Durable Solutions for IDPs

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Research Briefing Paper
UN Secretary-General's High-Level Panel on Internal Displacement

About the High-Level Panel

The High-Level Panel on Internal Displacement was established by the UN Secretary-General to find concrete solutions to internal displacement. The High-Level Panel will work to increase global attention on internal displacement, while developing concrete recommendations for Member States, the United Nations system and other relevant stakeholders. The Panel will build on ongoing efforts related to internal displacement by Member States and relevant stakeholders within the humanitarian, development, and peace communities. The Panel's report is expected to identify innovative and concrete recommendations to better prevent, respond, and achieve solutions to internal displacement.

This short paper provides an overview of how the international community has sought to define durable solutions for IDPs, to develop a conceptual framework, and to use this framework to support governments in exercising their responsibility to provide solutions for those displaced within their countries' borders. It then provides some possible directions the High-Level Panel may wish to take on durable solutions. This paper is intended to complement other papers on the humanitarian-development-peace nexus and the international architecture.

1. Key takeaways

A <u>durable</u> solution for IDPs is one that lasts. If people return home but are not safe, IDPs have not found a solution. If an IDP camp is closed, but IDPs have nowhere to go, they have not found a durable solution. IDPs find durable solutions when they no longer have needs related to their displacement and when they can exercise their rights without discrimination because of their displacement.

We have a strong framework for durable solutions although more work is needed to disseminate it, adapt it to national contexts and actually implement it. National authorities are responsible for creating the conditions and providing the means for IDPs to find durable solutions. This requires both political will and capacity. Civil society organizations and international agencies can support governments but political will is critical.

The longer people are displaced, the less likely they are to return home. Ending displacement is a process and we need to find ways to support people to take interim steps toward ending displacement – to normalize their situations – while recognizing their right to return when circumstances permit.

While humanitarian actors do a good job in meeting the needs of IDPs, the engagement of other actors – development, peace/security, actors – are needed to support durable solutions. Our present international coordination structures are not adequate for the task.

2. Conceptual and operational frameworks

The *Guiding Principles on Internal Displacement,* the principle normative framework for IDPs, do not use the term durable solutions but rather in line with the theme of sovereignty as responsibility, emphasize that "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' lies with the authorities of affected countries.[1] In other words, national authorities are responsible for both establishing conditions and providing the means for IDPs to either return to their homes or settle elsewhere in the country. The Kampala Convention, the only legally binding regional treaty on IDPs, goes further. Its Article 11 spells out the **obligation** of States Parties to 'seek lasting solutions' through 'voluntary return, local integration or relocation on a sustainable basis and in circumstances of safety and dignity,' thus listing the three possible locations for solutions. It also highlights the obligation of States to 'enable internally displaced persons to

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[1] United Nations, *Guiding Principles on Internal Displacement.* Principle 28(1) https://documents-dds-ny.un.org/doc/UNDOC/GEN/G98/104/93/PDF/G9810493.pdf?OpenElement

make a free and informed choice on whether to return, integrate locally or relocate by consulting them on these and other options and ensuring their participation in finding sustainable solutions.'[2]

In 2010, the Inter-Agency Standing Committee adopted the *Framework on Durable Solutions for Internally Displaced Persons*, which provides a better understanding of each durable solution, further details the process and conditions necessary for achieving a durable solution, and sets criteria to determine to what extent a durable solution has been achieved.[3] While there are other relevant documents which offer insights into durable solutions for displacement, such as the Pinheiro Principles,[4] the *Framework for Durable Solutions* remains the principal point of reference for understanding the process of achieving durable solutions.

The *IASC Framework for Durable Solutions* was developed over the course of a decade in response to requests from the UN Emergency Relief Coordinator, governments and other actors for guidance on 'when displacement ends.' Adopted in 2010 and rooted in the *Guiding Principles on Internal Displacement,* it emphasizes that the primary responsibility for providing durable solutions for IDPs rests with national authorities and that the participation of IDPs in essential in the process of finding solutions.

A durable solution is achieved when internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement. It can be achieved through:

- Sustainable reintegration in their place of origin (return);
- Sustainable local integration in the places where IDPs take refuge (local integration); or
- Sustainable integration in another part of the country (settlement elsewhere).

