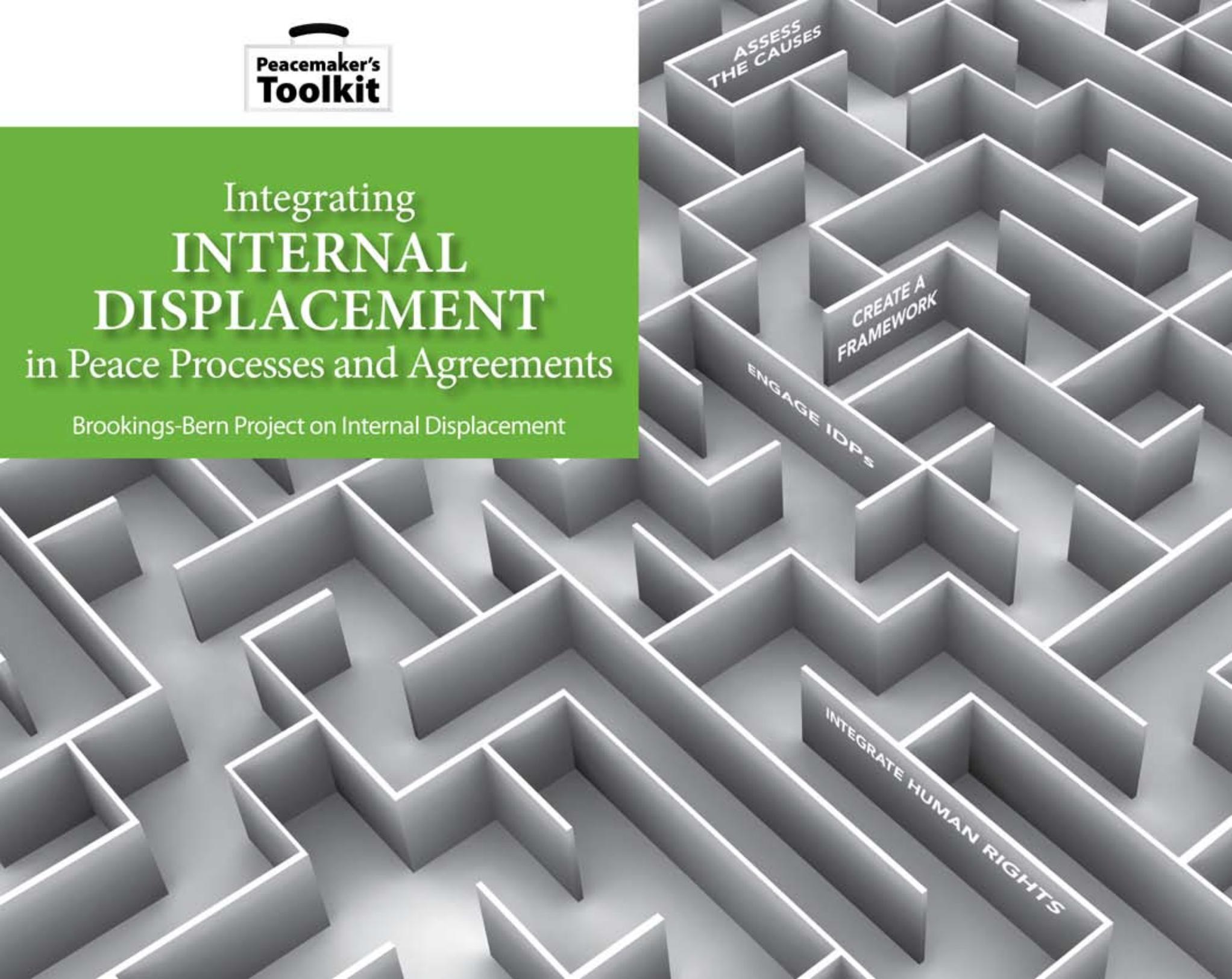


Integrating
**INTERNAL
DISPLACEMENT**
in Peace Processes and Agreements

Brookings-Bern Project on Internal Displacement



ASSESS
THE CAUSES

CREATE A
FRAMEWORK

ENGAGE IDPs

INTEGRATE HUMAN RIGHTS

INTEGRATING INTERNAL DISPLACEMENT: QUICK REFERENCE

STEP 1: ASSESS THE CAUSES, DYNAMICS, AND CHARACTERISTICS OF INTERNAL DISPLACEMENT

- **Be Clear about Why Internal Displacement Matters for Peace**
 - IDPs may directly affect the peace process in positive or negative ways
 - Explicitly addressing the specific needs and interests of IDPs can help in resolving some of the causes of the conflict
 - Ending internal displacement in durable ways is essential to building and sustaining peace and to address one of the most burdensome legacies of armed conflict
- **Understand the Causes and Patterns of Displacement and the Role of the Parties**
- **Understand the Characteristics of IDP Groups**
 - Be aware that the IDP community in a particular situation will likely not be a monolithic 'bloc'
 - Consider characteristics of IDP groups including leadership structures and any linkages to belligerents
- **Evaluate the Role of IDPs as Actors in the Peace Process**
 - On the basis of: size of IDP constituency, degree of leverage IDPs can exert on the parties or the process, security arrangements associated with engaging IDPs, ability to secure commitment from parties for active IDP participation

STEP 2: CREATE A FRAMEWORK FOR INTEGRATING INTERNAL DISPLACEMENT

- **Use a Mission Statement to Guide the Integration of Internal Displacement**
- **Understand the Legal and Policy Foundations**
 - Guiding Principles on Internal Displacement
 - National Legislation
 - International Humanitarian and Human Rights Law
 - Resolutions, Declarations, and Decisions of International Organizations
- **Apply the Framework to Assist Mediation Efforts**
 - Create space for consultation with or even participation of IDPs in peace processes
 - Identify those IDP-specific human rights and interests that should be reflected in peace agreements
 - Keep the end goal in view
 - Empower IDPs to contribute to peace processes
 - Avoid political manipulation of internal displacement

STEP 3: ENGAGE IDPs IN THE PEACE PROCESS

- **Assess Different Processes for Consulting with IDPs**
 - Stand-alone processes/linked processes/inclusive processes
- **Decide on the Type of Process**
