

A Place to Call Home: Securing Durable Solutions for Internally Displaced People in South Sudan and Somalia

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Abstract

The number of internally displaced people (IDPs) in the world today is higher than ever, with limited prospects of durable solutions for many. While a 'patchwork' of international norms and institutions attempt to guide responses to internal displacement, these do not always present a consistent view. This paper seeks to explore the different approaches to securing durable solutions for IDPs used by national authorities and international actors in two countries with large populations of displaced people: South Sudan and Somalia. In doing so, it attempts to contribute to the relatively limited existing literature on this topic.

Beginning with an analysis of international norms, frameworks and initiatives on durable solutions, the paper finds that international approaches to durable solutions for IDPs can be categorised into three groups, broadly representing three stages of an evolution in how solutions are understood. Next, by examining publicly available documents produced by governments and international actors in South Sudan and Somalia, the research explores various legal, policy and material interventions that aim to secure durable solutions in the two countries.

The paper finds that the approaches to resolving displacement of both national and international actors demonstrate relatively close adherence with international frameworks. Furthermore, in line with international initiatives, interventions in South Sudan and Somalia aiming to secure solutions for IDPs have undergone a broad shift towards development-oriented, 'whole of society' approaches which attempt to address aspects of displacement across the humanitarian-development-peace nexus. Nevertheless, the paper concludes that the alignment of country-level interventions with international norms and standards on resolving internal displacement may have negative implications, as this alignment can result in over-ambitious programmes or 'rhetorical' commitments.

Keywords

Internal displacement, IDPs, durable solutions, South Sudan, Somalia

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List of Abbreviations

ARCSS	Agreement on the Resolution of the Conflict in the Republic of South Sudan
DSI	Durable Solutions Initiative (Somalia)
DSRSG/RC/HC	Deputy Special Representative of the Secretary-General / Resident Coordinator / Humanitarian Coordinator
EU	European Union
FGS	Federal Government of Somalia
GPs	Guiding Principles on Internal Displacement
IASC	Inter-Agency Standing Committee
ICGLR	International Conference on the Great Lakes Region
IDMC	Internal Displacement Monitoring Centre
IDP(s)	Internally Displaced Person(s)/People
IGAD	Intergovernmental Authority on Development
IOM	International Organisation for Migration
MHADMD	Ministry of Humanitarian Affairs and Disaster Management (South Sudan)
MoPIED	Ministry of Planning, Investment and Economic Development (Somalia)
NDP	National Development Plan (Somalia)
NDSS	National Durable Solutions Strategy (Somalia)
NGO	Non-governmental Organisation
NRC	Norwegian Refugee Council
R-ARCSS	Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan
RRC	Relief and Rehabilitation Commission (South Sudan)
RTGoNU	Revitalised Transitional Government of National Unity (South Sudan)
SG	United Nations Secretary-General
UNHCR	United Nations High Commissioner for Refugees

1. Introduction

In its 2023 annual report, the Internal Displacement Monitoring Centre (IDMC) observed that the worldwide population of internally displaced people (IDPs) has reached the ‘highest number ever recorded’.¹ Despite the goal of a 50 per cent reduction in the number of IDPs by 2030 set by the United Nations Secretary-General (SG) at the 2016 World Humanitarian Summit,² the global population of those forced to flee within their own country remains ‘alarmingly large’, with no solutions in sight for many.³ The causes of internal displacement are numerous: from armed conflict and violence, human rights abuses, and development projects, to the effects of climate change and natural hazards including flooding and droughts. There is also increasing recognition that these causes interact, a reality which amplifies the challenge of finding solutions for IDPs.⁴ This challenge is compounded by the fact that, as IDPs remain within their own country, the responsibility for securing solutions lies with the same government that may ‘cause or tolerate’ their displacement.⁵

While IDPs, unlike refugees, do not ‘benefit from special attention in international law’,⁶ an international regime for their ‘legal and institutional protection’ has evolved during the past thirty years.⁷ This regime consists of a patchwork of ‘normative framework[s]’⁸ and ‘institutional arrangements’ which do not always present a consistent view of how durable solutions for IDPs should be secured.⁹ In light of this, and of the challenges presented above, a study of how different actors engage with durable solutions for IDPs in relation to international frameworks is both timely and relevant.

This research seeks to explore the different approaches to resolving internal displacement used by national authorities and international actors in South Sudan and Somalia. In examining various legal, policy and material interventions employed in the pursuit of durable solutions for IDPs, the research aims to understand the extent to which different approaches align with existing international and regional law and policy frameworks on internal displacement. It also seeks to understand the potential reasons for alignment or lack thereof, and the resulting

¹ Internal Displacement Monitoring Centre (IDMC), ‘Global Report on Internal Displacement 2023’ (IDMC 2023) <www.internal-displacement.org/global-report/grid2023/?> accessed 20 March 2024 3.

² UN General Assembly ‘Outcome of the World Humanitarian Summit’ (23 August 2016) 71st Session (2016) UN Doc A/71/353 para 27.

³ UN Human Rights Council Res 50/6 (7 July 2022) UN Doc A/HRC/RES/50/6 1.

⁴ *ibid*; Sanjula Weerasinghe, ‘Bridging the Divide in Approaches to Conflict and Disaster Displacement’ (UN High Commissioner for Refugees (UNHCR) and International Organisation for Migration (IOM) 2021) <<https://disasterdisplacement.org/wp-content/uploads/2021/08/Bridging-the-Divide-SYNTHESIS-REPORT-with-ANNEXES-2021-1.pdf>> accessed 20 March 2024 1.

⁵ UN Commission on Human Rights, ‘Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission on Human Rights resolution 1995/57: Compilation and analysis of legal norms’ (5 December 1995) UN Doc E/CN.4/1996/52/Add.2 para 41.

⁶ David J Cantor, ‘The IDP in International Law’? Developments, Debates, Prospects’ (2018) 30 *International Journal of Refugee Law* 191, 191.

⁷ Bríd Ní Ghráinne, *Internally Displaced Persons and International Refugee Law* (OUP 2022) 1.

⁸ Walter Kälin, ‘Internal Displacement’ in Cathryn Costello, Michelle Foster and Jane McAdam (eds) *The Oxford Handbook of International Refugee Law* (OUP 2021) 849.

⁹ Roberta Cohen, ‘Key Policy Debates in the Internal Displacement Field’ (*Brookings Institution*, 4 December 2006) www.brookings.edu/articles/key-policy-debates-in-the-internal-displacement-field/ accessed 20 March 2024 1.

implications for durable solutions programming and policymaking at the national, regional and international levels.

In doing so, the study aims to contribute to academic discourse on the normative frameworks that guide legal and policy responses to internal displacement, filling a research gap by considering the comparatively ‘under-examined’ Inter-Agency Standing Committee (IASC) Framework on Durable Solutions as well as other frameworks and initiatives related to durable solutions for IDPs, a topic which is studied less than protection *from* or *during* displacement.¹⁰

The research aims to be ‘policy relevant’ by providing insight into two countries that experience a high level of both recurrent and protracted internal displacement.¹¹ However, the research purposefully does not attempt to quantify the impact of different approaches on reducing the scale or severity of internal displacement. Attributing changes in displacement trends to specific interventions is often extremely challenging: while a small number of scholars have tried to do so, their findings demonstrate mixed conclusions¹² or, at best, ‘positive correlation’ rather than causation.¹³

The research for this paper was wholly desk-based and used a documentary analysis approach, a methodology chosen based on the large volume of primary data available online.¹⁴ In light of the research questions, it was not considered realistic or necessary to create a representative sample of documents. Instead, a strategy of non-probability, purposive sampling was employed to ‘select unique cases that [were] especially informative’.¹⁵ The thematic analysis enabled the identification of the most pertinent issues with regards to the research questions, and eventually formed the analytical framework described in Chapter 2.

2. Durable Solutions for IDPs in International Law, Policy and Academia

Norms and standards related to internal displacement and its resolution are expressed in a variety of ‘hard’ and ‘soft’ international laws, guidelines and initiatives.¹⁶ While these differ in their nature, purpose and scope, their approaches can be grouped into three categories based on how they conceive durable solutions for IDPs: as a ‘place to stay’, a ‘place to live’, or a

¹⁰ Megan Bradley and Angela Sherwood, ‘Addressing and Resolving Internal Displacement: Reflections on a Soft Law ‘Success Story’ in Stéphanie Lagoutte, Thomas Gammeltoft-Hansen and John Cerone (eds), *Tracing the Roles of Soft Law in Human Rights* (OUP 2016) 156; Inter-Agency Standing Committee, ‘IASC Framework on Durable Solutions for Internally Displaced Persons’ (2010) <<https://interagencystandingcommittee.org/other/iasc-framework-durable-solutions-internally-displaced-persons>> accessed 20 November 2023.

¹¹ Karen Jacobsen and Loren B Landau, ‘The Dual Imperative in Refugee Research: Some Methodological and Ethical Considerations in Social Science Research on Forced Migration’ (2003) 7 *Disasters* 185, 185.

¹² Gabriel Cardona-Fox, ‘Exile within Borders: A Study of Compliance with the International Regime to Protect Internally Displaced Persons’ (PhD thesis, University of Texas 2015) 262.

¹³ Daniel MacGuire, ‘The Relationship between National Normative Frameworks on Internal Displacement and the Reduction of Displacement’ (2018) 30 *International Journal of Refugee Law* 269, 286.

¹⁴ Aimee Grant, *Doing excellent social research with documents: Practical examples and guidance for qualitative researchers* (Routledge 2018) 2-3.

¹⁵ W Lawrence Neuman, *Social research methods: Qualitative and quantitative approaches* (Pearson 2014) 274.

¹⁶ Shelton defines ‘soft law’ as ‘normative statements [contained] in non-binding political instruments’. See: Dinah L Shelton, ‘Soft Law’ GWU Legal Studies Research Paper No 322 (GWU Law School 2008) <https://scholarship.law.gwu.edu/faculty_publications/1049/> accessed 21 December 2023 1, 1.

‘place to call home’. There are, of course, many consistencies between these categories. All contain provisions on participation of IDPs, non-discrimination, property rights and compensation, and the primary responsibility of national authorities in resolving displacement.¹⁷ However, their approach to solutions reflects an evolution over time in how the international community, including regional organisations, conceptualise internal displacement and approach its resolution in practice. Understanding this development, as well as key academic debates around these approaches, provides a useful analytical framework for the Chapter 3 and 4 case studies.

