-conflict situations and have drawn the connections between poverty and development.²⁷ UNHCR has become a member of the UN Development Group and participates in its Transitions Working Group. UNHCR also participates in the Network on Post-Conflict Development Cooperation of the Organization for Economic Cooperation in Development’s (OECD) Development Cooperation Directorate (DAC) and has worked to analyze the World Bank’s Poverty Reduction Strategy Papers to examine the extent to which they are displacement-sensitive.²⁸ However, there is still a considerable distance to be covered to ensure that development actors work in collaboration with humanitarian agencies during the transition.

In 2004, the UN Development Group (UNDG) issued guidance on durable solutions for displaced persons,²⁹ noting that “durable solutions for displaced persons have been approached in an ad hoc manner. The needs of displaced people are often not incorporated into recovery and development plans, and, in some instances, displaced persons have been presented as a burden, hampering progress toward development, rather than as a potential asset.”³⁰ The guidance note emphasizes that preventing

²⁶ See for example, Robert Gorman, ed., *Refugee Aid and Development: Theory and Practice*, New York: Greenwood Press, 1993. Jeff Crisp, “Mind the gap! UNHCR, Humanitarian Assistance and the Development Process,” *New Issues in Refugee Research*, Working Paper no. 43, Geneva: UNHCR, May 2001. Alexander Betts, “International Cooperation and the Targeting of Development Assistance for Refugee Solutions: Lessons from the 1980s,” *New Issues in Refugee Research*, Working Paper no. 107. Geneva: UNHCR, September 2004.

²⁷ In May 1997, the World Bank developed a “Framework for World Bank Involvement in Post-Conflict Reconstruction” which was followed by an evaluation “The World Bank’s Experience with Post Conflict Reconstruction” in 1998, and an operational policy on working with conflict-affected countries in 2001. See:

<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALDEVELOPMENT/0,,menuPK:199462~pagePK:149018~piPK:149093~theSitePK:244363,00.html>. UNDP’s Bureau for Crisis Prevention and Recovery has also been involved in a number of initiatives designed to facilitate transition from conflict situations.

²⁸ See for example, UNHCR, “Poverty Reduction Strategy Papers – A Displacement Perspective,” Geneva: UNHCR, October 2004, and World Bank, “Toward a Conflict-Sensitive Poverty Reduction Strategy: Lessons from a Retrospective Analysis,” Report No. 32587, Washington: World Bank, 2005, p. 57.

²⁹ UNDG, “UNDG Guidance Note on Durable Solutions for Displaced Persons (refugees, internally displaced persons, and returnees), 2004. See: http://altair.undp.org/documents/5239-UNDG_Guidance_Note_on_Durable_Solutions_for_Displaced_Persons_-_English.doc

³⁰ UNDG, Guidance Note, p. 1.

displacement and integrating IDPs are development challenges and that “integrated approaches are critical in ensuring the sustainable socio-economic reintegration and rehabilitation of displaced populations and their host communities through participatory, community-based and self-reliance oriented approaches.”³¹ Ideally, the needs of IDPs and their host communities should be included in country development plans. At the most basic level, in developing the common country assessment (CCA), data should be collected and analyzed on displaced persons and their relationship to poverty.

The guidance note indicates that there are several gaps to including displaced persons in integrated planning, including

- Institutional gaps as different operational styles and cultures exist among different international agencies and government institutions
- Financial gaps as funding is often for either emergency or development assistance
- Temporal gaps with a particular gap emerging after emergency assistance begins to subside and before long-term development activities begin
- Different program processes and budgeting cycles, particularly as development actors generally use multi-year planning cycles while humanitarian agencies use shorter time perspectives.³²

Another major obstacle to long-term development programs’ focus on IDPs is “a lingering assumption that investments in sustainable solutions for DP self-reliance somehow undermine national objectives of facilitating an eventual return home.”³³ To assist IDPs to put down roots in the communities to which they have been displaced may be seen as an admission that they will never return home – an admission which may be politically impossible to sustain. For example, the area of housing is one where IDPs are particularly vulnerable and yet there has been reluctance by the international community to provide support for housing of IDPs in their area of displacement – as their displacement is seen as a temporary situation.³⁴ Similarly, efforts to support self-reliance strategies – which may be helpful to the IDPs whether they remain where they are or eventually return to their home communities – are often resisted.

