

IDMC Modules on Durable Solutions for IDPs (2015)

Module three: Criteria

Time	120 minutes
Overview	<p>This session examines the criteria that measure the achievement of durable solutions. It will involve a mixture of trainer's inputs and discussions on each criteria, reading and working group discussions on:</p> <ul style="list-style-type: none"> • Which criteria should be prioritised in X country; • To what extent are they are being implemented in X country, and if not why not • Recommendations for actions to meet the criteria • How to develop indicators to operationalise criteria <p>Note: The last item is particularly important as a basis for translating the IASC framework into action.</p>
Objectives	<p>By the end of the session, participants will:</p> <ul style="list-style-type: none"> • Understand the criteria as benchmarks to gauge the achievement of durable solutions • Have identified the criteria that should be prioritised in X country • Understand the obstacles and challenges meeting them • To develop indicators to measure progress towards the achievement of durable solutions
Key messages	<ul style="list-style-type: none"> • The criteria are essential benchmarks to gauge the extent to which durable solutions have been achieved or not • Each displacement situation entails policy choices about the criteria to prioritise while always safeguarding IDPs' human rights • Meeting the criteria requires broad cooperation and collaboration, based on parallel challenges that need to be addressed • Developing appropriate indicators is a key step to measure progress towards durable solutions
Documentation	<ul style="list-style-type: none"> • Brookings publication of the IASC framework
Equipment and materials	<ul style="list-style-type: none"> • LCD/computer for PowerPoint slides • Sticky dots - three for each participant • Prepared flipchart listing of the eight durable solutions criteria • Five pre-arranged spaces for working group discussion of the criteria • Cards with one criteria each to mark the working group spaces • Flipcharts and markers • Flipchart stand for presentations

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<p>Module three: Criteria</p> <p>Title slide</p>	<div data-bbox="395 275 1385 409" style="background-color: #a0c4ff; padding: 10px; text-align: center;"><h2>Durable solutions: Challenges and way forward</h2></div> <div data-bbox="395 409 1385 896" style="text-align: center;"><h1>Criteria</h1><p>IDMC training workshop</p><p>(Place/Country) (Inclusive dates)</p></div> <div data-bbox="395 896 1385 987" style="background-color: #a0c4ff; padding: 5px;"><div style="display: flex; justify-content: space-between;"></div></div>
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<p>Module three: Criteria</p> <p>Objectives</p> <p>5"</p>	<div data-bbox="359 1115 1401 1256" style="background-color: #a0c4ff; padding: 10px; text-align: center;"><h2>Criteria for durable solutions</h2></div> <div data-bbox="359 1256 1401 1771"><p>Learning objectives:</p><ul style="list-style-type: none">• To promote a human rights-based approach to durable solutions• To understand the eight criteria that determine whether DS have been achieved or not• To identify obstacles to meeting the criteria and actions to overcome them• To develop indicators to measure progress towards the achievement of durable solutions</div> <div data-bbox="359 1771 1401 1890" style="background-color: #a0c4ff; padding: 5px;"><div style="display: flex; justify-content: space-between;"></div></div> <p>Read out each objective and explain that the IASC framework will continue to be participants' reference for the discussions and group activity that follow.</p>
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Presentation of the criteria

25"

IASC framework

Principles

- Government responsibility
- Access for humanitarian and development initiatives and monitoring
- IDPs' rights, needs and legitimate interests are the primary concern
- IDPs' inclusion: Information, consultation and participation
- Respect for IDPs' options
- Prohibition of coercion
- Non-discrimination
- Support for host communities in cases of local integration
- Continued protection under human rights and international humanitarian law

Criteria and conditions

- Long-term safety and security
- Adequate standard of living
- Access to livelihoods and employment
- Mechanisms for resolving HLP disputes
- Documentation
- Family reunification
- Participation in public affairs
- Remedies and justice



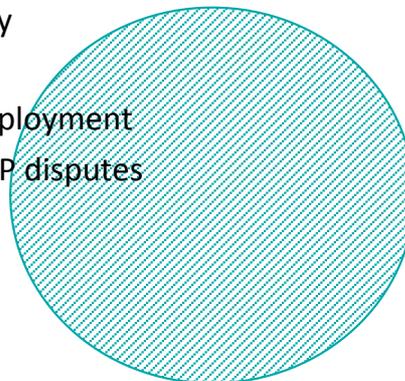
Present this slide from the previous session again. Recall that the achievement of durable solutions rests on two pillars: the key principles that guide the process, and the criteria and conditions that serve as benchmarks to gauge progress or lack of it. They go together.

