

DURABLE SOLUTIONS FOR IDPs IN PROTRACTED SITUATIONS: THREE CASE STUDIES

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In recent years, studies have been carried out, campaigns have been launched, and considerable thought has gone into how to resolve protracted refugee situations.¹ Academics and practitioners alike have grappled with the difficulties in finding solutions for refugees who have lived in camps for far too long.

While millions of IDPs, like refugees, have languished in camps for extended periods of time, protracted IDP situations have received virtually no attention from academic researchers. There are important similarities in the impact of prolonged displacement on the lives of IDPs and refugees, but there are also significant differences in their situations – particularly when it comes to solutions. This paper begins by suggesting a definition for protracted IDP situations and then discusses similarities and differences between protracted refugee and IDP situations. The study then examines three case studies of protracted internal displacement: Colombia, Georgia, and Darfur with a particular focus

¹ See for example, Loescher and Milner 2005; Loescher, Newman, and Troeller forthcoming; Smith 2004; Milner 2005; Crisp 2003; UNHCR 2004b; UNHCR 2004d; UNHCR 2006a: 105-127.

on the role of IDPs in negotiations to resolve the conflict, the involvement of key international actors in influencing the situation on the ground and the possibilities for durable solutions. While return is often the desired solution for both IDPs and political actors, the paper argues that local integration and return should not be seen as mutually exclusive alternatives. IDPs can be encouraged to build new lives elsewhere without having to give up the possibility of eventual return when conditions warrant.

A word about definitions

Internally displaced persons are defined in the *Guiding Principles on Internal Displacement* as

‘persons or groups of persons who have been forced or obliged 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’ (UNOCHA 1998: Introduction, point 2).

Unlike refugees, IDPs have not crossed an internationally recognized border. While refugees can claim refugee status based on persecution or a well-founded fear of persecution for five reasons – race, religion, nationality, membership of a particular social group, or political opinion – IDPs may be displaced because of generalized violence, violations of human rights and natural or human-made disasters. Thus, the IDP category is much broader than that of refugees, particularly as causes such as development-induced and environmental displacement are included. Moreover, the definition in the *Guiding Principles* is a descriptive, not a legal definition. ‘Internally displaced persons need not and cannot be granted a special legal status comparable to refugee status’ (Brookings-Bern Project on Internal Displacement and American Society of International Law 2000: 3).

There are other important differences between refugees and IDPs which impact on durable solutions. While refugee law is supported by 50 years of national jurisprudence, scholarly research, and UNHCR Executive Committee conclusions, the corresponding body of legal interpretation for IDPs is in its infancy. UNHCR is the “guardian” of the 1951 Convention and was created in 1951 with a mandate of assisting and protecting refugees. For IDPs, there is no established ‘guardian’ of the Guiding Principles (although the Representative of the Secretary-General on the Human Rights of IDPs often fulfills that function.) Nor is there a single UN agency (with a secure funding source) charged with assisting and protecting IDPs, but rather under Humanitarian Reform, there is a looser approach in emergency situations whereby different agencies take the lead in different areas or ‘clusters.’ While an international agency is charged with protecting refugees – because by definition they are unable or unwilling to avail themselves of the protection of their government -- it is national authorities who are responsible for IDPs because they are citizens or habitual resident of that country. This holds even when it is national authorities themselves who contributed to the displacement.

As might be expected, there are some conflicts that generate both IDPs and refugees. With a few exceptions, such as Afghanistan in the 1980s and Burundi, contemporary conflicts tend to generate more IDPs than refugees. Thus Sudan has 4.7 million IDPs and ‘only’ 686,000 refugees while Turkey has between 954,000 and 1.2 million IDPs but ‘only’ 227,232 refugees.² In cases such as Colombia, Georgia, Chechnya and Tajikistan, the number of refugees is overshadowed by massive internal displacement. This makes intuitive sense: in many cases, it is simply too difficult, dangerous or expensive to make it to the border of a neighboring country.³ And in every region in the world, borders are becoming more difficult to cross. Geography also plays a role; while Timor Leste had 100,000 IDPs in 2006, it is not surprising that there were only 251 Timorese refugees and 9 asylum-seekers registered with the United Nations High Commissioner for Refugees (UNHCR).⁴

Defining protracted IDP situations

UNHCR defines a protracted refugee situation as:

‘One in which refugees find themselves in a long-lasting and intractable state of limbo. Their lives may not be at risk, but their basic rights and essential economic, social and psychological needs remain unfulfilled after years in exile. A refugee in this situation is often unable to break free from enforced reliance on external assistance’ (UNHCR 2004d: 1).

Depending on their proximity to on-going conflict, IDPs in protracted situations may find their lives at risk although most probably do not face immediate threats to their security. Like refugees in protracted situations, IDPs find that their basic rights and essential economic, social and psychological needs remain unfilled after years of displacement. While refugees are dependent on external assistance, data do not exist on the extent to which IDPs in protracted situations receive international assistance.

In identifying the major protracted refugee situations in the world (with the major exception of Palestinians falling under the mandate of UNRWA), UNHCR uses the ‘crude measure of refugee populations of 25,000 persons or more who have been in exile for five or more years in developing countries’ (UNHCR 2004d).

As Loescher and Milner point out, there are problems with the data on refugees. Refugee populations are dynamic rather than static and large numbers of refugees (though the exact figures are unknown) live in urban areas where they are far more difficult to count. These problems are even more acute in IDP situations. Most of the world’s IDPs do not

² Refugee figures from *Statistical Yearbook 2006: Trends in Displacement, Protection and Solutions. (Annex)*. United Nations High Commissioner for Refugees (Dec. 2007). Available at: <http://www.unhcr.org/cgi-bin/texis/vtx/home/openssl.pdf?id=478ce34a2&tbl=STATISTICS>. IDP figures from IDMC website at: www.internal-displacement.org

³ See, for example, Catherine Phuong, *The International Protection of Internally Displaced Persons*, Cambridge University Press, 2004.

