

# DURABLE SOLUTIONS

IN PRACTICE

SEPTEMBER 2017

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Technical Working Group on Durable Solutions

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# ACRONYMS

<b>CSO</b>	<b>CIVIL SOCIETY ORGANIZATION</b>
<b>DAC</b>	<b>DISPLACEMENT AFFECTED COMMUNITIES</b>
<b>GCER</b>	<b>GLOBAL CLUSTER FOR EARLY RECOVERY</b>
<b>GPC</b>	<b>GLOBAL PROTECTION CLUSTER</b>
<b>HC</b>	<b>UNITED NATIONS HUMANITARIAN COORDINATOR</b>
<b>HLP</b>	<b>HOUSING, LAND AND PROPERTY</b>
<b>HRP</b>	<b>HUMANITARIAN RESPONSE PLAN</b>
<b>IASC</b>	<b>INTER-AGENCY STANDING COMMITTEE</b>
<b>IDPS</b>	<b>INTERNALLY DISPLACED PERSONS</b>
<b>JIPS</b>	<b>JOINT IDP PROFILING SERVICE</b>
<b>ILO</b>	<b>INTERNATIONAL LABOUR ORGANIZATION</b>
<b>INGO</b>	<b>INTERNATIONAL NON-GOVERNMENTAL ORGANIZATION</b>
<b>IOM</b>	<b>INTERNATIONAL ORGANIZATION FOR MIGRATION</b>
<b>NGO</b>	<b>NON-GOVERNMENTAL ORGANIZATION</b>
<b>OCHA</b>	<b>OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS</b>
<b>OHCHR</b>	<b>OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS</b>
<b>OSCE</b>	<b>ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE</b>
<b>RC</b>	<b>RESIDENT COORDINATOR, UNITED NATIONS SYSTEM</b>
<b>REDSS</b>	<b>THE REGIONAL DURABLE SOLUTIONS SECRETARIAT</b>
<b>SDGS</b>	<b>SUSTAINABLE DEVELOPMENT GOALS</b>
<b>SGBV</b>	<b>SEXUAL AND GENDER-BASED VIOLENCE</b>
<b>UNDAF</b>	<b>UNITED NATIONS DEVELOPMENT ASSISTANCE FRAMEWORK</b>
<b>UNDP</b>	<b>UNITED NATIONS DEVELOPMENT PROGRAMME</b>
<b>UNFPA</b>	<b>UNITED NATIONS POPULATION FUND</b>
<b>UN-HABITAT</b>	<b>UNITED NATIONS HUMAN SETTLEMENTS PROGRAMME</b>
<b>UNHCR</b>	<b>UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES</b>
<b>UNICEF</b>	<b>UNITED NATIONS CHILDREN'S FUND</b>
<b>WHS</b>	<b>WORLD HUMANITARIAN SUMMIT</b>

# KEY TERMS USED IN THIS HANDBOOK

For the purposes of this handbook, the terms below are defined as follows<sup>1</sup>:

**AREA-BASED APPROACH** - an approach which focuses on achieving durable solutions for IDPs and returnees who reside in a specific area or location (e.g. an informal settlement, a neighbourhood, village or town).

**DISPLACEMENT AFFECTED COMMUNITIES** - refers to displaced persons and the communities affected by their presence, such as host communities or communities in areas of return or other areas where displaced persons are seeking a durable solution to their displacement.

**DISPLACED PERSONS** - refers to internally displaced persons and returnees.

**HOST COMMUNITIES** - communities within which displaced persons reside.

**INTERNALLY DISPLACED PERSONS** - persons or groups of persons who have been forced or obliged to flee or leave their homes or places of habitual residence as a result of, or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights, natural or human-made disasters and who have not crossed an international border.

**PROTRACTED DISPLACEMENT** - refers to a situation where IDPs and returnees have been displaced for 5 years or more and where they still have assistance needs linked to their displacement, and are not able to enjoy their human rights for reasons that are based on their displacement.

**REFUGEES** - individuals displaced outside their country of nationality or habitual residence as a consequence of generalized violence, conflict or a well-founded fear of persecution.

**RESILIENCE** - refers to the ability of displacement affected communities to absorb and recover from shocks (such as earthquakes, droughts, floods or conflicts), while positively adapting and transforming their structures and means of living in the face of long-term stresses, change and uncertainty.

**RETURNEES** - former refugees who have returned to their countries of origin, or IDPs who have returned to their places of origin or habitual residence, and still have specific social or economic vulnerabilities linked to their displacement and are therefore yet to achieve durable solutions.

**SELF-RELIANCE** - the social and economic ability of displaced persons or displacement affected communities to meet basic needs (e.g. food, water, shelter, personal safety, health and education) in a sustainable manner and with dignity.

<sup>1</sup> The provided definitions are derived from the official definitions of the terms from various recognized sources (such as the Guiding Principles on Internal Displacement, UNHCR, World Bank, UNDP, OECD and others), but have been simplified to facilitate the use of the handbook and its implementation in operational contexts.

### WHY THIS HANDBOOK?

The handbook aims at providing a practical methodology for a bottom-up approach to durable solutions planning, based on durable solutions targets identified by displacement affected communities at decentralized level, in post-conflict or post-disaster settings. It is developed in response to the feedback received on the use of the Preliminary Operational Guide on Durable Solutions<sup>2</sup> (hereafter: the Guide), which was published in 2016 in implementation of the 2011 **Decision of the Secretary-General on Durable Solutions**<sup>3</sup> calling for guidance in developing durable solutions strategies for IDPs and returning refugees.

The Guide provided clear steps on how to develop a durable solutions strategy under the consultative leadership of RC/HCs. Yet lessons learned on the use of the Guide brought to light that the initiation of the strategy development process at RC/HC level often resulted in a top-down approach that made it difficult to adapt the strategies to specific national and local contexts. Initiation of the process by the international community also increasingly led to lack of ownership and buy-in from national authorities, impeding the governments' endorsement of strategies that had been developed. Decentralized and area-based approaches to durable solutions were more likely to be successful, especially if they were initiated by, or had obtained buy-in from local authorities such as governors and mayors.<sup>4</sup>

Comments received from practitioners on the use of the Guide also indicated the need for practical examples on how to develop and implement durable solutions plans.

The handbook is intended to address these observations by providing an area-based approach to durable solutions planning and field-based examples for guidance.

### IN WHICH SITUATIONS CAN THE HANDBOOK BE USED?

The handbook can be used in any situation where a conscientious decision has been taken by relevant stakeholders at national or decentralized level - preferably authorities - to seek durable solutions to the situation of IDPs and returnees. Possible triggers of such a decision include peacebuilding efforts; social, economic and

political reconstruction and rehabilitation efforts after a conflict or natural disaster; the halt or scaling down of humanitarian assistance to IDPs and returnees; the closure of displacement sites or the eviction of IDPs and returnees from sites. It can also be triggered by a genuine commitment of national or local authorities to end protracted displacement in order to achieve development goals.

Political will and drive from national and local authorities are prerequisites for achieving or working towards durable solutions. Their leadership and support are key in the initiation, development and implementation of durable solutions plans, if they are to be sustainable. The role of the international community and partners complements the authorities' efforts by assisting in the removal of political and legal obstacles, and supporting the implementation of sustainable measures towards durable solutions.

### WHO IS THE HANDBOOK MEANT FOR?

The handbook is developed to provide guidance to durable solutions coordinators involved in durable solutions planning or programming. It is also intended for durable solutions experts, who might be called upon to provide in-country support to durable solutions initiatives. The handbook might also be useful to any stakeholder, including national and local authorities, initiating a durable solutions process.

### WHICH APPROACH IS ADOPTED IN THE HANDBOOK?

What is considered a durable solution to internal displacement will depend on the specific context in which a solution is sought. The handbook does not advocate for a one-size-fits-all approach to achieving durable solutions, nor does it intend to provide solutions to every possible situation of displacement. It provides a methodology that places consultation and joint planning with displacement affected communities at the basis of any durable solutions plan, regardless of whether the process is initiated at national or local level. This holistic and inclusive bottom-up approach is adopted to enhance the ownership of the displacement affected communities in the design and implementation of the durable solutions plan and is more likely to lead to sustainable solutions. Displacement affected communities are more inclined to act upon plans that remove obstacles to

<sup>2</sup> Available at: [http://earlyrecovery.global/sites/default/files/ds-022416\\_0.pdf](http://earlyrecovery.global/sites/default/files/ds-022416_0.pdf)

<sup>3</sup> Available at: <http://earlyrecovery.global/sites/default/files/sg-decision-memo-durable-solutions.pdf>

<sup>4</sup> Based on the results of a survey that was conducted in August 2016 by the Technical Working Group on Durable Solutions of the Global Cluster for Early Recovery.



durable solutions that they themselves have identified and prioritized. Durable solutions plans that are not based on this requisite might lead to new displacements, or returns to former locations of displacement. The handbook provides guidance on how to ensure meaningful participation of displacement affected communities in the durable solutions planning process.

The handbook further adopts an area-based approach to durable solutions planning, as operational experience shows that locally driven and integrated durable solutions plans are more likely to succeed than those initiated at national level. Comprehensive knowledge of the socio-economic context, existing relationships with displacement affected communities, a greater interest of local authorities to consider the needs of the entire population, as well as unimpeded access to local authorities and other partners tend to make durable solutions initiatives more successful at decentralized level. Area-based solutions are also gaining more significance due to the increasing urbanization of displacement, which requires specific solutions for urban settings and the integration of solutions into local urban planning.

Localized approaches are also addressed in global policies such as the 2030 Agenda for Sustainable Development and the Secretary General's Agenda for Humanity.<sup>5</sup> Vowing to "leave no one behind", the policies underline the need to address protracted displacement with a longer-term development vision and encourage the implementation of a comprehensive approach for addressing displacement by:

- meeting the immediate humanitarian needs of IDPs and returnees where required;
- protecting their rights and simultaneously providing greater support to sustained livelihood;
- strengthening capacities and longer-term resilience of displacement affected communities.<sup>6</sup>

Heralded as the New Way of Working, the approach urges humanitarian, development, peace and security, human rights and disaster risk reduction actors to collaborate in joint resilience-based durable solutions planning that are supported by multi-year funding.

A rights-based approach underpins the durable solutions planning. National authorities have the responsibility to respect, fulfil and protect the human rights of displaced persons and host communities, and to ensure that they do not face discrimination in the enjoyment of their rights. They have the primary duty and responsibility to create an environment that is conducive to the sustainable integration, voluntary return or resettlement of IDPs and refugee returnees in safety, with dignity and without discrimination.

International legal standards addressing the rights of and duties towards IDPs in particular and of displacement affected communities as a whole can be found in [the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa](#) (the Kampala Convention) and the [Guiding Principles on Internal Displacement](#).

Other regional frameworks, national policies and plans addressing internal displacement might also be applicable in the specific context.

### HOW IS THE HANDBOOK STRUCTURED?

The concrete, field-based and simple structure of the handbook ought to facilitate its use as guidance and reference material by a wide range of practitioners and actors.

The first part of the handbook describes the five-step methodology for area-based and context-specific durable solutions planning. Each step is allocated a distinctive colour for ease of reference.

The second part of the handbook provides practical guidance and field-based practices on how to address general obstacles to achieving durable solutions, structured around the eight criteria of the [IASC Framework on Durable Solutions for Internally Displaced Persons](#)<sup>7</sup> (hereafter: the IASC Framework).

The annexes to the handbook contain examples of tools for durable solutions planning.

<sup>5</sup> <https://goo.gl/FfQF5S> (paras. 23 and 59); and <http://www.agendaforhumanity.org/sites/default/files/AgendaforHumanity.pdf>

<sup>6</sup> SG Report on the Outcome of the World Humanitarian Summit, para. 23: <https://www.worldhumanitariansummit.org/sites/default/files/media/A-71-353%20-%20SG%20Report%20on%20the%20Outcome%20of%20the%20WHS.pdf>

<sup>7</sup> The IASC Framework for Durable Solutions to Internal Displacement (IASC, 2010) is available in English, Arabic, Chinese, French, Spanish and Russian. See: [www.brookings.edu/research/reports/2010/04/durable-solutions](http://www.brookings.edu/research/reports/2010/04/durable-solutions).

# PART 1

## 1

## THE 5-STEP METHODOLOGY

Working towards durable solutions means diminishing gradually the needs and vulnerabilities of displacement affected communities, while strengthening their capacities, skills, and increasing their resilience, so that displaced persons can increasingly enjoy their human rights without discrimination based on their displacement.

The IASC Framework identifies three options to achieve this goal, which are underpinned by the principles of voluntariness, safety, dignity and non-discrimination:

- return of displaced persons to their place of origin or habitual residence;
- local integration in areas where displaced persons have sought refuge;
- settlement elsewhere in the country.

However, the mere return, local integration or settlement of IDPs elsewhere in the country are not durable solutions. The options must be sustainable; the opted solutions should be feasible, viable and enduring. Achieving durable solutions requires a long-term focus, anchored in political will and leadership and addressing human rights, humanitarian, development and peacebuilding challenges, while reducing vulnerabilities and risks.

The IASC Framework proposes the following criteria to determine and assess the extent to which a durable solution has been achieved, or is being achieved:

- Long-term safety, security and freedom of movement;
- Adequate standard of living, including at a minimum access to adequate food, water, housing, health care and basic education;
- Access to employment and livelihood opportunities;
- Access to mechanisms to restore housing, land and property or provide compensation;
- Access to and replacement of personal and other documentation;
- Voluntary reunification with family members separated during displacement;
- Participation in public affairs, at all levels, on an equal basis with the resident population;
- Effective remedies for displacement-related violations, including access to justice, reparations, and information about the cause of violations.

The criteria are not exhaustive, nor do they all need to be met in order to achieve durable solutions. Their applicability depends on the specific displacement context, as well as on the long-term needs and vulnerabilities of the displaced persons.



The basis for the 5-step methodology of this manual is formed by the criteria (i.e. durable solutions targets) identified or prioritized by the displacement affected communities. This premise is essential for the effectiveness and sustainability of the durable solutions plan resulting from the process.

The methodology adopts an area-based approach, which means that an identified location or area of displacement will be the focus of the durable solutions planning process. The areas must be identified by national or local authorities, or in consultation with them, before initiating the process.

The methodology should not be confused with the 9-step model of the Guide. While the processes are similar, their focus differ:

- The Guide provides guidance on how to develop a durable solutions strategy; a general outline on how to achieve durable solutions, intended as a blueprint to be endorsed by the government. The strategy is usually complemented by a plan of action that details how it will be implemented, by whom and where.
- The current methodology focuses on developing a plan of action, adopting an area-based and community-driven approach. The plan can be developed for the implementation of a strategy, but can also be developed as a stand-alone area-based initiative that can feed into a potential national strategy.

The action plan is intended to stretch over a period of 5 to 10 years, to help reduce displacement related vulnerabilities and improve the living conditions of displaced and host communities.

## INITIATE THE DURABLE SOLUTIONS PROCESS

I

1. APPOINT A COORDINATOR OF THE PROCESS

2. ENSURE A COMMON UNDERSTANDING OF DURABLE SOLUTIONS

3. CLARIFY THE STEPS OF THE METHODOLOGY TO STAKEHOLDERS AND THE DAC

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2. COMPILE AND ANALYZE THE DATA. IDENTIFY GAPS AND SHARE FINDINGS

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3. DEVELOP MONITORING INDICATORS AND ESTABLISH TIMEFRAME

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## INITIATE THE DURABLE SOLUTIONS PROCESS

1. APPOINT A COORDINATOR OF THE PROCESS

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# I. INITIATE THE DURABLE SOLUTIONS PROCESS

## 1. INITIATION OF THE PROCESS AND APPOINTMENT OF A COORDINATOR

The durable solutions planning process is initiated by a decision collectively taken by relevant stakeholders at national or sub-national level to achieve or work towards the achievement of durable solutions to internal displacement. Such a decision can be triggered by efforts to socially, economically and politically reconstruct and rehabilitate (parts of) a country after a conflict or a disaster, including peacebuilding efforts; by a genuine commitment of national or local authorities to end protracted displacement situations in order to achieve development goals; by operational realities such as the halt or scaling down of humanitarian assistance to IDPs and returnees due to a lack of resources, the closure of displacement settlements for urban planning purposes, or the eviction of IDPs and returnees by landowners of displacement sites claiming back their property. Circumstances like these can be seized by the international community, donors, NGOs, CSOs and other actors as an opportunity to advocate with national and local authorities for a long-term durable solutions plan in situations where it has not been considered yet.

The decision to engage in a durable solutions planning process must be taken before this methodology is set in motion.

Although durable solutions initiatives are often driven by international actors (e.g. RC/HC, an inter-agency forum, or INGOs), local authorities are increasingly initiating and supporting durable solutions processes with the support of the international community. In situations where a durable solutions process is initiated by the international community, dialogues with national or local authorities should start at the earliest stage possible to advocate for durable solutions, get their buy-in, and to hand over the process to them as soon as possible. Enabling national or local authorities to take charge of the process affirms their ownership of the process, and allows them to shape the durable solutions plan according to political, economic and social realities, which is more likely to ensure sustainability of the plan.

The process must be embedded in a national or local inter-governmental coordination structure at technical level, consisting of technical staff from relevant line ministries; national NGOs and CSOs with a good knowledge of the context and access to displacement affected communities; and humanitarian, peace and security, development and human rights actors, as required in the given context. Members of the coordination body should additionally include other relevant actors with leverage in the communities or area, or could play a meaningful role in the process. A good practice would be to include relevant members of the displacement affected community, wherever feasible.

The role of the coordination body is to provide leadership, oversee the durable solutions planning process and take decisions required throughout the process. It should ensure:

- a unified and integrated position on durable solutions
- support to durable solutions is guided by the relevant standards, principles and core concepts
- the durable solutions planning and programming is evidence based
- the implementation and monitoring of the methodology

The members of the coordination body might not necessarily represent the organizations involved in the implementation of the programme. Those roles will be assigned to actors with a comparative technical and operational advantage, once the durable solutions targets have been identified.



Good practices reveal that the appointment of a strong person as the overall dedicated coordinator is essential to drive the durable solutions process. The coordinator should be appointed by the coordination body and report to it. He or she will have a key role in identifying and involving durable solutions partners in the planning and implementation process, therefore must enjoy the support of all stakeholders. The coordinator will be responsible for ensuring that timely actions are taken; for monitoring progress of the process; for keeping stakeholders informed and for adjusting the line of action when required. To fulfil his/her tasks effectively, the coordinator must have a good knowledge of the national and local context, a clear understanding of national and local humanitarian and development processes and mechanisms, and the ability to build contacts with institutions and actors providing pathways to policy, planning and budgeting processes. Good knowledge of the local political climate, strong negotiating skills and the ability to defuse possible tensions are key. He or she must have knowledge of durable solutions standards, principles, key concepts and criteria, and understand the steps of the methodology<sup>8</sup>.

