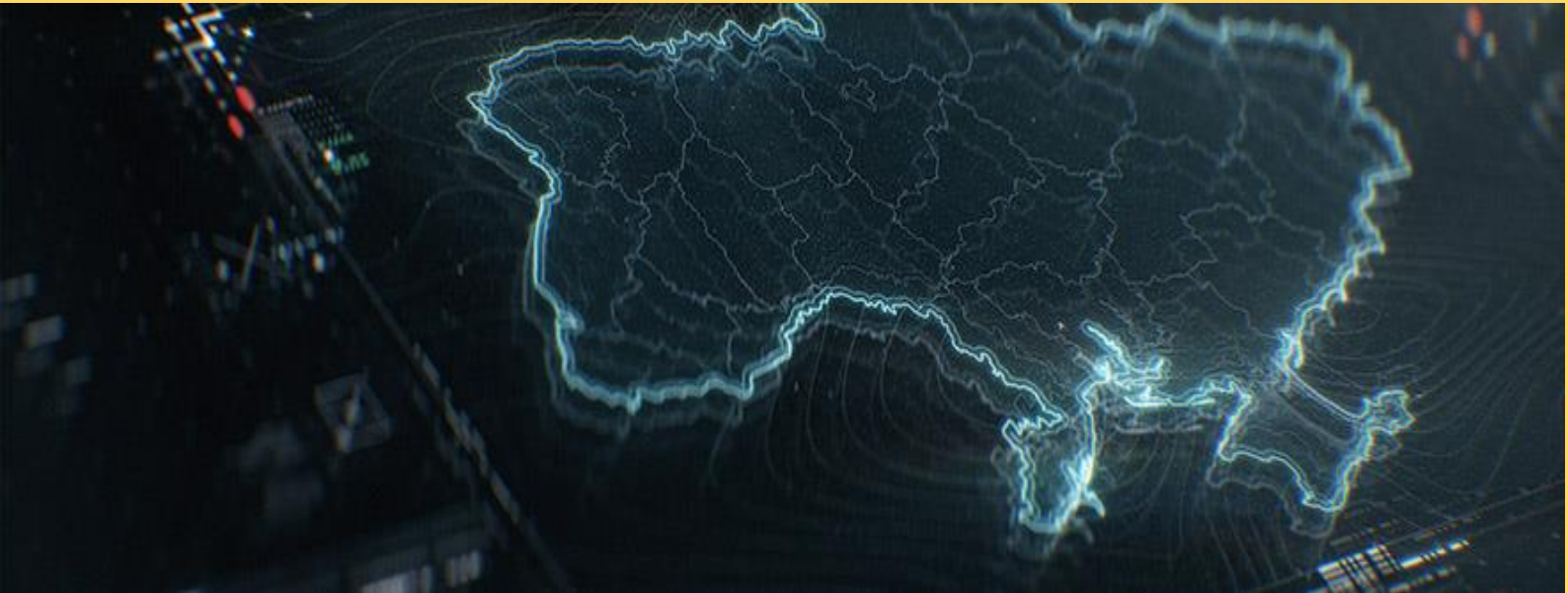




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# UKRAINE SETTLEMENT PROJECT



## **UKRAINE SETTLEMENT OPTIONS:** **Internally Displaced Persons and Refugees** By Erin Mooney

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# UKRAINE SETTLEMENT OPTIONS PAPER: INTERNALLY DISPLACED PERSONS AND REFUGEES

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*The views expressed are the author's, in her personal capacity.*

## INTRODUCTION

The sudden and mass displacement of civilians from their homes, communities and, for many, also their country, has been one of the most visible and dramatic human consequences of the 24 February 2022 invasion of Ukraine by the Russian Federation. In what became the world's fastest growing displacement crisis since World War II, within less than two months nearly [13 million people](#) -- more than a quarter of Ukraine's population -- were forced to flee. Of these, more than 5.2 million people, mostly women and children, fled to other countries. An even greater number, 7.7 million remained within Ukraine, as internally displaced persons (IDPs). This massive displacement crisis only deepened a pre-existing one, which had begun with Russia's annexation of Crimea in March 2014 and the outbreak of armed conflict in eastern Ukraine in April 2014. By March 2015, almost [2 million people](#) had fled their homes: nearly 1.2 million became IDPs in Ukraine while the remainder left the country, mostly to the Russian Federation. At the end of 2021, [854,000 IDPs](#) were reported in Ukraine. In 2022, many of these IDPs were forced to flee anew.

In such situations of large-scale displacement, when the percentage of displaced persons is so significant, it is essential that a peace process address displacement issues. Resolving conflict-induced displacement is critically important for national, regional, and international stability. The United Nations (UN) Peacebuilding Commission has [stressed](#) that finding durable solutions for persons displaced by conflict is "inextricably linked to achieving lasting peace", and therefore "an essential dimension of peacebuilding". Participating States of the Organization for Security and Cooperation in Europe (OSCE) have [emphasized](#) that the sustainable return of IDPs and refugees also is "essential for reconciliation and democratic development". More fundamentally, people forced to flee require -- and have a right to -- a safe, voluntary, and durable solution to their plight, and competent authorities have responsibility to create conditions enabling such solutions.

## A. DEFINITIONAL ISSUES

This paper focuses on two distinct groups of people displaced by the conflict: “internally displaced persons”, referring to displaced persons who remain in Ukraine, and “refugees”, referring to those who fled to other countries. More specifically, regarding refugees, it focuses on those who plan to return, or already have returned, to Ukraine rather than settling permanently in another country. Even so, certain issues covered by this paper, including property restitution rights and the right not to be arbitrarily displaced, apply to all refugees irrespective of the durable solution they choose.

### a) *Internally Displaced Persons*

The [UN Guiding Principles on Internal Displacement](#) define “internally displaced persons” 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 border.*

Certain elements of this definition are especially important to highlight for the Ukraine context. First, the definition recognizes that people can become internally displaced not only as a direct consequence of armed conflict (and other mentioned causes of displacement), but also in anticipation of and “in order to avoid the effects of armed conflict”. Second, the non-exhaustive list of causes covered by the IDP definition cover “human-made disasters” such as nuclear accidents.<sup>1</sup> Third, IDPs are not limited to citizens of a State; there is no mention of the word “citizens” in the definition nor anywhere in the UN Guiding Principles. They are people forced to flee or leave their “homes or places of habitual residence”. Thus, stateless persons<sup>2</sup> and other individuals who are not Ukrainian citizens but have established their habitual residence in Ukraine also can be IDPs. Fourth, IDPs “have not crossed an internationally recognized State border.” This clause [replaced](#) phrasing in earlier, working drafts of the IDP definition which had referred to displaced people “within the territory of their own country”. Alternative phrasing proved necessary to reflect the scenario of sudden border changes, as occurred with the break-up of the former Yugoslavia and the dissolution of the Soviet Union, as well as scenarios where international borders are contested.

