Cross-Regional Forum on Implementing Laws and Policies on Internal Displacement

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Summary note

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The UN Refugee Agency

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Background and Introduction

Establishing adequate legal, policy and institutional frameworks in line with international and regional standards is an essential step toward addressing and resolving internal displacement effectively. Despite sustained progress on the development and adoption of national (and sub-national) instruments to protect and assist IDPs and support solutions for them, successful implementation remains a key challenge in many contexts.

To meet this challenge, the Special Rapporteur on the Human Rights of Internally Displaced Persons and UNHCR, in collaboration with the IDP Protection Expert Group (IPEG), partnered with the International Institute of Humanitarian Law in Sanremo, Italy, to convene a Cross-Regional Forum on Implementing Laws and Policies on Internal Displacement.

The Forum participants included government officials from multiple regions of the world[1], as well as expert facilitators, who moderated a four-day peer-to-peer exchange, led by the Special Rapporteur[2]. The goal of the format was to bring forward the unique benefits that are gained when States facing internal displacement challenges can share knowledge and learn from each other. The Forum took place under Chatham House rules, so the following is a summary of key takeaways that participants agreed to share publicly, with an emphasis on showcasing good practices.

1. Paula Gaviria (center), along with former Special Rapporteur, Chaloka Beyani (left) and Walter Kaelin (right), were the main facilitators for the Cross Regional Forum.

The first four sessions focused on general normative and institutional aspects of implementing laws, policies and strategies on internal displacement while the second part of the forum focused on overcoming the challenges of preventing, addressing and resolving internal displacement.

From the development to the implementation of an IDP Framework

This session highlighted key factors in moving from "written text to action" to implement laws and policies on internal displacement. The experiences of Colombia and Georgia – two of the first countries worldwide to establish IDP laws – were showcased to initiate the dialogue among participants.

The participants emphasized that, once a law or policy is adopted, it is not enough for it to be implemented in a way that promotes the rights and well-being of displaced people and affected communities – especially if there is no *budget allocation or clear plans* for implementation.

Among other elements, the discussion brought forward that:

- Once a law is adopted, evidence-based **national and local action plans** that are specific to the context, well-resourced and that can be revised as new challenges evolve can help move a stalled framework forward. Identifying clear thematic and/or geographical priorities for implementation is essential to make progress through coordinated efforts by different government stakeholders (with more on this in the sessions on Whole of Government).

1. The government participants included officials from Azerbaijan, Colombia, Georgia, Honduras, Mexico, Mozambique, the Philippines, Somalia, and Ukraine.

2. Expert facilitators included IPEG members Walter Kaelin and Chaloka Beyani, as well Natalia Baal, Head of the Secretariat for the Expert Group on Refugee, IDP and Statelessness Statistics (EGRISS).

- Action plans that are developed and implemented with **strong participation from IDPs and other displacement-affected communities** are more likely to be advanced effectively (with more on this in the session on Whole of Society).
- The role of the judiciary, national human rights institutions, and civil society can be essential in establishing **clear monitoring and accountability mechanisms** on how thoroughly a government follows through on implementing its IDP laws and policies.

As a specific example, the Constitutional Court in Colombia played a fundamental role in monitoring and holding the government accountable for implementing the country's legal frameworks on internal displacement. In 1997, Colombia was one of the first countries in the world to adopt a comprehensive IDP law. However, with limited budget or clear allocation of responsibilities, the provision of assistance and protection stalled. Thousands of IDPs brought cases before the Constitutional Court under the "tutelas" mechanism that makes the judiciary system accessible to all. Civil society also engaged the Court, including through the collection and presentation of evidence on the scale of the IDP crisis and ongoing rights violations. In 2004, the Court declared an "unconstitutional state of affairs" regarding the protection of the human rights of IDPs in Colombia. It subsequently embarked on a process to develop a methodology for evaluating the compliance with the IDP law, including indicators to measure "the effective enjoyment of rights."

In 2011, the Victims' Unit became Colombia's national focal point for IDP issues following the adoption of the Victims and Land Restitution Law, which granted IDPs the status of victims of the armed conflict. The system for victims' assistance incorporated the already existing IDP response system, broadening its scope to ensure the rights of victims and provide reparation to them, including through land restitution and compensation.

