Mini-feature

Towards understanding and addressing the root causes of displacement

This mini-feature has been prepared to inform discussions at the first Global Refugee Forum in December 2019.

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Introduction from the High Commissioner for Refugees

Refugee crises today are increasingly complex; the immediate drivers – conflict, violence and persecution – are invariably underpinned by a range of deeper causes including poor governance, inequitable development outcomes, poverty and climate change. These same factors are also contributing to broader population flows. And as displacement becomes protracted, the challenges generally deepen. As a result, securing solutions to forced displacement calls not only for political efforts to prevent and resolve conflicts but also for action to tackle these complex root causes.

Efforts to understand and address these are by no means new. Yet the Global Compact on Refugees, with its emphasis on mobilising a broad range of actors and instruments, including through development and private sector engagement, provides a vital opportunity to reinvigorate these. Embedding action to address displacement in broader development efforts, and in efforts to build peace and security, is essential if we are to fully leverage opportunities for solutions, as well as to avert new displacement.

This special mini-feature will seek to enhance our collective understanding of the root causes of displacement and to inform discussions on protection and solutions at the first Global Refugee Forum in December 2019.

Filippo Grandi, High Commissioner for Refugees

Preventing displacement, addressing root causes and the promise of the Global Compact on Refugees

Volker Türk

Preventing displacement by addressing its root causes requires a holistic approach and engagement by a wide range of actors. The starting point must be a better understanding of root causes and their complexity.

In December 2015, the eighth annual High Commissioner's Dialogue on Protection Challenges focused on the theme 'Understanding and addressing root causes of displacement'.[1] Those gathered acknowledged the need for the international community to prioritise prevention and to address root causes. This would require putting displacement on the governance agenda of the UN, all international and regional organisations, and all States, in order to be better able to detect drivers and triggers of displacement, and to transform early warning mechanisms into prompt action. To do this, it was noted, we should recognise the complexity of the phenomenon and the need for a holistic approach.

Addressing the root causes of displacement is a formidable challenge. With a record 70.8 million people around the world forcibly displaced, it is imperative to address the underlying and often overlapping factors that fuel violence and conflict, whether they emanate from serious human rights violations, the breakdown of the rule of law, the arms trade, extraction industries, severe inequality, authoritarianism, or environmental change and degradation. Where such drivers of displacement are not addressed, flight – including when this entails crossing international borders – is often a preventive, self-protection mechanism exercised by the individual or community. Indeed, it may be the only viable option for survival. The role of humanitarian action is not to promote or enable restrictions on these coping mechanisms but instead to advocate, with others (including States, regional organisations and bilateral donors), to address the root causes of displacement.

Preventing displacement

Many instances of displacement could be avoided, or their impacts at least minimised, if compliance with international human rights as well as international humanitarian law were to be assured. The more advances we make in this respect, the less people will be uprooted and forced to live in exile. In this regard, it would be worth examining how a lack of respect for each human right leads or could lead to displacement, and how this could be addressed. Maintaining the rule of law is essential: it separates justice, stability and preparedness from chaos, anarchy and arbitrariness.

Undeniably, climate change is also a driver of displacement, and is now firmly on the agenda of most international actors. Although definitively linking climate change to specific displacement remains difficult, the UN Refugee Agency (UNHCR) recognises the seriousness of the consequences of climate change, including for refugees and other people of concern. Recent history has borne witness to cross-border movements in situations where conflict or violence has interacted with disaster or adverse effects of climate change.

It is evident that prevention is not the sole remit of any one actor. It requires joint strategies and initiatives that contribute to social cohesion and empowerment, alongside the promotion and defence of human rights. A division of labour, in respect of mandates, expertise and comparative advantage, enhances complementarity and maximises impact. Displacement is both a humanitarian and development challenge. Enhanced coherence between humanitarian and development actors can better position and equip refugees – most

of whom would like to return to their home countries when it is safe to do so – to engage in post-conflict reconstruction.

In all our interventions, we must place as much emphasis on 'understanding' as we do on 'addressing'. A recent OECD Working Paper[2] reviewed evaluations of stabilisation activities by international actors in fragile and conflict-affected countries like Afghanistan, one of the biggest refugee-producing countries for over 30 years. It noted that efforts often started from the assumption that joining humanitarian, development, defence and diplomatic actors through joint programming, with a focus on 'quick wins', would help reinforce support for the State as a legitimate actor, improve governance and help lead to stability. The report highlighted several instances where this was in fact not the case. It observed that understanding the political economy and main drivers of conflict and fragility needed much more attention in many development programmes.

Despite the challenges, we should strongly advocate for the operationalisation of the

humanitarian-development-peace nexus.[3] Although this is not a new discussion, the context has changed – politically, economically and socially. Contextualising displacement and its root causes, and learning through evidence, is a time- and resource-intensive process but it is a process that we must invest in and prioritise if we are to make headway in our efforts to address root causes. No less important is the need to learn from refugees, to fully comprehend the factors that forced them to flee in the first place, and to appreciate their lived experience of displacement.

The role of UNHCR

There are a number of entry points for UNHCR to support and contribute to prevention. Some are well understood and of long standing, and include promoting gender equality specifically, and the rule of law and human rights more broadly, while also investing in education and livelihoods. Engaging with affected communities and individuals is at the very centre of

UNHCR/Xavier Bourgois

As the region of Minawao in Cameroon faces critical deforestation due to global warming and the impact of hosting 56,000 Nigerian refugees, UNHCR and its partners Land Life Company and Lutheran World Federation started a reforestation project in January 2019. Over the next two years, they expect to plant – with the refugees – 20,000 trees in and around the site.

UNHCR's programmes. The Age, Gender and Diversity policy promotes a community-based approach and is intended to enable the participation of displaced and stateless people in decisions that affect their lives. In addition to ensuring that the voices of displaced communities, and women in particular, are heard in peace negotiations, there are other essential elements in promoting sustainable voluntary return in post-conflict contexts, such as securing access to justice and supporting the reintegration of demobilised armed elements, thereby helping to bridge the gap towards peace.

Ending statelessness is an effective means of addressing one particular root cause of conflict and forced displacement, which UNHCR is pursuing through, for example, the #IBELONG campaign.[4] There are many indicators of the positive momentum that is taking place in this area, including reforms to nationality laws and further accessions to the Statelessness Conventions.

Monitoring internal displacement can help forecast potential later displacement across international borders, and early responses to internal displacement can mitigate the risk of upheaval and impoverishment from the outset. UNHCR's guidance on its engagement with IDPs (primarily within the cluster system) also outlines a number of areas where we can contribute to promoting State responsibility through supporting the development of law and policy on internal displacement, training and capacity-building projects on child protection, and strategies to prevent gender-based violence.

Alongside prevention, better preparedness through early warning systems and contingency planning can help to mitigate some of the worst humanitarian consequences of conflict and violence. For example, had contingency planning and joined-up action guided European responses to the arrivals of refugees across the Mediterranean in 2015 when numbers were starting to increase, a great deal of chaos and trauma could have been avoided. Or if we had a mechanism to ensure early and predictable funding for humanitarian responses to large numbers of new arrivals, systems could be put in place from the start to prevent critical situations deteriorating into emergencies.

The Global Compact on Refugees

We have seen repeatedly how violent conflicts and other drivers of displacement have consequences that take on not only regional but global dimensions. If we are to overcome isolationism, fragmentation and toxic public debates we will need a concerted, comprehensive and proactive approach to refugee situations. The universal adoption of the New York Declaration for Refugees and Migrants by UN Member States in September 2016 was a clear acknowledgement of this imperative, as was the affirmation of the Global Compact on Refugees (GCR) in December 2018.

