

Peacebuilding Commission –Working Group on Lessons Learned

Durable Solutions For Internally Displaced Persons: An Essential Dimension Of Peacebuilding

Briefing Paper

By

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Introduction

Resolving internal displacement – and preventing future displacement – is inextricably linked to achieving lasting peace. On one hand, unresolved problems of displacement may cause instability and thus threaten peacebuilding efforts. On the other hand, durable solutions, particularly return, cannot be achieved for internally displaced persons as long as there is a lack of security; property is not restored; and conditions for sustainable solutions are not in place.¹

This submission draws on recent country missions undertaken by the Representative of the Secretary General on the Human Rights of Internally Displaced Persons (the Representative), as well as additional material, to identify key lessons learned and offer recommendations on how better to address internal displacement in peacebuilding.

The Displacement-Peace Nexus

Today, there are some 25 million internally displaced persons in over 50 countries worldwide who have been forced to leave their communities by conflicts.² The total number of IDPs far exceeds the world's ten million refugees.³ IDPs also often have particular vulnerabilities that distinguish them both from refugees and other war-affected civilians and that need specific attention in peace processes and peacebuilding.

The process of peacebuilding is multi-faceted, involving re-establishing security and law and order; reconstruction and economic rehabilitation; reconciliation and social rehabilitation; and political transition to creating more accountable governance structures and institutions. The ways in which

¹ Brookings-Bern Project on Internal Displacement, *Addressing Internal Displacement in Peace Processes, Peace Agreements and Peace-Building*. Washington, DC: Brookings-Bern Project on Internal Displacement, September 2007.

² Internal Displacement Monitoring Centre, *Internal Displacement: Global Overview of Trends and Developments in 2006*, Geneva: IDMC, April 2007

³ UNHCR, *Statistical Yearbook 2006*, Geneva: UNHCR

IDPs benefit from these processes may well affect the success of country-wide peacebuilding initiatives. For example, if the situation in communities of origin is not perceived as safe by displaced persons, they will not return. Or if they do return, they may move again if security is inadequate. Similarly, if reconstruction and economic rehabilitation are not sufficient to enable the displaced to resume economic livelihoods, return will not be sustainable. Experience has shown that IDPs who do return can play an important role in rebuilding their homes and communities and thus in contributing to the economic development of the country. Political transitions need to take into account the particular needs of IDPs, for example to enable them to vote on interim political arrangements and to participate in the political life of the country – even before they return to their communities of origin. Finally, issues of reconciliation are closely related to issues of justice and to demands for restitution or compensation for losses which have been experienced.

The way in which these issues are resolved will have a major impact on the sustainability of peace in the country. Helping displaced populations to return and reintegrate can simultaneously address the root causes of a conflict and help prevent further displacement. Specifically: the return of displaced populations can be an important signifier of peace and the end of conflict; return can play an important part in validating the post-conflict political order, for example by legitimizing elections; and returnees can help to rebuild and revitalize local economies. Furthermore, in many countries, whether willingly or unwillingly, some IDPs have become party to the conflict, and their inclusion is therefore necessary for conflict-resolution. On the other hand, returns that are not well prepared and managed may trigger new tensions with local communities or cause returnees to leave again and thus become a destabilizing factor.

Case Studies

Experience has shown that peace agreements alone are not sufficient to ensure the successful and durable return of IDPs and refugees to their homes and former places of habitual residence. Four critical additional elements are⁴:

- *Ensuring voluntariness of return*
Return should take place voluntarily based on an informed decision by the persons concerned without coercion of any kind. IDPs are usually citizens of their country and enjoy like all other citizens the rights to liberty of movement and to choose their residence, and thus are entitled to choose whether they want to return to the place of origin, integrate locally where they were displaced, or resettle in another part of the country. Experience shows that unless displacement has lasted for a very long period, the majority of IDPs opt to return in post-conflict situations.
- *Ensuring the safety of returnees*
Returnees must not suffer from attacks, harassment, intimidation and persecution or any other form of punitive action upon return to their home communities, or from the dangers of landmines and UXOs.
- *Returning property to the displaced and reconstruction of their houses*

⁴ Brookings-Bern Project on Internal Displacement – Georgetown University, *When Internal Displacement Ends – A Framework for Durable Solutions*, Washington, DC: Brookings-Bern Project on Internal Displacement, June 2007

At a minimum returnees must have access to mechanisms for property restitution or compensation.

