



Memo for U.N. Special Rapporteur on the human rights of internally displaced persons

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In this memo, I make four points related to the themes of the UN Special Rapporteur's upcoming report:

- (1) a focus on **participation** should not overlook the capacity to follow-through on collected input, or protection for participants;
- (2) **transitional justice** measures should similarly take into account implementation capacity constraints;
- (3) **policy targeting** should avoid reinforcing divisions among the displaced, refugees, and non-displaced.
- (4) together with the UNHCR Global Protection Cluster, we have **coded state policies** on internal displacement, some of which may be related to peace processes.

1. Participation:

Including internally displaced people in peace processes is clearly desirable: they have preferences and needs that may not be obvious, and should be heard. At the same time, focusing on participation without a concrete plan for responding to the issues and needs raised or protecting participants runs the risk of raising expectations and increasing disappointment with peace processes, and of jeopardizing participants' security.¹

In the context of the peace agreement implementation in Colombia, where the vast majority of registered victims are internally displaced people, residents of areas targeted for implementation reported to the UNDP/PRIO team collecting the Monitoring Attitudes, Perceptions and Support (MAPS) very low trust in government institutions.² Participation in the 16 regions targeted for peace agreement implementation was a pillar of the process; but implementation has been very slow or superficial, according to MAPS focus groups, which undermines this trust. Further, leaders who have participated in these processes (referred to as "social leaders") are routinely targeted and killed, which engenders fear about participating among others. The risks are particularly acute for displaced leaders involved in restitution claims for IDPs.

¹ For example, Nussio et al (2019) suggest that in Colombia, citizens in war-affected regions have experienced many calls for participation, which has raised expectations and increased dissatisfaction with state-building efforts.

² Nygård et al 2021. [*Luces y sombras de la implementación del Acuerdo de Paz en Colombia: Actitudes y percepciones en los territorios PDET*](#)

In sum, opportunities for participation must come with (1) plans and capacity to follow-through; and (2) where necessary, protection for participants.

2. Transitional justice:

Referring again to the context of Colombia, which adopted transitional justice mechanisms prior to the peace agreement with the FARC in 2016. While these mechanisms are generous and consistent with protecting the human rights of the internally displaced (and are within a context in which IDPs also have political rights and exercise them to demand the implementation of legal guarantees), the evolution of these mechanisms has been difficult for the internally displaced to navigate. Reparations and restitution policies have changed under the 2005 Justice and Peace law, and then the 2011 Victims' law, and again within the context of the peace agreement. For those displaced navigating these shifts and the transitional justice institutions in general, the process has become incredibly confusing and requires substantial labor to navigate over years.

Cronin-Furman and Krystalli (2020, 10) attest: “[i]n practice, accessing benefits requires continued navigation across dispersed national and local entities.” In Bogotá alone, 18 different entities manage some aspect of victims' claims.³ The national system of attention and reparation to victims comprises 37 public entities at various levels of the state, characterized by “extreme institutional dispersion” within which “[t]he profusion of a diverse and complex combination of rules of the game, norms, law and agencies that intervene in the regulation of the particular public policy, that obeys its own logics.”⁴

According to Guarín, Londoño-Vélez and Posso (2023, 4), about 1 million victims in Colombia had received reparations by the end of 2021. This means that roughly 7 million continue to await receipt of reparations. Land restitution, a key form of transitional justice for the internally displaced in particular, is also progressing slowly. As of September 2021, Colombian courts had issued rulings on only 12,300 of 133,000 land restitution claims under the 2011 law (Human Rights Watch 2021). This pace of implementation is due to numerous factors, but the difficulty of navigating the institutions for internally displaced people arguably contributes to it.

3. Targeting policies and services:

The final point is about targeting services and policies: many IDPs resettle in rural communities and change the composition of them; and research shows that inclusive public goods across refugees and long-term residents improves resettlement.

Firstly, though much attention is focused on IDP resettlement in urban areas, IDP resettlement in rural areas is also important. In Colombia, the majority of internally displaced do relocate to cities. However, the displaced who remain in rural communities shift the composition of those communities in dramatic ways: in the MAPS survey, half of all respondents in the rural municipalities of the sample report being displaced.⁵ In other words, many communities' composition has shifted by half over the course of the war. This creates challenges for communities, especially in the context of a peace agreement, such as how well residents know

³ Cronin-Furman and Krystalli 2020, 10.

⁴ Vargas Reina 2013, 173-174.

⁵ Pantoja-Barrios et al 2024.

and trust one another, and how well they can work together to sustain public goods investments. The diversity of these communities need not be cause for concern: over the long-term, there is evidence that heterogenous communities of resettled refugees following WWII are actually better off now, following state investments in them.⁶ The point is rather that in the design and implementation of peace agreements and transitional justice mechanisms, the composition of rural communities between the internally displaced and long-term residents should be taken into account so that interventions such as conflict resolution institutions may be considered as a priority where necessary.

Secondly, even though special attention needs to be paid to the internally displaced (perhaps most concretely in terms of land reparations), research shows that interventions should avoid creating or reinforcing cleavages between the displaced and long-term residents. In a recent study of refugee arrivals in Uganda⁷, scholars found that inclusive public goods – those that both refugees and long-term residents could access -- in reception communities created positive integration outcomes for the refugees. In contrast, when land rights were targeted to refugees who had left Burundi during specific periods and returned led to new conflicts over land, and a new wave of displacement as a result.⁸ These findings related to refugees may be relevant for the internally displaced as well, because many of the underlying causes leading to displacement are shared across refugees and IDPs whether they cross an international border or not.⁹

Further, beyond strategic reasons to ensure broad targeting of peace agreement measures across the displaced and non-displaced, there is also a moral argument for including those who were not displaced with peace agreement policies. Depending on the region in question, it is difficult to claim that those who remained in their origin communities did not experience wartime victimization in some form, even if not displacement.