The GCR aims to ensure equitable and predictable responsibility sharing to address both large-scale movements of refugees and protracted refugee situations. It represents a clear commitment by States to early efforts to address the drivers and triggers of large refugee situations, and to improved cooperation among political, humanitarian, development and peace actors. It underscores the importance of international efforts to prevent and resolve conflict on the basis of the UN Charter, international law, the rule of law, human rights and fundamental freedoms, and non-discrimination. It also highlights the need to provide development assistance to countries of origin in line with the 2030 Agenda for Sustainable Development and other relevant frameworks.[5] Indeed, the GCR provides a concrete framework for implementing the aforementioned humanitarian-development-peace nexus.

The 1951 Refugee Convention and its 1967 Protocol focus on the rights of refugees and the obligations of States but they do not offer significant guidance on international cooperation; this is a key aspect that the GCR does address, and which we hope will chart a pathway to enhanced multilateralism.

However, as the GCR is non-binding, its successful implementation will depend on the mobilisation of political will, and UNHCR is working closely with States and other stakeholders to mobilise this in the lead-up to

the first Global Refugee Forum in December 2019. We recognise the inherent challenges at a time when populist nationalism is on the rise, asylum space is being reduced, and containment has evolved into a response strategy. And yet, even in these difficult times, we continue to witness strong engagement on refugee issues from a range of new actors, including the international financial institutions, emerging donors, the private sector, civil society and private citizens – all epitomising the concept of solidarity in action. With this in mind, there is considerable scope for strong and substantive collaboration to prevent conflict and address the manifold root causes of displacement.

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1. High Commissioner's Dialogue on Protection Challenges (2015) *Understanding and addressing root causes of displacement* http://bit.ly/HCRDialogue2015

2. Morrison-Métois S (2017) *Responding to Refugee Crises: Lessons from evaluations in Afghanistan as a country of origin*, OECD Development Co-operation Working Papers, No 40 https://doi.org/10.1787/de7e6a13-en

3. The humanitarian-development-peace nexus – or 'triple nexus' – refers to the interlinkages between humanitarian, development and peace actors. UN humanitarian, development and peace agencies are encouraged to work together more cohesively, capitalising on the comparative advantages of each sector to reduce need, risk and vulnerability.

4. www.unhcr.org/ibelong/

5. Report of the UN High Commissioner for Refugees, Part II Global Compact on Refugees, General Assembly, Seventy-third Session, para 8–9 www.unhcr.org/gcr/GCR_English.pdf

Shifting power and changing practice to support locally led peace building

Alex Shoebridge

Building sustainable peace requires both a greater awareness of the dynamics of localised conflict and a willingness on the part of external actors to cede control to local actors.

The majority of the world's refugees are driven from their homes by conflict, often finding that the dynamics and underlying tensions from the conflict they are fleeing are transplanted into their new surroundings. More than half of all refugees come from three countries (Syria, Afghanistan and South Sudan), and most of the world's refugees are consistently hosted by 15 countries, the majority of whom share borders with the countries refugees are fleeing. In addition to geographic proximity, these countries often share ethnic or religious ties, as well as broader political, economic and social links. In many instances, private or political interests in the host country also have a stake in the conflict next door.

These dynamics are often reflected in relations between refugee and host communities at a local and regional level,

which in turn can be used to reinforce certain political narratives. The interplay between these dynamics, exacerbated by the strain placed on both refugee and host communities in situations of protracted displacement, can increase the risk of tensions within refugee communities and between refugee and host populations.

In this context, development and humanitarian assistance can have an instrumental role in either effectively addressing root causes or exacerbating tensions. Peace-building efforts led by South Sudanese refugees in Uganda offer opportunities to reflect on challenges faced and good practice, on how peace-building and conflict prevention outcomes can be integrated across humanitarian and development programming, and on how the support of external actors can better

A refugee from South Sudan in northern Uganda wears a T-shirt which reads: Peace, Truth, Fairness.

enable locally led, sustained efforts. Many of the ideas discussed can be adapted to other contexts of displacement.

Going beyond the rhetoric

The concepts of Do No Harm and conflict sensitivity are often reduced to rhetorical devices. The concepts are frequently cited in project proposals, programme documents and logframes but are rarely translated into practical terms and taken to their logical conclusion in terms of the programmatic and operational adjustments required. Given the inherent nature of development/humanitarian assistance – which preferences the transfer of resources, influence and access to certain groups over others – there is no perfect conflict-sensitive intervention. However, much more can be done to grapple with these dilemmas than is currently standard practice. The lack of practical attention paid to these concepts is especially marked in humanitarian response, in part due to the sheer difficulty of balancing the complexity of conflict-affected contexts with the imperative to deliver assistance as soon as possible.

The impetus to respond to humanitarian needs means that the importance of understanding conflict dynamics as they relate to both the refugee and host community populations is either underplayed or overlooked. In Uganda, this has led to a haphazard and counterproductive approach towards addressing tensions among the South Sudanese refugee community. At first, decisions about the geographic location of refugee settlements were blind to ethnic fault lines reflected in the country's civil war. When localised violence broke out in some refugee settlements, refugees were subsequently geographically divided along community lines. Over time, this has served to harden and perpetuate community tensions. While it is critical to recognise differences between communities and act to prevent or mitigate possible violence, it is also important to comprehend the potential of humanitarian assistance to serve as a bridge to bring communities together and to contribute to increasing social cohesion. Such goals need to be built into programme design, and cannot simply be assumed or seen as an afterthought.

The Better Aid in Conflict initiative in South Sudan has developed a useful guiding framework called the Spectrum of Ambition.[1] This framework starts with the minimalist injunction to 'avoid harm', as required by the Fragile States Principles of the OECD's Development Assistance Committee. It progresses to the goal of contributing to peace and stability within existing operational and policy frameworks and commitments (but without any change to a programme's primary objective). And it ends with the

aspiration – as outlined in SDG 16 – to directly and deliberately address drivers of conflict (where all programmes have conflict reduction as their primary objective).

A number of studies have demonstrated how humanitarian assistance to South Sudanese refugees living in northern Uganda has reinforced conflict dynamics between different elements of Ugandan society, exacerbating perceptions around inequality and the centre–periphery divide.[2] These tensions are then reflected in how parts of the host community leverage the refugee population in order to attract aid and preferential treatment from the central government. This increases the marginalisation and uncertainty refugees feel, which in turn compound the conflict dynamics within refugee communities themselves.

Given the nature of conflict in South Sudan, there are also both latent and manifest conflicts between refugees, often derived from real or perceived associations with the conflict parties inside South Sudan. While varying across refugee settlements in Uganda, the presence of such tensions has meant that seemingly innocuous events or disputes have quickly escalated, leading to wider unrest and/or violence and in some cases to deaths. In this context, it is critical that development and humanitarian actors have a nuanced understanding of the hyper-localised dynamics within a refugee settlement, or within a certain area of a settlement, including knowledge of how these dynamics relate to those in the wider South Sudanese conflict, and how they evolve depending on the circumstances of the refugee settlement. This must be the starting point for any assistance, not just for those efforts seeking to contribute to conflict prevention and peace building.

Unfortunately, as in many contexts, humanitarian assistance to the South Sudanese refugee population in Uganda is often blind to these dynamics. In episodes where international humanitarian actors have sought to respond to conflict within refugee communities, they have often taken the approach of separating groups, rather than seeking to bring them together to address

the underlying issues triggering tension or misunderstanding. Over time, this has only served to calcify these fractures. On the other hand, efforts to bring refugees from different communities together through education or livelihoods activities are all too often based on the assumption that interaction alone will lead to peace-building outcomes. In some instances, if interventions are not appropriately designed or if the process is rushed, interaction – contact – can actually exacerbate conflict. This also overlooks the need to build trust between groups beforehand, and the need to facilitate the deepening of interactions and exchange after project activities have been concluded.

