

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

EU submission

Introduction:

This paper answers the call of the Panel's secretariat dated 24 March 2020. The messages are based on the EU's policy¹ on the subject, as well as its extensive experience in responding to situations of internal displacement. Over the past 20 years, the EU has provided support to address the needs of internally displaced people (IDPs) in all major displacement situations.

Around the globe, the number of conflicts is on the rise, and so are weather related disasters, often exacerbated by climate change, having both direct and indirect impacts on the populations in the most affected countries. This is clearly illustrated by the steep upward curve in the number of persons affected by internal displacement globally, and for increasingly longer periods. Whereas international attention has so far focused on persons crossing borders due to economic, social and political hardship through the development of the Global Migration and Global Refugee Compacts, attention to the issue of internal displacement has waned. With the exception of the adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa in 2009 (Kampala Convention) and the inclusion of Internally Displaced People (IDP) in the Agenda 2030 'leave no one behind' principle, very little normative and practical progress has been achieved since the adoption of the Guiding Principles on Internal Displacement with several initiatives 'frozen' and long-standing issues not tackled.

The EU stands strongly behind the High Level Panel. Its establishment provides a unique opportunity to raise the issue of internal displacement on the international agenda. The EU would expect the Panel to conduct a comprehensive review of the current situation and response, focusing on whole-of-society, sustainable responses and always having the internally displaced at the heart of their considerations. The EU expects that the High Level Panel will make ambitious recommendations and generate the political will needed for a more effective response.

The input is structured according to the seven questions listed in the call.

- 1. The key issues, problems or imperative which, as you see it, should be prioritized by the Panel in its analysis of the crisis of internal displacement today and how prevention, response at large and solutions can be effectively advanced.**

*We would expect recommendations by the Panel on the following **ten** most important topics, including on interconnectivity between them.*

- **Global normative framework on IDPs and advocacy for domestication of regional instruments** – assess feasibility of adoption of a global normative framework, in addition to the Guiding Principles on Internal Displacement and existing regional instruments. In addition, advocacy for, support to and monitoring of domestication of regional instruments into national legislation also merits appropriate attention.
- **Encouraging States' leadership and responsibility, through embedding 'whole-of-society'-logic**—incentives for States to take up the leadership role and devise and implement sustainable solutions for internally displaced populations; strengthen IDP participation in such processes; enhance States' accountability towards their citizens; enhance efforts of the international community to support governments through work towards collective outcomes.

¹ Commission Communication Lives in Dignity - From Aid-dependence to Self-reliance.

https://ec.europa.eu/echo/files/policies/refugees-idp/Staff_working_document_Forced_Displacement_Development_2016.pdf

- **Enhancing most appropriate durable solutions, including local integration or relocation in another part of the country;** including through implementation of the humanitarian-development-peace nexus, integration of internally displaced people into national development plans, based on inclusive national programming (ex. social protection schemes), propose appropriate climate change adaptation and reconciliation, stabilisation and recovery policies and strategies.
- **IDPs protection, rights and participation** – (humanitarian) protection in displacement (promoting access to justice and legal aid), guaranteeing respect of rights of IDPs as equal citizens of their country, with a specific focus on vulnerable groups and conflict sensitivity, ensuring inclusion of IDPs’ rights when devising durable solutions, fostering participation in political and peacebuilding processes and in planning recovery solutions; addressing multiple and circular displacement.
- **Prevention of displacement** - flexible and risk tolerant action to build and sustain peace, prevent and respond to conflict, foster respect of International Humanitarian Law (IHL) and human rights law, promotion of sustainable development and livelihood opportunities, and where appropriate climate change adaptation, disaster risk reduction and in particular preparedness.
- **Revisiting UN’s role in the coordination of international response**, including by strengthening the current humanitarian architecture and by better linking up humanitarian, peacebuilding and development constituencies through the empowered Resident Coordinators. Important to look into coherence between UN action (policy and programmatic) on cross-border displacement (including mixed movements) and solutions thereto (returns and (re)integration) and internal displacement.
- **Financing** - review of financing modalities (at international, regional, and national level) to identify best practices (incl. non-traditional funding, remittances), work on costing of displacement situations and responses and links to financing for development commitments/SDG implementation for IDPs.
- **Information and data management** - more coherent approach to IDP definitions; better qualitative and quantitative data and analysis, including on IDP related solutions; increased availability of socio-economic data and assessments of communities affected by displacement.
- **Impact of COVID-19 pandemic on internal displacement** – recognise the specific vulnerabilities of internally displaced persons and highlight immediate and longer-term socio-economic consequences. Consider recommendations on facilitating equal access to public health services and reconciling health and safety measures with the protection of rights of internally displaced populations. These considerations should factor in potentially negative effects on social cohesion and specific IDP rights such as the right to seek asylum due to border closures, as well as protection risks as a consequence of premature/forced returns and/or secondary displacements, amongst other context-specific vulnerability factors.
- **Visibility of IDPs** – while the HLP brings an important momentum, important to keep IDPs on the international agenda even after the Panel ends its mandate.