To ensure sustainability and continuity in the lengthy durable solutions process, the choice of a national or local coordinator is recommended. The capacity of a national or local candidate should be built or strengthened to fulfil the role in due course, in the case the initial coordinator is selected from the international community.

## 2. ENSURE A COMMON UNDERSTANDING OF DURABLE SOLUTIONS

Durable solutions are understood differently by various actors. It will be the task of the coordinator to ensure that all stakeholders - as members of the coordination body, or as part of a wider network of stakeholders - have a common understanding of durable solutions standards, principles, key concepts and criteria. Workshops and trainings<sup>9</sup> can be organized for national/local actors and a wide range of potential partners to unpack and clarify durable solutions concepts addressing the specific context of the country, highlighting the consequences of non-compliance to core principles such as voluntariness, non-discrimination, safety and security.<sup>10</sup>

While training courses are important steps, consistent guidance will be required from the coordinator throughout the process to ensure that stakeholders and partners maintain a common understanding of durable solutions.

## 3. PRESENT AND CLARIFY THE STEPS OF THE METHODOLOGY TO STAKEHOLDERS AND DISPLACEMENT AFFECTED COMMUNITIES

The objective and steps of the methodology should be clarified to the members of the coordination body and stakeholders engaged in the planning and programming process. This can be done during the trainings on durable solutions, or through separate workshops or meetings organized by the coordinator.

The displaced persons and host communities residing in the area of displacement must be informed about the durable solutions initiative, if not previously done. Their engagement in the process should be gauged and concerns they might have should be addressed at this stage.

<sup>8</sup> The coordinator can be trained on these issues by a technical resource person with experience in durable solutions.

<sup>9</sup> E.g. facilitated by a technical resource person with experience in durable solutions.

<sup>10</sup> Durable solutions training packages have been developed by IDMC: <http://www.internal-displacement.org/library/publications/2015/durable-solutions-for-idps-challenges-and-way-forward/> and by Regional Durable Solutions Secretariat- ReDSS): <https://www.dropbox.com/sh/8k983otoua3xucz/AACCu95wXJF7LDXdm8TyQjF0a?dl=0> A durable solutions expert can alternatively be attracted to provide the trainings, via the Global Cluster on Early Recovery/ GCER ([erhelpdesk@undp.org](mailto:erhelpdesk@undp.org)); or through the Global Protection Cluster ([GPC@unhcr.org](mailto:GPC@unhcr.org)).





## GETTING BETTER INFORMED ABOUT THE DISPLACEMENT AFFECTED COMMUNITIES

1. CONDUCT A CONTEXT ANALYSIS

2. COMPILE AND ANALYZE THE DATA. IDENTIFY GAPS AND SHARE FINDINGS

# II. GETTING BETTER INFORMED ABOUT THE DISPLACEMENT AFFECTED COMMUNITIES

## 1. CONDUCTING A CONTEXT ANALYSIS

The durable solutions plan will predominately be informed by consultations with the displacement affected communities, which will be conducted in step 3. Up to date background information and data on the situation of the IDPs, returnees, their host communities and possible areas of return or relocation will be required to conduct the consultations effectively. Reviewing the data already available is a good start for getting knowledge about the displacement affected communities and their situation of displacement. The review will provide the opportunity to develop a common data set of documented obstacles to, or opportunities for durable solutions. It could also reveal gaps in required data, which can be collected during the consultations with the displacement affected communities.

General questions to be answered by the coordination body in the review process:

- Is enough data available to allow stakeholders and actors to get a good knowledge of the displacement affected communities and their displacement situation?
- Does the data enable a comparative analysis of the situation of IDPs and returnees vis-à-vis their host communities / between displacement affected communities and communities that are not affected by displacement?
- Does the available data cover all displacement affected communities concerned and demographic groups (ethnic groups, etc.)?
- Is the data disaggregated?
- Is the data up to date?
- Is the data reliable?
- Can the data be used for durable solutions advocacy, planning or resource mobilization?

Minimum data required for the consultations with the displacement affected communities and for developing a common data set:

- What figures do we have of displacement affected persons? - Population statistics of the IDPs, returnees and their host communities
- What do we know about the location/area of displacement? - Political, economic, social and environmental data on the current location
- Who are the displacement affected persons? - Age and sex disaggregated data, diversity of the IDPs, returnees and host-communities (e.g. whether the host communities include pastoralists groups)
- How long have they been displaced? How many times have they been displaced?
- Where did the displaced persons come from? - Place of origin or of habitual residence before displacement
- Why did they get displaced? - The main reasons that led to displacement. In the case of multiple displacements: the main reasons for the consecutive displacements
- In which setting(s) are the displaced persons living? - Rural, urban, camp, informal settlement, non-camp, or non-settlement setting (e.g. living with host families or on their own)
- What are the main sources of income of the displaced persons and the host communities?
- What are the main protection concerns and risks of the displaced persons? Are these concerns and risks also faced by the host communities? Do the host communities have specific concerns or are exposed to particular risks?
- National laws, policies, plans or programmes concerning IDPs; including national and local plans for the area/ province and budget allocated for the area/province

Data and information on the following issues would additionally be useful for the secondary data review if accessible, but can also be collected during the next phase, if not available:

- How does the socio- economic situation of the displaced persons compare to that of the host communities in the area of displacement?
- What is known about the attitudes of the host communities towards the displaced persons in the area of displacement?

- Have the IDPs and returnees been consulted about their preferred solutions to displacement? If so:
  - When and how did the consultations take place (i.e. is the data reliable and still actual)?
  - What are the preferred options per population group?
  - What are the obstacles towards the preferred options, if any?
  - What is known about the security, political, economic and social situation in the possible areas of return and relocation?

### WHERE TO FIND DATA AND WHO TO APPROACH FOR DATA?

- Registration databases, verification exercises or counting exercises: UNHCR, IOM, national authorities, NGOs, protection clusters if activated in the country.
- IOM's Displacement Tracking Matrix (DTM) if in place in the country - see: <http://www.globaldtm.info/>
- Joint needs assessment or surveys: OCHA, UNHCR, NGO Consortia, protection clusters.
  - OCHA if present in the country should be able to provide information about existing cluster or inter-cluster/sector assessments
- Results from existing participatory assessments: UNHCR, IOM, UNICEF, UNFPA, NGOs, CSOs, protection clusters
- National poverty assessments, national statistics or surveys on displacement affected communities, national census data: bureaus of statistics, other national institutions such as ministries of (urban) development and planning, disaster risk management authorities, etc.
- Living Standards Measurement Surveys conducted by national governments and the World Bank
- UNDP and World Bank statistics including displacement as a parameter<sup>11</sup>
- Common Country Assessments (CCA) informing the United Nations Development Assistance Framework (UNDAF)

- Data from UNDP, UNICEF, UNFPA, UN-Habitat
- Data from NGOs and CSOs operational in the area of displacement and possible areas of return and relocation

### Other sources of data:

- Data from existing humanitarian, development or peacebuilding programmes concerning the displacement location, possible areas of return and relocation, if already identified
- Conducted profiling exercises
- Intention surveys and other assessments or surveys related to durable solutions
- Market analyses, surveys on livelihoods, sources of income, income generating activities,
- Surveys on skills, competencies, coping strategies and assets
- Survey or information on the impact of displacement on the labour market in the region
- Surveys on housing, land and property (HLP) issues; cadastral maps produced by the government<sup>12</sup>; rural or municipal plans for the development of the area
- Surveys conducted by Mine Action actors in the area
- Surveys by UNESCO on any cultural/heritage sites and UNEP on any environmentally protected/catchment areas in the area (to avoid placing IDPs in such protected areas)
- Surveys by UN Habitat/UNEP/IMMAP regarding disasters/earthquakes and other hazards in the area to avoid placing the IDPs in these locations.
- Development plans, including urban development plans, for the area or region (e.g. provincial development plans) and accompanying funding budgets, if allocated
- Surveys on the impact of displacement on the private sector in the area/region (e.g. has the displacement population influenced growth or decrease?)
- Surveys on the impact of displacement on social cohesion in the area/region.

<sup>11</sup> IDPs and displacement were included in the World Bank's 2016-2017 Somalia High Frequency Survey measuring poverty, which will inform socio-economic aspects of durable solutions programming.

<sup>12</sup> Even outdated ones will allow a good understanding of land tenure issues.

### 2. COMPILING AND ANALYZING THE DATA; IDENTIFYING GAPS AND SHARING FINDINGS

The minimum data required for the review can also be used to identify possible information gaps. The analysis of the review, remaining data gaps, limitations and the possible need for further data collection and analysis should be shared with the coordination body and relevant stakeholders such as donors and actors who are not members of the coordination body, but can play a role in the process.

Preparations for the collection of additional data will have to be initiated in this phase, if the available data is insufficient, incomplete, outdated, or not agreed upon. It is recommended to collect the data during the consultations with the displacement affected communities and explain its purpose to avoid raising expectations that could not be met, and to prevent assessment fatigue, hostile reactions, or distrust from the communities.

The preparations for the exercise might include the identification of resources (funds, capacity), and the formulation of data collection or profiling methodologies, etc. Additional collection of data can take the form of an assessment or survey on specific issues, but can also be conducted through a profiling exercise, if a wider range of data is required. The profiling exercise should be a collaborative process and can be undertaken by in-country stakeholders with the capacity and resources to perform the exercise, or can be conducted with support from the Joint IDP Profiling Service (JIPS).<sup>13</sup>

<sup>13</sup> For more information see: <http://www.jips.org/en/profiling/about-profiling>



## **DEVELOP DURABLE SOLUTIONS TARGETS IN CONSULTATION WITH THE DAC**

- 1. CONDUCT CONSULTATIONS WITH THE DISPLACED PERSONS AND RELEVANT COMMUNITIES TO IDENTIFY THEIR OBSTACLES TO AND PROPOSED SOLUTIONS FOR DURABLE SOLUTIONS**
- 2. DEVELOP CONTEXT SPECIFIC DURABLE SOLUTIONS TARGETS IN LINE WITH THE RESULTS OF THE CONSULTATIONS WITH THE DAC**

## III. DEVELOP DURABLE SOLUTIONS TARGETS IN CONSULTATION WITH DISPLACEMENT AFFECTED COMMUNITIES

### 1. CONDUCTING CONSULTATIONS WITH THE DAC

#### WHY DO WE NEED TO CONSULT DISPLACEMENT AFFECTED COMMUNITIES?

The importance of consulting displaced persons, host communities and communities in possible areas of return and relocation to inform durable solutions planning is widely acknowledged.<sup>14</sup> The aim of the consultations is to inform planning and to allow displaced persons steer the process towards ending their displacement. It is based on the premise that displaced persons are best placed to determine the solutions to their displacement: they experience the daily reality of being displaced and have developed coping strategies and mechanisms to deal with displacement, particularly in situations of protracted displacement. In most cases, displaced persons are well aware of the obstacles they face in achieving durable solutions, and their own capacities to overcome those. They are also better placed to indicate how they could be better supported to remove obstacles. The durable solutions plan is not meant to be based on a relationship where displacement affected communities are provided with short or long-term assistance, but intends to build on a partnership within which they contribute to improving, or ending the situation of displacement.

Giving displacement affected communities a significant role in the planning process also assigns them responsibility and accountability for the implementation and success of the plan, which is more likely to lead to positive outcomes. Studies have shown that programmes based on priorities identified by the affected communities, and on their knowledge and skills, are implemented more efficiently and are more likely to be carried on even after the withdrawal of outside support.<sup>15</sup> Therefore, the engagement of displacement affected communities in the planning process is also valuable in minimizing costs, waste and delays.<sup>16</sup>

### TRANSITIONAL SOLUTIONS INITIATIVE (TSI) – COLOMBIA

A good example of the positive and far-reaching effects of participative processes is that of the Transitional Solutions Initiative in Colombia, a pilot strategy implemented by UNDP and UNHCR in partnership with national authorities in 17 communities from 2012-2016. The initiative aimed at strengthening communities, as well as national and local authorities in transitioning towards durable solutions. The programme was structured on three solutions scenarios: urban local integration, relocation in rural areas and return to places of origin, focusing on:

- improvement of living conditions through access to land, housing, basic services and local economic development
- strengthening of community organizations and local authorities to lead in the search for sustainable solutions
- protection of victims and their rights to facilitate their access to security, justice and reparation.

Positive lessons learned revolve around the “joint participative diagnosis and planning” that fostered ownership of community crafted programmes and enhanced social cohesion and empowerment. Joint participation and collaboration in Community Support Committees also led to increased mutual trust between IDPs, host communities and local authorities.

Enabling the displacement affected communities to identify and prioritize solutions might also lead to fewer, more concrete and achievable targets.

<sup>14</sup> *Moving beyond the rhetoric: Consultation and participation with populations displaced by conflict or natural disasters* – The Brookings Institution – University of Bern Project on Internal Displacement, 2008.

<sup>15</sup> *Idem.*

<sup>16</sup> *Idem.*



It is the task of the coordinator to organize the consultations, or oversee the arrangements. This should be done in close collaboration with relevant national or local authorities, the displacement affected communities, NGOs, CSOs, development partners, peacebuilding actors, etc., if relevant in the context.

Access must be ensured to all constituents of the community, including the most vulnerable ones.

#### SOME GENERAL GUIDANCE FOR EFFECTIVE CONSULTATIONS:

- The consultations must be carried out by trained or experienced persons, who understand the social, cultural and political context of the area/region and preferably people the communities can relate to. A balanced pool of facilitators consisting of men and women is often useful for reaching a wider cross-section of the communities.
- The consultation process must be non-discriminatory, inclusive and participative. It should give a clear picture of the different age groups and diversity in the community, while taking power dynamics and gender sensitivities into consideration. It is recommended that the facilitators visit and observe the communities prior to the consultations to informally map existing group structures such as mothers/women's groups, sports clubs, religious groups etc., and observe the dynamics in the communities.
- The purpose and scope of the consultation process must be explained to the communities. It should particularly be clarified that the consultations are not aimed at assessing needs for relief or short-term assistance and will therefore not lead to material or financial assistance.
- The communities must be informed about their role in the process, if that has not yet been done. Their responsibility and accountability in working towards achieving durable solutions should be well-understood and accepted. It must be clarified how the contributions of the communities will be used in the process.
- The relevant groups within the displacement affected communities should be continuously kept informed throughout the planning process.

#### WHO TO CONSULT?

Separate consultations should be conducted with a comprehensive range of groups within the displaced and host communities to ensure that the outcomes effectively reflect their respective views, plans, concerns, capacities and resources. Outcomes from broad-based consultations would affirm the legitimacy for using them to inform the durable solutions plan, while separate consultations would enable comparisons of the outcomes for the various groups.

Wherever possible, potential host communities in areas of return or relocation should be consulted, if they are already known or have been identified. This would enable the development of an integrated programme that benefits all. The communities in areas of return or relocation can also be consulted at a later stage, once the solutions (return, integration or relocation) of the displaced persons are known.

In order to ensure a wide-range and inclusive process, consultations should as much as possible be held with the following groups within the displaced community and the relevant communities of return, relocation or integration:

- Men, women, the youth and elderly (disaggregated by sex)
- Marginalized groups (e.g. on the basis of ethnicity, religion, etc.), without putting them at risk
- Relevant socio-economic groups (e.g. the poorest and most affluent groups among the displaced population and in the communities)
- Traditional leaders, leaders of faith-based organizations, actors from the private sector in the area
- Other groups of relevance in the specific context

#### HOW TO CONDUCT THE CONSULTATIONS?

Identifying the best approaches to conduct the consultations will depend on the social, cultural, religious, or possibly the political context in which the consultations are being conducted. The objective is to create an appropriate and conducive environment, where people feel safe to speak freely and voice their opinion in a dignified manner and with respect for each other. These principles should be set as rules for the process. Existing local practices for consultations can be adopted, as long as they ensure non-discriminatory and equal participation of all groups in the communities.

Consultations in small groups are preferred to large meetings, to allow everybody's voice to be heard and avoid reinforcing hierarchical structures marginalizing vulnerable groups. Focus group discussions with various groups in the community (e.g. men, women, youth), divided in groups of different age categories is a useful approach for enhancing participation and inclusion.<sup>17</sup> Focus group discussions are also effective for capturing the views of different generations. As an example, elderly displaced persons might prefer to return to their places of origin, while younger generations - in some cases born in the area of displacement- might opt for local integration.

Consultations at household level or with only community leaders are not recommended, as they do not necessarily represent the views of all members of the household, or of all groups in the community.

Information about predominant power dynamics are often best obtained through informal discussions with individual members of the community. Gaining trust and building a good relationship with the communities are therefore key to obtaining such information.

The facilitators of the consultations should be attentive to possible manipulation of groups within the communities by influential actors seeking to ensure specific outcomes of the process for political or economic reasons. They must inform the coordinator if this occurs, while the latter should consequently bring the issue to the attention of the coordination body.

#### WHAT TO ASK?

The questions of the consultations should be geared towards identifying what the displaced persons consider as solutions for their displacement and the obstacles they face in achieving them. Questions that enable a deeper understanding of the general social and cultural context are good entry points for the discussions.

Transparency and honesty are key in the process: the facilitators must inform the communities beforehand that the prioritization of proposed solutions will need to be confirmed with the authorities, relevant stakeholders and possibly donors. To avoid a mere listing of wishes, the communities should be reminded of their responsibility and

## THE HERAT INTER-AGENCY DURABLE SOLUTIONS INITIATIVE

In 2016, an inter-agency group of international humanitarian and development organizations launched an initiative to facilitate durable solutions for protracted IDPs in Herat (Afghanistan), in partnership with local authorities. Focusing on local integration, the process included a secondary data review, as well as a survey, based on the IASC framework, to build a robust evidence base and address the pervasive lack of existing data. Direct consultations with IDPs were carried out in six IDP settlements, which informed a response plan that was validated by the local authorities and the displacement affected communities. The identified humanitarian and development priorities are being addressed in a collaborative way humanitarian and development actors on the ground.

Herat Inter-Agency Durable Solutions Initiative, 2016: [http://earlyrecovery.global/sites/default/files/inter\\_agency\\_durable\\_solutions\\_report\\_herat\\_october\\_2016\\_english\\_version\\_636173927520870000.pdf](http://earlyrecovery.global/sites/default/files/inter_agency_durable_solutions_report_herat_october_2016_english_version_636173927520870000.pdf)

accountability throughout the process and be encouraged to propose actual plans and solutions that reflect the realities on the ground, are achievable, and preferably which they can concretely contribute to. Candid discussions around proposed solutions that are clearly not achievable will likely lead to more viable solutions. Rough knowledge of the facilitators about the scope of operation, limitations of the authorities and the available partners to materialize the suggested solutions would be beneficial in that regard.