Letting local actors lead

Efforts to address root causes can only be effective and sustained if they are led by local actors from the community affected by conflict. Such efforts also require a gradual and sequenced approach beginning with engaging with communities to understand their own perceptions of conflict and, importantly, to map existing capacities, approaches or platforms for resolving disputes or conflict within the community. While external actors such as UN agencies, international non-governmental organisations (NGOs) and other donors can provide useful support, they can equally – if support is not provided in an appropriate manner – undermine and hinder the dynamism and flexibility required to advance peace-building efforts. Community-level peacebuilders, by contrast, possess legitimacy, entry points and networks that cannot be matched by external actors, even those development or humanitarian actors which have a long history of presence or engagement with a particular community.

The various locally led conflict prevention and peace building efforts among the South Sudanese refugee community in Uganda demonstrate the impact that can be achieved when external actors take a 'back seat'. Examples include: engaging with leaders from different communities to enhance mediation and non-violent resolution of conflicts within and between communities; supporting youth

and women to serve as mediators or 'conflict managers' in their communities; engaging through education, shared cultural practices or sport; and creating community forums to increase awareness of peace processes.

From one perspective, the range of activities supported could appear haphazard and unstrategic but it is precisely when local peacebuilders have the freedom to identify actions which are appropriate and likely to generate community engagement that they are more likely to contribute to positive peace-building outcomes. External actors can play important roles but they should increasingly be accompanying, rather than directing, and be open to an iterative process which embraces the messiness of reality – open to learning from both 'success' and 'failure'.

Another factor either enabling or constraining locally led peace-building efforts is the policy environment in a given setting. Uganda is widely recognised as perhaps the most generous refugee host country, with refugees enjoying a wide range of rights granting access to livelihoods, education and protection. This includes the right to register a community-based organisation (CBO), seen as a key step in line with global policy calls to enable refugee-led responses. While this is important for facilitating refugee-led organisations to access funding from development and humanitarian donors, it poses a conundrum in relation to community-led conflict prevention and peacebuilding efforts. Incentives to become a registered CBO/NGO may ultimately undermine capacity to engage in dynamic, fluid ways that go beyond the confines of an organisation reliant on funding for specific projects.

While the 'NGO-isation' of civic activism is a trend that is unlikely to wane, there are ways that external actors can provide support more conducive to truly locally led peace building. One way is through supporting networks and movements of refugees and others engaged in peacebuilding at community level, and supporting platforms (rather than organisations) which connect actors across community lines. In the context of the South Sudanese refugee community in Uganda, providing grants to refugee-led peace-building initiatives has been a valuable way of empowering community-led efforts to address root causes. In Rhino settlement, support to locally led peace-building initiatives helped not only to resolve deadly violence between Dinka and Nuer which erupted in June 2018 but also to ensure ongoing dialogue and reflection in the community in the aftermath. Rather than having predetermined outcomes and logframes, open-ended approaches based on broad milestones allow for iterative adjustments to be made, and for unforeseen opportunities to be seized.

It can be hard to 'unlearn' institutional practices, and it is harder still to shift community perceptions attached to an organisation's 'brand' and standard ways of working. In this way, both problems and solutions risk becoming 'projectised' – self-contained, short-term and piecemeal. This is particularly problematic when addressing root causes, with the World Bank and others suggesting that it takes at least two decades to transform patterns of conflict.[3] Short-term projects may indeed be counterproductive, given the community expectations raised and the unsustainable positioning or 'NGO-isation' of peace activists. While such practices should be avoided, there are others that should be encouraged. This includes providing sustained, predictable yet not predetermined support, including through pooled funding to individuals and movements that cuts across organisational lines, empowers community-led decision making and action, and reinforces capacities and practices that can be sustained over time. This is a long-term challenge that requires sustained, iterative and long-term engagement to put locally led efforts in the driving seat.

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1. p5 http://bit.ly/CSRF-toolkit-2017

2. See for example European Union (2018) *Contested Refuge: The Political Economy and Conflict Dynamics in Uganda's Bidibidi Refugee Settlements*, p5 http://bit.ly/EU-ContestedRefuge-2018

3. See World Bank/United Nations (2018) *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict* www.pathwaysforpeace.org

Community-level conflict prevention and peace building in DRC and Somalia

Wale Osofisan and Shuna Keen

There is growing recognition of the need to address the root causes of displacement through the perspective of the humanitarian-development-peace 'triple nexus'. A locally led programme in DRC and Somalia reflects this approach and offers useful lessons and recommendations.

Over the years, the aid industry has struggled to find durable solutions to displacement, given the complex and interwoven factors that are involved. There is an emerging consensus that better coordination between humanitarian, development and peace actors (known as the 'triple nexus') could provide a framework to tackle the issues associated with protracted displacement and hence durable solutions. It is within this context that the Sida-funded[1] Conflict Prevention and Peacebuilding Programme was designed and implemented.

This programme seeks to address some of the root causes of displacement in the Democratic Republic of Congo (DRC) and Somalia. Three key concepts informed the programme's design:

Firstly, the programme focuses on understanding and tackling the structural and immediate drivers of conflict. The structural drivers contribute to conflict but do not in isolation lead to violence. In Somalia and DRC, these are associated with three crises: 1) crisis of identity (for example, the nature of ethnic/tribal composition and the nature of competition among elites); 2) crisis of representation (for example, the nature of the political system and political culture); and 3) crisis of penetration (for example, State capacity to perform its basic functions). The immediate drivers are those that transform structural causes into potentially violent conflicts. In Somalia and DRC, these include: inequality of access to information, services and other public goods; unequal participation in decision making; and the utilisation of ethnic and clan identities to serve narrow political ends.

Secondly, the programme explicitly focuses on positive peace as opposed to negative peace. Negative peace refers to the cessation of direct, physical violence. Positive peace is about the removal of structural violence – factors such as deep-seated grievances, human rights abuses, gender-based violence, social injustices, exclusion, and weak public and conflict management institutions. Activities to build positive peace aim to remove or gradually chip away at the structural and proximate causes of violent conflict. In DRC, we use equitable access to health services for two ethnic groups (Bantu and Twa) in Tanganyika, and in Somalia we use access to justice in Karaan and Hawl Wadaag districts of Mogadishu, as entry points to promote positive peace.

Thirdly, dealing with the root causes of conflict while preventing a relapse into violence requires a Conflict Sensitivity Analysis that focuses on addressing the relationship between the programme and the conflict/displacement context. We included this analysis as part of the baseline assessment, drawing on our local partners' knowledge in order to highlight priority areas of risk and mitigation strategies. We also incorporated a Do No Harm approach by identifying specific 'dividers' and 'connectors' in project locations – that is, those elements in society that either divide people (and are sources of tension) or connect people (and can be instrumental in problem solving). The findings helped inform the design and implementation strategies of both the DRC and Somalia components.

The programme: root causes and positive peace

At the heart of the programme is an attempt to support people affected by conflict in ways that keep them safe in their communities

and empower them to influence the decisions that affect their lives. It does so by supporting the following activities that embody the spirit of the triple nexus:

- **Humanitarian action:** responding to humanitarian need through direct service delivery, providing legal assistance and improving the accountability and accessibility of health services in areas where a significant part of the population is either in need of humanitarian assistance, or risks developing that need.

- **Local peace building and social cohesion:** implementing activities that promote social cohesion such as intra/inter-community dialogues, and that include marginalised groups in decision-making processes around health and justice services.

- **Local governance and rule of law:** focusing on strengthening systems and developing the capacity of duty bearers who are responsible for providing health and justice services, while increasing the capacity and knowledge of communities (rights holders) to hold duty bearers accountable.

Local ownership is integral to the design methodology and implementation of both projects. Partnerships include community members and duty bearers, especially local government actors, and civil society. Local actors are the best positioned and most appropriate, effective and sustainable agents for improving accountability and inclusion, mitigating conflict, and identifying and solving local problems.