Georgia was also one of the first countries to adopt an IDP specific law (in 1996) and faced stumbling blocks in implementation. To start, the initial law was not in line with international standards and focused mainly on support for returns which remained very limited at that time. That changed in practice when the government established a national IDP strategy in 2007, as well as a government-led, multistakeholder Steering Committee and consultative mechanism, including IDPs themselves, to implement the strategy.

2. Participants engaging in a plenary discussion facilitated by the Special Rapporteur on the Human Rights of Internally Displacement Persons, Paula Gaviria, and former Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons, Walter Kaelin.

The government took additional steps to strengthen the legal framework for the protection of the human rights of IDPs with a new IDP law adopted in 2014 that aligned with the Guiding Principles on Internal Displacement. The 2014 law led to new strategies and action plans, including budget allocations for housing. The housing support involves an innovative "menu of options" approach for IDPs and seeks to build and allocate housing units and land in locations that offer opportunities for employment, education, and healthcare, thereby promoting social integration.

Despite progress, participants raised continuing challenges to successful implementation of IDP frameworks, including balancing expectations of displacement-affected communities with the reality of what assistance can be delivered, the continuing struggle for budget allocations and resources, and consideration of the drawbacks of status-based approaches compared to needs-based approaches (including increased dependency on targeted IDP assistance; exclusion of certain IDP groups from the status; challenges in transitioning from status-based to needs-based approaches in the long-term).

The session concluded with an emphasis on the value of ensuring transparency and accountability in how IDP laws are implemented to rebuild and promote trust between and among government leaders and displacement-affected communities.

Whole-of-government approach in IDP responses – National level

This session focused on the importance of a whole-of-government approach in addressing internal displacement. Different models of governance structures and coordination mechanisms to support the effective engagement of all relevant national stakeholders were discussed.

The presentations and discussion highlighted that:

- For coordination mechanisms, there is **no ''one-size-fits-all."** The best mechanism depends on the context and should align with a country's overall legal and administrative structure.
- In line with well-established good practices in this area, it is useful to have an IDP focal point at the national level (an entity which can take different forms – a ministry, a committee, etc.) but that focal point must have **legitimacy and authority** to promote engagement across the whole-of-government.
- It is necessary to have **clarity of responsibilities** among ministries and other government entities to avoid overlap or create gaps. It is also useful to have focal points on internal displacement across such entities, as it facilitates coordination and capacity development.
- Coordination models should **connect across government at the national level as well as with authorities at the local level** – and promote IDP participation in decision-making.
- Adequate **budget allocations** and **staff resources** are also essential.

By example, Azerbaijan, Mexico, and Somalia all have coordination structures to address internal displacement that are tailored to their specific country contexts and governance structures. Azerbaijan's State Committee for Affairs of Refugees and Internally Displaced Persons serves as the national focal point on IDPs. The Committee includes representatives across relevant ministries and departments with defined responsibilities and budgets. It also includes a public council with IDPs as members to ensure participation, and there are ongoing efforts to align the needs of IDPs within broader national development priorities.

Mexico, as a federal State, is engaged in pursuing a whole-of-government approach at both the national and sub-national level. The government officially recognized internal displacement as a public policy issue in 2019 and a national IDP law is in progress. The Ministry of Interior currently serves as the de-facto focal point and chairs a Working Group that includes other ministries and stakeholders. The Federal government also included the IDP issue in the National Programme of Human Rights 2020 – 2024 and in the Sectorial Programme of the Ministry of the Interior. These programmatic tools have helped to strengthen the existing capacities and to frame the governmental activities developed towards addressing internal displacement, while the bill is pending approval.

Meanwhile, at the sub-national level, four states have already adopted local laws to tackle the issue. The western state of Sinaloa, for example, adopted a local IDP law in 2020. Even before that, the Government of Sinaloa included displacement in its development plan, had allocated a budget to respond to the IDP situation particularly in the south of the state, and took steps to create a registry. It recognized that many concrete measures could be taken to advance IDP protection and solutions even in the absence of a law. Challenges such as limited resources and incomplete data on the displacement situation, however, were highlighted.