The definition of “internally displaced persons” is [not a legal definition](#), but a descriptive one. It does not connote or confer a special legal status under international law in the same way that recognition as a “refugee” does. Having, by definition, lost the protection of their country and being outside of it, refugees require a special protected status under international law. In contrast, the rights and guarantees to which IDPs are entitled stem from fundamental human rights and the fact that they are citizens or habitual residents of a particular state. The IDP definition simply describes the factual situation of a person being displaced within their country of habitual residence.

The IDP definition articulated above has gained broad international recognition and authority. In 2005, the Heads of State of all Member States of the United Nations, including the Russian

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<sup>1</sup> Displacement caused by the 1986 accident at the nuclear plant in Chernobyl, Ukraine (then part of the USSR) and the 1984 industrial accident at a chemical plant in Bhopal, India were in mind when “human-made disasters” were included in the IDP definition.

<sup>2</sup> In 2020, UNHCR [reported](#) an estimated 35,000 people in Ukraine were stateless or of undetermined nationality. Other [sources](#) suggest there could be tens of thousands more, including children born in Crimea, Luhansk, and Donetsk since 2014.

Federation and Ukraine, [recognized](#) the UN Guiding Principles on Internal Displacement as “an important international framework for the protection of internally displaced persons.” Similarly, at the regional level, OSCE States [recognize](#) the UN Guiding Principles “as a useful framework” for addressing internal displacement, while the Council of Europe’s Committee of Ministers, noting that the Principles “have gained international recognition and authority”, [stresses](#) its “commitment to the spirit and provisions” of the Principles “and its willingness to implement them in the member states’ national legislation and policy”. The Government of Ukraine, in response to the conflict and displacement crisis beginning in 2014, adopted that year a *Law on ensuring rights and freedoms of internally displaced persons*, which largely echoed the IDP definition in the UN Guiding Principles and, after [amendments](#) to the law, is now considered in line with the UN Guiding Principles.

### ***b) Refugees***

As defined by the [1951 Convention on the Status of Refugees and its 1967 Protocol](#), to which both Ukraine and the Russian Federation [have acceded](#), a “refugee” is someone who:

*... owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.*

While the refugee definition centres on “a well-founded fear of persecution” as the reason why a person is outside her or his country, and unwilling or unable to return to it, in subsequent years, international refugee law and practice has expanded recognition of refugee status to also include people [fleeing situations of armed conflict and violence](#). Regarding Ukraine, on 4 March 2022, all European Union (EU) Member States, except Denmark, activated for the first time the [Temporary Protection Directive](#) (TPD). Building on “temporary protection” mechanisms initiated in the [early 1990s](#) in response to mass displacement crises caused by conflicts in the former Yugoslavia, the TPD was designed to be used in the event of a “mass influx or imminent mass influx” of people into an EU state. It offers immediate help by granting large groups of people a form of collective protection status for up to a year, with a possibility for extension, without having to individually claim asylum and await formal refugee status determination procedures; it also allows them access to housing and other benefits (e.g. education, health, social welfare, residency permits).

### ***c) Definitional Disputes when Borders are Contested***

As the key distinction between IDPs and refugees concerns on which side of their country’s border they are located, in contexts where the status of borders is contested, the classification of displaced persons as “refugees” or “internally displaced persons” can be highly politicized and contentious. In such cases, a pragmatic, yet principled, approach is required, at least until issues of territorial status are definitively resolved. For instance, in Georgia, persons displaced due to conflicts in the Abkhazia and Tskhinvali/South Ossetia regions could variously be termed as refugees or IDPs by the parties, depending upon whether they recognize the self-declared independence of these regions. In the peace process, this definitional dispute is bypassed by refraining, at least as an interim measure, from insistence on the terms “refugees” and “internally displaced persons” and using instead the more generic all-encompassing term

“displaced persons”.<sup>3</sup> Similarly, in Somaliland, when the authorities insisted on using “refugees” to refer to persons who had fled from other parts of Somalia, while reserving “IDP” for those displaced within Somaliland, humanitarian agencies successfully advocated the use of “displaced persons”, so that discussions on urgent humanitarian issues could proceed.<sup>4</sup>

In the peace process for Ukraine, reference should be made, including in an eventual peace agreement, to the international definitions of “internally displaced person” and “refugee”, and to relevant international standards addressing their situation. At the same time, given that the international legal status of Ukraine’s territorial borders is contested, it can be anticipated that the otherwise straightforward border-based definitional distinction between these two groups of people may become contentious. While official international definitions should be the starting and eventual end point of negotiations, a similar approach to the examples cited above may be needed as a fallback and strictly interim option, so that discussions can proceed on substantive matters concerning displacement.

## **B. THE PLACE OF DISPLACEMENT ISSUES IN THE PEACE PROCESS**

The OSCE Secretariat [emphasizes](#) that finding durable solutions for persons displaced by conflict “is a pre-requisite for effective and sustainable conflict resolution” and therefore “needs to be a vital part of the process and related peace agreements”. Surprisingly, the issue of displacement has not featured in previous conflict resolution agreements regarding Ukraine. The [Minsk I](#) and [Minsk II](#) agreements of 2014 and 2015 respectively, include no mention of displacement, refugees or IDPs. This, notwithstanding the fact that at time the conflict had caused [some 2 million people](#) to flee: 1.2 million IDPs within Ukraine and the remainder fleeing to other countries. Both Minsk agreements simply include a brief provision on general humanitarian issues: Minsk I notes the need for “measures aimed at improving the humanitarian situation in Donbas” and Minsk II includes a commitment to “ensure safe access for the delivery, storage, and distribution of humanitarian assistance to those in need”. Undoubtedly, many if not most IDPs would be among the civilians in need of such assistance.

General humanitarian provisions are not sufficient. It is [well established](#) that displacement creates several specific needs -- most notably, the loss of home -- and exposes the displaced to heightened risks and vulnerabilities. Moreover, while creating tremendous humanitarian needs, displacement is not simply a humanitarian issue. It is inherently linked to several other issues needing to be addressed in the peace process, including security guarantees, freedom of movement, property restitution, reconstruction, and reconciliation. Moreover, where displacement constitutes a war crime, crime against humanity or genocide, international criminal sanctions arise. Further, as is likely to be case in Ukraine, the potential return of IDPs and refugees, especially to disputed and/or occupied territories, and the legitimacy of any elections or referenda to be held in these areas, can be an inherently political issue with potentially very significant legal and territorial consequences.

