



Protection and solutions
in situations of internal
displacement:

*Learning from UNHCR's
operational experience*

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EPAU/2002/10
August 2002

Evaluation and Policy Analysis Unit

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Introduction

An evaluation workshop titled 'Protection and solutions in situations of internal displacement: learning from UNHCR's operational experience', was convened by the organization's Evaluation and Policy Analysis Unit (EPAU) and Department of International Protection (DIP) in May 2002. This report is based on the principal themes of the workshop agenda, which is attached as an annex.

The workshop was organized in response to an evaluation of the UNHCR programme in Sri Lanka in September 2001, which suggested that the organization should identify and share lessons learned from different situations where UNHCR is exercising its mandate for protection and solutions in the context of internal displacement.

The workshop also derived from a sense within EPAU and DIP that excessive attention has been given in recent years to the issue of institutional responsibility for the internally displaced. By way of contrast, the operational activities that UNHCR and other actors undertake in situations of internal displacement have not been systematically evaluated.

The specific objectives of the workshop were:

- to compare UNHCR's operational experience in a number of different countries where the organisation is working with internally displaced people (IDPs);
- to identify and share examples of good practices, especially in relation to protection activities and the search for durable solutions;
- to examine the extent and ways in which UNHCR is operationalizing the Guiding Principles on Internal Displacement;
- to examine the ways in which UNHCR is exercising its mandate for durable solutions in an IDP context to assess the relevance of the Operational Guidelines for UNHCR's Involvement with Internally Displaced Persons; and
- to determine what UNHCR can offer to an inter-agency approach, through the new Internal Displacement Unit in OCHA.

The workshop, which was held in Geneva, was opened by Kamal Morjane, the Assistant High Commissioner for Refugees, and closed by Kallu Kalumiya, a Deputy Director in the Department of International Protection. Jeff Crisp (EPAU) and Guillermo Bettocchi (DIP) facilitated the discussion. Anna de la Varga Fitó, an EPAU consultant, organized the workshop and acted as rapporteur. Ana Grace Cabrera kindly assisted in the compilation of the workshop's conclusions and recommendations.

The workshop brought together a wide range of staff members with experience in locations where UNHCR is working with internally displaced populations: Afghanistan, Angola, Azerbaijan, Burundi, Colombia, Georgia, Liberia, Macedonia, the Russian Federation, Serbia, Sierra Leone and Sri Lanka. Guests from the

Commission on Human Security and Migration Policy Institute also participated throughout the workshop.

Participants from other humanitarian agencies (the Internal Displacement Unit within the Office for the Coordination of Humanitarian Affairs, the Office of the High Commissioner for Human Rights, UNICEF, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, the Norwegian Refugee Council and the UK's Department for International Development) took part in two sessions of the workshop: one on inter-agency coordination, and the other on partnership with national actors.

Tools and organisational resources

The aim of this session was to explore the extent to which tools such as the Guiding Principles on Internal Displacement and the Operational Guidelines for UNHCR's involvement with internally displaced populations are being used, and to explore the adequacy of UNHCR's organizational resources in relation to operations benefiting internally displaced people (IDPs).

Participants pointed out that UNHCR does not always become operationally involved with IDP populations, even when most of the organization's criteria for engagement are met. In some situations this is because other agencies are already involved. In others, it is because the resources required cannot be mobilized. A recurrent issue raised during the workshop was UNHCR's self-imposed requirement to raise 'additional funding' for IDP operations - a requirement which makes UNHCR's engagement unpredictable, and which undermines the integrity of the organization's IDP policy.

Conclusions and recommendations

1. UNHCR's involvement in situations of internal displacement should in the first instance be based on an objective assessment of IDP needs, the capacity of other humanitarian organizations who are present in the country concerned, and the potential value that would be added to the international response. In assessing that added value, particular attention should be given to UNHCR's mandate for protection and solutions.
2. Funding should only be used as a criterion for UNHCR involvement once it has been determined that the organization has a useful role to play in a situation of internal displacement. When one of the "main organs" of the United Nations requests or authorizes UNHCR's engagement in such a situation, that organ should also take steps to ensure that funding is forthcoming.
3. Decisions on UNHCR's involvement in a situation of internal displacement should be undertaken within the framework of UN coordination and in association with OCHA's new IDP Unit.
4. UNHCR should further examine the meaning of 'protection' and 'solutions' in situations of internal displacement. The organization should also seek to ensure that IDPs benefit from protection and solutions by promoting the relevant instruments of international human rights and humanitarian law, as well as the Guiding Principles on Internal Displacement.
5. The Guiding Principles on Internal Displacement should be systematically used by UNHCR as a basis for advocacy and situational analysis, as well as operational planning, implementation, monitoring and evaluation. Training in the Guiding Principles and UNHCR's Operational Guidelines should be mandatory for staff members and implementing partners who are engaged in IDP operations. In situations of internal displacement, the workshop noted, training in negotiating and conflict resolution skills also has a particular value.