2.1 Durable Solutions as a ‘Place to Stay’

The earliest milestone in the development of international law and policy on internal displacement was the elaboration of the non-binding Guiding Principles on Internal Displacement (GPs), which were created to identify the ‘rights and guarantees’ relevant to the protection of IDPs.¹⁸ The Guiding Principles do not explicitly mention (durable) solutions, but Principles 28 to 30 outline the rights of IDPs to return or resettle and the responsibility of authorities to ‘establish conditions, as well as provide the means’ for this.¹⁹

The Guiding Principles’ approach to solutions centres around the basic principles of safety, voluntariness and dignity. The Principles are based on the premise that to achieve a ‘solution’, an IDP must physically move from the place of displacement to a new location where they can stay; removed from whatever conditions caused their flight but without any expectations of how long this stay might last. Finding such a ‘place to stay’ only has to fulfil certain basic conditions: the location must be safe and the former IDP ‘protected against forcible return... or resettlement’ to an unsafe place; the IDP must move there ‘voluntarily’ and be able to participate in the ‘management and planning’ of this process; and they must be able to do so ‘with dignity’.²⁰ Dignity can be interpreted as the fulfilment of a basic set of rights, all of which are linked to the ability to physically stay in a place without discrimination.²¹ These comprise freedom of movement and choice of residence,²² access to legal and personal documentation,²³ assistance to recover lost property or obtain compensation or reparation,²⁴ and participation in

¹⁷ UN Commission on Human Rights, ‘Report of the Representative of the Secretary- General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39. Addendum: Guiding Principles on Internal Displacement’ (11 February 1998) UN Doc E/CN.4/1998/53/Add.2 14 (Principles 28 and 29); African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (adopted 23 October 2009, entered into force 6 December 2012) 49 ILM 86 (Kampala Convention) Preamble and arts 9 1(a), 11(1), 11(2), 11(5), 11(4), 12 and 13; Inter-Agency Standing Committee, ‘IASC Framework on Durable Solutions for Internally Displaced Persons’ (2010) <<https://interagencystandingcommittee.org/other/iasc-framework-durable-solutions-internally-displaced-persons>> accessed 20 November 2023 5, 11, 19-21, 35-37.

¹⁸ UN Commission on Human Rights, ‘Report of the Representative of the Secretary- General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39. Addendum: Guiding Principles on Internal Displacement’ (11 February 1998) UN Doc E/CN.4/1998/53/Add.2 3.

¹⁹ *ibid* 14.

²⁰ *ibid* 10, 14.

²¹ *ibid* 14.

²² *ibid* 9.

²³ *ibid* 11.

²⁴ *ibid* 14.

public affairs.²⁵ ‘Reintegration’ is mentioned but not defined, though given the other conditions specified can be understood to mean the achievement of the basic rights outlined above.²⁶

Despite their non-binding nature, the Guiding Principles’ role in ‘shaping the future direction of the law’²⁷ is evident in their influence on the 2006 Pact on Security, Stability and Development in the Great Lakes Region (ICGLR Pact).²⁸ Specifically, its ‘Protocol on the Property Rights of Returning Persons’ (Property Protocol) and ‘Protocol on the Protection and Assistance to Internally Displaced Persons’ (IDP Protocol) essentially replicate components of the Guiding Principles in binding legal frameworks.²⁹ The Property Protocol reproduces GP 29, expanding on its content to provide details on states’ obligations.³⁰ The IDP Protocol’s goal is to oblige signatory states to ‘adopt and implement the Guiding Principles’.³¹ Its content is thus closely aligned with the Guiding Principles, which it reproduces in an annex. Both Protocols therefore conceive durable solutions for IDPs as finding a ‘place to stay’ which meets the basic conditions of safety, voluntariness and dignity outlined above.

Critical engagement with the Guiding Principles’ approach to solutions centres on the Principles’ relationship with international law and the impact of this. The somewhat limited set of rights and responsibilities with regards to solutions contained in the Guiding Principles can perhaps be explained by their aim to ‘reflect and [be] consistent with international human rights law and international humanitarian law’, rather than to develop new norms.³² This assertion, however, is challenged by Kälin who suggests that some of the Principles may have ‘echoed a more a progressive development of the law [at that time] than a mere restatement of it’.³³ Cantor similarly claims that some principles ‘diverge from the underlying ‘hard’ law on which they purport to rest’.³⁴ The debate about the legal basis of the Guiding Principles is closely linked to the question of whether a non-binding framework can effectively influence the behaviour of states or other actors; a pertinent issue in light of proposed research questions. While Hudson identifies the ‘greater normative potential’ of the non-binding Guiding Principles in adapting to the developing global context of internal displacement,³⁵ Orchard’s

²⁵ *ibid.*

²⁶ *ibid* 5, 14.

²⁷ Francis Tom Tempresa, ‘Guiding Principles on Internal Displacement: Expression of Lex Lata or De Lega Ferenda - Status in International Law and Implication on the Law on International Peace and Security’ (2018) 35 *Arizona Journal of International and Comparative Law* 257, 286.

²⁸ International Conference on the Great Lakes Region (ICGLR), Pact on Security, Stability and Development in the Great Lakes Region (adopted 15 December 2006, entered into force 21 June 2008).

²⁹ International Conference on the Great Lakes Region, Protocol on the Property Rights of Returning Persons (adopted 30 November 2006, entered into force 21 June 2008) (Property Protocol); International Conference on the Great Lakes Region, Protocol to the Pact on Security, Stability and Development in the Great Lakes Region on the Protection and Assistance to Internally Displaced Persons (adopted 30 November 2006, entered into force 21 June 2008) (IDP Protocol).

³⁰ Property Protocol arts 4-8.

³¹ IDP Protocol Preamble.

³² UN Commission on Human Rights, ‘Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39. Addendum: Guiding Principles on Internal Displacement’ (11 February 1998) UN Doc E/CN.4/1998/53/Add.2.3.

³³ Walter Kälin, ‘Internal Displacement’ in Cathryn Costello, Michelle Foster and Jane McAdam (eds) *The Oxford Handbook of International Refugee Law* (OUP 2021) 851.

³⁴ David J Cantor, ‘“The IDP in International Law”? Developments, Debates, Prospects’ (2018) 30 *International Journal of Refugee Law* 191, 205.

³⁵ Ben Hudson, ‘Challenges in the law of IDP returns’ (PhD Thesis, University of Bristol 2019) 89.

study of 40 countries found that only 30 of 69 laws and policies reference the Guiding Principles.³⁶ These issues are important to consider when examining why the approaches of national authorities in South Sudan and Somalia to resolving displacement show alignment, or lack thereof, with the Guiding Principles and other international frameworks.

In summary, the concept of durable solutions for IDPs adopted by the Guiding Principles and the Great Lakes Protocols is based on the premise that displacement ends once IDPs have completed a physical transition and found a safe ‘place to stay’ of their choosing, where basic conditions for habitation are fulfilled. This concept is broadly in line with Mooney’s theories of ‘cause-based’ and ‘solutions-based’ criteria for determining the end of displacement, which she later disregards in favour of the ‘need-based’ approach that will now be discussed.³⁷

2.2 Durable Solutions as a ‘Place to Live’

Despite the release of the Guiding Principles, the question of when internal displacement ends did not arise in academia or policy discussions until around 2003, when the Representative of the SG on IDPs requested academics Erin Mooney and Susan Martin to explore the issue.³⁸ Their work, and the contributions of others in a special issue of the *Forced Migration Review*,³⁹ resulted in the pilot ‘Framework for Durable Solutions’⁴⁰ which was later adapted and endorsed by the Human Rights Council as the IASC ‘Framework on Durable Solutions For Internally Displaced Persons’.⁴¹ The IASC Framework aimed to ‘provide clarity on the concept of a durable solution and provide general guidance on how to achieve it’ through a series of principles and criteria.⁴²

One year prior, the African Union had adopted its Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), seeking to address the ‘lack of a binding African and international legal and institutional framework’ around internal displacement.⁴³ While somewhat different in purpose, the IASC Framework and Kampala Convention take similar approaches to solutions for IDPs. Neither were developed in isolation from existing frameworks: both reference the Guiding Principles and contain similar provisions in many areas.⁴⁴ However, they introduce several innovations which represent a progressive

³⁶ Phil Orchard, *Protecting the Internally Displaced: Rhetoric and Reality* (Routledge 2019) 137.

³⁷ Erin Mooney, ‘Bringing the end into sight for internally displaced persons’ (2003) 17 *Forced Migration Review* 4, 5-6.

³⁸ *Forced Migration Review*, ‘When does internal displacement end?’ (2003) 17 *Forced Migration Review* 2.

³⁹ *ibid.*

⁴⁰ The Brookings Institution, ‘When Displacement Ends: A Framework for Durable Solutions’ (Brookings Institution – University of Bern Project on Internal Displacement 2007) <www.brookings.edu/wp-content/uploads/2016/06/2007_durablesolutions.pdf> accessed 28 December 2023.

⁴¹ UN Human Rights Council, ‘Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin. Addendum: Framework on Durable Solutions for Internally Displaced Persons’ (9 February 2010) UN Doc A/HRC/13/21/Add 4. Published as: Inter-Agency Standing Committee, ‘IASC Framework on Durable Solutions for Internally Displaced Persons’ (2010) <<https://interagencystandingcommittee.org/other/iasc-framework-durable-solutions-internally-displaced-persons>> accessed 20 November 2023 (IASC Framework).

⁴² IASC Framework 2.

⁴³ African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (adopted 23 October 2009, entered into force 6 December 2012) 49 ILM 86 (Kampala Convention) Preamble.

⁴⁴ IASC Framework 1; Kampala Convention Preamble.

development of how solutions to internal displacement were approached at the regional and international levels. Unlike the ‘place to stay’ approach previously defined, the IASC Framework and Kampala Convention demonstrate the view that to achieve a solution, an IDP must find somewhere not simply to physically inhabit, but to reside sustainably under conditions which allow a wider range of needs and rights to be fulfilled. In other words, they must secure a ‘place to live’.

