



## POLICY BRIEF

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Juba, South Sudan  
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### The Return of Internally Displaced Persons: Patterns, Possibilities and Gaps in Knowledge

By Megan Bradley

This briefing provides an overview of research and practice pertaining to the return of internally displaced persons (IDPs). It begins by introducing key trends in IDP returns, and then discusses some important conceptual debates and normative developments related to return as a durable solution, and the scope of the right of return. It concludes by addressing some key trends, challenges and knowledge gaps on IDP returns.

#### WHAT'S AT STAKE?

IDPs are the “invisible majority” of forced migrants, making up over 60% of those displaced by conflict (UN Emergency Relief Coordinator 2016). Worldwide, an estimated 41.3 million people are internally displaced in the context of conflict and violence (IDMC 2019: v). Like refugee situations, conflict-related internal displacement is increasingly protracted, with many IDPs struggling to access a durable solution, whether in the form of voluntary return to their communities of origin, local integration in host communities, or relocation elsewhere.

Both refugee repatriation and IDP return rates are currently relatively low, compared to large-scale return movements in the 1990s and early 2000s. However, in recent years IDP returns have been significant, dramatically outpacing refugee repatriations. For instance, an estimated 552,200 refugees voluntarily returned in 2016, the highest annual rate since 2008—although still less than 2.5% of refugees globally (UNHCR

#### KEY FINDINGS:

- An estimated 41.3 million people are internally displaced worldwide, constituting 60% of those displaced by conflict. Though low for both groups, rates of return are higher among IDPs than refugees, with an estimated 16% returning to their areas of origin in 2016. Return of IDPs largely occurs outside of official programs or with minimal support. The lack of available data makes it unclear whether return functions as a durable solution for IDPs.
- In national laws and policies, return is often presented as the “preferred” approach to resolving displacement, although IDPs have the right to choose alternate durable solutions such as local integration. Important normative developments help clarify when return represents a durable solution for IDPs. Debates are ongoing on what respect for the right of return requires in cases of internal displacement.
- More attention is needed to returns in the context of ongoing conflict, the relationship between refugee repatriation and internal displacement, and the risk that returning refugees may become IDPs. Greater international support should be devoted to return movements, taking into account returnees’ own strategies and perspectives.

2017: 3, 24). In comparison, in the same year approximately 6.5 million IDPs went back to their areas of origin, a figure representing 16% of conflict-induced IDPs and some 10% of forced migrants worldwide. In 2017, an estimated 6.189 million IDPs returned or relocated (IDMC 2018: 51). The Internal Displacement Monitoring Centre (IDMC), the main source of data on internal displacement, cautions that estimating IDP returns is a major challenge. In particular, it is difficult to determine whether reported returns translate into longer-term, durable solutions to displacement. As many IDPs are returning to areas experiencing ongoing conflict, and face barriers such as destroyed homes and tenure insecurity, IDMC (2018: 51, 73; 2019: v, 50) now reports such movements as “provisional” or “partial” solutions. Notwithstanding important data collection challenges, these figures point to the need for greater attention to IDP returns, and their relationship to the resolution of displacement.

Many IDPs return “spontaneously,” that is, outside of official programs. Even when they do receive some assistance from international actors, this is typically modest. For example, UNHCR assisted less than half of the 6.5 million IDPs who returned in 2016 (UNHCR 2017, 35-36). The state in which IDPs are displaced has primary responsibility for enabling durable solutions. Yet the main countries for IDP returns in 2016 were Iraq, Yemen, South Sudan, Pakistan, Nigeria and the Democratic Republic of Congo; given the limited capacity (and, in some cases, willingness) of these states to support IDP returns, more extensive support from UNHCR and other international actors might have enhanced the durability of these returns.

In the academic literature, IDP returns remain under-examined, as a general phenomenon, in particular cases, and in relation to refugee repatriations.<sup>2</sup> That said, existing evidence suggests a close relationship between the return of refugees to unstable contexts, and increased rates of internal displacement as returning refugees facing violence, impoverishment and other barriers to reintegration often become IDPs (IDMC 2017).

## NORMATIVE DEVELOPMENTS AND CONCEPTUAL DEBATES

In theory, achieving durable solutions is the ultimate aim of efforts to protect forced migrants, including refugees and IDPs. Several important conceptual debates and normative developments surround efforts to resolve internal displacement through returns.