2. Across the objectives of prevention, response and solutions, how can national political will, responsibility and capacity be catalyzed and cultivated.

National authorities have the primary duty and responsibility to provide protection and assistance to all their citizens, including internally displaced persons. In line with EU Policy (‘Lives in Dignity Communication’), the EU favours adoption of whole-of-government and whole-of-society and sustainable approaches, using the Agenda 2030 commitments (‘leave no one behind’) and ensuring that IDPs can live and prosper as equal citizens. Stronger support to national and local governments could be envisaged along the following lines:

First, right institutional frameworks:

Having the right, institutional, legal and policy frameworks, adequate funding and capacity to act at the operational level also influences governments’ ability to prevent, address and resolve

displacements, both conflict and disaster related. Many countries have adopted frameworks, but their implementation may be lacking behind due to political will or capacities. Transposition of international instruments into national law and policy also continues to be slow. There are still very few countries that have transposed the Kampala convention into domestic laws, despite its 10th anniversary.

Supporting national and local governments in better response requires strengthening the institutional and legislative frameworks concerning IDPs, including the capacity and understanding of government officials of protection and human rights related issues. To this end, the EU supported the creation of a database on 'IDP law and policy' <https://www.globalprotectioncluster.org/global-database-on-idp-laws-and-policies> that is hosted by the Global Protection Cluster. The national laws and policies should guide international support to provide to these countries. Sharing of good practice between states and capacity-building could be further encouraged.

A possible idea for further explore could be setting up a global Network of relevant international stakeholders and countries showing political will, responsibility and/or capacity, in order to share best practices, and promote targeted twinning and capacity-building.

Second, government-to-government policy dialogue and advocacy:

Through EU political dialogues with governments of countries facing internal displacement and through financial – long- and short-term – support, the EU has worked to ensure that national governments can live up to their responsibility, and engage relevant actors as civil society, and other key local stakeholders. These efforts need to be often sustained over a long period of time and changing political landscape in a given country.

This can be illustrated on a number of examples. In Ukraine, for example, EU advocacy was centered around the issue of accommodation, pension rights and other social scheme benefits for persons displaced in both governmental and non-governmental controlled areas. In Somalia, the federal government adopted beginning of 2020 a national IDP policy, accompanied by National Evictions Guidelines. EU has been supporting this process notably through its RE-INTEG programme. In Afghanistan, the EU has assisted the government to be able to implement important reforms that have tangibly contributed to the socio-economic integration of the internally displaced in the country. A notable example in this regard has been the promulgation of the Presidential Decree 305 on land distribution and housing for IDPs and returnees, which has laid the foundations for action in this field.