⁴ *Statistical Yearbook 2006: Trends in Displacement, Protection and Solutions (Annex)*. United Nations High Commissioner for Refugees (Dec. 2007). Available at: <http://www.unhcr.org/cgi-bin/texis/vtx/home/openssl.pdf?id=478ce34a2&tbl=STATISTICS>.

live in camps and are not registered with their governments or any international or national agency. In fact, many IDPs who remain closer to the causes of their displacement are anxious not to identify themselves to either the authorities or to others in the community who might be perceived as a threat. In some countries – such as Indonesia, Rwanda and Angola – governments or the UN have concluded that displacement has ended, even though NGOs and others identify significant numbers of internally displaced persons. While refugee situations are dynamic, with people crossing and re-crossing international borders, IDP situations are likely to be even more so as travel within a country may be easier than crossing an international border. Statistics, collected at a particular moment in time, thus do not capture the dynamic nature of displaced populations.

This study is based on IDP statistics collected by the Internal Displacement Monitoring Centre (IDMC), but in comparing refugee and IDP figures, it is clear that the data for IDPs are much less firm than for refugees, as witnessed by the range of estimates provided for some populations (e.g. Lebanon where the number of IDPs in protracted situations is estimated at between 16,750 and 600,000). As statistics for development- and environmentally-displaced populations are not available, this study focuses only on conflict-induced internal displacement.

For the purposes of this study, protracted IDP situations are defined as those where:

- the process for finding durable solutions is stalled⁵ and/or
- IDPs are marginalized as a consequence of violations or a lack of protection of human rights, including economic, social and cultural rights.

Protracted displacement and politics

Resolving protracted IDP situations is highly politicized. In fact, displacement becomes protracted because the available solutions are politically unpalatable or impossible. These are not situations where additional funding would enable solutions to be implemented or where a technical answer is needed. Long-term displacement in Cyprus or Turkey, for example, will not be resolved by an infusion of funding or a new computer registration program. Traditionally, the answer to protracted displacement has been seen in terms of a comprehensive political agreement -- such as the Comprehensive Peace Agreement (CPA) in Sudan or the 2004 accord in Angola -- after which solutions can be implemented and protracted displacement brought to an end.

This study suggests that the process is usually more dynamic than this. In particular, the study looks at several protracted IDP situations with respect to three highly politicized issues:

- IDP involvement in peace processes
- the balance between local integration and return as solutions to protracted situations

⁵ On substantive and procedural considerations for achieving durable solutions, see Interagency Standing Committee 2007

- the role of the international community in supporting/pressuring for solutions

The literature suggests that IDPs should be involved in peace processes; without their active engagement, peace agreements are unlikely to be sustainable.⁶ Return is almost always seen as the ideal solution for displaced persons – at least when it is voluntary and carried out in safety and dignity. But in protracted conditions, return simply isn't possible. An unwillingness to let go of the possibility/right of return contributes to the frozen nature of the displacement. While the international community is generally seen in its role of supporting/facilitating solutions, it can also play a less helpful role.

We examine these three issues in terms of specific case studies: Colombia, Georgia, and Darfur, Sudan. These three cases were selected for analysis because of their differences: there are different causes and patterns of displacement, different magnitudes and duration of displacement, and very different experiences with international involvement. But all three have turned out to be intractable and in all three, in spite of their sizeable long-term IDP populations, people continue to be displaced.

Much has been written to describe each of these three cases. Rather than provide a comprehensive description of each case, the study analyzes them through the lens of: IDP participation, the viability of returns and the alternatives, and the engagement of the international community. Following a short analysis of each case, we return in the concluding section to point out similarities and differences.

Colombia

The conflict in Colombia has displaced close to three million people over the past two decades⁷ -- the second highest number of IDPs in the world after Sudan. A conflict which originated as a struggle between government forces and revolutionary guerrilla groups, such as the Fuerzas Armadas Revolucionarias de Colombia (FARC) and the Ejército de Liberación Nacional (ELN) has become a much more complex web with the rise of armed groups tied to drug cartels, economic interests, and the government. By the late 1990s, large swathes of Colombian territory, over half of the country's total area, were outside of government control. Guerrilla forces, paramilitary groups and *narcotraficantes* held sway and deliberately displaced civilian populations in order to control territory. Small farmers needed to be driven off their land so that coca could be

⁶ The Brookings Institution-University of Bern Project on Internal Displacement, *Addressing Internal Displacement in Peace Processes, Peace Agreements, and Peacebuilding* (September 2007).
<http://www.unhcr.ch/hurricane/hurricane.nsf/view01/86CA7AB5CFE66112C12573830043534A?opendocument>

⁷ There is significant controversy over the number of IDPs. According to government statistics, by mid-2008, 110,000 Colombians had been displaced. According to the main human rights organization in the country, Consultoría para los Derechos Humanos y el Desplazamiento (CODHES) there were 270,675, IDPs. Likewise, CODHES puts the overall figure (for 1995-2006) at 2.9 million IDPs, while the Colombian government asserts that only 1.9 million were displaced during this period. (See Refugees International, "Colombia: Flaws in Registering Displaced People Leads to Denial of Services" April 2007. This significant difference between the two estimates is in part the result of different methodologies: CODHES for example, counts those who were displaced on multiple occasions separately while government figures do not consider as IDPs those who left their communities because of government action, including actions by military forces or the destruction of crops by spraying (fumigations) which have been an integral part of government policy for many years.

cultivated and later, to allow for lucrative crops, such as palm oil, to be grown.⁸ In spite of the fact that the Colombian government pursued vigorous anti-insurgent campaigns against the guerrillas, it has only been in recent years that it has appeared to be gaining the upper hand. Since the Pastrana regime (1998-2002), the US government has provided massive economic and military assistance in support of Plan Colombia which sought to eradicate drug cultivation.

As in other conflicts, most of those displaced - 60% - have moved from rural areas to towns and cities, with very few IDPs living in camp settings. Displacement has affected rural and minority groups disproportionately. Although less than 4 percent of the national population is Afro-Colombian, between 18 and 33 percent of the displaced are Afro-Colombian. Similarly while some 12 percent of Colombia's displaced population is indigenous, indigenous peoples make up less than 1 percent of the country's population.⁹ This trend seems to be increasing. The reason for this is fairly clear: their lands are of strategic interest to Colombia's armed groups or of economic interest for both land developers and narcotrafficantes. With the large-scale eradication of crops in the easily accessible parts of the country, the drug interests have moved to more difficult and marginal terrain on Colombia's Pacific coast and the dense jungles near the Darien peninsula. These are areas which have traditionally been marginal and are inhabited by marginalized groups in Colombia – the indigenous and the Afro-Colombians.