As part of its humanitarian reform process, the Inter-Agency Standing Committee established a Cluster Working Group on Early Recovery, under the leadership of UNDP. The Working Group consists of 19 UN and non-UN members. Early Recovery is defined as “recovery that begins early in a humanitarian setting and is guided by development principles. This is achieved through a multi-dimensional process – encompassing livelihoods, shelter, governance, environment, and social dimensions, including the reintegration of displaced populations – that stabilizes human security and addresses underlying risks that contributed to the crisis.”³⁵ In 2005, the working group carried out a mapping exercise for early recovery among its members and identified a number of gaps, including:

³¹ UNDG, Guidance Note, pp. 1-2.

³² UNDG, Guidance Note, p. 6.

³³ Holtzman and Nezam, p. xv.

³⁴ Holtzman and Nezam, p. 163.

³⁵ IASC Cluster Working Group on Early Recovery, “Background Paper for CWGER Workshop, 8-9 June 2006,” UNDP: April 2007, p. 3. <http://www.undp.org/bcpr/iasc>

- Development of tools and methods
- Fast, predictable mobilization of technical expertise through rapid deployment capacity
- Integrated programming of humanitarian and recovery-related interventions
- Knowledge management, and
- Inter-agency agreements for Cluster working group members.³⁶

It is widely recognized that development and humanitarian actors need to work together at all levels – between government ministries dealing with displaced, reconstruction, and development, within the UN country teams, within the global clusters, and within the donor community. At this stage, it is too early to tell whether the Early Recovery cluster will be able to overcome the difficulties in managing the transition from humanitarian assistance to long-term development. If this challenge is taken seriously, it means changing the way UN agencies and other actors work. It is simply easier for staff in a given agency to come up with a solution on its own – even if it means duplicating efforts undertaken elsewhere or if other agencies have more expertise in a given area – than to work with other agencies. Changes in culture are always harder to implement than structural changes.

Refugees, Targeted Development Assistance and Durable Solutions

While the issue of the incorporation of both refugee and IDP issues into long-term development strategies still has a long way to go, in recent years, UNHCR has devoted substantial energy to exploring the way in which targeted development assistance can be used to support durable solutions for refugees in protracted situations, noting that “the gap between refugee and returnee assistance programmes and long-term development efforts is a central hurdle in the way of both sustainable repatriation in countries of origin and the promotion of self-reliance and local integration in countries of asylum.”³⁷ UNHCR explores durable solutions in consultation with IDPs, the concerned government as well as with the communities hosting IDPs or to which they will be re-located, looking particularly at return, integration, relocation and in exceptional cases, resettlement.³⁸

One of the generally positive accomplishments in resolving a protracted displacement situation was the International Conference on Refugees in Central America (CIREFCA) which included a program component called the Program for Displaced Persons, Refugees and Returnees (PRODERE) funded by the Italian government and administered by UNDP. PRODERE provided support for projects intended to foster reintegration of refugees and displaced persons into their communities of origin. Although there were some problems in the relationship between UNHCR and UNDP, UNDP was able to develop ways of picking up from UNHCR’s humanitarian

³⁶ Ibid., p. 5.

³⁷ Executive Committee of the High Commissioner’s Programme, “Targeting Developing Assistance, including International Cooperation for Finding Durable Solutions for Protracted Refugee Situations,” UNHCR Standing Committee, 9 June 2006, EC/57/SC/CRP.19.

³⁸ UNHCR, “The Protection of Internally Displaced Persons and the Role of UNHCR,” Informal Consultative Meeting, 27 February 2007.

work.³⁹ Similarly the Quick Impact Projects (QIPs) were designed to provide immediate support to returning refugees and communities to ease the transition between relief and development. It should be noted that CIREFCA took place in a context in which a peace agreement was signed which is different than some of today's protracted IDP situations.