In **DRC**, we work with a local faith-based organisation, Commission Diocesaine de la Justice et Paix. Here the programme contributes to strengthening resilience, well-being and inclusive participation of people from Bantu and Twa ethnic groups through peace building and access to health initiatives in Nyunzu and Kalemie health zones in Tanganyika Province. It tackles the root causes of conflict between the Twa and Bantu by creating and rejuvenating community platforms that are representative of both ethnic groups.

In Nyunzu, which has experienced extreme poverty, damaged community cohesion and infrastructure, and decades of underinvestment, community volunteers have been mobilised and elected onto local peace and health committees. Through these committees, Bantu and Twa community members are collaborating to build peace and promote recovery. Having mixed committees has been essential for rebuilding trust. The committees' advocacy, including with local militias, has enabled the return of security and displaced populations to the project areas, helping to create the conditions through which health services can be reestablished and accessed.

Community health workers carry out sensitisation in their villages, building awareness of, and trust in, the local health services. Many more Twa are now using services they had previously avoided, fearing discrimination and mistreatment. Twa women are now choosing to give birth in the health centres, rather than at home, and many more are bringing their children to be vaccinated.

In Mogadishu, and across South and Central **Somalia** in general, a key cause of conflict and displacement is the lack of State capacity to provide basic services, including the management and administration of a fair and transparent justice system. The programme in Somalia is working in partnership with two districts – Hawl Wadaag and Karaan. It works to strengthen access to justice systems and the capacities of community members and local authorities to prevent and manage conflicts and disputes in a non-violent way. Specifically the project works to achieve behavioural change by justice service providers so that they protect the right to a fair trial; it also strives to increase use of safe justice services by citizens and to support communities to develop strategies for collective action that are inclusive of all voices, irrespective of clan affiliations.

The programme works closely with the two district councils, strengthening local implementation, ownership and sustainability. In addition, community

Community meeting with local committee members, Democratic Republic of Congo, March 2019.

representatives – including from women and youth groups – were involved in the initial analysis of the nature of conflicts in Mogadishu.

Recognising Somalia's legal pluralism and the community's preference for and trust in informal traditional and customary justice systems, the project has sought to engage with and build the capacity and willingness of both formal and informal justice service providers to promote the right to a fair trial. Participatory activities such as stakeholder forums, dialogue platforms and community-based conflict mitigation action planning help generate regular communication between communities and local government on conflict management and access to justice. This promotes accountability based on agreed roles and responsibilities.

Implications for policy and practice

While still in its early stages, the programme is generating some valuable lessons for conflict prevention and peace-building practice. Learning and research are built into the programme cycle, and now, in the programme's second year, three lessons in particular are worth highlighting.

Service delivery has proven to be a useful entry point and viable platform around which to organise peacebuilding approaches and to build social cohesion between conflicting

groups. Strengthening local State and informal institutions and accountability for service delivery is essential for sustainable and locally led approaches. There is huge potential for collaboration and collective action through voluntarism at the grassroots.

Working with the volunteer committees in DRC, for example, has been a key factor in promoting women and Twa ethnic minority representation in local decision-making processes. This has helped to build trust, demonstrating cooperation between communities in solving local problems. To build social cohesion successfully, it is necessary to understand intergroup power dynamics and to address inequalities and barriers to participation for the excluded; this also requires adequate resourcing to offset costs of participation.

Identifying and supporting local institutions while maintaining impartiality requires deep understanding of local conflict dynamics. This demands regular conflict sensitivity analysis and use of Do No Harm approaches. Such processes need to be properly resourced and supported, with the capability of being adapted in response to an evolving understanding of local realities and dynamics.

The above have clear implications for donors and their implementing partners' practices and policies, of which we highlight five.

First, donors should require implementing partners to explicitly adopt context-responsive and locally led programming; donors can facilitate this by supporting more flexible approaches that build learning into the programme cycle and allow for adaptation. One challenge we faced was due to the fact that the initial design of the project was based on a generic, global theory of change. During the inception phase of the project in DRC and Somalia, and following baseline field research, the project team realised that each country project instead needed its own context-specific theory of change, which then informed adaptations to the project design. Donor flexibility and openness to such adaptive project management are vital, as exemplified in our case by Sida's approach.

Second, those within the aid community working on durable solutions to conflict-induced displacement should invest in appropriate research and analysis. For instance, to measure peace-building outcomes, it is important to recognise that not everything that counts can be counted. Rich qualitative analysis – including of storytelling and anecdotes – combined with quantitative analysis can give us deeper insight into peace-building dynamics and results than quantitative methods alone.

Third, it is important to break down the siloes between humanitarian, development and peace-building work. Grand Bargain[2] commitments to durable solutions and to the triple nexus are welcome to the extent that they emphasise the importance of the synergies between these areas of intervention. At the grassroots people do not live in siloes, although the aid community still tends to be organised and to operate in siloes. These siloes can be driven by donor funding streams in conflict-affected environments, which tend to deliberately separate humanitarian from development and peace-building endeavours.

Fourth, funding mechanisms should be tailored toward supporting locally driven solutions for protracted crises, using joint funding streams designed to incorporate positive peace elements with a focus on addressing some of the root causes of violent conflict and displacement.

Finally, our experience in implementing this project demonstrates that it is possible for humanitarian actors to engage in locally driven peace building, and to partner with local development and peace actors, while maintaining neutrality and impartiality. For sustainable peace-building solutions to be successful, it is incumbent on external peace-building actors to understand the role of local structures and local dynamics, and to identify ways to support inclusive participation in a way that builds trust and ensures impartiality.

Beyond the local

Linking local peace building to broader provincial and national efforts is one of the key challenges in peace-building work, not least because events, actors and interests at higher levels shape and impact on local peace-building efforts. Effective longer-term planning by international actors relies on the existence and implementation of nationally and locally owned development and conflict mitigation plans and political will. This is particularly challenging in the DRC, where there is state failure and often limited political will among national authorities and elites.

Nonetheless, there is huge potential for local community-led peace building in the DRC to have positive impact beyond the local. Initiatives like the Sida-funded project have potential to build a pro-development and peace-building dynamic to counterbalance the lack of political will among the elite, building social cohesion and political will from the grassroots upwards.

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1. Swedish International Development Cooperation Agency
2. https://interagencystandingcommittee.org/grand-bargain-hosted-iasc/

Gang violence, GBV and hate crime in Central America: State response versus State responsibility

Vickie Knox

Significant displacement is caused in Central America by gang violence, gender-based violence and hate crimes against LGBT+ people but State responses have failed to address their root causes.

The Northern Triangle of Central America (NTCA)[1] continues to be affected by significant displacement. Large movements of people travelling in 'caravans' since October 2018 have increased visibility of the situation but responses to the root causes of mobility remain lacking. Reasons for displacement are multi-causal, with people fleeing violence perpetrated by both State and non-State actors, compounded by worsening poverty and inequality, corruption and political repression, and the effects of climate change.

Violence in the NTCA is perpetrated by a range of actors in different contexts, from megaprojects to state repression, and is perpetuated by entrenched corruption and impunity and by States' unwillingness or inability to tackle its root causes. This article focuses on acts that would normally be considered individual acts: gang violence, gender-based violence (GBV) and violence against people because of their sexual orientation or gender identity (SOGI). Nonetheless, the root causes of impunity, inequality and discrimination no doubt extend to other manifestations of violence in the region.

Acts of violence perpetrated by non-State actors in the region are widespread and systematic. Although such violence would indeed be considered individual acts in a normally functioning state, in NTCA this violence is enabled by States' failure to protect their citizens, prevent such crimes and address the causes. This understanding is critical in order to demonstrate the role of the State – a key factor in people's ability to claim international protection in another country – as well as the State's responsibility for addressing the root causes of violence and displacement.