Both the Kampala Convention and IASC Framework adopt the phrase ‘durable solutions’, which originated in the refugee protection regime and is not found in the Guiding Principles or Great Lakes Protocols.⁴⁵ The Kampala Convention also refers to both ‘sustainable’⁴⁶ and ‘lasting’ solutions,⁴⁷ while the IASC Framework defines the three potential options as ‘sustainable reintegration at the place of origin’, ‘sustainable local integration in areas where IDPs take refuge’, and ‘sustainable integration in another part of the country’.⁴⁸ This emphasis on sustainability demonstrates a view that solutions to displacement, rather than involving ‘mere physical movement’,⁴⁹ must be viable for an extended period. This reflects the understanding of UNHCR, expressed in 2003, that the importance given to the ‘sustainability and durability’ of refugee returns applies equally with regards to IDPs.⁵⁰ Similarly, the Kampala Convention obliges states parties to provide protection and assistance to IDPs ‘in the course of finding and implementing solutions’, suggesting an emerging comprehension of the long-term nature of resolving displacement.⁵¹ The sustainability of solutions to displacement, is therefore, a key condition of the ‘place to live’ approach.

Another significant element of the ‘place to live’ approach to solutions is its emphasis on the political, economic, and social conditions required for solutions to be viable. While GP28 states the responsibility of authorities to ‘establish conditions’⁵² for solutions, the Kampala Convention and IASC Framework specify what this means in practice.⁵³ The IASC Framework recognises that resolving internal displacement is a ‘development challenge’ and ‘peace-building or reconstruction challenge’ requiring ‘political, economic and social stabilization’.⁵⁴ It asserts that securing durable solutions involves tackling development issues such as ‘education and healthcare... local governance structures and ... housing and infrastructure’.⁵⁵ Likewise, the Kampala Convention calls on states to ‘incorporate the relevant principles [of the Convention] into peace negotiations and agreements for the purpose of finding sustainable solutions’.⁵⁶ Furthermore, the Framework proposes that ‘peace processes and peacebuilding...involve IDPs and reinforce durable solutions’,⁵⁷ with durable solutions ‘a

⁴⁵ IASC Framework Foreword; Kampala Convention Preamble.

⁴⁶ Kampala Convention art 3(2)(e).

⁴⁷ *ibid* art 11(1).

⁴⁸ IASC Framework 5.

⁴⁹ *ibid*.

⁵⁰ Guillermo Bettocchi and Raquel Freitas, ‘A UNHCR perspective’ (2003) 17 *Forced Migration Review* 13, 13.

⁵¹ Kampala Convention art 11(3).

⁵² UN Commission on Human Rights, ‘Report of the Representative of the Secretary- General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39. Addendum: Guiding Principles on Internal Displacement’ (11 February 1998) UN Doc E/CN 4/1998/53/Add 2 14.

⁵³ IASC Framework 15-24; Kampala Convention art 11.

⁵⁴ IASC Framework 7.

⁵⁵ *ibid*.

⁵⁶ Kampala Convention art 3(2)(e).

⁵⁷ IASC Framework 24.

specific goal of peace agreements’⁵⁸ and ‘community reconciliation and confidence-building mechanisms’ incorporated.⁵⁹ This links to the idea found in both documents that ‘host’ or ‘receiving’ communities must be considered when support for return or (re)integration is provided to IDPs to mitigate potential tensions.⁶⁰ A ‘place to live’, in summary, requires political, economic, and social stability in order to offer a truly durable solution.

Beyond the requirements of sustainability and conducive conditions, the ‘place to live’ approach to durable solutions is grounded in the idea that ‘to live’ is not only to survive, but to have one’s rights and needs fulfilled. Both the Kampala Convention and IASC Framework have strong foundations in human rights: the former draws on ‘relevant aspects of norms from African regional human rights frameworks’⁶¹ and the latter was ‘developed in correlation with specific human rights’.⁶² Relatedly, Mooney’s ‘needs-based’⁶³ approach to the end of displacement eventually formed the basis of the IASC Framework’s criteria and its definition of a durable solution, which ‘is achieved when IDPs no longer have specific assistance and protection needs that are linked to their displacement and such persons can enjoy their human rights without discrimination resulting from their displacement’.⁶⁴

The Framework goes on to set out eight criteria which ‘determine to what extent a durable solution has been achieved’.⁶⁵ While five of the criteria (‘safety and security’, ‘restoration of housing, land and property; access to documentation; family reunification; and participation in public affairs’⁶⁶) align with parts of the Guiding Principles, the remaining three (‘adequate standard of living’, ‘access to livelihoods’ and ‘access to effective remedies and justice’⁶⁷) relate specifically to the re-establishment of fundamental economic, social and cultural rights. The Kampala Convention does not address this issue in detail, but similarly obliges states parties to ‘promote self-reliance and sustainable livelihoods’ amongst IDPs.⁶⁸

The release of the IASC Framework in 2010 appeared, to largely settle the debate around how solutions for IDPs are defined. Most recent academic literature that refers to the IASC Framework does not critically analyse its substance,⁶⁹ its ‘broad conceptual clarity’ is widely accepted.⁷⁰ The view outside academia is more complex: Bradley et al briefly note that the

⁵⁸ *ibid* 25.

⁵⁹ *ibid* 26.

⁶⁰ *ibid* 13; Kampala Convention art 3(2)(c).

⁶¹ Romola Adeola, ‘The Kampala Convention and the right not to be arbitrarily displaced’ (2018) 59 *Forced Migration Review* 15, 15.

⁶² Walter Kälin, *Internal Displacement and the Law* (OUP 2023) 242-43.

⁶³ Erin Mooney, ‘Bringing the end into sight for internally displaced persons’ (2003) 17 *Forced Migration Review* 4, 5-6.

⁶⁴ IASC Framework 5.

⁶⁵ *ibid* v.

⁶⁶ *ibid* 27.

⁶⁷ *ibid*.

⁶⁸ Kampala Convention art 3(k).

⁶⁹ Milica V Matijević, Vesna Ćorić and Ana Knežević Bojović, ‘The Framework on Durable Solutions for Internally Displaced Persons in the Scholarly Literature: A Preliminary Analysis’ (2022) 2022 *Regional Law Rev* 177; Margharita Lundkvist-Houndoumadi and Jasmine Ketabchi, ‘The application of the IASC Framework in Somalia and Sudan’ (2020) 65 *Forced Migration Review* 80.

⁷⁰ Chaloka Beyani, Natalia Krynsky Baal and Martina Caterina, ‘Conceptual challenges and practical solutions in situations of internal displacement’ (2016) 52 *Forced Migration Review* 39, 41.

IASC Framework is seen as ‘conceptually complex’⁷¹ by policymakers and practitioners and Sherwood et al argue that its ‘conception of durable solutions’ is difficult or even impossible to achieve in contexts such as post-earthquake Haiti.⁷² Nevertheless, South Sudan and Somalia are examples of a small number of countries which have explicitly referenced the IASC Framework and Kampala Convention in national laws and policies.⁷³ Whether or not the Kampala Convention and IASC Framework’s approach to solutions is practically applicable, the concept they express is clear: in order to have achieved a durable solution, (former) IDPs must find a ‘place to live’ where their needs are met and they can enjoy a comparable standard of living to those around them on a sustainable basis.

2.3 Durable Solutions as a ‘Place to Call Home’

In recent years, international actors concerned with internal displacement have not attempted to produce or amend binding or non-binding normative frameworks. Instead, efforts have aimed to ‘build momentum and encourage more strategic action on advancing policy and practice’.⁷⁴ While the influence of previous frameworks on contemporary approaches to solutions is evident, recent initiatives such as the GP20 Plan of Action,⁷⁵ High-Level Panel on Internal Displacement,⁷⁶ and the Secretary-General’s Action Agenda on Internal Displacement⁷⁷ also demonstrate a progressive development in how the international community believes internal displacement should be addressed. The High-Level Panel has criticised the lack of ‘new policies or guidance’ on internal displacement or solutions in the past decade,⁷⁸ exemplifying a view expressed by these initiatives that ‘adjustments’ in how solutions are approached are required.⁷⁹ Thus, in an evolution from the ‘place to stay’ and

⁷¹ Megan Bradley, Angela Sherwood, Lorenza Rossi, Rufa Guiam and Bradley Mellicker, ‘Researching the Resolution of Post-Disaster Displacement: Reflections from Haiti and the Philippines’ (2017) 30 *Journal of Refugee Studies* 363, 367.

⁷² Angela Sherwood, Megan Bradley, Lorenza Rossi, Rosalia Gitau and Bradley Mellicker, ‘Supporting Durable Solutions to Urban, Post-Disaster Displacement: Challenges and Opportunities in Haiti’ (The Brookings Institution and IOM 2014) <www.brookings.edu/wp-content/uploads/2016/07/Supporting-Durable-Solutions-to-DisplacementHaiti-March-4-2014.pdf> accessed 29 December 2023 11.

⁷³ Walter Kälin, *Internal Displacement and the Law* (OUP 2023) 238 fn 18; Romola Adeola, ‘The impact of the African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa’ (2019) 19 *African Human Rights Law Journal* 591, 599.

⁷⁴ Nadine Walicki, Elizabeth Eyster and Martina Caterina, ‘The GP20 Plan of Action: a rallying call to stakeholders’ (2018) 59 *Forced Migration Review* 5, 5.

⁷⁵ UN Human Rights Council, ‘Global and national activities under the twentieth anniversary of the Guiding Principles on Internal Displacement. Addendum GP20 Plan of Action’ (12 June 2019) UN Doc A/HRC/41/40/Add 1 (GP20 Plan of Action).

⁷⁶ UN Secretary-General’s High-Level Panel on Internal Displacement, ‘Shining the Light on Internal Displacement – A Vision for the Future. Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2021) <<https://internaldisplacement-panel.org/wp-content/uploads/2021/09/HLP-report-WEB.pdf>> accessed 8 November 2023.

⁷⁷ UN, ‘The United Nations Secretary-General’s Action Agenda on Internal Displacement: Follow-Up to the Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2022) <www.un.org/en/content/action-agenda-on-internal-displacement/assets/pdf/Action-Agenda-on-Internal-Displacement_EN.pdf> accessed 8 November 2023.

⁷⁸ UN Secretary-General’s High-Level Panel on Internal Displacement, ‘Shining the Light on Internal Displacement – A Vision for the Future. Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2021) <<https://internaldisplacement-panel.org/wp-content/uploads/2021/09/HLP-report-WEB.pdf>> accessed 8 November 2023 49.

⁷⁹ UN, ‘The United Nations Secretary-General’s Action Agenda on Internal Displacement: Follow-Up to the Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2022)

‘place to live’ approaches already described, contemporary policy frameworks emphasise what can be characterised as a ‘place to call home’ approach to durable solutions for IDPs. This is based on the idea that ‘home’ is a place where IDPs feel they belong, which is conditional on two inter-related elements: state responsibility and accountability, and solutions as part of a country’s development.