6. UNHCR should encourage other agencies, including those which do not have a protection mandate, to establish common approaches to the protection of IDPs and to monitoring the welfare of internally displaced populations. The provision of emergency relief to IDPs should always be linked to the objectives of protection and solutions.
7. UNHCR should ensure that all the members of an IDP population receive equal treatment, while also paying special attention to the special protection needs of children, women, ethnic minorities and other groups with particular needs. UNHCR should monitor the welfare of non-displaced populations living in the same locations as IDPs, so as to ensure that the former are not disadvantaged.
8. UNHCR should develop, maintain and share an inventory of good and innovative practices in relation to the task of providing IDPs protection and solutions. This objective could be achieved by means of evaluations, self-evaluation workshops and by updating DIP's 1994 publication on UNHCR's operational experience with the internally displaced.
9. An electronic network should be established amongst those UNHCR offices with significant IDP programmes, so as to facilitate a more regular and effective exchange of ideas and information.

Access and protection

This session of the workshop examined the problem of gaining access to internally displaced populations, ensuring their physical security and freedom of movement. It also considered the issue of arrest and detention.

There was broad agreement in the workshop that UNHCR cannot exercise its mandate for protection and solutions unless it is able to establish a presence in an area of internal displacement and have unimpeded access to the people concerned. As in refugee situations, UNHCR should make effective use of its presence and access by meeting and consulting with IDP populations on a regular basis, so as to develop a better understanding of their own protection and solutions strategies.

Conclusions and recommendations

1. UNHCR should engage regularly and directly with the local authorities and armed forces (both official and de facto) so as to advocate for unimpeded access to internally displaced populations. To support this process, the Guiding Principles on Internal Displacement should be translated into local languages and widely disseminated.
2. UNHCR should examine the different strategies that can be used to negotiate access to the internally displaced, including the establishment of 'ground rules' with warring parties, the creation of 'safe corridors' and the use of humanitarian diplomacy. The organization should also consider how the provision of relief assistance and the implementation of Quick Impact Projects can be most effectively used to reinforce its ability to provide IDPs with protection and solutions.
3. UNHCR should undertake more effective situational analysis in situations of internal displacement. Using participatory methodologies and involving local partners, such situational analysis should be used to identify and address the key protection problems confronting the internally displaced, including domestic, sexual and gender-based violence.
4. Recognising that presence is essential for the provision of protection, and acknowledging the limited capacity of UNHCR and other international agencies, UNHCR should promote the establishment of 'protection networks' in IDP-populated areas, involving local NGOs, human rights organizations, members of the legal profession and other members of civil society. At the same time, innovative methods should be used to encourage and empower IDPs to defend their rights as citizens living in their own country.
5. International organizations that are present in countries with internally displaced populations should undertake any monitoring activities in an open and transparent manner. They should also make use of local expertise to examine existing legislation and to determine how it might be used to enhance the protection of displaced people. When useful legal provisions exist but are not respected, then international organizations should focus their efforts on training, capacity-building and compliance.

6. Considerable attention has been given in recent years to the separation of bona fide refugees from armed elements and other people who do not qualify for international protection. But the question of separation in situations of internal displacement has not been considered with the same degree of urgency. Additional information should be collected on this issue.

Registration and identity

The objective of this session was to discuss whether IDP populations should be registered, to examine the obstacles that arise when doing so, and to share both positive and negative lessons learned on the registration process. This session also discussed the question of identity documents, and the relationship of such documents to the issues of protection, statelessness and citizenship.