Third, financial incentives

Where the government has the political will and the capacity to work in areas where IDPs are present, EU assistance works through government service delivery systems – for example through support of national social protections systems. An important tool in this regard is budget support.

Where specific conditions are met, budget support helps the building of more transparent and accountable public administrations, and to be able to deliver services to their citizens more effectively and efficiently. In situations of fragility, it strengthens states' capacity to provide services to the population and fosters countries' resilience. Through a portfolio centered on least-developed countries and a focus on vulnerable groups or deprived regions in all its programmes, EU budget support has been promoting social protection schemes, offering safety nets for the poorest households. Territorial development policies are equally supported. They address regional disparities and, in some cases, help stabilise countries affected by conflicts or security issues.

As an example, in Ethiopia, there is currently work ongoing on inclusion of IDPs into the national productive social safety net programme (PSNP), supported notably by the Donor Working Group of which EU is part of. The EU also contributes financially to sector Budget Support on Social Protection.

Fourth, increased accountability

On the international level, several initiatives to enhance national leadership and capacity and accountability already exist but could be strengthened further.

The Special Rapporteur on the human Rights of IDPs' mandate is to enter into (confidential, as appropriate) bilateral dialogues with countries facing internal displacement and to provide recommendations as well as legal advice on how to address such issues. However, she may face a number of obstacles in her work, with governments often unwilling to engage in dialogue. It is hence important that the mandate be strengthened to allow the Special Rapporteur more leverage on these issues. Similar functions could be also established at regional level; e.g. an African Union Special Rapporteur on Refugees, Asylum Seekers, Migrants and IDPs, mandated among other things to advocate for implementation of the Kampala Convention.

At the UN level, the Rights Upfront Initiative should be implemented at field level with a strong support of OHCHR representatives to the Resident Coordinators in affected countries. Similarly, Centrality of Protection should continue to feature as one of the most important guiding principles in the work of Humanitarian Country Teams.

Furthermore, internal displacement issues could be mainstreamed into the Universal Periodic Reviews conducted under the Human Rights Council. At national level, the importance of independent human rights committees/watchdogs should also be stressed and they need to be further strengthened.

- *The Panel should prioritise the issue of political will in its deliberations and focus both on internal national dialogue as well as issues around international accountability.*

3. The relevance and role of humanitarian, development, peace, climate change and disaster reduction action and how a more integrated approach in these respects can be fostered. Submissions can in these respects also address the role of the Private Sector, Regional or International Financial Institutions and other development partners and actors.

Internal displacement has been increasingly recognised as a complex development challenge in addition to being a human rights and humanitarian problem. As a reaction, the European Commission published a policy framework in the form of a Communication in April 2016 (referenced above). The Communication calls for the involvement of political, economic and development actors at an early stage of forced displacement crises alongside humanitarian assistance, to support forcibly displaced populations and their host communities. This approach was shared and endorsed by EU Member States, through Council Conclusions², and is the foundation for EU work on bringing closer all relevant actors in addressing displacement situations, notably through humanitarian-development nexus. Another set of Council Conclusions on operationalizing the humanitarian-development nexus was endorsed in 2017³. More recently, the EU has increasingly emphasized peace/conflict sensitivity as a third pillar of the humanitarian-development nexus.

The relevance of nexus in displacement situations can be highlighted along three axes:

- *Address the root causes of fragility, vulnerability and conflict;*
- *Prevent protracted crises to rely solely on short-term humanitarian response – bringing in multi-year development funding, to encourage more sustainable and inclusive approaches and build local capacities for risk reduction, resilience, conflict prevention and resolution;*
- *Improve dignity of affected populations through focus on livelihoods and their socio-economic inclusion, and ensure the conflict sensitivity of interventions;*

From a donor perspective, at EU level, the following areas of engagement between humanitarian,

² <http://data.consilium.europa.eu/doc/document/ST-8850-2016-INIT/en/pdf>

³ <https://www.consilium.europa.eu/media/24010/nexus-st09383en17.pdf>

development and peace actors to foster such approach have been identified:

- *Early engagement and development of a shared analysis resulting in common understanding of the needs, risks and vulnerabilities. Such analysis should be broad and include issues such as political economy analysis of the given country/area of intervention as well as humanitarian needs assessments, local conflict dynamics, livelihoods and protection analysis, and information on vulnerability, coping mechanisms and resilience. Regular updates are also crucial.*
- *Identification of ‘shared spaces’, such as targeting the same geographical area or a population group and setting up longer-term strategic objectives with identification of collective action (joint analysis, joint missions, roadmaps, frameworks for engagement)*
- *Complementary and synergetic action between humanitarian, peace and development interventions toward sustainability and resilience. These include clear agreements on burden-sharing, geographical or sectoral division of labour.*

Encouraging examples in this respect can be drawn from a number of countries where joint efforts by all stakeholders, underpinned by strong political will and endorsement at the political level, led to the implementation of a nexus approach. Considerable resources have been mobilized to this end.

In the case of Myanmar, the EU has systematized the nexus approach through the establishment of the “Nexus Response Mechanism” (i.e. combined financing instrument) that allows for tailor-made, flexible and rights-based activities. It is an innovative way of responding to the needs in conflict-affected areas, of obtaining more flexible funding, but also a way of involving all stakeholders in the design, decision-making and monitoring of programmes. The programmes target vulnerable and conflict-affected populations, including internally displaced persons, and are closely coordinated with EU funded humanitarian programmes. An additional successful element of the nexus cooperation in Myanmar is a shared understanding of needs and joint analysis as well as jointly agreed principles for engagement in conflict-affected areas. In Sudan, close cooperation at the technical level led to an agreement and subsequently to the implementation of nexus programmes focusing on building resilience in the health and nutrition sector for IDPs, refugees and host communities. In Iraq, the EU’s development strategy, which focuses on job creation, is particularly important in stimulating the return process and providing IDPs with the means to earn a living and rebuild their homes, while humanitarian aid focuses on maintaining assistance in the camps.

The nexus is also relevant in disaster displacement. The EU has long recognised the need to address the increasing risks that climate change and disasters pose to livelihoods, security, and displacement through all its policies and funding instruments. Both domestically and internationally, the EU promotes an integrated approach to climate change adaptation and disaster risk reduction to improve preparedness and response, and as means to avoid, minimise and address the negative impacts of climate change and disasters. The Platform on Disaster Displacement, which the EU supports, has proposed a number of options to strengthen these aspects. This includes, where relevant, clauses in development project agreements that allow for the flexible use of resources in situations of disasters (crisis modifiers). The EU has been also promoting a stronger integration of risk reduction elements in its funded programmes through the establishment of a resilience marker, which prompts partners to address risks and vulnerabilities in their interventions.

- *A key issue in this regard would be how to learn from and replicate/expand these emerging practices, in order to ensure a more systematised inclusion of all vulnerable groups, including internally displaced. The Panel could look into such emerging practices and conduct a mapping of the most successful ones (best-practice review)*

4. Focusing on solutions, your perspectives on what has led to many situations of internal displacement remaining stalled for many years and how effective solutions can be catalyzed, driven forward and supported.

The term 'solutions' is used in many different ways and should be further clarified. From an EU perspective, solutions are understood in line with the definition in the Guiding Principles on Internal Displacement and may include return, local integration and reintegration in another part of the country. Solutions need to be sustainable (not leading to another displacement cycle) and responses need to address all the underlying risks and vulnerabilities linked to displacement. IDPs should be able to enjoy the same rights without discrimination they had before the displacement.

Often, the full range of solutions are not explored completely, with a tendency to overemphasise return to the place of origin sometimes before the situation is suitable for a sustainable return. When it comes to returns, sustainability is strongly linked to the respect of the overarching principles that guide return of displaced populations in international law, namely the principles of voluntariness, dignity and safety.