Reference: Brookings publication of the IASC framework, pp.27-46

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IASC framework Criteria and conditions

- Long-term safety and security
- Adequate standard of living
- Access to livelihoods and employment
- Mechanisms for resolving HLP disputes
- Documentation
- Family reunification
- Participation in public affairs
- Remedies and justice



Present the eight criteria or conditions that have to be met for durable solutions to be achieved. For each one, ask participants why that criteria is important to the achievement of durable solutions in X country and elicit one or two comments. Refers participants to the relevant pages for each criteria in the Brookings publication of the IASC framework.

Spend a maximum of two minutes on each criteria.

If time allows, it would be important to 1. look into the concrete meaning of the single criteria; 2. highlight the guiding principles underpinning each of them; and 3. provide examples of actions that may be required to meet each of them (as in slides 7 to 14).

Emphasise that they are used to determine to what extent a durable solution has been achieved.

Explain that there is no hierarchy in the listing of the criteria, but the first four may be considered core criteria, and ask participants why. After a brief discussion, explain that whereas the first four are applicable in all scenarios, the other four may be relevant depending on the specificities of the context are therefore to be considered carefully.

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Criteria for durable solutions

- Application is specific to each context and situation
- They are interlinked and overlapping
- They are underpinned by the human rights principle of non-discrimination
- They are benchmarks with which to gauge the achievement of durable solutions
- **They do not apply only in case of return!**



Draw participants attention to the fact that the criteria are interlinked and overlapping, and the principle of non-discrimination.

What is the purpose of the criteria?



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Ask participants for their views on the meaning and purpose of the criteria. Elicit three or four answers, and then explain that they:

1. Measure **progress** - the extent to which durable solutions have been achieved
2. Establish goals that determine when durable solutions have been achieved – the **target**.

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The eight criteria

30"

Long-term safety and security



Right to physical security – guiding principles 10,11,12 & 13

- During movement
- In areas of return and resettlement

Factors to consider:

- Security conditions
- Physical security
- Freedom of movement (GP 14)



Explains that IDPs who have achieved durable solutions enjoy physical safety and security thanks to effective protection from the national authorities. Stress that security should be guaranteed during the movement and in the areas of settlement (both return and resettlement)

Specify the three factors to be taken into consideration.

In particular, mention that physical security includes all individual threats, especially the ones that prompted displacement in the first place.

Freedom of movement implies that IDPs can freely leave their areas of settlement and return and come back; some restrictions can be imposed on a temporary basis, but restrictions must be legitimate, proportionate and respectful of legal guarantees.

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Adequate standard of living

Basic necessities of life – guiding principle 18

- Food security
- Basic shelter and housing
- Health
- Water and sanitation
- At least primary education

Goods and services
should be:

Available
Accessible
Acceptable
Adaptable



Explain that according to the Framework on durable solutions an adequate standard of living is understood to include access to shelter, healthcare, food, water, sanitation and at least primary education.

If there is time for such a discussion, stress that, in any case satisfaction of economic, social and cultural rights is subject to resource availability and should be progressively achieved. Nevertheless there are minimum core obligations that need to be satisfied regardless of IDPs' circumstances and without discrimination.

This is the general point made by Guiding principle 18, which sets out the basic necessities of life. Guiding Principle 18.3 refers to the need to include women in the planning and distribution of basic supplies.

Finally, the IASC framework specifies that goods should be available, accessible, acceptable and adaptable.

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Access to livelihoods and employment

Guiding principle GP 22.1(b)

- Arable land for farmers
- Replacement of pastoralists' livestock
- Employment opportunities in the informal sector
- Access to credit for traders and shopkeepers
- Offer of vocational training

The professional profile of the displaced population in Mali differed greatly by location. In Segou and Mopti most people were agricultural workers or land owners, while in Bamako they were public employees, craftsmen or traders.



