



# RESOLVING INTERNAL DISPLACEMENT: PROSPECTS FOR LOCAL INTEGRATION

The Brookings Institution –  
London School of Economics  
Project on Internal Displacement

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# BROOKINGS

## RESOLVING INTERNAL DISPLACEMENT: PROSPECTS FOR LOCAL INTEGRATION

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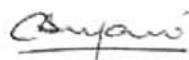
## FOREWORD

I am delighted to introduce this collection of case studies on *Resolving Protracted Internal Displacement: Prospects for Local Integration*. The *Guiding Principles on Internal Displacement* affirm that displacement should last no longer than necessary, but the reality is that millions of the world's internally displaced persons (IDPs) have been displaced for many years. Governments, international actors and IDPs alike have all emphasized return as the most desired settlement option and yet often the possibilities for return are elusive. People deserve a chance to get on with their lives, even as they leave open the possibility of return when conditions back home permit. While the choice of durable solutions must be an informed and voluntary one by IDPs, I believe that more emphasis needs to be placed on local integration as a settlement option through which IDPs may achieve a durable solution.

The seminar organized by the Brookings-Bern (now the Brookings-LSE) Project on Internal Displacement and the Internal Displacement Monitoring Centre (IDMC) of the Norwegian Refugee Council in collaboration with UNHCR and UNDP was an important opportunity to review the state of knowledge about local integration, to analyze obstacles and consider best practices in supporting local integration as a solution in cases of protracted internal displacement. The seminar concluded that political will is needed to make local integration a viable possibility for IDPs and that the efforts of both humanitarian and development actors must be mobilized to create conditions for sustainable integration.

The case studies on protracted displacement and possibilities for local integration offer valuable insights for IDPs, local and national authorities, humanitarian and development actors, NGOs and civil society, and academic researchers. The cases of Burundi, Colombia, Georgia, Serbia, Sudan and Uganda are all unique with particular political, economic and social contexts. There is no single recipe for resolving displacement in these diverse contexts. Rather flexible approaches are needed to explore the possibility of IDPs finding durable solutions through local integration in these and other cases. I commend the authors of these studies for their research and the seminar organizers for putting together this volume which seeks to disseminate the research findings beyond those who were able to participate in the seminar.

Supporting durable solutions for IDPs is central to my mandate as Special Rapporteur for the Human Rights of IDPs. I hope that these studies will be widely read and discussed and that they will trigger new ideas for supporting IDPs who wish to integrate locally – even if they maintain the hope to return to their homes and communities when circumstances allow.



**Chaloka Beyani**

UN Special Rapporteur on the Human Rights of Internally Displaced Persons

## PROLOGUE

**W**hile the world's attention often gravitates to the latest emergency situation, we are acutely aware that most of the world's internally displaced persons (IDPs) live in protracted displacement. Displacement drags on, sometimes for years or decades, because of continuing conflict, because peace processes are stalled, or because political settlements fail to provide the necessary security and support for the displaced to find solutions.

In 2007, the Brookings-Bern Project on Internal Displacement and the United Nations High Commissioner for Refugees organized an Expert Seminar on Protracted IDP Situations which brought together representatives of UN and other international organizations, NGOs and academic experts to explore possible solutions to protracted displacement. Participants agreed that much more attention is needed to explore the possibilities for IDPs to find solutions through local integration in the areas to which they have been displaced.<sup>1</sup>

Three years later, the Internal Displacement Monitoring Centre (IDMC) of the Norwegian Refugee Council suggested that it was time to organize a follow-up seminar and suggested that it focus particularly on local integration. Staff of IDMC and the Brookings-Bern Project on Internal Displacement soon agreed that such a seminar should be based on concrete cases of protracted displacement and that participation in the seminar should be broader than international experts. Over the course of a few months, plans for the seminar expanded with the active collaboration of UNHCR and UNDP. Six cases were identified for in-depth analysis: Burundi, Colombia, Georgia, Serbia, Sudan, and Uganda. Researchers were identified to carry out field research to explore the possibilities and the obstacles to local integration. It was also agreed that in organizing the seminar, representatives of governments, civil society and UN staff from most of the case study countries would be invited and that the focus would be on identifying concrete measures and good practices to facilitate the possibility of local integration for IDPs who wished to settle in their area of displacement whose lives had been in limbo for many years.

The 2<sup>nd</sup> Expert Seminar on Protracted Internal Displacement was held in Geneva from 19-20 January 2011 on the theme of "IDPs in protracted displacement: Is local integration a solution?" Around 100 participants discussed challenges and possibilities of local integration in diverse protracted displacement situations over the course of the two days. The report of the seminar is available at: <http://www.internal-displacement.org/publications/is-local-integration-a-solution>.

This publication includes the six case studies commissioned for the seminar as well as an introductory essay which explores the common themes emerging from the studies on protracted displacement and local integration. We are grateful to the six researchers for their research which not only informed the seminar, but which offer insights for the broader humanitarian and development communities. Three of the researchers—Nina Sluga, Nadine Walicki, and Greta Zeender—are country analysts working with IDMC. The other three—Michelle Berg, Patricia Fagen, and Rhodri Williams—all have long experience with protracted displacement and were commissioned to carry out these country studies in mid-2010.

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<sup>1</sup> Brookings-Bern Project on Internal Displacement, *Understanding Civilian Protection: Concepts and Practices*, September 2010, available at: [www.brookings.edu/events/2010/0914\\_protection\\_series\\_one.aspx](http://www.brookings.edu/events/2010/0914_protection_series_one.aspx)

We are also grateful to our colleagues in UNHCR and UNDP, particularly Josep Zapater and Awa Dabo, for their contributions through the long preparatory process. Joanne van Selm provided editorial expertise in finalizing the case studies for publication. Finally, we must thank the many members of our staff who contributed to the process, particularly Nadine Walicki of IDMC and Sarah Deardorff Miller, working with Brookings, for the countless hours they spent in preparing the details of organizing an international expert seminar. They also provided substantive input into this collection of case studies for which we are deeply grateful.

By focusing on the possibilities and challenges of local integration in protracted displacement, we hope that these six case studies lead to better understanding—and to concrete actions—which will bring an end to internal displacement which has gone on for far too long in these six countries and in many others.



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Brookings-LSE Project on  
Internal Displacement



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Head  
Internal Displacement Monitoring  
Centre of the Norwegian Refugee Council

## LIST OF ACRONYMS

AI	Amnesty International
ANLA	Annual Needs and Livelihoods Assessment (Sudan)
AVSI	Association of Volunteers in Service (Uganda)
BPRM	Bureau of Population, Refugees and Migration (US Department of State)
CODHES	Consultancy for Human Rights and Displacement (Colombia)
CPA	Comprehensive Peace Agreement (Sudan)
CNTB	National Commission of Land and other Property (translated from French- Burundi)
DDMC	District Disaster Management Committee (Uganda)
EVI	Extremely Vulnerable Individuals (Uganda)
FGDs	Focus Group Discussions
GoSS	Government of Southern Sudan
IASC	Inter-Agency Standing Committee
ICG	International Crisis Group
ICLA	Information, Counselling and Legal Assistance
IDMC	Internal Displacement Monitoring Centre
IDPs	Internally displaced persons
NRC	Norwegian Refugee Council
ODI	Overseas Development Institute (UK)
PARESI	Support Project for the Repatriation and Reinsertion of Conflict Victims (translated from French – Burundi)
PIU	Unique Integral Plans (Colombia)
PRDP	Peace Recovery and Development Plan (Uganda)
SCR	Serbian Commissariat for Refugees
SPLA/M	Sudanese People's Liberation Army/Movement
SSCCSE	Southern Sudan Commission for Census, Statistics, and Evaluation
SSRRC	South Sudan Relief and Rehabilitation Commission
UDI	Unilateral Declaration of Independence (Kosovo)
UN	United Nations
UNIFEM	UN Development Fund for Women
UNHCR	United Nations High Commissioner for Refugees
UN OCHA	UN Office for the Coordination of Humanitarian Affairs
USAID	United States Agency for International Development
VRI	Integrated Local Villages (translated from French – Burundi)
WHO	World Health Organization

# LOCAL INTEGRATION OF INTERNALLY DISPLACED PERSONS IN PROTRACTED DISPLACEMENT: SOME OBSERVATIONS

*Elizabeth Ferris and Nina M. Birkeland  
with Nina Sluga, Nadine Walicki and Sarah Deardorff Miller\**

Local integration, while generally accepted as one of three settlement options for achieving durable solutions to internal displacement, has received much less attention from almost all actors involved in internal displacement issues than return. Very little is currently known about the actual process of local integration for internally displaced persons (IDPs) choosing to remain in the locations to which they have been displaced. The six case studies in the subsequent chapters are intended to offer concrete evidence of the factors involved in successful local integration and an impetus for further research in this area.

A focus on local integration is particularly relevant to protracted internal displacement. Displaced people in protracted displacement are often unable or unwilling to return to their homes or places of habitual residence and remain in the area of displacement for a number of reasons. Insecurity in the place of origin is often the main obstacle to return. People may feel it is not safe to return because: the conflict which led to their displacement continues; they fear attacks by armed groups or criminals; landmines and unexploded ordnance limit mobility; or the causes of the conflict have not been resolved. The lack of security is often the main impediment to IDPs being able to access their property and pursue livelihoods and can also impede governmental efforts to restore services.

Following an introduction to durable solutions to internal displacement, this opening chapter examines nine observations in relation to the local integration of IDPs in protracted displacement. These are:

- Observation 1: Most IDPs live in situations of protracted displacement, and over time, their needs and vulnerability may increase. Possible solutions to displacement may also change over time.
- Observation 2: There is no data on the achievement of durable solutions for IDPs who have chosen to return, integrate locally or settle elsewhere in the country as per the criteria in the 2010 *Inter-Agency Standing Committee (IASC) Framework on Durable Solutions for Internally Displaced Persons*.<sup>2</sup>
- Observation 3: The literature on integration of IDPs and refugees is constructive for the study of integration of IDPs at their current residence. However, more research is needed into the determinants of and obstacles to successful local integration of IDPs.
- Observation 4: While the evidence seems to suggest that most IDPs hope to return to their communities, local integration is the preferred settlement option of some IDPs in most countries.

\* With thanks to all country analysts at the Internal Displacement Monitoring Centre (IDMC) and to Suzanne Saleeby and Abby Bruell for their research assistance.

2 Brookings-Bern Project on Internal Displacement, *IASC Framework on Durable Solutions for Internally Displaced Persons*, April 2010, [www.brookings.edu/reports/2010/04\\_durable\\_solutions.aspx](http://www.brookings.edu/reports/2010/04_durable_solutions.aspx). Adopted by UN in: UN Human Rights Council, *Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin—Addendum—Framework on Durable Solutions for Internally Displaced Persons*, A/HRC/13/21/Add.4, 9 February 2010. Updated from 2007 version: Brookings-Bern Project on Internal Displacement & Institute for the Study of International Migration, Georgetown University, *When Displacement Ends: A Framework for Durable Solutions*, June 2007, [www.brookings.edu/reports/2007/09displacementends.aspx](http://www.brookings.edu/reports/2007/09displacementends.aspx).

- Observation 5: Return of IDPs to their communities of origin has been promoted over other settlement options by some governments, though equal emphasis should be put on all settlement options for IDPs. More reflection is needed on the concept of local integration as a transitional measure pending the possibility for return or resettlement elsewhere.
- Observation 6: In recent years an increased number of governments have acknowledged local integration as a valid settlement option of IDPs, and in some cases they have actively supported IDPs to settle in their area of displacement
- Observation 7: Local integration presents different challenges in rural and urban areas, though inadequate housing and lack of income-generation opportunities appear to be obstacles to local integration in both.
- Observation 8: Some IDPs have no choice but to remain in their area of displacement, which does not constitute a genuine choice or progress towards durable solutions. Others have consciously decided to integrate locally and some factors that have influenced this intention include security, social networks, jobs, services and property ownership at their current residence.
- Observation 9: Local integration is mentioned as a settlement option for IDPs in regional and country-level documents, though UN documents mention this option inconsistently. Development actors need to be further engaged in the support of local integration and the achievement of sustainable durable solutions for IDPs in protracted displacement.

### **Durable solutions**

The *Guiding Principles on Internal Displacement* (hereafter referred to as the *Guiding Principles*) specify that “displacement shall last no longer than required by the circumstances” (Principle 6.3), which is particularly relevant to protracted displacement.<sup>3</sup> The general principle of proportionality should be respected whenever the rights of people are limited, in this case liberty of movement and freedom to choose one’s residence. Accordingly, customary international humanitarian law applicable in both international and non-international armed conflict provides that IDPs have a right to voluntary return safely to their homes as soon as the reasons for their displacement cease to exist.<sup>4</sup>

The *Guiding Principles* also specify that “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 28.1). IDPs are thus entitled to a free choice between return, local integration and settlement elsewhere in their country. Still within their own country, they should enjoy the right to liberty of movement and freedom to choose their residence, as provided by Article 12 of the International Covenant on Civil and Political Rights. Meaningful choice is central to the concept of durable solutions. Without other options, a decision to return cannot be said to be a voluntary one.

In addition to being able to choose among settlement options, IDPs should be enabled to fully participate in the planning and management of their settlement and integration. The *Guiding Principles* specify that “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 28.2). Such participation ensures that movements are voluntary and will facilitate the settlement and integration process, as well as the achievement of durable solutions. Guiding Principles 29 and 30 set out the principle of non-discrimination of IDPs who have chosen a settlement

3 UN Commission on Human Rights, *Guiding Principles on Internal Displacement*, E/CN.4/1998/53/Add.2, 1998, [www.brookings.edu/projects/idp/gp\\_page.aspx](http://www.brookings.edu/projects/idp/gp_page.aspx).

4 J.M. Henckaerts, *Study on customary international humanitarian law*, Rule 132, 2005, [www.adh-geneva.ch/RULAC/pdf/Rules-customary-law.pdf](http://www.adh-geneva.ch/RULAC/pdf/Rules-customary-law.pdf).

option, the responsibility of competent authorities to recover or compensate IDPs' lost property, and unimpeded access of international organisations to assist IDPs with their settlement and integration.

The *LASC Framework on Durable Solutions for Internally Displaced Persons* states that internally displaced people achieve a durable solution when they no longer have specific assistance and protection needs that are linked to their displacement and they can enjoy their human rights without discrimination.<sup>5</sup> This may be achieved through return to their place of origin, integration in areas of refuge (local integration) or settlement elsewhere in the country. The Framework emphasises that in order to be durable, settlement choices must be voluntary and sustainable. IDPs should have adequate information and be able to exercise this choice without coercion. Mere physical movement, such as return to one's community of origin, moving to another part of the country or settling at one's current residence does not amount to a durable solution. IDPs may continue to face displacement-related assistance and protection needs upon settlement in these areas. Until these needs are met, they have not achieved durable solutions.

### ***Protracted internal displacement***

At the end of 2010 an estimated 27.5 million people were internally displaced by conflict or violence worldwide.<sup>6</sup> While 2.9 million people were newly displaced in 20 countries in 2010, in over 40 countries internal displacement has continued for years. In fact, most of the world's internally displaced persons (IDPs) are living in protracted displacement—situations where the process for finding durable solutions is stalled and/or IDPs are marginalised as a consequence of violations, or lack of protection, of their human rights.<sup>7</sup> While there has been increasing attention to protracted refugee situations, much less attention has been devoted to situations of protracted internal displacement; in spite of the fact that there are far more IDPs than refugees living in situations of protracted displacement.

Participants at the first Expert Seminar on Protracted IDP Situations in 2007 suggested that the needs of IDPs may change over time.<sup>8</sup> Indeed, physical security and basic necessities such as water, food and shelter are often priorities of the humanitarian response in the early stages of displacement, but as time goes on, issues of livelihoods, adequate housing, remedies for lost property and access to other rights, such as health care and education also become important. These issues may be left unaddressed for years or even decades when there is a gap between humanitarian action and development interventions. As a result, there is a risk for IDPs to become more vulnerable as displacement drags on—especially those who have become dependent on humanitarian assistance.

Solutions to internal displacement may change over time as well. Former UN Representative of the Secretary General on the Human Rights of Internally Displaced Persons, Walter Kälin, for example, 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."<sup>9</sup> Many internal displacement situations become protracted because IDPs have not been able to address their displacement-related needs on their own and return, though the favoured solution for many IDPs, is not fea-

5 Brookings-Bern Project on Internal Displacement, *LASC Framework on Durable Solutions for Internally Displaced Persons*, April 2010.

6 Internal Displacement Monitoring Centre (IDMC), *Internal Displacement: Global Overview of Trends and Developments in 2010*, March 2011, [www.internal-displacement.org/publications/global-overview-2010](http://www.internal-displacement.org/publications/global-overview-2010).

7 Brookings-Bern Project on Internal Displacement, *Expert Seminar on Protracted IDP Situations*, organised by the Brookings-Bern Project on Internal Displacement and UNHCR, June 21-22, 2007, [www.brookings.edu/events/2007/0621\\_displacement.aspx](http://www.brookings.edu/events/2007/0621_displacement.aspx).

8 *Ibid.* 4.

9 *Ibid.* 4.

sible for a large portion of the displaced. In many cases, it seems that the longer displacement lasts, the less likely IDPs are to return to their communities of origin.

### Observation 1

**Most IDPs live in situations of protracted displacement, and their needs and vulnerability may increase over time. Possible solutions to displacement may also change over time.**

#### *Data on the progress towards durable solutions*

The lack of comprehensive, systematic collection of current and reliable disaggregated data and monitoring of IDPs who are still living in their place of displacement is a serious obstacle to identifying their needs and resolving their protracted displacement. In 22 out of some 50 countries that IDMC monitors, the government and/or international organisations have carried out a profiling or monitoring exercise of some groups of IDPs. The monitoring of IDPs is not directly related to the length of displacement; monitoring is conducted in emergency and long-term post-conflict situations. In most of the countries, however, monitoring is irregular, with exceptions like Kosovo, Colombia and Uganda, where monitoring of IDPs has been relatively systematic although not focused on local integration.

Monitoring differs according to the context. It may be more comprehensive in some areas and does not always focus on IDPs' settlement choices or progress towards durable solutions. An exception is, for instance, an ongoing joint UN/NGO profiling exercise in Pakistan that focuses on the settlement intentions of IDPs.<sup>10</sup> Also, where monitoring does occur it usually does not cover all IDPs and their various needs. Countries with protracted displacement generally operate with incomprehensive, outdated or limited data with emphasis on IDPs' return movements, as in Côte d'Ivoire and Niger. Others, such as Serbia, the Russian Federation and Sri Lanka, have data that is limited to a certain group of IDPs. In cases where IDPs have been displaced by the authorities or have fled from the authorities, they may prefer to remain invisible and not be monitored—an indication that comprehensive monitoring is not appropriate in all situations.

Data on the progress towards durable solutions by IDPs does not exist. Around two million IDPs reportedly returned in 2010<sup>11</sup>, and while some IDPs may be gradually progressing towards durable solutions through local integration or settlement elsewhere in the country, there is virtually no data on the extent to which IDPs are progressing towards these solutions according to the criteria in the *IASC Framework on Durable Solutions for Internally Displaced Persons*. Information is also scarce on the degree to which returned IDPs have reached durable solutions. One reason for such sparse data is possibly the lack of a common methodology to measure the degree to which durable solutions have been achieved through local integration. Determining when an IDP may be considered to be locally integrated is rarely a straightforward or simple undertaking.

10 UN/International NGOs, *Internally Displaced Persons Vulnerability Assessment and Profiling*, ongoing, <http://210.56.8.102/ivap/Partners.aspx>.

11 IDMC, *Internal Displacement: Global Overview of Trends and Developments in 2010*, March 2011.

## Observation 2

**There is no data on the achievement of durable solutions for IDPs who have chosen to return, integrate locally or settle elsewhere in the country as per the criteria in the IASC Framework on Durable Solutions for Internally Displaced Persons.**

### **Local integration of IDPs: lessons from academic literature**

Academic literature on the local integration of IDPs in protracted displacement is limited though informative. Roger Zetter found that while most IDPs in Cyprus appeared to retain a profound belief in return some 20 years after displacement, there were few indicators of their temporariness with a high level of economic integration and to a lesser extent social integration. Also, the perceptions and attitudes of these IDPs towards return changed over time as exile created new identities and aspirations such that IDPs would likely take advantage of multiple settlement options should return become possible, while the most vulnerable and dependent IDPs would likely choose local integration rather than return.<sup>12</sup> Also studying IDPs in Cyprus, Peter Loizos found that 35 years after being displaced most IDPs had transcended the social and psychological shock of displacement, though they remained marked by it. This transcendence was due to political stability, effective state emergency planning, rapid economic growth and IDPs' own flexible, innovative recovery efforts.<sup>13</sup> Cathrine Brun has shown that in Sri Lanka, the IDP status and category has separated IDPs from other citizens and has restricted rather than secured their access to rights, effectively creating unequal access to citizenship rights.<sup>14</sup> She has also looked at interactions between IDPs and their host communities and found that in the early stages of displacement hospitality was unconditional, but it later turned to conditional hospitality as the government and humanitarian community took more responsibility for IDPs. Hosts subsequently reasserted control over their homes and resources, and in the process IDPs have increasingly felt they have lost out in comparison in areas of education, livelihoods, and influence over local institutions.<sup>15</sup>

While it is a mistake to assume that local integration of refugees and IDPs will come about for the same reasons, encounter the same obstacles, or be implemented in the same way, there may be some lessons that can be learned with respect to local integration of refugees. In the refugee context, local integration has been defined along several different paradigms. Some have conceptualised integration as an achieved level of coexistence and similarity to host communities. According to Karen Jacobsen, for example, integration is a state "where the lived, everyday experiences of refugees is that of being part of the local community."<sup>16</sup> Barbara Harrell-Bond defines integration more specifically as "a situation in which host and refugee communities are able to co-exist, sharing the same resources—both economic and social—with no greater mutual conflict than that which exists within the host community."<sup>17</sup> While some academics such as Vaughan Robinson doubt a single unifying definition of refugee and migrant integration can exist since the concept is contextual, others such as Alastair Ager and Alison Strang have identified

12 Roger Zetter. *The Greek-Cypriot Refugees: Perceptions of Return under Conditions of Protracted Exile*, *International Migration Review*, 28(2), pp. 307-322, Summer 1994.

13 Peter Loizos and Costos Constantinou, "Hearts, as well as Minds: Wellbeing and Illness among Greek Cypriot Refugees," *Journal of Refugee Studies*, 20(1), March 2007.

14 Cathrine Brun, "Local Citizens or Internally Displaced Persons? Dilemmas of Long-Term Displacement in Sri Lanka," *Journal of Refugee Studies*, 16(4), 2003, pp. 376-397.

15 Cathrine Brun, "Hospitality: Becoming 'IDPs' and 'Hosts' in Protracted Displacement," *Journal of Refugee Studies*, 23(3), 2010, pp. 337-355.

16 Karen Jacobsen (2001) quoted in Tara Polzer 'Negotiating Rights: The Politics of Local Integration,' *University of the Witwatersrand Forced Migration Studies Programme*, Migration Studies Working Paper Series #41, p.3 September 2008, [www.migration.org.za/working-paper/working-paper-41-negotiating-rights-politics-local-integration-september-2008](http://www.migration.org.za/working-paper/working-paper-41-negotiating-rights-politics-local-integration-september-2008).

17 Barbara Harrell-Bond, *Imposing Aid: Emergency Assistance to Refugees* (Oxford: Oxford University Press, 1986), p. 7.

elements central to ‘successful integration’ of refugees. These include achievement and access across the sectors of employment, housing, education and health; assumptions and practice regarding citizenship and rights; processes of social connection within and between groups within the community; and structural barriers to such connection related to language, culture and the local environment.<sup>18</sup>

Karen Jacobsen argues that the impact of refugee integration on the overall economy and productivity of the host community is likely to be positive and suggests that integration should be revitalised by analysing the needs and concerns of both integrating and host populations in order to make local integration feasible. This is in line with earlier research by Kathleen Valtonen, which identified the institutional environment of the receiving society and the personal capacities of the settling population as factors influencing the integration process.<sup>19</sup> Karen Jacobsen also argues that because various forms of movement between sending and host communities can occur in situations of protracted displacement, cyclical and periodic return movements between areas of origin and areas of integration should be incorporated into integration policy.<sup>20</sup> Although similar movement patterns have been observed in some internally displaced communities, in the absence of research on this aspect of the local integration of IDPs, conclusions about the economic impact of local integration or mobility of IDPs are impossible.

From the literature on refugee integration, a number of factors may be identified which could affect the likelihood of the successful integration of IDPs, including:

- Attitudes of host communities (community views of IDPs as temporary or long-term; ethnic, religious, cultural similarities between IDPs and host community; history of relations between IDPs and host communities; views of the causes of displacement [e.g. IDPs as innocent victims or as somehow responsible for the conflict])
- Attitudes of displaced populations (IDP views of their displacement as temporary or long-term; ethnic, religious, cultural similarities between IDPs and host community; views of the host community’s involvement in the conflict which led to displacement)
- Demographics of displaced population (IDP vulnerability, ability to contribute to the economy, similarity in urban/rural background to host community)
- Availability of land or underemployment in host communities
- Governmental policies and international assistance, particularly the provision of social services, adequate land allocation, housing, employee assistance programs<sup>21</sup>

18 Alistair Ager and Alison Strang. “Understanding Integration: A Conceptual Framework,” *Journal of Refugee Studies*, 21(2), pp. 166-191, April 2008. See also: Gil Loescher, Alexander Betts and James Milner, *The United Nations High Commissioner for Refugees (UNHCR): The politics and practice of refugee protection into the twenty-first century* (New York: Routledge, 2008); UNHCR, Executive Committee of the High Commissioner’s Programme, Protracted Refugee Situations, Standing Committee, 30<sup>th</sup> Meeting, EC/54/SC/CRP.14, [http://tiny.cc/UNHCR\\_ExCom](http://tiny.cc/UNHCR_ExCom); UNHCR, Executive Committee of the High Commissioner’s Programme, *Economic and Social Impact of Massive Refugee Populations on Host Developing Countries, as well as Other Countries*, 2004, in *Refugee Survey Quarterly*, 24(1), 2005, pp. 142-149; *Forced Migration Review*, Iss. 33 on Protracted Displacement, September 2009.

19 Kathleen Valtonen. “From the margin to the mainstream: conceptualizing refugee settlement processes,” *Journal of Refugee Studies*, 17(1), pp. 70-96, April 2004.

20 Karen Jacobsen, “The forgotten solution: local integration for refugees in developing countries,” Working paper no. 45, *New Issues in Refugee Research*, July 2001, [www.unhcr.org/3b7d24059.html](http://www.unhcr.org/3b7d24059.html).

21 *Ibid.*; Fielden, “Local integration;” Polzer “Negotiating Rights.” UNHCR, *Refugee Resettlement: An International handbook to Guide Reception and Integration*, October 2002, [www.unhcr.org/4a2cf336.html](http://www.unhcr.org/4a2cf336.html).

### Observation 3

**The literature on integration of IDPs and refugees is constructive for the study of integration of IDPs at their current residence. However, more research is needed into the determinants of and obstacles to successful local integration of IDPs.**

#### **Matching IDPs' choices with support from the authorities**

IDPs are not a monolithic group and their settlement preferences vary based on their personal experience and circumstances of war, even within one family. Individuals, families or groups from specific areas may have gone through traumatic experiences, which may make them opt for local integration even if return is considered possible by others. They may also prefer to take advantage of multiple settlement options at once, for example by commuting to their area of origin to work their land while having their principle residence in their area of displacement. Their intentions may also change over time and according to their area of displacement, as indicated by internally displaced Iraqis.<sup>22</sup> Not all settlement options may be simultaneously possible or supported due to political circumstances or financial resources. In any case, IDPs should enjoy free choice of residence as they progress towards durable solutions.

In most of the countries monitored by IDMC, return is the preferred option for at least some groups of IDPs, if not for the entire IDP population. At the same time, in at least 20 countries IDPs or some groups of IDPs prefer to integrate locally. This includes Burundi, Indonesia, Nepal, southern Sudan and others listed in Table 1. In yet other countries, some IDPs prefer local integration but they also remain interested in return, such as IDPs from Kosovo in Serbia. However, IDPs' preference for local integration is not always met with the necessary political will and allocation of resources.

**Table 1: Countries with IDPs who wish to locally integrate**

Country	Years in displacement	Mention of local integration in peace agreement	IDPs who wish to integrate locally
Armenia <sup>23</sup>	22	No peace agreement	<ul style="list-style-type: none"> <li>• About 15 per cent of IDPs</li> </ul>
Burundi <sup>24</sup>	17	Local integration, return and settlement elsewhere in the country are provided for by the peace agreement	<ul style="list-style-type: none"> <li>• Most remaining IDPs</li> </ul>
Central African Republic <sup>25</sup>	5	Local integration is not mentioned in the agreement	<ul style="list-style-type: none"> <li>• Some IDPs in urban areas</li> </ul>

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22 International Organization for Migration(IOM)—Iraq, *Review of Displacement and Return to Iraq, August 2010*, 3, [www.iomiraq.net/iomdmyear.html](http://www.iomiraq.net/iomdmyear.html). IOM's research is based on the 1,272,000 individuals to whom IOM has access through its field assessment teams.

23 Norwegian Refugee Council, *IDP Mapping Survey: 2004*, March 2005, pp. 4, 8, [www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/66BF934231106A87C12576CC004FAF3C/\\$file/IDP+Survey+2002-2004.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/66BF934231106A87C12576CC004FAF3C/$file/IDP+Survey+2002-2004.pdf).

24 IDMC, *Burundi: Long-Term IDPs Need Land Security*, October 2009, pp. 8, 11, 96, [www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/1AD3517D96A03A35C125765500389FB1/\\$file/Burundi+-+October+2009.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/1AD3517D96A03A35C125765500389FB1/$file/Burundi+-+October+2009.pdf).

25 UN Office for the Coordination of Humanitarian Affairs (OCHA) and UN Population Fund (UNFPA), *Conditions de vie et de retour des personnes déplacées internes (PDI) et des familles d'accueil en République centrafricaine*, April 2008, [www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/12889E8EB1007925C12575A70052A0DA/\\$file/Conditions+de+vie+et+de+retour+des+personnes+déplacées+internes+et+des+familles+d'accueil+en+République+Centrafricaine.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/12889E8EB1007925C12575A70052A0DA/$file/Conditions+de+vie+et+de+retour+des+personnes+déplacées+internes+et+des+familles+d'accueil+en+République+Centrafricaine.pdf).

**Table 1: Countries with IDPs who wish to locally integrate (Cont.)**

Country	Years in displacement	Mention of local integration in peace agreement	IDPs who wish to integrate locally
Colombia <sup>26</sup>	20	No peace agreement	<ul style="list-style-type: none"> <li>About 80 per cent of IDPs</li> </ul>
Côte d'Ivoire <sup>27</sup>	8	Local integration is not mentioned in the agreement	<ul style="list-style-type: none"> <li>IDPs who have use of land in area of displacement</li> <li>Some internally displaced families with children enrolled in school at area of displacement</li> </ul>
Cyprus <sup>28</sup>	36	No peace agreement	<ul style="list-style-type: none"> <li>Turkish Cypriot IDPs</li> </ul>
Eritrea <sup>29</sup>	Between 4 to 10	Local integration is not mentioned in the agreement	<ul style="list-style-type: none"> <li>Unknown though the government and international organisations have made efforts to facilitate local integration</li> </ul>
Indonesia <sup>30</sup>	11	Local integration is not mentioned in the agreement	<ul style="list-style-type: none"> <li>Ethnic Javanese expelled from Aceh during 1999-2002 and who sought refuge in North Sumatra province</li> <li>East Timorese who have been living in West Timor since 1999</li> </ul>
Iraq <sup>31</sup>	20-25	Local integration is not mentioned in the peace agreement	<ul style="list-style-type: none"> <li>37 per cent of IDPs displaced after 2003 expressed a wish to locally integrate</li> </ul>
Kosovo <sup>32</sup>	10	Local integration is not mentioned in the UN Security Council resolution that ended the war	<ul style="list-style-type: none"> <li>IDPs who represent the ethnic majority at their current location</li> </ul>
Liberia <sup>33</sup>	21	Local integration is not mentioned in the agreement	<ul style="list-style-type: none"> <li>Some IDPs prefer to integrate locally in area of former camps</li> </ul>

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- 26 Comisión de Seguimiento a la Política Pública sobre el Desplazamiento Forzado, *Garantizar la Observancia de los Derechos de la Población Desplazada*, April 2009.
- 27 IDMC and Tufts University, *Internal Displacement to Urban Areas: The Tufts-IDMC Profiling Study*, September 2008, [www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/33FC8785D5A25EF2C12574F600456917/\\$file/urban\\_displacement\\_abidjan\\_08.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/33FC8785D5A25EF2C12574F600456917/$file/urban_displacement_abidjan_08.pdf).
- 28 IDMC, *Cyprus: Prospects Remain Dim of Political Resolution to Change Situation of IDPs*, June 2009, p. 1, [www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/895698DB41320385C12575E50045EB89/\\$file/Cyprus\\_Overview\\_Jun09.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/895698DB41320385C12575E50045EB89/$file/Cyprus_Overview_Jun09.pdf).
- 29 IDMC, Eritrea: *IDPs Returned or Resettled but Border Tensions Remain: A Profile of the Internal Displacement Situation*, February 2009, [www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/B7CAF041F14A9519C125755F004A7216/\\$file/Eritrea+-+February+2009.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/B7CAF041F14A9519C125755F004A7216/$file/Eritrea+-+February+2009.pdf).
- 30 *Multi-Stakeholder Review of Post-Conflict Programming in Aceh: Identifying the Foundations for Sustainable Peace and Development in Aceh*, December 2009, p. 29, [www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/B445B05292F05A4DC125776700297362/\\$file/MSR+Aceh+July+2010.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/B445B05292F05A4DC125776700297362/$file/MSR+Aceh+July+2010.pdf); Jesse Grayman, "Annex 5: Community Perceptions of the Peace Process: Eleven Case Studies for the Multi-Stakeholder Review of Post-Conflicting Programming in Aceh (MSR)," November 2009, p. 97, <http://jgrayman.files.wordpress.com/2010/09/annex-5-revised-20100401-community-perceptions-of-the-peace-process-by-jesse-grayman-english.pdf>.
- 31 IOM, *IOM Iraq: Review of Displacement and Return in Iraq*, August 2010, p. 4, [www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/docs/Iraq/IOM\\_Iraq\\_Review\\_of\\_Displacement\\_and\\_Return\\_in\\_Iraq\\_August\\_2010.pdf](http://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/docs/Iraq/IOM_Iraq_Review_of_Displacement_and_Return_in_Iraq_August_2010.pdf).
- 32 Danish Refugee Council, *IDPs From and Within Kosovo: Vulnerabilities and Resources* (June 2009), pp. 9-10, [www.drc.dk/fileadmin/uploads/pdf/IA\\_PDF/West%20Balkan/IDPs%20from%20and%20within%20Kosovo.pdf](http://www.drc.dk/fileadmin/uploads/pdf/IA_PDF/West%20Balkan/IDPs%20from%20and%20within%20Kosovo.pdf); UN Security Council, *Resolution 1244 Relating to the Status of Kosovo*, 10 June 1999, [www.un.org/Docs/scres/1999/sc99.htm](http://www.un.org/Docs/scres/1999/sc99.htm).
- 33 Jesuit Refugee Service Advocacy Report, *Six Months After the Official Closure of the IDP Camps: JRS Assessment of the IDP Return Process in Liberia*, December 2006, pp. 16-17, [www.jrs.net/Assets/Publications/File/JRS%20\\_Lib\\_IDP.pdf](http://www.jrs.net/Assets/Publications/File/JRS%20_Lib_IDP.pdf).

**Table 1: Countries with IDPs who wish to locally integrate (Cont.)**

Country	Years in displacement	Mention of local integration in peace agreement	IDPs who wish to integrate locally
Nepal <sup>34</sup>	14	Local integration, return and settlement elsewhere in the country are provided for by the peace agreement	<ul style="list-style-type: none"> <li>Most remaining IDPs would prefer to integrate locally but they don't receive assistance</li> </ul>
Nigeria <sup>35</sup>	11	No peace agreement	<ul style="list-style-type: none"> <li>Mostly Hausa-Fulani IDPs Plateau State having found refuge in Bauchi State</li> </ul>
Philippines <sup>36</sup>	9	Local integration is not mentioned in the peace agreement	<ul style="list-style-type: none"> <li>Some IDPs in urban areas such as Cotabato city</li> </ul>
Russian Federation <sup>37</sup>	Up to 18	No peace agreement	<ul style="list-style-type: none"> <li>Non-Chechen IDPs outside of the North Caucasus</li> <li>Some IDPs in Ingushetia and Dagestan</li> </ul>
Serbia <sup>38</sup>	11	No peace agreement	<ul style="list-style-type: none"> <li>IDPs from Kosovo, mostly ethnic Serbs but also Roma</li> </ul>
Sri Lanka <sup>39</sup>	Up to 20	No peace agreement	<ul style="list-style-type: none"> <li>Among Muslim IDPs who have been living in Puttalam for twenty years, about half of those surveyed prefer local integration (across all ages)</li> </ul>
Sudan <sup>40</sup>	17	The peace agreement specifies the right of IDPs to return and other settlement options.	<ul style="list-style-type: none"> <li>IDPs in the north, south and Darfur</li> </ul>

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- 34 IDP Working Group, *Distant from Durable Solutions: Conflict Induced Internal Displacement in Nepal*, June 2009, p. 9, [www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/666B48300E469C68C12575E600347853/\\$file/dist\\_ant+from+durable+solutions+June+2009.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/666B48300E469C68C12575E600347853/$file/dist_ant+from+durable+solutions+June+2009.pdf); Mahanirban Calcutta Research Group, *Voices of the Internally Displaced in South Asia: A Report by Calcutta Research Group*, 2006, p. 50, [www.mrcg.ac.in/Voices.pdf](http://www.mrcg.ac.in/Voices.pdf).
- 35 IRIN, "Nigeria: Plateau State IDPs Face Daunting Obstacles to Return to 'Home of Peace and Tourism,'" 21 February 2005, [www.irinnews.org/InDepthMain.aspx?InDepthId=16&ReportId=62526&Country=Yes](http://www.irinnews.org/InDepthMain.aspx?InDepthId=16&ReportId=62526&Country=Yes); Leadership. "5,000 Victims of Jose Crises Resettled in Bauchi – NEMA," 24 January 2011, [www.leadershipnigeria.com/ns/index.php?option=com\\_content&view=article&id=23860:5000-victims-of-jos-crises-resettled-in-bauchi--nema-&catid=51:cover-stories&Itemid=101](http://www.leadershipnigeria.com/ns/index.php?option=com_content&view=article&id=23860:5000-victims-of-jos-crises-resettled-in-bauchi--nema-&catid=51:cover-stories&Itemid=101).
- 36 Manila Bulletin Publishing Corporation, "Livelihood Aid Set for Evacuees," 20 January 2009, [www.mb.com.ph/node/195053](http://www.mb.com.ph/node/195053).
- 37 IDMC, *Struggling to Integrate: Displaced People from Chechnya Living in Other Areas of the Russian Federation*, June 2008, [www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/57F040FE352B955EC12574D7004E1DCE/\\$file/Russia\\_SCR\\_Jun08.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/57F040FE352B955EC12574D7004E1DCE/$file/Russia_SCR_Jun08.pdf).
- 38 Danish Refugee Council, *IDPs From and Within Kosovo: Vulnerabilities and Resources* (June 2009), [www.drc.dk/fileadmin/uploads/pdf/IA\\_PDF/West%20Balkan/IDPs%20from%20and%20within%20Kosovo.pdf](http://www.drc.dk/fileadmin/uploads/pdf/IA_PDF/West%20Balkan/IDPs%20from%20and%20within%20Kosovo.pdf).
- 39 Norwegian Refugee Council, *Protracted Muslim IDPs from Jaffna in Puttalam and their Right to Choose a Durable Solution*, June 2010, [www.nrc.no/arch/\\_img/9493105.pdf](http://www.nrc.no/arch/_img/9493105.pdf).
- 40 IDMC and Tufts University, *Internal Displacement to Urban Areas: The Tufts-IDMC Profiling Study*, August 2008, [www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/5EFB13FEF022D7D0C125756900578469/\\$file/urban\\_displacement\\_khartoum\\_08.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/5EFB13FEF022D7D0C125756900578469/$file/urban_displacement_khartoum_08.pdf); Government of the Republic of Sudan, Current Data on IDPs in Khartoum State, (9 April 2010), [www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/D848F2702F623ECFC125771B00678B4E/\\$file/khartoum+data.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/D848F2702F623ECFC125771B00678B4E/$file/khartoum+data.pdf); UN Resident Coordinator and Humanitarian Coordinator in Sudan, Resident Coordinator Support Office, Upper Nile State Briefing Pack, September 2010,

Country	Years in displacement	Mention of local integration in peace agreement	IDPs who wish to integrate locally
Turkey <sup>41</sup>	20-26	No peace agreement	<ul style="list-style-type: none"> <li>• IDPs who have settled in urban and semi-urban areas in central and western Turkey due to lack of livelihoods, adequate shelter and access to basic services in places of origin</li> </ul>
Uganda <sup>42</sup>	14-24	No signed peace agreement	<ul style="list-style-type: none"> <li>• IDPs who have established livelihoods in the camp locations, including internally displaced youths who grew up in camps</li> <li>• IDPs dependent on facilities in or near camps (for them local integration is not a preference, but their only option as their search for durable solutions has stalled)</li> </ul>
Yemen <sup>43</sup>	2-3		<ul style="list-style-type: none"> <li>• IDPs who do not intend to return for lack of livelihoods, adequate shelter, access to basic services in places of origin</li> <li>• IDPs who fear retribution or reprisals in opposition / tribal affiliated controlled areas</li> </ul>
Zimbabwe <sup>44</sup>	10		<ul style="list-style-type: none"> <li>• Victims of urban 'clean-up' operations and urban evictions</li> <li>• Some of the displaced farm workers</li> <li>• Some people displaced by political violence</li> </ul>

41 Hacettepe University—Institute of Population Studies, *Turkey Migration and Internally Displaced Population Survey* (Turkish), June 2006, [www.hips.hacettepe.edu.tr/tgyona/TGYONA\\_rapor.pdf](http://www.hips.hacettepe.edu.tr/tgyona/TGYONA_rapor.pdf); Turkish Economic and Social Studies Foundation (TESEV), *Permanent Solution to Internal Displacement? An Assessment of the Van Action Plan for IDPs*, May 2009, [www.tesev.org.tr/UD\\_OBJS/PDF/DEMP/TESEV\\_VanActionPlanReport.pdf](http://www.tesev.org.tr/UD_OBJS/PDF/DEMP/TESEV_VanActionPlanReport.pdf).

42 UN Human Rights Council, *Report of the High Commissioner for Human Rights and Follow-Up to the World Conference on Human Rights—Addendum—Activities of the Office of the High Commissioner for Human Rights in Uganda*, 25 January 2008, A/HRC/7/38/Add.2, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/103/57/PDF/G0810357.pdf?OpenElement>; Inter-Agency Standing Committee, *Report on an inter-agency review conducted by HelpAge International*, (5-7 November 2007), [www.globalaging.org/elderrights/world/2007/HAI\\_Report.pdf](http://www.globalaging.org/elderrights/world/2007/HAI_Report.pdf).

43 IDMC, Yemen: *IDPs Facing International Neglect: A Profile of the Internal Displacement Situation*, 3 August 2010, [www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/1980A066F8D79669C1257774004CA8BA/\\$file/Yemen+-+August+2010.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/1980A066F8D79669C1257774004CA8BA/$file/Yemen+-+August+2010.pdf).

44 IDMC, *The Many Faces of Displacement: IDPs in Zimbabwe*, August 2008, [www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/1989E123180C0FD8C12574AC002E6C20/\\$file/Zimbabwe\\_SCR\\_Aug08.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/1989E123180C0FD8C12574AC002E6C20/$file/Zimbabwe_SCR_Aug08.pdf).

## Observation 4

**While the evidence seems to suggest that most IDPs hope to return to their communities, local integration is the preferred settlement option of some IDPs in most countries.**

### **Balancing settlement options**

In considering solutions for displacement, much more attention continues to be given to facilitating return than to local integration or settlement elsewhere. In part this reflects the fact that return is the favoured option for most IDPs. However governments usually have political reasons for stressing return over other options as it represents a return to the status quo that existed before the conflict broke out. In Kosovo and Azerbaijan, for example, governments are reluctant to abandon the idea that the IDPs will one day return to their communities of origin. Such governments have usually limited their provision of assistance for local integration for fear that it would prevent the return of IDPs. In other countries such as Bosnia and Herzegovina, Iraq and Israel, the return of IDPs is promoted in order to reverse the demographic impact of conflict and the accompanying 'ethnic cleansing' despite the fact that some IDPs fear living alongside with their former neighbours. On a practical level, return may be perceived as the least disruptive option, as governments, for example, do not have to find new land for IDPs who return to their communities. Perhaps reflecting government preferences, the general international response has similarly focused on return as the desired solution to internal displacement.<sup>45</sup> The preferential support for return by political authorities and international organisations can be justified as long as it matches IDPs' genuine preferences.

There remain a number of displacement situations where IDPs cannot or will not return. Whether local integration is a genuine choice, IDPs' last resort or simply a temporary solution, support is needed to normalise their lives at their current location. Given that there are at least 40 countries where IDPs live in a protracted displacement situation, it is imperative to diversify support for settlement options other than return. Local integration as a settlement option for IDPs needs to be considered equally with return and settlement elsewhere in the country in terms of funding, policy development and programming according to the genuine preferences of IDPs and possibilities of these options. The possibilities for local integration should always be discussed together with the possibility (or not) of return and resettlement to ensure that IDPs have a meaningful choice.

IDPs may achieve a durable solution through local integration by voluntarily choosing to settle in their area of displacement, but they may also normalise their lives through local integration while awaiting an opportunity to return or permanently settle elsewhere in the country. Presenting local integration as an effort to enable IDPs to enjoy their rights and live in situations of dignity while awaiting the possibility of return may be more politically acceptable to governments than presenting local integration as a permanent solution. Facilitating access to adequate housing, jobs, services such as education and health care, and livelihoods opportunities is a first step towards the normalisation of lives in the place of refuge. Better housing conditions and security of tenure will also mean that IDPs will be able to consider local integration as a viable location to reach a durable solution.

<sup>45</sup> A forthcoming study by the Brookings-LSE Project on Internal Displacement analyzing the 120 UN Security Council resolutions which have referred to displacement over the past 10 years found that only three mentioned solutions other than return. Brookings-LSE Project on Internal Displacement, *Security Council Resolutions and Displacement*, forthcoming 2011.

### Observation 5

**Return of IDPs to their communities of origin has been promoted over other settlement options by some governments, though equal emphasis should be put on all settlement options for IDPs. More reflection is needed on the concept of local integration as a transitional measure pending the possibility for return or resettlement elsewhere.**

#### ***Government policies supporting local integration***

As governments have not done enough to offer displaced people a genuine choice between possible settlement options, support to durable solutions through local integration is usually secondary. It is perceived as something that will detract people from return, even though it can actually be a preliminary step to return. This has been the case in Indonesia, where local integration has been supported only in cases where return was not a realistic option, and widespread corruption and the lack of updated data on numbers, location and needs has meant that many IDPs have not benefited. However, in recent years IDP policies or laws such as in Iraq, Liberia, Nepal, Russian Federation, Sudan, and Uganda, have increasingly specified support for return on equal terms with other settlement options of IDPs. Nevertheless, return of IDPs to their places of origin often remains the ultimate goal. Turkey's regional Van Action Plan, for example, provides for assistance to IDPs in their area of displacement, though this has not yet been translated into the full local integration of these IDPs.

Despite the continued focus on return of IDPs to their places of origin, some governments have recently changed their stance on local integration. Georgia, for example, acknowledged the right of IDPs to local integration in its 2007 State Strategy for IDPs, accepting that return would not be possible anytime soon. Turkey did likewise in a national strategy framework document issued in 2005. More recently, in early 2011 Iraq put in place a durable solutions strategy, which shifted its focus on return of IDPs to include other settlement options. Other governments such as Nepal and Burundi have also acknowledged local integration as an option for IDPs in their peace agreements, in addition to return and settlement elsewhere in the country. Burundi, Bosnia and Herzegovina, Croatia, the Russian Federation and Serbia have also made some efforts to facilitate the local integration of IDPs. However, despite the acceptance of other settlement options, the return of IDPs has remained the preferred option of these governments.

The support for local integration of IDPs has thus far meant offering land and housing solutions through social housing, construction grants in the place of displacement, new housing and cash assistance, and legal assistance in countries like Cyprus, Serbia, Georgia and the Russian Federation. Other initiatives to support local integration include admission of internally displaced children to schools in areas of displacement and training internally displaced teachers in stress management, namely in Senegal and Niger. Improving IDPs' socio-economic integration through improved food security, access to livelihoods opportunities and health care were also supported in the Philippines. Nigeria offered IDPs a status of 'indigenes' in some cases, which meant equal opportunities to access state jobs, state education and services with the non-displaced population.

Cyprus may be one of the better examples of local integration of IDPs without prejudice to their right to return or settle elsewhere. The government of the Republic of Cyprus provided IDPs in areas under its effective control with housing assistance and ensured their access to jobs, schools and hospitals. Today, they enjoy a similar living standard to their non-displaced neighbours. Many live in urban government housing estates built immediately after the 1974 partition of the island. Although most IDPs had agrarian backgrounds, labour policies encouraged their incorporation into the urban wage economy. Housing was the lead sector in post-conflict economic reconstruction,

which contributed significantly to economic recovery after the conflict.<sup>46</sup> The government still provides assistance for IDPs to build new homes and the descendants of male IDPs are entitled to the same benefits as those initially displaced. Despite the high level of support, integration at their current residence and that displacement has endured for over 35 years, return remains the favoured option of the government and many Greek Cypriot IDPs.<sup>47</sup>

### Observation 6

**In recent years an increased number of governments have acknowledged local integration as a valid settlement option of IDPs, and in some cases they have actively supported IDPs to settle in their area of displacement.**

#### *Main obstacles to local integration*

The efforts to address inadequate housing, limited access to services and insufficient livelihoods opportunities have fallen short of supporting durable solutions through local integration. On the contrary, inadequate housing and lack of income generating opportunities remain the main obstacles to local integration after five, ten or even 30 years of displacement in both rural and urban areas. An analysis of countries with protracted displacement situations has shown that besides these obstacles to local integration, other obstacles include discrimination, lack of documentation and authorities' denial of IDPs the right to settle in their area of displacement. The underlying obstacle to local integration in most locations is the lack or limited support for this settlement option from authorities.

In rural areas the lack of income generating opportunities poses the main obstacle for IDPs' local integration. Livelihoods are in many ways dependent on access to land and the ability to farm. In Niger, Nigeria and Senegal, for

example, a lack of arable land or limited access to land and water, and lack of seeds, mean that IDPs are not able to work the land, which would enable their local integration. IDPs also place additional pressure on already over-stretched resources and livelihood opportunities in rural areas, which means that local communities do not always welcome the local integration of IDPs. Such instances can be found in Afghanistan, Chad, and Yemen, among others. Discrimination is another obstacle to local integration in rural areas and may occur when the ethnic background of IDPs differs from that of the host community and IDPs are perceived as outsiders, such as the Roma IDPs in Kosovo, or the Javanese IDPs in Aceh, Indonesia.

In urban areas, inadequate housing presents the most serious obstacle to local integration of IDPs. Land is more scarce and often more valuable in urban than in rural areas, and because IDPs generally lack support for housing solutions, they tend to end up living with the urban poor in slum-like conditions, or living with their relatives or friends in crowded housing. Tenure insecurity and repeated evictions, which are often a consequence of lack of land documentation, mean that IDPs, such as certain groups in southern Sudan, do not invest in improving their houses and instead build temporary structures. While in some countries, like Georgia, Sudan and Zimbabwe, IDPs prefer to stay in urban areas because there are more livelihood opportunities, the urban environment can also pose problems for some IDPs. The absence of skills required by urban employers and problems adapting to the urban labour market, lack of cultivable land in urban settings and the inability to sustain themselves through traditional livelihood strategies have been noted as obstacles to local integration of IDPs in Armenia, Nepal, Niger and Senegal.

46 Roger Zetter, "Reconceptualising the Myth of Return: Continuity and Transition Amongst the Greek-Cypriot Refugees of 1974," *Journal of Refugee Studies*, 12(1), pp.1-22, 30 June 1999.

47 IDMC, *Cyprus: Prospects Remain Dim of Political Resolution to Change Situation of IDPs*, 30 June 2009, available at [www.internal-displacement.org](http://www.internal-displacement.org).

Another obstacle to local integration, typical for both rural and urban areas but more pronounced in cities, is the lack of documentation. During armed conflict, IDPs often lose or leave their documents (identity cards, property titles, diplomas, work booklet) behind, and official records and archives are often destroyed or moved to another location. Many IDPs have been unable to secure the documents they lost or left behind. This prevents them from realising many of their social, economic and political rights, such as their old-age pensions in the Russian Federation, obtaining property ownership in Azerbaijan or accessing jobs and services in Nigeria because of the unsettled citizenship status.

### Observation 7

**Local integration presents different challenges in rural and urban areas, though inadequate housing and lack of income-generation opportunities appear to be obstacles to local integration in both.**

#### *Enabling local integration as an option*

Progress towards a durable solution through local integration often proceeds without a conscious choice when freedom of movement is limited or in the absence of the possibility to return. The impossibility to return is however not a factor enabling local integration but rather a circumstance leaving IDPs stuck in their place of displacement without a real choice between settlement options. This is the case in Georgia, Syria and Uganda, where the lack of resolution to the conflict, land disputes in areas of origin and poor health of IDPs obstruct return. The lack of access to basic services, particularly clean water and health care also prevent the sick, weak, disabled and elderly from returning. In certain cases, the entire ecosystem where the IDP originated has been destroyed placing a considerable obstacle to return and making any returns unsustainable, as is the case for the Marsh Arabs of southern Iraq. Where return was not physically possible in the foreseeable future, this might have helped some IDPs to accept and adjust to the idea of local integration, as for instance in Georgia and the occupied Palestinian Territory, but it does not constitute a genuine choice since it has been the sole settlement option available to them.

There are, however, also cases where return is physically possible, but IDPs have consciously chosen local integration. In the Russian Federation, non-Chechen IDPs would fear for their personal safety upon return given the brutal violence that occurred during the conflict and the continuing lack of rule of law in Chechnya. For them, local integration has been a genuine choice rather than the only option. Returns to areas which are now dominated by others can be difficult and the new homogenous environment in the place of displacement can be attractive and much safer than their communities of origin. This is also the case for Iraq where the overall desire to locally integrate for those displaced after 2003 is around 37 per cent, but reaches as high as 76 per cent in the Shi'ite south.<sup>48</sup>

An analysis of 54 countries with conflict-induced internal displacement situations showed that access to services, jobs and livelihoods opportunities facilitates local integration. This was found in Azerbaijan, the Democratic Republic of Congo, Nigeria and Zimbabwe, for example. Among Muslim IDPs living in Puttalam in Sri Lanka, ownership of homes, land and property in the location of displacement was a factor influencing IDPs' preference of local integration over return. Better housing conditions and security of tenure in the place of displacement compared to the place of origin or habitual residence has improved prospects for local integration of IDPs in Armenia, Côte d'Ivoire, Georgia and some states of Nigeria. Passage of time in a location of refuge has also in some cases enabled

48 IOM Iraq, *Review of Displacement*, p. 3.

local integration as there are entire generations that have grown up in displacement. This is the case in Cyprus, Colombia, Israel and Senegal, among others. IDPs that have been displaced to urban areas for longer periods of time have also grown accustomed to life in urban settings. Many young people in particular, for instance in Uganda and Sudan, want to stay in urban settings instead of going back to villages and working the land. Additional factors enabling local integration for instance in Georgia, parts of Pakistan and Liberia are social networks that IDPs established in the place of refuge with host communities, and sometimes also through intermarriage. Common language, culture, religion and shared understanding of customary practices has also proved conducive to establishing good relations with host community and consequently facilitated local integration.

### **Observation 8**

**Some IDPs have no choice but to remain in their area of displacement, which does not constitute a genuine choice or progress towards durable solutions. Others have consciously decided to integrate locally and some factors that have influenced this intention include security, social networks, jobs, services and property ownership at their current residence.**

#### ***International assistance for local integration***

At the international level, there is little mention of local integration of IDPs apart from guidance documents on the protection of IDPs. A search of UN documents showed that Security Council Resolution 1935 of 30 July 2010 on renewing the mandate of UNAMID calls on all parties to the conflict in Darfur to create safe conditions for return or local integration of IDPs. The Representative of the UN's Secretary General on the human rights of IDPs has mentioned local integration of IDPs in his reports, though not consistently. Similarly, UN human rights treaty bodies mostly focus on return of IDPs in their reviews of state implementation of international human rights treaties. Local integration appears to be more often mentioned or discussed in country level UN documents such as UNHCR Age, Gender and Diversity Mainstreaming reports, in Azerbaijan for example, and Consolidated Appeals, for example Chad in 2010. In contrast, at the regional level local integration is included in the IDP protocol of the Great Lakes Pact and the African Union Convention for the Protection and Assistance of Internally Displaced Persons and has also been mentioned in several Council of Europe reports on IDPs in Europe.

The best chance for developing the conditions that make durable solutions for protracted displacement possible seems to lie with development actors. Although humanitarians are typically engaged with displacement in the initial years, in most protracted displacement situations many humanitarian agencies have either already left or are planning their departure. One of the problems in engaging the development community, however, seems to be a perception that displacement is a humanitarian issue, rather than a development one. Perhaps one of the reasons why solutions for IDPs living in protracted situations have proven so difficult is that it falls in the intersection between development and humanitarian actors since IDPs in protracted displacement often have both humanitarian and development needs. Actually the support of development actors is probably more important than the engagement of humanitarian agencies. The most recent attempt to address the relief-to-development-gap focuses on early recovery, but the term 'early recovery' is not applicable when it comes to protracted displacement. It simply does not make sense to talk of 'early' recovery when displacement has gone on for years, or decades already (as has been the case in Turkey, Colombia, and Uganda).