Violence, displacement and root social causes

The NTCA suffers from endemic violence and insecurity and has some of the highest murder rates in the world and widespread GBV, sexual violence and femicide. These persistently high levels of violence, the rule of *ver, oír y callar* – see, hear and shut up – and frequent impunity have led to a situation in which violence is normalised and has become "a mode of communication".[2]

Gang violence creates a 'continuum of risk', with some people fleeing reactively from a targeted threat and immediate risk, others fleeing as a pre-emptive measure when personal risk levels rise, and others fleeing because of a general fear of violence, the economic effects of insecurity and inequality, rising violence in their neighbourhoods and battles over territory.[3]

GBV is a major trigger of displacement for women and girls, both internally and across borders. This includes domestic violence, intimate partner violence, family violence and sexual violence (perpetrated by partners, family members, community members and criminal groups), as well as human trafficking, forced prostitution and the sexual abuse and exploitation of girls and adolescents. Street gangs use extreme sexual violence and femicide as vengeance against rivals, as a message to other gang members or as a punishment for people who have offended. Those forced to flee, however, may still be pursued and persecuted in displacement because their assailants have not been apprehended. The risks of being persecuted after displacement are increased if the violence is perpetrated by a gang member, especially if the victim reports the crime. This is likely to mean

the risk will extend to their whole family and may then trigger cross-border flight.

LGBT+ people flee violence and persecution perpetrated by their families and communities, gang members and State entities. Many LGBT+ people feel they have no option but to leave the country, given the lack of protection or support.

Violence against women and girls and violence on grounds of SOGI both stem from the State's failure to eliminate the patriarchal and discriminatory attitudes that drive them. These patriarchal attitudes and gender stereotypes also contribute to the extreme machoism of gangs and to the intersections of gang violence with GBV and SOGI violence.

Street gangs and the territorial control and violence they employ have deep roots in poverty, lack of opportunities, the political, economic and social marginalisation and exclusion of young people, and the absence of effective State presence and services in marginalised communities. Poverty and a lack of opportunities make people vulnerable to becoming involved in criminal activities as a survival strategy, for economic and protection reasons. This vulnerability may be heightened by family breakdown or having parents who are absent because of work or emigration.

Impunity: endemic, multi-causal and intersectional

Impunity is endemic in the region and most crimes are not prosecuted. In order to understand the role of impunity as a root cause of displacement and violence in the NTCA, its multi-causal nature must be examined.

Firstly, there is a reluctance to report, which is based on several factors, including mistrust of the police and justice system and lack of confidence in the authorities to provide effective protection. This reluctance can also stem from the type of violence or crime experienced. Victims of gang violence fear reprisals and this is amplified by the fear of information being leaked to gangs by corrupt or coerced State agents. For victims of gender-based violence, hate crimes and sexual violence, this reluctance is compounded by fear of stigma, reprisals

and more violence from their assailants, and those who do report are often re-victimised or derided by police. Reporting is also hindered by a lack of shelters for victims of domestic violence, the refusal to help people who appear to be a different gender from that given on their identity document, and a lack of recognition of same-sex relationships and the possibility of violence within them.

Secondly, there are significant practical challenges in delivering justice, including weak institutions, a lack of resources and capacity, and the sheer volume of cases. When crimes are reported to the authorities, reports may be refused or simply not processed and investigated. When investigations do take place, they are often lengthy and inefficient. All this is aggravated by a lack of effective witness protection and survivor support programmes.

Thirdly, State entities and law enforcement agencies have been corrupted and infiltrated by gangs, or may themselves extort and abuse people directly.

This all contributes to a cycle of impunity in which crime can flourish and people's trust in authorities is further eroded, undermining access to justice and increasing the vulnerability of certain groups. States' failure to provide an effective response and protection contributes to displacement and affects its patterns – who goes and where they go – and people's need for international protection.

States' disregard for root causes

States' responses to gangs have failed to resolve the problem; indeed, they have instead had adverse consequences that have provoked further displacement in both El Salvador and Honduras. As gangs recruit ever younger children (because minors are less likely to be identified as gang members during raids, and because they attract less harsh criminal charges), whole families and individual minors are being forced to flee. In addition, as gangs in El Salvador relocate to rural areas in order to avoid raids, this results in increased violence in previously unaffected rural areas and consequently to greater displacement of people from these locations.

Meanwhile, increased enmity between gangs and police has forced some members of the security forces into displacement.

The repressive State response itself has also caused displacement, with young people fleeing arbitrary State harassment and abuse of power and with people living in gang-controlled areas fleeing pressure from security forces to divulge information about gang members. These approaches further aggravate the lack of trust in the authorities and the marginalisation of young people, while failing to address the broader manifestations of violence and their root causes.

State responsibility

Prevention strategies are severely lacking and this is particularly apparent in States' persistent failures to address the root causes of violence, either by tackling the poverty, marginalisation and inequality that drive gang violence or by remedying the deep discrimination and patriarchal attitudes that drive GBV and hate crimes against the LGBT+ population. Tackling root causes is key but this will require a broad-ranging view of violence in all its manifestations (including GBV and hate crimes) plus institutional and legislative developments supported by solid policy, social programmes and attitude-changing campaigns.

Nonetheless, there have been promising localised developments that hold potential for replication in other areas. These include intervention programmes such as Cure Violence in some parts of San Pedro Sula, a youth outreach programme in Rivera Hernández (one of Honduras' poorest neighbourhoods), family-based violence prevention strategies used in the El Salvador Crime and Violence Prevention Project, and dedicated cooperation between community and municipality in Berlín in El Salvador that have enabled it to remain free of gangs.[4]

There have also been some promising recent commitments, although these are still to be implemented. El Salvador's incoming president, Nayib Bukele, has called for social programmes, education, and reintegration programmes for former gang members, to prevent gang violence. Under the Comprehensive Regional Protection and Solutions Framework (MIRPS, as it is known regionally), Honduras has committed to "develop strategies to prevent and address the specific risks of women and girls, transport workers, traders, persons at risk of losing their lands, and LGBTI persons".[5] Achieving this, however, would require significant multi-agency work and social and political commitment – all the more challenging given increasing political repression and State violence in Honduras.

Despite pledges by Mexico's new president, Andrés Manuel López Obrador, to develop a regional response to tackle the root causes of migration, in reality responses from Mexico and the US continue to be security measures to prevent people from travelling northwards. Ultimately, more political will and regional commitment are needed to ensure that rhetoric becomes reality.

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1. Also known as Northern Central America, comprising El Salvador, Guatemala and Honduras.

2. This expression was used by a few representatives of civil society organisations whom I interviewed in El Salvador and Honduras in 2018.

3. See Knox V (2017) 'Factors influencing decision making by people fleeing Central America', *Forced Migration Review* www.fmreview.org/latinamerica-caribbean/knox and Internal Displacement Monitoring Centre (2018) *An Atomised Crisis: reframing internal displacement caused by crime and violence in El Salvador* bit.ly/IDMC-ElSalvador-2018

4. See: Cure Violence (2016) *Report on the Cure Violence Model Adaptation in San Pedro Sula* bit.ly/CureViolence2016; The El Salvador Crime and Violence Prevention Project bit.ly/ElSalvador-crime-prevention

5. www.globalcrrf.org/crrf_country/honduras/

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Resilience spaces: rethinking protection

Pablo Cortés Ferrández

Collaborative approaches to building capacities of urban IDPs and host communities are emerging as a more effective way of confronting the root causes of protracted and secondary displacement in informal settlements in Colombia.

In Colombia, internal displacement caused by armed conflict or generalised violence is often followed by further displacement towards cities where families seek assistance, protection and economic opportunities. An estimated 87% of these internally displaced people (IDPs) come from rural areas, and they seek shelter in the only places that they can access – informal settlements.[1]

"I was displaced by paramilitaries from Llanos Orientales to Chocó in 2005. Three years later we fled to the urban areas of Buenaventura and then again in 2012, due to the generalised violence, to Bogotá. In 2014 we started to build our house on this hill because of the cost of living in the city." (Yomaira, who lives with her husband and three children in Altos de la Florida, Colombia)

Altos de la Florida is a neighbourhood in Soacha, a municipality of approximately one million people, the largest of the cities in the vicinity of Bogotá. Forty-eight per cent of the municipality is considered 'illegal' by the local authorities. By July 2018, Soacha was hosting around 50,000 IDPs. The number of displaced people has also been swelled by at least 12,300 Venezuelans who have fled the crisis in their home country. Altos de la Florida has a low quality of housing, services and infrastructure, with some 73% of households – 1,011 families, around 3,657 people – living in conditions of structural poverty.