As mentioned, the notion of the state’s primary responsibility for solutions appears in all of the international frameworks discussed. However, the GP20 Plan of Action goes further by specifically addressing the perceived tension between the notion of state sovereignty and authorities’ responsibilities towards IDPs. In a departure from the relatively neutral language of previous frameworks, it criticises states’ ‘limited capacity and/or willingness to acknowledge and fulfil their responsibilities towards IDPs and achieve progress toward durable solutions’.⁸⁰ Similarly, the High-Level Panel’s report claims that ‘[t]oo many States fail to acknowledge or take responsibility for their displaced citizens’,⁸¹ and that internal displacement is seen as the ‘de facto responsibility of humanitarian actors’, hence undermining states’ obligation to ‘lead action for solutions’.⁸² The same report explicitly notes that resolving displacement involves ‘recovering the trust and confidence of populations in the State’.⁸³ Likewise, the Action Agenda recalls that ‘sovereignty comes with responsibility’ with regards to resolving displacement.⁸⁴ By this measure, to achieve a durable solution, IDPs must not only have their rights and needs fulfilled, but they must also trust that their state will endeavour to take care of them as a citizen of their country. In other words, governments must take steps to ‘renew the social contract’ with IDPs.⁸⁵ A key component of this is addressing governance challenges and ensuring effective rule of law.⁸⁶

Relatedly, recent frameworks and initiatives on durable solutions have paid greater attention to the question of how data and evidence can inform solutions interventions and improve accountability. The GP20 Plan of Action notes the need for ‘quality data and analysis’,⁸⁷ while the High-Level Panel asserts that improved systems for collecting and using data and evidence

<www.un.org/en/content/action-agenda-on-internal-displacement/assets/pdf/Action-Agenda-on-Internal-Displacement_EN.pdf> accessed 8 November 2023 22.

⁸⁰ UN Human Rights Council, ‘Global and national activities under the twentieth anniversary of the Guiding Principles on Internal Displacement. Addendum GP20 Plan of Action’ (12 June 2019) UN Doc A/HRC/41/40/Add 1 para 14.

⁸¹ UN Secretary-General’s High-Level Panel on Internal Displacement, ‘Shining the Light on Internal Displacement – A Vision for the Future. Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2021) <<https://internaldisplacement-panel.org/wp-content/uploads/2021/09/HLP-report-WEB.pdf>> accessed 8 November 2023 5.

⁸² *ibid.*

⁸³ *ibid.* 4.

⁸⁴ UN, ‘The United Nations Secretary-General’s Action Agenda on Internal Displacement: Follow-Up to the Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2022) <www.un.org/en/content/action-agenda-on-internal-displacement/assets/pdf/Action-Agenda-on-Internal-Displacement_EN.pdf> accessed 8 November 2023 10.

⁸⁵ *ibid.* 17.

⁸⁶ *ibid.* 10.

⁸⁷ UN Human Rights Council, ‘Global and national activities under the twentieth anniversary of the Guiding Principles on Internal Displacement. Addendum GP20 Plan of Action’ (12 June 2019) UN Doc A/HRC/41/40/Add 1 para 18.

could ‘strengthen nationally owned action on internal displacement’ and solutions.⁸⁸ Similarly, the Action Agenda states that interventions for solutions must be ‘based on high-quality and trusted data and analysis’.⁸⁹ These frameworks emphasise nationally-owned systems, which is logical given that, as Davis and Jenner explain, a lack of political will may prevent the effective use of such data.⁹⁰ However, while numerous studies that measure progress towards solutions have been carried out by international actors, these do not address the link between data and accountability.⁹¹

Of course, states may take up their responsibility for resolving displacement in theory but fail to do so in practice; this is a theme explored in a significant body of literature. Ferris et al’s comparative analysis of fifteen countries concludes that ‘adequate implementation and dissemination’ of laws, policies and action plans on internal displacement are lacking.⁹² Orchard notes that such failures may result from a ‘lack of state capacity’, but could also be due to governments making ‘strategic rhetorical commitment[s]’ for reputational reasons, without the intention to deliver on these commitments.⁹³ The question of state commitment versus implementation is therefore important in light of the research questions.

In addition to the state’s responsibility for resolving displacement, the idea that solutions must be addressed as an integral part of a country’s development is central to the ‘place to call home’ approach. While the IASC Framework and Kampala Convention make reference to development challenges in resolving internal displacement,⁹⁴ the GP20 Plan of Action, High-Level Panel, and Action Agenda are more explicit in calling for a ‘fundamental change...

⁸⁸ UN Secretary-General’s High-Level Panel on Internal Displacement, ‘Shining the Light on Internal Displacement – A Vision for the Future. Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2021) <<https://internaldisplacement-panel.org/wp-content/uploads/2021/09/HLP-report-WEB.pdf>> accessed 8 November 2023 37.

⁸⁹ UN, ‘The United Nations Secretary-General’s Action Agenda on Internal Displacement: Follow-Up to the Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2022) <www.un.org/en/content/action-agenda-on-internal-displacement/assets/pdf/Action-Agenda-on-Internal-Displacement_EN.pdf> accessed 8 November 2023 8.

⁹⁰ Anne Davies and Alice Jenner, ‘A Tale of Two Cities – IDPs Plan for Their Durable Solutions in Darfur’ (2020) 39 Refugee Survey Quarterly 507, 511-12.

⁹¹ Christopher Lee, Shannon Doocy, Anwar Deli, Thomas Kirsch, William Weiss and Courtland Robinson, ‘Measuring impact: a cross-sectional multi-stage cluster survey to assess the attainment of durable solutions in post-tsunami Aceh, Indonesia’ (2014) 14 BMC Public Health 1; Joint IDP Profiling Service, ‘Progress Towards Durable Solutions in Abu Shouk & El Salam IDP Camps North Darfur (2019) < www.jips.org/jips-publication/profiling-report-sudan-2019/ > accessed 29 December 2023; Lorenza Rossi, Rochelle Davis, Grace Benton, Sinan Zeyneloglu and Salma Al-Shami, ‘Iraqi IDPs Access to Durable Solutions: Results of Two Rounds of a Longitudinal Study’ (2019) 57 International Migration 48; Megan Bradley, Angela Sherwood, Lorenza Rossi, Rufa Guiam and Bradley Mellicker, ‘Researching the Resolution of Post-Disaster Displacement: Reflections from Haiti and the Philippines’ (2017) 30 Journal of Refugee Studies 363, 367; Angela Sherwood, Megan Bradley, Lorenza Rossi, Rosalia Gitau and Bradley Mellicker, ‘Supporting Durable Solutions to Urban, Post-Disaster Displacement: Challenges and Opportunities in Haiti’ (The Brookings Institution and IOM 2014) <www.brookings.edu/wp-content/uploads/2016/07/Supporting-Durable-Solutions-to-DisplacementHaiti-March-4-2014.pdf> accessed 29 December 2023 11.

⁹² Elizabeth Ferris, Erin Mooney and Chareen Stark, ‘From Responsibility to Response: Assessing National Approaches to Internal Displacement’ (The Brookings Institution – London School of Economics Project on Internal Displacement 2011) <www.brookings.edu/wp-content/uploads/2012/04/From-Responsibility-to-Response-Nov-2011doc.pdf> accessed 28 December 2023 xiii.

⁹³ Phil Orchard, *Protecting the Internally Displaced: Rhetoric and Reality* (Routledge 2019) 137-38.

⁹⁴ IASC Framework 7; Kampala Convention Preamble.

towards a development-oriented approach’ to solutions.⁹⁵ The GP20 Plan of Action specifically notes the increasing recognition of internal displacement as a ‘complex development challenge’⁹⁶ and the reciprocal relationship between solutions and development, whereby protracted displacement can both impede development and ‘contribute to renewed crises and displacement’, consequently undoing progress previously made.⁹⁷ Similarly, the High-Level Panel’s report was the first of the frameworks examined to use the terminology ‘humanitarian-development-peace nexus’ to describe the interconnected nature of these challenges.⁹⁸ The Action Agenda goes even further in proposing an ‘intersectional’ response across the ‘humanitarian, development, peacebuilding human rights, climate change action and disaster risk reduction’ sectors.⁹⁹

In line with the ‘place to live’ approach previously discussed, the GP20 Plan of Action, High-Level Panel, and Action Agenda all recognise the importance of livelihoods interventions and self-reliance to support durable solutions.¹⁰⁰ However, their ‘place to call home’ approach to solutions transcends the idea of simple self-sufficiency. These frameworks all express the notion that a development approach to solutions means that states see resolving displacement as just one part of their overall responsibilities towards people in their territories. This is reflected in the GP20 Plan of Action’s suggestion that IDPs are included ‘in local and national development plans’¹⁰¹ and in the High-Level Panel’s emphasis on ‘strengthening public systems and services’, so that IDPs are ‘protected and supported by the State’.¹⁰² All three refer to the increasingly frequent urban nature of solutions,¹⁰³ including the need to ‘address internal

⁹⁵ UN Secretary-General’s High-Level Panel on Internal Displacement, ‘Shining the Light on Internal Displacement – A Vision for the Future. Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2021) <<https://internaldisplacement-panel.org/wp-content/uploads/2021/09/HLP-report-WEB.pdf>> accessed 8 November 2023 11.

⁹⁶ UN Human Rights Council, ‘Global and national activities under the twentieth anniversary of the Guiding Principles on Internal Displacement. Addendum GP20 Plan of Action’ (12 June 2019) UN Doc A/HRC/41/40/Add 1 para 11.

⁹⁷ *ibid* para 19.

⁹⁸ UN Secretary-General’s High-Level Panel on Internal Displacement, ‘Shining the Light on Internal Displacement – A Vision for the Future. Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2021) <<https://internaldisplacement-panel.org/wp-content/uploads/2021/09/HLP-report-WEB.pdf>> accessed 8 November 2023 5, 28.

⁹⁹ UN, ‘The United Nations Secretary-General’s Action Agenda on Internal Displacement: Follow-Up to the Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2022) <www.un.org/en/content/action-agenda-on-internal-displacement/assets/pdf/Action-Agenda-on-Internal-Displacement_EN.pdf> accessed 8 November 2023 20.

¹⁰⁰ UN Secretary-General’s High-Level Panel on Internal Displacement, ‘Shining the Light on Internal Displacement – A Vision for the Future. Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2021) <<https://internaldisplacement-panel.org/wp-content/uploads/2021/09/HLP-report-WEB.pdf>> accessed 8 November 2023 9.