The Colombian government, unlike the other two cases in this study and indeed unlike most displacement situations, has a long history of legislative and judicial response to IDPs. The country's 1997 Law on Internal Displacement (Law no. 387) and the many subsequent decisions by the Constitutional Court require the government both to prevent displacement and to ensure the rights of those displaced. But as long as the conflict continues and as people continue to be displaced, solutions are elusive.

IDP Participation in Peace processes

Colombian IDPs and their organizations are deeply skeptical about participation in peace processes. As Roberto Vidal has explained, those IDP organizations which participated in negotiations between the FARC and then-president Andrés Pastrana between 1994 and 1998 were disillusioned and frustrated by the process – in spite of (or perhaps because of) their high expectations upon entering into these processes.¹⁰ Following unsuccessful negotiations between the FARC and the government in 1999-2002 (which did not include IDPs), direct peace talks were abandoned. The Uribe government (2002-) adopted a two-track policy: increasing counter-insurgency operations to defeat the guerrilla forces and

⁸ Internal Displacement Monitoring Centre (IDMC) and Norwegian Refugee Council, *Resisting Displacement by Combatants and Developers: Humanitarian Zones in North-west Colombia*, (November 2007).

[http://www.reliefweb.int/rw/RWFiles2007.nsf/FilesByRWDocUnidFilename/SSHN-78NECZ-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2007.nsf/FilesByRWDocUnidFilename/SSHN-78NECZ-full_report.pdf/$File/full_report.pdf)

⁹ The figure of 1% refers to Colombian communities descending solely from indigenous, Amerindian groups. Additionally, 3% of the population is considered Afro-Amerindian or Black-Amerindian according to the 2008 CIA World Factbook.

<https://www.cia.gov/library/publications/the-world-factbook/geos/co.html#People>

¹⁰ Roberto Vidal Lopez, "Informe de Investigación sobre la participación de los desplazados internos dentro del los procesos de paz en Colombia" Prepared for the Brookings-Bern Project on Internal Displacement, August 2006. For a summary of this report, see The Brookings Institution-University of Bern Project on Internal Displacement, *Addressing Internal Displacement in Peace Processes, Peace Agreements, and Peacebuilding* (September 2007).

entering into negotiations with the paramilitary forces. These negotiations resulted in a Justice and Peace Law (2005) which led to the demobilization of some 30,000 combatants and support for their reintegration. Many IDPs felt resentment at the policy which seemed to privilege the demobilization of those who had fought in armed groups over those who had been displaced. In financial terms, the government has provided some \$4,500 for each de-mobilized individual in comparison with an average of \$409 for each IDP duly registered by the government.¹¹ Other initiatives to bring about an end to the violence included the establishment of a Reparations Commission intended to compensate victims of the violence, but which largely excluded those who had been displaced by the conflict, leading to the unpleasant phenomenon of competition between victims' groups. In sum, IDP participation in peace negotiations was not successful, and IDPs perceived that their concerns were largely ignored by other processes designed to demobilize paramilitaries and compensate other victims of the conflict.

At the same time, IDPs have long been active in creating grassroots organizations to advance their interests, for example by declaring humanitarian zones, by mobilizing communities and by advocating collectively with the government (and occasionally with other armed groups.) Initiatives to formalize IDP organizations have had mixed results. In 1997, government policy toward the displaced included support for the creation of IDP associations on the assumption that this would allow them to have better access to assistance. Today there are hundreds of IDP associations in Colombia which are active on different levels and who have contributed to the debate over assistance policies.

As the Uribe government denies the existence of an armed conflict in Colombia, there are few prospects for peace negotiations and thus, no potential role for IDPs to participate in this process. Presently IDPs are focusing their efforts on issues related to transitional justice such as reparations, restitution of property land and recognition as victims – all of which are fundamental in the search for durable solutions.

Return and local integration

Upon taking office in 2002, President Uribe has promoted return of the internally displaced as their primary durable solution, and yet it is unlikely that return will – or should -- resolve displacement for the vast majority of Colombia's 3 million IDPs. According to government surveys, over 80% of IDPs say they do not plan to return to their communities. Many cite the lack of security in their community of origin as the principal cause, but there are other important factors.¹² First, many of the IDPs have lived in urban areas for years and are reluctant to give up urban services for life back in the countryside. Vidal notes that displaced women are particularly reluctant to return because they perceive that there are more opportunities and equality for them in urban areas.¹³ There are also generational differences; young people are less likely to see their future as lying in isolated rural communities. Return is also unlikely when the lands of IDPs are being used by others which was, after all, the reason for their displacement.

¹¹ Cited in Roberto Vidal, "Desplazamiento Interno y Construcción de Paz en Colombia," 2008, p. 4.

¹² Comisión de Seguimiento a la Política Pública sobre Desplazamiento Forzado, VI Informe a la Corte Constitucional, Bogotá, junio de 2008.

¹³ Vidal, "Informe de investigación," p. 6.

Even where restitution of land is possible, it may well be less productive than at the time of displacement. For example, after several years of cultivation of palm oil, land is generally unproductive for subsistence crops.¹⁴ Most IDPs are advocating for compensation for lost property and for reparations for their displacement rather than return to their original lands.

However, return continues to be the desired solution for indigenous and Afro Colombian communities because of their deep cultural and religious ties to the land. For many in these communities, return to their native lands is seen as the only possible end to displacement.

IDPs are increasingly directing their attention to the processes of transitional justice which have been established by the government, including the Reparations and Reconciliation Commission rather than to non-existent peace processes. This gives rise to the interesting phenomenon of transitional justice mechanisms operating at a time on continuing conflict and displacement. In the first 6 months of 2008, CODHES reports that 270,675 persons were newly displaced (while the corresponding governmental figure was 110,000).¹⁵

International Involvement

International engagement with Colombia's conflict and resulting civilian victims has been dominated by international humanitarian actors and a robust civil society on the one hand and by US governmental bilateral support for the Colombian government to bring an end to the insurgency. The ICRC, UNHCR, OHCHR, and the UN Country Team generally were the principal providers of humanitarian assistance to IDPs until 2004 when the Constitutional Court mandated a massive and rapid increase in assistance by the government through Acción Social and other entities. As the government's assistance programs have grown, international actors have moved into more of a monitoring and protection role for IDPs. But there has been little concerted international action by the United Nations to address the causes of displacement. Given the complex nature of the conflict and particularly its links to domestic economic interests, this is understandable.