The current peace process provides an opportunity to correct the major oversight of not addressing displacement issues in previous conflict resolution efforts regarding Ukraine. Indeed, doing so arguably is imperative, given the even more staggering scale of displacement in 2022 and the related political, territorial, and international legal issues at stake. As to how to address displacement in a peace process, there are several options.

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<sup>3</sup> Author’s notes, expert speaker in the Geneva International Discussions, Working Group II: Humanitarian Issues, June 2010.

<sup>4</sup> Author’s notes, from her deployment to the UN Somalia operation as Senior Protection Adviser in 2006.

In terms of process, one option is for the peace process to include a dedicated forum for discussing issues concerning IDPs and returning refugees. This was the case, for example, in the 2010-2011 peace process for Darfur, when one of six key issues and thematic committees agreed to by the conflict parties was the return of IDPs and refugees. Even then, however, as resolving displacement inherently is linked to many other topics addressed in a peace process, such as security issues, justice, property restitution, and reconstruction, it proved important to integrate displacement issues into the work of other thematic committees. The peace process for the two conflicts in Georgia is organized around only two working groups: one on security issues, the other on humanitarian issues. While displacement issues are largely addressed in the working group on humanitarian issues, the negotiations on security issues also are tremendously relevant, especially issues of ensuring the safety of returning IDPs and refugees. Moreover, however the negotiations are organized, it is essential that IDPs and refugees, including women, men, and youth, be consulted and can meaningfully participate in the peace process.

As to where displacement issues feature in the actual peace agreement, there are several possibilities. One option is to develop a companion agreement dedicated to resolving the displacement crisis caused by the conflict. For example, the [Dayton Peace Agreement](#) ending the war in Bosnia and Herzegovina in 1995 includes as Annex 7 an Agreement on Refugees and Displaced Persons, which elaborates provisions for resolving the displacement crisis. Even with this specific Annex, displacement issues nonetheless also feature in several other places of the peace agreement, both in the main text and in other annexes. Indeed, the General Framework Agreement emphasizes that its success is contingent on effectively addressing the displacement crisis, with Article VII “[r]ecognizing that the observance of human rights and the protection of refugees and displaced persons are of vital importance in achieving a lasting peace”. Moreover, in addition to Annex 7 on refugees and IDPs, displacement issues explicitly are addressed in several other components of the peace agreement, including agreements on: the new constitution (Annex 4); elections (Annex 3); and civilian implementation of the Agreement (Annex 10). Similarly, though in less detail, the 1994 Declaration on Measures for a Political Settlement of the Georgian/Abkhaz conflict include, as an Annex, a [Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons](#). Signed by representatives of Georgia, Abkhazia, the Russian Federation, and the United Nations High Commissioner for Refugees (UNHCR), the Agreement sets out key principles, including voluntariness of return, and various commitments of the parties, including security guarantees for returning refugees and IDPs, facilitation of family reunification, and replacement of lost personal documentation.

Another approach is where a peace agreement has both a specific section focused on IDPs and refugees, while also extensively integrating attention to displacement issues throughout. For example, the 2006 [Darfur Peace Agreement](#) includes a detailed section addressing displacement issues, which articulates key principles, elaborates numerous commitments of the parties to protect and assist IDPs and returning refugees, and provides for the establishment of an institutional mechanism to oversee and support their return or resettlement and rehabilitation, plus a dedicated fund for this purpose. In addition to this dedicated section on IDPs and refugees, important provisions on displacement appear in several other sections of the Agreement, most notably in the chapters devoted to security issues and wealth-sharing. Indeed, ensuring safety, support, and solutions for IDPs and returning refugees is among the stated main aims of the comprehensive ceasefire agreement, which details numerous provisions for achieving these goals. The chapter on wealth-sharing, after emphasizing that “[t]he first priority of implementing this Agreement is to address the needs of the war-affected areas, with special attention to displaced and war-affected persons, to provide the basic services and security needed to enable them to return to their livelihoods in safety and dignity” addresses

issues of property and land restitution, compensation for conflict-related losses or damages, and specific livelihood support for IDPs and refugees. A subsequent peace agreement for Darfur, the 2011 [Doha Document for Peace in Darfur](#), took a similar approach, both of mainstreaming displacement issues, in particular in the comprehensive ceasefire and in the wealth-sharing chapters, and having a dedicated chapter regarding IDPs, refugees and other war-affected persons.

An alternative approach, of mainstreaming displacement issues throughout a peace agreement, without a separate section on displacement, appears in the 2016 [Final Peace Agreement for Colombia](#). The Introduction emphasizes that “[t]he conclusion of hostilities will first and foremost represent the end of the enormous suffering that the conflict has caused”, noting that “[m]illions of Colombians, men and women alike, have been victims of forced displacement”. “Persons displaced by the conflict” are among the groups of people on whose “essential rights” the “Agreement places special emphasis”. Indeed, attention to displaced persons is mainstreamed throughout the 323-page Agreement. In addition to providing for area-based plans supporting the voluntary return or relocation and reintegration of IDPs and returning refugees, their situation features in the Agreement’s provisions addressing issues of land restitution, the establishment of a truth and reconciliation commission, elections, and the amnesty law as it relates to the crime of forced displacement.

### **C. KEY SUBSTANTIVE ISSUES TO ADDRESS**

To be forced to flee one’s home is a life-changing, often traumatic, experience which is meant to be temporary. The UN Guiding Principles on Internal Displacement, which are based on international legal standards, prescribe in Principle 6(3) that “displacement shall last no longer than required by the circumstances.” In a situation of conflict-induced displacement, a peace process should include resolving displacement as a specific aim and proactively work to put in place conditions enabling IDPs and refugees to find a voluntary, safe, and durable solution to their plight.

#### ***a) Right to Choose among Solutions to Displacement***

Solutions to displacement can take any one of three forms: return to the place of origin; local integration in the location of stay during displacement; or resettlement elsewhere, in another part of the country in the case of IDPs.<sup>5</sup> IDPs and refugees have a right to choose between these three possible solutions. Moreover, the UN Guiding Principles on Internal Displacement affirm that “[c]ompetent authorities have the primary duty to establish conditions, as well as provide the means, which allow IDPs to return voluntarily, in safety and with dignity to their homes or places of habitual residence, or to resettle voluntarily in another part of the country” (Principle 28.1). A core criterion therefore is that solutions to displacement are voluntary.

The principle of “voluntary return” is well-established in international law and practice. In a situation of armed conflict, whether international or non-international, it is a rule of [customary international humanitarian law](#) that “[d]isplaced persons have a right to voluntary return in safety to their homes or places of habitual residence as soon as the reasons for their displacement cease to exist.” A corollary [principle](#), affirmed in Principle 15(d) of the UN Guiding Principles, is “the right to be protected against forcible return or resettlement in any place where their life, safety, liberty and/or health would be at risk.” This is the principle of non-refoulement which, in addition to being articulated in the 1951 Refugee Convention and

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<sup>5</sup> For refugees, resettlement refers to relocating to a third country. Solutions for refugees in countries of asylum or resettlement fall outside the scope of this paper, and most peace processes.

having deep roots in [international human rights law](#), particularly protections relating to torture, has become a [principle](#) of customary international law.