The search for durable solutions should be understood as a

- Gradual, long-term process of reducing displacement-specific needs and ensuring the protection of human rights without discrimination
- A complex process that addresses human rights, humanitarian, development, reconstruction and peace-building challenges; and
- A process requiring the coordinated and timely engagement of different actors.

    --IASC Framework for Durable Solutions for Internally Displaced Persons

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The *Framework* emphasizes that finding durable solutions is a **process**, that national authorities are responsible for providing solutions, and that ending displacement usually involves a range of issues and

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[2] African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (adopted 23 October 2009, entered into force 6 December 2012) 49 ILM 86 (hereafter Kampala Convention). Article 11.
https://au.int/en/treaties/african-union-convention-protection-and-assistance-internally-displaced-persons-africa

[3] Inter-Agency Standing Committee, *IASC Framework on Durable Solutions for Internally Displaced Person*,.

[4] Pinheiro Principles on Housing and Property Restitution for Refugees and Displaced Persons 2005.
https://www.unhcr.org/en-us/protection/idps/50f94d849/principles-housing-property-restitution-refugees-displaced-persons-pinheiro.html

different actors. In short: it's complicated. While people are often displaced in a few days or over the course of a few weeks, finding solutions to displacement can take years.

The *Framework* further spells out eight criteria that may be used to determine to what extent a durable solution has been achieved:

1. Long-term safety and security;
2. Adequate standard of living without discrimination;
   - IDPs have adequate access to: essential food and potable water; basic shelter and housing; essential medical services, including post-sexual assault care and other reproductive healthcare; sanitation; and at least primary school education;
   - Adequacy means that these minimum goods and services are available, accessible, acceptable, and adaptable.
3. Access to livelihoods and employment;
4. Effective and accessible mechanisms to restore housing, land and property;
5. Access to personal and other documentation without discrimination;
6. Family reunification;
7. Participation in public affairs without discrimination;
8. Access to effective remedies and justice.

Since the IASC Framework was adopted ten years ago, a number of other international organizations have used the framework both to increase understanding of durable solutions and as a guide to finding solutions in specific displacement situations. Thus, the International Organization for Migration developed *A Framework for the Progressive Realization of Displacement*[5] stressing the importance of mobility in contributing to solutions. The Early Recovery Cluster developed a toolbox for supporting durable solutions[6] while the Internal Displacement Monitoring Centre has developed training packages on durable solutions[7] and conducted research on issues such as housing practices[8] and experiences of local authorities in finding solutions. In 2015, UN OCHA commissioned a major study on reducing protracted

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[5] International Organization for Migration. *The Progressive Resolution of Displacement Situations.* 2016. https://www.iom.int/sites/default/files/our_work/DOE/humanitarian_emergencies/Progressive-Resolution-of-Displacement-Situations.pdf

[6] Early Recovery Cluster, *Durable Solutions in Practice*. 2017. https://reliefweb.int/sites/reliefweb.int/files/resources/durable_solutions_in_practice_-_handbook_sept_2017.pdf

[7] Internal Displacement Monitoring Centre, *Durable Solutions for IDPs: Challenges and Way Forward.* September 2015. https://www.internal-displacement.org/publications/durable-solutions-for-idps-challenges-and-way-forward

[8] Internal Displacement Monitoring Centre, *Home Sweet Home: housing practices and tools that support solutions for urban IDPs.* 2015. https://www.internal-displacement.org/publications/home-sweet-home-housing-practices-and-tools-that-support-durable-solutions-for-urban-idps.

displacement through collective outcomes[9] and has compiled useful case studies of collaboration between humanitarian and development actors in supporting durable solutions.[10]

Since its establishment in 2009, JIPS, the Joint Internal Displacement Profiling Service, has carried out profiling activities in a number of countries, intended to support governments in finding durable solutions for IDPs.[11] In 2015, JIPS began a project to operationalize the key elements of the IASC *Framework on Durable Solutions* and has developed methods and guidelines to durable solutions analyses in internal displacement contexts.[12]

There have also been efforts by governments to incorporate the Framework for Durable Solutions in their own laws and policies. As Walter Kälin has noted: "Niger's IDP Law and Afghanistan's IDP Policy define durable solutions in the same way as the Framework,[13] and the laws and policies of Kenya, Niger, Sri Lanka and South Sudan integrate the eight substantive conditions for durables solutions enshrined in Section V of the Framework.[14] This not only indicates widespread acceptance of the Framework but transforms key contents into legally binding or at least authoritative standards at national levels. "

There have also been a number of regional efforts to operationalize the *Framework for Durable Solutions* and to adapt it to the particular needs of countries within a given region. For example, the Regional Durable Solutions Secretariat (ReDSS), established in 2015 to support solutions for both refugees and IDPs in 11 countries in East Africa and the Horn of Africa, uses 28 indicators both to measure progress and to support governments and other actors to find solutions for IDPs.[15] And on the national level, working groups or durable solutions units have used the *Framework on Durable Solutions* to support the development of national and subnational laws and policies as in Iraq, Somalia and Ethiopia.