President Uribe, who took office in 2002 on a platform of 'democratic security,' has enjoyed substantial support from the US government which sees him both as a champion of democracy in the region and as a staunch ally in the fight against terrorism and narcotics. Thus the main international actor in resolving the conflict side is not the United Nations or the international community, but rather the US government. Earlier efforts by some European governments to support peace negotiations have been put on hold while the Uribe regime seeks a military solution to the conflict even as it increases assistance to the victims.

¹⁴ Danilo Rueda of the Inter-Ecclesial Commission of Justice and Peace speaking at the Brookings Institution, "Solutions for Colombia's Displaced: the Constitutional Court, Commercial Activity, and the Internal Displacement Crisis." Washington, D.C. 10 March 2008. http://www.brookings.edu/~media/Files/events/2008/0310_colombia/0310_colombia.pdf

¹⁵ BBC, "Colombia drugs war exodus 'rises'", 1 October 2008. <http://news.bbc.co.uk/2/hi/americas/7645837.stm>

The vast majority of Colombian IDPs living in protracted situations are unlikely to return to their communities of origin. Most IDPs seem to longer aspire to return, but rather they want compensation for their lost property and public recognition and/or reparations for the losses they have incurred. On a practical level, they need support to acquire jobs or develop livelihoods in their areas of displacement.

Another long-term conflict which has led to protracted internal displacement is Georgia where there are different patterns of IDP involvement in peace negotiations, different obstacles to return and a very different experience of international involvement.

Georgia

The recent military confrontation between Russia and Georgia thrust long simmering tensions over disputed territory back into the international spotlight and rattled the geopolitical world. In addition to the far-reaching implications for regional stability and relations between an increasingly assertive Russia and the West, the conflict also refocused international attention on the plight of those displaced by conflict in Georgia, including the 240,000 individuals displaced by separatist fighting in South Ossetia and Abkhazia in the early 1990s.¹⁶

Separatist fighting erupted in the Georgian territories of Abkhazia and South Ossetia in the wake of the collapse of the Soviet Union, resulting in massive displacement and destroying the relatively peaceful, pre-war coexistence among different ethnic groups. Virtually the entire ethnic-Georgian population—more than 200,000 people—fled Abkhazia during the 1992 conflict and remain displaced within Georgia to this day.¹⁷ Similarly, the conflict in South Ossetia resulted in the displacement of some 60,000 people, mainly South Ossetians within the breakaway territory as well as those living in Georgia. Many Ossetians sought refuge in Russian North Ossetia, while as many as 10,000 ethnic-Georgians were also displaced as a result of the fighting in South Ossetia.¹⁸ Both conflicts were notable for their widespread atrocities, committed by all sides, including rape, summary executions, the looting and burning of villages and torture by paramilitary groups.¹⁹ Several thousand people are believed to have been killed in the fighting, which victims on either side later described as campaigns of ethnic cleansing in Abkhazia and South Ossetia. The respective ceasefire agreements effectively froze the ethnic separation, but failed to secure a comprehensive peace. Given the nature of the violence and the resulting ethnic cleavages, it is no surprise that few returned to formerly ethnically heterogeneous areas of origin. Almost no ethnic Georgians have returned to

¹⁶ Internal Displacement Monitoring Centre. "Georgia: At least 128,000 people internally displaced by renewed conflict," 18 August, 2008. NOTE: *Some 300,000 people fled conflicts in or were expelled from Abkhazia and South Ossetia in the early 1990s. Some 45,000 of them returned to Gali, Abkhazia a few years ago. Since then, the number of IDPs has not decreased, as children of IDPs are also counted as IDPs. In 2004-2005, the Ministry of Refugees and Accommodation (MRA) undertook with the support of UNHCR and of the Swiss government a verification exercise to update the number of IDPs. Some 221,000 people were verified, but this number has not been endorsed by Georgian authorities, who used the estimate of 247,000 as of early 2007. Also, the Georgian government has started registering some of the hundreds of Georgian citizens recently deported from Russia as IDPs.*

¹⁷ It should also be noted that there are IDPs within Abkhazia and refugees in Russia. IDMC.

¹⁸ Internal Displacement Monitoring Centre. "Georgia: New IDP strategy awaits implementation" 11 October 2007.

¹⁹ Human Rights Watch, "Bloodshed in the Caucasus", pg. 17

South Ossetia, a fact which has tended only to strengthen the dominance of local majority populations rather than reestablish co-existence among the two ethnicities.²⁰

When UN Representative for the Human Rights of IDPs, Walter Kaelin, visited Georgia in 2005, he expressed shock at the misery in which some of the 240,000 IDPs find themselves still living after more than 15 years in displacement.²¹ Roughly half of the protracted IDP group lives in overcrowded collective centers—transformed schools, hotels, factories, and hospitals—seventy percent of which do not meet basic living standards in terms of heat, water, sanitation and basic safety. Over time, the nearly 1700 collective centers have only expanded, as locals have become increasingly willing to host IDPs with limited means to pay rent or contribute to household incomes.²²

IDP Participation in peace processes

While IDPs in Georgia have participated in a series of track-two negotiations and enjoy some degree of protection, at least in principle, from the Georgian government, their quality of life and prospects for a durable solution have, somewhat paradoxically, improved little over the years. With the support of international NGOs, a range of national civil society groups emerged, creating significant space for IDPs to play active advocacy roles with the government and promote reconciliation within the contested territories. For instance, the so-called “Schlaining process” brought together opposing sides for a series of consultative workshops with some success.²³ Women’s groups have also formed in abundance and are active in advocating on behalf of IDPs. At the same time, however, civil society organizations have been unable to establish common goals and positions on the larger questions relating to the status of and long-term prospects for IDPs. This lack of cohesion has contributed to paralysis and inaction, with several hard-line groups within the IDP community actively opposing efforts at reconciliation and temporary integration, arguing that it was de-motivating IDPs to eventually return home.²⁴

Despite the setbacks, track two processes did ultimately serve as catalysts for concerted action among the various IDP groups and with government counterparts to improve standards of living. A breakthrough of sorts occurred in 2006 when civil society groups and representatives of the Georgian government found common ground, eventually leading to the adoption of the “State Strategy on Internally Displaced Persons.” Among other things, broad consensus was reached on the inadequacy of IDP living conditions, the need to tackle discrimination in places of temporary residence and public perceptions of IDPs as leeches on government welfare benefits, and the need for NGOs to better coordinate their efforts on behalf of IDPs.²⁵ However, little progress has been made in

²⁰ International Crisis Group, Report No. 159 “Georgia: Avoiding War in South Ossetia,” 26 November 2004.