The principle of voluntary return of IDPs and refugees is reaffirmed in many peace agreements and countless [UN Security Council resolutions](#). However, while the “voluntary” qualifier connotes that return is a choice, the tendency of peace agreements to emphasize and often exclusively mention the solution of “voluntary return” can be problematic in practice, making it more difficult for displaced persons to exercise their right to the other possible solutions of local integration or resettlement. Epitomizing this risk, the Dayton Peace Accord placed overwhelming importance on refugees’ and IDPs’ return. Driving this emphasis was the strong moral and political imperative, not only for some conflict parties but also for the international community and many displaced persons themselves, to reverse the war’s brutal campaign of “ethnic cleansing” which had resulted in dramatic demographic changes in disputed territories. The Agreement stresses in several places the importance of speedily reversing this displacement, including emphasizing: “The early return of refugees and displaced persons is an important objective of the settlement of the conflict” (Annex 7, Article 1.1). To be sure, in addition to providing that any return is to be voluntary, the Agreement includes a provision that “choice of destination shall be up to the individual or family” (Article 1.4). Even then, however, this is phrased through the lens of return, in noting that the “Parties shall not interfere with the *returnees*’ choice of destination” (Article 1.4). More than a decade after the conflict, accessing a solution to their displacement remained very [challenging](#) for IDPs who preferred to locally integrate or settle elsewhere in the country. Indeed, essential Government support programs, including access to provisional shelter and even IDP status in national law, were contingent on IDPs expressing their intention to return. With intensive international advocacy and support, a [Revised Strategy for Implementation of Annex VII of the Dayton Peace Agreement](#) was adopted by the Government in 2011, which explicitly recognized for the first time that IDPs had a right not only to return but also to locally integrate in their place of displacement or resettle elsewhere in the country.

It therefore is advisable that a peace agreement explicitly recognize not only the right of IDPs and refugees to “voluntary return” but also to the other solutions to displacement. For example, in the 2006 [Comprehensive Peace Accord for Nepal](#) the parties commit to “respect the right of the people displaced by the conflict and their families to return back to their homes or to settle in any other location of their choice” (Article 7.3.3). Colombia’s Final Peace Agreement refers to the “return or relocation” of displaced persons (Article 5.1.3.5). The Darfur Peace Agreement recognizes the responsibility of relevant authorities to ensure that displaced persons enjoy “the right to freedom of movement and choice of residence, including the right to return and to re-establish themselves at their places of origin or habitual residence [or] voluntary resettlement at another place of their choice” (para. 176). More explicitly and comprehensively in line with international standards, the Doha Document for Peace in Darfur provides that: “All IDPs and refugees have the right to return voluntarily, and in safety and dignity, to their homes of origin or places of habitual residence or to resettle in another place of their choice” (paras. 239 and 241). Given the Government’s complicity in displacement, the Agreement includes a specific commitment that “[t]he Government of Sudan shall accept and facilitate the voluntary return of IDPs and of refugees to their homes of origin or places of habitual residence or their voluntary resettlement in another part of the country” (para. 242). All parties commit to “not interfere with IDPs’ and returning refugees’ choice of destination, nor shall they compel them to remain in, return to, or move to situations of serious danger or insecurity, or to areas lacking in basic services necessary to resume a normal life” (para. 241). Further, they “shall respect and ensure the right of IDPs and refugees [...] to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk” (para.



240) and “shall take all necessary steps to prevent activities which would hinder the voluntary return, in safety and dignity, of IDPs and refugees” (para. 243).

Directly relevant to the Ukraine context, the Council of Europe’s Committee of Ministers explicitly [recognizes](#) the right of IDPs “to return voluntarily, in safety and dignity, to their homes or places of habitual residence or to resettle in another part of the country in accordance with the European Convention on Human Rights.” OSCE [guidance](#) on addressing internal displacement stresses that peace agreements specifically should articulate “the right to choose return, local integration or relocation elsewhere, respecting the principles of voluntary character of solutions, dignity and security”.

A key element of the voluntariness of solutions is to ensure that IDPs and refugees have access to objective and updated information on the conditions, including security and economic conditions, and the availability of public services, in prospective areas of return or resettlement. Peace agreements can include commitments to facilitate IDPs’ and refugees’ access to such information. For example, in the Quadripartite Agreement for Voluntary Return the “Parties agree that refugees and displaced persons will be guaranteed unimpeded access to all available information on the situation in the areas where return will take place” (Article 3(j)). Similarly, the Dayton Peace Agreement provides that the “Parties shall facilitate the flow of information necessary for refugees and displaced persons to make informed judgments about local conditions for return” (Annex 7, Article 1(4)). Of course, in line with the choice among solutions, access to such information should not be limited to areas of potential return but also cover areas of potential resettlement elsewhere in the country. In this regard, the Doha Document for Peace provides (para. 244):

*IDPs and refugees shall have access to objective information about the conditions in the areas of return or resettlement. The Parties, with the assistance of competent local and international actors, shall facilitate the timely flow of accurate information about the conditions in areas of return or resettlement in order for refugees and IDPs to be able to make an informed and voluntary decision about return or resettlement.*

A valuable first-hand source of such information comes from preliminary visits to prospective return or resettlement areas by members of IDPs’ or refugees’ family or a trusted community representative. These so-called “go and see visits” typically are organized by UNHCR or other international organization, such as the OSCE, in the peace implementation phase.

#### ***b) A Durable Solution to Displacement***

Whichever option is chosen -- whether to return to their place of origin, locally integrate in the place of displacement, or resettle in another part of the country -- to be considered a solution, it must be sustainable. International [criteria](#) define what constitutes a durable solution to displacement. Achieving durable solutions to displacement through fulfillment of these criteria will, the guidance emphasizes, be “a gradual, often long-term process of reducing displacement-specific needs and ensuring the enjoying of human rights without discrimination” and be “a complex process that addresses human rights, humanitarian, development, reconstruction and peace-building challenges”. Peace agreements should have resolving conflict-induced displacement as a specific goal and lay strong foundations for enabling IDPs and returning refugees to achieve a voluntary and durable solution. In particular, they should address and include specific commitments on the following issues:

*i. Safety, Security, and Freedom of Movement*

Peace agreements should include specific commitments to ensure the protection of civilians, including in areas where IDPs are currently and in areas of actual or potential IDP and refugee return. The Darfur Peace Agreement, for example, includes extensive commitments to ensure the safety of IDPs, returning refugees and other civilians. For example, the parties “pledge to provide protection and physical security to the displaced and war-affected persons in all areas of Darfur” including to “protect the returning displaced persons from all forms of harassment, coercion, informal ‘taxation’ or confiscation of property” and shall pay “special attention to the protection of displaced women from all forms of harassment, exploitation and gender-based violence” (paras. 185-186). Moreover, “the relevant authorities shall make all necessary efforts to respond to violations of human rights, redress the impact of such violations and take all necessary measures to ensure justice in a timely and effective manner” (para. 185). The comprehensive ceasefire includes detailed provisions regarding the demilitarization of IDP camps, the security of IDPs in camps, the responsibilities of all parties to refrain from attacking IDPs, and the role of African Union police and civilian personnel in ensuring IDPs’ safety.