Focus on the fact that access to employment and livelihoods means allowing IDPs to at least meet their core socio-economic needs – the basic necessities of life as per guiding principle 18 and the previous slide.

The key message is that reintegration often takes place in fragile economic circumstances when the population as a whole is suffering high unemployment. As such, it may not be possible for all IDPs to gain employment or re-establish their previous livelihoods, but they should at least be able to do so to the same extent as the rest of the population.

Explain that preferential measures may be needed to help IDPs acquire new knowledge and skills to prepare them for a new job market, for example when IDPs from rural areas settle in urban environments. The findings of a preliminary survey conducted among IDPs in Mali can be seen as a case in point.

Mechanisms to restore HLP

Guiding principle 29.2

- Loss of land and property
- Access to mechanisms for restitution and compensation

Experience sharing: Burundi

National commission on land and other property (known by its French acronym CNTB)



Explain that regardless of their settlement choice, when IDPs have lost their housing land or property timely restitution is the preferable remedy, as set out in the 'Pinheiro principles'. The UN Principles on Housing and Property Restitution for Refugees and Displaced Persons (known as Pinheiro principles) are based on international standards which outline the rights of refugees and displaced persons to return not only to their countries when they see fit to do so, but to their original homes and lands as well.

Explain that it may sometimes be more equitable or feasible to compensate owners, in which case alternative solutions should be found for temporary occupants. Stress that the same standards apply to residential, agricultural and commercial property, and to lease and tenancy agreements.

Explain that HLP restitution can be time-consuming, and that an effective and accessible mechanism is needed. In some cases it may be necessary to establish special institutions, in others traditional mechanisms for resolving property disputes will suffice.

Discuss a couple of examples - Burundi's national commission on land and other property (known by its French CNTB) or the commission for real property claims (CRPC) in Bosnia Herzegovina.

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Personal and other documentation

Guiding principle 20

- Right to recognition everywhere as a person before the law
- Authorities should:
 - Issue or replace all the documents IDPs need to fulfil their legal rights
 - Facilitate the process and impose no unreasonable conditions
- Women and men have equal rights to such documents



Highlight the fact that each durable solutions criteria is underpinned by one or more human rights. In case of personal and other documentation, it is the right to recognition as a person before the law, which is enshrined in guiding principle 20.

Point out that documentation is also necessary to exercise a number of other human rights, that women and men have the same right to have documents issued in their own name, and that the same is true for separated and unaccompanied children.

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Family reunification

Right to family unity – guiding principle 16

- IDPs have the right to know the fate and whereabouts of missing relatives
- Authorities should endeavour to provide such information, and set up tracing and reunification measures
- They should cooperate with international organisations in doing so
- Special guarantees for unaccompanied or separated children: best interests of the child and duty to protect



The relevant right here is to family life and to unity of family, enshrined in guiding principle 16. Under it, the authorities have two main obligations – to provide information on the whereabouts of the missing relatives, and to set up tracing and reunification mechanisms

Emphasise the need to use a rights-based approach and tools, and give the example of determining the best interest of the child in pursuing family reunification.

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Access to justice and remedies

Violations of human rights and IHL, arbitrary displacement – **guiding principle 6.2**

Non-discriminatory access to remedies and justice:

1. Criminal accountability
2. Reparations, including compensation

Experience sharing: Liberia

- Lack of security, state presence and rule of law in return areas
- Deployment of 500 monitors to report on protection incidents
- Rule of law project with deployment of legal assistants contributed to build IDPs confidence in institutions in their return areas



Explain that all victims of human rights violations, including IDPs, have the right to effective remedies. These include access to justice, prompt and adequate reparations and access to related information.

The criminal responsibility of the perpetrators of human rights violations and those who deliberately cause displacement should also be determined.

Liberia's rule of law project is an example of a human rights monitoring arrangement put in place by the authorities with the support of the UN mission with a view to facilitating return. The deployment of legal officers was intended to increase access to reparations through judicial mechanisms.

You can use the example to start a discussion on the indicators with the participants. Ask the question: what indicators could we envisage to monitor a project of this kind?