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[9] Walter Kälin and Hannah Entwisle Chapuisat, *Breaking the Impasse:Reducing Protracted Displacement through Collective Outcomes.* OCHA Policy and Studies Series 2015. https://www.unocha.org/sites/unocha/files/Breaking-the-impasse_0.pdf

[10] UN OCHA, *Reducing Protracted Displacement: A Snapshot of Successful Humanitarian-Development Initiatives.* OCHA Policy and Studies Series 2019.
https://www.unocha.org/sites/unocha/files/Reducing%20Protracted%20Internal%20Displacement.pdf

[11] www.jips.org d

[12] See for example, JIPS, Durable Solutions Indicators library and Durable Solutions Analysis Guide. https://www.jips.org/tools-and-guidance/durable-solutions-indicators-guide/

[13] République du Niger, *Loi No 2018-74 du 10 décembre 2018 relative à la protection et à l'assistance aux personnes déplacées interne*, (hereafter Niger IDP Law) art 2(3) ; and Government of the Islamic Republic of Afghanistan, *National Policy on Internally Displaced Persons,* 15 November 2013 (hereafter Afghanistan IDP Policy), sections 1.3 and 3.4. Kenya, *The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act No 56 of 2012* (hereafter Kenya IDP Act), section 2(1) defines durable solution as 'the achievement of a durable and sustainable solution to the displacement of persons through a voluntary and informed choice of sustainable reintegration at the place of origin, sustainable local integration in areas of refuge, or sustainable integration in another part of Kenya'. The South Sudan *Protection and Assistance to Internally Displaced Persons Act, 2019* (hereafter South Sudan IDP Act, contains a similar definition in section 5.

[14] Eg, Kenya IDP Act (n 13), section 9(2); Niger IDP Law(n 13), Article 25; Sri Lanka IDP Policy (n **Error! Bookmark not defined.**), section VI.1.1; The South Sudan IDP Act (n 13), section 30; and Republic of Yemen, *The National Policy for Addressing Internal Displacement in the Republic of Yemen 2013* (hereafter Yemen IDP Policy) Goal 3.

[15] www.regionaldss.org

Finally, there is a rich research literature looking at the relationship between durable solutions, peace processes and transitional justice,[16] the use of microdata to support solutions in particular countries,[17] durable solutions for those displaced by disasters,[18] local integration,[19] settlement elsewhere,[20] and other issues. However, most of the published research on IDPs has been carried out by agencies and researchers in the global North, has disproportionately focused on a few countries (such as Colombia) while neglecting other areas (such as the Central African Republic), and the overall body of research on IDPs has diminished over time, seeming to peak around 2010.[21] And most of the academic work on durable solutions has focused on developing indicators of the <u>conditions</u> necessary for durable solutions, rather than examining the <u>process</u> by which displacement is resolved.

3. Durable solutions and frameworks: where are we?

The main takeaways from these efforts are:

- Ending displacement is a <u>process</u> rather than an endpoint. Displacement doesn't necessarily end when an IDP camp is closed, a peace agreement is signed or floodwaters diminish.

- The *IASC Framework for Durable Solutions* provides a <u>strong framework</u> for understanding the essential elements of finding durable solutions and many tools have been developed to translate it into practice. However, many governments are unaware of these tools.

- The main problem in securing durable solutions for IDPs is in adapting and implementing existing guidance. While national governments are responsible for providing solutions, some lack the political will to do so. Political will is not static; there are many cases – from Colombia to Ethiopia to Somalia to Afghanistan – where governments came to realize that ending displacement is a national priority and took action. Some governments are willing to devote political capital to resolving displacement but do not have the capacity to support solutions. In some cases, conflicts

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[16] See Brookings-Bern Project on Internal Displacement, *Addressing Internal Displacement in Peace Processes, Peace Agreements and Peace-building,* Brookings Institution, 2007. Roger Duthie, ed., *Transitional Justice and Displacement*. New York: Social Science Research Council, 2012.