Addressing the workshop, the Head of UNHCR's Population Data Unit identified a number of reasons why it is more difficult to register IDPs than refugees: the lack of an automatic UNHCR mandate in situations of internal displacement; the greater unpredictability of IDP movements compared to those of refugees; the fact that it is easier for governments to control the entry of foreigners than to control internal movements; the reluctance of some IDPs to be categorized and labelled as such, as this might jeopardize their security; and the lack of a direct link between registration and the receipt of assistance, as is usually the case with refugees. Other participants pointed out that there can also be a problem in determining who is and is not an IDP, especially in countries where a large proportion of the population is affected by armed conflict.

Conclusions and recommendations

1. The concept of 'internally displaced people' should be the subject of critical review. While the concept has proven to be of considerable value for the purposes of advocacy, its use as an operational category is more questionable, especially in situations where displaced and non-displaced populations experience the same or similar conditions of life, and where the internally displaced do not wish to be described in that manner.
2. Further consideration should also be given to the application of the IDP concept, especially in protracted situations of internal displacement. More specifically, UNHCR and its partners should ask under what circumstances can IDPs be said to have found a solution to their plight, even if they have not returned to the place from which they were originally displaced.
3. In association with partner organizations and the governments of countries with large IDP populations, UNHCR should re-assess both the objectives and modalities of IDP registration. The organization should also consider other methods that might be used to establish a detailed profile of IDP populations, including periodic sample surveys. Such methods could also be used to monitor and evaluate the impact of UNHCR's activities on behalf of the internally displaced.
4. With regard to the issue of identity documents, the workshop agreed that personal documentation is often essential for internally displaced people to exercise their civil and political rights (including voting) and to gain access to public services. Documentation also has an important role to play in the promotion of solutions, as it facilitates the return of IDPs to their area of origin and assists them to reclaim their land and property. This is of particular importance for female heads of IDP households in certain countries.

5. For the reasons cited above, UNHCR should encourage governments to provide displaced citizens with identity documents and should provide practical support to that process in situations where the state lacks the capacity to do so. Such documentation programmes could facilitate UNHCR's efforts to gain access to IDP populations, and could also be used as a basis for mass information campaigns, designed to inform such populations of their rights, entitlements and options for the future.

Assistance and self-reliance

This session of the workshop was intended to promote a discussion on the provision of assistance to IDPs, on the problem of ensuring that they have access to basic services, and on the challenge of promoting participation, empowerment and self-reliance amongst the internally displaced.

In their discussion of these issues, workshop participants agreed that there is a clear link between assistance, protection and durable solutions in situations of internal displacement. It was acknowledged that assistance should be non-discriminatory in nature, that it should never be provided in a way that jeopardizes the safety and security of IDPs, and that it should always be used to promote sustainable livelihoods, durable solutions and reconciliation.

Conclusions and recommendations

1. Whereas many refugee-hosting countries cede responsibility to UNHCR in the area of assistance and self-reliance, such an approach is not acceptable in situations of internal displacement, where the organization's beneficiaries are citizens of the state concerned. The participation of the authorities and other local actors in assessing and meeting IDP needs should therefore be encouraged.
2. At the same time, it should be recognized that an IDP population may have been displaced by the actions of the government, and may have fled to an area that is controlled by another authority. While recognizing the principle of national sovereignty, UNHCR must be prepared to work with such non-state actors, encouraging them to safeguard the welfare of people living under their administration.
3. In situations of internal displacement, as in refugee situations, UNHCR should avoid the establishment of indefinite care-and-maintenance programmes. While emergency assistance may be required in the first phase of internal displacement, such programmes should quickly give way to projects and programmes which promote livelihoods and self-reliance. An integrated approach, benefiting non-displaced local inhabitants and involving national and international development actors should normally be pursued.
4. IDPs, like other people, cannot be expected to become self-reliant if they are denied basic rights. UNHCR should therefore strive to ensure that the internally displaced enjoy freedom of movement, the ownership or use of land, wage-earning opportunities, access to markets and the education of their children. Large IDP camps and settlements should be avoided, as should smaller camps and settlements which are located close to zones of conflict or in areas inhabited by populations that are hostile to the displaced people concerned.
5. UNHCR's policies on refugee children and women, gender equality and community development, should be equally applied in situations of internal displacement. IDPs, especially women and adolescents, should be actively

encouraged to participate in the assessment of needs, as well as the planning, delivery and monitoring of any assistance provided.

Partnership and coordination

External participants were present in this session of the workshop, which examined the way different agencies understand and make use of the IDP concept, as well as the challenges of partnership and coordination.

