FORCED MIGRATION
review

Twenty Years of the Guiding Principles on Internal Displacement

plus articles on:
Belize, Myanmar, the Global Summit of Refugees, local humanitarian knowledge, refugee peer researchers and child protection leadership

UNIVERSITY OF OXFORD

REFUGEE STUDIES CENTRE

ISSN 1460-9819

From the editors

In her Foreword to this issue of FMR, the Special Rapporteur on the human rights of internally displaced persons, Cecilia Jimenez-Damary, poses the question: *Where do we go from here?*

In the 20 years since they were launched, the Guiding Principles on Internal Displacement have been of assistance to many States responding to internal displacement, and have been incorporated into many national and regional policies and laws. However, the scale of internal displacement today remains vast, and the impact on those who are displaced is immense.

In this issue, authors acknowledge the applications and successes of the Guiding Principles while reflecting on their limitations, the challenges to their implementation, their relevance to contemporary incidences and different drivers of internal displacement, future challenges that might have to be faced, and the potential application of new understandings and new approaches.

We would like to thank Erin Mooney (UN Protection Capacity) and Kathrine Starup (Danish Refugee Council) for their assistance as advisors to the feature theme, and the following donors for their support of this issue: the Government of the Principality of Liechtenstein, ICRC, IDMC, IOM, Open Society Foundations, the Swiss Federal Department of Foreign Affairs, UNHCR (Division of International Protection, Global Protection Cluster and IDP Section) and UNOCHA.

See www.fmreview.org/GuidingPrinciples20 to access the magazine, its accompanying 'digest', our new Editors' briefing (with an overview of content and links to articles) and all individual articles. A podcast of each article is also available.

FMR 59 will be available in English, Arabic, Spanish and French. For printed copies, please email us at fmr@qeh.ox.ac.uk.

Forthcoming issues (see www.fmreview.org/forthcoming)
• FMR 60: Education (February 2019)
• FMR 61: Ethics and responsibilities (June 2019) This issue will also pay tribute to the late Barbara Harrell-Bond. See back cover for more details.

Follow us on Facebook or Twitter or sign up for email alerts at www.fmreview.org/request/alerts.

Marion Couldrey and Jenny Peebles
Editors, Forced Migration Review

Editors' briefing
We have recently launched a new FMR product. The Editors' briefing provides an overview of the content of the feature theme of this issue, with links to the relevant articles. It is available as an A4 PDF download at www.fmreview.org/GuidingPrinciples20

Front cover image: A young IDP walks through farmlands donated by Zannah Buka Mustapha to support more than 800 internally displaced families in Nigeria. Mr Mustapha founded the Future Prowess Islamic Foundation in 2007 in Maiduguri – the heart of the Boko Haram insurgency in Nigeria. His school caters for orphans and IDP children and is based on principles of peaceful coexistence and gender equity. What started as a single classroom for 36 children now hosts hundreds of students, with more than 2,000 others awaiting a place.

Mr Mustapha also mediates between the Nigerian state and Boko Haram, including in the negotiations which resulted in the release of 103 of the kidnapped Chibok girls. His school has also enrolled children and orphans of Boko Haram fighters.

Zannah Buka Mustapha was the 2017 Nansen Refugee Award winner. UNHCR/Rahima Gambo

Foreword: The 20th anniversary of the Guiding Principles – building solidarity, forging commitment

Cecilia Jimenez-Damary

2018 marks the 20th anniversary of the Guiding Principles on Internal Displacement. Much has been achieved over the past 20 years but with over 40 million people internally displaced as a result of conflict and violence, and no sign of numbers decreasing, we need to ask ourselves: Where do we go from here?

The experience of internal displacement is traumatic, life-changing and frequently life-threatening. Each person displaced has lost access not only to the home that offered shelter but also to security, dignity, cherished possessions, livelihoods, memories and a sense of belonging and community.

For children, the experience can be particularly traumatic and confusing, often leading to long-lasting psychosocial issues and difficulties that commonly go untreated. Deprived of education, stability and routine often for months or years, it is no exaggeration to speak of a lost generation of young people in some situations. Too often, displaced women and girls experience the further atrocity of sexual violence, exploitation or the threat of violence. And there is increasing evidence that sexual violence against displaced men and boys may be far more widespread than was previously understood.

For older people with strong ties to their homes and who often have weaker coping mechanisms than the young, the experience can be shocking and disorientating. For those with disabilities, the experience can bring immense problems, sometimes relating to their mobility or their ability to access basic assistance and services. For those who may face discrimination in daily life generally, such as ethnic and religious minorities, indigenous peoples or members of the lesbian, gay, bisexual, transgender and intersex communities, displacement can exacerbate the challenges and threats that they face and they may find themselves targeted, marginalised or excluded from assistance.

The Guiding Principles constitute the key international standard on internal displacement. They provide a definition of an internally displaced person (IDP) and set out IDPs' rights to be protected and assisted before and during displacement and in their search for durable solutions following displacement. They give national authorities the primary responsibility for protecting IDPs and clarify key principles relating to humanitarian assistance provided by international and non-governmental bodies.

Work is still needed on those elements of the Guiding Principles that have been somewhat neglected. For example, millions of people are affected each year by development-related displacement but their protection often falls short of agreed standards. Equally, in some settings there has been a reluctance to recognise situations characterised by scattered displacements of individuals or families rather than mass movements, when people are forced to flee as a result of generalised violence and human rights violations.

With the 20th anniversary we have launched the GP20 Plan of Action to galvanise and support multi-stakeholder action around the overarching goal of reducing internal displacement in line with the Guiding Principles. Articles in this special issue of Forced Migration Review introduce the Plan of Action and examine the varying elements involved in this commitment to more strategic, concrete and joined-up action, including: incorporating the Guiding Principles into national law and policy, improving the evidence base and statistical resources, raising awareness of human rights and the Guiding Principles and making them accessible to a wider audience, enhancing regional frameworks to support States affected by internal displacement, working towards collective outcomes through

the New Way of Working, and building solidarity across and between States.

It is imperative that internal displacement is understood, not only in terms of a particular challenge facing a few States afflicted by conflict, violence or disaster, or as an issue solely of the internal affairs of States, but as a regional and, ultimately, a global issue that has implications for many countries. The mandate of the Special Rapporteur on the human rights of internally displaced persons is to assist stakeholders in their responses to internal displacement and their implementation of the Guiding Principles. I urge States to make greater use of my mandate and the resources that are available to me. We stand ready to provide technical assistance and advisory services, including on law and policy and provide guidance, where pertinent.

Just as my predecessors wrote for Forced Migration Review when the Guiding Principles on Internal Displacement were introduced in 1998 and again on their 10th anniversary, I welcome this 20th anniversary issue and encourage you to make use of it and disseminate it. The 20th anniversary of the Guiding Principles offers a unique opportunity to reaffirm our solidarity with internally displaced persons by forging a stronger commitment to more robustly and effectively prevent internal displacement, enhance protection for IDPs and support durable solutions for them.

Cecilia Jimenez-Damary @cejjimenez
Special Rapporteur on the human rights of internally displaced persons
www.ohchr.org/en/issues/idpersons/pages/idpersonsindex.aspx

For more information, please contact Katrine Gertz Schlundt, Associate Expert supporting the Special Rapporteur *idp@ohchr.org.*

The **Guiding Principles on Internal Displacement** (E/CN.4/1998/53/Add.2) restate and compile human rights and humanitarian law relevant to internally displaced persons. They were presented to the United Nations Commission on Human Rights in 1998, and are currently available in 54 languages.

www.ohchr.org/en/issues/idpersons/pages/standards.aspx

The GP20 Plan of Action: a rallying call to stakeholders

Nadine Walicki, Elizabeth Eyster and Martina Caterina

A new Plan of Action seeks to build momentum and encourage more strategic action on advancing policy and practice in the area of internal displacement.

Since the Guiding Principles on Internal Displacement were presented to the UN Commission on Human Rights in 1998, there has been important progress on preventing, responding to and finding solutions to internal displacement. Internal displacement nevertheless remains a significant global issue and solutions remain elusive for the majority of internally displaced persons (IDPs). New momentum is required, as is more joined-up, strategic and multi-stakeholder action.

In 2018, the year of the 20th anniversary of the Guiding Principles and the year in which the negotiations on the Global Compact on Refugees and the Global Compact for Migration have been concluded, there is an important opportunity for increased discussion and action on internal displacement. To this end, a multi-stakeholder Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced People 2018–20 was launched in April 2018 and endorsed by the Inter-Agency Standing Committee Principals the following month.[1] The Plan of Action calls on stakeholders to step up efforts on four interrelated priorities: engaging IDPs in decision-making processes; promoting,

developing and implementing national laws and policies; enhancing the quality of data and analysis; and addressing protracted displacement while seeking durable solutions.

The vision of this important initiative on internal displacement is two-fold. The first of its aims is to improve the lives of IDPs through protection, assistance and durable solutions while preventing the conditions that cause new and secondary displacement. The second aim is for action on internal displacement to be more inclusive, coherent and strategic. Implementation of the Plan of Action will be largely but not exclusively carried out at the national level through operational partners and their field offices as well as through UN Resident Coordinators and Humanitarian Coordinators. A multi-stakeholder global Steering Group will also facilitate its implementation, with the UN Special Rapporteur on the human rights of IDPs acting as Special Advisor.

Unique aspects
The Plan of Action is unique in several ways. It goes beyond international organisations to include IDPs, host communities, local civil society and governments of countries affected by internal displacement – because they know the context, needs and challenges best, and because primary responsibility for IDPs' protection and assistance rests with national authorities. It goes beyond humanitarian UN agencies and NGOs to include development and peacebuilding stakeholders – because supporting national authorities on internal displacement also requires development and peacebuilding expertise. And it goes beyond conflict as a cause of internal displacement to include other causes such as climate change, natural disasters and development – because bridging the discussions on and work across different causes of displacement can help refine our thinking around internal displacement and reinforce shared advocacy and operations.[2]

The Plan of Action offers the opportunity to strengthen work on linking countries' policies on and approaches to internal displacement to their development planning and commitments to global policy agendas

and frameworks such as the 2030 Agenda for Sustainable Development, the Sendai Framework for Disaster Risk Reduction, the New Urban Agenda and the UN Framework Convention on Climate Change. It is also an opportunity to facilitate and strengthen the participation of IDPs in those policy and planning processes.

Niger: implementation in a crisis context
In April 2018 the Protection Cluster team in Niger presented the Plan of Action to the Humanitarian Country Team and also ran eight training sessions targeting a range of audiences, including government representatives, defence and security forces, cluster members and UN staff. The training workshops – in Niamey, Diffa and Tillaberi – aimed to increase the visibility of internal displacement in Niger, to disseminate the Guiding Principles to relevant stakeholders, to promote a common understanding of the Guiding Principles, and to promote the Guiding Principles' practical application for both the enhanced protection of IDPs and the prevention and resolution of displacement. To reach a larger audience, radio messages on the Guiding Principles and their importance in Niger are being disseminated through the NGO Search for Common Ground, and the messages on the Guiding Principles will be translated into local languages (in addition to Hausa, for which a translation of the Guiding Principles already exists[3]).

One of the recommendations arising from the training workshops was to adapt the GP20 Plan of Action to guide collective action in the varied local context of Niger – a context which includes protracted internal displacement in Diffa and emerging internal displacement in Tillaberi. This work, which started in June 2018, is being led by the Protection Cluster in collaboration with the UN Special Rapporteur and her team and the authorities. By August 2018, a local GP20 Plan of Action for Niger had been drafted based on regional workshops and was being reviewed prior to acceptance.

At the same time, the Government of Niger, through an Inter-Ministerial Committee created in December 2017, is in the process of developing a draft law on

internal displacement as required by the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (known as the Kampala Convention), which Niger ratified in 2012. The Committee comprises relevant ministries, parliamentary representatives, UNHCR (the UN Refugee Agency) and the UN Office for the Coordination of Humanitarian Affairs, and is reviewing existing legislation and carrying out national consultations with IDPs, host communities and other stakeholders.

Colombia: lessons to bring to GP20

For the past 50 years, Colombia has experienced significant internal displacement caused by conflict, violence and human rights violations. In August 2018, the Colombian government reported over 7.7 million IDPs in the country,[4] despite the peace agreement of 2016. Advancing prevention, protection and solutions for IDPs in line with the Plan of Action in this context will still require significant resources, time and commitment. Drawing on experience, Colombia has identified six important aspects in addressing internal displacement: registration of

IDPs, inter-sectoral coordination between government and NGOs at the local, state and national level, participation of IDPs in processes that affect them, ensuring that IDPs have access to the information they need, considering the needs of host communities, and cooperating with international actors and involving the private sector.[5] All these relate to the priorities set out in the Plan of Action, and a compilation of the lessons learned and best practices that emerge in Colombia relating to each of these areas could be beneficial for implementation of the Plan of Action in other settings.

One project implemented in Colombia that brings lessons for others working on the Plan of Action's priority concerning durable solutions for IDPs is the Transitional Solutions Initiative. Implemented in 17 communities in Colombia between 2012 and 2015, this project aimed to facilitate solutions for IDPs by improving the living conditions of communities with IDPs, strengthening community organisations and local public entities, and protecting victims of the conflict and their right to truth, justice and reparation. Each of the 17 communities drafted a work

An indigenous community in Chocó, Colombia, prepares for the inauguration of their community centre. La Puria community has suffered three displacements, as well as the impact of land mines, as a consequence of the presence of different armed groups.

plan that encompassed return, relocation and urban integration. The project increased visibility and empowerment of communities, municipal authorities and public and private institutions, improved security of tenure and social infrastructure, and facilitated recovery of traditions for indigenous communities.[6]

Call to action

The Plan of Action is a much-needed call to the wider community working on internal displacement to join forces and work more closely – largely but not exclusively at the national level – and more strategically in alignment with the Plan of Action's priorities. This includes identifying, sharing and building on progress and good practice in various contexts. The Plan of Action (which is supported by a Communications Action Plan) suggests a range of actions that stakeholders can take. Suggestions include:

- convening an inter-agency discussion on the GP20 Plan of Action and agreeing on joint initiatives and activities in support of the Plan of Action

- engaging in advocacy on the importance of the Guiding Principles

- facilitating and supporting IDP and host community participation in key processes for development and peacebuilding such as the 2030 Agenda on Sustainable Development

- promoting through outreach, seminars and technical support the development of national laws and policies that align with the Guiding Principles

- strengthening national capacity to collect, analyse and use data on internal displacement

- engaging in dialogue with national governments to ensure that they prioritise durable solutions to internal displacement in their national and regional development planning using the IASC Framework on Durable Solutions

- signing the GP20 campaign statement[7] to reach the goal of 2018 signatures by the end of 2018, which the UN Special Rapporteur on the human rights of IDPs will use in her advocacy on internal displacement.

Nadine Walicki *GP20@unhcr.org*
GP20 Coordinator

Elizabeth Eyster *eyster@unhcr.org*
Chief of IDP Section, UNHCR *www.unhcr.org*

Martina Caterina *caterina@unhcr.org*
Legal Adviser to the UN Special Rapporteur on the human rights of internally displaced persons *bit.ly/OHCHR-IDPs*

1. The Plan of Action, Terms of Reference for the Steering Group, Communications Action Plan and brochure are at www.globalprotectioncluster.org/news/2018/gp20-plan-of-action.

2. Cernea M M (2006) 'Development-induced and conflict-induced IDPs: bridging the research divide', *Forced Migration Review* special issue www.fmreview.org/brookings/cernea

3. The Guiding Principles are currently available in 49 languages: www.ohchr.org/en/issues/idpersons/pages/standards.aspx

4. http://internal-displacement.org/countries/colombia/

5. Government of Colombia, oral intervention at UN Human Rights Council, 38th Session, 26 June 2018.

6. Econometría (2016) *External Assessment of the UNHCR – UNDP Joint Program "Transitional Solutions Initiative - TSI": Final Report* bit.ly/Econometria-TSI-2016

7. https://crowd360.org/internal-displacement-campaign-mission-statement

Communicating your ideas and requesting support

All stakeholders are encouraged to share their planned activities with the GP20 Coordinator. You can do this at GP20@unhcr.org or at www.globalprotectioncluster.org/en/news-and-events/gp20-activities-and-initiatives. This will help with tracking GP20 activities and monitoring implementation of the Plan of Action.

Note: The GP20 Plan of Action aims also to tackle more difficult situations where government willingness to address internal displacement is lacking, protection challenges are significant or humanitarian access is limited. As these contexts may require a different approach and support, the Coordinator also welcomes ideas from those working in such settings on how we can best assist their efforts. Initiatives requiring financial or technical support can be shared in concept note format with the Coordinator who will seek to identify avenues for support.

GP20@unhcr.org

Laws and policies on internal displacement: global adoption and gaps

Ileana Nicolau and Anaïs Pagot

A new Global Database on IDP Laws and Policies reveals the areas – both geographical and topical – in which provision remains insufficient.

The launch of the Guiding Principles on Internal Displacement in 1998 was followed by the growing adoption of national instruments on internally displaced persons (IDPs), reflecting the recognition of internal displacement as a global phenomenon. Revised and updated by the UN Refugee Agency (UNHCR) for the Global Protection Cluster Task Team on Law and Policy, the Global Database on IDP Laws and Policies[1] captures information on countries which have IDP laws and policies or are in the process of developing such laws and policies.

The database to date contains 27 laws and 55 policies[2] developed between 1992 and 2018. Twelve laws and policies had been adopted in nine different countries[3] before 1998; these include one of the first laws on internal displacement, endorsed by Azerbaijan in 1992, and the first policy on internal displacement, adopted by Colombia in 1995. However, the catalytic effect of the Guiding Principles is evident in the vast majority of laws and policies – 70 of a total 82 – having been adopted since 1998.

Notwithstanding the global spread of IDP laws and policies, there still seems to be a lack of laws and policies where they are most needed. There are only two policies on internal displacement in the Middle East, one in Iraq (2008) and another in Yemen (2013), yet this is one of the regions most affected by new displacements caused by conflict and violence. The majority of new displacement caused by disasters in 2017 took place in Asia but while the region has 15 laws and policies on internal displacement, only seven of them make specific reference to disasters. Furthermore, despite the fact that Oceania is one of the areas most affected by disaster-induced displacement, only Vanuatu has adopted a specific policy on internal displacement.

Almost all the laws and policies recorded in the Global Database – 73 of the 80 analysed[4] – identify conflict and/or violence as a cause of internal displacement but only 30 address development-induced displacement. This includes two policies adopted by the Government of India in 2004 and 2007 that relate exclusively to this cause of displacement. Additionally, only one third of all laws and policies (29) recognise disasters, although this was the main driver of new displacement in 2017.

The limited number of national instruments addressing disasters is, however, mitigated by an increasing number of laws and policies that, although not exclusively addressing internal displacement, do include provisions on disaster-induced displacement. For example, China, which has the highest number of new displacements caused by natural disasters in the world (almost 4.5 million in 2017), adopted in 2001 the Disaster Prevention and Response Act,[5] which contains provisions related to the assistance and relocation of people from disaster-affected areas.

Gaps and implementation challenges

The phase most addressed by the laws and policies recorded in the Global Database is the post-displacement phase. Seventy-three of the 80 laws and policies analysed address post-displacement, including 25 that exclusively consider issues related to return, relocation and/or resettlement. This is illustrated, for example, by Sri Lanka's National Policy on Durable Solutions for Conflict-Affected Displacement, which envisions IDPs returning, relocating or locally integrating.

Moreover, while the vast majority (55) of the 80 laws and policies analysed have provisions on 'protection and assistance', only

one third (29) of all laws and policies analysed address the pre-displacement phase, making specific provisions to prevent and avoid forced displacement or to minimise the effects of unavoidable displacement. Colombia, for example, is one of the first countries to have addressed protection from displacement: an entire section of its first law on internal displacement (Law 387 of 1997) is devoted to the prevention of forced displacement.

States require political will, capacity and resources to adopt and implement their laws and policies relating to IDPs and to prevent or respond to internal displacement. Some policy-making processes have come almost to a standstill, such as in the Central African Republic and in the Democratic Republic of Congo; elsewhere, governments such as those of Fiji, Honduras, Mali and Niger are working through the process of developing a law or policy on internal displacement. This development of laws and policies on internal displacement is essential to guaranteeing IDPs' rights and reducing

displacement, although implementation is one of the biggest remaining challenges.[6]

Ileana Nicolau Ileana.Nicolau@EUI.eu
PhD candidate, European University Institute, Florence www.eui.eu

Anaïs Pagot pagot@unhcr.org
Associate Legal Officer, UNHCR www.unhcr.org

1. The previous version was developed by IDMC: www.internal-displacement.org/law-and-policy; the revised and updated version is hosted by the Global Protection Cluster: www.globalprotectioncluster.org.

2. For the purpose of the Database, a law is defined as "the system of rules issued by a government that regulates and prescribes the rights and obligations of the members of a community, formally recognised as binding and enforced by the relevant authority". A policy is defined as "a guideline that outlines the main goals of a government (or part of it) as well as the methods and the actions to achieve them". Laws and policies must be specifically on internal displacement to be included.

3. Respectively: Azerbaijan, Bosnia and Herzegovina, Colombia, Croatia, Georgia, Montenegro, Peru, the Russian Federation and Tajikistan.

4. Only 80 of the 82 laws and policies gathered in the Global Database were analysed. Additional analysis will soon be available.

5. This instrument is categorised under 'Other Relevant Instruments' in the Global Database.

6. See Orchard article in this issue.

Implementing the Guiding Principles at the domestic level

Phil Orchard

Examples from a number of States who have successfully implemented their own IDP laws and policies reveal several factors that can assist effective implementation.

As of mid-2017, 40 States which have experienced internal displacement had introduced some 69 domestic legislative instruments and policies (omitting minor policies and amendments).[1] Across these laws and policies there is clear acceptance that internally displaced persons (IDPs) require some form of international protection. However, only 30 laws and policies explicitly mention the Guiding Principles, and only 19 explicitly endorse the IDP definition that the Guiding Principles contain. Concerns have long been raised around how successful the introduction of

laws and policies on internal displacement has been at the domestic level, and the implementation picture remains mixed.[2]

Fewer than a third of laws and policies have been implemented without significant difficulties.[3] Thus, for example, while Yemen's 2013 national policy for addressing internal displacement references the Guiding Principles and includes clear protection goals, a lack of government capacity – in the face of the ongoing civil war – has meant the government can do little to implement it beyond facilitating the work of international humanitarian actors.