- *Creating an environment that sustains return, including through appropriate funding mechanisms*
Returnees must have access without discrimination to basic public services, documentation and employment and income-generating opportunities.

The following short case studies, based on recent missions carried out by the Representative, illustrate these experiences.

Sudan

In Sudan, IDPs fled the conflict in Southern Sudan and numbered about four million while a further half a million people sought asylum abroad. Following the signing of the Comprehensive Peace Agreement in January 2005, it was widely expected that many if not most of them up would return to their communities in the South within a short period of time. In reality, return movements have been relatively slow and to date less than 1.2 million have returned, despite difficult living conditions at their present locations, in particular in and around Khartoum. The majority of those who have returned was displaced within Southern Sudan.⁵ There are also credible reports that some returnees have decided to go back to Khartoum because of the lack of infrastructure and access to services in their home areas.

In his report⁶ on a mission undertaken in October 2005, the Representative identified several obstacles to return which needed, and to a large extent still need, to be addressed.

Regarding *security*: the lack of disarmament; the failure to relocate militias integrated into the Southern Sudanese security forces (SPLM) from areas where they had been causing displacement; the presence of an estimated one million landmines; the absence of the rule of law in many areas; as well as inter- and intra-communal tensions over access to land, all contributed to IDPs' and returnees' concerns for their physical safety. Law enforcement was limited, and in various locations police were either not present at all, or unable to leave their offices in town centers because of a lack of transport. The judicial system was also largely dysfunctional.

Property and land issues were less of a problem, although there was no mechanism for the allocation of land to persons who could not return to their original lands. There were some reports about returnees encroaching on others' lands as well as the destructive potential of tribal differences over territorial boundaries and conflicting use of land by pastoralists and nomads. More tensions concerning land and property repossession and redistribution were anticipated in urban areas and suburbs where most returnees were expected to settle. There was and still is no uniform policy, comprehensive legislation or review mechanism which can be applied to property claims, meaning that local authorities will have to deal with these cases on an *ad hoc* basis which may render the process vulnerable to corruption and discrimination.

⁵ IDMC, Sudan: Outlook for IDPs remains bleak, 12 October 2007

⁶ Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Mission to the Sudan, E/CN.4/2006/71/Add.6, February 2006

Reconstruction in the sense of the creation of *adequate economic, social and political conditions* is a particularly significant challenge in an area as vast, devastated and underdeveloped as Southern Sudan. While living conditions in southern Sudan are in many respects extremely difficult for the population at large, IDPs and returnees face additional obstacles and accordingly have specific protection and assistance needs. Many returnees rely on the generosity of relatives for their food, while those not willing or able to return to their areas of origin find it extremely difficult to access food. Many returnees are trying to sustain themselves through agriculture, but rarely have adequate tools. Many of those who had been displaced for a long time to urban areas lack the knowledge and skills required to farm successfully. Another major factor deterring returnees from settling in rural areas has been limited or no access to education. The institutional capacity of authorities to absorb and integrate large numbers of returnees was and remains very limited as the war has left a virtual vacuum in state structures in the South. The slow pace in rebuilding Southern Sudan and its state structures results from a combination of lack of funds, absence of capacity at the local level and the sheer magnitude of the task.

Lessons learned

There are many lessons that can be drawn from the experience of Sudan, most notably the importance of ensuring adequate infrastructure, public services, and resources in communities of origin. Peace agreements alone are not enough to encourage internally displaced persons to return to their homes. The case of Sudan also illustrates both the fragility of peace agreements and the interconnections between displacement and political stability. The return of Southern Sudanese to their region is a key aspect of the peace agreement and central to the eventual referendum which will determine the future of the region. If IDPs cannot return in a timely fashion, there are questions about the sustainability of the peace agreement itself.

Côte d'Ivoire

In Côte d'Ivoire, an estimated 500,000 to one million people were displaced by the conflict that broke out in September 2002, some 98 percent of whom live with families, rather than in camps. The March 2007 Ouagadougou peace accord, which addressed the fate of internally displaced persons and envisaged the implementation of an aid program for the displaced, opened a window of opportunity for returns, which started to take place in the West and to the North of the country. This made it necessary to address several needs at the same time.