<sup>17</sup> For detailed information about the methodology and about conducting participatory assessments in general, see: the UNHCR Tool for Participatory Assessment in Operations: <http://www.refworld.org/pdfid/462df4232.pdf>  
The ALNAP resource tools on participation may also be useful: <http://www.alnap.org/resource/5367>

#### Examples of questions for IDPs and returnees:

- How do they perceive the security, political, economic and social situation in the area of displacement?
- Are there protection concerns?
- What are the attitudes of the authorities in the area of displacement?
- What are the attitudes of the host communities towards the displaced persons?
- How does the socio- economic situation of the displaced persons compare to that of the host communities?
- Are they able to make a free, voluntary and informed decision of their preferred option for solutions?
- Which durable solution (return, integration, relocation elsewhere in the country) would they opt for and why?
- Have they taken any action, or do they have any concrete plans towards addressing their situation of displacement?
- What are the main obstacles in achieving the preferred solutions?
- How would they prioritize the obstacles that need to be removed?
- What are their proposed solutions to overcome these obstacles?
- What are their capacities, skills and resources to address, or assist in addressing these obstacles?
- What would they consider as alternatives if the obstacles cannot be removed, also in view of their capacities and resources?
- What support would they need to implement these solutions?
- What is the security, political, economic and social situation in the areas of return and relocation, if identified?
- What are the attitudes of authorities in the areas of return and relocation, if identified?
- What are the attitudes of communities in the areas of return and relocation, if identified?

#### Examples of questions for the host communities (area of displacement):

- How do they perceive the security, political, economic and social situation in the area?
- Are there any general concerns?
- How does the socio-economic situation of the communities compare to that of the displaced persons?
- What are the main needs of the host communities? Are they similar to the needs of the displaced persons?
- What solutions do they propose to meet these needs?
- What support would they need to meet these needs?
- What are the positive and negative impacts of displacement on the communities?
- What are their suggestions for building on the positive impacts, or mitigating the negative ones?
- Would they have objections or concerns if the displaced persons would permanently integrate in the community?
- If so, what are the objections/concerns and why?
- Are there ways of addressing the concerns? If so, which?
- How can they contribute to addressing the concerns?
- What additional support would they need to address the concerns?

#### Examples of questions for the respective communities in the areas of return or relocation, if they have been identified, or once they get identified:

- What is the security, political, economic and social situation in the areas?
- In case displaced persons have voluntarily returned to their habitual place of residence, or relocated to a location elsewhere in the country: do they have objections/concerns towards the return/relocation of the displaced persons? If so, which concerns and why?
- In the case returns and relocations have not yet taken place: would displaced persons be accepted (back) in the communities? If not, why not?
- Are there ways of addressing possible concerns? If so, which?
- How can they contribute to addressing the concerns?
- What additional support would they need to address the concerns?

Unanswered questions from the list of questions of the secondary data review could additionally be asked if there are still information gaps on relevant issues.

#### Compiling and analyzing the consultations data

An example of how to compile the gathered data from the consultations can be found in Annex 1.

To analyze the results after compilation:

- List the obstacles that have been prioritized by the displaced persons and the proposed solutions to address them
- List the main concerns identified by the respective communities and their suggestions as to how they can be addressed
- Identify and compare the main common points between the host communities and displaced persons. Highlight specific obstacles/concerns or issues raised by the respective vulnerable groups, if they are different from the common threads identified.

The analysis should provide a good reflection of the obstacles faced by the displaced persons in reaching durable solutions, concerns of the various communities, as well as proposed solutions to the obstacles or concerns. The proposed solutions may not all fall within the eight IASC criteria for durable solutions, but should be considered as solutions to displacement if they relate to the human rights of the displaced persons and international standards governing internal displacement.

The analysis might also produce less solutions targets than the eight IASC criteria, which might put less pressure on available resources and enhance their achievability, if they are feasible.

Projecting the obtained analysis against the learnings from the secondary data review and possibly new collected data might reveal displacement trends or patterns that could additionally inform the plan.

#### 2. DEVELOPING CONTEXT-SPECIFIC DURABLE SOLUTIONS TARGETS

Members of the coordination body will examine whether the proposed solutions are attainable considering the available human, material and financial resources, and in view of concrete possibilities to mobilize further resources, if not readily available. The deliberations may lead to some proposed solutions being set aside, or others being added: e.g. solutions that were not identified by the displacement affected communities and could benefit all.<sup>18</sup> Considerations should however not lead to the substitution of the proposed solutions with government, agencies or donor set priorities, as it would defeat the purpose of the entire process and may lead to non-acceptance, distrust and non-cooperation by the displacement affected communities.

The durable solutions targets identified by the coordination body will only be final once they have been discussed with and validated by the displacement affected communities. The reasons behind the selection of the targets should be explained and a consensus must be reached with the displacement affected communities, if there are conflicting proposals. The validation process can be conducted through meetings within the communities, but can also take the form of a validation workshop for key community leaders and representatives of the various groups within the communities.

### PROPOSED PROCESS FOR SELECTING DURABLE SOLUTIONS TARGETS



<sup>18</sup> This could, for example, relate to enabling access to already existing services, or improving economic opportunities for displaced and host communities.

## SUSTAINABLE AND COMMUNITY LED IMPROVEMENT OF QUALITY OF LIFE, TRANSITION SOLUTIONS INITIATIVE, COLUMBIA, TANGUI<sup>19</sup>

**T**anguí, an Afro-Colombian community in the department of Choco in Columbia, was one of the communities that was selected for piloting the Transition Solutions Initiative (TSI), which was led by UNHCR and UNDP, in partnership with the national government. Tanguí had suffered waves of displacement in 2003 and 2007, as a result of the armed conflict. The displaced persons started to return to the community in 2008. Despite commitments by national and local institutions, the community had not made progress in achieving socio-economic stability when the TSI programme was initiated in 2012. A local participatory diagnosis - in which community representatives, organizations and the municipal council took part and in which an age, gender and diversity methodology was used - resulted in the identification of priorities and in the development of an action plan. The action plan got integrated in the municipal and local return plan and validated by regional institutions, which committed to support its implementation. A steering committee, comprising of community members of Tanguí, the Office of the Mayor, the Department for Social Prosperity, the Victims Unit and the National Ombudsman's Office (Procuraduría), was established as an operational body. The functions of the Committee were to plan, manage, monitor and promote the implementation of the action plan.

Access to road infrastructure, education, health and recreational/community facilities were prioritized by the community to improve their quality of life. The community was unable to leave their homes, visit other community members and distribute their products when river levels were high. This endangered the lives of children, who run the risk of drowning in the river, due to collapsed bridges. To address these issues a dock, bridges and roads were built, connecting various locations within Tanguí, which improved access within the town and facilitated the distribution of products. Access to education was improved by the construction of 3 temporary and 6 permanent classrooms, equipped with pedagogical materials and by contracting teachers. A multi-functional sports facility and health centre with the necessary equipment were additionally constructed. The established facilities created space for community interaction, consensus building processes with the authorities, but also served for training purposes and recreation.

The community prioritized the improvement of sugar cane production as an income-generating strategy, because it possessed a mill. Trainings were provided under the initiative, followed by the distribution of tools and seeds. Incentives were provided to support production activities and the products were also used to strengthen the community store, in collaboration with the youth organization Comprometidos con Tanguí (ASOJOCTAN).

<sup>19</sup> Documentation, Return Process, Community of Tanguí, Medi Atrato, Choco, 2016, TSI



# IV

## DEVELOP A LONG-TERM ACTION PLAN

1. LIST THE ACTIVITIES TO BE PERFORMED FOR EACH SOLUTIONS TARGET
2. IDENTIFY PER ACTIVITY THE PARTNER WHO WILL BE RESPONSIBLE FOR ITS IMPLEMENTATION
3. DEVELOP MONITORING INDICATORS AND ESTABLISH TIMEFRAME
4. ESTIMATE REQUIRED BUDGET AND IDENTIFY POSSIBILITIES FOR LONG-TERM FUNDING

### IV. DEVELOP LONG-TERM ACTION PLAN

The process for developing the action plan can be initiated, once the durable solutions targets have been finalized.

The plan must clearly specify:

- the actions required over time to reach the targets
- who will be responsible for implementing the activities per target
- the indicators for monitoring the progress of the activities
- the timeframe for achieving the activities of each target
- the resources required to implement the activities

The implementation of the action plan must be flexible and informed through ongoing consultations and monitoring with affected communities and can be adapted when needed.

The action plan can take the format of a matrix, which could also facilitate the monitoring of progress. See Annex 2 for the example of the Herat response plan.

#### 1. LISTING THE ACTIVITIES TO BE PERFORMED FOR EACH DURABLE SOLUTIONS TARGET

To avoid duplication of efforts and resources, a mapping must be conducted of all ongoing plans, programmes and processes that are similar or in line with the solutions targets, before listing the required activities for each target. Planned activities that fall within the solutions targets or are already being implemented need not be listed as activities in the action plan, but mention should be made of their status and envisaged date of completion to enable the tracking of progress.

Initiatives that could be relevant in determining the required activities for the solutions targets include:

- Country recovery and development frameworks
- Country initiatives relating to the New Way of Working, where the solutions targets could be considered as a collective outcome for the Humanitarian Development Nexus joint framework for collective engagement
- Programmes outlined in humanitarian response plans and in the UNDAF
- Planned or ongoing national and local development programmes, including poverty reduction programmes
- National/ local urban and rural planning processes/ programmes
- Land reform programmes, but also informal settlement upgrading programmes; municipal beautification/ expansion programmes, etc.
- Peacebuilding and stabilization processes/programmes
- Disaster risk reduction and management programmes (e.g. structural prevention and mitigating measures)

The activities required to achieve the solutions targets can then be listed per solutions target, if they are not being implemented or planned to be implemented. Wherever possible, efforts should be made to align the implementation of activities with other ongoing programmes to ensure complementarity and save resources. For example, this could be considered in cases where some but not all activities under a target are covered by other plans or programmes.





### 2. IDENTIFYING THE IMPLEMENTING PARTNERS

Key elements to consider in identifying implementing partners are: the capacity to implement activities of one or more of the durable solutions targets; access to the displacement affected communities; a vested interest in getting involved on a long-term basis; and comparative advantage.

**Capacity:** partners should be selected based on their knowledge, expertise, comparative advantage and adequate human resources to implement activities.

**Sustainability:** identify actors who are likely to be engaged in the implementation of the plan or programme over a long period. If required, the capacity of national and local authorities, local NGOs and CSOs with good knowledge of the context, and organizations led by displacement affected communities, can be strengthened or built to ensure sustainability of programmes.

**Access to displacement affected communities:** actors with meaningful access to displacement affected communities in terms of security, proximity, and cultural affinity (e.g. CSOs and long-established development actors) can ease the implementation of the activities and reduce costs.

**Buy-in:** potential partners need to understand the value of implementing a long-term programme to achieve durable solutions for displaced persons. One of the benefits that can be highlighted particularly in protracted displacement situations is that working towards structural solutions to displacement can lead to self-sufficiency and end dependency of displaced persons and their host communities on humanitarian or even development interventions, which is eventually cost-effective and likely to help the local economy and national resources. Moreover, the successful implementation of the durable solutions plan will contribute to achieving sustainable development goals.

Potential partners - especially local actors - who have access to funding or possibilities to mobilize funds, in addition to the elements listed above, should be particularly considered.

Looking outside the pool of usual humanitarian responders might reveal opportunities for engaging non-traditional actors with the expertise and leverage to be involved in the implementation of the plan in a more sustainable way. Development actors (e.g. UNDP, UN-Habitat) play an important role in addressing the socio-economic dimensions of durable solutions as part of their broader mandate on poverty reduction. Their experience and expertise in urban planning, in conducting area-based market and competency analyses for creating sustainable livelihoods and long-term employment; or in setting up/strengthening government structures to enable access to justice could be valuable in the implementation process.

Specialized national/decentralized institutions such as chambers of commerce, bureaus for statistics, or academic institutions may have vested interest and expertise for getting involved in programmes that benefit the entire community. Other actors to consider are the private sector, faith-based organizations, peacebuilding actors, unions/cooperatives, financial institutions, market analysis experts and recruitment bureaus.

The displacement affected communities should not be overlooked: they may be able to contribute to the implementation of the plan in terms of labour, skills, materials, know-how (e.g. on the use of effective traditional materials), or other resources.

The coordination body will decide on the partners best suited to implement the specific activities, based on their comparative advantage and complementarity in the entire set of activities that need to be carried out.

The implementing partners identified and brought on board may be either members of the coordination body or part of the process, or actors who have not been part of the process and would need to be briefed on the methodology, progress and way forward.

### EXAMPLE OF DURABLE SOLUTIONS INDICATORS

SOLUTIONS TARGET	ACTIVITY	INDICATORS	BASELINE
Increased access to personal documentation	Issuance of identity cards to all displaced persons and members of the host community who are not in possession of an identity document	Increased % of displaced persons in possession of an identity document  Increased % of host community members in possession of an identity document	% of displaced persons in possession of identity documents at the start of the activity  % of host community members in possession of identity documents at the start of the activity

### 3. DEVELOPING MONITORING INDICATORS AND ESTABLISHING TIMEFRAME

Indicators must be developed to measure each activity of the solutions targets, and the extent to which the solutions targets (i.e. durable solutions) are being achieved over time.

Selecting the right indicators will depend on the type of activities required to achieve the solutions targets. They should in any case<sup>20</sup>:

- be meaningful and relevant to the specific solutions target and corresponding activity, to show an actual change in the situation
- translate into operational terms (specific)
- have the capacity to be counted, observed, analyzed, tested, or challenged (measurable)
- be attainable
- be attached to a time frame and indicate the points in time it will be measured.

The indicators are measured against established baseline data to monitor progress. The information obtained from secondary data review, the collected data, and the results of the consultations with displacement affected communities can serve as baseline. Indicators can still be developed where there is no baseline data. In that case, the results of the first monitoring exercise could serve as a baseline for further programming.

Progress or change is shown through quantitative indicators expressed in units of measurement such as numbers, percentages, ratios, fractions, monetary values. Progress can also be measured through qualitative indicators that are expressed by people's judgements, sentiments, or perceptions about a topic. As an example, qualitative indicators are often used to express the extent to which safety and security are being achieved.

The means of monitoring or verification should be identified for each indicator at this stage to facilitate the monitoring in the next phase. Means of monitoring include: periodic focus group discussions, meetings with the communities or their representatives, feedback boxes, perception and satisfaction surveys, etc.

The following tools can be useful in formulating indicators for the specific activities of the solutions targets:

- the durable solutions indicators' library measuring the degree of achievement of durable solutions of targeted displaced populations, coordinated by the Joint IDP Profiling Service (JIPS)<sup>21</sup>
- Criteria indicators suggested in the IASC Framework on Durable Solutions for IDPs
- UN-Habitat's Urban Indicators Guidelines<sup>22</sup>
- World Bank indicators for monitoring poverty reduction<sup>23</sup>

<sup>20</sup> See: <https://sites.google.com/site/savethechildrenme/Home/smart-indicators>

<sup>21</sup> See: <http://www.jips.org/en/profiling/durable-solutions>

<sup>22</sup> See: <https://unhabitat.org/urban-indicators-guidelines/>

<sup>23</sup> See: <http://documents.worldbank.org/curated/en/127201468765605934/pdf/multi0page.pdf>

- the solutions framework of the Regional Durable Solutions Secretariat (ReDSS) for refugees and displaced persons<sup>24</sup>
- the proposed list of Sustainable Development Goals indicators<sup>25</sup>
- the human rights indicators of OHCHR<sup>26</sup>

### ESTABLISHING TIMEFRAME

Setting up the timeframe for each target activity will, among other factors, depend on the amount of time the implementing partners will need to complete the activity they have been assigned in the given context, and in view of the available or required resources. The coordination body, implementing partners and representatives of displacement affected communities can decide to prioritize the implementation of specific activities to lessen pressures on the budget.

Working towards the achievement of durable solutions implies working towards an end in time when displaced persons are self-sufficient, can sustain themselves and can enjoy their human rights without being discriminated on the basis of their displacement. This implies that all the solutions targets would have to be achieved at some point in time. Considering the lengthy implementation process that a durable solutions plan entails, an overall timeframe of around 10 years could be set as a goal for achieving all solutions targets. Plans lasting more than 12 years run the risk of turning into long-term assistance and perpetuate the dependency of displacement affected communities, which would undermine their self-reliance.

### 4. ESTIMATING THE BUDGET AND IDENTIFYING LONGER-TERM FUNDING

The process of calculating the budget needed per activity should consider resources already available and the entire timeframe during which the resources will be required. The resources needed for monitoring the implementation of the action plan must also be estimated and included in the budget.

Collecting data consistently to measure progress over time requires adequate resources, including technical skills. Therefore, durable solutions partners are advised to identify key activities to monitor as a start, rather than attempt to monitor too many at the same time.

Securing funding for the entire plan is in most cases not attainable. Breaking down the budget per prioritized activity would enable a phased approach for resource mobilization.

IDPs and returnees remain citizens of their country, and governments should ensure that adequate national or local resources are allocated to plans aiming at ending their displacement. Ensuring that the needs of displaced persons are addressed through existing or foreseen national or local frameworks such as development plans, peace agreements, devolution packages or reconstruction and stabilization programmes can give access to structural or multi-year funding. Possibilities to link durable solutions to such frameworks should be explored during the first three step phases of the process and should include the identification of plans or planning processes in regions of possible return and relocation. Development actors should support the integration of displacement related issues in relevant structural frameworks.

Other funding sources to explore are the private sector, which might see business potential or a new market in areas of integration, return and relocation (e.g. mobile phone sector); or the diaspora, who might feel driven or compelled to contribute to the process.

<sup>24</sup> See: [http://www.regionaldss.org/sites/default/files/ReDSS%20Solutions%20Framework%20Template\\_0.pdf](http://www.regionaldss.org/sites/default/files/ReDSS%20Solutions%20Framework%20Template_0.pdf)

<sup>25</sup> See: <https://sustainabledevelopment.un.org/content/documents/11803Official-List-of-Proposed-SDG-Indicators.pdf>

<sup>26</sup> See: [http://www.ohchr.org/Documents/Publications/Human\\_rights\\_indicators\\_en.pdf](http://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf)

### CASE STUDY: DURABLE SOLUTIONS AREA BASED AND INTEGRATED PLANNING IN SOMALIA

In 2015, a Durable Solutions Initiative (DSI) was launched in Somalia under the leadership of the RC/HC with strong buy-in from national and local authorities, the World Bank, NGOs and the donor community. Initially focusing on the urban displacement context of Mogadishu, an IDP Solutions Strategy was developed for the city, mainly focusing on local integration in urban settings. The strategy was informed by a large-scale profiling exercise, consultations with grass root IDP communities and relevant actors. The strategy is based on 5 key pillars:

- Government leadership
- Community Participation
- Humanitarian and development priorities
- Realistic programmatic approach, building on existing humanitarian and development planning
- International Community Support

Recognizing the need to achieve durable solutions for IDPs as a local, national and regional priority, the Government of Somalia acknowledged the necessity of a whole-of-government approach to the issue. Durable solutions for displaced populations were

consequently embedded in the Somalia National Development Plan (NDP) for 2017-2019, which has adopted a displacement focus throughout its sectors of interventions and contains a specific section on the challenges faced by IDPs and returnees.