Eleven of the laws or policies have never been implemented at all, either remaining in draft form for years (like the Government of the Democratic Republic of Congo's draft IDP law of 2014, which is stalled at the review stage) or simply reflecting aspirational claims which a government was unable or unwilling to follow. In Nepal, for example, strong initial commitments by the government following the 2006 ceasefire led to the introduction of an IDP policy hailed as comprehensive by the international community. However, it has never been formally approved by the Nepalese Cabinet who, it has been suggested, "lacked political will" to take action on the issue.[4]

In other cases, previously robust policies are allowed to falter. Thus, while Burundi had established a series of measures to assist IDPs following the end of the civil war in 2000 (measures which have met with varying success), in the past three years the government has done nothing to respond to new IDP flows triggered by escalating violence and by gross human rights violations by the government.[5]

In some cases, there are failures in implementing aspects of a law or policy. The Government of Iraq's 2008 National Policy on Displacement outlines support for varied durable solutions for IDPs, including return, local integration, and resettlement, but there are reports of coercion and forcible returns.[6] In Ukraine, the IDP registration process remains problematic in spite of international concerns and requires IDPs to constantly confirm their actual place of residence.

Why does implementation fail?
There are three explanations for the failure of implementation. The first is where a government commits to the norms embodied within the Guiding Principles but is unable to move forward in the implementation process. This may be due to a lack of State capacity, whereby the government lacks the necessary financial, practical and symbolic resources, and may also occur due to domestic opposition from within and outside the government.

The second reason for implementation failure is where governments driven primarily by reputational concerns decide to make a strategic rhetorical commitment to the Guiding Principles but have no plan to follow through on implementation.

Finally, States may be responding to advocacy efforts from international and non-governmental organisations. This external institutional engagement may persuade governments to create policies or laws where they otherwise may not have taken action; without further pressure, however, there will be little follow-through implementation.

Unfortunately, the involvement of international actors in the drawing up of laws and policies does not appear to make a significant difference to their implementation. Actors including the UN Refugee Agency (UNHCR) and the Norwegian Refugee Council (NRC) have been involved in the drafting process of 33 of these laws and policies. Such efforts have a record of producing the strongest policies on paper, most closely reflecting the Guiding Principles, yet here, too, the implementation picture is less clear. Only 13 of the 33 laws and policies drafted with such assistance have been robustly implemented and an equal number have had significant implementation difficulties. Seven have not been implemented at all.

For example, Afghanistan's 2013 National Policy on Internally Displaced Persons was described as a landmark instrument which established a comprehensive framework of rights for IDPs.[7] In drafting the policy the government was assisted by a range of international actors including UNHCR, the UN Office for the Coordination of Humanitarian Affairs, NRC and the UN Migration Agency (IOM), yet its implementation has been very problematic for three reasons. Most critical is the ongoing Taliban insurgency. At the same time, however, the Ministry of Refugees and Repatriation, tasked with leading policy implementation, lacks resources, capacity and political clout. Finally, while many

IDPs have expressed interest in integrating locally, issues over land rights have meant that there is significant opposition at the provincial and local levels and little movement forward on action plans.

What factors lead to successful implementation?

Across those States that have successfully implemented their own IDP laws and policies, three factors are clear. First, and unsurprisingly, successful implementation is linked to **strong State capacity**. In Azerbaijan, an initially weak response shifted as the government recognised that IDPs were likely to remain displaced in the long term. Starting in 2001, the government worked actively to improve its legislative framework to ensure that IDPs were able to receive assistance and long-term housing, committing up to US$5.5 billion from the State Oil Fund. But such efforts do not necessarily require significant domestic resources. Liberia was able to build its capacity in close cooperation with international aid agencies in order to support an effective return effort. Sierra Leone similarly led an effective return strategy with the assistance of peacekeepers in the country.

Second, **accountability to other domestic institutions**, most notably the courts, is also critical. The Colombian Constitutional Court has gone so far as to rule that the Guiding Principles should "form part of the constitutional block".[8] This has given the court the power to criticise the government for failing to enforce existing legislation and for ineffective implementation of policy. Similarly, after initial failures to respond to its own internal displacement situation, the Georgian Constitutional Court has pushed the government to bring its laws in line with the Guiding Principles.[9]

Third, **accountability to the domestic population** can also drive the implementation process. In both Georgia and Sri Lanka, implementation efforts significantly improved after changes in government, one through revolution, the other through election. Accountability at the international level can also be a significant factor. In the case of Croatia, international actors including the European Union put pressure on the State to end discriminatory practices towards ethnic Serbian IDPs.

There is a role for international actors to support these processes and improve the rates of successful implementation of such instruments. Steps may include providing assistance to governments to ensure that they have the capacity to implement these instruments; this may involve identifying and supporting lead ministries and ensuring that government officials receive training on the new laws and policies. International actors should also identify and support training programmes for independent domestic institutions such as courts and national human rights institutions that can support law and policy implementation and serve as accountability checks on the process.

Phil Orchard orchardp@uow.edu.au
Associate Professor of International Relations, University of Wollongong *https://lha.uow.edu.au/hsi/contacts/UOW244088*

1. See article by Nicolau and Pagot in this issue.

2. This article draws on the author's forthcoming book *Protecting the Internally Displaced: Rhetoric and Reality* (Routledge) bit.ly/Orchard-Protecting-Internally-Displaced-2018

3. Findings are based on a desk study across the 40 States based on publicly available data from a range of organisations.

4. Wyckoff M and Sharma H (2009) *Trekking in Search of IDPs and Other Lessons from ICLA Nepal: Evaluation Report* Norwegian Refugee Council Evaluation Report 45–6 bit.ly/NRC-Nepal-IDPs-2009

5. United Nations Human Rights Council 'Report of the United Nations Independent Investigation on Burundi', 20 September 2016, A/HRC/33/37, 19 bit.ly/UNHRC-UNIIB-finalreport-2016

6. International Rescue Committee, Norwegian Refugee Council and Danish Refugee Council (2018) *The Long Road Home: Achieving Durable Solutions to Displacement in Iraq: Lessons from Returns in Anbar* bit.ly/IRC-NRC-DRC-Iraq-returns-Anbar-2018

7. IDMC (2014) *Hope on the Horizon! Media Guide to Afghanistan's National Policy on Internal Displacement* www.internal-displacement.org/publications/hope-on-the-horizon

8. IDMC 'Law and Policy Database: Colombia' www.internal-displacement.org/law-and-policy/country/CO

9. Public Defender of Georgia (2013) *Human Rights Situation of Internally Displaced Persons and Conflict Affected Individuals in Georgia* bit.ly/Georgia-human-rights-2013

Work in progress: the Guiding Principles in Georgia

Carolin Funke and Tamar Bolkvadze

The Guiding Principles enjoy a long history of support in Georgia. However, their successful implementation is still a work in progress.

Conflict-induced internally displaced persons (IDPs) have always enjoyed special protection under Georgian law. In 1996, two years prior to the launch of the Guiding Principles on Internal Displacement, Georgia enacted its own law on internal displacement. Intended to protect those who had been forced to flee from the two secessionist regions of Abkhazia and South Ossetia in the early 1990s, the law conferred a special legal status on IDPs, entitling them to receive benefits including a monthly allowance from the state.

Although the allowance has never been sufficient to cover basic needs, it is an important source of support, and also has a symbolic value, signalling that the IDPs' situation is of concern to the government.[1] However, apart from providing this small monthly allowance, the Georgian government lacked a strategy to assist and protect IDPs. Hence, for many years IDPs have been marginalised in Georgian society, continuing to live in the dilapidated public and private buildings where they initially found shelter after their flight.

The launch of the Guiding Principles in 1998 did not evoke an immediate paradigm change, yet it had a tangible impact. The government quickly accepted the Principles as the international normative framework on which national and local action should be based. In 2000, the government adapted its national law on internal displacement, removing several legal provisions that hindered IDPs from fully accessing their rights as Georgian citizens. A national policy framework on internal displacement that followed in 2007 (known as the State Strategy for IDPs) also echoed the government's firm commitment to the Guiding Principles, including – for the first time – recognition of the existence of a solution open to IDPs other than return. However, it was only the renewed

outbreak of armed violence in August 2008 and accompanying new wave of forced displacement that provided the political momentum and attracted the necessary funding to advance IDPs' local integration. Yet, instead of taking a broad needs-based approach, the government and its main donors predominantly focused on providing IDPs with durable housing solutions.[2]

In 2014, in addition to its continued focus on durable housing solutions, the government adopted a livelihood strategy, which promotes specific measures to foster IDPs' self-reliance. In the same year, a new law on IDPs also entered into force to align the legal framework with international standards. The new law protects IDPs from being evicted from premises of which they are are legally in possession, states that all IDPs should receive an equal allowance, introduces a simplified procedure for granting IDP status, recognises IDPs' right to restitution of property, and redefines the concept of family in order to respect the right to family unity.[3]

Despite these changes in law and policy, the general conviction still prevails among the authorities that providing IDPs with durable housing equals a durable solution. Meanwhile, continuous monitoring and profiling proves that even those IDPs whom the State has provided with durable housing are still vulnerable and often in need of financial and non-financial support. Problems still prevalent among IDPs include: isolation and exclusion from larger social networks; lack of livelihood opportunities and access to land near their settlements; poor health; and lack of or inadequate information about their rights and support opportunities.

In comparison with other vulnerable groups, IDPs depend more heavily on remittances or social benefits and continue to face barriers to accessing the same rights and entitlements as others.[4] In other

Originally a hospital until condemned as unfit, this building in Tbilisi, Georgia, was re-opened in 1993 to accommodate IDPs from Abkhazia.

words, the Guiding Principles have not yet been fully implemented in Georgia.

Impediments to implementation

There have been three main obstacles to full implementation. First, internal displacement is a highly political issue in Georgia, as it is intrinsically linked to the territorial integrity of the Georgian state. Although the government recognises that its control over the two secessionist regions of Abkhazia and South Ossetia has been lost for the time being, the right of the displaced to return to their homes – and the reconsolidation of government control in these areas that this would demonstrate – remains its most important political objective. The local integration of IDPs can therefore only serve as a temporary solution until their return becomes possible, especially because IDPs themselves prefer return over other durable solutions.[5] However, the focus on return – both by the government and by the displaced – has impeded a more rapid implementation of the Guiding Principles on Georgian-controlled territory.

Second, offering durable housing solutions to those who are displaced is a relatively straightforward task that can easily be measured; in contrast, a needs-based approach to IDP protection and assistance is harder to quantify and depends more strongly on comprehensive and accurate data on a wide range of aspects, such as livelihoods, education and health care. The Georgian government still lacks the institutional and financial capacity to meet these wider needs.

Third, and related to the second point, the government is eager to present quick and visible results. In attempting to achieve a rapid outcome, the government fails to involve IDPs in policy-making and implementation processes, in violation of the Guiding Principles.

From status-based to needs-based

Twenty years after the launch of the Guiding Principles, Georgia still has no national support scheme that fully reflects the individual needs of the IDPs. To change this, the government has proposed moving from a status-based to a needs-based approach in IDP assistance. This means that IDPs will no longer receive a fixed allowance but will instead receive support that is tailored to their individual needs. This has been welcomed by the international community in Georgia and by local civil society as a more efficient way to address remaining protection gaps. It also helps to bring the national approach in line with the Guiding Principles.

Details about the reform, however, remain unknown, and its implementation is likely to be postponed in light of a recent government reshuffle. To the surprise of many stakeholders, the new Georgian Prime Minister Mamuka Bakhtadze dismantled several ministries with the aim

of improving government efficiency. The Ministry for IDPs was officially abolished in July 2018 and its tasks allocated to other ministries, including the Ministry of Infrastructure and Development which is now implementing the IDP durable housing solution scheme, and the Ministry of Health and Social Affairs which became responsible for all other IDP-related issues. Many practicalities still need to be resolved, suggesting that reforms on IDP issues will be on hold until this reshuffle is completed.

The closure of the Ministry for IDPs may suggest that IDPs are no longer a priority for the government, and there may therefore be a further reduction of support. Consequently, the role of the international community and local civil society is ever more important in upholding the rights of the displaced and making sure that the government fulfils its responsibilities. Overall, the Guiding Principles have always enjoyed support in Georgia but ensuring their full and effective implementation will remain a work in progress for a long time to come.

Carolin Funke *carolin.funke@rub.de*
PhD Candidate, Institute for International Law of Peace and Armed Conflict, Ruhr-University Bochum *www.ifhv.de*

Tamar Bolkvadze *tamunabolkvadze@gmail.com*
Monitoring and Evaluation Coordinator and Gender Focal Point, Danish Refugee Council South Caucasus *https://drc.ngo/*

This article is written in a personal capacity and does not necessarily represent the views of the Danish Refugee Council.

1. Initially, the allowance provided depended on whether they lived in a collective centre (initially the equivalent of US$5.5, later $12) or in private accommodation ($7, later $15). Since 2014, all IDPs receive the same amount ($17), unless their gross income is above a certain level.

2. Defined in Georgian law as: "…providing accommodation, transferring living units into ownership, or providing adequate monetary or other type of assistance to IDP families".

3. Law of Georgia on Internally Displaced Persons – Persecuted from the Occupied Territories of Georgia, 1 March 2014 http://mra.gov.ge/res/docs/201406171444442634.pdf

4. World Bank (2016) *Georgia - Transitioning from Status to Needs Based Assistance for IDPs: A Poverty and Social Impact Analysis* bit.ly/WorldBank-Georgia-2016

5. See UNHCR (2015) *Intentions Survey on Durable Solutions: Voices of Internally Displaced Persons in Georgia*, p12. According to this survey, 73.4% of IDPs in Georgia would opt for return to their place of origin. www.refworld.org/pdfid/55e575924.pdf

The Kampala Convention and the right not to be arbitrarily displaced

Romola Adeola

The drafters of the Kampala Convention drew heavily on the Guiding Principles on Internal Displacement, while also taking account of the African context; this is particularly evident in its recognition of the right not to be arbitrarily displaced.

The African Union Convention for the Protection and Assistance of Internally Displaced Persons – the Kampala Convention, adopted in 2009 – owes its development in large part to the Guiding Principles on Internal Displacement. It reflects the international human rights and humanitarian law principles embodied in the Guiding Principles while also incorporating relevant aspects of norms from African regional human rights frameworks.

One way in which the Kampala Convention heavily mirrors the Guiding Principles is in its recognition of the right not to be arbitrarily displaced. This principle is at the crux of the protection of IDPs, elevating protection from internal displacement from an ethical consideration to a legal duty for which State accountability may be demanded. Four main aspects of this right are covered by the Guiding Principles and, by extension, the Kampala Convention.

First, any act of displacement must conform to international law. Drawing on the Guiding Principles, the Kampala Convention enumerates grounds on which displacement is not permitted in international law, such as for reasons of ethnic cleansing

or religious or racial segregation. It also rejects the use of displacement as a means of collective punishment, displacement "caused by generalized violence or violations of human rights" – for example, the 2007 post-election violence in Kenya which led to mass displacement – and displacement that amounts to genocide, war crimes or crimes against humanity.

While the Guiding Principles prohibit mutilation and gender-specific violence against IDPs (Principle 11), the Kampala Convention goes further, prohibiting harmful practices as a cause of displacement. Here it owes much to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (known as the African Women's Protocol),[1] an instrument that goes beyond other international treaties in its support for and promotion of reproductive rights. Alongside instances of girls fleeing the threat of female genital mutilation and early, child and forced marriage, in some parts of Africa girls flee their homes to avoid breast ironing – a practice that derives, in part, from the belief that promiscuity in young girls may be curbed through flattening of the breasts. The Kampala Convention's prohibition on harmful practices such as these as a cause of displacement clearly reflects the African context.

The Kampala Convention permits certain kinds of displacement on specific grounds, for instance in situations of armed conflict for military necessity or for the protection of civilian populations. This permissible ground inspired by the Guiding Principles derives from international humanitarian law, in particular Protocol II to the 1949 Geneva Conventions. In situations of natural disaster, displacement is permitted where required for the safety and health of affected populations. However, with respect to development-induced displacement, the Kampala Convention makes a significant departure. The initial draft of the Kampala Convention reflected the Guiding Principles' prohibition of this form of displacement "in cases of large-scale development projects, which are not justified by compelling and overriding

public interests" (Guiding Principle 6(c)) but this was subsequently modified in Article 10 of the Kampala Convention whereby States are required "as much as possible" to prevent displacement caused by projects. Only in the case of communities with special attachment to and dependency on land are States required to ensure that displacement does not occur except where "compelling and overriding public interests" exist (Kampala Convention 4(5)).

The second aspect of the right not to be arbitrarily displaced is that even if displacement in a certain instance is permissible under international law, it must still be carried out in accordance with due process of law – that is, fulfilling all minimum procedural guarantees. With respect to all forms of displacement, the Guiding Principles – echoing the Geneva Convention Relative to the Protection of Civilian Persons in Time of War[2] – set the minimum procedural requirement in Article 7 which requires that feasible alternatives must be explored to avoid displacement altogether and that proper accommodation should be provided to displaced populations. While there are no specific minimum standards under the Guiding Principles with respect to natural disasters and specifically climate change, these **are** included in the Kampala Convention. With climate change gaining recognition with the passing of time, this is one of the areas in which the Kampala Convention adds to the Guiding Principles in explicitly recognising climate change (although the Guiding Principles do broadly recognise 'disasters' which – though not explicitly defined – may of course be linked to the impacts of climate change).

The third aspect of the right not to be arbitrarily displaced is that displacement must not be carried out in a manner that violates human rights. As with the Guiding Principles, the Kampala Convention requires States to respect their human rights obligations pertaining to the way in which displacements are carried out, for instance, in situations of development projects.

Finally, the Kampala Convention requires States to introduce measures to address

the negative impacts of displacement on IDPs. As with Principle 3(2) of the Guiding Principles, Article 5(9) of the Kampala Convention incorporates this provision as a right of IDPs to seek and receive assistance. Primarily, the essence of this provision – and indeed of the bulk of both instruments – is to ensure IDPs' protection and assistance, as well as to safeguard IDPs from negative consequences of displacement that may not have been foreseeable prior to and during the period of internal displacement.

The emergence of the Kampala Convention as the regional norm on internal displacement heavily reflects the significance of the Guiding Principles as an initial, authoritative statement of international principles on the protection and assistance of IDPs. While adapted in some ways in order to better reflect the African context, the Kampala Convention is the clearest expression to date of the contribution of the Guiding Principles to successive binding norms on internal displacement.

Romola Adeola *romola.adeola@up.ac.za*
Visiting Scholar, Osgoode Hall School of Law, York University, Canada; Postdoctoral Fellow, Centre for Human Rights, University of Pretoria
www.up.ac.za/centre-for-human-rights

1. www.achpr.org/instruments/women-protocol/
2. www.refworld.org/docid/3ae6b36d2.html

Language and the Guiding Principles

Ellie Kemp

There needs to be more attention paid to the languages and communication needs of those at risk of, experiencing and recovering from internal displacement. A case-study from Nigeria brings the issues to life and challenges the international community to do better.

The role of language in upholding the rights of internally displaced people (IDPs) is very often overlooked, yet attention to language and communication is central to the Guiding Principles on Internal Displacement.[1] The Guiding Principles explicitly mention IDPs' right to communicate in a language they understand as a component of non-discrimination (Principle 22). They also recognise the right to an education that respects the cultural identity, language and religion of the people concerned (23).

IDPs' right to receive information in a language they understand is implied in several other principles. People should be fully informed on the reasons and procedures for their displacement and give their free and informed consent to displacement not triggered by an emergency (7b and c). And the rights to request and receive protection and humanitarian assistance (3), to return or resettle voluntarily and to participate in planning those processes (28) also cannot be met without considering language needs.

Some individuals face particular language challenges. For example, certain groups may have had fewer opportunities to learn to read, access digital technology or master a second or third language. For them, the language, format (written, graphic or audio) and channel of communication (word of mouth, paper or digital) are critical. Addressing their requirements is essential for the participation of women in planning and managing relocation measures (7d), aid delivery (18) and meeting the special needs of children, certain groups of women, and elderly and disabled people (4).

The humanitarian response to the needs of IDPs in north-east Nigeria provides a case-study on how great a barrier language can be without proper provision, and what practical steps the humanitarian community can take to overcome that barrier.[2]

Language diversity challenges in Nigeria

Imagine you are managing a programme of support to IDPs in north-east Nigeria. There are more than 500 mother tongues in the country, including 28 in Borno State alone. Most national staff are native Hausa speakers; some speak Kanuri, the dominant language

of Borno and the surrounding area. Senior managers report that interviews with IDPs often entail a four-stage translation between English, Hausa, Kanuri and another local language and that they are not confident of having an accurate analysis of needs and priorities. Focus group discussions are held in Hausa and Kanuri because those are the languages your team members speak. Some IDPs cannot participate because they do not speak those languages, and staff have no way of knowing how many IDPs cannot communicate in those dominant languages.

You worry that potentially life-saving information on issues like disease prevention and eligibility for assistance is not getting through to all those who need it. Even getting information out in Hausa and Kanuri is problematic. You ask Hausa and Kanuri speakers on your team to translate key messages, and others to translate them back into English so you can check for accuracy – but that is slow. Your team trains some IDPs as community mobilisers to facilitate two-way communication in other local languages. But you have no way of checking how good their understanding of the Kanuri translation is, how accurately they render it in their own language, or whether the community mobilisers are meeting the language needs of all IDPs in each location.

You ask yourself: How easily are displaced people able to claim their right to protection and assistance? Are the most vulnerable individuals able to communicate their needs or report discrimination or abuse? If the host community and the IDPs do not speak the same language, are we unintentionally fuelling tensions between them by communicating in one rather than the other?

It is an aid worker's nightmare. You don't have sufficient information about the languages people speak and understand. And even if you did, you would lack the resources to communicate in those languages. You fear that you might not be fully upholding the rights set out in the Guiding Principles, despite your best intentions.

From an IDP's perspective

The situation is frustrating for aid workers but it can be humiliating and terrifying for the IDPs themselves. Now imagine you're an internally displaced woman in one of the camps. Like many women in north-eastern Nigeria, you have no formal education and

Mental health outreach workers from IOM and translators from Translators without Borders conduct research in Maiduguri, Nigeria, on how well words like 'stress' and 'abuse' are understood in Kanuri and Hausa, and whether phrases like 'mental health' carry a stigma.

you can't read. You are a native speaker of Marghi, one of more than 30 languages and dialects spoken by IDPs across the area hardest hit by the conflict. This language is the mother tongue of 200,000 people but it is not used to communicate with people in the camp where you are living. You never had the chance to learn Hausa and although you understand some spoken Kanuri, you're not confident speaking it.

You haven't seen your husband or teenage sons since you fled your village, and you fear for their safety. You don't know how to access information about missing persons. You worry that your house and land will have been taken over by someone else in the years since you left. You know other IDPs have received advice from a non-governmental organisation (NGO) about documenting their property ownership but they had to rely on – and pay – an educated man from the host community to interpret for them with the NGO. Other IDPs from your village are saying they might go home, even if it's not safe. You don't have enough reliable information about the situation back home to decide whether you should join them.

Your youngest child has a bad bout of diarrhoea. The oral rehydration salts you were given to treat him came with instructions in Hausa; you had to ask one of the young men in the camp to tell you what it said. You earn money for food by re-selling cheap goods that you buy at the nearest market, using the few words of Kanuri you know. You are afraid your children still aren't getting enough to eat, and you'd like to ask if more help is available. But the aid workers don't speak Marghi and you can't read the posters they put up.