The Dayton Peace Agreement, which emphasizes that “the observance of human rights and the protection of refugees and displaced persons are of vital importance in achieving a lasting peace” (General Framework Agreement for Peace, Article VII), includes many specific provisions to these ends. In Annex 7, the parties commit to ensuring that refugees and displaced persons can “return in safety, without risk of harassment, intimidation, persecution or discrimination”, and to “take all necessary steps to prevent activities within their territories which would hinder or impede the safe and voluntary return of refugees and displaced persons” (Article I(1) and (3)). At the same time, they will “not interfere with the returnees’ choice of destination nor shall they compel them to remain in or move to situations of serious danger or insecurity” (Article I(4)). Confidence-building measures that the parties agree to “take immediately” include the “protection of ethnic and minority populations wherever they are found”, the prevention and suppression of any incitement of ethnic or religious hostility or hatred, the repeal of domestic legislation and administrative practices with discriminatory intent or effect, and “the prosecution, dismissal or transfer, as appropriate, of any persons in the military, paramilitary, police force and public service, responsible for serious violations of the basic rights of persons belonging to ethnic or minority groups” (Article I(3)).

Freedom of movement is an integral element of safe and voluntary solutions to displacement and should be specifically articulated in a peace agreement. For example, it is recognized in the Darfur Peace Agreement, the subsequent Doha Document for Peace in Darfur, the Comprehensive Peace Agreement for Nepal and in the Quadripartite Agreement for Voluntary Return. In Bosnia and Herzegovina, the Dayton Peace Agreement affirms the right to freedom of movement and choice of residence both as a general principle for all persons and specifically as it relates to IDPs’ and refugees’ return, noting both in the Constitution and in the Agreement on Refugees and Displaced Persons that “all refugees and displaced persons have the right freely to return to their homes of origin.” In practice, specific practical measures were needed during the implementation phase to directly support civilians’ exercise of this right. Instrumental in this regard were the internationally escorted buses across the Inter-Entity Boundary Line and the introduction, at international insistence, of generic license plates which enabled individuals to travel throughout the country free of any visible indication of their municipality of origin, on the basis of which they risked being targeted for attack.

Indeed, freedom of movement for IDPs and refugees, particularly as it relates to their right to return, can be politically contentious, including in peace negotiations. In the peace process for the conflicts in Georgia, it is an issue that has led to many breakdowns of the entire peace

process.<sup>6</sup> In Ukraine, the safe and free movement of civilians in and out of areas outside of the effective territorial control of the Government has been a significant [challenge](#) since the outbreak of conflict in 2014.

## *ii. Property Restitution*

Displacement, by definition, entails the loss, at least temporarily, of one's home or place of habitual residence. IDPs and refugees have a right to restitution of their housing, land, and property, regardless of whether they return or choose another solution, i.e. to integrate locally or resettle elsewhere. A durable solution to displacement requires that they have access to effective mechanisms for timely restitution of their housing, land, and property. Indeed, it is a [rule](#) of customary law, applicable in both international and non-international armed conflicts, that the property rights of displaced persons must be respected. [International principles](#) and detailed [guidance](#) specifically on the issue of housing and property restitution for refugees and IDPs should be referred to in addressing these issues. A key principle is that restitution should be the primary remedy unless it is practically impossible or the expressed wish of refugees and displaced persons to receive compensation in lieu of restitution.

A peace agreement should refer to IDPs' and refugees' right to restitution of their housing, land, and property, and specify that this right applies irrespective of the solution to displacement they choose. For example, the Darfur Peace Agreement affirms that "displaced persons have the right to restitution of their property, whether they choose to return to their places of origin or not" (para. 194). In line with international principles, it provides that "compensation in place of restitution shall only be given where it is factually established, in accordance with the procedures in this agreement, that restitution is impossible" (para. 196). Similarly, the Dayton Peace Agreement affirms, in its Agreement on Refugees and Displaced Persons (Annex 7, Article I(1)) as well as in the Constitution (Annex 3, Article II(5)): "All refugees and displaced persons have the right freely to return to their homes of origin. They shall have the right to have restored to them property of which they were deprived in the course of hostilities since 1991 and to be compensated for any property that cannot be restored to them." To fund compensation claims, both the Dayton Peace Agreement and the Darfur Peace Agreement provide for establishment of a Refugees and Displaced Persons Property Fund.

A peace agreement also should provide for a credible mechanism to adjudicate property claims. This is important both to ensure that IDPs and refugees can recover their housing, land, and property, and because experience around the world underscores that property disputes often become a new source of violence and conflict in the aftermath of a peace agreement. The Darfur Peace Agreement provided for the establishment of "independent and impartial committees called 'Property Claims Committees' in both rural and urban areas to deal with all property disputes" according to established "restitution procedures, which must be simple, accessible, transparent and enforceable. All aspects of the restitution claims process, including appeals procedures, shall be just, timely, accessible, free of charge, and age and gender sensitive" (paras 195 and 197). Preferably, a peace agreement will set out the procedures according to which the mechanism for adjudicating property claims will be established and operated. The Dayton Peace Agreement, which provided for establishment of a Commission for Real Property Claims of Refugees and Displaced Persons, specified key principles that would govern its work. For example, taking account of the practice during the war whereby civilians often were compelled

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<sup>6</sup> Nearly ten years into the peace process, in 2017, the UN Secretary-General [reported](#) to the UN Security Council that "[r]egrettably "walkouts" by some participants in the Geneva international discussions under this particular agenda item have become the norm". This continues to be a challenge in subsequent rounds of talks, as the [Co-Chairs](#) have flagged.

to sign away their property rights at gunpoint or in exchange for “exit permits” from an area under the control of a warring party, the Agreement provides in the Constitution, Article II(5), that “any commitments or statements relating to such property made under duress are null and void”. Annex 7, Article XII(3) specifies that the Commission will “not recognize as valid any illegal property transaction, including any transfer that was made under duress, in exchange for exit permission or documents, or that: was otherwise in connection with ethnic cleansing.” A series of post-war laws elaborated property restitution regulations in greater detail.

