The end of the road?

A review of UNHCR's role in the return and reintegration of internally displaced populations

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Policy Development and Evaluation Service

UNHCR's Policy Development and Evaluation Service (PDES) is committed to the systematic examination and assessment of UNHCR policies, programmes, projects and practices. PDES also promotes rigorous research on issues related to the work of UNHCR and encourages an active exchange of ideas and information between humanitarian practitioners, policymakers and the research community. All of these activities are undertaken with the purpose of strengthening UNHCR's operational effectiveness, thereby enhancing the organization's capacity to fulfil its mandate on behalf of refugees and other displaced people. The work of the unit is guided by the principles of transparency, independence, consultation, relevance and integrity.

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1. Introduction

> When I heard I was going to be able to return here all I had was joy for the gift of my hut. I'm on my land now. There are still food shortages, and I have no clothes or money … but I manage here better than while I was in the camp. Every morning I wake up and begin to sweep the hut and the compound, then I make a fire to cook porridge – we are now able to obtain our traditional foods like millet and peas; my neighbours bring me food to cook at dinner. One is so free at home, and able to do more than what we could in the camp. God should help us to continue like this forever. I have this house now, and there isn't any more danger really. I am able to sleep and wake well again.[1]

1.   In recent decades UNHCR has provided substantial support for the return and reintegration of internally displaced populations around the world. In the 1970s, in operations such as Angola, Mozambique, Vietnam and Laos, this took the form of reintegration support in situations where IDPs and refugees were returning to the same areas. By the early 1990s, UNHCR was playing a lead role in responding to internal displacement in operations such as Sri Lanka and the Balkans, a role which extended to support for return and reintegration as these conflicts evolved.

2.   In more recent years, and particularly as UNHCR has taken on enhanced responsibilities for IDPs in the context of the humanitarian reform process, its engagement in IDP return and reintegration has become still more pronounced. By 2008, in its updated policy on return and reintegration, UNHCR was ready to declare that along with refugees, it was 'equally committed to the task of finding durable solutions for IDPs' within an inter-agency framework and in partnership with national authorities and other key actors. It nonetheless acknowledged that 'the notion of durable solutions as understood in the refugee context (voluntary repatriation, local integration and resettlement) cannot simply be transposed and applied in the context of internally displaced persons.' [2]

3.   In parallel with these developments, the number of those internally displaced by conflict has continued to rise, whilst the fluidity of many internal displacement situations has resulted in rapid and large-scale returns even as new displacement is ongoing. In 2009, more than five million IDPs were reported to have returned home, as compared to 251,000 refugees. [3]

4.   In practice, the nature, extent and duration of UNHCR's operational activities in support of the return and reintegration of IDPs have varied considerably

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[1] Ayoo Ghetto, an elderly Ugandan Acholi woman and former IDP quoted in *A Time Between: Moving on from Internal Displacement in Uganda*, UNHCR and AVSI, February 2010 (available on www.unhcr.org).
[2]*UNHCR's Role in Support of the Return and Reintegration of Displaced Populations: Policy Framework and Implementation Strategy* UNHCR Geneva, August 2008 (available on www.unhcr.org).
[3]See *Internal Displacement: Global Overview of Trends and Developments in 2009*, Internal Displacement Monitoring Centre, Norwegian Refugee Council, May 2010 (available on www.internal-displacement.org) and *2009 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*, UNHCR, 15 June 2010 (available on www.unhcr.org),

between operations. Whilst the introduction of the cluster approach in 2005 brought greater definition and predictability to UNHCR's engagement with internal displacement, its involvement in IDP return and reintegration processes is still shaped by a range of factors and takes different forms.

Purpose

5.   This paper was commissioned by UNHCR's Policy Development and Evaluation Service in order to capture UNHCR's experience in IDP return and reintegration processes over the past decade, analyse the extent and depth of this involvement and the range of activities undertaken, identify challenges encountered and identify lessons and examples of good practice that could be used to further strengthen UNHCR's engagement. It seeks to identify those elements which distinguish IDP returns from traditional voluntary repatriation operations for refugees, and to explain what this means for UNHCR's operational engagement.

6.   In this respect, it is important to note that voluntary return is just one of three equally important options (voluntary return, local integration, settlement elsewhere) which may form the first step towards a durable solution for IDPs. There is no hierarchy among these, since they flow from the right to freedom of movement and the right to choose one's residence. This review nonetheless focuses on voluntary return, as the option in which UNHCR has acquired most direct operational experience and which presents a particular set of challenges and dilemmas, and does not seek to analyse experiences relating to settlement elsewhere and the local integration of IDPs.

7.   International support for the pursuit of durable solutions is an inherently inter-agency effort. This report focuses on UNHCR's contribution to such efforts, and does not seek to evaluate the interventions of its partners, or to provide a comprehensive analysis of the overall effectiveness of the international community's response. That said, as part of the review, some experiences highlight issues that UNHCR could bring for further discussion within inter-agency bodies, notably the global clusters.

8.   In particular, the report touches on the question of where responsibilities for support to IDP return and reintegration processes sit within the current architecture of the cluster approach, and examines whether, in the light of UNHCR's experience, there may be a need to clarify or adjust these to ensure a more consistent response. As such, it is hoped that this review will also contribute to broader inter-agency efforts to improve national and international support to enable durable solutions for IDPs.

Structure

9.   The paper is divided into two parts. The first provides an overview of the background and rationales for UNHCR's involvement in IDP return processes, and explores the roles the agency has played and the operational activities undertaken. It seeks to analyse the primary challenges facing UNHCR and proposes potential steps to address them. It focuses on UNHCR's activities during the last ten years, and in particular on the period since the introduction of the cluster approach in late 2005.

10.   The second part consists of six case studies (Colombia, Georgia, Pakistan, Southern Sudan, Sri Lanka and Uganda), in which operational challenges and good practices are explored in more detail.

Methodology and constraints

11.   This review was conducted by a consultant, Hannah Entwisle, in late 2009 and early 2010. Support was provided by Vicky Tennant (PDES) and by an informal working group consisting of UNHCR staff working with PDES, DIP, the Regional Bureaux and the Division of Programme Support and Management (DPSM). Special thanks are due to Josep Zapater (DIP), for proposing the project and providing advice and guidance throughout.

12.   The findings and analysis are based upon a desk review of public and internal UNHCR operational and policy documents. This research was complemented by interviews conducted by telephone and in person with senior UNHCR colleagues working in headquarters and field operations. The findings of the study also reflect feedback and discussion gained through additional meetings and discussions with headquarters and field-based staff after an initial draft of the document had been shared.

13.   Given its temporal and geographical scope and the short duration of the study, the report does not purport to constitute a comprehensive analysis of UNHCR's operational experience with IDP return and reintegration. Particularly for older operations that have had significant staff turnover, comprehensive operational information was not consistently available for all operations.

14.   It should also be noted that while the research focused on UNHCR's country-based activities related to IDP return and reintegration, field visits were not conducted as part of the study. In light of these constraints, the report simply seeks to provide a snapshot of UNHCR's past and present day country level activities and broad operational trends over time related to IDP return and reintegration within the larger framework of durable solutions.

2. Concepts, roles and rationales

15.   The international community has increasingly dedicated itself to achieving sustainable, durable solutions for internally displaced persons (IDPs). Within the *Guiding Principles on Internal Displacement* (the 'Guiding Principles'),[4] three possibilities are foreseen as the first stage in finding durable solutions: voluntary return, local integration, and resettlement in another part of the country.

16.   Although this review focuses on return, given that IDPs are citizens within their own countries with the right to freedom of movement, there is no hierarchy among the options. The means to achieving durable solutions have been explored in the Inter-Agency Standing Committee (IASC) document, *Framework for Durable Solutions for IDPs*. More recently, the IASC has also recently completed an accompanying reference guide to assist field actors in operationalizing the framework. [5]

17.   For its part, UNHCR developed an *IDP Policy Framework and Implementation Strategy*[6] in 2007, which outlines its commitment to provide protection and assistance to IDPs, including through the pursuit of durable solutions, within the cluster approach and other inter-agency coordination arrangements. The agency's *IDP Protection Policy*[7], issued at the same time, sets out a number of key activities in support of durable solutions, engaging IDPs, governments, and host communities.

18.   In its 2008 policy on return and reintegration, referred to in Paragraph 2 above, UNHCR sets out its objectives in striving to achieve durable solutions for both refugees and IDPs through return and reintegration[8]. Whilst highlighting UNHCR's commitment to the task of finding durable solutions for IDPs, the policy nonetheless notes that this should be pursued within an inter-agency framework, working in partnership with national authorities and other actors. It also notes that given the different situations, legal regimes and institutional responsibilities for the two groups, the concept of durable solutions for refugees cannot simply be transposed to the IDP context. [9]

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[4] *Guiding Principles on Internal Displacement*, 2nd edition, OCHA (2004), available on www.idpguidingprinciples.org

[5] *When Displacement Ends – A Framework for Durable Solutions* (June 2007); *IASC Framework on Durable Solutions for Internally Displaced Persons* (April 2010), both available on www.humanitarianinfo.org/iasc

[6] *UNHCR's Role in Support of an Enhanced Humanitarian Response to Situations of Internal Displacement: Policy Framework and Implementation Strategy* UNHCR Geneva (4 June 2007), available on www.unhcr.org.

[7] *The Protection of Internally Displaced Persons and the Role of UNHCR*. UNHCR (27 February 2007), available on www.unhcr.org.

[8] *UNHCR's Role in Support of the Return and Reintegration of Displaced Populations: Policy Framework and Implementation Strategy*, UNHCR (August 2008), available on www.unhcr.org.

[9] I*bid*, paragraph 2

Return and reintegration in the IDP context

19.   The concept of 'return' in the context of internal displacement therefore warrants some discussion, particularly as it compares to a typical refugee return operation. Under international refugee law, and UNHCR's Statute, the voluntary repatriation of refugees and their re-establishment in their own countries brings their refugee status to an end, albeit that they may remain 'of concern' to UNHCR until the reintegration process is complete.[10] Repatriation is frequently a formal, organised process, frequently governed by tripartite agreements negotiated between the two concerned states and UNHCR, albeit that many refugees also return spontaneously, and/or outside the ambit of such agreements.

20.   However, because IDPs retain the right to freely move within their own countries, and have not crossed an international border, it may be unclear when a return process begins and ends in situations of internal displacement. In many situations IDPs move only short distances, and many move back and forth between places of origin and displacement several times before finally settling in their homes. As in refugee operations, ongoing mobility is in any event a key feature of many internal displacement situations.

21.   Furthermore, given that internal displacement is a description, as opposed to a legal status under international law, a return movement itself does not automatically bring an end to displacement and remove an individual's IDP 'label'. This is particularly the case in situations where IDPs return home within an ongoing conflict with a real likelihood that they will be uprooted once again. In certain situations, security conditions may also allow IDPs to access their land during the day, but still force them to sleep elsewhere at night – a phenomenon known in the Democratic Republic of Congo as 'déplacement pendulaire'.

22.   In this sense, 'return' in the context of internal displacement can mean two different things. It may take the form of a movement to a place of origin/former residence which can be viewed as the first step in finding a durable solution to displacement. However, 'return' may also simply signify a physical movement to a place of origin or former home, without any real prospect of a durable solution, particularly when the underlying causes of the original displacement have not been resolved, for example, in the context of ongoing internal armed conflict.

23.   UNHCR's institutional role within an IDP return process also differs somewhat from its role in refugee returns. In a refugee context, UNHCR's Statute provides it with an institutional mandate to support governments in facilitating the voluntary repatriation of refugees.[11] For IDPs, both the Guiding Principles and the AU Convention on Internal Displacement[12] clearly affirm the Government's primary responsibility for securing durable solutions. Apart from a few country-specific situations, UNHCR has no formally-designated lead role for facilitating IDP returns

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[10] *Statute of the Office of the United Nations High Commissioner for Refugees*, Article 8(c), annexed to General Assembly Resolution 428(V) of 15 December 1950; See also the 1951 Convention relating to the Status of Refugees, Article 1C(4) and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, Article I(4)(d). All available on www.unhcr.org

[11] Ibid, Article 1

[12] 2009 *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa* (the 'Kampala Convention') available on www.internal-displacement.org

or pursuing durable solutions to internal displacement. Instead, UNHCR is one of many national and international actors seeking to contribute to the protection and welfare of IDPs and to enable them to achieve solutions to their displacement.

24.   That said, once return has taken place, support for the reintegration of IDPs and refugees generally has the same overall goal. UNHCR's 2008 policy on return and reintegration defines reintegration as:

> … a process which involves the progressive establishment of conditions which enable returnees and their communities to exercise their social, economic, civil, political and cultural rights, and on that basis to enjoy peaceful, productive and dignified lives… The notion of reintegration also entails the erosion (and ultimately the disappearance) of any differentials that set returnees apart from other members of their community, in terms of both their legal and socio-economic status. More broadly, reintegration is an important component of the reconciliation and peacebuilding process, and is thus closely linked to the progressive reduction of political and social violence, as well as the establishment of effective and equitable judicial procedures and of the rule of law. [13]

25.   However, given the specific nature of internal displacement, the process for achieving this goal and the operational support required may vary given the particular features of many IDP return processes. Such features include return amidst ongoing conflict, strong government or military engagement in return operations, limited humanitarian access to return areas, the unpredictability and pace of returns, and varying inter-agency coordination roles and responsibilities.

Rationale for engagement

26.   The reasons underpinning UNHCR's engagement in IDP return processes have varied significantly from operation to operation. UNHCR has also assumed numerous different leadership and operational support roles, ranging from a strong lead role to minimal engagement. This section seeks to analyse the factors which have shaped UNHCR's role in relation to IDP returns.

27.   Historically, UNHCR largely assisted IDP returnees when they were integrating within the same areas as returning refugees. In some countries, such as Burundi from 2002 onwards, this assistance was limited to enabling IDPs to benefit from community-based assistance in primarily refugee return areas. At the same time, in countries such as Liberia and Afghanistan, where the Office had more extensive IDP programmes, UNHCR operations plans often included explicit justifications for assistance to returning IDPs, as at that time this was often perceived as on the 'margins' of the agency's mandate, despite the incremental expansion of its mandate for the internally displaced through General Assembly Resolutions and EXCOM Conclusions.[14] In other contexts, such as in Kosovo, Bosnia-Herzegovina,

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[13] *supra*, note 8

[14] For analysis of developments prior to the introduction of the Cluster Approach in 2005, see *Consistent and predictable responses to IDPs: A review of UNHCR's decision-making processes,* V. Mattar and P. White, UNHCR, March 2005 (available on www.unhcr.org).

and Georgia, UNHCR's lead role for IDP returns was formally set out within peace agreements.

28.   On occasion, UNHCR also received bilateral requests from governments or from within the UN system to assist with return processes. For example over the past few years UNHCR has begun working with the governments of Azerbaijan and Burundi to develop strategies and plans to facilitate IDP returns. In the case of Southern Sudan in 2005, UNHCR received a formal request from the Deputy Representative of the Secretary-General to 'play a key role in assisting return and reintegration of IDPs' in certain geographical areas to which refugees were also returning and where UNHCR had a presence, under the overall coordination of UNMIS/RRR.