Conclusions and recommendations

1. It was recognised from the outset of the discussion that there is no single agency, whether UN, NGO or other, that can assume global responsibility for protection and solutions in situations of internal displacement. Effective coordination among all of the actors concerned is therefore essential, as is a recognition of the role to be played in this respect by OCHA's new Internal Displacement Unit. According to its mission statement, the new unit aims to ensure a predictable and concerted response among all concerned actors to the problems of internal displacement. Its primary purpose is to promote respect for the rights of the displaced in all aspects of displacement and encourage the search for long-term solutions and the prevention or non-recurrence of displacement.
2. Different agencies place a different value on the IDP concept. While some organizations regard IDPs as a specific humanitarian category, analogous to refugees, others find the concept less helpful, especially in situations where the internally displaced live amongst or alongside other needy but non-displaced populations. Participants in the workshop also pointed to the problem of using the IDP concept in urban environments, where internally displaced people are not accommodated in spatially segregated areas and where they live in communities with large numbers of rural-to-urban migrants.
3. An effective response to situations of internal displacement requires a clear definition of the roles and responsibilities to be assumed by different international actors, based upon their respective mandates and areas of expertise. Such arrangements should ideally be formalized in a framework agreement, established at the initial stage of an IDP operation.

Working with national institutions

External participants also attended this session of the workshop, which examined the relationship between international humanitarian agencies and national actors, including judicial, legislative, governmental and non-governmental bodies.

The workshop agreed that states have primary responsibility for people who are displaced within their own country. And yet the very presence of displaced populations on a state's territory is indicative of the fact that the government concerned is unwilling or unable to protect its citizens.

Conclusions and recommendations

1. The workshop agreed that state authority and state responsibility are indivisible. It is incumbent upon government (and other actors which have assumed a governing role) to prevent displacement, to protect displaced populations and to find solutions for them. The role of UNHCR and other international humanitarian agencies is not to substitute the state's efforts on behalf of citizens and other lawful residents, but to complement them. At the same time, international actors must ensure that abusive authorities which have created situations of internal displacement are prevented from inflicting further human rights violations on the affected populations and that they remedy those situations of displacement for which they have been responsible.
2. To the extent possible, indigenous mechanisms for conflict resolution and the administration of justice should be employed in situations of internal displacement. These include local courts, ombudsmen, national human rights commissions, churches and other religious organizations, as well as traditional structures such as chiefs and councils of elders.
3. The workshop agreed that UNHCR and its partners should do more to solicit the support of parliamentarians in their efforts to provide protection and solutions to the internally displaced.
4. The role of regional and sub-regional organizations as well as human rights bodies in meeting the needs of IDPs should also be reinforced. Such bodies have the potential to act as advocates for the internally displaced and the Guiding Principles on Internal Displacement, to influence the legislative process and to monitor the extent to which that states and other actors respect human rights principles in their treatment of IDPs.

Durable solutions

In the final session of the workshop, participants discussed questions related to the return of IDPs (including the right to return, land and property rights and protection against forcible return), as well as the potential for relocation and resettlement as solutions to situations of internal displacement.

It was agreed that the pursuit of durable solutions should be a defining characteristic of all UNHCR operations on behalf of the displaced, while recognizing that solutions will in many situations be dependent upon peace processes which the organization can do relatively little to influence. UNHCR does, however, have a role to play in encouraging both national and international actors to engage in such processes and to ensure that they address the specific needs of the internally displaced.

Conclusions and recommendations

1. In the absence of durable solutions, UNHCR should explore temporary relocation and integration strategies for the internally displaced, enabling them to live peacefully and productively, pending the time when they can return to their place of origin or move to their preferred place of residence. In such situations, the needs and interests of the resident population should be fully taken into account.
2. The process of return must be voluntary and informed. It must be undertaken on a non-discriminatory basis and in conditions of safety and dignity. Mass information campaigns should be established to inform returning IDPs of their rights and to provide them with an accurate account of the situation in their areas of origin.
3. To the extent possible, returning IDPs should be enabled to recuperate any land and property which they lost in the process of displacement. Effective dispute resolution and compensation mechanisms should be established in situations where land and property has changed hands. Special measures may be required to ensure that female-headed households benefit from such arrangements.
4. In its efforts to promote solutions for the internally displaced, UNHCR should avoid the abrupt termination of its presence and operational activities. Donor states and development actors should be encouraged to undertake joint planning with UNHCR and other humanitarian organizations, so as to ensure the rehabilitation and reconstruction of areas where IDPs are settling or to which they are returning.
5. In many situations, areas of IDP return will also be areas of refugee return. In such contexts, community-based approaches to assistance should be employed, benefiting all returnees as well as the resident population. Reintegration projects should be designed not only to revitalize the local economy, but also to promote social and political reconciliation.