The programmatic phase of the plan started in November 2016, with the engagement of humanitarian and development actors in a durable solutions partnership under coordination mechanisms of the NDP. Joint area-based solutions action plans are being developed in areas impacted by displacement and returns, based on profiling and a holistic assessment of the situation in the areas concerned.

In parallel, the World Bank included displacement and IDPs in the 2016-2017 Somalia High Frequency Survey measuring poverty, which will additionally inform socio-economic aspects of durable solutions programming.

The UN Peacebuilding Fund and the EU Trust Fund RE-INTEG programme are among the resources that have been identified to fund the implementation of the action plans.

The international community can be approached to supplement resources when the government is not able to secure the entire budget. Resource mobilization opportunities that can be pursued:

- bilateral donors
- International Financial Institutions
- pooled funds such as Multi-Donor Trust Fund (MDTF) or Joint Programmes
- UN Peacebuilding Fund (PBF)
- UNDAF

Resources from Humanitarian Response Plans (HRPs) often target life-saving activities and early recovery. They may be considered to address humanitarian needs and vulnerabilities in the short-term, but are not structural resources for funding durable solutions activities over a long period of time.

**V**

## **ENSURE IMPLEMENTATION AND MONITOR THE ACTION PLAN**

**1. ENSURE IMPLEMENTATION OF THE ACTION PLAN BY IDENTIFIED PARTNERS ACCORDING TO THE TIMEFRAME AND IN CLOSE CONSULTATION WITH THE DAC**

**2. CONSISTENTLY MONITOR THE PROGRESS OF IMPLEMENTATION IN CONSULTATION WITH THE DAC**

## V. ENSURE IMPLEMENTATION AND MONITOR THE ACTION PLAN

### 1. IMPLEMENTING THE ACTION PLAN

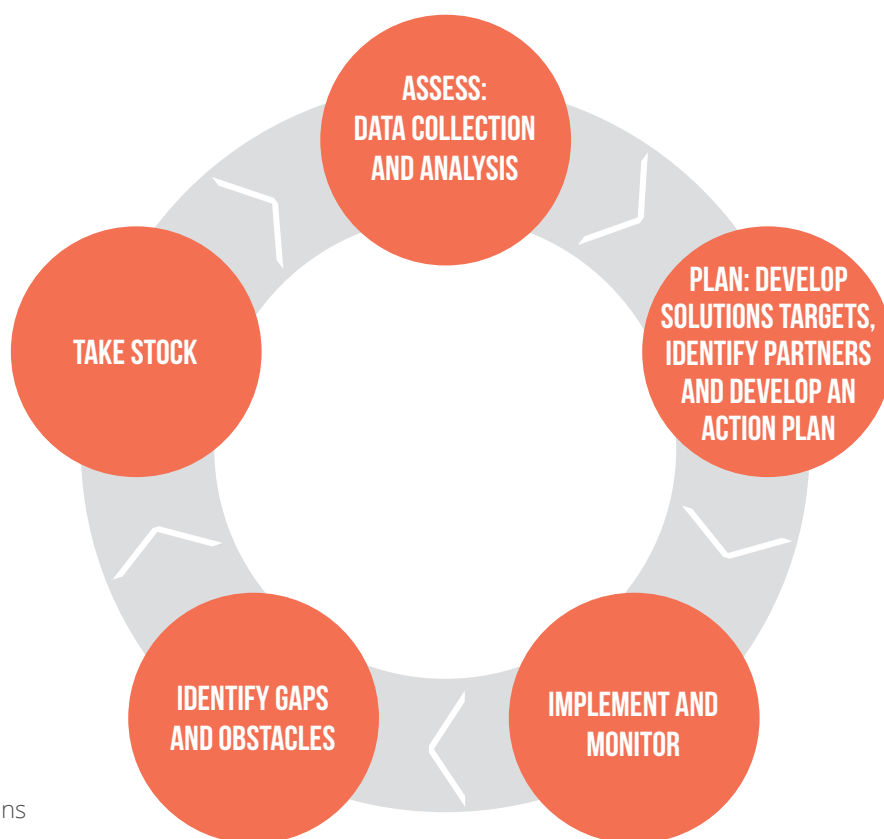
The implementation of the action plan is carried out under the coordination body's supervision. The coordinator will ensure that timely action is taken, track progress of the implementation, keep the coordination body and other stakeholders informed and propose adjustments to the activities when needed. Regular bilateral and plenary meetings must be held with implementing partners for timely updates and consultations on the implementation of the plan.

The engagement of the displacement affected communities must be maintained during the implementation phase through regular consultations. They should be given a pivotal role in finding solutions to obstacles to the implementation, which will affirm their responsibility and accountability within the process.

### 2. SYSTEMATIC MONITORING OF PROGRESS

Monitoring the implementation of the action plan entails the routinely and systematic collection of information against the indicators of the target activities. The target activities should be monitored according to the methods chosen for each indicator (e.g. periodic focus group discussions, meetings with communities or their representatives, feedback boxes, perception or satisfaction surveys, etc.).

Monitoring is not only required for measuring the extent to which the solutions targets are being achieved, but also provides the opportunity to discover obstacles in the implementation process and draw lessons that might lead to an adjustment. Monitoring activities also provide occasions for updating all stakeholders (including displacement



affected communities) on the developments and to support advocacy and resource mobilization efforts.

Relevant or appointed members of the displacement affected communities should join the coordinator in monitoring the implementation of the action plan. Other partners may be appointed by the coordination body to complement the monitoring team. A periodic monitoring system with set timeframes and roles will ease the process. Partner organizations might have already developed monitoring systems that can be used for this purpose.

The overall results of the monitoring exercises can be fed into a general monitoring framework to record progress in implementation over time, and measure progress in achieving the solutions target as a whole. An example format of such a framework, which partially adopts the colour marking code of the ReDSS Solutions Framework, can be found in Annex 3.<sup>27</sup>

<sup>27</sup> See e.g.: <http://www.regionaldss.org/sites/default/files/Tanzania%20overall%20solutions%20framework.pdf>

# PART 2

2

Part 2 of the handbook provides practical guidance and field-based practices on how to address general obstacles to achieving durable solutions, structured around seven of the eight criteria of the [IASC Framework on Durable Solutions for Internally Displaced Persons](#)<sup>28</sup> (hereafter: the IASC Framework).

This part of the handbook can be consulted in situations where one or more of the IASC criteria have been selected as durable solutions targets following consultations with the displacement affected communities. The adopted structure and approach can also be useful in planning processes if the solutions targets are not based on the criteria of the IASC Framework.

The information and examples provided can be used during the data collection and analysis throughout the consultations with the displacement affected communities, and during the planning of activities.

The highlighted obstacles, suggested information and actions for working towards the achievement of the durable solutions criteria merely serve as guidance and are not exhaustive.

The information should be selected and applied as appropriate in the given context.

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<sup>28</sup> The IASC Framework for Durable Solutions to Internal Displacement (IASC, 2010) is available in English, Arabic, Chinese, French, Spanish and Russian. See: [www.brookings.edu/research/reports/2010/04/durable-solutions](http://www.brookings.edu/research/reports/2010/04/durable-solutions).



## LONG-TERM SAFETY AND SECURITY

### MAIN OBSTACLES TO DURABLE SOLUTIONS LINKED TO LACK OF SAFETY AND SECURITY

- Recurrent surges of conflict and general violence; or remaining insecurity pockets in (certain parts of) the country, leading in some cases to multiple displacements
- Continuation of the threat that caused displacement
- Attacks, harassment, intimidation, persecution, or any other form of punitive action in the place of return, integration or relocation
- Latent or existing tensions that might erupt or be deepened through the return, integration or relocation of displaced persons
- Absence or lack of protection from national authorities in the place of return, integration, or relocation
- Exposure to landmines, unexploded ordinances, small arms or other violence
- Limitation of freedom of movement and choice of residence
- High risk of exploitation, especially for women and children
- High risk of sexual and gender based violence.

### WHAT DO WE NEED TO KNOW PRIOR TO PLANNING?

Durable solutions cannot be achieved in areas where displaced persons constantly fear for their life and physical safety. The question that therefore needs to be answered first and foremost, before embarking on the process of developing a durable solutions plan, is whether the security situation in the area of displacement, return or relocation is safe and secure enough to pursue durable solutions.

Answers to the following questions may guide deliberations and inform decisions:

- Is the security situation in the area of displacement, return or relocation conducive for durable solutions? If not, what are the main security risks per location (e.g. violence, landmines, etc.)?
- Are the travel routes to the area of return or relocation safe?
- Do displaced persons have reliable information about the security situation in the areas of return and relocation?
- What are the security concerns of the displaced persons in the place of displacement? What are their security concerns for the place of return or relocation?
- What are the intentions and concrete plans of displaced persons in terms of durable solutions options and how does safety and security impact these intentions or concrete plans?
- Is the integration, return or relocation of displaced persons likely to create conflict or violence?
- Are displaced persons increasingly voluntarily returning to, or relocating in areas that are considered unsafe?
- Are national and local authorities willing and able to protect displacement affected communities in the place of displacement, return or relocation?
- Do displaced persons feel safe in the area of displacement?
- Do displaced persons have trust in the police and judicial systems?
- Do displaced persons have access to the police and judicial systems in the place of displacement?
- Are there tensions or conflict between displaced persons and their host communities? If so, what are the causes? Can they be addressed?

### HOW TO IMPROVE LONG-TERM SAFETY AND SECURITY FOR DISPLACED PERSONS?

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- Providing displaced persons, where required, reliable information about the security situation in areas of return and relocation, based on e.g. security assessments, on information from displaced persons who have visited or moved to places of return or relocation, etc.
- Allowing displaced persons to choose the durable solution option they consider safe; and allowing them to opt for other durable solutions once the security situation in preferred areas enables safe return or relocation.
- Implementing programmes to remove to landmines and unexploded ordinances.
- Assessing the willingness and capacity of national authorities to provide the same extent of protection to displaced persons as provided to non-displaced persons in areas of displacement, return or relocation.
- Addressing obstacles that have been identified by displacement affected communities in security services reforms or capacity-strengthening initiatives for national/local police and the judiciary; as well as in security monitoring assessments.<sup>29</sup>
- Developing conflict resolution and reconciliation programmes for places of integration, return or relocation, to prevent or mitigate conflict and enable social cohesion through inclusive community dialogue, based on context appropriate approaches, including community-based protection mechanisms.
- Designing long-term and context-specific livelihoods, employment and resilience programmes, benefitting displaced persons and host communities for preventing conflict over e.g. scarce resources and services.
- Putting in place youth employment programmes as positive alternatives to partaking in violence and conflict and linking it to Disarmament, Demobilization and Reintegration programmes, where appropriate.

### GOOD PRACTICES

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#### PROMOTION OF SOCIAL COHESION AND PEACE PROCESSES AT NATIONAL AND LOCAL LEVEL

##### **JOINT CONFLICT REDUCTION PROGRAMME (JCRP) IN SUDAN<sup>30</sup>**

Supported by IOM and UNDP, the JCRP was conducted from May 2012 to February 2016 to strengthen government and civil society initiatives for social cohesion and peacebuilding, in partnership with local authorities, CSOs and concerned ethnic groups. The programme focused on the areas of South and West Kordofan, Blue Nile State and Abyei, where competition over access to water and land; disputes over farm and State boundaries; and the presence of IDPs were among the causes of conflict. The programme facilitated the conclusion of reconciliation agreements through consultations

with local communities – including pastoralists - and enhanced communal relationships through restoration of water facilities, schools, cattle migration corridors and market infrastructures.

The number of conflict-related incidents reported to police decreased from around 500 per harvest season to less than 30 during the harvest season of 2013. Homicide incidents related to conflicts between farmers and pastoralists dropped from an average of 20 to 30 deaths to zero.

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<sup>29</sup> Linking peace, security and durable solutions in a multi-ethnic society, the case of Kosovo, Brookings, 2014

<sup>30</sup> See: <https://sudan.iom.int/joint-conflict-reduction-programme-jcrp>

## NATIONAL PARTICIPATORY DIAGNOSIS FOR SUSTAINABLE PEACE IN MALI<sup>31</sup>

From November 2013 to March 2015, the Malian Institute of Action Research for Peace (IMRAP) and the NGO Interpeace carried out consultations on sustainable peace with all components of the population in the country, as well as with Malian refugees in camps in Niger and Mauritania. The results of the exercise led to the formulation of two main objectives on how to build sustainable peace in Mali:

1. Strengthen trust between the civilian population and the security and defence forces (SDF)

- Develop a common understanding of the roles and responsibilities of the SDF
- Adapt the capacities of the SDF to the new socio-political reality in the country, after the dramatic deterioration of the security situation in 2012
- Reform the management of the security sector

- Set up an efficient, transparent and equitable recruitment process

2. Address the societal changes that are taking place in communities because of the presence of IDPs and returnees

- Reinforce the culture of dialogue
- Promote education and sense of citizenship
- Revive good practices of the diverse cultural traditions for peacebuilding

Similar exercises could be conducted to assess the specific security and social cohesion issues of displaced persons and host communities and integrate them in peacebuilding processes.

## COMMUNITY APPROACH OF SECURITY SECTOR REFORM

### CASES IN COLUMBIA

A study on the impact of security sector reform on durable solutions in five countries<sup>32</sup> (Kosovo, Liberia, Columbia, Timor-Leste and Mozambique) shows that trust building elements of security sector reform, such as inclusiveness, representation, accountability measures and vetting of former law enforcement personnel, can diminish the mistrust that IDPs might feel towards the security sector. By overcoming this mistrust, IDPs' sense of security can increase, and with it their possibility of finding durable solutions.

In Columbia efforts focused on building trust with communities – such as community policing and working with local community security teams in unsafe neighbourhoods to reintroduce police presence – have had some positive effects on establishing the legitimacy of the security sector, including among IDPs. An example of this approach is the work of the

police through local civil society groups: Community Security Teams were set up in neighbourhoods of Cali, which were initially inaccessible to the police. Once established and trusted, the teams then started to work with the police, enabling a slow reintroduction of police services. A similar approach is that of local Community Development Councils (*Juntas de Acción Comunal*) that often establish community security mechanisms such as neighbourhood watch groups and alarm systems, which enable collaboration with the police to improve security and restore its legitimacy in the process.

Programmes such as these have the potential to improve the security of IDPs and enhance their trust in the police, especially if community policing and security structures include displaced persons and specifically address their issues.<sup>33</sup>

<sup>31</sup> See: A self-portrait of Mali on the obstacles to peace (2015) - [http://www.interpeace.org/wp-content/uploads/2015/06/2015\\_06\\_12\\_Self-Portrait\\_Mali\\_Obstacles\\_Peace\\_EN.pdf](http://www.interpeace.org/wp-content/uploads/2015/06/2015_06_12_Self-Portrait_Mali_Obstacles_Peace_EN.pdf)

<sup>32</sup> The role of civil-military-police coordination in supporting durable solutions to displacement, Sarah Deardorff Miller Elizabeth Ferris, Brookings Bern Project, 2015

<sup>33</sup> See: Building Peace in the midst of conflict, improving security and finding durable solutions to displacement in Columbia, Maria Derks-Normandin, Brookings, 2014

## STRENGTHENING COMMUNITY-BASED PROTECTION MECHANISMS

**TABARRE ISSA AND ONAVILLE COMMUNITY STRATEGY TO IMPROVE COLLECTIVE SECURITY – HAÏTI<sup>34</sup>**

In the absence of effective access to police, courts and other national and local protection mechanisms, displacement affected communities in Haiti have taken their own steps to address security concerns. The displacement affected communities do generally not consider security as a major problem in their neighbourhoods, because displaced and non-displaced residents band together “like a big family” to look out for one another. In more newly established communities such as Tabarre Issa and Onaville, where many displaced households hope to integrate in the longer term, residents have taken measures

to prevent their communities from descending into violent neighbourhoods and have deployed strategies to increase their collective security, such as establishing community patrols, questioning new arrivals, speaking out against sexual violence, and issuing community identity cards.

Initiatives such as the installation of solar lights in public spaces and other infrastructural improvements can additionally significantly strengthen the efforts of displacement affected communities in improving their security and moving towards durable solutions.

## DEVELOPING PORTABLE SKILLS FOR YOUNG ADULTS

**THE FAO JUNIOR FARMER FIELD AND LIFE SCHOOLS (JFFLS)<sup>35</sup>**

The JFFLS methodology adopts a multi-dimension approach involving training in agricultural, entrepreneurial and life skills to vulnerable children, including displaced youth and former child soldiers in protracted crisis situations. It aims to provide them with portable skills, which can serve them to improve access to livelihoods and long-term security wherever they are. The methodology

adopts the approach of a “living classroom” with field activities including land preparation and cultivation, fisheries and income-generation. The approach has also been used for peacebuilding and Disarmament, Demobilization and Reintegration (DDR) programmes (e.g. in Sudan) to encourage vulnerable youth in becoming more resilient, productive and active members of their communities.<sup>36</sup>

<sup>34</sup> See: Supporting durable solutions to urban, post-disaster displacement: Challenges and opportunities in Haiti: <https://www.brookings.edu/wp-content/uploads/2016/07/Supporting-Durable-Solutions-to-DisplacementHaiti-March-3-2014.pdf>

<sup>35</sup> See: <http://www.fao.org/resilience/resources/resources-detail/en/c/212584/>

<sup>36</sup> See the Sudan mid-term evaluation of the MDG Achievement Fund, p. 35: <http://www.mdgfund.org/sites/default/files/Sudan%20-%20YEM%20-%20Mid-term%20Evaluation%20Report.pdf>

## ACCESS TO AN ADEQUATE STANDARD OF LIVING WITHOUT DISCRIMINATION

### WHAT ARE WE TALKING ABOUT?

Displaced persons enjoy an adequate standard of living if they have, at a minimum, sustainable and equal access to essential food, potable water, appropriate shelter and housing according to the local context, essential health services, sanitation, at least primary school education and other means of survival (e.g. livelihoods).<sup>37</sup>

Displaced persons should have access to these services on the same basis as members of the resident population with similar needs<sup>38</sup>.