**Observation 9**

**Local integration is mentioned as a settlement option for IDPs in regional and country-level documents, though UN documents mention this option inconsistently. Development actors need to be further engaged in the support of local integration and the achievement of sustainable durable solutions for IDPs in protracted displacement.**

***Concluding thoughts***

Although local integration is generally accepted as one of three settlement options for achieving durable solutions, it has received much less attention from governments, the international community and both humanitarian and development actors than the option of return. Very little is known about the process of local integration for IDPs choosing to remain in the communities to which they have been displaced. In January 2011, IDMC, Brookings, UNDP and UNHCR organized a seminar around the theme of Protracted Internal Displacement—is local integration a solution? This seminar sought to analyze the factors enabling successful local integration and to identify areas where further research is needed.

Central to the whole concept of durable solutions is the principle of meaningful choice. Too often governments and international actors have acted as though the only solution for displacement is return. However, if IDPs do not have the possibility of local integration or settlement elsewhere in the country, their decision to return cannot be said to be a voluntary one and the process for achieving a durable solution is stalled. By supporting greater understanding of the option of local integration, we hope to make it more likely that the millions of IDPs living in protracted displacement have a greater say in the decisions that affect their future lives.

## **CASE STUDIES**

# SECURING THE RIGHT TO STAY: LOCAL INTEGRATION OF IDPS IN BURUNDI

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## EXECUTIVE SUMMARY

The government of Burundi has made significant efforts through legislation, policies and programmes to find sustainable and lasting solutions for people affected by the country's conflict, and much has been accomplished for returning refugees. Some 17 years since the conflict broke out there are still a significant number of cases of internally displaced persons (IDPs) who have received little attention or support in recent years. The last comprehensive survey in 2005 found 117,000 IDPs in settlements throughout the country.

The situation of IDPs is broadly comparable to that of surrounding communities, but there are also some substantial differences. Most notably, IDPs tend to live in more concentrated settlements with houses closer together than other Burundians, whose homes and land are scattered across the hilly countryside. They have a harder time cultivating their land, and their settlements are often built on territory that is the subject of various state or private claims.

This report examines the extent to which local integration is an option for IDPs living in settlements. It is based on information gathered from a field visit during May and June 2010, and on a review of available literature, including the government policy documents mentioned above. NRC monitors interviewed IDPs in four settlements, and members of local communities living near two of these settlements and in a peace village. IDMC also conducted extensive interviews with officials from central and regional government, donor governments and civil society organisations.<sup>49</sup>

The mission looked into the following questions:

- What is the preferred durable solution for long-term IDPs - return, local integration or settlement elsewhere the country?
- Do IDPs have access to their original land, and how far away is it from their current settlement?
- What are the obstacles to, and factors that facilitate local integration?
- What steps could be taken to foster local integration, taking into consideration the relevant national and international legal frameworks, and the policies and programmes designed to support lasting solutions for IDPs?

<sup>49</sup> IDMC thanks the staff of NRC Burundi, in particular the country director, Kate Norton, the ICLA programme manager, Roel Debruyne, and the ICLA team for their invaluable assistance and insight. IDMC also thanks the government officials, donor government representatives and experts with whom we spoke for sharing their knowledge and experience.

The report's main finding is that 90 per cent of the IDPs interviewed expressed a preference to remain in their current settlement, even when their original land is far from their new home, or when they live in settlements without easy access to a town or basic services. The primary reasons were that they had become used to living in their current settlement, and that they still had painful memories of, or concerns about, their former neighbours.

Where local integration is the IDPs' preferred option, the security of tenure of the land on which their settlements are built becomes a key issue. According to various reports and to government representatives, most of the settlements have been built on land belonging to the state, and as such, the IDPs' continued presence is generally not a problem. According to our study, however, 75 per cent of IDPs interviewed said they felt at risk of expulsion from their settlement, and NRC teams found that there were indeed restitution claims on all or part of the land in the four settlements we visited. The supposed land rights holders are generally seeking compensation, but none has been awarded thus far. It follows that a key challenge in finding sustainable and lasting solutions for IDPs lies in providing them with security of tenure in the settlements, and resolving outstanding land rights claims.

Our assessment is that the best solution for the vast majority of IDPs is to promote local integration. In order to do this, accurate data on the location, size and composition of IDP settlements will have to be collected, holders of pre-existing land rights on which settlements have been built will have to be compensated, and programmes to shore up the livelihoods of particularly vulnerable groups, including ethnic Batwa, elderly people and orphan girls, will have to be implemented. Political leadership will be necessary to promote a shared understanding of the future of IDP settlements among relevant ministries, the National Commission for Land and Other Properties (known by its French acronym, CNTB), provincial governors, local administrators and neighbouring communities, with the aim of transforming the settlements into permanent villages with security of tenure for their inhabitants.

## I. BACKGROUND ON THE CONFLICT

Since Burundi's independence in 1962, members of the majority Hutu community and soldiers from the Tutsi minority (who make up some 15 per cent of the country's population of 8.7 million) have massacred hundreds of thousands of people. Millions more have been driven from their homes. In 1972, a Hutu rebellion led to violent repression by the Tutsi-dominated army. An estimated 80,000 to 100,000 people died in the ensuing wave of violence, and more than 300,000 fled to neighbouring countries, primarily Tanzania.<sup>50</sup>

The 1993 assassination of the country's first elected president, Melchior Ndadaye, a Hutu, sparked a new wave of violence, massacres and displacement. At first, the majority of those displaced were ethnic Tutsi, who fled the northern and central provinces in fear of retaliation, or because they were targeted by Hutu rebel groups. Both Hutu and Tutsi civilians subsequently became targets of the rebels and the army's campaign against them.

Most of the Tutsi left their upland homes and land to find refuge closer to administrative centres or military posts on the lowland plains, while many Hutu fled to Tanzania. The violence was further fuelled by economic inequalities and by other conflicts in the region, particularly the genocide of Tutsi and moderate Hutu in Rwanda and two major wars in the Democratic Republic of Congo.

<sup>50</sup> René Lemarchand and David Martin, *Selective Genocide in Burundi*, (Washington, DC: Minority Rights Group, 1974), pp. 29-30; Geneviève Boutin and Salvatore Nkurunziza, "Burundi: Developing Strategies for Self-Reliance. A Study of Displacement in Four Provinces," in *Caught Between Borders*, ed. by Marc Vincent and Birgitte Refslund Sorensen (London: Pluto Press, 2001), p. 48.

From 1996, as conflict between the government and rebel groups escalated, both Tutsis and Hutus found refuge in settlements, especially in the south. As part of a military strategy against the rebel groups following the 1996 *coup d'état*, the Tutsi-led government twice ordered the relocation of hundreds of thousands of (mostly Hutu) civilians into 'regroupment camps' in the late 1990s.<sup>51</sup> The number of IDPs peaked in 1999 at over 800,000, or around 12 per cent of the population.<sup>52</sup> By 2003, it is estimated that 300,000 people, mostly civilians, had been killed.<sup>53</sup>

The 'regroupment' camps were dismantled in 2000 under international pressure, but many other IDP settlements remained. The same year, the government, opposition parties and armed opposition groups signed a peace agreement in Arusha, Tanzania. Large-scale displacement continued, however, as the army fought two rebel groups which had not joined the peace process.

In 2003, the larger of the two remaining groups, the National Council for the Defence of Democracy-Forces for the Defence of Democracy (known by its French acronym CNDD-FDD) signed a ceasefire agreement with the government, and the resulting improvements in security allowed for the return of tens of thousands of IDPs to their homes.

A government headed by Pierre Nkurunziza, a Hutu and former head of the FDD rebel movement, was elected in 2005 - the first democratic election since the start of the conflict 12 years earlier. The last remaining rebel group, the Party for the Liberation of the Hutu People-National Liberation Forces (known by its French abbreviation Palipehutu-FNL) fought on before finally signing a comprehensive ceasefire agreement with the government in 2006. However, the ceasefire was not respected in practice, and insecurity and displacement continued in the capital and in surrounding provinces until the Palipehutu-FNL returned to the negotiating table in April 2008. Following talks with the government brokered by the heads of state of neighbouring countries, the group's leaders renounced the use of arms and registered the FNL as a political party. No new conflict-related displacement has taken place since.

In May 2009 the Ministry of National Solidarity, Refugee Return and Social Reintegration (hereafter the Ministry of National Solidarity) released a preliminary report on the situation of IDPs and repatriated refugees in settlements.<sup>54</sup> The report found that between 2002 and 2009 over 50 per cent of IDPs had returned to their places of origin, and close to half of the IDP settlements had been closed, particularly those in the south of the country.<sup>55</sup> As the report failed to differentiate between IDPs and repatriated refugees unable to return to their former homes, it put the number of people living in settlements at 157,167, a figure nearly 50 per cent higher than the 117,000 cited by the *Office for the Coordination of Humanitarian Affairs* (OCHA) in 2005, the last comprehensive survey undertaken by the UN. It is important to identify IDPs and returning refugees separately, as they may require solutions tailored to their specific needs. Returning refugees who are unable to repossess their land in their place of origin may end up in IDP settlements and in essence become IDPs, while the majority of IDPs in settlements can still access their land. However, common solutions could be

51 UN Commission on Human Rights, *Report of the Representative of the Secretary-General, Mr. Francis Deng, submitted pursuant to Commission on Human Rights resolution 2000/53—Addendum—Profiles in Displacement: Forced Relocation in Burundi*, March 2000, E/CN.4/2001/5/Add.1, [http://ap.ohchr.org/documents/dpage\\_e.aspx?m=71](http://ap.ohchr.org/documents/dpage_e.aspx?m=71).

52 UN Office for the Coordination of Humanitarian Affairs (OCHA), *United Nations Consolidated Inter-Agency Appeal for Burundi*, 1 November 1999, p. 6, [www.reliefweb.int/rw/rwb.nsf/AllDocsByUNID/87465440b0628237c125681c004f76b4](http://www.reliefweb.int/rw/rwb.nsf/AllDocsByUNID/87465440b0628237c125681c004f76b4).

53 International Crisis Group, *Defusing the Land Time-Bomb*, Africa Report N°70, October 2003, [www.crisisgroup.org/en/regions/africa/central-africa/burundi/070-refugees-and-displaced-persons-in-burundi-defusing-the-land-time-bomb.aspx](http://www.crisisgroup.org/en/regions/africa/central-africa/burundi/070-refugees-and-displaced-persons-in-burundi-defusing-the-land-time-bomb.aspx).

54 Government of Burundi, Ministry of National Solidarity, Refugee Return and Social Reintegration, *Rapport sur l'étude d'actualisation de la base de données sur la situation des déplacés et des rapatriés encore dans les sites*, May 2009.

55 For example Makamba province, which had over 13,000 IDPs in 2005 according to the 1999 OCHA survey, had only 678 people living in settlements, according to the government's 2009 survey.

sought for returning refugees and for IDPs who are unable to cultivate their original land, or who do not have any land. Today, the majority of people still living in IDP settlements—mostly in northern and central provinces—are ethnic Tutsi. Their current number is unclear, but the Ministry of National Solidarity is planning to provide more details, including a breakdown of the total into internally displaced, repatriated refugees and others in a forthcoming published version of its study.<sup>56</sup>

The majority of people consulted in the 2005 OCHA survey declared that they felt well-integrated into their current location and comfortable among their new neighbours, and expressed a wish to remain in the IDP settlements.<sup>57</sup> While all IDP settlements in the south have officially been closed since 2005, few IDPs in the north and centre of the country are thought to have returned to their places of origin.

Presidential elections in June 2010 gave a second mandate to Pierre Nkurunziza. The main opposition parties, however, withdrew their candidates, mainly following allegations of fraud during the local elections in May of that year.

## II. NATIONAL FRAMEWORK AND POLICIES ON REFUGEES AND IDPS

Since the August 2000 Arusha peace agreement, the government has put in place various policies and mechanisms to assist and protect returning refugees and IDPs. It has also signed up to the relevant international treaties. Between 1999 and 2005, an estimated 700,000 IDPs returned to their homes under improved security conditions, some of them with international support.<sup>58</sup>

In recent years most efforts have been directed towards assisting returning refugees. Between 2002 and 2009, over 500,000 refugees returned, mostly from Tanzania. Their reintegration, particularly of the 50,000 who fled in 1972, presented extraordinary challenges for the government.<sup>59</sup> Many returned to find their land occupied, expropriated, sold or redistributed to others, and finding solutions to their pressing problems has accounted for the majority of the government's resources earmarked for helping the victims of successive conflicts.

IDPs were on the agenda of the 2000 peace agreement, which established a power-sharing arrangement between the Tutsi government that had taken power through a coup and Hutu rebel groups. A chapter of the agreement focuses on the rehabilitation and resettlement of refugees and other victims of conflicts, or *sinistrés*.<sup>60</sup> It laid the ground for the establishment of a national commission (the *Commission Nationale de Réinsertion des Sinistrés*, or CNRS) to coordinate the return, resettlement and reintegration of refugees and IDPs with international organisations. The agreement sets out fairly detailed guidelines for this process, including the settlement close to home of

56 Interview with official from the Ministry of National Solidarity, 7 June 2010.

57 OCHA, *Enquête sur les populations déplacées au Burundi 2005*, 26 May 2005, [www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/FB6FC239587F7796802570B700587C9B/\\$file/BDI\\_enquete\\_IDP\\_2005.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/FB6FC239587F7796802570B700587C9B/$file/BDI_enquete_IDP_2005.pdf).

58 OCHA, *Consolidated Appeals Process (CAP): Mid-Year Review of the Humanitarian Appeal 2005 for Burundi*, 23 June 2005, [http://ochadms.unog.ch/quickplace/cap/main.nsf/h\\_Index/MYR\\_2005\\_Burundi/\\$FILE/MYR\\_2005\\_Burundi SCREEN.PDF?OpenElement](http://ochadms.unog.ch/quickplace/cap/main.nsf/h_Index/MYR_2005_Burundi/$FILE/MYR_2005_Burundi SCREEN.PDF?OpenElement).

59 UNHCR, *Repatriation of 1972 Burundian Refugees hits 50,000 Mark*, 16 September 2009, 2011, [www.unhcr.org/4ab0db636.html](http://www.unhcr.org/4ab0db636.html).

60 Arusha Peace and Reconciliation Agreement for Burundi, *Protocol IV, Chapter I, Rehabilitation and Resettlement of Refugees and Sinistrés*, 28 August 2000, [www.brookings.edu/projects/idp/Laws-and-Policies/burundi.aspx](http://www.brookings.edu/projects/idp/Laws-and-Policies/burundi.aspx).

all those who believed they could not yet return to their property in order to allow them to access their land, and the construction of housing clusters in order to free up further land for cultivation.<sup>61</sup>

In 2001 the government in conjunction with the international community established a coordination mechanism to discuss and solve protection issues faced by IDPs.<sup>62</sup> Civil and military authorities engaged in dialogue on the issues, and the mechanism, which remained in place until 2005, served as a forum to pursue advocacy on behalf of IDPs.<sup>63</sup> It did not, however, focus on lasting and sustainable solutions.

In March 2003, the CNRS was established, as foreseen by the Arusha agreement, but it suffered from a shortage of funds and staff, and focused its attention on returning refugees to the detriment of IDPs.<sup>64</sup>

Between 2003 and 2008, the government resettled some victims of the conflict in “peace villages”, sometimes around IDP settlements. This approach was criticised for providing little more than shelter to their vulnerable inhabitants.<sup>65</sup>

In 2005 the Support Project for the Repatriation and Reinsertion of Conflict Victims (known by its French acronym PARESI) assumed the CNRS’s responsibility to provide basic housing and infrastructure to returning refugees and IDPs. It works in collaboration with and is funded by UNHCR, and still operates today.

In 2006, the government established the CNTB under the office of the first vice-president to resolve the land and other property disputes of *sinistrés*.<sup>66</sup> Since 2009, provincial commissions made up of CNTB employees and local government officials have investigated the cases in order to decentralise the process. If mediation is successful, the parties to the dispute sign a legally binding agreement. If the provincial commissions fail in their mediation attempt, the CNTB can refer the case to the courts. CNTB services are free of charge, and are used extensively by repatriated refugees. However, less than one per cent of cases relate to IDP land disputes.<sup>67</sup>

Also in 2006, the government ratified the Great Lakes Pact, a comprehensive package of new norms and mechanisms for protecting forcibly displaced people in the countries of the Great Lakes region.<sup>68</sup>

61 Arusha Peace and Reconciliation Agreement for Burundi, *Protocol IV, Chapter I, Rehabilitation and Resettlement of Refugees and Sinistrés*, articles 3 and 4, 28 August 2000.

62 Groupe Technique de Suivi (GTS), *Protocole relatif à la création d'un cadre permanent de concertation pour la protection des personnes déplacées* [Protocol for the Creation of a Permanent Framework for Consultation on the Protection of Displaced Persons], 7 February 2001, available in French and English at: [www.brookings.edu/projects/idp/Laws-and-Policies/burundi.aspx](http://www.brookings.edu/projects/idp/Laws-and-Policies/burundi.aspx).

63 Tullio Santini, “Addressing the Protection Gap: the Framework for Consultation on IDPs in Burundi,” *Forced Migration Review*, Iss. 15, October 2002, p. 43.

64 *Forced Migration Review*, “Reintegration Challenges for Burundi,” compiled by the FMR Editors, Iss. 21, September 2004, p. 27, [www.fmreview.org/FMRpdfs/FMR21/FMR2109.pdf](http://www.fmreview.org/FMRpdfs/FMR21/FMR2109.pdf).

65 IRIN, BURUNDI: “*Peace*” villages come with a price, 31 March 2010, [www.irinnews.org/Report.aspx?ReportId=88623](http://www.irinnews.org/Report.aspx?ReportId=88623).

66 The first vice-president is responsible for political affairs, the second vice-president for economic affairs. Land conflicts are seen as a political rather than an economic issue. According to article two of Law n.1/17 of 4 September 2009 reviewing the CNTB mandate, the term *sinistré* encompasses the physical or moral person, including repatriated refugee, IDP, “regrouped” or “dispersed” IDP, widows, orphans, or any other person who lost their property due to the tragic events which occurred since independence (IDMC translation).

67 IDMC Interview with CNTB official, 2 June 2010.

68 *Pact on Security, Stability and Development in the Great Lakes Region*, December 2006, [www.icg1r.org](http://www.icg1r.org).

In 2008 an *ad hoc* commission for return and reintegration (the *Commission Intégrée Ad-hoc pour le Rapatriement et la Réintégration*) was set up within the Ministry of National Solidarity with UNHCR and UNDP support. The same year, it published a 'villagisation' strategy document to guide the repatriation and integration of returning refugees without land.<sup>69</sup> The document drew on lessons learned from the shortcomings of the peace villages in adopting a more integrated approach. It foresaw the creation of new villages with basic services and the making of additional land available to allow greater numbers of beneficiaries to re-establish viable livelihoods. One of its main thrusts was to accommodate various ethnic groups in the same location in an effort to foster reconciliation, peace and security. The programme also envisaged the development of simplified procedures to allow the rural population to register their homes and land with the commune in order to avoid potential land conflicts. The programme, which mentions IDPs but only as secondary beneficiaries, has been run by the PARESI agency.

In parallel, the government developed a new national land policy (*Lettre de politique foncière*), to take into account developments since the introduction of its 1986 land code, most notably the fundamental changes brought about by displacement.<sup>70</sup> Its main objective was to reduce conflict over land via the creation of 'integrated rural villages' (known by their French acronym VRIs) to accommodate people from different ethnicities.

In 2009 Burundi signed the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.<sup>71</sup> In the same year, UNDP undertook a socio-economic study of IDP settlements in the three provinces worst affected by the most recent conflict between the government and the Palipehutu-FNL - Bujumbura Rural, Bubanza and Cibitoke, in an effort to assist the most vulnerable to find sustainable and lasting solutions.<sup>72</sup>

In March 2010, the government adopted its 'socio-economic reintegration strategy for people affected by the conflict' (hereafter 'the national strategy'), the ultimate goal of which is "to create an environment conducive to the country's sustainable development".<sup>73</sup> It aims to "foster the setting up of rural development centres in concentrated settlements that facilitate access to land and infrastructure" in VRIs.<sup>74</sup> On displacement, it declares that the return of IDPs to their community of origin or the transformation of IDP settlements into VRIs "...is an essential objective of a socio-economic reintegration strategy leading to the consolidation of peace."<sup>75</sup> The national strategy envisages the creation of an IDP technical group to review all IDP settlements, and on the basis of its findings,

69 Government of Burundi, Commission Intégrée Ad Hoc - Rapatriement et Réintégration, *Document de stratégie, Programme de villagisation dans le cadre du rapatriement et de la réintégration au Burundi*, 2008, [www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/F4385A676EA7983FC12574A3006D5033/\\$file/Commission+intégrée+Document+de+stratégie+sur+la+villagisation.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/F4385A676EA7983FC12574A3006D5033/$file/Commission+intégrée+Document+de+stratégie+sur+la+villagisation.pdf).

70 République du Burundi, Ministère de l'Environnement, de l'Aménagement du Territoire et des Travaux Publics, *Lettre de Politique Foncière*, 15 September 2008, [www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/EDF29BD73D718B45C12576D90065FF09/\\$file/Lettre+de+politique+fonciere+2009.doc](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/EDF29BD73D718B45C12576D90065FF09/$file/Lettre+de+politique+fonciere+2009.doc).

71 African Union, *List of countries which have signed, ratified/acceded to the Convention for the Protection and Assistance of Internally Displaced Persons in Africa*, 6 August 2010, [www.africa-union.org/root/au/Documents/Treaties/list/Convention%20on%20IDPs%20-%20displaced.pdf](http://www.africa-union.org/root/au/Documents/Treaties/list/Convention%20on%20IDPs%20-%20displaced.pdf).

72 United Nations Development Programme (UNDP), *Projet d'Appui à la réintégration socioéconomique des populations affectées par les crises et au relèvement communautaire dans les provinces de Bubanza, Bujumbura Rural et Cibitoke*, March 2009. The project was being carried out in Bubanza province when this study was undertaken.

73 République du Burundi, Ministère de la Solidarité Nationale, du Rapatriement des Réfugiés et de la Réintégration, *Stratégie Nationale de Réintégration Socio-économique des Personnes affectées par le Conflit*, March 2010, p. 7, para.14. (IDMC translation).

74 République du Burundi, Ministère de la Solidarité Nationale, du Rapatriement des Réfugiés et de la Réintégration, *Stratégie Nationale de Réintégration Socio-économique des Personnes affectées par le Conflit*, March 2010, p. 25, para.76. (IDMC translation).

75 République du Burundi, Ministère de la Solidarité Nationale, du Rapatriement des Réfugiés et de la Réintégration, *Stratégie Nationale de Réintégration Socio-économique des Personnes affectées par le Conflit*, March 2010, p. 25, para.79. (IDMC translation).

to define a reintegration policy. Taking into account IDPs' preferences, it would either determine the feasibility of their return, or work towards the formal recognition of their settlement, the latter including the resolution of any outstanding land claim pertaining to the settlement in question.<sup>76</sup> The IDP technical group is to be created within the community development and repatriation forum (*Groupe sectoriel relèvement communautaire et rapatriement*), where representatives of the government and of the international community coordinate their action.

The issue of land titles for the inhabitants of peace villages and VRIs is still outstanding; as of June 2010, it was still under discussion among the various ministries involved.<sup>77</sup> By the end of August they had agreed upon a draft for a policy document that would prioritise the granting of 'letters of attribution' to those living in VRIs. Those living in peace villages—including the former IDP settlement of Nyarunazi, which was visited for this study—would receive their documents in a second phase.<sup>78</sup> At the time of writing, a final version of the policy document has not yet been published. Draft terms of reference for the IDP working group foreseen by the national strategy had been developed, and the group convened for the first time in October 2010.

### III. METHODOLOGY

The information contained in this report was gathered via a desk review of the literature on IDPs in Burundi and related topics.<sup>79</sup> The author also undertook a two-week mission to Burundi to interview relevant actors in the capital Bujumbura and the north-eastern provinces of Muyinga and Karuzi. These actors included provincial governors, local administrators and representatives of the Ministry of Solidarity, the Ministry of Land Administration, the CNTB, NGOs, UN agencies and donor governments. All meetings were facilitated by the NRC country office in Burundi. Various follow up discussions to seek additional information also took place after the mission.

The mission looked into the following questions:

- What is the preferred durable solution for long-term IDPs—return, local integration or settlement elsewhere in the country?
- Do IDPs have access to their original land, and how far away is it from their current settlement?
- What are the obstacles to, and the factors that facilitate local integration?
- What steps could be taken to foster local integration, taking into consideration the relevant national and international legal frameworks, and the policies and programmes designed to support lasting solutions for IDPs?

In June 2010, NRC teams carried out 93 individual interviews and seven focus groups (each with 15 participants) in the IDP settlements of Bwasare in Muyinga province, Ruvubu in Karuzi province, Kigoma in Karuzi province and Ruvumvu in Bubanza province.

76 République du Burundi, Ministère de la Solidarité Nationale, du Rapatriement des Réfugiés et de la Réintégration, *Stratégie Nationale de Réintégration Socio-économique des Personnes affectées par le Conflit*, March 2010, pp. 26-27, para.81-84. (IDMC translation).

77 IDMC interview with officials from the Government of Burundi, Ministry of Land Management and Urban Planning, 9 June 2010.

78 NRC Burundi, email message to author, 29 August 2010.

79 This literature can be found at [www.internal-displacement.org](http://www.internal-displacement.org).

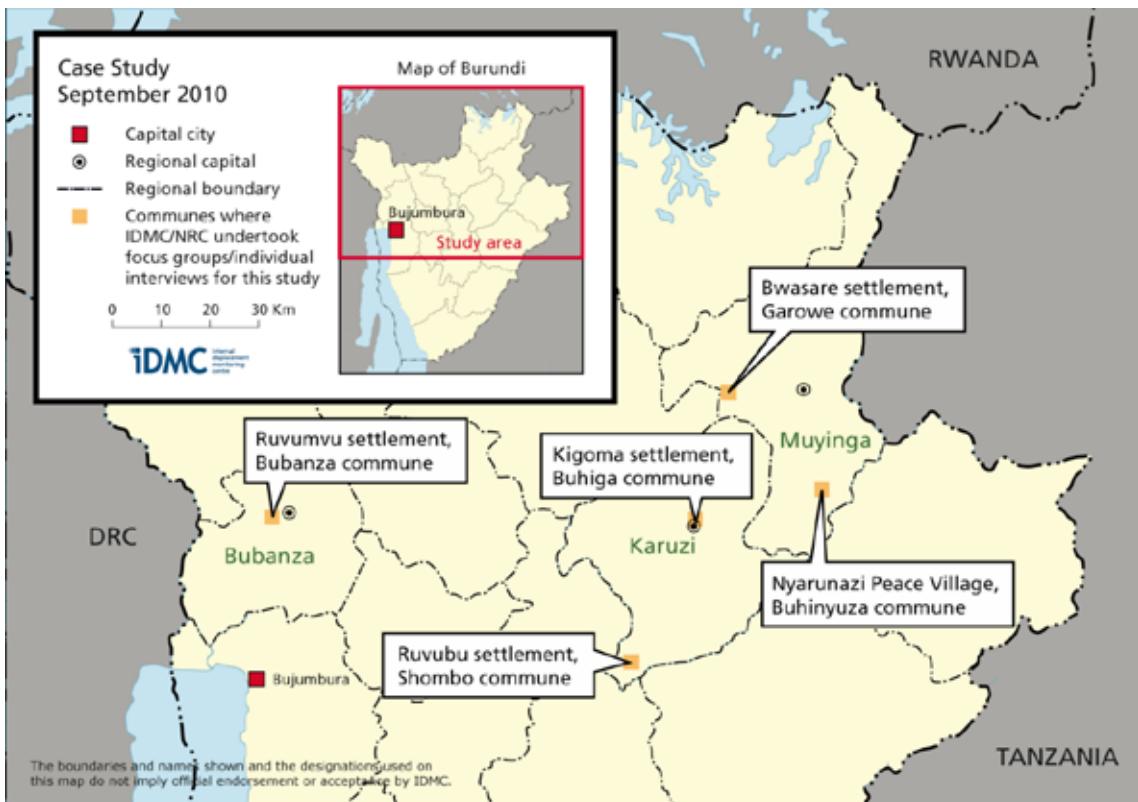
The four communities studied are representative of the various types of settlements that exist today. Some are mono-ethnic, others multi-ethnic; some are close to roads and administrative centres, others isolated; some are close to IDPs' place of origin, others are several hours walk away.

- **Bwasare settlement (in Gasorwe commune, Muyinga province)** was set up by the local administrator in 1998 to settle ethnic Tutsi and Batwa closer to their place of origin. These IDPs had fled five years earlier to various locations in the province. About 550 people currently live in the settlement, which is close to a communal centre and a main road. Most of the inhabitants are able to farm the land from which they were displaced.
- **Ruvubu settlement (in Shombo commune, Karuzi province)** was set up by the local administrator in 1994. Ethnic Tutsis had taken refuge there the year before, when they were displaced from their upland farms some 20 kilometres away. It was established for 130 families, many of them including widows and orphans. It is near a major road, but far from any urban centre. The provincial capital is around 30 kilometres away. Some houses were badly damaged during the rainy season of 2010. Those who can afford to do so rent land to farm in a nearby swamp.
- **Kigoma settlement (in Buhiga commune, Karuzi province)** is home to more than 6,000 people from three ethnic groups. The original inhabitants were Tutsi and Batwa, and they were later joined by Hutus. It was set up in 1993 by the local administrator, and is on the outskirts of the provincial capital. Some inhabitants walk up to five hours to farm the land they were displaced from, while many others make a living from informal trade and jobs in the service sector
- **Ruvumu settlement (in Bubanza commune, Bubanza province)** was set up by the local administrator in 1993. Close to the provincial capital, it is home to around 1,100 families from all three ethnic groups. IDPs have been joined at the settlement by returnees and members of neighbouring communities. Some of the IDPs are able to farm the land they were displaced from, while others (whose land is too far away) work as traders, civil servants or labourers, and may have rented or bought land nearby.

NRC teams also held four focus group meetings with 60 neighbours of the Bwasare and Ruvumu settlements, and two focus groups with 30 inhabitants of the former IDP settlement of Nyarunazi (in Muyinga province) which has been turned into a peace village.

The author accompanied the NRC teams who carried out the interviews in Bwasare, Kigoma and Ruvubu. The questionnaire used for the individual interviews focused on current living conditions, plans and aspirations for the future and access to land. The focus group discussions were guided by the themes laid out in the *LASC Framework on Durable Solutions for IDPs*.<sup>80</sup>

<sup>80</sup> Brookings-Bern Project on Internal Displacement, *LASC Framework on Durable Solutions for Internally Displaced Persons*, April 2010, [www.brookings.edu/reports/2010/04\\_durable\\_solutions.aspx](http://www.brookings.edu/reports/2010/04_durable_solutions.aspx). Adopted by UN in: UN Human Rights Council, *Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin—Addendum—Framework on Durable Solutions for Internally Displaced Persons*, A/HRC/13/21/Add.4, 9 February 2010.



#### IV. LOCAL INTEGRATION: THE MOST LIKELY SOLUTION

Of the three options available to IDPs as lasting solutions to their situation—local integration, return or settlement elsewhere—it is local integration that seems most viable. During IDMC's mission to Burundi, both central and local government officials stated that the return of IDPs is their ultimate goal, with local integration as an interim solution. The research team found, however, that over 90 per cent of IDPs interviewed for this study said local integration was their preferred solution, and that they had no intention of returning.<sup>81</sup> The discrepancy between the government's emphasis on return and IDPs' apparent preferences has led to practices which, in some cases, do not reflect the IDPs' choices in terms of a durable solution. For example, according to IDPs' accounts from the Ruvuba focus groups, the local administrator refused to help them rebuild houses destroyed during the last rainy season, and told them that they would only get assistance if they agreed to return.

The following factors should be taken into consideration to facilitate the local integration of IDPs:

**Housing:** IDPs live on small land plots (15x20 metres), generally determined by the local authorities. Most of

<sup>81</sup> This number only reflects the opinion of people interviewed for this study, and does not necessarily represent the opinion of all Burundi's IDPs. However, the finding came as no surprise to the national actors with whom we shared it, including officials at the Ministry for National Solidarity. Among the 10 per cent who were interested in other options, a few IDPs said they could consider returning to their upland farms under certain conditions (reconnaissance visits, assistance, etc). Others, in particular ethnic Batwa who do not own land, and some living in Ruvuba expressed an interest in resettlement elsewhere, due to their difficult living conditions. While there have not been other recent studies looking at IDPs' preferred solution, The OCHA 2005 survey already mentioned that 50 per cent of IDPs had no intention of returning to their former homes.

them settled in their current location on the basis of an oral commitment from the local administrator or other government official. In Ruvumu, for example, IDPs felt that Burundi's then-president Pierre Buyoya had confirmed their right to settle in their current location in 1998. At the same time, they said that they now fear expulsion as people from nearby communities claim plots of land on the settlement (see the section below on *Security of tenure in IDP settlements*). In all the settlements we visited, IDPs had built their houses in adobe bricks and had received roof tiles from humanitarian organisations or local authorities. Many of these houses have not been properly maintained due in part to IDPs' lack of resources, but also possibly as a result of uncertainty regarding their future in their current location. In all the settlements visited, many roof tiles were missing or broken.

Ethnic Batwa are marginalised and live in particularly difficult conditions, in huts with leaf roofing set apart from other IDPs.

One of the main characteristics of protracted displacement in Burundi is the crowded arrangement of displaced families. IDPs' houses have been built close together due to the lack of available land, and in the four settlements surveyed, young married couples had difficulty in finding space to build a home for themselves. The situation was particularly difficult in Ruvubu, where several generations live together in tiny houses. That said, IDMC/NRC found that the housing conditions of neighbouring communities were generally as poor as IDPs' but that the plots were usually bigger than in IDP settlements and allowed for subsistence agriculture.

**Security of tenure in IDP settlements:** Although IDPs have been living in their current location for 10 years or more, 75 per cent of those interviewed for this study said they still felt at risk of expulsion from their settlement. IDP settlements were generally set up on what was thought at the time to be state land, but the state ownership has either been disputed by individuals or by organisations such as the Catholic Church. All four settlements visited for this study revealed disputes of this type.

- In Bwasare, IDPs were under the impression they were living on state land, but the local administrator and the president of the CNTB's Muyinga province delegation said the grandson of the land's former alleged owner had claimed it in 2009. The land had been taken over by the state for coffee cultivation and to set up a cemetery, but the grandson claimed his family had not received compensation. As of June 2010, the CNTB was still considering the case.
- In Ruvubu, some of the owners of nearby plots have claimed that the land on which the settlement is built is also theirs, and these claimants are cultivating the little land still available within the settlement with the local administrator's agreement, according to the focus group discussions.
- In Kigoma, in 2005, the local administrator issued documents to IDPs who had settled there in 1993, showing that they owned their plots of land (*attestations de possession d'une parcelle*). The subsequent administration, however, declared these documents invalid on the basis that local authorities did not have the right to issue them, a position seconded by the president of the CNTB's Karuzi province delegation. According to the focus group discussions, the local administrator has asked IDPs to return these documents, but so far they have not complied.
- In Ruvumu, the land on which the current settlement was established is reported to belong to people displaced from there to other areas in 1993.<sup>82</sup> Current IDPs said in interviews that as the land was

82 According to local officials and to neighbours of the settlement, NRC interviews, June 2010.

unoccupied at the time of their arrival, they settled there with the agreement of the local administrator, who encouraged them to build permanent housing, and plant bananas and other crops. The returnees are seeking compensation via the CNTB, which is trying to help the various parties reach an agreement. To complicate matters further, however, some of the returnees may have already sold part or all of their land to current IDPs, or exchanged it for IDPs' original land.<sup>83</sup> During interviews with neighbours of the settlement, several men said they thought that some of the alleged owners might try to take their land by force if they were not compensated.

In the focus groups, IDPs also cited concern about their possible expulsion to make way for a new university.

**Livelihoods:** Burundi is the least urbanised country in the world, but it has the second-highest population density in sub-Saharan Africa.<sup>84</sup> It has very few natural resources, and IDPs, like other Burundians, live, for the most part, off their land.<sup>85</sup> Much of the land available, however, is not particularly fertile and plots are often too small to meet families' needs. The latter is a result of plots being divided amongst heirs as land is passed down from one generation to another, and of court and government decisions to share the land among conflicting parties.

Burundi was estimated to be the third worst country in terms of food security in 2010.<sup>86</sup> The UN World Food Programme estimated that 16 per cent of the population—whether displaced or not—needed food aid in 2009.<sup>87</sup> IDPs only have space to grow a few vegetables or fruit on the small plots allocated to them in the settlements.<sup>88</sup>

According to the 2005 OCHA survey, 75 per cent of IDPs continue to access and cultivate the land they worked prior to displacement. While most of the people interviewed by IDMC/NRC in the settlements of Bwasare, Kigoma and Ruvubu said they were still able to access their land, a third of those interviewed in Ruvumvu said they were not able do so, either because their land had been taken over by neighbours or family members, or because they had sold it.<sup>89</sup> Only a minority have sought justice through traditional authorities such as NGOs, the CNTB or the courts. None of the displaced ethnic Batwa interviewed had access to the land they cultivated prior to displacement since they had been renting it for a portion of their harvest.<sup>90</sup> The focus groups also highlighted the particular difficulties that widows and orphan girls face in accessing their original land. This is not a problem specific to IDPs – widows and orphan girls, whether displaced or not, often struggle to recover the land of their deceased husbands or parents, and find themselves forced out by male family members. The law states that women cannot officially

<sup>83</sup> According to IDP and neighbouring residents' testimonies, NRC interviews, June and July 2010.

<sup>84</sup> UNDP, *Human Development Report 2009*, Table L, [http://hdr.undp.org/en/media/HDR\\_2009\\_Tables\\_rev.xls](http://hdr.undp.org/en/media/HDR_2009_Tables_rev.xls).

<sup>85</sup> U.S. Department of State, *Background Note: Burundi*, 18 August 2010, [www.state.gov/r/pa/ei/bgn/2821.htm](http://www.state.gov/r/pa/ei/bgn/2821.htm).

<sup>86</sup> Maplecroft, *Food Security Risk Index 2010*, 19 August 2010, [www.maplecroft.com/about/news/food-security.html](http://www.maplecroft.com/about/news/food-security.html).

<sup>87</sup> UNHCR, *Burundi Country Briefing*, August 2009, 3, [www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/38C3774DC165AC53C12576490035959A/\\$file/UNHCR,+August+2009.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/38C3774DC165AC53C12576490035959A/$file/UNHCR,+August+2009.pdf).

<sup>88</sup> In Ruvubu, the owners of the plots next to the settlement, who claim the land on which it is built, have started to grow vegetables on the small plots still available inside the settlement with the administrator's agreement, according to an IDMC/NRC focus group discussion.

<sup>89</sup> The number of IDPs who have sold their land may very well be underestimated. In another land study in Karuzi province, "...the researchers witnessed many attempts to hide the truth regarding the size or legal status of plots of land", EU/Swiss Development Agency, *Transition Foncière dans l'Afrique des Grands Lacs*, (2008), p.46, (IDMC translation from French).

<sup>90</sup> Serfdom, which affected all of Burundi's landless people, was outlawed in 1976, but the Batwa generally continue to provide unpaid labour in return for the right to build a hut on someone else's property, contributing to their living in extreme poverty, see IRIN, "Great Lakes: Displaced in Bujumbura," 15 April 2004, [www.irinnews.org/report.aspx?reportid=49527](http://www.irinnews.org/report.aspx?reportid=49527).

inherit land or sell it, but can only manage family assets in their husband's absence.<sup>91</sup> Widows can, however, hold land in trust for their male children under the customary system. The constitution, meanwhile, does provide for equality between men and women, and some courts have granted the right of inheritance to women on that basis, but others have not.<sup>92</sup>

The 2005 OCHA survey did not specify how close IDP land had to be to settlements in order to be termed "accessible," but according to IDMC/NRC interviews with IDPs who still had access to their land, a third felt they could not go there regularly because it was too far away (i.e. a two to five hour walk from the settlement). Access is further complicated by the fact that many settlement dwellers are elderly, unwell or both. Another consequence of making only sporadic visits to their land is that it makes it impossible for IDPs to raise livestock, thus depriving them of a source of manure to fertilise their plots for cultivation. As a result their subsistence crops are low-yield, providing only enough food for day-to-day living. Several IDPs also said that the theft of crops from their original land was an issue. In addition, some said they had to sell or rent their original land for several years to pay for unexpected expenses such as medical treatment. Others sold the roof tiles of their settlement home to generate the cash to respond to an emergency.

While the majority of IDPs live off the land, several in Kigoma and in Ruvumu said during interviews that their main activity was no longer subsistence farming. In both settlements, which are close to urban areas, many earn a living by building roads, providing a range of services in jobs from hairdressers to drivers, or by selling goods at the market.

**Documentation:** IDPs interviewed for this study did not generally mention any problems in obtaining personal documents such as birth certificates (which guarantee free healthcare for children under five), identity cards and electoral registration cards.<sup>93</sup> Ethnic Batwa, however, told IDMC/NRC that they had not registered their children with the state, and were unaware of the free healthcare that would have been available to them. Most of the IDPs interviewed said they had voted during the 2005 and 2010 local elections, and a number—both men and women—stood as candidates. In 2005, several were elected to village councils.<sup>94</sup>

IDPs, like other Burundians, do not generally hold land titles or other official documents confirming their land rights. Although legislation in 1986 detailed regulations governing the buying, selling and inheritance of land and associated rights, practices outside the main urban areas remain informal or traditional.<sup>95</sup> Indeed, about 98 per cent of plots, the majority in rural areas, have not been registered, and the right to use rural land is generally established via on-going occupation, sometimes over generations. In this context, forced displacement over 40 years has caused many disputes, with refugees, but also IDPs, returning to find their land occupied or sold by family members or neighbours. Land on which IDPs settled based on assurances it was state-owned has also been the subject of claims by various parties without proper documentation, which makes the work of the CNTB and other mediating or adjudicating bodies both complex and time consuming.

91 Government of Burundi, *Decree nb1/024 on the reform of the 1980 Code of Persons and Families*, 28 April 1993.

92 P. Prettore, *The Role of Customary Norms and Land Rights in Post-Conflict Countries: Experience in Angola, Burundi and Uganda*, NRC/IDMC, October 2007, 19; Interview with the Swiss Development Agency's programme officer on land issues, Bujumbura, 27 May 2010.

93 A presidential decree adopted in 2006 guarantees free healthcare for pregnant women and children under five.

94 Thereby representing the inhabitants of one "hill" or "colline."

95 A new draft land law to be reviewed by parliament after the 2010 national elections had not been adopted as of April 1, 2011.

**Access to services:** The situation of IDPs living in settlements is comparable to that of other vulnerable Burundians, with limited access to basic services due in large part to their poverty.<sup>96</sup> Settlements received international assistance at the height of the conflict, but IDPs said in interviews that they had not received any help for at least five years.<sup>97</sup> As a rule, IDPs do not have the means to repair and maintain the few services available in the settlements. Most or all of the public taps were not working, and most IDPs could not in any case afford the charges for drawing water from them in the settlements visited. As a result, IDPs said that they had to walk some two kilometres to get water.

All interviewees confirmed that their children were able to attend primary schools set up in neighbouring communities without fear of discrimination. Children of the settlements and of surrounding communities all faced difficulties in accessing secondary education, mainly due to the lack of available space and the high cost of education.

Life expectancy in Burundi is below its pre-1993 levels, and UNICEF has reported that the country has one of the worst infant mortality rates in Africa.<sup>98</sup> IDPs can access health centres outside the settlements, but these are generally overcrowded, poorly stocked, and IDPs do not have the resources to pay for the treatment of chronic conditions.<sup>99</sup>

**Safety and security:** IDPs in all four settlements said that while the country had experienced widespread violence and banditry over the years, living closer together rather than in traditional scattered upland homes has made them feel safer. That feeling of security is enhanced further by the fact that many IDP settlements are located close to military installations or police stations, according to focus group discussions.

**Relationship to neighbouring communities:** The fact that surrounding communities were not consulted prior to or during the establishment of IDP settlements, and that humanitarian assistance was exclusively channelled to IDPs at the height of the crisis were mentioned during focus group meetings with settlement neighbours, but did not seem to have caused lasting resentment.<sup>100</sup> All focus groups with IDPs and neighbouring communities (in Bwasare and Ruvumu) emphasised the positive relationships between IDPs and members of the surrounding communities. IDPs were seen as just like any other inhabitants of the *colline*, taking part in local development projects such as the construction of school or roads, farming and herding associations and local elections. IDPs and their neighbours reported that they helped each other to harvest their crops and invited each other to weddings, funerals and other events. Marriages between IDPs and their neighbours were also mentioned. They reported that their children went to the same schools, played and watched football matches together, took part in the same church-led activities, and shared some of their families' daily tasks such as collecting firewood and water.

IDPs' neighbours noted that living closer together in the settlements played a significant role in improving security. This was particularly the case in the multi-ethnic settlements, which were seen as a model for development. In the case of Bwasare (a settlement inhabited by ethnic Tutsi and Batwa) their neighbours—mostly ethnic Hutu—said

<sup>96</sup> During focus group interviews, neighbours of Bwasare and Ruvumu had similar complaints to those living in the settlements as regards the poor housing and the lack of accessible and affordable basic services.

<sup>97</sup> This information is consistent with the 2005 OCHA survey, which found that few settlements still received assistance as of 2005.

<sup>98</sup> UN Children's Fund (UNICEF), *Burundi background*, [www.unicef.org/infobycountry/burundi\\_2774.html](http://www.unicef.org/infobycountry/burundi_2774.html).

<sup>99</sup> In Ruvubu, focus group participants said that there were many cases of malaria in the settlement, which is located above a swamp, and that few could afford medication.

<sup>100</sup> It should be noted that members of surrounding communities may not have been present at the time, having been displaced themselves, as was reported in focus groups close to Ruvumu.

that while they had good relations with the IDPs, they would prefer them to return to their upland homes now that the violence had abated.

The only significant sources of conflict with neighbouring communities are the competing claims to the land on which IDP settlements have been established.

**Relationship to communities of origin:** While some IDPs—in Kigoma in particular—reported good relations with their former neighbours, others talked about fear and bad memories associated with their displacement.<sup>101</sup> This was the case in Bwasare, where IDPs said they were afraid of visiting their community of origin alone, and so travelled together in groups to their fields, about an hour away. In Ruvubu, focus group participants said that they did not know how they would get on with their former neighbours, many of whom were repatriated refugees from Tanzania whom they had not seen since 1993. Older IDPs generally said that they would not contemplate living with their former neighbours again, while the younger ones—who were children when they were displaced—were more open to the idea.

**Access to remedies and justice:** Like other poor Burundians living in rural areas, IDPs rarely go to court in search of justice, as it is expensive and time consuming. They tend to turn instead to local authorities or traditional leaders to settle disputes. Asked whether they would like the option of going to court to obtain justice from those who had forced them to flee, or whether they supported the setting up of a truth commission, IDPs said they would be interested in a process of reconciliation and forgiveness to help them move on, rather than going through costly court proceedings which would neither bring their family members back to life nor recover their lost assets.

It is also interesting to note that the IDPs interviewed never used the CNTB or other conflict resolution mechanism in an attempt to secure land in their settlement, believing rather that it was the government's responsibility – given that it was the state who authorised their settlement in the first place – to resolve land disputes, and to settle any related claims for compensation. Few IDPs were open to the idea of exchanging some or all of their original land for a guaranteed right to remain in the settlement.<sup>102</sup> In Kigoma, several people said they felt the offer of a small plot of land on the settlement was meagre compensation, given that as result of displacement they had lost family members, homes, livestock and belongings.

In contrast, people holding rights over the land on which settlements have been built have, for the most part, used the CNTB in search of compensation or in some cases the return of their land. This strategy has negated the need for direct contact with IDPs regarding this matter, and so avoided a potential source of open conflict.<sup>103</sup> If land disputes are allowed to run on, however, people may take justice in their own hands, as interviews with neighbours of the Ruvumu settlement indicated.

101 Even in Kigoma problems were reported. One displaced woman said that she had tried to rebuild her upland home, but that the neighbours had destroyed it before it was finished. She said that an inquiry ordered by the local administrator had led nowhere, IDMC/NRC interviews, 3 June 2010.

102 Only two of the 93 people interviewed for this study, both of them in Ruvumu, said they had already exchanged their original land for a plot in the settlement.

103 In Ruvubu and in Ruvumu, IDPs and the presumed owners of settlement land live close together in apparent harmony, despite the fact that the presumed owners had taken recourse to the CNTB in search of compensation.

## **V. MAIN OBSTACLES TO LOCAL INTEGRATION**

The main obstacle to sustainable local integration of IDPs is that they have no security of tenure in their area of settlement. Whether the land on which their settlement has been built is claimed by others or not, their continued presence there depends on the goodwill of both local and national government. There are no up-to-date inventories of state land and few written records of private ownership, a situation that has led to conflicting claims on settlement land.

Ethnic Tutsi and Batwa settlements with no Hutu inhabitants are seen as less sustainable than fully multi-ethnic settlements. This point was made by local officials as well as IDPs and members of surrounding communities. Several IDPs in Ruvubu said, for example, that they would prefer to be resettled in a peace village alongside ethnic Hutus as most communities in Burundi are multi-ethnic.

The distance between the settlement and IDP's original land, (which varies from one to five hours' walk) does not seem to be a factor in IDPs' decision to return to their land or integrate locally. However, those who live far away from their land have more difficulty in finding adequate means of subsistence. The situation is particularly difficult for older IDPs as in Ruvubu who have been farmers all their lives, and do not have the necessary resources or skills to turn to activities other than agriculture to make their living.

## **VI. MAIN FACTORS FACILITATING LOCAL INTEGRATION**

The main factor facilitating local integration is the strong desire of IDPs to remain where they are today. Having lived in their current location for up to 17 years in some cases, they have developed strong relationships with other members of the settlements. Many are elderly people and/or widows, and as such a social support network is crucial to them. One widow in Ruvubu interviewed for this study said that her neighbours' help in making regular visits to the local health centre had been invaluable. IDP children are generally well-integrated as, according to interviewees, they socialise with non-displaced children and were reported to suffer no discrimination based on their displaced status. IDPs seem to have good relationships with members of surrounding communities and participate in community affairs. The IDPs' neighbours view the settlements as helping to improve security in the area. All the IDPs interviewed also emphasised the fact that living closer together made them feel more secure.

Despite the prevalence of poverty, multi-ethnic settlements close to towns, such as Kigoma and Ruvumvu, have the potential to develop into more thriving economic centres. Those living in Kigoma and Ruvumvu stressed during the interview that they did not feel like IDPs, and would prefer not to be referred to as such.

## **VII. POSSIBLE STEPS TO FOSTER LOCAL INTEGRATION**

For local integration to be a lasting and sustainable solution for IDPs, the issues of security of tenure, access to livelihoods and to basic services in the settlements need to be addressed. Instead of a temporary right to live in the settlements pending their return or resettlement to other areas, the right of IDPs to settle permanently at their current residence should be respected and balanced with the rights of any rightful owner contesting the land. It is essential to address this issue before land disputes seriously damage the relationship between IDPs and members of surrounding communities. To do so would require a series of steps:

1. Collect accurate data on the location, size and composition of IDP settlements, as well as the durable solution preferred by IDPs, and resolve disputes related to the land on which the settlements are built – in other words, finish the work undertaken by the Ministry of National Solidarity in its 2009 draft survey. The data should then be shared with the CNTB, the Ministry of National Solidarity and the Ministry of Land Management to determine the possibility of converting the settlements into permanent villages.
2. Promote a shared understanding of, and approach to the future of IDP settlements among the relevant ministries (National Solidarity and Land Management), the CNTB and provincial governors and local administrators in areas affected by displacement. Currently, some officials argue for ‘voluntary’ return, without having devised the measures needed to accompany it; others would prefer to see the settlements transformed into peace villages—a solution put forward by the national land policy and the national strategy, but here too the measures needed to implement their proposals have not been put in place. Consultation with those living in the settlements should be a prerequisite in establishing which policy to pursue.
3. Promote the exchange of information on efforts to find lasting and sustainable solutions for IDPs at all government levels, and among civil society organisations and international partners, particularly through the IDP technical group to be created within the community development and repatriation forum, as envisaged in the national strategy. The government should do its utmost to provide IDPs with all the details related to the factors enabling or hindering their local integration in the settlements, in order to avoid the spread of rumours due to the lack of accurate information.
4. The government should verify the nature of pre-existing land rights on IDP settlements and compensate land rights holders adequately, based on the recognition of public utility with the objective to contribute to peace and reconciliation. The government could reflect on the various types of compensation that could be offered to the land rights holders where IDP settlements have been built, including in-kind compensation. If the government were to decide that the resettlement of IDPs was the only solution in such cases, it should ensure that past mistakes are not repeated by clarifying that there are no outstanding claims on the land earmarked as an area for resettlement. Ideally, any such resettlement area would allow for easy access to IDPs’ original land or to new land offered in exchange, and would be close to an urban centre or at least a major road.
5. Once land claims on settlement land have been resolved, the government should clarify IDPs’ right to remain there in accordance with the local integration option set out in the national strategy. In particular, it is important that the government recognise at the highest level the right of IDPs to secured tenure in their current area of settlement. Existing government proposals vary from a simple declaration from the local administration to issuing IDPs with land certificates, or letters of attribution similar to those planned for the inhabitants of VRIs. Letters of attribution appear to be a promising way forward, not least because they would be relatively quick to process. It is important that IDPs are given the same land rights as other Burundians, and that their situation is considered in the wider context of land reform.
6. One of the solutions promoted by the government and mentioned above has been the transformation of IDP settlements into VRIs. While not planned as such, some IDP settlements—particularly multi-ethnic ones such as Kigoma or Ruvumvu—have taken on many characteristics of such villages in that people live close together, meaning land is freed up for other uses and basic services are provided. The government should ensure that as many IDP settlements as possible are transformed into VRIs. The local

administration together with the Ministry of Land Management should identify available land nearby that can be offered to vulnerable groups who have no access to land outside the settlements. These groups include ethnic Batwa, widows, the elderly in general, and orphan girls. A key challenge will be to find enough suitable land for this purpose, especially as state land is not always properly registered and much of it is infertile.

7. The term IDP should no longer be applied to people who are given security of tenure in their settlements, provided that they can enjoy their human rights without discrimination resulting from their displacement. This should be part of a concerted effort by the local administration to acknowledge the integration of former IDPs in the way it refers to the people concerned and their villages and neighbourhoods.
8. It is also important to consider the situation of communities that live next to the IDP settlements and so avoid tensions, especially where assistance is given to make the settlements more sustainable, or confirmations of land tenure are issued. It may be that in some cases, vulnerable members of neighbouring communities could be invited to settle in the new village, so improving their living conditions and promoting multi-ethnic coexistence. In many cases, however, the settlements are already too small to support their current and growing populations, meaning that additional land would have to be found, with the inherent challenges mentioned above.

# COLOMBIAN IDPS IN PROTRACTED DISPLACEMENT: IS LOCAL INTEGRATION A SOLUTION?

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## EXECUTIVE SUMMARY

Colombia has the second largest number of displaced persons within its borders of any country in the world, following Sudan. The conflict continues and the rate of returns has been low. IDPs are not in camps, but rather dispersed throughout the country in urban and rural settings. This phenomenon enhances opportunities for the IDPs to become integrated into new communities and to embark on new livelihoods. Obviously, however, their presence impacts on Government and the economy, and strains public services in the communities where they now live. Virtually every department in Colombia has either received internally displaced persons or expelled them, and usually both. Therefore it is truly a national issue with consequences not only for the three to five million displaced persons themselves, but also for the country's economic, judicial and political institutions. The ways in which they are incorporated—or not—into local settings is thus of fundamental importance to the IDPs, host communities, national institutions and citizen security and well-being across the board.

Policy makers and observers of internal displacement in Colombia, however critical or supportive of present systems for addressing the problem, affirm Colombia's advanced and comprehensive legislation on IDP rights. That legislation provides the conditions that make IDP integration possible. National and local authorities are legally obliged to ensure IDPs' access to public services, to protect their security, and generally to address their needs. To this end, national legislation imposes specific responsibilities on several ministries, while local legislation assigns responsibilities to departmental and municipal authorities. National and local mechanisms have been established where IDP organisations meet to express their needs and affect policies.

Unfortunately, the favour with which the Colombian legislation is viewed has been countered, thus far, by serious inadequacies in implementation on the ground. A new administration in Colombia has begun to redress some of the shortcomings of present practises. The practises, and the proposals for improving them, are the subjects of this report.

The following information is based on three separate field trips to Colombia, all of which entailed discussions with national and international officials and visits to places where IDPs are concentrated: Bogotá/Soacha, Medellín, Cali, el Dovio, Cúcuta, Tibú/la Gabarra, Montería, Neiva, Florencia, and Tumaco. Visits to these locations included interviews with local officials, IDP focus groups, national and international humanitarian agencies, USAID and its implementing agencies, and managers of health and educational facilities.

## I. INTRODUCTION: CAUSES OF DISPLACEMENT AND PROSPECTS FOR INTEGRATION

Conflict and locally repressive land policies have produced displacement in Colombia for almost half a century. Displacements soared during the mid-1990s and peaked in the early years of this century. As conflict spread and displacement increased, the patterns and character of displacement also changed. While early IDPs came from sparsely populated parts of Colombia where Government presence was extremely weak, the IDPs since the late 1990s have come from some of the most productive areas of the country. They remain, however, essentially rural in origin. Displacement increased as paramilitary forces, Government forces and insurgents fought for land and control, and especially as the armed groups allied themselves lucratively to the coca producers and processors. Peace efforts have floundered, due largely to the lack of political will on all sides. Government engagement fell short of expectations and none of the armed parties were under economic pressure to make peace, thanks largely to their profitable relationships with the drug trade and ransom funds obtained from kidnappings. The consequent financial independence has immunised the armed parties from pressure to treat the civilian population more humanely.