Informality: a root cause of urban displacement

The UN Refugee Agency (UNHCR) and UNDP have identified Altos de la Florida as a vulnerable community due to the 'informal' nature of the neighbourhood. Households lack security of tenure, with no official proof of home ownership (and indeed the neighbourhood has faced eviction attempts). The lack of basic services and infrastructure in Altos de la Florida increases people's vulnerability. Few have access to mains drinking water, around 300 children lack access to a kindergarten, and there are no primary health centres. The informal nature of these urban settings limits what can be done to reduce vulnerabilities, yet the city's planners refuse to legalise the settlement by approving those homes that have already been built and by incorporating the neighbourhood into their urban planning.

Informality combined with the settlement's physical location and the absence of local authority presence make it a target for non-state armed actors. Homicide rates are high, and violence is a significant challenge. The lack of political will, the structural vulnerabilities of communities in these informal urban areas and high levels of insecurity lead to new urban displacements, both intra-urban and inter-urban. Urban IDPs are forced to flee the informal settlement due to urban violence only to arrive in another informal settlement with similar protection risks. Informal settlements are thus at the same time places from which people flee and places in which displaced people seek refuge. In socially and spatially segregated Altos de la Florida, IDPs represent 30–40% of the population.

International aid: undermining resilience

In recent years, humanitarian, development and peace actors have increased their interest in responding in urban contexts. However, their lack of experience in responding to challenges arising in urban settings continues to undermine humanitarian and development interventions, and this is what our research in Altos de la Florida investigated.[2]

In the settlement, a protracted emergency response since 2001 has caused over-dependency on external aid. Emergency

assistance is essential, particularly for newly arrived families, but protracted provision of aid replaces community participation and increases the gap between humanitarian action and development. Social cohesion is undermined, and the limited consultation and lack of coordination involved reduce the effectiveness of any intervention. Previous project evaluations found that "international cooperation is insufficient and requires the integral intervention of the State".[3] Far greater collaboration between the humanitarian sector and local authorities is necessary if the causes of lack of integration and ensuing secondary displacement are to be addressed; this requires a strong political will, both locally and nationally.

Resilience spaces: a protection approach
In informal urban settlements, humanitarian, development and peace actors have to work within the limitations of a weakened and less cohesive social environment, exacerbated by violence. This promotes short-term responses and siloed approaches. Poorly integrated responses have limited capacity to address complex urban crises. Interventions must be collaborative and integrated, and should aim to reduce the longer-term vulnerabilities of both IDPs and host communities.

Beyond survival, humanitarian aid should be committed to supporting people to live in dignity. 'Resilience spaces' were developed as a complementary approach to protection, combining assistance and recovery not only by addressing urgent needs but also by strengthening local capacities. The framework combines a top-down protection approach with a bottom-up capacity-building approach through three areas of intervention: creating education, economic and labour opportunities; strengthening social cohesion; and supporting leadership capacities. Such an approach has been introduced through various projects in Altos de la Florida, resulting in the creation of two grassroots 'resilience spaces' in the informal settlement: Comité de Impulso, a fortnightly meeting between community leaders, residents, IDP associations and humanitarian workers; and Florida Juvenil, a youth community

organisation created by the neighbourhood's breakdance, theatre and football groups.

The Comité de Impulso works to build synergies among organisations, the community, the authorities and the public sector in order to make humanitarian response more sustainable. With local leaders convening the committee and through the community being empowered to deal with neighbourhood issues, it is itself a resilience-building process. Florida Juvenil – whose approach is that protection comes through empowerment – emerged from a UNICEF initiative and continues to be supported by UNHCR (the UN Refugee Agency), Kairós and the Jesuit Refugee Service. Florida Juvenil's leaders are young people from the neighbourhood who started as students with the breakdance group (called 180 Crew because of the number of young people involved).[4]

Resilience has emerged as one of the strongest responses to the humanitarian and development divide and the call for a 'New Way of Working' to bridge this divide. In Altos de la Florida, the joint work of humanitarian and development actors, in collaboration with national and local counterparts, aims to reduce risk and vulnerability in the short to medium term (three to five years). The focus here is on three criteria which are increasingly recognised as essential in urban responses to displacement: complementarity, connectivity and sustainability.

In Altos de la Florida, international actors have been working to strengthen rather than replace local and national systems. They have sought to collaborate with local and national aid providers, and include local authorities and municipalities in planning and programming; they work to empower leaders of both local and national NGOs and community-based organisations by developing their leadership, management and coordination capacity, and by facilitating them to use social networking tools to advocate with local authorities. Sustainability and resilience depend on this ability to collaborate and on the strengthening of local and national capacities. The approach

taken in Altos de la Florida is based on the construction of resilience as an instrument of protection. This protection, in turn, represents a key factor in addressing the root causes of urban displacement.

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1. CNMH (2010) *Una nación desplazada. Informe nacional del desplazamiento forzado en Colombia*', p38 bit.ly/29uyNzv

2. This article is based on a research project implemented 2015–18 in Altos de la Florida, comprising 211 households surveys, 98 in-depth interviews, three social cartographies, and three focus group discussions. The project received funding from the EU Horizon 2020 research and innovation programme under the Marie Skłodowska-Curie grant agreement No 691060.

3. Econometría Consultores (2016) 'Evaluación externa del programa "Construyendo Soluciones Sostenibles-TSI"', Econometría SA, p19

4. www.youtube.com/watch?v=X116JtL7v_U; www.youtube.com/watch?v=lF5fTRROURE

Land and conflict: taking steps towards peace

Oumar Sylla, Ombretta Tempra, Filiep Decorte, Clarissa Augustinus and Ismael Frioud

Thousands of displaced Yazidis in Iraq have been assisted in making a safe, sustainable return through a project that addressed the complexity of issues around land tenure.

Competition over land is a common cause of conflict, one that becomes explosive when it overlaps with other causes of conflict. Some of the key contributory elements that exist in contexts where land issues cause violent conflicts (and displacement) are: weak land governance, government inability to manage land-related conflicts, corruption, power asymmetry (where a few wealthy people own most of the land), land appropriation by investors, mismanagement and illegal use of natural resources and public land, and competition based on ethnicity and identity.[1] And competition over land is likely to intensify with the growing pressures of climate change, population growth, increased food insecurity, migration and urbanisation.[2]

The example of an approach taken in Yazidi villages in Iraq illustrates how addressing issues around land insecurity can be instrumental in peace building and recovery, in facilitating sustainable return, and in building trust and political will with governments.

Yazidis in northern Iraq

Many Yazidis, a minority ethnic group, experienced two recent waves of evictions. In the 1970s a large population of Yazidis living in the Iraqi governorate of Nineveh were forced by the regime to relocate from their ancestral land to collective townships.

They did not receive compensation for the land they were forced to leave, nor were they given certificates of ownership in the new collective townships. In June 2014, ISIS fighters took over Mosul, the capital of Nineveh, and in August they attacked Sinjar district, where many Yazidis had been relocated to. Some 3,300,000 people were forced to flee, including an estimated 250,000 Yazidis. Unoccupied Yazidi settlements were systematically demolished or seized by ISIS, 6,000 homes were burned down or destroyed, and a large proportion of the public infrastructure was damaged or looted.[3]

Since the withdrawal of ISIS from Mosul in 2017, the situation in Sinjar remains complex. Many people are still displaced, and in the absence of a land administration system and official property documents there is continuing insecurity of tenure, risk of secondary occupation, and conflict over property.

