



Principles 28 to 30 of the *Guiding Principles* relate to the return of displaced persons to their homes or the resettlement of displaced persons in another part of the country, as well as the reintegration of displaced persons. These principles affirm that:

Competent authorities have primary responsibility to support the return, resettlement, and reintegration of the displaced, while noting that the return must be voluntary and affirming the right of the displaced to participate in the planning and management of their move;

Internally displaced persons shall not be discriminated against upon return or resettlement as a result of their displacement;

Competent authorities have the duty to assist returnees and resettled individuals to recover property or possessions left behind during displacement or assist the displaced in receiving compensation for losses;

Competent authorities shall facilitate access by international humanitarian organizations and other appropriate actors to assist internally displaced persons with their return or resettlement and reintegration.

To promote the principles relating to return, resettlement, and reintegration, the following activities may be undertaken in coordination with agencies with designated responsibility in the field:

- Disseminating the *Guiding Principles*, and information about the *Guiding Principles*, especially in languages used by the internally displaced and relevant authorities; advocating widely for the application of the *Guiding Principles*;
- Supporting training programs on the *Guiding Principles* and on international humanitarian and human rights law for staff, for the displaced themselves, and for relevant authorities and partner organizations;
- Assisting representatives of displaced communities to assess conditions in potential areas of return or resettlement by supporting visits or through other means; visiting areas of potential return or resettlement to independently assess conditions;
- Convening consultations with leaders of displaced groups prior to return or resettlement, ensuring representation of women and all important segments of the displaced community in order to determine that return or resettlement is voluntary;
- Convening consultations between leaders of displaced communities, local authorities, and international organizations that will be involved with return or resettlement to ensure that the move will be conducted with safety and dignity;
- Preparing for landmine removal or awareness campaigns, where landmines are a concern in areas of return or resettlement;
- Conducting studies on the potential environmental impact of return or resettlement and seeking ways to minimize environmental damage from the return process; planning for environmental repair at displacement sites, when necessary;
- Convening consultations between internally displaced persons and populations residing in areas of return or resettlement in order to identify and eliminate potential conflicts between

communities; considering the needs of resident, as well as returnee, populations in program design to prevent stigmatization or resentment;

- Assessing legal statutes or other relevant documents to determine returnees' claim to land and property upon return; designing programs to ensure that internally displaced persons' property rights are protected;
- With active participation of the displaced community, preparing for well-organized transport of the internally displaced, with dignity, to their homes or places of resettlement;
- Designing programs to rebuild community infrastructure in areas of return/resettlement; designing programs for women-headed households and other special needs groups in areas of return/resettlement; implementing programs to monitor human rights conditions in areas of return/resettlement, with international presence if required;
- Recognizing that the economic and social disruption of return or resettlement may be present for years and planning for longer-term reintegration activities.

Field-based examples of such practice include:

56. EFFORTS TO ENABLE DISPLACED COMMUNITIES TO ASSESS CONDITIONS IN THEIR HOME AREAS: [SRI LANKA]

Internally displaced persons often are eager to ascertain conditions in their home communities. Accurate information on security and other matters is essential to voluntary decisions on whether or not to attempt return. Yet, the displaced may lack access to home regions, either because of security concerns or inadequate transportation. In Sri Lanka's Puttalam area, the government sponsored bus trips by leaders of the displaced community to home areas in Mannar District, permitting free access in Mannar to information sources chosen by the displaced. Such visits helped empower internally displaced communities with information essential to critical decisions they faced.

57. COMPREHENSIVE PLANNING BY GOVERNMENT AUTHORITIES TO ENHANCE THE PROCESSES OF RETURN AND REINTEGRATION: [ANGOLA]

The Government of Angola's Ministry of Social Affairs developed, with the assistance of UCAH and the participation of UNICEF, WFP and NGOs, the National Programme for the Return and Reintegration of IDPs. The Programme specifically outlines criteria for return, including:

- The existence of basic infrastructure;
- Food security;
- The presence of civil administration, and representatives of the Ministry of Social Assistance and Reinsertion [MINARS]; and
- Voluntary return.

To promote these criteria, all provincial MINARS delegates were given a copy of the Programme and a MINARS representative traveled to each province to explain the policy to government officials and UN and NGO representatives. The Programme identified the areas where the highest number of internally displaced were expected to return. NGOs were encouraged to initiate projects in those areas.

The Programme was made operational through the *Procedure for Implementing the National Programme for the Return and Resettlement of Displaced Persons*, developed by MINARS and the International Organization for Migration. In its seventy-seven pages, this detailed planning document discusses overall objectives, areas of responsibility, coordination of national and regional structures, implementation methodology, and monitoring and assessment mechanisms. Of particular note, the "fundamentals" of the plan include emphasis on the "consensus of beneficiaries from the project," an explicit commitment to the active participation of displaced communities in the return process. The plan also addresses the needs and priorities of residents in communities of return. Included in the plan are such sample documents as transportation manifests and checklists—for

example, forms to assess travel risk categories for the physically disabled—to guide those organizing the return.