### POTENTIAL OBSTACLES FOR DISPLACED PERSONS TO ACHIEVING AN ADEQUATE STANDARD OF LIVING

- Strain on already limited resources (water, land, housing, food, schools) and capacity for service provision. This might particularly be the case when IDPs are accommodated in already poor regions or in poorer parts of urban locations;
- Competition for scarce resources and weak services as a source of tension between displaced persons and host communities;
- Discrimination in access to resources and basic services. This includes, for example, the non-admission of displaced children to local schools, because they do not originally come from the area, village or town;
- Lack of access to land and adequate housing; weak security of tenure resulting in repeated evictions and expansion of underserved slums with ensuing vulnerability to disasters;
- No or insufficient opportunities for livelihoods;
- Health risks related to overcrowding, poor access to potable water and sanitation;
- Impact of displacement on the environment with consequences for the well-being of the affected population.

### WHAT DO WE NEED TO KNOW PRIOR TO PLANNING?

Any information that leads to a better understanding of the displacement affected communities, their needs and obstacles in achieving durable solutions is relevant.

Reliable and up to date demographic data, disaggregated by sex and age, will be required as baseline data for planning.

Relevant questions to ask include but are not limited to:

- What have displaced persons and host communities respectively identified as obstacles to achieving an adequate standard of living? Do they have any suggestions as to how these obstacles can be removed?
- Do displaced persons have access to essential food, housing - including social housing schemes -, education, health, potable water and sanitation?
- Are displaced persons and host communities competing for scarce resources and weak services?
- Are displaced persons being discriminated in accessing resources and basic services?
- Does the displacement affected population have access or opportunities to livelihoods?
- Has displacement had a negative impact on the environment, affecting the well-being of the displacement affected population?

Sources that can provide general information about the standard of living of displaced persons and their host communities:

- Nutrition assessments and surveys
- Surveys on the level and source of income
- Assessments on access to arable land by displaced persons
- Assessments/surveys on access of displaced persons to adequate housing, education, health, potable water and sanitation
- Assessments of existing capacity to provide structural education; health services; potable water, sanitation and the capacity to provide access to power/electricity networks

<sup>37</sup> Framework on Durable Solutions, IASC, 2010, pp. 31-32

<sup>38</sup> Idem, p. 33

- Assessments of the impact of displacement on the provision of these services and an evaluation of the gap to be bridged in order for displaced persons to be included in the provision of services
- Evaluations on the impact of displacement on the environment and its consequences on the well-being of the displacement affected population.

### HOW TO IMPROVE ACCESS TO AN ADEQUATE STANDARD OF LIVING?

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Improving the standard of living of displaced persons implies that it is brought up to par with that of the population of the communities they integrate in, return or relocate to. In practice, it often means improving the standard of living of the entire displacement affected population. This will particularly be the case in settings where infrastructures and service provision are already poor and where the presence of displaced persons can lead to conflict over resources and services.

Ways to improve access to an adequate standard of living include, but are not limited to:

- Establishing, strengthening, expanding or rehabilitating services or infrastructure (e.g. new or more schools, health centres; improved sanitation, roads and power distribution networks).
- Addressing the obstacles that are faced by the displacement affected population, or by specific groups among them, in accessing services.
- Maximizing opportunities to use the skills of displaced persons and host communities to expand productive infrastructure and services.
- Coordinating with development and urban planning institutions to ensure that planning is consistent with long-term (urban) development plans.
- Extending municipal services to areas or locations that are close to urban settings (cities, towns) and where displaced persons reside, or intend to reside. E.g.: informal settlements where displaced persons intend to integrate in; or areas that have been allocated for relocation.
- Mitigating environmental damages caused by integration, return or relocation.

### IN WHICH NATIONAL FRAMEWORKS CAN THE ACHIEVEMENT OF AN ADEQUATE STANDARD OF LIVING FOR DISPLACED PERSONS BE INTEGRATED?

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Potential plans and processes in which working towards the achievement of an adequate standard of living for displacement affected communities can be integrated:

- National development plans; UNDAF
- Poverty Reduction Strategy
- Action plan for national food security
- Food security and nutrition plans
- Agriculture reforms and plans
- Urban/rural development planning at national and local level
- Land reforms
- Education reforms or strategies at national or local level
- National and local planning concerning water, sanitation, and hygiene
- National and local health reforms or plans
- Environment management and preservation plans; disaster risk management plans.

## GOOD PRACTICES

## LINKING INFRASTRUCTURE DEVELOPMENT WITH EMPLOYMENT CREATION, POVERTY REDUCTION AND LOCAL ECONOMIC AND SOCIAL DEVELOPMENT

**THE EMPLOYMENT INTENSIVE INFRASTRUCTURE PROGRAMME (EIIP) MODEL, SOMALIA<sup>39</sup>.**

**T**he EIIP model, created by the ILO for the rehabilitation of infrastructure, has provided a sustainable framework for employment creation to Somali people over the years, including IDPs. Key economic infrastructures, such as canals, secondary roads and markets, have been rehabilitated through various projects, following labour-based technologies. The ILO's approach is to work hand in hand with local administrations, communities and the private sector. The programme has provided jobs to Somali men and women, enabling them to meet basic needs and lifting them out of poverty. Impact assessments conducted after the rehabilitation of critical infrastructures show improvements in local economies. In Galkayo, for example, the ILO created 44,850 short-term and 2,350 long-term jobs for the rehabilitation of roads and meat markets. More than 85% of those employed were IDPs and vulnerable women.

The ILO is additionally supporting local governments in Somalia by orienting public investments towards infrastructure to improve access to basic services and create employment. This is being achieved by supporting the development of decentralized policy, legislative, institutional and regulatory frameworks that focus on public investments that generate employment. Support is also provided to Public-Private Partnerships (PPP)<sup>40</sup> in service delivery and local economic development. Creating an enabling environment for local economic development involves engaging the private sector and civil society in strategic planning and interventions where local resources and opportunities for local business are recognized and nurtured, and where bottlenecks are addressed.

<sup>39</sup> The ILO in Somalia: <https://goo.gl/3P8246>

<sup>40</sup> The PPP Knowledge Lab(World Bank) defines a Public-Private Partnership as “a long-term contract between a private party and a government entity, for providing a public asset or service, in which the private party bears significant risk and management responsibility, and remuneration is linked to performance”. See: <https://pppknowledgelab.org/guide/sections/1-introduction>

## LEGISLATION OF INFORMAL SETTLEMENT AND URBAN HOUSING. TSI COLUMBIA: LAS DELICIAS NEIGHBORHOOD, CUCUTA<sup>41</sup>.

In the neighbourhood of Las Delicias in Cucuta (Colombia), the communities identified the regularization of their informal urban settlement as a top priority for durable solutions. IDPs on public and private land make up 50% of the population in the settlement, which is not uncommon in Colombia, where these types of settlements have expanded significantly over five decades of conflict, and in some cases cover a large part of the cities in which they are established. The settlements are rarely officially connected to water, electricity or sanitation services, while residents run the risk of being evicted. The Colombian authorities have acknowledged that the precarious conditions in the settlements need to be resolved. Regularization is a highly complex legal process in Colombia and competing claims over land make it yet more complicated. In identifying a solution, the TSI took into account the specific history and factors of each settlement. A regularization agreement and road map got adopted in Las Delicias, after a long technical, legal and conciliation process, involving the Mayor's Office, city planning officials, the Steering Committee in charge of the implementation of the TSI plan, and representatives of landowners. The land regularization process was consistent with land reform programmes supporting dialogue with government institutions and negotiations with landowners on the distribution of land plots and the formalization of land rights.

As a result of the regularization, the communities of Las Delicias were able to claim their right to adequate housing, which included roads, water and sanitation facilities.

The regularization also paved the way to the issuance of individual property titles that guaranteed ownership and provided the population access to governmental programmes for the construction and improvement of houses. The value of the properties subsequently rose, which had a direct impact on the socio-economic conditions of the population and enabled them to obtain bank loans to start businesses.

### Lessons learnt:

- It is important to identify key actors who have an interest in contributing to identified solutions and are capable of taking decisions or influencing processes.
- Trust and good communication between different actors, including local authorities, the private actors (landowners) and members of the community are instrumental in achieving durable solutions.
- Legalization processes can be pushed forward by private actors if there is buy-in into the process.

<sup>41</sup> Documentation, Local Integration Process, Las Delicias community, Cucuta, Norte de Santander. TSI Columbia



## ACCESS TO LIVELIHOODS AND EMPLOYMENT

### MAIN OBSTACLES FOR DISPLACED PERSONS IN ACCESSING LIVELIHOODS AND EMPLOYMENT<sup>42</sup>

- Discrimination in accessing labour markets on account of being displaced
- Lack of relevant education, skills, or expertise to gain employment, especially in situations where displaced persons move from rural areas to urban labour markets
- Lack of community support network, or necessary contacts
- Administrative or legal barriers: e.g. lack or loss of documentation, such as identity card, diplomas or professional certificates
- Limitation of freedom of movement
- Lack of access to, or weak security of tenure and the risk of multiple evictions from land and housing
- Violence and insecurity
- Displacement related trauma; lack of access to psychosocial support
- Isolation of displacement settlements and lack of infrastructures/ connectivity to markets
- Extreme poverty and dependency on humanitarian aid

### WHAT DO WE NEED TO KNOW PRIOR TO PLANNING?

Improving access to livelihoods and employment requires good understanding of the local environment – including the employment and trade market. It further requires an assessment of the possible impact of displacement on the host economy; the aspirations, coping strategies, as well as the existing capacities of displaced persons. Developing livelihoods and employment initiatives involves multi-faceted factors such as human, social and economic capital, and depends on the existing environment for creating opportunities<sup>43</sup>.

### MARKET ANALYSIS TOOL

The Emergency Market Mapping and Analysis (EMMA) Toolkit was developed during the Syria crisis to ensure that livelihoods programmes and interventions are grounded in market realities. The tool enables the identification of market niches and service sectors that can potentially support livelihoods programmes, or enhance employment opportunities for displaced persons. It has mostly been implemented in refugee crisis situations but could easily be adapted to the contexts of IDPs and returnees.

For more info: <http://www.emma-toolkit.org/>

Questions that inform these factors include:

- What are the socio-economic profiles of IDPs and host communities, including their rural or urban origins?
- What are their skills and competences?
- What are the issues that IDPs and returnees consider as obstacles to accessing livelihoods and employment? What are the solutions they propose to overcome these barriers?
- What are the specific issues relating to the situation of displaced persons that affect their access to livelihoods and employment? This entails an initial assessment of the human rights and protection environment; their access to markets and the private sector; their capacities, resources and assets; and an assessment on whether the environment is conducive for long-term interventions. See Annex 4 for an example of a questionnaire that can be used to conduct the assessment.
- What are the positive and negative livelihood coping strategies of displaced persons or their host communities? Positive coping strategies can serve as basis for initiatives, while efforts should be made to eliminate negative coping strategies

<sup>42</sup> This list is not exhaustive

<sup>43</sup> See: Protracted displacement - Uncertain paths to self-reliance in exile, Nicholas Crawford, John Cosgrave, Simone Haysom and Nadine Walicki (2015)

- What is the impact of displacement on the local economy? Displacement may have significant economic impact on communities in places of integration, return or relocation. Understanding the impact is key to maximize the positive effects and minimize the negative ones to strengthen or maintain social cohesion, as well as enhance livelihood and self-reliance opportunities for all. Assessments and consultations can be conducted to analyse the impact of displacement on:
  - » The labour market, skills balance and wages
  - » The trade market, including fluctuations in the demand and offer of goods and services and their effect on prices
  - » Availability or cost of housing
- Are there successful initiatives that can serve as good practices? Are there, for example, persons within the displaced and host communities who benefit from the changes that have been brought about by displacement? This analysis can help to draw positive lessons from success stories and inspire plans for disadvantaged persons. The assessment could also provide useful information for targeting members in the communities who require support.
- Are there (new) business and employment niches that can be explored? Displacement may in some cases create new markets for (small- or medium) enterprises, or may produce a new labour market for private sector actors. Identifying business or employment niches requires a business and market analysis, i.e. a good understanding of the existing market; the profiles and capacities of displaced and host communities; and of existing opportunities.
- Are local market analyses available that provide a good understanding of the main livelihood and employment opportunities at local level? Have competency needs and skills been identified (by e.g. the private sector) that match those of the displaced persons?

### HOW TO IMPROVE ACCESS TO LIVELIHOODS AND EMPLOYMENT?

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Depending on the results of the assessment of the environment and the market and competence analysis, initiatives might include:

- Removing wherever possible, the legal and social obstacles for displaced persons in accessing livelihoods and employment.
- Building on livelihoods and employment initiatives that have proven successful in the context.
- Involving non-traditional actors: Livelihood analyses and programmes stand a better chance of being sustainable when they are carried out under the authority of, or in partnership with the relevant authorities. Collaboration with economic and livelihoods specialists, CSOs, the private sector, employment institutions, chambers of commerce, unions and (international) financial institutions might be required to develop or implement initiatives, or to strengthen infrastructure and service provision.

The engagement of particularly the private sector can boost livelihoods and employment initiatives, through e.g. providing new employment/apprenticeship opportunities; linking small and medium-enterprises of displacement affected persons to bigger businesses; or by (co-)funding livelihoods and employment initiatives. Private companies may be interested in getting involved in such initiatives as part of their commitment to corporate social responsibility; but also due to interest in accessing new entrepreneurs of small and medium-enterprises, new consumers; or interest in exploring new opportunities for innovation, to test new products, or enter new markets. Business investments however require long-term vision and financing, a secure environment, supply chains and context-specific data that are often absent in displacement contexts.

## ENTRY POINTS FOR ENGAGING THE PRIVATE SECTOR IN LIVELIHOODS AND EMPLOYMENT INITIATIVES:

- Identifying existing social responsibility or traditional charity initiatives of the private sector at national or local level.
- Identifying the main corporate sectors and companies at local level and their potential match with the profiles, skills and competences of the displacement affected population.
- Assessing to which extent areas of displacement, return or relocation could become new markets, or new business opportunities for the private sector and advocate this option with private sector actors, by providing them with relevant statistics and data.
- Considering partnerships with start-ups in the field of new technologies and creating “tech for good” initiatives targeting young start-up enterprises of displacement affected persons.
- Associating financial and credit institutions with durable solutions planning
- Considering the potential role of the private sector in providing services (energy, infrastructure/roads, communication networks, sanitation etc.).
- Developing a risk mitigation strategy to reassure potential corporate partners.

- The private sector may be inclined to get more involved durable solutions initiatives if they are informed about long-term durable solutions planning; are better aware of the long-term needs and plans of displaced persons and host communities; and have better knowledge of how to mitigate displacement related business risks. Developing communication channels between authorities, development, humanitarian actors and the private sector might be a first step in identifying matching interests and opening opportunities for collaboration<sup>44</sup>. National and local authorities that wish to attract business investments should invest in creating a conducive and sustainable environment investments through long-term planning, collection of relevant data and through supporting supply chains<sup>45</sup>.
  - Invest in context-specific, development-oriented, multi-dimensional programmes that benefit displaced persons and host communities by:
  - Improving access to and provision of productive assets, such as markets, land, livestock, tools, other equipment and credits.
  - Creating sustainable, multi-sectoral and area-based livelihood opportunities covering IDPs, returnees and local communities to have a lasting impact.
- Mainstreaming the specific needs of IDPs into national and local development plans or programmes, including general poverty alleviation and livelihood programmes.
- Vocational training programmes, or shorter skills training programmes to improve the chances of displaced persons for entering the labour market. Such programmes can be effective if they are based on thorough market and competence analyses and are combined with the creation of equivalent livelihood opportunities involving the private sector.

<sup>44</sup> Glucia Boyer, Yannick DuPont, The contribution of the private sector to solutions, for displacement, Forced Migration Review 52, May 2016

<sup>45</sup> Private sector engagement, The Key to Efficient, Effective Energy Access for Refugees, Lindsay Van Landeghem, 2015

## GOOD PRACTICES

**BUSINESS-ORIENTED APPROACH EXPANDING HOME-BASED ENTERPRISES, INDONESIA**

**T**he eruption of Mount Merapi in 2010 caused displacement, destruction of homes and loss of livelihoods. IOM launched an initiative to promote affected home-based businesses of IDPs who wished to return, when the area was considered safe. While the slopes of Mount Merapi offered fertile soil for agriculture, its remote location hampered access to markets and, therefore, limited the growth of small enterprises. “Based on the findings of a value chain analysis, target communities were identified, followed by an analysis of existing home-based micro-enterprises, resulting in the selection of five business sectors to support – tourism, *batik*, mushroom cultivation, food processing and crafts. IOM supported the affected home-based businesses in establishing business networks and participating in promotional

events such as the Jogja Fashion Week and the 5th Asian Ministerial Conference on Disaster Risk Reduction. It additionally assisted villages in setting up Village Promotion Teams for promoting local products and services to potential business partners and clients to increase sales and revenues. The approach contributed to building confidence among beneficiary business groups and helped to restore the livelihoods of affected communities. Out of the IDPs who benefitted from the initiative, 74% were women.

The establishment of the Village Promotion Teams and their active participation in business networking events, exhibitions and fairs, together with the development of recognizable branding, played an essential role in expanding business performance and promoting the sustainability of the initiative<sup>46</sup>.

## VOCATIONAL TRAINING PROGRAMME IN PARTNERSHIP WITH NATIONAL EMPLOYMENT INSTITUTION

**PROMOTING ACCESS TO EMPLOYMENT THROUGH VOCATIONAL EDUCATION AND TRAINING CENTRES, GEORGIA<sup>47</sup>**

**I**n Georgia, IOM supported the economic integration of IDPs by improving their livelihood prospects through active labour market activities, such as job placement and referrals. The activities were carried out by strengthening the capacity of the government operated vocational education and training (VET) centres and through direct job counselling and placement. More than half of the nearly 1,500 IDPs that received job counselling and were referred to various employment channels got employed. The VET centres were also

sensitized to include IDPs in their activities and some centres continue to address the employment needs of IDPs through specific activities. The sustainability of the efforts is based on the strategy of the Ministry of Education and Science, which instructs the VET centres to ensure, as one of their priorities, the full participation of vulnerable groups such as IDPs, by supporting access to a wide range of key VET programmes.

<sup>46</sup> IOM contributions to progressively resolve displacement situations, Compendium of activities and good practice, IOM, 2016: [https://publications.iom.int/system/files/pdf/compendium\\_of\\_activities.pdf](https://publications.iom.int/system/files/pdf/compendium_of_activities.pdf)

<sup>47</sup> *Idem*.