The Government of Alvaro Uribe (2002–2010) launched aggressive assaults that weakened the Insurgency led by the Revolutionary Armed Forces of Colombia (FARC), and the smaller National Liberation Army (ELN). The Government simultaneously negotiated with the leadership of the paramilitary militias to accept demobilisation and a measure of accountability for crimes, in exchange for light prison sentences. As the paramilitaries were responsible for the major portion of forced displacements and other forms of violence, the demobilisation had the effect of significantly reducing large-scale displacements caused by armed attacks on communities. Those displaced in recent years are likely to be individuals and families, who have suffered threats and reprisals, rather than entire communities. Today, conflict and violence as well as production, processing and the sale of coca still persist in several parts of the country. All the armed groups forcibly recruit vulnerable youth. Rural Colombians are continuingly and increasingly victims of coercive land grabs that particularly affect indigenous groups and Afro-Colombians. Narco-traffickers, insurgents, and armed bands of former paramilitary groups act with impunity in significant parts of the country. Although the Government has engaged in a continuing and vigorous assault against the cultivation and sale of coca, the results remain disappointing.

The demobilised paramilitary units are active under different forms of organisation, which the Government characterises as armed criminal bands. The FARC, albeit weakened, can and does threaten peasants who do not co-operate, and it coerces and forcibly recruits civilians, who flee to avoid this outcome. Both disbanded paramilitaries and FARC operatives are responsible for violence and civilian intimidation directed against IDPs, including those who have sought refuge in Colombia's major cities. For these reasons, displacement and multiple displacements persist year after year, and though somewhat reduced, are still appallingly high.<sup>104</sup> As will be elaborated, the very actions taken by Government authorities with the aim of vanquishing armed enemies and drugs have added to the pressures creating displacement.

### ***Counting the displaced and the consequences of not counting them***

Present estimates from Government and non-government sources place IDP numbers roughly between three and five million.<sup>105</sup> The variations are due primarily to how IDPs are counted, with the Government estimates being the

<sup>104</sup> The United Nations reports 7,500 displaced due solely to the violence of August 2010. Further information available at [www.vertice.gov.co](http://www.vertice.gov.co) and [www.caracol.com.co](http://www.caracol.com.co).

<sup>105</sup> The Registro Único de Población Desplazada contained 3,226,442 IDPs as of 30 September 2009. The Consultoría para los Derechos Humanos y el Desplazamiento (CODHES), the most often cited source on IDP numbers, estimated 4,629,190 IDPs at the end of 2008. Using the number of registered IDPs as a baseline, the Government has recognised close to 8 per cent of the country's population to be among the displaced.

lowest because they are based on the number of registered IDPs. Registration is subject to qualifying conditions, the choice to register, and the ability to access the registry system. The result is widely acknowledged under-registration of IDPs. The importance of under registration is reflected in statistics on people covered by Government programmes. For example, when the Government maintains that it supports the health coverage of some 90 per cent of IDPs, one must bear in mind that this figure is calculated on the basis of those who are registered. Acción Social, the Government entity managing the Registry and IDP assistance generally, allocates funding to ensure that state services (education, health, projects) are available to registered IDPs. Since there are almost always unregistered IDPs in any given municipality, local authorities have to provide services for which they are not reimbursed by Acción Social. Local resources, at best barely adequate for the non IDP population, are further strained and local officials are likely to discourage IDPs from settling. In addition, individual family flights are more difficult to track than the large scale 'mass' exoduses (defined as ten families or more) that used to predominate and usually received emergency assistance from the International Red Cross or Church. It appears that many families have fallen between the cracks in terms of assistance from either public or private sources.

### ***IDP rights and Government responsibilities***

In 1997 the Government of Colombia passed core legislation, Law 387, defining Government obligations towards IDPs and establishing continuing forms of governmental support for IDPs from the initial forced displacement through socioeconomic stabilisation and justice. The law recognises the right of Colombians displaced by violence to be supported in their places of refuge or to return to their places of origin and/or to be compensated for their losses. The interpretation of these measures is much debated. Registered IDPs who do not or cannot return are eligible for programmes supported by the Government and to public services in their places of refuge, and they are supposed to be protected. Law 387 includes the full range of socio-economic assistance and protection, and has put in place a National Council and a National System of Integrated Attention to People Displaced by Violence (the Spanish acronym is SNAIPD). The latter encompasses all institutions that provide services for IDPs. The services have been placed under the coordination of a Presidential agency, Acción Social, which previously had been responsible for addressing extreme poverty in rural areas, and for disaster responses. Its present role, still essentially humanitarian in nature, has been to provide relief for those displaced by violence and to assist them with their return. Upon registration, IDPs receive three and in some cases six months' worth of support for housing, basic needs and services. As violence and displacement persisted and grew, Acción Social's functions expanded to encompass the prevention of displacement, management of the IDP Unified Registry, stabilisation projects and returns. In monetary terms, humanitarian assistance is still by far its main focus.

Over the years the Colombian constitutional courts have issued a number of judgments meant to hold the Government to its obligations under Law 387. The most significant of these, T-025 of 2004, declared Government actions toward IDPs to be unconstitutional because they failed to fulfil the measures in the law referring to protection and assistance. The Court underscored the inadequacy of precisely those services that would enable the integration of IDPs—housing, land, health care, education and income-generation—in addition to humanitarian assistance. The Government responded by raising the budget for Acción Social. The 2010 budget was 5.3 billion pesos, up from 2 billion in 2007.<sup>106</sup> However, while Acción Social announced that its expenditures for humanitarian assistance and services would rise significantly in 2010, the budget for 2010 was *reduced* by about 60 per cent in allocations for income-generation, a key factor in IDP integration. The reduction was explained as in keeping with the reality that

<sup>106</sup> The announcement issued by the Government affirming that its attention to IDPs met constitutional requirements maintained that the overall budget for IDP attention had risen ten times since the Constitutional Court condemned its inadequate attention in 2004. Source available from [www.dnp.gov.co/](http://www.dnp.gov.co/), viewed in UTeC newsletter, *Vertice*.

Acción Social is a humanitarian rather than a development agency, and had not been very effective in the latter realm. In July 2010 the Government asked the Court to reverse the declaration of unconstitutionality on grounds of its expanded budget and improved attention. The Court acknowledged the progress and improvements, but determined that still more would be required before the Government was in full compliance with its constitutional obligations.

### ***Determinants of integration***

Conflict and peace efforts have dominated national discourse since the later years of the 1990s, but the phenomenon of displacement raised relatively little concern. This changed between 2000 and 2002 when displacement numbers not only increased but affected nearly every department in the country.<sup>107</sup> Yet, even as the exodus expanded in both numbers and places of origin, Colombians—including Government and civil society—mostly believed that the phenomenon of displacement was temporary in nature, and would come to an end when the conflict could be brought to a close. Achieving peace would make return possible and inevitable, and ending armed confrontations in particular regions would make returns feasible. The IDPs themselves largely shared the view that their future should be a return to the land they lost or, at least, a return to their rural lives as small farmers. Many still hold to this view, but as time goes on the challenges of daily survival and the need to find alternatives for themselves and their families, combined with the realities of continued conflict, have caused aspirations of return to fade.

Insofar as the phenomenon of displacement was seen as temporary, assistance programmes across the board prioritised delivering short-term emergency assistance as efficiently as possible and facilitating return. As noted, Acción Social has devoted less attention and far fewer resources to prevention and stabilisation than to humanitarian assistance. By all accounts, prevention efforts over the years have been almost universally unsuccessful, returns have been low, and stabilisation projects have been fragmented, short-lived and uncoordinated.

The stabilisation programmes are designed to allow IDP individuals and families to survive adversity by means of income-generating projects, decent housing, and access to services. Government, donors, NGOs and international organisations accept IDPs' need for support once their families have exhausted the three months of emergency assistance benefits they receive from the Government. Longer-term assistance is indisputably necessary for a population that has been uprooted, has lost past means of livelihood, family and social safety nets, and is highly insecure. Nevertheless, while stabilisation is a *sine qua non* for integration, it is not quite the same as integration. There are three underlying considerations here:

1. The situation caused by displacement requires differential treatment and benefits for the IDP population over and above what is available to citizens who have not been displaced, including very poor Colombians who have suffered consequences of violence. Integration, as commonly defined, would be contrary to differential treatment. (This is discussed below).
2. Stabilisation projects are forms of longer-term assistance beyond emergency relief and must be combined with services such as health and education. Stabilisation projects have been made available to IDPs when they return and also when they seek to establish themselves in another location. Nevertheless, as the terminology indicates, stabilisation projects consist of temporary actions with funding from outside, which may or may not lay the foundations for local integration.

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<sup>107</sup> For example, see UN Development Programme (UNDP), *Pointers on the Road to Peace, National Report on Human Development* (Bogotá, 2003). Chapter 5 elaborates on the expansion of displacement, and its causes and consequences.

3. Stabilisation projects are generally funded either by the Government or international donors. Whether stabilisation projects lead to local integration depends on whether the IDP is incorporated into the local context. An IDP who has *integrated* is one who has established an enduring attachment to a particular place and, more importantly, is in a place where the institutions, economic structures and service providers are able and willing to incorporate the new residents.

## II. VENUES AND MECHANISMS FOR IDP INTEGRATION

The following discussion is about selected cities and their potential for integrating IDPs in their jurisdictions. In this context, it is especially important to keep in mind the inadequate protection and minimal opportunities afforded to IDPs after they have left their places of origin. The IDP population in Colombia is not only large, but also highly mobile. Families typically are obliged to move several times following their initial forced displacement. The usual trajectory is from rural communities to larger towns in the same region or to cities both near and far. They may then move again within the cities to different locations if families are threatened or cannot find livelihoods. This continuing movement is often the result of violence and threats, and hence constitutes further instances of forced displacement. The fact that IDPs are a highly mobile population is a major factor diminishing the effectiveness of Government and donor programmes devoted to stabilisation and local integration.

### ***Colombian cities: Obstacles and opportunities***

A large majority of IDPs in Colombia are now found in urban areas and engage in work far removed from their rural origins. The largest cities: Bogotá, Medellín, Cali and Cartagena, have received the greatest number of IDPs.<sup>108</sup> Conditions for IDPs in these cities, on the whole, are deplorable, and IDP unemployment or underemployment is high. Employment prospects are uniformly dismal. Access to services varies, but is better in larger cities than in smaller towns or rural settings. All the urban municipalities where IDPs are concentrated must strain to provide health and education, water and sanitation, and to maintain security for the expanded population. Nevertheless the smaller and medium-sized communities, with far fewer resources to absorb IDPs, have experienced the largest impact from IDP arrivals due to absolute numbers, levels of poverty, inadequacy of existing services and weak institutions.<sup>109</sup> The smaller departments and municipalities are more often than not politically precarious, bureaucratically nepotistic and resource poor. They lack the basic information structures that could help to better address IDP problems. Likewise they receive too little support from the central Government and, thus far, have been largely ignored by international agencies.

Yet, for many reasons, as this paper will contend, small and middle-sized cities offer as great or greater potential than the large metropolitan areas for integrating IDPs. And, if IDPs are able to remain, they could eventually become economic motors of future growth and productivity in these long neglected urban venues.

<sup>108</sup> Internal Displacement Monitoring Centre, 'Colombia' 2009, [www.internal-displacement.org](http://www.internal-displacement.org). According to the Department of Planning, 93 per cent of the displaced population was expelled from rural areas, of which 98 per cent moved toward urban zones. Cited in *Red de protección social para la superación de la pobreza extrema. JUNTOS*, a publication of Acción Social, JUNTOS and Departamento de Planeación, 2009: 7.

<sup>109</sup> See Ana María Ibáñez and Andrea Velásquez, "Public Policies to Assist Internally Displaced Persons: The role of Municipal Authorities," an Occasional Paper of the Brookings-Bern Project on Internal Displacement, December 2008, [www.brookings.edu/reports/2008/1203\\_colombia\\_ibanez.aspx](http://www.brookings.edu/reports/2008/1203_colombia_ibanez.aspx).

The middle-sized city of Florencia is a good example. It is the capital of Caquetá Department with a population of about 150,000. This city and the Department have been at the epicentre of violence, crime, corruption and drugs. As a result of new leadership and progress in restoring rule of law, the city has attracted growing numbers of IDPs, many of whom have fled from elsewhere in Caquetá. Acción Social figures indicate that one-third of the population of Florencia is comprised of IDPs, and both the Mayor of Florencia and Caquetá's Acting Governor confirmed that the IDPs continue to arrive without resources, and that few IDPs leave. Florencia has virtually no jobs for them and is still unable to meet the service needs of the citizenry. Outside resources from donors are limited, the only serious donor as of early 2010 being USAID. USAID is buttressing educational and health services to an extent, and funding housing developments. A quarter of the city's population is destitute and well over half are living in poverty.<sup>110</sup> While the level of conflict is significantly reduced and the quality of governance improved (Caquetá has been a major focus of military operations<sup>111</sup>), there remain grave problems on both counts. The Mayor reported sheltering some 150 IDP children whose parents believed them to be in danger of forced recruitment.

Nevertheless, the long-term balance sheet regarding IDP integration in Florencia may be favourable, given present official willingness to absorb them and improved (if far from good) security. Assuming a political will to accommodate the IDP population, integration efforts could be considerably more successful with more resources and an improved economic situation in the department overall. Obviously successful integration of the present IDP population also depends on reducing the violence and conflict that so recently overwhelmed the city, and still produce displacement in nearby locations.

The areas near the Venezuelan border in the Department of Norte de Santander were suffering from the near elimination of trade and commerce between Colombia and Venezuela due to growing political hostilities between the two nations. The trade had been an important source of regional prosperity and its loss caused a general economic decline. With a new Government in Colombia, relations have significantly improved and the border is again open to trade and commerce. Moreover, whereas violence and displacement have been serious problems, security has been largely restored over much of the region in the past years. The city of Cúcuta and the nearby town of Tibú had formerly been controlled by paramilitary groups or FARC, but by January 2010, when the author visited, this no longer was the case. The present local officials, as well as international assistance organisations<sup>112</sup> and IDPs themselves uniformly maintained that IDPs wanted to remain in these locations and significant numbers were finding means to earn their livelihoods there, thanks to international assistance, national mechanisms for IDP support and local solidarity. Economically the area was slowly recovering and in early 2010 everyone agreed that if hostilities between Colombia and Venezuela declined (as now appears to be happening), the border area was likely to recover a good measure of its former dynamic trade and commercial activities.

Nonetheless the officials complained bitterly of financial constraints they believed could easily be remedied with a more enlightened national approach and better local knowledge. While crediting the Government's Centres for Coordination and Integrated Action, (CCAI, see below) for having improved general security, the officials in Cúcuta and Tibú strongly criticised Government strategies for bypassing departmental and local officials, and not taking advantage of their superior knowledge of the region. Turning to IDP issues, they criticised Acción Social projects as fragmented and urged that national programmes take a more comprehensive approach: Assistance to IDPs required improvement in capacity building, infrastructure and, especially, better judicial institutions to enforce

<sup>110</sup> Figures taken from the International Organization for Migration, *Quarterly Report of the International Organisation for Migration to USAID*, July-September 2009, p. 5.

<sup>111</sup> The military actions are conducted through the Centres for the Coordination of Integrated Action (CCAI in the Spanish acronym).

<sup>112</sup> The author's visit was coordinated by the International Organisation for Migration, whose projects were funded by USAID.

rule of law. Referring to infrastructure, for example, an official from the Governor's office pointed to the importance of improved tertiary roads. The official argued that IDPs, returnees and long-time citizens alike would continue to grow coca so long as the roads were too poor to allow them to market the legally cultivated products that most would prefer to grow. Coca, after all, did not have to be marketed; it was picked up in helicopters belonging to *cocaleros*, and the income was guaranteed.<sup>113</sup> In sum, officials argued for stronger public support for middle-sized cities like Cúcuta and its surroundings because, given such support, the IDP population would be prepared to stay and the local officials would be disposed to integrate them.

The city of Tumaco, Capital of the Department of Nariño is similarly impacted but is less attractive as a place of IDP integration. By 2005 there were some 45,000 IDPs from seven different departments in Nariño, largely concentrated in Tumaco and Buenaventura. The department of Nariño by then was a growing centre of drug trade and FARC militancy. Among its population of 1.7 million, 53 per cent were lacking basic needs and 27 per cent lived in misery; just under half the population was unaffiliated with the national health system, and nearly 20 per cent was illiterate.<sup>114</sup> The city continues to receive IDPs due to violence related to renewed insurgency and narcotics. Within the city, security is tenuous, economic prospects are dismal and Government institutions are weak. Tumaco is a city where present national security and anti-drug policies do not coincide well with efforts to make the city a viable long-term home for IDPs. This is true throughout Nariño.

The city is in dire condition. Drug trafficking, conflict and serious pollution have brought about the deterioration of the fishing industry on which the region once depended. The IDP population is highly mobile so it is difficult to gauge needs or determine the impact of benefits. The Mayor cited a count of 20,000 IDP families in September 2009, many of whom had come from Putumayo—driven out by conflict and fumigation—but he believed a large number had left the city because of insecurity and economic conditions. It was not possible to obtain firm figures of the IDP population because a very large number did not or could not register with Acción Social. This meant that the State subsidies for registered IDPs were not covering the costs of numerous non-registered IDPs, and the municipal authorities had to include them in the inadequate regular budget, in addition to its stable poor citizens.<sup>115</sup>

IDPs interviewed in Tumaco early in 2010 had numerous complaints about the inadequacy of what had been done for them thus far. The most promising project, then in the process of becoming a reality, was a large housing settlement being built on the outskirts of town funded by USAID through the International Organisation for Migration (IOM). The advantages and disadvantages of assistance focused on housing will be discussed below, but there is reason to expect that the income-generation aspects of the housing project will not see the hoped for results in the near future, given the economic realities in Tumaco today. The benefits of the housing project will be jeopardised if residents lack income to support themselves and pay household costs.

At the time of the Tumaco interviews, several IDP families were settled together in dilapidated housing in a project called Cristo Rey, on the outskirts of town. Their problems were numerous: They had a very limited amount of land given to them collectively by the Mayor for cultivation, though not everyone benefited. The promises of additional land seemed to be in bureaucratic limbo. Therefore, the families could not grow sufficient crops to sell and, in any event, because they were located far from the city centre on a bad road, it was difficult to sell locally. Most had previously lived by fishing, not farming, but Nariño's once vibrant fishing industry is all but defunct. The IDPs were intent on having a school built nearby, which did not seem likely to happen. Finally, they also complained of food insecurity.

<sup>113</sup> Information collected from the author's interviews in January 2010.

<sup>114</sup> The information and figures are presented in the introduction of the Unique Integrated Plan for the department, 'Plan Integral Único de Restablecimiento Nariño,' 2005. The Plan is further elaborated below.

<sup>115</sup> Information cited from author's interview, 28 January 2010.

The local Government officials described in these pages may be unique in their willingness to incorporate IDPs into the departmental and municipal fabric, and among the few who have concretely contributed their services and resources to this purpose. It is difficult to know how 'typical' their positive attitudes are. Goodwill notwithstanding, they lamented the extreme pressures that the growing IDP population was placing on fragile local services and the already under-served resident citizenry. The combination of extreme poverty and growing numbers of IDPs severely tax health, education, and sanitation services, as well as transportation, electricity and water resources. Among residents and officials who are not sympathetic to the newcomers, IDPs are widely associated with increased crime and social tensions.

Some of the national mechanisms that facilitate and stand in the way of effective integration are discussed below. On the international as well as national side, however, it is important to reiterate that most IDP projects are and have been devoted to short-term humanitarian assistance, arguably to the detriment of longer-term integration. Relief does provide essential support at the outset of displacement, allowing time to establish temporary residences and locate services. Yet, as displaced and human rights advocates have documented, after the benefits are exhausted, the IDP beneficiaries are not necessarily better off than they were at the outset.<sup>116</sup> Moreover, members of the host communities perceive that the IDP population receives benefits which are not available to others, and resent it.

The tendency of many international donors to limit assistance to short-term humanitarian efforts is related to factors inherent in the conflict. Military presence is strong both in Nariño and in Caquetá, and is significant in Norte de Santander as well. International donors frequently state that they do not want their programmes to be identified with military operations; consequently, they are reluctant to contribute to state-supported IDP programmes in these locations. Yet, the reality is that towns in conflict-affected departments have become major hubs for IDPs who, as yet, are receiving little or no assistance. The battered institutions in these municipalities are hard-pressed to meet their basic responsibilities. Some are beyond repair due to corruption and their leaders' affiliations with perpetrators of violence; but some would use added resources for intended purposes, and might collaborate well with national institutions and international donors in meeting the needs of their IDP populations.

### ***The quest for security and the impact on displacement***

The contradiction is all too evident: Achieving peace and security is ultimately the *sine qua non* for ending displacement, but pursuing the targets blamed for insecurity creates more displacement. If displacement is the result of persistent conflict and the impunity of armed bands, drug lords and those who profit from both, it stands to reason that achieving peace in Colombia (whether by negotiation or force) and putting an end to the production and sale of illicit substances would remove the reasons for displacement and enable those already displaced to return if they chose to do so. Yet, the short-term effects of pursuing security and combating the economy of drugs have proved often to be contrary to these objectives. The dynamics are the following:

As noted above, the Government has created Centers for Coordination of Integrated Action (CCAI) and has carved out five strategic corridors in the most conflictive parts of the country where integrated military-civilian

<sup>116</sup> UNHCR 'Evaluation of Programme for Internally Displaced People in Colombia' (EPAU/2003/03): 6 found the response to IDPs in the post emergency phase to be 'completely inadequate'. In an important and still relevant study of the conditions under which IDPs were living in eight Colombian cities, the ICRC and World Health Organisation documented a lower quality of living for IDPs than for the stable poor across the board – ICRC and World Bank *Una mirada a la población desplazada en ocho ciudades de Colombia*, 2007. The inadequacy of early short-term relief is noted in 'Attending to the Victims: Return Reparation and Reconciliation,' in UNDP, *Colombia's Conflict: Pointers on the Road to Peace: National Report on Human Development for Colombia*, 2003. The Constitutional Court's Determination in the above referenced T-025 singled out the inadequacies of assistance in its ruling against the Government.

programmes have been elaborated. The actions of military forces are meant to be coordinated with moves toward civilian governance in these corridors, in a similar pattern to the “clear, hold and build” models used elsewhere. (1) First, security forces militarily defeat the insurgents; (2) At the same time, military and civilians together eradicate the cultivation of coca and other illicit substances—primarily by blanket fumigation—thereby removing narcotics as a source of income; (3) As these efforts near completion, the military presence should be reduced and Government services brought to the areas; (4) Resources are devoted to supporting effective civilian Government in the areas; (5) Resources are also channelled to supporting legal production and economically viable enterprises.<sup>117</sup> Internationally, this plan is most fully supported by the United States. In practise, thus far, instead of removing the threats that cause displacement and creating a political and economic environment to which IDPs can return:

- The intensive use of aerial fumigation of illicit crops has also destroyed legal crops, which has caused some people to lose their livelihoods and leave. This is partly due to the fact that aerial fumigation is not precise, but it is also due to the economic strategies of the peasant population. Small cultivators, who want to move to legal crops and take steps in that direction, will nonetheless usually keep growing some coca amongst their other crops in order to guarantee themselves some income in the transition. Manual eradication largely avoids the negative outcomes, but the military prefers the aerial fumigation because of cost and time saved. In either case, when a long time elapses between eradication and the creation of economic alternatives, the substitution mechanisms are not viable.
- Where coca is reduced in one place (e.g. Putumayo), it increases in another (e.g. Nariño). Armed groups are drawn in and the population suffers increasing levels of insecurity. Nariño served as a destination for IDPs for years, but as coca cultivation and the drug trade moved there and intensified, the department also became a major source of displacement.
- Military efforts to identify and defeat insurgents depend on cooperation from local residents. When local residents are seen to be cooperating with the military—or other ‘enemies’ of the insurgents—they suffer serious reprisals. At the same time insurgents, armed gangs and drug lords force local residents to assist them materially. This in turn leads to military reprisals against local people for aiding the enemy. In response, families flee.
- The IDPs interviewed by this author and numerous others concur in citing insecurity as a major reason why IDPs reject return as an option.<sup>118</sup> IDPs have returned with Government assistance and accompaniment, and numbers are slowly climbing. Successful returns, however, are generally still limited to areas that are conflict free and relatively secure; where land can be accessed or recovered, and where the population is otherwise stable. Returns to the above noted security corridors, all of which are far from stable, are quite different. Some IDP interviewees reported having returned to places of origin and again being forcibly displaced. Indigenous communities, for whom return to their place of origin is of vital importance, have been displaced several times and still continue to return. The national territory outside of their lands has little meaning, and seeking integration into the mainstream of Colombian society is not an attractive option. The Government security forces do not remain long enough in the places to which IDPs return to

<sup>117</sup> The Santos Government is piloting a programme in Meta Department that is more participatory, uses persuasion to convince peasants to eradicate coca manually, and brings alternative plantings faster than is now the case.

<sup>118</sup> See Rodríguez, Garavito, Cesar, Coordinador *Más allá del desplazamiento: Políticas, Derechos y superación del desplazamiento forzado en Colombia*, (Universidad de los Andes: CJUS, 2010). Several chapters discuss issues related to return and emphasise the lack of security.

protect them. Several IDPs interviewed recounted their attempts, or family members' attempts to return being thwarted by physical insecurity.<sup>119</sup> Others cited seizure of property and veiled threats.

### ***The challenge of durable return***

In October 2009, Acción Social issued a Protocol for the process of return movements.<sup>120</sup> The document affirmed the principles of voluntariness, dignity and security found in the UN Guiding Principles on Internal Displacement and a process that ensured planning, evaluation and follow up so that the end results would be sustainable. The Protocol follows the Court-ordered measures to make land and housing available and provide food security along with facilities for health, psychosocial assistance, education, social organisation and continuing humanitarian assistance pending stable income-generation. While officials do not intentionally bypass these principles in their encouragement for return movements, they also do not prepare for the all but inevitable obstacles that arise. It is also important to keep in mind that IDPs are generally rural in origin and return to rural areas where Government oversight is weaker, and where much of the land that once belonged to IDPs is in the hands of drug lords and armed bands. With the few exceptions of localities where conflict has come to an end and the armed bands have moved on, realities on the ground are not conducive to sustainable return or development.

As noted above, IDP returns cannot be sustained without security and security cannot be sustained without institutions able to enforce the rule of law and overcome impunity, and local economic development on which returnee livelihoods depend is impeded by the absence of both. Although the objective of Government actions in the strategic corridors is to bring in Government services and civilian government once the military phase has been brought to a close, police and judges remain in short supply (being also victims of insecurity). If they are present, they are not necessarily well disposed to IDPs who are widely suspected of affiliations with crime and insurgency.

Only about 3 per cent of IDPs expressed the intention to return, according to surveys conducted by the Commission to Monitor Public Policy on Forced Displacement (created to monitor Constitutional Court measures).<sup>121</sup> The low percentage reflects both pessimism about changes in current conditions and effects of the passage of time since the original flight. In Colombia as nearly everywhere, the level of support and preparation needed if returns are to be durable is daunting. If people are able to return within a few months after they leave and can recover homes and property, they have a good chance of being able to re-establish their lives. However, it is not at all unusual for IDPs in Colombia to have first left their homes up to a decade ago. During their absence, people, landscapes, economies and power structures in contested parts of the country have vastly changed. Likewise their physical 'home' might no longer exist, and the place of origin is full of people who may be inhospitable to previous residents.

These admonitions are not intended to discourage attempts to facilitate people's return to their places of origin. On the contrary, it is possible to better address the security and economic problems that thus far have impeded successful returns. Under the Santos Administration, new legislation related to land recovery could remove an important deterrent to returns. Nevertheless, in the present situation, ongoing conflict, the aggressive war on the cultivation of illegal substances, and widespread fears about returning make it all the more imperative to help IDPs to establish livelihoods in alternative locations where they can feel secure.

<sup>119</sup> Interviews with IDP focus groups in Cali and Cúcuta in January 2010; Soacha and Montería in 2006.

<sup>120</sup> Acción Social, 'Protocolo para el acompañamiento a los procesos de retorno de población en situación de desplazamiento,' (Bogotá, 2009).

<sup>121</sup> *Ibid.* 104.

## **Land issues<sup>122</sup>**

The resource least likely to be available to former residents when they return or resettle in rural areas is land. Land has been seized both for coca cultivation and for commercial crops, such as palm oil. Once characterised by small holdings and subsistence agriculture, vast areas of rural Colombia are now places where land is concentrated in a few hands and will not be restored to the small holders who used to live there. New legislation being considered in Congress may go a long ways in preventing land seizures, restoring land to the rightful owners or compensating them if they can establish that they were forced from their land.<sup>123</sup> For IDPs whose land cannot be restored to them, the Government pledges to find new land; for those who would prefer to receive compensation rather than to pursue land restitution, the legislation has mechanisms for this choice as well.

The legislation proposes that when there is a conflict of claims between new and old owners, the burden of proof should be on the new owners to show that they legally obtained the land without using force. Nevertheless, families who lack documents to establish ownership of their lands are less likely to succeed in their claims. Farmers who willingly sold their land at very low prices because at the time the conflict conditions vastly lowered its value and threatened their own livelihoods will find it difficult to sustain claims that the land was forcibly taken. The new owners probably can establish that they acted legally in purchasing the land. Numerous peasants in Colombia, again as in many other places, have never had titles to the land they have lived on for generations. Afro and Indigenous Colombians would like to see the return of their former communal land with a collective ownership arrangement, but the legal arrangements for collective ownership are complicated and this measure is not part of the new legislation. Considerable communal land has been seized by powerful commercial interests. The programmes in place to provide titles to property in danger of seizure will serve land owners in the future, but there is a risk that the owners who will benefit may not be the legitimate ones. Moreover, part of the protection written into the draft land law is to prohibit sale for a period of time. If the legitimate owners want to sell the land they recover in order to embark on another economic alternative, they will be prevented from doing so. In any event, the titling programmes do not affect a large segment of the population.

The phenomenon of land once in the hands of small holders but “purchased” by commercial interests and speculators is especially common in the area around Cartagena. Here Government officials continue to encourage return movements but they have fared badly for the most part largely because the former residents have been unable to acquire land that is secure. There are examples of initiatives that have enabled IDPs to return to their regions of origin but without recovering their own land. In one such instance, near Tibú, local funding was found to buy private unused land which was turned over in 2009 to a group of IDPs to cultivate collectively. It remains to be seen if the arrangement proves durable. Problems occur most frequently with land identified by the Government and given to IDPs, but that is still owned by other parties who expect to be paid rent when crops are in, or to recover their holdings when the land becomes productive.

## **Effective enjoyment of rights**

The phrase ‘effective enjoyment of rights’ is fundamental to what Colombians understand as the obligation of the Government toward the IDP population. This phrase encapsulates the measures of Law 387 which, if fulfilled, would

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<sup>122</sup> See the IDMC/Norwegian Refugee Council publication elaborating land loss and the new legislation intended to allow its recovery: Sebastian Albuja, *Building Momentum for Land Restoration, Towards Property Restitution for IDPs in Colombia*, IDMC/Norwegian Refugee Council, November 2010.

<sup>123</sup> Congreso de la República, Cámara de Representantes, Proyecto de Ley 0885, ‘Normas Transicionales para la restitución de tierras.’

serve to reintegrate the IDP population up to the level of other Colombian citizens while compensating them for their losses. The concept has justified what is called a 'differential focus' for assistance to IDPs. It means that for an undetermined period of time IDPs are to be given priority and to receive benefits not provided to other Colombians, even poor Colombians, in order to compensate for the deep losses the IDPs have suffered—including the denial of many human rights. There is no consensus as to what effective enjoyment of rights means in practise, or for how long IDPs should be entitled to differential treatment. The Constitutional Court has monitored how the Government attends to IDPs. The Executive branch, thus far, has not been fully in agreement with the Court's interpretation of the Law, but has undertaken to act in conformity with that interpretation. The arguments in favour of differential treatment are persuasive. Nevertheless, the effect is to postpone the concept of integration understood to mean creating an 'even playing field' for IDPs and members of the stable community among whom they live.

Government officials have encouraged a greater emphasis on programmes through which the quality of life of the poor can be addressed in tandem with the needs of displaced persons. With this intention, the Ministry of Planning oversees *Red Juntos* or Joint Network, meant to overcome extreme poverty and to assist income-generation projects that benefit IDPs and poor Colombians simultaneously. The programme is still in an early phase. The basic argument, justified as a means of furthering IDP integration, is criticised by IDP advocates who have documented the continuing need for differential treatment in favour of IDPs. The concept of eventually linking IDP benefits to improvements in the larger community, however, is a widely accepted objective. It is also accepted that IDPs in Colombia's ethnic groups should not be treated separately from their communities.

### ***Services, housing and productive projects***

Acción Social coordinates a wide range of service providers, subsidies, and productive projects to make it possible for IDPs to gain access to health care, education, housing, land, and psychosocial counselling. The Ministries of Planning, Interior, Agriculture, Health and Education, and the national and local judicial entities, as well as the office of the Vice President, all weigh in with programmes, projects and evaluations. The ministries are supposed to participate in municipal level bodies with IDP representation. Government and non-government entities that serve the general population also serve IDPs. The role of international assistance, finally, is an essential element in financing the services, organising the programmes and advocating for more and better attention. A particularly thorny question, as indicated in the section above, is finding ways to assist IDPs without inappropriately privileging them in relation to the general poor.<sup>124</sup> Another challenge is how to treat the largely economic migration patterns that follow the first wave of displacement as a result of violence.

The Government, international donors and experts in general agree that assistance to IDPs has to be integrated rather than compartmentalised. In other words, income-generation projects need to include food security; education and health projects will flounder if users do not have decent and stable housing; maintaining housing requires a source of income; psychosocial counselling may be an essential ingredient for projects related to any of the above, and so on. The realities of separate ministries, donor preferences, vertical lines of authority, and uneven resources

124 The case for differential treatment for IDPs is elaborated in detail and documented in Ana María Ibáñez and Andrés Moya, 'La población desplazada en Colombia: Examen de sus condiciones socioeconómicas y análisis de las políticas actuales,' in, Ministry of Planning, *Estrategia para la reducción de la pobreza y la desigualdad*, Chapter 2.: Bogotá, 2010; Ibáñez, A.M., *El desplazamiento forzoso en Colombia: ¿Un camino sin retorno hacia la pobreza?* Bogota, Universidad de los Andes, 2009; Ibáñez, A.M. u Al Moya, "¿Como el desplazamiento forzado deteriora el bienestar de los hogares desplazados? Análisis y determinantes del bienestar en los municipios de recepción" *Documentos CEDE*, 2006-26, 2006; In 2008 persuasive documentation prepared by ICRC and the World Food Programme measured the quality of IDPs in eight cities, and compared these measures to those of the stable poor. The documentation from these and other sources show that IDPs are still at a significant disadvantage according to most quality of life measures.

undermine efforts to integrate the components of IDP assistance. The integrated approach leads to recognizing how physical and social infrastructure can facilitate or impede successful interventions on behalf of IDPs—and of course the broader community. The remaining pages of this case study will look at how IDP services are administered and implemented in general and in specific instances.

### III. INTEGRATION MECHANISMS AT THE LOCAL LEVEL

As described above, municipal authorities often complain about overly centralised decision-making processes and their inability to fully participate in formulating IDP policies. While the system may indeed be too centralised, the local entities throughout the country have been charged with incorporating IDPs into their networks of services and giving voice to the IDP organisations.

#### ***Unit of Attention and Orientation (UAO)***

In every locality where IDPs are concentrated, there is generally one or more Unit of Attention and Orientation (UAO) where IDP families can be directed to the services they need. The UAOs are coordinated by Acción Social, which contributes resources to UAO infrastructure and staff, but their operation is managed locally and with local resources. The actual services are subsidised by Acción Social's funding to service providers, which is earmarked for IDP assistance. Through the UAOs, newly arrived IDPs may receive assistance with registration; access to the humanitarian assistance kits provided for three months by Acción Social; and housing or schools. IDPs should be able to find the health care they need by going to the UAO which, in turn, directs them to a local provider. The UAO presumably will ensure that the IDP is linked to the local office representing the national health plan, and the needed assistance will be funded through a subsidy for health care to IDPs. The UAO should intercede with school authorities if it proves difficult for IDPs to register their children. It is important to reiterate, however, that the services and subsidies are intended only for registered IDPs. Until the IDPs are registered, the UAOs cannot serve their needs.<sup>125</sup>

Unsurprisingly, the UAOs vary substantially in quality and accessibility. In one office visited, the director insisted that the staff could not handle the daily demand so when people arrived at the UAO, they were given tickets with a date on which they would be able to return for IDP registration and other services. Whatever the bureaucratic logic, this system created a serious burden on those who came from far away. More importantly, the delay between appearance and attention could translate into several weeks or months during which they were unregistered and thus had no access to assistance. Discouraged, many applicants failed to return on the designated date and were not registered. Another UAO with a limited staff offered a different kind of assistance on different days of the week. People needing assistance in gaining access to the registry could come on one day and find the expert who could help them. Those needing medical assistance could come on a different day. Experts knowledgeable about psychosocial options, employment issues, or housing each had a different time slot. The system was extremely frustrating for IDP families who often had to line up day after day for each of their separate needs. Most had multiple and inter-related needs. This same UAO contracted the majority of its expert collaborators for only a few months at a time, thereby undermining consistency in the attention afforded. A third UAO had only one full-time employee for a large caseload. Hard worker though she was, keeping up was simply impossible.

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125 The Government also subsidises health care and other services for the poor. IDPs who are not registered may have access to these programmes. However, these programmes impose higher costs on the municipalities, and are less well-endowed.

Conceptually, the UAO mechanism is excellent, but like so many of the innovations in IDP care, the practise is disappointing. All too often the IDPs interviewed voiced distrust of national initiatives and looked to international humanitarian agencies instead for the support they needed. The agencies understand themselves to be providing wanted assistance but, needless to say, they will not be there for the duration.

### ***Integrated plans***

The wide range of entities at the national level charged to take responsibility for IDP assistance is duplicated at the departmental and municipal levels. At all levels, likewise, there are topical committees and councils called *mesas* (tables) which consult with invited representatives of IDP organisations. The image of local-national consultation, however, is misleading because in practise all recommendations, plans and analyses are advisory. Moreover, there is little or no coordination or consultation among the multiple entities at any level and virtually none at all between territorial and national level entities. Better coordination and communication are feasible goals for Government planners and, as observed, national authorities and international entities could work more closely with departmental and municipal officials.

The present problem is illustrated by the operation of a mechanism created specifically for planning and coordination: the Unique Integral Plans, PIUs. By 2010, PIUs had been created only in about 25 per cent of municipalities with significant IDP presence. However, they have produced plans of action for each phase of IDP attention (prevention, emergency assistance, stabilisation), along with budgetary implications. Local officials complain uniformly that they devote time and resources to their respective PIUs, but have had no evidence that their work has been taken into account in national planning. Some of the authorities interviewed in early 2010 contended that the national plans barely referenced the PIUs and, in any case, showed little understanding of local conditions, resources or needs.<sup>126</sup> National level planners interviewed, on the other hand, gave the impression that they considered it the responsibility of the PIUs to implement national programmes. They complained, in turn, that territorial level plans were inadequate and lacking in standardisation. The statements above show the need for greater roles for local authorities in planning, though given some of the levels of corruption among local officials, this is challenging.

In general, the PIUs are supposed to lead to integrated planning at the territorial level, and be made part of an integrated national plan. In practise, the potential benefits of this planning mechanism is thwarted by the small number of PIUs operating, the financial and organisational weaknesses of municipal and departmental authorities to carry out the recommendations, and the near absence of monitoring mechanisms to follow the implementation.<sup>127</sup>

The author obtained a PIU for the department of Nariño, undated but apparently undertaken with projects being proposed for 2005 and 2006. The document shows a realistic understanding on the part of the authors of their situation and possible areas of improvement. The PIU framed the planning process in terms of national law and systems on the one hand, and international humanitarian laws and norms, including the Guiding Principles, on the other. This document is targeted to the stabilisation phase (*restablecimiento*), defined as (author's translation): "A process that begins when displaced families are given the opportunity to express their needs, desires and aspirations for the future, and that ends when the conditions exist to permit them to reformulate their life projects."<sup>128</sup>

126 Interviews with mayors, governors and high level officials in Cúcuta, Tibú, Tumaco and Florencia reiterated their frustration with centralised decision-making.

127 Ibanez and Velazquez, 'Public Policies to Assist Internally Displaced Persons: The role of Municipal Authorities,' 2006: 9.

128 Plan Integral Único, Nariño, 22.

The text is described as being the result of participatory deliberations of 41 organisations seeking projects for IDPs in ten priority municipalities focused on housing, food security, and income-generation, and containing such social components as psychosocial interventions and efforts to improve the relations between IDPs and the host communities. Among the participating organisations are the associations of IDPs, UNHCR and the Governor of Nariño. The second paragraph of the document underscores that in the absence of local resources backing the projects in the plan, they will need to present it for funding to national and international sources. The fact that it was written in consultation with civil society and the Government in the Department is a sign that its intention is to provide a basis for economic and political integration. The projects are elaborated in some detail, along with financial management, time frames, roles, and monitoring. The actual projects were for food production and horticulture, commercial agriculture, livestock and fisheries, and urban micro enterprises and, as such, reasonable for the context. Unfortunately, this author has no information as to how this Plan was being utilised, or what aspects had been implemented. The situation observed in the city of Tumaco was not encouraging.

### ***Housing***

More than any other loss, most IDPs lament their lost homes. Integration is unimaginable in the absence of a fixed property or an address they can use to affirm their residency in order to register children in school and access municipal services. Especially in rural areas, when displaced families gain access to solid housing and, usually, some land, the psychological impact is great. In urban areas, where the majority of IDPs are living, aid agencies have invested heavily in housing. Housing is made available to IDPs in a variety of ways. There is a Government subsidy which is supposed to give IDPs the funding needed to purchase a home with only small payments required from the new owners' incomes. However, as housing prices have been rising sharply in most parts of Colombia, the Government subsidies presently are highly insufficient. Therefore, outside donors and sometimes local officials have offered further supplements to the subsidies, thereby making a purchase possible. In the best of conditions, the demand for new housing far outstrips availability. Officials in Cali for example, together with the International Organisation for Migration, were offering supplemental subsidies for housing to a limited number of IDP families determined by lottery.

For the most part, IDP families are crowded into urban slums beset with crime and violence, often in dwellings they have cobbled together. The Colombian courts have ruled that the Government should support housing that is durable, owned by the dwellers, and is accessible to public services. Donors providing new housing, both rural and urban, attempt to link the homes to income-generation initiatives. In rural areas this generally means sufficient land near the dwelling to permit cultivation for consumption and sale. The need for land, combined with the fact that the rural IDP population is sparsely settled, makes rural housing projects costly to construct. Land ownership is another obstacle to rural income-generation, as already noted. IDPs all too often have acquired land that is not titled in their names, only to have it reclaimed by the owners once the land has been made productive. Or, the land is far away from local markets on roads that are not accessible in bad weather.

In urban projects, houses are typically built with areas for small businesses, such as tailoring, crafts, or furniture making. The linkage is sensible, since to maintain a house requires an income. In practise, however, one finds an all too frequent contradiction between the solution sought (i.e. a holistic approach to permanent housing) and the actual results obtained. Indeed, housing may or may not be proximate to places where residents can sell what they produce or otherwise earn incomes. Most of the income-generation projects now supported along with the housing are unsustainable without subsidies. Other forms of employment are scarce and generally allow for only subsistence economic activities. The all too frequent consequence is that beneficiaries of housing subsidies are unable to complement the purchase prices, and new residents of subsidised homes are unable to occupy new

houses for lack of funds to maintain them. Examples of families who abandoned new housing because of economic failures were observed in a project in Cúcuta donated by the El Minuto de Dios/IOM and in the above noted IOM Cristo Rey settlement near Tumaco. The phenomenon of IDP mobility adds to the material and logistical obstacles to linking housing and income-generation. IDPs do not stay in place if they are made to feel insecure, even if they have an adequate dwelling. Similarly if they cannot find work that allows them to maintain the home, they will leave it.

Given the obstacles to providing this all-important benefit to IDPs, it is clear that more innovative thinking is needed. If IDPs are living in dilapidated or overcrowded dwellings, it is perhaps worth investing proportionately more in improving those dwellings rather than building new ones. Alternatively, building modest transitional homes may work until the IDP family has found the means to stabilise. Yet the question remains, which needs to come first: a home or an income? When asked, IDPs answer differently, but the essential interconnection is undeniable.

### ***Health***

Colombia has impressively expanded its subsidised health coverage, and with it, has given priority to making health care available to IDPs. The regulations that used to make it difficult for people living outside of their municipality of origin to register in a plan based in a different municipality are now more flexible thanks to the creation of a national plan, Caprecom, open to all citizens. IDPs have priority in registering for health care, although any person in a vulnerable category can seek access to subsidised health care. Therefore a number of unregistered IDPs choose this path. Their coverage, however, is subsidised by the municipality. Even for the registered IDPs, registering in the national subsidised health care system sometimes proves difficult. The forms are complicated and the registration of new members in most municipalities takes place only once or twice a year. Many local health care system employees are unaware of the new regulations and refuse to register IDPs, thereby requiring the latter to undertake a time consuming process of rectifying the mistake.

The quality of health care is mixed. To their credit, international organisations like the Pan American Health Organisation and donor-supported programmes like *profamilia* devote time and resources to strengthening Government health institutions. They too have received funding to serve IDPs and their programmes are popular. Improvements notwithstanding, IDPs have sought access to privately funded alternatives instead of the national health services. Availability of international funding for health services, however, is clearly time-limited.

### ***Education***

As has been noted, the primary reasons that IDPs cite for rejecting return to their places of origin is the lack of security. Anecdotal evidence points to concerns about access to education as another major reason for not wishing to return. Most IDP families have originated in rural areas and often lived in poor and remote locations with little access to schools. In the urban and semi-urban areas where these IDPs found refuge, they are more likely to find schools for their children to attend. Schools clearly are essential institutions for integrating newly arrived families. In contrast to health services, IDPs in Colombia have achieved significantly greater access to school registration. It is evident that departmental and municipal authorities are following national policies and providing educational services with funding made available from the national budget or international donations for this purpose. That said, the school facilities in rural Colombia and in poorer municipalities are barely able to absorb local residents. Donors, including those supporting IDP programmes, have contributed both to improving existing schools and to creating new schools in impacted communities for the IDP population. Schools serving the poor and IDPs, offer food (donated by the World Food Programme) in many locations, and this is an important draw for would-be students.

On the other side of the ledger are the consequences of displacement and insecurity. As IDP families move from place to place, their children lose time in school and cease to attend. Traditional community schools, moreover, are generally inadequate to IDP needs. Literacy and educational levels among IDP families are lower than the national average and programmes with adult education components and flexible schedules are very much needed. Moreover, IDP children are often old for their grade levels. When their families are finally sufficiently settled to register children in school, the latter do not easily fit in with their younger classmates. Finally, there are costs associated with school attendance, even if they are subsidised, and very poor families cannot or will not pay. Donors and NGOs have worked with local and national authorities to establish innovative schools in impacted communities and those observed seem to be achieving good results. The future of these schools will depend on Government support.

#### IV. THE END OF DISPLACEMENT?

Critics of the rulings of the Constitutional Court and its continuing insistence on differential treatment for IDPs argue that those who have been receiving IDP benefits for a decade or more are very likely abusing the system and enjoy an unfair advantage over other Colombians whose poverty may be greater. The critics also argue that the Constitutional Court is not the proper institutional venue for determining whether the Government is properly managing IDP assistance and integration. The Court itself has acknowledged this problem. At issue are complex questions that apply to individual situations and to IDP policies overall. Some of the issues already have been touched on in preceding pages.

Some factors affecting whether and how IDPs reintegrate are:

- If the person or family has returned to their place of origin, was it possible to recover property and the former means of livelihood? Or, was it possible to find new forms of livelihood?
- Has the person or family been able to achieve socio-economic and physical stability, and to approximate their previous life styles?
- Does the person or family have access to local and state services on the same basis as other Colombian citizens in the same locality, and to all citizen rights?
- Has the person or family been compensated in any way for stolen land and property, and especially for human losses?
- If the IDPs who have been forced to flee do not wish to integrate outside of their places of origin, as in the case of indigenous and many Afro-Colombians, what is the appropriate response of state authorities?

Programmes of Acción Social are targeted to provide the necessary basis for IDPs to achieve socioeconomic stability, either by returning to their places of origin or by remaining in another location. Acción Social has spent its resources primarily on short-term humanitarian assistance and devoted far less to the stabilisation aspects of its mandate. Likewise, the majority of donors and NGOs have focused on emergency assistance and fairly short-term projects. The short-term projects, moreover, are not usually linked or integrated. Thus, one Government or non-government agency helps IDPs solve health problems, while another may offer skills training or psychosocial counselling. However, such projects are only exceptionally coordinated.<sup>129</sup> Colombia lacks adequate databases to track where IDPs are or what services they have received or still need.

<sup>129</sup> When this author participated in an evaluation of USAID IDP programmes, it was made clear that the goal of the varied projects was to offer integrated services. USAID was clearly aware that success or failure hinged on the degree to which IDPs could take advantage of mutually reinforcing services and overcome linked obstacles. The standard proved hard to meet, efforts notwithstanding, probably due primarily to the shorter time periods of USAID interventions.

Acción Social is badly in need of basic communication technology to manage the registry and to monitor its multiple programmes in different locations. The problem is compounded by the fact that basic information related to IDP integration is scattered throughout several agencies, at national, departmental and municipal levels and is separately maintained for different sectors (health, housing, income-generation projects, etc.). The departmental and municipal governments, which ultimately have the responsibility to implement socioeconomic stabilisation programmes and services, are the least able to assess the needs, skills and even the demographics of the IDP populations in their territories.

As has been reiterated in this paper, the national entities in charge of IDP programmes decentralise responsibilities but centralise decision-making, information and resources. Without a doubt, better channels of information and greater participation from municipal and departmental authorities would improve the present abilities of local officials to cope with growing numbers of IDPs, or to at least know if numbers are in fact growing. On the other hand, some departmental and local governments in various Colombian locations are somewhat criminal (to varying extents). The officials in areas controlled by drug trafficking entrepreneurs, former paramilitaries, or FARC operatives, for example, can hardly be expected to be good managers of state and donor funding. The engagement of local officials is necessarily a case-by-case call.

### ***Urban centres of IDP concentration***

Opportunities for integration are all too often lost as IDP families move from place to place. Ten years or more after displacement IDPs complain that they cannot find stable employment or decent housing. Of course, their grievances must be taken in the context of Colombia's pervasive poverty and the high levels of unemployment across the board.<sup>130</sup> IDPs, however, enter the employment market at a sharp disadvantage due to below average literacy rates, limited schooling, a primarily rural skill set, and the overall trauma of having been displaced. Yet, where violence has diminished, prospects for settling down and integrating have become more viable.

There is evidence that military successes in overcoming insurgency have restored calm to some formerly conflict prone locations and opened the way for better governance. This, in turn, opens the way for integration. The city of Cúcuta and town of Tibú in Norte de Santander, briefly described above, are examples. The city of Florencia in Caquetá could be another example, if the present relative calm persists and if resources are made available for the community. The City of Neiva, capital of Huila, is another location that has had to accommodate very large numbers of IDPs from the surrounding areas. That city is not particularly violent, but has been very hard pressed to stretch resources and services, and receives little assistance.

The emphasis in this case study has been on smaller cities rather than on the larger ones, which are better known and documented. The IDP populations in Soacha (attached to Bogotá) in Medellín, around Cartagena and Cali have high rates of unemployment, are subject to violence, face secondary and tertiary forced displacement and cannot necessarily keep themselves or their children in good health or in school. Nevertheless, it is the contention of this paper that the large cities have a wider array of options for IDP incorporation and can call upon resources more readily from private and international sources. NGOs, universities, and technical assistance officials have participated in IDP projects in the major cities, but are scarce in urban settings that are smaller and seen as less secure. With time and appropriate planning, one can imagine that the large cities will manage to incorporate the present population more or less adequately. They will manage to do so far better, however, if the flow of new IDPs does not accelerate. This, in turn, will be facilitated if IDPs are able to find stability and livelihoods in the smaller cities

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130 The 2009 estimate of the Departamento Administrativo Nacional de Estadística was 12.6 per cent.

where they presently are concentrated more precariously. If IDPs have no choice but to keep moving to ever larger urban metropolises, the latter will become less and less able to incorporate them.

The Colombian Government, the military and donors have focused on priorities other than IDP integration. This has resulted in resources being insufficiently forthcoming to small and middle-sized cities where IDPs have sought refuge and could well remain. The Government and military, supported primarily by the United States, are largely focused on eradicating illicit drugs and defeating insurgents. Therefore they channel a larger proportion of resources to the areas of conflict than to areas where calm has been established, i.e. to the places where IDPs have found a somewhat more secure place of refuge.

### **Collective rights and IDP status**

The Colombian Government took steps in 2005 to recognise and compensate victims of violence caused by the illegal paramilitaries, insurgents and the Armed Forces. Law 975, known as the Justice and Peace Law, was part of a legal framework, which the Government characterised as a peace process, and through which the Government aimed both to demobilise the paramilitaries and make them accountable for crimes they had committed. Several paramilitary leaders agreed to relatively light sanctions for past human rights violations and criminal activities in exchange for accountability and compensation/restitution for victims. In addition to the measures through which perpetrators of human rights violations could be identified and prosecuted,<sup>131</sup> the law incorporated a mechanism, the National Commission of Reparations and Reconciliation, to design a plan which would enable victims to request compensation or restitution for stolen property. This process was still in process when the Santos Government presented comprehensive land legislation to Congress. In practice, the Justice and Peace human rights mechanisms have not been useful tools for displaced persons. They are hardly ever able to identify responsible parties, elaborate the specific crimes, and secure a conviction. The processes of displacement do not lend themselves to strict standards of evidence required for prosecutions.<sup>132</sup> A broader law on victims that was more encompassing of crimes of displacement was debated in 2009 and failed to be passed. A new law is being debated.

Hitherto, the Colombian Court and not the Congress has been in the lead in addressing IDP rights. The Court rulings have affirmed the right of IDPs to a differential approach from that of the stable poor due to their inability to recover rights or achieve an effective enjoyment of life. First, there are important socio-economic discrepancies; second, IDPs are victims of human rights violations for which reparations have not been offered. The Court and IDP advocates further affirm that the violation of rights is not limited to loss of life and stolen property, but extends to the greater vulnerability that arises as a consequence of uprooting. IDPs in this view constitute a group of victims inadequately recognised as such. Only when their victimhood has been recognised, when there has been restitution or compensation for their losses, and when forced displacement in Colombia has ceased can the status of IDP (i.e. victim of displacement) be overcome.

The Constitutional Court exercises authority over governmental institutions to ensure that IDPs are recognised as victims and enjoy rights as full citizens. Critics of the Court contend that it has moved beyond what its jurisdiction should cover. They convincingly point to the meagre resources at the disposition of the judges in their decision-

131 As yet there have been no prosecutions.

132 See IDMC, *Building Momentum for Land Restoration*, 11. See references to Roberto Vidal's presentation on this subject in the Brookings Institution publication, *Internal Displacement and the Construction of Peace*, (Bogotá Colombia, November 2008), 4. The inadequacies of the law and Commission are fully discussed in Sandro Jimenez Ocampo, Coordinator, *Internally Displaced People in Colombia, Victims in Armed Conflict. Permanent Transition: Ethical and Political Dilemmas or Reparative Justice in the Midst of Internal Armed Conflict*, (Universidad de San Buenaventura, Cartegena, March 2009).

making process. The judges lack research staff, funds to investigate, and the technical knowledge needed to analyse proposed solutions to the IDP situation. Yet the judges are interpreting and formulating public policies related to a wide range of displacement issues and how they should be financed. The Court, recognising its weaknesses, has created a monitoring commission, organised through the longstanding and highly respected IDP research and advocacy organisation, Consultancy for Human Rights and Displacement (CODHES). The result has been a series of detailed papers on topics being considered in the Court rulings. When the Court ruled that the Government had made important but insufficient progress toward fulfilling its constitutional obligation (T-025), it also called for further mechanisms outside of the Judiciary to make the determinations. During 2010 donor contributions have targeted capacity building in the Court and are funding improved data collection and dissemination.

The Commission, CODHES itself and other defenders of rights have done valuable work and has been of great assistance to the Court. Nevertheless, IDP policies and protection ultimately are the responsibility of Colombia's Government and its institutions. All too often, measures ordered by the Court have been implemented in a mechanical way simply to demonstrate compliance, even if the results are impractical and even counter-productive. The new Government has the opportunity to reformulate policies on a firmer basis. The basic legislation is in place, but the institutional capacity and the will to apply the existing laws is lacking.

Massive displacement is the major humanitarian outcome of years of conflict, and key to the resolution of displacement is achieving peace. Pending that outcome, comprehensive strategies for integrating the displaced in places where they are likely to remain is essential to peace-building and national well-being. The strategies should neither be subordinated to conflict management, nor relegated solely to the humanitarian arena. The effects of displacement already have touched not only the direct victims, but communities throughout the nation. The solutions remain to be identified and found at all levels throughout the national territory.

# PART PROTRACTED, PART PROGRESS: DURABLE SOLUTIONS FOR IDPS THROUGH LOCAL INTEGRATION IN GEORGIA

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## EXECUTIVE SUMMARY

This study focuses on internally displaced persons (IDPs) who fled from Abkhazia to Georgia proper in 1992. It is based on interviews undertaken in July 2010 with IDPs in four collective centres in western Georgia at various stages of privatisation, and with the local population in those areas.<sup>133</sup> The analysis is based on the criteria set out in the 2010 *Inter-Agency Standing Committee (IASC) Framework on Durable Solutions for Internally Displaced Persons*.<sup>134</sup>

Protracted internal displacement can be described as a situation in which solutions for IDPs are absent or have failed and IDPs have continuing assistance and protection needs that are linked to their displacement. The displacement of the IDPs who are the focus of this case study, is both protracted and not protracted: some of the needs of these IDPs have been met, putting them on the path towards durable solutions. However, other needs must still be addressed, putting obstacles in the way of achieving durable solutions.

Over time, some assistance and protection needs of this group have been met. IDPs said they no longer had major problems in terms of their physical safety or with access to food, water and sanitation, personal and other documentation, family reunification, participation in public affairs and access to effective remedies and justice for violations related to their displacement. In common with members of the local population, IDPs reported difficulties in finding jobs and paying for education and healthcare services, but the barriers they face are not directly related to their displacement. As these needs have been met, IDPs have progressed towards durable solutions even though none had consciously chosen to settle in their area of displacement.