29.   Engagement in returns may also emerge from ongoing IDP protection and humanitarian assistance activities. In Colombia and Sri Lanka, UNHCR initially took on an overall leadership role for IDPs (dating from the late 1990s and late 1980s respectively) that naturally led the Office to engage in issues related to durable solutions and returns.

30.   The introduction of the cluster approach in late 2005 as part of the humanitarian reform process also played an important role in shaping UNHCR's engagement in IDP returns. Under this arrangement, which is now in place in 27 countries, UNHCR leads or co-leads the Global Protection, Emergency Shelter, and Camp Coordination and Camp Management Clusters. It also generally assumes responsibility for these clusters at country level, particularly in situations of conflict-related displacement, and is an active participant in the Early Recovery Cluster, which has an important role in relation to durable solutions. In recent operations in countries such as Uganda, Kenya and the DRC, UNHCR's engagement in IDP return and reintegration activities has flowed directly from its cluster leadership responsibilities in those countries.[15]

31.   In some situations, UNHCR has refrained from providing support to IDP return and reintegration operations, even if it was assisting IDPs during the emergency phase. In East Timor in early 2007, UNHCR took the decision to withdraw from the country before IDPs had returned home. Key factors in this decision were financial constraints and the presence of a UN peacekeeping mission mandated to facilitate relief and recovery assistance for vulnerable Timorese, including IDPs.

32.   In Angola, UNHCR had been engaged in providing protection and assistance to IDPs through a special initiative from 2001-2002. However in 2003 when the large-scale refugee return movement began, UNHCR shifted its operational focus to border areas to receive refugee returnees. Although the operation developed some flexibility to provide case-by-case assistance to spontaneously returning IDPs, in fact almost all of the returnees assisted were former refugees. UNHCR was not present in IDP return areas, where other agencies were providing assistance. One UNHCR staff member reflected that IDPs were also still largely seen on the margins of UNHCR's mandate and given the number of other actors in-country and the already stretched

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[15] For more information on the humanitarian reform process and the cluster approach, see www.humanitarianreform.org.

budget for refugees, there was not a lot of discussion on whether to extend operations to IDP return areas.

33.   The presence and engagement of other operational agencies has also played a key role in determining UNHCR's engagement, particularly (but not only) prior to the introduction of the cluster approach. For example, UNHCR only participated in the initial stages of the IDP return and reintegration process in Nepal, leaving soon after the majority of IDPs had returned to their place of origin. This decision was influenced by OCHA's deployment of IDP Advisors to return areas, as well as UNHCR's own financial constraints and agreement by the Norwegian Refugee Council to assume the IDP sub-cluster lead from UNHCR within the broader Protection Cluster led by OHCHR. In return areas, UNHCR handed over operational responsibilities to a local NGO.

34.   Finally, it should be noted that in general UNHCR has not played a decisive role in the return and reintegration of those displaced as a result of natural disasters. Whilst it has played a limited role in responding to displacement in the context of certain natural disasters, in general this has not extended to return and reintegration support. UNHCR did however participate in return planning following the 2005 earthquake in Pakistan and the 2009 cyclone in the Philippines as part of its support to the protection cluster, a practice that may well be developed further in the future. A recent report published by PDES provides an assessment of UNHCR's involvement in recent natural disaster situations.[16]

UNHCR's role in return and reintegration processes

35.   As noted previously, the primary responsibility for providing durable solutions to IDPs, including through return and reintegration, rests with national authorities. This is underscored in the *Framework for Durable Solutions* and enshrined in Article 11 of the Kampala Convention. In practice, the government will often, although not always, play a strong leadership role, with the international community providing varying degrees of support.

36.   Refugee repatriation processes, by comparison, generally involve negotiations between two governments, with UNHCR playing a more institutionalised role, often set out in a tripartite voluntary repatriation agreement. UNHCR's specific role in an IDP return process within a given operation is much more variable, and is often shaped by the government's operational capacity, political willingness, and coordination structures.

37.   In countries with strong capacity, such as Colombia, UNHCR may play a primarily advisory role to supplement government structures. The government may also request that UNHCR share coordination responsibilities, as was recently the case following large-scale displacement in 2008/2009 in Pakistan, where the Government requested UNHCR to co-chair the Return Working Group. UNHCR may also work in close collaboration with the Government to develop a national operational return strategy, such as in Uganda.

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[16] *Earth, wind and fire: A review of UNHCR's role in recent natural disasters*. Bryan Deschamp, Michelle Azorbo, Sebastian Lohse, UNHCR (June 2010), available on www.unhcr.org.

38.   The particular institutional mandates and coordination structures in place at country level for the UN and other humanitarian actors also have an important impact on UNHCR's role. In some operations, peacekeeping missions have been given a specific mandate to facilitate the return and reintegration of IDPs. For example, within the UN Mission in Sudan (UNMIS), the Return, Recovery, and Reintegration Section, to which UNHCR seconded staff members, developed overall strategic policies for the return of IDPs to Southern Sudan.

39.   With the roll-out of the cluster approach, UNHCR has often led the development of protection frameworks related to return, or has supported governments to do so, as part of its role as Protection Cluster lead. UNHCR's CCCM and, to a lesser extent, Emergency Shelter responsibilities have also played a role in defining the nature and scope of its engagement in returns, and in promoting linkages between operational assistance and broader protection objectives in this context.

40.   In DRC, as co-lead with UNDP for the Early Recovery Cluster, UNHCR worked with partners to develop the National IDP Return Strategy. In other countries UNHCR has led inter-agency strategy and planning coordination bodies for return based upon the Office's generally perceived expertise in returns acquired in the refugee context. For example, in 2003 UNHCR led the Protection and Return Team in Iraq.

41.   It is important to note that the majority of IDPs returns are spontaneous, and that in situations where there are significant shifts in the pattern of a conflict, returns may occur extremely rapidly. As this report was being edited, reports of the return of more than 30,000 refugees and IDPs, just over a week after the beginning of the Kyrgyzstan displacement crisis, were already emerging.[17]

42.   In such situations a government or international actor may not yet have been specifically designated to facilitate an organised return process. There are also numerous examples, particularly in operations before UNHCR had assumed cluster leadership responsibilities, where IDPs were not specifically targeted for individual or household-based support, but were nonetheless able to benefit on an indirect basis from community-based reintegration projects provided by UNHCR in return areas.

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[17] *UNHCR stresses need for sustainable returns for refugees and other displaced in southern Kyrgyzstan*, UNHCR press release, 23 June 2010 (available on www.unhcr.org).

3. Operational activities

43.　　UNHCR's operational engagement in IDP return and reintegration processes has encompassed a wide variety of activities. As compared to a traditional voluntary repatriation process, UNHCR is less likely to be involved in the mechanics of the return movement through activities such as the provision of transportation and organising convoys. Instead, UNHCR's most common activities include developing overarching strategic protection principles to guide the return and reintegration process, establishing and maintaining information management systems, facilitating 'go and see' visits, undertaking mass information campaigns, carrying out protection monitoring, and providing legal assistance for returnees.

44.　　Depending on government capacity, the needs of the IDPs, the presence of other actors, and donor support, UNHCR has undertaken a varying combination of interventions in a range of sectors, both on its own as well as in collaboration with governments, UN agencies, local and international NGOs, and civil society groups. Notably, with the expansion of the cluster approach, UNHCR's activities are increasingly shaped by its cluster leadership roles, and it is increasingly less likely to engage in projects which go beyond those responsibilities.

45.　　In general, while UNHCR's role in facilitating return processes may differ in relation to refugee and IDPs, where it elects to engage in reintegration support, the form this takes tends to be broadly similar for both groups. Reintegration assistance is generally community-based, with individual assistance provided to extremely vulnerable individuals and families. As highlighted in UNHCR's return and reintegration policy, a key challenge in both IDP and refugee return areas is that of securing the engagement of other actors to ensure the sustainability of return.

Advocating for protection principles

46.　　UNHCR's engagement with IDP returns most commonly begins with advocating for protection principles to form the basis of any IDP return process. Drawing upon the Guiding Principles and the *Framework For Durable Solutions*, UNHCR staff members draft protection principles, frameworks or strategies to guide a return process. Regardless of the form, almost all documents include basic legal principles emphasising that return processes should be voluntary, should take place in safety and in dignity, and should include IDPs within the planning process. Some documents go further and detail operational strategies, mechanisms for protection monitoring, and the need to link return processes with wider development strategies.

47.　　In countries where the cluster approach is in place, UNHCR has often led the development of a return policy or durable solutions framework within the Protection Cluster for presentation to and endorsement by the wider humanitarian country team. This strategy was used in Pakistan in 2009 and in response to the post-election displacement crisis in Kenya in 2008, with the documents subsequently shared with national authorities as the basis for discussions on the development of an operational return strategy. In the case of Kenya, the Government's recovery and

reconstruction plan subsequently included language indicating their commitment to promoting voluntary returns. In Pakistan, the Government and the UN Humanitarian Coordinator signed a Framework for Return.

48. In other countries, such as Colombia, UNHCR submitted legal advice on return to government officials during the drafting of a national return policy. In Kosovo UNHCR worked with the Peacekeeping Mission to develop a *Manual for Sustainable Returns*. The Protection Cluster in Uganda launched a freedom of movement campaign under UNHCR's leadership to urge the Government to remove restrictions that prohibited IDPs from leaving camps.

49. UNHCR's influence on IDP return processes is often much more limited than in refugee situations. It is not uncommon for governments to start an assisted IDP return process, or to encourage spontaneous returns, even in situations where UNHCR has expressed concerns that return may be premature due to continued insecurity or inadequate planning or preparations in the areas of origin.

50. Furthermore, as already noted, IDP returns are often spontaneous, beginning sooner or faster than expected.[18] Given the sensitivity of many return processes in countries such as Georgia or Pakistan, UNHCR has sought to use informal channels to advocate for governments to ensure respect for humanitarian principles in organised return processes. UNHCR and its UN partners in Sri Lanka complemented discreet dialogue with *aide memoires* to advocate for respect for key protection standards in the return process.

51. UNHCR also undertakes a number of activities to ensure that IDPs are informed and included in the return process at all stages. For example, in Kosovo the Office undertook information campaigns to inform potential returnees about conditions in return areas. Working in collaboration with OCHA, UNHCR also distributed a directory of NGOs providing assistance in return areas, a weekly newsletter about the process, and a leaflet which answered frequently asked questions about the return process.

52. In Sudan, UNHCR and Save the Children UK held some 50 focus group discussions with women and children to gauge the level of their participation in IDP return processes to Southern Sudan, and made extensive recommendations for improvements to the arrangements in place. In regards to planning, in Kosovo, IDPs participated in Municipal Working Groups and project Task Forces responsible for the return process. UNHCR also consistently supports 'go and see visits' to enable IDPs to make informed choices as regards return. However, security constraints and military restrictions in countries like Pakistan and Sri Lanka have sometimes made it difficult or impossible for UNHCR directly to facilitate such visits.

Facilitating return

53. In a few countries, such as Liberia, Sudan, and Pakistan, UNHCR has supported the transportation of IDPs to their return areas, although this is not common. For example, in Pakistan, whilst most IDPs returned spontaneously,

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[18] On occasions, this has also been the case with refugee returns – as for example, the large-scale return of hundreds of thousands of Kosovar Albanian refugees in just a few weeks in mid 1999.

UNHCR provided the Government with financial assistance to hire buses to transport some especially vulnerable IDPs home.

54.   The agency more often collaborates with governments or other actors such as IOM who provide transportation, or provides support to IDPs who return on their own. In Southern Sudan, for example, UNHCR maintained way stations to which returning IDPs had access, while IOM provided transportation. In Kenya, where IOM collaborated with the Kenya Red Cross to transport IDPs, UNHCR and IOM signed an agreement to establish a mechanism within which UNHCR verified the voluntariness of IDP movements. Finally, in order to facilitate safe movements, and particularly where national development programmes have yet to reach remote communities, in some countries such as Uganda and Liberia, UNHCR has supported community efforts to re-open access roads, reconstructed roads and repaired bridges leading to return areas.

55.   UNHCR often provides non-food items (NFIs) to returning IDPs either at the point of departure or in return areas. In Liberia returning IDPs and refugees received the same packages. In Pakistan, family kits were initially provided at points of departure until security constraints could be resolved to distribute the NFIs in the return areas. UNHCR also commonly works with WFP, UNICEF, and clusters where present to coordinate the composition and delivery of NFIs. In Sri Lanka, for example, the composition of the IDP return kit was agreed within the NFI cluster, and consisted of items donated by a number of agencies.

Data collection and analysis

56.   Monitoring and analysing patterns of displacement and return, and profiling displaced communities with a view to informing protection and durable solutions strategies, are key elements of many UNHCR return and reintegration operations. In countries such as Kenya, Eastern Chad, Somalia, and Georgia, UNHCR and its Protection Cluster partners have carried out IDP profiling exercises to understand the needs and intentions of IDPs to contribute to preparations for eventual return.

57.   Population movement tracking activities allow UNHCR to monitor return movements, and identify secondary displacement in return areas. In situations where the provision of assistance is linked to registration, such as in Kenya and Pakistan, UNHCR has sought to ensure that IDPs have access to registration mechanisms on an equitable basis and that they are able to access to assistance in return areas. Profiling and data management systems developed or supported by UNHCR have also contributed to overall inter-agency planning for return processes, helping governments and inter-agency partners identify priority needs and operational priorities for all aspects of the return movement and reintegration activities.

Camp closure and environmental rehabilitation

58.   Facilitating camp closure may also be a key part of an IDP return operation. In Uganda the UNHCR-led CCCM cluster worked with the government to manage the camp phase-out process, including demolition of redundant structures and transformation of camps into viable communities in tandem with the return

movements. Government and cluster guidelines were developed to ensure that IDPs were not forcibly evicted and that they could take useful elements of their camp structures with them to transit sites or areas of origin to rebuild their lives and livelihoods from shelter to education facilities. Camp management structures have also been useful for providing IDPs with information on the return and reintegration process. Activities to address the long-term environmental impact of the camps were also undertaken in Liberia as part of the camp phase-out process, and are currently also being developed as part of the return process in Sri Lanka.

Protection and rule of law activities

59.   In addition to the activities described above, UNHCR also commonly carries out a number of other protection-related projects in both areas of displacement and return areas. For example, UNHCR and its partners provide assistance with legal information, counselling, and advocacy for IDPs in countries such as Afghanistan, Sri Lanka, Colombia, Georgia, and Uganda. This support may include general legal advice and targeted support for those still displaced in camps awaiting return or returning IDPs, and addresses issues such as gender based violence, access to identification documents, or land and property issues. In the case of Pakistan, the Office has opened welfare centres in return areas which seek to address both protection issues and the broader needs of returning IDPs.

60.   Unresolved land and property issues are a common impediment to the sustainable return of IDPs (as for refugees), and commonly feature in UNHCR reintegration activities. For example, in Sri Lanka, Uganda, Colombia, and Kosovo UNHCR has developed multi-layered projects in partnership with government authorities and communities to help find solutions to land and property disputes. These projects may address challenges through legal mechanisms or may also include community-based interventions. The programme in Kosovo, for example, addresses property challenges in relation to homes, agriculture and commercial property, as well as informal property rights. The UNHCR office in Colombia works to protect the collective property rights of displaced indigenous and Afro-Colombians.