²¹ Walter Kaelin, Forced Migration Review 25, Brookings Bern Project on Internal Displacement, “Georgia must act on promises to end displacement crisis.”

²² Internal Displacement Monitoring Centre “Georgia: New IDP Strategy Awaits Implementation.” 11 October 2007

²³ Berghof Research Center for Constructive Conflict Management. http://www.berghof-center.org/std_page.php?LANG=e&id=181.

²⁴ Brookings-Bern Project on Internal Displacement. *Addressing Internal Displacement in Peace Processes, Peace Agreements and Peace-Building*. September 2007. Pp 46-7. (Summarized from a report submitted to the Brookings-Bern Project in 2006 by the International Center on Conflict and Negotiation.

²⁵ Brookings-Bern Project on Internal Displacement. *Addressing Internal Displacement in Peace Processes, Peace Agreements and Peace-Building*.

actually implementing the state strategy since its passage nearly two years ago, which has been attributed both to a lack of funds as well as a lack of will.

Return and Local integration

The Georgian government's paramount political objective of preserving its sovereignty in the breakaway territories has also helped solidify the status and dependency of IDPs. Strategies for promoting local integration, whether permanent or to facilitate "normal life," tend to be either taboo or too high-risk in conflicts that involve ethnic conflict or elements of ethnic cleansing. Advocating for freedom of choice in relocation or local integration is often perceived as an endorsement of ethnic cleansing, as well as an acquiescence of its likely permanence.²⁶ South Ossetia and Abkhazia have become de facto mono-ethnic territories: in the absence of significant return of displaced ethnic-Georgians to places of origin, or at least the intention to do so, the state's legitimate claims of sovereignty would be crippled, at least in the eyes of other direct parties to the conflict. In this respect, IDPs have become defined by their status as interminably displaced and hostage to larger, intractable political phenomena over which they have little control. The meager benefits and compensation doled out by the Georgian government to support IDPs have kept them in a state of perpetual limbo—enough to keep them alive, but too little to allow them to reestablish themselves and restart their lives in a meaningful way.

In arguing for the passage of Georgia's state strategy, RSG Walter Kaelin noted that it "follows a two-pronged approach based, on the one hand, on the right to return and, on the other hand, allowing internally displaced persons to live normal lives and join the mainstream of Georgian life while awaiting the moment when return in safety and dignity becomes possible."²⁷ The RSG's choice of language highlights two key aspects of local integration in protracted IDP situations: local integration as a durable solution, and local integration as a strategy to allow people to "live normal lives" until conditions materialize to support sustainable return to areas of origin. The latter refers to realizing and protecting rights during displacement as well as building self-reliance and self-sufficiency.²⁸ This temporary form of local integration presents new challenges to humanitarian actors conditioned to support either direct assistance or return, as well as poses risks to host communities and governments that the displacement is more likely to become permanent with the passage of time.

Zero-sum calculations regarding IDP return not only divided civil society but also led the Saakashvili government to overlook opportunities to develop confidence and transform the dynamics of the debate, particularly in South Ossetia. The International Crisis Group noted in 2004 that illicit trade at the thriving Ergneti Market in South Ossetia provided a "means for average Georgians and Ossetians to meet, build contacts, and identify

²⁶ Ibid.

²⁷ Walter Kaelin. "Legal Aspects of Return of Internally Displaced Persons and Refugees to Abkhazia, Georgia," Statement at Panel on the Legal Aspects of Return of IDPs and Refugees to Abkhazia, Georgia. 29 November 2007.

²⁸ Brookings-Bern Project on Internal Displacement. "Expert Seminar on Protracted IDP Situations" 21-22 June 2007. Geneva.

common interests after the war years.”²⁹ However, the Georgian government shut down the market and launched a humanitarian offensive aimed at winning the gratitude of Ossetians. The strategy failed as average citizens cut off from illicit livelihoods regrouped around the secessionist leadership, viewing the Georgian economic assistance as a cheap political ploy. Rather than transforming the conflict, the effort only deepened the mistrust between the two sides

International Involvement

For reasons of history and geography, Russia has long been the dominant international actor in the southern Caucasus. In the aftermath of the separatist uprisings in Abkhazia and South Ossetia, Georgia and Russia signed agreements that established joint mechanisms for monitoring the respective ceasefires, promoting dialogue and political settlement, facilitating refugee and IDP return and promoting economic reconstruction in the conflict zones. Despite Russia’s strategic interests in both territories and close ties with separatist leaders, as well as an active role in providing humanitarian assistance and regularizing the status of tens of thousands of refugees on its side of the border, the agreements survived for nearly 10 years, albeit with little progress towards a political settlement or the return of displaced persons.

The 2004 election of President Mikheil Saakashvili on a platform of re-establishing Georgian sovereignty in the contested territories radically altered the status quo and set Georgia on a collision course with a newly assertive Russia. In a deliberate appeal for Western backing, Saakashvili cast the South Ossetia and Abkhazia conflicts in distinctly geopolitical terms rather than as a national issue, characterizing Russia’s interests as imperialistic efforts to regain control of its former southern satellites and pushback against NATO’s eastward expansion. The deteriorating relations between Russia and Georgia finally came to a head in August 2008 with the latter’s incursion into South Ossetia, exposing the limits of western support and providing Russia a clear opening to reassert itself as regional hegemon. As a result, Georgia’s position has weakened considerably in both territories as Russian troops positioned themselves in both South Ossetia and Abkhazia, forcing the displacement of the entire ethnic-Georgian population from all contested areas except the Gali district in Abkhazia. Russia’s position on Georgia’s claims has also hardened, with Russian Foreign Minister, Sergei Lavrov, publicly stating that “one can forget any talk about Georgia’s territorial integrity.”³⁰

The 2008 conflict between Russia and Georgia has severely impeded, perhaps permanently, any prospects for large-scale return of the protracted IDP group. However, the increase in humanitarian funding from states seeking to support the Saakashvili regime without antagonizing Russia could result in improved local integration prospects for IDPs and the overdue implementation of the State Strategy on Internally Displaced Persons.