This is the real nightmare. You're doing what you can but you're unsure what help you're entitled to, and even if you knew, you can't access it directly. You've never heard of the Guiding Principles; in these circumstances, you certainly can't claim the rights they enshrine.

Language gaps
The Displacement Tracking Matrix (DTM) of the UN Migration Agency (IOM) indicates that 38% of IDPs in north-east Nigeria

are not receiving information in their mother tongue. Speakers of some minority languages are particularly affected. Just 8.3% of Marghi-speaking IDPs receive information in their own language, and lack of information is reported to be a serious problem for 53% of Marghi speakers.

In July 2017, Translators without Borders (TWB) partnered with NGOs Oxfam and Girl Effect to survey a sample of camp residents and host communities to better understand their language preferences.[3] We found that IDPs speak many more languages than the primary and secondary languages reported to DTM researchers, with our survey identifying at least 10 and sometimes more than 20 mother tongues at each of the five sites.

Four out of five respondents preferred to receive information in their own language, although many could not read in that language. Since almost all information is currently provided in Hausa or Kanuri, TWB tested understanding of humanitarian messages in those languages. We found that only 23% of residents could answer a simple comprehension question on a short written text in one or other of these languages. That figure increased to 37% when a simple drawing accompanied the text. For Hausa and Kanuri, only audio messaging was effective across all population groups, at least for simple items of information. 91% of uneducated women whose mother tongue was not Hausa or Kanuri were unable to understand the written text. Participation, informed consent and access to services seem a distant prospect in such a context.

The preferred and most effective method – in-person or audio communication – can be provided with support from trained interpreters or field staff recruited and trained from among the displaced population. Because relaying audio information leaves no permanent record for the listener, it is best used in combination with simple text and graphics. For mass communication, radio is the obvious option – but unfortunately DTM data indicates fewer than 40% of households having access to radios.

Solution: data, capacity and technology

Data is key to overcoming communication challenges. Organisations supporting IDPs need to know what languages they speak in order to communicate effectively with them. At present that information is largely unavailable at the level of detail needed for planning; it is either not collected at that level or not shared.

Thanks to the data collection capacity of the humanitarian sector, that problem is relatively easy to solve. IOM's DTM has been collecting site-level language data in Nigeria since mid-2017, providing a broad-brush indication for planning purposes.[4] Comprehension testing of the kind carried out by TWB in 2017 can fill in a lot of the detail and dig deeper into specific vulnerabilities. If humanitarian organisations were to add standard questions on language to household needs assessment surveys, this would quickly furnish basic data for communicating with IDPs right across the north-east.

With that information, organisations can work out which language skills they need to recruit for and which languages and formats they need to provide information in. Community feedback mechanisms can be tailored to the languages and communication preferences of the most vulnerable and hard-to-reach IDPs, including non-literate women, older people and people with disabilities.

In a context with low education levels and high language diversity such as north-east Nigeria, support will be needed to build translation and interpreting capacity in languages for which there are no professional translators. Many language professionals in the numerically and commercially stronger languages – Hausa and Kanuri – will need guidance on humanitarian response terminology, and on translating for an audience with low literacy skills and who are often second-language speakers. Humanitarian staff should learn how best to work with interpreters and how to write clear and simple content for the widest possible comprehension.[5] A library of resource materials can be built up in the right languages for the use of all service providers. Ultimately, that library can contribute to building the automated translation technology that will enable IDPs to have the conversations and access the information that they want directly. In time, they will be able to access instant translations and have their own words automatically translated into a language that a responder understands.

This type of data collection and sharing, capacity building and resource and technology development is already in progress for Nigeria, thanks to a partnership between TWB and IOM funded by the European Civil Protection and Humanitarian Aid Operations.[6]

Nigeria is exceptionally linguistically diverse but in other respects it is no exception. In cases of forced displacement, we know language is going to be an issue and responding organisations have a responsibility to find out what language and other communication barriers IDPs face. Where there are legitimate protection concerns about sharing information on language, such as the risk of some minority language speakers facing discrimination or violence if their mother tongue is made public, we must find ways to counter those risks. As we celebrate the 20th anniversary of the Guiding Principles, it is high time the humanitarian sector put the data, capacity, resources and technology in place to ensure that IDPs can claim their right to information they actually understand.

Ellie Kemp *ellie@translatorswithoutborders.org*
Head of Crisis Response, Translators without Borders *https://translatorswithoutborders.org*

1. The Guiding Principles are currently available in 54 languages: www.ohchr.org/en/issues/idpersons/pages/standards.aspx

2. Translators without Borders (2017) *Language barriers in the humanitarian response in north-eastern Nigeria* bit.ly/TWB-2017-barriers-NENigeria

3. Translators without Borders (2017) *Language profile of five IDP sites in Maiduguri, north-east Nigeria* bit.ly/TWB-2017-Maiduguri

4. bit.ly/TWB-northeastNigeria

5. See, for example, TWB *Field guide to humanitarian interpreting and cultural mediation* bit.ly/TWB-field-guide

6. Through this 2018–19 partnership, we hope to expand language support across the humanitarian response in north-east Nigeria in collaboration with interested partners. Please contact the author for more information.

Improving IDP data to help implement the Guiding Principles

Natalia Krynsky Baal, Laura Kivelä and Melissa Weihmayer

Reliable, comprehensive data are vital for effective programming and practice. Data quality can be improved in many ways to better reflect the Guiding Principles and provide evidence to support their implementation.

Given the increasing levels of internal displacement globally and the growing interest in 'data-driven' policy and programming, it is especially relevant in this 20th anniversary year to ask whether the Guiding Principles on Internal Displacement are reflected in such efforts. The experiences of Joint IDP Profiling Service (JIPS) staff reveal that a significant gap exists between the data currently available and key tenets of the Guiding Principles. Analysing these gaps yields recommendations for improving the evidence base on internal displacement, thereby helping to inform more effective implementation of the Guiding Principles.

Contextualising the IDP definition

The definition of internally displaced persons (IDPs), as presented in the Guiding Principles, is broad and encompasses both natural and man-made causes of displacement; however, there is no systematic, comprehensive and authoritative data system that reflects this. Methodologies currently in use employ a significantly narrowed definition as a result of operational and political realities, and may require a series of technical decisions in order to produce contextualised, useful, fit-for-purpose data.[1]

Operational challenges can limit the scope of data collection to the detriment of data quality. Limited access to certain geographic areas affects data coverage, for instance where security risks impede entry to informal settlements. Political considerations also come into play where definitions of internal displacement deviate from that of the Guiding Principles. For example, the definition used in Côte d'Ivoire's 2014 census was limited to displacement caused by recent armed conflicts and hence excluded people displaced at other times or for other reasons.

Even when the operational and political limitations are adequately mitigated, technical decisions related to methodological design may further narrow the definition by setting parameters for data collection, for example selecting a specific timeframe or focusing on certain causes of displacement or geographic areas. These may well be sound decisions for better linking of data collection to specific uses, but they may still limit the ability to capture the complete picture of displacement, potentially omitting some vulnerable groups.

In addition to challenges associated with identifying IDPs, no standard practice for establishing the end of displacement through data exists, despite broad acceptance of the conceptual definition contained in the Inter-Agency Standing Committee (IASC) Framework for Durable Solutions for IDPs.[2] The decision by some actors to stop monitoring certain caseloads is often based on overly simplified and often politically-influenced criteria (such as physical return) for determining that a durable solution has been achieved, even if displacement-related challenges persist; the use of such criteria is out of step with the Guiding Principles. On the other hand, IDPs may also remain in the data indefinitely because there are no clear criteria for assessing solutions, an issue that creates challenges but is welcomed by some actors as it avoids the danger of IDPs' premature and arbitrary removal from data systems.

Reflecting the principle of non-discrimination

Failing to understand the position of IDPs relative to the non-displaced communities they live among can limit

the understanding and application of the principle of non-discrimination contained in the Guiding Principles. This often results in assistance that prioritises IDPs while overlooking the needs of others, or that fails to reflect the specific challenges that IDPs still face. This can be avoided by adopting a comparative approach between population groups and employing qualitative methods that are specifically designed to discern evidence of discrimination.[3]

For example, urban profiling undertaken in Mogadishu revealed that all population groups living in unplanned, informal settlements experienced poverty; however, the IDP population faced specific challenges resulting in a comparatively lower standard of living and a higher likelihood of eviction. These results clarified the responses that required a specific focus on IDPs and the responses that needed to target the urban poor as a whole.

Informing durable solutions

The Guiding Principles emphasise IDPs' right to an informed and voluntary choice regarding their future settlement (whether returning to their place of habitual residence or settling in another location); they also outline national authorities' responsibility to provide an environment where IDPs can overcome displacement-related challenges. However, understanding how this can be supported requires disaggregated data on IDPs' preferences, skills, capacities and vulnerabilities, and needs to be combined with an overview of the broader social, economic, environmental and political context.

This contextualisation enables more informed and coherent action between humanitarian and development interventions. This is especially relevant in urban areas, where the vast majority of displaced persons reside and where there are a number of complex systems to navigate, including services, infrastructure and a mix of informal and formal governance structures.[4] To be sustainable, policy making and programming need to complement and support existing structures and enhance social cohesion. Where IDPs reside in camps in close proximity to urban areas, such as

in El Fasher, Sudan, supporting sustainable local integration requires consideration of urban planning needs, while supporting sustainable returns must be informed by the extent to which return areas offer physical safety, access to basic services, and peaceful coexistence with current residents.[5]

IDP participation in shaping solutions

The Guiding Principles require the guarantee of IDPs' full participation in the planning and management of solutions. This means that IDPs should be involved in shaping and implementing the data processes that produce evidence on their situations, and that they should have access to this evidence to inform their own decisions. In reality this rarely happens, and while there is discussion about data sharing between those agencies providing assistance, there is little emphasis on sharing data and/or findings with the subjects themselves. Moreover, the information needs that IDPs might identify for their own decision making is rarely prioritised over data required for assistance provision and other operational planning.

In Colombia, extensive data collected on the displaced population is used as the basis for the government's programmatic response. Although this analysis has resulted in relevant actions for many IDPs, consultations with communities have revealed that some population groups, such as indigenous communities, perceive their situation and priority needs differently from the majority of the IDP population. Work is underway to improve this approach and ensure that a more consultative analysis is applied.

More broadly, although work is taking place to strengthen the engagement of IDPs in data processes,[6] bolder efforts are needed to ensure the full and meaningful engagement of affected communities, including as important users of data.

Primary responsibility of national authorities

Although in many contexts national authorities are indeed involved in collecting data on internal displacement, only in a few cases are governments genuinely leading

these efforts. In even fewer cases are data systems linked to national statistical systems and therefore incorporated effectively into national planning and policy processes.

Colombia offers an example of where a government institution (its Unit for Victims' Assistance and Reparations) has been mandated and given the resources to lead on IDP data, thereby ensuring that the data informs national action. Somalia's federal authorities have also demonstrated leadership in developing their own data systems with support from international partners, aiming to integrate IDPs into national and urban planning processes as well as Sustainable Development Goal implementation and reporting.

In many contexts, the most readily available data on IDPs are produced by international partners who provide humanitarian assistance. While this is valuable where national authorities are unwilling or unable to take on this work effectively, the lack of government leadership or genuine participation in producing data can lead to a disconnect between data and decision making at the national level. This can be particularly damaging in protracted displacement crises where development interventions and planning are critical.

More investment in capacity-building strategies is crucial to address this gap. These strategies should ensure that relevant stakeholders – primarily governmental authorities and statistical agencies at the local, regional and national levels – can increasingly take on leadership roles to shape and implement data processes. To be effective, this requires investment in longer-term partnerships that prioritise trust building, exchange and dialogue as well as a clear institutional and political commitment to making it work.[7]

Through addressing issues relating to each of these aspects – context, non-discrimination, durable solutions, IDP participation and national authorities' responsibilities – we can create stronger connections between the normative frameworks and the data upon which our work should be based, helping to collectively improve evidence-informed implementation of the Guiding Principles.

Natalia Krynsky Baal *coordinator@jips.org*
Coordinator

Laura Kivelä *kivela@jips.org*
Deputy Coordinator

Melissa Weihmayer *weihmayer@jips.org*
Information Management Officer

Joint IDP Profiling Service *www.jips.org*

1. See also Chemaly W S, Baal N K and Jacobsen K (2016) *Forced Displacement Go Figure: Shaking the Box of IDP Profiling* bit.ly/Chemaly-Baal-Jacobsen-2016 and Baal N and Ronkainen L (2017) *Obtaining representative data on IDPs: challenges and recommendations* UNHCR Technical Series: 2017/1 www.unhcr.org/598088104.pdf.

2. See Beyani C, Baal N K and Caterina M (2016) 'Conceptual challenges and practical solutions in situations of internal displacement', *Forced Migration Review* issue 52 www.fmreview.org/solutions/beyani-baal-caterina

3. The JIPS Essential Toolkit offers a collection of easily accessible tools and methodology guides for conducting a profiling exercise from start to finish. https://jet.jips.org/

4. See also Global Alliance for Urban Crises' Charter bit.ly/UrbanCrisesCharter

5. A recent inter-agency process led by the Special Rapporteur on the Human Rights of IDPs has produced the Durable Solutions Indicator Library and Analysis Guide providing tools for analysing durable solutions based on the IASC Framework on Durable Solutions for IDPs. https://inform-durablesolutions-idp.org/

6. For example, the participation revolution led by the IASC Task Team on Accountability to Affected Populations.

7. See *Making Data Useful: How to improve the evidence-base for joint responses to forced displacement?*, JIPS Conference Report bit.ly/JIPS-conf-2017

Improving statistics on internal displacement

The **Expert Group on Refugee and IDP Statistics (EGRIS)** developed a Technical Report on the Statistics of IDPs that outlines definitional, methodological and operational considerations based on current practice on the production of official statistics on IDPs. Endorsed by the UN Statistical Commission in 2018, the group has been mandated for a second phase of work that will develop international recommendations on IDP statistics, addressing many of the challenges raised in this article, including a comprehensive **statistical framework for internal displacement**, as well as guidance for its practical implementation.
https://ec.europa.eu/eurostat/web/expert-group-on-refugee-statistics

The Sustainable Development Goals and IDPs

Greta Zeender

Having adopted the Sustainable Development Goals, States must be helped to make their promise to 'leave no one behind' a reality for IDPs.

In 2015, internally displaced persons (IDPs) were recognised in the 2030 Agenda for Sustainable Development, marking the first time an international framework has acknowledged the importance of including in a country's development plan those who have been internally displaced. Launched in 2000, the Millennium Development Goals (MDGs) had set tangible targets including to cut extreme poverty, reduce child mortality and promote universal primary education. The MDGs, however, neglected to take into account the needs of people affected by disasters and conflict, such as IDPs. By the time the Sustainable Development Goals (SDGs) were agreed in 2015 there was much greater awareness that millions of IDPs and refugees had generally been forgotten in development processes, and that this omission needed to be remedied.

Over the years a number of concrete initiatives (primarily for refugees) had attempted to implement development solutions for those forcibly displaced, including IDPs. In the 1980s, UNHCR, the UN Refugee Agency, worked to reintegrate refugees in the aftermath of conflicts in Africa and Central America. In the early 2000s, initiatives such as the Brookings process focused on bridging the gap between humanitarian and development efforts for refugees (and to a lesser extent IDPs) and finding durable solutions. Later, the Transitional Solutions Initiative, launched in 2012 by UNHCR and the United Nations Development Programme (UNDP), in collaboration with the World Bank, set up small-scale joint humanitarian–development programmes in several countries. These programmes focused on livelihoods and secure and affordable housing to foster the self-reliance of refugees and IDPs.

Other efforts were made to make systemic changes to the international community's approach to solutions. These include the 2010 Inter-Agency Standing Committee (IASC) Framework on Durable Solutions for Internally Displaced Persons,[1] which aims to clarify the concept of a durable solution and provides general guidance on how to achieve it, and the 2011 UN Secretary-General's Policy Committee Decision on Durable Solutions in the Aftermath of Conflict.[2] The latter called on UN Resident/Humanitarian Coordinators to take the lead in developing strategies, in consultation with national governments, for concrete actions that UN agencies, funds and programmes could undertake in the aftermath of conflict to reintegrate returning refugees and IDPs. Although piloted in a few countries it was not systematically implemented and national governments were not sufficiently included in the development and implementation of strategies. Nevertheless, these decisions taken at the highest level of the UN gave a strong signal that more had to be done to find solutions for those forcibly displaced, and in 2014 the UN Office for the Coordination of Humanitarian Affairs (OCHA), UNHCR, the UN Migration Agency (IOM) and the UN Special Rapporteur on the human rights of IDPs undertook joint advocacy to push for the inclusion of IDPs and refugees in the SDGs, which were then being negotiated in New York.

Among the discussions relevant to IDPs was whether or not to include a specific target to reduce the number of IDPs and refugees by a certain percentage by 2030 through the provision of durable solutions.[3] While many governments – including some of those from countries which had experienced internal displacement – agreed to include such a target, consensus could not be reached and IDPs and refugees were only included as part of the definition of vulnerable groups in the political declaration introducing the

UNHCR/H Caux

22-year-old woman from Maiduguri, Nigeria: "Insurgents attacked my neighbourhood. They were shooting everywhere, people were completely panicked. Both my father and mother were killed when they attempted to flee. My siblings and I managed to flee in different directions. I don't know where they are now. Aid agencies found a room with a host family for me but I just miss my own family."

goals. Negotiations were undertaken by development officials (overseen by ministries responsible for economic development) and did not generally include humanitarian or human rights experts – those most familiar with IDP and refugee issues.

Progress through the SDGs

While the SDGs do not include specific targets on refugees and IDPs they do acknowledge displaced people as a vulnerable group in need of particular attention. The SDGs also recognise the factors that risk jeopardising progress, including global health threats, more frequent and intense natural disasters, spiralling conflict, humanitarian crises and forced displacement itself.[4] Since their adoption there has been growing awareness of, and agreement on, the need for a comprehensive approach to displacement, one that goes beyond addressing immediate humanitarian needs, reduces vulnerabilities over time, and is anchored in a country's development plans. This is also the focus of an OCHA-commissioned study[5] which underscores that IDPs should be able to rebuild their lives in accordance with the fundamental standards of human rights and dignity, even while a conflict is not fully resolved or the impacts of disasters have

not ceased. The study's recommendations encourage humanitarian and development actors to conduct joint analyses of IDPs' needs, vulnerabilities and capacities and of the obstacles to durable solutions as early as possible in order to agree a strategy to achieve clear and quantifiable collective outcomes. The study also promotes cooperation with national governments, recommending that they integrate internal displacement into their national development and SDG implementation plans. In practice, several countries – including Afghanistan, Iraq, Nigeria and Ukraine – have included the needs of IDPs in their plans to reach the SDGs, even if specific targets for IDPs are not specified.

The UN is supporting governments to implement the SDGs through providing technical support and expert missions. In El Salvador and Ukraine, the UN has provided governments with specific advice on how to include IDPs in their roadmap to reach the SDGs. And, already, as part of the Durable Solutions Initiative, collective outcomes on displacement (strategic and measurable results which allow for multi-year collaborative interventions) have been developed by the Government of Somalia, with UN support. Efforts to

include IDPs as part of collective outcomes between humanitarian and development actors are also under way in Ukraine.

More can be done, however, to help governments include IDPs in their national development plans and SDG roadmaps, and to make sure that they can follow through on their commitments. First, governments should designate a high-level focal point to coordinate action among relevant ministries, national and international partners and IDPs, who could lead efforts to integrate IDPs in national development plans. Second, governments need to have an accurate estimate of where people have found refuge, of their needs over time, their priorities and plans for the future, and the situation in their areas of origin – all of which requires improvements in national statistical systems.[6] Third, UN efforts to support SDG roadmaps should pay special attention to internal displacement in countries with high numbers of IDPs, as has been done in El Salvador, Somalia and Ukraine. In Ukraine and El Salvador, multi-disciplinary UN teams with expertise on internal displacement have advised national governments: in El Salvador with a focus on ensuring an effective and comprehensive protection system for victims and witnesses, including for those displaced by violence; and in Ukraine with a focus on measures to better integrate IDPs

as part of a fiscally sustainable system of social protection services and benefits.[7]

Alongside these efforts, humanitarian and development actors should cooperate from the outset of the crisis to ensure coherent and mutually reinforcing support of national efforts, with the ultimate aim of ensuring long-term, sustainable solutions for IDPs.

Greta Zeender *zeender@un.org*
Adviser on Internal Displacement, Policy Branch, UN Office for the Coordination of Humanitarian Affairs *www.unocha.org*

1. IASC (2010) 'Framework on Durable Solutions for Internally Displaced Persons'
bit.ly/IASC-Framework-Durable-Solutions

2. UN Secretary-General Policy Committee (2011) 'Decision No.2011/20 – Durable Solutions: Follow up to the Secretary-General's 2009 report on peacebuilding'
bit.ly/UNSG-201120-Durable-Solutions-2011

3. This target was proposed in a 2014 open letter to Member States from UNHCR, OCHA, IOM, UNHCR and the Special Rapporteur on the human rights of IDPs.

4. https://sustainabledevelopment.un.org/

5. Kälin W and Chapuisat-Entwisle H (2017) *Breaking the Impasse: Reducing Protracted Internal Displacement as a Collective Outcome*
bit.ly/Kalin-Chapuisat-Entwhistle-2017

6. See EGRIS (2018) 'Technical Report on Statistics of Internally Displaced Persons: Current Practice and Recommendations for Improvement' bit.ly/EGRIS-technicalreport-IDPs-2018
A group of States, UN organisations and NGOs are already providing technical advice on this issue and the Durable Solutions Indicators Library is an important new tool:
https://inform-durablesolutions-idp.org/.

7. Advice was provided through the UN Development Group's MAPS (Mainstreaming, Acceleration and Policy Support) initiative – part of UN efforts to help countries adopting cross-thematic approaches to implement the SDGs.

Additional resources

FMR GP10 special issue
www.fmreview.org/GuidingPrinciples10

This special issue of FMR reflects discussions at an international conference on the Ten Years of the Guiding Principles on Internal Displacement – GP10 – held in Oslo in October 2008. It includes shortened versions of some of the conference presentations, plus a selection of other articles, most of which present case studies on the application of the Guiding Principles in different countries.

See www.fmreview.org/issues for other FMR issues focusing on internal displacement or use the FMR website's search function to search for individual articles/case-studies.

Brookings IDP archive now online

The archive of the Brookings Institution's project on internally displaced persons, which had been donated to Oxford University's Bodleian Libraries, is now available in Oxford's Weston Library and online at bit.ly/Brookings-IDP-archive (Cataloguing made possible by the support of the Refugee Studies Centre and the Swiss Federal Department of Foreign Affairs)

The importance of monitoring internal displacement

Christelle Cazabat

The 2030 Agenda for Sustainable Development acknowledges the link between internal displacement and development, and States should therefore be including internal displacement when monitoring progress towards their development goals. The reality is disappointing.