- **Consider General Guidance for Engaging with IDPs**
 - Seek informed consent and be clear about expectations
 - Be available for consultation and communication
 - Demonstrate commitment to the concerns and interests of IDPs
 - Design the method of consultation to fit the purpose
 - Identify representative and credible IDP interlocutors
 - Ensure security and confidentiality of IDP interlocutors
- **Engage IDPs throughout the Stages of a Peace Process**
 - Stage I: Mediation Process Design, Prenegotiation Preparation, and Consultation
 - Stage II: Internal Consensus Building
 - Stage III: Seeking Agreement between the Parties
 - Stage IV: Implementation
- **Troubleshooting: How to Overcome Obstacles to the Engagement of IDPs**
 - Deal with Disparate Views among IDPs
 - Deal with Refusal of the Parties to IDP Participation
 - Deal with Inadequate Resources or Time for Full Consultation

STEP 4: INTEGRATE HUMAN RIGHTS AND INTERESTS OF IDPs IN THE PEACE AGREEMENT

- **Consider Two Key Issues**
 - Where to Place Provisions on Internal Displacement
 - How to Balance Maximalist and Pragmatic Approaches
- **Focus on Areas**
 - Use clear and consistent definitions
 - Incorporate displacement-specific rights and protections
 - Incorporate Interests of IDPs
 - Specify roles and obligations of relevant actors with regard to IDPs
 - Specify clear implementation process

NOTE: Steps are not sequential. They overlap and should be performed throughout the entire process.

Integrating Internal Displacement in Peace Processes and Agreements





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DISPLACEMENT**
in Peace Processes
and Agreements

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Washington, D.C.

BROOKINGS

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Foreword

One of the gravest humanitarian consequences of armed conflict is the displacement of populations. Those who are forced to flee and leave everything behind are often the victims who suffer the most. Their voices are seldom heard in peace negotiations, and yet realizing durable solutions for them is a crucial element for lasting peace. Return of internally displaced populations is often used as a benchmark against which progress in post-conflict stabilization and peacebuilding is measured. Durable solutions can best be achieved if issues related to internal displacement are addressed in peace agreements.