UN-Habitat supported a project in Sinjar to address these challenges, working in 17 villages to benefit 1,312 households.[4] The project was based on the theory that if Yazidis' homes were rehabilitated, their property claims identified and verified, and their land rights protected, this would encourage their voluntary return to their area of origin and their return would be more sustainable; conflicts over land

rights would be prevented and the risk of future displacement reduced. Due to the difficulty of obtaining formal land ownership documents in Iraq, the project's approach was an incremental one, using a continuum of land rights approach.[5] The initial objective was therefore not to establish full property titles – a step planned for a later phase of the project – but instead to respond to immediate needs and first secure occupancy rights with land documents. In order to facilitate the sustainable return of displaced people, the immediate priority was to rehabilitate houses, map property claims and deliver initial land documents, while preparing in the longer term to strengthen the capacity of municipalities in regard to land administration.

Tools and methods

The project used two main tools: a GIS[6] database and a housing, land and property survey. The database is based on a geo-information technology called the social tenure domain model (STDM)[7] to map the land rights and claims of the Yazidis in an

area lacking an operating land administration system and where land tenure is informal. The information was collected through a housing, land and property (HLP) survey undertaken with the help of community members and local authorities. Community mobilisation activities were carried out in villages and IDP camps in order to inform local people about the project, identify households whose houses had been damaged, and assess people's vulnerability. Discussions were also conducted with local authorities to help identify claimants and damaged houses, and to facilitate the follow up activities.

The project emphasised gender and the impact of inequitable access to property rights. Yazidi women have limited access to inheritance, as traditionally property is divided among the male survivors, and few female household heads gave their names as the owner of the house. Female-headed households, including those led by widows and by young pregnant women, were given priority. Further, the occupancy certificates issued included all the names of the members of the households, both male and female,

Data collection relating to Yazidis' property claims, Sinjar, Iraq. *Why is part of this image pixellated? www.fmreview.org/photo-policy*

UN-Habitat

including children. However, broader action is required to address women's land rights against the background of Iraq's challenging laws and cultural practices relating to inheritance and access to land and property.

The STDM was used to ascertain occupancy rights and ensure that houses planned for rehabilitation were owned by the claimants and that there were no contested land tenure claims requiring adjudication. Potential beneficiaries and community members were interviewed and asked to provide informal or alternative documents (for example, utility bills) as evidence of their previous occupancy of the land and/or buildings. Community meetings were held to verbally confirm the validity of the claims. In addition, confirmation by local authorities of the household's occupation on the plot for several years was also used as evidence. Through this process it was possible to prepare 'pre-certificates of occupancy', which were signed by the authorities.

Plot boundaries were marked and then validated by the claimants, neighbours, local authorities and UN-Habitat. The final, validated map was included on the final certificate of occupancy, which was signed by the claimants, local authorities, the municipality, two witnesses and UN-Habitat. The local authorities' signature supports and protects the claims. The information on the certificate includes a map of the plot, a photo of the family, the names of the claimants, text explaining what type of rights the occupants have, and signatures. Copies of the certificates were given to the municipality and occupants; a copy was kept by UN-Habitat.

Technical rehabilitation of houses only started once the claimants had been validated by local authorities and community members as the legal occupants. The use of over 40 private construction companies combined with the employment of returnees during the rehabilitation process supported the recovery of the local economy, created employment opportunities, and offered on-the-job skills trainings for returnees, creating greater economic security and thereby helping to prevent future displacement.

Throughout all this, local leaders were trained in land rights, including the management of property-related grievances and development of common criteria on which to base the issuing of certificates.

Engaging and building political will

Due to the complex security, political and humanitarian situation in Sinjar it was essential to coordinate closely with government counterparts (in governorates, sub-districts and local authorities). This was the first time Yazidis had been given officially recognised certificates to support their land claims, and the local government's involvement in this demonstrated political will that was important to the success of the project.

The provision of certificates, mapping and technical rehabilitation were a significant first step toward the recognition of full land titles registering legal ownership. The work undertaken strengthened local capacity in relation to land administration, and a preliminary agreement was secured with the Ministry of Justice to eventually transform the certificates into full titles.

After the central government of Iraq took direct control of the area in October 2017 it was unclear whether they would accept the land certificates that had been issued to the Yazidis under this project. However, from 2018 onwards it became clear that the central government accepted these certificates as evidence of the Yazidis' land rights and wanted UN-Habitat to extend the certificates to the wider governorate. Negotiations are currently underway about exactly how to upgrade these certificates into the broader land registration system. UN-Habitat has funded another project to facilitate work on upgrading the certificates to full titles.

Preventing future conflict

The project had a number of results. It contributed to the prevention of land-related conflict by ensuring that returnees were acknowledged as the real owners of their houses and that their claims were officially recognised by local authorities. It enhanced the land rights of Yazidis through issuing

land certificates. It supported the right to adequate housing by rehabilitating damaged houses. In essence, it fostered the voluntary, safe and dignified return to areas of origin, and prevented future evictions, secondary occupation and conflict over land.

"This was our land. We had built our house on it. UN-Habitat provided us with occupancy certificates confirming we are the residents and living here." Qunaf Qasim, returning resident.

The relationship between local leaders and the local authorities was strengthened on land tenure issues in a way that helped them to reject unsubstantiated claims and to arbitrate on overlapping claims. It helped them to advocate for the use of the STDM tool and Yazidis' land rights data with regional and national authorities.

The intervention increased community members' and local authorities' understanding of social tenure and land rights, prevention of conflict over land, and technical standards for house rehabilitation. It supported the area's economic recovery and the economic security of the returnees.

This case study shows how political will was forged to give the Yazidis' security of tenure for the first time in decades. It shows how practical land tools that support locally led and community-level activities can encourage and support voluntary returns, conflict prevention, peacebuilding and economic recovery, and build community resilience. And it demonstrates the roles of different levels of government and of multi-stakeholder partnerships

in addressing a critical root cause of displacement – competition over land.

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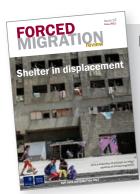Human Settlements Officer

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4. Funded by the Government of Germany through the UNDP and UN-Habitat/GLTN. The US has given further support since 2018 to upgrade the land certificates into the Mosul land registry.

5. This inclusive, pro-poor, gender-responsive approach incorporates tenure rights that are both documented and undocumented, formal and informal, for individuals and groups, including pastoralists and residents of slums and other settlements, which may be legal or not legal. The continuum approach works with what is already in place and the GIS incorporates these into a land information management system that caters for the whole spectrum of formal, informal and customary land rights in the country.

6. Geographic Information System, using information drawn from satellite technology.

7. Developed by UN-Habitat and the Global Land Tool Network www.gltn.net

The Palestinian refugee question: root causes and breaking the impasse

Francesca P Albanese and Damian Lilly

Acknowledging the root causes of Palestinian displacement and objectively applying international law will be key to any solution to the Palestinian refugee question. Recent attempts to dismiss the Palestinian refugee issue altogether make this all the more imperative.

The 'root causes' of Palestinian displacement – the largest and longest-standing protracted refugee situation in the world[1] – are complex and their impact has grown over time as they continue unaddressed. They date back to the early 20th century, when the conflicting aspirations of two groups (one indigenous and one largely constituted by immigrants) over the land of British Mandate Palestine escalated into a war that in 1948 resulted in statehood for one group (Israel) and the denial of the right to self-determination, dispossession and exile for the vast majority of the other (Palestinians).

The fate of the Palestinians, 750,000 of whom became refugees around 1948, was sealed by subsequent Israeli laws and policies that prevented their return to their original homes and made them stateless as they – unlike the Palestinians who remained in what became Israel – were not offered the possibility to become Israeli citizens.[2] Since 1948 there have been numerous, significant waves of further displacement of Palestinians, many of whom continue to experience varying degrees of discrimination, poverty and loss of rights, not only under Israeli rule in the West Bank and Gaza (occupied since 1967), but also in some other parts of the Arab world where they found refuge.