¹⁰¹ UN Human Rights Council, ‘Global and national activities under the twentieth anniversary of the Guiding Principles on Internal Displacement. Addendum GP20 Plan of Action’ (12 June 2019) UN Doc A/HRC/41/40/Add 1 para 34.

¹⁰² UN Secretary-General’s High-Level Panel on Internal Displacement, ‘Shining the Light on Internal Displacement – A Vision for the Future. Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2021) <<https://internaldisplacement-panel.org/wp-content/uploads/2021/09/HLP-report-WEB.pdf>> accessed 8 November 2023 11.

¹⁰³ UN Human Rights Council, ‘Global and national activities under the twentieth anniversary of the Guiding Principles on Internal Displacement. Addendum GP20 Plan of Action’ (12 June 2019) UN Doc A/HRC/41/40/Add 1 paras 13, 18, 34.

displacement as part of urban planning’¹⁰⁴ and to consider the entire ‘urban ecosystem’.¹⁰⁵ The notion of finding a ‘place to call home’ therefore implies that IDPs have their needs fulfilled through interventions that encompass all members of society, rather than through separate or parallel processes.

The High-Level Panel states this explicitly, recommending that solutions for IDPs are addressed ‘alongside solutions for other groups, in particular refugees, people displaced outside their country by disasters and the impact of climate change, and returnees’.¹⁰⁶ Similarly, the Action Agenda endorses a ‘whole of displacement approach’ to solutions which includes refugees, returnees, and host communities.¹⁰⁷ While the Kampala Convention and IASC Framework mention host communities,¹⁰⁸ and the earlier Great Lakes Property Protocol encompasses all ‘returning persons’,¹⁰⁹ the recommendations of the High-Level Panel and Action Agenda are innovative in that they propose interventions based on location rather than status. However, this should not be misinterpreted as attempting to disregard displacement-specific needs. The ‘place to call home’ approach simply aims to treat former IDPs as full members of whichever society within which they have chosen to (re)integrate, and address their vulnerabilities alongside those of other members of their communities in order to achieve sustainable development.

2.4 Conclusion

The approach to resolving internal displacement taken by international and regional law and policy frameworks has evolved over time, representing a progressive development in how durable solutions are understood, and in how the international community attempts to secure solutions for IDPs. Broadly, the change from the ‘place to stay’ approach to the ‘place to live’ and ‘place to call home’ approaches demonstrate a shift from durable solutions being addressed as a short-term standalone issue, to the resolution of internal displacement being seen as an integral part of a country’s development. Academic literature on these approaches raises important questions including the influence of hard and soft law, how to define the end of internal displacement, and the issue of state commitments versus implementation. These

¹⁰⁴ UN Secretary-General’s High-Level Panel on Internal Displacement, ‘Shining the Light on Internal Displacement – A Vision for the Future. Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2021) <<https://internaldisplacement-panel.org/wp-content/uploads/2021/09/HLP-report-WEB.pdf>> accessed 8 November 2023 14.

¹⁰⁵ UN, ‘The United Nations Secretary-General’s Action Agenda on Internal Displacement: Follow-Up to the Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2022) <www.un.org/en/content/action-agenda-on-internal-displacement/assets/pdf/Action-Agenda-on-Internal-Displacement_EN.pdf> accessed 8 November 2023 8; UN Human Rights Council, ‘Global and national activities under the twentieth anniversary of the Guiding Principles on Internal Displacement. Addendum GP20 Plan of Action’ (12 June 2019) UN Doc A/HRC/41/40/Add 1 para 35.

¹⁰⁶ UN Secretary-General’s High-Level Panel on Internal Displacement, ‘Shining the Light on Internal Displacement – A Vision for the Future. Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2021) <<https://internaldisplacement-panel.org/wp-content/uploads/2021/09/HLP-report-WEB.pdf>> accessed 8 November 2023 9.

¹⁰⁷ UN, ‘The United Nations Secretary-General’s Action Agenda on Internal Displacement: Follow-Up to the Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2022) <www.un.org/en/content/action-agenda-on-internal-displacement/assets/pdf/Action-Agenda-on-Internal-Displacement_EN.pdf> accessed 8 November 2023 8.

¹⁰⁸ Kampala Convention art 3(2)(c); IASC Framework 8.

¹⁰⁹ ICGLR Property Protocol.

themes, as well as the analytical framework developed in this chapter, will inform the enquiry into international and national approaches to durable solutions for IDPs in South Sudan and Somalia set out in the following chapters.

3. South Sudan Case Study

Despite achieving its long-held goal of independence in 2011, displacement has continued to afflict the world's newest country. In 2012, South Sudan became party to the ICGLR Pact, including its IDP and Property Protocols,¹¹⁰ before signing the Kampala Convention in 2013.¹¹¹ However, in the same year, a 'political crisis' sparked by conflict between President Salva Kiir and his rival Riek Machar escalated into civil war, causing massive internal displacement and an outflux of refugees.¹¹² The Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) signed by warring parties in 2015 broke down rapidly the following year. While the Revitalised ARCSS (R-ARCSS) of 2018 encouraged large numbers of refugees and IDPs to return home,¹¹³ 'repeated violations' of the Agreement have provoked ongoing displacement.¹¹⁴

Today, South Sudan counts more than 2 million IDPs.¹¹⁵ Often, their displacement is a result of a 'combination' of factors,¹¹⁶ including floods, the impacts of climate change, food insecurity, and conflict.¹¹⁷ Recent years have witnessed 'historic flooding'¹¹⁸ as well as an influx of returnees and refugees from Sudan following the outbreak of war in 2023;¹¹⁹ both events have resulted in a worsening humanitarian situation and fewer prospects for solutions.¹²⁰ Furthermore, the extension of the R-ARCSS' transitional arrangements has not prevented a 'continued intensification of violence' in the country.¹²¹ Delayed elections, recently postponed for a further two years until 2026, may impact the durable solutions landscape in South Sudan

¹¹⁰ International Conference on the Great Lakes Region, 'Declaration on Amendment of the Pact Related to the Access of the Republic of South Sudan to ICGLR Membership' (adopted 24 November 2012).

¹¹¹ Brookings-LSE Project on Internal Displacement, 'Durable Solutions to Internal Displacement in South Sudan: A Roundtable Discussion' (Brookings Institution, Nov 2013) <<https://reliefweb.int/report/south-sudan-republic/durable-solutions-internal-displacement-south-sudan-roundtable>> accessed 27 November 2023 4; Chaloka Beyani, Gatwech Peter Kulang and Rose Mwebi, 'The potential of South Sudan's national law on protection and assistance to IDPs' (2020) 65 Forced Migration Review 64, 64.

¹¹² Phil Orchard, *Protecting the Internally Displaced: Rhetoric and Reality* (Routledge 2019) 211-12.

¹¹³ UNHCR, 'South Sudan' (UNHCR) <www.unhcr.org/countries/south-sudan> accessed 8 February 2024.

¹¹⁴ IDMC, 'Global Report on Internal Displacement 2023' (IDMC 2023) <www.internal-displacement.org/global-report/grid2023/> accessed 20 March 2024 25.

¹¹⁵ UNHCR, 'South Sudan' (UNHCR) <www.unhcr.org/countries/south-sudan> accessed 8 February 2024.

¹¹⁶ IDMC, 'Global Report on Internal Displacement 2022' (IDMC 2022) <www.internal-displacement.org/global-report/grid2022/> accessed 8 February 2024 15.

¹¹⁷ IDMC, 'Global Report on Internal Displacement 2023' (IDMC 2023) <www.internal-displacement.org/global-report/grid2023/> accessed 20 March 2024 101; UNHCR, 'South Sudan' (UNHCR) <www.unhcr.org/countries/south-sudan> accessed 8 February 2024.

¹¹⁸ UNHCR, 'South Sudan: 2024' (UNHCR Global Focus) <<https://reporting.unhcr.org/operational/operations/south-sudan>> accessed 9 February 2024.

¹¹⁹ UNHCR, 'South Sudan' (UNHCR) <www.unhcr.org/countries/south-sudan> accessed 8 February 2024.

¹²⁰ Charles Tai Gituai, 'Report on the Status of the Implementation of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan for the Period 1st April to 30th June 2023' (Reconstituted Joint Monitoring and Evaluation Commission 2023) <<https://reliefweb.int/report/south-sudan/rjmec-report-status-implementation-revitalised-agreement-resolution-conflict-republic-south-sudan-period-1st-april-30th-june-2023>> accessed 27 November 2023 5-6.

¹²¹ UN Security Council Res 2683 (30 May 2023) UN Doc S/RES/2683 1.

over the coming years: while a ‘peaceful transfer of power’ could facilitate solutions, ‘contestation and violence’ linked to the election result – or indeed the postponement of the election – could trigger new displacement and prevent returns.¹²²

Against this backdrop, national authorities and international actors in South Sudan have continued to make efforts to secure solutions for IDPs and other displacement-affected communities. As this chapter demonstrates, South Sudanese authorities have focused primarily on policy and legal interventions, while international actors have supported national policymaking and implemented material interventions. This chapter examines a number of these initiatives, analysing their alignment with the ‘place to stay’, ‘place to live’, and ‘place to call home’ approaches to solutions. It also discusses potential reasons for and implications of this alignment, or lack thereof.

3.1 National Authorities’ Approaches to Resolving Internal Displacement

During the past decade, authorities in South Sudan have addressed the resolution of internal displacement in a number of agreements, laws, policies and strategies. These include the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS),¹²³ National Framework for Return, Reintegration and Relocation of Displaced Persons,¹²⁴ Protection and Assistance to Internally Displaced Persons Act,¹²⁵ National Durable Solutions Strategy and Action Plan,¹²⁶ and National Land Policy.¹²⁷

The 2018 R-ARCSS represents the earliest substantive efforts of South Sudanese authorities to address the resolution of internal displacement in national law or policy. Despite its primary purpose as a peace agreement, the R-ARCSS contains many provisions relevant to durable solutions. In some regards, the R-ARCSS echoes the Guiding Principles’ and Great Lakes Protocols’ ‘place to stay’ approach to resolving internal displacement. Chapter III obliges warring parties to ensure the safe and dignified return or residence of refugees and IDPs ‘in areas of their choice’,¹²⁸ the reunification of families,¹²⁹ and mechanisms to address lost

¹²² UNHCR, ‘South Sudan: 2024’ (*UNHCR Global Focus*) <<https://reporting.unhcr.org/operational/operations/south-sudan>> accessed 9 February 2024.