UNHCR's more recent experience with targeted development assistance has several components. In general, it is not intended to substitute for humanitarian assistance, but rather to provide additional development assistance to countries hosting large numbers of refugees in order to improve the quality of life and self-reliance of refugees pending durable solutions. The 4R initiative – repatriation, reintegration, rehabilitation and reconstruction – is based on the assumption that repatriation involves more than returning refugees across a border and that sustainable return requires creating an environment that is welcoming. Development Assistance for Refugees (DAR) and its companion Development through Local Integration (DLI) to be used for situations where the host state provides the opportunity for gradual integration of refugees.⁴⁰

In protracted refugee situations, one of the major obstacles has been that host governments are reluctant to encourage such targeted development assistance, because they fear that it will be diverted from their own development programs, rather than constitute new sources of funding. But the reality is that when governments don't place a priority on protracted refugee situations, international funders follow suit.⁴¹ Alexander Betts looked at the experiences with development assistance in Africa through the ICARA process and found that while UNDP was very active in ICARA, "ultimately, UNDP could not make substantive practical changes because it was politically constrained by both recipient and donor states. Recipients would not countenance any diversion of existing overseas development aid (ODA) and donors were reluctant to commit to 'additionality.'"⁴²

³⁹ UNHCR, "Review of UNHCR's Phase-Out Strategies: Case Studies in Selected Countries of Origin," UNHCR Evaluation Reports, February 1997.

<http://www.unhcr.org/research/RESEARCH/3ae6bd448.html>

⁴⁰ See Executive Committee of the High Commissioner's Programme, "Framework for Durable Solutions for Refugees and persons of concern," UNHCR Standing Committee, 16 September 2003, EC/53/SC/INF.3; High Commissioner's Forum "Convention Plus: Targeting of Development Assistance for Durable Solutions to Forced Displacement," Joint Statement by the Co-Chairs, 10 February 2006, FORUM/2005/8; "Targeting Development Assistance"

<http://www.google.com/search?sourceid=navclient&ie=UTF-8&rls=GGLD.GGLD:2007-14.GGLD:en&q=%e2%80%9cTargeting+Development+Assistance%e2%80%9d>

⁴¹ Alexander Betts reviewed the lessons learnt from the ICARA I and II processes (International Conference on Assistance to Refugees in Africa) which sought to find durable solutions through improved 'burden-sharing.' Although the focus was on refugees and the difficulties encountered were the reluctance of African states to divert funds from their own development projects to increase refugee integration, there may be some applicable lessons to this discussion. He suggests that there are five lessons from ICARA for targeted development assistance:

- The need to establish a clear link between increased burden-sharing and durable solutions
- The need for a clear conceptual understanding of additionality
- The need to avoid the danger of selectivity
- The need for momentum and
- The need to overcome obstacles to inter-agency partnerships with development agencies

Alexander Betts, "International Cooperation and the Targeting of Development Assistance for Refugee Solutions: Lessons from the 1980s," New Issues in Refugee Research, Working Paper no. 107, September 2004, Geneva: UNHCR, p. 16

⁴² Betts, p. 19.

Work on durable solutions for protracted refugee situations⁴³ has tended to focus on the need for discussions and common plans between countries of origin and hosting countries with the engagement not only of UNHCR but also of other development actors.

This is a basic difference with protracted IDP situations where the country of origin and the host country are one and the same. Some of the obstacles to using development assistance for refugees are just not present for IDPs – such as the fact that refugees aren't part of the host government's political constituency and the fear that funding for development might be diverted from other national priorities. IDPs are citizens of the country in which they are displaced and thus development assistance should be able to be used to support their needs.

What would targeted development assistance for protracted IDP situations look like? While such assistance would vary according to the specific national situation, such assistance could facilitate durable solutions in several ways. The use of targeted development assistance to improve the living conditions and livelihoods of IDPs where they are should not be seen as precluding their right to return to their communities when that becomes possible. Given the pressing need for shelter for IDPs in some countries, efforts to replace “temporary housing” – whether collective shelters, living with family members, or inadequate shelter -- with better-quality housing could be a step towards local integration. In order not to foreclose the possibilities of return, such assistance should be designed in such a way that the housing constructed could be used by other residents should a return become feasible in the future. Just as Olympic venues are planned to be used for other purposes following the event, so too housing constructed for IDPs could be planned to serve as public housing for other groups should IDPs return.

A second area in which targeted development assistance could be used is in the area of livelihoods. This could include vocational training, technical assistance to develop small business plans and microfinance schemes. Skills training programs not only offer the possibility to IDPs to improve their present living situations, but also can serve them well when they are able to return to their communities of origin or if they choose to settle elsewhere.

A third area could specifically target vulnerable groups, such as female-headed households, the elderly, disabled or others with assistance to improve their immediate well-being as well as to provide support for self-reliance.