133 IDMC thanks the staff of NRC Georgia, in particular the protection and advocacy advisor, Tina Gewis; the Information Counselling and Legal Assistance (ICLA) programme manager, Dimitri Zviadadze; and the ICLA team for their invaluable assistance, advice and insight. IDMC also thanks the government officials, representatives of humanitarian organisations and other experts who gave their time, knowledge and experience. Above all, IDMC would like to thank those people who participated in interviews, and who, by sharing their time, experiences and opinions, made this study possible.

134 Brookings-Bern Project on Internal Displacement, *IASC Framework on Durable Solutions for Internally Displaced Persons*, April 2010, [www.brookings.edu/reports/2010/04\\_durable\\_solutions.aspx](http://www.brookings.edu/reports/2010/04_durable_solutions.aspx). Adopted by UN in: UN Human Rights Council, *Report of the Representative of the Secretary-General on the human rights of internally displaced persons*, Walter Kälin—Addendum—Framework on Durable Solutions for Internally Displaced Persons, A/HRC/13/21/Add.4, 9 February 2010. Updated from 2007 version: Brookings-Bern Project on Internal Displacement & Institute for the Study of International Migration, Georgetown University, *When Displacement Ends: A Framework for Durable Solutions*, June 2007, [www.brookings.edu/reports/2007/09displacementends.aspx](http://www.brookings.edu/reports/2007/09displacementends.aspx).

Several displacement-related protection needs remain for the IDPs interviewed. These include limited freedom of movement, the lack of remedies for retrieving or compensating for lost property, the need for psychological counselling and the desire to acquire land. The only settlement options available to these IDPs are to remain at their current residence (local integration) or move elsewhere in Georgia proper (settlement elsewhere). They are unable to return to their original places of residence due to the absence of a peace agreement. The lack of a peace agreement also prevents them from restoring their housing, land and property rights. All of these factors combine to render their displacement protracted and prevent the achievement of durable solutions.

On the issue of adequate housing, uniquely among those addressed, there is simultaneously progress and deadlock, exposing the multi-faceted aspect of the criteria contained in the 2010 *IASC Framework on Durable Solutions for Internally Displaced Persons*.

National authorities have assumed responsibility for improving the living conditions of IDPs. While the return of IDPs to their original place of residence still remains an important goal, there is genuine willingness to assist IDPs to integrate locally. However, programmes are not implemented based on the needs of IDPs but rather on which buildings can most easily be privatized, sold or refurbished; IDPs have not been sufficiently informed about the programmes; and IDPs' non-displaced neighbours with comparable needs have been neglected. Furthermore, only a small percentage of IDPs have benefited from those measures that have been put in place. Ultimately, the achievement of durable solutions for IDPs in Georgia, whether through local integration or otherwise, depends on a resolution to the conflict.

## I. INTRODUCTION

As the Soviet Union began to collapse in the late 1980s, nationalist independence movements emerged. While some achieved independence peacefully, others resorted to force. Separatist conflicts broke out in Azerbaijan (Nagorno Karabakh, 1988 -1994), Georgia (Abkhazia 1992 - 1993 and South Ossetia 1991 - 1992), Moldova (Transnistria, 1990 - 1992) and Russia (Chechnya 1994 - 1996, 1999 – present; and North Ossetia 1992).<sup>135</sup> All of these conflicts occurred in autonomous regions, where ethnic minorities generally had political, administrative and cultural control during the Soviet era. In addition to causing widespread destruction of property and infrastructure, and significant casualties, the fighting displaced over a million people within the respective republics. Some 20 years later, none of the conflicts have been resolved and over 900,000 people from all of these locations remain internally displaced.<sup>136</sup>

During the late 1980s the autonomous republic of Abkhazia and the autonomous district of South Ossetia made increasingly vocal calls for secession from Georgia. Both Abkhaz and Ossetians are ethnically and linguistically unrelated to Georgians. While Ossetians were the majority population in South Ossetia as of 1989, Abkhaz made up only 17 per cent of the 525,000 people in their republic, whereas the largest group was ethnic Georgians with 45 per cent of the population.<sup>137</sup> Latent tensions came to the surface in 1989 and 1990 as an increasingly nationalist government in Tbilisi faced off against the independence movements in both breakaway regions.<sup>138</sup> Widespread

<sup>135</sup> The civil war in Tajikistan (1992-1994) also caused internal displacement, though it was not a separatist conflict.

<sup>136</sup> IDMC, "Long overdue: Making solutions durable for internally displaced people in Europe" (paper presented at the annual conference of the Canadian Association for Forced Migration and Refugee Studies, Hamilton, Canada, 6-8 May, 2010).

<sup>137</sup> WRITENET, *The Dynamics and Challenges of Ethnic Cleansing: The Georgia-Abkhazia Case*, 1 August 1997, [www.unhcr.org/refworld/docid/3ae6a6c54.html](http://www.unhcr.org/refworld/docid/3ae6a6c54.html).

<sup>138</sup> Sypros Demetriou, "Rising from the Ashes? The Difficult (Re)Birth of the Georgian State," *Development and Change* 33(5), 2002.

fighting erupted in South Ossetia in 1991 and then the following year in Abkhazia, after their declarations of independence were nullified by Georgia. Forces mobilised along ethnic lines, and the ensuing violence left 10,000 people dead in Abkhazia, and 1,000 people dead in South Ossetia.<sup>139</sup>

The fighting also displaced civilians. The vast majority of ethnic Georgians fled Abkhazia to Georgia proper, while an unknown number of Abkhaz were displaced within the republic.<sup>140</sup> In South Ossetia, around 10,000 ethnic Georgians fled to Georgia proper, 5,000 South Ossetians were displaced within South Ossetia and several thousand more were driven from Georgia proper back into South Ossetia.<sup>141</sup> In the absence of a resolution to either conflict, both Abkhazia and South Ossetia have functioned as *de facto* states outside Tbilisi's control ever since.<sup>142</sup>

Violence has erupted a number of times in Abkhazia and South Ossetia since the conflicts of the 1990s, most notably in August 2008. The five-day conflict in 2008 started in South Ossetia, but spread to Abkhazia and Georgia proper, drawing in military units from Georgia, Russia, South Ossetia and Abkhazia. By the time the fighting ended, Georgia had lost the last areas it controlled in South Ossetia and Abkhazia, and Russia subsequently recognised the independence of both. Hundreds of people were killed, thousands more were injured, and more than 138,000 people were internally displaced to and within Georgia proper.<sup>143</sup> The majority returned to their areas of origin after a couple of months, but an estimated 26,000 people have been unable to return home to their villages, mainly in South Ossetia.<sup>144</sup> All sides in the conflict reportedly violated international law, including the alleged implementation of a deliberate policy of forced displacement and ethnic cleansing of Georgians in South Ossetia.<sup>145</sup> Negotiations continue between the four parties under international mediation.

## II. IDPS IN GEORGIA

Internally displaced people (IDPs) in Georgia are often divided into the "old" and "new" caseloads. The "old" caseload refers to IDPs and their descendants who fled from Abkhazia and South Ossetia in the 1990s (mainly ethnic Georgians), while the "new" caseload refers to those who fled the two breakaway regions and were displaced within Georgia proper in 2008 (mainly ethnic Georgians). In mid-2010, the Georgian government reported there were some 233,000 "old" IDPs and about 22,000 "new" IDPs in Georgia proper. The first figure is the number of people displaced in the 1990s and their descendants registered as IDPs as of 2009, while the second figure includes about 17,000 people given IDP status after the 2008 war plus an estimated 5,000 who are still waiting to be formally recognised as such. Most "new" IDPs are from South Ossetia, and about 3,600 had already been displaced in the 1990s.

The majority of the "new" IDPs live in 38 purpose-built and refurbished settlements, most of them located in the Shida Kartli and Mtskheta-Mtianeti regions. The remainder live in temporary shelters including collective centres

139 Greg Hansen, *Humanitarian Action in the Caucasus: A Guide for Practitioners* (Providence, RI: Thomas J. Watson Jr, Institute for International Studies, Brown University, 1998), [www.reliefweb.int/library/documents/caucasus.pdf](http://www.reliefweb.int/library/documents/caucasus.pdf).

140 WRITENET, *Dynamics and Challenges*.

141 UNHCR, *Shelter Assistance Programme to Persons Affected by the Georgian-Ossetian Conflict* (statistics 1997-2005), 14 November 2005.

142 Scott Peg, *De Facto States in the International System*, Working Paper 21, February 1998, [www.sirag.org.uk/defactostates-somaliland.pdf](http://www.sirag.org.uk/defactostates-somaliland.pdf).

143 Hannah Entwistle, *The end of the road? A review of UNHCR's role in the return and reintegration of internally displaced populations*, 25 July 2010, UNHCR, PDES/2010/09, [www.unhcr.org/4c4989e89.html](http://www.unhcr.org/4c4989e89.html).

144 Interview with government official, 12 July 2010.

145 Independent International Fact-Finding Mission on the Conflict in Georgia, *Report*, 30 September 2009, [www.ceiig.ch](http://www.ceiig.ch).

and private housing, mostly in Tbilisi and Gori.<sup>146</sup> The number of “old” IDPs includes some 40,000 who have returned to the Gali district of Abkhazia. They retain their IDP status as the Georgian government does not consider their return sustainable. Most of the other “old” IDPs live in the main centres of Tbilisi, Kutaisi and Zugdidi. About half live in private accommodation while the other half are housed in government-provided accommodation, including former military barracks, schools, health resorts and municipal buildings.

### III. DESCRIPTION OF COMMUNITIES VISITED

This study focuses on the local integration of people displaced from Abkhazia in 1992, and who currently live in collective centres in the Samegrelo and Imereti regions of western Georgia. This area was chosen because IDPs living in collective centres outside Tbilisi, and particularly in western Georgia, have been identified as “the most needy.”<sup>147</sup> The collective centres visited vary both in size and in the housing status of the IDPs living there, as shown in Table 1.

**Table 1: Size and housing status of visited collective centres**

Location	Number of residents	Number of non-IDP residents	Ownership possibility	Refurbishment complete
Qvaloni	33	None	Yes and title deeds received	Yes
Samtredia	268	None	Yes	Yes
Senaki	2052	220	Yes	Yes
Tskaltubo	506	None	Not planned	Not planned

Ownership will not be transferred to residents of the Tskaltubo centre as they are expected to be resettled, some of them into ten new residential blocks built in the same town.<sup>148</sup>



<sup>146</sup> Amnesty International (AI), *In the waiting room: Internally displaced people in Georgia*, 5 August 2010, [www.amnesty.org/en/library/asset/EUR56/002/2010/en/7c07f880-b002-4f0c-87f2-fab9a6690a85/eur560022010en.pdf](http://www.amnesty.org/en/library/asset/EUR56/002/2010/en/7c07f880-b002-4f0c-87f2-fab9a6690a85/eur560022010en.pdf).

<sup>147</sup> Anna Matveeva, *New Approach to IDP Assistance: External Evaluation*, UNDP, May 2005, <http://erc.undp.org/evaluationadmin/downloaddocument.html?docid=597>.

<sup>148</sup> Government of Georgia, Ministry of Refugees and Accommodation, “IDP Housing Working Plan 2010” (paper presented at the conference Looking Forward: Updating the IDP Action Plan 2010, 17 February, 2010).

## IV. METHODOLOGY

The main research questions for this case study were:

- To what extent have IDPs in the selected group integrated locally?
- What factors have facilitated their local integration?
- What factors have obstructed their local integration?
- Is this integration a sustainable and durable solution or an interim solution pending return or resettlement elsewhere in the country?

The report is based on in-country interviews and secondary sources. IDMC conducted a total of 16 interviews with IDPs and their non-displaced neighbours in four locations in July 2010—four interviews each (three IDPs and one local resident) in Qyaloni, Samtredia, Senaki and Tskaltubo. The NRC's office in Georgia assisted IDMC in selecting and gaining access to IDPs in all of the communities visited. All interviews were conducted in confidentiality, and the names of interviewees are withheld by mutual agreement.

With the assistance of a Georgian-English interpreter, IDMC interviewed four internally displaced men and eight women, three of whom were elderly. Two female and two male local residents were also interviewed. Neighbours who were also internally displaced spontaneously joined most interviews and contributed to the discussion. A semi-structured interview style was used with the following issues guiding the interviewer: livelihoods and income; housing; land and property; water and sanitation; electricity and gas; education; health; documentation; public participation; access to justice; access to assistance; the impact of displacement on families; settlement options, and relations with the host community.

To complement the interviews, IDPs in Qyaloni, Senaki and Tskaltubo were given disposable cameras and asked to photograph those aspects of their daily lives that they felt it was most important to draw to the attention of decision-makers.<sup>149</sup> IDMC's return to discuss the photos was also an opportunity to clarify previous responses and ask additional questions. Time constraints meant this activity did not take place in Samtredia.

The conclusions of this study cannot be broadened beyond the group studied to make assumptions about “old” IDPs more generally. Assuming IDPs in western Georgia are still the “most needy,” the IDPs interviewed would face the most challenges and require the most assistance of all IDPs in Georgia. An extrapolation of the conclusions for this group to all “old” IDPs would be wrong since these IDPs are a heterogeneous group at various stages of integration in urban and rural areas throughout the country. Nearly twenty years after their displacement, many have moved out of collective centres, secured a good income and bought housing.<sup>150</sup> The conclusions for this group are nevertheless still important. They may apply to IDPs living in collective centres in small towns in western Georgia and can inform a discussion on durable solutions for IDPs in protracted displacement.

149 Cf PhotoVoice, *Methodology*, [www.photovoice.org/html/whoarewe/methodology](http://www.photovoice.org/html/whoarewe/methodology).

150 Matveeva, *New Approach to IDP Assistance*, May 2005.

## V. IDPS' SETTLEMENT CHOICES

Current and comprehensive data on IDPs' preferred solutions to their displacement is not available, but what data is available shows a shift in those preferences. Prior to the 2008 war most IDPs from Abkhazia seemed committed to returning to their places of origin on the condition that Georgia would exercise jurisdiction over those locations.<sup>151</sup> However, a survey of IDPs in private accommodation after the 2008 war revealed that most would choose to settle in Georgia proper.<sup>152</sup> All the IDPs interviewed for this study say that they hope ultimately to return to their former homes. It is unclear, however, whether this would still be their choice if and when return becomes possible, given that in the nearly 20 years since their displacement, landscapes, neighbours and power structures have changed. In any case, fulfilment of their rights at their current place of residence without prejudice to return should be respected.

IDPs who have returned cannot necessarily be considered to have achieved a durable solution. In Abkhazia, return has been limited to the Gali district, the southernmost part of Abkhazia, which was overwhelmingly populated by Georgians of Mingrelian<sup>153</sup> background prior to the war. The number of returnees to the Gali district is disputed and seasonally variable, though estimates range between 40,000 and 50,000 mainly ethnic Georgians.<sup>154</sup> Returnees have been subjected to attacks, arsonists have targeted their property and they continue to live under a constant threat of violence.<sup>155</sup> In an area with a 95 per cent unemployment rate, returnees survive on subsistence farming,<sup>156</sup> and most live in partially destroyed houses that they cannot afford to rebuild. Infrastructure such as roads, electricity, telecommunications and water and sanitation systems are in dire need of reconstruction. Crossing from Abkhazia to Georgia proper has become more restricted since 2008, which makes it difficult for returnees to visit family members, sell their harvest, attend medical appointments or collect benefits such as the IDP allowance.<sup>157</sup> Health care is inadequate and the quality of Georgian education is poor in lower Gali, while in upper Gali many returnee children are educated in Abkhaz or Russian, neither of which they have previously learned.<sup>158</sup> The lack of schooling in the Georgian language has a detrimental effect on their education and prospects for the future. Around 3,000 returnees in the Gali district have managed to secure Abkhaz passports, but those without them increasingly have trouble accessing benefits, obtaining documents and formalising property ownership.<sup>159</sup>

151 Kate E. Zimmerly, "Georgia: Frozen Conflict and the Role of Displaced Persons" (M.A. diss., University of Denver, 2009), <http://gradworks.umi.com/14/65/1465593.html>; International Crisis Group (ICG), *Abkhazia: Ways Forward*, 18 January 2007, [www.crisisgroup.org/~media/files/europe/179\\_abkhazia\\_ways\\_forward.ashx](http://www.crisisgroup.org/~media/files/europe/179_abkhazia_ways_forward.ashx); Hansen, *Humanitarian Action*.

152 UNHCR, Field office Zugdidi, *Report on Pilot Profiling: IDPs in private sector of Samegrelo and Adjara regions of Georgia*, November, 2009.

153 The Mingrelians are a sub-ethnic group of Georgians who live mainly in the Samegrelo region of Georgia.

154 Entwistle, *The end of the road? A review of UNHCR's role in the return and reintegration of internally displaced populations*, July 2010.

155 Irakli Lagvilava and Mirea Kekelidze, "Abkhazia: Georgians Complain of Harvest Thefts," Institute of War & Peace Reporting, 17 September 2010, <http://iwpr.net/report-news/abkhazia-georgians-complain-harvest-thefts>; Marietta S. Konig, "Conflict resolution in Georgia: a never-ending story?," in *Georgia in Transition: experiences and perspectives*, ed. by Lorenz King and Giorgi Xubua (Frankfurt: Peter Lang, 2009); Hansen, *Humanitarian*; Open Society Institute, *Forced Migration: Repatriation in Georgia*, (New York: Open Society Institute, June 1995), p. 20; Council of Europe, Commissioner for Human Rights, *Report on human rights issues following the August 2008 armed conflict* CommDH(2009)22, 15 May, 2009, <https://wcd.coe.int/ViewDoc.jsp?id=1444917&Site=CM>; International Crisis Group (ICG), *Abkhazia Today*, 15 September 2006, [www.crisisgroup.org/en/regions/europe/caucasus/georgia/176-abkhazia-today.aspx](http://www.crisisgroup.org/en/regions/europe/caucasus/georgia/176-abkhazia-today.aspx).

156 UNHCR, *Country Operations Plan for 2006*, 1 September 2005, [www.unhcr.org/433bf5c52.html](http://www.unhcr.org/433bf5c52.html).

157 AI, *In the waiting room*, August 2010.

158 ICG, *Abkhazia: Ways Forward*; UN Economic and Social Council, *Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Mission to Georgia (21 to 24 December, 2005)* E/CN.4/2006/71/Add.7, 24 March 2006.

159 "Abkhazia: Furore Over Gal Georgians' Status," Institute for War & Peace Reporting, 24 August 2009, <http://iwpr.net/report-news/abkhazia-furore-over-gal-georgians%20status-0>; Council of Europe, Commissioner for Human Rights, *Report August*.

Of the several thousand Ossetian families who fled from Georgia proper to South Ossetia during conflict in the early 1990s, less than a dozen have returned to their former homes. Some have remained in South Ossetia for fear of their safety and of suffering discrimination in Georgia.<sup>160</sup> Those who fled in the opposite direction, from South Ossetia to Georgia proper, have not returned due to the lack of basic services and opportunities to make a living.<sup>161</sup>

More than 100,000 people who were displaced within Georgia proper during the 2008 war have returned to their places of original residence and also face an uneasy situation. Depending on the location, their main concerns are physical insecurity, difficulties to cross into and trade in South Ossetia, poor access to water, damaged infrastructure and equipment.<sup>162</sup> Most housing is in need of repair and some are unwilling to invest in those repairs for fear the conflict may erupt again. As a result some returnees do not live in their former homes, but remain in emergency housing provided by humanitarian agencies.<sup>163</sup> Returnees in communities along the administrative boundary with South Ossetia are the most impoverished communities in Georgia.<sup>164</sup>

Successive governments in Tbilisi have in the past insisted on return as the only settlement option for IDPs. While IDPs have benefited from temporary assistance programmes, local integration has not been seriously discussed until recently as it would be seen as the abandonment of Georgian territory.<sup>165</sup> The UN General Assembly has supported the return of IDPs without mention of their right to settle where they currently reside or elsewhere in the country, though it has mentioned the Guiding Principles on Internal Displacement as the key international framework for the protection of IDPs.<sup>166</sup>

IDPs themselves have also been reluctant to embrace local integration for fear it would mean giving up their status and right to return. Some also thought it would simply cement their current, impoverished situation. In a recent project to help raise the political participation of IDPs, local integration was presented as improving their current living conditions and access to services, and combatting discrimination without prejudicing their right to return. Presented in this way, the concept was more widely accepted, the temporary or provisional aspect reportedly playing an important part in this shift.<sup>167</sup>

## VI. LEGAL FRAMEWORK FOR IDP PROTECTION

Since 1992, the government has adopted more than 200 normative and individual legal acts with provisions for IDPs. The main acts regulating the status, rights and duties of IDPs and the government response to internal dis-

160 UN Economic and Social Council, March 2006, *supra* note 158.

161 UN OCHA Georgia, *South Ossetia Briefing Note*, 15 January 2004, [www.reliefweb.int/rw/rwb.nsf/AllDocsByUNID/92b9c3f690c7e18285256e1c0061274c](http://www.reliefweb.int/rw/rwb.nsf/AllDocsByUNID/92b9c3f690c7e18285256e1c0061274c); ICG, *South Ossetia: Refugee Return the Path to Peace*, 19 April 2005, [www.crisisgroup.org/en/regions/europe/caucasus/georgia/b038-georgia-south-ossetia-refugee-return-the-path-to-peace.aspx](http://www.crisisgroup.org/en/regions/europe/caucasus/georgia/b038-georgia-south-ossetia-refugee-return-the-path-to-peace.aspx).

162 AI, *In the waiting room*; AI, *Civilians in the Aftermath of War*, 7 August 2009, [www.amnesty.org/en/library/asset/EUR04/001/2009/en/f9998486-b2d7-4356-843d-196a8a6c9486/eur040012009eng.pdf](http://www.amnesty.org/en/library/asset/EUR04/001/2009/en/f9998486-b2d7-4356-843d-196a8a6c9486/eur040012009eng.pdf); Saferworld, *Life on the Boundary Line: The future of security in Shida Kartli*, 25 October 2010, [www.saferworld.org.uk/smartweb/resources/view-resource/482](http://www.saferworld.org.uk/smartweb/resources/view-resource/482); UNHCR, *Development of the IDP protection situation in Georgia: Achievements and remaining challenges*, July 2010.

163 AI, *In the waiting room*, August 2010.

164 Saferworld, *Life on the Boundary Line*, October 2010.

165 Open Society Institute, *Forced Migration*, June 1995, p. 22; Matveeva, *New Approach*, May 2005.

166 UN General Assembly, *Status of internally displaced persons and refugees from Abkhazia, Georgia* A/63/950, 24 August, 2009, [www.un.org/ga/search/view\\_doc.asp?symbol=A%2F63%2F950&Submit=Search&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A%2F63%2F950&Submit=Search&Lang=E).

167 Conciliation Resources, *Out of the margins: securing a voice for internally displaced people: lessons from Georgia*, 2 September 2009, [www.c-r.org/our-work/caucasus/documents/Georgia-securing\\_a\\_voice\\_forIDPs\\_report-hi-res%20web.pdf](http://www.c-r.org/our-work/caucasus/documents/Georgia-securing_a_voice_forIDPs_report-hi-res%20web.pdf); ICG, *Abkhazia Today*, September 2006.

placement are the *Law of Georgia on Internally Displaced Persons* No 335-II (adopted 1996, last amended 9 June, 2006), the *State Strategy for Internally Displaced Persons-Persecuted* (adopted 2 February, 2007) and the *Action Plan for the Implementation of the State Strategy on Persecuted Internally Displaced Persons* (last revised 11 May, 2010). This legal framework gives IDPs the same rights and freedoms as other citizens. In addition, those with IDP status are entitled to certain benefits and privileges, including a monthly cash allowance, temporary shelter with utilities free of charge, plots of land, primary and secondary education at the state's expense, healthcare coverage and assistance in finding employment. The law also protects IDPs from arbitrary eviction and the strategy includes support for local integration during displacement and reintegration upon return.

The adoption of the 2007 state strategy on IDPs marked a policy shift for the Georgian government. While continuing to maintain return as a settlement option for IDPs, the strategy also embraces local integration at their current place of residence. It shows an increased willingness to invest in the improvement of IDPs' current situations rather than doing so only in the event of return. A decisive factor appears to have been the international community's promotion of 'temporary integration' of IDPs as opposed to 'integration,' which was not in line with the goal of conflict resolution and return.<sup>168</sup> In practice, however, the return of IDPs has remained a priority and was a central theme of President Mikhail Saakashvili's re-election campaign in January 2008.<sup>169</sup> After the war with Russia in August of the same year, however, the government showed real willingness to implement the new strategy. The resumption of hostilities and a second wave of displacement had destroyed the prospect of imminent return, and the lack of progress in peace processes since suggests that the government in Tbilisi will be unable to make return a reality for the foreseeable future.<sup>170</sup>

## VII. LOCAL INTEGRATION OF IDPS FROM ABKHAZIA

Several reports on IDPs in Georgia have evaluated the integration of IDPs in their host communities. For example, a 2005 evaluation of the "New Approach to IDP Assistance" found that few IDPs had integrated into their communities, though it was unclear which criteria had been used. The IDPs were reportedly stagnating in apathy and unwillingness to engage in productive activities as a result of the focus on return and related uncertainty, and poor socio-economic conditions.<sup>171</sup> The evaluation also found that the further away from Abkhazia IDPs settled, the better their integration. Another study of "old" IDPs from Abkhazia found that about half of the respondents reported themselves to be generally well integrated, while about one third thought they were poorly integrated.<sup>172</sup> IDPs thought their integration would improve if they had better homes, jobs and improved relations with the local population, even though IDPs generally responded that the local population treated them well. This study concluded that these IDPs are neither integrating nor returning because return is physically impossible for most, and by not integrating IDPs ensure that the conflict will not be resolved without resolution to their displacement.

The 2010 *LASC Framework on Durable Solutions for Internally Displaced Persons* states that:

A durable solution is achieved when IDPs no longer have assistance and protection needs that are linked to their displacement and such persons can enjoy their human rights without

168 Matveeva, *New Approach*, May 2005.

169 Conciliation Resources, *Out of the margins*, September 2009.

170 *Ibid.*

171 Matveeva, *New Approach to IDP Assistance*, May 2005.

172 Zimmerly. "Frozen Conflict." 2009.

discrimination resulting from their displacement. A durable solution can be achieved through: sustainable reintegration at the place of origin; sustainable local integration in areas where internally displaced persons take refuge (local integration); or sustainable integration in another part of the country (settlement elsewhere in the country).

The framework also sets out the following criteria to measure progress towards durable solutions: safety and security; adequate standard of living; livelihoods and employment; restoration of housing, land and property; access to documentation; family reunification; public participation; and remedies for displacement-related violations. The principles of non-discrimination and sustainability and the concept of integration apply to all criteria and settlement options. The framework criteria were used to analyse the interviews with IDPs for this study.

Determining whether these criteria are obstacles or catalysts to durable solutions in Georgia is arbitrary. Most criteria are multi-faceted, and as such may simultaneously obstruct and facilitate solutions. Four criteria, however, did not pose any specific problems for the IDPs interviewed. They were access to personal and other documentation, family reunification, participation in public affairs and access to effective remedies and justice for displacement-related violations (except for dispossession of property). All respondents had the documentation required to access benefits and services; they had been able to reunite with their family members, could participate in all levels of public affairs and did not suffer any human rights violations during their displacement. These criteria will not, therefore, be included in the analysis below. The remaining four criteria (safety, security and freedom of movement; adequate standard of living, which includes housing, education and health; access to livelihoods and employment; restoration of housing, land and property) will be considered in the order of their importance for the achievement of durable solutions. Social networks will also be considered, as this has been identified elsewhere as an important aspect in the integration of IDPs.<sup>173</sup>

### ***Safety, security and freedom of movement***

Restrictions on IDPs' freedom of movement and choice of residence are preventing them from achieving durable solutions. Since the Soviet *propiska* system of mandatory registration of residence was abolished in 1996, there have been no discriminatory or arbitrary restrictions on IDPs' freedom of movement within Georgia proper. In Abkhazia, however, IDPs' return has been limited to the Gali district since the ceasefire agreement was signed in 1994. With limited possibilities to return, IDPs' ability to make an informed choice between local integration, return or resettlement elsewhere in the country is undermined and the search for durable solutions is stalled. The lack of freedom of movement is therefore a factor in protracted displacement in Georgia.

Most IDPs interviewed said they felt they had no choice as regards settlement options. They said they were unable to return to their original places of residence in the absence of a resolution to the conflict and did not have the means or assistance to settle elsewhere in Georgia, leaving local integration as their sole settlement option. Even so, none had consciously chosen to stay in their area of displacement and most clung to the hope of return to their place of origin. This amounts to local integration by default, which cannot be considered a sustainable durable solution based on an informed, voluntary choice.

The 2007 state strategy on IDPs is a major step forward as it enshrines IDPs' right to choice, but in practice that right is infringed upon as return is currently physically impossible for most IDPs. Return may continue to present security risks to IDPs, but it should not be permanently prohibited. Restrictions should only apply as long as absolutely necessary to protect returnees from serious risks to their life, physical integrity or health.

<sup>173</sup> Alastair Ager and Alison Strang, "Understanding integration: A conceptual framework," *Journal of Refugee Studies*, 21(2), June 2008, p. 175.

### ***Restoration of housing, land and property***

Basic measures have not been taken to secure the homes, land and property left behind by IDPs against destruction, unlawful use, occupation or appropriation. After the conflict in the 1990s, the *de facto* Abkhaz authorities took Georgian-owned homes and gave them to other families who had lost their own properties as a result of the fighting.<sup>174</sup> According to the IDPs interviewed, some of their houses had been bought or sold, some destroyed, some occupied and some left vacant. Only a small number of interviewees managed to take their ownership documents with them when they fled.

The Georgian government has made efforts to respect IDPs' rights regarding the property they left behind. The government pledged to restore ownership and tenancy rights or pay compensation for the property lost by displaced people by 2002.<sup>175</sup> In 2006, a register was established under the government's "My house" programme to protect property and inheritance rights. Some 100,000 dispossessed people registered their losses,<sup>176</sup> but the lack of supporting documentation and the failure of the *de facto* Abkhaz authorities to collaborate mean the programme is still to be implemented.<sup>177</sup> The government also drafted legislation regulating the restitution of property of IDPs from South Ossetia or compensation *in lieu*, but the *de facto* South Ossetian authorities rejected the proposals. Despite Tbilisi's pledges and efforts, there is no mutually agreed remedy to restore IDPs' rights as regards their property, and this represents an obstacle in finding durable solutions for IDPs. For IDPs who prefer to integrate locally, receiving compensation or rent for land and property left behind could help facilitate their local integration through improved living conditions, for example.

### ***Adequate standard of living: housing***

Inadequate housing remains one of the main problems facing IDPs in Georgia. The majority of collective centres have not been refurbished for nearly 20 years, leaving residents in poor conditions with insufficient privacy and space. Shared kitchens and bathrooms are generally dilapidated and unhygienic, electrical wiring is often unsafe and buildings are poorly insulated against the elements.<sup>178</sup> UNICEF reported that such conditions were detrimental to IDPs' health and to their children's performance at school.<sup>179</sup> Other research by UNHCR shows that IDPs in private accommodation live in similar or worse conditions, with over 50 per cent of homes in need of refurbishment. The facts that many of these IDPs have had to move a number of times since their displacement, and that many homeowners are not registered as such, only serve to make their situation more precarious.<sup>180</sup>

174 "Satellite Images to Push Abkhazia Refugee Claims," Institute for War & Peace Reporting (IWPR), 13 November 2006, <http://iwpr.net/report-news/satellite-images-push-abkhazia-refugee-claims>.

175 Council of Europe, *Georgia's application for membership of the Council of Europe* Opinion No. 209, 1999, <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta99/EOPI209.htm>.

176 "Satellite Images," IWPR.

177 Internal Displacement Monitoring Centre/Norwegian Refugee Council, *IDPs in Georgia still need attention*, 9 July 2009, [www.internal-displacement.org/8025708F004CE90B/\(httpCountries\)/F62BE07C33DE4D19802570A7004C84A3?opendocument&count=10000](http://www.internal-displacement.org/8025708F004CE90B/(httpCountries)/F62BE07C33DE4D19802570A7004C84A3?opendocument&count=10000).

178 UNHCR, *Protection of Internally Displaced Persons in Georgia: A Gaps Analysis*, July 2009, [www.unhcr.org/4ad827f59.pdf](http://www.unhcr.org/4ad827f59.pdf); Akaki Zoidze and Mamuka Djibuti, *IDP Health Profile Review in Georgia*, 2004, UNDP Tbilisi.

179 Vimonmas Pam Vachatimanont, *IDPs' Access to Quality Education in the Republic of Georgia*, UNICEF Paper 4, [www.unicef.org/ceecis/Emerg\\_georgia.pdf](http://www.unicef.org/ceecis/Emerg_georgia.pdf).

180 UNHCR, Zugdidi, *Report on Pilot Profiling*; Mamuka Nadareishvili and Vasil Tsakadze, *Survey on Housing and Socio-Economic Conditions of Internally Displaced Persons in Georgia*, 2008.

Following the 2008 conflict, the Georgian government showed significant commitment to providing all IDPs with adequate permanent housing. It introduced a phased approach to address the housing needs of people displaced in the 1990s, the first phase being the refurbishment and transfer of ownership of some collective centres. The second phase covers improved housing conditions for IDPs in private accommodation, and in the third phase families not in need of housing will receive financial assistance. During 2009, some 243 collective centres and 42 other buildings were refurbished, and the IDPs living in them were offered the opportunity to take ownership of their assigned space. By late 2010, about 6,800 families displaced in the 1990s had signed purchase agreements in around 330 collective centres, and 8,000 families displaced in 2008 had received a house, apartment or cash. However, this was mostly achieved in 2009. Efforts to ensure IDPs' protection throughout the process include a purchase agreement and regulations governing minimum shelter requirements, refurbishment standards and allocation procedures.

The housing of interviewees was adequate in some ways and inadequate in others<sup>181</sup>. It was affordable as IDPs were exempt from payment of rent and utilities. IDPs in all locations reported their housing was also acceptable in terms of culture, gender and age and all dwellings were connected to public utilities, including water, sanitation and electricity, ensuring the facilities for cooking, heating, lighting and washing. IDPs were also guaranteed legal protection against forced eviction, and some already had ownership documents for their dwelling. However, IDMC noted that their housing was inadequate in terms of habitability and, in the case of Qyaloni, location. Their housing may become unaffordable if IDPs should have to pay for the use of utilities in the spaces they own in the future.

At the Tskaltubo centre, which has not been refurbished, all interviewees at least had a main room that served as a bedroom and living room for all family members, a private bathroom and a kitchen on the balcony. There was no hot running water, and the plumbing and sewage systems were in need of repair. Hallways and stairwells were dark and generally in poor condition. There were few safe places for children to enjoy themselves; most played on the balcony, in their living room or in common areas. IDPs had made some improvements to their space, by putting up wallpaper, covering worn-out flooring with plastic, and building makeshift furniture. The rooms of elderly IDPs were in especially poor condition as they were not physically able to carry out such work. A humanitarian organisation replaced electrical wiring following a fire many years ago. Interviewees in Tskaltubo were generally keen to move out.

Though refurbishment in Qyaloni, Samtredia and Senaki generally improved IDPs' living conditions, the standard and scope of work was variable. In some cases problems in common areas such as flooded basements and unsafe stairwells were not addressed, while in others the repairs actually created new problems - a garden was paved over, new doors were not hung correctly or did not close properly, and roofing that was in good condition was replaced anyway. Some repairs, such as bathroom tiling and laminate flooring, were already deteriorating again, and mould was visible on walls of centres where basements were flooded, perhaps as a result of poor site drainage. There were insect infestations in common areas, which had spread to some dwellings. Some centres had indoor plumbing installed but others across the street did not, leaving some elderly and vulnerable IDPs to fetch their water and in the worst cases to carry it upstairs. Some IDPs were allocated more space following refurbishment but others were not, and residents generally felt that their privacy remained compromised after the work had been carried out.

Poor outcomes and a lack of information surrounding the variable standards and scope of the refurbishment work left many IDPs feeling frustrated and disappointed. Most interviewees said they still needed assistance for improvements that should have been carried out by the government, including the installation of sewage systems and gas

<sup>181</sup> Aspects of adequate housing outlined by the United Nations Committee on Economic, Social and Cultural Rights in General Comment 4 on the right to adequate housing (Art. 11(1)) were used for this assessment. See [www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/469f4d91a9378221c12563ed0053547e?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/469f4d91a9378221c12563ed0053547e?OpenDocument).

and electricity supplies.<sup>182</sup> They also said they were unaware of any quality control assessments or complaint mechanisms. In some cases the construction company came back to do minor repairs after refurbishment, but in others IDPs either received no response to their complaints from the government or they were told there was no budget available. Neither were the construction companies able to provide any answers. IDPs had raised collections to pay for the basements to be pumped out, only to find that the water accumulated again. The more crowded the centre the greater the degree of frustration.

Interviewees who used the disposable cameras provided by IDMC mainly photographed living space that they felt was in need of repair or refurbishment, reflecting the importance IDPs attached to the issue of poor housing in the collective centres visited. IDPs in all centres said they knew locals who lived in similarly poor and crowded conditions. This points to a wider need for the government to take measures to improve the adequacy of housing with consideration of the needs of all groups living in particularly poor conditions. Despite the similar needs of their non-displaced neighbours, the lack of adequate housing is standing in the way of progress towards durable solutions for the IDPs interviewed since it is a need directly related to their displacement.

While the refurbishment and transfer of ownership of IDPs' living spaces is a positive development, the process has faced many challenges. The government's action plan states that "the decisions regarding the rehabilitation process will be made in the best interest of IDPs, and wherever possible, with participation of concerned IDPs, ensuring gender equality". The government, however, did not design or implement the housing programme based on the needs or interests of IDPs. Although they have lived at the centres for more than 15 years, IDPs did not take part in the planning or management of the refurbishments, they were not consulted either over which work should be prioritised, or over plans for the transfer of ownership. Refurbishment was also not offered to IDPs' neighbours who were living in similar conditions but had not been displaced. One such non-IDP resident of a collective centre that was part of the refurbishment and privatisation programme was told he was not eligible to have his interior space refurbished or privatised.

IDPs' right to make informed and voluntary choices has also not been respected. Where information has been provided about the three-phase process and the options available to them, it has been piecemeal and inconsistent. Many were unaware of the provisions and timing of the process, who was eligible and how to pursue the options. A campaign to inform IDPs launched after the process began has led some IDPs to want to cancel contracts they had previously signed on the basis of incomplete information. IDPs in collective centres that were refurbished and offered for privatisation felt they had no real choice as regards the final outcome. In Samtredia and Senaki, there was still some debate as to whether they should ultimately sign purchase agreements—the result of concerns about the small amount of space on offer, incomplete renovations, potentially unaffordable utilities and the fact that furniture promised to them had still not arrived.

Others said they felt more settled now that they owned or could own their dwelling, but that ultimately they still wanted to return to their place of residence prior to displacement. Those unable to return to Abkhazia because their family members fought in the war said they would prefer to resettle somewhere else, such as Poti, with more living space and better job prospects. Two interviewees said they would prefer to stay in town because they had deceased relatives buried nearby.

Most IDPs received no information from municipal government officials, and had little or no information on the housing options available. They had no confidence in the government and said they felt that any efforts were only

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<sup>182</sup> Danish Refugee Council, *Monitoring the Process of Setting-Up of Condominiums in Privatised Collective Centres*, November-December 2009.

made in the interest of winning support at election time. Some interviewees knew there was a municipal action plan for IDPs and stressed the need for it to be supported with international assistance, but others were not aware of the action plan at all. The exception was Tskaltubo, where IDPs said that government officials had visited them and explained both the plans to relocate them and the resettlement options available. Those officials also gave IDPs the opportunity to state their preference as to a location for resettlement. Most, but not all, of the IDPs in Tskaltubo seemed relatively well-informed and confident about the choices they had made as a result.

### ***Adequate standard of living: health***

Healthcare provision in Georgia has been an on-going concern since independence, with reforms becoming visible over the last years. What began as a system based on the principle of universal free access is now undergoing large-scale privatisation. Healthcare providers are private employees, hospitals have been sold to private investors for redevelopment and mandatory social health insurance has been replaced by private schemes. Private insurance is now the main mechanism for the payment of healthcare services and this is publicly funded for households living below the poverty line. All others are expected to pay their own way. As of 2008, only around a third of Georgians had some form of health insurance.<sup>183</sup>

Access to healthcare remains unaffordable for many and the quality of services remains poor. Out-of-pocket payments have grown much faster than inflation and are excessively high, due largely to increased spending on medication which is not covered under the state-sponsored private insurance scheme.<sup>184</sup> This financial barrier to accessing care remains significant, particularly for the poor,<sup>185</sup> some of whom spurn treatment altogether while others choose to self-medicate. Doctors and nurses are well educated and trained, and the allocation of resources has become more efficient,<sup>186</sup> but medical facilities and equipment are in need of replacement or repair.<sup>187</sup>

IDPs appear to have a particular need for psychosocial support. In Senaki interviewees responded that they thought some of their fellow IDPs had serious mental health issues as a result of their experiences during the conflict. They said they did not fear for their own safety, but worried about the safety of the family members of these neighbours as they would often hear shouting. Several Senaki collective centre residents appeared particularly tense and emotional, dwelling on events during the conflict and injustices they have faced since then. It is unclear how widespread this issue is. Some reports found a high demand for psychosocial assistance among internally displaced adults and youth,<sup>188</sup> but these appear to be based on out-dated surveys and data. Given the long-term nature of displacement, inadequate mental health services and psychosocial rehabilitation system in Georgia<sup>189</sup> and the fact that the government has assumed meaningful responsibility for IDPs only recently, these needs deserve further study.

183 World Health Organization, *Georgia health system performance assessment*, 2009, [www.euro.who.int/\\_data/assets/pdf\\_file/0012/43311/E92960.pdf](http://www.euro.who.int/_data/assets/pdf_file/0012/43311/E92960.pdf).

184 Tata Chanturidze, Tako Ugulava, Antonio Durán, Tim Ensor, Erica Richardson, "Georgia: Health system review," *Health Systems in Transition*, 2009, 11(8), pp. 1-116, [www.euro.who.int/\\_data/assets/pdf\\_file/0003/85530/E93714.pdf](http://www.euro.who.int/_data/assets/pdf_file/0003/85530/E93714.pdf).

185 Tobias Hauschild and Esme Berkhouwt, *Health-care reform in Georgia: a civil-society perspective: country case study*, Oxfam International Research Report, May 2009, [www.oxfam.org.uk/resources/policy/health/downloads/research\\_healthcare\\_reform\\_georgia.pdf](http://www.oxfam.org.uk/resources/policy/health/downloads/research_healthcare_reform_georgia.pdf); UNHCR, *Gaps Analysis*.

186 WHO, *Health system performance assessment*.

187 European Observatory on Health Systems, *Georgia health system review*, 2009, [www.euro.who.int/\\_data/assets/pdf\\_file/0003/85530/E93714.pdf](http://www.euro.who.int/_data/assets/pdf_file/0003/85530/E93714.pdf).

188 George Tarkhan-Mouravi, *Assessment of IDP Livelihoods in Georgia: Facts and Policies*, February 2009; Anna Matiashvili, *IDP Education Profile Review in Georgia*, 2004, UNDP Tbilisi; Manana Sharashidze et al., "Georgia mental health country profile," *International Review of Psychiatry* February/May, 2004 16 (1-2), p. 111.

189 Sharashidze et al., "Georgia mental health country profile", p. 111.

The IDPs interviewed for this study said that their access to healthcare was limited by financial constraints. Though they all have state health insurance for people living below the poverty line and are eligible for a modest discount on the cost of medication, they could not always afford treatment. As a result, some have simply left illnesses untreated while others have sold some of their belongings in order to pay for treatment. For those living in remote areas such as Qvaloni, location is also an issue. One family at the Qvaloni centre had to transport one of their members backwards and forwards to hospital on regular basis both before and after she underwent the amputation of a leg, placing excessive strain on their finances. IDPs living at the Senaki centre have to travel up to ten kilometres to access healthcare services, but as the lack of finances and remote location are not directly related to displacement these IDPs cannot be said to have barriers to achieving a durable solution in terms of access to healthcare.

Similarly, further study is also required to determine whether the health status of IDPs differs from that of the general population. Comprehensive and current data on the health status of those displaced in the 1990s is unavailable, but according to a study commissioned by the United Nations Development Programme in 2004, the overall health status of IDPs, particularly those living in collective centres, was worse than that of the general population.<sup>190</sup> The Abkhaz Ministry of Health in Exile also reported in 2004 that the incidence of disease among IDPs was on average more than twice that of the general population. This was attributed to their low quality of life, unhealthy habits, on-going stress as a result of displacement and uncertainty about their future, as well as lack of access to medical services.<sup>191</sup> Georgia's 1999 reproductive health survey found that pelvic inflammatory diseases were more common in IDP women than in their counterparts in the general population.<sup>192</sup> Some 8.9 per cent of people with HIV in Georgia are IDPs, who are thought for the most part to have contracted the virus through drug use attributed to poor living conditions, poverty, low self-esteem and lack of opportunities.<sup>193</sup>

IDPs interviewed for this study said they thought they were in worse health than the general population. In Tskaltubo, they reported that most men at the centre had died since displacement. They said that these men had suffered anxiety as they had been unemployed, unable to provide for their family and unable to come to terms with their poverty after their relatively high standard of living in Abkhazia. They said that women in the centre had dealt with these changes and the challenges inherent in them more easily than men. Women had continued or gone out to work, made friends with non-displaced neighbours and had in many cases acted as the main breadwinner in addition to homemaker.

### ***Adequate standard of living: education***

Following the displacement of the early 1990s, public schools were established in Georgia proper for the education of internally displaced children from Abkhazia. The aim was to provide education close to their homes and to shore up communities until return became feasible. Most children from internally displaced families now attend local schools in Georgia's mainstream education system, but 14 Abkhaz public schools still exist, catering to the needs of some 3,000 children - around ten per cent of school-age children with IDP status.

<sup>190</sup> Zoidze and Djibuti, "IDP Health Profile,"; Nana Sumbadze and George Tarkhan-Mouravi, *Working Paper on IDP Vulnerability and Economic Self-Reliance*, UNDP, 2003.

<sup>191</sup> Tarkhan-Mouravi. *Assessment of IDP Livelihoods in Georgia*, February 2009.

<sup>192</sup> Khatuna Doliashvili and Cynthia J. Buckley, "Women's Sexual and Reproductive Health in Post-Socialist Georgia: Does Internal Displacement Matter?" *International Family Planning Perspectives*, 2008, 34 (1), p. 25.

<sup>193</sup> Hilary Homans and Marian Schilperoord, "HIV interventions amongst displaced persons in the Southern Caucasus," UNHCR (paper presented at the XVII International AIDS Conference, Mexico City, 3-8 August, 2008).

The IDPs interviewed for this study said their children were able to attend school within the Georgian system without suffering discrimination, and that finances were their main obstacle to education services at all levels. Most interviewees' children had already graduated, but those with school-age children said they could not always afford textbooks and fees for other school expenses that they were asked to contribute. These children nevertheless went to school regularly. Some said that in the past they had sold jewelry and other belongings to ensure their children were well-equipped for school. In all the areas we visited, schools for IDPs used to be separate from the local schools, but are now integrated, drawing on IDPs and the general population for students and teachers alike. Parents were satisfied with the quality of education and did not think that the previously segregated education system had harmed their children's integration. Most IDP children did not go to university as their families were not able to afford the transport or tuition fees, though some did attend on a government scholarship. While some IDP children were disadvantaged in Georgia's education system, this appears to be due more to their economic than their IDP status, and as such they do not have any displacement-related barriers in accessing education.

The quality of education for IDPs attending Abkhaz public schools in Georgia proper is worse than for others attending regular schools and this is a displacement-related issue. Abkhaz public schools are in a worse state of repair than regular schools. Facilities, resources and equipment such as furniture, heating, lighting, washrooms, cafeterias, libraries and blackboards are either lacking or substandard<sup>194</sup> as a result of under-investment by the authorities. There is a large renovation programme underway for all schools in Georgia, but it is unclear whether those institutions particularly in need, such as Abkhaz public schools, will be given priority. In the meantime, students' achievement at these institutions suffers. While the curriculum is the same in all schools and there is no significant difference in the quality of teaching, students' achievement is lower in the Abkhaz public schools and they do not go on to higher education as often as children in the general population. Lower achievement in Abkhaz public schools may be due to poor school conditions, but also to economic factors such as fewer textbooks, less private tuition and poor housing conditions.<sup>195</sup>

Some have argued that separate schooling for internally displaced children adds to their feeling of exclusion and hinders their integration into society, but two recent studies show otherwise. A survey of students in 13 Abkhaz public schools and 20 local schools found that children from internally displaced families seemed to be "well-settled and integrated." All the children surveyed said they had plenty of close friends. Internally displaced children revealed that around half of their friends were fellow IDPs and the other half children from the local population. In comparison, non-displaced children said only 20 per cent of their friends were IDPs.<sup>196</sup> Students and parents both reported that children got on well regardless of their background and discrimination or harassment experienced in the past. A nationwide study of 3,000 IDPs also found that those of school-age had good relations with non-displaced children and were "well-integrated."<sup>197</sup> As such, separate schooling for internally displaced children cannot be said to have led to their widespread exclusion or hindered their integration, if measured in terms of friendships.

<sup>194</sup> Sean Loughna, Tamar Bregvadze and Nino Partskhaladze, *Not Displaced, Out of Place: Education of IDP Children in Georgia*, March 2010, Norwegian Refugee Council, [www.nrc.no/arch/img.aspx?file\\_id=9482594](http://www.nrc.no/arch/img.aspx?file_id=9482594) [ ].

<sup>195</sup> Loughna, Bregvadze and Partskhaladze, *Not Displaced*.

<sup>196</sup> Loughna, Bregvadze and Partskhaladze, *Not Displaced*.

<sup>197</sup> Nadareishvili and Tsakadze, *Survey on Housing*.

### **Access to livelihoods and employment**

The 2007 state strategy on IDPs reported that unemployment was higher among IDPs than the general population, and that districts which were home to greater numbers of IDPs also had lower indicators of economic activity. Data from 2004 and 2006 shows that the unemployment rate for IDPs was up to three times higher than that of the general population.<sup>198</sup> A more recent nationwide survey of 3,000 IDPs in private and collective accommodation found that 69 per cent were unemployed, and that 83 per cent of households described their economic situation as “hard”, “very hard” or “extremely hard.”<sup>199</sup> It is unclear to what degree these surveys included relatively well-off IDPs in their sample, and as such whether the data is representative. UNHCR has argued that displacement is a direct cause of IDPs’ unemployment, leaving them with less access to information about job opportunities as a result of their marginalization.<sup>200</sup> It is unclear, however, what the barriers are to accessing this information. The IDPs interviewed did not report any difficulties in finding out about job opportunities, but that such opportunities were rare. Further study is needed to obtain an unemployment figure for IDPs using a representative sample, as well as to identify any barriers to information about job opportunities.

With two exceptions, none of the IDPs interviewed for this study or their family members had a job, and many said that unemployment was their biggest problem. The husbands of two interviewees had found full-time work, one as a security guard in the local area, the other at a factory in Turkey. Other IDPs had temporary or unofficial work or were dependent on members of their extended families living and working elsewhere. None had been able to find work in their chosen professions since their displacement, whether they were university-educated or not. One teacher spent several years selling sweets, an engineer worked as a saleswoman, and a hospital receptionist started a business only to give it up after being robbed. Some young IDPs said they had not considered moving elsewhere in search of work as they could not support themselves economically. The families are dependent on the IDP allowance, targeted social assistance (for which not all IDPs qualify), pensions, disability benefits and other government support to supplement what little income they can scrape together. The benefits they receive are not enough to pay for an adequate standard of living, and though most acknowledged that they could afford basic items they also said they relied on loans to be able to do so. In contrast, all of the members of the local population interviewed were employed and thought IDPs were worse off economically than themselves. At the same time, other locals are poorer than IDPs and have told IDPs that they were fortunate to get the IDP allowance. Some IDPs said there was no difference between their economic status and that of the majority of the local population.

IDPs’ unemployment does not appear to be displacement-related, contrary to UNHCR’s conclusion in the 2009 IDP gaps analysis. There are no formal legal or administrative limitations on their right to work and in principle their access to available work should be on a par with that of jobseekers among the general public. All IDPs interviewed said that they were unemployed because there were few or no jobs available and those that did exist were always given to employers’ family members. Locals themselves acknowledged that this was the case in their own experience, which pointed to the importance of family networks in Georgia, where there is a much greater reliance on family and extended kin than on neighbours.<sup>201</sup>

<sup>198</sup> Nana Sumbadze, “Country Report: Georgia,” Economist Intelligence Unit, June 2006; Stephen Holtzman and Taies Nezam, *Living in Limbo: Conflict-Induced Displacement in Europe and Central Asia* (Washington, DC: World Bank, 2004).

<sup>199</sup> Nadareishvili and Tsakadze, *Survey on Housing*.

<sup>200</sup> UNHCR, *Gaps Analysis*.

<sup>201</sup> Beth Mitchneck, Olga V. Mayorova and Joanna Regulska, “Post-Conflict Displacement: Isolation and Integration in Georgia,” *Annals of the Association of American Geographers* 99(5), 2009, p. 1025.

Nepotism appears to affect locals and IDPs alike, and IDPs do not seem to suffer discrimination in this sense on the basis of their status as displaced. In a later analysis UNHCR has suggested that IDPs' difficulty in finding work is more a consequence of the remote location of many of their settlements, which leaves them isolated from infrastructure, markets and training opportunities, which is related to their displacement.<sup>202</sup> Those IDPs who do have jobs or engage in income-generating activities have non-family members in their social networks—this suggests that access to income-generating activities helps to diversify IDPs' social networks.<sup>203</sup>

In addition to their homes, displacement deprived IDPs of their arable land. This is a further factor preventing them from becoming self-sufficient, in addition to barriers to accessing land in or near their current settlements. IDPs said the local administration would not allocate them land despite repeated requests. Sometimes their requests were ignored, sometimes they were told no land was available, and in one case where a plot was allocated it was too far away to be useful. Current legislation authorises local administrations to allocate temporary plots of land to IDPs, but leaves them to do so at their discretion. Many IDPs are unable to participate in auctions or sale of agricultural land, either because they lack the funds or they only have temporary registration in the area. In Qyaloni, local residents have given IDPs use of their fallow land, but IDPs report that they are only able to harvest enough for subsistence. For IDPs who wish to farm as a livelihood, the long-term prospects for their economic integration depend on availability of land, tools, seeds and livestock. To achieve a durable solution through local integration where they are living, these IDPs should have sustainable access to land and to related credits and support.

Unemployment is a problem across Georgian society as a whole. There is no state policy for job creation or vocational training, nor are there employment agencies designed to cater to the needs of the unemployed.<sup>204</sup> Government plans to increase IDP employment are yet to be implemented. Under the current legislation, local authorities are responsible for assisting IDPs in finding work commensurate to their qualifications, and the 2007 state strategy and corresponding action plan outline measures the government should implement to improve IDPs' access to jobs and other opportunities to make money. Some technical and vocational training programmes have been put in place, but specialised services to assist and support IDPs in regaining their livelihoods or securing employment do not exist. This is due at least in part to a shortage of state resources. Additional programmes are needed to help IDPs and others reduce their dependency on state benefits.

### **Social networks**

Although not a criteria in the 2010 *LASC Framework on Durable Solutions for Internally Displaced Persons*, social networks are a contributing factor to IDPs' integration. The Georgian government acknowledges this in its 2007 state strategy:

IDP's current social capital does not facilitate their integration; this results in their isolation and lower participation in areas of civil society. Disappointment and desperation of many IDPs results in social passivity, lack of initiative and dependence on assistance. This is one of the most important obstacles to their social integration as well as their future return to their permanent places of residence.

202 UNHCR, *Development of the IDP protection situation in Georgia: Achievements and remaining challenges*, July 2010.

203 Mitchneck, Mayorova and Regulska, "Post-Conflict Displacement," p. 1023.

204 George Tarkhan-Mouravi. *Assessment of IDP Livelihoods in Georgia: Facts and Policies*, February 2009.

In contrast to the government's depiction of IDPs, the IDPs interviewed were not isolated from the local community. IDPs said that relations with members of their host population were uneasy at first, but had become friendly over time. There were mixed marriages in every location we visited, and in two areas locals had given IDPs use of their land and housing, the latter albeit for a holiday. They celebrate weddings together and visit each other when ill. IDPs in all locations said that one should not differentiate between IDPs and the rest of the local population. Some said they had never felt any negativity from their hosts. In Tskaltubo, locals agreed that IDPs should be moved out of the collective centre and resettled in the town because of their poor living conditions. In other areas, IDPs said that some locals had been envious of the refurbishment of collective centres, which subsided after they saw the poor quality of work.

Several studies have discussed social networks of "old" IDPs in Georgia. A study of 3,000 internally displaced households found that about 68 per cent interacted with locals and other IDPs alike, but that IDPs in collective centres did so less than those in private accommodation.<sup>205</sup> More than 90 per cent of these IDPs said they had "good" or "very good" relations with their neighbours.<sup>206</sup> Others also pointed to strong social networks within their collective centres, giving them a sense of communal life and belonging.<sup>207</sup> They said they shared goods and information via these networks, making it easier for them to mobilise.<sup>208</sup> A small qualitative study of IDPs in collective centres in Tbilisi carried out in 2009 showed that older IDPs had no regular engagement with members of the local population and that despite the lack of space and privacy in the collective centre, they felt isolated and alone.<sup>209</sup>

Another Georgia-based study of 180 respondents in three cities, found that IDPs' social networks were not significantly different to those of the local population.<sup>210</sup> It found that IDPs in collective centres had social networks as large as those of the local population, while IDPs in private accommodation had the smallest social networks. In all cases networks were composed primarily of family members, revealing social isolation as a feature of Georgian society. The study also found that IDPs' social networks have not changed significantly since the time of their displacement, with most continuing to interact with relatives and people they knew in Abkhazia. IDPs interviewed for this study said that they fled to areas where their relatives and former neighbours were living. Some still had contact with former neighbours now living elsewhere, and relatives in Abkhazia, but they said that maintaining contact was difficult because of bad telephone lines and costly charges. However, the IDPs interviewed also had regular contact with local residents, showing that their social networks were not limited to relatives.