58. ANALYSIS OF RETURNEE PROGRAMS TO AVOID ARTIFICIAL INDUCEMENTS TO RETURN TO HOSTILE AREAS: [TAJIKISTAN]

UNHCR considered extending its returnee shelter assistance program to the Tavildara area, which continued to see heavy fighting between government and opposition forces during the civil war in the mid-1990s. However, analysis indicated that the shelter program might induce many displaced to return to an area considered too dangerous to resettle, compromising the voluntary nature of return. UNHCR decided not to initiate the shelter program in Tavildara.

59. INTERNATIONAL NEGOTIATION OF THE RIGHT OF VOLUNTARY RETURN ACROSS MILITARY LINES DURING CONFLICT: [GEORGIA]

While conflict continued between the government of Georgia and the break-away Abkhazia region, many ethnic Georgian internally displaced persons desired to take a calculated risk, cross the conflict lines, and voluntarily return to their homes and farms. After difficult quadripartite negotiations involving the parties and the Russian Federation, UNHCR successfully brokered an agreement on voluntary return in 1994. The accord, intended to serve as a confidence-building measure, permitted: (1) direct and unhindered access to all displaced persons from Abkhazia, both prior to and following their return; (2) unimpeded transit of humanitarian supplies through the territory of the Russian Federation; (3) establishment of local offices to facilitate return, rehabilitation, and reintegration of the displaced; and, (4) security and protection for humanitarian agencies assisting internally displaced persons.

Although this accord was never fully implemented, it is significant that the parties to the conflict entered a negotiation process that sought to guarantee protection during return in a situation of armed conflict.

It is particularly significant that the parties agreed to ensure continued assistance and protection for those who chose not to return to Abkhazia until such time as durable solutions could be found.

60. CREATION OF “ADVANCE TEAMS” FROM WITHIN THE DISPLACED COMMUNITY TO ASSIST IN THE PROCESS OF RETURN: [COLOMBIA]

After a long period of displacement, certain displaced communities in the Uraba region of northwest Colombia decided to return to their home areas. This decision was made by the community after intense internal discussions about the security situation and about the prospect for resuming lives of relative normalcy.

Leaders of the displaced community decided that it would make sense for the return process to proceed in stages, with “advance teams” of several dozen community members—primarily adult males—returning to home villages first. The advance teams would accomplish several tasks: complete an assessment of recoverable assets; make preliminary repairs to homes; attempt to gather any remaining livestock scattered during military assaults; assess the availability of seed stocks in the area; and begin planting essential food crops. After completing these preparatory activities, advance teams would return to the displacement site to bring remaining community members to the home area.

Given the security risk of serving on the advance teams, representatives of international and Colombian organizations accompanied team members on their return journey and remained with the teams for several weeks as they accomplished their mission. The presence of these outside organizations—which included the ICRC, international NGOs, and employees of Catholic Church social organizations—were cited by displaced community leaders as a major support to their return plans.

61. ESTABLISHMENT OF AN INTERNATIONAL PRESENCE IN AREAS OF RETURN TO SUPPORT RETURNEE PROTECTION EFFORTS: [TAJIKISTAN]

UNHCR's efforts to assist returnees in Kurgan-Tyube included the deployment of international monitors to the area. These monitors regularly interviewed returnees, registered complaints of harassment or other human rights abuses, and reported these cases to local authorities. This ongoing monitoring of returnee areas helped to cement the durability of the return process.

The monitoring process took place alongside the provision of material assistance, including the distribution of shelter kits to those returnees whose homes had been destroyed or heavily damaged. By including local authorities in the distribution of material assistance, good will and mutual confidence were generated among the international agencies, local authorities, and the returnees. This cooperative atmosphere helped to facilitate the achievement of UNHCR's protection objectives.

62. RECONSTRUCTION AND ECONOMIC REVITALIZATION IN AREAS OF RETURN: [TAJIKISTAN]

Many shelter materials had to be imported and/or shipped to returnee areas of Tajikistan, raising costs and inviting delays. In the Garm and Kurgan-Tyube regions, the NGOs Shelter Now International and Caritas initiated the production of local tiles for construction. Local production of these tiles increased the availability of building materials, while helping jumpstart the damaged economy in returnee areas.