In practice, implementing the commitments in the Dayton Peace Agreement for property restitution was a politically charged, complex and labour-intensive process. Further complicating matters, many homes of IDPs and refugees were occupied by other displaced persons, who often were members of other ethnic groups. However, after concerted effort of national, regional, and international institutions, the post-conflict process of property restitution eventually was highly successful and is considered a model. Within four years of adoption of the Property Law Implementation Plan in 1999, [92 percent](#) of the more than 200,000 property claims received had been adjudicated and the decisions implemented, allowing IDPs and refugees to regain possession of their homes and land. Even so, [many homes](#) were severely damaged (60 percent of the country’s housing stock) or completely destroyed (18 percent). Notably, this destruction not only occurred during the conflict but also after the peace agreement by those seeking to prevent returns. Restitution of property therefore is a first step; reconstruction assistance to support IDPs, refugees and other war-affected civilians to repair and rebuild their homes is also likely to be required (*see section vii below*).

### *iii. Effective Remedies for Violations Suffered*

All victims of [international human rights violations](#) and serious breaches of international humanitarian law have the right to an effective [remedy](#). IDPs and refugees are no different. In addition, displacement-related violations require specific attention and should be integrated into the relevant provisions of a peace agreement. The UN Guiding Principles on Internal Displacement, reflecting international law, affirm in Principle 6(1) that “[e]very human being has the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.” Reaffirming this right in the regional context, the Council of Europe’s Committee of Ministers has declared: “the arbitrary displacement of persons from their homes or place of habitual residence is prohibited, as can be inferred from the European Convention on Human Rights”.

In situations of armed conflict, the UN Guiding Principles on Internal Displacement specify that displacement is prohibited “unless the security of the civilians involved or imperative military reasons so demand”. This principle is well established in international humanitarian law, most notably in Article 17 of Protocol II to the Geneva Conventions, regarding non-international armed conflicts. Indeed, it is a [rule](#) of customary international humanitarian law that “[p]arties to a non-international armed conflict may not order the displacement of the civilian population, in whole or in part, for reasons related to the conflict, unless the security of the civilians involved or imperative reasons so demand”. The [Statute of the International Criminal Court](#) (Rome Statute) specifies that “ordering the displacement of civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand” constitutes a war crime in non-international armed conflicts. Similarly, in situations of international armed conflict, it is an established [rule](#) of customary international humanitarian law that parties to the conflict “may not deport or forcibly transfer the civilian population of an occupied territory, in whole or in part, unless the security of the civilians involved or imperative military reasons so demand”. Prohibition of the transfer or

deportation of civilians from occupied territory is set out in Fourth Geneva Convention which also provides, as does its Additional Protocol I, that violations constitute a grave breach of these instruments. According to the Rome Statute, “the deportation or transfer [by the Occupying Power] of all or parts of the population of the occupied territory within or outside this territory” constitutes a war crime in international armed conflicts.

In all situations, including those outside armed conflict, the prohibition of arbitrary displacement affirmed in the UN Guiding Principles on Internal Displacement also includes displacement “when it is based on policies of apartheid, “ethnic cleansing” or similar practices aimed at or resulting in altering the ethnic, religious or racial composition of the affected population”. The Rome Statute specifies that deportation or forcible transfer of population, defined as “forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law”, constitutes a crime against humanity when committed as part of a widespread or systematic attack directed against any civilian population. Forcibly transferring children of a national, ethnical, racial or religious group to another group, when this act is committed with intent to destroy, in whole or in part, the group to which the children belong constitutes the crime of [genocide](#).

Acts of arbitrary displacement that amount to war crimes, crimes against humanity or genocide should be covered in any provisions of a peace agreement addressing international crimes. For instance, in Colombia, where arbitrary displacement has been recognized as a crime under the Penal Code since 2000, the 2016 Final Peace Agreement includes “forced displacement” among the list of crimes against humanity and serious war crimes of which perpetrators “will all be ineligible for an amnesty or pardon, in every case as established in the Rome Statute.”

#### *iv. Family Tracing and Reunification*

Displacement often leads to the separation of family members. [International standards](#) prescribe that families separated by displacement should be reunited as quickly as possible, particularly when children, older persons, or other vulnerable persons are involved. To this end, family tracing should be undertaken at the earliest possible time to establish the fate and whereabouts of missing relatives and to inform the next of kin. The UN Guiding Principles on Internal Displacement also specify that IDPs have the “right of access to the grave sites of their deceased relatives” (Principle 16(4)). In contexts where the effective control of territory is divided, international [guidance](#) recommends “national and de facto authorities should cooperate pragmatically (e.g. through humanitarian actors or other impartial intermediaries) to allow for family reunification despite obstacles such as closed boundary lines.”

In the Georgia/Abkhazia conflict, signatories to the Quadripartite Agreement, emphasizes “the fundamental principle of preserving family unity” and provided for the establishment of a mechanism to facilitate family reunification and measures for “the identification and extra care/assistance for unaccompanied minors and other vulnerable persons” (Article 3(i)). The Darfur Peace Agreement includes a “pledge to protect the integrity of the family and community and the right to family life” and commitment to “facilitate inquiries made by family members and co-operate with the work of humanitarian organisations engaged in assisting family reunification”, noting “[s]pecial effort shall be made to reunify unaccompanied minors with their families or communities of origin” (para. 193). Colombia’s Final Peace Agreement provides for the establishment of a Special Unit for the Search for Persons deemed as Missing in the Context of and Due to the Conflict which, in cases where such persons are deceased, is to ensure the identification and “dignified delivery of their remains” (Chapter 5). The Dayton Peace Agreement includes a commitment by the conflict parties to “give full and unrestricted

access by UNHCR, the International Committee of the Red Cross (ICRC), the UN Development Programme (UNDP) and other relevant international, domestic, and non-governmental organizations to all refugees and displaced persons, with a view to facilitating the work of those organizations in tracing persons” (Annex 7, Article III(2)). The parties further agree to “provide information through the tracing mechanisms of the ICRC on all persons unaccounted for” and to “cooperate fully with the ICRC in its efforts to determine the identities, whereabouts and fate of the unaccounted for” (Annex 7, Article V).