In Western Côte d'Ivoire it was necessary to address: outstanding security issues caused by the continuing presence of armed elements in certain areas; the task of reconciling returnees and receiving communities and of protecting returnees against discrimination; transitory humanitarian needs until the full resumption of agricultural activities; reconstruction of basic services and infrastructure; as well as the re-installation of state administration. The task is particularly complex because of the particular nature of displacement in this part of the country: Displaced communities took refuge in areas where their arrival caused the displacement of other communities which in turn caused the displacement of still other communities. This chain of displacement can only be reversed if returns take place in a chain too, with one village after another becoming available for return after IDPs settled there have been able to go back to their place of origin. The fact that in recent weeks returnees have left their homes again and sought refuge in former camps indicates that the entire return process may be in jeopardy.

In the North, the absence of jobs in urban areas, the restitution of property, the vulnerability of female headed households among the returnees, the absence of state administration and services, as well as insecurity caused by bandits, were the main challenges. At this crucial juncture, humanitarian organizations including UNHCR and IOM came close to terminating their activities for lack of funds: large humanitarian donors had declared that the humanitarian crisis in Côte d'Ivoire was over and development funds that were pledged had not yet been made available. At the present time, agencies report that in the West, returnees are starting to leave their villages and trying to come back to camps where they hope to receive assistance.⁷ Another partially unresolved problem is the issue of registration of displaced persons and returnees for the forthcoming elections and the participation of those who have not yet returned in these elections.

Lessons learned

The case of Côte d'Ivoire illustrates the importance of seeing the period immediately following the resolution of a conflict as a 'window of opportunity' to consolidate the peace. Too often, however, the international humanitarian community withdraws from post-conflict situations before conditions are right for development actors to provide assistance which is desperately needed to prevent renewed conflict. While Côte d'Ivoire is not a classic humanitarian emergency, assistance that goes beyond humanitarian support and includes elements of development is urgently needed to support the IDPs to find solutions that are durable and will allow the country as a whole to consolidate the peace. The case also illustrates the weaknesses in the present funding mechanisms that help to reinforce and perpetuate the gap between the humanitarian and recovery/development phases.

Bosnia and Herzegovina⁸

The signing of the Dayton Peace Agreement in December 1995 offered hopes of resolving internal displacement in Bosnia and Herzegovina for approximately one million people and for an additional 1.2 million refugees. Since 1995, more than 566,000 IDPs have returned to their places of origin as well as more than 441,000 refugees. During the four years following the war, hardly any minority returns took place although by May 2005 UNHCR had recorded some 450,000 minority returns – comprising about half of the total returnees.

When the Representative visited the country in 2005, the remaining IDPs suffered mainly from problems concerning their economic and social rights and constituted about 45 percent of the extremely poor in the Federation of Bosnia and Herzegovina and about 21 percent in the Republika Srpska. Several thousand people, in particular vulnerable groups such as female-headed households, elderly persons without family support and the disabled, still lived in irregular collective centers.

Security: As a result of the efforts of the international community and national authorities, general physical security can be considered one of the achievements of the return process. In some instances, however, tensions between local communities and returnees have led to isolated acts of violence, some of them ethnically motivated. Land mines in agricultural areas also posed a significant obstacle to the safety of returnees and to the sustainability of their return.

⁷ OCHA Abidjan, Press Release, 15 February 2008

⁸ Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Mission to Bosnia and Herzegovina, E/CN.4/2006/71/Add.4, December 2005

Property and land issues: Bosnia and Herzegovina was the first example of a successfully implemented mass restitution in the wake of a full-blown conflict.⁹ The Dayton Peace Agreement created strong preconditions for property restitution including both binding obligations on the domestic authorities to return the homes of the displaced and quasi-international bodies to assist with the task.¹⁰ Finally, the Office of the High Representative was instrumental in encouraging – and where necessary, enforcing – domestic implementation of the property laws allowing for restitution. In a lengthy and complicated process, some 93 percent of the 200,000 property claims lodged by pre-war owners had been confirmed and implemented by the end of 2003.¹¹ However some obstacles remained, including difficulties for minorities, in particular Roma, to assert their property rights and access permits or assistance in reconstruction. Resources for reconstruction became scarce when donors started directing their funds to other priorities.