The 2030 Agenda for Sustainable Development recognises that forced displacement is one of the main threats to development. It states that internally displaced persons (IDPs) must be empowered and their needs taken into account by governments, and it commits all governments to ensuring safe, orderly and regular migration, respecting human rights and providing humane treatment to displaced persons.[1] Several of the Sustainable Development Goals (SDGs) included in the 2030 Agenda have targets and indicators that relate to internal displacement. Among these is a target to encourage the production of data disaggregated by migratory status, including internal displacement, and an indicator which refers to disaster-induced displacement.[2]

Nearly every SDG is relevant to internal displacement, and vice versa. Indeed, the 2030 Agenda's overarching principle of 'leaving no one behind' is clearly relevant to everyone affected by internal displacement. Depending on national context and government priorities, the issue can be included in goals on poverty reduction, health and well-being, human settlements, climate change and many more. Internal displacement affects, directly or indirectly, every socio-economic indicator, from security to education, and from work to the environment, and the level of advancement in each of these indicators can multiply or reduce the risk and the impacts of displacement.

Monitoring: overlooked and varying

Despite all this, internal displacement remains largely overlooked in national strategies. The 2030 Agenda includes provision for progress monitoring through Voluntary National Reviews, reports published by governments on their efforts to achieve the SDGs by 2030.[3] Between 2016 and 2018, 100 countries submitted Voluntary National Reviews. However, few of the countries most affected by internal displacement submitted a review, and only one in four mentioned internal displacement; just one in 10 includes even limited consideration of its consequences for development and how this could be addressed.

Those reviews that do mention internal displacement do so in relation to a variety of goals. Afghanistan's review highlights internal displacement as an impediment to economic growth and poverty reduction, linking it to SDG 1 (poverty reduction). Azerbaijan's review calls for data disaggregation by displacement status and shows that it monitors internal displacement under SDG 1 but also under SDG 5 (gender equality), and indicates that, in its efforts to reduce poverty, the government intends to focus on the most vulnerable, which include IDPs. El Salvador's review mentions disaster-induced displacement and its cost to the economy. Nigeria's recognises conflict-induced displacement as a major obstacle to the achievement of the SDGs and discusses it under SDG 16 (peace, justice and strong institutions), SDG 4 (quality education) and SDG 17 (partnerships for the goals). Cyprus, meanwhile, anchors internal displacement under SDG 11 (sustainable cities and communities), reflecting the fact that its urban areas have hosted many IDPs since the 1970s. Egypt mentions it under SDG 13 (climate action) and refers to the anticipated displacement of millions by sea-level rise, flooding and erosion. And Uganda has adopted a displacement-specific indicator under SDG 6 (clean water and sanitation).

Practical options for progress monitoring

This variety shows that possibilities exist for all countries affected by internal displacement to incorporate specific efforts in their national

development strategies and SDG monitoring frameworks. Where they have not, it may be due to the assumption that internal displacement is a humanitarian rather than development issue, or it may be due to an unwillingness to recognise the phenomenon or dedicate resources to solving it.

Another reason may be the complexity of the global SDG monitoring framework. The very large number of global SDG indicators (232) places a considerable burden on countries' statistical institutions. Most countries, including high-income ones, have reported their current inability to provide data on each of these indicators. This burden on national statistical offices may well push them to dedicate all their resources to SDG monitoring, thereby reducing their ability to collect data on anything else over the next 12 years. If internal displacement is not included in these processes, it may well become statistically invisible until 2030. However, with increased awareness of the need to collect such data and with some additional resources, it should be possible to ensure that the issue remains visible.

Most data on development comes from internationally standardised household surveys which make use of administrative registers to identify heads of household to be interviewed. This automatically excludes many IDPs, because they are not registered with the authorities of their host community, or they live with relatives or friends and are therefore not the head of household, or because they are often on the move. Some countries have attempted to address this issue by conducting specific surveys with 'invisible' groups such as pastoralists or slum dwellers, and a similar approach could serve to better represent IDPs. Another option would be to include an additional question in existing household surveys (such as UNICEF's Multiple Indicator Cluster Surveys) to identify the interviewee's displacement status. This would mean other information – including about income, education level and health status – could be analysed separately for people who have and have not been displaced, in order to see whether IDPs fare worse.

Collecting such information through a government-led survey may be difficult in countries where IDPs consider, with good reason or not, that the authorities will discriminate against them. This should be recognised as a potential cause of under-reporting and under-estimates. Another issue is in the common assumption made that the displacement status of a head of household reflects the status of the whole household. The Expert Group on Refugee and IDP Statistics recommends data be collected to avoid overestimates as the spouse and children of an IDP may not have been displaced themselves; it recommends instead using two categories – 'IDPs' and 'dependents of IDPs' – or to ask each member of the household separately.[4]

Monitoring internal displacement is essential for several reasons. One is to draw attention to the phenomenon by highlighting its scale and severity. Another is to inform development and humanitarian actors so that they can tailor their efforts and programmes more efficiently. Lastly, monitoring internal displacement should help ensure national governments' accountability by presenting them, their population and the international community with the results of their actions – or lack thereof. Failing to include internal displacement in SDG progress monitoring could be a major oversight and, as the 2030 Agenda warned, a significant impediment to development.

Christelle Cazabat *christelle.cazabat@idmc.ch*
Researcher, Internal Displacement Monitoring Centre *www.internal-displacement.org*

1. See article by Zeender in this issue.

2. United Nations (2018) 'Global indicator framework for the Sustainable Development Goals and targets of the 2030 Agenda for Sustainable Development'
bit.ly/SDGs-GlobalIndicatorFramework

3. The Voluntary National Reviews Database compiles information from participating countries. The reviews referenced in this article are all from 2017, with the exception of Egypt and Uganda which are from 2016. Reviews available at: https://sustainabledevelopment.un.org/vnrs/

4. *Technical Report on Statistics of Internally Displaced Persons: Current Practice and Recommendations for Improvement Prepared by the Expert Group on Refugee and Internally Displaced Persons Statistics,* UN Statistical Commission background document to the Forty-ninth session 6–9 March 2018
bit.ly/EGRIS-technicalreport-IDPs-2018

Strengthening implementation of the Guiding Principles by affected States

Angela Cotroneo

Engaging with States affected by internal displacement by facilitating peer-to-peer exchanges on shared challenges and through tapping into the potential for mobilisation by sub-regional and regional forums can prompt national action and strengthen implementation of the Guiding Principles.

The bedrock of the Guiding Principles on Internal Displacement is the notion of 'sovereignty as responsibility'.[1] Internal displacement – being by definition a phenomenon that occurs within a State's borders and that most often affects its nationals – must be dealt with first and foremost by the responsible authorities within the country concerned. States must introduce national legislation and policies and put in place concrete measures to comply with their obligations to protect and assist IDPs. Strengthening implementation of the Guiding Principles, through their incorporation into domestic law and full operationalisation, is key to ensuring an effective response.[2] However, because affected States often lack the capacity (human, technical and financial) to respond to internal displacement, humanitarian, development and other international and local actors frequently step in to contribute to the response.

The International Committee of the Red Cross (ICRC) seeks to support State authorities to meet their IDP-related obligations by engaging them in a bilateral dialogue: drawing attention to IDPs' specific needs and protection concerns, encouraging the authorities to fully assume their obligations, making concrete recommendations on how the authorities' response could be improved, and providing legal and technical guidance on the implementation of applicable legal frameworks, including the Guiding Principles. Such bilateral engagement can, however, prove challenging.

States may lack the political will to respond as they themselves may be at the root of the displacement problem, or may not identify it as a priority issue. Or they may be reluctant to recognise the existence of IDPs in the country as this might mean admitting their failure to protect their own citizens, or might undermine an official narrative that the situation in the country is peaceful, 'under control' or 'back to normal'. More generally, affected States tend to approach internal displacement from a standpoint of national sovereignty and non-interference in their domestic affairs – which may result in a degree of resistance to discussing the issue openly with international actors.

Learning from approaches to shared challenges

Sub-regional and regional engagement can help to reverse those negative dynamics and open up avenues for a more constructive dialogue with displacement-affected States at the country level. Facilitating peer-to-peer exchanges between affected States on the shared challenges they face, and tapping into the potential for mobilisation that sub-regional and regional forums may offer, can serve to prompt national action and ultimately strengthen the implementation of the Guiding Principles. Africa is so far the only region where the Guiding Principles have been translated into a legally binding regional instrument – the African Union (AU) Convention for the Protection and Assistance of Internally Displaced Persons in Africa (also known as the Kampala Convention)[3] – and thus offers a good example of this approach.

In 2016, as part of its continuing support to the Kampala Convention, the ICRC published a report that takes stock of States' progress and experiences in translating the obligations contained in the Convention into real improvements for IDPs.[4] The report

takes into account the practice of 25 African countries – these include not only States Parties to the Kampala Convention but also other States that have enacted normative, policy or concrete measures to respond to internal displacement which are based fully or in part on the Guiding Principles.

Using this report, the ICRC has been working with sub-regional forums, as well as the AU, to bring together States to discuss good practices, lessons learned and shared challenges in addressing the protection and assistance needs of IDPs. Such efforts have proved valuable in triggering positive interactions among groups of African States, challenging and inspiring them to go that extra step and ratify the Kampala Convention or to take concrete action at the domestic level to strengthen its implementation.

For example, in October 2016 the ICRC jointly organised with the Intergovernmental Authority on Development (IGAD) a seminar on the Kampala Convention, gathering together IGAD Member States, representatives of the AU and international organisations. After participating in this seminar, the Ministry of Humanitarian Affairs and Disaster Management of South Sudan asked the ICRC for support in raising awareness on the Kampala Convention with key members of their government. This led to the joint organisation of a one-day seminar in Juba in June 2017, which concluded with the adoption of a set of action points to move forward on ratification

and implementation of the Kampala Convention by South Sudan. It served to revitalise the interest of the South Sudanese authorities in acceding to the Convention and to alleviate some concerns about the implications of doing so. Discussions in the country are currently ongoing concerning the development of a legal framework on the protection and assistance of IDPs in line with the Convention's obligations.

The success of the first IGAD–ICRC seminar inspired the planning in 2017 not only of a follow-up seminar with IGAD Member States but also of other sub-regional events with the involvement of the Southern Africa Development Community (SADC) and the Economic Community of West African States (ECOWAS). These provided a platform for other States to explore together ways to put into practice the provisions of the Kampala Convention in their respective countries.

The role of regional dialogue

The existence in Africa of the Kampala Convention is, of course, of great advantage but constructive engagement with States at the sub-regional and regional levels can also be sought where no regional binding framework inspired by the Guiding Principles exists. What is needed is to identify common displacement patterns and cross-cutting IDP issues in the region around which concerned States can be encouraged to share their expertise and experiences and reflect

ICRC/Michael Rifle

Workshop (Juba, South Sudan) on the Kampala Convention organised by ICRC, including the Deputy Commissioner for Refugee Affairs, the Deputy Chairperson of the Relief and Rehabilitation Commission, the Chairperson of the Parliamentarian Committee on Human Rights and Humanitarian Affairs, the Minister of Humanitarian Affairs and Disaster Management, NGO CEPO South Sudan, UNHCR and ICRC. June 2017.

together on how the Guiding Principles can help address protection and assistance gaps.

This type of regional dialogue can contribute to building stronger national engagement on internal displacement, and ultimately to improving the conditions of IDPs and their host communities in the countries in question. It could also lead affected States to explore the possibility of developing a regional framework similar to the Kampala Convention. Regional bodies such as, for example, the Inter-American Commission on Human Rights of the Organization of American States or the Parliamentary Assembly of the Council of Europe could play a useful role in mobilising member States around the specific challenges associated with internal displacement in their respective regions and the urgency of advancing the implementation of the Guiding Principles for the benefit of IDPs.

Angela Cotroneo *acotroneo@icrc.org*
Global Adviser on Internal Displacement, International Committee of the Red Cross (ICRC) *www.icrc.org/en/war-and-law/protected-persons/internally-displaced-persons*

The views expressed in this article are those of the author and do not necessarily reflect those of the ICRC.

1. Kälin W (2008) *Guiding Principles on Internal Displacement: Annotations*, The American Society of International Law and the Brookings Institution, Studies in Transnational Legal Policy Number 38, Washington, pp18-19.
bit.ly/Kalin-GP-Annotations

2. On the legal foundations of the Guiding Principles and their value as a standard see, among others, Droege C (2008) 'Developments in the Legal Protection of IDPs', *Forced Migration Review* GP10 issue
www.fmreview.org/GuidingPrinciples10/droege
and ICRC Advisory Service 'Internally Displaced Persons and International Humanitarian Law' Factsheet
bit.ly/ICRC-FactSheet-IDPs-law

3. Adopted October 2009 bit.ly/KampalaConvention

4. ICRC (2016) *Translating the Kampala Convention into Practice: A Stocktaking Exercise* bit.ly/ICRC-Kampala-stocktaking

Domesticating the Guiding Principles in Afghanistan

Nassim Majidi and Dan Tyler

Over the past 20 years, many governments have developed legal and policy instruments to help incorporate the Guiding Principles into national legislation or policy frameworks. Achieving effective, meaningful implementation, however, is hard, as Afghanistan shows.

The 2013 National Policy on Internally Displaced Persons (IDPs) in Afghanistan was intended to help strengthen the national response to the growing number of IDPs across Afghanistan.[1] The objective was for the new policy to become the point of reference for international and national stakeholders in order to fully integrate displaced people into national priority programmes and internationally supported development plans, as well as to instil a sense of national responsibility and accountability among authorities.

The process of developing a national instrument started in February 2012 following international press coverage of the tragic deaths of IDP children in the informal IDP settlements in Kabul due to cold winter weather. This prompted President Hamid Karzai and the Afghan Cabinet of Ministers to task the Minister of Refugees and Repatriation (MoRR) with developing a comprehensive national policy on internal displacement. A two-day consultative workshop was held in Kabul in July 2012, attended by key government officials, policymakers, non-governmental organisations (NGOs), members of the IDP population, and the UN Special Rapporteur on the human rights of internally displaced persons.

Key to the policy process was to build a clearer understanding of the needs of IDPs. Evidence collected as part of a major country-wide study on IDP protection[2] showed that IDPs were faring worse than returning refugees or host communities; they were marginalised in their communities, lacked access to land and housing, lived in more precarious housing conditions, showed higher levels of food insecurity

and tended to have less access to services. Survey after survey reiterated that IDPs wanted local integration – but the authorities' response focused on return.

Failure of implementation

From the outset, the level of ownership of the policy was diminished somewhat by not having Afghan stakeholders leading the drafting process (the drafting was led by a protection specialist seconded to the UN Refugee Agency (UNHCR) and MoRR). After a series of country-wide consultative workshops, a policy was drafted within six months, adopted in November 2013 and launched in February 2014. Implementation was due to start in September 2014.

Recognising that solutions would be local as well as national, primary responsibility for drafting implementation plans was given to provincial governors, leaving the national-level MoRR in charge of pulling these provincial plans into one national implementation plan. The 'rollout' of the policy was intended to take place in 2015 in four pilot provinces: Nangarhar (east), Herat (west), Balkh (north) and Kabul (central).

Although workshops were held in Nangarhar and Kandahar in 2014, the rollout was mostly nominal. One of the key aspects of the Nangarhar workshop was the commitment of all stakeholders to the need for trainings on the content of the IDP policy, information to be shared with IDP communities on their rights, a greater engagement with civil society, and a monitoring of the policy implementation alongside a transparent process for funds disbursement. Only the first of these commitments – to provide training – was upheld (through initiatives by international NGOs such as Welthungerhilfe and the Norwegian Refugee Council).

It has since become clear that the design of the provincial plans never progressed further than the first two pilot provinces. Nangarhar (in 2014–15) and Herat (in 2016) were the first to develop provincial action plans (PAPs), and they were also two of the provincial governments more willing to consider local integration as part of their IDP response plans. The Herat PAP led to the creation of an inter-agency Durable Solutions Initiative with the purpose of facilitating durable solutions and the implementation of the PAPs. The situation in Nangarhar was complicated by the mass of returns from Pakistan from 2015 onwards, which led to a shift in operational focus to assisting returnees (many of whom would, in fact, themselves become secondarily displaced, or 'returnee-IDPs').

Legal and policy challenges

Afghanistan's IDP policy now runs the risk of being shelved. Much of the practice around IDP response is being taken in new directions – not necessarily aligned with the policy, though also not necessarily in contradiction of it. This includes the registration process and a new national framework.

While the IDP policy called for the establishment of a consolidated information management system, it did not provide for a nationwide system of IDP registration, instead delegating identification and verification of IDPs to the provincial directorates of refugees and repatriation (DoRRs). However, a new 'petition system' has been introduced as the main system for the registration of IDPs and provision of humanitarian assistance. Feedback from users has not been positive.[3] Firstly, it is restricted to government-controlled areas only. Secondly, DoRR offices require IDPs to visit in person to submit a petition, and do not accept beneficiary lists from organisations, thereby precluding access to those unable to travel to register. Thirdly, long-term IDPs and those displaced multiple times are excluded from applying, as applicants are only allowed to make one petition even if their needs persist or they move to a new province. Information is lacking, the cost of the process is prohibitive for many, and access by the most vulnerable groups is impeded.

In April 2018, the humanitarian community began taking welcome steps towards establishing standard operating procedures, under the leadership of the UN Office for the Coordination of Humanitarian Affairs (OCHA), to reduce humanitarian agencies' reliance on the

Kamarkala IDP settlement on the outskirts of Herat city, Afghanistan.

government-led IDP petition system. The role of the international community in establishing an alert system and a simplified coordination approach led by OCHA, however, calls into question the notion of national ownership. A recent workshop at the Afghan National Disaster Management Agency (ANDMA) was derailed due to discussions on the petition system, reflecting tensions within national institutions.

While the National Policy on IDPs called for responsibilities to be split between MoRR and ANDMA, Afghanistan's National Unity Government, which was formed in 2014, replaced these plans with a revised structure for dealing with displacement, and a new policy framework encompassing returnees and IDPs. After the political and constitutional tensions resulting from the establishment of the National Unity Government, however, the IDP policy was no longer considered a matter of national priority. The Displacement and Returnees Executive Committee (DiREC) is the inter-ministerial group responsible for implementing the framework. It has taken important steps to finalise and obtain approval on a new Land Decree (Presidential Decree 305), seen as a vital instrument for supporting reintegration of refugee and IDP returnees. However, Presidential Decree 305 will face obstacles to implementation similar

to those that faced the National IDP Policy. Operationalising the decree could become just as challenging as operationalising the National IDP Policy has proven to be.

Coordination and cooperation between the appropriate ministries, government agencies and provincial actors have been major challenges for the National Policy on IDPs. Numerous international actors, supported by donors, have worked to build awareness and understanding, with trainings and workshops conducted at different levels of government. Yet these efforts have not been accompanied and reinforced by political will. Weak institutions and lack of financial resources and technical capacity have meant that leaders were never found to uphold the responsibilities outlined in the policy.

Conclusions and recommendations

In many respects, the stakeholders involved in bringing Afghanistan's National Policy on IDPs to fruition followed the process exactly as it was intended – building national support, establishing a consultation process to help ensure government ownership, providing technical support to MoRR, sensitising other government agencies, and communicating the policy at sub-national levels. But ultimately no implementation has taken place and, for this reason, Afghanistan helps to illustrate where the challenges lie in giving meaningful

effect to IDP laws and policy. A few actions could perhaps have changed this outcome.

Firstly, the mandate of the Special Rapporteur on the human rights of internally displaced persons[4] should have been strengthened to provide more dedicated and nationally focused capacity support to IDP law and policy making. Beyond the initial policy drafting, there remains remarkably little dedicated international institutional support for countries who are seeking to integrate complex new policies into national and sub-national response plans or to legislate for certain rights and protections for IDPs. The office of the Special Rapporteur could play a vital role in overseeing this, particularly in looking at what implementation support is required on the ground and in monitoring progress against agreed benchmarks.

Secondly, more national support should have been generated from the outset by involving civil society organisations (CSOs). Beyond some representatives of IDP communities, Afghan civil society was neither adequately briefed on nor sufficiently involved in this process – meaning that the perception that the IDP policy was imposed by the international community was to a large extent unavoidable. Involving CSOs and local NGOs could also potentially have paid dividends in terms of overcoming obstacles to access. National civil society can also play an important role in monitoring and evaluating the implementation of national instruments on IDPs and in undertaking advocacy with relevant government counterparts.

Thirdly, longer-term funding commitments are needed if meaningful national capacity is to be built to a level where it can give effect to expressed commitments. Capacity building cannot be limited to one-off sensitisation workshops and/or trainings. There needs rather to be a specific programme of dedicated implementation support for the lead government ministry for internal displacement (in the case of Afghanistan, MoRR).

Looking to the future

In 2018, 20 years after the launch of the Guiding Principles and four years after the launch of Afghanistan's National Policy on IDPs, Afghanistan's IDPs still lack basic awareness of their rights and entitlements and the remedies available to them. Surveys indicate a yawning gap between the 70% who identify their right to food and water, and the 7% who identify their right to vote.[5] Some IDPs, including women, remain highly vulnerable and often lack access to specialist support. IDP families who do not receive aid are resorting to harmful coping strategies such as child labour and early marriage. At the same time, conflict and violence are displacing more and more Afghans, and a growing number of returning refugees are joining the ranks of the internally displaced. Durable solutions remain elusive for the vast majority of Afghanistan's IDPs, who are caught between political turmoil and growing insecurity.

It is crucial, therefore, that steps are taken to ensure that IDP protection and support, particularly in the area of law and policy making, remain high on the agenda both of the international community and of national government. Afghanistan's National Policy on IDPs can serve to provide important guidance to national authorities and other relevant parties involved in responding. It can also act as an important tool for safeguarding IDPs' rights, as set out in the Guiding Principles. For a process initiated, as is so often the case, by the international community, it needs to be implemented nationally if it is to succeed.

Nassim Majidi nassim.majidi@samuelhall.org
Founder and Director, Samuel Hall
http://samuelhall.org

Dan Tyler dan.tyler@nrc.no
Regional Head of Advocacy, Asia, Europe and Latin America Region (AELA), Norwegian Refugee Council www.nrc.no

1. Estimates vary but it is generally thought that at least 650,000 Afghans were displaced in 2016 alone due to conflict.

2. Samuel Hall/NRC/Internal Displacement Monitoring Centre (2012) *Challenges of IDP Protection: Research study on the protection of internally displaced persons in Afghanistan* bit.ly/IDP-protection-Afgh-2012

3. Samuel Hall/NRC/IDMC (2018) *Escaping war: Where to next?* bit.ly/EscapingWar-2018

4. bit.ly/OHCHR-IDPs

5. See endnote 3.

Protecting property: the Iraqi experience

Sila Sonmez, Shahaan Murray and Martin Clutterbuck

Protection of property rights on a fair and non-discriminatory basis within Iraq's multi-ethnic society is central to the end of displacement and the start of durable solutions.