### *Is return the “preferred solution for IDPs?”*

Voluntary repatriation is, generally speaking, the only durable solution to which refugees have a formal right under international law. Amongst other reasons, this has led to return being portrayed by many states and by UNHCR as the “preferred” solution for refugees. Voluntary return is often also deemed the “preferred” solution for IDPs, just as it is for refugees, although international norms crystallized in the 1998 Guiding Principles on Internal Displacement at the 2010 Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons (IASC Framework) suggest that IDPs should be able to make an informed choice between different avenues for resolving their displacement. IDPs’ right to pursue the durable solution of their choice is linked to the idea that, as citizens or habitual residents of the country in which they are displaced, IDPs have the right to freedom of movement and to choose their place of residence. However, these norms do not provide direct insight into the extent to which different actors (such as states, donors and international organizations) are obliged to actively work to make different choices viable. Many IDPs may in theory opt for local integration or relocation elsewhere, but find that institutional support (including cash grants and reconstruction assistance) are available only to returnees.

The notion that return is the preferred solution for IDPs is reflected in many national laws and policies on IDPs, and is promoted in many UN resolutions (Bradley and Sherwood 2016). Motivations for viewing return as the preferred solution vary. In some cases, such as Nagorno-Karabakh, the return of IDPs is taken to be the *sin qua non* for the resolution of

<sup>1</sup> An additional 1.694 million IDPs were reported to have returned, but with “no tangible evidence suggesting an actual return to the habitual place of residence,” such as when IDPs leaving camps is equated with return (IDMC 2018: 51).

<sup>2</sup> For important exceptions, see e.g. Weiss Fagen (2011) and Toal and Dahlman (2011).

<sup>3</sup> On the purported preferability of return as a durable solution to displacement, see Bradley (2019, forthcoming).

conflict, with IDPs becoming a symbol of unresolved grievances and territorial claims (Johansson 2019). In other cases such as Bosnia, the return of IDPs and refugees to their former homes has been promoted as a matter of opposition to ethnic cleansing (Toal and Dahlman 2011). Return is often also integral to enabling IDPs to repossess and enjoy their lost housing, land and property rights (Williams 2012). Broadly speaking, it is clear that if IDPs wish to return but are unable to do so, then their displacement has not really been resolved, even if they have otherwise been able to integrate into host communities. However, too often the notion that IDPs will, eventually, return to their homes is used as an excuse for political inaction to support integration, forsaking opportunities to promote self-sufficiency in IDP communities in advance of return (Kälin and Chapuisat 2015).

### *Under what conditions is return a durable solution for IDPs? Normative standards*

Normative standards on internal displacement distinguish between return movements per se, and return as a durable solution for IDPs. The 1998 Guiding Principles and, in particular, the IASC Framework are the primary sources of international guidance on durable solutions for IDPs. The development of the IASC Framework was led by the Representative of the UN Secretary-General on the Human Rights of IDPs. It emphasizes that “Mere physical movement, namely returning to one’s home or place of habitual residence, moving to another part of the country or choosing to integrate locally often does not amount to a durable solution” (IASC 2010, 5). Instead, according to the Framework, a “durable solution is achieved when IDPs no longer have specific assistance and protection needs that are linked to their displacement and such persons can enjoy their human rights without discrimination resulting from their displacement.” (IASC 2010, 5, emphasis added).

The Framework maps out the key elements of a rights-based durable solutions process, and identifies eight criteria that can be used to help determine the extent

to which durable solutions have been realized. The Framework indicates that those who have accessed a durable solution can equitably enjoy:

- (i) Long-term safety, security and freedom of movement;
- (ii) An adequate standard of living, including at a minimum access to adequate food, water, housing, health care and basic education;
- (iii) Access to employment and livelihoods; and
- (iv) Access to effective mechanisms that restore their housing, land and property or provide them with compensation. (IASC 2010, A-1)

Depending on the context, durable solutions may also entail the equitable enjoyment of:

- (v) Access to and replacement of personal and other documentation;
- (vi) Voluntary reunification with family members separated during displacement;
- (vii) Participation in public affairs at all levels on an equal basis with the resident population; and
- (viii) Effective remedies for displacement-related violations, including access to justice, reparations and information about the causes of violations. (IASC 2010, A-1)

The IASC Framework sets a high bar for determining when durable solutions have been secured, and is challenging to implement and measure (Sherwood et al 2014). In this connection, the Joint IDP Profiling Service (JIPS) led a process to create methodologies, indicators and other tools to support the implementation of the IASC Framework.<sup>5</sup> While a handful of studies have examined efforts to implement the IASC Framework (see e.g. Sherwood et al 2014, Sherwood et al 2015, Bradley and Sherwood 2016), in general research on the resolution of displacement has not systematically engaged with the concepts and standards established in the Framework.