Adequate economic, social and political conditions: The creation of an adequate economic and social environment remains the largest challenge to sustainable return and has led to a decrease in the overall rate of returns. There are many cases in which returnees have left again after a short while, or where families with children in particular have not returned. While living conditions in many return areas are difficult for the resident population too, many returnees faced and continue to face additional, specific difficulties, often caused by insufficient respect for their human rights, including discrimination regarding access to employment and education. Access of IDPs and returnees to healthcare and social security is adversely affected by the lack of harmonization between the relevant legislation and welfare systems of the two entities constituting Bosnia and Herzegovina: the Federation of Bosnia and Herzegovina and the Republika Srpska.

Lessons learned

In comparison with the two African cases examined here, the case of Bosnia and Herzegovina is characterized by sustained and impressive international assistance and monitoring of the implementation of domestic policies. For example, the largely successful efforts to return property or compensate owners for their losses enabled many IDPs to find durable solutions, and have been key to peace-building. Yet, there are still too many people, particularly vulnerable groups, who remain displaced. One of the lessons of Bosnia is that successful property restitution alone does not create the adequate environment for sustainable return. Discrimination with regard to access to basic public services, education and income-generating activities, prevents the displaced from returning or prompts returnees to leave their homes again. In order to have access to livelihoods, agricultural lands should be cleared from landmines before return takes place. In addition, there is a need for return policies to take into account the needs of vulnerable IDPs in order to ensure that all of those displaced by conflict are able to find durable solutions.

Before drawing some general conclusions, it is appropriate to comment on the displacement situation in the two countries on which the Peacebuilding Commission has focused during the past two years.

⁹ Williams Rhodri C., *The contemporary right to property restitution in the context of transitional justice*, New York: International Center for Transitional Justice Occasional Paper Series, May 2007

¹⁰ These bodies included a Commission for Real Property Claims of Refugees and Displaced Persons (CRPC) as well as a high court, the Human Rights Chamber, that ruled several landmark cases related to property restitution

¹¹ www.ohr.int/plip

Burundi

The conflict in Burundi led to an estimated 300,000 deaths and the displacement of almost 500,000 people.¹² A 2003 peace deal elaborated a critical power-sharing agreement between Tutsis and Hutus which carved the way for further negotiations. The official end to the civil war came in 2005, with successive local, parliamentary and presidential elections.¹³ The last remaining rebel group, the National Liberation Forces (FNL), signed a cease-fire agreement with the Government in September 2006, although its implementation has fallen behind schedule. Despite these political achievements, some IDPs remain reluctant to return to their home areas, mostly in the central and northern provinces.¹⁴

As of 2006, about 100,000 IDPs remained in settlements throughout the country.¹⁵ An additional unknown number of displaced people continue to live with host families in towns and villages. Of the latter group, many have integrated into their host societies and do not wish to return. Others, however, do want to return to their home areas but cite a continued fear of future violence, a lack of shelter, and the lack of economic opportunities – precisely the three conditions suggested in this briefing paper as central to sustainable return. Reports suggest that while the living conditions of some IDPs are better than that which they experienced prior to their displacement, some others are much worse off and are unable to regain autonomy or build adequate shelter. Land issues are also a serious impediment to return; in particular for widows (women cannot inherit land in Burundi). The increased value of land and the high prevalence of secondary occupancy are also preventing returns in some cases.¹⁶ At the same time more than 75 percent of IDPs are able to access their land on a daily basis because they were displaced over a short distance. A population census planned for August 2008 will provide fresh data on the number and situation of IDPs in the country.

Lessons Learned

Government initiatives to facilitate the return and resettlement of IDPs have been limited. The latest scheme, introduced by the Government in February 2006, has received little support from the donor community.¹⁷ Recent fighting between the Government and FNL forces has resulted in new short-term displacement, suggesting that IDP numbers may climb again if the security situation further deteriorates in areas of where the FNL is present.¹⁸

Sierra Leone

Sierra Leone's eleven year civil war resulted in 50,000 deaths and the displacement of half of the country's population of 4.5 million, several hundred thousand of whom became refugees in neighboring countries. The war officially ended in January 2002 bringing to a close a third phase of the conflict that lasted five years and was characterized by intermittent power struggles and peace efforts. The National Commission for Resettlement, Reconstruction and Rehabilitation (NCRRR) was established during this period to co-ordinate humanitarian assistance, resettlement, rehabilitation and reconstruction for IDPs, refugees and ex-combatants.