In the year of the 20th anniversary of the Guiding Principles on Internal Displacement it is worth reflecting on the central role of property rights at every stage of the displacement cycle. Fair, transparent and objective property laws which guarantee security of tenure can play a role in preventing conflict; protection of the property rights of internally displaced persons (IDPs) during displacement can help facilitate the process of returns; and post-conflict property restitution can be instrumental in reconciliation and the resolution of long-term disputes which might give rise to future conflicts and displacement.

Principle 21 of the Guiding Principles notes that "property and possessions left behind by IDPs should be protected against destruction and arbitrary and illegal appropriation, occupation or use" while Principle 29 highlights the responsibility of government to assist returning IDPs "to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement". The Guiding Principles also provide that authorities should assist IDPs in obtaining appropriate compensation or another form of fair reparation when recovery of property and possessions is not possible.

The level of damage to property following recent conflict in Iraq is staggering. In assessments conducted by the UN Migration Agency (IOM) in 2016, up to 90% of respondents in Nineveh governorate, which includes Mosul and Sinjar, and 78% of respondents in Salah-al-Din governorate reported total destruction of their property.[1] In Norwegian Refugee Council (NRC) assessments from February 2018, 55% of respondents from Hawija sub-district, residing in camps near Kirkuk city, reported that their houses had been burned or destroyed. In Anbar governorate,

which includes the towns of Fallujah and Ramadi, 25% of respondents noted total destruction of their homes, with another 19% reporting heavy damage.[2] Destruction and damage to property are accompanied by a series of related consequences including secondary occupation of properties, loss of property records, forced evictions, looting and illegal property transactions.

A further exacerbating factor is the inadequate system of land tenure in Iraq. Research conducted by IOM in 2017 indicates differing levels of official property registration throughout the country with estimates of formal ownership as low as 10% in Nineveh governorate. As a result of the complex system of land rights, costs associated with land registration and the mass destruction of land registration documents resulting from the conflict, many Iraqis do not have documentary evidence of land ownership. Their ability to exercise their property rights under formal domestic law and in accordance with international standards remains limited in many cases, particularly where the actual or effective dispossession is supported or instigated by community leaders and authorities. Groups facing particular barriers to accessing rights include women and minority ethno-religious groups, plus IDPs alleged to have links to ISIS.

Global developments in HLP rights

Along with the increasing emphasis on durable solutions, there have been significant developments over the last 20 years in the international legal framework on housing, land and property (HLP) rights restitution and reparations. The restitution of HLP rights leads to three practical outcomes that help pave the way to sustainable durable solutions: it is a means of legal redress, it assists IDPs to return and it prevents new cycles of displacement.

The perceived need for an analysis of the practical implementation of the Guiding Principles gave birth to the Pinheiro Principles on Housing and Property Restitution for Refugees and Displaced Persons (2005) and to the IASC Framework on Durable Solutions for IDPs (2010).[3] While the Guiding Principles outline terms and rights, they do not address practical complexities. The Pinheiro Principles, on the other hand, provide practical guidance on the return of property to the pre-conflict owner, advocating monetary compensation when this is not possible. The IASC Framework analyses restitution from a durable solutions angle, acknowledging that restitution and durable solutions are intertwined, and that compensation should be extended to all displaced persons "who have lost ownership, tenancy rights or access entitlements to their HLP rights". It elaborates on the importance of HLP rights and, importantly, provides possible indicators of progress towards durable solutions. A restitution programme based on the Framework would support the achievement of durable solutions and develop a culture of rule of law while fostering economic and social recovery through the respect and protection of HLP rights.

Developing legal frameworks in Iraq

Within formal Iraqi law, the Civil Code of 1951 and Real Estate Registration Law of 1971 outline a sophisticated legal framework for the protection of property rights. The Iraq Property Claims Commission, later renamed the Commission for Resolution of Real Property Disputes, was established in 2004 with the fall of the Ba'athist regime. The early models of the Commission make explicit reference to commissions established in South Africa, Bosnia and Herzegovina, and Kosovo, thus demonstrating an increasing acceptance of property restitution models applying the Guiding Principles. In 2009, the Iraqi parliament passed Law No. 20 on Compensation for Victims of Military Operations, Military Mistakes and Terrorist Actions. The Law was a significant milestone in introducing a compensation scheme for persons who suffered injuries

and property violations in the course of military operations and terrorist incidents in Iraq. The scope of the law was expanded in 2015, following ISIS attacks, to include the new and complex categories of loss and damage. It also applies retroactively to incidents that occurred in or after 2003. While subcommittees in all governorates are tasked with receiving all types of restitution claims, the central committee in Baghdad is responsible for final decisions on property damages and all related appeals.

With the return of 3.9 million of the 5.8 million Iraqis displaced between 2014 and 2017, Iraq would appear to be a qualified success story. Significant efforts have been made by the Iraqi government to facilitate returns, such as the replacement of thousands of legal documents and the re-opening of government offices in places of displacement and return. Conversely, a significant number of returns from camps have been premature and forced, resulting in further displacement, return to camps or other protection concerns.[4] Whether or not the majority of the returns can be considered sustainable or durable will depend on many factors, including the restoration of property rights.

However, mechanisms for the recovery of housing, land and property and for obtaining compensation for losses are neither effective nor timely. The procedures take many years, the committees do not operate full-time and there is a major backlog of cases. Iraqi government authorities have been overwhelmed by compensation claims, and claimants lack confidence in the government's capacity to pay claims in the foreseeable future. Historical and new grievances and reliance on customary justice mechanisms create significant barriers to accessing restitution and compensation. Respect for HLP rights remains weak in Iraq with little action by the government to implement domestic protections or international standards. This poses a risk to durable solutions in Iraq, threatening to contribute to an ongoing cycle of violence and displacement.

The effective application of the Guiding Principles, Pinheiro Principles and the IASC

Framework in Iraq depends on recognition of the pluralist nature of Iraqi society, the diversity of HLP rights and the lessons of Iraqi history. Inclusion of all branches of the legal system (customary, religious and formal) and women and ethno-religious minority groups, and the ongoing, impartial support of government authorities at all levels, are central to building an inclusive, equitable and respected system of property restitution in Iraq and to its successful implementation.

Sila Sonmez *sila.sonmez@nrc.no*
Project Manager Information, Counselling and Legal Assistance (ICLA) Programme, Kirkuk, NRC Iraq

Shahaan Murray *shahaan.murray@nrc.no*
Specialist, ICLA Programme, NRC Iraq

Martin Clutterbuck *martin.clutterbuck@nrc.no*
Middle East Regional Advisor, ICLA Programme, NRC

Norwegian Refugee Council *www.nrc.no*

1. IOM (2016) *Housing, Land and Property (HLP) Issues facing Returnees in Retaken Areas of Iraq: A Preliminary Assessment* p13
bit.ly/IOM-HLP-Iraq-2016

2. NRC-IRC-DRC (2018) *The Long Road Home: Achieving durable solutions to displacement in Iraq: Lessons from Anbar*, p16
bit.ly/NRC-IRC-DRC-2018-Anbar

3. Pinheiro Principles bit.ly/Pinheiro-Principles
IASC Framework www.unhcr.org/50f94cd49.pdf

4. See endnote 2, p4

The Guiding Principles and armed non-State actors

Carla Ruta, Héloïse Ruaudel and Pascal Bongard

Millions of internally displaced persons live in areas controlled by armed non-State actors. Direct humanitarian engagement with these actors is required in order to help them improve their understanding of and compliance with the Guiding Principles on Internal Displacement.

Armed non-State actors (ANSAs) are present in most countries where there are high levels of internal displacement and have in many cases themselves forcibly displaced people.[1] They control territory where internally displaced persons (IDPs) live, sometimes 'manage' camps, and can block humanitarian access or facilitate aid delivery, or directly provide assistance. Since the Guiding Principles on Internal Displacement are designed to be observed by "all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction" (Principle 2), they give guidance and recall the responsibilities not only of States but also of ANSAs.

Since 2012 Geneva Call has included the prohibition of forced displacement in its training with ANSAs on the main obligations of international humanitarian law. Recognising the complexity of the normative framework, and following a 2013 study[2] and consultations with a number of humanitarian organisations and ANSAs, in 2017 Geneva Call decided to deepen its engagement work on the norms pertaining to displacement.

A training module to raise awareness among ANSAs on their responsibilities towards displaced persons – based on the Guiding Principles, the 1951 Refugee Convention and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention) – has been developed and tested with four ANSAs in Syria, the Democratic Republic of Congo (DRC) and Myanmar. Some among these four ANSAs have allegedly committed acts of unlawful forced displacement, forced return or prevention of return, confinement of IDPs in camps or other abuses such as the recruitment of displaced children. While sometimes denying having committed violations themselves, each of the ANSAs responded positively, recognising their limited knowledge and showing interest in learning more. Many ANSAs with whom Geneva Call has engaged in dialogue recognise that they have a role to play in the protection of displaced people and in ensuring that IDPs have access to basic services.

Geneva Call conducts training with armed non-State actor NDC-R in the Democratic Republic of Congo on their responsibilities towards displaced persons.

Geneva Call will now include and mainstream training on displacement in its engagement work with other ANSAs. It will also target civilian branches (of ANSAs) which are managing and/or controlling camps. Additionally, tools through which ANSAs can commit to the protection of displaced persons (such as a standard unilateral declaration) will be developed and Geneva Call will seek collaboration with specialised humanitarian agencies in order to support its action in the field. With those ANSAs already engaged on this topic, further dialogue will aim to achieve concrete changes of behaviour by these actors in order for violations to stop and positive practices to be reinforced.

Evaluating compliance

The extent to which an ANSA complies with international norms, and more particularly with the Guiding Principles, is difficult to evaluate as it depends on many factors, such as the motivations or objectives of the ANSA and the type of relationships it has with civilian populations. While some ANSAs are known to have committed violations, others have taken protective measures towards displaced people. For example, in the Philippines, the women's wing of the Moro Islamic Liberation Front played a role in giving advance warning to the local population of government attacks and in facilitating civilian evacuations. Furthermore, many ANSAs are known to facilitate and/or give humanitarian assistance to displaced populations, as in Myanmar where the Pa-Oh National Liberation Organization has been supporting IDPs with direct assistance (mainly food), the building of two new schools and payment of some teachers, and facilitating humanitarian access. Many ANSAs are known to demonstrate both good and bad practices. Some ANSAs in Iraq, for example, although facilitating humanitarian access, giving direct assistance to displaced populations and supporting their return by helping with reconstruction of houses, at the same time gave priority to some IDPs over others on a discriminatory ethnic and/or religious basis.

A number of ANSAs have made commitments related to the protection of displaced persons.[3] A review of these shows three main trends: first, most form part of peace or ceasefire agreements concluded between ANSAs and States; second, within these commitments reference is made to both IDPs and refugees; and third, the bulk of the commitments are concerned with issues of return and reintegration. Few of the commitments reviewed contain references to the prohibition of unlawful forced displacement and to the protection of the rights of displaced people. One exception is the 2008 statement of the Justice and Equality Movement and Sudan Liberation Movement[4] in which both actors commit to refraining from forcibly displacing civilian populations and to curtailing the militarisation of IDP/refugee camps. Various factors could motivate ANSAs' compliance. For example, protecting displaced persons in an armed conflict can help ANSAs attract greater support from the civilian population and increase their legitimacy in the eyes of the international community. Moreover, facilitating the return process of displaced persons can enhance the post-conflict resolution process.

Some challenges and dilemmas

Firstly, although the Guiding Principles are a useful 'one-stop' piece of guidance based on existing standards, there is ambiguity around who or what falls under the classification of 'authorities', with attendant obligations. It is quite clear that certain obligations (such as the prohibitions on arbitrary displacement, sexual violence and recruitment) directly apply to ANSAs but others (such as ensuring that displaced persons – children in particular – receive education) are less clear. Additionally, the prohibition of arbitrary displacement is not absolute and what qualifies as "imperative military reasons" for ordering displacement (Principle 6) can be difficult to define. Furthermore, even if one agrees that ANSAs are included in "all other authorities", the question remains: what degree of organisation, capacity, resources and control of territory does an ANSA need to have if it is to constitute an authority – one that has not only negative obligations (to not displace, not recruit, etc.) but also positive obligations (including to provide services)?

Secondly, if it is difficult for experts in international public law to navigate the international legal and normative framework (refugee law and IDP laws and policies, including the Guiding Principles), it is even more so for ANSAs. Few ANSAs are aware of the Guiding Principles or any norms or guidelines they should implement regarding the prohibition of forced displacement or the protection of displaced persons. Consequently, certain violations are being committed due to lack of knowledge and not necessarily always with the intent to harm displaced persons.

Thirdly, the possibilities for implementing the Guiding Principles depend on ANSAs' capacities, resources and control of territory. Some have greater human resource capacities (such as civilian wings/administration) or greater material resources. Expectations are accordingly higher for these ANSAs to give direct assistance to displaced persons and provide basic health care and education. For those ANSAs with more limited means, engagement will therefore rather focus on facilitating humanitarian access and

preventing forced displacement. Defining in practice to what degree different ANSAs can, and should be required to, implement the Guiding Principles is a difficult balancing act.

Fourthly, the purpose of humanitarian engagement with ANSAs should not be to favour the creation of parallel services and the duplication or replacement of State-provided services, as this could further weaken State institutions already affected by the conflict or crisis. On the other hand, in the absence or very limited presence of State or other actors' services, having ANSAs offer basic services can be the only realistic solution.

Finally, some ANSAs with a very strong ethnic or religious agenda commit acts of forced displacement not for short- or medium-term military reasons but because this is one of their organisation's key objectives, as for some ANSAs in DRC whose declared objective is for a certain ethnic group to dominate an area and/or to expel another ethnic group. In cases like this, changing policy and practice with regard to preventing forced displacement is undoubtedly challenging.

Despite these challenges, direct engagement with these actors is critical for concrete changes to be achieved. It is key to building not only the requisite knowledge of the Guiding Principles but also the political will and accountability of ANSAs to fulfil their obligations towards IDPs.

Carla Ruta *CRuta@genevacall.org*
Thematic Legal Adviser

Héloïse Ruaudel *heloise.ruaudel@gmail.com*
Humanitarian Policy Analyst and Research Consultant

Pascal Bongard *PBongard@genevacall.org*
Head of Policy and Legal Unit

Geneva Call *https://genevacall.org/*

1. See *Forced Migration Review* issue 37 'Armed non-state actors and displacement' www.fmreview.org/non-state

2. Geneva Call (2013) *Armed Non-State Actors and Displacement in Armed Conflict* bit.ly/Geneva-Call-ANSAs-2013

3. www.theirwords.org

4. This statement was made in the framework of the Geneva / Darfur Humanitarian Dialogue, organised by the Geneva Centre for Humanitarian Dialogue.
bit.ly/Geneva-Darfur-Hum-Dialogue-2008

Addressing internal displacement in Ethiopia

Behigu Habte and Yun Jin Kweon

Among various new initiatives in Ethiopia to address both the short- and long-term needs of IDPs, the Durable Solutions Working Group is making some progress, despite the challenging context.

There are currently over 2.8 million internally displaced persons (IDPs) in Ethiopia, compared with an estimated 291,000 in July 2012.[1] Drought, floods, ethnic/clan tensions and conflicts over resources and borders are the leading causes of internal displacement, with conflict accounting for 70% of cases of displacement. Ethiopia's Somali Regional State, which borders Somalia to the north, east and south, accounts for the largest number of IDPs in Ethiopia, with nearly one out of six residents of the region currently an IDP.

Acknowledging the growing numbers of IDPs, in 2014 the government of Somali Regional State requested the technical support of the international community, and together they established a multi-stakeholder Durable Solutions Working Group. Co-chaired by the Somali Regional State's Disaster Prevention and Preparedness Bureau and the UN Migration Agency (IOM), the Working Group has made some progress – in a challenging policy environment – in addressing both the humanitarian and development needs of IDPs.

Limitations in national policy

Responses to internal displacement in Ethiopia have to date been largely focused on life-saving humanitarian action. Although humanitarian responses play a vital role in providing a safety net for those in desperate need, it is equally crucial to ensure a smooth transition to development-oriented assistance – and Ethiopia's lack of a comprehensive dedicated framework to guide responses to internal displacement has hampered such a transition. Currently, its most relevant policy is the Disaster Risk Management (DRM) policy of 2013 with its associated Strategic Programme and Investment Framework. DRM objectives are to reduce risks associated with disasters and to protect those at risk in such circumstances but they do not

specifically address either the emergency or the development assistance needs of IDPs. Notably, although the Government of Ethiopia has signed the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention), it has not yet ratified it, claiming instead that existing domestic legal and policy frameworks provide adequate guidance for addressing internal displacement.

The recurrent pattern of natural hazards and anthropogenic disasters in Ethiopia means that donors tend to shift their attention quickly from one crisis to another. Moreover, the tendency of government to attribute all crises to natural hazards – as such attribution is less likely to damage the country's reputation in terms of making progress in development – has not helped provide momentum for reform. As a result, IDPs' specific vulnerabilities, losses and traumatic experiences, as well as the systemic and structural problems and longer-term impacts on host communities and environments, are quickly forgotten.

There have been some positive steps forward, however. Prompted – in part, at least – by the scale of displacement attributed to recurrent disasters and by the engagement of a wider range of humanitarian and development actors, Ethiopia has introduced some new institutional mechanisms to help meet IDPs' immediate and longer-term needs for both humanitarian and development assistance. Among these initiatives are an IDP Advisory Group (comprising the UN Resident/Humanitarian Coordinator, the UN Office for the Coordination of the Humanitarian Affairs, IOM, the UN Refugee Agency (UNHCR), the International Committee of the Red Cross and the Danish Refugee Council), and a national steering committee (under the leadership of the

Deputy Prime Minister) to support over a million individuals displaced following the border conflict between Somali and Oromia Regional States. The Ethiopian government is also implementing, with support from the international community, the New Way of Working approach; emerging from the World Humanitarian Summit, this approach is defined as "working over multiple years, based on the comparative advantage of a diverse range of actors, including those outside the UN system, towards collective outcomes".[2]

A new regional approach

In October 2017, Ethiopia's Somali Regional State developed and endorsed a regional durable solutions strategy, the first of its kind in both the Somali Regional State and in Ethiopia.[3] The strategy adopts the definition of an IDP proposed by the Guiding Principles on Internal Displacement while recognising the specific challenges that exist in Ethiopia regarding such a definition, particularly in relation to pastoralists.

The strategy was spearheaded by the Durable Solutions Working Group (DSWG) and is aligned with international principles and frameworks including the Guiding Principles, the Inter-Agency Standing Committee Framework on Durable Solutions for IDPs and the Kampala Convention, plus relevant national tools. Although only regional in scope, this is the first framework developed and endorsed in Ethiopia that specifically targets internal displacement. It has stimulated the interest of other Ethiopian regions (including Afar, Gambella and Oromia) in embracing a comprehensive approach to addressing internal displacement, and this in turn has attracted the attention of policymakers at a national level; Ethiopia's first national consultation, held in late 2017, prompted tentative steps towards developing a national IDP policy, and the recovery needs of IDPs have been reflected in the country's national humanitarian planning process for the first time.

Notwithstanding some progress made, there are still some urgent tasks to be tackled. One challenge is to bring everyone on board

in implementing the strategy as it requires the concerted effort of all stakeholders, involving all sectors, under the leadership of the government. In addition, more attention will need to be paid to the reality of the limited resources and insufficient technical capacity of regional implementers. Addressing the first may require those agencies participating in the DSWG to develop a collective strategy. On the second issue of capacity, IOM has been providing capacity building on durable solutions – for instance, two-day training sessions in late 2017 for a total of 73 regional government officials (working in justice, microfinance, health, etc.) in Gambella, Somali Regional State and Afar on topics such as early recovery and the various international/African/Ethiopian frameworks on internal displacement.

More fundamentally, however, there is a lack of longitudinal, multi-dimensional and cross-sectional analysis to inform policy development. Hence, functions of the existing information management system on internal displacement such as IOM's Displacement Tracking Matrix (DTM) should be expanded from the collection of data for the purpose of guiding the planning and coordination of short-term humanitarian response to the generation – by academia and/or multiple agencies in collaboration – of a body of evidence that can support progress towards solutions and future policy decisions.

A few years ago there were no data generally on IDPs (reflecting the government's sensitivities on the subject). Systematic data collection and displacement mapping by IOM started at the lowest administrative level but as more actors sought to use the data to inform their planning, the information management system was gradually expanded to cover the whole country. All cluster leads in Ethiopia now rely on DTM for their sectoral planning, and from 2017 the federal government endorsed the tool.

Crucially, there also needs to be strategic dialogue to de-sensitise and de-politicise discussions and processes around internal displacement. It is significant that the evolving national-level engagement on internal displacement in general and durable solutions

in particular emerged from work done at the regional level in Regional States such as Somali and Gambella that had suffered massive and recurrent displacements. The involvement of the regional governments in both the provision of assistance and in discussions about IDPs' needs paved the way gradually for the federal government's own engagement, initially in humanitarian response to internal displacement and now in seeking durable solutions.

Behigu Habte *bhabte@iom.int*
Emergency and Post-Crisis Programme Officer

Yun Jin Kweon *ykweon@iom.int*
Peacebuilding Officer
UN Migration Agency (IOM) *www.iom.int*

1. According to the IOM's Displacement Tracking Matrix. The increase in numbers is partly due to improved data collection methodologies, more comprehensive coverage and wider range of actors accessing IDPs in previously hard-to-reach areas. It should be noted that IDP statistics remain contested in Ethiopia. https://displacement.iom.int/node/3929; https://displacement.iom.int/node/4012
2. www.agendaforhumanity.org/initiatives/5358
3. bit.ly/SRS-durable-solutions-strategy

The Guiding Principles in international human rights courts

Deborah Casalin

The Guiding Principles have potential to support and complement international human rights law on internal displacement but they have had little explicit consideration by international and regional human rights courts and commissions.

The Guiding Principles broadly reinforce general human rights law by serving as a kind of bill of rights for internally displaced persons (IDPs) and by outlining the responsibilities of States and other actors. In this sense they mainly reaffirm the human rights principles that are already generally applied by international human rights bodies. However, the Guiding Principles substantially add to international human rights law in at least two areas – explicit recognition of the right not to be displaced and the right to property restitution.

Guiding Principle 6, providing that every human being "shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence", was a breakthrough in the recognition of the right not to be displaced. It was the first articulation of such a right in any international instrument, which has since only attained binding legal status in Africa. The act of displacement is otherwise only indirectly addressed in human rights law, which is why the explicit recognition of this right has been important in terms of defining internal displacement as a human rights issue, sending a clear

message to duty-bearers and providing a solid basis for rights-holders' claims.[1]

The impact of this framing is visible in the cases of the Inter-American human rights bodies, where the Guiding Principles have been specifically and consistently used to affirm that internal displacement falls within the scope of the right to freedom of movement and residence, an approach that has also been followed by the African Commission on Human and African Commission on Human and Peoples' Rights. Internal displacement can therefore be presumed a rights violation, and duty-bearers then bear the onus of demonstrating that the displacement – or their failure to prevent it – is legally justified. There is certainly room to strengthen legal protection from internal displacement through such an approach. This is the case not only in regional contexts outside the Americas but also in relation to causes of displacement which have so far been very sparsely addressed by all human rights mechanisms, for example displacement caused by natural disasters or environmental degradation.