<sup>4</sup> Although the pursuit of durable solutions to internal displacement generally attracts limited attention and resources compared to efforts to resolve refugee situations, the normative framework on durable solutions for IDPs is more developed and nuanced than parallel frameworks for refugees. Despite the important legal and political differences between IDPs and refugees, elements of the framework on durable solutions for IDPs may provide helpful insight into efforts to promote solutions for refugees.

<sup>5</sup> See <https://www.jips.org/tools-and-guidance/durable-solutions-indicators-guide/>

### *What counts as return? Limits and scope of the right of return*

IDP return movements are normatively underpinned by the principle of the right of return (amongst other norms). The Guiding Principles “reflect and helped consolidate the view that the right of return pertains not only to those crossing international borders such as refugees but also to IDPs, and that respect for this right requires that forced migrants are able to reclaim and resuming living in their former homes or places of habitual residence” (“domicile return”) (Bradley 2018, Toal and Dahlman 2011). Standards such as the UN Principles on Housing and Property Restitution for Refugees and Displaced Persons (“Pinheiro Principles”) actively promote the idea that the right of return has only been upheld if displaced persons are able to return to and reclaim their former homes and lands, and resume living there (Leckie 2005: 3). Recognition of IDPs’ right to choose domicile return is an important normative development, but the Pinheiro Principles have been critiqued for their lack of nuance in advancing this standard (Anderson 2011, Smit 2012, Ballard).

At first glance, the notion that IDPs have the right to return, and that this is about IDPs going back to “their homes or places of habitual residence” seems straightforward. However, “this normative development raises a range of complex questions: What does respect for the right of return require when IDPs’ homes or former places of residence have been destroyed?... What does the right of return mean for the thousands of displaced persons who are landless? For renters? For those living under communal, customary or informal arrangements? For members of nomadic or otherwise mobile communities and households? What restrictions, if any, may legitimately be placed on the right of return? In the context of increasingly protracted displacement, how is the right of return affected by the passage of time and, in particular, the claims of longstanding secondary occupants (often themselves the victims of displacement) to remain?” (Bradley 2018) These remain open questions, with critical implications for policymaking and practice in support of IDPs, as well as refugees. What is clear is that IDPs themselves have interpreted the politically powerful idea of the right of return in a wide range of different ways that cannot be reduced to the

narrow idea of domicile return (see e.g. Sandvik and LeMaitre 2019, Bradley 2018).

### **KEY TRENDS, CHALLENGES, AND KNOWLEDGE GAPS**

In its 2019 Global Report on Internal Displacement, IDMC (2019: vi) laments, “Precious little information exists on how and when durable solutions are being achieved, and how people and states are progressing toward them.” Recognizing that return does not necessarily represent a durable solution for IDPs but rather a staging ground for repeated displacement, this section addresses some of the key trends and challenges surrounding contemporary IDP returns, and the ample opportunities that exist to advance the research base. Examinations of these trends and attempts to address these gaps in the literature need to bear in mind the normative developments and unresolved points of contestation addressed in the section above.

#### *The intertwined challenges of refugee repatriation, internal displacement and IDP returns*

The relationship between refugee repatriation, subsequent internal displacement, and IDP returns is complex but remarkably under-examined. Too often, the question of durable solutions for refugees is analyzed and addressed in isolation from consideration of internal displacement dynamics. However, such approaches are unrealistic insofar as these populations are connected by socio-economic and family ties, with refugee and IDP returnees facing many shared risks, including the spectre of violence and repeated displacement. Recent studies from IDMC stress that many refugees are returning to countries facing ongoing instability, such as Somalia, Sudan, the Central African Republic and Afghanistan, where they face significant risk of becoming IDPs (IDMC 2017: 60-65). In particular, IDMC underscores two main consequences vis-à-vis internal displacement of refugee repatriation in unstable contexts:

First, it increases the risk of [refugees’] de facto internal displacement if they are unable to go back to their place of origin or sustainably reintegrate elsewhere, or secondary internal displacement if they

are forced to uproot their lives again. Second, there is a risk that the drivers of displacement could be amplified by a large influx of people. In other words, the sustainability of refugee returns is likely to be fundamentally threatened where origin countries are faced with ongoing drivers of internal displacement risk (IDMC 2017, 2).