[17] See for example, World Bank, https://www.worldbank.org/en/topic/poverty/publication/informing-durable-solutions-for-internal-displacement

[18] Angela Sherwood, Megan Bradley, Lorenza Rossi, Rosalia Gitau and Bradley Mellicker, *Supporting Durable Solutions to Urban, Post-Disaster Displacement: Challenges and Opportunities in Haiti.* 2014. Brookings-LSE Project on Internal Displacement. https://www.brookings.edu/wp-content/uploads/2016/07/Supporting-Durable-Solutions-to-DisplacementHaiti-March-4-2014.pdf. Angela Sherwood, Megan Bradley, Lorenza Rossi, Rufa Guian and Bradley Mellicker, *Resolving Post-Disaster Displacement: Insights from the Philippines aft4er Typhoon Haiyan (Yolanda).* IOM-Brookings-LSE Project on Internal Displacement. 2015. https://publications.iom.int/system/files/pdf/brookings_haiyan_report.pdf

[19] Elizabeth Ferris, *Resolving Internal Displacement: Prospects for Local Integration.* 2011. Brookings Project on Internal Displacement. https://www.brookings.edu/research/resolving-internal-displacement-prospects-for-local-integration/

[20] IOM-Iraq and Georgetown University, *Access to Durable Solutions among IDPs in Iraq: Moving in Displacement.* IOM. 2019. https://iraq.iom.int/publications/access-durable-solutions-among-idps-iraq-moving-displacement

[21] Elizabeth Ferris, Seminar on Research on IDPs, IOM. March 2020. https://www.iom.int/video/elizabeth-ferris-internally-displaced-persons-current-state-research-and-policy

drag on for years or funds are inadequate to allow displaced people to return to their homes after disasters.

- Although some general principles and guidelines exist, each situation is unique and 'one size' does not fit all.

- The evidence suggests that national policies will be more effective in supporting solutions when: IDP agency and participation are valued and incorporated from the outset and when all relevant parts of government are involved – from municipal to national, from line ministries to executive leadership – and when there is coordinated international support. In most cases, local or sub-national governments are most impacted by displacement and are the most important actors in supporting solutions for IDPs, even though they rarely receive sufficient resources from national governments.

- Participation of IDPs, while easy to affirm in the abstract, is often difficult to implement, particularly given the need to ensure representation of women, youth, elderly, people with disabilities and traditionally marginalized groups.

- The fact that resolving displacement takes a long time, requires significant political and financial commitment underscores the importance of doing everything possible to prevent displacement in the first place – or if unavoidable, to limit its duration.

- Actors need to plan and move toward durable solutions even in the midst of a crisis.

- While returns are usually seen as the preferred solution, the longer that displacement lasts, the less likely IDPs are to return. IDPs put down roots in their communities, children are raised with few direct links to communities of origin, property issues become more difficult to resolve over time. More attention should be devoted to enabling IDPs to integrate locally while not excluding the possibility of return when circumstances change. This may mean shifting from approaches that single out IDPs for assistance to area-based approaches where the needs of host communities are also addressed.

- Internal displacement is not static and IDPs are not passive victims. IDPs often move multiple times – either in search of safety (as in El Salvador and Yemen) or to be with family members or to find better economic opportunities as in Northern Iraq.[22] While international assistance is crucial – particularly in the initial stages of displacement -- the fact is that most IDPs do not live in camps and that they 'get by' largely through their own efforts and their social networks.

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[22] IOM-Iraq and Georgetown University, *Access to Durable Solutions among IDPs in Iraq: Moving in Displacement.* IOM. 2019. https://iraq.iom.int/publications/access-durable-solutions-among-idps-iraq-moving-displacement

- Ending displacement requires an <u>integrated approach</u> – both by governments and by international actors – to address protection, education, housing, health, voting rights, livelihoods and other needs. Particular attention is needed in conflict-related displacement to issues around restitution, compensation and transitional justice. In particular, much more needs to be done to bring together development, humanitarian and peace actors – though this is dealt with more substantively in other commissioned papers for the HLP.