The Guiding Principles have made a further important contribution by affirming the right of IDPs to recover property lost as

a result of displacement, or to compensation where this is not possible. Until their adoption, such a right was not clearly recognised.[2] Guiding Principle 29 gives a practical account of the duties required by the right to a remedy in displacement contexts – specifically, by highlighting the State's duty to assist displaced people to obtain restitution or compensation, and confirming that restitution should be prioritised wherever it is possible. Yet despite the potential the Principles have to at least set minimum standards for reparations, human rights courts have often been reluctant to address restitution in displacement contexts too directly at the international level and have not used the Principles to engage further with this issue.

The Inter-American Court of Human Rights has also used the Guiding Principles to reinforce indigenous peoples' specific protections against displacement, as well as on issues such as family reunification, return, reintegration and participation.[3]

A greater role in international human rights forums

Of a total of 51 mass internal displacement cases reviewed, 47 were decided by international human rights bodies since the launch of the Guiding Principles on Internal Displacement in 1998. Of these, only eleven make explicit reference to the Principles themselves.[4] These references were made by the Inter-American Court of Human Rights (eight cases), the European Court of Human Rights (two) and the African Commission on Human and Peoples' Rights (one).

The mandates of the African, Inter-American and European regional human rights courts appear to allow the Guiding Principles to be used as an interpretive source, and the initiative for exploring the further potential of the Guiding Principles may therefore lie with petitioners and their representatives and with judges. Even in contexts where a mechanism's mandate or case law does not explicitly indicate openness to other legal sources, such texts are often de facto used in interpretation, and an examination of the use of similar soft law (that is, non-binding) texts in related fields

may therefore also reveal opportunities. For example, while the UN human rights treaty bodies have not used the Guiding Principles in decisions on individual cases, most of them have recommended compliance with the Guiding Principles in their broader concluding observations on the human rights situation in a particular country.[5] This practice may serve as a basis for their further use in individual decisions.

Questions remain about the future of the Guiding Principles in the human rights sphere. Why are they so little invoked by international and regional human rights bodies? Is this the result of mandate limitations, a perceived lack of relevance, general reluctance to consider soft law, or other factors? Is greater explicit reference to the Guiding Principles by human rights forums desirable or relevant in the eyes of judges, claimants, legal representatives, and affected communities more broadly?[6] If so, how can this be achieved, and to what end? Ultimately, the ability of the Guiding Principles to advance concrete outcomes for IDPs, including in international human rights courts, will be a major test of whether their potential still matches their promise.

Deborah Casalin
Deborah.Casalin@uantwerpen.be
PhD researcher, Law and Development Research Group, Faculty of Law, University of Antwerp
www.uantwerpen.be/en/research-groups/law-and-development/

1. See Morel M, Stavropoulou M and Durieux J-F (2012) 'The history and status of the right not to be displaced', *Forced Migration Review* issue 41 www.fmreview.org/preventing/morel-et-al

2. Williams R C (2008) 'Guiding Principle 29 and the right to restitution', *Forced Migration Review* special GP10 issue www.fmreview.org/GuidingPrinciples10/williams

3. See for example Inter-American Court of Human Rights *Case of the Rio Negro Massacres v. Guatemala* (2012) par. 173 and 176 bit.ly/IACHR-RioNegro-2012

4. This article is based on a review of 51 admissible cases relating to mass internal displacement being undertaken as part of the author's ongoing doctoral research.

5 . See for example Committee on the Rights of the Child 'Concluding observations on the combined fourth and fifth periodic reports of Colombia', CRC/C/COL/CO/4-5, 6 March 2015, par. G(d), www.refworld.org/docid/566e765c4.html

6. See Desmet E (2014) 'Analysing users' trajectories in human rights: a conceptual exploration and research agenda', *Human Rights & International Legal Discourse* Vol. 8 (2): 121–141.

A disaster approach to displacement: IDPs in the Philippines

Reinna Bermudez, Francis Tom Temprosa and Odessa Gonzalez Benson

In the absence of a national policy on internal displacement, the Philippines has used a disaster management framework to address displacement caused by terrorism-related conflict in Marawi City. Such a response, however, suffers from the absence of a rights-based foundation.

A five-month armed encounter between State armed forces and the Islamic State-inspired Maute Group, which began in May 2017, displaced around 360,000 people from Marawi City in Mindanao in the southern Philippines. These internally displaced persons (IDPs) mainly sought refuge in evacuation centres in neighbouring areas and with family members outside Marawi. According to UN reports of August 2018, over 320,000 IDPs have returned to areas declared safe by the military but full rebuilding efforts are still underway and 69,412 IDPs remain in limbo.[1]

The Philippines has no laws relating specifically to IDPs. Instead, legal guidelines for the State's response in cases of displacement are based on the Philippine Disaster Risk Reduction and Management Act of 2010 (PDRRMA).[2] This law reconfigures the traditional roles of national and local government agencies, giving them additional responsibility for disaster response. PDRRMA was hailed as a landmark when it was passed but the limitations of this framework are now evident. It is principally about structures rather than rights and standards, about response actors rather than displaced people, and this does not translate into systematic, efficient response; recovery efforts are still created on an ad hoc basis following disasters. Furthermore, it contains no rights language, except in its non-binding declarations. The lack of a clear human rights-based underpinning

This evacuation centre in Iligan City, the Philippines, holds 56 families displaced by the Marawi conflict.

UNHCR/Annie Sakkab

to this legal and institutional framework consequently affects the ensuing planning processes and implementation of response.

Government use of certain disaster funds undergo long procurement and disbursement processes, delaying response provision. The PDRRMA has also provided guidance on the creation of special trust funds for emergency response to which local governments must transfer their unspent balance from previous years, yet some local governments fail to do so, further weakening local capacity to respond.[3]

PDRRMA regulations forbid IDPs from selling relief goods in exchange for cash, although the goods provided can be of low quality and lack variety. Monitoring by the Philippines' Commission on Human Rights (CHR) shows that needs for goods other than relief items were not being met. In addition, some IDPs said that some service providers threatened to 'blacklist' them from relief provision if they sold items they received. This contravenes Sphere minimum standards which state that IDPs should be allowed to sell goods received in exchange for basic necessities and cash.[4]

Some displaced communities did not have access to livelihood and cash-generating opportunities, hampering their capacity to recover from the crisis. Other evacuation sites did not have facilities for emergency health care. Women and girl IDPs also experienced heightened vulnerability – in particular, to sexual harassment and trafficking – given the lack of gender-sensitive arrangements in evacuation areas (where, for example, there are no partitions between men's and women's latrines which, in some areas, are adjacent to each other). IDPs' movements were restricted and they were frequently asked to present identification documents to authorities, even though their documents had often been lost or destroyed in flight.

Despite the rigid structures outlined by the PDRRMA, camp coordination mechanisms were problematic as there was confusion surrounding which government authorities should lead in coordinating efforts. Local host governments also did not have adequate resources to meet the needs of IDPs.[5]

The national Task Force Bangon Marawi has stepped in to act as the inter-agency, multi-level body to oversee implementation of the response although it, too, has faced challenges. The task force emanates from the Bangon Marawi Comprehensive Rehabilitation and Recovery Program (BMCRRP), the main policy that guides efforts for addressing internal displacement stemming from the Marawi conflict (but which is yet to be fully executed). This task force was formed by President Duterte in July 2017 as an ad hoc response specific to the Marawi crisis, rather than in alignment with the PDRRMA.

The BMCRRP based its programming on post-conflict needs assessments and consultations from community voices – IDPs themselves as well as their representatives and other community stakeholders – in addition to local governments' and other stakeholders' plans. Taking account of the views of IDPs and of community stakeholders is a recognition of the importance of their perspectives for planning and successful implementation. However, the decision-making process remains top-down: these stakeholders did not form part of the institutional structure used to plan and operate the task force.

The Marawi crisis response has been militarised from the start, or at least has a strong military presence. The Department of National Defense, which heads both the Task Force and the implementation of the PDRRMA through the National Disaster Risk Reduction and Management Council, is in charge of IDP rehabilitation and coordinating recovery efforts in Marawi.

Without specific rights, IDPs cannot readily claim particular entitlements from the government, demand concrete actions or engage in dialogue on the standards and quality of responses to displacement. More participative processes and more human rights commitments made at the institutional level could greatly improve the responses to internal displacement in this case. An approach that incorporates the Guiding Principles on Internal Displacement has the potential to facilitate emergency response

and rehabilitation that are efficient and compliant with human rights commitments. Laws on internal displacement have been drafted, including provisions – in line with the Guiding Principles – that would ensure IDPs' access to goods and services, and culpability for those responsible for arbitrary displacement. Those drafts, however, have languished in the Congress of the Philippines for around a decade. Sustained attention and involvement of nationally based human rights agencies and other actors, both local and international, are necessary to help to put such laws into effect.

Reinna Bermudez *reinna.chr@gmail.com*
Officer-in-Charge, Center for Crisis, Conflict, and Humanitarian Protection, of the Commission on Human Rights (CHR) of the Philippines
http://chr.gov.ph/

Francis Tom Temprosa *temprosa@umich.edu*
Doctor of the Science of Law student, Michigan Grotius Fellow, University of Michigan Law School
www.law.umich.edu/prospectivestudents/ graduate/degreeprograms/sjd/Pages/francis-tom-temprosa.aspx

Odessa Gonzalez Benson *odessagb@umich.edu*
Assistant Professor, School of Social Work and Detroit School of Urban Studies, University of Michigan *https://ssw.umich.edu/faculty/ profiles/tenure-track/odessagb*

1. bit.ly/Philippines-bulletin-August2018

2. www.officialgazette.gov.ph/2010/05/27/republic-act-no-10121/

3. Commission on Audit Report on DRRM Fund (2016)

4. Sphere Project Minimum Standards in Water Supply, Sanitation and Hygiene Promotion , Guidance Note 4, p95
bit.ly/Sphere-Minimum-Standards-WASH

5. The CHR has been undertaking monitoring activities in areas affected by the Marawi crisis, conducted jointly through regional offices of the Commission and the Regional Human Rights Commission of the regional government covering Marawi.

Planned relocation in Asia and the Pacific

Jessie Connell and Sabira Coelho

Promising policy developments are underway in Asia and the Pacific to address climate and disaster-related displacement, yet the deeper governance structures required to embed protection are not yet in place, especially for planned relocation. There needs to be greater emphasis on assisting governments to set up inter-ministerial structures equipped to deal with the complex cross-cutting issues that planned relocation involves.

Environmental processes, including climate change and disasters, combine with other pressures to increase displacement risks for vulnerable communities in Asia and the Pacific. Displacement is occurring as a result of frequent sudden-onset disasters (such as cyclones, floods and non-climatic hazards) and slow-onset processes (such as sea-level rise). Although relocation is considered an option of last resort, spontaneous community-led migration and government-supported 'planned' relocations are taking place in both rural and urban areas, as populations look for safer, more productive land and alternative livelihoods.

The complex process of relocation involves intersecting political, environmental, legal and social issues, including difficult negotiations between authorities, displaced and host communities about land, housing

and property. It also requires protections to be established to minimise the often harmful impacts of relocation.[1]

Historically, there has been inadequate community consultation (particularly engagement with women and marginalised groups) in government-led relocation schemes, which also often have limited complaint mechanisms, poor site selection and minimal recovery support. Communities seeking to relocate often receive only limited guidance from national and local authorities about the procedure for relocation, how to access services in new locations and how to negotiate new land arrangements. This results in multiple challenges in new locations, including difficulties re-establishing livelihoods, problems accessing basic services, conflicts with host communities and disruption to education and health care. Loss

of connection to land, cultural identity and indigenous knowledge is also a reality for people moving away from ancestral lands.

Emerging policy responses

In order to ensure that relocation can be a viable durable solution, Pacific Island governments are developing policy instruments to address relocation challenges. Fiji is finalising its National Relocation Guidelines to assist communities affected by sudden and slow-onset processes, led by the Climate Change Division of the Ministry of Foreign Affairs. Vanuatu's Ministry of Climate Change Adaptation has prepared a National Policy on Climate Change and Disaster-Induced Displacement, which includes sections addressing the challenges of implementing planned relocations.

Varied responses to address migration and displacement challenges related to climate change and disasters are also emerging in Asia. In Nepal, the Ministry of Population and Environment has coordinated a consultative process to finalise a Climate Change and Migration Strategy which includes a strategic intervention on 'dignified' relocation. In the Maldives, population relocation has occurred under the Safe Islands project in the wake of the 2004 tsunami, though without commitment to develop an explicit policy framework. In Vietnam, under the Living with Floods programme, communities have been relocated away from unsafe residential areas of the Mekong Delta.

Establishing institutional structures

While positive developments are taking place, many initiatives fall short of establishing the necessary protections required to ensure planned relocation does not have a negative impact on affected communities. An immediate challenge relates to developing appropriate inter-ministerial coordination structures which can address complex issues relating to land, livelihoods, shelter, infrastructure, water, sanitation, transport, culture, health and education raised by climate and disaster-related displacement.

Planned relocation requires designated institutional leadership with active participation from many different ministries to coordinate multi-sectoral planning. However, a major barrier to moving beyond the creation of draft policies towards embedding protection initiatives is identifying which government entity should be responsible. Lack of an integrated approach can also lead to the development of parallel policy processes. In Bangladesh, the Ministry of Disaster Management and Relief has produced a National Strategy on the Management of Disaster and Climate-Induced Internal Displacement while the Ministry of Environment and Forests has supported the development of a model plan of action on the Management of Migration Induced by Climate Change and Environmental Degradation.

As advocated in guidance and tools developed for governments,[2] planned relocation policies should be implemented through inter-ministerial bodies and coordination mechanisms to ensure that expertise is utilised and linked to longer-term development planning. Implementation should ideally occur through existing institutional mechanisms, although this may necessitate establishment of a specialised inter-ministerial taskforce.

Ministries of environment and climate change and/or national emergency and disaster management offices tend to lead policy discussions in this area (as is the case in Vanuatu, Bangladesh and Nepal). However, while they may serve as champions, because of their closely defined mandates they are not necessarily the ideal actors to lead implementation and oversee taskforces, which may limit the building of broad-based support among government actors. In situations where communities cannot return to their homes for prolonged periods, disaster management offices – which are responsible for emergency evacuations – are confronted with the planning challenges of identifying durable solutions, although this is not necessarily within their area of expertise and they may not have budgets to support implementation.

Similarly, while ministries of environment and climate change are equipped to identify natural hazards and develop environmental policies, they do not

specialise in issues relating to relocation, land or rural and urban planning, especially their human development dimensions.

Ministries of land have minimal involvement, although they have an important role to play in identifying suitable land and ensuring the legal compliance of new arrangements so that these are more than just 'goodwill' agreements between communities. Similarly, ministries who have expertise in provision of social services, preservation of culture and traditional knowledge are usually not closely involved in policy discussions about climate change, disasters and displacement.

Coordination mechanisms between national, provincial and local authorities are also needed to support decentralised implementation, along with adequate financial and technical resources at the local level. The departments that need to be involved may also differ, depending on whether relocation is taking place in rural or urban areas. Strategic and financial support is also required at the highest level of government so that taskforces have the necessary political influence. Given the number of actors involved, the temptation to frame these as 'whole-of-government' initiatives is strong but this runs the risk of having no ministry taking clear ownership.

Several governments recognise this challenge. In Vanuatu, planned relocation in response to the risks posed by the Ambae volcano is initially the responsibility of the National Disaster Management Office and is then transferred to the Department of Strategic Policy, Planning and Aid Coordination, under the Office of the Prime Minister. While this capitalises on expertise from different ministries, such approaches may lead to confusion about which entity is responsible for planned relocation, which in turn has practical implications for affected communities.

Questions of responsibility and protection

Where communities are also exposed to evictions and planned relocation for purposes of development and public infrastructure creation, more questions arise. Should government institutions be responsible for providing planned relocation assistance to all communities irrespective of the reason for displacement? Or should planned relocation related to development be handled by a distinct political entity? In Vanuatu, some communities affected by evictions have sought humanitarian assistance from its National Disaster Management Office, raising difficult questions about the office's responsibilities, especially in light of the new draft displacement policy. And should communities who have been relocated for development-related reasons receive the same assistance and protection as those who need to move for climate and environmental reasons? These questions become increasingly complicated when the reasons for planned relocation are multiple, such as for people living in informal settlements with insecure land tenure in hazard-prone areas.

In Fiji, the emerging policy response has been to manage climate change-related planned relocation separately from planned relocation that is related to other drivers. Those who are unable to adapt where they are initially displaced are assisted by the National Relocation Taskforce Committee, while in cases where development pressures are identified as a reason for planned relocation, the Ministry of Rural and Maritime Development assumes responsibility for the well-being of affected communities. Under its new draft policy Vanuatu will offer the same protection to people regardless of the cause of their displacement, although the precise implementation mechanism is yet to be established.

There is a clear need for innovative planned relocation governance models – that are well-resourced and supported by adequate technical expertise – which promote responsibility sharing between different government actors at national and local levels.[3] The institutional structures most fitted to responding to climate and disaster-related displacement will of course be different in each location. Their effectiveness will depend very much on the history and culture of specific government departments, the presence of champions with knowledge of relocation, and the extent to

which government focal points can overcome sectoral and decentralisation challenges to implement protection at the local level.

Jessie Connell *jconnell@iom.int*
Consultant

Sabira Coelho *scoelho@iom.int*
Regional Migration, Environment and Climate Change Officer, Regional Office for Asia and the Pacific

UN Migration Agency (IOM) *www.iom.int*

1. Georgetown University, UNHCR, IOM and United Nations University (2015) *Guidance on protecting people from disasters and environmental change through planned relocation* bit.ly/Brookings-planned-relocation-2015; see also Georgetown University, UNHCR and IOM (2017) *A Toolbox: Planning Relocations to Protect People from Disasters and Environmental Change* bit.ly/GU-UNHCR-IOM-planned-relocation-toolbox-2017

2. See for example the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change bit.ly/Nansen-Initiative-Agenda

3. Many other complex issues relating to planned relocation, land, human rights and protection are not covered in this article. See The Nansen Initiative resources on 'Planned Relocation': www.nanseninitiative.org/portfolio-category/planned/

Internal displacement beyond 2018: the road ahead

Alexandra Bilak and Avigail Shai

The statistics and the challenges around internal displacement are daunting. However, much has been learned since the Guiding Principles on Internal Displacement were launched in 1998. What is needed now is a concerted effort and sustained momentum to build on that awareness and meet the evolving challenges.

Twenty years ago, the launch of the Guiding Principles on Internal Displacement marked a high point in international recognition of the need to prevent internal displacement and to provide protection and assistance to internally displaced persons (IDPs). The Guiding Principles laid out a normative framework that has subsequently informed efforts to develop regional and national policies on internal displacement, and as such they represent an important achievement.

However, political instability, conflict and violence, extreme weather and disasters are driving some of the highest rates of internal displacement the world has ever seen. 30.6 million new displacements by conflict and disasters were recorded in 2017; at the end of that year, 40 million people were estimated to be living in internal displacement as a result of conflict (with an additional, unknown number of people still displaced as a result of disasters).[1]

These are shocking and disheartening numbers. Given data challenges, they are also, sadly, likely to be an underestimate. It is estimated that around 8.5 million IDPs who were reported in 2017 as having returned, been resettled or relocated across 23 countries may not have found truly durable solutions and can therefore be considered still to be living in displacement. Including them would bring the total number of people currently living in internal displacement to 48.5 million.

What can be done?
As conflicts drag on, as climate change exacerbates the intensity of sudden- and slow-onset disasters and as the rate of global urbanisation increases, there is no reason to believe that the rising trend of internal displacement will be reversed. However, there are a number of steps which can be taken in order to shift policy and action on internal displacement, building on current approaches.

Primarily, we need to acknowledge that, despite the rising numbers and the contribution the Guiding Principles have made over the past 20 years, internal displacement has been neglected in recent years, and must therefore be pushed up the international policy-making agenda. Calls to 'leave no one behind' and to find solutions for internal displacement, including those made at the 2016 World Humanitarian Summit, appeared to be a promising re-engagement on the issue and a recognition of the need for concerted action. But while dedicated actors continue to work tirelessly to find

Kharestan IDP settlement, located some 6km from Qala-e-naw city, Afghanistan, September 2018.

solutions at the national and regional levels, the collective international will required to address internal displacement has been largely absent. Since late 2016, international attention has been focused on the two global compacts, on refugees and on migration, neither of which substantively addresses displacement within national borders.[2]

The 20th anniversary of the Guiding Principles has undoubtedly generated new momentum on this issue in 2018 but it is **sustained** high-level engagement that will be required to ensure that this momentum does not fade away. Most importantly, any high-level processes or negotiations must secure the substantive and continued engagement of those States which are most affected by internal displacement and which have experience in addressing it as a reality on the ground. Without their engagement, the political buy-in and concrete implementation that are required simply will not happen. To be genuinely inclusive, the perspectives of internally displaced people themselves also have to be sought, understood and accounted for, rather than treated as an afterthought.

We must also reinforce the understanding that internal displacement crises are often underpinned by problematic development trajectories, and have consequences beyond immediate humanitarian ones. To fully address the drivers and impacts of displacement, and deliver the kind of policy making and operational actions needed to prevent and reduce displacement, we need to better understand and improve ways to respond to: the long-term economic and developmental impacts of displacement on IDPs and the communities they live in, and on States; the links between internal displacement and cross-border flight; the specific characteristics of urban displacement; the effects of climate change; the interplay of slow-onset disasters and conflict; and the role of development projects and criminal violence in driving displacement.

This will require States, humanitarian organisations, peace-building agencies and development actors to think creatively about the way data are collected and analysed, in order to track and assess how IDPs' needs and vulnerabilities evolve over time, and what works and what does not work in addressing internal displacement in different contexts. There are no one-size-fits-all

Cycles of displacement

Recent research by the Internal Displacement Monitoring Centre (IDMC) among Iraqi refugees in Jordan and Sweden (which will be complemented shortly by further research among returned refugees and IDPs in Iraq) highlights the relationship between internal displacement and cross-border movements. One core preliminary finding is that high numbers of refugees have previously experienced internal displacement, with multiple movements exacerbating vulnerabilities and exhausting limited coping strategies.

Sara[3] and her family, for example, fled their home in Baghdad when a local militia attempted to forcibly recruit Sara's teenage son. They escaped to Babylon, where they lived undercover for a few months before being discovered once more by the militia. Afraid for their son, they fled to Erbil; unable to remain in Kurdistan due to reported sponsorship requirements, the family crossed into Turkey and then made their way to Sweden.