63. STRUCTURE OF THE RETURN PROCESS TO FOSTER DURABLE RETURN AND AVOID SUBSEQUENT DISPLACEMENT: [PERU]

Many families forced to flee their homes during Peru's internal conflict in the 1980s and 1990s were eager to attempt return by the early 1990s, having faced discrimination and limited opportunities in dis-

placement locales. In the absence of organized returnee programs, many IDPs returned on their own. Subsequently, many of these returnees fled a second time, as they encountered continued insecurity in the countryside, loss of their farmland, or other hardships. The IOM analyzed this phenomenon in 1994-95, distilling factors likely to foster durable return. Among these were:

- Careful identification of potential returnees;
- Careful selection of the communities where return would be promoted, taking into account security and other factors;
- Implementation of a health program before return;
- Initiation of psychosocial assistance before return;
- A joint evaluation, by communal leaders and partner organizations, of the minimum conditions for self-sustenance upon return;
- Necessary technical assistance for agricultural production;
- Reinforcement of social relations through conflict resolution programs; and
- Continuation of education programs.

In subsequent organized returns supported by IOM, IOM staff interviewed potential returnees prior to the move, placed monitoring staff in the area of return, and installed critical community infrastructure. This careful analysis and these programs increased the likelihood that return would be permanent, and decreased the potential for redisplacement.

64. ATTENTION TO GENDER ISSUES IN RETURNEE HOUSING PROGRAMS: [TAJIKISTAN]

UNHCR provided returnees in the Kurgan-Tyube region with shelter "kits" consisting of roofing elements, nails, and asbestos sheets, as long as returnee families first rebuilt the four walls of their damaged homes. For some woman-headed households, including families in which the father or husband had been killed during the conflict, the requirement for wall construction proved impossible. To address this issue, UNHCR also initiated a "food-for-work" program, supporting teams of construction workers to rebuild houses.

65. REPRODUCTIVE HEALTH SERVICES TO MEET THE NEEDS OF RETURNEE WOMEN: [AFGHANISTAN]

Some Afghan returnees coming from Pakistan and Iran are extremely poor, with limited access to health services. Limited access is especially acute for Afghan returnee women, who often cannot afford private health practitioners or clinics and who may have no access to reproductive health services.

To provide adequate services to returnees as well as the local population, clinics established by the Afghan Red Crescent and supported by the Federation of Red Cross and Red Crescent Societies with UNFPA assistance, developed a reproductive health programme that is training traditional birth attendants [TBAs] to work at the community level. The TBAs assist with normal deliveries as well as identify at-risk cases for referral. The program also provides equipment and drugs for women, distributes safe delivery kits to all pregnant women, and makes contraceptives available to both women and men. The overall goal of the program is to reduce maternal mortality among returnee and local populations.

66. REINTEGRATION OF A SPECIAL GROUP OF RETURNEES: CHILD SOLDIERS: [MOZAMBIQUE]

Large numbers of children—including many who were forced to serve as child soldiers or partners to fighters—were separated from their families during the chaos of the Mozambican conflict. As these displaced children returned to their communities, Save the Children studied, encouraged, and supported a range of activities intended to rebuild social, cultural, and family identity, including traditional ceremonies of reunification, thanksgiving, and purification. A network of community volunteers was mobilized to follow the progress of returned children, to assist with registration documents, school enrollment, introduction to community leaders, and related activities.

67. INSERTION OF “POSITIVE CONDITIONALITY” INTO PROGRAM DESIGN TO FACILITATE RETURN OF MINORITY DISPLACED COMMUNITIES: [FORMER YUGOSLAVIA]

The Dayton Accords, which ended the 1992-95 conflict in former-Yugoslavia, guaranteed internally displaced persons the right to return to their homes. By 1997, however, only a small percentage of the displaced had returned to their former communities. The problem was acute for those displaced persons attempting to return to communities where they were in the minority and especially acute for those returning to communities where displaced members of the local majority group had been resettled from other regions. Attempts to break this logjam have included linking international assistance in local communities to the acceptance of returnees, including minority returnees. This “positive conditionality” means that the rehabilitation of housing, schools, health facilities, water and electricity supplies, as well as income generating programmes, are made conditional on the acceptance, by the municipality, of the return of minorities, on respect for human rights, and on guaranteed security for returnees. Although this approach is not a panacea, early indications are that positive conditionality is causing municipalities to alter their attitudes toward returnees.

68. ATTENTION TO PROPERTY ISSUES TO PROMOTE DURABLE SOLUTIONS FOR THE INTERNALLY DISPLACED: [GEORGIA]

Attention to property issues often is crucial to promoting durable solutions for the internally displaced. This has been the case in Georgia. To help address such issues, a comprehensive study of housing and restitution issues facing returnees and displaced communities was undertaken by UNHCR. The study helped clarify the dimensions of the problem and offered constitutional and legal options for their resolution. UNHCR also supported a network of jurists to provide advice and counseling to displaced persons on property and related matters.