While the UN's General Assembly has adopted hundreds of resolutions reaffirming the refugees' right to return to their homes, along with compensation,[3] and the Security Council has frequently affirmed the need to achieve a just settlement of the refugee question, none of these resolutions has ever been implemented. Years of political negotiation between the parties under the auspices of the UN and then regional and bilateral negotiations from the Madrid Conference and Oslo Accords onward have not ultimately led to any advances either, notwithstanding key developments such as recognition of Israel by the Palestine Liberation Organization.

Divergent narratives about the origins of the Palestinian refugee question have distorted the legal debate on the ways to resolve their situation. A misleading argument that has over time overshadowed the debate is that UNRWA[4] 'perpetuates' the problem by registering and assisting successive generations of refugees.[5] This aid, which has been instrumental to the survival and dignity of millions, cannot either be blamed for the lack of a political solution nor be a substitute for such action. UN Member States remain responsible for finding a solution to end the plight of the Palestinian refugees.

Unlocking solutions

The Palestinian refugee question is often presented as insurmountable, but it is not. The most difficult challenge is the lack of political will to even acknowledge the 'root causes' of either the original displacement or its continuing, protracted nature – lack of self-determination, prevention of return, lack of property restitution, lack of compensation, and denationalisation *en masse*. Efforts to obscure the root causes of Palestinian displacement have affected both the parties' ability to compromise and the way these refugees' plight is perceived internationally. Along with the lack of effective support by Member States to ensure the principled application of international law, this has left the Palestinian refugee issue unaddressed.

The 2016 New York Declaration for Refugees and Migrants and the 2018 Global Compact on Refugees underscore the importance of States' efforts to eliminate root causes in order to achieve solutions including in protracted refugee situations. And these instruments highlight the relevance of a multi-stakeholder approach, together with respect for the rule of law and the protection of human rights as part of the process towards solutions.

For Palestinians, applying such an approach would imply, first and foremost, that the search for solutions be detached from the constraints of politics and the asymmetry in power of the parties, and be guided by the parameters of international law.[6] While international law cannot by itself settle the complexity of the Palestinian refugee question, it can help move discussions beyond what is 'politically feasible' towards what is fair and acceptable, so that the political process, whenever it resumes, has more chance of success. The positions of Israel and the Palestinians have never been further apart and the promulgation of the 'deal of the century' announced by the US government in June 2019 has further polarised them. A firm lead by the UN in re-centring the debate on the rights of the refugees is imperative.

The homeland that the Palestinian refugees were forced to leave behind in 1948 no longer exists as a political and administrative entity, the root causes of their exile remain unaddressed, and Palestinian displacement and dispossession in the territory that Israel occupied in 1967 continue. These elements are of fundamental importance to the Palestinian case. However, it is not always appreciated that in other respects the problems faced by Palestinian refugees have not been markedly different from those faced by other refugees, almost two thirds of whom also find themselves in a protracted exile and often without respect of their basic rights. Like any uprooted individuals, Palestinians must be allowed to rebuild their lives in safety and dignity and have their fundamental rights respected. Comparative experiences from Asia (after the Indo-China war), Central America, the former Yugoslavia, Iraq, East Timor and various countries in Africa (from Angola to Mozambique) suggest that solutions to complex, protracted refugee problems can be found through a combination of the application of legal principles and political compromise. In other refugee crises the international response has typically been multidimensional, addressing: first, the refugee status created by the original displacement – through a combination of voluntary choices of repatriation, local integration or resettlement; second, the material consequences of the displacement (damage or loss of property or loss of income) – through restitution and/or compensation; and, third, the moral and psychological loss and damage that may have affected both individuals and the community as a whole – through various forms of reparations.

Applying such a multidimensional response in the Palestinian refugee case would have a number of practical implications. First, it requires acknowledging an objective historical narrative around the 'root causes' of Palestinian displacement and the enduring denial of rights they have experienced ever since. This may help Palestinians see their collective identity and dignity restored after decades of dispossession and exile as – at best – second-class citizens or – often – as second-class foreigners. This may also help foster compromise with Israel and address misperceptions in this regard within Arab countries. Having the UN leading such a process would help ensure objectivity.

Second, any solutions proposed need to reconcile politics with international law including applicable UN resolutions and international human rights law pertaining to collective rights. This implies first and foremost respecting the principle of self-determination for Palestinians. Many argue that an independent, fully sovereign Palestinian State along the 1967 borders would be the logical solution, as it would allow Palestinians to realise the right to self-determination and to nurture a sense of national identity. This would not, however, automatically allow the refugees to realise

their unfulfilled historic claims, including return and compensation. A fair compromise would allow refugees to take up residency in a newly established Palestinian State or remain in host countries until a resolution enables return to Israel in numbers agreed by both parties. However, for this to happen Israel must first relinquish its occupation of the Gaza Strip and West Bank, including East Jerusalem. To facilitate restitution and compensation, relevant historical records should be preserved for the point at which it will be possible to pursue related claims.

Third, applying international law to the Palestinian refugee question also means aligning the solutions for Palestinian refugees with international refugee law and practice pertaining to individual rights. UNHCR considers that the different durable solutions (voluntary repatriation, local integration and resettlement) are not mutually exclusive; provided they are all voluntary, they can complement each other and can be strategically combined. The Palestinian refugee question is no different. For example, in 1948, General Assembly resolution 194 established that those refugees "wishing to return to their homes and live at peace with their neighbours" could do so but also that those refugees not willing to return could opt for resettlement and be compensated. Israel's firm denial of the refugees' right to return, however, has also limited the options for alternative voluntary solutions. The fact that there are practical and political obstacles to allowing Palestinians to return to Israel (even though their return would not be at the expense of Israeli nationals and their safety) does not undermine the importance of recognising this right of return. Meanwhile, such an approach necessitates unpacking the persistent belief among Palestinian refugees and their Arab host States that acceptance of any solutions other than return would require relinquishing their claims vis-à-vis Israel. In fact, under international law, ending refugee status only implies cessation of international protection and does not affect the historic

rights of return (including restitution) and compensation – to which Palestinians are entitled under international law as already set out in various UN resolutions.

In sum, the political will to effectively resolve the refugee issue, beyond rhetoric, has sadly been lacking to date. A just and lasting solution to the Palestinian refugee question requires robust and principled political action grounded in international law. Recent efforts to dismiss the Palestinian refugee question as secondary in the search for peace in the region may lead to further instability and should be rejected. Politics ignoring basic principles of justice will not lead to a sustainable settlement.

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1. Out of 13 million Palestinians more than half are considered refugees, some 5.4 million of whom are registered 'Palestine refugees' with UNRWA and live in the Near East. Palestine Central Bureau of Statistics, December 2018.

2. While some Palestinians may have acquired citizenship where they 'relocated' (Jordan is the only country that granted it *en masse* to those displaced in 1948), the majority remain without citizenship. Lack of full sovereignty of the State of Palestine – an indispensable element to the realisation of the right to self-determination – renders Gaza Strip and West Bank residents stateless under international law.

3. See for example General Assembly Resolution 194, para 11 bit.ly/GenAssResolution194

4. The UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), established 1949, operates in Jordan, Lebanon, Syria, the West Bank including East Jerusalem, and the Gaza Strip, providing education, health services and jobs.

5. Compliance of UNRWA's registration system with international refugee law and practice is discussed in Albanese F P (2018) 'UNRWA and Palestine Refugee Rights: New Assaults, New Challenges', *Current Issues in Depth*, Institute for Palestine Studies. bit.ly/Albanese2018-PalestineStudies

6. For more on the application of the NYD/GCR framework to Palestinian refugees, see Albanese F P and Takkenberg L (2020) *The Status of Palestinian Refugees in International Law*, OUP.