Akram, also from Baghdad, left his home after an armed group threatened to kill him if he refused to sell them his house. He fled to his sister's home in Qaraqosh. When Qaraqosh was captured by ISIS, Akram returned to Baghdad to seek refuge at his former place of employment; shortly after returning to the city, he received a threatening phone call from the same armed group, and fled to Jordan in search of safety.

However, safety is not always sufficient. If refugees are unable to sustain themselves in their host countries, many will return prematurely to their countries of origin, where they may end up internally displaced. The risk is particularly great in the case of involuntary or premature returns. While more than 560,000 refugees and undocumented migrants returned to Afghanistan from Pakistan and Iran in 2017, many of the returnees are unable to resettle in their place of origin and face challenges reintegrating elsewhere due to insecurity and lack of services or livelihood opportunities.[4] Just as – in the absence of progress towards durable solutions – IDPs risk becoming refugees, today's returning refugees run the risk of becoming tomorrow's IDPs.

Chloe Sydney chloe.sydney@idmc.ch
Research Associate, IDMC

solutions to internal displacement crises but there **are** common assumptions which can underpin policy making and action.

Where governments are themselves the cause of displacement, the international community needs to better coordinate operational responses while at the same time working at the political level to support initiatives such as peace building, conflict resolution, access to justice, and accountability for human rights violations. However, whenever possible, governments must take the lead, with the support of the international community and regional bodies and in close coordination with local authorities. In doing so, they will need to integrate internal displacement into long-term development and climate change adaptation planning, and invest in disaster risk reduction efforts. Humanitarian responses should account for the needs of IDPs without neglecting the communities they live in. And returning refugees, particularly in insecure contexts, should be supported to ensure they do not find themselves internally displaced in the absence of durable solutions.

There are significant hurdles to overcome. These include concerns over sovereignty, institutional inertia and the allure of familiar business-as-usual approaches, low capacity and lack of resourcing faced by countries with large protracted crises, and the difficulty of fully measuring and understanding the phenomena. But this is not an impossible challenge, and it is one that we must try to meet.

Alexandra Bilak alexandra.bilak@idmc.ch
Director

Avigail Shai avigail.shai@idmc.ch
Political Adviser

Internal Displacement Monitoring Centre
www.internal-displacement.org

1. Internal Displacement Monitoring Centre (2018) *Global Report on Internal Displacement*
www.internal-displacement.org/global-report/grid2018

2. This is perhaps not surprising, given how internal displacement directly touches on sovereignty issues. To some extent, it also reflects the lack of a clear leadership mandate on the issue within the UN system.

3. Names have been changed.

4. See endnote 1, p36; see also article by Majidi and Tyler in this issue.

Lessons from the 1990s for Belize today

Janice Marshall and Kelleen Corrigan

Belize is currently facing a refugee situation that in many ways is reminiscent of the Central American refugee crisis it dealt with, successfully, in the 1990s. Could lessons from the past be key to the most effective response today?

The relatively young State of Belize – an independent nation only since 1981 – is perched on the eastern coast of Central America and has a population of just 380,000. Belize has always experienced migration flows, which tended to be rather more outward than inward until the 1980s when varying degrees of civil unrest and conflict engulfed a number of Central American States, principally Nicaragua, El Salvador, Honduras and Guatemala.

As a result of the violence, tens of thousands of people fled their homes and sought safety in Belize. Most of these refugees were subsistence farmers, caught in the crossfire between rebels and government forces. Many sought to settle on unoccupied land in order to grow crops to feed their families and to sell in the local market. Others laboured in Belize's citrus, sugar and banana industries. A smaller number were political or human rights activists or other professionals at risk at home for expressing their opinions. These refugees were more likely to seek work teaching or working in urban environments. Regardless of their profile, the refugees encountered a country that was not equipped to deal with their arrival. The newly independent government was not a party to the 1951 Refugee Convention and had no existing asylum framework.

In response to the arrivals, UNHCR, the UN Refugee Agency, opened an office in Belize and the government decided to take measures to ensure refugee protection. In June 1990, Belize acceded to the Convention and its Protocol, and in August 1991 a national law – the Refugees Act[1] – came into force. Although not perfect, the Act was largely a faithful replication of the provisions of the Convention; it also incorporated the extended refugee definition from the 1969 Organization of African Unity Convention.[2]

Throughout the 1990s, UNHCR continued to assist the government in setting up and staffing a Refugees Office and establishing a Refugee Eligibility Committee (REC). UNHCR also helped refugees and asylum seekers to establish and maintain themselves, while supporting the government to ensure their protection from forcible return.

Policy choices and their implications

The positive features of Belize's treatment of refugees from the conflicts of the 1980s provide valuable insights for the present.

First, Belize did not establish refugee camps nor otherwise restrict refugees' movement. Instead, the government designated an area, which became known as the Valley of Peace, for settlement by the Central American refugees, and provided them access to farming land. (Belizeans were also made the same offer.) Refugees who did not settle there were encouraged to settle in other existing or new Belizean communities. Under the CIREFCA initiative,[3] UNHCR and its non-governmental organisation partners, together with the government, supported the building of schools, health clinics, water towers, roads and other infrastructure in communities welcoming refugees. Crucially, these developments were of equal benefit to the Belizeans who lived in these same towns and villages. This forward-thinking policy facilitated the holistic integration of the refugees and helped to avoid many of the more divisive attitudes found in some refugee-hosting situations where refugees are physically segregated and have parallel support and service systems, leading to complaints by locals of preferential treatment of refugees.

Second, the government accepted asylum applications even from those people who applied for refugee status after the limit of

14 calendar days specified in the Refugees Act (meaning that they processed the claims without regard to the date of entry into Belize). Furthermore, cases were judged according to the situation in the country of origin at the time the claimants arrived in Belize, as opposed to the date of adjudication. The reasoning behind this approach appeared to be twofold. Firstly, as there was no refugee law or status determination system available at the date of the refugees' arrival, it seemed unfair not to consider the situation at the date when asylum was first sought. Secondly, by the early to mid-1990s some of the refugees who had arrived in the 1980s were well established in communities, their children were attending school, and they were contributing economically and developing the agricultural base of the country; to force them to leave the country at this point would be unduly disruptive to them and to their communities.

By the time the asylum system was well established, peace was spreading in Central America. UNHCR, with the help of the international community (most notably through generous funding provided by the CIREFCA initiative), was able to offer administrative and financial help to those who wanted to repatriate, assistance to the government to ensure the smooth integration of those intending to stay in Belize, and support through resettlement to a third country for the exceedingly small numbers for whom neither of the other solutions was appropriate. In 1998, once the backlog of asylum applications was cleared, and many refugees nationalised, UNHCR closed its doors and shortly thereafter the government disbanded its REC and Refugees Office.

The 2010s: a new refugee situation
In the 2010s, new situations of conflict and violence began to flare up in El Salvador, Honduras and Guatemala, and once again thousands of people sought safety in Belize. As arrivals increased, the need for a functioning asylum system became more acute. Eventually UNHCR re-established a presence in the country and in June 2015 the government re-instituted the REC, which began reviewing asylum claims

in November that same year. In May 2016, the Refugees Department was re-established and the government took over the registration and processing of asylum cases, with the support of UNHCR.

Despite these positive steps, the current state of refugee protection is not without its challenges. The government has discontinued its former practice of allowing all asylum seekers' claims to be adjudicated regardless of when they arrived in the country and the Refugees Act's 14-day deadline is being strictly implemented. This seems to be due to concerns about issues such as national security and the need to counteract fraudulent applications. Ironically, though, this may result in a situation of lesser security, rather than greater. Those who are unable to register by the deadline may go 'underground', making it more difficult 'for the government to know who is in the country and what circumstances they face. These refugees are vulnerable to exploitation by smugglers, traffickers, abusive employers or others. And when victims or witnesses of such crimes, these persons would probably fail to report them, for fear of being detained and deported. A robust asylum system – which quickly and fairly adjudicates applications – is, by contrast, widely considered to be one of the best ways to ensure protection and security of the population.

Moreover, most asylum seekers in Belize who have been able to access the process remain in prolonged limbo, without full access to rights and solutions. Since the REC began to adjudicate refugee claims in November 2015, just 15 cases (28 people) have received refugee recognition. Other cases that have been judged positively have not yet received the required ministerial confirmation. As a result, these refugees remain in a state of uncertainty, and the backlog of asylum-seeker cases continues to grow.

The effects of restrictions and delays are serious. The lack of a right to work legally, combined with the lengthy processing time for asylum adjudications, places many asylum seekers (and those outside the asylum system) in extreme vulnerability. Some parents are unable to send their children to school

because they cannot afford to pay the fees; women are pressured to accept unsafe work conditions; urgent medical care may be out of reach; and there have been rumours that, out of desperation, asylum seekers are moving on to find safety elsewhere or are returning to their home countries, at great risk. Meanwhile, Belize is not benefiting from the skills, talent and potential economic input of thousands of people who have looked to the country as a beacon of safety and an opportunity to restart their lives.

Steps in the right direction

Despite these challenges, there are signs of hope. Since restarting the asylum process, the government has recognised the first refugees in nearly 20 years. Moreover, the authorities responsible for refugee adjudications have continued to engage in capacity building and are currently working to strengthen the asylum process. Other relevant Belizean officials are open to positive engagement on refugee issues. In addition, UNHCR and its governmental and NGO partners have successfully instituted projects to support refugee-hosting communities in Belize – projects that assist refugees and Belizeans alike. With only minimal policy changes, Belize could reap significant additional benefits while ensuring protection for those in need of it, as it did in decades past.

Particularly positive in this regard is the decision of Belize to join the current regional effort to strengthen refugee protection and solutions in Central America. Known by its Spanish acronym, MIRPS (Marco Integral Regional para la Proteccion y Soluciones), the initiative is the regional incarnation of the global Comprehensive Refugee Response Framework (CRRF), mandated by the UN General Assembly in its 2016 New York Declaration.[4] Much as the country's participation in the CIREFCA process in the 1990s allowed it to successfully navigate the consequences of the 1980s arrivals, the MIRPS offers Belize opportunities to garner international support and partnership to ensure a 'win–win' result, for the State as well as for these new refugees.

Along with its longer-term efforts under the MIRPS, Belize appears to be considering additional steps that would quickly improve the situation of refugees and asylum seekers. Removing the deadline for asylum applications, guaranteeing quick and fair adjudication of claims (a process that would also identify more readily those persons who are not in need of international protection), and providing unrestricted access to legal employment for registered asylum seekers would all contribute to easing current difficulties for refugees and asylum seekers – and to ensuring they are more quickly able to integrate and contribute to Belize. This could be achieved while working with UN and other regional and international partners under the regional MIRPS framework to provide any support needed. As history has shown, such collaboration is likely to encourage economic development activities that would benefit both refugees and Belizean society. Drawing on its past experience, Belize can once again quietly but effectively act as a leader in the region on refugee protection and solutions.

Janice Marshall *marshallj@unhcr.org*
Formerly a Deputy Director in UNHCR's Division of International Protection, and Senior Consultant (Protection) in Belize

Kelleen Corrigan *corrigank@unhcr.org*
Protection Officer, UNHCR Belize

UNHCR *www.unhcr.org*

The opinions expressed in this article are those of the authors, and not necessarily those of UNHCR.

1. www.refworld.org/docid/46d55f6b2.html

2. Convention Governing the Specific Aspects of Refugee Problems in Africa (1969) www.refworld.org/docid/3ae6b36018.html

3. CIREFCA (International Conference on Central American Refugees, Returnees and Displaced Persons, in Spanish) established a five-year (1989–1994) regional initiative to bring about and consolidate lasting solutions to the displacement caused by the Central American wars of the 1980s. The initiative, supported by all the Central American States plus other asylum countries, was considered an important and successful regional process. See Crisp J and Mayne A (1994) *Review of the CIREFCA Process*, UNHCR bit.ly/Crisp-Mayne-CIREFCA-1994

4. www.unhcr.org/57e39d987 Annex I, p16

Gender and livelihoods in Myanmar after development-induced resettlement

Gillian Cornish and Rebekah Ramsay

Research on a resettlement programme in Myanmar underscores the pressing need for policymakers to understand the ways in which gender affects how different groups experience the impact of development-induced resettlement.

International resettlement standards state that developers have a responsibility to improve, or at least restore, the livelihoods and living standards of people who have been resettled because of development projects – yet this is rarely achieved in practice. Where resettled people suffer physical and economic losses, project developers commonly rely on cash compensation and basic asset replacement. As evidenced in research, this approach neglects the complex processes of livelihood restoration that are intertwined with localised social structures.[1] Cash compensation can exacerbate displaced peoples' already increased exposure to impoverishment risks, as households attempt to manage changed social structures without adequate resources and struggle to rebuild physical and economic assets necessary for survival.

Women face specific barriers in accessing and using compensation to restore household livelihoods and living standards after resettlement. The case of the Upper Paunglaung (UPL) hydroelectric dam in Myanmar's Shan State illustrates the gender implications of cash compensation packages for livelihood restoration and the unique challenges that women face when displaced.

The analysis draws from qualitative and quantitative data collected by Spectrum – Sustainable Development Knowledge Network.[2] In 2013, 23 villages (9,755 people) were involuntary resettled from lowlands to higher ground to make way for the UPL dam.[3] In 2016, Spectrum researchers conducted 66 semi-structured interviews with the resettled women and men, village leaders, township authorities, project implementers (government engineers) and monks.[4] Two socio-economic surveys were also conducted with displaced households, the first directly after the resettlement in 2014 and the second in 2016.[5]

By international standards, the UPL dam development followed common practice. Displaced people were provided with cash compensation for their physical and economic losses, and replacement house plots. Survey and interview results revealed that resettled households perceived improvements in access to education, electricity, health care, roads and religious buildings. Despite these improvements, income generation and access to land for subsistence farming in the resettlement sites were a major concern. Households have been struggling to make ends meet, having lost large plots of productive agricultural land. Compounding their livelihoods challenge, the gendered aspects of livelihood restoration were not explicitly addressed by the UPL project team.

Access to information

An initial barrier affecting women related to access to information. Information sharing about the resettlement plan and implementation was top-down and male-dominated. Government officials provided village leaders with project information and updates, and leaders then held village-level meetings with household heads. All government officials and village leaders were men. In Myanmar the eldest male typically assumes the role of household head, meaning that – with only a few exceptions – all participants in the information sessions were men.

Women primarily learnt about the project through their husbands and neighbours. This second-hand information sharing led to a disconnect between information provided in meetings and comprehension of what the

project and resettlement process entailed. In interviews, some women explained that they could not understand how their village could be flooded, expressing disbelief that a dam could be built over their homes and farms. There were no opportunities for any participants (men or women) to ask

Woman displaced by the Upper Paunglaung hydroelectric dam looks towards the resettlement village and the reservoir that have been created.

questions at the information sessions; people who did so were excluded from future meetings. Women's lack of engagement in the consultation process also had negative consequences for their capacity to negotiate and access compensation.

Rights to compensation
The process of calculating and distributing compensation tends to be biased towards men. Project developers typically pay compensation to land-title holders (generally the male household head), and replacement assets (structures and land plots) are often registered in their names. In the case of the UPL project, women were not involved in conversations about the conditions of compensation and entitlements, and they were not present at the meetings when compensation monies were distributed to household heads. In the villages, women typically manage the household budget and

are responsible for organising food and other essential supplies for the family. Interviewees said that men did not reliably deliver the full compensation amount to their wives (and were commonly reported to have spent money on gambling and alcohol). Without full compensation, women's capacity to directly access and control the funds was inhibited, and they were unable to re-establish family living standards and livelihoods post resettlement, which caused stress and feelings of despair.

Access to productive land
In the context of many development projects, the scarcity of productive rural land means that resettled people must often move away from subsistence and agrarian livelihoods and become more dependent on a cash-based economy. Increased expenses associated with the new cash-based economy can strain household relations and increase women's workloads. Men often migrate in search of work, leading to a rapid rise in women-headed households who must find ways to address the immediate income gap.[6] The lack of access to livelihood activities and assets places an additional burden on women, as they have fewer resources with which to cover their additional household responsibilities.

In the UPL case, affected people were promised land-for-land compensation; however, by 2016, only the house plots with an allocation for small vegetable patches and fruit trees had been replaced. Substitution for the 8,000 acres of cultivation land that villagers had relied on for subsistence living and cash crops prior to resettlement had been promised but not yet provided. Meanwhile,

the land allocated for house plots in the resettlement villages proved reportedly less fertile and productive than in the lowlands.

Furthermore, the importance of common-pool resources was overlooked by the UPL project team. Prior to resettlement, the UPL villagers lived adjacent to forest land which held substantial subsistence value for the households, and especially for women, due to the quality of wild vegetables. Men also used the forests to hunt wild animals for food. In the resettlement villages, women and men still retrieve resources from forest land but the quality and quantity of vegetables and meat are noticeably reduced compared with the lowland forest lands they used to access. With reduced access to food supplies, women reported feeling constantly stressed about finding enough food and resources to feed their families. In a productive sense, women have become less active as a consequence of their reduced capacity to engage in agriculture production, and express hopelessness in the face of fewer opportunities to earn cash or expand their vegetable production.

Social consequences of unequal access to opportunities

In the UPL resettlement villages, family units have been fractured as working-aged men leave the area for jobs elsewhere. Women have assumed leadership positions in their households and have adopted greater responsibilities for the day-to-day functioning of their family and village. This has changed gender dynamics – and has increased women's workloads. With expanded responsibilities and fewer resources, women rely increasingly on men to send remittances. Some feel constrained by the situation and want to follow their husbands to find paid work; those who stay do so because of their dependents and because of established social networks.

In the context of the UPL dam development, simple cash compensation and basic asset replacement have proved insufficient to restore livelihoods for any of the resettled villagers, and particularly for women – and this has been compounded by lack of access to information. Greater efforts are needed in both policy and practice to address the gendered differences of resettlement impacts and livelihood opportunities. By contrast, the Song Bung 4 hydroelectricity project in Vietnam presents a positive example of gender inclusion for major infrastructure projects in the region.[7] Its resettlement process empowered women through participatory processes and proactively advanced gender equality in the remote villages. Future projects need to ensure that women participate in consultation and information sharing, and that gender-based livelihood assets are included in compensation and rehabilitation processes.

Gillian Cornish g.cornish@uq.edu.au
PhD Candidate, School of Earth and Environmental Sciences, University of Queensland; Consultant, Spectrum – Sustainable Development Knowledge Network
https://spectrumsdkn.org/en/

Rebekah Ramsay
Rebekah.ramsay@uqconnect.edu.au
Social Development Specialist, Asian Development Bank

1. Cernea M M (2008) 'Compensation and benefit sharing: Why resettlement policies and practices must be reformed', *Water Science and Engineering* Vol 1, Issue 1, pp89–120
bit.ly/Cernea-compensation-2008

2. This component of the research was funded by USAID and contracted through PACT.

3. In Myanmar, all land is constitutionally owned by the state, thereby limiting individuals' land rights and capacity to exercise power of choice.

4. The authors thank David Allan and Natalie Fuller from Spectrum and Jenny Hedstrom for their input; Spectrum for project coordination; the Government of Myanmar and Paunglaung Township for access to villages; and the interviewees and survey participants for their time and contributions.

5. The socio-economic survey was designed and implemented by Dr Mie Mie Kyaw at Mandalay University.

6. Gururaja S (2000) 'Gender dimensions of displacement', *Forced Migration Review* issue 9
www.fmreview.org/gender-and-displacement/gururaja
See also *Forced Migration Review* issue 12
www.fmreview.org/development-induced-displacement

7. Asia Development Bank (2014) *Navigating Gender-Inclusive Resettlement: The Experience of the Song Bung 4 Hydropower Project in Viet Nam* bit.ly/ADB-Song-Bung-4-2014

Working with peer researchers in refugee communities

William Bakunzi

Refugee peer researchers can be a vital source of access, knowledge and assistance to refugee communities, and international researchers must consider how best to work collaboratively with them.

As one of the oldest and biggest refugee settlements in Uganda, Nakivale has attracted the interest of international researchers year after year. I am a Congolese refugee and have lived in Nakivale since 2006. A statistician by training, I have been involved as a peer researcher in several research projects carried out in Nakivale.

There are numerous difficulties which I have observed in past research which could have been prevented through prior discussion. For example, in projects which rely on mapping the target population, miscalculations may occur if external researchers rely only on official data. For instance, my team was once assigned to interview a group of Congolese families estimated – according to an international agency's database – to number 300 households; when we reached the village, however, we were surprised to find only around 50 households.

Climatic conditions can have a dramatic impact on research efficiency. When researchers target a large population in a limited time, a rainy period will inevitably cause problems. However, by simply communicating their expectations and aims, international researchers can be informed about conditions which may affect the outcomes of the project, and will be able to take the necessary precautions to limit disturbance to the research.

Ensuring peer researchers are fully informed of the objectives of the research means they will be able to explain these objectives when recruiting participants, as well as when managing expectations after the research has been completed. Peer researchers' ability to translate questions into the local language and to discuss, clarify and comment on research topics and interview questions can be vital. For instance, on one occasion it became clear to us that asking refugees questions related to returning to their country of origin was making some interviewees uncomfortable and some were missing interview appointments; it became apparent that this coincided with various rumours which were circulating about some refugees being forced to repatriate. We have also witnessed situations where refugees agreed to participate in interviews thinking that these were about resettlement opportunities in part because the researcher was a white person.

A further challenge is regarding feedback. People who have been involved in different research projects expect, quite understandably, to be informed about the results, how much they have contributed to solving problems, and what improvements will be made as a result. When they are excluded from such information, participants are disappointed and express their annoyance to new researchers, saying, "We have met people like you several times but have seen no changes. Perhaps you are like them?" When the international researchers leave, the point of contact remains the refugee peer researcher, who must stay in the community and answer these questions. For instance, some research is undertaken annually (for example, in Nakivale, research on refugee nutrition); can you imagine how annoyed people get when they never receive feedback on the previous year's research? Participants need to be informed about how far research in which they were involved has reached its goals or how successful it has been in terms of changing opinions or programmes. This requires

international researchers to be open with refugee researchers, equipping them with the knowledge to communicate outcomes.

Finally, research findings need to be made accessible. Publications should not be only online, where many refugees cannot access them. Information should reach even those people who do not have access to the internet, especially those who were part of the target population of the research. While potentially more difficult to realise, alternative formats for outputs may be more appropriate, such as visual content, radio dissemination, and presentation at meetings and conferences.

Researchers must engage with peer researchers within refugee communities if they are to undertake research effectively and sensitively. International researchers need to learn, however, how to improve their practices for working with peer researchers and to plan for what might happen after they have left and the peer researchers remain.

William Bakunzi *bakunziw@gmail.com*
Peer researcher in Nakivale settlement and former Chairman, Refugee Welfare Committee 3

Valuing local humanitarian knowledge: learning from the Central African Republic

Brigitte Piquard and Luk Delft

The humanitarian community needs to better identify, collect, harness and disseminate the local humanitarian knowledge that is developed within protracted conflict settings by national NGOs.