## IX. TURNING LOCAL INTEGRATION INTO A DURABLE SOLUTION

The first question that emerges from this study is whether IDPs can be on the path towards durable solutions if their settlement options are limited. Return is physically impossible for all the IDPs interviewed, though this is their settlement preference. IDPs in Qvaloni, Samtredia and Senaki do not have the means or assistance to settle elsewhere in the country. Some stated that moving elsewhere other than their place of origin at this point in time might amount to secondary displacement. The only option for this latter group is to settle at their current residence.

<sup>205</sup> Mamuka Nadareishvili and Vasil Tsakadze, *Survey on Housing and Socio-Economic Conditions of Internally Displaced Persons in Georgia*, 2008.

<sup>206</sup> *Ibid.*

<sup>207</sup> Conciliation Resources, *Out of the margins*, September 2009.

<sup>208</sup> ICG, *Abkhazia Today*, September 2006.

<sup>209</sup> Namrita Singh and Courtland Robinson, "Support Systems among Urban IDPs in Georgia," *Forced Migration Review*, Issue 34, February 2010, [www.fmreview.org/urban-displacement/FMR34.pdf](http://www.fmreview.org/urban-displacement/FMR34.pdf).

<sup>210</sup> Mitchneck, Mayorova and Regulska, "Post-Conflict Displacement," p. 1022.

Until they enjoy freedom of movement and choice of residence and return becomes a real option, they are in protracted displacement as defined at the 1<sup>st</sup> Expert Seminar on Protracted Internal Displacement.<sup>211</sup>

While settlement options may be limited, IDPs have been able to enjoy normal lives at their current residence in some respects. Nearly 20 years since their displacement, the IDPs interviewed have rebuilt their lives in many ways. They have made friends in the local community, their children have been born, raised and educated at their current location and although not entirely content with their housing conditions, they have personalised their space in the collective centres and will soon have ownership. They have also secured documentation they need to access services and entitlements, been able to reunite with family members, participated in elections, and are able to generally afford food, clothing and transport and enjoy physical safety and security.

Reaching durable solutions, however, still requires significant political will, resources and commitment. The main obstacles are lack of freedom of movement, absence of remedies to restore housing, land and property, inadequate housing, limited psychosocial support and poor access to land. National authorities have assumed responsibility for improving the living conditions of IDPs. However, the following are the main areas that need to be addressed. In all cases the government must take the lead, with support from relevant international experts and organisations as required.

### **Conflict resolution**

Ultimately, political solutions to the conflicts over Abkhazia and South Ossetia are required to re-establish citizens' freedom of movement to and within those areas and allow them to exercise their right to choose where they want to settle. All parties to the conflict should continue negotiations and international organisations and foreign states should continue to mediate the talks and provide political support, financial assistance and resources to the parties to ensure the negotiations succeed.

As durable solutions for IDPs are a crucial element of lasting peace, the concerns and interests of IDPs should be included through representative and credible IDP interlocutors in negotiations to resolve the conflicts. Any peace agreement should ensure explicit recognition of the human rights of IDPs, including the right to freely choose among voluntary return, local integration or settlement in another part of the country.

Any political solution should also include the establishment of a remedy to restore housing, land and property rights or where that is not possible, provide compensation or another remedy to the dispossessed. Together with the re-establishment of freedom of movement, this will allow IDPs to make an informed and voluntary choice about where to settle and could help improve their standard of living.

### **Data collection**

There is no current, accurate and representative profile of IDPs in Georgia. A profiling exercise and needs assessment would help to identify the issues IDPs still face as a result of their displacement and make it possible to plan and implement appropriate services and assistance to address them. IDPs who are assumed to be well-integrated should be included, as well as those living in private accommodation since current data tends to focus on IDPs in the more problematic situations. As such, current data may obscure and skew the

<sup>211</sup> Brookings-Bern Project on Internal Displacement and UNHCR, *Expert Seminar on Protracted IDP Situations*, 21-22 June 2007, [www.brookings.edu/~media/Files/events/2007/0621\\_displacement/20070621\\_displacement.pdf](http://www.brookings.edu/~media/Files/events/2007/0621_displacement/20070621_displacement.pdf).

portrayal of IDPs in Georgia. The idea would not be to impose the IDP label, but to identify displacement-related needs of these groups as well as interventions that have worked, or not, and to inform government measures listed in the 2007 state strategy and the corresponding action plan. Qualified professionals should establish the current health profile of IDPs, including mental health issues.

### ***Housing***

Measures should be taken to give legal security of tenure to households currently lacking ownership documents for their privatised space in collective centres as well as those who have chosen not to privatise their space. National and local authorities, with the support of donors and development organisations, must set aside funding for all remaining phases of the housing measures set out in the 2010 revised action plan to ensure all IDPs in need receive adequate housing. Municipalities with significant IDP populations should receive support from central authorities in planning and implementing solutions. Non-displaced neighbours of IDPs living in similar conditions to IDPs in collective centres should be included in refurbishment efforts of these locations.

### ***Livelihoods***

Municipal governments should, where appropriate, allocate land to IDPs to lessen their dependence on state benefits and help those who wish to farm re-establish sustainable livelihoods. Allocation should be long-term and users should receive documentation confirming their right to use the land as well as support to cultivate it. Beyond the allocation of land, the government should also develop and implement policies to create jobs and prioritise investment in areas with a high concentration of IDPs.

### ***Education***

A survey of the equipment, furniture and conditions in the so-called Abkhaz public schools should be undertaken to determine the repairs and new purchases required to ensure the quality of education meets that of regular schools. The Abkhaz public schools should be prioritised in the school renovation programme currently underway in Georgia. The government should make further efforts to ensure teachers of the Abkhaz public schools benefit from training and professional development opportunities available to teachers of regular schools.

### ***IDPs' participation***

Genuine consultation with IDPs should be improved in future processes to allow for their participation in the planning and management of programmes that affect them. Processes should be inclusive and involve all elements of the displaced population. A campaign should be launched to increase public awareness and participation in such programmes, and to enable and encourage IDPs to make informed choices. Their involvement in discussions at the municipal government level should continue. IDP leaders should be supported to ensure their messages are sent to the right targets using the proper channels and that their messages are systematically addressed.

### ***Needs-based approach***

IDPs' specific needs should be the primary consideration guiding the design and implementation of all policies and programmes that affect them and meeting the needs of the most vulnerable IDPs should be prioritised. The needs of the local population in areas where IDPs are living should also be determined, and if found to be similar should also be addressed.

### ***Monitoring of the process of establishing durable solutions***

Progress should be monitored to ensure displacement-related needs are addressed and that IDPs continue on the path towards durable solutions. Monitoring should be based on indicators developed from the 2010 *LASC Framework on Durable Solutions for Internally Displaced Persons* and involve international and national non-governmental organisations. The results of this monitoring should be made publicly available.

### ***Government capacity***

Additional staff should be recruited for regional offices of Georgia's Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia. The capacity and involvement of local authorities in the planning and management of programmes related to durable solutions for IDPs should also be increased. Information flows between the ministry and local authorities should be improved. The government should also devote efforts to lobbying to development organizations for additional funds for IDPs, including by allocating a specific section to their needs in government development strategies.

### ***Financial support***

The government should increase its budget allocation for IDPs. Donors should increase support to development programmes in Georgia assisting IDPs to reach durable solutions. Priority should be given to funding programmes designed based on current and reliable data of the needs and interests of IDPs. Donors should make funding contingent on increase of government funding for IDPs, consultation and participation of IDPs as well as the establishment of programme monitoring mechanisms to ensure IDPs' needs are met.

# PROTRACTED INTERNAL DISPLACEMENT AND INTEGRATION IN SERBIA

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## EXECUTIVE SUMMARY

In the wake of the 1999 NATO bombing campaign that forced Serbian security forces to leave the Albanian majority province of Kosovo, about 250,000 non-Albanians fled their homes and became internally displaced persons (IDPs). The majority of the displaced are Kosovo Serbs, while some are members of several distinct Roma minorities. Although it has been over a decade since this exodus, few IDPs have sustainably returned, and the failure to achieve a political solution agreeable to both Serbia and Kosovo has perpetuated insecurity and the risk of discrimination in Kosovo. While some 20,000 IDPs are now located in segregated rural enclaves within Kosovo, over ten times this number—as many as 230,000 IDPs—find themselves in various locations in Serbia proper.

This report examines the issue of protracted internal displacement from the point of view of the 230,000 IDPs in Serbia proper. It focuses on possibilities and obstacles for their voluntary integration, looking at the differential impact of displacement-related policies on the larger and more integrated population of Kosovo Serbs versus, the smaller and socio-economically marginalised population of Roma. The report proceeds from the observation that return to Kosovo has been hindered by failures on the part of the *de facto* Kosovo authorities to provide adequate security, as well as guarantees of non-discrimination and access to property. However, the fixation on issues related to Kosovo's status by the Serbian authorities has also resulted in missed opportunities to promote both return based and non-return based durable solutions.

In this context, a key finding in this report is that the Serbian authorities have begun to develop effective and sustainable measures to ‘improve the living conditions’ of IDPs; in effect to allow for their interim integration in a manner that contributes to their self-reliance and resilience. However, official support for these policies has remained tentative and ambiguous, due to concerns that they could be perceived as relieving the Kosovo *de facto* authorities of their responsibility to create the conditions for voluntary durable solutions. In order to alleviate this concern, the report recommends that the international community, together with the Serbian authorities and other governments affected by protracted internal displacement, begin working towards a clearer understanding of the opportunities and drawbacks presented by ‘interim integration’ programming, as distinguished from the durable solution of permanent ‘local integration.’ Such an understanding should proceed from the fact that interim integration comprises a necessary precondition for eventual durable solutions in protracted displacement settings, but is not a durable solution in itself.

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\* The author wishes to thank all those who provided the information and insights upon which this report is based. Particular gratitude is owed to the Danish Refugee Council offices in Belgrade and Niš, which provided invaluable help in identifying and contacting key interlocutors and facilitating interviews with displaced communities in Bujanovac, as well as the InterSOS Mission to Serbia and its partner NGO Vizija in Niš, for the opportunity to visit with beneficiaries of their work in Doljevac.

Proceeding from this general recommendation, the report goes on to make a number of specific recommendations to the Serbian authorities, including the following:

- Adoption of a policy of vigorous, sustained and pro-active technical co-operation with all relevant actors in Kosovo in order to remove remaining obstacles to return and access to property for IDPs.
- Revision of the current policy framework on durable solutions to reflect the criteria identified in the 2010 *Inter-Agency Standing Committee (IASC) Framework on Durable Solutions for Internally Displaced Persons*,<sup>212</sup> the further development of Local Action Plans to meet the housing needs of IDPs and other vulnerable groups, and addressing the particular risks faced by displaced Roma.
- Adoption of measures necessary to ensure effective protection of IDPs' rights to documentation and legal identity, health care, education, employment and housing.

## I. INTRODUCTION

In the wake of the 1999 NATO bombing campaign that forced Serbian security forces to leave the majority Albanian province of Kosovo, about 250,000 non-Albanian minorities fled their homes and became internally displaced persons (IDPs).<sup>213</sup> About three quarters of the displaced are Serbs, and most of the rest belong to various Roma minorities including both Serbian-speaking Roma and primarily Albanian-speaking Ashkali and Egyptians.<sup>214</sup> While it has been over a decade since this exodus, very few IDPs have been able to sustainably return to their homes of origin due to ongoing concerns about insecurity and discrimination. This situation of protracted internal displacement is closely correlated with the inability to date of the international community, the Serbian government and the Kosovo *de facto* authorities to negotiate a resolution to the conflict on terms acceptable to all parties.

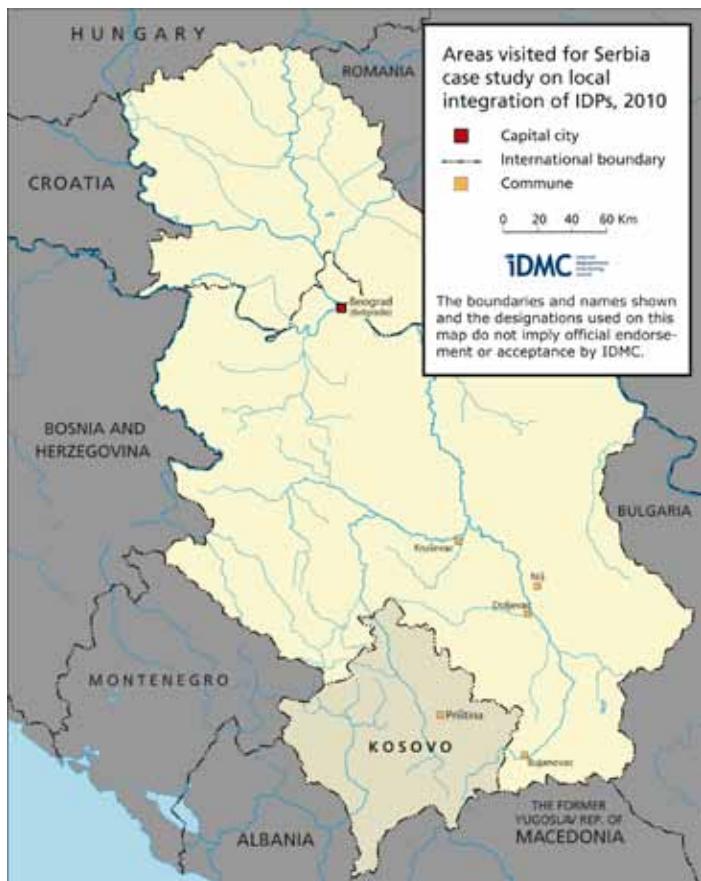
The total population of about 250,000 IDPs can be broken down into nearly 20,000 people displaced within Kosovo, primarily within segregated rural enclaves, and a further 230,000 IDPs in various locations in Serbia proper.<sup>215</sup> Of the latter group, some 210,000 are officially acknowledged by the Serbian authorities and receive various forms of assistance, while a further 20,000 consist of unregistered and highly vulnerable IDPs, most with Roma backgrounds. This study examines the issue of protracted internal displacement from the point of view of the estimated 230,000 IDPs on the territory of Serbia proper. It focuses on possibilities and obstacles for their voluntary integration, concentrating on the differential impact of displacement-related policies on the larger and more integrated population of Kosovo Serbs versus the smaller and socio-economically marginalised population of Roma.

212 Brookings-Bern Project on Internal Displacement, *IASC Framework on Durable Solutions for Internally Displaced Persons*, April 2010, [www.brookings.edu/reports/2010/04\\_durable\\_solutions.aspx](http://www.brookings.edu/reports/2010/04_durable_solutions.aspx). Adopted by UN in: UN Human Rights Council, *Report of the Representative of the Secretary-General on the human rights of internally displaced persons*, Walter Kälin—Addendum—Framework on Durable Solutions for Internally Displaced Persons, A/HRC/13/21/Add.4, 9 February 2010. Updated from 2007 version: Brookings-Bern Project on Internal Displacement & Institute for the Study of International Migration, Georgetown University, *When Displacement Ends: A Framework for Durable Solutions*, June 2007, [www.brookings.edu/reports/2007/09displacementends.aspx](http://www.brookings.edu/reports/2007/09displacementends.aspx).

213 A note on terminology: 'Serb' refers to ethnicity while 'Serbian' refers to citizenship of Serbia.

214 Internal Displacement Monitoring Centre (IDMC), *Serbia: IDPs Still Seeking Housing Solutions and Documentation to Access Their Rights*, 29 December 2009, p. 4, [www.internal-displacement.org/.../Serbia%20-%20December%202009.pdf](http://www.internal-displacement.org/.../Serbia%20-%20December%202009.pdf). As noted by IDMC, statistics on the number and ethnic composition of IDPs are inexact and often contested. Although IDPs were jointly registered in 2000 by the Serbian Commissariat for Refugees and UNHCR, it appears that many IDPs, particularly Roma, were not counted at that time. There has not been a re-registration to date.

215 *Ibid.* p. 1.



The study is based on two research trips conducted in late August and early September 2010, during which the author interviewed Government officials at the national and local level, the staff of international humanitarian, human rights and development agencies, national experts and civil society representatives as well as displaced individuals and families. The study is also based on an extensive review of the literature on internal displacement in Serbia. Much of the statistical and background information is derived from successive updates by the Internal Displacement Monitoring Centre (IDMC).<sup>216</sup> Two recent reports on Serbia by the UN Representative to the Secretary General (RSG) on the Human Rights of IDPs have also provided important guidance on the applicability of the UN Guiding Principles on Internal Displacement to the situation in Serbia.<sup>217</sup>

While IDPs of both Serb and Roma ethnicity face persistent barriers to return to Kosovo, local integration in Serbia has been increasingly

facilitated through measures undertaken by the Serbian authorities and international donors. However, political concerns related to Kosovo's status have inhibited Serbia's government from taking the crucial steps of (1) engaging with the Kosovo authorities at a practical level in order to realise IDPs' rights there, and (2) articulating a policy on displacement that facilitates effective and sustainable integration measures on the understanding that this in no way precludes the eventual return of IDPs. The impending prospect of accession to the European Union (EU) has helped to foster an atmosphere that may assist in the rapid closure of the 'displacement file' throughout the region of the former Yugoslavia. Against this background, the Serbian authorities have everything to gain from rearticulating and expanding current policies in a manner that will grasp the opportunities this presents to secure rights-based durable solutions for IDPs.

Although nearly two decades have passed since the beginning of the protracted armed conflict that contributed to the collapse of the Socialist Federal Republic of Yugoslavia (SFRY), many of the successor states that emerged are still dealing with the humanitarian consequences. Serbia, once the most important of the six republics that comprised the SFRY and home to its federal capital, Belgrade, was spared significant fighting on the ground. However,

216 *Ibid.*; IDMC, *Serbia: Final Status for Kosovo—towards Durable Solutions for IDPs or New Displacement Risk?* 10 December 2007, [www.internal-displacement.org/.../Serbia%20-December%202007.pdf](http://www.internal-displacement.org/.../Serbia%20-December%202007.pdf); IDMC, *Serbia & Montenegro: IDPs from Kosovo: Stuck between Uncertain Return Prospects and Denial of Local integration*, 22 September 2005, available at: [www.internal-displacement.org](http://www.internal-displacement.org).

217 UN Human Rights Council, *Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin—Addendum—Follow-up visit to the mission to Serbia and Montenegro (including Kosovo) in 2005*, 11 December 2009, A/HRC/13/21/Add.1; UN Commission on Human Rights, *Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin—Addendum—Mission to Serbia and Montenegro*, 9 January 2006, E/CN.4/2006/71/Add.5; both available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?m=71](http://ap.ohchr.org/documents/dpage_e.aspx?m=71).

the Serbian authorities have been faced with the largest influxes of displaced persons in the region, including Serb refugees from the neighbouring former Yugoslav republics of Bosnia and Croatia, as well as Serb and Roma IDPs from the former autonomous province of Kosovo. Indeed, Serbia's 2002 *National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons* proceeds from the estimate that these forced migration flows increased the country's population by nearly ten per cent.<sup>218</sup>

In practice, Serbia's response to the earlier waves of refugees from Bosnia and Croatia in the mid-1990s set the model for both the initial reception of IDPs from Kosovo in 1999 and the manner in which durable solutions to their displacement have ultimately been conceived. The response to displacement from Kosovo in 1999 was led by the institution set up to assist earlier waves of refugees, the Serbian Commissariat for Refugees (SCR), and involved the incorporation of IDPs into pre-existing collective centres and aid distribution networks.<sup>219</sup> However, by the time the IDPs arrived, the SCR was already under donor pressure to move toward durable solutions for refugees. As a result, the 2002 National Strategy focused on closing collective centres and initiating programmes to provide permanent housing solutions to refugees that chose local integration over return. However, such assistance was not made available to IDPs, exposing them to frequent moves and the attendant social and economic disruption as collective centres rapidly and successively closed.<sup>220</sup>

As discussed below, these policies ultimately led to a situation in which the majority of IDPs depleted their resources paying for private rental accommodation, while the most vulnerable and marginalised IDPs form the residual populations of the remaining collective centres, continuing to inhabit centres that are officially closed, or living in squalid conditions in informal settlements. To their credit, the Serbian authorities more recently responded to this state of affairs by extending the housing programmes designed for refugee integration to include IDPs and other marginalised groups. However, these initiatives have been both belated and hesitant, with official documents referring only to the need to 'improve the living conditions' of IDPs, and avoiding any explicit mention of integration whether temporary or permanent:<sup>221</sup>

Given the fact that the majority of those accommodated in collective centres are [IDPs], the shutting down of collective centres requires that adequate solutions be found for these people. ... The leading principles in resolving the issues of IDPs foresee the right of IDPs to return. Considering that security conditions in [Kosovo], already for a prolonged time, do not permit a more substantial return of [IDPs] to their previous place of residence, the Republic of Serbia, within its capacities, carries out projects with the goal to improve the living conditions of the most vulnerable categories of IDPs until the conditions for their return have been established.

Without an understanding of the politics of the Kosovo conflict, it would not be obvious why these official documents do not refer as openly to the integration of IDPs as has been done in the past with refugees in Serbia, particularly given that both groups are benefiting from the same programmes. Indeed, considering that IDPs from Kosovo and refugees from Croatia also face similar persistent obstacles to return, many observers assume that durable solu-

<sup>218</sup> Government of the Republic of Serbia, *National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons*, 30 May 2002, p. 2, [www.brookings.edu/projects/idp/Laws-and-Policies/serbia.aspx](http://www.brookings.edu/projects/idp/Laws-and-Policies/serbia.aspx).

<sup>219</sup> Interview: Municipal Official, Niš, 31 August 2010.

<sup>220</sup> IDMC, *IDPs from Kosovo*, September 2005, pp. 15-16.

<sup>221</sup> Serbian Commissariat for Refugees (SCR), 'The conditions and needs of internally displaced persons in collective centres in the Republic of Serbia,' January 2010, 1.

tions in the form of local integration are the only realistic long-term scenario for both groups.<sup>222</sup> The nature of the conflict in the former SFRY also blurs the formal distinction between IDPs and refugees, all of whom were citizens of a common state less than a generation ago. For instance, just as Croatian Serb refugees tended to be able to retain their Croatian nationality while also obtaining Serbian nationality, IDPs from Kosovo are entitled to the citizenship of both the self-proclaimed Republic of Kosovo and of Serbia.<sup>223</sup> Notwithstanding these similarities, a key political difference between the two groups remains salient.

Early on in the Yugoslav civil wars, the international community recognised the rights of the six constituent republics of the SFRY—including Bosnia, Croatia and Serbia, but not Kosovo—to secede and become independent states. This meant that persons that fled across the former republic borders were properly seen as refugees. For Serbia, formal recognition of the other successor states to the former SFRY has been a component of political normalisation, which has reduced the foreign policy implications of allowing refugees to integrate locally. Having recognised the sovereignty of the other former Republics of the SFRY, Serbia has renounced any claims to their territory that might otherwise have lent political overtones to refugees' decisions on whether to return.

By contrast, persons from Kosovo who are currently displaced in Serbia proper are treated as IDPs. This distinction is made as a result of the fact that Kosovo was not a Republic of the SFRY and was therefore not deemed to enjoy an inherent right to secession and statehood. Instead, Kosovo was one of two provinces within Serbia accorded autonomous status by the 1974 SFRY Constitution. The 1989 revocation of Kosovo's autonomy and subsequent discrimination and attacks against the province's Albanian majority were deemed a justification for the 1999 NATO-led humanitarian intervention that preceded nearly a decade of UN administration. For many, but not a majority of UN member states, the earlier repression of Kosovar Albanians combined with the effects of prolonged UN supervision constituted exceptional grounds for recognition of Kosovo's 2008 unilateral declaration of independence (UDI).

As of this writing, Kosovo's legal status remains ambiguous. The UN maintains its position of neutrality on the issue and the July 2010 Advisory Opinion of the International Court of Justice was framed narrowly, affirming the legality of the UDI without expanding on what effect it should be accorded. Even the European Union (EU), which has effectively taken over the supervisory role formerly played by the UN Mission in Kosovo (UNMIK), has yet to achieve consensus among its member states in favour of recognition. As a result, the boundary between Kosovo and Serbia proper cannot be considered an 'internationally recognised state border' in the sense of the IDP definition.<sup>224</sup> Accordingly, as indicated in 2009 by the RSG, persons who fled from Kosovo to Serbia proper must be considered IDPs.<sup>225</sup>

<sup>222</sup> Observers in Serbia credit a more assertive approach to property restitution in Bosnia with facilitating higher rates of return than has been the case with regard to Croatia. Government of Serbia, 'National Strategy', 3; Interview, Serbian Commissariat for Refugees, 16 August 2010.

<sup>223</sup> Article 155 (2) of the Constitution adopted in the wake of Kosovo's unilateral declaration of independence reads as follows: 'The Republic of Kosovo recognises the right of all citizens of the former Federal Republic of Yugoslavia habitually residing in Kosovo on 1 January 1998 and their direct descendants to Republic of Kosovo citizenship regardless of their current residence and of any other citizenship they may hold.' Constitution of the Republic of Kosovo, 9 April 2008.

<sup>224</sup> According to the UN *Guiding Principles on Internal Displacement*, "Internally displaced persons are 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 generalised violence, violations of human rights or natural or human-made disasters, *and who have not crossed an internationally recognised State border*." UN Commission on Human Rights, *Guiding Principles on Internal Displacement*, E/CN.4/1998/53/Add.2, 1998, Introduction, paragraph 2 (emphasis added).

<sup>225</sup> UN Human Rights Council, *RSG Follow-up visit report*, paragraph 3.

Serbia has rejected the UDI and continues to view Kosovo as a part of Serbia. For fear of undermining this position by appearing to implicitly recognise Kosovo's independence, Serbia has been reluctant either to encourage the integration of IDPs or to engage with the *de facto* Kosovo authorities even on technical issues.<sup>226</sup> Whatever merits this policy may have at the political level it has come to pose multiple problems for IDPs:

- First, a political emphasis on return has prevented the Serbian authorities from explicitly endorsing the freedom of IDPs to choose among a range of durable solutions, including local integration. This undermines the ability of the Serbian authorities to explain the merits of *de facto* integration measures currently underway under the rubric of 'improving living conditions' to both beneficiaries and donors.
- Second, the failure to recognise documentation and administrative decisions provided by the Kosovo authorities jeopardises the ability of IDPs to exercise their rights both in Serbia and in Kosovo.
- Third, the reluctance of the Serbian authorities to engage with institutions in Kosovo deprives IDPs of an effective official advocate for their rights and provides the *de facto* Kosovo authorities with excuses for failing to realise them.
- Finally, as a general matter, fixation on the political status of Kosovo risks posing a distraction from measures that could be undertaken entirely within Serbia—and without reference to the Kosovo authorities—that would significantly improve the lives of IDPs.

The Serbian authorities are nevertheless keenly aware of the similarities between IDPs from Kosovo and Croatian Serb refugees in at least one respect. From the perspective of the authorities in Belgrade, Serbia's assumption of responsibility for the integration of Croatian Serb refugees has allowed the Croatian authorities to absolve themselves of their obligation to respect these refugees' legal rights.<sup>227</sup> This concern is most strongly evoked by Croatia's ongoing refusal to provide legal remedies for the official confiscation of as many as 30,000 urban apartments taken from Croatian Serbs in a wave of discriminatory court proceedings and legislative actions in the 1990s.<sup>228</sup> The fact that this issue has not been addressed in Croatia's EU accession process has fed concerns that even the strong international presence remaining in Kosovo will be unable to guarantee respect for rights central to the achievement of durable solutions, leaving Serbia to deal with the humanitarian consequences.<sup>229</sup>

## II. OVERVIEW OF OPTIONS FOR DURABLE SOLUTIONS

The 2010 *IASC Framework on Durable Solutions for Internally Displaced Persons*<sup>230</sup> (hereinafter "Framework on Durable Solutions") reiterated the three commonly accepted options for ending displacement, namely:

- Sustainable reintegration at the place of origin (return);

<sup>226</sup> Prior to the UDI, limited dialogue and cooperation between the Serbian authorities and the Provisional Institutions of Self Government of Kosovo had been undertaken, in particular through a Direct Dialogue Working Group on Return.

<sup>227</sup> Interview, SCR, 16 August 2010.

<sup>228</sup> Government of the Republic of Serbia, *National Strategy*, pp. 4-5.

<sup>229</sup> Beyond the fact that property restitution efforts in Kosovo have failed to live up to expectations to date, a number of interlocutors expressed concerns regarding an apparent practice on the part of both international and local actors in Kosovo of denying reconstruction assistance to returning IDPs in Kosovo who had acquired property rights in Serbia. While such a policy might not be unreasonable in many cases, it should ideally be based on a shared understanding by all donors and competent authorities in both Serbia proper and Kosovo in order to ensure that IDPs are enabled to take decisions on accepting housing assistance with the benefit of full awareness of all the consequences this could entail.

<sup>230</sup> *Supra* note 212.

- Sustainable local integration in areas where IDPs take refuge (local integration); and
- Sustainable integration in another part of the country (settlement elsewhere in the country, previously referred to as 'resettlement').

Of these three durable solutions, return has received by far the most attention since the main round of conflict and displacement from Kosovo in 1999. The emphasis placed on return by both local and international actors, as well as the difficulties faced by returnees, can be understood in light of the massive and successive waves of displacement that characterised the conflict in Kosovo. The significance of return in the wake of this displacement has clear political overtones. For international actors, promoting return has been an important means of demonstrating impartiality and underscoring the legitimacy of a UN administration meant to instil respect for human rights. Meanwhile, for the Serbian authorities, insistence on the right of all IDPs to return has at least implicitly functioned as part of a broader strategy to preserve a claim to sovereignty over Kosovo.

The war in Kosovo began with low-level hostilities in the mid-1990s between the Serb-dominated security forces and a Kosovar Albanian insurgency. A major Serbian offensive that displaced nearly 850,000 ethnic Albanians entering neighbouring countries in early 1999 was met with a NATO bombing campaign on Serbia, resulting in the province being placed under UN administration.<sup>231</sup> The presence of KFOR, a NATO-led peacekeeping force allowed the return of virtually all displaced Kosovar Albanians who remained in the neighbouring countries but was unable to prevent a new wave of reprisal attacks against Serbs and other minority groups. By late 1999, nearly 190,000 IDPs from Kosovo had been registered in Serbia proper. Displacement was not uniform and significant Serb enclaves remain in the south and east of Kosovo. In addition, Belgrade retained a degree of control over the northern town of Mitrovica and adjoining parts of Kosovo north of the Ibar River. The administration of these areas remains contested, even after the 2008 UDI.

In June 1999, the UN Security Council adopted Resolution 1244 authorising the UN Mission in Kosovo (UN-MiK) to administer the province pending a definitive resolution of Kosovo's status. Under the terms of the Resolution, one of the main tasks of the civilian administration in Kosovo was to assure 'safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo'.<sup>232</sup> However, despite sustained efforts and the expenditure of significant resources over the last decade, little has been achieved. According to IDMC, although some 12,200 IDPs returned from Serbia and a further 2,800 from other areas within Kosovo over the decade ending in 2009, as many as two-thirds of these IDPs are thought to have later abandoned their attempts at return.<sup>233</sup> As a result, it can be speculated that as few as 5,000 IDPs—about two per cent of the estimated 250,000 persons displaced within and outside Kosovo since 1999—may have achieved sustainable return as a durable solution.

Obstacles to return to places of origin are well-documented and need not be repeated in detail here. Security remains a major issue, with increased freedom of movement balanced against the fact that the international security presence remains necessary to guarantee the security of minorities.<sup>234</sup> According to a 2008 survey of IDPs' social and economic standing in Serbia, security issues remained the main perceived obstacle to return, followed closely by fear of discrimination, insufficient freedom of movement, and misgivings about the Kosovo authorities and the overall political situation.<sup>235</sup> A further significant factor is the inability of IDPs to exercise rights to residential and

<sup>231</sup> UN Commission on Human Rights, *Report of the Representative to the Secretary-General*, paragraph 9.

<sup>232</sup> UN Security Council, Resolution 1244 (1999), paragraph 11 (k).

<sup>233</sup> IDMC, *Serbia IDPs: Still Seeking Housing Solutions and Documentation to Access Their Rights*, December 2009, p. 7.

<sup>234</sup> UN Human Rights Council, *RSG follow-up visit report*, paragraph 22.

<sup>235</sup> Slobodan Cvejic and Marija Babovic, *Social and Economic Position of IDPs in Serbia*, UNDP, 2008, p. 19.

agricultural property they left behind.<sup>236</sup> Finally, the Kosovo authorities have been criticised for failing to put sufficient resources, co-ordination and political emphasis on return, with the Ministry for Communities and Return widely seen as politically marginalised. They have also been criticised for being slow to establish municipal return offices and ineffective in implementing return programming.<sup>237</sup>

On the other hand, the failure to date of the Serbian authorities to vigorously engage the international and *de facto* national authorities in Kosovo on return issues poses a significant problem as well. The *Framework on Durable Solutions* suggests that pragmatic co-operation with unrecognised authorities on a range of technical issues may be necessary to achieve durable solutions in many situations.<sup>238</sup> Moreover, as clarified in Guiding Principle 2 (1), pressuring the *de facto* authorities of Kosovo to honour their international law obligations with regard to IDPs would have no implications in the dispute over Kosovo's status.<sup>239</sup> In an interview, representatives of the Serbian Ministry for Kosovo and Metohija were unwilling to contemplate greater co-ordination with the *de facto* Kosovo authorities, and complained that the international community was not doing enough to promote return and respect for property rights in Kosovo.<sup>240</sup> While this criticism may be grounded, it is hard to square such a complete delegation of return issues in Kosovo to international actors with the principle that national authorities bear the primary duty and responsibility to establish the conditions for voluntary return.<sup>241</sup>

Meanwhile, it remains difficult to gauge the extent of genuine interest in return from Serbia proper to Kosovo. While recent surveys indicate that as many as half of all IDPs remain interested in return, less than 5,000 families from the IDP population signed up for a return registration process by 2009.<sup>242</sup> Pre-war demographic trends in Kosovo were characterised by the out-migration of Serbs to Serbia proper and it is not always clear whether interest expressed in return is genuine or sentimental. For instance, most of the older Serb IDPs interviewed for this report said that they would prefer to return, but would only do so if Kosovo remained part of Serbia.<sup>243</sup> Anecdotally, younger IDPs tended not to be interested in return to their places of origin in Kosovo but were more likely to be open to moving to the Serb-controlled north if there were job opportunities there.<sup>244</sup> While return appears to have been more sustainable for Roma IDPs, this group expressed less interest in this option than Serb IDPs in both recent surveys and interviews conducted for this report.<sup>245</sup>

<sup>236</sup> *Ibid.* pp. 24-25; IDMC, *Serbia IDPs: Still Seeking Housing Solutions and Documentation to Access Their Rights*, December 2009, pp. 9-10; UN Human Rights Council, *Report of the Representative of the Secretary-General*, pp. 10-13.

<sup>237</sup> OSCE Mission in Kosovo, *Municipal Responses to displacement and returns in Kosovo*, November 2010; UN Human Rights Council, *Report of the Representative of the Secretary-General*, 2009, paragraph 28.

<sup>238</sup> UN Human Rights Council, *Report of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons*, Walter Kälin, *Addendum: Framework on Durable Solutions for Internally Displaced Persons, Summary*, A/HRC/13/21/Add.4, 29 December 2009.

<sup>239</sup> Guiding Principle 2 (1) reads as follows: "These Principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction. The observance of these Principles shall not affect the legal status of any authorities, groups or persons involved."

<sup>240</sup> Interview, Ministry for Kosovo and Metohija, 19 August, 2010.

<sup>241</sup> *Guiding Principles on Internal Displacement*, Principle 28 (1).

<sup>242</sup> Human Rights Council, *Report of the Representative of the Secretary-General*, 2009, paragraph 18. Assuming a high average family size of five (cf. Cvejic and Babovic, *Social and Economic Position of IDPs in Serbia*, 2008, p. 11), full implementation of the registration programme would involve the return of at most 25,000 people, or about ten per cent of the estimated IDP population. However, this process has been faulted by some observers for lack of outreach.

<sup>243</sup> Interviews, IDP families, Doljevac, Serbia, 01 September 2010.

<sup>244</sup> Interview, IDP Association 'Srecna Porodica', Niš, Serbia, 01 September 2010.

<sup>245</sup> IDMC, *Serbia: IDPs Still Seeking Housing Solutions and Documentation to Access Their Rights*, December 2009, p. 7; Cvejic and Babovic, *Social and Economic Position of IDPs in Serbia*, 2008, p. 19; Interviews, Roma IDP residents of Collective Centres 'Salvatore' and 'Tehnicka Skola', Bujanovac, Serbia, 2 September 2010.

Although returns continued and even increased somewhat in 2010, they remained a trickle compared to the numbers that prevailed prior to riots targeting minority communities in Kosovo that took place in March 2004.<sup>246</sup> Anecdotally, the motivation for the most recent returns is thought to be desperation in the case of persons for whom integration no longer presents a viable option.<sup>247</sup> In other words, while conditions in Kosovo do not yet exert a strong pull factor on IDPs considering return in Serbia, the depletion of resources in Serbia and a lack of awareness of or access to current programming in support of integration might be a push factor.

As a general matter, however, prospects for interim and durable non-return based solutions for IDPs in Serbia are currently improving. Given the protracted nature of internal displacement in Serbia, it is not necessarily meaningful at this stage to distinguish the local integration of IDPs from resettlement elsewhere in the country. The key point is that there are no major obstacles to IDPs' movements within Serbia proper, and IDPs are thus free to continue moving to places where they might eventually consider integration. While the majority of IDPs have remained where they were initially displaced, a significant number have participated in secondary migration flows from smaller to larger urban centres within Serbia.<sup>248</sup> The prospects for interim and durable integration for all of these IDPs are discussed in the following section.

### III. LOCAL INTEGRATION AS AN OPTION

Considerable progress has been made in the last few years towards the integration of vulnerable IDPs into the communities where they find themselves displaced in Serbia. Indeed, a significant number of IDPs who owned property in Serbia prior to 1999 or who could otherwise afford to buy property are thought to have successfully integrated on their own in the years immediately following displacement.<sup>249</sup> However, even for less well-off IDPs, access to services has steadily improved and greater integration opportunities have recently become available through their inclusion in housing and livelihood support programmes originally designed to support the local integration of refugees.

In analysing the possibility of durable integration for IDPs in Serbia, it is useful to proceed from the four 'core' criteria set out in the *Framework on Durable Solutions*, namely:

- Long-term safety, security and freedom of movement;
- An adequate standard of living, including at a minimum access to adequate food, water, housing, health care and basic education;
- Access to employment and livelihoods; and
- Access to effective mechanisms that restore ... housing, land and property or provide ... compensation.<sup>250</sup>

<sup>246</sup> UN Commission on Human Rights, *Report of the Representative of the Secretary General*, 2005, paragraphs 56-8.

<sup>247</sup> Interviews, USAID, US Department of State, Bureau of Population, Refugees and Migration (BPRM), 17 August 2010; UNHCR, 18 August 2010.

<sup>248</sup> Cvejic and Babovic, *Social and Economic Position of IDPs in Serbia*, 2008, pp. 17-19.

<sup>249</sup> Interview, UNHCR, 30 August 2010.

<sup>250</sup> These four criteria are meant to be applied in all displacement settings (*Framework for Durable Solutions*, Summary, p. 5, *supra* note 212). The Framework also includes four further 'discretionary' criteria that may be applied as appropriate to specific displacement situations.

The final criterion—effective property mechanisms—relates primarily to conditions at the place of origin, and is therefore largely beyond the purview of the Serbian authorities. While official reluctance to engage in technical co-operation has reduced the considerable leverage the Serbian authorities would otherwise enjoy in addressing this obstacle, it cannot be resolved without more serious efforts by the authorities exercising effective control over Kosovo. However, the remaining three criteria—security, an adequate standard of living and employment—are issues that engage the responsibility of both the Serbian and *de facto* Kosovo authorities in equal measure. Put simply, IDPs from Kosovo must be guaranteed measures allowing them safety and fair and equal access to basic necessities, health care, education services and employment markets, both as long as they remain in Serbia proper and as soon as they choose to return to Kosovo.

Against this background, a fair working definition of 'interim integration' might be framed in terms of fulfilment of the first three 'core' criteria from the *Framework on Durable Solutions* by the authorities at the location of displacement. Such interim solutions can clearly be distinguished from durable solutions (including permanent local integration), which also presuppose the fulfilment of these criteria at the place of origin, as well as compliance with the fourth criteria of effective property mechanisms.

This understanding appears to be implicit in Serbia's evolving response to internal displacement, where the focus on integration-related programming has been on securing an adequate standard of living and access to employment and livelihoods. Nevertheless, the Serbian Commissariat for Refugees, which is charged with addressing the humanitarian needs of IDPs, has stressed that durable integration cannot be considered achieved for IDPs unless they have complete access to all acquired rights and assets left behind in their place of origin.<sup>251</sup> Indeed, even for IDPs who have ruled out return, the ability to repossess and sell their pre-displacement assets is a crucial first step toward self-reliance.<sup>252</sup>

### **Categories of particularly vulnerable IDPs**

Despite considerable progress toward improving the living conditions of IDPs, most social indicators demonstrate that persons displaced from Kosovo remain particularly vulnerable within Serbian society. Moreover, the external discrepancy between IDPs and the non-displaced population of Serbia proper is mirrored by an internal protection gap between ethnic Serb IDPs and displaced Roma, who endure some of the worst living conditions in Serbia across a range of indicators. A 2008 living standards measurement survey of IDPs published by UNDP highlighted this issue:<sup>253</sup>

Basic socio-demographic characteristics show that Roma IDPs are a group, distinct from other IDPs (mostly Serbs), in the same way as is the case for the domicile population in Serbia. Roma families are larger, with more children. The education structure of the Roma population is worse than that of other IDPs, including both formal education and additional training. Roma people remain distant from a knowledge-based society, as they lack both formal education and additional training. Their command of skills is low, and this influences their capacity to integrate via the labour market. The Roma population is marked by a low share of active persons and their households are burdened with a large number of dependent members.

251 Interview, SCR, 16 August 2010.

252 Interview, Municipal Official, Niš, 31 August 2010. In other contexts, just compensation could serve this purpose.

253 Cvejic and Babovic, *Social and Economic Position of IDPs in Serbia*, 2008, p. 7.

In fact, this differentiation mirrors the tendency in broader Serbian society, with non-displaced Roma in Serbia proper often nearly as marginalised as Roma IDPs. As a result, the local integration process in Serbia is effectively following two tracks, with displaced Serbs broadly ‘integrating up’ to the living standards enjoyed by the non-Roma majority in Serbia, and Roma groups ‘integrating down’ to join a broader Roma population characterised by chronic poverty, unemployment, substandard housing and lack of access to education.<sup>254</sup> Moreover, as collective centres close, contacts and co-ordination have decreased between Serb and Roma IDP groups, who are described by some observers as inhabiting ‘parallel worlds’.<sup>255</sup> As discussed below, concerns about the socio-economic situation of Roma IDPs are heightened by the fact that the precise size of this population remains unknown.

Other categories of particular concern within both Serb and Roma displaced communities include those with chronic illnesses or disabilities, as well as unaccompanied elderly people. In addition, a 2008 survey of IDPs indicated that displaced Roma and Serb women tended to be relatively disadvantaged in accessing labour markets.<sup>256</sup> It is therefore crucial that measures to improve the living conditions of IDPs include not only the types of risk and vulnerability that all IDPs share as a result of displacement, but also those that particular sub-groups of IDPs may face as a result of other factors, such as ill health or discrimination.

Finally, responses to displacement should take into account areas where IDPs share vulnerabilities with broader non-displaced groups. The latter consideration is of particular importance with regard to Roma, who should not only be entitled to durable solutions that address their displacement-related vulnerability, but who should also be included in programming necessary to achieve meaningful equality for the broader non-displaced Roma population in Serbia.

### ***Institutional responsibility for integration measures***

Responsibility for the response to internal displacement in Serbia is divided between two institutions. The Ministry for Kosovo and Metohija (MKM) has a mandate to deal with all matters related to Kosovo itself, including the return of IDPs to Kosovo. Meanwhile, the Serbian Commissariat for Refugees (SCR) is mandated to provide humanitarian assistance to IDPs and administer collective centres in Serbia proper and Kosovo. Over time, these responsibilities have evolved into a broader role in ‘improving the living standards’ of IDPs in a manner corresponding to ‘interim integration’ measures in other displacement settings. The SCR was set up initially to provide humanitarian assistance to refugees arriving in the early 1990s from Croatia and Bosnia, and was given *de facto* responsibility for IDPs from Kosovo in 1999 by virtue of the fact that it had the existing capacity to coordinate their initial reception. The SCR’s mandate was later formally extended to cover assistance to IDPs in Serbia proper and specific collective centres in Kosovo.<sup>257</sup>

The *National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons*, adopted in 2002 formally embraces the principle of voluntary choice of durable solutions for both refugees and IDPs.<sup>258</sup> However, the document also notes that the “main strategic orientation of Serbia in respect of [IDPs from Kosovo] is provision

<sup>254</sup> This is not to say that Kosovo Roma necessarily enjoyed a higher standard of living than Roma in Serbia proper prior to displacement. However, the combination of the loss of their assets in Kosovo and the marginalization and discrimination they share with non-displaced Roma leave them with less obvious possibilities for integration and social mobility than Serb IDPs from Kosovo.

<sup>255</sup> Interview, Praxis, 17 August 2010.

<sup>256</sup> Cvejic and Babovic, *Social and Economic Position of IDPs in Serbia*, 2008, p. 48.

<sup>257</sup> UN Human Rights Council, *Report of the Representative of the Secretary-General*, 2009, paragraph 6.

<sup>258</sup> Government of the Republic of Serbia, *National Strategy*, p. 1.

of assistance and necessary guarantees for return and life in safety.”<sup>259</sup> In light of this formulation, it is unsurprising that local integration programming was initially designed for and oriented exclusively to refugees rather than IDPs.<sup>260</sup> The Government of Serbia has been urged to update the National Strategy in order to strengthen the new emphasis on *de facto* integrative measures reflected in current efforts to ‘improve the living conditions’ of IDPs.<sup>261</sup>

### ***Obstacles to integration***

Obstacles to the integration of IDPs in Serbia can be broken down into two broad categories. The first category involves documentation and access to health, education and labour markets. Giving effect to these rights is in many respects an exercise in allowing IDPs to benefit from existing government services and benefits on a basis of equality with the non-displaced population. The second category involves humanitarian shelter and the broader right to adequate housing.<sup>262</sup> Addressing the housing needs of IDPs raises more complicated issues related to the nature of integration, as it requires not only incorporating IDPs in existing, generally available Government programmes, such as social housing provision, but costly programming targeted specifically to IDPs.

In virtually all of these areas, Roma face particular obstacles to the realisation of their rights. The nature of these obstacles are indicative of Roma IDPs’ double vulnerability, which combines displacement-related disadvantages suffered in common with Serb IDPs, and discrimination-related marginalisation shared with non-displaced Roma in Serbia.

### ***Access to documentation***

In the past, lack of access to documentation and a corresponding inability to exercise rights related to education, health and work was a major obstacle for all IDPs from Kosovo. However, a combination of general measures adopted by the Serbian authorities and assistance provided in thousands of individual cases by humanitarian NGOs has improved the situation. While documentation and access to services continue to pose residual problems for Serb IDPs, however, they remain of existential concern for displaced Roma. Roma vulnerability is based on two inter-linked factors. First, Roma have traditionally tended to be less anchored in—and protected by—the bureaucratic culture that Serbia has inherited from the former Yugoslavia. Second, Roma continue to suffer from the results of pervasive discrimination affecting their ability to access documentation and services.

For Serb IDPs, documentation issues have tended to focus on access. Most displaced Serbs are legally documented in the sense that their legal identity, educational attainment, work experience, residential status and property titles are officially recorded. However, many Serb IDPs were unable to gather all their personal documentation and bring it with them in the course of flight. While such documentation can be recreated relatively easily based on existing official records, physical access to and legal recognition of such records has proven to be a significant obstacle. In some cases, this information remains in archives in Kosovo, while in other cases, it is located in registries that were removed to Serbia proper in the wake of the 1999 conflict, but which were until recently only accessible through physical travel to the site where they are now maintained.<sup>263</sup>

259 *Ibid.*

260 UN Commission on Human Rights, *Report of the Representative of the Secretary General*, 2005, paragraph 17.

261 UN Human Rights Council, *Report of the Representative of the Secretary-General*, 2009, paragraph 71.

262 On the relationship between shelter as a type of humanitarian aid and the right to adequate housing, see Brookings-Bern Project on Internal Displacement, *Protecting Internally Displaced Persons: A Manual for Law and Policymakers*, October 2008, [www.brookings.edu/papers/2008/1016\\_internal\\_displacement.aspx](http://www.brookings.edu/papers/2008/1016_internal_displacement.aspx)

263 IDMC, *Serbia: IDPs Still Seeking Housing Solutions and Documentation to Access Their Rights*, December 2009, p. 5.

For most Serb and Roma IDPs, even travel within Serbia to access documents can involve considerable disruption and expense. However, where archives are located in Kosovo, fears related to the security situation, and scepticism about the impartiality of local authorities, have presented additional obstacles. Records in Kosovo have remained formally accessible to IDPs, who are generally entitled to approach official archives directly or apply for documents through NGOs providing legal services. However, where such documents have arrived bearing official stamps of the *de facto* administration in Kosovo, the authorities in Serbia have tended to deny them official recognition.<sup>264</sup> Although there was a tendency toward according recognition to documents stamped by the UN Mission in Kosovo by the mid-2000s, the situation has become unclear again since the 2008 UDI, and there has been the increasingly common practice of stamping official documents with the seal of the self-proclaimed Republic of Kosovo.

Considerable progress has been made, but this has come largely through the initiative of non-state actors. For instance, NGO legal service providers such as Praxis and the Danish Refugee Council have initiated programmes meant to facilitate the transmission of documentation from Kosovo to IDPs in Serbia proper, and have provided assistance in efforts to ensure its recognition by the Serbian authorities.<sup>265</sup> Meanwhile, foreign donors have supported a programme to computerise registry books transported from Kosovo to Serbia in order to make them more readily accessible throughout the country.<sup>266</sup> While many IDPs have now had their documentation issues resolved on a case-by-case basis, numerous residual problems remain. For instance, UNDP in southern Serbia described the ongoing failure to waive fees for issuance of identification cards to the most indigent IDPs as a 'bottom line' issue affecting their ability to enjoy their rights.<sup>267</sup>

For Roma IDPs, documentation issues remain more fundamental. This is because Roma IDPs not only experience the problems with access to existing records, but also were less likely than Serb IDPs to have had their rights—or even legal identities—officially recognised in the first place. While there is significant disagreement on this point, some observers insist that many Roma families in the former Yugoslavia may have avoided official contact with the state for multiple generations.<sup>268</sup> What is clear is that both displaced and non-displaced Roma in Serbia are generally less likely than others to have the most basic types of personal documentation, such as birth certificates, that tend to be preconditions for applying for registering residence and accessing basic services. From the perspective of UNHCR and other observers, this is a population at risk of statelessness.<sup>269</sup>

Concerns about the 'legal invisibility' of Roma in Serbia have led to a number of proposals to address the situation. UNHCR is currently in the preliminary stages of a survey of informal settlement residents—primarily consisting of displaced and non-displaced Roma—in order to generate more reliable data on the numbers of people affected and their situation. In addition, Praxis and other legal experts have drafted a 'Law on the Procedure for Recognition of Persons before the Law' setting out exceptional, facilitated procedures that would allow the rapid, systematic processing of the entire caseload of persons ultimately identified as being at risk of statelessness.<sup>270</sup> The adoption and implementation of such a law would set a valuable precedent for other European countries with large unregistered Roma populations. However, despite the fact that the EU Commission has criticised the failure to pass the law, it has yet to be cleared by the competent Ministries for presentation to the Parliament.<sup>271</sup>

264 *Ibid.*; Interview, DRC, 17 August 2010.

265 Interviews, DRC, 17 August 2010; US Department of State, BPRM, 17 August 2010.

266 Interviews, Praxis, 17 August 2010; UNDP, Bujanovac, Serbia, 2 September 2010.

267 Interview, UNDP, Bujanovac, Serbia, 02 September 2010.

268 Interview, Praxis, 17 August 2010.

269 Interview, UNHCR, 18 August 2010.

270 IDMC, *Serbia: IDPs Still Seeking Housing Solutions and Documentation to Access Their Rights*, December 2009, p. 11.

271 European Commission, *Serbia 2009 Progress Report*, 14 October 2009, p. 19.

### Access to social and economic rights

In terms of health care and health insurance, a number of ongoing problems have complicated access for all IDPs, and particularly for Roma IDPs in informal settlements. In most instances, these issues relate to delays by the authorities in correctly implementing legislation intended to secure equitable access to health care.<sup>272</sup> In 2009, Praxis pointed out the failure of local clinics to engage in outreach to IDPs, and that this failure resulted in the denial of effective preventive health care.<sup>273</sup> On the other hand, recent programmes intended to promote outreach to Roma communities in informal settlements appear to have been successful in achieving a more preventive focus.<sup>274</sup>

In the area of education, the integration of Serb IDPs into local school systems has by and large been a success story. However, while displaced Roma children tend to be well represented in primary schools very few of them go on to secondary or higher education. Such a lack of effective access to education beyond the primary level affects both displaced and non-displaced Roma communities presenting a fundamental obstacle to social mobility and integration. While a debate about Roma cultural predispositions related to education continues, it appears clear that more Roma would continue in school if it were not for persistent discrimination, both in the form of segregated and inferior facilities, and a failure to prevent bullying by non-Roma students.<sup>275</sup> Roma lack of access to education is a clear and fundamental obstacle, not only to the sustainable integration of Roma IDPs, but also to the broader achievement of a society based on equality and non-discrimination in Serbia.

In the area of employment, livelihoods and social security, both Serb and Roma IDPs are affected by disproportionate levels of unemployment and heavy reliance on casual, unskilled and informal labour markets. Indeed, given recent efforts to address IDPs' housing needs (see below) some observers now view labour market integration as the most pressing challenge for IDPs.<sup>276</sup> For Serb IDPs, an inability to access local job markets may simply reflect the fact that they are relative newcomers without established access to local job markets and networks during a period of protracted economic crisis. For Roma, discrimination is more likely to be a factor.

In both cases, a number of residual bureaucratic factors continue to complicate access to labour markets. For instance, in a situation where even street cleaners are required to have a primary school education, observers have noted that the grey market is often 'the only option.'<sup>277</sup> For Roma, current efforts to introduce more efficient waste management in Serbia appears to be threatening traditional livelihood strategies related to informal collection and recycling of rubbish.<sup>278</sup>

There is some evidence that IDP participation in labour markets may also be discouraged by a monthly stipend paid to the numerous IDPs who worked for public authorities or firms in Kosovo on the condition that they are still formally unemployed in Serbia. While such payments are too small to live on, they tend to provide an important income supplement that can only be retained by limiting work activities to the informal market. Meanwhile, some ambiguity remains regarding the extent to which IDPs are to be allowed to benefit from ordinary social welfare benefits in situations in which they qualify. For instance, while the city of Niš, in southern Serbia, has made a range

272 Praxis, *A step forward in Roma National Minority exercising right to health care*, July 2010/

273 Praxis, *Protection of Rights of Internally Displaced Persons*, March 2009, p. 18.

274 Interviews, Vizija, Niš, Serbia, 01 September 2010; UNDP, Bujanovac, Serbia, 2 September 2010.

275 IDMC, *Serbia: IDPs Still Seeking Housing Solutions and Documentation to Access Their Rights*, December 2009, p. 7; Praxis, *Protection of Rights*, pp. 21-23.

276 Interview, Municipal Official, Niš, 31 August 2010.

277 Interview, Praxis, 17 August 2010.

278 Interview, UNDP, Bujanovac, Serbia, 02 September 2010.

of municipally administered benefits fully available to IDPs, it is one of very few cities hosting IDPs to have taken this step.<sup>279</sup> Meanwhile access to ordinary social welfare cash benefits disbursed at the state level remains contingent on proof that IDPs do not own significant property in Kosovo. Although practice varies across municipalities, this rule disqualifies many, even if they cannot actually access their property, and imposes a heavy burden on others who must travel to a cadastral register in the city of Krusevac, where they must pay a fee to certify that they do not have property.<sup>280</sup>

### **Access to Housing**

Housing for IDPs is seen as the lynchpin of sustainable integration. The wealthier and more socially mobile categories of IDPs in Serbia had often bought property in Serbia proper prior to 1999, or were able to do so soon afterwards, and are generally (if not officially) viewed as having integrated. However, the bulk of less wealthy IDPs found themselves in substandard shelter in a constellation of collective centres stretching between southern Serbia and Belgrade. Early efforts to close IDP collective centres were poorly co-ordinated and often exacerbated the tenure insecurity of families affected.

In some cases, displaced families with nowhere else to go either moved to closed collective centres or remained in them after they closed, leading to the creation of informal settlements with extremely poor living conditions. In other cases, IDPs were paid cash allowances in return for leaving collective centres but were only able to afford to rent substandard housing in locations far from services or employment opportunities.<sup>281</sup> Although those still remaining in the relatively few collective centres still officially open are often seen as the most vulnerable categories of IDPs, others who remained in ‘illegal’ collective centres or moved to peripheral rental housing may not be significantly better off.

More recently, the closure of IDP collective centres has been on the basis of much more robust housing support programmes developed for—and until recently, primarily directed to—refugees from Bosnia and Croatia.<sup>282</sup> These programmes focused early on the need to provide the most vulnerable refugees with social housing, while assisting more self-reliant families to purchase or build their own homes. This principle has carried over to IDPs from Kosovo, with vulnerable individuals and families placed in social housing and others offered the possibility of receiving grants to assist in the voluntary purchase and refurbishment of ‘village houses’ they identify in rural communities. The Serbian Commissariat for Refugees estimates that only the most vulnerable five per cent of IDPs will require social housing, while other IDPs can be assisted with help in acquiring their own housing.<sup>283</sup>

The management of these housing support programmes has been improved through the efforts of the Serbian Commissariat for Refugees to decentralise responsibility to ‘Municipal Migration Councils’ in all affected municipalities. These councils are composed of relevant official and private stakeholders and convened by the ‘trustees’ appointed to act on behalf of the Commissariat in each municipality. Although housing support programmes are largely internationally funded and implemented in part through international NGOs, the engagement of local actors is thought to significantly limit overhead costs and avoid legal issues.<sup>284</sup> Perhaps most significant, however,

279 Interview, Municipal Official, Niš, 31 August 2010.

280 Interview, Praxis, 17 August 2010.

281 Interview, Municipal Official, Niš, 31 August 2010.

282 Interview, UNHCR, 18 August 2010.

283 Interview, SCR, 16 August 2010.

284 Interview, SCR, 16 August 2010.

this decentralisation has facilitated the development of 'Local Action Plans' that set procedures and criteria for the allocation of housing benefits.