#### *v. Documentation*

During displacement, people often lose the documents necessary for enjoyment and exercise of their rights, such as personal identification documents, birth and marriage certificates, passports, voter identification cards, property title deeds, school records and academic certificates, and social security cards. These documents may be destroyed as a result of the hostilities or even confiscated, for instance, at checkpoints. In some cases, IDPs and refugees never had such documents prior to displacement. The UN Guiding Principles on Internal Displacement affirm in Principle 20 that IDPs have the right to reissuance, or issuance, of such documents and relevant authorities have the responsibility to facilitate this without imposing unreasonable conditions, such as requiring return to one’s area of habitual residence. Women have the right to documents in their own names. Separated and unaccompanied children also need to be provided their own identity documents. In situations where effective control over territory is divided, interim practical solutions will be necessary. International [guidance](#) recommends that “national authorities may recognize papers provided by *de facto* authorities as *prima facie* factual proof of personal status, without this implying legal recognition of the entities providing the papers.” To participate in elections and any referenda (*see section vi below*), identity documentation almost certainly will be required.

Depending upon the context and whether loss, damage, or confiscation of personal documentation was a major problem, it may be appropriate for a peace agreement to include provisions regarding the reissuance of documentation. For example, the Darfur Peace Agreement provided that relevant authorities “shall issue to displaced persons all documents necessary for the exercise of their legal rights, such as passports, personal identification documents, birth certificates, marriage certificates and all necessary documents of title”, “without the imposition of unreasonable conditions, costs or delays” and that “women and girls shall have documentation issued in their homes.” It also provided that “when necessary, traditional administration or community leadership shall be used for proof of identity” (paras. 191-192). The subsequent Doha Document for Peace in Darfur dedicated an article (Article 46) to the issue of personal documentation for IDPs and returning refugees, including specifying this shall be reinstated free of charge. In the Georgia/Abkhazia conflict, the Quadripartite Agreement includes a commitment by the parties to “ensure that refugees and returnees, upon return, will get their expired documents (*propiska*, passport) extended and validated for their previous place of residence or the elected place of return” (para. 3(e)).

#### *vi. Electoral Rights*

IDPs and returning refugees have the [right](#) to vote and to participate in public affairs on the same basis as the resident population and without discrimination due to their displacement. This includes the right to vote in elections and referenda and, provided other eligibility requirements such as age are met, to stand as a candidate in elections. In situations of displacement, enabling IDPs and returning refugees to exercise this right typically requires special measures to address specific [obstacles](#) to their electoral participation. Practical barriers

include the loss of personal documentation that typically is required for voter registration and voting. Another specific challenge is determining the electoral district in which a displaced person is to be registered as an elector: their place of origin or their temporary residence while displaced. It also may not be logistically possible or safe for them to return, even temporarily, to their pre-displacement place of voter registration; provisions for absentee voting therefore may be required. The electoral rights of displaced persons is a complex topic on which there is detailed international [guidance](#), which should be consulted by the institutional mechanisms mandated to organize any elections or any referenda in countries that have experienced displacement. OSCE States have [recommended](#) they all “should take a comprehensive and systematic approach to ensuring that universal and equal suffrage includes internally displaced persons (IDPs); the States should address legislative reform and training of election officials in this respect.”

If elections and/or referenda are being addressed in a peace process, it will be important to ensure that the specific legal, administrative, and practical obstacles that IDPs and returning refugees face to participating in the electoral process are taken into account and addressed. Especially in situations, such as Ukraine, where a significant proportion of the country’s electorate are displaced persons, if they are unable to participate in elections and referenda not only will they be disenfranchised, but the legitimacy of these electoral processes will be severely compromised.

The Dayton Peace Agreement, which included in Annex 3 a specific agreement laying the groundwork for elections in Bosnia and Herzegovina in the immediate post-war years, anticipated some of the difficulties to electoral participation that displaced persons were likely to face. It set out in Article IV(1) the broad rule that:

*a citizen who no longer lives in the municipality in which he or she resided in 1991 [the date of the last census, which would serve as the basis for voter registration] shall, as a general rule, be expected to vote, in person or by absentee ballot, in that municipality provided that the person is determined to have been registered in that municipality as confirmed by the local election commission and the Provisional Election Commission. Such a citizen may, however, apply to the Commission to cast his or her ballot elsewhere.*

In the years following the peace agreement, many [more detailed provisions](#) were incorporated into the rules and regulations governing elections in order to enable IDPs and returning refugees to register as voters and actually exercise their vote.

#### *vii. Reintegration Assistance and Reconstruction*

A durable solution to displacement [requires](#) that IDPs and returning refugees can enjoy, without discrimination, an adequate standard of living, including sustainable access to essential food, water and sanitation, basic shelter and housing, essential medical services, and education. While a peace agreement does not need to detail all the means for eventually achieving these aims, it should include guarantees of safe and equitable access to humanitarian assistance by all persons who need it and for the safety of humanitarian personnel. The Doha Document for Peace in Darfur, in Article 46 on humanitarian assistance, includes commitment by the Government to provide “urgent aid to IDPs, including food, shelter, education, medical care, and other medical and health services, together with the other necessary humanitarian and social services” and to ensure such assistance for IDPs both before and after return and for refugees upon return (paras. 230-231). Notably, such assistance is also to be provided non-displaced communities who also are in need (para. 232). All parties commit to facilitate access by humanitarian agencies, to secure and protect aid delivery routes, and to protect the security

of humanitarian personnel (paras. 233-234). The Darfur Peace Agreement also included a commitment by the Government to “provide basic food, shelter and access to potable water while displaced persons are *en route* to areas of return” and “to ensure the full participation of women in the planning and distribution of these supplies” (para. 187). The Dayton Peace Agreement included a commitment by the parties to facilitate “short-term repatriation assistance on a non-discriminatory basis to all returning refugees and displaced persons who are in need, in accordance with a plan developed by UNHCR and other relevant organizations, to enable the families and individuals returning to re-establish their lives and livelihoods in local communities” (Annex 7, Article VI).

Reconstruction to repair conflict-related damage to public infrastructure is also likely to be needed. The Darfur Peace Agreement emphasized “Darfur has urgent and serious needs for rehabilitation, reconstruction and development of social and physical infrastructure affected by the conflict, especially with regard to IDPs, refugees and war-affected persons” and that urgent programs for IDPs and returning refugees “will have to include the rehabilitation and/or creation of adequate education and health facilities” (paras. 101 and 179). It provided for the establishment of a specific reconstruction fund. The Dayton Peace Agreement includes a commitment by the parties to “not interfere with the returnees’ choice of destination nor shall they compel them to remain in or move to [...] areas lacking in the basic infrastructure necessary to resume a normal life” (Annex 7, Article I(4)). Regarding education, in addition to addressing damage or destruction of educational facilities, it is important to ensure that IDPs and returning refugees do not face any [specific barriers](#), for instance due to the loss of identity documentation or educational records, to enjoyment of their right to education. Moreover, in some peace processes, such as Georgia/Abkhazia, and in the peace implementation phase in Bosnia and Herzegovina, access to education can be a major impediment to voluntary return and a highly contentious issue, particularly as regards the language of instruction and the curriculum.