¹²³ Revitalised Agreement on the Resolution of the Conflict in The Republic of South Sudan (R-ARCSS) (adopted 12 September 2018).

¹²⁴ Republic of South Sudan, Ministry of Humanitarian Affairs and Disaster Management (MHADM) and Relief and Rehabilitation Commission (RRC), ‘National Framework for Return, Reintegration and Relocation of Displaced Persons: Achieving Durable Solutions in South Sudan’ (July 2019) (National Framework).

¹²⁵ Protection and Assistance to Internally Displaced Persons Act 2019 (South Sudan) (IDP Act).

¹²⁶ UNHCR and Global Protection Cluster, ‘Global Report on Law and Policy on Internal Displacement: Implementing National Responsibility’ (2022) <[www.globalprotectioncluster.org/sites/default/files/2023-03/UNHCR%20-](http://www.globalprotectioncluster.org/sites/default/files/2023-03/UNHCR%20-%20Global%20Report%20on%20Law%20and%20Policy%20on%20Internal%20Displacement%20Hi-Res%20Version%20%281%29.pdf)

[%20Global%20Report%20on%20Law%20and%20Policy%20on%20Internal%20Displacement%20Hi-Res%20Version%20%281%29.pdf](http://www.globalprotectioncluster.org/sites/default/files/2023-03/UNHCR%20-%20Global%20Report%20on%20Law%20and%20Policy%20on%20Internal%20Displacement%20Hi-Res%20Version%20%281%29.pdf)> accessed 8 December 2023 58; UNHCR, ‘Workshop on National Durable Solutions Strategy and Action Plan for South Sudan Initiative concludes in South Sudan’ (*UNHCR Press Release*, 28 July 2021) <www.unhcr.org/africa/news/news-releases/workshop-national-durable-solutions-strategy-and-action-plan-south-sudan> accessed 28 November 2023.

¹²⁷ Republic of South Sudan, Ministry of Lands, Housing and Urban Development (MLHUD), ‘Draft National Land Policy’ (23 April 2023).

¹²⁸ Ibid. arts 3.1.1.2; 3.1.1.5.

¹²⁹ Ibid. art 3.1.1.3.

property.¹³⁰ The potential solutions to displacement which it proposes all involve physical movement, in line with the ‘place to stay’ approach.¹³¹

However, the very inclusion of a mandate to ‘expedite the... voluntary and dignified repatriation, rehabilitation, resettlement and reintegration of IDPs and returnees’¹³² in the R-ARCSS is in line with the ‘place to live’ approach of the IASC Framework and Kampala Convention which recommend that, in order to create the necessary political conditions for resolving displacement, peace processes must ‘reinforce durable solutions’.¹³³ Furthermore, the R-ARCSS refers to the ‘rehabilitation’¹³⁴ of IDPs and returnees, as well as the Revitalised Transitional Government of National Unity (RTGoNU)’s obligations with regard to ‘rebuilding of livelihoods’¹³⁵ for conflict-affected citizens and transitional justice measures.¹³⁶ These provisions all relate to the re-establishment of IDPs’ economic, social and cultural rights, in line with the ‘place to live’ approach to solutions.

The fact that the R-ARCSS’ provisions on solutions include IDPs, (returning) refugees and host communities demonstrates a ‘whole of displacement’ outlook that aligns with the ‘place to call home’ approach of more recent international frameworks.¹³⁷ That said, the R-ARCSS does not otherwise correspond with this approach. The inclusion of solutions in the RTGoNU’s mandate alludes to the notion of state responsibility, but the R-ARCSS otherwise neglects to mention the authorities’ ‘primary responsibility’ and frequently references the international community’s role.¹³⁸ This could be seen to undermine its obligation to ‘lead action for solutions’, a key tenet of the ‘place to call home’ approach.¹³⁹

In 2019, South Sudan’s Ministry of Humanitarian Affairs and Disaster Management (MHADM) adopted the National Framework for Return, Reintegration and Relocation of Displaced Persons, which is ‘guided’ by international standards including the Guiding Principles, Great Lakes Protocols, Kampala Convention, and IASC Framework.¹⁴⁰ While the National Framework states the need for solutions to be ‘voluntary, safe, dignified, [and] informed’ in line with the Guiding Principles,¹⁴¹ its overall interpretation of solutions is closer to the ‘place to live’ approach. It maintains that solutions will only be ‘effectively sustainable’

¹³⁰ *ibid.* arts 3.1.1.4, 5.4.

¹³¹ *ibid.* art 1.2.3.

¹³² *ibid.* art 1.2.3.

¹³³ IASC Framework 24.

¹³⁴ R-ARCSS art 1.2.3.

¹³⁵ *ibid.* art 1.2.12.

¹³⁶ *ibid.* ch 5.

¹³⁷ *ibid.* art 3.1.2.2; UN, ‘The United Nations Secretary-General’s Action Agenda on Internal Displacement: Follow-Up to the Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2022) <www.un.org/en/content/action-agenda-on-internal-displacement/assets/pdf/Action-Agenda-on-Internal-Displacement_EN.pdf> accessed 8 November 2023 8.

¹³⁸ R-ARCSS arts 1.2.3, 3.1.2.1.

¹³⁹ UN Secretary-General’s High-Level Panel on Internal Displacement, ‘Shining the Light on Internal Displacement – A Vision for the Future. Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2021) <<https://internaldisplacement-panel.org/wp-content/uploads/2021/09/HLP-report-WEB.pdf>> accessed 8 November 2023 68.

¹⁴⁰ Republic of South Sudan, Ministry of Humanitarian Affairs and Disaster Management (MHADM) and Relief and Rehabilitation Commission (RRC), ‘National Framework for Return, Reintegration and Relocation of Displaced Persons: Achieving Durable Solutions in South Sudan’ (July 2019) (National Framework) 12.

¹⁴¹ *ibid.* 13.

if a number of conditions are met; these correspond with seven of the eight IASC criteria.¹⁴² Furthermore, in line with the IASC Framework’s emphasis on the conditions required for solutions to be viable, the South Sudan National Framework acknowledges the need for domestic political progress to enable its implementation.¹⁴³

However, other elements of the National Framework are more closely aligned with the ‘place to call home’ approach to solutions. It maintains that success is contingent on ‘restoring hope and dignity’ and ‘support to transformational development’; conditions which echo the ideas of recovering the trust of IDPs in the state and development-oriented solutions.¹⁴⁴ Furthermore, the National Framework’s ‘priority actions’ annex sets out extensive plans for data collection to improve accountability towards IDPs, in line with recommendations of the GP20 Plan of Action and subsequent initiatives. In addition, the ‘priority actions’ encompass refugee returnees,¹⁴⁵ suggesting an intention to implement ‘whole of displacement’ interventions in line with the ‘place to call home’ approach.¹⁴⁶ That said, despite the National Framework’s references to ‘development programmes’¹⁴⁷ and ‘actors’,¹⁴⁸ the ‘priority actions’ concentrate on shorter-term, humanitarian interventions. This suggests that despite an intention to pursue a ‘development as solutions’ approach, the government’s priority at the time of drafting was addressing the severe humanitarian needs facing South Sudan.¹⁴⁹

Furthermore, the National Framework is explicit that assistance from the international community will be needed as national resources are ‘insufficient’ to implement the entire framework.¹⁵⁰ While the Framework does acknowledge the primary responsibility of the government for solutions,¹⁵¹ there are signs that it may be a ‘strategic rhetorical commitment’.¹⁵² A 2017 draft of the Framework criticises humanitarian agencies for ‘un-coordinated initiatives’¹⁵³ on IDP returns and engagement in ‘controversies’,¹⁵⁴ while the final 2019 version demands that humanitarian and development stakeholders must remain neutral and impartial.¹⁵⁵ Given this apparently ‘tense’ relationship, it seems possible that, under pressure to comply with international standards on solutions in order to mobilise resources,

¹⁴² *ibid* 14.

¹⁴³ *ibid* 9-11.

¹⁴⁴ *ibid* 9.

¹⁴⁵ *ibid* 19-20, 28.

¹⁴⁶ UN, ‘The United Nations Secretary-General’s Action Agenda on Internal Displacement: Follow-Up to the Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2022) <www.un.org/en/content/action-agenda-on-internal-displacement/assets/pdf/Action-Agenda-on-Internal-Displacement_EN.pdf> accessed 8 November 2023 8.

¹⁴⁷ National Framework 2.

¹⁴⁸ *ibid* 10.

¹⁴⁹ *ibid* 6.

¹⁵⁰ *ibid* 10, 15-16.

¹⁵¹ *ibid* 1.

¹⁵² Phil Orchard, *Protecting the Internally Displaced: Rhetoric and Reality* (Routledge 2019) 138.

¹⁵³ Republic of South Sudan, MHADM, ‘Framework for Return, Reintegration and Relocation of Displaced Persons: Achieving Durable Solutions in South Sudan’ (February 2017) <www.refworld.org/policy/strategy/natlegbod/2017/en/121569> accessed 27 November 2023 6.

¹⁵⁴ *ibid* 8.

¹⁵⁵ National Framework 13.

authorities viewed the National Framework as a way to demonstrate compliance without having to take concrete actions.¹⁵⁶

The relatively close alignment of the National Framework with both the ‘place to live’ and ‘place to call home’ approaches to solutions is thus likely driven by several factors. The involvement of international actors in the Framework’s drafting was significant.¹⁵⁷ Furthermore, it is likely that the government was conscious that the Framework would be a means to mobilise external resources, an obvious motivation to ensure it aligned with international frameworks. Unfortunately, the implications of this alignment are not necessarily positive. It has been suggested that progress in implementing the Framework has been limited because the process of its development was not government-led.¹⁵⁸ In addition, the highly ambitious nature of the priority actions list is clearly at odds with the government’s own admission of its ‘shortage of resources’.¹⁵⁹ It appears that the Framework may have been, to an extent, a ‘strategic rhetorical commitment’.¹⁶⁰ Perhaps inevitably, as of the end of 2023, key mechanisms proposed by the Framework were yet to be established.¹⁶¹ Of course, this raises the question of the extent to which South Sudanese authorities are able or willing to rebuild the social contract required for IDPs to find a ‘place to call home’.