In practice, this local allocation process has facilitated first the inclusion of IDPs in housing programmes designed for refugees, and second, the inclusion of particularly vulnerable families from local 'domicile' (non-displaced) communities. Although some concerns about inconsistent local practices and inclusion of Roma remain, the development of Local Action Plans has helped shift the focus of housing support programming from formal categories (refugees, IDPs and domiciles) to locally salient considerations related to manifest vulnerability.

Social housing in this context tends to consist of newly constructed apartment blocks in which vulnerable families are housed for subsidised rents.<sup>285</sup> Although a Law on Social Housing was passed in 2009, some ambiguity remains regarding who actually owns locally built social housing and who bears the long-term responsibility for administering and maintaining it. There is no tradition of genuine social housing for low-income families in the former Yugoslavia, and international observers have questioned the sustainability of current efforts in light of the minimal resources dedicated to administering the system and delays in setting up a planned National Agency for Social Housing.<sup>286</sup>

The village housing programme appears to be clearer and more successful, in that it represents a one-time investment that can result in self-reliance for IDP families. Advocates point out that this programme facilitates integration across geographic areas, rather concentrating IDP families in one place, and that it includes a strong livelihoods component with beneficiaries eligible for support in starting small businesses and workshops on the land adjoining their new homes.<sup>287</sup> Although purchase grants can be up to EUR 6,000, proponents note that this is little more than what it typically costs to maintain a family in substandard conditions in collective centres for one year.<sup>288</sup> Finally, both advocates and IDPs interviewed for this report confirmed that ownership of a house is seen in the context of the region as a precondition for normal life and self-reliance, particularly for IDPs from rural parts of Kosovo.<sup>289</sup>

While displaced Roma families technically enjoy equal access to such programming, it is not clear that they have been able to participate on a basis of equality with Serb IDPs. This may in part reflect the fact that these programmes were designed primarily with Serb IDPs in mind.<sup>290</sup> For instance, while Serb IDPs have tended to remain close to the areas to which they were originally displaced, Roma IDPs have been more mobile and can be found in significant numbers in the northernmost province of Serbia, an area where few Serb IDPs settled. The fact that the village house programme appears to assume that IDPs will select a house in or near the same municipality where they have been living in collective centres can therefore raise practical issues for Roma, such as the need to pay for transportation to identify available houses in distant areas.<sup>291</sup> Meanwhile, representatives of Roma IDP communities in Bujanovac, in southern Serbia, expressed a preference for a grant of title to the land the settlements are on, extension of services and upgrading, an option not foreseen in current housing assistance programmes.<sup>292</sup>

285 Marija Vujosevic, *Social Housing in Protected Conditions – Support for a Dignified Existence*, (undated).

286 Interview, OHCHR, Belgrade, Serbia, 30 August 2010.

287 Interview, InterSOS Mission to Serbia, 18 August 2010.

288 Interview, SCR, 16 August 2010.

289 Interviews, IDP families, Doljevac, Serbia, 1 September 2010; IDP Association 'Srecna Porodica', Niš, Serbia, 1 September 2010.

290 Interview, UNDP, Bujanovac, Serbia, 2 September 2010.

291 Interviews, Roma IDPs in Salvatore collective centre, Bujanovac, Serbia, 02 September 2010; InterSOS Mission to Serbia, 18 August 2010.

292 Interviews, Roma IDPs in Salvatore and Tehnicka Skola collective centres, Bujanovac, Serbia, 2 September 2010.

## IV. ASSESSMENT OF REMAINING STEPS NEEDED FOR DURABLE INTEGRATION

The gaps registered in the Serbian response to internal displacement from Kosovo are indicative of several broader issues requiring concerted attention.

First, there is very little understanding of or reliance on the core content of Guiding Principle 2 (1), namely that *de facto* authorities, such as those in Kosovo, must protect and assist IDPs in accordance with international law, and that doing so does not affect their international law status either positively or negatively. In Serbia, as in other comparable settings, fear of providing legitimacy to the *de facto* authorities in Kosovo has closed many avenues for the type of official pragmatic co-operation that could dramatically improve the outlook for durable solutions to displacement. While the Serbian authorities are in the best position to choose the forms and level of engagement that would be most effective and sustainable, some degree of change is overdue. The current policy of shunning contact with the Kosovo authorities has had little appreciable impact on the status debate, but imposes indefensible hardships on IDPs seeking to assert their rights both in Kosovo and in Serbia proper.

Second, recent attention generated by the plight of Roma IDPs should be used as an opportunity by Serbia to pioneer a protective response that would set a standard for the region and proactively lay the groundwork for meeting the human rights and minority protection requirements for accession to the EU.<sup>293</sup> As stated above, the local integration process in Serbia is effectively following two tracks, with displaced Serbs ‘integrating up’ to the living standards enjoyed by the non-Roma majority in Serbia, and Roma groups ‘integrating down’ to join a broader Roma population characterised by chronic poverty, unemployment, substandard housing and lack of access to education. While it is important to address displacement-specific causes of particular vulnerability suffered by Roma IDPs, such as the loss of their property in Kosovo, it is also crucial to incorporate them into programming that can identify and address the manifest vulnerabilities they share with the non-displaced Roma population.

Third, the state of the debate in Serbia over integration measures indicates that the ambiguity currently attributed to the concept of ‘interim integration’ may have outlived its usefulness. In essence, terminology such as ‘interim integration’ refers to a means for IDPs to exercise choice in the face of protracted internal displacement, which usually involves a lack of choice. As described in the 2010 *IASC Framework on Durable Solutions for Internally Displaced Persons*, this process involves decisions by IDPs ‘who have no prospect of return in the foreseeable future ... to integrate locally for the time being while retaining the prospect of an eventual return’.<sup>294</sup> As noted both generally in the Framework and specifically by the RSG as early as his 2005 Mission to Serbia, facilitating interim integration presents a means of weaning IDPs from dependence on humanitarian aid, and creating a degree of self-reliance likely to boost the sustainability of return when the opportunity presents itself.<sup>295</sup>

This formulation has been effective in a number of settings, in part because it is ambiguous whether such integration is indeed ‘durable’ or merely an ‘interim’ solution. For state authorities concerned that permitting explicitly permanent integration of IDPs would weaken their claim to breakaway regions, the ‘interim’ nature of such solutions has rendered them politically palatable. In some settings, such as Serbia, these considerations have been so central as to rule out any explicit reference to integration, even when this aim is implicit in programmes meant to ‘improve the living conditions’ of IDPs. In either case, however, the effect of such formulations for individual IDPs in protracted displacement settings is to remove obstacles to the pursuit of permanent local integration, if that is their

<sup>293</sup> European Commission, *Serbia 2009 Progress Report*, p. 19.

<sup>294</sup> Paragraph 21 (f), *supra* note 212.

<sup>295</sup> *Ibid.*; UN Commission on Human Rights, *Report of the Representative of the Secretary-General*, 2005, paragraph 61.

choice. Beyond constructive ambiguity, interim integration also holds out the possibility of reducing the cost to the state and donors of maintaining IDPs and meeting their basic needs. Measures such as closing collective centres and IDP-specific facilities offer immediate savings, while increased self-reliance promises to transform IDPs from welfare recipients to taxpayers over the longer term.

However, practice in settings such as Serbia has revealed that facilitating meaningful integration requires more than merely renouncing restrictions that prevent IDPs from exercising their rights. Rather, interim integration measures may have significant costs and consequences. In Serbia, the most effective means of ‘improving living conditions’ has proven to be subsidised access to housing. Although such an approach promises to be both sustainable and cost-effective in comparison to the administration of collective centres, it was developed as a means of providing permanent durable solutions for refugees and is no less expensive when applied as an ‘interim’ measure for IDPs. Given that the cost of interim integration programmes will ultimately be borne by international donors and domestic taxpayers, the Serbian scenario presents a case for both working towards a standard terminology of interim integration and clarifying what it means.

One important starting point would be to clarify the implications of funding interim integration for donors. In protracted internal displacement situations such as that in Serbia, there is usually little donor appetite for funding open-ended humanitarian assistance programming long after the crisis has passed. On the other hand, subsidising durable solutions through housing programmes in support of local integration is both familiar and attractive, as it allows donors to make a direct contribution to permanently reducing the remaining pool of persons deemed to be of humanitarian concern. However, in situations such as that in Serbia, providing housing to IDPs is only one component, albeit a central one, of a full ‘durable solution’ as defined in the *Framework on Durable Solutions*. Where other minimum criteria, such as access to employment and remedies for lost property, are lacking, interim integration on the basis of housing assistance alone cannot be considered ‘durable.’

Given the undefined relationship between the terminology of ‘improving living conditions’ and the actual achievement of a durable solution for IDPs, there is a risk that donors and other actors will not understand what they are supporting and where their commitment ends. Thus, in order to be fair to all parties, a clearer distinction arguably needs to be drawn between interim integration and the durable solution of ‘local integration.’ While international funding of the former can contribute to sustainably ending protracted humanitarian crises, continued international pressure to achieve the latter will be necessary in order to actually end displacement in a manner compatible with the rights of the displaced. A risk inherent in drawing such a distinction is that subsidising the new and unfamiliar concept of ‘interim integration’ will not be as attractive to donors as funding programmes promising the known quantity of ‘durable solutions.’ From this perspective, it will be important to clarify that the nature of protracted internal displacement situations is such that durable solutions cannot be achieved for the foreseeable future, and that this makes it all the more crucial that the prolonged humanitarian misery and dependence of individuals and families caught up in such crises is relieved through measures of interim integration designed to promote self-reliance.

Distinguishing interim and durable integration measures may also facilitate a more accurate assessment of the numbers and needs of IDPs. In the past, Serbian authorities have resisted updating the numbers of IDPs originally registered in 2000 for fear that any reduction in numbers (taking into account IDPs who returned or voluntarily integrated, for instance) would weaken Serbia’s claim to sovereignty over Kosovo.<sup>296</sup> Consensus has more recently emerged around the need to focus on generating accurate data on the most vulnerable categories of IDPs in order

<sup>296</sup> IDMC, *IDPs from Kosovo*, September 2005, p. 9.

to properly respond to their needs.<sup>297</sup> A clearer distinction between interim and durable integration has the potential to maintain the current focus on identifying and addressing vulnerability while allowing a transparent and principled approach to updating overall numbers of IDPs.

Finally, a clearer distinction between interim and durable integration measures may also be reassuring for states, such as Serbia, that have assumed responsibility for displaced populations in protracted crises. Otherwise, the provision of permanent housing as a means of meeting humanitarian shelter needs during protracted displacement could be taken by those authorities with effective control over the assets left behind by IDPs as a justification for failing to restore property. In other words, Serbia's efforts to meet the housing and shelter needs of IDPs during displacement might, without a clear distinction between interim integration and durable solutions, be understood by the *de facto* Kosovar authorities as substituting for the IDPs' right to mechanisms allowing restoration of or compensation for their original homes.<sup>298</sup> This concern is heightened by the precedent set by the integration of Croatian Serb refugees. In that case, Croatia appears to have succeeded in denying a legal remedy to some 30,000 families that lost urban apartments by portraying the issue as a purely humanitarian question related to access to housing rather than a matter of rights.<sup>299</sup> As a result, Croatian Serb refugees have been denied a remedy by the Croatian authorities while the resulting cost of housing them has been imposed on the Serbian government. In the words of an official in the Serbian Commissariat for Refugees, Croatia has effectively "rolled the refugees it produced into social welfare cases in Serbia."<sup>300</sup>

The fact that the *Framework on Durable Solutions* includes property remedies as a core criterion for the achievement of durable solutions for IDPs reduces the likelihood of the Croatian scenario described above becoming the case for IDPs from Kosovo. However, in order to allay the concerns of the Serbian authorities and bolster the prospect of an eventual durable solution for IDPs from Kosovo, it would be helpful to clarify that interim integration comprises a necessary component of an eventual durable solution—in this case, in the form of access to adequate housing—but is not a durable solution in itself. Donors could reasonably be expected to ask why they should subsidise a permanent home for families that still have a reasonable hope of re-acquiring significant assets in Kosovo. While the answer to this question might vary in other settings, it is relatively clear in Serbia, where one-time housing assistance appears to be both more cost-effective and more empowering for IDPs than open-ended maintenance of collective centres. In other words, while funding interim solutions will not close the displacement chapter on its own, it might provide an effective and sustainable resolution of the lingering humanitarian effects of displacement.

<sup>297</sup> Republic of Serbia Commissariat for Refugees (SCR), *A survey of the needs of internally displaced persons in the Republic of Serbia has been conducted*, 18 November 2010.

<sup>298</sup> *Guiding Principles on Internal Displacement*, Principle 29 (2); *Framework on Durable Solutions for Internally Displaced Persons*, pp. 37-40.

<sup>299</sup> Nikola Jelic, "Donatorsko konferencija za Hrvatsko-Srpski mir: 100 milijuna eura za izbjegle Srbe," *Globus*, 27 July 2010. This article in a prominent Croatian weekly cites sources in the Croatian government asserting that Croatian proposals to provide housing assistance to Croatian Serb refugees who chose to return rather than integrate in Serbia had prevailed over Serbian demands that all such refugees should receive compensation related to the value of their confiscated urban apartments, whether they chose to return or not. This approach contrasts with internationally supported practice in both Bosnia and Kosovo, where IDPs and refugees who had lost such apartments were entitled to a legal remedy.

<sup>300</sup> Interview, SCR, 16 August 2010.

## V. RECOMMENDATIONS

### **To the Government of Serbia**

First, the Serbian authorities should rely on international law standards such as Guiding Principle 2 (1) in adopting a policy of vigorous, sustained and pro-active technical co-operation with both international actors and the *de facto* authorities in Kosovo to quickly and sustainably resolve remaining obstacles to return and the enjoyment of property rights for IDPs. In particular, the Serbian authorities should rely on the principle that the observance of the Guiding Principles by the *de facto* authorities in Kosovo is mandatory but has no bearing on the issue of their legal status. While the scope and modalities of such a policy are issues best left to the judgment of the Serbian authorities, components of such a policy could include:

- The proposal and establishment of permanent co-ordination bodies with representation of all relevant institutions of the Serbian and *de facto* Kosovo authorities, as well as international agencies and civil society organisations at all necessary levels. Such co-ordination bodies should identify gaps and obstacles to return and property remedies, as well as benchmarks for addressing them, and monitor progress.
- The adoption of a presumption of the validity of official documentation received from registries in Kosovo, as well as official acts and communications by *de facto* institutions in Kosovo. Such a presumption would be subject to challenge in individual cases in which there was evidence indicating that such documentation or acts were not reliable. Official stamps placed on such documents or other assertions of their validity would be accepted as a matter of administrative necessity, without regard to the question of the legal status of the *de facto* authorities in Kosovo.
- The preparation and transfer of full, verified copies of all public registries for Kosovo currently located in Serbia proper to *de facto* institutions within Kosovo that require access to them in order to guarantee the exercise of property rights and interests in Kosovo by IDPs. Such a transfer should be contingent on such guarantees as are deemed necessary to exclude the possibility of tampering or abuse, as well as undertakings to prioritise the use of such records for the achievement of durable solutions to displacement.

Second, the Serbian authorities should complete the current revision of the 2002 *National Strategy for Resolving the Problems of Refugees and Displaced Persons* in a manner compatible with both the *Guiding Principles on Internal Displacement* and the *IASC Framework on Durable Solutions for Internally Displaced Persons*. While the precise nature of commitments made through the revised policy are best left to the Serbian authorities to decide, some possible changes include:

- Adoption of the four 'core' criteria for durable solutions to internal displacement set out in the Framework, as well as those among the subsequent four 'discretionary' criteria that are deemed most relevant to the situation of IDPs from Kosovo.<sup>301</sup>
- Recognition of the need for, and greater support to, programmes to improve the living conditions of IDPs on the understanding that these do not represent a durable solution to internal displacement in and of themselves, but that they do provide for the cost-effective and sustainable resolution of the lingering humanitarian effects of protracted internal displacement in a manner that strengthens the resilience and self-reliance of displaced individuals and families.

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<sup>301</sup> *Framework on Durable Solutions*, Section V.

- Recognition of the central importance of the adoption of Local Action Plans by Municipal Migration Councils to the effort to address internal displacement and the elaboration of clearer guidelines on how the Commissariat for Refugees can both more effectively support such local efforts and provide such guidance as necessary to avoid the risk of problematic inconsistencies between local approaches.
- Recognition of the particular vulnerability of Roma IDPs and the need for special protection and assistance measures to address this vulnerable category designed and implemented in consultation with displaced Roma communities. These measures should be developed particularly in the areas of housing and shelter, registration of identity and access to documentation, education, health care and employment.
- Expansion of the role of civil society organisations in both monitoring and concretely facilitating the improvement of the living conditions of IDPs and the achievement of durable solutions. In accordance with the Framework, the revised National Strategy should open the possibility of more formal co-operation with civil society actors, including through the conclusion of memorandums of understanding.<sup>302</sup>

Third, the Serbian authorities should consider measures to ensure more effective and consistent assistance and protection to IDPs in a number of key areas:

#### ***Documentation and legal identity***

- Circulars should be sent to all relevant administrative authorities ordering strict compliance with all provisions waiving or discounting administrative fees in favour of IDPs.
- UNHCR should be provided with all appropriate support in its ongoing efforts to generate accurate information regarding persons in Serbia that may be at risk of statelessness. The results of the survey should be given due consideration in the development of policy in this area.
- The draft Law on the Procedure for Recognition of Persons before the Law should be adopted and implemented without further unnecessary delay. Implementation of the law should be monitored with particular attention to lessons that could assist other states in Europe in coming to grips with similar problems related to legal documentation for marginalised communities.

#### ***Health care***

- All remaining administrative barriers to full and equal access to health care and health insurance for all IDPs must be removed without delay.
- Existing programmes focusing on local outreach and preventive care for IDPs, and particularly Roma in informal settlements, should be expanded and implemented nationwide.

#### ***Education***

- Success in integrating Serb IDPs into local education systems must be built upon in order to ensure access for both displaced and non-displaced Roma to schooling beyond the primary level. Such efforts will need to address both official discrimination in the form of segregated facilities and broader societal attitudes that lead to the systematic bullying of Roma children.

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<sup>302</sup> *Ibid.*, Section IV (D).

### ***Employment, livelihoods and social welfare***

- All remaining administrative barriers to full and equal access to employment, training and employment-related social security for all IDPs must be removed without delay.
- The cash subsidy provided to former employees of Kosovo public institutions and enterprises should be phased out in favour of means-tested income support programmes available on the basis of low income levels, rather than the question of whether or not the beneficiary is employed.

### ***Housing***

- Efforts to improve the living standards of IDPs through the provision of housing support should be expanded, including by seeking continued donor support for the construction of social housing and the subsidised purchase of village houses as interim integration measures for IDPs.
- The National Agency for Social Housing should be fully staffed and given all support necessary to ensure that the Law on Social Housing can be effectively implemented and supervised throughout the country.
- The current model of providing social housing to vulnerable IDPs should be closely monitored in order to identify risks to its sustainability. Responsibility for the long-term administration of these programmes must be clarified and tenure security and the conditions for an adequate standard of living must be ensured for all residents.
- Programmes subsidising the purchase of village houses for IDPs with the capacity and the desire to renovate and live in them should be continued and expanded. In cases where IDPs currently living in social housing have the capacity and desire to live in village houses but are unable to contribute financially, consideration should be given to ensuring their eligibility through devices such as long-term loans to cover the balance not paid outright by the programme.
- The current approach of selecting beneficiaries for housing support on the basis of categories of vulnerability identified in Local Action Plans should be continued. In addition to collective centre residents and vulnerable members of the domicile population, other categories that should consistently be considered for housing support include residents of closed or illegal collective centres, as well as other informal settlements, and former residents of collective centres who received only cash assistance when they left and have not been able to secure adequate and sustainable housing solutions as a result.
- In cases of informal settlements, and particularly those populated primarily by displaced Roma, consideration should be given to the use of participatory needs assessments allowing the identification of housing solutions that correspond to the desire of communities to be reunited or remain together. In some cases, this may require facilitating travel of community representatives to other parts of the country to identify appropriate village houses close to where other members of their community have settled. In other cases, consideration should be given to upgrading existing settlements and agreeing to a plan identifying what the residents are capable of contributing for the extension of municipal services and the grant of legal security of tenure.
- In order to pre-empt tensions and encourage sustainable integration, consultations with Roma communities regarding housing solutions should include stakeholders from local domicile communities at as early a stage as possible and ensure that the benefits of upgrading of informal settlements, in particular, are tangible for the entire local community.

- All IDPs and others residing in informal settlements are entitled to legal security of tenure, including the right to be free from forced evictions. Where evictions are necessary, in accordance with law, for the achievement of an important public purpose, they must be carried out in accordance with international human rights and development standards.

#### ***To international donors and agencies***

International actors should consider the following steps as means of supporting national actors in Serbia and elsewhere in addressing the particular vulnerabilities caused by protracted internal displacement in a manner calculated to encourage resilience and respect for rights:

- Support for programming to improve the living conditions of IDPs, in a manner that recognizes the importance of both 'interim integration' measures that effectively address the humanitarian vulnerability and dependence of IDPs and durable solutions that are compatible with the free exercise of their human rights.
- Insistence that the Kosovo *de facto* authorities, as well as competent authorities in other countries of origin for displaced persons and refugees in the region, must provide timely, full and consistent redress for human rights violations related to displacement as a matter of compliance with international obligations, Council of Europe standards and the Copenhagen Criteria for EU accession. In particular, the international community should redouble its efforts to ensure that no arbitrary differentiations are made between similarly situated groups of displaced persons in the former Yugoslavia in the exercise of their rights.

# STILL A LONG WAY TO GO: LOCAL INTEGRATION OF IDPS IN YEI, SOUTHERN SUDAN

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## EXECUTIVE SUMMARY

This case study focuses on a heterogeneous group of Dinka IDPs and returning refugees in IDP-like situations who live in Yei, a city in the southern Sudanese state of Central Equatoria. The study group was displaced from Warrap, Greater Bahr el Ghazal, Lakes and Upper Nile states from 1986 onwards. Some were displaced directly to Yei from their places of origin, but most had first crossed Southern Sudan and remained in Uganda and Kenya as refugees before arriving in Yei. These refugees started returning to Southern Sudan from 1997 onwards, but in greater numbers in 2005 when the Comprehensive Peace Agreement (CPA) between the Sudanese Government and the main Southern rebel movement, the Sudan People's Liberation Movement/Army (SPLM/A), brought to an end the second stage of the north-south civil war which had commenced in 1983.

In IDMC-organised discussions groups of internally displaced people (IDPs) and returning refugees cited several reasons for settling in Yei.<sup>303</sup> Enjoying relative security and better access to basic services than elsewhere in Southern Sudan, Yei lies in the region's fertile breadbasket. Proximity to Uganda and the Democratic Republic of Congo (DRC) provides further livelihoods possibilities. Most Dinka IDPs in Yei are subsistence farmers and petty traders.

Considering that their displacement has been so protracted, as long as 24 years in some cases, it is striking how few Dinka IDPs have managed to integrate locally. They have not learned to speak the dialect of the largest indigenous community.

Southern Sudan was under-developed before 1983 and post-2005 recovery began from an exceedingly low starting point. Services and livelihood opportunities for the displaced and other populations are thus extremely limited. The war affected the entire population: three quarters of the population of Yei County are thought to have been IDPs or refugees at some point during the war. Those who were not displaced still suffered the rigours and deprivations of the conflict and were often victims of human rights violations by both the Khartoum army and the SPLA. Thus many of the challenges that Dinka IDPs face are not specific to their displacement but also affect the local population.

The integration of IDPs has been impeded by an uneasy relationship with the local community. There is contestation over land and property involving, on one side, Dinka IDPs and SPLA soldiers (most of them also Dinkas) who remained in the area during the war and seized land and, on the other, indigenous inhabitants, most of whom left

<sup>303</sup> IDMC thanks the Norwegian Refugee Council's staff in Southern Sudan, in particular the present and former coordinators of the Information, Counselling and Legal Assistance (ICLA) programme in Yei, Dario Festa and Monica Sanchez Bermudez, for their invaluable comments. Thanks also to the entire Yei ICLA team for their much valued, advice and insight. IDMC also thanks the representatives of humanitarian and development organisations and Yei County officials, in particular the Department of Housing, Urban Planning and Public Utility for their time, knowledge and provision of documents. Above all, IDMC would like to thank those people who shared their experience in focus group discussion and interviews and who thus made this study possible.

during the war and have only returned since the CPA. During the war Dinka IDPs fled northern areas of Southern Sudan and found deserted land in Yei which they settled, sometimes over two decades ago. Locals feel they are the rightful owners of land that it is part of their tribal identity and that the current occupants have no right to remain.

Control of land occupied by Dinka IDPs is primarily determined by rules of customary tenure under which returning locals can claim it back. Dinka IDPs often remain uncompensated despite having lived on the land for years. Tenure insecurity therefore remains the biggest obstacle to local integration of Dinka IDPs.

Yei has been an SPLA stronghold since Khartoum lost control of the city in 1997. An important garrison headquarters, there is a significant presence of soldiers and their families. The military presence is a source of conflict with the host community who were antagonised by the SPLA's forcible recruitment and expropriation of private assets during the war. The ethnic link between the SPLA and Dinka IDPs complicates relations with the host community and creates an obstacle to local integration. The local population perceives all Dinkas, soldier and IDPs alike, to be the same.

IDPs have not clearly expressed a preferred settlement option by which to try to achieve a durable solution to their displacement. The length of their displacement makes their return less and less viable. It is apparent that they mostly wish to stay at the place of displacement. This is despite having to often move within Yei and despite the fact that, in recent years, tensions in areas from which IDPs were displaced have been reduced. Most report they have lost their livelihoods in the place of origin, are no longer in contact with relatives and have adapted to farming, although some still own cattle as they did traditionally in their places of origin. They have remained in Yei despite the lack of efforts by the Southern Sudanese authorities or the international community to facilitate their local integration. Very few availed themselves of opportunities to repatriate twice offered by the Office of the UN High Commissioner for Refugees (UNHCR) in 2006.

Yei, whose population has trebled since the CPA, provides an informative case study for several reasons: ethnic divisions between the Equatorians and the Dinkas; the role of the SPLA; the fact that IDPs and SPLA members belong to the same ethnic group and the intense competition for land as IDPs attempt to integrate in a peri-urban area. Yei offers insights into similar communities of IDPs in protracted situations elsewhere in Southern Sudan.

## I. INTRODUCTION

Internal displacement in Sudan is the product of numerous conflicts, almost all of which are rooted in deep tensions between Khartoum and Sudan's peripheral regions. These tensions are fed by a highly inequitable distribution of power and wealth and the Government of Sudan's unwillingness to acknowledge ethnic, religious and linguistic diversity.

Armed conflict between north and south Sudan pre-dates the country's 1956 independence. The first stage of the north-south civil war ended in 1972 but fighting between Khartoum and the newly-formed Sudan People's Liberation Army (SPLA) broke out in 1983. The second north-south war ended only in January 2005, when the Sudanese Government and the Sudan People's Liberation Movement, the SPLA's political wing, signed a pact, the Comprehensive Peace Agreement (CPA). It set out detailed transitional arrangements concerning power and wealth-sharing, the redeployment of northern military forces in Southern Sudan and the status of contested areas claimed by both the north and the south: Abyei, Southern Kordofan and Blue Nile (collectively known as the Three Areas). The CPA provided for nationwide democratic elections (that took place, albeit with considerable reserva-

tions from international observers, in April 2010) and a Southern Sudanese referendum on self-determination that took place in January 2011.<sup>304</sup> The residents of Abyei are yet to vote in a separate referendum on whether to be part of the north or the south. The CPA led to an autonomous Government of Southern Sudan (GoSS) based in Juba, the southern capital, and an interim Government of National Unity in Khartoum. In the January referendum on secession from Sudan, Southern Sudanese almost unanimously voted for secession.<sup>305</sup>

The second north-south war is thought to have led to the deaths of two million people and the displacement of some 4.5 million (four million IDPs and 500,000 refugees). In the fragile period following the signing of the CPA, Southern Sudan has faced continued population movements and ongoing insecurity. As a result of considerable tensions post-CPA displacement within Southern Sudan has risen. There were 391,000 new IDPs in 2009, twice the 2008 figure. In the first ten months of 2010 there were more than 215,000 more IDPs. 2010 is thus the second year in succession that the number of new IDPs in Southern Sudan has exceeded displaced Darfuris.<sup>306</sup> Despite the challenges of return, by the end of 2009 more than two million IDPs and refugees had returned to Southern Sudan and the Transitional Areas. There are still around 1.7 million IDPs from Southern Sudan in and around Khartoum.<sup>307</sup>

In August 2010, the GoSS announced an initiative intended to facilitate the rapid return to the south of up to 1.5 million southern Sudanese currently living in the north and in Egypt.<sup>308</sup> Plans have been subsequently downscaled as a result of funding constraints and concerns expressed by the international community. The GoSS now envisages IDP return as a longer-term process not linked to the referendum.

### ***Study area and study group***

The research for this case study was carried out in Yei and Gimunu, administrative units (bomas) in the payam (sub-county) of Yei which is part of Yei River County, one of six counties in Central Equatoria, one of the ten states of Southern Sudan. Yei River County is bordered to the north by Maridi County, to the south by Morobo County, to the east by Lainya County and to the west by the Democratic Republic of Congo (DRC). It is approximately 160 kilometres from Juba.

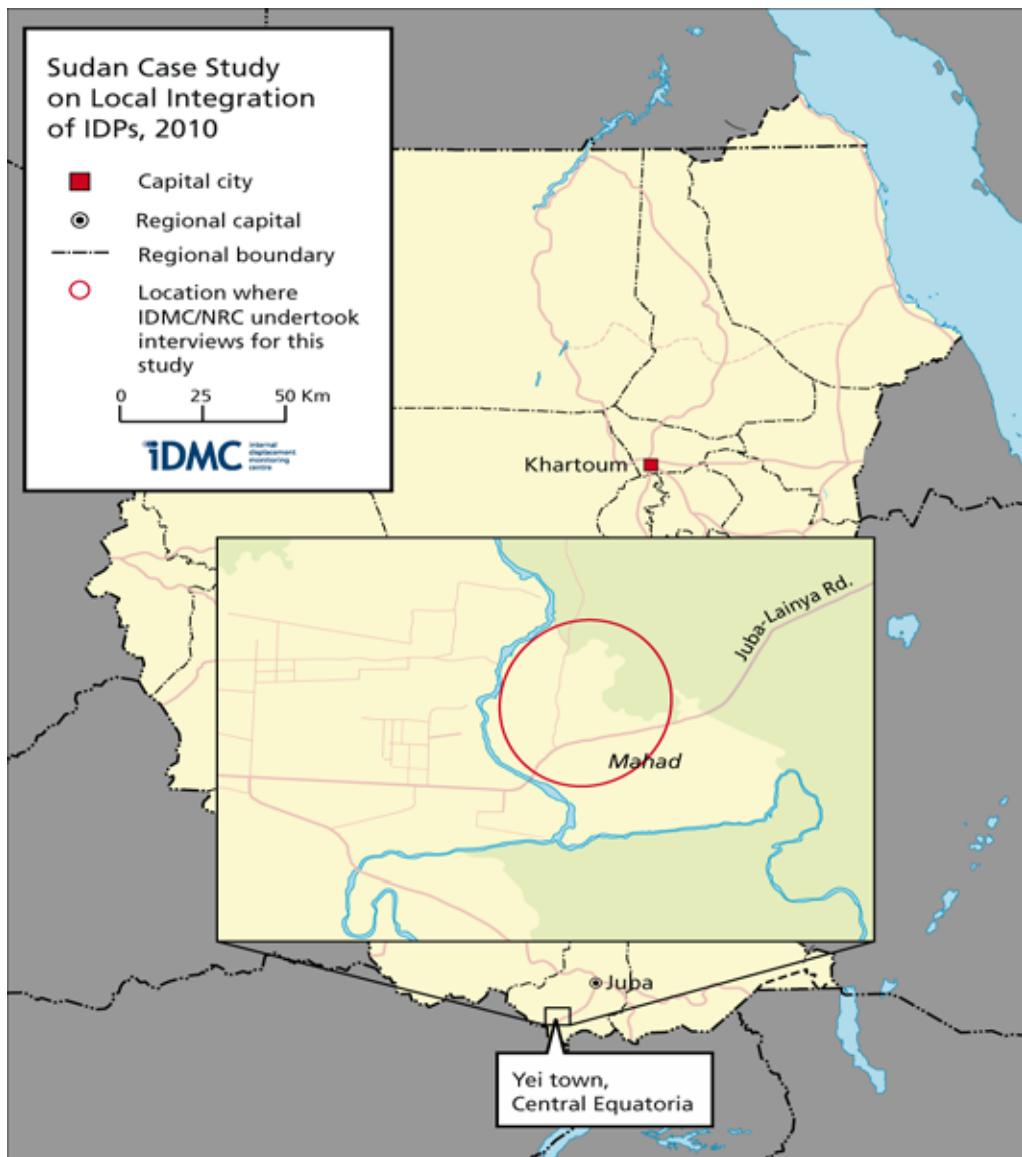
304 Jimmy Mulla, "Is Sudan's CPA being dishonored?", *Sudan Tribune*, 7 March 2010, [www.sudantribune.com/Is-Sudan-s-CPA-being-dishonored\\_34339](http://www.sudantribune.com/Is-Sudan-s-CPA-being-dishonored_34339); Heinrich Böll-Stiftung, *Sudan – No Easy Ways Ahead*, January 2010, [www.internal-displacement.org/8025708F004CE90B/\(\httpDocuments\)/B274F87C6E3D43ACC125770004B6349/\\\$file/Sudan+no+easy+way+ahead.pdf](http://www.internal-displacement.org/8025708F004CE90B/(\httpDocuments)/B274F87C6E3D43ACC125770004B6349/\$file/Sudan+no+easy+way+ahead.pdf); Chatham House, *Decisions and Deadlines A Critical Year for Sudan*, January 2010, [www.internal-displacement.org/8025708F004CE90B/\(\httpDocuments\)/52BE8C3CA0975266C12576E000689065/\\\$file/chatham2010.pdf](http://www.internal-displacement.org/8025708F004CE90B/(\httpDocuments)/52BE8C3CA0975266C12576E000689065/\$file/chatham2010.pdf).

305 BBC, "South Sudan referendum: 99% vote for independence," 30 January 2011, [www.bbc.co.uk/news/world-africa-12317927](http://www.bbc.co.uk/news/world-africa-12317927).

306 As of October 2010, 106,715 new displacements have been verified in Darfur. OCHA, *Sudan Humanitarian Update*, 3<sup>rd</sup> Quarter 2010, [www.unsudanig.org/docs/Sudan Humanitarian Update 3rd Quarter 2010.pdf](http://www.unsudanig.org/docs/Sudan%20Humanitarian%20Update%203rd%20Quarter%202010.pdf).

307 The number of Southern IDPs in Khartoum is an estimate as there is no consensus on how to define IDPs in this protracted situation. Estimates thus vary significantly. UNHCR notes 1.9 million IDPs/former IDPs in its November 2010 UPR submission (See UNHCR, *Universal Periodic Review: Sudan*, November 2010, p. 9, [www.internal-displacement.org/8025708F004CE90B/\(\httpDocuments\)/1E82F4CC40B4D6C12577E6003B3593/\\\$file/UNHCR+Oct+2010\\_READ.pdf](http://www.internal-displacement.org/8025708F004CE90B/(\httpDocuments)/1E82F4CC40B4D6C12577E6003B3593/\$file/UNHCR+Oct+2010_READ.pdf)); a Tufts University-IDMC study in August 2008 estimated between 1,329,300 and 1,675,500 (See Karen Jacobsen, *Internal Displacement to Urban Areas: the Tufts-IDMC Profiling Study: Khartoum, Sudan: Case 1*, August 2008, p. 8, [www.internal-displacement.org/8025708F004BE3B1/\(\httpInfoFiles\)/8869C6AAB6C05A00C12574BA0029A841/\\\$file/urban\\_displacement\\_khartoum\\_08.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(\httpInfoFiles)/8869C6AAB6C05A00C12574BA0029A841/\$file/urban_displacement_khartoum_08.pdf)).

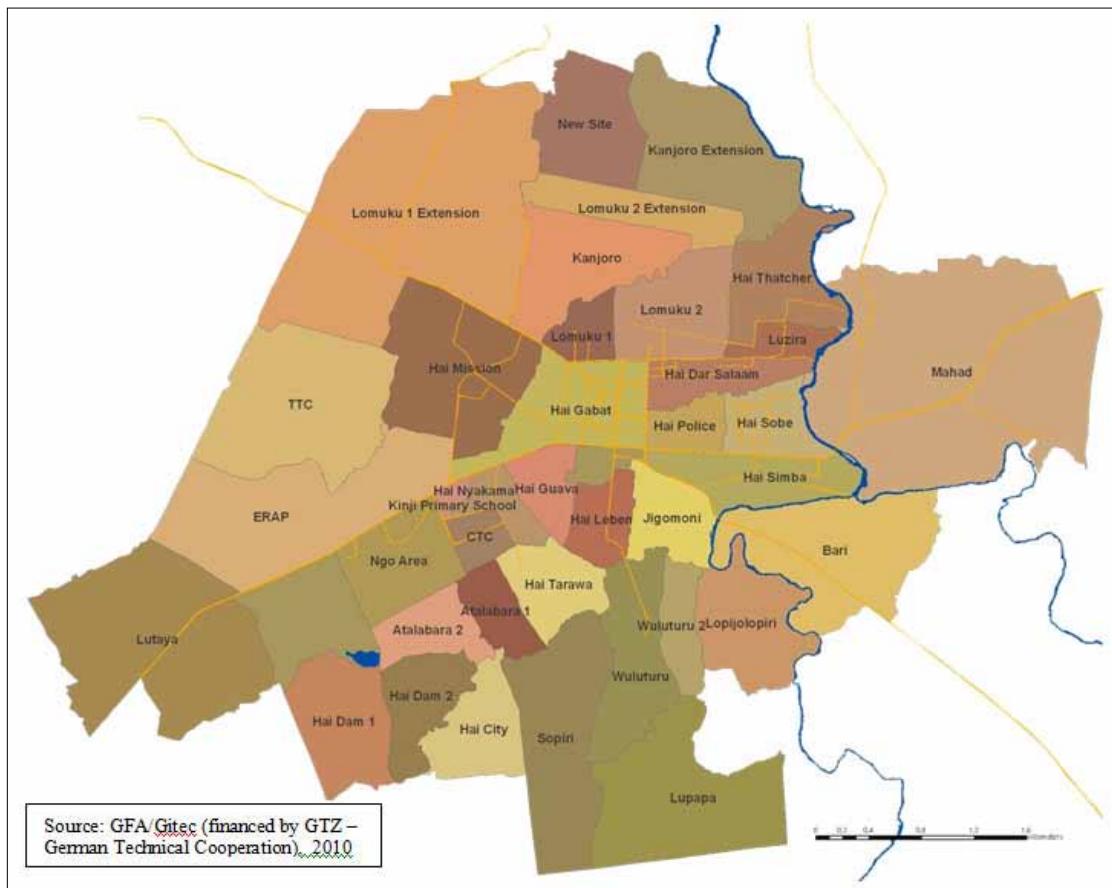
308 BBC, "South Sudan plans mass return ahead of referendum," 24 August 2010, [www.bbc.co.uk/news/world-africa-11073919](http://www.bbc.co.uk/news/world-africa-11073919).



A number of predominantly agrarian communities live in and around Yei. The majority belong to the Kakwa, a Nilotc ethnic group who also live in north-western Uganda and the DRC. The Yei area is also home to Pojulu, Baka, Mundu and Avukaya people. Members of other ethnic communities, most notably Dinkas, moved into Yei during the civil war.<sup>309</sup> Some were members of the SPLA and their families, others were IDPs displaced from northern areas of Southern Sudan. In times of peace Dinka cattle herders resided in Yei as it lies on the principal trading route between Southern Sudan and Uganda. Yei is an important SPLA garrison in Central Equatoria and there is a significant military presence in the area.

IDMC conducted most of its focus group discussions (FGDs) with IDPs and members of the host community in and around Mahad, a non-authorised semi-rural settlement in Gimunu boma whose population includes signifi-

<sup>309</sup> The Dinka are a Nilotc people living in the northern areas of Southern Sudan. Traditionally agro-pastoralists, they are the largest ethnic group in Southern Sudan.



cant numbers of SPLA soldiers and IDPs. We also interviewed inhabitants of the area along the Kembe stream, a watercourse running past Mahad, and near a major SPLA barracks.<sup>310</sup>

As elsewhere in Southern Sudan, there is a shortage of reliable demographic data and population estimates are contested. Since the signing of the CPA it is believed that the city of Yei's population has almost trebled. In 2006, the US Agency for International Development estimated the population of Yei at 40,000 locals and up to 20,000 additional IDPs. The population of the city is now estimated to perhaps be as high as 185,000.<sup>311</sup> Population growth is due to the influx of several groups: returning refugees who remained in Yei rather than returning to their places of origin; the returning resident population; the predominantly Dinka IDP population; SPLA members and their families; cattle herders who have chosen to settle in the area, and entrepreneurs, mainly Ugandan, who have started small businesses in recent years.

Until the late 1990s the settlement pattern was for people to move away from the centre of Yei, particularly from the Juba road and the hospital, which were both frequently shelled by Government forces after Yei fell to the SPLA in 1997. In the last decade, however, the settlement pattern has reversed and people have started moving back towards the city. The peace agreement, improved security and steady economic development have encouraged migration to Yei from surrounding rural areas and attracted petty traders from neighbouring countries. Population growth is creating great pressure on urban and peri-urban land.

<sup>310</sup> See map for reference.

<sup>311</sup> IDMC interview with Southern Sudan Relief and Rehabilitation Commission (SSRRC), Yei, July 2010.

As of 2005-2006, the Southern Sudan Commission for Census, Statistics, and Evaluation (SSCCSE) estimated that 1,548,821 people were living in Central Equatoria, some ten per cent of the population of Southern Sudan. It put population growth at around three per cent per annum, the result of natural increase, the return of refugees and IDPs and migration from rural to urban areas.<sup>312</sup>

**Table 1: Available population figures for Yei County from 2004 to 2009**

Year	Yei County	Yei Payam	Yei City Boma	Source
2004-2005	150,050	39,470		The New Sudan Centre for Statistics and Evaluation (NSCSE)
2008	201,443			5th Sudan Population and Housing Census, 2008
2009	427,140	289,221	185,013	Southern Sudan Relief and Rehabilitation Commission (SSRRC), Yei
2010 (February)			~ 172,000	GFA/Gitec <sup>313</sup>
2010	~ 400,000	250,000		Yei River County <sup>314</sup>

There is no reliable disaggregated data on Yei. The New Sudan Centre for Statistics and Evaluation (NSCSE) provides some information for Yei County and Yei Payam in 2004-2005.

	Residential population	WFP-targeted returnees 2004	Returnees from Jan-Apr 2005	Returnees from May-June 2005	Total IDP population	Total population
Yei Payam	39,470	–	2566	980	8,464	51,480
Yei County	125,431	2,750	6,877	3,691	11,301	150,050

The population in Yei Payam can be, somewhat arbitrarily, divided into four categories:

- those who remained during the war (stayees);
- IDPs (Dinkas and others) displaced during the civil war who settled in Yei Payam or nearby locations such as in Kajo Keji and Lainya, locations on the road to Juba;
- returning refugees (Dinkas and others) whose place of origin is not Yei Payam and who have resettled in Yei and live in situations similar to those of IDPs; and
- returning refugees whose place of origin is Yei Payam or the surrounding area.

Until 2001 the Dinka IDPs lived in two large homogeneous settlements but are now spread across the city and integrated into the wider community.

Upon their post-1997 repatriation to areas in and around Yei Payam returning refugees originally from the northern parts of Southern Sudan remained in a situation similar to IDPs, with no imminent prospect of return to their original homes. These returnees identified continued insecurity, lack of transport and services and concern about the possibility of re-establishing their livelihoods as the main reasons for not returning to their places of origin.

312 UNIFEM, *Final report on gender based violence and violence against women in Southern Sudan*, June 2009.

313 GFA Consulting Group/Gitec, Feasibility Study for the Establishment of a Poverty Oriented Development of Water Supply and Sanitation Services for Yei, Southern Sudan Concept Report - Final Version (financed by GIZ – Deutsche Gesellschaft für Internationale Zusammenarbeit), 2010.

314 Yei River County, Concept Use Plan, 24 May 2010.

The study group, henceforth referred to as “Dinka IDPs”, are Dinka IDPs and returning refugees who remain in a situation similar to that of IDPs and whose original flight was from areas in the states of Warrap, Lakes, Northern Bahr el Ghazal and Upper Nile. They are all civilians. Some were displaced directly to Yei but most first crossed Southern Sudan and remained in Uganda and Kenya as refugees before arriving in the area. These ex-refugees started returning to Southern Sudan from 1997 onwards, but most of the respondents returned in 2005. According to a local IDP leader, there are some 500 IDPs living in the area around the Kembe stream: 30 households from Warrap, 27 from Lakes and several from Aweil in Northern Bahr el Ghazal. The average household size in the city is reported to be around 8.5. The same leader said that more Dinka IDPs living elsewhere in Yei were also expected to relocate there. He was unable to provide exact figures for those who had arrived in Yei as returning refugees and those who had arrived as IDPs. IDPs living in the area around the Kembe stream were not displaced as a group and did not live together. The ex-refugees in Uganda also did not live together in the refugee camps and only formed a group in Yei. Rather they coalesced with fellow tribal members after arrival in/return to Yei.

### **Methodology**

For targeted policy making and programming local and national authorities need to better understand obstacles to the local integration/settlement elsewhere for the Dinka IDPs as well as their uneasy relationship with the local community. This study thus adopted a ‘bottom-up’ approach, seeking to link conditions of the Dinka IDP and host communities to the local and national political environment. A participatory approach focused on collection of qualitative data which was supplemented with secondary information from the local authorities and humanitarian actors.

Lack of documentation on displacement in the study areas of Yei Payam means this study relies heavily on information collected during interviews and focus group discussions (FGDs). Throughout June to October 2010, IDMC conducted 20 interviews with staff of local authorities, local and international non-Governmental organisations (NGOs), churches and the Office of the United Nations High Commissioner for Refugees (UNHCR). IDMC/NRC ran a series of FGDs with IDPs in different locations of Mahad and Kembe in Gimunu boma and with local communities and key informants in the cities of Yei and Gimunu. FGD participants included: four IDP leaders representing different ethnic communities from Greater Bahr el Ghazal in Yei Payam; a group of IDP women in Mahad, some of whom were widows of SPLA soldiers; groups of IDP men and IDP women in the area around the Kembe stream; representatives from the local community and members of the Kakwa and other local tribes who live in Mahad and who own the land around the Kembe stream on which the IDPs have settled, a youth group and representatives from the local police. IDMC/NRC conducted a series of FGDs with groups of representatives of local communities in several other locations in Yei boma, including Lupapa, Atlabara, and Hai Tarawa to obtain a comparison of living conditions and access to land and services.

To keep the focus of the discussions on track while allowing respondents to talk freely and spontaneously, IDMC used guidelines that covered the following topics: preferred settlement options; livelihoods; access to basic services such as education, health, water and sanitation; access to land and relations with the host community.

IDMC employed a technique known as photo voice methodology. After the first round of FGDs disposable cameras were given to 11 men, women and children from the IDP community living beyond the Kembe stream. They were asked to photograph the impact displacement has had on their daily lives. Known as “participatory photography”, the photo voice methodology<sup>315</sup> is derived from Paulo Freire’s influential theory of critical pedagogy. It seeks

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315 For further information on the methodology, see: [www.photovoice.org](http://www.photovoice.org).

to enable the marginalised to define, communicate and improve their situation. IDMC staff showed each recipient how to use the camera and arranged to collect it after three days. Participants were then given copies of photographs they could keep and the photos were used to stimulate further discussion to expand previous responses and seek additional information. IDMC selected participants on the basis of their enthusiasm and availability for the duration of the exercise. There were equal numbers of males and females.

The main research questions for this case study are:

- Who are Dinka IDPs in Yei?
- To what extent have they integrated locally?
- Has the protracted nature of the situation facilitated local integration?
- What is facilitating and what is obstructing their local integration?
- Which steps should local and national authorities undertake to facilitate local integration of the chosen group?

## II. PATTERNS AND CAUSES OF DISPLACEMENT IN YEI

The war between Khartoum and the SPLA commenced in earnest in Yei in 1985 and until 1994 Yei was constantly fought over. The city remained under Government control and surrounding villages were controlled by the SPLA. Caught between the opposing forces, and seeking to avoid forced recruitment by the SPLA, from 1985 civilians began fleeing. Local people fled across the border to Uganda at the same time as those displaced by fighting in the north of Southern Sudan made their way towards Yei. By 1993 the fighting around Yei was so fierce that most of the population had become refugees in Uganda, Kenya or the DRC. In 1994, those who had sought shelter on the Ugandan border were transferred by UNHCR to refugee settlements, especially Rhino Camp, located inside Uganda. A Government offensive from 1994 caused SPLA forces to withdraw 15 kilometres from the city. Those who had not fled abroad abandoned their villages, settling in relatively safer urban areas where they often occupied property which had been abandoned by those who had become refugees. This created an ongoing problem as both IDPs and stayees occupied property that did not belong to them.

In 1997, the SPLA captured Yei, allegedly supported by Ugandan forces. The local population feared forcible recruitment, a deterrent factor which kept the city's population low although there was now no other major impediment to return. However, those who had settled in Rhino camp did start returning, settling in relatively safe places around Yei because of attacks on the refugee camps by the Uganda National Rescue Front (UNRF) II, a Ugandan rebel movement supported by the Sudanese Government. Refugees were not repatriated in any significant numbers until the signing of the CPA, the vast majority of them returning between 2005 and 2008. Since then the number of returnees has tailed off.

### **Research challenges**

The main challenge in finding a group of IDPs for this study lay in determining who, among those who came to Yei during the war, are IDPs. The distinction between SPLA soldiers and civilian Dinka IDPs is easily blurred as both belong to the same tribal group. The local population and local authorities see them as a single entity. Both groups tend to refer to themselves as IDPs. During an FGD an SPLA lieutenant referred to the communities he represented as IDPs. This is clearly unfeasible as the Guiding Principles on Internal Displacement makes it clear

that combatants cannot be regarded as IDPs. Some IDPs have reportedly forged connections to the SPLA, or pose as SPLA cohorts, to strengthen their position vis-à-vis local communities.

Some people who have come to Yei for reasons not related to displacement (mostly economic migrants) have identified as IDPs in the hope of securing assistance. In 2006, Yei received a number of IDPs who had fled fighting in Greater Bahr el Ghazal and Upper Nile states. The new arrivals were registered and issued with temporary IDP identity documents entitling them to food and other assistance. It would appear that a number of Dinkas already in Yei took advantage to secure IDP registration, thus inflating the figures to 5,000-6,000.<sup>316</sup> The extent of bogus registration is perhaps evidenced by the fact that when, in 2006, UNHCR announced registration for voluntary return to places of origin there were only about a thousand who expressed interest. Later in 2006, UNHCR tried to re-open registration but again there was little interest.

### III. DURABLE SOLUTIONS

The GoSS has not done enough to offer displaced Southern Sudanese a genuine choice between the three settlement options of sustainable reintegration at the place of origin (return); sustainable local integration in areas where IDPs take refuge (local integration); or sustainable integration elsewhere in the country.<sup>317</sup> The Government has instead been adamant that all displaced southern Sudanese, both IDPs and refugees, should return to villages of origin.

Most of the two million IDPs who have returned, either from the north or from elsewhere in Southern Sudan, have done so spontaneously. In 2008, only 20 per cent of IDP returns were organised.<sup>318</sup> For many displaced people return is the preferred option once certain conditions are met, but for many others the long-term nature of their displacement means that return to their original homes is neither possible nor desirable. After years, or sometimes decades, places of displacement have become home as people become urbanised through livelihoods opportunities and access to education and medical services. This applies particularly to people who sought safety in Khartoum and other northern towns and cities or those who fled to southern cities such as Juba or Yei. A report by the UK's Overseas Development Institute (ODI) notes that only about ten per cent of returnees who settled in Juba have origins in the Southern Sudanese capital.<sup>319</sup>

For some, neither return to villages of origin nor local integration in places of displacement are feasible due to lack of access to land, services or opportunities to re-establish livelihoods. For this group, the only durable solution is resettlement elsewhere, often in South Sudan's rapidly expanding towns and cities. Some of those who end up in urban areas are ex-refugees who returned to their home villages, only to move again in search of better livelihood

316 IDMC interviews, Yei, 2 July 2010.

317 According to the *Framework on Durable Solutions*, a durable solution is reached when "IDPs no longer have specific assistance and protection needs that are linked to their displacement and such persons can enjoy their human rights without discrimination resulting from their displacement." See Brookings-Bern Project on Internal Displacement, *IASC Framework on Durable Solutions for Internally Displaced Persons*, April 2010, p. 5, [www.brookings.edu/reports/2010/04\\_durable\\_solutions.aspx](http://www.brookings.edu/reports/2010/04_durable_solutions.aspx). Adopted by UN in: UN Human Rights Council, *Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin—Addendum—Framework on Durable Solutions for Internally Displaced Persons*, A/HRC/13/21/Add.4, 9 February 2010.

318 IDMC interviews, Juba, June 2010.

319 Sara Pantuliano, Margie Buchanan-Smith, Paul Murphy, & Irina Mosel, *The Long Road Home, Opportunities and obstacles to the reintegration of IDPs and refugees to Southern Sudan and the Three Areas*, August 2007, p.9, [www.odi.org.uk/resources/download/1022.pdf](http://www.odi.org.uk/resources/download/1022.pdf).

opportunities. Others are IDPs who either fled directly to the towns or who, like refugees, have come there as a result of having failed to settle in their places of origin. The fact that more than 200,000 IDP returns, about ten per cent of the total, are estimated to have failed indicates the difficulties experienced by returnees.<sup>320</sup> 60 per cent of the returns tracked by the International Organization for Migration (IOM) and the South Sudan Relief and Rehabilitation Commission (SSRRC) involve women and children staying in places of return alone, while male household heads either return to their place of displacement or go elsewhere to seek work in the hope of sending money to their families.<sup>321</sup>

The loss of cattle, the traditional livelihood asset of the Dinka, and the length of their displacement have led Dinka IDPs to adopt livelihoods traditional for Yei area, such as agriculture. Living in the city or its peri-urban area has also meant access to markets as well as to other income-generation opportunities. Most IDPs in the study group primarily depend on subsistence farming and petty trading in local markets.

### ***Legal framework for responding to internal displacement***

In January 2009, the Sudanese Government adopted a national IDP policy, setting out IDPs' rights and the required responses to their needs during different phases of displacement. There is no legal or policy framework for IDPs that is specific to Southern Sudan. The policy recognises the Guiding Principles on Internal Displacement, though they are "considered with interpretation in line with the Interim National Constitution of Southern Sudan, customs, norms and Sudanese traditions."<sup>322</sup> The policy seeks to:

- develop principles that meet IDPs' rights as called for in the CPA and other subsequent agreements, including international and regional accords to which Sudan is a signatory;
- enhance social cohesion, peace and sustainable development in IDP and host communities;
- determine the roles and responsibilities of all actors involved in the planning of projects and programmes concerning IDPs; and
- respond to IDPs' choices with regard to voluntary return. It promotes all three durable solutions (voluntary return to places of origin, integration in the host community or resettlement).

The Humanitarian Aid Commission, representing the Government of National Unity, and the SSRRC of the GoSS are envisaged as coordinating bodies, liaising with national and international actors and providing overall technical support.<sup>323</sup> According to Southern Sudan's interim constitution, the functions of the SSRRC include "the repatriation, relief, resettlement, rehabilitation, and reintegration of returnees and internally displaced persons and the facilitation of reconstruction in conflict-affected areas."<sup>324</sup> The focus of the SSRRC<sup>325</sup> has thus far been limited to returns and relief coordination and, to a lesser extent, monitoring and assessment of food security. Its Annual

320 International Organization for Migration, *Total returns to Southern Sudan and Southern Kordofan post-CPA to December 2009*, 2010, p.9, [www.iom.int/jahia.../docs/tracking\\_returns\\_annual\\_report\\_dec2009.pdf](http://www.iom.int/jahia.../docs/tracking_returns_annual_report_dec2009.pdf).

321 *Ibid.*, p.11.

322 Republic of Sudan, Ministry of Humanitarian Affairs, *National Policy on Internally Displaced Persons*, 2009, [www.brookings.edu/projects/idp/Laws-and-Policies/sudan.aspx](http://www.brookings.edu/projects/idp/Laws-and-Policies/sudan.aspx)

323 *Ibid.*

324 The Interim Constitution of Southern Sudan, 2005, para.152.

325 In July 2010, the GoSS created a Ministry for Humanitarian Affairs and Disaster Management. It is intended to raise the profile of humanitarian coordination and advocacy within the GoSS and to complement the continuing work of the SSRRC.

Needs and Livelihoods Assessment (ANLA)<sup>326</sup> measures the sustainability of livelihoods in rural areas for both host and IDP communities. Although the SSRRC is present in all ten states it lacks capacity and resources.<sup>327</sup> Some SSRRC offices are not familiar with the National IDP policy.<sup>328</sup>

Sudan has ratified the Pact on Security, Stability and Development in Africa's Great Lakes Region, including its Protocol on the Protection and Assistance to IDPs, and on the Property Rights of Returning Populations. However, in late 2010, implementation had not begun. Sudan has not signed the African Union Convention for the Protection and Assistance of IDPs in Africa (also known as the Kampala Convention), adopted by the AU in October 2009.