Possible actions the HLP could take:

"Low-hanging fruits:"

-commend the IASC Framework's use to governments of displacement-affected countries;

-encourage governments to use the tools available to develop and implement national policies on IDPs, including their incorporation into development plans at all levels;

-encourage international actors to continue and intensify support for governmental efforts to resolve displacement and operational agencies to provide more training on durable solutions;

-affirm integrated, multi-stakeholder approaches;

-highlight the need to include host communities and other displacement-affected communities into planning for durable solutions;

-commend governments which have made progress toward durable solutions.

A bit more ambitious

-Encourage governments and international agencies to develop and compile good practices in finding solutions for those <u>displaced by disasters</u> and the effects of climate change. Encourage organizations and networks working on disaster risk reduction, preparedness, and climate change adaptation to include durable solutions for IDPs in their own frameworks, policies and practices. Specifically, the HLP could ask the Platform for Disaster Displacement to carry out studies, or come up with a toolbox of good practices, or engage disaster risk reduction networks around solutions for those displaced by disasters.

-Challenge those involved in <u>urban planning</u> – at all levels (municipal, national, regional and global) -- to incorporate measures to locally integrate IDPs into their planning processes. Work through existing global and regional networks of municipal authorities (such as Global Parliament of Mayors' Forum).[23] Specifically, the HLP could ask organizations focusing on urban issues (such as UN Habitat) to include internal displacement in their work programs.

-Recognizing that ending displacement is a process and that progress may be incremental, encourage further work on <u>interim solutions</u> for IDPs, including supporting self-reliance of IDPs and IDP social networks. There has been an understandable concern that focusing on interim solutions might weaken the rights-based definition of durable solutions, but if it were recognized that helping IDPs to normalize

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[23] See suggestions for specific actions in Catherine-Lune Grayson and Angela Cotroneo, *Displaced in Cities: Experiencing and Responding to Urban Internal Displacement Outside Camps.* Geneva: ICRC. 2018. https://reliefweb.int/sites/reliefweb.int/files/resources/4344_002_Displaced-in-Cities_web.pdf

their situations or help them 'get by' does not preclude return or integration when circumstances change, it might be possible to do much more to support interim or transitional solutions for IDPs. Quite a bit of work has been done on supporting resilience and self-reliance in other contexts (from climate change[24] to refugees) and these approaches may be helpful in supporting IDPs to move closer to durable solutions. Specifically, the HLP could draft a statement on the importance of interim or transitional solutions (or normalizing situations or getting by') and commend governments and international organizations to support IDP efforts to normalize their situations or get by while durable solutions are unattainable.

--Call on IDP associations, regional organizations, civil society networks, private sector actors, and other existing networks (such as National Human Rights Institutions and Good Humanitarian Donorship) to assess the ways in which they can support durable solutions for IDPs. The HLP could develop specific recommendations for different groups to devote more attention and energy to supporting solutions for IDPs. For example, the HLP could ask IDP associations for their consolidated suggestions for ensuring IDP participation in durable solution plans.

More ambitious:

-Call for a UN Summit or a Global Campaign on Ending Internal Displacement

-Recognizing that some governments have not displayed interest in resolving displacement, focus on supporting those who are committed to doing so, particularly in protracted displacement situations. Specifically, the HLP could invite/select a limited number of displacement-affected countries to develop comprehensive durable solutions roadmaps, based on the good practices of other countries (e.g. Somalia, Colombia). Each country would agree (perhaps through a compact) to take specific steps to end displacement appropriate to its national situation and to establish and meet agreed benchmarks over a specified period (such as finding solutions for 50% of the country's IDPs within 3 years). Countries participating in this roadmap exercise would demonstrate political buy-in from relevant ministries and different levels of government. This commitment by national governments would be coupled with a commitment by international agencies to provide technical advice and financial support to implement the roadmap. For example, the HLP could identify 6 countries where governments are willing to adopt new initiatives to end displacement (and to engage their entire governments to do so), work with them to develop goals, objectives and roadmaps for meeting those goals, engage relevant actors (such as the Resident Coordinators of the countries) and donors to develop means of supporting these actions and monitoring progress.

-{Integrating further recommendations on the nexus & international architecture, call for international organizations to either adopt new mechanisms for collaboration between humanitarian-development-peace organizations or better ways of using existing structures to support solutions for IDPs.

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[24] See for example, Global Facility for Disaster Reduction and Recovery, Climate Resilience. https://www.gfdrr.org/en/resilience-climate-change and Refugee Self-Reliance Initiative. https://www.refugeeselfreliance.org/