In 2019, as part of the GP20 initiative and with the support of UNHCR and former UN Special Rapporteur on the Human Rights of Internally Displaced Persons Chaloka Beyani,¹⁶² South Sudan’s Protection and Assistance to Internally Displaced Persons Act (IDP Act) was

¹⁵⁶ UN Mission in South Sudan, ‘Background’ (*UN Missions*) <<https://unmiss.unmissions.org/background>> accessed 27 November 2023.

¹⁵⁷ Rose Mwebi, ‘Strategy on Implementation of Chapter III of the R-ARCSS: Towards Durable Solutions for South Sudan Refugees and Internally Displaced Persons’ (Intergovernmental Authority on Development South Sudan 2023) <<https://igad.int/download/strategy-on-implementation-of-chapter-iii-of-the-r-arcss-towards-durable-solutions-for-south-sudan-refugees-and-internally-displaced-persons-2020-2023/>> accessed 27 November 2023 ii; UNHCR, ‘2019 Year-End Report’ (UNHCR Global Focus 2019) <<https://reporting.unhcr.org/sites/default/files/pdfsummaries/GR2019-SouthSudan-eng.pdf>> accessed 27 November 2023 4.

¹⁵⁸ Gift Friday Bullen, ‘The ‘National Framework for Return, Relocation and Reintegration of Displaced Persons’ in South Sudan: Durable Solutions and a Safe Environment for IDP Returns?’ (*Researching Internal Displacement*, 13 June 2022) <https://researchinginternaldisplacement.org/wp-content/uploads/2022/06/Gift-Friday-Bullen_South-Sudan_260522.pdf> accessed 28 November 2023 5.

¹⁵⁹ National Framework 11.

¹⁶⁰ Phil Orchard, *Protecting the Internally Displaced: Rhetoric and Reality* (Routledge 2019) 138.

¹⁶¹ National Framework 11; Charles Tai Gituai, ‘Report on the Status of the Implementation of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan for the Period 1st April to 30th June 2023’ (Reconstituted Joint Monitoring and Evaluation Commission 2023) <<https://reliefweb.int/report/south-sudan/rjmec-report-status-implementation-revitalised-agreement-resolution-conflict-republic-south-sudan-period-1st-april-30th-june-2023>> accessed 27 November 2023 5-6.

¹⁶² Chaloka Beyani, Gatwech Peter Kulang and Rose Mwebi, ‘The potential of South Sudan’s national law on protection and assistance to IDPs’ (2020) 65 *Forced Migration Review* 64, 64; London School of Economics, ‘Impact Case Study: Protecting the human rights of internally displaced persons’ (*London School of Economics Research Impact Case Studies*, 2021) <www.lse.ac.uk/Research/research-impact-case-studies/2021/protecting-the-human-rights-of-internally-displaced-persons> accessed 28 November 2023.

drafted.¹⁶³ The Act references and replicates provisions on solutions from the Guiding Principles, Kampala Convention, and IASC Framework.¹⁶⁴

Many similarities with the ‘place to live’ approach are found in the IDP Act. It uses the IASC Framework’s definitions and tri-dimensional model of solutions and references the need for ‘promoting self-reliance and resilience’.¹⁶⁵ The Act advocates for implementation of the R-ARCSS, upholding of a permanent ceasefire, and reconciliation and healing as conditions required to achieve durable solutions,¹⁶⁶ which resembles the important relationship between peacebuilding, stabilization, and durable solutions expressed in the ‘place to live’ approach.¹⁶⁷ In addition, the Act discusses ‘transitional solutions’, or measures that improve the ‘living conditions and livelihoods of [IDPs] ‘pending the achievement of durable solutions’.¹⁶⁸ This corresponds with the view that achieving durable solutions is a long-term process, exemplified in the Kampala Convention’s provision on assistance to IDPs ‘in the course of finding and implementing solutions’¹⁶⁹ and the IASC Framework’s reference to the continued right of return even for populations who ‘choose to integrate locally for the time being’.¹⁷⁰

The idea of ‘transitional solutions’ recognises the realities of South Sudan, where persisting outbreaks of conflict and disasters present barriers to truly durable solutions. Considering ‘transitional solutions’ may also be particularly important in a context where strong attachment to lands could be a reason for many IDPs to express a preference for return to their ‘ancestral homes’, despite long-term displacement resulting in de facto local integration.¹⁷¹ That said, while the notion of ‘transitional solutions’ may be pragmatic, it complicates the ‘needs-based’ definition of the end of displacement upon which the ‘place to live’ approach to solutions is based.¹⁷²

Finally, there are some indications in the South Sudan IDP Act that its drafters had begun to consider a ‘place to call home’ approach to solutions, despite the limited traction of this view at the international level at that time. The Act proposes ‘area-based solutions’¹⁷³ and a ‘whole of society approach’ that includes IDPs and (returning) refugees.¹⁷⁴ Similarly, it promotes

¹⁶³ UN Human Rights Council, ‘Global and national activities under the twentieth anniversary of the Guiding Principles on Internal Displacement. Addendum GP20 Plan of Action’ (12 June 2019) UN Doc A/HRC/41/40/Add 1 paras 46-47.

¹⁶⁴ Protection and Assistance to Internally Displaced Persons Act 2019 (South Sudan) (IDP Act) paras 3, 15(b), 26(b), 30.

¹⁶⁵ *ibid* paras 5, 29(c).

¹⁶⁶ *ibid* paras 7(2)(g), 23.

¹⁶⁷ IASC Framework 7, 24-26.

¹⁶⁸ IDP Act paras 32-33.

¹⁶⁹ Kampala Convention art 11(3).

¹⁷⁰ IASC Framework 12.

¹⁷¹ International Refugee Rights Initiative (IRRI), ‘Protecting some of the people some of the time: Civilian perspectives on peacekeeping forces in South Sudan’ (2015) <www.refworld.org/reference/countryrep/irri/2015/en/108759> accessed 28 November 2023 26; IDMC, ‘Resolving Internal Displacement: Prospects for Local Integration’ (IDMC 2011) <www.refworld.org/docid/4e65f4ac2.html> accessed 27 November 2023.

¹⁷² Erin Mooney, ‘Bringing the end into sight for internally displaced persons’ (2003) 17 *Forced Migration Review* 4, 6.

¹⁷³ IDP Act para 31.

¹⁷⁴ *ibid* para 24.

‘absorption of [IDPs] in urban areas in long-term urban planning and development plans’.¹⁷⁵ This recognition of the link between urbanization, development and solutions was innovative for its time,¹⁷⁶ though may be explained in part by Chaloka Beyani’s involvement in its drafting, given his position on the High-Level Panel’s Expert Advisory Group.¹⁷⁷ However, it also likely reflects the government’s acknowledgement of the reality of intensive rural-urban displacement in the South Sudanese context.

According to one report, the ‘technical and financial support from the international community... were essential to push the process [of developing the IDP Act] forward’.¹⁷⁸ Given this assistance, it is no surprise that the content of the law is closely aligned with international frameworks. However, despite these substantial efforts,¹⁷⁹ more than five years after its drafting, the IDP Act has not been passed by parliament¹⁸⁰ and no progress has been made against key provisions including the establishment of an inter-ministerial committee to oversee implementation of the Act.¹⁸¹ Once again, this demonstrates that alignment with international standards may in fact be a hindrance to the implementation of policy frameworks on resolving internal displacement.

In 2020, the Government of South Sudan, with the support of the Intergovernmental Authority on Development (IGAD) and UNHCR, began drafting a National Durable Solutions Strategy

¹⁷⁵ *ibid* para 29(a).

¹⁷⁶ UN Secretary-General’s High-Level Panel on Internal Displacement, ‘Shining the Light on Internal Displacement – A Vision for the Future. Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2021) <<https://internaldisplacement-panel.org/wp-content/uploads/2021/09/HLP-report-WEB.pdf>> accessed 8 November 2023 14; UN, ‘The United Nations Secretary-General’s Action Agenda on Internal Displacement: Follow-Up to the Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2022) <www.un.org/en/content/action-agenda-on-internal-displacement/assets/pdf/Action-Agenda-on-Internal-Displacement_EN.pdf> accessed 8 November 2023 8.

¹⁷⁷ UN Secretary-General’s High-Level Panel on Internal Displacement, ‘Shining the Light on Internal Displacement – A Vision for the Future. Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2021) <<https://internaldisplacement-panel.org/wp-content/uploads/2021/09/HLP-report-WEB.pdf>> accessed 8 November 2023 63.

¹⁷⁸ UNHCR and others, ‘Working Together Better to Prevent, Address and Find Durable Solutions to Internal Displacement: GP20 Compilation of National Practices’ (2020) <<https://reliefweb.int/report/world/working-together-better-prevent-address-and-find-durable-solutions-internal>> accessed 28 November 2023 182.

¹⁷⁹ UNHCR and Global Protection Cluster, ‘Global Report on Law and Policy on Internal Displacement: Implementing National Responsibility’ (2022) <www.globalprotectioncluster.org/sites/default/files/2023-03/UNHCR%20-%20Global%20Report%20on%20Law%20and%20Policy%20on%20Internal%20Displacement%20Hi-Res%20Version%20%281%29.pdf> accessed 8 December 2023 58. See also: Rose Mwebi, ‘Towards a Legal Framework on Internal Displacement in South Sudan’ in Romola Adeola, *National Protection of Internally Displaced Persons in Africa: Beyond the rhetoric* (Springer 2021) 7-9; Chaloka Beyani, Gatwech Peter Kulang and Rose Mwebi, ‘The potential of South Sudan’s national law on protection and assistance to IDPs’ (2020) 65 Forced Migration Review 64, 65.

¹⁸⁰ Daniel P Sullivan and Abdullahi Boru Halakhe, ‘Return to a Displaced Nation: The Sudan Crisis and South Sudan’s Returnees’ (*Refugees International*, 27 July 2023) <www.refugeesinternational.org/reports-briefs/return-to-a-displaced-nation-the-sudan-crisis-and-south-sudans-returnees/> accessed 29 November 2023.