In Somalia, the Parliament established the National Commission for Refugees and IDPs (NCRI) to facilitate coordination of the IDP response, and in 2019, the government adopted a national IDP policy that elaborates on NCRI's role as focal point. Additionally, Somalia included IDPs within its National Development Plan and established a number of important strategies and frameworks, including a National Durable Solutions Strategy (2020-2024).

Translating the coordination model from paper to practice has faced challenges, however, due lack of clarity around mandates of different government entities, overlapping responsibilities, and limited government resources, capacities, and development financing. The upcoming IDP bill (endorsed by Cabinet in March 2023) aims to address some of these issues and provide a clearer framework for the responsibilities of different government entities.

During the discussion, participants emphasized that, above all, political will is required to bring about a whole-of-government approach and that starts with recognizing internal displacement as a national priority (not just for the IDP focal point but for all relevant stakeholders), highlighting the need for sustained domestic discussions. At the same time, it is incumbent on international actors, especially the UN, to engage with governments in a clear and consistent way and avoid projecting internal competition onto their relationships with different ministries or agencies. The designation of UN Resident Coordinators as the UN focal point for internal displacement in-country will hopefully improve support to government-led coordination systems.

Participants shared positive efforts to integrate displacement issues into non IDP-specific sectoral policies and frameworks (e.g., related to disasters and climate change, education, livelihoods, housing, etc.), as well as development planning instruments. The discussion also highlighted that, while it is indeed possible to establish rights-based approaches and strategies even in the absence of a law, IDP-specific legislation can be essential in establishing a holistic and comprehensive effort across government where this is still missing.

To re-emphasize the importance of having a clear focal point with legitimacy and authority, an example was provided by Ukraine. In Ukraine, the coordination of the complex scaled-up response to mass internal displacement was strengthened through the establishment in April 2023 of a Coordination Council with very broad high-level representation across ministries, regional administrations, international and civil society organizations among others. The Coordination Council, which meets weekly, is chaired by the Vice-Prime Minister of Ukraine - who is also the Minister of Reintegration of Temporarily Occupied Territories, i.e., the national focal point on IDP issues.

Whole-of-government approach in IDP responses – Local level

This session focused on exploring the implementation of a whole-of-government approach to IDPs at the local level, with several countries showcasing their experiences. While it is clear that division of responsibilities across different levels of government depends on the political structure of the State and its level of centralisation or decentralisation, starting points for the conversation were:[3]

3. M. Weihmayer, Background brief – Cross-Regional Forum, June 2023.

1. In implementing IDP laws and policies, **communication about IDP needs and response challenges must go in both directions - from central to local level and vice versa**. It was acknowledged that local governments tend to confront the impact of internal displacement in some cases even before national level agencies become involved, and their role as 'frontline responders' is well recognized.

2. In coordination with national authorities, **the local level should be seen as decision-makers, not mere implementers**. Local level actors often must make a number of challenging political decisions that national level actors may not be fully aware of. In urban areas, for example, they must balance the needs of the vulnerable urban poor with newly arrived IDPs, which could be a politically contentious issue. Local actors also manage a whole variety of other local services, policies and regulations that can have an effect on outcomes for people internally displaced, sometimes even more than the national law.

The discussion focused on the importance of:

- Support for **capacity-building of local authorities** by the central government and in collaboration with the international community where necessary (e.g. Azerbaijan, Honduras, Philippines)

- Engaging local governments in national policy making and the importance of **strengthening clear and respectful joint decision-making processes** (e.g. Mexico, Ukraine)

- Ensuring **equitable resource sharing** among different levels of governments and across, as relevant (e.g. the example of the Medellín municipality that through a legal amendment gave part of its budget dedicated to IDPs to their municipality of origin, to increase its resources to support their return and reintegration). Linked to this is the need to improve the coordination of international assistance and the lack of control over its distribution, particularly when it goes directly to local governments without communication with the national authorities.

- Promoting and building on **local solidarity** by including important and respected community members, such as teachers, on local committees (e.g. disaster risk reduction committees in Mozambique)

- Addressing the challenge of managing political realities of local governments, providing incentives for them to address displacement and supporting local inclusion.

3. Participants discussing strategies taken by different countries in adopting a Whole of Society approach to addressing internal displacement.