61.   Another key activity is protection monitoring throughout the return process. Protection monitoring is often done in collaboration with operational and implementing partners and takes different forms. As well as formal returnee monitoring mechanisms, protection monitoring may also be conducted in the course of registration exercises, intention surveys, IDP profiling, community assessments, visits in return areas, or the collection of information during aid distributions.

62.   A recent real-time evaluation of UNHCR's support to IDP returns in Sri Lanka highlighted that the provision of cash grants by UNHCR to returning IDPs provided an important opportunity to interview each returning family and conduct essential protection monitoring.[19] In situations where UNHCR does not have full and unimpeded access to all return areas (including areas with volatile security situations), such as in Pakistan or Georgia, the Office may develop formal or informal

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[19] *Banking on solutions: a real-time evaluation of UNHCR's shelter grant programme for returning displaced people in northern Sri Lanka*. Jeff Crisp, Andreas Graf and Vicky Tennant, UNHCR, March 2010 (available on www.unhcr.org).

relationships with NGO partners, civil society organisations, or the returning IDPs themselves to gather protection information.

63. As noted previously, IDPs frequently encounter security risks in return areas. Depending on the situation, UNHCR works to support national authorities in efforts to improve the physical security of returnees. In Uganda, for example, UNHCR constructed police outposts in remote communities and provided bicycles and telecommunications equipment to civilian police officers in response to the security and safety concerns of returnee communities.

64. In Colombia UNHCR aims to promote a protective environment through its widespread field presence, regular field missions and engagement in projects in IDP return areas. UNHCR has also advocated for the clearing of unexploded ordnances in return areas prior to return movements in countries such as Sri Lanka, Pakistan, and Uganda. Another potential threat in IDP return areas is the presence of armed actors. In such cases, UNHCR has sometimes sought to coordinate its reintegration activities with DDR planning in countries such as Liberia, Kosovo, DRC, and Uganda.

65. UNHCR offices also commonly work to build local government capacity in return areas to promote rule of law and the respect of returning IDPs' rights during the return and reintegration phase. For example, UNHCR Uganda has worked closely with local government officials in return areas to promote knowledge and understanding of the National IDP Policy, Camp Phase-out Guidelines and the IDP Durable Solutions Framework. In Kosovo UNHCR worked with the peacekeeping mission to designate and train Municipal Returns Officers to oversee the return process.

Sustaining return through basic needs and livelihoods activities

66. UNHCR also provides varying types of reintegration support in return areas. The nature and extent of such support is determined by a range of factors. These include the needs of the returning IDPs, the degree of destruction and disruption of livelihoods in returnee areas, UNHCR's historic role in the country, the presence and roles of other humanitarian and development partners, and government capacity. In some countries assistance is more limited because of strong Government capacity, such as in Colombia.

67. The level of assistance is also linked to the institutional arrangements in place for the provision of support to IDPs by the international community. In situations where UNHCR was assigned an overall leadership role for IDPs, as opposed to specific sectoral responsibilities within the cluster approach, the assistance was more likely to be spread across multiple sectors, as in Sri Lanka prior to the activation of the cluster approach and in Georgia.

68. With the introduction of the cluster approach, UNHCR's reintegration activities for IDPs have been increasingly linked to its cluster responsibilities (primarily protection and shelter) although, especially in areas where refugee are also returning, support may be spread across multiple sectors. However, there are exceptions to this. In Uganda, for example, UNHCR has assumed a wide variety of reintegration activities in IDP return areas, in the absence of a robust presence by

government and development actors in remote return areas, drawing on its protection cluster lead obligations as the 'provider of last resort.' The type and level of donor support is also a key factor in determining the accessibility, quality, duration and effectiveness of assistance in return areas.

69.	While in some operations, such as Southern Sudan, the reintegration assistance was almost entirely community-based, in general UNHCR assistance blends individual support for extremely vulnerable individuals (EVIs) with community-based assistance to benefit both returnees and receiving communities.

70.	Shelter assistance has been a key feature of both IDP and refugee reintegration programmes. This takes various forms. In Kosovo UNHCR provided assistance for lightly damaged shelter, relying on development partners to assume responsibility for heavily damaged or destroyed homes. In the current IDP return operation in Sri Lanka, eligible returning IDPs are provided with a shelter cash grant which they can use to purchase shelter materials, or, as many have done, to facilitate other aspects of their return through the purchase of bicycles, immediate food and clothing needs, or to start small businesses. In Kenya, returning IDPs took their UNHCR tents with them to return areas to meet their immediate shelter needs pending transitional shelter distributions developed jointly by UN HABITAT and UNHCR within the UNHCR-led Emergency Shelter Cluster.

71.	In a smaller number of IDP operations, usually in areas where refugees are also returning, UNHCR implements community-based reintegration programmes focusing on the re-establishment of basic services and support for livelihoods. For example, some operations have launched livelihood activities that attempt to secure reintegration with initial support to jump-start economic activities. In Liberia, for example, UNHCR teamed with FAO and UNDP to develop projects to support livestock, agriculture, and fisheries activities. In Georgia, the UNHCR provides agricultural assistance and vocational training.

72.	Other activities which have also featured to some degree in UNHCR reintegration operations, often developed in cooperation with other humanitarian actors, include health, nutrition, water and sanitation, prevention and response to sexual and gender-based violence(SGBV), education and livelihoods projects. For example in Liberia UNHCR worked with UNICEF, WHO, and NGOs to rehabilitate health care facilities, while in Georgia UNHCR carries out educational activities on HIV/AIDS and SGBV. In areas that lack basis water and sanitation services, UNHCR has developed community based projects to drill boreholes and establish basic sanitation services in return areas, as the Office has done in countries such as Liberia and Uganda.

73.	In many countries, community based projects across all sectors are implemented in tandem with reintegration activities for refugees, who are often but not always returning to the same communities. In such cases UNHCR makes no distinction between IDP and refugee reintegration activities, which are also designed to benefit the receiving community, and vulnerable members of all three groups may be eligible for household-based support such as shelter.

74.	As in refugee reintegration programmes, UNHCR has undertaken various efforts to link IDP reintegration projects with development planning. In Liberia, UNHCR worked closely with government line ministries to sustain projects in return

areas, and also signed a Memorandum of Understanding with UNDP to ensure integrated planning in return areas. In DRC, UNHCR and UNDP co-lead the Early Recovery Cluster, which developed a National IDP Return Strategy, while UNICEF took the operational lead for returns through its PEAR project. UNHCR Colombia has developed joint pilot projects with UNDP for community gardening projects in IDP return areas which have been successful at transitioning household gardening to small-scale commercial agricultural production.

75.   Some operations have also sought to address environmental protection issues. In Liberia UNHCR hired a technical advisor to build the capacity of local government officials and to promote community awareness and education in schools. The Office also funded tree planting in return areas and distributed energy saving stoves.

76.   Finally, facilitating reconciliation between returnees and host communities is a key element to ensuring the sustainability of returns. The community-based projects described above are the most common type of activity designed to promote an environment that benefits all community members. For example in Liberia community empowerment projects allowed communities to propose and prioritize micro-multi-sectoral projects.

77.   The Office has also worked with partners to support other types of peacebuilding and co-existence projects. In Kosovo, for example, UNHCR supported inter-ethnic dialogue by working with the local Council for the Defence of Human Rights and Freedom and Kosovo Women's Initiative. UNHCR also may support the construction or rehabilitation of community or women's centres, as it has done in Sri Lanka. The Office in Georgia also supports a number of confidence building measures to rehabilitate schools, establishing community centres, women's centres, and supporting vocational training.

4. Key challenges

78.　　In the course of UNHCR's engagement with IDP return and reintegration processes, a number of issues and challenges have emerged. This section explores some of the common challenges across IDP return operations and analyses how they have been addressed within specific operations.

Ensuring coordination with government return plans

79.　　Both the IDP Guiding Principles and the *Framework for Durable Solutions* underscore that the primary responsibility for securing durable solutions for IDPs rests with national authorities, with international humanitarian and development actors playing a complementary role. Governments generally take the lead in developing IDP return plans, and not uncommonly without consultation with international humanitarian agencies. Governments may be motivated to restore a sense of normalcy within the country, or to pursue political or security-related objectives as part of a broader stabilisation agenda. They may also be eager to shift from humanitarian assistance to the more generous development and reconstruction funding.

80.　　UN and regional peacekeeping and political missions often share a Government's desire to encourage returns in preparation for elections, or as a way to demonstrate the success of a peace process. Consequently, it is not uncommon for governments to launch IDP return operations soon after a conflict or violence has ceased in areas of return, but before it has necessarily been established that it is safe for IDPs to return.

81.　　In such contexts, one of the most common challenges for UNHCR has been participating in the development of IDP return plans and operations. In 2008 and 2009 alone the Office witnessed rapid IDP returns in Pakistan, Sri Lanka, Kenya and Georgia, in which Governments rapidly developed and began implementing their return plans, leaving UNHCR offices to quickly shift their activities from emergency assistance to those more tailored to return and reintegration support.

82.　　In certain situations, UNHCR may have reservations about whether to support the process at all, in the light of concerns that return may be premature or that IDPs do not have the opportunity to make a full and informed choice regarding return. The short lead time has on occasion also made it difficult for UNHCR and others to advocate for the inclusion of protection principles, including ensuring that IDPs are informed about the process and that their views and perspectives are actively taken into consideration.

83.　　Such experiences highlight the importance of raising the need for return planning within the Humanitarian Country Team and with the Government at early stages in the relief operation to ensure as active participation and coordination as possible. In Georgia UNHCR sought to rely on established relationships with government officials to raise concerns about the speedy nature of the process. In Kenya, the Protection Cluster initiated inter-agency discussions on potential returns

amidst the relief phase, which were then used to begin a dialogue with government authorities and the Kenya Red Cross. Unfortunately these interventions have not always achieved the desired result, with varying levels of implementation. However, there are indications that with time, advocacy and dialogue has made a difference.

84.   The case of Sri Lanka shows that UNHCR's continued advocacy efforts, sometimes over years, can have a positive impact. Through various forms of communication and interventions advocating for the incorporation of protection standards in return processes, UNHCR has developed a longstanding dialogue with the Government on IDP returns. Citing this experience, some interviewees reported what they saw as significant progress the Government's approach to IDP returns and durable solutions. While IDPs in 2006 faced forced returns, since 2007 and onwards, return processes have been significantly more in line with protection standards, and these are explicitly referred to by Government officials in the planning and implementation of returns.

85.   Despite the varying operating contexts in which internal displacement takes place, a clear common finding is that continuous dialogue with governments on durable solutions, including return, should begin as soon as possible. Headquarters support should be provided to country offices to assist them in operational decision-making related to the various types of IDP return operations, emphasizing the importance of early engagement with Governments on durable solutions and return in particular.

86.   The three UNHCR-led global clusters could also review their operational guidance to ensure it reflects the need to incorporate planning for IDP return and reintegration within broader cluster strategies. For example, country level protection cluster strategies should systematically address essential steps toward achieving durable solutions to internal displacement. In particular, durable solutions strategies should include developing a unified inter-agency response in the event of various types of IDP returns (premature, forced, organized, spontaneous, etc.), recognizing that IDP returns do not always occur in a phased manner, but may often occur during the emergency phase of the humanitarian response.

87.   Efforts should also be taken to initiate similar discussions within all of the global clusters to determine how the humanitarian community as a whole could better support IDP return and reintegration processes. For example, in IDP situations, terms of reference for cluster leads could systematically include the need for all cluster strategies to address durable solutions strategies from the initial phases of the humanitarian response. The specific role of the Early Recovery Cluster in supporting IDP durable solutions, and return and reintegration in particular, also warrants further discussion.

Variable nature of IDP returns

88.   As discussed at the beginning of this study, IDP returns generally do not take place within the framework of formal agreements (although there are some exceptions, as for example, when return is provided for as part of a peace agreement or political settlement). They are also frequently less organised in nature than refugee returns, and take place under varying conditions and for different purposes. In some situations IDPs return spontaneously, while in others movements are organised by

government authorities. Returns may be voluntary, induced through a combination of pressure and incentives, or even forced. They may also take place despite ongoing fighting or severe security threats within return areas. Within this spectrum of possibilities, sometimes occurring simultaneously within the same country, a common issue raised in almost every UNHCR operation is how to determine the extent of UNHCR support for return movements.

89.   One of the key factors in this determination is based upon the fact that IDPs have the right to freedom of movement within the country, and consequently the right to return, locally integrate or relocate to another part of the country. Therefore, the primary factor that seems to determine UNHCR's level of engagement is linked to an assessment of whether a return movement is voluntary. UNHCR offices are also keenly aware that assistance can be a contributing element in triggering returns for IDPs who may not otherwise be ready to return, particularly if such assistance is presented or perceived as being time-limited. Another key factor is whether the office views the return movement as safe or having the potential to lead to a durable solution to displacement.

90.   UNHCR field offices have sought to balance these issues in various ways. In Colombia, for example, UNHCR has taken a decision not to accompany return movements because it considers return premature and does not want to formally endorse return in circumstances where it does not constitute a clear step towards finding a durable solution.

91.   At the same time, the Agency has decided to provide some support in return areas because it does not want to penalise IDPs for their decision to try to find security in their areas of origin. In Kenya, UNHCR developed an arrangement with the Kenya Red Cross Society and IOM, who were facilitating IDP return movements, whereby UNHCR staff members would undertake protection monitoring at points of departure to ensure the movements were voluntary. Despite written agreements, however, the mechanism was difficult to implement in practice, with some movements taking place without UNHCR participation.

92.   Even in a situation where UNHCR has decided to support a government-organised return process, it may face challenges in ensuring that this operational support does not undermine the right to stay or to opt for another durable solution. In the case of Uganda, UNHCR has sought to ensure ongoing protection of residual IDPs in camps from forced evictions while simultaneously assisting IDP returnees.

93.   In the rare situation where the return is neither fully voluntary nor safe, UNHCR may face a serious dilemma as to whether to develop a formal position that return is not sustainable, and furthermore, whether to communicate this position to IDPs, even if a government does not fully communicate the associated risks. In highly politicised contexts, even a decision not to facilitate returns may have wide-ranging ramifications. For example in some ethnically based conflicts, a decision not to support IDP returns due to ongoing security concerns may be perceived by some as *de facto* support for not restoring previously ethnically diverse areas to their prior state.

94.   Thus, drawing on the refugee context, a number of UNHCR operations have faced the dilemma as to whether it is necessary to formally 'promote' or 'facilitate' IDP returns. This challenge is based to some extent upon definitions of these

concepts within a refugee context. However, given potential conflicts with governments over IDP movements, not to mention the fluid nature of durable solutions more generally, and return movements more specifically, these categories may not have the same operational relevance in an IDP context.

95. Most UNHCR offices seem to adapt according to the circumstances surrounding the challenges associated with return movements and return as a step toward durable solutions, weighing the pros and cons of different forms of support to movements. The UNHCR Colombia Office, notably, developed a matrix outlining various types of return movements and describing corresponding actions UNHCR would take in response. Further discussion may be warranted as to the best way for UNHCR field offices to articulate and analyse the operational dilemmas they face when protection standards are not met in the course of return processes and how to develop an appropriate response.