²⁹ International Crisis Group, “Georgia: Avoiding war in South Ossetia” November 2004. The report draws comparisons with the Arizona Market in Northern Bosnia-Herzegovina, which served as a unique forum for reconciliation among Croat, Bosniak and Serb settlements.

³⁰ International Crisis Group. “Russia vs. Georgia: The Fallout.” 22 August 2008

While conflicts in Colombia and Georgia have been frozen for more than a decade, the conflict in Darfur came to the world's attention only five years ago. However, analysis of Darfur illustrates the importance of the same three factors in coming up with solutions to protracted displacement: the participation of IDPs in the peace process, the possibilities of return and the role of international actors.

Darfur

About to enter its sixth year, the crisis in Darfur has broken the mold for international conflict management and poses a multitude of dilemmas for politicians, peacemakers and humanitarian practitioners. The sheer magnitude of human deaths, destruction and displacement is in itself staggering: more than 200,000 have died as a result of fighting and/or conflict-induced displacement,³¹ while 2.4 million individuals have fled their villages for the relative safety of the IDP camps that now span the breadth of the three Darfur states, perhaps forever altering the human geography of western Sudan.³² In addition, some 250,000 Darfurians have sought refuge in neighboring Chad and more than 180,000 Chadians have been internally displaced as the conflict crept across the border.³³

Darfur now ranks as the world's largest humanitarian operation, costing more than a billion US dollars a year and hosting a humanitarian workforce now numbering approximately 17,000 individuals representing more than 100 relief agencies and NGOs.³⁴ The 26,000-strong UN peacekeeping force, if and when fully deployed, will be the world's largest operation of its kind. Yet despite this international attention, Darfur is more dangerous than ever and a solution to the complex mess is increasingly unimaginable as rebel groups continue to splinter, alliances shift, banditry limits freedom of movement and hinders the ability of humanitarian actors to access large swaths of the country, and traditional coping mechanisms and leadership structures disintegrate in the increasingly politicized IDP camps.

IDP Participation in Peace Processes

Two years in the making, the 2006 Darfur Peace Agreement collapsed almost as soon as the ink was dry. Not only did it fail to garner the support of two key rebel factions, which sealed its fate, but it left unanswered a range of issues of critical importance to victims of the conflict, most importantly provisions for the safe return to villages of origin and compensation for losses. While many observers of the process cite the unrealistic

³¹ Estimates on the exact number of deaths, both combat and collateral, vary widely between 200,000 and 400,000. See D. Guha-Sapir and O. Degomme, *Darfur: Counting the Deaths. Mortality Estimates from Multiple Survey Data*, May 26, 2005, CRED. See also J. Hagan and A. Palloni, "Death in Darfur," *Science*, 15 September 2006. 313: 5793, pp. 1578079.

³² "Sudan: Population Figures and Profile," Internal Displacement Monitoring Centre, November 2007. Available at:

[http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/CA38A0F0F269546F802570B8005AAFAD?OpenDocument](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/CA38A0F0F269546F802570B8005AAFAD?OpenDocument)

³³ "Chad-Darfur Humanitarian Crisis," UNHCR, October 2007. Available at: <http://www.unhcr.org/cgi-bin/texis/vtx/chad?page=intro>

³⁴ F. Weissman, *Humanitarian Dilemmas in Darfur*, MSF July 2008; Office of UN Deputy Special Representative of the UN Secretary-General for Sudan UN Resident and Humanitarian Co-ordinator, *Darfur Humanitarian Profile No. 32- Situation as of 1 July 2008*,

[http://www.internaldisplacement.org/8025708F004CE90B/\(httpDocuments\)/4697498C1D7C7622C12574BF0036539E/\\$file/DHP32_narrative_1+July+2008.pdf](http://www.internaldisplacement.org/8025708F004CE90B/(httpDocuments)/4697498C1D7C7622C12574BF0036539E/$file/DHP32_narrative_1+July+2008.pdf)

timeframes imposed by international actors, lack of trust/cohesion among rebel groups, as well as the negotiating strength and skill of the Government of Sudan as key to the collapse of the agreement, the lack of participation and subsequent ownership of the agreement by key segments of Darfuri civil society, including IDPs, were undoubtedly factors.³⁵

The AU mediation team in Abuja recognized the importance of bringing on board a cross-section of excluded parties—Arab militias, civil society, IDPs, refugees, women, youth, elders—through the Darfur-Darfur Dialogue and Consultation, a “track-two” initiative to deal with unresolved issues of land and grazing rights, inter-communal reconciliation, the safe return of refugees and other community-related issues not touched by the DPA. However, despite the enormity of the tasks envisioned, the mechanism was envisioned as an advisory body only, with an ill-defined composition and authority.³⁶ In the case of Darfur, relegating the vague Darfur-Darfur Dialogue and Consultation to a postscript of Abuja only raised mistrust in the simmering IDP camps and hardened opinion on the ground against the DPA.

Consultations with IDPs about potential return, economic viability of return villages, access to services, reconciliation, and compensation for damages takes cannot be set aside as an afterthought in future Darfur peace negotiations. However, bringing marginalized parties to the table in future negotiations will be a complex undertaking. As the AU Chief mediator, Mr. Salim Ahmed Salim, noted in 2007 “there are too many factors and factions involved.”³⁷ Determining who can speak for IDPs and identifying representatives in the camps, which now number in the hundreds, is a daunting task for those who seek peace in Darfur. But substantive peace efforts are destined to fail unless they align themselves with the new realities in Darfur and directly include those who speak on behalf of the displaced and dispossessed.³⁸ As the International Crisis Group’s Donald Steinberg points out, “IDPs are not mere victims of conflict but an essential piece of the puzzle in making and sustaining peace. Peace processes must benefit from their knowledge of local conditions, their power to generate civil society support for agreements, and their willingness to return and rebuild stable societies.”³⁹

Return and local integration

The participation of IDPs in any Darfur peace talks is critical because few can imagine what shape a post-conflict peace in Darfur will take. With more than one-third of the population now long-term residents in IDP and refugee camps, the social fabric of Darfur has been completely, and likely irreparably, upended. The initial 2002 uprising, while outwardly a political conflict against marginalization and underdevelopment by the center, had deep roots in land and other natural resource disputes, exacerbated by

³⁵ Alex De Waal. “Darfur Peace Agreement: so near, so far” 29/09/2006, open Democracy, available at: www.opendemocracy.net/democracy-africa_democracy/darfur_talks_3950.jsp

³⁶ International Crisis Group. “Policy Briefing: Darfur’s Fragile Peace Agreement,” *Africa Briefing* (39), (20 June, 2006), 9-10.