Adopting a whole-of-society approach

The session began with a discussion of what is meant by a "Whole of Society" approach. The responses varied, with participants emphasizing the participation of all relevant parties, the need for community-based plans, and the importance of involving all stakeholders, including internally displaced persons (IDPs).

The consensus was that "Whole of Society" does not require a specific definition but is best understood as a concept

that involves engaging different stakeholders and building trust and legitimacy, particularly in conflict-affected contexts. It was seen as a means to rebuild social cohesion and the social contract, promoting the rights of IDPs.

Overall, the session provided insights into the diverse approaches taken by different countries in adopting a Whole of Society approach, with varying levels of success and challenges in ensuring meaningful participation and engagement from different stakeholders.

Examples of promoting the participation and inclusion of IDPs themselves included:

- Establishing a **Public Council** under the national government focal point for IDPs, with strong representation of IDPs, private sector, and others – as well as promoting policies that incentivize businesses to hire IDPs (e.g. Azerbaijan).
- Promoting institutionalized systems for IDP participation throughout the entire cycle of public policy issues to address internal displacement, including its design, discussion, approval, and implementation – such as through the establishment of **"Participation Tables"** in municipalities around the country for IDPs to engage with authorities at both local and national levels, with participation criteria ensuring inclusion and representation of persons with disabilities, elderly, and members of the LGBT community (e.g. Colombia).
- Supporting the participation of IDPs in public affairs by creating **local IDP Councils** for displaced people to engage meaningfully in the development and implementation of local policies and self-governance (e.g. Ukraine).
- Establishing an IDP volunteers' network, with volunteers from various regions of the country, to facilitate the involvement of internally displaced persons in matters of public concern. The network enables displaced individuals to actively participate in shaping and executing policies, thereby promoting community-centered strategies (e.g. UNHCR-supported network in Georgia).
- Utilizing "**vulnerability criteria**" to target those most in need (such as for housing support) by **consulting IDPs** in the development of the criteria and involving civil society in the evaluation process (e.g. Georgia).
- Leveraging **support from diaspora** who provide direct support to IDPs and enhance their opportunities and agency, as well as that of the private sector in communities where IDPs reside (e.g. Somalia).

During the discussion, participants highlighted the benefits of a collaborative approach to lawmaking and emphasized the important role of **national human rights institutions** (such as Ombudspersons) and civil society in helping to catalyze the development of IDP laws and strategies, as well as in pressing for IDP-inclusion in decision-making processes. Deliberately involving the **private sector** in implementing programs for IDPs through public-private partnerships, as well as in livelihood support, was also stressed.

Additionally, participants discussed the value of **institutionalizing participatory-processes** ensuring a full-**feedback loop** so that there is communication with IDPs and other stakeholders on how their participation has influenced policy and practice. **"Nothing about us, without us,"** the rallying cry of many refugee-led organizations was also deemed an important mantra for IDP participation.

Durable solutions

The session opened with a discussion on the concept of durable solutions, with an emphasis on the importance of rebuilding shattered lives and achieving sustainable economic and societal integration for IDPs rather than on the location where such solutions can be achieved.

To pursue solutions, there is a need to work at different levels simultaneously, including normative, institutional, and operational approaches. It is a long-term process whereby IDPs progressively escape the harmful effects of displacement until they no longer have assistance and protection needs that are linked to their displacement and can enjoy the same rights and protection as those not affected by displacement.

On measuring progress, the discussion highlighted the importance of considering all the criteria of the IASC Framework for Durable Solutions (such as access to safety and security, adequate standard of living, access to livelihoods, access to documentation, etc.) though some may be more relevant than others in each context. The importance of using existing frameworks and tools for measuring progress towards the achievement of durable solutions was also highlighted; in this context the International Recommendations on IDP Statistics and the Inter-agency Durable Solutions Indicator Library were mentioned.

At same time, the qualitative nature of some of the IASC criteria for solutions can make them difficult to measure for statistical purposes and considerations for how best to measure progress toward solutions are ongoing.