Given these links, some initiatives and frameworks have sought out “comprehensive” approaches to supporting durable solutions for IDPs and refugees (Gottwald 2012). However, support for these efforts has generally been lacklustre, and the relationship between internal displacement (including IDP returns) and solutions for refugees is almost completely ignored in the Comprehensive Refugee Response Framework of the 2018 Global Compact on Refugees. The almost complete exclusion of IDP issues from debates on the Global Compacts reflects waning high-level leadership on IDPs, a challenge with significant negative ramifications for efforts to make IDP returns more secure and durable, and to address the connections between refugee repatriation and internal displacement. More successfully addressing the links between repatriation, internal displacement and IDP returns also requires more integrated monitoring strategies and longitudinal data collection efforts that capture not only conditions immediately after return, but also subsequent exposure to internal displacement and struggles for durable solutions.

### *Return in the context of ongoing conflicts*

As the discussion above underscores, many IDPs are returning in the context of ongoing conflicts, whether “spontaneously” or with encouragement from the government (as in the case of Colombia, see e.g. Cantor 2018). International actors are often hesitant to support IDP returns in the context of ongoing conflict, whether due to paternalism, risk aversion or other factors. This may mean that opportunities are missed to help ensure that these movements are not simply short-term, make-shift strategies, but gradually become durable solutions for displaced families. There is a clear need for more research on the dynamics of IDP returns in conflict contexts (building on work such as al-Shani et al 2018), and how institutional actors can best support IDPs making these moves. The risk of IDP returns

driving further conflict, including in the context of struggles over housing, land and property also needs to be probed in greater detail, with a view to better understanding how these risks may be mitigated.

### *Understanding returnees’ own strategies and perspectives*

IDPs are the leading drivers of solutions to displacement, including through return. However, too often IDPs’ views on return, and their strategies to secure solutions to their predicament, are explored only through one-off intention surveys. There is a need for more research on how IDPs themselves understand “solutions” to displacement, how and why they engage in return processes (including through individual and collective political mobilization), and to what effect.<sup>6</sup>

In this connection, there is a particular need for more concerted examinations of how IDP returns are shaped by intersecting power relations associated with identities and structures such as gender, age and class/socio-economic status (Erdilmen 2019). Focused examination of how return decisions and coping strategies are shaped by socio-economic status is particularly important as the field of forced migration studies has historically been remarkably reticent to engage in focused examinations of class. Yet questions of class/socio-economic status directly affect exposure to displacement, coping strategies and access to different durable solutions, with some evidence suggesting that resettlement and local integration in the global North are more likely to be accessed by individuals and families who are already comparatively well-resourced, with transnational family ties. As a matter of equity, it is essential to ensure that the experiences of poorer people, who are more likely to remain in the global South as refugees or IDPs (or may be unable to flee at all) are taken into account. Relatedly, the strategies, perspectives and constraints of return community members also merit more focused examination.

### *IDPs, returns and transitional justice*

A growing body of literature examines the relationship between displacement and the implementation of transitional justice processes such as trials, truth commissions, restitution, compensation, apologies

<sup>6</sup> Bradley, Milner and Peruniak (2019) offers an initial exploration of this challenge in relation to a range of refugee and IDP situations.

and other mechanisms that are applied to help address massive and systematic injustices (see e.g. Duthie 2012, Bradley 2015, Williams 2012). While most IDPs still do not have the opportunity to participate meaningfully in formal transitional justice processes, initial evidence suggests that some aspects of transitional justice (including but not limited to efforts to resolve property claims) may significantly affect progress towards durable solutions, including sustainable returns. The ongoing process in Colombia may provide significant insight into this issue, and the risk of using transitional justice tools as a means to “close the books” on displacement (Vidal Lopez 2015, LeMaitre and Sandvik 2019).

### *International support for IDP returns*

In the limited literature on how international actors are involved in IDP returns, the focus tends to be on UNHCR. While UNHCR certainly plays a central role, future research could develop a more nuanced and comprehensive account of how international actors shape IDP return processes by more concertedly considering the policies and practices of other players such as the International Organization for Migration (IOM), the World Bank, and donors.

These challenges and opportunities for research are by no means exhaustive. Instead, they point towards some of the many areas in which further research and more reflective practice may help enable voluntary, safe and dignified returns for IDPs, alongside other approaches to resolving displacement.

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