#### IV. DURABLE SOLUTIONS FOR DINKA IDPS IN YEI

As the case study group consists of both IDPs (as defined by the Guiding Principles) and returning refugees in situations similar to those of IDPs, local integration as a settlement option does not apply to the whole group. IDPs who settled in and around Yei at the time of the civil war have worked towards a durable solution through local integration. It should be noted, however, that even among this group some IDPs experienced several displacements within the Yei area following their post 1986 arrival. The returning refugees who are now in IDP-like situations began settling in and around Yei from 1997, but they are working towards a durable solution through settlement elsewhere in the country. The latter formed the majority of the case study group.

When asked if they wished and intended to return to their places of origin, Dinka IDPs said that they did not feel accepted by the local community in Yei, that they had already been displaced several times within Yei and that because of insecurity of tenure they expected to be forced to move again. Although IDPs recognise obstacles to local integration they have not taken any steps towards moving back to their places of origin even though their physical security would not be at risk in areas such as Aweil in Northern Bahr el Ghazal state. Some said that they might consider returning if their physical security and access to water and education in places of origin were guaranteed. IDPs also said that lack of transport prevents return. A further obstacle to return is the loss of their traditional livelihoods and the lack of alternatives in their places of origin. Several respondents said that while their land in the north was still available to them they had lost their cattle, their primary source of income, thus leaving them unable to make a living. When asked where they would move if they were evicted from the places they currently occupy illegally, most indicated that they would move to another location in Yei or to another town or city, but not to their places of origin.

Yei lies in the region's most fertile area and does not suffer from seasonal drought like northern areas of Southern Sudan from where the IDPs were displaced. Its proximity to the DRC and Uganda opens opportunities for trade. Respondents were reluctant to state clearly whether they saw local integration/settlement elsewhere in Yei as a durable or interim solution, but their return prospects are minimal and they have made few efforts to go back. The fact they have remained in Yei despite the threat of further displacement suggests an apparent preference for local integration or resettlement elsewhere.

<sup>326</sup> See Government of Southern Sudan, ANLA 2009/2010, [www.relfeweb.int/rw/rwb.nsf/retrieveattachments?openagent&shortid=SMAR-83546Z&file=Full\\_Report.pdf](http://www.relfeweb.int/rw/rwb.nsf/retrieveattachments?openagent&shortid=SMAR-83546Z&file=Full_Report.pdf) and <http://home.wfp.org/stellent/groups/public/documents/ena/wfp216783.pdf>.

<sup>327</sup> See Refugees International, *South Sudan: urgent action needed to avert collapse*, 26 March 2009, [www.refugeesinternational.org/policy/field-report/south-sudan-urgent-action-needed-avert-collapse](http://www.refugeesinternational.org/policy/field-report/south-sudan-urgent-action-needed-avert-collapse).

<sup>328</sup> IDMC interviews, Northern Bahr el Ghazal, June 2010.

### ***Criteria to measure durable solutions for Dinka IDPs***

Some of the criteria that hinder Dinka IDPs' local integration or settlement elsewhere are not specific to their displacement and thus not central to analysing the degree to which durable solutions are available. IDMC's research found that documentation is a problem for both displaced and host communities. A large majority of interviewees reported having no ID-papers at all even prior to the conflict. Obtaining replacements or new documents is time-consuming and expensive. Access to health care also is severely limited for both displaced and local communities. During FGDs there were complaints that health care is generally unaffordable, forcing many to rely on traditional community healers. Dinka IDPs did not indicate feeling discriminated against in public life, respondents saying they were registered in Yei for censuses and elections.

Access to justice will not be analysed because there is insufficient information. The information that was obtained from Dinka IDPs tends to conflict with that from the local community. Further research and verification is needed.

### ***Restoration of housing, land and property***

Land and natural resources are increasingly contested in the Southern Sudan and in the volatile post-conflict setting these issues trigger and fuel local violence. Controversies are related to, *inter alia*, the return of IDPs and refugees, urban expansion and increased competition for land and access to natural resources, partially incompatible interpretations of SPLM/A policy of 'land belongs to the people', and institutional fragmentation and dissolution of administrative capacity.<sup>329</sup>

Until the Land Act for Southern Sudan was passed in 2009, land issues were dealt with under customary law. The legislation created a pluralistic framework by recognising the co-existence of statutory and customary legal systems. The Act seeks to recognise "customary law and practices related to land owned by communities as part of the normative system of land regulation as long as they are consistent with the provisions of the interim constitution of Southern Sudan".<sup>330</sup> The Act requires claimants to file land restitution claim within three years of the legislation coming into force, *i.e.* by 16 February 2012. Given that the Act has not been widely disseminated and that the majority of the returning population is unaware of its provisions, many may find themselves without legal redress by the time they get around to making a claim. The Land Act also states that the claims have to be made through the Southern Sudan Land Commission. This is a Juba-based institution without offices in all states.

There is friction over land and property in Yei between, on one side, Dinka IDPs and SPLA soldiers who remained during the war and seized land and, on the other, members of the local population, most of whom left the area during the war and have only started returning in recent years. IDPs found deserted land in Yei and began settling it more than a decade ago. As many members of the local community fled to Uganda it was often impossible to ascertain the rightful owners of the land, or to ask for permission to settle on it. IDPs and SPLA soldiers feel that they have a legitimate claim over the land they occupied, especially those who fought for it and/or have since invested in their houses and plots. Members of the local population who began returning after the CPA feel that they are the rightful owners of the land, that it is part of their tribal identity, and that current occupants have no right to remain on it.

<sup>329</sup> Øystein H. Rolandsen, "Land, Security and Peace Building in the Southern Sudan", Peace Research Institute Oslo (PRIO), 2009, [www.prio.no/Research-and-Publications/Publication/?oid=52183332](http://www.prio.no/Research-and-Publications/Publication/?oid=52183332).

<sup>330</sup> The Land Act, 2009, Section 5(c).

In light of conflicting land claims, restitution as a remedy for the returning resident population does not necessarily offer an equitable and just solution for all parties. Any solutions should accommodate both the returning resident population and the IDPs. The 2009 Land Act provides a legal framework to deal with land and restitution issues, but it lacks both clarity and the resources to implement it.

The procedure for filing a land claim depends on whether the occupied plot lies on officially recognised/demarcated urban land or communal rural land which has not been officially surveyed and zoned.<sup>331</sup> In the countryside around Yei, where land administration follows customary principles,<sup>332</sup> property problems range from the occupation of land by individuals to conflicts between entire communities. The most serious problems have arisen in and around Yei, where rights as regards urban land plots are meant to be protected by statutory law, but where the situation is undermined by the encroachment of powerful military actors.<sup>333</sup>

If contested land is in a rural area, then customary law courts will try to broker an agreement between competing parties. Such cases usually rely on witnesses, neighbours and other community members providing information on demarcation points such as trees and graves. The authorities are empowered to allocate claimants alternative plots of land where appropriate, and where IDPs are bona fide occupants and have constructed tukuls (traditional, circular mud houses with a thatched roof) or made other investments in the property. They may rule that the returning resident must compensate the occupant. These traditional methods of seeking justice are popular and are usually the first step in resolving restitution claims. They are accessible, familiar to the communities involved, and both cheaper and quicker than statutory procedures. Rulings by traditional authorities are rarely appealed via statutory institutions.

However, customary procedures have a number of limitations. Years of civil conflict have weakened the role of traditional authorities, resulting in a lack of respect for their decisions. There is a shortage of chiefs with experience of resolving land disputes<sup>334</sup> and customary authorities lack enforcement sanctions. Whether a decision is respected depends whether communities and individuals feel morally or socially bound by it. As traditional authorities are not conversant with broader legal frameworks, their decisions often contradict international human rights standards, such as the right to equality and freedom from discrimination. One such example is that under customary law women can only access land through their husbands or male relatives, but cannot own or inherit land themselves.<sup>335</sup>

When a disputed plot is located in a demarcated, zoned urban area, responsibility for mediation falls in the first instance to the County Department of Housing, Urban Planning and Public Utility. This body should act in accordance with relevant legislation such as the 2009 Land Act, the interim constitution of Southern Sudan and the CPA. If mediation fails, the case is referred to the Yei First Class County Court, the Yei Second Class County Court and the High Court. According to the Land Act, land disputes should be referred to a special land department of the High Court. However these institutions are yet to be established and most people do not have access to the High Court which is located in Juba. The First Class Magistrate in Yei does, however, have authority delegated

<sup>331</sup> According to the 2009 Land Act, customary institutions have jurisdiction over communal land allocated mainly in rural areas; statutory institutions have jurisdiction over land allocated in urban areas that is demarcated.

<sup>332</sup> The Land Act, 2009.

<sup>333</sup> Norwegian Refugee Council, *Case Study – NRC-ICLA Capacity Building for Land Adjudicators in Southern Sudan*, 2010, unpublished.

<sup>334</sup> Norwegian Refugee Council, *Procedures for Acquisition of Land in Yei County*, 2009, unpublished.

<sup>335</sup> Godfrey Maliamungu, , *The Women's positive customary rights among the customary laws of the Kakawa, Pojulu, Nyangbara, Baka, Mundu and Avukaya communities*, Report commissioned by the Ministry of Legal Affairs and Constitutional Development (Central Equatoria State, Southern Sudan November 2009).

by the High Court to hear cases on its behalf. In theory, law enforcement agencies should implement and monitor any decisions that are taken by statutory institutions. In practice, however, IDMC interviewees say this is unlikely if the person illegally occupying a plot is an armed actor. There has been some progress in dealing with SPLA personnel in illegal occupation.<sup>336</sup> NRC's Information, Counselling and Legal Assistance (ICLA) programme has managed to establish dialogue with some armed illegal occupants to successfully resolve a restitution claim, but many still act with impunity. In FGDS several returnees said that they had been forced to abandon claims after receiving threats from the soldiers or ex-combatants occupying their plots.

There are some positive examples of restitution claims being resolved in way that accommodates the interests of both parties.<sup>337</sup> In several cases statutory bodies have decided that a claim should be upheld, but that the claimant should compensate the occupant as the latter had acted in good faith.

Furthermore, statutory authorities have occasionally ruled in favour of the claimant but awarded the bona fide occupant an alternative plot, or in cases where the plot was deemed large enough to accommodate both claimant and occupant, divided the plot between the two parties.

### ***Housing***

Principle 18 of the Guiding Principles states that all IDPs have the right to an adequate standard of living and that "at the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide [them] with and ensure safe access to ... basic shelter and housing". According to the 8<sup>th</sup> Principle of the Inter-Agency Handbook on Housing and Property Restitution for Refugees and Displaced Persons, adequate housing includes security of tenure, availability of services, materials, facilities and infrastructure, affordability, habitability, accessibility, location and cultural adequacy.

Eighty-five per cent<sup>338</sup> of Yei's population lives in tukuls. Residential areas generally lack access to basic services and infrastructure, such as electricity, clean drinking water and sanitation. Dinka IDPs live in tukuls with wooden walls plastered in mud and ash mortar. The roofs are made of grass, bamboo and wood. Tukuls consist of a single space with a dirt floor. Doorways are generally hung with cloth, and during the rainy season, inhabitants pile up sand in the entrance in an attempt to keep out rainwater. Some bigger tukuls have a window. A circular structure of wooden planks with no roof serves as a shared bathroom. Several households share a pit latrine but residents told IDMC researchers that they also practice open defaecation. In Mahad, IDMC researchers found that many houses had holes in their roofs and that rooms were thus generally damp and cold. Windows are unglazed and some have tin shutters. Some houses have concrete floors, others dirt floors covered in plastic sheeting. The kitchen, normally a couple of bricks, logs and a cooking pot, is normally on the porch. All interviewees in Mahad are from female-headed households. As a rule, each household occupies a single room, inhabitants sleeping on mattresses on the floor. Some rooms have simple furniture such as plastic tables and chairs. Walls are plastered but crumbling. Women fetch water at a nearby hand pump, a facility shared with the host community and the scene of frequent tension and disputes.

336 IDMC interview with the judge of the Second Class Court, Yei, October 2010.

337 Examples taken from NRC Yei ICLA Land and Property Cases, Customary and Statutory Courts Yei River County, 2010. Not public.

338 GFA/Gitec, *Feasibility Study for the Establishment of a Poverty Oriented Development of Water Supply and Sanitation Services for Yei, Southern Sudan Concept Report - Final Version* (financed by GIZ – Deutsche Gesellschaft für Internationale Zusammenarbeit), 2010.

Around 70 per cent<sup>339</sup> of the city's population, and most Dinka IDPs, have no security of tenure. What makes Dinka IDPs more vulnerable is that, unlike the original inhabitants of Yei, they do not have customary tenure. Therefore their only option is to either try to secure temporary tenure of a non-registered plot through chiefs and community leaders or to secure a demarcated and registered plot. The problem in Yei is that there are currently no newly zoned plots and that the procedure for allocation of new plots, which is under development, privileges locals.<sup>340</sup>

Facing tenure insecurity, it is not surprising that hardly any Dinka IDPs have invested in improving the houses they occupy. If they build new structures they use temporary materials. The Dinka IDPs interviewed said that they intended to stay in Yei, even if they had to move again within the area, but they did not show a particularly strong attachment to their homes. Neither did they make much effort to approach the local community about formalising their ownership rights. They said that at one point they tried to meet the local chief, but that the meeting had never taken place.

The photographs that IDPs took did not focus on housing, but were mostly concerned with livelihoods: fetching of water, preparation of food and inadequacy of sanitation. This may reflect resignation at having to live in sub-standard conditions. After multiple displacements Dinka IDPs might not regard 'home' as a stable physical structure.<sup>341</sup> Some researchers argue that southern Sudanese have lost the notion of home as the "stable physical centre" of their lives. One notes that after multiple displacements and lives lived mostly on the move, movement can become "a habit, and perhaps even more a 'culture'.<sup>342</sup> The apparent lack of importance that Dinka IDPs attach to housing issues may also be influenced by the previous lifestyles in the places of origin, where they lived semi-nomadic lives, relying on cattle herding in the dry season and growing millet in fixed settlements during the rainy season. When Dinka IDPs were asked how displacement had most significantly affected them, food and livelihoods were frequently mentioned, not housing.

Mahad is unplanned and has no road system. Occupying houses vacated by their owners during the war, Dinka IDPs pay no rent. Interviewees said that they had not asked local community leaders for permission to stay in the houses, and that they were aware they might have to leave if or when the owners return. Insecurity of tenure and, in some cases previous experience of eviction means the occupiers are reluctant to improve their homes or make other long-term investments, despite having lived in Mahad for up to 13 years. The interviewees have generally occupied more permanent, brick-built houses with tin roofs, but these have not been renovated since the owners left.

Dinka IDPs living in the area around the Kembe stream were initially settled in the centre of Yei. As noted, when they arrived, after 1997, most houses in Yei were empty because the local population had been displaced. Dinka IDPs are aware that the land belongs to the local community. They report that as they are occupying houses whose legal owners would return they have made no improvements or other investments. Some had already been evicted as members of the local community returned. SPLA soldiers, on the other hand, often resort to violence to resist eviction and to prevent owners entering their properties. Locals are opposed to the Dinka IDPs settling on communal land and have asked them to leave several times. To reach the city centre, Dinka IDPs have to cross a makeshift bridge made of tree trunks and branches over the Kembe stream. They said that sometimes people fall in the stream

339 GFA/Gitec, *Feasibility Study for the Establishment of a Poverty Oriented Development of Water Supply and Sanitation Services for Yei, Southern Sudan Concept Report - Final Version* (financed by GIZ – Deutsche Gesellschaft für Internationale Zusammenarbeit), 2010.

340 Interviews held by IDMC with Yei Department of Housing, Urban Planning and Public Utility, July and October 2010.

341 Hanaa M. Taha, *The Perception of Urbanity in a Condition of Displacement. Internally Displaced Persons (IDPs) in Sudan*, March 2008, [www.sudan-forall.org/sections/ihtiram/pages/ihtiram.../Hanaa-M-Taha.pdf](http://www.sudan-forall.org/sections/ihtiram/pages/ihtiram.../Hanaa-M-Taha.pdf).

342 *Ibid.*

when crossing after dark. They also said that when they moved to their current location it was just 'bush', but that they have cleared the land, cut back the thicket, burned off the grass and started cultivating near their homes.

### **Safety and security**

State security institutions in Southern Sudan are weak and ill-equipped to respond to high levels of criminality.<sup>343</sup> There are insufficient trained professional police officers. Law enforcement in Yei has been described as 'embryonic'.<sup>344</sup> Demobilised SPLA soldiers remain the main source of recruitment for the police service.<sup>345</sup> Many have received no formal police training and are unprepared to deal with civilian matters.<sup>346</sup>

Public order and protection of civilians are of great concern for both locals and Dinka IDPs. In Mahad there is a maze of narrow paths without vehicular access to many areas, making it hard for law enforcers to rapidly respond. Distance from the police station is another factor compromising security. Police officers themselves complained that the police force in Yei is under-staffed, under-trained and poorly equipped. The force has only one motor vehicle. Those who seek police help are often asked to pay for officers' transport, making many residents reluctant to call them. Another reason for not calling in the police is that criminals are thought to enjoy impunity. A female interviewee in Atlabara alleged that "criminals are released after two or three days and the same people steal again." A male interviewee in Hai Gabat claimed criminals know that police can be bribed. Another noted this is unsurprising "because it is a way for policemen to survive as they do not get paid or their salaries are delayed."

Dinka IDPs in the area around the Kembe stream said they are subjected to verbal insults from the local community. This particularly affects Dinka IDP women who reported getting into occasional fights with local women while queuing to collect water.

Members of the local community complain that illegal occupants use force to discourage rightful owners from making restitution claims. The heavy SPLA presence in Mahad sometimes heightens tensions with locals but offers solace to IDPs, one noting that "we feel safer because of the SPLA presence nearby because we know the soldiers are protect us". Locals, however, often see armed soldiers as sources of insecurity. A woman in Hai Tarawa reflected a common sentiment: "Not all Dinkas are soldiers, but even if not, they will get clothes from the soldiers, and will behave like soldiers." Another resident in Mahad said the problem laid not so much with the SPLA but with the failure to differentiate between the army and the police when dealing with crime and insecurity: "The SPLA does not follow any procedure. They react immediately. The way the soldiers deal with small criminals is that they torture them and sometimes just shoot on the spot, while police would not do it in that way." Dinka IDPs, when seeking action to redress a crime, turn to the SPLA, rather than the police.

<sup>343</sup> Betty Araba, "The Threat Posed by Availability and Inadequate Control of Small Arms and Light Weapons (SALWs) to Post-Conflict Reconstruction: The Case of Southern Sudan," (Masters dissertation, Oxford Brookes University, July/August 2007).

<sup>344</sup> Small Arms Survey, *GoSS security challenges and recent responses*, May 2009, [www.saferworld.org.uk/downloads/pubdocs/SIB-14-conflicting-priorities.pdf](http://www.saferworld.org.uk/downloads/pubdocs/SIB-14-conflicting-priorities.pdf).

<sup>345</sup> A. S. Lokaji, A. S. Abatneh and C. K. Wani, *Police Reform in Southern Sudan*, North-South Institute, Ottawa, June 2009, [www.nsi-ins.ca/english/pdf/SSR%20Sudan.pdf](http://www.nsi-ins.ca/english/pdf/SSR%20Sudan.pdf).

<sup>346</sup> UNDP, *Foundational Support to Southern Sudan Police*, April 2006, [www.sd.undp.org/doc/Juba%20Office%20prodoc/Foundation%20Support%20S.S.Police%20sdg12.pdf](http://www.sd.undp.org/doc/Juba%20Office%20prodoc/Foundation%20Support%20S.S.Police%20sdg12.pdf).

In Mahad, tensions occasionally led to exchanges of fire.<sup>347</sup> SPLA soldiers not only seize land by force but are often said to refuse to pay for alcohol they buy from local women and to threaten them if they demand payment.

FGDs with Dinka IDP women produced evidence that poverty had forced many into early marriages. For highly vulnerable families marriage offers an opportunity to alleviate the perceived burden of caring for a woman. A recent report by the UN Development Fund for Women (UNIFEM) found that displacement in Southern Sudan tends to increase the occurrence of gender-based violence as a consequence of “social upheaval and mobility, disruption of traditional social protections, changes in gender roles and widespread vulnerabilities.”<sup>348</sup>

### ***Education***

During the war access to education was highly problematic and often disrupted. Even relatively fortunate refugees in Uganda had limited access. Upon their arrival in Yei, repatriated children continued studying the Ugandan syllabus. In 2005, the GoSS began introducing its own curriculum and phasing out the Ugandan one. In Yei, the two curricula are still taught. Pupils from first to fifth grade are taught the Southern Sudan syllabus while higher grades still use the Ugandan syllabus. In 2008, the Southern Sudanese Ministry of Education, Science and Technology (GoSS-MoEST) and the Ugandan Ministry of Education and Sports established a mechanism for the evaluation and authentication of Ugandan qualifications.<sup>349</sup> This enables access to tertiary education in Southern Sudan for those who have studied the Ugandan curriculum. The GoSS-MoEST published its Southern Sudan education bill in 2008, but it is still to be passed by the GoSS parliament, leaving the ministry without educational laws or legal framework.<sup>350</sup> Once passed, the Act should provide the legal basis for an education system in Southern Sudan.

English is the language of instruction in both Uganda and Southern Sudan. This is not a problem for repatriating refugees from Uganda but it is for those returning from northern Sudan who have been educated in Arabic. Dinka, Nuer, Nuba and Mundari children displaced to Yei are often enrolled in lower grades than they were attending prior to displacement.<sup>351</sup> IDPs who arrived with documentation proving their level of education were placed in corresponding classes in Yei, but those without documentation had to sit an assessment test. As the tests were in English, children from the north of Southern Sudan fared badly.

Dinka IDPs interviewed do not speak the Kakwa dialect of the Bari language spoken by Yei’s largest indigenous community despite living in the area for years. The language of communication between IDPs and locals is Juba Arabic, a lingua franca spoken mainly in Equatoria province. Only IDP children who go to school with the local children learn Kakwa. The challenge of simultaneously learning to speak, read and write in English and learning to speak Kakwa puts IDP children at a considerable disadvantage, at least at the start of their post-displacement education.<sup>352</sup>

<sup>347</sup> SOSA News, “CES YEI: Deadly Shooting Left 10 People Dead,” 27 August 2010, <http://sosanews.com/2010/08/27/ces-yei-deadly-shooting-left-10-people-dead/>.

<sup>348</sup> UNIFEM, *Final report on gender based violence and violence against women in Southern Sudan*, June 2009.

<sup>349</sup> Ministry of Education, Science and Technology, Government of Southern Sudan, *A report submitted to the committee of education, research, science and technology of the Southern Sudan legislative assembly*, 5 September 2008.

<sup>350</sup> Jesuit Refugee Service, *Southern Sudan: Considerable achievements since launch of “Go to School” campaign*, 7 June 2010, [www.re liefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/ASAZ-86GFSM-full\\_report.pdf/\\$File/full\\_report.pdf](http://www.re liefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/ASAZ-86GFSM-full_report.pdf/$File/full_report.pdf).

<sup>351</sup> IDMC interview with Yei Department of Education, Yei, June 2010.

<sup>352</sup> The researcher was not trained to conduct interviews with children, so information was collected through FGDs with Dinka IDP women and adults from the local community.

Given community tensions, school compounds are among the few venues where local and Dinka IDP children mix. While interviewees from both communities welcomed the fact that their children interact, local people did point out that quarrelling among children reflected tensions between their parents' communities. They cited an incident in which a local boy struck a Dinka IDP boy. Dinka IDPs then confronted the child's parents, demanding compensation. The local community then warned their children to take care when playing with Dinka IDP children and to avoid confrontations with them.

The cost of schooling is a deterrent for many Dinka IDPs. Widows in Mahad report that as they cannot afford school fees most of their children do not go to school but instead work as street vendors. Children from Dinka IDP families in the area around the Kembe stream reported that similar financial constraints keep them out of school, girls helping around the house or collecting firewood for sale and boys helping their father as agricultural labourers. To make matters worse, school fees are unpredictable. Whenever there is a shortfall in Government funding, and the state is unable to pay teachers, fees are increased.

Families unable to afford to send all their children to school prioritise boys.<sup>353</sup> When girls do manage to get enrolled they are more likely than boys to drop out. As they get older, there is increasing demand for them to do housework, which has a detrimental effect on their performance at school. There is also a cultural belief that girls belong in the home and not in the classroom, and they are often forced into early marriage to relieve financial pressure on their families.<sup>354</sup> Those Dinka who arrived in the area around the Kembe stream as returning refugees from Uganda said that their attitude towards education had changed as a result of their experience. They reported they now no longer prioritised boys over girls and that today, if forced to choose, they send their most able children to school regardless of their gender.

### ***Livelihoods and access to water and food***

Dinka IDPs have adopted coping strategies to meet their food needs. They report that lack of food was one of the most serious consequences of their displacement and that their diet in Yei has changed substantially. As cattle herders they lived off milk and meat but now primarily depend on vegetables and other cultivated crops. Dinka IDPs in the area around the Kembe stream have resorted to illegal subsistence farming on occupied land. Their diet consists almost entirely of 'greens', a collective term for vegetables, sorghum, maize, cassava, sweet potato, beans and millet. They earn money by digging fields for local people. For preparing a 20m<sup>2</sup> plot they receive five Sudanese pounds (\$2.12). A small bag of dried fish that they might buy at market to help diversify their diet costs two Sudanese pounds (\$0.85). If they have surplus produce from their own fields they sell it at the local market, where women trade in vegetables, grass for construction and firewood and men usually sell charcoal. If they are able to generate enough money, Dinka IDPs may buy goats. They are also sometimes paid with goats if locals who casually employ them do not have cash. This arrangement suits Dinka IDPs as they are used to working with livestock and the goats give them milk, a valued nutritional supplement. In the annual lean period of June and July they sell their animals and use their earnings to begin the next round of cultivation.

The major constraint to sustainable livelihoods is tenure insecurity. They face a constant threat of relocation and loss not only of their place of residence but also the crops they are growing. The fact that they sometimes work for local people has not been enough to establish social networks between the two communities. Now that they live on the outskirts of the city, and no longer inside it, they also face longer journeys to and from market.

<sup>353</sup> IDMC interview with Yei Department of Education June 2010; Interview held by IDMC with Yei County Youth Association (YECOYA), Yei, July 2010.

<sup>354</sup> Ministry of Education, Science and Technology, Government of Southern Sudan, *A Report submitted to the Committee of Education, Research, Science and Technology of the Southern Sudan Legislative Assembly*, 5 September 2008.

Displacement has left women, especially widows in Mahad, particularly vulnerable and prone to rights violations. All of the women interviewed said that their workloads had increased significantly since their displacement. They do not own land nor do they resort to illegal occupation of land in order to farm. They rely almost entirely on working in exchange for goods or minimal payment. Brewing and selling beer provides one source of income, but, as noted, SPLA soldiers often refuse to pay. What little cash they are able to earn is spent almost entirely on food.

Dinka IDPs' access to water is also an obstacle to local integration. In some case, water disputes lead to conflicts with the local community. A recent study on water supply in Yei reported that Mahad, which hosts a high percentage of Dinkas, is often the scene of conflict over water.<sup>355</sup> It found that Mahad had insufficient water for its population of 19,316 people. Its six working hand pumps and six standpipes are only enough to serve around 6,000 people, according to SPHERE standards.<sup>356</sup> Women are usually responsible for household water management and IDP women in Mahad said that they frequently got into fights with local women when queuing at water points. Although they pay a flat rate of five Sudanese pounds (\$2.12) per month for water, they said that they were not always allowed access to water points. This could be a tactic deployed by property owners to coerce IDP squatters to leave. When describing disputes at water points local people said that the presence of Dinka IDPs and SPLA soldiers had increased pressure on existing water sources and that IDP women pushed local women to the back of queues, looking to SPLA troops for support.

Dinka IDPs in the area around the Kembe stream have no source of safe drinking water within walking distance. They fetch water from the stream, 15 minutes on foot from their settlement, and use it for drinking, cooking, and washing, but they do not boil it. Local authorities have not responded to their request for a borehole.

## V. A WAY FORWARD

Indigenous communities in Yei harbour much negative sentiment towards Dinkas in view of their role in the SPLA during the second Sudanese civil war. They are seen as the driving force behind the rebel group which looted their villages, forcibly recruited local boys and extorted food and livestock.<sup>357</sup> This historical resentment is perpetuated by the fact that Dinkas still dominate the SPLA, have occupied land and houses belonging to local people and continue to use force and intimidation to coerce the rightful owners.

Nearly 20 years since their displacement most of the criteria for achieving local integration of Dinka IDPs have not been met. Durable solutions for Dinka IDPs remain a distant prospect. There has been no political will to resolve tensions between different ethnic groups or find solutions to land access constraints that would accommodate non-local communities. The authorities have been inactive, leaving it to the local community and humanitarian and development actors to support both IDPs and the local community. Dependence on external actors is not sustainable. Their numbers are declining in the areas of Southern Sudan that cease to be regarded as affected by

<sup>355</sup> GFA/Gitec, *Feasibility Study for the Establishment of a Poverty Oriented Development of Water Supply and Sanitation Services for Yei, Southern Sudan Concept Report - Final Version* (financed by GIZ – Deutsche Gesellschaft für Internationale Zusammenarbeit), 2010.

<sup>356</sup> Sphere Project standards suggest a rough guideline of 500 people per hand pump and 400 per public or communal tap, based on a flow of 16.6l/min to guarantee a basic level of service. The Sphere Project, Humanitarian Charter and Minimum Standards in Disaster Response, 2004, (see Access to Water and Supply, Guidance Notes, point 6. [www.spheredproject.org/content/view/40/84/lang.english/](http://www.spheredproject.org/content/view/40/84/lang.english/)).

<sup>357</sup> Cherry Leonardi, "Violence, Sacrifice and Chiefship in Central Equatoria, Southern Sudan, Africa," *Africa: The Journal of the International African Institute* 77(4), 2007, pp.535-558.

humanitarian emergencies and inflexible donor funding remains focused on short-termism. As humanitarian actors depart, development actors are not moving in, thus leaving displacement-affected populations without assistance.

There are several issues around obstacles to IDP integration in Yei which need to be addressed:

**Baseline data and realistic programme design:** The lack of reliable socio-economic baseline data on IDPs in Southern Sudan must be addressed. The ANLA focuses on food security and livelihoods but does not provide a full profile of IDP protection gaps nor comprehensively cover all ten states. A comprehensive multisectoral assessment of IDP protection gaps would enable the GoSS and international actors to develop realistic multisectoral strategies and programmes to comprehensively address IDP protection gaps. Planners should recognise that Southern Sudan's absorptive capacity is extremely low. To be comprehensive, a multisectoral assessment should stop focusing primarily on the newly displaced and also consider the needs of IDPs in protracted situations who have been largely neglected by current assessment mechanisms.

**Community stabilisation through reconciliation:** Achieving durable solutions hinges on meaningful dialogue with the different communities involved. Yei County authorities have made very little effort to do this. In the run-up to nation-wide elections in April 2010 the County Commissioner's office facilitated a series of 'harmonising meetings', attended by members of the local community and representatives of civil society and religious groups. However, they have not been held subsequently. The authorities should reconvene them as they have the potential to be a forum for frank discussion of issues which could spark conflict. They should also encourage the formation of boma-level fora to bring together communities when problems arise: chiefs and women group leaders should act as facilitators of dialogue and, ideally, be trained in violence prevention and peace building.

**Youth initiatives:** Schools have proved venues to bridge community differences. The Yei County Youth Association<sup>358</sup> is a civil society initiative arising out of incidents between Dinkas and Mundari. Youths from the two communities involved were so enthused by the idea that they have continued to hold regular meetings. The initiative has thus far been limited to the IDP community from Bahr el Ghazal but should be rolled out to other communities.

**Demarcation of new plots accessible to all:** A concept land use plan for Yei has recently identified some key land issues. A key initial step is relocation of the SPLA barracks away from civilian areas, a move which should reduce the availability of weaponry in civilian areas. Customary land rights should be addressed. IDPs have no customary tenure because they are not original inhabitants. The land authorities should support, as a temporary measure, securing IDPs' non-demarcated plots through liaison with chiefs and communities and ensuring they receive temporary tenure. As a longer-term solution, they should zone new areas and register plots open to all applicants regardless of their place of origin. Environmental issues should be considered when surveying new plots. Land authorities should also ensure that men and women have equal access to land: women should be able to apply and be allocated a plot of land in their own right and not be required to do so in the name of through a husband or a male relative.

**Enhancing land administration capacity:** The fact that the Southern Sudan Land Commission is Juba-based and lacks offices in all states is a major constraint which must be addressed. The GoSS should allocate resources and train staff. An interim solution, already being implemented in Yei, is for the High Court to delegate First or Second Class Magistrates (in locations where they exist) to hear cases on its behalf.

<sup>358</sup> IDMC interview with Juma David Augustine, chairman of Yei County Youth Association (YECOYA), July 2010.

**Expanding services to rural areas:** Yei County authorities plan to encourage people to settle in rural areas rather than in the city where little land is available for cultivation. Experience in Yei and elsewhere shows that utility providers are only prepared to invest in providing services to official settlements. Thus, zoning of new authorised areas is imperative. Significant resources are needed to provide newly demarcated areas with basic services. There is a pressing need to expand healthcare services outside the city town. There is currently only one hospital serving the whole of Yei boma.

**Two-track donorship needed:** While floods, droughts and conflict require emergency humanitarian interventions to meet IDPs' most pressing needs, those IDPs in protracted displacement situations often need development assistance. NGOs must intensify dual programming which combines support for durable solutions with emergency response. It is essential to target both the host community and IDPs, for in protracted situations both may be equally affected by displacement. Meeting the protection needs of IDPs in protracted situations requires multi-year commitment and flexibility from donors.

**Reconciliation:** Durable solutions for IDPs will not be achieved without the participation of non-local actors. Many of the obstacles to local integration of IDPs derive from the GoSS's preference for the status quo and failure to foster lasting inter-tribal reconciliation.

**Decentralisation:** Scope for achieving durable solutions for the Dinka IDP group studied, and for others in similar situations elsewhere in Southern Sudan, significantly depends on transparency in local law enforcement and administration. Current weaknesses do not provide a solid foundation for good local governance and only serve to undermine trust in local public institutions.

# A SORT OF HOMECOMING... LOCAL INTEGRATION IN NORTHERN UGANDA

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## EXECUTIVE SUMMARY

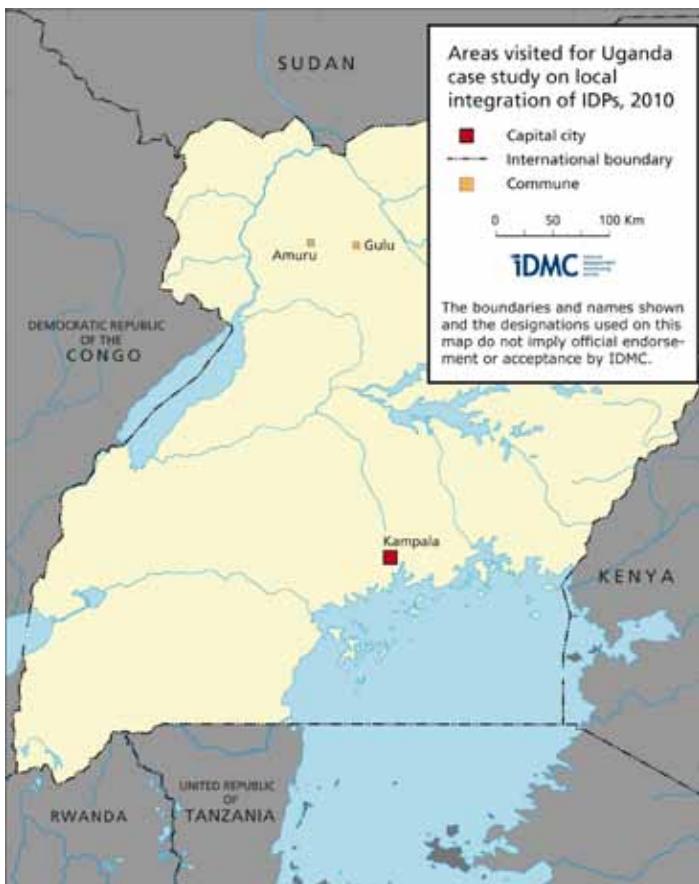
Studying local integration in the context of protracted displacement in northern Uganda presents unique challenges. Local integration has largely not happened for several reasons. One is that land is of paramount importance to the Acholi people and their ties to their ancestral clan land that they were forced to flee remain strong: the prospect of not returning to that land or not keeping some link to it is almost unthinkable. Another reason for the lack of local integration is that land is tied very closely to wealth, and therefore remains of critical importance for most of the population. Interestingly, the protracted nature of the displacement (in some cases over 12 years), has not affected the profound cultural and economic links to ancestral lands, and most feel no tie or yearning to stay in the area of displacement. In fact, almost all who did integrate locally, where possible, kept a tie to the ancestral land in the form of returning to cultivate and building a hut on the land.

Like other recent research, this study notes that local integration usually occurs in northern Uganda for economic reasons (a viable business or enterprise was created during displacement at the site of displacement).<sup>359</sup> However, a lack of options (in cases where the homeland is not known or accessible), or vulnerabilities (such as no caregiver for an elderly person), or lack of proximate or adequate access to services in home areas (such as schools or clinics) can cause people to stay in their communities of displacement.<sup>360</sup> Staying in the area of displacement in these three cases is neither a complete solution (as evidenced by maintaining strong ties to the area from which displacement occurred), nor often seen as a permanent one (as demonstrated by those who are there because of services, vulnerabilities, or the absence of a realistic option to return home). Certainly it is not a durable one, as the situation of these people and ability to remain is precarious, and often they remain at the mercy of the landowners.

Local integration as a durable solution has not received such wide coverage or prominence in the process of information dissemination or in discussions in Uganda as return. Whether this is due to the overwhelming desire of individuals to return or other factors, those few who were left behind and those who chose to integrate locally were sometimes left to fend for themselves, unless they were categorised as extremely vulnerable individuals (EVIs). Monitoring by some agencies revealed that a large number of the IDPs who decided to locally integrate in the former camps generally had adequate means to do so (e.g. through running a trade or businesses or agricultural activities which allowed them to buy or rent the land). Those who chose local integration have also benefitted from the camp infrastructure. Some were given legal assistance with 'town hall' meetings being organised to provide legal advice, and in other instances

<sup>359</sup> Internal Displacement Monitoring Centre (IDMC), *Uganda: Returns outpace recovery planning: A profile of the internal displacement situation*, 19 August 2009, [www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/EF1E8840C50C897BC1257617005461D2/\\$file/Uganda%20-August%202009.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/EF1E8840C50C897BC1257617005461D2/$file/Uganda%20-August%202009.pdf),

<sup>360</sup> IDMC, *Peace, Recovery and Development: Challenges in Northern Uganda*, March 2010, p. 1, [www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/D15CF62D20C90469C12576FE002EEFA4/\\$file/Uganda+briefing+paper+-+March+2010.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/D15CF62D20C90469C12576FE002EEFA4/$file/Uganda+briefing+paper+-+March+2010.pdf).



sue durable solutions and protection strategies adopted, provide insight into the final analysis of why local integration in northern Uganda is a hybrid solution mixed with a tie to land through cultivation and hut construction.

The research for this paper was done by desk study, as well as interviews with district officials from Amuru and Gulu Districts of northern Uganda, national Government officials from the Office of the Prime Minister, interviews with UN agencies in Kampala, and interviews with 15 UN agencies and NGOs in Gulu and Amuru Districts. Thus a combination of heads of agencies and international and national field staff were interviewed. Additionally, returnees and residents of former campsites in Amuru District, including vulnerable individuals, landlords, those who had businesses and locally integrated, as well as those who had stayed in camp areas because of a lack of options, or for access to services were interviewed with the assistance of agency staff in the camps who knew the population well. Interviews were conducted individually with each person, sometimes through translation.

## I. HISTORY OF DISPLACEMENT AND POPULATION MOVEMENTS IN NORTHERN UGANDA

### ***War and Displacement***

From 1986 until 2006, conflict between the Ugandan government and the Lord's Resistance Army (LRA) created widespread insecurity, profound suffering, and displacement for millions of civilians in northern Uganda. The LRA

individual cases were taken up by legal aid organisations. Nonetheless, few IDPs have chosen to integrate.<sup>361</sup>

Some Government officials have exhibited bias towards return as a preferred durable solution (subtly through messages, or overtly by issuing deadlines to leave camps). However, agencies and other officials have made efforts to clarify or counter such messaging, emphasising that return is voluntary. In addition, in an effort to balance the issues, UNHCR urged sub-county and district officials to address problems in former camps in as a means to support integration as a durable solution.

This case study examines local integration as it has developed in northern Uganda: as a partial solution. It makes recommendations and examines lessons learned from this experience. An examination of the causes of displacement, the policies and practices of the Ugandan Government towards internally displaced persons (IDPs), as well as the process followed to pursue durable solutions and protection strategies adopted, provide insight into the final analysis of why local integration in northern Uganda is a hybrid solution mixed with a tie to land through cultivation and hut construction.

<sup>361</sup> Interviews with UN Agencies and NGOs in Gulu and Amuru Districts, 23 August to 1 September 2010.

terrorised its own people, abducting children and massacring and maiming inhabitants of the north. As the conflict and LRA attacks intensified in late 1996, the Ugandan Government ordered the population to move into protected camps—in most cases without prior discussion with the landowners on whose land the camps were situated. Others, fearing rebel attacks, fled on their own will to the camps or urban areas. Tens of thousands were obliged to leave their land and homes and live in crowded camps, protected by Government military detachments. The Government was ill-prepared for the influx of people to the camps, leaving the population in impoverished and desperate conditions. The years 2002 and 2004 again saw Government-organised displacement. As it intensified its military operations against the LRA, it once again compelled the population who had not already moved to go to protected camps.<sup>362</sup> The ‘protected camps’ were largely located in or near towns and trading centres, while some camps over time turned into trading centres. Most camps were established on church, Government, school or private lands, or sub-county headquarters (government land).<sup>363</sup>

At the height of the conflict between 2002 and 2005, more than 1.8 million people—some 80 per cent of the population in the north—were displaced.<sup>364</sup> In Acholiland alone, (Gulu, Amuru, Pader, and Kitgum Districts) more than 1.1 million people were displaced to more than 150 camps.<sup>365</sup> Prior to displacement, families in northern Uganda lived great distances apart and relied on farming for food. Although the majority of the population in these areas was only, on average, displaced some five to twenty kilometres from their land,<sup>366</sup> insecurity prevented them from leaving the camps and cultivating their land. Abduction of children and sexual violence were commonplace, with the LRA estimated to have abducted tens of thousands of children for use as sex slaves and child soldiers. The social fabric was torn apart, and many young people knew no other life than that in the camps. As a result, the conflict deepened poverty and dependency on humanitarian assistance. Displacement changed the traditional way of life. An already poor region faced destitution—its population living in appalling conditions in congested camps facing food shortages, security gaps, and a lack of income generation opportunities.

### ***The Path towards Peace***

Peace seemed elusive throughout the late 1980s and 1990s and beyond, and the majority of the population of the north languished in the camps. Finally, in July 2006, LRA representatives participated in peace talks with the Ugandan Government in neighbouring Juba, Southern Sudan. In August of the same year, the LRA and the Government of Uganda signed a Cessation of Hostilities Agreement. Over the next two years, the parties reached agreements on reconciliation and accountability, and disarmament. In April 2008 the parties agreed to sign a peace agreement but the leader of the LRA, Joseph Kony, failed to appear—fearing arrest by the International Criminal Court, which had indicted him and four other leaders of the LRA in 2005. As of the date of this report, the parties had not signed a final peace agreement. However, the LRA has not attacked northern Uganda since the 2006 signing of the cessation of hostilities agreement. Nonetheless, the LRA remains active in the neighbouring Democratic Republic of Congo, Central African Republic, and southern Sudan, continuing to terrorise civilians, commit massacres and mutilations, and abduct children. Without a final peace agreement, although active fear is not prevalent, many civilians in northern Uganda still suspect the LRA might return.<sup>367</sup>

362 IDMC, *Uganda: Returns Outpace Recovery Planning*, 19 August 2009.

363 UNHCR SO Gulu, “Briefing Note,” (May 2010).

364 UNHCR Sub-Office Gulu, “IDP Population Update,” June 2010.

365 Association of Volunteers in Service (AVSI)/UNHCR, *A Time Between, Moving on from internal displacement in northern Uganda*, January 2010, p. 7, <http://reliefweb.int/node/353605>.

366 UN Office for the Coordination of Humanitarian Affairs (OCHA), *Waiting for Godot in Gulu—Possible Reasons for Delay in IDP Returns Process*, September 2007, <http://reliefweb.int/node/247783>.

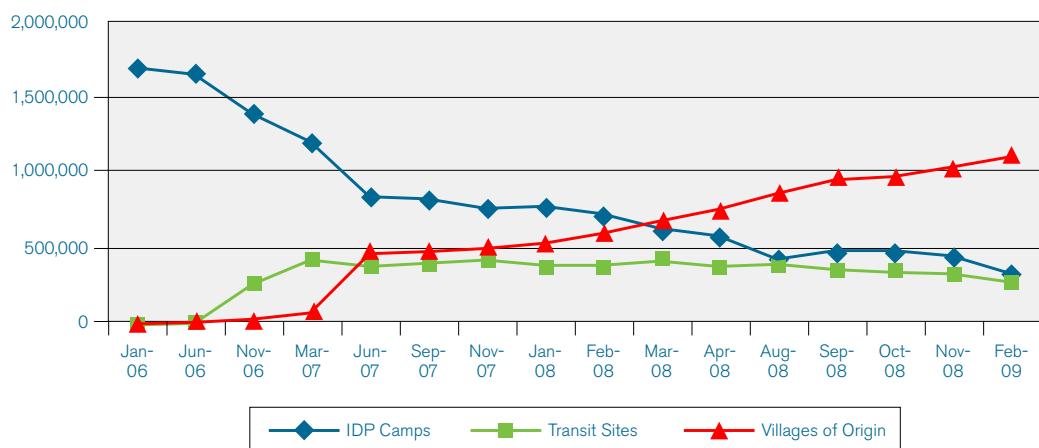
367 Interviews with IDPs, returnees, and locally integrated persons, landlords, and formerly displaced persons (hereinafter northern Ugandans), Amuru Sub-County, 27-30 August 2010.

### Population Movements

After the signing of the Cessation of Hostilities agreement in 2006, the Ugandan Government gradually declared that the IDPs were free to move out of the camps in Acholiland. People began to move slowly, fearing the return of the LRA and uncertain as to how they might manage to rebuild their lives. Some moved to transit sites—sites located near their original homes and land where they were still able to access services that the Government and agencies had built up in the camps, such as education, health services, and police and army protection.

Returns accelerated as the ceasefire held. In the Lango Sub-region (Lira and Oyam districts), the year 2007 saw significant returns, leading to the closure of all of the camps, although thousands remained in the former camp locations, including some 700 EVIs.<sup>368</sup> Significant returns in Acholiland commenced around the end of 2008 (the delay can be attributed to a longer period of traumatic experiences at the hand of rebels, problems with basic services and land disputes).<sup>369</sup> The rate of return in Acholiland accelerated from 68 per cent in 2008, to 86 per cent by August 2009.<sup>370</sup> As of December 2009, 235,489 persons remained in camps (out of an original 1.8 million), and some 201,300 persons were in transit sites on their return journey.<sup>371</sup>

The population movements between 2006 and 2009 can be illustrated as follows:<sup>372</sup>



As of July 2010, UNHCR noted that the percentages of return in Acholiland were: Gulu - 96 per cent; Amuru - 90 per cent; Pader - 96.8 per cent; and Kitgum - 95 per cent.<sup>373</sup> According to UNHCR's IDP population update for June 2010, in Acholiland some 11,790 persons remained in 'active camps' (camps not yet closed down), 65,046 individuals remained on the land in the 'closed camps' (camps officially shut and decommissioned by the Government), and 113,401 persons remained in transit sites, making a total of 190,237 persons not in their original homes (some 17 per cent of the total 1,110,000 persons displaced in Acholiland at the height of displacement in 2005).<sup>374</sup> As of June 2010, 13 of the original 121 camps in Acholiland remained open (zero in Amuru/Nwoya;<sup>375</sup> one in Gulu; four

<sup>368</sup> OCHA, "Humanitarian Situation Report," 1-31 March 2008, p. 2.

<sup>369</sup> UNHCR SO Gulu, "Briefing Note".

<sup>370</sup> *Ibid.*

<sup>371</sup> *Ibid.*

<sup>372</sup> OCHA, "Humanitarian Update," 1-28 February 2009.

<sup>373</sup> UNHCR Sub-Office Gulu, "Briefing Note," July 2010.

<sup>374</sup> UNHCR Sub-Office Gulu, "IDP Population Update."

<sup>375</sup> The district names are divided by a '/' to indicate newly created districts after 2007.

in Pader/Agago; and eight in Kitgum/Lamwo),<sup>376</sup> and 277 transit sites remained.<sup>377</sup> In Kitgum and Pader, many IDPs fear return to areas bordering Sudan, as the LRA are active in Sudanese regions close to those areas, and there are the prospects of cattle raiding from Karamoja and the presence of un-cleared unexploded ordnances (UXOs).<sup>378</sup> In Gulu, a single camp remains open as a result of land disputes between two clans which have prevented individuals from returning to their land.<sup>379</sup>

Despite the returns, however, the United Nations Consolidated Appeal (UNCAP) for 2010 noted:<sup>380</sup>

“For the 1.8 million affected, the situation on the ground can be characterised neither as an end of displacement nor the achievement of lasting Durable Solutions. Vulnerability persists, which requires ongoing humanitarian assistance alongside effective recovery and developmental programming. [...] Returning populations face significant challenges in transit locations and villages of origin, including the absence, or inadequacy, of basic services such as water, sanitation, health and education.”

Further, as the Italian non-governmental organisation the Association of Volunteers in Service (AVSI) noted, “The complexity of the situation in Northern Uganda defies traditional displacement interventions; Camp management takes place at the same time as return; emergency interventions occur simultaneously with development projects.”<sup>381</sup>

Despite the problems noted in the 2010 UNCAP regarding the achievement of durable solutions the Appeal was significantly underfunded, at just 31 per cent as of June 2010.<sup>382</sup>

At the time of writing of this report in August 2010, a collaborative study (hereinafter ‘durable solutions study’) between district governments in Acholiland and an interagency group was about to get underway with the aim of determining progress towards the attainment of durable solutions for IDPs. This durable solutions study is using the *Inter Agency Standing Committee (IASC) Framework on Durable Solutions for Internally Displaced Persons* (hereinafter ‘the Framework’) to examine the achievement of durable solutions in Acholiland. The stated objectives of the assessment include:<sup>383</sup>

1. To assess the level of local integration, return and resettlement and determine the status of durable solutions.

<sup>376</sup> Original districts have subsequently sub-divided into new districts (hence the ‘/’ indicating split districts but statistics are kept together).

<sup>377</sup> UNHCR Sub-Office Gulu, “IDP Population Update.”

<sup>378</sup> Interviews with UN agencies and NGOs in Gulu and Amuru District, 23 August to 1 September 2010.

<sup>379</sup> Interviews with District officials, and UN agencies and NGOs in Gulu and Amuru, 23 August to 1 September 2010.

<sup>380</sup> OCHA, *Consolidated Appeal for Uganda 2010*, November 2009, p. 1, <http://ochaonline.un.org/humanitarianappeal/webpage.asp?Page=1824>.

<sup>381</sup> Association of Volunteers in Service (AVSI), “Back To (wards) my Home,” 7 May 2008, p. 5.

<sup>382</sup> UN Office for the Coordination of Humanitarian Affairs (OCHA), *Consolidated Appeal for Uganda, Mid-Year Review*, July 2010, p. 1, <http://ochaonline.un.org/humanitarianappeal/webpage.asp?Page=1879>.

<sup>383</sup> Project Document for Durable Solutions Assessment, Acholi Sub- Region, Northern Uganda, August 2010, (draft). Brookings-Bern Project on Internal Displacement, *IASC Framework on Durable Solutions for Internally Displaced Persons*, April 2010, [www.brookings.edu/reports/2010/04\\_durable\\_solutions.aspx](http://www.brookings.edu/reports/2010/04_durable_solutions.aspx). Adopted by UN in: UN Human Rights Council, *Report of the Representative of the Secretary-General on the human rights of internally displaced persons*, Walter Kälin—Addendum—Framework on Durable Solutions for Internally Displaced Persons, A/HRC/13/21/Add.4, 9 February 2010. Updated from 2007 version: Brookings-Bern Project on Internal Displacement & Institute for the Study of International Migration, Georgetown University, *When Displacement Ends: A Framework for Durable Solutions*, June 2007, [www.brookings.edu/reports/2007/09displacementends.aspx](http://www.brookings.edu/reports/2007/09displacementends.aspx).

2. To advise the competent and relevant authorities on the gaps, challenges and needs towards the achievement of durable solutions.
3. To inform the stakeholders on further realignment of priorities and programming to address humanitarian, recovery and development needs.

The assessment was scheduled to be completed by December 2010. It is hoped that the results will guide agencies and district officials in assisting and aiding the population of northern Uganda to find durable solutions, as well as show donors where additional funds are needed. The study appears to be the first of its kind in examining the achievement of solutions in line with the Framework.

## II. PROTECTION OF AND POLICIES FOR IDPs IN UGANDA

The scale and duration of displacement meant the Ugandan Government had to develop policy and law for the protection for IDPs. Uganda was one of the first countries to develop a formal policy on internally displaced persons, with its National IDP Policy which was enacted in 2004.<sup>384</sup> The policy provides protection for IDPs consistent with the Guiding Principles on Internal Displacement,<sup>385</sup> including the options of three durable solutions; return, relocation in another part of the country, or local integration. Further, the document delineates the responsibilities of Government ministries. The Minister responsible for Disaster Preparedness and Refugees is to assume overall responsibility for IDPs, and the Commissioner for Disaster Management and Refugees (CDMR) is empowered to coordinate and supervise the activities of all Government institutions relating to the protection and welfare of IDPs. The Ugandan Government was also the first to ratify the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) in January 2010.

In 2008, the Office of the Prime Minister (OPM) issued Camp Closure Guidelines aimed at creating a smooth process for IDP return and other durable solutions. In these Camp Closure Guidelines, it is noted that:<sup>386</sup>

Camp phase out is the initial phase of a process oriented towards the achievement of the three durable solutions foreseen by the Uganda National IDP Policy:

- a. Voluntary return,
- b. Settlement in the former camp,<sup>387</sup>
- c. Relocation to another part of the country.

Further, it is stated that:<sup>388</sup>

Considering that there is no unified approach to IDP Camp phase out, these guidelines aim at providing guidance on the camp phase out process within the framework of the National IDP Policy. The guidelines build on the lessons learnt from the Lango Sub Region where all camps have been phased out. They also borrow from the international guidelines on camp closure.

<sup>384</sup> Office of the Prime Minister, Department of Disaster Preparedness and Refugees, *The National Policy for Internally Displaced Persons*, August 2004.

<sup>385</sup> UN Commission on Human Rights, *Guiding Principles on Internal Displacement*, E/CN.4/1998/53/Add.2, 1998, [www.brookings.edu/projects/idp/gp\\_page.aspx](http://www.brookings.edu/projects/idp/gp_page.aspx).

<sup>386</sup> Republic of Uganda, Office of the Prime Minister, "Camp Phase out Guidelines for All Districts that Have IDP camps," May 2008.

<sup>387</sup> This is local integration; as the former camp is often very close to the home, locally integrating is settling in the site of the former camp.

<sup>388</sup> Republic of Uganda, "Camp Phase out Guidelines," May 2008.

The document provides a systematic approach and process for the closure of IDP camps (including a process for identification, preparation and planning with the communities), a camp phase out procedure, and it lists key issues for the attainment of durable solutions. Most stakeholders interviewed agreed that the document was used and was useful in the camp closure process in Acholiland.<sup>389</sup>

### III. AN EXAMINATION OF DURABLE SOLUTIONS IN NORTHERN UGANDA

Despite the progress towards peace and a lasting ceasefire since 2006, the process of movement and decision-making about durable solutions has taken time in northern Uganda. Some four years passed between the time the Government started to declare 'freedom of movement' in some IDP areas in 2006, and the near-completion of camp closure in Acholiland.

There are a number of reasons for which the process took such a seemingly long time. First, in the early days after the cessation of hostilities agreement was signed, IDPs still actively feared the return of the LRA. As one interviewee noted, "Rebellion is like a fire, no one knows when and where it might spread."<sup>390</sup>

Second, even after IDPs were convinced that there was relative security, and despite 'home' being, in most cases, just a few kilometres from displacement sites, many had lost everything, including their actual houses/huts, and they needed time to rebuild. Third, restoration of services in the villages was needed, as well as time to restart cultivation and ensure food security. Even in 2010, many of these services were still not fully operational, and there remained particular problems with access to potable water, health services, and education facilities, including issues such as dilapidated buildings and lack of staffing and supplies in return areas. These factors led to many IDPs remaining in camps, although they were spending their days in their home areas reconstructing and working the land after freedom of movement was officially declared by the Ugandan Government.

The process of camp closure and information about durable solutions was led by the Government of Uganda, and facilitated by UNHCR and NGOs. Information kiosks, outreach visits by authorities, distribution of leaflets and radio programmes were used in Gulu and Amuru districts to provide information about durable solutions to IDPs. Officials, UNHCR, and its partners made efforts to reach the blind, deaf, and other persons with special needs or disabilities.

In practice, camp phase out (also called camp closure or decommissioning) was conducted as follows, according to interviews with UN agencies, NGOs, and district and federal officials, using the example of Gulu which reflected the experience in other districts.

A Camp Phase-out Committee (CPC) was created to identify camps for closure assessment.<sup>391</sup> The identification was conducted using UNHCR's partners' camp population count. Where the CPC identified the need for an assessment of a camp for closure, it would bring the name of the camp to the District Disaster Management Committee (DDMC), the district body that deals with IDPs. The DDMC would then set the date for the assessment in the field. The stakeholders (Government and international agencies) publicised the fact that they were assessing the

<sup>389</sup> Interviews with UN agencies, NGOs, Government officials, and northern Ugandans in Uganda, 23 August to 2 September 2010.