A fourth area could focus on “empowerment” in the area of training on human rights, including the Guiding Principles of Internal Displacement, legal assistance for recovery of property lost in displacement and awareness-raising of available complaints mechanisms.

A fifth area could focus on improving infrastructure and public services in communities hosting significant numbers of IDPs, including support for schools and health facilities as well as for public utilities and transportation.

⁴³ See Edward Newman, Gil Loescher and James Milner, Protracted Refugee Situations (forthcoming).

In general, targeted development assistance should be:

- Community-based in meeting the needs of host communities which have been affected by the displacement. For example, this could include provision of housing in a way that doesn't seem to discriminate against the host communities in favour of the IDPs.
- Participatory in involving the IDPs themselves in decisions about the kind of targeted assistance that would be most appropriate and in encouraging civil society engagement in the planning process.
- Protection-focused in terms of ensuring that the assistance furthers the protection of IDPs. For example, providing skills training to women heads of households could enable them to move towards financial security which could diminish their vulnerability to sexual exploitation
- Based on the principle of encouraging self-reliance
- Focus explicitly on upholding the rights of IDPs during and after displacement.

Targeted development assistance offers the possibility of improving the living conditions and enhancing the basic rights of IDPs during displacement while contributing to the search for durable solutions. In some cases, governments have included these provisions in post-conflict reconstruction plans and have received funding for these initiatives. In other cases, assistance to IDPs is still seen largely in humanitarian terms. Targeted development assistance could be seen as a “halfway house” between humanitarian assistance and incorporation of IDP concerns into long-term development plans, including in Poverty Reduction Strategy Papers.

Solutions for Protracted IDP situations

Solutions for protracted IDP situations differ greatly, reflecting the nature and duration of the conflict, patterns of displacement, the timeframe, etc. This analysis suggests that different strategies for solutions are needed in each of the categories displayed in Table 3. In particular, humanitarian actors will play dominant roles in countries where displacement continues and development actors should be active in countries which are not experiencing new displacement.

Table 6. Solutions

| | “Frozen” Conflicts – no significant new displacement | Conflicts are over – no significant new displacement | Conflicts are on-going and displacement continues |
|--|--|---|--|
| Countries with protracted IDP situations but no significant refugee movements | This includes: Algeria, Cyprus, <u>Georgia</u> , Israel, <u>Russia</u> , <u>Turkey</u> . Political solutions are needed to resolve the impasse. | This includes: Bangladesh, Cyprus, Ethiopia, Guatemala, <u>India</u> , Indonesia, Kenya, Lebanon, <u>Nepal</u> , <u>Peru</u> , Rwanda, <u>Serbia</u> , <u>Sierra Leone</u> , Syria, <u>Uganda</u> | This includes Central African Republic, <u>Colombia</u> , the Philippines. Political solutions are needed to resolve the conflicts. |

| | | | |
|---|---|--|---|
| | <p>However, national authorities have a responsibility to seek solutions to the extent possible and to ensure that the rights of IDPs are upheld. This should include developing policies which recognize the rights of IDPs and which support solutions where possible.</p> | <p>Solutions for protracted IDP situations require leadership by national authorities</p> <p>Targeted assistance, coupled with political support could be particularly valuable in these cases.</p> <p>Main actors could include UNDP, World Bank.</p> <p>Advocacy is needed to ensure that the rights of IDPs are upheld even as work is undertaken to bring about solutions.</p> | <p>In some countries, solutions may be found for some protracted IDP situations even as displacement continues, e.g. the Philippines and Colombia.</p> <p>These are the countries where pressure is needed both to ensure that the basic human rights of IDPs are upheld during displacement and that solutions are being vigorously pursued, e.g. CAR.</p> |
| <p>Countries with protracted IDP situations and significant numbers of citizens living in protracted refugee situations in other countries</p> | <p>This includes <u>Azerbaijan</u>.</p> <p>Political solutions are needed to resolve the impasse.</p> <p>However, national authorities have a responsibility to seek solutions to the extent possible and to ensure that the rights of IDPs are upheld.</p> <p>UNHCR's involvement with refugees could be useful in moving towards solutions.</p> | <p>This includes: <u>Angola</u>, <u>Bosnia-Herzegovina</u>, <u>Burundi</u>, Croatia, Eritrea, <u>Liberia</u></p> <p>Work with national authorities is needed to resolve protracted IDP situations and with host governments to resolve protracted refugee situations.</p> <p>In these cases, it will be particularly important to develop coordinated, coherent plans to ensure that returning refugees and IDPs receive comparable support and that the timing of return does not overwhelm fragile structures.</p> <p>Key actors will include UNHCR as well as the UN development agencies.</p> <p>In order to ensure that IDPs are not forgotten in efforts to address protracted refugee situations, advocacy is needed – a role which can</p> | <p>This includes Afghanistan, DRC, Iraq, Myanmar, Palestine and Somalia.</p> <p>In some cases, countries in this category have formal peace agreements in place, e.g. Afghanistan and Southern Sudan and support is needed to the governments to find solutions for the protracted IDP situations. In other cases, further diplomatic work is needed to produce a political solution before solutions can be found for most of those displaced, e.g. Myanmar, Iraq, Somalia. In those cases, support for the government and for those working with IDPs is paramount.</p> <p>UNHCR will play a significant role in these situations, when political conditions permit, to work out tripartite agreements with the governments of hosting countries. UNRWA will play a central role in solutions for both Palestinian IDPs and refugees.</p> <p>The role of development actors is important, but</p> |