During this session, participants shared their country's experiences in pursuing solutions and touched upon a number of issues raised in earlier sessions. For example, participants highlighted:

- The need to ensure **long-term safety and security for IDPs**, including through the humanitarian demining of areas affected by conflict. As an example, the ongoing risk of mines impedes opportunities for IDP returns in Azerbaijan, and the country declared humanitarian demining as the 18th National Sustainable Development Goal.
- **The role of the private sector**, and the benefits of creating tax incentives for businesses that hire IDPs or they lead, as well as other de-risking measures to facilitate private sector engagement.
- The opportunity **to link the needs of IDPs with other development objectives**, including through the inclusions of internal displacement in national and local development plans.
- In measuring progress on addressing internal displacement, the need **for clarity of responsibilities for who collects and analyses data**, to have good dialogue with national statistical offices that coordinate/collect data on the national population, and regarding the importance of data-sharing, it is equally important to have proper data confidentiality and to address data protection concerns.

4. Former Special Rapporteur Chaloka Beyani facilitating a discussion among participants in the Cross Regional Forum.

- The importance of bottom-up approaches and **including IDPs and local communities in solutions planning processes** so that solutions are more likely to last.
- The role of **durable housing** combined with **livelihood opportunities**, and **access to local/public services** as crucial in progressing toward solutions.
- The importance of **jointly defining collective outcomes** and **jointly planning priorities for action in the context of solutions**, as well as of coordination across relevant government entities and between the national and local level.
- The significance of **adjusting solutions planning and strategies** and continuing to work on solutions even as contexts shift and new crises emerge.

Prevention of arbitrary displacement

The discussion focused on the prevention of arbitrary displacement, with the recognition that freedom of movement and relocating to safer areas can be a necessary coping mechanism in the face of crises. Participants emphasized the obligations of conduct rather than obligations of results (ie. trying to achieve unrealistic results) and the need to address the root causes.

Colombia presented their **Early Warning Mechanism** in the context of conflict. They highlighted the Intersectoral Commission consisting of key ministries and institutions such as the Ministry of Interior, Ministry of Defense, police, army, and the Ombudsperson's office. The role of the Ombudsperson included follow-up, although challenges related to access and lack of capacity were mentioned. The information gathered through early warning was utilized for geographical and thematic analysis, focusing on specific areas and risks faced by local communities.

The Philippines discussed their approach to early warning in the context of disaster and climate change. The response is primarily handled by the level of government closest to the event, with support from neighboring municipalities and escalation to the national level if necessary.

Risk mapping plays a crucial role in prevention so that those in high-risk areas can be evacuated. Local government units (LGUs) were actively engaged in prevention and preparedness efforts, especially in conflict situations, where community actors were mobilized for protection monitoring. One key challenge is how to maintain support for people who are relocated long-term far from their areas of livelihood (such as fisherfolks who are relocated inland).

Mozambique shared a similar experience with the importance of early warning. They mentioned the role of the National Institute of Disaster Management (INGD) in conducting seasonal forecasts and mapping areas at risk. Central operational monitoring facilitated discussions and preparedness planning. Local Committees for disaster management, established within the community, played a significant role as the first responders. They highlighted **the need for early information, which allowed for pre-positioning of essential resources and conducting simulations with the population**. There is also a commission for the analysis of climate change supporting the government in managing the issue.

Somalia referred to the establishment of a National Multi-Hazard Early Warning Centre under the Ministry for Humanitarian Assistance and Disaster Management, indicating their efforts in early warning and prevention in the face of floods, droughts, and storms. Risk information is disseminated widely.

The moderator closed the session by highlighting **the importance of early warning systems leading to early action in concrete ways rather than merely providing warnings**. Further, prevention efforts, such as relocation, were discussed as opportunities to support durable solutions if done appropriately.

Nationally owned data for the implementation of IDP frameworks

While the importance of quality evidence for legal, policy and operational response was a cross-cutting theme across all sessions, this session specifically focused on the role of the Expert Group on Refugee, IDP and Statelessness Statistics (EGRISS), and the standards and tools it has developed. The presenter highlighted that data relates to law/policy in IDP situations in three main ways:

- Evidence-base to inform policy/law development.
- Empirical data to inform implementation priorities/programs.
- Data for monitoring & evaluation of progress made regarding policy implementation.