The experiences of Caritas Centrafrique and its partner the Centre for Development and Emergency Practice (CENDEP) show that national non-governmental organisations (NGOs)[1] have much to contribute to the existing knowledge of the international humanitarian sector. The two organisations co-convened a workshop in June 2018 on Transferring and Valuing Local Humanitarian Knowledge in order to reflect on the importance of local knowledge and how the humanitarian community can better identify, collect, harness and disseminate such knowledge for more contextualised, localised humanitarian responses.[2]

Caritas Centrafrique is the joint-lead agency in food distribution, along with the World Food Programme, in three critical zones of the Central African Republic (CAR). Its national staff's local knowledge has guided the organisation in its development of a specific humanitarian know-how, allowing better access to affected communities, mitigating operational risk, informing culturally sensitive interactions with local formal and informal authorities, and easing the organisation's negotiations with rebel groups. In CAR, where more than one in five people has been displaced by protracted conflict, Caritas Centrafrique staff are able to negotiate safe access to communities and create a humanitarian space in areas in which it is difficult for international actors to operate.

Local knowledge: a key aspect of localisation

Knowledge (whether local or humanitarian) and its management are extremely underrepresented in the literature on the localisation of aid – that is, transferring leadership for aid provision to local rather than international actors. References to local knowledge are mainly limited to indigenous knowledge (usually reduced to technical know-how such as vernacular building techniques or to contextual information), knowledge about the community or basic situational data such as information on accessibility. Most examples are taken from natural disaster settings, without application to protracted conflict situations. Furthermore, such knowledge is invoked only during

preparation and planning phases, such as for needs assessments and context analyses. Local humanitarian knowledge tends to be seen as intuitive rather than evidence-based; furthermore, some national NGOs' practices may be considered to conform insufficiently to international humanitarian principles. All this undermines the potential for local knowledge to be understood by the international community.

Caritas Centrafrique and CENDEP, however, have been working together to make national staff's knowledge more visible and valued by the international humanitarian community. Their approach is to build upon existing knowledge, practices and experiences. Caritas' national staff – who see themselves as 'children of the country' (*fils du pays*) – are able to retrieve and understand differently sensitive information received directly from community members. They know how this flow of information is generated, how it is expressed and how it should be interpreted taking into account local connotations and meanings. This local knowledge provides the basis for training on data collection and management and on communication and reporting, plus follow-up activities on peer mentoring, monitoring of implementation in the field, one-to-one accompaniment and strengthening a culture of change. Based on learning from this collaboration CENDEP has organised a series of trainings and tools for 40 programme officers from different regional and national Caritas offices.

The notion of evidence and the co-production of knowledge

It was clear that Caritas Centrafrique national staff were sometimes unable or lacking confidence to voice their own knowledge using internationally recognised jargon so a 'training-by-doing' attitude was encouraged, with staff encouraged to become trainers themselves, transferring knowledge to new team members in their own words. Supporting national NGOs in responding to one, pre-defined concept of research and helping them to complete frameworks designed by the international community

are not enough. It needs to be acknowledged that they can contribute to ensuring that questions are legitimate and culturally sensitive and can be understood outside the international humanitarian sector, thereby clarifying cultural misunderstandings and mitigating communities' frustrations generated by insensitive questions.

The notion of evidence itself as something tangible, measurable, scientific and rigorous has become standardised and this must be challenged. Creative and flexible methods of knowledge collection need to be initiated based on less formal contacts with communities and more adaptable research protocols. Participants at the workshop's round table on research methods as a means of empowerment argued that traditional storytelling, song or performance – even if not yielding evidence that would adhere to international standards – can be used in reporting for describing community perceptions of situations and needs.

The co-production of knowledge can broaden cooperation but hides potential power imbalances. Often, while collaborative and participatory methods are used at a field level for data collection, decision making still occurs only at a higher, national cluster level. Furthermore, there is a tendency for some local authorities and affected communities' representatives to only share information that they believe the internationals want to receive.

A camp for internally displaced people in Bria, Central African Republic.

Data collected by national and local staff can be more nuanced and less inflated than data collected by international organisations. This can provide a more accurate representation of a situation, allowing better monitoring and thus more successful implementation.

Increasingly it is considered good practice to create a digital or virtual forum where knowledge and technical expertise can be stored and distributed across all levels of the humanitarian system. Such repositories could contain lessons learned or simply present evidence for users to interpret. The creation of such forums can also lead to new leadership roles for national NGOs in technical or coordination forums and consortiums so that they can work together with other organisations and build on their mutual good practice.

Strengthening knowledge and expertise: a shared responsibility

International NGOs have the responsibility to facilitate processes which incite a change of behaviour and attitude in order to allow a shift of power. Without compromising principles, international standards should be looked at flexibly to embrace national organisations' unique effectiveness. International NGOs also have a role to play in the tailoring of these standards to local contexts.

UNHCR/Cassandra Vinograd

National NGOs have the responsibility to create an internal culture of change and a space to think and reflect on their own practices. They should also advocate for the recognition of their experience and contribute to the strategic development of humanitarian knowledge.

Wider research is needed by national NGOs to improve understanding of local settings, social and political infrastructures and the cultural dynamics of different actors, including their strengths and assets and their resilience and adaptation strategies. Such research can also enable greater understanding of conflict evolution, heritage and local decision-making processes. This can boost joint operational capacity and vulnerability reduction through a holistic understanding of conflict settings and contextualised responses that take into consideration what works and what does not.

We need a behavioural shift from identification of lessons learned to a constant revision of practices through the integration of local knowledge and a self-reflective thinking. An action-research approach through ongoing rigorous monitoring and testing of innovations in projects will allow simultaneously to increase knowledge and to improve practices. Slower research processes and adapted research methods can empower local staff and communities through community researchers. National organisations, like Caritas Centrafrique, could take the lead in researching emerging trends in an autonomous, free and flexible manner in order to enhance critical reflection and bolster ownership within communities.

Brigitte Piquard *bpiquard@brookes.ac.uk*
Reader in Humanitarianism and Conflict, CENDEP, Oxford Brookes University
www.brookes.ac.uk/architecture/research/cendep/

Luk Delft *luk.delft@gmail.com*
National Executive Director, Caritas Centrafrique
www.facebook.com/CaritasRCA/

1. The term 'national NGO' is used to encompass all local and national structured civil society organisations.

2. Workshop report at bit.ly/Brookes-CaritasCA-local-knowledge

The Global Summit of Refugees and the importance of refugee self-representation

The Global Summit of Refugees Steering Committee

In June 2018, 72 refugee representatives from 27 refugee-hosting countries gathered in Geneva for the first-ever Global Summit of Refugees.

The Summit was an historic event, bringing together representatives from forcibly displaced populations from all over the globe for the first time to discuss, plan and organise on the subject of refugee self-representation. It was convened and organised by representatives of eight refugee-led networks, including the Network for Refugee Voices, the Australian National Committee of Refugee Women, Network for Colombian Victims for Peace in Latin America and the Caribbean (REVICPAZ-LAC), New Zealand National Refugee Association, Asia Pacific Refugee Rights Network, Refugee Led Organizations Network (Uganda) and Syrian Youth Volunteers – Netherlands. Support was provided by two non-governmental organisations (NGOs), Independent Diplomat and the Refugee Council of Australia.

One of its thematic discussions focused on participation and agency – how refugees and other forcibly displaced people can participate meaningfully in and exert influence on decision-making processes that affect their lives at different levels (local,

national, regional, global) and in different kinds of forums (for example, those led by governments, NGOs, communities).

Despite recent calls for the increased involvement of refugees in both global processes and local initiatives, there is very little evidence that refugee and other forcibly displaced communities (particularly women's organisations) are better represented. And despite the international community's recognition of participatory policy making, as detailed in the Grand Bargain and embodied in the Sustainable Development Goals' mantra to 'leave no one behind', existing participatory practices fall short.

Refugee participation is mostly welcomed as a way of implementing the agenda of larger institutions and governments rather than as genuine strategic engagement that enables a response based on what people need and want rather than what goods and services can be supplied. Barriers to refugee participation include the high expectations that stakeholders have of refugee-led organisations' ability to participate in

Participants at the Global Summit of Refugees.

decision-making processes despite the limited funding, language barriers and concerns over legal status that these organisations often face. Ensuring diverse and representative refugee voices in global discussions is challenging when much of the dialogue takes place in Geneva or New York, where access is limited to those who are already in Europe or North America or who have documents and the resources to travel. Refugees in detention centres, in protection contexts where the risks of speaking out are significant, who have had less opportunity to develop skills important to policy-making contexts and where daily existence is a struggle have even less opportunity to participate.

Discussions at the Summit around participation and agency focused on questions including: What kind of participation are we speaking about? How can participation be more effective? What kind of organisational/ structured process would be viable and successful? What kind of relationship would we like to establish with stakeholders and other actors involved in decision making? How do we transform refugee efforts and their organisational processes into something sustainable over time?

The Summit provided an opportunity for refugee leaders to network and exchange ideas, and resulted in a number of headline outcomes:

- That refugee community organisations, initiatives and change-makers from around the world will establish a representative network – an inclusive international platform for refugee participation and self-representation – before the end of 2018. This global network will work towards the creation of an independent monitoring mechanism which will assess progress towards refugee participation and the fulfilment of rights.

- That refugee-led organisations and networks should be guaranteed the opportunity to participate at all levels (local, state, regional and international) to represent the concerns of affected populations in policy- and decision-making forums relating to forced displacement,

in particular at the Global Refugee Forum of 2019 and its subsequent meetings, as well as in other decision-making bodies affecting their lives.

- That all actors involved in international protection should actively work towards meaningfully including and enabling refugee-led organisations and initiatives as equal partners in the pursuit of solutions to forced displacement. This includes considerations about sustainability through allocation of resources, ways to support leadership within refugee-led organisations and networks and to respond to requests for capacity building, and analysing and addressing barriers to participation.

Detailed recommendations are laid out in the Summit's Policy Discussion and Outcomes Paper.[1] The Global Summit of Refugees Steering Committee welcomes feedback and looks forward to collaborating with the UN Refugee Agency (UNHCR), NGOs and local stakeholders to take these steps towards a more inclusive, participatory, human rights-based approach to refugee policy making. Regional meetings of the Global Summit of Refugees network are scheduled to take place before the end of 2018.

Mauricio Viloria and Diana Ortiz
Red de Victimas Colombianas por la Paz en Latinoamérica y el Caribe (REVICPAZ-LAC)

Najeeba Wazefadost
Hazara Women of Australia/Australian National Committee on Refugee Women

Mohammed Badran
Network for Refugee Voices/Syrian Youth Volunteers – Netherlands

globalsummit4refugees@gmail.com
www.networkforrefugeevoices.org

1. www.networkforrefugeevoices.org/global-summit-of-refugees

Nothing About Us Without Us

#GlobalSummitOfRefugees

Assisting displaced people: a shared responsibility

Iwuoha Chima Iwuoha

Enyimba kwe nu. **When we work together, we achieve more.**

My name is Iwuoha Chima Iwuoha, and I live in Aba, in Abia State, Nigeria.

During the Nigerian civil war of 1967–70, malnutrition was widespread in eastern Nigeria (then known as Biafra) and many children died of kwashiorkor, a severe form of malnutrition. In 1969, I and four of my brothers had kwashiorkor but we survived, thanks to the food relief provided by international organisations. I was 13 at the time, and when I heard my mother praising God for the food provided by the relief organisations, I told her that when I grew up, I too would supply relief to people in need.

In 1994 I set up Refugee Relief Workers International (ReRWI), a non-governmental organisation to help refugees and internally displaced persons (IDPs) in Nigeria. The first assistance we provided was to local people who had been displaced by communal violence. Houses, churches and schools had been destroyed, many had been killed, and many more people had fled in the night. We wrote to the local government chairman about the plight of the displaced. With his support, we undertook a needs assessment of some 2,000 displaced people and helped them to appoint their own leaders. The primary need that we identified, in consultation with them, was rebuilding homes. We wrote letters to advocate for support for this rebuilding programme, and the publicity we generated triggered offers of assistance from churches, displaced people's relatives and other civil society organisations.

Twenty-four years later, we are currently working with the Umunneato Obuzo community which comprises people displaced by communal conflict, who are now in temporary shelters (not in camps) and in need of food and better shelter, schooling and employment. We entered into partnership with Abia State Agency for Community and Social Development which obtained a World Bank grant to help us provide improved shelter for the IDPs and to help them organise themselves into an IDP community association.

ReRWI participates in the Coalition of Non-Governmental Organisations in Abia State, working together to support the State government in implementing the Sustainable Development Goals.[1] We face difficulties in securing grants, however,[2] and also suffer from the lack of training (and participation in the wider assistance community) available to local organisations like ours.

At ReRWI we have six employees, including myself, and an independent consultant. We also have 68 registered volunteers who use their various professional training and skills to serve humanity. My children and my wife also are involved in our work. Some of our youth volunteers have now 'graduated' from ReRWI and are employed by agencies overseas. One works in a refugee camp in Germany, for example, and another is employed by an agency in the United States.

"We need networking, collaboration, partnership."

I have learned over the years that humanitarian assistance is a shared responsibility, never to be carried by one person or one agency, no matter how rich or powerful. We need networking, collaboration, partnership. And when I am too old, younger people will take my place and continue in the same spirit of working together to help others.

Iwuoha Chima Iwuoha
refugeevolunteer@yahoo.com
Founder and President, Refugee Relief Workers International (Tel +234 803 562 2086)

1. bit.ly/NigerianVoice-AbiaStateNGOs

2. We are currently seeking support for the Umunneato community rehabilitation project and for a nationwide mapping exercise of out-of-camp IDPs.

Exclusion of local actors from coordination leadership in child protection

Umar Abdullahi Maina, Daniel Machuor and Anthony Nolan

Despite multiple commitments to and much guidance on the desirability of local actors leading coordination at the national level, the reality is that they continue to be excluded.

At present, there are 33 national humanitarian child protection coordination groups (formerly known as child protection sub-clusters) in the Inter-Agency Standing Committee (IASC) cluster system.[1] These groups set the overall strategic direction for child protection humanitarian responses and can have great influence over the allocation of funding and training opportunities to organisations providing child protection. A recent survey showed that these groups include on average 22 national-level child protection organisations per group and that over 60% of these are local actors.[2] However, it is surprising that while national actors account for the majority of members, none of the 33 groups is currently co-led by a national civil society organisation (CSO).

The Global Protection Cluster's own guidance documents explicitly encourage the co-leadership of local NGOs because it brings unique perspectives to decision making and can lead to more sustainable, inclusive and effective coordination mechanisms. For example, a strong local coordinator can tap into local networks to amplify advocacy messages and produce more accurate analyses – and may be more effective in monitoring accountability to the children and their families. In most contexts, employing a strong coordinator from a local NGO will also be less costly than someone from an international organisation.

Child Protection Minimum Standards require the cluster lead agency to build on existing local coordination structures and encourage CSOs to co-lead whenever possible,[3] while the IASC has stated that Resident Coordinators or Humanitarian Coordinators and Humanitarian Country Teams should ensure that funding is not an obstacle for agencies that wish to share cluster leadership and that "those in shared leadership roles should help to build national capacity".[4]

Why, then, are there not more local NGOs in coordination leadership or co-leadership roles? Many explanations are offered but the two we hear most often are that local partners lack sufficient capacity to lead the coordination group at national level and that international actors are needed for their neutrality, impartiality and/or independence.

A question of capacity?

Like the international community, local NGOs have a diverse range of experience and competence. Many UN agencies and international NGOs (INGOs) in lead or co-lead roles already employ national colleagues for these leadership and co-leadership positions. In many contexts, local or national NGOs coordinate local NGO networks and child protection thematic working groups, or oversee integrated, multi-sectoral child protection programmes. They also often lead or co-lead coordination groups at the sub-national level. It is unclear why the same capacities are not considered relevant or sufficient for national coordination roles.

Many existing humanitarian child protection coordination groups have been in place for over 10 years (for example, in Somalia, the Democratic Republic of the Congo and the Central African Republic), and many local child protection organisations and personnel have been working in the sector throughout this period. Nevertheless, when a child protection coordinator position was advertised for one of these contexts in early 2018, the selection criteria specified an international person with five years of professional experience. Is it really possible that no local actor had

sufficient experience and competence to be considered for such a role?

International coordinators continue to rotate rapidly through child protection leadership positions, despite often having substantially less professional experience and poorer understanding of the local context than local candidates. Strong national NGOs once had national co-leadership roles but were eventually replaced by INGOs (for example, in Somalia). A recent review of diversity in humanitarian leadership noted that the crowding out of local partners is common.[5]

Rather than lacking sufficient capacity, it may be more accurate to say that local and national NGOs lack flexible institutional funding or the robust human resources, finance or management systems that many large INGOs enjoy. This makes it difficult to recruit and retain coordination experts or draw on support from a regional or global headquarters. Nevertheless, these are surmountable constraints. Imagine what could have been achieved if the international humanitarian community had spent the last 10 years seconding coordination specialists to work within local partner organisations, or offering coaching, mentoring and shadowing opportunities, or funding a local partner to hire and manage their own national or international coordination specialist.

A question of neutrality, impartiality and independence?

It is certainly true that neutrality, impartiality and independence are critical in protection responses and that sometimes governments need support with these. If the services of an international agency are needed, UNICEF has a formal IASC mandate to be the agency of last resort for child protection within the cluster system, and should be able to address many of the concerns about neutrality, impartiality and independence. If additional levels of independence are needed, tripartite arrangements have been established in some contexts (government, UN and INGO). As such, there is sufficient flexibility available to groups to structure their leadership arrangements to fit a given context.

It is a false assumption, however, that it is only international actors who can ensure impartiality. Local and national CSOs are already in leadership roles at the sub-national level and are navigating complex local operating contexts, dynamics and relationships (we see this in our work in both Nigeria and South Sudan). Local actors are seemingly trusted to effectively manage coordination (with all its complexities) at the sub-national level – but not at the national level. Why are international organisations willing to invest human resources in national coordination roles but not in sub-national coordination roles? Many local colleagues have suggested to us that international actors prefer to lead coordination groups at the national level because these roles carry the greatest visibility and influence. Others have suggested that INGOs believe that they can do a better job than local organisations. Some have been even suggested that INGOs seek national leadership roles as a way to secure access to financial resources for their own programmes.

Humanitarian Response Plans (which outline the humanitarian community's approach and priorities) do not outline how leadership decisions are made, or whether transition plans are in place, despite commitments from the IASC and the Global Protection Cluster to develop transition plans within three months of the onset of a crisis and annually thereafter. The full reasons for the lack of local actors leading coordination at the national level remain unclear but surely the humanitarian child protection community can do better.

Three challenges

As child protection coordination groups and HCTs prepare their Humanitarian Response Plans for 2019, we would like to issue three challenges to our international coordination colleagues, to all child protection coordination group members and to the cluster system more generally.

Child protection coordination groups: allocate 2–3 sentences in your next year's plan to explicitly outline leadership arrangements.

Given that coordination leadership is fundamental to the humanitarian response, leadership arrangements should be explained in the humanitarian strategy. If local actors are not in a leadership role, the strategy should note what transitions are underway or what preconditions are needed to enable a transition.

INGOs (especially co-leads): commit to a time-bound, resourced strategy to transition to local co-leadership, including through providing coaching, mentoring and/or shadowing support where relevant. This transition should happen as quickly as possible but should of course be a responsible transition with a timeframe that reflects this. INGOs should factor this transition into their fundraising and internal resource allocations.

Donors: if the first two challenges are not met by Coordination Groups and INGOs, stop funding INGO co-leadership positions, and instead prioritise directly supporting local co-leadership.

Daniel Machuor *machuorcina@gmail.com*
Executive Director, Community in Need Aid (CINA), South Sudan *www.cinasouthsudan.org*

Umar Abdullahi Maina
mainaumar62@gmail.com
Programme Supervisor, Neem Foundation, Nigeria *www.neemfoundation.org.ng*

Members of the Global Child Protection Area of Responsibility (CP AoR) Strategic Advisory Group

Anthony Nolan *anolan@unicef.org*
Localisation Thematic Lead for the CP AoR and Child Protection Specialist, UNICEF *www.unicef.org*

1. bit.ly/GPC-child-protection

2. CP AoR Annual Survey 2017 bit.ly/CPAoR-AnnualSurvey2017

3. CP AoR (2010) Minimum Standards for Child Protection in Humanitarian Action, p38–39 bit.ly/CP-Minimum-Standards

4. See IASC (2011, revised 2015) *Reference Module for Cluster Coordination at Country Level* bit.ly/IASC-2015-cluster-coordination

5. Humanitarian Advisory Group (2018) *Drawing on our diversity: Humanitarian leadership*, p10 bit.ly/HAG-diversity-leadership-2018

thematic listings

Additional reading on displaced and stateless children

FMR's thematic listing 'Children on the move' (2016) provides links to articles published on child protection in previous FMR issues. Most of the articles are available in English, Spanish, Arabic and French in PDF and HTML formats; more recent ones are also available in audio/MP3 format.

Other FMR thematic listings available include: Yemen • Peace processes and peace building • Latin America and the Caribbean • Statelessness • The Rohingya • Trafficking and smuggling of people • Protection at sea • Youth • Health and displacement

If you would like to suggest a topic that you think would be of wide and/or topical interest, email the Editors at fmr@qeh.ox.ac.uk.

www.fmreview.org/thematic-listings

Barbara Harrell-Bond, 1932–2018

Dr Barbara Harrell-Bond, Emerita Professor, founder and director of the Refugee Studies Centre, died on 11 July 2018.

An inspiration and mentor to thousands of colleagues, friends and refugees around the world, the world has lost one of the most influential figures in the field of forced displacement. Her ferocious commitment resonates even more deeply now in an era when compassion and protection for refugees are in such short supply.

She pioneered the field of refugee studies as an important area of academic concern, but only in so far as rigorous scholarship and research served to empower refugees by providing a critically constructive engagement with policy and practice.

Professor Roger Zetter, former director of the Refugee Studies Centre
(Full obituary in the Guardian, 30 July 2018 bit.ly/Guardian-BHB-obituary)

Five years after Barbara Harrell-Bond founded the Refugee Studies Centre in 1982, she launched Forced Migration Review (then known as the Refugee Participation Network newsletter).

We are proud to carry on her work and her commitment to upholding the rights of refugees. Since the founding of the magazine in 1987, the publication's name has changed and we have had several redesigns – but Forced Migration Review's objective remains the same as when first established by Barbara:

…to establish a link through which practitioners, researchers and policymakers can communicate and benefit from each other's practical experience and research results.

The June 2019 issue of FMR will pay tribute to Barbara Harrell-Bond and will reflect her work and the causes she fought for. Details will be online at www.fmreview.org/forthcoming.

If you would be willing to offer financial support for this special issue, or could suggest possible sources of funding, please contact the Editors, Marion Couldrey and Jenny Peebles, at fmr@qeh.ox.ac.uk or on +44 (0)1865 281700.