Taking the principle of free movement of citizens within their own country, local integration or relocation to another part of the country should also be considered. This element of choice is particularly relevant with regard to situations of protracted displacement and movement to urban areas. IDPs might prefer to remain or return to urban areas because

- *their links to the area of origin have been severed;*
- *they might perceive that conditions to return guaranteeing their safety and security, in the areas of origin are not met;*
- *they might have better livelihoods opportunities and access to services in urban centers.*

For any durable solution be it return or local integration, the following aspects are important to achieve their sustainability/durability:

- *Participation: internally displaced persons, with particular attention to women and youth, are fully part of the decision-making around a solutions process;*
- *Protection, also to avoid supporting schemes that may amount to demographic engineering or unsustainable return schemes, family unification;*
- *Socio-economic aspects - adequate standards of living, access to income, employment and basic social services;*
- *Removal of administrative impediments such as lack of civil documentation or to portability of social benefits;*
- *Conflict resolution, reconciliation, and restoration of housing land and property, building back better principles;*
- *Issue of compensations for loss of assets and access to effective remedies and justice;*

Implementation of peace agreements, peacebuilding, reconciliation processes and participatory approaches however often suffer from insufficient support due to lack of political will and/or capacities. Without building trust, addressing the underlying grievances that have led to the conflict, and ensuring the inclusion and empowerment of affected populations, sustainability of durable solutions will continue to be elusive.

EU funded NGO-led durable solutions platforms, such as Regional Durable Solutions Secretariat (ReDSS) for the Horn of Africa and the Durable Solutions Platform for displaced Syrians, have over time developed into important capacity-building, information exchange, research and advocacy platforms generating knowledge on conditions for durable solutions for IDPs.

- *The Panel should look at the full range of durable solutions and provide practical recommendations on how to incentivise them along the lines above. The Panel could also look at the work of durable solutions platforms for possible recommendations.*

5. New or creative financing solutions which can be built up or better utilized in enabling more effective responses to displacement and the achievement of durable solutions.

Creative funding solutions include those that can effectively accompany and link short term humanitarian funding with longer-term development and prioritise sustaining and building peace. Based on the EU's experience, such tools can flexibly and efficiently respond to new and protracted displacement situations. Examples at EU level include the Instrument contributing to Stability and Peace, the EU Trust Fund (EUTF) for Africa, the EU Regional Trust Fund in Response to the Syrian crisis (EUTF Madad), as well as the Bêkou Trust Fund for the regional Central African Republic crisis. The EU also established Regional Development and Protection Programmes (RDPPs) that emphasise the need for improved knowledge around durable solutions and the importance of including and targeting host communities as integral part of implemented projects.

The EU has made use of blending mechanisms to promote investments in fragile and conflict-affected countries in order to promote creation of small and medium enterprise and support livelihoods. The European Investment Plan⁴ has an objective to leverage 44 billion of investments by 2020.

On issues linked to disaster displacement, shock responsive social protection schemes have been promoted by the EU and larger forecast-based financing schemes tested in the case of weather related disasters. Making financial resources available to vulnerable populations in advance of a disasters can help people cover their needs and not to revert to negative coping mechanisms - including movement from the place of origin.

- *The Panel should look into existing good practice and draw an overview of financing mechanisms at the disposal of governments and international actors. Transitional funding, mechanisms that efficiently blend grants and loans as well as forecast based financing mechanisms could be included in the overview.*

6. Critical issues or questions as you see them in respect to data and evidence in the response to internal displacement including gaps, shortcomings and challenges in approaches or implementation and how these can be addressed.