The International Recommendations on IDP Statistics (IRIS) were developed to help improve national statistical systems' ability to produce IDP statistics that are good quality with transparent methods, nationally owned and aligned to relevant frameworks, sustainably produced, and comparable.

Of particular use for national and local authorities, IRIS covers definitions, data sources and coordination with all recommendations grounded in recognized global frameworks, aligned to existing statistical recommendations and embedded in national systems and the fundamental principles of official statistics. They are useful for countries embarking on new statistical series or sectoral strategies on internal displacement, as well as for further advanced countries working to improve quality and impact of existing statistical production. As more countries make use of the IRIS, good practice is developed and lessons are learned, therefore experience-sharing is strongly encouraged and can be facilitated by EGRISS.

During the discussion, important points were addressed, including around monitoring and measuring progress in the response, as well as around the politicisation of IDP statistics. The presenter clarified that it is because of the politicisation of IDP statistics that the IRIS were created, to facilitate conversations and technical work at the national and local levels by providing an internationally agreed upon framework developed in collaboration with affected states.

"My problem, your advice"

In the concluding session of the Forum, governments shared key challenges, and participants provided advice and suggestions to each other on how to address those challenges.

Issues include:

- The challenge of mobilizing development financing and other non-humanitarian resources for solutions, but also for early action in the face of disasters, was raised. Pursuing funds for climate adaptation and climate change mitigation was suggested to help with prevention. Further, the untapped role of the private sector was highlighted, with the possibility of engaging the private sector, not just as donors, but through public-private partnerships and providing incentives for involvement in areas of displacement and returns, such as through tax deductions.
- The importance of supporting connections with economic activities and using a comprehensive strategy to identify appropriate solutions when planned relocations (such as away from hazardous, unsafe areas) disconnect people from their traditional livelihoods.
- The difficulty of finding solutions to displacement – including due to lack of access to civil documentation -- for those who face particular discrimination due to real or perceived affiliations and the need for targeted and sustained attention to these complex issues.
- To help address coordination challenges between different levels of government, the importance of clear focal points, harmonization among different entities, and practical measures such as finding ways to transfer resources between neighboring local entities to support IDPs depending on local contexts and needs was shared.
- On the challenge of prioritizing a human rights perspective in implementing an IDP law, the importance of promoting social cohesion and dialogue was highlighted.
- On addressing the often-poor conditions in temporary settlements and collective centers while long-term solutions are far from reach, the practice of developing criteria for alternative land and housing options in collaboration with IDPs and offering a range of options was shared.

Throughout the session, participants provided practical advice, shared lessons learned, and emphasized the importance of coordination, a whole-of-government approach, and engaging with various stakeholders to address the specific challenges faced by each country.

Conclusion

The Cross-Regional Forum was organized in response to a clear gap that was identified across several processes on internal displacement, including the work of the UN SG's High-Level Panel on Internal Displacement and follow-on Action Agenda. The focus on the implementation of IDP law and policy was a useful point of engagement among States, as national frameworks represent an essential exercise of sovereignty and a fundamental expression of a State's commitment to addressing displacement-related issues in their country in a comprehensive and coordinated manner. This also allowed the discussion to span across several relevant aspects of the IDP response, from the institutional arrangements that need to be in place to the concrete measures that can be taken to advance protection and solutions for IDPs, as well as to prevent arbitrary displacement in the first place.

The Forum deliberately brought together representatives of States across regions that are at different stages of implementing their IDP response. In the words of one participant[4], the Forum has been "*an incredible space, really a wonderful opportunity, which has allowed us to have an exchange of different realities, in various regions, but with a common focus: the protection of internally displaced persons. This has allowed us, from our different contexts and diverse problems too, to share approaches and experiences that can be translated in our (respective) implementation and to learn new approaches.*"

Opportunities for replication of this format are being explored. The learning shared and good practices will also be reflected in the 2023 Global Report on Law and Policy on Internal Displacement (under development as of July 2023). Where requested, support by Special Rapporteur, the IDP Protection Expert Group, UNHCR and other actors as relevant was also followed up directly with participants involved.

4. Video interviews with participants at the conclusion of the Forum.

5. Participants and Facilitators of the Cross Regional Forum held in Villa Ormond, Sanremo (IT)

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