³⁷ Senait Woldu Tesfamichael. 2008. op. cit.

³⁸ D. Mozersky. “Darfur Peace Efforts Must Embrace New Reality.” www.allafrica.com. 5 Dec. 2007.

³⁹ Donald Steinberg. “A Seat at the Table: the Role of displaced persons in peace talks and peace building.” International Crisis Group. Dec. 2007. Available at: <http://www.crisisgroup.org/home/index.cfm?id=5263&l=1>

increasing desertification, which systematically eroded traditional land-use patterns and agreements among nomads and sedentary farmers.⁴⁰ Sixteen of the 20 driest years on record have occurred since 1972, dramatically reducing the amount of arable land in Darfur and setting the competing interests on a collision course.⁴¹ That the government found a ready base of support among the predominately nomadic Arab tribes as counterinsurgents is a testament, in part, to the growing tensions over land rights.

In a practical sense, local integration of IDPs into host communities is already underway as over 2.5 million predominately rural people have re-established themselves in urban camp-based settings. Although dependent on international humanitarian assistance, new livelihood strategies are emerging and traditional social norms and taboos are rapidly eroding among IDP groups, largely as a result of the increased access to resources. Many IDP children are attending school for the first time and access to medical care, though mediocre, is readily available. The deep boreholes that replenish the network of taps in urban IDP camps are radically altering water consumption patterns to levels unsustainable in rural villages, while traditional leaders are increasingly marginalized in favor of more militant elements linked to the splintering rebel groups. Although attachment to traditional lands remains strong among IDPs, return forecasts are unable to discern who among the newly urbanized population would choose to resettle on traditional lands in post-conflict Darfur. Meanwhile, well-armed nomadic tribes and rebel factions have now occupied the abandoned lands of camp-based IDPs.

Despite the dramatic and perhaps permanent demographic and socio-cultural changes in Darfur, the issue of return poses both political and moral dilemmas. On the political front, progress in any peace negotiations will hinge on often contradictory issues of restitution and compensation for losses and preserving the right of return, but at the same time will also have to address the competing pressures on land-use patterns that led to the conflict in the first place. However, to accept a solution to the crisis that both legitimizes and makes permanent the widespread ethnic cleansing, in which the government of Sudan played a key role, would likely be unacceptable to the masses in IDP camps and remains a moral quandary for those seeking a political settlement.

International Involvement

While the crisis in Darfur has prompted an unprecedented humanitarian response and spawned a broad-based advocacy movement, the international attention has not translated into an effective strategy to end the violence. The United States, trapped between the competing demands of highly-influential human rights groups to end the genocide, the desire to co-opt the government of Sudan in the “war on terror,” and the delicate task of keeping a faltering north-south peace agreement on track has been unable or unwilling to meaningfully influence the course of events on the ground.⁴² China, the other key state actor, has refused to leverage its significant investments in Sudan’s oil sector for a

⁴⁰ Senait Wldu Tesfamichael. “Negotiating Peace for Darfur: An Overview of Failed Processes. Annotated Conflict cases. www.beyondintractability.org. March 2008

⁴¹ “Sudan: Water shortage fears in Darfur camps: IRIN. 10 December 2007.

⁴² International Crisis Group. “Darfur: revitalizing the Peace Process.”

political resolution in Darfur or to restrict its sale of arms to the government, continuing a policy of “non-interference” in domestic affairs of sovereign states. Impervious to the string of Security Council condemnations and skilled in the diplomatic arts of manipulation and stonewalling, the regime in Khartoum has proven resilient to international pressure, including threats of sanctions by the US. Limited diplomatic achievements, including the deployment of a UN peacekeeping force, have been severely handicapped by watered-down mandates and ongoing insecurity within Darfur.

The recent indictment of the President of Sudan by the prosecutor of the International Criminal Court for genocide and other war crimes in Darfur has also re-introduced the court as a key player and, arguably, as a proxy for the diplomatic failures of UN member states. Hailed by human rights activists as a bold statement for ending impunity and a potential source of leverage in future peace negotiations, the indictment has also prompted considerable concern among those involved in peace negotiations who fear that the court’s action will ultimately serve to increase the intransigence of the Khartoum regime, as have previous indictments. China has already signaled its “grave concerns and misgivings” regarding the Court’s most recent actions, as has Russia.⁴³ The US, a non-signatory to the Rome Statute, abstained from the original Security Council vote to refer the matter to the ICC and has generally been supportive of the Court’s efforts in Darfur but has little moral authority to comment on a body which it has steadfastly refused to support. The ICC’s primary supporters on the Security Council—Britain and France—have been unwilling to press Khartoum on its cooperation with the court. If the court confirms the Prosecutor’s warrants and indicts President Bashir, the Security Council will likely deem the indictments “a threat to international peace and security” and suspend them for renewable one-year periods under Article 16 of the ICC charter.⁴⁴ Whether or not the suspensions provide sufficient leverage to persuade the government of Sudan to engage constructively in peace negotiations remains to be seen, but recent history is not encouraging.

Conclusion

These three protracted IDP situations represent different types of conflict, patterns of displacement, and government response. . In conflict zones, the displacement of people from their homes is often perceived as a natural byproduct of generalized violence. However, in the cases discussed here, human displacement was/is a calculated, strategic goal. In Colombia, the displacement of civilians was integral to the plans of the guerrillas, the paramilitaries and the drug cartels. In Georgia, displacement was seen as necessary by those favoring the independence of Abkhazia and South Ossetia: claims of sovereignty were stronger when the ethnic Georgians were no longer living in the territory. In Darfur, government efforts, aided by militias, to control the region and cement a redistribution of land favorable to its allies required mass displacement and the destruction of traditional villages.

⁴³ Daily Telegraph. 18 July 2008.