## MULTI-DIMENSIONAL INITIATIVES

## THE GRADUATION APPROACH: INDIVIDUALIZED LONG-TERM AND MULTI-DIMENSIONAL INITIATIVES FOR MOST VULNERABLE HOUSEHOLDS

In partnership with the World Bank's Consultative Group to Assist the Poor (GCAP), the Ford Foundation and Trickle Up, UNHCR piloted the Graduation Approach<sup>48</sup> in rural, urban and camp settings in emergency and protracted refugee situations in Egypt, Costa Rica<sup>49</sup>, Ecuador, Burkina Faso and Zambia. The approach targets persons who live in extreme poverty and uses a combination of cash assistance, social protection, livelihood support and micro-finance to lift beneficiaries out of extreme poverty. The approach has never been piloted in the context of internal displacement, but could be applicable; especially in contexts where IDPs and returnees face comparable challenges in accessing livelihoods and employment.

Under the approach, the most vulnerable households are selected and a market analysis undertaken to determine personalized viable livelihood opportunities, while still receiving protection services (education, health, psycho-social support). Time-bound cash assistance is provided to meet immediate needs, while beneficiaries pursue business planning, legal and skills training leading to wages or self-employment.

Self-employment is supported by seed capital or asset transfers. The unique feature of this practice is its individualized approach. Each beneficiary is coached directly by a caseworker, who reviews each step taken and identifies and responds to protection issues that arise from the livelihood support. The caseworkers visit the beneficiaries' homes or places of work at least twice a month or contact them by telephone. Such follow-up is expensive, with each caseworker taking on 100 refugees, but the approach enables linkage of different programme inputs (livelihoods, assistance and protection) in a carefully sequenced way to achieve improved and sustainable socio-economic outcomes.

In Egypt, the final evaluation showed that the programmes contributed to a broader prosperity among refugees and to stronger social, economic and cultural ties between the communities, who also benefit from the knowledge and skills of the refugees. It however also revealed significant discrepancies in income between refugees and Egyptians for comparable jobs. The programmes increased the self-reliance of the beneficiaries and contributed to eliminating negative coping mechanisms.

<sup>48</sup> See: <https://forcedmigrationforum.com/2017/03/07/the-graduation-approach/>

<sup>49</sup> Graduation Model Pilot project 2014-2016, Evaluation report, UNHCR Costa Rica. Available at: <https://trickleup.org/publications/>

## MULTI-DIMENSIONAL INTEGRATED PROGRAMMES: THE IRAQ CRISIS RESPONSE AND RESILIENCE PROGRAMME (ICRRP)

**U**NDP developed the Iraq Crisis Response and Resilience Programme (ICRRP) to build the resilience of communities most affected by the influx of refugees and IDPs, through a multi-sectoral, integrated strategy. The programme complements the primarily life-saving and shorter-term activities carried out by other partners.<sup>50</sup> The three-year programme (2014-2017) focuses on five key thematic areas: 1) Government coordination and strategic planning; 2) Basic services and accountability; 3) Livelihood recovery; 4) Sexual and Gender-based Violence (SGBV) and women protection, and 5) Social cohesion.

Under the livelihoods pillar, the ICRRP interventions are linked to local economies to provide sustainable income opportunities for additional beneficiaries, while securing sources of income for the most vulnerable crisis-affected groups. This includes

identifying a niche for businesses /industries; conducting local market/value chain assessments; brokering public-private partnerships; conducting vocational trainings linked to market demands; and providing business expansion support to small and medium-sized enterprises, under the condition that job-seekers from the displaced and local population should be employed. Activities are implemented in close collaboration with local counterparts as a critical basis for ownership and to contribute to longer-term resilience of communities.

Among the other initiatives under the ICRRP, UNDP and Toyota Iraq launched a job placement and vocational training programme in Erbil to provide young, displaced Iraqis with access to sustainable income opportunities.<sup>51</sup>

<sup>50</sup> See: [http://www.iq.undp.org/content/iraq/en/home/operations/projects/crisis\\_prevention\\_and\\_recovery/ICRRP.html](http://www.iq.undp.org/content/iraq/en/home/operations/projects/crisis_prevention_and_recovery/ICRRP.html)

<sup>51</sup> See: <http://www.iq.undp.org/content/iraq/en/home/presscenter/pressreleases/2016/10/26/undp-and-toyota-capacitate-displaced-iraqis-to-join-the-workforce-and-contribute-to-rebuilding-the-business-environment.html>

## ACCESSIBLE MECHANISMS FOR RESTORING HOUSING LAND AND PROPERTY

### OBSTACLES FACED BY DISPLACED PERSONS IN ACCESSING HOUSING, LAND AND PROPERTY (HLP)

- Occupation, squatting and illegal use of HLP of displaced persons and returnees
- Destruction and looting of HLP of displaced persons and returnees
- Degradation of infrastructure and boundary markers
- Loss of property records and of personal documentation
- Destruction of property registers and /or cadasters
- Absence of formal property title and formal evidence
- Prescription and abandonment laws dispossessing owners from their land and housing based on their non-occupation or duration of absence;
- Land declared unsuitable for residence (risk area)
- Landmines/unexploded ordnance (UXO)
- Unequal access to HLP rights by vulnerable groups<sup>52</sup>, including ethnic groups and indigenous peoples

### Main consequences of HLP issues in terms of durable solutions

- Inadequate shelter: increased protection risks – GBV and health –
- Heightened risk of living in informal slums and areas prone to disasters
- Insecure tenure<sup>53</sup>: risk of forced evictions and multiple displacements
- Limited access to land for subsistence
- Tension with host communities over resources
- Limited access to education and health facilities due to occupation by displaced persons

- Loss of livelihoods that are related to the cultivation of land; obstacles in restoring livelihoods
- Potential property disputes, violence, and conflict

### WHAT DO WE NEED TO KNOW ABOUT HLP RIGHTS AND OBLIGATIONS?

- IDPs and returnees have a right to adequate housing that includes tenure security and protection from forced evictions
- Access to land may in certain contexts form an essential element of the right to food and the right to an adequate standard of living
- Property left empty and possessions left behind as a result of displacement must be protected
- IDPs and returnees should be able to repossess their property or receive compensation. The government has the responsibility to help them recover their property and possessions to the extent possible
- The government should design mechanisms to address HLP disputes and ensure secure access to land and adequate housing to respect its obligations in terms of the right to an adequate standard of living.

### Vulnerable groups:

- Women's land rights: the rights of widows, unaccompanied women and female heads of households to own and use land may be curtailed by statutory, customary or informal rules restricting or denying land rights and inheritance to women; or allowing access and use of land only through male relatives.
- Children's land rights: unaccompanied children and orphans may be denied access to inheritance (income, or land and housing) when their rights depend on the appointment of a guardian and no effective institutions exist to prevent abuse of trust by such guardians.

<sup>52</sup> E.g.: women and girls (unequal inheritance rights, absence of property title in their name, etc.).

<sup>53</sup> "Tenure security refers to the right to hold, use and transfer land or housing without the fear of forced evictions. (...) Tenure security is an element of the right to adequate housing. While recognizing that tenure can take on a variety of forms (rental lease ownership, occupation in informal settlements under formal or informal arrangements) human rights law requires that all persons should have a degree of tenure security that protects them from forced evictions." NRC, influencing durable solutions: An advocacy package. The practice of HLP rights in Somalia, 2016, p.13. Available at: <https://goo.gl/1wj7su>

- Land rights of minorities and indigenous groups: minority and indigenous groups may be marginalized by encroachment on traditional lands prior to situations of conflicts or disasters, and can be exposed to further land-grabbing practices after crisis events, if their customary rights are not recognized or protected.

### WHAT DO WE NEED TO KNOW BEFORE PLANNING?

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- Understand the context: identify basic rules on using land; institutions that administer land; patterns of tenure; land use; livelihoods and food security.
- Assess housing land and property issues and existing or potential land and property disputes.
- Identify and record informal land rights, traditional practices and existing formal and informal evidence of ownership and tenancy
- Lists the different types of land disputes and land issues (land and property occupation, rental agreements, unclear demarcation, absence of property title or proof of ownership, discriminatory inheritance practices etc.)
- Analyze the effectiveness of existing procedures and identify necessary legal and institutional reforms to address the identified issues.

### HOW TO IMPROVE ACCESS TO HLP RIGHTS?

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#### General interventions

- Offer legal aid and support to IDPs and returnees to help them exercise their HLP rights
- Set up/strengthen context-specific restitution/compensation or dispute resolution mechanisms, including alternative dispute resolution mechanisms such as mediation; as well as flexible and accessible documentation and proof requirements to establish ownership or user right.
- Integrate HLP response for IDPs into existing development plans and/or legislation related to urban planning (including social housing, regularization and upgrade of informal settlements); land reform and other land legislative changes to increase access to land through measures such as land distribution, land cooperatives, long-term rent, and increased access to credit.

#### Specific interventions

##### *HLP evidence and documentation*

Inability to prove ownership, the right to occupy or use land and property, or inability to prove the right to live in a certain area are serious impediments to the right to adequate housing, and to the ability of IDPs and returnees to repossess their property and meet their own needs. If IDPs are not in possession of HLP documents - whether because they are lost or were never owned by them - accessible arrangements and mechanisms need to be put in place for the documents to be issued or replaced (see also section on documentation). In cases where land or housing was used on a customary basis, i.e. without documentation of ownership, community-based methods can be used to collect evidence of possessory or ownership rights. A community or enumeration mapping exercise can be conducted to determine the user/owner, the location and size of the land or housing that was there before the onset of a conflict or disaster.



## CASE STUDY: INDIAN OCEAN TSUNAMI, ACEH, INDONESIA – COMMUNITY DRIVEN ADJUDICATION<sup>54</sup>

The tsunami affected more than 500 miles of coastline, and an estimated 53,795 parcels of land were permanently destroyed by erosion or submersion. Most documentation of land ownership was also destroyed, along with much of the physical evidence of possession (walls, fences, boundary markers). The Reconstruction of Aceh Land Administration System (RALAS) project was designed to support reconstruction of housing and communities in post-tsunami Aceh. The project design included an official community land mapping process to provide land titles, facilitated by civil society. Community members conducted a land inventory, using guidelines developed by the national Land Administration Agency (LAA). Volunteers were trained to identify landmarks and produce drawings. When a parcel boundary was mapped, it was signed by a family member and owners of neighbouring parcels (left, right, front and back).

The LAA then validated the community's declaration of ownership and boundaries (using land records from before the tsunami and parcel measurements), and secured community agreement. Over four years, the project completed community land maps for 317,170 land parcels; of which 275,945 were officially surveyed and adjudicated, while 238,758 were registered in the official Land Book or Register (*Buku Tanah*). At the end of 2006, the National Land Agency (*Badan Pertanahan Nasional, BPN*), the Bureau of Reconstruction and Rehabilitation for Aceh (*Badan Rehabilitasi dan Rekonstruksi*), and Aceh's provincial government formulated a Joint Land Titling Policy that was adopted for implementation under RALAS. Under the policy, 28% of all distributed titles were distributed to women.

## LEGAL AID AND DURABLE SOLUTIONS<sup>55</sup>

Legal aid is often key to assist IDPs to exercise their HLP rights. It can take different forms, depending on the situation:

- General legal information: awareness of local laws; eligibility requirements for benefits; housing, land and property issues; or domestic and international human rights standards
- Awareness of the right to adequate housing and tenure security
- Assistance in obtaining personal documents
- Assistance in drafting and entering written lease agreements
- Help with property and inheritance claims in places of origin
- Help with claims for ethnic, racial, or religious discrimination
- Assistance for women and children to deal with discrimination in terms of their housing, land and property rights
- Counselling and arbitration for property and land disputes
- Counselling and arbitration when dealing with parallel legal systems, such as formal, informal, religious, and local law
- Counselling on dispute resolution and legal remedies in cases of forced eviction and housing rights violations
- Assistance with requests for regularization of informal settlements

<sup>54</sup> 'Minimum elements' for community-based land mapping approaches in post disaster contexts Pilot version, IFRC, 2009

<sup>55</sup> Home sweet home, Housing practices and tools that support, durable solutions for urban IDPs, IDMC-NRC, MIT, DRA, 2015.

## HOUSING, LAND AND PROPERTY DISPUTE RESOLUTION MECHANISMS

### Restitution

Restitution of housing, land and property is the preferred remedy in the Guiding Principles on Internal Displacement and the Principles on Property Restitution for Displaced Persons. Restitution is the preferred remedy because it provides a form of restorative justice for victims of displacement and dispossession, by facilitating their return to their home and land. Restitution contributes to sustainable returns by providing shelter and livelihood opportunities. The remedy also leaves other ways open for settling disputes, by providing displaced persons the possibility to sell or rent their house, land or other properties.

### Compensation

In contrast, compensation tends to accommodate options such as local integration or settlement elsewhere in the country. Compensation is therefore only recommended when restitution is not possible, or when the concerned parties request it. Compensation is particularly adapted to cases of protracted displacement where identifying the rightful owners would be too difficult, or where restitution could create new wrongs, by affecting the rights of people who bought the property in good faith, which is often the case after decades of displacement.

Restitution and compensation are valuable remedies to address dispossession, but they cannot address root causes to conflict such as homelessness, landlessness, or unequal distribution or discriminatory access to land. Similarly, restitution and compensation are unlikely to lead to a sustainable solution in cases where dispossession is not only linked to the conflict, but also to a weak land administration and judicial system that is unable to ensure tenure security. Restitution and compensation are therefore more efficient if they are combined with structural land reforms and housing policies.

### Designing dispute resolution mechanisms

Various mechanisms can be used to address HLP disputes, depending on the situation and legal context:

- Judicial
- Traditional
- Administrative
- Ad hoc

The most appropriate mechanism, or combination of mechanisms, will be determined by the specifics of each displacement situation. If, as an example, land tenure is subject to customary regulation, a solution will most likely be proposed through traditional mechanisms for resolving disputes. The advantage of traditional mechanisms is that they tend to be more easily accessible to people with specific needs, and are better adapted to local conditions. Unlike formal dispute resolution mechanisms that tend to identify a winner and a loser, solutions from traditional mechanisms are often based on compromise and are easier to accept and implement. In Burundi, for example, the Commission Nationale des Terres et Autres Biens (CNTB), that was set up in 2003 as part of the peace process to address HLP disputes, can decide to propose restitution, compensation or sharing of land. Less positive practices of traditional mechanisms involve the exclusion of women and persons perceived as outsiders from restitution and other remedies. Customary systems do moreover not always have the capacity to provide effective redress. To avoid the risk of abuses, traditional adjudicators should be trained on national legislation, while displaced persons should be made aware of their rights under customary systems. The government should, wherever possible, also monitor decisions of traditional adjudicators and allow their decisions to be appealed.

The use of collaborative dispute resolution modalities such as **negotiation, mediation or arbitration** can be an effective way to resolve HLP disputes in countries where land is administered traditionally and where state institutions are not easily accessible throughout the country. This can be particularly appropriate in cases of secondary occupation of housing or land in good faith, or when the parties to the dispute are equally vulnerable and in need of protection. This type of dispute resolution mechanism can be provided by traditional authorities or by NGOs providing this service. The various possibilities for mediation can, however, also lead to forum shopping, whereby parties endlessly approach different organizations until they obtain a decision of their liking, which can contribute to legal uncertainty.

Dispute resolution mechanisms should be complemented by legislative and policy measures, as well as reforms contributing to secure access to land and housing, if they are to prevent and sustainably address HLP disputes. Liaising with development actors supporting agriculture, land administration, urban planning and housing is therefore essential to ensure that the needs of IDPs and returnees are integrated into overall development plans.

### EXAMPLE OF COLLABORATIVE DISPUTE RESOLUTION (CDR)

In Côte d'Ivoire, people living in rural areas tend to consider statutory law and institutions as "a last resort", after exhausting all customary and informal dispute resolution procedures. Due to the limited role of statutory courts in land dispute resolution in particularly the more remote areas of Côte d'Ivoire, the legal aid programme provided by the Norwegian Refugee Council (ICLA programme) focused on Collaborative Dispute Resolution (CDR) to resolve land related disputes and provide civil documentation to residents living in western Côte d'Ivoire. The ICLA team worked in collaboration with local customary authorities who are responsible for resolving most HLP disputes. Support was provided to IDPs, especially women,

to resolve their cases with customary authorities<sup>56</sup>. The project supported 60 villages in the peaceful resolution of land disputes, through the establishment of Village Committees of Rural Land Management and through building the capacity of traditional authorities and community leaders in collaborative conflict resolution.

With a view to ensure sustainability, some communities signed their own innovative protocols on land management and social cohesion under the auspices of NRC. The signed protocols are intended to help communities to formalize their own rules and principles of community life<sup>57</sup>.

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<sup>56</sup> Displaced women's rights to housing, land and property in post-conflict western Côte d'Ivoire, NRC, 2015

<sup>57</sup> Durable Solutions Workshop on Durable Solutions in Côte d'Ivoire, IDMC, June 2014.

MORE CASE STUDIES: LOCAL INTEGRATION, URBAN HOUSING AND DURABLE SOLUTIONS

Access to adequate and formal housing in urban contexts where displaced persons often join the urban poor in underserved slums necessitates innovative practices to support durable solutions and development for all.

**IMPROVING TENURE SECURITY FOR URBAN IDPS IN SUPPORT OF LOCAL INTEGRATION**

***Bosaso (Somalia)***<sup>58</sup>

The initiative consisted of the identification and allocation of land plots with secure tenure to urban IDPs in Bosaso. The new settlement was located in the proximity of the place of actual displacement, which allowed IDPs to preserve social networks and livelihood opportunities.

Leading the component of security of tenure in the shelter cluster approach, UN-Habitat worked with the municipality to identify areas where settlements could be upgraded and where IDPs could settle permanently. Based on consultations that included IDPs, a proposal was developed to redirect urban growth to include IDP settlements.

A campaign was subsequently launched to encourage landowners to donate land to the municipality for the project. In return, their land was included in urban development plans, which increased in value, as it got connected to services. The landowners thus got compensated for the land they had donated.

The municipality set up a team to survey the sites and develop neighborhood plans for the new sites. It put out here. When they resettled there, the IDPs entered into rent-free incremental tenure contracts with the municipality, under which beneficiaries were not able to sell, rent, transfer, mortgage or donate their land until they had lived on it continuously for 15 years, at which point full ownership would be transferred to them. In case of death, lawful dependents would inherit the right to occupy the land. If IDPs left their property before the end of the 15-year period, the land would revert to municipal ownership and be

reallocated to another displaced beneficiary. The settlements were connected to water. Main access roads were traced and boundary walls of blocks were built to define public space, individual plot boundaries, latrines and shower units. The beneficiaries made improvements and extensions themselves, with support from local NGOs, in the form of building materials and cash for labour.