Measured disengagement

96. Once the decision has been made to engage in reintegration activities, one of the biggest challenges facing UNHCR is how to facilitate the incorporation of reintegration support within national and international reconstruction and development strategies, and to determine how and when it should disengage. This challenge is equally pronounced (if not more so) in the refugee context, when there is frequently an expectation that owing to its mandated responsibilities for refugees, UNHCR should take the primary responsibility for reintegration support. In IDP return situations, UNHCR is one of many actors, including governments, carrying out reintegration activities, and the challenge of securing sustainable reintegration and determining when a durable solution has been achieved is one that is shared with the rest of the international community.

97. As highlighted throughout this study, UNHCR offices have taken different approaches. In Liberia, the UNHCR operations plan included clear target dates and objectives to determine the end of UNHCR's engagement. In Nepal the Office decided to end its IDP operations following a series of inter-agency field visits, funded by UNHCR, which sought to capture the conditions of IDPs in return areas and concluded that the majority of IDPs had returned. As noted above, the engagement of other international actors was also an important factor. In 2005, the UNHCR office in Afghanistan office reported that the majority of IDPs had comparable basic health and education indicators to other Afghans as an indication that a durable solution had been found.

98. In other operations, the benchmarks for disengagement have not yet been reached. In Uganda, for example, limited availability of basic social services and the limited engagement of national and international development partners have placed additional pressure on UNHCR to continue reintegration activities, in a situation where critical gaps are an impediment to sustainable durable solutions. In the context of ongoing conflicts, such as in Colombia, Somalia and Darfur, or specific areas with volatile security conditions such as in some parts of Georgia, UNHCR offices are keenly aware that return does not necessarily equate to a durable solution. Georgia uses the description of 'people living in IDP-like conditions' as the basis to continue monitoring those who have returned.

99.   Once people are no longer displaced, some UNHCR offices have questioned whether it is more appropriate to switch to a broader human rights or protection of civilians strategy rather than a displacement-focused approach, noting that people who never moved in the first place in such situations may face similar protection concerns to those who have returned.

100.   Recognising that both populations would be at potential risk of displacement within situations of continued insecurity or ongoing armed conflict, some offices have found that activities designed to sustain returns may coincide with the same objectives as an operational strategy designed to prevent displacement, as is the case in the Colombia operation. At an inter-agency level, UNHCR field operations should consider working with other partners such as OHCHR and ICRC to ensure that protection strategies include encompass broader protection of civilians approaches that include coherent responses to the prevention of displacement and return, as well as activities for those who stay in conflict areas.

101.   One of the most commonly cited challenges to ensuring the sustainability of a return and reintegration process is the lack of development partners operating in return areas. Development and humanitarian agencies also tend to develop their strategic and operational priorities independently, and have different planning cycles.

102.   UNHCR offices have led or participated in various processes designed to secure the incorporation of reintegration support within broader national planning frameworks. For example, in Liberia UNHCR participated in the development of the *National Community Resettlement and Reintegration Strategy*. UNHCR has also actively participated in Early Recovery Clusters where they exist. For example, in Kenya UNHCR presented the *Steps Toward Durable Solutions Framework* within the Early Recovery Cluster, and participated in an exercise to review the Common Country Framework following the post-election violence. UNHCR also co-led the cluster in DRC.

103.   In other countries, such as Sri Lanka and Colombia, UNHCR has signed Memoranda of Understanding (MOUs) with UNDP and other partners to ensure joint planning in IDP return areas. The Office in Sri Lanka also recently signed an agreement with the World Bank, in which it was agreed that World Bank funds for government activities in return areas would be released following periodic assessments in which UNHCR protection monitoring reports would play an important role.

Return coordination

104.   In some operations, particularly prior to the activation of the cluster approach, UNHCR has assumed the lead for IDP returns, or has faced pressure to assume this role. However the concept of an agency lead for IDP returns within the inter-agency context can sometimes be a problematic, particularly when a government has assumed a strong coordination role or when the UN Country Team has adopted the cluster approach.

105.   Within the cluster approach there is no formally-assigned responsibility for support to IDP returns, and this is perceived by some to be a gap within the inter-

agency approach to IDPs. As highlighted above, UNHCR in its role as Protection Cluster lead has almost systematically assumed the role of drafting protection principles related to return, and leading advocacy and negotiations with the government. However, as was also illustrated, IDP return and reintegration activities are multi-sectoral and, perhaps more importantly within the context of the cluster approach, require inter-agency and cross-cluster coordination, particularly on issues related to early recovery. In most countries, it has been decided to mainstream early recovery activities within all clusters, as opposed to having a stand alone cluster. As a result, in many countries there is no clear lead.

106.   The resulting lack of clarity as regards leadership and responsibility for IDP returns could benefit from further inter-agency discussion to discuss what is actually meant by the term 'return coordination' within the cluster approach. The majority of UNHCR colleagues who participated in this study indicated that a designated 'lead' would not be appropriate given the specific nature of IDP returns as described throughout this study. Instead, most highlighted that, if used appropriately, inter-cluster strategic planning processes, led by the Humanitarian Coordinator with the support of OCHA, should be sufficient to guide the return phase of a humanitarian operation.

107.   Within such a discussion it would be important to ensure that returns are discussed within the broader context of durable solutions, and to recognise that IDP returns can occur throughout all stages of an emergency and are not limited only to the transition or post-conflict phase. Again, many noted the importance of the Early Recovery cluster throughout all these stages and phases.

Support for spontaneous and organized return

108.   Ensuring that assistance is provided fairly and on a non-discriminatory basis can also be a challenge in IDP return operations. Unlike in many refugee contexts, the majority of IDPs are not registered given that they retain all of their rights and privileges as citizens within their own countries. UNHCR does not advocate for IDP registration as a matter of course, as being internally displaced does not entail a formal legal status. However in some countries national legislation or policies may require IDPs to register in order to receive government or international assistance. Even in the absence of such a process, governments may also choose to recognise some IDPs and not others due to political, ethnic, religious, or other affiliations. For example, governments many not want to provide assistance to IDPs that they consider sympathetic or associated with insurgents.

109.   While ensuring the impartiality of assistance can therefore be a challenge at all stages of an IDP relief operation, it also arises in return operations when IDPs may be eligible for individual assistance and in some cases, compensation. For example, a return process could be perceived as less than voluntary if a government determines that assistance will only be provided to IDPs who participate in time-limited organised return processes, while those who delay their decision or who would prefer to return spontaneously would lose their rights to claim assistance. The absence of registration may make it challenging to provide individual support, identify vulnerable individuals, and avoid fraud, especially when IDPs live in urban centres or with host families.

Implications of mixed refugees and IDP populations

110.   Historically UNHCR's engagement with IDP returns operations was focused operations in which IDPs were returning to the same places as refugees. In these older operations, such as Burundi, Mozambique and Angola, it is difficult to judge the extent to which the needs of IDP returnees were met through community-based assistance activities.

111.   These situations do seem to place the organisation in a dilemma, described by one senior UNHCR colleague who said, 'Each UNHCR operation which involves refugees and IDPs will have in mind two crucial issues: funding and its mandate, which will influence protection strategies and assistance programmes for each category.'

112.   In operations where IDP and refugee returns are taking place in parallel, standards of protection and assistance have not always been effectively harmonised. A 2007 real-time evaluation of UNHCR's IDP operation in the DRC found a need for greater coherence between the levels of assistance provided to IDP and refugee returnees.[20] In Southern Sudan the refugee repatriation exercise was reported to have overwhelmed and detracted from reintegration activities for both refugees and IDP returnees, and the vast majority of IDPs returned spontaneously.[21] On the other hand, in Liberia and Uganda, which were both well-funded operations, increased attention on IDP returns may have also raised the profile of refugee programmes.

113.   Continued inter-agency discussion is required to explore how levels of assistance for returning IDPs and refugees could be more effectively harmonised. A 'lowest common denominator' approach should however be avoided, and it should also be recognised that protection and assistance needs may be shaped by the circumstances of displacement, and the time spent and conditions in exile. The extent to which IDPs and refugees have been able to maintain social and economic connections with their home communities may also play a role in determining protection and assistance needs.

114.   However, whilst a 'one size fits all' approach should be avoided, there remains a need for greater efforts to ensure that design of return packages and other forms of support is both equitable and based on an assessment of needs. This challenge relates primarily to the return process, since community-based reintegration activities usually benefit IDPs, refugees, and host communities equally. While UNHCR plays a key role in the provision of return packages to refugees, assistance for IDP returnees generally requires coordination across various sectors led by a range of agencies, thus requiring enhanced inter-agency coordination to ensure coherent assistance strategies.

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[20] *Real-time evaluation of UNHCR's IDP operation in the Democratic Republic of Congo*, K. Diagne, C. Bourgeois, V. Tennant, UNHCR (September 2007), available on www.unhcr.org.
[21] See *Evaluation of UNHCR's returnee reintegration programme in Southern Sudan* M. Duffield, K. Diagne and V. Tennant, UNHCR (September 2008), available on www.unhcr.org; and *The long road home: opportunities and obstacles to the reintegration of IDPs and refugees returning to Southern Sudan and the Three Areas*, S. Pantuliano, M. Buchanan and P. Murphy, HPG/ODI (Augist 2007), available on www.odi.org.uk

Links to camp closure and emergency shelter

115.   UNHCR cluster leadership responsibilities for protection, emergency shelter, and camp coordination and camp management are complementary and essentially linked during the return phase.

116.   Whilst it has been rather unusual for all three clusters to have been activated at country level, it is useful to highlight examples such as Uganda, Liberia, and Kenya, in which protection issues were mainstreamed across the three clusters in order to promote a dignified and voluntary return process. Activities such as well-planned camp closure strategies and transitional shelter packages can play a key role in protecting the rights of IDPs during the process of return and reintegration.

Funding implications

117.   As discussed throughout, the level of UNHCR's engagement in IDP returns in some countries has been determined to a large degree by availability of funds. Because reintegration activities are often viewed as blurring the line between humanitarian and development activities, UNHCR and other actors have not always been successful at receiving humanitarian funding for such activities, including from humanitarian pooled funding mechanisms, on the one hand because they are not perceived as 'life-saving', especially in the context of ongoing emergencies, and on the other hand because they are perceived as falling within the realm of development action. A key challenge remains that of raising awareness of the importance of reintegration support in responding to humanitarian needs in return areas, and in preventing future displacement.

Urban and non-camp settings

118.   Various issues arise when IDPs are not returning from camp or camp-like settings. It may be difficult to identify IDPs living with host families or in dense urban communities, or a government may not recognise IDPs living outside of camps as eligible for assistance. In some countries, such as Sudan and Colombia, IDPs have been displaced for many years in urban areas, making return reintegration within rural settings extremely difficult.

119.   With IDPs increasingly fleeing to urban areas or living with host families, UNHCR and its partners will need to adapt return and reintegration activities to reflect the challenges at the initial stage of the return process to simply identify IDPs who may want to return to their places of origin. In Uganda, the return operation has been criticised by some as having ignored the needs of IDPs in urban settlements Kampala.[22]

120.   Reintegration programmes in areas of return also need to be adapted to reflect the skills and needs that IDP returnees have developed during extended displacement in urban areas, and which may no longer be consistent with pre-existing economic and educational opportunities in their places of origin. This has been a particular challenge in Southern Sudan, where the majority of IDPs have

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[22] *Why being able to return home should be part of transitional justice: Urban IDPs in Kampala and their quest for a durable solution*, Beyond Juba, March 2010 (available on www.beyondjuba.org).

returned from protracted displacement in Khartoum and (to a lesser extent) other urban centres.

Return as part of broader durable solutions strategy

121.   While this study focuses specifically on the return and reintegration process for IDPs, it is important to remember the importance of ensuring that IDPs have real choice in terms of seeking a durable solution which can also include local integration in their place of displacement or relocation to another part of the country. As has been discussed, governments and other actors are often keen to promote return as the most desirable solution, and for many IDPs this is also their first choice. However, particularly amidst a large-scale return operation and strong government support for returns, it can be difficult to retain the viability of other options.

122.   The examples of Uganda and Georgia highlight the importance of continually framing return within the broader goal of finding sustainable durable solutions. In the case of Uganda UNHCR has developed an operational strategy to maintain ongoing humanitarian assistance within camps while at the same time assisting IDPs to access sustainable durable solutions.

123.   In Georgia, the Office worked with the Government over many years to develop a national IDP policy that specifically included local integration in addition to return as a potential durable solution. The UNHCR-led Protection Cluster in Kenya developed a durable solutions framework that highlighted the three potential options available. The Guiding Principles and national IDP policies, which highlight durable solutions, are all important advocacy tools that UNHCR offices can use to ensure that rights of IDPs to choose a durable solution is preserved.

124.   Again, given the inter-agency nature of achieving durable solutions for IDPs, it is suggested that all field-level clusters incorporate durable solution priorities within their operational strategies from the beginning of the humanitarian response, including anticipating the various forms IDP return movements may take. However, within this process, efforts should be made to develop a common inter-agency position that seeks to safeguard the right of IDPs to freely make decisions about their future, and does not prioritise one solution to the detriment of others.

Environmental implications

125.   While some UNHCR operations, such as in Liberia and Uganda, incorporated environmental considerations within return and reintegration programmes or camp phase-out strategies, this was not a consistent feature. Given the potential impact of environmental degradation on the lives of returnees, such as on livelihoods, maintaining water sources, and preserving natural resources in return areas, UNHCR may want to consider how environmental issues could be more systematically addressed in camp phase out, shelter, and other return and reintegration activities.

5. Conclusion

126.   There is no standard blueprint for an IDP return and reintegration operation. The process of displacement and return is shaped by the pattern of conflict and rights violations which led to displacement, the length of time spent and conditions in displacement, the extent to which IDPs have maintained social and economic links with their home areas, and the degree of destruction and disruption of livelihoods in areas of return – to name just a few factors.

127.   In addition, whilst there are important common elements between the processes of refugee and IDP return, the concepts and approaches developed in the context of voluntary repatriation operations are not necessarily directly applicable to the IDP context. IDP returns often begin more quickly than expected, frequently while a conflict is still ongoing, with spontaneous returns or through a government-facilitated process.

128.   Whilst the return of refugees is frequently a politically-charged issue, this is often even more so in the case of IDP returns, with governments often anxious to demonstrate the return to normality that the return of IDPs represents. Inserting protection standards into return strategies is frequently a major challenge. At the same time, determining when a durable solution to internal displacement has been achieved is a complex exercise, particularly in situations where a conflict has not been definitively resolved.

129.   UNHCR's institutional role differs significantly from that which it holds in a refugee context. With the adoption of the cluster approach in the vast majority of field operations with Humanitarian Coordinators, UNHCR's role in relation to IDP returns is increasingly shaped by its cluster leadership responsibilities. In an IDP return and reintegration process, UNHCR is just one of many actors responsible for providing protection and assistance.