### *viii. Access to Livelihoods and Employment*

For IDPs and returning refugees, a durable solution also entails access to livelihoods and employment on par with others in the country. While achieving the sustainable and equitable development of a country is an aim that typically goes beyond the scope of a peace agreement, a peace process should lay the foundations. For instance, when an agreement includes provisions for post-conflict reconstruction and rehabilitation, IDPs and returning refugees must be able to participate in such programs on an equal basis with other war-affected persons.

In some contexts, the parties may decide it is important for the peace agreement to include provisions specifically supporting IDPs and returning refugees to regain their livelihoods. The Dayton Peace Agreement’s above-mentioned commitment to provide repatriation assistance to returning refugees and IDPs explicitly was aimed at enabling them “to re-establish their lives and livelihoods”. The wealth-sharing chapter of the Darfur Peace Agreement emphasized: “The first priority of implementing this Agreement is to address the needs of the war-affected areas, with special attention to displaced and war-affected persons, to provide the basic services and security needed to enable them to return to their livelihoods in safety and dignity” (para. 108). It noted the need property restitution and various support for IDPs and refugees to reprise their former livelihoods, including land rights and compensation for property loss or damage sustained as a result of the conflict. Moreover, the section on IDPs and returning refugees recognized that “[t]o restart their livelihood and commence effective reintegration, they will need potable water, food and shelter materials, as well as agricultural inputs for both crops and livestock such as seeds, seedlings, veterinary services, tools, and essential equipment including



machinery for the making of building blocks, as well as micro credit schemes” (para. 179). The subsequent Doha Document for Peace in Darfur contains several provisions regarding livelihood support for IDPs and returning refugees, including providing to every family a lumpsum of US \$250 plus “agricultural inputs for crops and livestock such as seeds, seedlings, veterinary services, tools and essential equipment” in order to “help them meet immediate needs upon return and enable them to restart their livelihood” (para. 249(vii)). With a view to mitigating the risk of conflict between local communities and the returning IDPs and refugees, the Darfur Peace Agreement also provided for this assistance also to be provided to members of the local communities hosting IDPs and returnees, who require such livelihood support (para. 232).

## CONCLUSION

For the many millions of persons displaced by the conflict in Ukraine, an end to the conflict is essential for them to be able to begin to rebuild their lives and find a durable solution to their displacement. The sheer magnitude of displacement means that resolving the displacement crisis, in turn, is critically important to the sustainability of any peace agreement and to national, regional, and international stability. Indeed, especially as it relates to IDPs’ and refugees’ return, displacement is not a “soft” and strictly humanitarian issue or marginal concern but can be highly contentious in particular when displacement was not merely a consequence of conflict but a deliberate war aim or otherwise has resulted in demographic changes in disputed territories. It is essential to address displacement issues in the peace process.

As to how to do so, it should be clear from the above that resolving conflict-induced displacement is both a distinct challenge, necessitating specific settlement commitments, and one that is inherently linked to many other major agenda items in a peace process including: security guarantees, property issues, remedies for violations suffered during the conflict, elections and/or referenda, humanitarian assistance, reconstruction, and reconciliation. While resolving displacement should be among the specific aims of a peace agreement, a holistic approach is required. Indeed, as the OSCE [recommends](#): “Displacement and durable solution issues need to be discussed from the outset of the resolution process and mainstreamed into all relevant aspects of the peace process.”

In summary, the following issues require particular attention in the text of a comprehensive peace agreement:

- **Refer to international definitions of “internally displaced persons” and “refugees” and to relevant international norms** most notably, the UN Guiding Principles on Internal Displacement and the 1951 Convention on the Status of Refugees and its Protocol. In the event that use of these terms becomes highly contentious, due to disputes over the legal status of borders, reference could be made, strictly as an interim measure, to the generic term “displaced persons”. The final agreement must define IDPs and refugees per international standards.
- ***Choice of solutions to displacement:*** Reaffirm the principle of voluntary return and recognize explicitly the right of IDPs to choose among three solutions: voluntary return to their homes, local integration, or settlement in another part of the country. Include provisions to provide IDPs and refugees with all necessary information on the conditions in areas of prospective return or resettlement so they can make an informed decision. Ensure reintegration support will be provided to IDPs and repatriated refugees irrespective of the solution to displacement they choose.

- ***Safety, security, and freedom of movement:*** Ensure inclusion of specific commitments by the parties to protect civilians, including IDPs and returning refugees, from physical attack, harassment, intimidation, reprisals or any other form of punitive action, and the right to freedom of movement. Also include provisions regarding humanitarian demining, demobilization and disarmament of combatants, and the deployment of law enforcement personnel in areas where IDPs and returning refugees plan to return, relocate, or already reside.
- ***Property rights:*** Guarantee the restitution of IDPs' and refugees' property or, where this is not possible, adequate compensation, and provide for the establishment of a property claims commission specifically for receiving and adjudicating property restitution claims.
- ***Access to effective remedies and justice:*** Ensure the prohibition of arbitrary displacement or forced displacement is mentioned in any list of crimes exempt from amnesty or pardon and is included in the mandate of any mechanisms designed to adjudicate and provide remedies for violations suffered during the conflict.
- ***Family unity:*** Include provisions for reuniting families separated during displacement and for tracing missing persons. It may also be relevant to include provisions reaffirming IDPs' right to access the grave sites of their deceased relatives.
- ***Identity and other official personal documentation:*** Include provisions for replacing or issuing to IDPs, refugees and other war-affected persons all documents necessary for the enjoyment of their rights, including identification documentation, birth and marriage certificates, passports, and educational certificates, and without imposing unreasonable conditions, such as requiring return to one's area of pre-displacement residence.
- ***Political participation:*** Safeguard the electoral rights of IDPs and returning refugees, ensuring they can participate in elections and referenda even if they have not returned to their places of residence. The specific barriers to electoral participation that they typically face, including loss of personal identity documentation, being away from the place of their last voter registration, and being unable to return to this area to register to vote and to actually vote, must be anticipated and addressed, e.g., allowing for absentee ballots, etc.
- ***Humanitarian and reintegration assistance and reconstruction:*** Include provisions affirming the right of IDPs, returning refugees, and other war-affected persons to safe and non-discriminatory access to essential food, water and sanitation, basic shelter, health services, education, and reintegration assistance, as well as for the protection of humanitarian personnel, and for the reconstruction of damaged public infrastructure including health facilities and schools.
- ***Livelihoods:*** In addition to the above-mentioned provisions addressing housing, land, and property restitution, access to documentation including educational and professional certifications, and access to education, it may be relevant to include specific provisions supporting IDPs, returning refugees, and other war-affected persons to regain their former livelihoods or access new livelihood opportunities and for area-based post-conflict recovery and development plans in areas where IDPs and refugees plan to return or to resettle.