Annex

**Agenda of the EPAU/DIP Workshop
"Protection and solutions in situations of internal displacement:
learning from UNHCR's operational experience".
Geneva, 16-17 May 2002**

Thursday, 16th May 2002

Facilitator: Jeff Crisp

8.45 - 9.00 Welcome by the Assistant High Commissioner, Mr. Kamel Morjane.

9.00 - 9.20 Introduction to the workshop by the facilitators (Jeff Crisp and Guillermo Bettocchi).

9.20-10.45 **First Session: Tools and organizational resources.**

Facilitator: Guillermo Bettocchi

Use of the Guiding Principles on Internal Displacement and use of the UNHCR Operational Guidelines, including criteria and mechanisms for UNHCR involvement.

Presentations:

Leila Lima, Former Representative Colombia.

Neill Wright, Representative Sri Lanka.

Coffee break- 15'

11-12.30 **Second Session: Access and protection.**

Facilitator: Jeff Crisp

Access to IDPs, physical security, detention and freedom of movement.

Presentations:

Matewos Beraki, Programme Officer, Angola.

Lunch break - 90'

14.00-15.30 **Third Session: Registration and identity.**

Facilitator: Guillermo Bettocchi

Registration and enumeration, identity documents, statelessness and citizenship.
Socio-economic profile of IDP populations.

Presentations:

Leila Lima, Former Representative Colombia.

Bela Hovy, Head of Population Data Unit, Population and Geographic Data Section.

Katherina Lumpp, Senior Legal Officer, Protection Policy and Legal Advice Section, former Senior Protection Officer, OCM Afghanistan.

Coffee break – 20'

15.50-17.30 **Fourth Session: Assistance and self-reliance.**

Facilitator: Jeff Crisp

Assistance criteria, ensuring IDPs access to basic services, participation and empowerment (including self-reliance), community-based approaches.

Presentations:

Anthony Land, Former Senior Operations Manager, Russian Federation.

Hinako Toki, Former Associate Protection Officer in F.O.Kraljevo, Serbia, FRY.

Marc Spurling, Associate Field Officer, Azerbaijan

Christine Neveu, Senior Emergency Preparedness & Response office, formerly in Afghanistan

Friday, 17th May 2002

9-10.30 **Fifth Session: Partnership and coordination.**

Facilitator: Jeff Crisp

Agency understandings of the IDP concept, partnership and coordination with other international organizations, working with multinational and peace keeping forces.

This session will involve external participants.

Presentations:

Kofi Asomani, UN Special Coordinator on Internal Displacement, Internal Displacement Unit

Marguerite Contat-Hickel, Diplomatic advisor and member of the International Organizations Division of the ICRC.

Elisabeth Rasmusson, Resident Representative Norwegian Refugee Council.

Mohamed Amin Awad, Representative fYROMacedonia or/and Brenda Goddard
Associate Protection Officer fYROMacedonia.

Coffee break – 20'

10.50-12.30 **Sixth Session: Working with national institutions.**

Facilitator: Guillermo Bettocchi

UNHCR's involvement with judicial, legislative, governmental and non-
governmental actors.

This session will involve external participants.

Presentations:

Anna Segall, Legal Advisor, Advisory Service on International Law ICRC.

Lunch break- 90'

14.00-15.30 **Seventh Session: Durable solutions.**

Facilitator: Jeff Crisp

Return (including the right to return and protection against forcible return), property
rights, relocation and resettlement.

Presentations:

Patrick Tezier, Deputy Representative Georgia and Anatoli Poujai, Head of Gali
Office.

Neill Wright, Representative Sri Lanka.

Maya Ameratunga, Senior Protection Officer, Sierra Leone.

Coffee break – 20'

15.50-17.30 **Eighth Session: Conclusions**

Facilitator: Guillermo Bettocchi

17.30. Closing by the Deputy Director of the Department of International
Protection, Mr. Kallu Kalumiya, followed by a cocktail.