Consistency across operations

130.   This study has illustrated the many different types of activities UNHCR has undertaken in support of IDP returns. Not surprisingly, in light of the range of contexts in which IDP returns have taken place, and the varying nature of UNHCR's institutional role with respect to IDP returns, there has been no standard approach across operations. Nonetheless, some commonalities have emerged. With the introduction of the cluster approach, there has also been a gradual but tangible re-orientation of UNHCR's engagement in this respect.

131.   As part of its role as Protection Cluster lead, UNHCR has consistently taken the lead in working with inter-agency partners to develop durable solutions or return strategies, and to carry out advocacy on the importance of voluntary return conducted in safety and in dignity, with the participation of IDPs in the process, in line with the Guiding Principles. UNHCR has also consistently provided operational support in line with its Emergency Shelter, and CCCM leadership responsibilities when these clusters exist within a country operation. Thus, it appears that once

UNHCR assumes cluster leadership responsibilities or an overall role for IDP protection and assistance, this tends to carry the Office into active participation in the return process. Where these responsibilities are not formally defined (for example, where the cluster approach has not been activated or no formal IDP 'lead' role has been assigned), UNHCR's level of support through all phases of displacement has been less certain, and for return and reintegration, has tended to hinge on whether IDPs are returning to the same areas as refugees.

132.   The activities undertaken have in general been in line with the priorities set out in UNHCR's Return and Reintegration policy. However, given the evolution in inter-agency coordination mechanisms in the context of the cluster approach, and the development of inter-agency frameworks and tools for durable solutions, it may be useful to review the document to ensure that it fully responds to how UNHCR intends to engage with IDP return processes in the future.

Roles and responsibilities within the cluster approach

133.   No one agency has responsibility for IDP return and reintegration within the cluster approach. UNHCR's experience seems to illustrate, however, that cluster responsibilities are helping to clarify UNHCR's support for IDP return, which is becoming more consistent over time. To further efforts to ensure a consistent inter-agency response to internal displacement, once the Office has taken stock of how it can support IDP return processes, it may be useful to bring the discussion to an inter-agency forum. As noted throughout this study, successful reintegration requires collaboration with a variety of actors and across multiple sectors.

134.   In the context of the cluster approach, which is increasingly becoming the norm in IDP operations, return and reintegration strategies require operational coordination with all of the clusters, not just UNHCR-led activities. Given the rapid nature of IDP returns, inter-agency teams need to be prepared to have principled, coordinated positions on the level and type of support which should be provided in various return scenarios, whether they are organised or spontaneous, voluntary or induced. As it has done in field operations, the Global Protection Cluster may choose to initiate discussions at the global level on the need for ensuring coordinated responses for IDP return and reintegration in line with protection standards, and determining what support could be provided to field operations.

135.   In particular, rather than developing the concept of a 'lead' for IDP return and reintegration activities, most UNHCR colleagues felt inter-cluster strategic planning could be improved to respond to the operational realities of IDP returns. In particular, UNHCR could consider how to highlight within ongoing inter-agency discussions the need for durable solutions strategies to be systematically developed at the inter-agency level from the beginning of the humanitarian response.

136.   Such strategies should address scenarios related to return or relocation movements, strategic planning, articulation of protection principles, and inter-cluster coordination of reintegration and early recovery activities in return areas. In countries affected by internal displacement, the development of cluster-specific durable solutions strategies and operational activities could also be included within country-level cluster coordinator terms of reference.

Partnerships

137.   UNHCR has been best able to contribute to return processes, regardless of their speed and form, when it has been able to rely on strong relationships with governments and early articulation of protection principles related to return. The Office is also increasingly taking steps to formalise agreements with development partners in an effort to conduct joint planning in return areas to ensure projects are sustainable and will provide long-term support to returnees.

138.   It is also clear that a common, strategic inter-agency position on IDP returns can make it easier to advocate with governments. It should be discussed how inter-agency durable solutions strategies can be a standard feature of any IDP response, and one that is developed at a very early stage of the emergency prior to the beginning of a return process.

Policy and guidance

139.   UNHCR operations have consistently drawn upon and advocated for the incorporation of the Guiding Principles and the *Framework for Durable Solutions* into national level laws, policies and strategies as the basis for protection inventions. Staff in field operations also noted support from the global clusters, such as the IASC's IDP Protection Handbook developed by the Global Protection Cluster,[23] and Camp Closure Guidelines.

140.   As this study has shown, internal displacement situations and country operational contexts vary greatly. Thus, it would be difficult to develop policy advice that would respond to every potential scenario. However, UNHCR offices most consistently requested further assistance on how to determine the form of its engagement with different types of return movements (involuntary, organised, or spontaneous), to determine when a durable solution has been achieved, and how 'measured disengagement' should be approached in the context of IDP reintegration. It is recommended that further discussions take place with field offices to determine what form of support would be most useful for helping make these operational decisions.

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[23] *Handbook for the Protection of Internally Displaced Persons*, IASC (June 2010), available on www.unhcr.org.

Part II: Case Studies

Colombia

141.   Given the ongoing insecurity in the country, return in Colombia is more associated with the right to freedom of movement than seen as a step toward finding a durable solution. Since the mid-1990s, internal armed conflict between the Government and armed insurgent groups have resulted in one of the largest IDP situations in the world. Official government figures report that over 3.3 million people have registered as IDPs, although the number is widely believed to be much higher. IDPs characteristically flee in small groups from rural areas to urban areas where they seek shelter with host families, in rented accommodation, or in slums. Indigenous groups and Afro-Colombians are disproportionately affected by displacement.

142.   Over the years, the Government has promoted some organised IDP returns to areas which UNHCR has considered not suitable for return. For example, over the last few years, the Government has reported that some 40,000 families have returned to their areas of origin with Government accompaniment. However, there are also an unknown number of spontaneous returns that usually take place within a few days or weeks after the initial displacement. These returns are largely thought to be returns as a result of despair, in that the situation at home is perceived to be comparably better than in the place of displacement. One study found that at least 13 percent of the people who return were displaced again soon after.

143.   IDPs who would like to return, however, are in the minority. UNHCR reports that only 3 to 5 percent of IDPs are currently willing to go back to their places of origin, with most citing security reasons as the deterrent to return.[24] In Colombia, the longer a person is displaced, the less likely that he/she will want to go home.

National and international coordination and response

144.   With its first national legislation on internal displacement passed in 1997, Colombia is well known for having one of the most comprehensive and sophisticated legal frameworks in the world to address internal displacement. However the Government only recently adopted an official policy on IDP return, in October 2009. The document was developed with UNHCR support and includes key protection considerations such as the need for ensuring security throughout the return process, consultation with IDPs, movement in safety and dignity, and recognising the differential needs of IDPs (for example, women, girls, the elderly and indigenous groups) during the return process.

145.   On the whole, the Government of Colombia has sufficient operational capacity to respond to the protection and assistance needs of IDPs. Thus, UNHCR largely provides support in the form of capacity building and legal advice, working most closely with the Presidential Agency for Social Action and International Cooperation, the Colombian Constitutional Court, the Ombudsman's Office, the

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[24] *Displacement and Return in Colombia*, Andrés Celis, *Humanitarian Exchange*, No. 45, December 2009 (available on www.odihpn.org).

National Commission of Reparations and Reconciliation, and local government officials.

146.   Based upon a request from the Government, UNHCR was the lead for internal displacement in Colombia from 1999 until the end of 2006, when the country level IASC adopted thematic groups. Under the revised coordination mechanisms UNHCR assumed leadership of the protection group. UNHCR has the largest field presence in the country with 14 offices, while most UN agencies and NGOs have a very limited presence in the rural areas from which IDPs flee, especially in certain key conflict regions. Subsequently limited inter-agency coordination or joint operations occur in the rural areas from which people are displaced. UNHCR has undertaken bi-lateral efforts to establish MoUs with other agencies in an attempt to improve field level cooperation.

UNHCR response

147.   UNHCR generally takes the position that the security situation is too precarious to promote return as a durable solution in Colombia. In light of the growing number of IDPs, the Office has instead adopted a policy of attempting to prevent displacement through legal measures, and protection by physical presence in potential rural areas of displacement. Through field offices or regular field visits, UNHCR is present in at least 75% of the key municipalities from which displacement is taking place, or where IDPs are being hosted. The Office does not in general encounter formal restrictions on humanitarian access and is often the only actor present in many return areas other than local authorities.

148.   UNHCR does not accompany or participate in organised or spontaneous IDP return movements. However, recognising their right to freedom of movement and in an effort not to penalise those IDPs that choose to return home, UNHCR does carry out protection monitoring in return areas and carries out small 'practical protection projects' for returnees. In the case of organised returns, the Office also carries out advocacy activities with the Government to promote protection principles during the process, as it did, for example, by providing comments and advice on the Government's recent IDP return policy.

149.   Working with government authorities to ensure the protection of land and property rights is another key activity linked to both the prevention of displacement and facilitating the eventual return for those already displaced. It is estimated that IDPs may already lost around 5.5 million hectares of land (an area the size of Switzerland and Slovenia combined) through their inability to prove ownership and/or because they were forced to sell their land despite having a title.

150.   In response, the Government in collaboration with UNHCR has developed a system to register land title for IDPs to ensure they can prove ownership. It has also developed a mechanism, through a decree for areas determined to be at risk of displacement, that requires municipal committees to approve property sales in areas where it has been determined that people may be under duress or threats to sell. Sales under normal conditions are not blocked, but in situations where a property owner is threatened to sell against their will, the committee can decide that the land title cannot legally pass to a new owner.

151.   Thus, even if a person is forced to flee, they will still retain proof of ownership. This system is designed to discourage displacement by making it difficult for another person to assume legal ownership by force. It also makes it easier for IDPs to prove ownership upon a future return to their place of origin, or to apply for restitution should they choose to locally integrate or settle in another part of the country. The system has already protected some 3 million hectares in areas where people were at risk of being displaced.

152.   At the time of writing, UNHCR's policy is not to accompany return movements under present conditions. However in 2003 when return movements were more common, the Office developed a set of criteria to determine when and what type of support UNHCR would provide to both organised and spontaneous returns. The Office also developed a comprehensive return monitoring form to assess voluntariness and the needs of IDP returnees.

Challenges

153.   The Government has taken the first important step of establishing an IDP return policy. However, the most crucial factor will be how the policy is used in practice, particularly at the local level where government capacity is the weakest. It is also not clear how effectively the policy will help to address insecurity in IDP return areas, and in particular the presence of armed groups, which pose the biggest impediment to returns. Despite UNHCR's wide field presence and attempt to bolster protection through physical presence (the Office conducted more than 2,000 field missions in 2008 alone), it is still not possible to monitor the entire country. The limited field presence of other agencies also makes it extremely difficult to develop partnerships for protection monitoring.

154.   One way to refocus UNHCR's limited resources is to find effective exit strategies. At the end of 2009 UNHCR and UNDP developed a joint pilot project in selected IDP return areas to explore activities that span the humanitarian to development divide. For example, in the Meta Department, UNHCR launched community gardening projects designed to allow IDP returnees to produce food for self-consumption for the first few months. This same project is then handed over to UNDP, which works with the communities to expand the project to commercial agricultural production. Initial pilots have proven successful and the agencies hope to replicate the project with increased donor support in other areas of the country.

155.   Indigenous and Afro-Colombians have special cultural connections to their land and yet are the most likely to be displaced. Once forced from their land, these groups' cultures and social structures are quickly destroyed, as well as their physical ability to survive. The Constitutional Court has stated that due to conflict and displacement 34 indigenous groups are at risk of extinction. While the Office has focused on the prevention of displacement, for these communities who already have been displaced, there is a particular urgency to ensure collective property rights are respected and that communities can return as soon as possible. Unfortunately, owing to their natural resources, it is often these same lands and the economic and strategic interests that they represent that are most coveted by the actors to the conflict with.

156.   Finally, even if IDP areas of origin were eventually declared safe for returns, an organised return process in Colombia would require significant coordination and planning to simply identify IDPs who may wish to return from the various communities. Over the years IDPs have largely been absorbed within urban areas in dispersed, small groups. Reintegration within rural areas would also likely pose a challenge for many IDPs who have adapted to urban lifestyles and livelihood opportunities.

Good practices

- Assistance with government IDP return policy

- Support for land registry system for IDPs and those at risk of displacement

- Collaboration with UNDP on sustainable reintegration projects for returnees

- 2003 advice on UNHCR engagement with return movements

- Strong field presence and engagement with IDP communities

Georgia

157.   The return of internally displaced persons within Georgia is closely linked to the ongoing conflict over the political status of the break-away regions of Abkhazia and South Ossetia. This topic is highly political and is receiving close attention from international bodies, including the UN General Assembly. As a result of the discontinuation of the UNOMIG mandate following the August 2008 conflict, the issue has been included on the agenda of the Geneva International Discussions.

158.   The discussions, which are sponsored by the UN, EU and OSCE and are focused on security and humanitarian issues, have been held among representatives of the four sides (Abkhazia, South Ossetia, Georgia and Russia) in Geneva without tangible results. UNHCR is co-moderating Working Group II of this discussion process devoted to displacement, return and other humanitarian issues.

159.   Georgia has a protracted IDP population of around 230,000 people displaced from different conflicts since the early 1990s and who mostly live in decrepit collective centres. In addition, approximately 50,000 IDPs spontaneously returned or are in the process of returning to the Gali region in Abkhazia, although they are still considered IDPs and eligible for continued allowances and medical assistance under Georgian national law.

160.   Georgia also has a newly displaced population. In early August 2008, internal displacement from South Ossetia, Upper Kodori valley as well as adjacent areas peaked at more than 138,000 persons. An estimated 35,000 people sought refuge in North Ossetia in the Russian Federation. During this time, most IDPs sought shelter with family and friends, and in unofficial dwellings..

161.   Compared with previous conflicts, displacement for the majority of the 'new' IDPs was temporary, with around 75% (108,000 people) returning to their areas of origin after only a couple of months. This rapid movement was organised by the Government as soon as Russian troops withdrew from Gori and then later from the area adjacent to South Ossetia.

162.   Without coordinating with humanitarian actors on the ground, on 25 August 2008, the Government began organizing return by providing free transportation (yellow buses) to move the IDPs from temporary collective centres back to their areas of origin. When Government assistance shifted from temporary places of displacement to the return areas, many IDPs were given only three days to decide whether to return or remain.

163.   Although the returns happened relatively quickly, UNHCR protection assessments indicated that most of the IDPs were eager to return to their homes and livelihoods, even if in reality, conditions on the ground were far from being immediately conducive to return in all areas. Approximately 2,000 returning IDP families were forced to stay in transitional tented camps close to their homes waiting for further improvement of the conditions for return.

164. Not all of the 'new' IDPs have returned. As of January 2010, some 25,000 people remain registered with the Government as displaced and in need of protection and assistance. An additional 30,000 persons remain in an IDP-like situation due to the volatile security situation in the places of return.

165. Approximately 20,000 of these IDPs from South Ossetia are not likely to be able to return. In an attempt to provide a durable solution, the Government provided these IDPs with shelters in hastily constructed settlements located in remote areas or next to highways, most without indoor plumbing. Others chose a 10,000 USD cash option as opposed to living in the settlements.