The report *Addressing Internal Displacement in Peace Processes, Peace Agreements, and Peace-Building* of the Brookings-Bern Project on Internal Displacement, which was released in September 2007, concluded that internal displacement has often been addressed in an ad hoc manner in peace processes and peace agreements. Drawing on case study analyses and consultations, the document echoed the recommendation of mediators, diplomats, UN representatives, and donors to develop guidance for mediators focusing specifically on incorporating internal displacement in peace initiatives.

This guide was developed in response to that recommendation. It gives practical guidance to mediators on how to integrate internal displacement in peace negotiations, how to incorporate issues pertaining to internal displacement into peace agreements, and how to engage the internally displaced persons themselves in the peace process.

Production of this guide was undertaken with guidance from a steering committee chaired by the representative of the UN secretary-general on the human rights of internally displaced persons and composed of senior mediators and leading experts on internal displacement, in close cooperation with the United Nations Mediation Support Unit within the

Department of Political Affairs, and in consultation with experts on mediation, peacemaking, and internal displacement. The lead author in drafting this guide was Gerard Mc Hugh.

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Introduction

This guide provides mediators and their teams with practical guidance on integrating the human rights and interests of internally displaced persons (IDPs) into peace processes and peace agreements. Achieving such integration will not only safeguard the rights and interests of IDPs as stakeholders in a peace process but also assist mediators in fulfilling their core mission of helping the parties to the conflict reach a negotiated and sustainable settlement. By engaging IDPs in the peace process and integrating their interests in any agreed-upon settlement, mediators can create broader “buy in” and ownership of the process. By addressing durable solutions to internal displacement—i.e., return, local integration, or settlement in another part of the country—mediators can enhance the prospects of securing a viable agreement, sustaining its implementation, and building peace.

Although integrating internal displacement can be an essential component of a sustainable peace, it has often been addressed weakly or in an ad hoc manner during mediation efforts and in peace agreements. For instance, as shown in appendix 1 of this guide, out of nine recent peace agreements drawn up to resolve conflicts involving significant internal displacement, only three incorporated strong provisions on displacement. These examples and other past experiences highlight a need for guidance on how to better integrate internal displacement into peace processes.

Definition of Internally Displaced Persons

As defined in the introduction to the Guiding Principles on Internal Displacement (UN Doc. E/CN.4/1998/53/Add.2), internally displaced persons are “persons or groups of persons who have been forced or obligated to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights, or natural or human-made disasters, and who have not crossed an internationally recognized State border.”

This guide responds to that need. The framework and guidance presented here can directly assist mediators in their work in a number of ways, including by explaining how to

- create space within peace processes for consultation with, or even for the participation of, IDPs;
- identify those IDP-specific human rights and interests that should be reflected in peace agreements; and
- keep the end goal in view and avoid political manipulation of internal displacement.

Each of the following chapters focuses on one of four interconnected areas. These areas are termed “steps” because together they describe an overall process, but it is important to emphasize that the steps are not sequential so much as iterative, that all overlap, and some should be performed throughout the entire process.

- Step 1 addresses the question of “why”: it presents the reasons for integrating internal displacement in peace processes and peace agreements.
- Step 2 deals with questions of “why” and “how”: it discusses approaches to integrating internal displacement, including conceptual frameworks and legal and policy foundations.
- Step 3 focuses on “how” and “who”: it looks at the process by which IDPs can be engaged in the various stages of a peace process.
- Step 4 explores the issue of “what”: it offers guidance on the content of displacement-specific provisions that should be incorporated into a peace agreement.

As discussed in Step 3, when it comes to the process-related aspects of integrating internal displacement, IDPs can contribute to or participate in the peace process in a variety of ways; there is no one-size-fits-all solution. One of the objectives of this guide is to assist mediators in deciding on the most appropriate process for integrating internal displacement in a given context. In some cases, integrating internal displacement may be best accomplished through consultations undertaken separately from negotiations between the parties to the conflict. In other instances, consultations may be undertaken as part of the mediator-led process or in

close connection with that process. Direct participation of IDPs at the negotiating table is also possible, although it has been the rare exception in past peace processes.

The level of detail to which the rights, interests, and needs of IDPs will be addressed in a given peace agreement depends on the context and the political dynamics of the situation. However, as discussed in Step 4, several key elements and topical areas should be considered in any agreement in order to find durable solutions to internal displacement.