¹² BBC, '[Breakthrough' for Burundi peace](#)' 2005

¹³ IRIN, '[Peace Process Must be Concluded by End of Year – Mediator](#)', 2007

¹⁴ IDMC, '[Burundi: Long Term IDPs Still Wait for Durable Solutions Despite Improved Security](#),' 2007

¹⁵ IDMC, 2006

¹⁶ IDMC, '[Burundi: Long Term IDPs Still Wait for Durable Solutions Despite Improved Security](#),' 2007

¹⁷ *Ibid*

¹⁸ IRIN, '[Burundi: Thousands of Displaced Need Assistance](#),' 2008

A Resettlement Strategy was developed which provided the framework for humanitarian assistance and resettlement for the IDPs, in which an underlying principle was that resettlement would only be facilitated in areas that “allow for the return of displaced people in safety and dignity.” Set criteria for the determination of such safety were developed to guide the government and the international community in making informed decisions on the safety of districts on a case-by-case basis. The resettlement process was undertaken in five phases as various districts met the established criteria; and by December 2002 all but two of the country’s 149 chiefdoms were officially classified as safe for resettlement.¹⁹ In 2002 a Presidential election was conducted on the principle of proportional representation, as all the IDPs had not yet been completely resettled either because of reluctance to return to areas of origin, inadequate funds, incomplete disarmament, or cross-border excursions by fighters from Liberia. In May 2003, the last two chiefdoms in Kailahun were officially declared safe for resettlement. At the same time, the UN Mission in Sierra Leone’s (UNAMSIL) was extended to 2005, and the UN Missions in Liberia (UNMIL) was deployed.

With the exception of the Amputee and War Wounded Camps in Aberdeen and Grafton, all of Sierra Leone’s IDP camps were officially closed in early 2003 because of a lack of funds. All the IDPs - numbering some 20,000 - were temporarily relocated to settlements in Grafton and Waterloo (Western Area). As of 2004, a total of 430,000 registered IDPs had returned home from camps (230,000) or local settlements (200,000) with assistance from the Government and the international community, while the majority of the unregistered IDPs, mainly living with friends and relations and estimated to number about 1,500,000, returned home voluntarily without assistance. Over time, the assistance strategy for IDPs was changed from individual assistance to community-based support, so as to reduce dependency and overcrowding in urban areas and to empower communities to contribute to rebuilding their communities and restoring their livelihood systems.

For those IDPs who did return to their areas of origin, humanitarian concerns such as shelter, health care, water and sanitation, and education still required redress.²⁰ It is thus not surprising that a significant number of those displaced by conflict chose to remain in urban centers. Many collected the resettlement packages distributed by the government but remained, while others returned briefly to their home areas only to return again to urban centers. Two former IDP camps in Freetown were converted into temporary settlements to accommodate these individuals, dubbed as ‘homeless’ or ‘squatters’.²¹ Officially, there are no more IDPs in Sierra Leone,²² although in 2003, NGOs operating in the country reported that 10,000 to 20,000 ‘unofficial’ IDPs remained in urban areas.

Lessons Learned

One conclusion to draw from Sierra Leone is that even after peace and return, a proportion of former IDPs will remain vulnerable and continue to require assistance. Another is that there is a concern that such populations are not acknowledged by national governments. It must be understood that internal displacement caused by the war affected the entire country and not only specific segments of the country. A key challenge Sierra Leone faced was whether to focus on individual IDPs or to help rebuild communities so that those displaced could return and rebuild their lives. Sierra Leone elected

¹⁹ ‘Updated Profile Sierra Leone’ [The Global IDP Project](#), 2003

²⁰ ‘Updated Profile Sierra Leone’ [The Global IDP Project](#), 2003

²¹ ‘Sierra Leone’ [The Global IDP Project](#), 2004

²² ‘Updated Profile Sierra Leone’ [The Global IDP Project](#), 2003

to change its strategy from individual assistance to community-based. What is therefore needed in Sierra Leone today is continued assistance toward community resettlement and rehabilitation.