National and international coordination and response

166. For a number of years the Government held that return was the only durable solution for IDPs. However, in late 2006 the Government of Georgia developed a *State Strategy for IDPs* with UNHCR's support, which included steps towards durable solutions. The strategy was revisited in February 2007. It recognized the need for the creation of conditions conducive for voluntary return in safety and dignity, as well as the improvement of living conditions and local integration as equally valid goals and avenues towards a durable solutions.

167. A complementary action plan was approved on 30 July 2008, only few days before the new round of fighting broke out, causing new displacement. The resumption of hostilities stopped the implementation of the action plan, which became irrelevant to the prevailing situation and was abandoned in December 2008.

168. In early 2009, renewed efforts to redraft the *IDP Action Plan* resulted in a new accountability framework adopted on 28 May 2009, which applies to the Government's response to durable solutions for the IDPs displaced in the early 1990s. An update of the action plan was adopted in May 2010 which included more developed socio-economic and awareness raising components.

169. Since May 2008, the Government has also increased its assistance to IDPs, largely prompted by the parliamentary elections that took place at the time. Following the priorities laid out in the IDP Action Plan, Government assistance concentrates on sustainable housing with a primarily focus on the transfer of the collective centres to the IDPs as private property but also including reconstruction and new construction. Government assistance also encompasses measures to achieve socio-economic integration through the provision of health care and education support based on vulnerability and needs.

170. UNHCR works closely with the Ministry of Refugees and Accommodation, which is responsible for assistance to IDPs and refugees, as well as developing overall policies and strategies to respond to internal displacement.

171. Since the August 2008 crisis, the UNHCR also increasingly works with other state actors engaged in IDP protection and assistance, such as the State Ministry for Economic Development, the Civil Registration Agency, the National Agency Public Registry, the Ministry of Justice, the Ministry of Interior, the Municipal Development Fund, the Ministry of Regional Development and Integration, the Ministry of Social

Affairs, Health and Labour, the Ministry of Education and Science and the Prime Minister's Office.

172.   The UN Country Team (UNCT) in Georgia had long-standing coordination arrangements with Government authorities based on responsibilities within peace agreements and practice. Under the 1994 Moscow Agreement, UNHCR was designated as the lead agency for assistance and protection for IDPs.

173.   In August 2008, the UNCT launched the Georgia Crisis Flash Appeal and the UN Emergency Relief Coordinator requested the Country Team to adopt the cluster approach. This was soon replaced with what some have described as a 'cluster-like' humanitarian coordination structure, within which UNHCR led the Protection and Emergency Shelter 'clusters' for the duration of the emergency.

174.   As of December 2009, the coordination structures were formally deactivated and largely subsumed within previous coordination mechanisms, with the Government assuming responsibility for the UNHCR-led clusters. Coordination needs are primarily addressed within a newly created Steering Committee led by the Ministry for Refugees and Accommodation and its subsidiary bodies, such as temporary expert groups.

UNHCR response

175.   UNHCR works closely with the Ministry of Refugees and Accommodation to develop its capacity at national and local levels to assist IDPs. The Office provided substantial support for the development of the IDP Strategy and Action Plan, and also carries out activities to improve the Government's protection and humanitarian assistance delivery capacity. UNHCR has been an active member of the ad hoc Working Group on the Promotion of Voluntary Repatriation of Refugees and IDPs, and had observer status on the JCC ceasefire monitoring body in South Ossetia.

176.   UNHCR's official roles and activities related to IDP return continue to focus on villages of origin within conflict-affected areas next to and within South Ossetia and the Gali region in Abkhazia. Prior to the August 2008 conflict, UNHCR was the only agency with a permanent presence in South Ossetia. Since the August 2008 conflict the presence could not be reactivated due to some conflict over modalities of humanitarian access.

South Ossetia

177.   In August 2008, when the new wave of IDPs began to quickly and spontaneously return to their places of origin in and around Shida Kartli, UNHCR opened a new office in the return area of Gori. UNHCR field teams worked with local government authorities to map areas of return and assess the numbers of returnees, while staff members in Tiblisi monitored departure points and shelters to assess the voluntariness of the return movements. UNHCR also attempted to contact key Government ministries to stress the need for voluntary returns conducted in safety and dignity.

178.   Despite its concerns that return was premature, the Office decided to assist IDPs willing to return. UNHCR developed information campaigns through the

media to warn about UXOs in return areas and distributed relief packages to returnees, which included blankets, mattresses, kitchen sets, and food for 5-10 days. The Office provided firewood, and rehabilitated buildings and collective centres. A joint cash assistance project with WFP and UNICEF to provide for clothing and supplementary food needs was also carried out. For those returnees who found that they could not inhabit their former homes, or were awaiting withdrawal of the military troops from the areas adjacent to South Ossetia, UNHCR established a temporarily transit camp for 2,000 families. While the Office intended on carrying out protection monitoring in return areas, restrictions on humanitarian access have forced UNHCR to rely on implementing partners for protection information on returnees.

Abkhazia

179.   UNHCR provides community based assistance and conducts protection monitoring for some 50,000 IDP returnees who spontaneously returned to Abkhazia over the years. A document entitled *UNHCR's Strategic Directions: Promoting confidence building measures for displaced and war-affected persons in Abkhazia*, initially developed in September 2005, was updated in April 2009 in recognition of the increased level of assistance to IDPs in Georgia. It confirms three broad objectives, which include creating conditions conducive for future returns, and developing a compendium of grievances by systematically documenting return-related problems through protection monitoring and targeted support activities.

180.   UNHCR's operational activities in support of these objectives included working with implementing partners to conduct confidence-building measures, such as vocational training, agricultural assistance, establishing community centres, rehabilitating schools, and educational activities on HIV/AIDS and sexual and gender based violence.

181.   Other key actors, such as OHCHR were also involved with the returnees, for example on issues related to land and property rights, rule of law, and human rights. OHCHR left Georgia in 2009 together with UNOMIG. UNHCR has repeatedly called for a verification and profiling exercise to better understand the protection and assistance needs of the spontaneous IDP returnees and host communities, however this has not been agreed to by the parties.

Overall strategy

182.   UNHCR has extended its 'shelter plus' pilot projects to IDP returnees in Abkhazia, and plans to also do so in South Ossetia as soon as access is permitted. These pilot projects include self-reliance activities, psychosocial rehabilitation, and income-generating projects in addition to shelter assistance. UNHCR hopes that these projects will encourage the government to widen the scope of its current assistance activities which are currently heavily concentrated on shelter assistance alone.

Challenges

183.   The rapid return process in 2008, steered by the Government, pushed UNHCR to quickly adapt and make principled decisions as to how and to what extent to support a return operation. These operational decisions also had to be made without detailed information about the Government's plans and strategies. In the end, UNHCR was able to draw upon its longstanding relationship with the Government and previous discussions on IDP returns to determine the level of operational assistance.

184.   The Georgia experience illustrates that IDP return may in fact form part of a long-term, strategic process that extends well before and after the actual movement of IDPs back to their places of origin. The RSG on the Human Rights of IDPs has stressed repeatedly during his missions to Georgia that providing adequate shelter and assistance to IDPs during displacement does not preclude their right to return. In one sense, providing shelter over the long-term could be seen as a preparatory phase which preserves this ultimate right and reinforces the economic capacity of IDPs.

185.   At the other end of the spectrum, it is generally recognised that for as long as the territorial conflict has not been officially resolved, precarious security situations demand that continued protection monitoring and assistance are provided to the IDPs who have already returned. As UNHCR explores the scope of its engagement in IDP return and initial-reintegration activities, determining the appropriate duration for the Office's engagement within an ongoing IDP return process will be a continuous challenge as long as the underlying cause of the displacement has not been resolved.

186.   A related challenge is that of determining when a returnee is no longer a person of concern to UNHCR within the context of an ongoing conflict and security threats. While persons displaced from South Ossetia Upper Kodori have now been granted IDP status under national legislation, this is not the case with regards to persons originating from adjacent areas, who remain in displacement or who were displaced again.

187.   Discussions on the future revision of national IDP legislation have started with a view to move gradually from status based to vulnerability based provision of assistance. This debate will also look into a complex issue of 'when displacement ends'.

188.   Some have raised concerns that by not actively promoting or facilitating IDP return due to insecurity and restrictions on humanitarian access, the Office could possibly be been perceived as providing de facto support for ethnic divisions. This dilemma is not unique to Georgia, and highlights potential challenges for other UNHCR operations facing similar political circumstances.

Good practices

- Shelter plus activities for IDP returnees

- Inter-sectoral confidence building measures

- Continued advocacy on preserving the full range of durable solution options

Pakistan

189.   Since August 2008, Pakistan has experienced waves of displacement as a result of security operations in the Federally-Administrated Tribal Areas (FATA) and North West Frontier Province (NWFP) of Pakistan. By May 2009, some 3.2 million people had been displaced as entire communities fled the Swat valley in what a UNHCR spokesman called the 'fastest major displacement we have seen in some years.' [25]

190.   Replicating humanitarian response structures developed after the 2005 earthquake, the Pakistani military assumed overall responsibility for coordinating aid efforts, with federal and central government authorities involved through the creation of an Emergency Response Unit. Assistance was focused primarily on the IDP camps, where the most vulnerable were believed to be located, although an estimated 80-90% of IDPs lived with host families.

191.   In July 2009, the Government announced that it would begin assisting IDPs to return home. The shift from providing emergency humanitarian assistance to facilitating return and engagement in early recovery activities took place rapidly. By August 2009, between 1.6 and 1.9 million of the 2.7 million IDPs from the Swat Valley and Buner District had already returned. These movements occurred despite ongoing security-related activities in some return areas. Areas of origin also had suffered from damage to basic infrastructure and public services, and also had unexploded ordinances.

192.   Security for humanitarian staff was a critical issue during the emergency phase that carried over into the return operations. Pakistan had been a family duty station prior to the escalation of fighting. Following targeted deadly attacks on international and national aid workers, UN agencies evacuated family members and non-essential staff in line with the UN decision to tighten security restrictions. These conditions, in addition to limited access to beneficiaries, meant that humanitarian actors such as UNHCR often did not have physical access to return areas. Despite these challenges, UNHCR was nonetheless able to reach beneficiaries in these areas through a range of projects. Owing to the volatile security situation, it was necessary to constantly review the operating environment and adjust programmes accordingly. Emphasis was placed on working closely with local NGOs and communities to deliver assistance.

National and international response

193.   The humanitarian response was coordinated through the Special Support Group, which also had a Policy and Strategy Committee which included international humanitarian actors. As in the earthquake response, the UN Country Team adopted the cluster approach, with UNHCR acting as cluster lead for protection, emergency shelter/non-food items, and CCCM. The humanitarian

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[25] As of March 2010, the number of IDPs had risen to an estimated 3.1 million with new arrivals since October 2009 from, Bajaur, South Waziristan, and Orakzai.

response was initially coordinated by the Resident Coordinator, but a separate Humanitarian Coordinator position was subsequently established. The UN Humanitarian Response Plan was well funded at 98 percent in 2009.

194.   The IDP return process was officially announced on 11 July 2009 through the release of an official statement outlining the *Return Policy Framework* signed by the Government of Pakistan and the UN Humanitarian Coordinator. This document outlined key protection principles to govern the return process, and was based upon a document originally drafted within the Protection Cluster under UNHCR's leadership. A Return Task Force was established in Peshawar to coordinate the Return Framework. The body was co-led by the Government and UNHCR with the participation of other humanitarian organisations.

UNHCR response

195.   UNHCR's operations return plan was developed quickly in response to the Government's announcement that areas of origin were ready for return. The Office's first activities were to lead discussions regarding protection principles related to return, both within the Protection Cluster, but also through negotiations with the Government. Protection advocacy on freedom of movement and voluntariness and sustainable return took many forms, including conducting a rapid intentions survey on returns in IDP camps, working with IOM through the CCCM cluster on an information campaign, conducting protection training, and preparing a range of materials to promote respect for key standards within the return process to help ensure a voluntary decision as to whether to return.

196.   UNHCR also closely worked with the National Data and Registration Authority (NADRA) to ensure the registration of IDPs outside camps and successfully intervened to ensure that IDPs were registered without discrimination. Following a request from the Government, UNHCR also provided financial assistance for the transport of some IDPs to return areas.

197.   Working in collaboration with other clusters, UNHCR distributed NFIs to returning IDPs both in camps, but also for those living with host communities. WFP and UNHCR established humanitarian hubs to channel NFI and food assistance. Given security constraints at the beginning of the return movements these were located initially in the areas of displacement, however once the return started additional hubs were established in return areas. This arrangement ensured that NFI distributions could continue closer to IDPs' homes despite humanitarian access restrictions. NFI distributions are planned to continue in 2010.

198.   The Emergency Shelter Cluster also developed a transitional shelter programme to assist returnees depending on the level of damage their homes suffered.

199.   Protection monitoring at all phases of the return processes was intended to complement these activities. However, protection monitoring in return areas has proved difficult because of security restrictions, which also makes it difficult to track potential secondary displacement within return areas. In response to these challenges, an inter-agency protection monitoring mechanism was developed within the Protection Cluster under the lead of UNHCR. Partners also launched field

protection monitoring activities in return areas. Participating partners use a standard monitoring tool to collect information in return areas and identify trends, gaps and protection needs. The tool also allows UNHCR to identify people with special needs and direct them towards the appropriate institution through the inter-agency, inter-sectoral referral mechanism established in Swat and Buner.

200. As part of the protection monitoring mechanism UNHCR has also initiated protection training initiatives to build the capacity of district authorities, community elders, and staff working with UNHCR in return areas. UNHCR also contributes to mass information campaigns conducted by other cluster members to inform IDPs on their rights, government procedures and policies, and available social service options.

201. The Office continues to explore how it can further improve outreach and assistance for IDPs returning to remote, isolated communities and to respond to the particular needs of vulnerable individuals. To this end, since the beginning of 2010 UNHCR has opened 15 'welfare centres' in Swat run by implementing partners that seek to provide welfare and legal advice. Land and property rights are a particular concern for those who returned to find their homes completely destroyed and were forced to live in tents, temporary shelters, or with host families. The centres also provide mine awareness training activities, counselling to women, psycho-social counselling and mental health support, legal counselling and referral, child friendly spaces, assistance to extremely vulnerable individuals, and direct referrals to services through the inter-agency referral mechanism.

Challenges

202. Despite the Return Policy Framework, there were gaps between agreed protection principles and implementation for the return process. A report from the Overseas Development Institute raised concerns that 'military and political interests (were) being prioritised over the safety and other needs of returnees.' The same report noted that whilst many IDPs had made their way home independently, for others, return was less than voluntary. The authors also noted reports of power supplies being cut off in camps as an attempt to encourage returns.[26]

203. In the early phases of the return process, some aid agencies also expressed concerns that returns were premature due to ongoing security concerns and limited assistance in return areas.[27] Concerns were also voiced that information campaigns to inform IDPs about the process and conditions in return areas had not been effectively carried out, and that the specific needs of female-headed households, unaccompanied women, and other groups had not been adequately addressed within return information or during return movements.