It is important to note that IDPs do not lose any human rights entitlements and guarantees under international and national law that are available to the nondisplaced population in their country. They may claim additional protection and assistance to the extent that their displacement creates specific needs and vulnerabilities not shared by

IDPs and Refugees

In addition to displacing people internally, armed conflict often displaces persons to areas outside their country of residence, where they become refugees. The primary factual distinction between IDPs and refugees is that the latter have crossed an internationally recognized boundary and therefore are in need of international protection.¹

The human rights and interests of all those who have been forced or obliged to flee—refugees and IDPs alike—should be integrated to the greatest extent possible in peace processes and peace agreements. Much of the guidance contained in this book concerning the process for engaging IDPs (Step 3) and the content of peace agreements (Step 4) is generally applicable to both IDPs and refugees. However, the primary focus is on internal displacement because of the particular consequences it can have for mediation efforts.

For instance, IDPs often remain in conflict zones and have needs and are afforded protections different from those of refugees (e.g., IDPs return or resettle earlier and more spontaneously than refugees and are more affected by issues of security during and immediately after the conflict). These specific needs must be addressed in peace processes and peace agreements.

Another way in which IDPs present a different challenge to mediators than do refugees is that whereas the latter are provided explicit protection under international law, IDPs do not enjoy explicit and specific legal protection. As a result, peace agreements that reflect the specific human rights and needs of IDPs can significantly enhance the protection afforded to IDPs.

nondisplaced people. This guide focuses on the human rights and specific protections under international humanitarian law that are *most* pertinent to IDPs because of their particular needs and circumstances.

The guidance presented here reflects and complements the principles contained in the Guiding Principles on Internal Displacement (described in more detail under Step 2 and summarized in appendix 2). This guide also builds on lessons learned from previous mediation initiatives and draws from past practice in drafting and implementing peace agreements. Appendix 3 directs the reader to additional information with a summary listing of useful resources. The Resource Kit that accompanies this guide contains a variety of reference materials, including the text of legal instruments.

Given that each conflict and peace process is unique, this guide is not intended as a rigid, one-size-fits-all approach for mediators. Nor does it delve deeply into approaches designed for different types of peace initiatives and different mediation “tracks” (Track I, Track II, Track III). Rather, the guidance is intended as a starting point from which mediators can tailor their own strategies to integrate internal displacement.

The Peacemaker's Toolkit

This handbook is part of the series *The Peacemaker's Toolkit*, which is being published by the United States Institute of Peace.

For twenty-five years, the United States Institute of Peace has supported the work of mediators through research, training programs, workshops, and publications designed to discover and disseminate the keys to effective mediation. The Institute—mandated by the U.S. Congress to help prevent, manage, and resolve international conflict through nonviolent means—has conceived of *The Peacemaker's Toolkit* as a way of combining its own accumulated expertise with that of other organizations active in the field of mediation. Most publications in the series are produced jointly by the Institute and a partner organization. All publications are carefully reviewed before publication by highly experienced mediators to ensure that the final product will be a useful and reliable resource for practitioners.

The Online Version

There is an online version of *The Peacemaker's Toolkit* that presents not only the text of this handbook but also connects readers to a vast web of information. Links in the online version give readers immediate access to a considerable variety of publications, news reports, directories, and other sources of data regarding ongoing mediation initiatives, case studies, theoretical frameworks, and education and training. These links enable the online *Toolkit* to serve as a “you are here” map to the larger literature on mediation.



STEP 1

Assess the Causes, Dynamics, and Characteristics of Internal Displacement

If they are to address internal displacement in peace processes adequately, mediators must be clear about the role of internal displacement. Why does internal displacement matter for peace? What are the characteristics and dynamics of internal displacement? What role can or should IDPs play in the peace process? This section provides guidance to assist mediators in addressing these questions.

Be Clear about Why Internal Displacement Matters for Peace

The guidance presented here is premised on the assertion—deduced from lessons learned from previous peace processes and consultations with IDPs—that in situations of conflict where persons have been forcibly displaced from their homes, the viability and sustainability of peace initiatives often will be linked with the participation of IDPs in the peace process and the integration of their human rights and interests in any agreed-upon outcomes.

In some situations, the main parties to a peace process may agree from the outset that internal displacement must be addressed because its relevance for peace is evident. Often, however, this is not the case, and mediators must in the first instance explain to or persuade the parties why internal displacement should be integrated into the peace process and any agreed-upon outcome.

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