In displacement contexts, solid and collectively agreed data and analysis are key to inform decisions by governments, humanitarian and development actors and to respond effectively, especially in a global context of increased needs. Despite numerous initiatives around data gathering, including those supported by the EU (one of the most notable examples is the IOM's displacement tracking matrix (DTM)), the picture remains patchy and incomplete to reflect the true scale, nature and patterns of the phenomenon for following reasons:

- *Some data providers might have an interest in manipulating data (either inflating – to bring international attention and receive external funding; or deflating – downplaying the scale of a conflict or a disaster – to reduce government responsibility);*
- *Collection of data is primarily governments' responsibility but only a small number of countries do so;*
- *Whereas data might be more often available at the outset of the displacement (stock data), there is much less data throughout the displacement cycle (incl. on the socio-economic impact of displacement or on multiple displacements); very limited evidence persists on the scale and cross-border nature of (protracted) displacement linked to disasters;*
- *Definition issues, including around durable solutions also hamper comparability of data;*
- *Security and access may hamper data collection in humanitarian contexts;*

It is hence very important to improve the methodological approaches as well as the harmonisation and consolidation of displacement data.

The following initiatives –all supported by the EU – could be further looked into:

⁴ https://ec.europa.eu/commission/eu-external-investment-plan_en#questionsandanswers

- *At national level, it is notably important to strengthen national capacities in collecting and maintaining data. The work of the UN Statistical Commission and its recommendations on displacement data has been considered as a promising framework for more harmonised and comparable data.*
 - *IOM's displacement tracking matrix (DTM) has been increasingly used as a primary source of information on flows and short-term humanitarian needs. However, DTM is used differently in different countries and usually only provides information on displacement numbers without providing more analytical information (to use for needs assessments or understand longer-term trends). A potential idea to explore may be to bring the DTM at more inter-agency footing in order to allow for data inputs from several sources as well as for a collective discussion and agreement on overall displacement numbers.*
 - *JIPS (joint IDP profiling service) has been praised for work on IDP profiling and analytical work on IDP needs and socio-economic inclusion as well as capacity building of governments to sustain such work over time. JIPS work should be however brought more to scale.*
 - *The UNHCR – World Bank Joint Data Center (JDC) should include a focus on internal displacement situations, to generate socio-economic data to help governments devise longer-term, inclusive response strategies.*
- *The Panel should provide recommendations on strengthening existing initiatives linked to data collection, analysis and reporting.*

7. What steps could be taken to strengthen the effectiveness of response management, coordination and accountability at all levels in contexts of internal displacement?

National leadership and ownership remain key in response management and coordination. Supporting national leadership may include an analysis of the impact of the displaced population on the hosting population and available services, including an outline of opportunities that come with the situation, possibly attracting financial support for local development initiatives that could include host and IDP population. Some ideas on strengthening governments' leadership role are highlighted in section 2.

Within the UN system, the EU has strongly supported a coordinated approach to IDP responses through consecutive UN reforms. It has been felt that these reforms have not been implemented fully, for example on the issue on accountability to affected populations and ensuring meaningful IDP participation in response. Further review processes also stalled, such as the idea, announced back in 2017, of the Inter-agency standing Committee (IASC) review of IDP responsibilities. In addition, links to broader development constituency, going beyond the UN architecture, crucial for progress on durable solutions, have not been fully established. The Early Recovery Cluster that was in the past a primary fora for coordination on IDP returns has gradually been dismantled without an alternative more efficient mechanism suggested. Very little coordination also exists in case of mixed caseloads, including different categories on persons on the move, such as in Colombia or in the Horn of Africa/Yemen.

The 2015 review of the UN Peacebuilding architecture as well as UN development system reform has also emphasised the role of building and sustaining peace for enabling humanitarian assistance and longer-term development. Accordingly, the reformed Resident Coordinator system should enhance efforts to promote and facilitate nationally owned and inclusive analysis, dialogue, and planning for more durable solutions to internal displacement.

- *The Panel should conduct a strategic review of the current roles and responsibilities borne by respective UN actors and agencies and the rest of IASC members linked to IDP response, and*

provide recommendations for possible further reforms/refinements related to these.