204. This situation illustrates some of the challenges UNHCR and other humanitarian actors face in carving out a role within a rapidly developed and implemented return process in a complex political and security environment. The need to work in close cooperation with military and civilian government institutions

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[26] *A Clash of Principles? Humanitarian action and the search for stability in Pakistan*, Overseas Development Institute, HPG Policy Brief 36, September 2009 (available on www.odi.org.uk).
[27] *Pakistan crisis 'far from over' as some displaced return home* Press release, International Rescuer Committee, July 2009 (available on www.theirc.org).

often presents significant challenges in such situations. In each case, humanitarian actors weigh potential responses in light of the humanitarian and political realities within the country. In this situation, while some agencies issued public statements raising concerns about the returns, UNHCR chose to rely more upon informal channels of communication to address protection issues with the Pakistani government.

Good practices

- Return Policy Framework

- Welfare centres in IDP return areas

- Responding to temporary shelter needs of most vulnerable

- Protection monitoring and intervention

- Training of community elders, government officials and implementing partners in areas of return on protection issues.

Southern Sudan

205.   The return of IDPs to Southern Sudan after 21 years of civil war is only one of many complex humanitarian challenges facing the country. Since the 2005 signing of the Comprehensive Peace Agreement (CPA) between the Government of Sudan and the Sudan People's Liberation Movement (SPLM), an estimated 2.3 million IDPs and refugees have returned to the South.

206.   However, these positive signs of renewal grew while atrocities in Darfur escalated, resistance movements smouldered in the East, and a growing number of poor economic migrants travelled to Khartoum's urban slums to join the thousands of IDPs who had previously fled from Darfur and the South in waves of displacement stretching back to the 1970s.

207.   In response to these diverse challenges, two UN peacekeeping missions were deployed with distinct mandates – the UN Assistance Mission in Darfur (UNAMID) and the UN Mission in Sudan (UNMIS). Inter-agency mechanisms were also established to facilitate the coordination of humanitarian and development action, spanning Sudan's extensive and diverse geographical terrain.

208.   Soon after the CPA, humanitarian actors faced heavy political pressure from the SPLM, the Government of Sudan and neighbouring countries to ensure the return of displaced Southern Sudanese as quickly as possible. As in other countries, returns were viewed as a symbol that the peace process had effectively moved forward. They were also crucial to ensuring that Southerners would be able to return home in time to vote in the 2011 referendum that will determine the future political status of the South. Countries that had hosted Sudanese refugees for nearly two decades were also keen for the Sudanese to return home.

209.   UNHCR, the authorities and other humanitarian actors responded by establishing the necessary mechanisms for refugee repatriation and IDP return by setting up transportation and transit stations within Sudan for both IDPs and refugees, and assigning coordination responsibilities in return areas. This was no small feat in the South, which was struggling to rebuild after years of war had devastated infrastructure and communities.

210.   According to the Return, Reintegration and Recovery (RRR) Section within UNMIS, as of June 2009, while some 171,000 refugees and 91,000 IDPs had received transportation and support to return to areas across Southern Sudan, the vast majority of IDPs (some 2 million) had returned spontaneously by road or down the River Nile, facing banditry and physical hardship along the way.

211.   The return and reintegration process has also faced numerous other challenges. In particular, there has been considerable criticism that the enthusiasm for return has not been matched by measures to address the vast reintegration and development needs in IDP return areas.

212.   Since 2008, and more intensively in 2009, the southern region has also faced new incidents of inter-tribal violence and attacks from the Lord's Resistance Army

(LRA), which has forced thousands more to flee and prompted new humanitarian needs. In 2009 alone, some 390,000 people were reported to have been newly displaced in Southern Sudan.

National and international coordination and response

213.   Because government capacity in the South was limited, the international community provided substantial levels of strategic and operational support to help the relevant authorities assume responsibility for IDPs and returning refugees.

214.   The Joint Humanitarian Aid Commission (HAC) and Southern Sudan Relief and Rehabilitation Commission (SSRRC), comprised of officials from the Government of Sudan (GoS) and the SPLM, developed and endorsed a *Policy Framework for the return of displaced persons in a post-conflict Sudan* in 2004. Sudan has also a *National Policy on Internally Displaced Persons* that generally incorporates the Guiding Principles. Both these documents were developed though constructive dialogue with protection partners, including UNHCR.

215.   In 2005 the UN Mission for South Sudan (UNMIS) established a Return, Reintegration and Recovery (RRR) Section charged with coordinating the overall return process in Southern Sudan. UNHCR seconded a senior staff member to head the UNMIS/ RRR section in Khartoum. This significantly contributed to the development of operational policies and strategies and establishing the needed links with other operational partners.

216.   The RRR section established eleven field offices in Southern Sudan to carry out its coordination functions related to return and reintegration. UNMIS/RRR was mandated to lead the Return and Reintegration Working Group (RRWG), whilst operational responsibilities for IDP return and reintegration were divided geographically amongst international organisations present in return areas.

217.   To coordinate its own activities, in October 2006 the UN developed a *Return and Reintegration Policy for Southern Sudan and the Three Areas*. Within this arrangement, in 2005 UNHCR agreed to lead the coordination of IDP returns within certain geographical areas of the Blue Nile State and Equatoria which had high concentrations of refugee returns and where UNHCR has a presence. It also maintained a protection coordination role in these states and in Khartoum and co-led the Protection Working Group for South Sudan with UNMIS.

218.   In 2008 UNHCR once again seconded a senior staff member to head the UNMIS/RRR section in Southern Sudan, working directly under the Deputy Humanitarian Coordinator. During this period the UNMIS/RRR office carried out a review of the IDP return and reintegration process in the 10 states, re-energised the sub-national RRWG by seeking greater involvement of the Juba-based NGO forum, and strengthened ownership of return and reintegration process by the SSRRC.

219.   In late 2009 the UN Deputy Humanitarian Coordinator for the South began reassessing humanitarian coordination structures by sector and is currently exploring whether to replace them with cluster leadership responsibilities consistent with the approach used in Darfur. UNHCR has been requested to lead the protection response. Over the years, the return and reintegration process across Southern Sudan

has come under criticism, particularly in terms of the coordination and level of reintegration support, with some arguing that the enthusiasm for IDP returns was not matched by sufficient investment in creating sustainable conditions in return areas.[28] To move forward in terms of reintegration, UNHCR has recently been requested to take a stronger coordination role.

UNHCR response

220.   By December 2005 UNHCR had assembled the operational machinery to facilitate the return of Sudanese refugees by air and road from the five countries of asylum neighbouring Southern Sudan. At the same time, a large-scale IDP return movement began. Whilst (as noted above) the vast majority of IDPs returned without assistance, those from the North who received transportation support from IOM also had access to the same way stations and return packages provided to refugees built and managed by UNHCR with implementing partners.

221.   UNHCR also provided some IDPs with transportation support for localized IDP 'group returns'. For example, in 2007 UNHCR worked with partners to organise the return of 2,900 IDPs within Blue Nile State. UNHCR also actively participated in interagency strategic and operational planning processes for returns, working on issues related to registration, reintegration strategies, and returnee monitoring.

222.   It should nonetheless be noted that UNHCR's presence in Southern Sudan was focused on areas of high refugee return, and its overall strategy and the design of its presence was shaped by the primary goal of facilitating the voluntary repatriation and sustainable reintegration of refugees.

223.   Whilst in general it did not specifically tailor operational programming and assistance to the needs of returning IDPs in Southern Sudan, IDPs were nonetheless included in area-based interventions encompassing refugee and IDP returnees as well as receiving communities. In the return areas where it had a presence, UNHCR also carried out protection monitoring and village assessments, working in cooperation with operational partners.

224.   A community-based approach to reintegration assistance was developed within the Return Policy Framework. Working with local government authorities and other partners, these projects included the construction of sanitation facilities, rehabilitation and construction of healthcare, education, and educational facilities, HIV/AIDS awareness training, peace committees, support to land and property assessments conducted by specialized actors, and the establishment of referral networks to respond to cases of sexual and gender based violence.

225.   UNHCR also advocated with FAO to target their seeds and agricultural tools provisions to areas of high return, and conducted environmental protection workshops in returnee areas.

226.   UNHCR also undertook protection-related projects with IDPs still living in Khartoum, including extensive protection monitoring, the provision of information related to return, and surveys to assess return intentions. For example, during 2007-

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[28] *The Long Road Home: Report of Phases I and II*, Humanitarian Policy Group, Overseas Development Institute, London, August 2007 and September 2008, available on www.odi.org.uk.

2009, the office worked with Save the Children UK to document women's and children's experience and perceptions of the return and reintegration process in Southern Sudan using some 50 focus groups in Khartoum. Overall, participants reported that they were often consulted on return related issues, although final decisions often were made by a male figure.

227.   Some 75 percent of refugees had returned by the end of 2009, while spontaneous IDP returns particularly from Khartoum are expected to continue throughout 2010 in the run up to the 2011 elections. UNHCR's 2010 reintegration activities will continue with a greater focus on community-based reintegration projects and strengthening partnerships with development partners to carry on longer-term activities.

Challenges

228.   Two key challenges have emerged in relation to both IDP and refugee returnees: managing the significant logistical and operational challenges of the return process itself, while at the same time ensuring the sustainability of the reintegration process.

229.   The voluntary repatriation operation has been one of the most complex in UNHCR's history, requiring eleven corridors at different times from five different asylum countries. Reaching remote return areas presented considerable logistical challenges, given poor roads that can be impassable during the rainy season. Ongoing security threats related to the presence of UXOs and the LRA, which has prompted a refugee influx from the DRC, further complicate access in the west.

230.   However the greatest problem has been a severe lack of basic social services, weak state institutions to enforce rule of law, poor infrastructure, and land and property disputes in the South, which make reintegration extremely challenging for both IDP and refugee returnees. Returnees face food insecurity, extremely limited livelihood opportunities, and threats to their physical security, especially with the resurgence of inter-communal and tribal tensions or localized conflict over resources.

231.   While UNHCR has carried out a number of multi-sectoral community based projects, given the vast needs, these activities cannot fully address returnees' needs. The difficulties have been compounded by funding shortages. Under such circumstances, the Office was inevitably forced to prioritise certain operational activities over others, and to focus its reintegration efforts on areas of high refugee return.

232.   Under such conditions it is perhaps not surprising that a February 2009 USAID situation report noted IOM's estimate that up to 30 percent of IDPs who took advantage of assisted returns to the South had since moved from their area of origin to another location, notably Khartoum. As a result, the UNMIS RRR/IOM assisted return process for IDPs was terminated.

233.   Furthermore, many IDPs who had been living in urban areas, particularly youth who had never lived in the South, have found it extremely difficult to adopt to a rural lifestyle after years of living and working in urban areas. The lack of development activities and presence of basic social services in return areas have

further exacerbated the problem. As a result, many IDPs have chosen to live in urban areas close to their place of origin, posing additional challenges related to urban development and providing humanitarian and reintegration assistance in urban areas.

234.   Despite strenuous attempts by UNHCR and its partners, there is still a marked absence of development partners in return areas. UNHCR has been forced to limit operations due, inter alia, to financial constraints and has in general targeted its resources in areas where refugee return is ongoing.

235.   For example, once the majority of refugees had returned to Western Equatoria, UNHCR closed its office in Yambio in 2008 without having been able to identify a partner to effectively assume responsibility for ongoing reintegration activities in the region. UNHCR is currently in the process of reassessing its operational activities in the South, as part of a broader review of sectoral leadership and coordination responsibilities.

236.   A 2008 UNHCR evaluation of UNHCR's return and reintegration concluded that UNHCR had achieved a 'major success' in southern Sudan in supporting the voluntary repatriation of refugees, and that despite an unpredictable funding base, UNHCR had also made a solid contribution to the early reintegration of returnees in their areas of return.

237.   It found, however that there remained a lack of clarity regarding UNHCR's responsibilities for IDPs, and that 'UNHCR's uncertain engagement with IDPs form(ed) part of a broader collective failure to adequately address the needs of returning IDPs (who outnumber refugee returnees by almost eight to one) and of those who remain displaced.'

238.   It is hoped that the review of sectoral leadership and coordination responsibilities currently ongoing at the time of writing may help to clarify and reinforce the future roles of UNHCR and other international actors in addressing the profound challenges of responding to the needs of both those who have returned and the newly displaced.

Good practices

- Secondment of UNHCR staff members to the DPKO UNMIS/RRR

- Cooperation with IOM in the voluntary repatriation and IDP return process through way stations and transportation support

- Advocacy to include IDP and refugee protection perspectives in the return process through dialogue with UNMIS/RRR

- Establishment of area-based return monitoring system and village assessments in areas of high return and with a UNHCR presence

- Steering inter-agency cooperation and advocacy in the dialogue with the GoNU authorities for the respect of internationally and nationally recognized standards in drafting the current IDP policy.

Sri Lanka

239.   Internal displacement in Sri Lanka is a visible manifestation of the waves of civil conflict that have plagued the country for more than twenty years. The 2004 Indian Ocean tsunami added to the trauma, killing an estimated 35,000 people and displacing some 500,000 people. At the peak of the conflict in 2008 and 2009 between the Government of Sri Lanka and the LTTE, approximately 580,000 people had sought refuge in camps or with host families. Civilians were largely trapped between the two parties, facing extreme violence, extrajudicial killings, forced recruitment of children, cramped camp conditions, crippled economic conditions, and numerous displacements.

240.   Since 1987, humanitarian organisations in Sri Lanka have worked amidst numerous restrictions on access to civilians and faced their own security risks. For example, in 2006, 15 NGO workers were killed. Despite security risks for both aid workers and the IDPs themselves, the humanitarian community assisted the Government to varying degrees with a number of IDP return processes following earlier waves of displacement, such as to Eastern Sri Lanka in 2006 when an IASC mission found evidence of forced returns. UNHCR also engaged in extensive advocacy in relation to these return movements. However, until recently, return has not been a viable durable solution for the majority of IDPs.

241.   The ceasefire was already in tatters in 2006, and was further weakened after major Sri Lankan military offensives in the North and East in 2007. However after Sri Lanka formally withdrew from the CPA in 2008, fighting escalated to its highest levels across the northern region of the island.

242.   The final stages were characterised by extreme violence and widespread destruction of buildings and infrastructure that forced 280,000 'new' people to flee or forcibly moved with retreating forces, adding to the already 300,000 'old' conflict-displaced IDPs. The fighting came to an end in May 2009 after the military defeat of the LTTE, with the Government formally promoting IDP returns or 'resettlement' beginning in August 2009. It is this latest return movement which is the primary focus of this case study.

National and international coordination and response

243.   UNHCR's role in relation to IDPs in Sri Lanka dates from the late 1980's, when its protection activities for refugee returnees began to lead it into prevention-related activities and the provision of protection and assistance to the internally displaced. In 2008, when the UNCT partially adopted the cluster approach, UNHCR's responsibilities for protection and shelter initially remained outside of the cluster system, in light of this pre-existing role. The shelter sector was formally brought within the cluster approach in 2009.

244.   For the past two years the humanitarian community has developed inter-agency Common Humanitarian Action Plans to structure its strategy and operational response. A comprehensive inter-agency plan to support the Government-led return

process had not yet been developed at the time of writing, although some agencies have developed their individual strategies.