Participation in public affairs

- IDPs have to be enabled to enjoy their civil/political rights, i.e. right to vote & to stand for elections.



GP 29(1)

IDPs « who have returned (..) or who have resettled (..) shall not be discriminated against as a result of » being IDPs

GP 22(d)

IDPs have the « right to vote or to participate in governmental and public affairs»

Explains that IDPs' right to participation in public affairs should be guaranteed without discrimination at the same level as the rest of the population. To do so, a number of measures may be needed, including:

- Voter registration, particularly in displacement areas
- Education programmes in displacement areas
- Special arrangements for absentee ballots
- Polling stations in displacement areas

Once again: seek examples of possible indicators to determine to what extent former IDPs / returnees are able to exercise their basic right to participation in public affairs.

Criteria and indicators

- Each criteria needs to be put into practice via the development of specific indicators
 - Indicators should be context-specific
 - There should be both qualitative and quantitative indicators
- Applicability of general benchmarks is questionable
- Indicators are tools for in-depth analysis - for advocacy, policy-making and programming
- Indicators do not say where we are in the process unless used for comparative analysis, i.e. IDPs vs other population groups



The IASC framework's criteria are benchmarks for durable solutions, but to have practical value they need to be put into practice using context-specific indicators, both quantitative and qualitative.

Neither the criteria nor the indicators can tell us the extent to which durable solutions have been achieved across the board, because no two displacement situations are the same and they apply differently to each one. Rather they should be considered tools for in-depth analysis of the displacement situation to which they are applied to guide policy making, advocacy and programming at a strategic level.

As such, they work even context-specific indicators work best when used for comparative analyses of different population groups to determine vulnerabilities and discrimination related to displacement and those that exist among the general population.

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Application of criteria to X country

60"

Explain that the participants will now divide into working groups for an in-depth discussion about the application of the criteria in X country. Refer to the flipchart where the eight criteria are listed, and invite participants to put their coloured dots on the three they think should be prioritised in order to achieve durable solutions in X country.

Once all the dots are in place, summarise the top five criteria to emerge. At the same time, have a colleague take five cards, write down one of the top five criteria on each and put one in each of the pre-arranged working group spaces.

The durable solutions criteria are your criteria

Instructions

- You will be given three coloured dots
- Place them on the three criteria that you believe are most relevant in country X



Write the eight criteria on some flipchart papers

Invite the participants to establish which criteria according to them are most relevant in a given scenario. Give them the possibility to express their opinion using some coloured dots. Once they have finished applying the different dots, count the dots accrued by each of the criteria and nominate the

Subsequently the participants should be divided into 4/5 groups, each working on one of their criteria. Solicit their cooperation in ensuring that each group has no more than X people.

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Work activity

- From the top five, choose one criteria that will be the basis for your group work. Please ensure that there is not more than X people in the group.
- In your group, spend 30 minutes discussing possible obstacles to the criteria being met, what could be done to overcome them and who should be involved in doing so
- There will be a 30-minute plenary session for presentations and discussion



Before they go to their working groups, refer to the questions on the slide that they should answer during their discussion.

Plenary:

Give each group a maximum of five minutes each to present the outcomes of their discussions. Each of the five groups take turns in presenting their answers on the application of the DS criteria in X country with a maximum 5 minutes each. If time is short, leave the question of who should be involved for the next module.

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Conclusions

- The criteria are essential benchmarks to gauge the extent to which durable solutions have been achieved or not
- Each displacement situation entails policy choices about the criteria to prioritise while always safeguarding IDPs' rights
- Meeting the criteria requires broad cooperation and collaboration, based on parallel challenges that need to be addressed
- Developing appropriate indicators and using them in comparison with other population groups is a key step to measure progress



Synthesise the responses along the following lines - prioritisation involves policy choices that must be based on IDPs' rights and needs, IDPs' participation in the process is essential and the application of the criteria is interlinked and overlapping.

Stress that in assessing the application of the criteria, the fact that the achievement of durable solutions is a human rights-based process should not be lost sight of.

Also that successful application of criteria depends on cooperation and collaboration among many stakeholders, with the state having the primary responsibility.

If there is not enough time for a plenary, feedback could be organised through a market place session.