| | | | |
|--|--|---|--|
| | | be played by the RSG, UN agencies, and civil society. | generally humanitarian agencies will play the dominant role. |
|--|--|---|--|

Note that countries whose names are underlined have developed national policies applicable to IDPs, sometimes as a national IDP policy, sometimes as components of other policies. In addition, the Philippines and Iraq are in the process of developing policies.

Conclusions

1. Examination of protracted IDP situations is clearly limited by the inadequate data about IDPs. Although IDMC has done significant work in putting together available statistics, significant gaps remain, particularly for IDPs who do not live in camps or collective settlements.
2. Similarly it is likely that some of those IDPs who are included in the tables as living in protracted IDP situations have in fact found solutions. With the development of a framework and eventually indicators for determining “when displacement ends,” it should be possible to investigate systematically several of these long-term displacement situations with a view to refining our understanding of the scope of the problem.
3. In spite of the limitations of the data, it is clear that the problem of protracted IDP situations is a large scale one, affecting between 11 and 17 million of the world’s IDPs. This number is two to three times the number of refugees living in protracted situations. But while the issue of protracted refugee situations has generated considerable interest from academics, agencies and activists, there has largely been silence about the far larger number of IDPs living in long-term limbo. This is an issue that merits further discussion, analysis and action.
4. Whereas protracted refugee situations require close collaboration between the governments of the countries of origin and the host countries – often mediated by UNHCR – responsibility for finding solutions for protracted IDP situations falls squarely on the shoulders of national authorities. While this means that solutions require less in the way of diplomatic negotiations, it also increases the risk that protracted IDP situations will be less visible and less demanding of attention to resolve their plight.
5. This analysis suggests that protracted IDP situations often occur in a fluid context: they may coexist with both new internal displacement and with protracted refugee situations in the same country. This suggests that solutions to protracted IDP situations need to be tailored to the particular political dynamic in the country. Solutions for long-term IDPs in Serbia are likely to be different for IDPs in Iraq or the Philippines.
6. An important area which was not discussed here is an assessment of efforts to prevent displacement from becoming a protracted situation. Are there steps which can be taken early in displacement which will contain the seeds of solutions? For example, the *Guiding Principles* insist that “property and possessions left behind by IDPs should be protected against destruction and

arbitrary and illegal appropriation, occupation or use.”⁴⁴ If such steps were taken, it might be more feasible for IDPs to return to their communities earlier than if their homes and communities were destroyed. Analysis of cases where policies were implemented shortly after displacement which encouraged durable solutions would be a helpful contribution to the debate.

7. The fact that a conflict has officially ended – whether by peace agreement or by a democratic transition – does not mean that displacement ends as evidenced by the fact that there are still IDPs in Guatemala, Peru and Bosnia-Herzegovina. Planning for post-conflict reconstruction needs to include a mechanism for assessing the durable solutions of IDPs created by that conflict – perhaps as a benchmark for success. This is also an area where sustained attention by the new Peacebuilding Commission could make a contribution.
8. Efforts to find durable solutions for IDPs should go hand-in-hand with a commitment to upholding their rights and ensuring their protection during displacement. Working for durable solutions and to improve the present conditions of IDPs are not “either-or” propositions. They need to take place simultaneously. As suggested here, targeted development assistance may have an important role to play in this regard.
9. Finally, this suggests (as have countless previous studies) that a key to resolving protracted IDP situations depends on close collaboration between humanitarian and development actors, both within the government of the concerned country and within the UN system. As a way of moving this discussion forward, it might be helpful to work with the development agencies to review the programs which they have found useful in finding solutions for those displaced.