<sup>390</sup> Interview with resident, Pabbo (Former) IDP Camp, Amuru District, 30 August 2010.

<sup>391</sup> The CPC was a created out of the District Camp Phase Our Committee which replaced the Camp Coordination Camp Management (CCCM) Cluster.

camp for closure, and provided information to beneficiaries in the camp about what this entailed. The assessment of the camp in question was conducted by agencies and the Government, in conjunction with camp leaders. The population of the camp area, including landowners, vulnerable persons, and others were solicited for their opinions and thoughts regarding camp closure. At least 50 per cent of a camp's population had to have left the camp before it could be closed. Once the stakeholders decided to recommend that a camp be closed, they also undertook planning as to when the closure would take place and what accompanying measures were required. It was emphasised all along that the closure of a camp did not require return, and that return remained a matter of choice for those IDPs in the area.

The site where the camp had stood was cleaned, vacant huts were demolished to the extent possible, latrines refilled as much as possible, and land was cleared (or plans were made to clear it) to try to create a viable community and enable the landholders to reuse their land. However, this process had not been completed in all closed camps as of 2010 to the satisfaction of landowners, and camp transformation continues in many areas.<sup>392</sup> Finally, an official camp closure ceremony would take place.

Some agencies interviewed for this study noted that the questions posed by stakeholders during the camp closure assessment process were very broad, and did not take on the deeper concerns of the remaining caseloads, or the difficulties that would be faced in either return or local integration. These deeper issues were simply brushed over rather than being the focal point.<sup>393</sup>

Camp phase-out was accompanied by a sensitisation campaign led by the Government and facilitated by UNHCR. Coordinated messages were created to inform the population that return was voluntary. Many agencies noted that although this was the 'official' message, on occasion it became skewed by the political interest to ensure that the camps were closed and people returned.<sup>394</sup> Although district officials deny it,<sup>395</sup> many agencies spoke of 'deadlines' that had been set by the district in Gulu, such as in 2007 when it was announced that camps would be shut and return would be completed by the end of the year. Likewise in 2009 it was announced that return would be completed by Spring.<sup>396</sup> The tone of statements urging return created confusion between camp closure and a requirement to return in some instances. Despite any alleged deadlines, and any concerns to which they gave rise, most agencies and district officials agreed that the sensitisation campaign was successful and that the message that return was voluntary was understood by the population at large. However, they admit that it is difficult to know with absolute certainty what impact statements urging return had on people's decisions, particularly when the other two durable solutions (local integration and relocation) were not mentioned, which was often the case. Interviews with current and former residents of the camp sites also revealed that this message generally was very clearly understood. These people indicated that they did not feel pressured to return by the Government or the agencies.<sup>397</sup> However, in some instances, they suggested that landlords exerted pressure to remove the IDPs from the land.

It was noticeable during interviews that in spite of questions intended to lead discussion to the subjects of local integration and other durable solutions, individual (former) IDPs, as well as Government officials and some agency representatives, quickly shifted the topic to returns. This may be a result of the actual situation on the ground, but

392 Interviews with landowners in Amuru District, 27-30 August 2010.

393 Interviews with NGOs and UN Agencies in Gulu and Amuru Districts, 23 August to 1 September 2010.

394 Interviews with NGOs and UN Agencies in Gulu and Amuru Districts, 23 August to 1 September 2010.

395 Interviews with Gulu and Amuru District Officials, August 2010.

396 Interview with NGOs and UN Agencies, Gulu and Amuru Districts, 23 August to 1 September 2010.

397 Interviews with northern Ugandans Gulu and Amuru Districts, 23 August to 1 September 2010.

NGOs and others have noted that when durable solutions are discussed with the government, return is the dominant focus. Some agencies noted that they had heard unofficial messages being passed from some politicians that 'it's time to return,' without mention of other options such as relocation or local integration, although the official line was that return should be voluntary and that it was one of three options.<sup>398</sup> Such statements emphasising return negatively impacted on the protection of IDPs, resulting in cases of eviction in Palenga and Ongako IDP camps, and the abuse and exploitation of IDPs by the landowners or others in the host community.<sup>399</sup>

Most reported cases of forced evictions by landowners were addressed to and mediated by agencies or district officials. Government/agency sensitisation campaigns emphasised that IDPs had the right to stay in the area to which they had been displaced. This right, however, also incurred obligations, most notably to make arrangements with the landowner regarding permission and compensation for staying on the land. The legal right to stay and have land/a home is essential for local integration, and attention needs to be paid to this early in the process of finding durable solutions. The Ugandan strategy of emphasising that rights come with obligations, for both IDPs and landowners, is important as a model to enabling IDPs to fully weigh their options and make an informed choice about what local integration might entail.

Some agencies noted, however, that there was probably not enough legal assistance available to prevent the exploitation of all those who chose to negotiate such arrangements with a more powerful landlord. In cases brought to the attention of agencies and authorities, those requiring legal assistance generally received it.<sup>400</sup>

Camp closures went hand-in-hand with what one agency termed 'pull factors rather than push factors' in the villages of origin: officials and agencies strove to improve services in other areas to make leaving the camp attractive and possible to those who chose to return, rather than degrading camp services to make the camp unattractive. A 'parish' approach was adopted, meaning that services were directed at 'parishes' or entire areas (including camps, transit areas and return sites) to maximise the population served.

### ***Protection Strategies for Durable Solutions***

In 2008 it was clear that progress was underway towards durable solutions. The protection strategy then strove to address the issues that posed potential barriers to durable solutions. The Government and the protection cluster's 2008 Protection Strategy aimed to ensure that the three durable solutions were all possible outcomes, making one of their key protection objectives "To support the creation of a protective environment for informed, voluntary, and sustainable return, local integration or settlement in another part of the country, in safety and dignity."<sup>401</sup>

To support this objective the following 14 interventions were proposed:<sup>402</sup>

1. Baseline data gathering and monitoring

<sup>398</sup> Interview with NGOs and UN Agencies, Gulu District, 23 August to 1 September 2010. Also see Note for File, Meeting with Gulu District LCV Chairperson, Norbert Mao, 15 April 2009, [www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/D4C5BEDE57A0BA96C125759E004055A7/\\$file/NFF\\_Meeting+with+LCV+Gulu+on+camp+closure.doc](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/D4C5BEDE57A0BA96C125759E004055A7/$file/NFF_Meeting+with+LCV+Gulu+on+camp+closure.doc), wherein the LCV for Gulu stated: 'Noted in a number of occasions, individual authorities within Gulu District Local Government of have made statements that contravene the provisions of the National IDP Policy and particularly on voluntary return process...'

<sup>399</sup> Note for File, Meeting with Gulu District LCV Chairperson.

<sup>400</sup> Interviews with UN Agencies, NGOs, and northern Ugandans, 23 August to 1 September 2010.

<sup>401</sup> Uganda Protection Cluster Strategy, 2008.

<sup>402</sup> *Ibid.*

2. Advocacy for service delivery and referral to other clusters and Government and donors
3. Mass information campaigns
4. Advocacy for peaceful resolution of the conflict
5. Strengthening/building capacity of traditional and formal justice system
6. Support to Persons with Specific Needs (PSN)/Extremely Vulnerable Individuals for achieving durable solutions
7. Strengthening/support to local council/government
8. Advocacy for freedom of movement
9. Advocacy for disarmament of auxiliary forces
10. Advocacy for the Government to come up with clear guidelines to solve land disputes between IDPs and land owners
11. Establishment of legal counselling mechanisms
12. Advocacy for mine action
13. Advocacy for livelihood activities
14. To establish a referral system and feedback

The successful achievement of durable solutions depended on many of these points (freedom of movement, support to EVIs). However, their fulfilment was beyond the control of the protection agencies and the cluster, hence the role of advocacy with the Government (with whom the primary protection role rests) to solve the problems (especially those related to the rule of law. Protection agencies could not establish land guidelines, for example). The longer-term protection problems of land, livelihoods, and EVIs noted in the 2008 Strategy still presented challenges to durable solutions in Uganda, including local integration, in 2010.

#### **IV. LOCAL INTEGRATION: THE DURABLE SOLUTION LESS CHOSEN IN NORTHERN UGANDA**

Return has been the favoured choice of IDPs in northern Uganda, and the other two durable solutions of relocation or local integration have been chosen by very few of them. Despite the protracted nature of the displacement, many have wanted nothing more than to go home, and feel no ties or longing to stay in the area of displacement. Cultural and economic reasons are paramount for many of the displaced not choosing local integration in northern Uganda. However, underlying messaging may also play a role. While promoting voluntary return and choice, some of the official messages inevitably slanted towards return. It is unclear whether the policies drove the return of IDPs or the return of IDPs drove the policies. It could be that many of the discussions and messages focus on return because that is, culturally and economically, the preferred choice, as will be discussed below.

Culturally, land is very important to the Acholi people, and the ties to ancestral land are very strong. This sentiment pervaded all stakeholder interviews conducted for this study; even people in major towns and with good jobs often keep a foothold on the traditional lands by constructing a hut and cultivating their land. For many who were displaced the pull of culture is strong, and to abandon the clan and the ancestors would be unthinkable. Even for some of the young people who had grown up mostly (if not entirely) in the camps, having land and links to ancestry remains important. Even if they preferred to stay in the camps for school or other services, many strongly note the economic importance of having land that can be cultivated.

Traditionally and practically (because of economics and clan land holdings), the only land people can generally occupy is the homeland that belongs to their clans, although the concept of private land is beginning to emerge.

Households are spread at great distances to enable cultivation of the land—the close and restrictive life in the camps was therefore very unnatural and untenable for most. One IDP described leaving the camp:<sup>403</sup>

I felt like I was in prison in the camp, confined everyday with nowhere to go, nothing to do, fearing all the time for my life, and no hope. Now I have freedom and choice. I have my land, my house, and I can move about freely. I have hope and freedom which are what matter most; these are what make me rich.

A youth of 23 years who had grown up in the camp noted, “I love being home, there’s more space and freedom.”<sup>404</sup>

The sentiment of relief and joy at being able to return home was ubiquitous, even among those who chose to maintain some form of local integration in the former camps (i.e. those who kept land at home and a business in the former camps—a hybrid of return and local integration). Furthermore, life and economic survival are strongly tied to small-scale cultivation, and many have chosen to return to the only form of economic activity they felt was viable. As one district official noted, “The only thing people know is land, and development has not reached the stage where people consider other forms of commerce. We will need to change this mind-set to encourage development.”<sup>405</sup>

Livelihood options are limited in northern Uganda, with most people believing the only certain way to survive is to keep a foothold on the land and farm it, and having no alternative skill set from which to earn a living. . This perhaps played a role in the decision to return where land was easy to obtain from the clan, rather than having to negotiate and purchase it in the former camp sites. Moreover, livelihoods programmes could not be operated in the camps during the war due to IDPs lack of free movement, and the consequent limited markets for their goods or services. After the Government began to declare ‘freedom of movement’ in 2006, the scale of livelihoods programmes was not sufficient to reach the massive number of IDPs. Such programmes, which provided alternative means of earning a living, could have improved the economic viability of staying, however, it is impossible in hindsight to gauge what impact that might have had on decisions to stay or return, considering the incredible importance of ties to land in Acholiland.

### ***Factors Potentially Impacting the Choice of Local Integration as a Preferred Durable Solution***

Economics and culture likely played a significant role in decisions to return rather than to locally integrate. However, other factors should be examined including service provision and availability, and messaging.

#### ***Service Provision and Availability***

Two factors that could have played a role in the choice of local integration as a preferred durable solution for IDPs in northern Uganda merit examination. The first is the ‘pull factor’ created by agencies and the Government to strategically shift programming services to the villages of origin to enable return, while adjusting and reducing services and programmes at the former camp sites. Unlike villages where services are poor and dispersed at great distances, the camps provided services in close proximity, making them seem better served. The phasing out of feeding programmes in the camps was particularly important, as following this most IDPs felt it was necessary to return to their land to survive. The reduction of feeding programmes seemed natural to most IDPs since endless aid is unsustainable. While food programmes were phased out, programmes were set up to assist IDPs to return to their land and farm it, something many had expressed a desire to undertake.

403 Interview with Returnee, Amuru District, August 2010.

404 Interview with Returnee, Amuru District, August, 2010.

405 Interview with district official, Amuru District, August 2010.

It is difficult to determine in such a short research study whether pull factors, such as placing services in origin areas, influenced decisions to return home. However, based on interviews, this does not appear to have had a significant impact on decisions to return rather than stay.

### ***Undercurrents in Some Messaging Towards Return***

The second factor was the underlying current of some messaging, as described above. The message of the voluntary nature of return was certainly conveyed to individuals very successfully, and no interviewees (whether they remained in camps, had chosen to stay at transit sites, or had returned) claimed that they had in any way been pressured to return by any UN agencies, NGOs, or government officials. Rather, they all acknowledged that they knew that return was a choice, not a requirement. However, landlords may have used this messaging to pressure IDPs or justify eviction.

It is not known whether these two factors played a major role in the decision-making process, and it would be impossible to determine definitively. However, interviews suggest that they had little influence on choices against local integration. Most individuals interviewed noted their cultural ties to the land, and the opportunity to have land and cultivate as factors affecting their decisions to return.<sup>406</sup>

### ***Landowners as Host Communities***

In some instances there was a strong 'push factor' to return from landowners or individuals on whose land the camps were placed in the form of pressure and the threat of eviction. There have also been cases where local authorities have tried to evict IDPs for development purposes.<sup>407</sup>

With most of the population of northern Uganda displaced, there was very little traditional 'host community,' and the host community such as it was was basically those people on whose land the camps were established (landowners). The landowners were given little choice in the matter of location of IDP camps, as the Government needed to position people close to town centres and other strategic points, keep them in close quarters and wanted to use limited military forces tactically to provide security from LRA attacks. Regardless of the fact that they had little practical choice, many landowners felt a moral obligation to shelter their brethren from harm, as is the Acholi custom and tradition. One landowner noted, "When your brother is being attacked, you shelter him, if he needs your home or your bed you give it to him until he is safe. There is simply no other choice or way."<sup>408</sup>

While the generosity of the majority of landowners cannot be underestimated, after up to 14 years of hosting IDPs and having little or no access to their land, they too had limits. Some landowners remained patient and did not threaten eviction. Others, however, threatened to evict individuals, citing camp closure or that the Government had announced 'freedom of movement,' and in some cases giving IDPs as little as two days to move. One NGO noted cases where landowners hired young men to intimidate IDPs into moving, and that in some cases authorities knew about this intimidation, and took the landowners' side.<sup>409</sup> While agencies and most governmental officials generally mediated in cases of forced eviction that came to their attention, it is not known how many people were pressured by landowners into leaving. Some creative and successful solutions were negotiated to prevent eviction. In one case, for example, the landowner did not like animals grazing on his land. The community sat down and created com-

406 Interviews with northern Ugandans, Gulu and Amuru Districts, 23 August to 1 September 2010.

407 Amuru District DDMC Meeting, Minutes, 9 February 2010.

408 Interview with Landowner, Pabbo (Former) IDP Camp, Amuru District, 30 August 2010.

409 Interview with NGOs in Gulu District, 23 August to 1 September 2010.

munity rules with sanctions, including compensation to the landlord when animals over-stepped their bounds. In other instances, settlements were reached to give people time to rebuild while enabling the landlord to start taking portions of his land back, or IDPs contributed to clearing the land as compensation for being allowed to remain. In others the simple solution of reasonable payment for presence on the land was reached.

Landowners often complained that after the war, when the camps started to be closed, they were not taken care of, nor were their needs addressed by the Government. Most notably, landowners have never been compensated for the use of their land as IDP camps. Views on compensation for landowners (who *de facto* formed the host community) are diverse. Landowners themselves seriously doubt that they will ever be compensated, and seem almost resigned to this fact.

Many landowners suggest that assistance with land clearance, enabling them to once again use their land, which has been desecrated, would be sufficient compensation.<sup>410</sup> Steps are underway for this land clearing to happen. However, in many instances there is just one tractor and hundreds of square kilometres of land to clear and hundreds of latrines to be filled. Further, trenches were dug on some land by the Ugandan military. These trenches have become breeding grounds for snakes which prevent use of the land. Compounding the problems, many displaced people buried their relatives in the camps and it is taboo to use the land unless the graves are moved. Moving the graves, however, requires a ceremony involving two goats, one at the site and one at the new burial ground, which many cannot afford; thus this land remains un-useable by the landowners.

Generally, landowners felt that the focus of recovery was on the displaced, rather than on those who assisted them. In addition to land clearance assistance, many felt livelihoods assistance for those who had developed businesses while their land was occupied would also be helpful to enable them to better operate their small, sometimes struggling businesses and for further economic development. While grateful to have been consulted and included in the camp closure process, landlords also wanted a clear picture from the Government about what could be done to help them. Some said they would not have felt so pressured to remove IDPs and might have been more open to negotiating land sales if such assistance and information had been provided to them. It is important to note that Ugandan law provides for compensation where land is forcibly acquired by the state. However, in the case of northern Uganda, although the Government used the land, it never took the land permanently away from the landowners. The law includes no specifications for cases of temporary appropriation, or for how much 'rent' should be paid in such circumstances, how it should be paid, or other mechanisms which would indicate how such a situation should be managed.<sup>411</sup>

The Government position on compensation varies depending on the level of Government official one encounters. One official at the national level stated compensation would be worked out.<sup>412</sup> However, at the district level where officials confront daily the scale of the problems of the landowners, the talk shifts to 'reparations,' meaning the restoration of land to a usable form, rather than monetary compensation. One official noted, "We could have taken the land, simply paid them off, leaving them landless. We now should be talking of reparations to restore the land and help the landlords regain the use of their land." while another stated, "Compensation is simply not possible, the money is not there." Another candid official noted, "We are hoping that the issue will simply die down and go away."<sup>413</sup>

410 Interviews with landowners of former IDP camps, 27-30 August 2010.

411 Article 26(2) of the Constitution of the Republic of Uganda and the 'Land Acquisition Act' are clear about when and how the Government can acquire land privately or communally owned. This should only be for public use, especially in the interest of public defence, public safety, public order, public morality or public health. However, prompt payment, which is fair and adequate compensation, needs to be given to the individual or community.

412 Interview with official, Office of the Prime Minister, Kampala, September 2010.

413 Interviews with District Officials in Gulu and Amuru, 23 August to 1 September 2010.

### ***Assistance for Local Integration***

Limited assistance was offered to those choosing local integration, or staying due to a lack of options, except in the cases of EVIs and those facing forced eviction. Many officials and some agency staff interviewed felt that those who chose to stay had the means to take care of themselves, and were expected to negotiate the purchase or lease of land, or make alternative arrangements with the owner of the land on which they chose to remain. Some agencies noted that monitoring revealed many who locally integrated stayed for economic reasons and thus generally had the means to do so.<sup>414</sup>

One aid worker noted, “Return is an ‘escape route,’ everything else is so much more work. With local integration you are even more on your own.”<sup>415</sup>

The pressure from landowners to move, coupled with limited support for negotiation to get land on which to locally integrate—may have had an impact on decision-making concerning the option of local integration.

### ***The choice for Local Integration***

Those who locally integrate and others who remain in former camps in northern Uganda generally do so as a result of four factors or combinations thereof:

1. As a result of economic viability (local integration);
2. As the result of the inability to move/lack of other option (i.e. remaining in former camps by default);
3. Remaining in former camps because of extreme vulnerability; or
4. Remaining in former camps as a choice based primarily on service delivery/availability.

Local integration as a result of economic viability tends to take on a hybrid form, in that the intention is to remain in the area even though in almost all cases a foothold is kept in the village of origin. In the other three cases noted above, the intention is to stay temporarily in the area until solutions are found or services are improved, and thus the choice is not perceived as ‘local integration’ or as sustainable. In almost all of the above instances, there remains a tie to the area of origin, whether in the tangible form of keeping land and a hut, or in intangible plans to return when land conflicts are resolved or better services are created or restored. Many youth in school in the former camp sites plan to return when they have finished school, and often go back to cultivate land on weekends while in school.

#### ***1. Local Integration as a result of economics***

For some, local integration was a choice made possible by their economic situation—i.e. having the funds to purchase or rent land. Some families, particularly those who had some affiliation or link to the clan on whose land the camp was situated, had an easier time as they were given land, or paid a minimal price for it as extended clan family. Others, having lost their livelihood while confined in the camps, started small businesses (mostly shops or petty trading) to support their families and were able to purchase the land. This economic activity became more viable when camps turned into trading centres, most notably in the area studied which is on the main trading road to Juba. Nonetheless, although land has been purchased and a home established in the area to which displacement took place—and arguably integration has taken place to a significant degree—in almost all cases studied, the in-

414 Interview with UN and NGO workers in Gulu and Amuru Districts, 23 August to 1 September 2010.

415 *Ibid.*

dividual or family retained a hut and land in the village of origin. This phenomenon is referred to as “one foot in the camp, and one foot in the village.”<sup>416</sup> Some interviewees residing in the former camps saw keeping a piece of land there with a small business or some cultivation activities as a back-up plan for their children’s futures. Keeping this land would enable them to have more land to give their children and allow them to attend established schools near the former camps (which are generally perceived to be better than those in the region of origin), as well as to have a place to go in case the LRA came back. Furthermore, with many of the areas that were formerly camps now developing into trading areas—particularly on the Juba road—opportunity has increased. However, despite all the factors that would point to local integration as an optimal option for such individuals, there is still a strong tie to homeland and to the villages of origin. It is noted that many of these individuals (according to agencies and the formerly displaced themselves) made these arrangements privately without assistance from anyone. Many of these locally integrated persons believed they needed more livelihoods training to improve and expand their businesses and thus to be able to stay in the area. Such training, they believed, would enable them to earn a living from commerce rather than from cultivation.

Those who bought land early escaped the escalating costs of land. Before displacement, land was easy to obtain and given through clans, and therefore the monetary value of land was not generally a concern. When land became in shorter supply, and years of confinement combined with population growth triggered valuation, costs of land skyrocketed making the purchase of land at former IDP camps unaffordable to most. Land became a sought after commodity and therefore gained economic value, especially as its development potential was realised. This made it possible only for those with economic means to purchase or rent land in the former camps for integration.

## *2. Remaining in the Camps by ‘default’*

Some IDPs remained in the former camp areas to which they were displaced, either temporarily or semi-permanently, as a result of their lack of other options. This caseload includes those who do not have land or were not given land, and those who have land but are experiencing land disputes.

Those experiencing land disputes have no option but to remain and to try to make the best of their situation. Some in this situation have no viable means of survival, while others struggle with small shops or petty trading. All have had to make arrangements with landowners, and some fear eviction.

Some might, in fact, have nowhere to go as they have no land, or do not know where their land might be. Such cases include women whose husbands have died and whose clans will not grant them land, despite the traditions that provide for such cases in Acholi culture, as well as the Constitution and the Land Act which both protect women. Other cases involve orphans who did not know their parents and thus cannot trace their land, or whose parents were killed and who are being denied land by their clan, in spite of customs and traditions that include provisions to care for such children. These cases, and those of children born to female abductees while in captivity with no knowledge of their paternity, can also suffer from system of the patrilineal inheritance of land. The mothers of these latter children might also find themselves homeless if they are not allowed to return to their parents. While not strictly ‘IDPs’ under the definition found in the Guiding Principles for IDPs (because they were captured rather than fleeing on their own), arguably these are individuals displaced or made homeless by the war in a similar way to IDPs, who need durable solutions to their plight. The volume of such cases is not extremely high in comparison to the high level of abduction that took place during the war; however, the intractability of the situation is of concern. While some programmes, for example concerning livelihood, do exist to help these individuals they do not reach

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<sup>416</sup> AVSI/UNHCR, *A Time Between*, January 2010, *supra* note 365.

all those in need. Furthermore, while the skills acquired through such livelihood programmes are useful, without capital and land—even with training—it is difficult to start a business.

Land is thus a critical issue. Customary law governs much of the land in northern Uganda, and is recognised as valid by Uganda's Land Act. War and the attendant ripping of social fabrics have increased the spread of land related problems. Knowledge of land demarcations often rests with elders, who have died during the war, taking this information with them. There are, of course, also opportunists who have seized the opportunity of being among the first to return to claim additional land for themselves, preventing others from returning. Such opportunism has been intensified with the escalating value of land in Acholiland and its potential for development or re-sale.

Women are not necessarily being protected by male relatives as they were before the war, and are being prevented from their rights to their late or missing husbands' clan land. There are also cases of 'gifted' land being retracted, often with no evidence of the original gift remaining.

More rarely, but nonetheless a reality, are claims of adverse possession. There is a limit of 12 years for an occupier to claim ownership, following continuous, hostile (against the landowners will), and adverse presence, and having notified the owner of the adverse possession. If the intention of the original land owner is to return to the land, and he or she does not acquiesce to the adverse possession, then it should not go through under local customary law. Displacement, and the consequent inability to contest claims can, where official who adjudicate such matters are not fully competent or misinterpret the facts, mean that IDPs are dispossessed of their vital commodity—their land.

Solving land disputes is one of the biggest challenges in northern Uganda post-conflict. Such disputes force people to stay, not by choice but by necessity. In some cases the conflicts might prevent them from purchasing land on which to integrate. Land Tribunals set up under the Land Act are defunct and barely ever functioned at all. The Land Tribunals through Practice Direction No. 1 of 2006 were abolished, and all their cases moved to the Chief Magistrate. This has created a lot of backlog and delay in the resolution of these cases. According to local lawyers working with land disputes, the process for settling land disputes involves the Local Councils (LC) courts, which are situated at all levels of Government, starting from the lowest of village (Local Council I or LC I), to the highest of sub-county (Local Council III). The first step in the process of land dispute resolution is mediation, which often involves the LC I and elders or other trusted persons. There is no way to enforce the mediated settlement if the good faith it was negotiated in does not continue, short of a costly and lengthy court proceeding. Beyond the first level of court there is the LC II at the parish level of Government (which covers several villages). The LC II charges 2500 Ugandan Shillings (just over \$1 USD) to initiate an action. This is beyond the reach of many formerly displaced who has been dispossessed of their land and livelihoods for years.<sup>417</sup> Additionally, most IDPs and former IDPs interviewed, as well as agencies addressing land issues, noted that in addition to the 'official' fees, there were often demands for supplementary fees, or food, and that the party that could provide the most generally won the case.<sup>418</sup> Furthermore, those who dealt with land issues before the courts noted that the knowledge of land issues was generally poor at the LC II level, and even in cases where there were not demands for supplementary fees or bribes, the quality of decision-making and adherence to law was poor. A backlog of cases at this level, and at the subsequent levels of court (LC III-sub-county level and Magistrate's court) were also problematic in enabling those with land disputes to achieve resolution in a timely fashion. In some instances district officials had tried to intervene to mediate some of the more pressing disputes. As one district official noted, court proceedings generally bring

<sup>417</sup> Interview with and email from Ugandan lawyer providing legal aid services for land disputes, August 2010.

<sup>418</sup> Interviews with UN agencies and NGOs, IDPs, and formerly displaced persons, 23 August to 2 September 2010.

animosity that endures for the three to five years it takes to process a case, and mediation can provide a quicker solution without breeding the same animosity.<sup>419</sup>

However, in the absence of enforcement mechanisms for mediation, the reliance on mediation could also present challenges in the future. Attempts to address this have involved ensuring that parties to the mediation sign papers acknowledging the mediated settlement that could be brought to court as evidence. Additionally, using elders as part of the mediation or court process has proved successful, as they are trusted persons. Nonetheless, enforcement mechanisms—even for judgments issued by courts—are generally weak.<sup>420</sup> This could later impact those who have made arrangement for local integration, or who have returned and may be forced off their land, and might impact land issues for years to come.

### *3. The Case of Extremely Vulnerable Individuals*

An estimated 10,190<sup>421</sup> Extremely Vulnerable Individuals are have remained in the areas of displacement, in most instances (in their own view, at least), temporarily. Their situation is of concern, as their stay in the area of displacement is often neither complete (most have another home in their place of origin they visit or want to return to) nor sustainable, and has frequently occurred by default. In some instances, the families who would have traditionally cared for EVIs cannot manage their care with their limited means and the burdens of re-establishing their household and clearing land. Other families argue that the facilities are so poor in the areas of return that they cannot manage to ensure proper treatment and care of persons with special needs.<sup>422</sup> There is also a belief, built on experience in displacement, that the NGOs will care for such people. This experience has eroded or even eradicated the strong Acholi tradition of care for the elderly, disabled, and others with special needs or vulnerabilities. Decades of conflict have led to increased numbers of EVIs (including disabled persons and traumatised individuals), so the model of communities caring for EVIs has become less sustainable. As a result, some remain in camps. According to many agencies, the Government—while acknowledging the problem exists—has largely taken a hands-off approach, stating that it has always been the responsibility of families to care for such individuals, and there is little in the way of resources available to support these people. One Ugandan noted in an interview that “...the term EVI is new; we used to care for those people and never singled them out.”<sup>423</sup>

According to the NGO HelpAge International, a national Government programme is being developed to support very vulnerable households with social assistance of around 21,000 UXG (just under \$10 USD) per month (called the Social Assistance Grant Empowerment -SAGE), however, it is not yet available in Acholiland. Until June 2010, most EVI households received food aid. An assessment was underway in summer 2010 to ascertain how those who had depended on this assistance were coping.<sup>424</sup> In the meantime, some agencies have begun supporting caregivers to enable them to regain the ability to care for the vulnerable. Such support programmes have included assisting with hut construction for vulnerable individuals—with the provision of materials and labour as necessary—as well as offering seeds and livestock to families caring for EVIs. With hindsight, knowing now how long the crisis has lasted and its impact on the social fabric, many in northern Uganda acknowledge that programmes aiding the caregivers rather than identifying and singling out EVIs for special treatment such as food rations might have been more effective. Empowering such individuals through productive assets such as cows so they could sell the milk

419 Interviews with District Officials, Gulu and Amuru Districts, 23 August to 1 September 2010.

420 Interviews with UN agencies and NGOs in Gulu and Amuru Districts, 23 August to 1 September 2010.

421 UNHCR Sub Office Gulu interview, August 2010. Figure for camps, not including transit areas.

422 Interviews with Stakeholders Gulu and Amuru Districts, 23 August to 1 September 2010.

423 *Ibid.*

424 Interview with HelpAge International Gulu, August 2010.

to others in return for work done, could also have been more effective than the approach actually taken.<sup>425</sup> Most EVIs interviewed who were somewhat able-bodied, such as elderly persons or grandparents caring for children, or persons with slight physical disabilities, sought more livelihood training and assistance in becoming independent, as they did not wish to be 'burdens' on their families once the NGOs and UN agencies supporting them leave. UNHCR and its partners are undertaking livelihood training to assist vulnerable individuals in camps, and this might be expanded to include transit sites in 2011, subject to funding.

Regarding EVIs and durable solutions, a Human Rights Watch Report dated August 2010, noted that:<sup>426</sup>

One NGO representative said that humanitarian aid programmes for persons with disabilities appeared to show a subtle preference for encouraging return rather than helping them settle more permanently in the camps—an option available to everyone. The offer of houses and latrines for persons with disabilities is available only to those willing to return home. These incentives may disadvantage women with disabilities who genuinely wish to stay in camps, close to services or away from relatives who feel resentment towards them.

In terms of assistance, Human Rights Watch noted in a similar vein:<sup>427</sup>

'The PRDP<sup>428</sup> includes some language on persons with disabilities, but lacks detail on the Government's specific obligations or objectives. For example, the PRDP states that the "special needs of vulnerable groups such as people with disabilities and elderly will be catered for to enable them [to] move to the new locations," either back to their home villages or to transit areas. The PRDP does promise 'livelihoods support and social protection' to associations of vulnerable people of 20 to 30 people, but it is unclear from the text of the plan what this means in concrete terms.'

Thus, while small numbers of EVIs are supported, temporarily, in remaining in former camp sites it is not clear that they will be able to remain for services, support or protection in the longer-term.

#### *4. Remaining in former camp sites because of available services*

Finally, there are some whose decision to remain in former camp sites, at least for the immediate future, is based on the services available in those former camp sites, since they do not feel they will have adequate services in return areas. Some individuals became accustomed to not needing to travel long distances to access health and education centres while in camps, and felt that return was simply untenable given the distances required to reach such services from their home areas. Many are elderly or have particular health conditions, and might be alone if their families have just returned and are busy trying to reconstruct their lives and homes. Still, in these cases, there remains the strong desire to return to the land at the place of origin, and optimism remains that one day services will be increased so that they may return to their homes. Many individuals and agencies interviewed noted that health services in almost all villages remained inferior to those that had been well-established in the camps. Often village medical staff is absent or arrives at work late because of the distances they need to travel. In addition drugs are often not available. Schools are also difficult to staff in the return areas and sometimes have been partially destroyed or

425 Interviews with stakeholders, Gulu and Amuru Districts, 23 August to 1 September 2010.

426 Human Rights Watch, *As If We Weren't Human—Discrimination and Violence against Women with Disabilities in Northern Uganda*, 26 August 2010, p. 51, [www.hrw.org/en/reports/2010/08/24/if-we-weren-t-human](http://www.hrw.org/en/reports/2010/08/24/if-we-weren-t-human).

427 *Ibid.* p. 27.

428 Government of Uganda, *Peace, Recovery and Development Plan for Northern Uganda, 2007–2010*, September 2007.

are dilapidated because of the war. Moreover, many IDPs perceive the schools established in the camps as being better. For this reason, some youth have been left by parents to attend the schools in the former camps and these youth are temporarily locally integrated. Many of these children return home on the weekends to assist the family with cultivation and many are planning to keep family land regardless of where they will end up in the future. The Government and agencies are concerned about these youth because they are separated from their parents, who should care for and protect them, and find themselves, at a young age, in the situation of having to run a household.

For these youths, it is again unclear how durable their situation is, as many have arranged to rent, but some might have trouble remaining, if that is their longer-term choice, in the absence of sustained support, generosity of families or landlords, or viable livelihoods. Many who were interviewed expressed a strong desire to return home when better services became available in their areas of origin.<sup>429</sup>

## V. STUDY OF LOCAL INTEGRATION IN PABBO (FORMER) IDP CAMP, AMURU DISTRICT

Pabbo (former) IDP camp is a site that represents the full spectrum of the types of people who have locally integrated or remained in former camp sites as described in the section above. Pabbo is situated on the main highway between Gulu and the border with southern Sudan at Nimule. It is located approximately 39 kilometres north of Gulu by road.

Pabbo camp was created in what was then Gulu district in 1996 (it subsequently became part of the newly created Amuru district in 2006). The camp was 'decongested' (i.e. some of its residents moved to other camps because it was too crowded) in 2002. In 2006, the World Food Programme (WFP) counted its population at 61,229 persons.<sup>430</sup> The camp went through the process of recommendation for closure, was officially closed with closure being fully completed in May 2010.<sup>431</sup> As of August 2010, the population in the former camp area was estimated to be 7,500 (the local IDP population is difficult to determine, as those remaining have blended into the town). Of those, some 137 were deemed to be EVIs by staff working in the former camp area.

Pabbo represents a cross section of those who locally integrated by choice, remain there by default, or are temporarily in the area. It also represents the spectrum of those who have remained in camps by choice or default. The area is rapidly growing into a lively trading centre, and is strategically located on the road to Juba along which much commerce passes.

Landowners interviewed in the camp had given up hope of compensation from the Government, but did think that reparations in the form of assistance to restore the land would be fair. One landowner also lamented the fact that there were few to no programmes of livelihood training open to landowners to improve their (struggling) businesses. He noted: "The Government should have planned its responsibilities to the host community early."<sup>432</sup>

The same landowner also noted that those IDPs who had chosen to locally integrate had little support, particularly the youth, and he felt that they too needed more assistance with livelihoods to become productive citizens. He

429 Interviews with northern Ugandans in Gulu and Amuru Districts, August 2010.

430 UNHCR Uganda, "IDP Camps List & IDP Population February-April 2009," [www.ugandaclusters.ug/dwnlds/0309Protect/IDP%20Camps%20List%20and%20Populations\\_KPGA\\_February2009\\_21April2009.xls](http://www.ugandaclusters.ug/dwnlds/0309Protect/IDP%20Camps%20List%20and%20Populations_KPGA_February2009_21April2009.xls)

431 Interview with camp managers, Pabbo (Former) IDP camp, August 2010.

432 Interview with landowner Pabbo (Former) IDP camp, Amuru District, 30 August 2010.

noted that the focus on physical infrastructure was more predominant than attention to what he termed 'socio-economic' infrastructure, such as livelihoods and the reunification of families.

A young man who remained and believed he would stay after land conflicts prevented him from returning, had started a petty trading business to enable him to rent land. He noted that if he had had livelihood training or some small start to a business (such as some goats), he would be able to buy land and have a more durable solution. However, he did not feel that staying in the place of displacement resulted in any discrimination or harassment, and claimed life was equally difficult for many who had returned to their villages of origin.

Another young man of 23 years was working at his family business that had been established at the former camp site in 1998. His family had been able to purchase land, despite the fact that the land was not their traditional clan land, and they had started a shop. He noted that his family had kept their traditional clan land to cultivate, as well as the business, keeping one foot in the new life and another in the old. Although he had grown up in the camps, he was also happy to have the clan land or his original homeland. He noted the need for livelihood training to help expand the business, and said such training would improve the viability of many businesses in Pabbo.

Another man, who worked in a local community-based organisation, had decided to stay because he had a job. He had been displaced in 1996. He had formerly worked at an international NGO and had enough money to buy land. He noted that he would have been removed from the land had he not been able to purchase it. He also had land back in his home area, which he saw as necessary to keep his ties to the traditional land. He noted that most of the programmes for income or agricultural support required the formation of groups, and that many (former) IDPs did not know how to get started. He felt there should be more capacity-building to enable such groups, as well as requirements to prevent discrimination in such programmes. Importantly, he felt that discrimination by the population at large prevented people with HIV/AIDS or disabilities from accessing programmes set up by transitional actors. His sentiments have, in fact, been echoed by Human Rights Watch, particularly with regards to women:<sup>433</sup>

Two of the Government's key programmes in their recovery efforts in northern Uganda are the National Agricultural Advisory Services (NAADS) and the Northern Uganda Social Action Fund (NUSAf). Despite the fact that the stated mandate of NAADS is to support poor subsistence farmers "...with emphasis [on] women, youth and people with disabilities," only about half of the women with disabilities interviewed knew about the existence of NAADS or NUSAf, and only one had actually benefitted from these programmes. Requirements for land ownership and skilled record keeping make this programme inaccessible to many women since men own land and houses at rates three times higher than women in Uganda.

In order to receive Government support for livelihoods, members of the community are required to form groups of 15 to 25 people and apply for small grants for livelihoods projects. Women with disabilities reported that others in the community did not invite them to join their NAADS or NUSAf groups because of their disabilities. Some were part of groups whose proposal was granted, but reported that once the group received the requested cows, goats, seeds, or other items, those with disabilities were expelled from the group because others believed that they could not actively participate in rearing the animals or harvesting the seeds. The programmes have no mechanisms to monitor whether the beneficiaries are discriminating against others within their own group.

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433 Human Rights Watch, *As if We Weren't Human*, August 2010, pp. 30-31.

Thus, the vulnerable are uncertain of the sustainability of their interim solutions (remaining in former camp sites), and their ultimate durable solution. As noted, UNHCR and its partners are making efforts to bring livelihoods programmes for EVIs to the former camps. As these projects have only recently begun, the impacts and effectiveness of these programmes are not yet known.

In some cases, elders or leaders have helped to negotiate land for the vulnerable, but the solutions they are able to find are often temporary. In the case of a female ex-combatant, community leaders negotiated for the woman and her children to be able to use some land. However, it was noted that this was a temporary solution not a permanent one in that the mother luckily got land, but her children would not likely be able to stay after her death, as there was no patrilineal inheritance.

One individual noted that one of the primary problems that underlie land disputes was the ripping apart of culture. He noted that the creation of elected camp leaders, rather than keeping intact traditional elder and clan leadership contributed to the decay of systems.<sup>434</sup>

The situation in Pabbo camp reflects accurately the challenges in northern Uganda. Integration happens for economic reasons, and other IDPs remain in former camps to access services, by default with nowhere else to go, or because of vulnerabilities. In the former two cases every person interviewed kept a foothold in the clan land because of cultural ties and the economic backup of agriculture. All individuals who had ended up locally integrating or remaining in former camps by default largely felt that there was no substantive support (except for EVIs—but even they worried about the long-term), and wished for some small assistance. Particularly for the most vulnerable, there was a fear that after the NGOs left they would be left on their own or evicted by landlords.

## VI. OBSTACLES TO LOCAL INTEGRATION

Local integration remains a challenge for those without means, particularly as the costs of remaining can be high. This was demonstrated in a quote coming from the Resident District Commissioner of Amuru published in the New Vision newspaper on the occasion of a camp closing. The Commissioner "...advised the landowners of the camps that were closed to charge high ground rent to those who refused to return to their villages."<sup>435</sup> Such attitudes impact the decisions of those who might wish to locally integrate and show the undertone and general sentiments slanting towards return. Admittedly, many such statements are retracted, clarified, or tempered with assurances that return is voluntary, but they give rise to concern nonetheless.

Importantly, however, interviews demonstrated that there was no feeling of deliberate or conscious discrimination by the Government or others towards those who chose to integrate locally. The choices for education and health and services were perceived to be much closer and much better in the former camp sites. In addition, the location meant that security was perceived to be good (although no returnees spoken to by the researcher complained of security problems).<sup>436</sup> Access to justice remains equally difficult for those who locally integrate as for those who return, with weak and ineffective judicial structures in place. However, there remains a fear among interviewees still in the camps that because of their vulnerabilities, they will be left destitute, uncared for by relatives, and landless.

434 Interview with beneficiary, Pabbo (Former) IDP Camp, August 2010.

435 Chris Ocowun, "Amuru closes more camps," *The New Vision*, 2 March 2010, [www.newvision.co.ug/D/8/16/711680](http://www.newvision.co.ug/D/8/16/711680).

436 Interviews with northern Ugandans Gulu and Amuru Districts, 23 August to 1 September 2010.

While those who integrate locally do not perceive discrimination, one issue mentioned both by interviewees and human rights groups is that of the 'stigma' attached to particular groups who remain in the former camp sites. For example, youth who stay in the camps are often described as 'lazy' and 'loitering,' as it is perceived that they only want to watch TV and enjoy town life rather than work hard on the land. Ex-combatants and their children are sometimes perceived as 'dangerous' or 'feared' because they have lived in the bush.<sup>437</sup>

There were two key problems with local integration that were mentioned both by those who had chosen the option and by agencies: access to land and livelihoods. Those who chose to integrate locally have often been left to their own devices, in their own views, to sort out renting or purchasing land.<sup>438</sup> While some have had assistance from traditional leaders, and some have received legal aid, they felt that little had been done otherwise. Although some agencies have tried to ensure access to legal services, the demand is high and the systems to adjudicate land disputes are weak, costly, and slow. In particular, the PRDP has no express provision on housing, land or property restitution for IDPs.

Livelihoods programmes that mostly target return areas are not always reaching those who have integrated locally and would like assistance with their businesses, as there is a general presumption that they are fine on their own. For the vulnerable that have remained, there is active programming to help caregivers to care for them, and there are efforts underway by agencies to assist vulnerable individuals with livelihood training. In addition, the Ugandan Government launched a new programme to provide grants of 30 million Ugandan Shillings each (roughly US \$15,000) to 48 districts in Uganda to support income-generating activities for persons with disabilities. The northern region will benefit from this programme.<sup>439</sup>

In summary, there has not been significant promotion of local integration in Uganda. In fairness, it is the general and overwhelming wish of the population to return home, as the ties to land are strong. Nonetheless, additional support for those who do locally integrate would aid in sustaining a durable solution.

## VII. OBSERVATIONS ON THE UGANDAN CASE STUDY

Uganda presents an interesting case study for local integration. With the strong force of culture and ties to ancestral land and the underlying economic constraints, local integration has not been the favoured choice of many. The upcoming study on durable solutions being conducted by the Government and the interagency group using the 2010 *LASC Framework on Durable Solutions for Internally Displaced Persons* will be revealing in its examination of the extent to which local integration has been a durable solution of choice, and the degree of its success.

It should be noted that, aside from the major agencies such as UNHCR, and a few others, there remains some confusion about what a durable solution is, and when displacement of IDPs ends: namely that the end of displacement is achieved when the persons concerned no longer have specific protection and assistance needs related to their having been displaced, and thus can enjoy their human rights in a non-discriminatory manner vis-à-vis citizens who were never displaced. Some believe that when return has occurred, or when an individual has purchased land in the former camps, displacement has ended.<sup>440</sup>

437 Interviews with stakeholders, Gulu and Amuru Districts, 23 August to 1 September 2010.

438 Interviews with northern Ugandans Gulu and Amuru Districts, 23 August to 1 September 2010.

439 Human Rights Watch, *As if We Weren't Human*, August 2010, p. 54.

440 Interviews with stakeholders, Gulu and Amuru Districts, 23 August to 1 September 2010.

Additionally, outside of the major IDP and refugee agencies, it was noted that there is confusion about the existence and use of the *Framework on Durable Solutions*. This has been illustrated by the number of debates about how to carry out the durable solutions study now underway in Uganda. As a result of this confusion, the study at one point strayed towards a 'needs and gaps' analysis, rather than an analysis of whether problems and discrimination were related to displacement or former status as IDPs.<sup>441</sup> Of course, the situation in Uganda is complex, as even before the war, the North lacked many services, especially potable water and health care. It is difficult to determine whether the lack of access to services for many seeking durable solutions is due to 25 years of war, to under-development, or to displacement as such.

However, this researcher's examination of local integration and its challenges brings some obvious recommendations to the fore. Four key issues stand out when looking at local integration in Uganda: First, land issues, which present barriers to all forms of durable solutions, need to be addressed urgently. This relates not only to those who locally integrate, but also to the landowners who have hosted IDP camps and been under-serviced in terms of recovery programmes. Those abducted children who have no idea of their original land need solutions, as do those not able to inherit land under patrilineal systems, or where laws preventing discrimination are not enforced or applied. Clear systems, with well-trained judges to enforce the law are critical. Where there are gaps in laws, new laws or policies need to be created to address these gaps.

Second, livelihoods remain a pressing concern for all in areas of former camps sites, whether they have been economically able to integrate locally or have remained because of a lack of options. Particular concerns remain for those who have difficulty accessing certain programmes, as well as those groups who were not displaced, such as landowners, and for those who have chosen to integrate locally and are largely perceived to have made it successfully on their own.

Third, the role of an early recovery cluster or programming integrating early recovery into other clusters has been quite absent. UNHCR, in its review of its role in return and reintegration, noted about Uganda:

"The Early Recovery Cluster, which was initially intended to function as an independent cluster has attempted to mainstream early recovery elements across all of the clusters, with UNDP's field presence very minimal in return areas."<sup>442</sup>

UNHCR further noted in its general recommendations that: "The specific role of the Early Recovery Cluster in supporting IDP durable solutions, and return and reintegration in particular, also warrants further discussion."<sup>443</sup>

Most agencies consulted noted that there was a critical disconnection in northern Uganda between humanitarian actors on the one hand and transitional and development actors on the other, with little connection or coordination between the two. Many felt an active early recovery cluster would have aided this. However, it has also been noted that when UNDP tried to work on early recovery issues, there was resistance to participation in meetings as many actors did not see it as falling within their mandate.<sup>444</sup> Early recovery could have helped address some of the critical issues that impede durable solutions (such as poor land adjudication) by strengthening governance and judicial

441 *Ibid.*

442 Hannah Entwistle, [\*The end of the road? A review of UNHCR's role in the return and reintegration of internally displaced populations\*](#), 25 July 2010, UNHCR, PDES/2010/09, p. 63.

443 *Ibid.*, p. 22.

444 Interviews with stakeholders, Gulu and Amuru Districts, 23 August to 1 September 2010.

systems, as well as supporting livelihoods interventions early in the process even before returns began. Moreover, it could have provided a natural segue from humanitarian programmes—to development programmes—to solid durable solutions.

Finally, the undertone and slight return bias must be balanced (which Ugandan actors have strived to do by correcting or clarifying messages in many instances) to ensure that those who integrate locally also have support, information, and assistance that is proportionate to their numbers and needs.

## **VIII. RECOMMENDATIONS AND LESSONS LEARNED FROM THE UGANDA EXPERIENCE**

- 1. Joint planning and joint messaging about durable solutions between Government and agencies are essential to convey a strong, clear message about the voluntary nature of return and other durable solutions.*

One of the successes of the Uganda experience is the effort of actors to coordinate and work closely with the Government. While reviews of clusters by actors in the field are mixed—with some stating they superimposed a structure on Government and others, including many Government officials, indicating that the clusters greatly improved coordination—it is clear that efforts have been made to include the Government.<sup>445</sup> Moreover, the joint messaging with the Government by agencies about the voluntariness of return was critical, and generally effective, even if some of the messaging implicitly or explicitly encouraged return. The efforts to have joint messages and a common voice, and the efforts to forge a shared understanding about durable solutions available to IDPs were commendable, and the message of the voluntary nature of return was undeniably received. District officials and UNHCR made efforts to remove the bias towards encourage return from messaging or to clarify the messages to ensure that they promoted all three durable solutions.

- 2. Local integration should be presented as a clear choice, but it should be noted that it also carries obligations, such as rent or landownership, and respect for the landowners' property.*

Another good practice was the initiative to talk of ‘rights and obligations’ for those remaining in camps. While it is clear that IDPs have the right to local integration, it must also be made clear that this comes with obligations, and such discussions are helpful to obtain the acceptance and cooperation of the host community/landowner.

- 3. Legal assistance should be made available to those who choose to or need to stay on land temporarily or to integrate locally to ensure that they are not exploited, in spite of being in a poor bargaining position.*

While some legal assistance was available, the demand has far outstripped the supply. More assistance needs to be given to those who have weaker bargaining positions (such as EVIs or people who have nowhere else to go because of land disputes) to ensure they can make fair arrangements with landlords.

- 4. There should be more training on and promotion of the Framework on Durable Solutions to ensure better understanding of the Framework before the returns and integration process begins.*

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<sup>445</sup> See also Julia Steets and François Grünewald, *IASC Cluster Approach Evaluation, 2<sup>nd</sup> Phase Country Study: Uganda, April 2010*, commissioned by the Inter-Agency Standing Committee (IASC), May 2010, <http://reliefweb.int/node/356858>

It is clear from the Ugandan experience that more needs to be done by the IASC to promote an understanding and awareness of the *Framework on Durable Solutions*, as the Framework is not well-known, and is sometimes misunderstood by actors not focused primarily on IDP issues. A better understanding of the Framework would also improve programming from actors at all levels.

5. *The creation of a strong early recovery cluster, with sufficient resources including for staffing, as well as more guidance to field staff from the global cluster leads on how to engage humanitarian actors is vital. Creating strong linkages and transition strategies, particularly within the protection cluster, could have a positive impact on the success of durable solutions.*<sup>446</sup>

Livelihoods are a barrier at all levels and for all persons seeking durable solutions, as well as for host communities and landlords. There are some programmes to help with livelihoods, but more such programmes are needed for vulnerable, marginalised individuals to enable them to gain income to achieve independence. A strong programme, with a strong early recovery strategy (whether through an independent cluster or mainstreaming), would be helpful in ensuring such issues are addressed.

Furthermore, a better understanding of the role and importance of early recovery by humanitarian actors would be useful. Such programming could aid in enabling more options for durable solutions, especially local integration, by ensuring the economic empowerment of beneficiaries and effective systems to adjudicate land issues. That is, with economic means people might be able to choose to purchase land (which many have been unable to do), and effective adjudication would help to resolve disputes enabling individuals to return or make a real choice to stay, rather than staying by default.

Weak governance structures have an undeniable impact on access to services, particularly access to justice. Focusing robust and well-funded early recovery on restoring such structures can also assist with this problem.

The following three recommendations were made by the Protection Cluster in 2009 and still ring true, and thus are included in this paper.<sup>447</sup>

6. *Develop and implement a clear policy on compensation for landowners which land might have been used by others, including IDPs and the UPDF, during the displacement period.*<sup>448</sup>
7. *Support early training of members of formal and informal mechanisms mandated to deal with the housing, land and property restitution process on Ugandan law and international law and policy related to housing, land and property rights; in particular the Pinheiro Principles, the UN Guidelines on Internal Displacement and the 2010 IASC Framework on Durable Solutions for Internally Displaced Persons.*
8. *Develop and implement an effective information strategy in relation to housing, land and property rights, and procedure and redress options for the wider public and community leaders as well as relevant civil society organisations.*

<sup>446</sup> See also “Durable Solutions for IDPs within the context of early recovery, Draft Workshop report,” 28-30 May 2008, Geneva, Switzerland, [www.humansecuritygateway.com/documents/UNDP\\_DurableSolutionsForIDPs.pdf](http://www.humansecuritygateway.com/documents/UNDP_DurableSolutionsForIDPs.pdf)

<sup>447</sup> [Uganda Protection Cluster presentation to Walter Kälin, Representative of the UN Secretary-General on the Human Rights of IDPs](#), 16 July 2009, pp. 27- 31.

<sup>448</sup> UPDF (Ugandan People’s Defence Forces).

Land issues present one of the greatest barriers to local integration and other durable solutions. This not only holds true for those seeking durable solutions, but for landowners who have hosted and might continue to host IDPs as well. As land becomes an increasingly valuable asset in former camp areas, it will be essential for land-related conflict resolution mechanisms to be consistent, timely, and universally accepted.

Leading on from the three recommendations of the protection cluster, and related to them:

9. *Early in displacement, and before return and reintegration commences, provide technical, training, and financial resources to the institutions involved in land management and dispute resolution to ensure they act professionally, efficiently and in accordance with national laws and policies and closely monitor their work to ensure fairness and transparency and non-discrimination.*

Additionally, ensuring meaningful understanding of the complexities of land rights is necessary, thus leading to the following recommendation, towards which Uganda has made efforts:

10. *Ensuring access to legal aid advice, information and counselling, particularly to understand land rights, to enable informed decision making is critical in aiding the choice of durable solution.*

For those that have been left behind, especially extremely vulnerable individuals whose caregivers are unable or unwilling to help them, the system of assisting caregivers is a more sustainable methodology of ensuring that these persons are cared for and find durable solutions, as is livelihood training or providing assets to EVIs themselves to enable them to become self-supporting. Reconstruction or preservation of social infrastructure is as important as ensuring the provision of physical infrastructure, particularly for recovery and social welfare.

11. *Ensure that family links and cultural traditions are understood and fostered during displacement, particularly those that protect vulnerable individuals.*
12. *Work towards the provision of social assistance for the most vulnerable through programmes like SAGE to enable them to survive in dignity.*

And finally, as recommended by the Representative of the UN Secretary General on the Human Rights of Internally Displaced Persons, Mr. Walter Kälin, in his mission to Uganda in 2009.<sup>449</sup>

13. *“The Government should consider acquiring land for EVIs who wish to locally integrate....it should consider acquiring land for the landless.”*

This is perhaps one of the most critical recommendations, as land is the lynchpin for durable solutions in northern Uganda. While the Government fears that once it acquires land for some it will incur obligations to others and the complaints of the masses, it must fulfil its obligation to protect its citizens. There should be a way to devise a system to ensure that the very needy are cared for and empowered and training EVIs on livelihoods and aiding caregivers are good steps. The Ugandan Land Act, section 41, provides provision for the creation of a fund to be used to “resettle people who have been rendered landless by Government action, natural disasters, or any other cause,” and

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<sup>449</sup> Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons, Mr. Walter Kälin, “[Follow-up working visit of the Representative of the UN Secretary-General on the human rights of internally displaced persons to Uganda, 13-17 July 2009: Memorandum on Key Findings and Recommendations](#),” October 2009, pp. 4-5.

could be used in those cases with no solutions.<sup>450</sup> Ensuring access to the fund, and a clear and transparent procedure for the access of funds should enable those disempowered to resolve their claims.

In all of the recommendations noted above, adequate funding is essential. It is interesting to note that while the 2010 CAP pointed to the lack of achievement of durable solutions, it was one of the most poorly funded CAPs in years, having received only some 31 per cent of funds requested as of June 2010. As the mid-year review noted: “The Uganda CAP 2010—despite being the smallest in four years and representing a substantial reduction from the preceding Appeal—has realised the lowest funding of all previous Uganda CAPs at a corresponding stage in the last six years.”<sup>451</sup>

## IX. CONCLUSION

Hindsight affords the ability to reflect and recommend changes to events and actions, but overall the work in Uganda towards durable solutions has been active and collaborative, which is ultimately its strength. In many ways, Uganda is a pioneer in using the IASC *Framework on Durable Solutions for Internally Displaced Persons* for an evaluation on the progress of durable solutions. As in many other areas of protracted displacement, many seemingly intractable situations have arisen that have presented barriers to local integration or other durable solutions: land disputes without fully effective resolution mechanisms; extremely vulnerable individuals without solutions or caregivers; demobilised combatants and their children on the fringes of society; and an urgent need for increased economic stimulation and livelihoods support. Uganda, however, is unique in the scale of its displacement, with almost no ‘host community’ left, other than landowners whose land was affected and occupied for some 14 years.

It is important in protracted displacement situations to have an early strategy for resolving land disputes and strategies for those who are landless, which are inevitable consequences of displacement. Likewise, in the early stages of displacement, special attention must be paid to strategies that enable the most vulnerable to have meaningful choices among durable solutions. Early recovery is one key in ensuring that issues are addressed to allow a successful transition from emergency to recovery. Therefore the early recovery cluster needs focus on, and strengthening and awareness-raising of, its critical role in linking protection, recovery, and ultimately durable solutions. While this alone will not solve all problems, it could certainly aid in comprehensive early solutions that allow key actors – both humanitarian and transitional – to work together more closely in eliminating barriers to durable solutions, and to use the *Framework on Durable Solutions* together to guide their interventions. As in all interventions, funding is critical to ensure the transition from humanitarian actors to development actors.

As Uganda does not have a high incidence of local integration for largely cultural reasons, it is impossible to state conclusively that any recommendations may have had an impact on local integration. However, in other scenarios and in future cases, the lessons learned from Uganda and the recommendations made could provide insight into how best to address issues for durable solutions, including local integration, earlier in the process.

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450 The Land Act Uganda, 1998, Cap 227.

451 UN Office for the Coordination of Humanitarian Affairs (OCHA), *Consolidated Appeal for Uganda—Mid-Year Review*, July 2010, p. 1.



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