245.   In 2006 the Ministry of Disaster Management and Human Rights and UNHCR developed a document entitled *Confidence Building and Stabilisation Measures for Internally Displaced Persons (IDPs) in the North and East of Sri Lanka*. This operational framework draws upon the Guiding Principles and sets out key protection principles, including the right to freedom of movement, protection against forcible return or resettlement, the right to voluntary return in safety and dignity, and the right to restitution for housing, land, and property. The guidelines were also approved by the Inter-Ministerial Committee on Human Rights in October 2006, and were complemented by an Action Plan in November 2007. These documents are still in force, but are currently under review with a view to making them more substantive.

246.   As in previous years, in 2009 the Government of Sri Lanka took the lead in co-ordinating the IDP return process. At the time of writing in early 2010, no comprehensive return strategy and operational plan had been shared with international actors by the Government, although in bilateral meetings with UN agencies, a four-stage return plan was outlined, phased according to area of return. In support, UNHCR was requested to assist with transportation, NFIs, shelter, livelihoods, and capacity building for local authorities.

247.   Development actors are relatively strong and well represented in Sri Lanka, including in return areas, however a recent UNHCR evaluation observed that these plans were not always well coordinated with humanitarian action plans. UNHCR has now signed a number of Memoranda of Understanding with partners to ensure a link to longer-term development activities.

248.   To bridge the 'transition gap', MoUs have been signed with UNFPA, UNDP, FAO, and WFP, and an inter-agency task force has been created to ensure joint planning. UNHCR and the World Bank have also signed an MoU in which the World Bank has agreed to link the release of development funds to the Sri Lanka government with UNHCR protection reports in IDP return areas.

UNHCR response

249.   Over the years UNHCR has led the international community in Sri Lanka in raising protection concerns related to internal displacement, including IDP return movements. Notably UNHCR's advocacy has taken the form of informal discussions with officials at national and local levels, as well as formally submitted aide memoires, which outline principles of engagement, protection issues related to return, and descriptions of operational support provided during the return process.

250.   These documents are sometimes submitted by UNHCR and at other times, formally presented by the UN Country Team by the Resident/Humanitarian Coordinator with significant inputs from UNHCR. Over the years UNHCR has taken a lead on protection advocacy at various levels, including at the local level and with civilian police and military representatives. For example, a July 2007 IASC study on the IDP situation called upon UNHCR to raise incidents of forced returns and other

forcible movements with relevant local and national government authorities as well as the police and military.

251.   In terms of operational support for the return process in 2009, UNHCR offered to provide transportation to facilitate 'go and see visits' (given the speed of the process, these did not in the end materialise), NFIs kits for each family in returnee areas, shelter grants for returnees, and quick impact projects (QIPs) designed to jumpstart socio-economic recovery, reintegration, and livelihood activities in return areas. The Office also has long-standing projects addressing legal issues related to resolving land and property disputes and challenges.

252.   Cash grants are a key feature of UNHCR's operational support to the 2009-2010 return process. Although called 'shelter' grants, the grants are in fact a one time cash payment of the equivalent of 220 USD provided to each returnee household to spend as they wish. Returnees use their return forms to access the funds through a bank account at the government-run Bank of Ceylon, which agreed to distribute the money free of charge.

253.   A January 2010 UNHCR evaluation found that IDPs greatly appreciated the grants and used them responsibly to meet urgent needs such as food, clothes, bicycles, clearing land, and starting small businesses. However, only a small number seemed to have used the grants to meet shelter needs. The distribution of cash grants, which at present are primarily provided to the 'new' returning IDP caseload, also facilitate protection monitoring and the identification of vulnerable individuals or special needs, since families must individually meet with UNHCR staff members and partners to receive their assistance. This has provided an important mechanism for enabling appropriate referrals and follow-up interventions.

254.   As the chair of protection working groups at both the national and local level, UNHCR is further able to use protection monitoring information to immediately address protection related concerns with appropriate authorities at the local level. Wide-ranging systemic protection concerns can also be simultaneously addressed at both the local and national level.

Challenges

255.   The Government of Sri Lanka has taken full responsibility for leadership and coordination of the IDP return operation. However, the speed of the process, and the Government's decision to approach individual agencies bilaterally made it difficult for UNHCR to work in collaboration with other humanitarian actors and posed challenges to developing principled joint positions on the nature of the process. In the case of the 2009-2010 return operation, UNHCR had the benefit of previous negotiations with the Government over contentious issues such as forced return and freedom of movement.

256.   Overall, there is some evidence of progress in the incorporation of protection standards in the context of government-led IDP return processes. While there were reports of forced returns in 2006, since 2007 return processes have generally been characterised by a more visible incorporation of protection principles. For example in December 2009, with funding and substantive contributions from

UNHCR, the Ministry of Resettlement distributed a newspaper in Tamil to IDPs in Vavuniya camps outlining the return process and their rights.

257.   Concerted advocacy by a large number of humanitarian actors has also played an important role. In 2009 the UNCT, donors and NGOs adopted a common advocacy position in relation to a practice which saw some returning IDPs being moved first to closed transit sites for up to one month before allowing them to go home, leading to the practice being discontinued.

258.   UNHCR's protection lead role has enabled it to advocate on more controversial issues that may be too sensitive for NGO partners to address individually. However, this role can be complicated when some partners would like humanitarian actors to take a more vocal public position. In such cases, UNHCR has sought to balance a strong public advocacy role with the need to maintain direct communication channels with the Government in its efforts to maintain humanitarian space.

259.   Sri Lanka has faced numerous and overlapping phases of displacement, with many IDPs having been displaced multiple times for significant periods of time. With so many movements to numerous different places, IDPs may have more than one 'place of origin.' This not only complicates national operational return plans, it also poses a challenge in trying to preserve principles of fairness and equality in the return processes. Over the years assistance levels to returnees have varied depending on funding available and the actors present on the ground at a certain time.

260.   Depending on the duration of displacement, IDPs may also have differentiated assistance needs. While 'newly' displaced IDPs may have lost all of their immediate assets, they are more likely to have retained links to their property and socio-economic ties in return areas. Conversely, 'old' IDPs may have had time to build up physical assets during their displacement, but over time they may have lost personal and physical links to their home areas.

261.   While UNHCR continues to face difficulties in accessing some IDP return areas due (inter alia) to delays in issuing mine clearance certification, overall the Office now has access to most return areas. However many of the Office's NGO partners face Government restrictions limiting their ability to operate in return areas. With few opportunities for operational partnerships, UNHCR's potential outreach and other protection related activities in return areas are constrained. In this sensitive environment, the shelter grants and NFI distributions have helped to secure the UNHCR's ability to negotiate access in return areas and to gain permission to carry out other protection related activities.

Good practices

- Formally submitted *aide memoires* on protection principles

- Shelter grants for returnees

- Multi-lateral MoUs with UNFPA, UNDP, FAO, and WFP on transition

- MoU with the World Bank linking development fund to protection monitoring

Uganda

262.   The internal displacement crisis in Uganda developed over a period of some 15 years before it gained large-scale international attention. At the peak of the emergency in 2005, some 1.8 million IDPs lived in overcrowded camps across Northern Uganda, subjected to violent attacks and abductions by both parties to the conflict. In all, an estimated 90 percent of the people in Northern Uganda were displaced. Given threats to their safety and government restrictions on their ability to leave the camps, IDPs were largely dependent on humanitarian aid that was not sufficient to meet their basic needs.

263.   The signing of the *Cessation of Hostilities Agreement* between the Government of Uganda and the Lord's Resistance Army (LRA) in 2006 prompted many IDPs to begin the process of returning to their places of origin, following an improvement in security and the lifting of Government restrictions on freedom of movement. While some IDPs returned directly to their homes, others moved to transit or decongestion sites closer to their places of origin, which allowed many to tend their farmlands during the day and return to the transit sites in the evening.

264.   By December 2009, an estimated 1,400,000 people in the Acholi, Lango and Teso sub-regions had returned to their villages of origin, and 201,000 had moved to transit or decongestion sites closer to return areas. [29] Some 235,000 people continue to be displaced: 153,000 in Acholi, 11,000 in Adjumani, 8,000 in Teso, and about 55,000 in Masindi.[30]

265.   While the return movement has been widely welcomed, a general concern persists that the rate of returns has not been matched by recovery and development infrastructure and services in return areas, which lack many essential services, such as access to water, health and education facilities. Limited absorption and integration capacity in returnee communities has hindered the sustainable return and reintegration of particularly vulnerable IDPs with special needs, such the elderly and school-going children, who stay in camp settings to continue to access health, education, and food assistance not available in return areas.

National and international response and coordination

266.   The response is coordinated by the Ugandan Government's Office of the Prime Minister. In 2004 the Government adopted the *National Policy for Internally Displaced Persons*, developed with OCHA support. The Policy is largely based upon the Guiding Principles and includes key provisions safeguarding the right to voluntarily choose a durable solution of return, local integration, or settlement in another region of the country. The policy also provides for a system of coordination at the local level, steered by District Disaster Management Committees. In October

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[29] UNHCR estimates, December 2009

[30] With the exception of 55,000 IDPs living in Masindi district among local communities, all those in other locations are camp-based.

2007 the Government also announced a *Peace, Recovery and Development Plan for Northern Uganda* that primarily addresses large infrastructure development needs.

267.   In 2005 Uganda became one of the first countries in which the cluster approach was rolled out. This new mechanism initially caused discord within the country team, particularly between the UN, which had been largely absent in the North, and the NGOs that had been working within the IDP camps. Over time these challenges appear to have been largely overcome, with the cluster approach recognised for improving the coordination of the response and strengthening partnerships through the Consolidated Appeals Process from 2006-2010.

UNHCR response

268.   UNHCR's role in Uganda for IDPs grew from its leadership roles for the Protection and Camp Coordination and Camp Management (CCCM) Clusters. While the Office had been operating in Uganda for many years, it previously only assisted refugees. Because of the responsibilities it assumed within the cluster approach, in 2006 UNHCR took on out distinct roles in the return process as a cluster lead as well as an operational agency contributing to the IDP return process.

269.   As cluster lead for protection and CCCM,[31] UNHCR led inter-agency efforts within the clusters to develop common principles, standards, and a strategic, coordinated response to achieve durable solutions. In the protection cluster, the members recognised that despite an improvement in security conditions in displacement and return areas, the government's restrictions on freedom of movement limited IDPs' ability to access their farmlands or to maintain livelihoods, and also exposed IDPs to other protection threats, such as sexual and gender-based violence (SGBV). The protection cluster subsequently launched a successful 'freedom of movement' campaign, which some credit for prompting the Government to repeal restrictions on movement and for ultimately paving the way for the IDP return process to begin.

270.   Once the return process was underway, UNHCR as protection cluster lead worked closely with local government officials in an effort to ensure protection principles and human rights approaches formed the basis of the response. For example, in June 2008 UNHCR organised a series of three durable solutions workshops, which included local government participation, in Kitgum, Gulu, and Amuru to identify protection concerns and develop protection strategies for each region. Throughout the return process, UNHCR and partners also produced monthly 'return and relocation' reports to track the population movements.

271.   Similarly, as part of the return process, the CCCM Cluster supported the Government in the development of *Camp Phase Out Guidelines* based upon a lessons learned exercise in the Lango sub-Region led by UNHCR and drawing on international guidance on camp closure. The CCCM Cluster also later developed *Guidelines for the Demolition of Abandoned Structures* to ensure that returnees could take usable portions of their shelters to their homes or transit sites, that IDPs would not be forced to return because their home had been destroyed, and to ensure that

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[31] The CCCM cluster merged within the Protection Cluster in January 2009.

structures that had been abandoned would not create protection risks for those continuing to live in the camps.

272.   UNHCR has engaged in a broad range of operational activities as part of the return process. For the most part, IDPs spontaneously organised their own physical movement to either transit sites or their areas of origin. Particularly in the early stages of the return process, IDPs often moved back and forth between the various sites trying to gauge the level of security in the return areas and the physical state and services provided in return areas.

273.   UNHCR collaborated with partners to conduct protection monitoring and population movement tracking throughout all stages and geographical areas of the return process. The Office also supported an ICLA (information, counselling and legal advice) project to provide legal assistance on land and property issues, opened access roads to facilitate the return process, rehabilitated schools and health clinics in return areas, and provided limited shelter support to extremely vulnerable individuals (EVIs) and other people with special needs (PSNs).

274.   In 2010, UNHCR will seek to find community-based, sustainable durable solutions for some 10,000 extremely vulnerable individuals (EVIs) such as the elderly, female and child-headed households who remain in camps because they do not have the necessary community support in return areas.

275.   Building upon the recommendations of the Representative of the Secretary General (RSG) on the Human Rights of IDPs, UNHCR plans to work with communities in the return areas to provide targeted support for the EVIs in terms of access to food security, shelter, NFIs and livelihoods, and to develop community-based safety nets, expanding legal clinics to address land disputes, supporting community reconciliation activities, and rehabilitating or constructing community infrastructure to address crucial humanitarian-recovery gaps, and ideally avoid returnees going back to the camps.

Challenges

276.   At this stage of the durable solutions process, the major challenge for UNHCR is the limited presence of national and international development actors in remote return areas with the capacity to respond in a manner and scale required. The Early Recovery Cluster, which was initially intended to function as an independent cluster, has attempted to mainstream early recovery elements across all of the clusters, with UNDP's field presence very minimal in return areas. There are some important development initiatives such as the Recovery and Development Initiative for Northern Uganda, however these focus primarily on commercial agriculture and manufacturing with little immediate impact for IDP returnees.

277.   Consequently, acting upon its responsibilities within the cluster approach as the 'provider of last resort' for protection, UNHCR is attempting to enhance community absorption and integration capacities by filling in immediate crucial social service gaps left by other actors for fear that the return process will not be sustainable if basic, quick impact, reintegration needs such as access to water, schools, health and livelihood activities remain unmet.

278.   UNHCR continues to maintain enough donor support to make these interventions possible. However a growing challenge for the Office is in identifying when a sustainable durable solution has been found, and in determining when UNHCR can conclude that it has fulfilled its responsibilities within the cluster approach and hand over the operations to the government and its development partners.

279.   Throughout the return operation, UNHCR has sought to maintain strong channels of communication and to build the capacity of national and local government authorities. This has enabled the Office to quickly address protection concerns that arose during the process. For example, UNHCR reported that a small number of IDPs had been forcibly evicted from a site before the three month deadline as set out in the Camp Phase Out Guidelines. In such cases UNHCR contacted relevant local government officials and the Uganda Human Rights Commission, along with the central government through the Office of the Prime Minister, which is reported to have reacted quickly and effectively to address the problem.

280.   In general, it was reported that problems often occurred at the sub-county level, where officials may not be as familiar with official policies. While UNHCR has attempted to continue to carry out capacity building projects related to IDP protection, the growing number of new districts in the North, which have tripled in the last three years to 40, pose problems on two levels: ensuring that all of the new officials are aware of the various IDP policies, and also that they receive adequate resources to deliver services.

Good practices

- Strong inter-agency coordination throughout the protection, assistance and durable solutions processes

- Development of national IDP policy

- Freedom of movement advocacy campaign

- Development of guidelines for camp phase out

- Drafting of joint protection transition strategy for protection cluster phase out and handover to the independent Uganda Human Rights Commission

- Formulation of strategic plan to find sustainable durable solutions for residual IDPs in general and EVIs/PSNs in particular