⁴⁴ Guiding Principle, no. 21.3.

Appendix 4

The Guiding Principles on Internal Displacement and Protracted Situations

Walter Kälin

UNHCR and Brookings-Bern Expert Seminar on Protracted IDP Situations

WHAT THE GUIDING PRINCIPLES SAY ABOUT PROTRACTED SITUATIONS

Principle 6

3. Displacement shall last no longer than required by the circumstances.

Principle 28

1. Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country.

Principle 28

2. Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.

Principle 15

Internally displaced persons have:

- (a) The right to seek safety in another part of the country;
- (b) The right to leave their country; ... and
- (d) The right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.

Conclusion

1. States should start to prepare durable solutions as soon as possible
2. IDPs have freedom of movement and choice where to settle and may therefore look for durable solutions themselves
3. IDPs have the right to be consulted and participate in finding solutions
 - Being in displacement as dynamic process leading to durable solutions

HOW TO LOOK AT PROTRACTED SITUATIONS

A protracted situation is:

- “one in which [IDPs] find themselves in a long-lasting and intractable state of limbo. Their lives may not be at risk, but their basic rights and essential economic,

- social and psychological needs remain unfulfilled after years in [displacement].” (UNHCR, “Protracted Refugee Situations”, p. 1).
- one in which the process of finding durable solutions is stalled, i.e. Principles 6(3) and 28(1) are not/cannot be applied
 - one in which IDPs are marginalized as a consequence of violations / lack of protection of certain human rights
-

FREQUENT PROTECTION NEEDS

Economic, social and cultural rights:

- Lack of adequate housing
 - Lack of (access to) work/livelihoods
 - Lack of access to health services and/or education
 - Sometimes lack of food/food security
 - ...
-

Civil and political rights:

- Lack of documentation
- Discrimination based on being an IDP
- Lack of protection of property left behind
- In post-conflict situations: Limitations on free choice of durable solution
- ...

Result = marginalization and poverty

CONCLUSIONS

1. Conscientiously creating and maintaining or tolerating conditions where IDPs are left in limbo and marginalized for prolonged periods of time:

- Is incompatible with States’ obligations under GP 28
 - Is incompatible with Principles applicable during displacement (GP 18 – 22)
-

2. The primary responsibility to respect, protect and fulfill relevant rights of IDPs in situations of protracted displacement lies with the national authorities

3. The international community should develop protection strategies tailor-made for situations of protracted displacement

4. Possible elements of a protection strategy:

- Stress that allowing IDPs to lead a normal life in dignity and the right to return are not mutually exclusive. Stress that people suffering from a dependency syndrome are unlikely to rebuild their lives after return
 - Ensure that right to freely choose between durable solutions is maintained (need to redefine “local integration” /”early recovery”)
-

- Address as early as possible problems in the area of:
 - Documentation
 - Protection of property left behind

- Focus on adequate housing: What may be adequate during an initial period may become inadequate over time (early transition from collective shelters and camps to other forms of housing)

-
- Focus on access to work/livelihoods as early as possible including (including micro-credit programs, state guarantees for credits, incentives for employers, etc)
 - Focus on access to health services / education according to needs (e.g. mental health; HIV/AIDS)
 - Ensure consultation and participation of IDPs
-

Appendix 5

Protracted Refugee and IDP Situations: Apparent Similarities and Differences

Jeff Crisp

UNHCR and Brookings-Bern Expert Seminar on Protracted IDP Situations

Comparing protracted refugee and IDP situations

- Growing interest in protracted refugee situations
 - Research and advocacy (EPAU, USCR, UNU)
 - UNHCR initiatives: Excom, African ministerial meeting, SPCP, Somalia, West Africa
 - Relatively little analysis (or action?) on protracted IDP situations
 - No comparative analysis
 - Is there a need for more comparative analysis: how important is the refugee analogy?
-