4. State policies on internal displacement:

Together with Adam Lichtenheld (Immigration Policy Lab, Stanford University), we have worked with the UNHCR Global Protection Cluster to characterize existing *de jure* state policies on the internally displaced.

Of the countries that have experienced conflict since 1989, 56 percent, or 43 countries, have adopted some sort of IDP policy.¹⁰ The countries with the most policies are Bosnia, Lebanon, Afghanistan, Colombia, and Azerbaijan.

⁶ Charnysh 2019.

⁷ Zhou et al 2023.

⁸ Schwartz 2019.

⁹ Steele 2019.

¹⁰ Lichtenheld and Steele 2024.

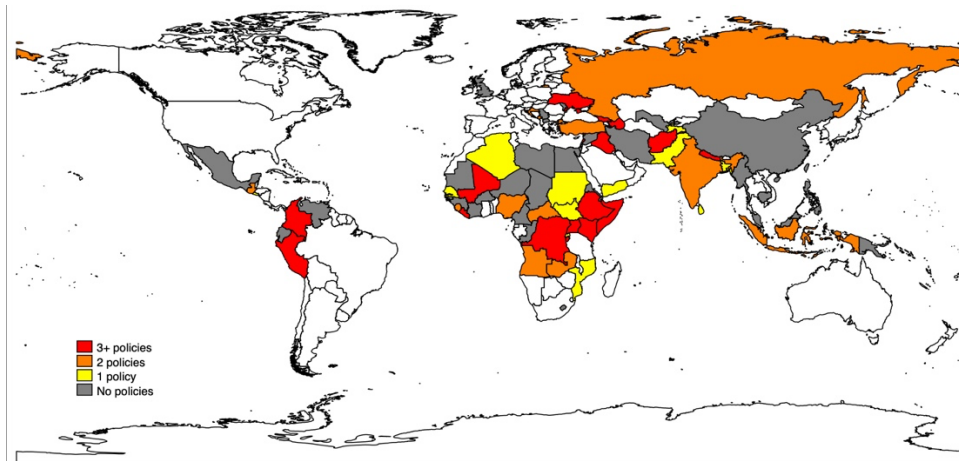


Figure 1. Variation and number of policies on the internally displaced adopted by conflict-affected countries, 1989-2021

We also see differences across the content of de jure policies that states adopt, which also varies regionally.

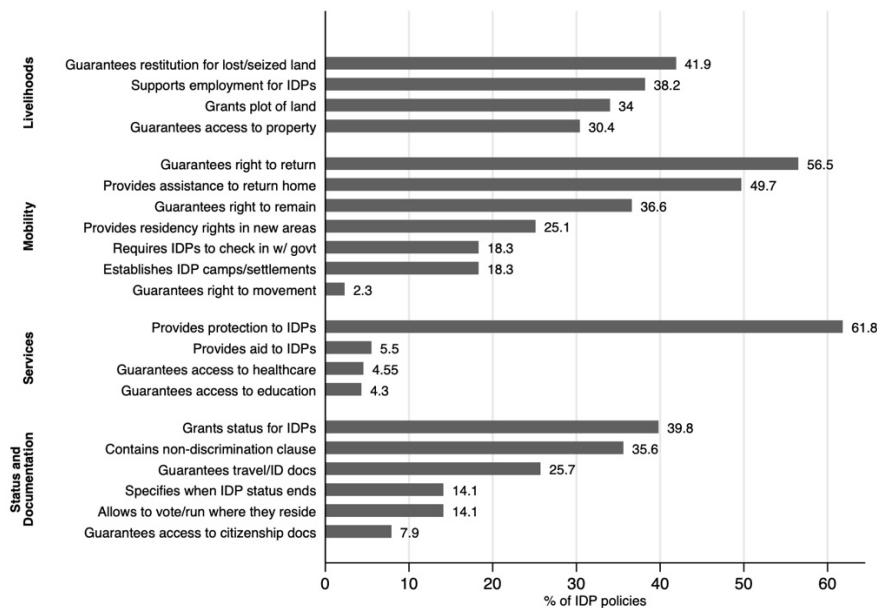


Figure 2. Content of IDP policies

Table 1: Rights Granted by IDP Policies, by Region

	Europe	Middle East	Asia	Africa	Americas
Right to Remain	33%	31%	36%	42%	36%
Right to Return	65%	39%	50%	63%	48%
Aid to Return	44%	42%	46%	56%	56%
Access to Property	24%	35%	14%	42%	28%
Establish IDP Camps	13%	8%	25%	32%	0%
Freedom of Movement	30%	8%	18%	42%	0%
Documentation	36%	4%	21%	21%	4%
Residency	32%	12%	25%	33%	4%

By coding state policies, we can generate new insights into how states respond to internal displacement, and why it varies in terms of content and across regions. We could also ask how these policies overlap with or coincide with peace agreements specifically, as well as other existing policies that should extend to all citizens including the internally displaced.



We are extending this work with Stephanie Schwartz (LSE) through the project *Government Responses to Internal and International Displacement* (GRIID), in which we incorporate *de facto* government responses to the displaced as well. (A description can be found on the [Researching Internal Displacement](#) blog.) We argue that governments frequently engage in restrictive or repressive responses to the displaced, even while they adopt liberal policies on paper.

I hope these points contribute to the preparation of the UN Special Rapporteur's report, and I am happy to provide clarification or further information upon request.

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