Conclusions

The following conclusions from the experience of these and other countries can be drawn:

1. Peace agreements alone are not sufficient to trigger and achieve durable solutions for internally displaced persons: While in some cases the cessation of hostilities or the conclusion of a peace agreement may lead to spontaneous returns of internally displaced persons; these often prove to be unsustainable; and in many other cases the displaced hesitate to return as long as problems relating to security, access to property, livelihoods, basic services and infrastructure remain.

2. In post-conflict situations, successful return of IDPs to their homes and former places of habitual residence require at least the following conditions :that their safety during and after returning is guaranteed, that their property is restored and their houses are reconstructed, and that an environment that sustains return is created by the government and the international community. In this regard, the following peacebuilding activities are particularly relevant for displaced persons and returnees:

Security

- Monitoring of a ceasefire or peace agreement
- Providing security through relocating combatants, disarmament, demobilization and reintegration
- Re-establishment of local state authority by strengthening capacities of good governance
- Judicial sector reform: re-establishing law enforcement and the rule of law.
- Security sector reform comprising national armed forces, security units and police
- Monitoring of the return of IDPs by international actors or national actors (e.g. National Human Rights Institutions)
- Furthering reconciliation between local communities and returnees
- Establishing family reunification mechanisms

Property Restitution

- Restitution mechanisms should be conceived in a way that supports parallel peacebuilding efforts that define procedures to settle disputes over land and property rights
- Both the formal laws defining property and tenure and informal or traditional practices and mechanisms should be taken into account in defining the types of homes, lands and property that should be subject to restitution or compensation
- Restitution processes must guard against discrimination, in particular against female-headed households or minority groups
- Restitution programs should be based on both fair and accessible procedures and clear rules that balance the rights of claimants against those of subsequent occupants

Creating a sustainable environment

- Undertaking post-conflict reconstruction, i.e. re-establishing basic infrastructure and services
- Restitution of documentation to returnees to allow them to access basic public services and education

- Ensuring access to livelihoods including through the distribution of seeds and tools, de-mining of agricultural land, micro-credit programs, non-discriminatory access of returnees to employment, etc.
- Ensuring the political transition to and the establishment of an effective and legitimate government in which the various sectors of society, including IDPs and returnees, can become stakeholders

3. *The quality of the process leading to durable solutions is another key element necessary for ensuring its sustainability:* The decision of internally displaced persons whether to return or opt for another solution must be voluntary, i.e. made in the absence of coercion, and based on full and accurate information; and they must be allowed to participate in decisions affecting their future in order to make them responsible actors in the recovery process.

4. *Many of the measures necessary to achieve durable solutions are part of any peacebuilding efforts, but they may be insufficient successfully to solve displacement situations unless they are tailored to the specific needs of returnees and communities receiving them.* Peacebuilding activities that fail to address the specific needs of IDPs may benefit non-displaced communities but preserve or even reinforce obstacles to sustainable return and reintegration. In this context, consulting returnees as well as receiving communities about specific displacement-related needs is essential.

5. *Activities addressing the need for safety, property restitution and reconstruction, as well as an environment sustaining return, should take place to the extent possible in parallel:* A phased approach focusing initially on security issues and with other activities relegated to a later phase risks creating a gap between the humanitarian phase and the reconstruction/development phase. Efforts should be made to integrate a development perspective at an early stage of return/recovery, although the situation still may be too volatile and not conducive for traditional development projects. Such efforts must be robust enough to overcome the traditional dichotomies of the humanitarian and the development logics (short-term versus long-term; transition versus sustainability as goals; communities as beneficiaries versus communities as actors, etc.)

6. *To be able to address early recovery needs as soon as windows of opportunity for returns open, funding must be made available quickly and in a flexible way even if humanitarian needs are no longer pressing and long-term development activities seem premature:* In this regard, the Peacebuilding Fund fills an important gap but it is insufficient to solve the current systemic problems of donor funding that is still too strongly structured around the humanitarian – development dichotomy.