Protracted refugee and IDP situations: some relevant similarities

- Framework from 'No solutions in sight: the problem of protracted refugee situations in Africa'
 - Causal factors
 - Human consequences
 - Camp characteristics
 - Restricted rights
 - Survival strategies
 - Practical challenges
-

Protracted refugee and IDP situations: some critical differences

- Conceptual clarity
 - Knowledge: research, data, analysis
 - Non-camp populations
 - Humanitarian space
 - State responsibility
 - Protection approaches and interventions
 - Solutions
 - Restitution and compensation
 - Institutional arrangements
-

Appendix 6

Protection and Assistance Needs of IDPs in Protracted Situations

George Okoth-Obbo

UNHCR and Brookings-Bern Expert Seminar on Protracted IDP Situations

Protracted IDP situations: an attempted definition

Refugees

- 25,000 refugees or more
- Over a period of 5 years and more
- Industrialised countries not included
- IDPs
- 25,000 persons or more?
- Over a period of 5 years and more?
- Degradation of rights?

Protracted IDP situations: the context

Full enjoyment of all rights by IDPs <====> Durable solutions

- IDPs enjoy all rights
- Displacement-related gaps in the enjoyment of rights have been removed

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Degradation of rights in protracted IDP situations

While some protection risks may disappear (e.g. those relating to the effects of armed conflict), gaps in the enjoyment of other rights often increase with time

- National authorities remain unable or unwilling to protect the rights of IDPs
- International humanitarian action phases out
- Development actors do not fill the gap (e.g. regarding rule of law)
- Negative psychological impact of displacement on individuals over time may increase

Five protection risks particularly common in protracted IDP situations

- I. Risks deriving from focus on return as preferred solution
- II. Permanent shelter
- III. Land, housing, and property
- IV. Risks by persons with specific needs
- V. Risks linked to lack of documentation

Protection risks in protracted IDP situations:

I. Risks deriving from focus on return

1. Focus on return may limit access of IDPs to certain rights (e.g. right to adequate housing, political rights)
2. Focus on return may lead to involuntary or premature returns and possibly to renewed displacement

Protection risks in protracted IDP situations:

II. Right to adequate housing

1. Certain protection risks of IDPs in communal centres / camps may increase over time
 - Risk of eviction from communal facilities
 - SGBV risks
 - IDPs become stigmatised and victims of discrimination
 2. In some Eastern European countries permanent housing is a pre-condition for permanent residency, which in turn is a pre-condition to enjoy certain rights
 3. IDPs may not be able to benefit from municipal or similar housing schemes on the same basis as other nationals
-

Protection risks in protracted IDP situations:

III. Land, housing and property

1. Use of land, housing and property in areas of origin may undermine future restitution
 - Housing may be occupied or used by others, including displaced
 - Redistribution of land after displacement
 - Use of land of indigenous people may undermine the possibility of resuming traditional ways of living upon their return
2. Land, housing, and property restoration procedures may not be fair and effective
 - Lengthy and cumbersome procedures
 - Inheritance laws discriminatory against women
 - Procedures not always accessible to persons with specific needs (e.g. unaccompanied and separated children, widows, etc.)

Protection risks in protracted IDP situations:

IV. Documentation

1. Lack of documentation of past events prevents enjoyment of social rights
 - Birth certificates / attestations of previous qualification to enrol in school
 - Attestations of past contributions to pension systems
2. Practical barriers to become self-reliant
 - Absence of past employment records
 - Absence of school qualifications and certifications of internships and professional experience
3. Limitations to enjoy political rights
 - Absence of voter identification documents prevent IDPs to exercise their right to vote

Protection risks in protracted IDP situations:

V. Risks by persons with specific needs

1. Dependency on international assistance, which may reduce over time
2. National authorities and NGOs already overburdened and have no capacity to extend their work to IDPs
3. Limited capacity by family and community to care

Critical issues for a response

1. Strengthening national protection capacities
 - Humanitarian action scrutinised from the beginning regarding sustainability
 - Support existing national state and NGO capacities – not replace them
2. Empowerment of communities
 - Not undermine coping mechanisms through humanitarian assistance
 - Focus on community-support, rather than individual

3. Development actors to tackle institutional protection gaps (e.g. strengthening rule of law)
 - Inclusion of IDP areas in CCA/UNDAFs and Poverty Reduction Strategies
 - Potential of the Early Recovery Cluster with this regard
 4. Agree on procedures and benchmarks for termination of the cluster approach
-

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