Strength of the project:

- It contributed to tenure security and used an innovative tenure approach that started with a free and legally protected rental contract, culminating in full private ownership.
- It involved collaboration between UN-Habitat and the municipality in establishing a plan for IDPs, and a broader urban growth programme, which benefitted the wider community. It also led to positive shifts in institutional norms and knowledge transfer, particularly by familiarizing people with the concept of formal rental contracts.
- The practice made affordable housing available to IDPs and the urban poor in locations close to their former habitation where they had sustainable access to livelihoods and could maintain social networks.
- The design of the settlements and the choice of building materials improved habitability, access to services and provided protection against fire risk. With national and international support, IDPs have invested incrementally in improving their property over the years, adding extra rooms, pavements and water tanks, and planting trees.

<sup>58</sup> Home sweet home, Housing practices and tools that support, durable solutions for urban IDPs, IDMC-NRC, MIT, DRAN, 2015

Adequate housing and the neighbourhood approach in an urban setting: an area and community-based method that responds to multi-sectorial needs in support of return

## KATYE NEIGHBOURHOOD IMPROVEMENT PROGRAMME IN RAVINE PINTADE, PORT AU PRINCE, HAITI<sup>59</sup>

**N**inety per cent of Ravine Pintade residents (around 2,000 people) were displaced by the 2010 earthquake. The neighbourhood improvement programme supported the early return of IDPs to their original neighbourhoods as part of their durable solutions, and contributed to an overall improvement of access to adequate housing by residents in Ravine Pintade. The project adopted a comprehensive and multi-sectorial approach, including the provision of transitional shelter that could be upgraded; disaster risk reduction measures; rubble removal; and initiatives in the areas of water, sanitation, health, livelihoods and the protection of vulnerable groups. The assistance provided to returning families in upgrading their homes, and building extra floors to provide rent-free housing for homeless people and IDPs were key elements of the initiative. The initiative involved the community in an early stage, which created a feeling of community ownership of the project. Enumeration and mapping exercises were used to identify different forms of land rights, tenure claims and ownership, while a risk mapping exercise was additionally conducted. A profiling exercise helped to identify the community's priorities

and needs during the assessment phase in terms of housing, settlement planning and infrastructure. The practice resulted in a moderate increase in rental housing stock in Ravine Pintade. It included disaster risk reduction (DRR) measures such as retaining walls, drainage infrastructure and wider footpaths. Technical experts assisted residents to implement the measures. The practice included auxiliary programmes, such as free community health care, training programmes and protection initiatives. The construction and infrastructure programme benefitted 574 families living in Ravine Pintade, while other aspects such as medical consultations in a health centre benefitted another 1400 families living outside of Ravine Pintade.

Strength of the project:

- Community ownership and participation: the neighbourhood/community-based approach responded to multi-sectorial needs of a delineated area and was informed by community-based decision-making, reflecting the social, economic, and physical features of the area.
- Cost-effectiveness of the project.

<sup>59</sup> Home sweet home, Housing practices and tools that support, durable solutions for urban IDPs, IDMC-NRC, MIT, DRAN, 2015.

## ACCESS TO PERSONAL AND OTHER DOCUMENTATION WITHOUT DISCRIMINATION

### OBSTACLES FACED BY DISPLACED PERSONS WHO DO NOT POSSESS PERSONAL AND OTHER DOCUMENTATION

- Lack of access to basic services that require proof of identity or other forms of documentation; e.g. lack of access to education, health and social services, justice, employment, or access to assistance;
- Risk of people remaining “invisible to the law” and as a result being vulnerable to safety and security risks, without being able to count on protection from national or local authorities;
- Lack or restriction of freedom of movement due to the absence of identification documents (ID);
- Risk of detention;
- Difficulties in reclaiming property or claiming inheritance rights;
- Risk of exploitation;
- Inability to vote and stand for elections;
- Difficulties in reuniting with family;
- Statelessness

### POTENTIAL OBSTACLES TO CIVIL REGISTRATION AND OBTAINING PERSONAL DOCUMENTATION

- Inequality or discrimination in accessing civil registration based on age, gender, ethnicity, the fact of being displaced, membership of a social or political group, difficulties for women in obtaining registration in their own name, etc.;
- Reluctance or fear to approach civil authorities to register births, marriages, deaths, etc.;
- Lack or breakdown of infrastructure, or insecurity preventing access to civil registration;
- Lack of accessible and efficient mechanisms for civil registration, or for issuing and replacing key personal documents for displaced persons;
- High registration fees and costs for travelling to towns for registration;

- Lack of awareness of the importance of civil registration;
- Difficulties in later registration in life, due to non-registration at birth;
- Requirement to return to one’s place of origin or habitual residence in order to obtain documents;
- Lack of legal provisions on the issuance or replacement of personal documentation (or property deeds) for displaced persons;
- Destruction of civil records

### WHAT DO WE NEED TO KNOW PRIOR TO PLANNING?

- What are the laws and regulations relating to civil registration, and the issuance and replacement of personal documentation?
- Are relevant statistics available on the civil registration and possession of personal documentation by the displacement affected population?
- Is data available on the reasons why (groups within) the displacement affected population lack access to civil registration, or face obstacles in obtaining personal documents?
- What are the personal documents that persons from the displacement affected community are missing and require to access education, health, employment, housing land and property; enjoy freedom of movement; or be safe and secure?
- Potential required documents (not exhaustive):
  - » Birth certificates;
  - » ID-cards or other context-specific ID documents
  - » Marriage certificates
  - » Death certificates
  - » Education certificates
  - » Property deeds
- What are the obstacles for the displacement affected population in accessing the specific documents they require?
- Are civil registration services available and efficient? Are they accessible? If not, what would be required to establish efficient and accessible registration services?
- Are there ongoing projects addressing the obstacles in accessing civil registration and obtaining personal documents?

HOW TO IMPROVE ACCESS TO DOCUMENTATION?

The Three Documentation Pillars



1. National laws and policies enable civil registration of the displacement affected population without discrimination
2. Accessible and efficient mechanisms are in place to register vital civil events an issue / replace documents for all without discrimination
3. Simplified and accessible procedures are in place to replace title deeds, or for displaced persons to provide proof of ownership of property

1ST PILLAR: Legal Environment

- **Acquire good understanding of laws and regulations** on civil registration, the issuance and replacement of personal documentation and their applicability to the situations of IDPs and returnees.
- **Adopt or amend legal instruments** to ensure non-discriminatory access to civil registration for all persons. This includes affirming the right of women and girls to be issued personal documentation in their name, as well as legally enabling the issuance or replacement of documents outside the place of origin.
- **Establish or strengthen procedures that enable late registration** for those who were not immediately registered at birth through e.g. flexible requirements of proof and by not charging additional fees.
- **Ensure non-discriminatory access to birth registration** for all persons; therefore irrespective of the ethnicity, gender, social or marital status of the parents; including for children born to single mothers.

- **Strengthen, where required, the capacity** of civil registry officials, judges, health centre staff, teachers, community leaders, etc., to provide efficient and non-discriminatory civil registration services by e.g. establishing a database and an effective system of communication.
- **Address** the obstacles to documentation that have been raised by the displacement affected population, additionally taking into account the available data and statistics on barriers to obtaining documentation.
- **Raise awareness** about the importance of civil registration and provide information about required procedures through e.g. community outreach programmes that take into consideration the barriers to registration.
- **Ensure collaboration, coordination and linkages** between relevant government entities, development institutions, CSOs and international organizations (e.g. WHO, World Bank, UNHCR, UNICEF, UNFPA, UNDP) in promoting civil registration and in providing services.

2ND PILLAR: Access to Registration, Issuance and Replacement Mechanisms

- **Facilitate access to civil registration at local level** for the displacement affected population through, for example, mobile registration units; integrating birth registration into other public programmes such as immunization and education; or by waiving registration fees for all forms of civil registration, particularly for vulnerable groups within the community.

3RD PILLAR: Simplified and Accessible Procedures For Displaced Persons Regarding Proof of Ownership of Property

- **Establish simple, accessible and flexible** procedures for displaced persons, including traditional practices, to replace title deeds or provide proof of property ownership, in order to allow displaced persons to enjoy their right to housing, land and property and for settling potential property disputes following displacement. See also the section on housing, land and property.



GOOD PRACTICES<sup>60</sup>**BIRTH REGISTRATION**

**I**n Côte d'Ivoire, itinerant judicial hearings were held in 2008-2009 as part of a large-scale project for granting birth certificates to persons aged 13 and above who were born in the country, regardless of their nationality. The project benefitted approximately 900,000 people in Côte d'Ivoire and has helped to prevent statelessness. Côte d'Ivoire additionally implemented a programme from 2011 to 2014 that suspended fees for the late registration of children born between 2002 and 2011.

**I**n Haiti, a presidential order in 2014 enabled the population to register births going back five years without charge and without having to go through a judicial procedure.

**U**ganda enables on-spot registration of births in health centres and has introduced a mobile vital record system that was developed with the help of UNICEF and Uganda Telecom. The system allows mothers to register births that take place outside health facilities

by providing details via mobile phone to a local government official who subsequently enters the information in a central database<sup>61</sup>.

**I**n Colombia, a large-scale registration/documentation project was launched by UNHCR in 2000, in collaboration with the National Civil Registry Office. UNHCR established mobile teams under the National Civil Registry Office and provided them with the necessary equipment (computers, fingerprint materials, cameras and a satellite antenna to connect the units with the national database). Focusing on IDPs and persons at risk of displacement, the project facilitates access to government services, provides identity cards to children and adults, updates civil registries and improves security. The campaign mainly focuses on rural or hard-to-reach areas, but has also been implemented in urban settings. Hundreds of thousands of identity cards have been issued to children between 7-18 years through the project.

**COMMUNITY-BASED ISSUANCE AND REPLACEMENT OF PERSONAL DOCUMENTATION**

**I**n Philippines, IDEALS<sup>62</sup> and the Department of Social Welfare and Development (DSWD) implemented a free mobile civil registration project, with the support of UNHCR in the aftermath of typhoon Haiyan. The project aimed at assisting typhoon survivors by reconstituting their civil records and by issuing or replacing legal documents such as birth, marriage and death certificates. This was done in partnership with the National Statistics Office (NSO) and local civil registrars of Local Government Units (LGU). Key in the process were also "barangay captains" (village leaders), who were able to verify the identities of people in

their communities and provide displaced persons a community certificate that served as a basis for IDEALS to conduct their search in the local civil registrar. The civil documents that were issued or replaced enabled access of displacement affected populations to housing, health care, education, social services and employment. The provision of birth certificates also allowed some people to access citizens' benefits for the first time in their life.

UNICEF took over the project before a final hand over to local governments.

<sup>60</sup> All examples, except the one from Uganda, were received from field practitioners.

<sup>61</sup> See: Uganda seeking to improve birth registration across Africa, UNICEF, 2013

<sup>62</sup> Stands for: Initiatives for Dialogue and Empowerment through Alternative Legal Services.



## PARTICIPATION IN PUBLIC AFFAIRS WITHOUT DISCRIMINATION

### WHAT DOES IT MEAN?

Participation in public affairs affirms the right of displaced persons to take part in public and political life and not to be prohibited from or limited in exercising the right on the basis of their displacement. It includes the right of displaced persons to be engaged in community decision-making processes and form unions and cooperatives. The criterion also refers to the right of displaced persons to work in public service, vote and be eligible in national or local elections without discrimination.

### MAIN OBSTACLES FOR DISPLACED PERSONS TO PARTICIPATING IN PUBLIC AFFAIRS<sup>63</sup>

- Lack of, or discriminatory access to personal documentation required to vote or to be elected
- Residency restrictions preventing displaced persons to vote in their place of origin/habitual residence, in their place of displacement<sup>64</sup>, or in the place of relocation
- Political sensitivity towards the participation of IDPs and returnees in local elections due to change in the electorate and the fear for potential transformation of expected outcomes
- Protection and security issues preventing displaced persons from voting or being elected
- Lack of information, or discriminatory access to information about electoral processes (e.g. voting requirements); lack of information about community based decision-making processes, or about existing professional organizations (e.g. cooperatives)
- Discriminatory access to elected functions for displaced persons
- Political and social isolation of displaced persons

- Discriminatory access to community based or professional organizations
- Social tension, or lack of social cohesion resulting in lack of effective participation of displaced persons in community organizations

### WHAT DO WE NEED TO KNOW PRIOR TO PLANNING?

- Is data available on the number of displaced persons of voting age in each constituency?
- Is the participation of IDPs and returnees in elections a political sensitive issue?
- Are displaced persons informed about their right to vote and to be elected; about the electoral processes and related administrative requirements?
- Are there special measures (law, policy, regulations or other types of framework) that enable the electoral participation by IDPs and returnees?
- Can displaced persons be registered on the electoral lists of their location of displacement, return or relocation and vote or be elected without discrimination? If not, what are the existing barriers (political, legal, security, administrative, technical, practical barriers, etc.)?
- Is there discriminatory access to political organizations or parties preventing displaced persons from becoming a member or being elected?
- Are there ethnic or social dynamics, or tensions that form an obstacle to the participation of displaced persons in decision-making processes, or to participation in associations or professional organizations?

<sup>63</sup> This list is not exhaustive, but a global mapping of durable solutions initiatives by GCER's Technical Working on Durable Solutions, from September 2016 till May 2017, revealed that the main obstacles for IDPs and returnees to enjoying their right of participation in public affairs concerned barriers to their participation in electoral processes; particularly the right to vote in local elections. Other obstacles may however be faced in specific contexts and should be identified.

<sup>64</sup> This is for example the case in Ukraine where IDPs are only allowed to vote in their place of displacement if they choose to register as permanent residents at the location, but then run the risk of losing their benefits: <https://politicalinequality.org/2017/02/13/elections-during-war-political-inequality-of-ukraines-idps/>

### HOW TO IMPROVE NON-DISCRIMINATORY PARTICIPATION OF DISPLACED PERSONS IN PUBLIC AFFAIRS?

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- Assessing the political, legal, security, administrative, technical and practical barriers to the electoral participation of IDPs well in advance of an election to allow enough time to address the obstacles;
- Timely informing IDPs about the electoral process, including registration and voting procedures and timelines, and facilitating access to information about the candidates and political parties participating in the elections, through e.g. collaboration with IDP associations and CSOs who have access to displaced persons;
- Undertaking measures as required to facilitate the participation of displaced persons. Special measures may include adapting electoral laws, regulations or rules that:
  - » amend or adapt residency requirements to allow displaced persons to vote or be elected
  - » enable alternative documentation for registration, or provides other methods for registration
  - » allow absentee voting; or allow displaced persons the choice to vote for constituencies of origin, or current constituencies, without compromising their right to assistance or social services<sup>65</sup>

CSOs can in some cases draft legislative bills and present them to parliamentarians to push forward its adoption as a law.<sup>66</sup>

- Addressing social tensions or lack of social cohesion by consulting displaced persons and host communities on best ways to attain or strengthen social cohesion;
- Supporting community led decision-making processes and organizations engaging displaced persons; and establishing or supporting peacebuilding and reconciliation initiatives.

### GOOD PRACTICES

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While there are examples of countries in particularly post-conflict situations that have adopted or amended laws to enable IDPs to participate in electoral processes at elections, the implementation of the processes is often marred by serious inefficiencies and do not serve as good practices.<sup>67</sup>

Some good initiatives however include<sup>68</sup>:

- the change of the electoral law in Georgia in 2000 that allowed IDPs to vote in local elections;
- the Bosnian electoral laws that allow Bosnians to vote in the municipality in which they reside, or in their municipality of origin: the electoral laws allow a person to vote in the municipality of origin if the person was born there before 1991; even if the person resides outside the municipality (via absentee voting). The person can also choose to vote in the municipality of current residence.

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<sup>65</sup> Internally Displaced Persons and Electoral Participation: A Brief Overview, Aysha Shujaat, Hannah Roberts, Peter Erben, IFES White Paper, September 2016

<sup>66</sup> This is the case in Ukraine where a draft law to provide IDPs the right to vote in local elections was drafted with support from CSOs and presented to parliamentarians. The law is expected to be adopted in the course of 2017: <http://www.ifes.org/multimedia/ifes-psa-ensuring-electoral-rights-internally-displaced-persons-ukraine>

<sup>67</sup> See note 3: <https://www.ifes.org/sites/default/files/idps-electoral-participation-october-2016.pdf> and Internally Displaced Persons and Political Participation: The OSCE Region, An Occasional Paper, Simon Bagshaw, 2000: [https://www.brookings.edu/wp-content/uploads/2016/06/2000\\_politicalparticipation.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/2000_politicalparticipation.pdf)

<sup>68</sup> Living in Limbo, Conflict-induced displacement in Europe and Central Asia, Steven B. Holtzman Taies Nezam, 2004

## ACCESS TO EFFECTIVE REMEDIES AND JUSTICE

### WHAT ARE WE TALKING ABOUT?

Access to remedies and justice refers to the right of displaced persons to obtain justice and reparation for gross human rights violations or grave breaches of international humanitarian law that led to, or occurred during their displacement.<sup>69</sup> The criterion might be identified as a priority by displaced persons who require justice to be served or remedies to be provided for war crimes, crimes against humanity, or other gross violations of their human rights that they suffered during a conflict, in order to physically, socially and emotionally deal with their experience, before they can effectively move on to rebuild their lives. The absence of effective remedies in such situations may have a serious impact on peacebuilding and reconciliation efforts; on efforts to integrate or reintegrate IDPs in communities; or on efforts to build more cohesive societies. It may also form an obstacle to achieving other durable solutions targets such as access to housing, land and property, or achieving an adequate standard of living.

Effective remedies can take on the form of <sup>70</sup>:

**Restitution:** seeks to restore for the victim the situation that existed before the human rights violation or breach of international humanitarian law took place. This may include restoration of family life, citizenship, return to the place of residence, and restoration of employment or property.

**Compensation:** can be provided to financially compensate any economically assessable damage, such as material damages, loss of earnings, loss of education and employment; but also to compensate for physical or mental harm.

**Rehabilitation:** focuses on the physical and mental recovery of the victim and includes medical and psychological care, as well as the provision of legal and social services.

### DISPLACEMENT AND REPARATION

Guatemala, Peru, and Colombia are among the few countries that have established programmes that consider displacement a crime for which reparation can be received.

See: <https://ictj.org/sites/default/files/ICTJ%20and%20Brookings-LSE%20Transitional%20Justice%20and%20Displacement%20Report.pdf>

**Satisfaction:** includes the public acknowledgment of facts and acceptance of responsibility, prosecution of the perpetrators and any other means that restore the dignity of victims.

**Guarantees of non-repetition:** aims at preventing the recurrence of violations and breaches through e.g. ensuring effective civilian control of military and security forces and by strengthening the independence of the judiciary.