⁴⁴ Victor Peskin “The Omar al-Bashir Indictment: the ICC and the Darfur Crisis” 15 July 2008. www.opendemocracy.net.

These three conflicts began at different points, but all have deep roots in the unique historical experiences of each country. Colombia has experienced violence for most of the last century, but the conflict has morphed from a revolutionary struggle into a more complex web of narcotics and counterinsurgency actors; large-scale displacement began in the mid-1990s and continues today. Georgia's IDP situation stems from the early 1990s when the collapse of the Soviet Union reignited long-suppressed issues of national and ethnic identity, conflicting political allegiances and the right of self-determination. Some 225,000 were displaced in a short period of time and continue to live in limbo, hostage to the same forces that prompted their displacement a generation ago. The events of August 2008, which led to another round of mass displacement, are a continuation of the same historical forces. In Darfur, large-scale violence came to the world's attention in early 2003, although like almost all conflicts, it had been simmering for a long time, with deep roots in its history of underdevelopment and political marginalization, ethnic divisions, and growing population pressures for increasingly scarce natural resources.

Peace initiatives in the three countries are also different. Darfur has garnered the most international attention with many Security Council resolutions, deployment of African Union troops in 2004 and then the African Union/United Nations Hybrid operation in Darfur (UNAMID), sanctions and discussions of no-fly zones. The labeling of the conflict as genocide failed to generate an effective international response to end the violence, but recent moves by the ICC will likely lead observers to re-examine fundamental questions of addressing justice while pursuing peace. The Colombian peace processes, supported by European governments, included several inconclusive rounds of negotiations with the rebels. The Uribe regime apparently discounted peace negotiations in favor of transitional justice initiatives, which have led to a host of new laws intended to bring about reconciliation and peace. And lastly, the latest chapter in the South Caucasus exposed the unwillingness of western states to risk military confrontation with Russia over issues of Georgia's sovereignty. However, the infusion of humanitarian funds, largely as non-confrontational gestures of support by cowed NATO members, could lead to a redefinition of feasible durable solutions for the protracted IDP group, as well as a significant improvement in their living conditions. In Georgia, as in Darfur, the international community appears to be following the 'Bosnian precedent:' when the UN cannot address the causes of a conflict, it seeks to fill the gap with humanitarian assistance.

The three cases are interesting too because of the close alliance between the government of each country and a major power: US support for the Colombian government is central to its counter-insurgency efforts and anti-narcotics policy and is probably the reason why the UN has not tried to broker a political deal or contribute peacekeepers as it has in the other two countries. Chinese support for the Sudanese regime of Omar al-Bashir has been critical to limiting international action to press Sudan to stop what many call genocide in Darfur. Chinese economic interests in Sudan are strong (it receives 4% of its oil from Sudan while Chinese investment in Sudan is substantial) and China has been unwilling to use its leverage to force the Sudanese regime to either a negotiated peace or to end the violence. If the International Criminal Court confirms the indictments of the prosecutor for the arrest of President Bashir, China will likely lead the charge in the UN Security

Council to suspend the warrant under Article 16 of the Rome Statute. The conflict in Georgia is dominated by the interests of the much-larger Russian Federation. Without the support of the Russians, it is likely that independence movements in Abkhazia and South Ossetia would have gone the way of other small minority movements.

There are some differences in patterns of displacement. In Colombia and Georgia, displacement affected largely those living in rural areas who sought security in urban settings. While many in Georgia lived in collective centers, virtually all Colombian IDPs tried to survive on their own in urban neighborhoods. In Darfur the IDPs primarily left rural areas for camps in larger towns.⁴⁵ As a percentage of the country's (or region's, for Darfur) total population, the displaced represent 4% in Colombia⁴⁶, 6.7% in Georgia⁴⁷ and between 34% and 40% in Darfur.⁴⁸ In none of these three emergencies is there a robust peace process. In all three humanitarian assistance has been the preferred international response.

On a final note, the three cases also provide contrasting glimpses of different strategies and circumstances that can lead to political traction in resolving longstanding IDP crises. President Uribe's frustration with endless rounds of inconclusive peace negotiations led him to use legislative and judicial strategies to shift the terms of the debate and enshrine the economic, social and political rights of IDPs in law. Although the numbers of displaced have not significantly reduced as a result, their material circumstances and protection of the state have improved. In the south Caucasus the strengthened hand of Russia in the contested territories may prompt Georgian IDPs to rethink their prospects for eventual return as increased humanitarian funding flowing from the high-profile conflict makes local integration a more feasible and attractive alternative. The case of Darfur represents perhaps the most intractable of the three conflicts: every effort to stem the conflict has failed, from the deployment of peacekeepers to the imposition of sanctions. Whether or not the International Criminal Court's potential indictment of President Bashir, and the possibility of the UN Security Council suspending it under Article 16, will be effective tools for inducing a more constructive response to the Darfur crisis by the Sudanese Government remains to be seen. However, if past is prologue, the prospects remain bleak.

Solutions in protracted IDP situations are always political. In the best of cases, a political agreement brings an end to a conflict, security is restored, funds are mobilized for reconstruction and restoration of the economy and public services, and displaced people can return home. Even in the best of cases, this is not an easy or automatic process. In Southern Sudan, for example, long years of civil war resulted in a peace agreement, but returns have been hampered by the lack of public services in the communities of origin of displaced Southern Sudanese. In the Ivory Coast – a peace agreement brought an end to the war, but security is still fragile and resources are needed to consolidate the peace. But when there are no peace agreements or even prospects for peace agreements, responsible

⁴⁵ A number of Darfurians also moved to cities, but not much is known about them.

⁴⁶ This percentage was calculated using the lower government estimate of 1.9 million IDPs and a total population of 45.6 million.

⁴⁷ This percentage was calculated using IDMC's figures of 300,000 IDPs among a population of 4.47 million.

⁴⁸ The number of displaced in Darfur is frequently cited as "over one third" of the population. However, recent assessments put the number of IDPs at 2.4 million, which is 40% of the population of Darfur (6 million).

leaders and humanitarian agencies need to consider alternative solutions for people who have been displaced for years. Rather than seeing local integration as one of three mutually exclusive durable solutions, it is time to realize that improving the lives of IDPs where they are living does not preclude an eventual return to their communities of origin when conditions warrant.