### POTENTIAL OBSTACLES FACED BY DISPLACED PERSONS IN ACCESSING EFFECTIVE REMEDIES AND JUSTICE

- Denial or non-acknowledgement of the right of displaced persons to access effective remedies and justice for human rights violations or grave breaches of international humanitarian law that they suffered;
- Lack of access to justice, or discriminatory access to justice – including traditional justice systems - for the harms that caused displacement or occurred during displacement;
- Absence of, non-accessibility, or discriminatory access to specific mechanisms - including traditional mechanisms for remedies - providing remedies/reparation for displacement and/or conflict related harms;

<sup>69</sup> IASC Framework on Durable Solutions for IDPs, p. 42.

<sup>70</sup> See: Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005 (Basic Principles): <http://www.refworld.org/docid/4721cb942.html>

- Impunity for the perpetrators who committed human rights violations or breached provisions of international humanitarian law;
- Absence or discriminatory access to truth, justice and reconciliation commissions;
- Lack of age, gender and diversity specific measures, or lack of support to ensure access to justice and effective remedies for vulnerable groups and for addressing crimes related to sexual and gender-based violence.

### WHAT DO WE NEED TO KNOW PRIOR TO PLANNING?<sup>71</sup>

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- Have human rights violations or breaches of international humanitarian law taken place? If so, have they been recorded or documented by independent or mandated organizations, or institutions?<sup>72</sup>
- Do the violations or breaches form an obstacle to integration, return or relocation?
- What do displaced persons consider to be effective remedies and justice to the harms that they suffered?
- Are there traditional or cultural specific remedies or ways to obtaining justice that have been identified by displaced persons and their host communities?
- Have law enforcement mechanisms or justice systems already been put into place? If so, have displaced persons been informed about their existence, or are they aware of them? Do displaced persons have non-discriminatory access to these mechanisms and systems, in the case they are aware of them?
- Are there dedicated or specific mechanisms in place to deal with HLP disputes, claims for loss or destruction of property? Do displaced persons have non-discriminatory access to these mechanisms?
- Do survivors of sexual and gender-based violence have access to justice and reparation for suffered abuses? Are available mechanisms for redress gender-sensitive?

### HOW TO IMPROVE ACCESS TO REMEDIES AND JUSTICE FOR DISPLACED PERSONS?

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Ways to improve access to effective remedies and justice for displaced persons include:

- Acknowledging the right of displaced persons to access effective remedies and justice for human rights violations or grave breaches of international humanitarian law that they suffered;
- Establishing, strengthening or reforming the security system and the judiciary, including the screening and removal of perpetrators of human rights violations within the police and military where required;
- Prosecuting those responsible for human rights violations;
- Establishing or strengthening context specific and efficient reparation mechanisms for displaced persons, based on the needs and priorities of displaced populations;
- Putting in place mechanisms to deal with HLP disputes, claims for loss or destruction of property;
- Establishing or strengthening truth and reconciliation processes to investigate and report abuses, including appointing persons from the displaced and host communities to positions of responsibility in transitional justice bodies and coexistence projects;
- Ensuring access to justice for vulnerable persons, including members of minority groups, and ensuring efficient reparation for crimes related to sexual and gender-based violence;
- Facilitating and supporting the use of, or respect for existing traditional justice, reparation and reconciliation systems, if appropriate and feasible in the context;
- Ensuring that displaced persons are aware of their rights and informed about the mechanisms in place for accessing justice and reparation.

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<sup>71</sup> This list is not exhaustive.

<sup>72</sup> E.g. Independent national human rights commissions and NGOs, OHCHR, etc.

These actions largely fall outside the remit of the coordination structure on durable solutions, as it is the government that carries the responsibility and is in the position to effectuate them. The coordination body can however advocate for and provide support in materializing the required actions, wherever possible. The coordination body can, for example, collaborate with national and local human rights commissions, NGOs and CSOs that ensure access to justice and reparation, by e.g. providing free legal aid to displaced persons and ensuring the follow-up of cases.

Establishing transitional justice mechanisms is a strategy that is usually enacted to improve effective access to remedies and justice. Transitional justice responds to systematic or widespread violations of human rights with a view to seek recognition and reparation for the victims and to promote possibilities for peace and reconciliation.<sup>73</sup>

In order to incorporate all the components of reparation / remedies, transitional justice initiatives ideally include:<sup>74</sup>

- Criminal prosecutions of those responsible for human rights violations;
- Truth and reconciliation commissions to investigate and report on abuses,
- Reparation programs which may comprise of both material and symbolic benefits to the victims;
- Reform of the security system and the judiciary.

Transitional justice mechanisms are officially enacted by governments, often after consultations with victims, leaders, and the public. Its remit and modalities therefore fall outside the scope of the durable solutions coordination structure. The body can, however, support its processes where possible, and facilitate access of displaced persons to the processes.

## TRUTH AND RECONCILIATION COMMISSIONS

are usually temporary, independent bodies that investigate patterns of abuses and wrongs over a specified period. Unlike courts, these commissions can generally not summon or sanction individuals, or enforce their recommendations. Commissions may therefore provide the flexibility and responsiveness required for more sensitive inquiries after a conflict and may offer a public platform for truth-telling, which may enable them to provide recommendations based on their perspective of the patterns of violations during the conflict. Recommendations of truth commissions in countries such as Liberia, Sierra Leone, Timor-Leste and Guatemala have increasingly been based on an examination of the role of displacement in conflict, as well as on the suffering and stigma that was endured by displaced persons<sup>75</sup>.

<sup>73</sup> International Center for Transitional Justice: <https://www.ictj.org/>

<sup>74</sup> *Idem*

<sup>75</sup> The Case for Action on Transitional Justice and Displacement: Strategies During and After Conflict, ICTJ briefing, 2016.

## GOOD PRACTICES

**OHCHR PROGRAMME ON ACCESS TO JUSTICE IN NORTHERN UGANDA - 2004<sup>76</sup>**

The objective of the programme was to support the re-establishment of law enforcement and civil legal institutions in the region, such as courts and police stations, in close cooperation with the government. IDPs and members of host communities were trained as paralegals to provide first level legal assistance to their communities. Standard operating procedures on case management were developed for the referral of cases to relevant service providers (e.g. referrals of SGBV cases to the police and medical facilities). The services were provided at no cost and the paralegals worked closely with the police. An arrangement was

also made with local lawyers to provide free (pro bono) legal assistance in cases that needed to be represented in court. The programme was funded by CSOs and NGOs. It resulted in a significant increase of reported cases and led to the project being extended till 2009. The programme ended that year when an evaluation concluded that the justice system had been effectively restored in the regions where the programme had been implemented. Success of the programme was linked to the willingness and capacity of the police to take on and investigate cases, as well as on the availability of independent courts to handle them.

**COMPENSATION FOR PROPERTY DAMAGES IN LEBANON**

Lebanon established the High Relief Commission (HRC) to compensate property owners for damages resulting from displacement during the July/August 2006 conflict with Israel. The process was based on assessments of structures that had been damaged. The results of the

assessments were subsequently shared with the HRC, which then proceeded to issue cheques to individual beneficiaries for compensation, covering the level of suffered damages<sup>77</sup>.

**DISPLACEMENT AND TRUTH AND RECONCILIATION COMMISSION IN TIMOR LESTE**

The Commission for Reception, Truth and Reconciliation that was set up in Timor Leste (*Comissão de Acolhimento, Verdade e Reconciliação de Timor-Leste*, or CAVR) was explicitly mandated to advance the resolution of displacement that occurred as a result of the violence during the period before and after the referendum of 30 August 1999 (Popular Consultation) on its independence. Intended to facilitate the return and reintegration of IDPs, including some 10,000 militia members and persons considered to have committed less serious crimes, the CAVR's 'reception' function enabled those accused of less serious crimes to return to their place of habitual residence after admitting and redressing their wrongdoing per terms set by the community. The CAVR's reception function thus arguably significantly contributed to resolving the displacement of perpetrators of less serious crimes, while advancing broader reintegration and

reconstruction processes by strengthening local-level governance structures<sup>78</sup>.

The report of the CAVR devotes a full chapter to describing in detail its approach to forced displacement and the methods it used for collecting information. These included: an analysis of more than 7,500 narrative statements taken by the commission; information gathered during Community Profile Workshops; a public hearing on displacement; interviews with victims of displacement; a statistical analysis of data gathered through a special investigation to estimate patterns of displacement (the Death Toll Project); submissions on the topic from within and outside Timor-Leste; and an analysis of written material, together with radio and video broadcasts. The chapter provides detailed account of the commission's findings, cataloguing the events that led to forced displacement, the responsibility for these events, and their consequences.<sup>79</sup>

<sup>76</sup> Example obtained from OHCHR field staff.

<sup>77</sup> Internal Displacement, Transitional Justice, and Peacebuilding: Lessons Learned, Nov. 2008

<sup>78</sup> Displacement, transitional justice and reconciliation, Assumptions, challenges and lessons, Dr Megan Bradley, Forced Migration Policy Briefing 9, April 2012

<sup>79</sup> Dealing with the 2006 Internal Displacement Crisis in Timor-Leste, Between Reparations and Humanitarian Policymaking. Case Studies on Transitional Justice and Displacement, Peter Van der Auweraert July 2012, ICTJ/Brookings

# ANNEXES

## ANNEX 1 EXAMPLES OF SYNTHESIS TABLES FOR COMPILING AND ANALYZING THE OUTCOMES OF CONSULTATIONS<sup>80</sup>

Example of Compilation Table for Displaced Communities

CONSULTED GROUP <sup>81</sup>	OPTED SOLUTION (RETURN, INTEGRATION, RELOCATION)	MAIN <sup>82</sup> OBSTACLES IN REALIZING THE SOLUTION	PROPOSED SOLUTIONS TO OVERCOME OBSTACLES	RESOURCES WITHIN THE COMMUNITY (HUMAN, MATERIAL, FINANCIAL) TO OVERCOME OBSTACLES	TYPE OF (ADDITIONAL) SUPPORT REQUIRED
Women between 21 and 40 years					
Men between 21 and 40 years					
Men over 40 years					
Women over 40 years					
Girls between 15 and 21 years					
Boys between 15 and 21 years					

Example of Compilation Table for Host Communities

Consulted community: \*

CONSULTED GROUP	OBJECTIONS/CONCERNS TO RETURN/RELOCATION/ INTEGRATION <sup>83</sup>	PROPOSED SOLUTIONS TO OBJECTIONS/ CONCERNS	RESOURCES <sup>84</sup> WITHIN THE COMMUNITY TO ADDRESS OBJECTIONS/ CONCERNS	TYPE OF (ADDITIONAL) SUPPORT REQUIRED

<sup>80</sup> Template : <http://earlyrecovery.global/documents/template-examples-synthesis-tables-compiling-and-analyzing-outcomes-consultation>

<sup>81</sup> This can be further specified. E.g.: marginalized ethnic/religious groups, etc

<sup>82</sup> I.e.: prioritized obstacles

<sup>83</sup> Select as applicable.

<sup>84</sup> I.e. human, material, or financial resources.



## ANNEX 2 EXCERPT OF RESPONSE PLAN DEVELOPED FOR THE HERAT INTER-AGENCY DURABLE SOLUTIONS INITIATIVE<sup>85</sup>

### Response Plan for Protracted IDP Settlements in Herat<sup>86</sup> 2016-2018<sup>87</sup>

The First Phase of the survey was conducted by the Inter agency team in Minaret, Naw Abad, Karizak, Police Station and Shaidayee protracted IDP settlements. However Maslakh which was also part of this first phase of the survey was not assessed as it has been assessed twice in 2013 and 2015. The Response Plan therefore is primarily geared towards these assessed sites. However some of the interventions are applicable for other protracted IDP settlements across Herat.


PROPOSED ACTIVITIES	MONITORING INDICATORS	MEANS OF VERIFICATION	LEAD AGENCY	IN COORDINATION AND SUPPORT OF	TIMELINE	APPROXIMATE BUDGET (USD)
PRIORITY 1: FACILITATE ACCESS TO LAND AND IMPROVE SECURITY OF TENURE PAP OBJECTIVE 8- IDENTIFICATION OF APPROPRIATE STATE-LAND FOR ESTABLISHMENT OF TOWNSHIP AND LOCAL INTEGRATION OF IDPS						
P1.1 Land clearance process ( <i>Tasfiya</i> ) undertaken in the five protracted IDP settlements and status of land/ ownership clarified in accordance with the procedure laid out in <i>Article 25 of the Land Management Law 2008</i> (in process of adoption of the amended 2016 law).	Increased # of protracted IDP settlement land cleared and ownership clarified # of protracted IDP settlements on state land identified and classified # of land disputes resolved	<i>Tasfiya</i> report Principle Book of ARAZI Newspaper articles/ media reports on land clearance shared with the IDPs and other populations by the Government	ARAZI -Cadastral Department, Provincial Directorate of ARAZI, Herat Municipality, DAIL	UN-Habitat, UNHCR, NRC and UNAMA- Rule of Law (RoL), Housing, Land and Property Task Force (HLP-TF) and World Bank	2016- 2017	\$15,000 (UN-Habitat) DORR's budget 2000 USD
P1.2 Protracted IDP settlements on state land meeting the criteria (Article 21) of the <i>proposed Law on Registration of Urban Informal Properties</i> formally recognized and issued with occupancy certificates.	% of IDP settlements on state land formally recognized # of occupancy certificates issued % of IDP settlement population with improved security of tenure and legal protection against eviction	The new law published in the GoIRA gazette and on the ARAZI website Maps List of IDP families with occupancy certificates	ARAZI, High Council on Land and Water, Ministry of Justice and Parliament for the drafting and approval of the law. ARAZI-Cadastral Department, Provincial Directorate of ARAZI, MUDH, DUDH, DoRR, IDLG, Herat Governor's Office and Herat Municipality	UN-Habitat, UNHCR, NRC, UNAMA-RoL and HLP-TF	2016-2017	\$15,000 part of above (UN-Habitat) ARAZI budget The occupancy certificate fee is nominal 400-500 AFN for each certificate and to be paid by the IDP families themselves.

<sup>85</sup> Template <http://earlyrecovery.global/documents/template-excerpt-response-plan-developed-herat-inter-agency-durable-solutions-initiative>

<sup>86</sup> The actions spelt out by partners include a mixture of development and humanitarian activities/actions also bearing in mind that some of the IDPs are facing dire humanitarian situation




<sup>87</sup> Many of the partners do not have confirmation of their budget however have committed to undertake the activities as and when they receive the resources

## ANNEX 3 EXAMPLE MONITORING FRAMEWORK<sup>88</sup>

SOLUTIONS TARGET	ACTIVITIES	INDICATORS	RATE ACHIEVED IN % AS OF *(DATE)	TOTAL % OF ACTIVITIES ACHIEVED PER SOLUTIONS TARGET AS OF *(DATE)	COMMENTS	PROGRESS IN ACHIEVEMENT OF SOLUTIONS TARGET**		
								

\* Date to be mentioned.

\*\* Meaning of colour code (select as appropriate):

-  The solutions target is well on the way to being achieved (e.g. 70-100% of all indicators per solutions target achieved).
-  Some obstacles exist, but the solutions target is being met (e.g. 40-70% of all indicators per solutions target achieved).
-  The solutions target is far from met (e.g. less than 40% of all indicators per solutions target achieved).

<sup>88</sup> Template <http://earlyrecovery.global/documents/template-example-monitoring-framework>

## ANNEX 4 QUESTIONNAIRE ON THE CONDUCTIVENESS OF THE CONTEXT FOR LIVELIHOOD AND EMPLOYMENT INITIATIVES<sup>89</sup>



Human rights and protection environment



Access to markets and the private sector



Capacities, resources and assets of the displaced



Human rights and protection environment

### 1. Human rights and protection environment

To which extent can displaced persons enjoy rights that enable them to progress towards self-reliance through livelihoods and employment?

- Are IDPs and returnees able to enjoy the freedom of movement that is required for accessing actual or potential livelihoods and employment?
- Do displaced persons feel safe in the area, including in the actual or potential locality of livelihoods or employment?<sup>90</sup>
- Are displaced persons discriminated against or likely to face abuses at work?

### 2. Access to markets and the private sector

The ability of displaced persons to access markets is essential to sell products, purchase stocks, or access employment:

- Do displaced persons reside near markets where there is trade in goods and services, or can they afford to access such markets?
- Do displaced or returnees fear violence, theft or harassment in accessing work or trade opportunities; and/or suffer from backlash from their own community for engaging in available livelihood opportunities or employment?
- Do displaced persons possess the required language skills to access local markets, and/or have cultural attributes<sup>91</sup> that facilitate economic integration in the host community<sup>92</sup>?

### 3. Capacities, resources and assets of the displaced

This refers to qualities of displaced persons that impact their ability to find sustainable livelihoods and employment.

- Are displaced persons physically and psychologically fit to work?<sup>93</sup>
- Do displaced persons have adequate access to basic services (health, education, shelter, clean water and sanitation)?<sup>94</sup>
- Do displaced persons possess skills and education that match market needs?
- Do displaced persons have social networks that provide access to information and facilitate obtaining employment or engaging in trade?
- Do displaced persons possess or have access to financial or material resources that facilitate livelihood activities?

### 4. Environment for intervention

- Is there dialogue between national and local authorities, CSOs, humanitarian and development actors and the private sector that is conducive for collaboration, or for supporting livelihood and employment initiatives?
- Do donors acknowledge the developmental needs of the displaced and are they willing to provide long-term funding?

<sup>89</sup> The approach is adapted from the ODI framework on self-reliance planning in displacement context, a pilot tool to better understand the opportunities for self-reliance and livelihood programming afforded by various situations of displacement: <https://goo.gl/FDTKkt>. The list is not exhaustive.

<sup>90</sup> This mainly relates to the absence of armed conflict in the localities of the displaced and whether the security forces recognize the obligation to provide protection to IDPs and returnees.

<sup>91</sup> E.g. clan affiliation.

<sup>92</sup> Consider their connections to private sector actors, as well as ability to access public sector employment.

<sup>93</sup> E.g.: are there still emergency needs, such as malnutrition; or are there chronic health issues?

<sup>94</sup> Displaced persons will not be in the position to seek or create livelihood opportunities, or find employment if their basic needs are not met: e.g. if they have to choose between fetching water and seeking a livelihood.

INTERNAL DISPLACEMENT WILL DEPEND ON THE SPECIFIC  
DOES NOT ADVOCATE FOR A ONE-SIZE-FITS-ALL APPROACH  
AND TO PROVIDE SOLUTIONS TO EVERY POSSIBLE SITUATION  
PLACES CONSULTATION AND JOINT PLANNING WITH  
ANY DURABLE SOLUTIONS PLAN, REGARDLESS OF WHETHER  
LEVEL. THIS HOLISTIC AND INCLUSIVE BOTTOM-UP APPROACH  
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