¹⁸¹ Rose Mwebi, ‘Strategy on Implementation of Chapter III of the R-ARCSS: Towards Durable Solutions for South Sudan Refugees and Internally Displaced Persons’ (Intergovernmental Authority on Development South Sudan 2023) <<https://igad.int/download/strategy-on-implementation-of-chapter-iii-of-the-r-arcss-towards-durable-solutions-for-south-sudan-refugees-and-internally-displaced-persons-2020-2023/>> accessed 27 November 2023 v.

and Action Plan.¹⁸² As of mid-2023, this had been ‘validated’ but not yet passed by the Cabinet.¹⁸³ While the Strategy is not publicly available,¹⁸⁴ UNHCR has reported that its objectives include the provision of basic services, livelihoods opportunities and the promotion of peaceful coexistence, in line with the ‘place to live’ approach to solutions.¹⁸⁵ However, UNHCR also states that the Strategy encompasses refugees, IDPs, returnees and host communities and will be ‘operationalized through an area-based approach’.¹⁸⁶ Furthermore, the programme’s objectives include strengthening institutions, government ownership, and coordination, closely echoing the ‘place to call home’ approach to solutions.¹⁸⁷ At this early stage, of course, it remains to be seen whether the Strategy will represent another ‘strategic rhetorical commitment’.¹⁸⁸

South Sudan’s recent National Land Policy, which was passed by its Council of Ministers in 2023, has been described as ‘nuanced and forward-thinking’.¹⁸⁹ The Policy intends to ‘enable effective management of the resettlement of IDPs’, and recognises the need to ensure that IDPs and returnees can ‘access housing, land and property rights in a way that mitigates potential for reigniting conflict’,¹⁹⁰ ‘as a basis for achievement of durable solutions’.¹⁹¹ In promulgating a framework which addresses housing, land and property issues that affect IDPs as well as those impacting other groups, it is evident that national authorities are attempting to address IDPs’ vulnerabilities alongside those of wider society. Thus, the National Land Policy represents another example of the South Sudanese government’s shift towards a development-oriented ‘place to call home’ approach to resolving internal displacement.

South Sudan has continued to face large scale internal displacement during its 13-year history, as a result of both ongoing conflicts and disasters. As described above, national authorities have attempted to secure durable solutions for IDPs through various legal and policy

¹⁸² UNHCR and Global Protection Cluster, ‘Global Report on Law and Policy on Internal Displacement: Implementing National Responsibility’ (2022) <[www.globalprotectioncluster.org/sites/default/files/2023-03/UNHCR%20-](http://www.globalprotectioncluster.org/sites/default/files/2023-03/UNHCR%20-%20Global%20Report%20on%20Law%20and%20Policy%20on%20Internal%20Displacement%20Hi-Res%20Version%20%281%29.pdf)

www.unhcr.org/africa/news/news-releases/workshop-national-durable-solutions-strategy-and-action-plan-south-sudan> accessed 8 December 2023 58; UNHCR, ‘Workshop on National Durable Solutions Strategy and Action Plan for South Sudan Initiative concludes in South Sudan’ (*UNHCR Press Release*, 28 July 2021) <www.unhcr.org/africa/news/news-releases/workshop-national-durable-solutions-strategy-and-action-plan-south-sudan> accessed 28 November 2023.

¹⁸³ IGAD, ‘Somalia and South Sudan Share Experiences on Durable Solutions under the IGAD Support Platform’ (*IGAD*, 12 July 2023) <<https://igad.int/somalia-and-south-sudan-share-experiences-on-durable-solutions-under-the-igad-support-platform/>> accessed 28 November 2023.

¹⁸⁴ See 1.5 (fn 30).

¹⁸⁵ UNHCR, ‘South Sudan Regional Refugee Response Plan January - December 2022’ (2021) <<https://data.unhcr.org/en/documents/download/91426>> accessed 28 November 2023 21.

¹⁸⁶ *ibid.*

¹⁸⁷ *ibid.* 21.

¹⁸⁸ Phil Orchard, *Protecting the Internally Displaced: Rhetoric and Reality* (Routledge 2019) 138.

¹⁸⁹ Nhial Tiitmamer, ‘The South Sudan’s New Land Policy: Contestations and Critical Issues for Considerations in the Constitution Making Process’ (The Sudd Institute 2023) <<https://suddinstitute.org/publications/show/6569c9306315a>> accessed 29 November 2023 2; UN Secretary-General High Level Panel on Internal Displacement, ‘Consultations with IDPs and Host Community – South Sudan’ (2020) <<https://reliefweb.int/report/south-sudan/united-nations-secretary-general-high-level-panel-internal-displacement>> accessed 28 November 2023 19.

¹⁹⁰ Republic of South Sudan, Ministry of Lands, Housing and Urban Development (MLHUD), ‘Draft National Land Policy’ (23 April 2023) 25.

¹⁹¹ *ibid.* 40.

interventions. While the R-ARCSS mainly addresses matters related to solutions in line with the ‘place to stay’ and ‘place to live’ approaches, the other frameworks analysed combine elements of these with the more contemporary ‘place to call home’ approach, particularly in their development-oriented, ‘whole of society’ lens. This represents an evolution since the years around the time of independence, when authorities were reportedly ‘adamant’ that all displaced people must return to their places of origin.¹⁹² South Sudan’s approaches adopt elements of both hard and soft international law, and the IDP Act also introduces the innovative notion of ‘transitional solutions’, an idea largely not addressed in international frameworks. That said, it is evident that at least some of the frameworks and initiatives analysed in this section may represent a ‘strategic rhetorical commitment’ to solutions, with the ability and willingness of the national authorities to implement such policies still in question.¹⁹³

3.2 *International Actors’ Approaches to Resolving Internal Displacement*

International actors in South Sudan have approached the resolution of internal displacement primarily through support to national policymaking and the implementation of material interventions. This has included guidance and advice from United Nations officials, an IGAD-led strategy on the implementation of the R-ARCSS, the inclusion of durable solutions considerations in Humanitarian Response Plans under the cluster approach, and various other interventions led by UN agencies and NGOs.

The UN Special Rapporteur on the Human Rights of IDPs, Chaloka Beyani, visited South Sudan in November 2013 and provided recommendations to the government on resolving internal displacement in the country. His report, in line with the IASC Framework and Kampala Convention’s ‘place to live’ approach, stated that ‘mere return is not equivalent to a durable solution’ and highlighted the housing, land and property issues that represent barriers to solutions.¹⁹⁴ However, Beyani also maintained that ‘humanitarian action, constitutional inclusion, development and peacebuilding measures are the four cornerstones of durable solutions for IDPs and returnees’.¹⁹⁵ This interpretation is clearly in line with the ‘place to call home’ approach’s emphasis on the humanitarian-peace-development nexus.¹⁹⁶ Similarly, his recommendation on ‘constitutional inclusion’¹⁹⁷ relates to the need for rebuilding trust and the social contract between IDPs and the state; a fundamental part of the ‘place to call home’ approach. Demonstrating his leadership on durable solutions, Beyani made these

¹⁹² IDMC, ‘Resolving Internal Displacement: Prospects for Local Integration’ (IDMC 2011) <www.refworld.org/docid/4e65f4ac2.html> accessed 27 November 2023 113.

¹⁹³ Phil Orchard, *Protecting the Internally Displaced: Rhetoric and Reality* (Routledge 2019) 138.

¹⁹⁴ UN Human Rights Council, ‘Report of the Special Rapporteur on the human rights of internally displaced persons. Mission to South Sudan’ (16 June 2016) UN Doc A/HRC/26/33/Add 3 para 47(c).

¹⁹⁵ UN Office of the High Commissioner for Human Rights, ‘“Protection of South Sudan’s internally displaced needs to be up front” – UN rights expert says’ (*OHCHR Media Center*, 15 November 2013) <www.ohchr.org/en/press-releases/2013/11/protection-south-sudans-internally-displaced-needs-be-front-un-rights-expert?LangID=E&NewsID=13998> accessed 28 November 2023.

¹⁹⁶ UN Secretary-General’s High-Level Panel on Internal Displacement, ‘Shining the Light on Internal Displacement – A Vision for the Future. Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2021) <<https://internaldisplacement-panel.org/wp-content/uploads/2021/09/HLP-report-WEB.pdf>> accessed 8 November 2023 5, 28.

¹⁹⁷ Office of the UN High Commissioner for Human Rights, ‘“Protection of South Sudan’s internally displaced needs to be up front” – UN rights expert says’ (*OHCHR Media Center*, 15 November 2013) <www.ohchr.org/en/press-releases/2013/11/protection-south-sudans-internally-displaced-needs-be-front-un-rights-expert?LangID=E&NewsID=13998> accessed 28 November 2023.

recommendations several years before international frameworks advocating for this approach were established.

Two years after the signing of the R-ARCSS and under the auspices of its ‘Solutions Initiative’ for Sudan and South Sudan,¹⁹⁸ IGAD released the ‘Strategy on Implementation of Chapter III of the R-ARCSS: Towards Durable Solutions for South Sudan Refugees and Internally Displaced Persons’.¹⁹⁹ Unlike the aforementioned South Sudanese government-led documents which address the concept of state responsibility but make few concrete recommendations for ensuring it, IGAD’s Strategy outlines recommendations for different stakeholders which focus on the national institutions and systems that must be in place for return, integration or settlement of IDPs and refugee returnees to be viable.²⁰⁰ It also takes an integrated view of solutions for both IDPs and refugees. These characteristics align with the emphasis on state accountability and development that comprise the ‘place to call home’ approach. Nevertheless, the Strategy appears to have had limited traction or buy-in from national authorities or other international stakeholders working towards solutions in South Sudan; it is not referenced in any public documents found during this research.

Annual Humanitarian Response Plans (HRPs) created under the IASC Cluster System demonstrate a shift from interventions focused on meeting immediate needs to greater consideration of how durable solutions link to the humanitarian response. HRPs between 2015 to 2018 refer to ‘enhanc[ing] the protection environment’ to enable durable solutions,²⁰¹ but it is not until 2019 that HRPs begin to address durable solutions in more depth.²⁰² This perhaps reflects greater hopes for stability following the signing of the R-ARCSS. In line with the ‘place to live’ approach, the 2020 HRP’s Strategic Objectives aimed to ‘enable vulnerable people to... seek solutions to displacement’²⁰³ through interventions that improve self-sufficiency and access to livelihoods.²⁰⁴ The 2023 HRP, however, aligns more closely with the ‘place to call home’ approach to solutions. It explicitly proposes that ‘durable solutions are embedded’ in the humanitarian response,²⁰⁵ that ‘development and government actors are engaged’,²⁰⁶ and

¹⁹⁸ IGAD, ‘IGAD, UNHCR and Partners Pledge Support for South Sudan and Sudan Solutions Initiative for Forcibly Displaced People’ (IGAD, 5 October 2021) <<https://igad.int/igad-unhcr-and-partners-pledge-support-for-south-sudan-and-sudan-solutions-initiative-for-forcibly-displaced-people/>> accessed 28 November 2023.

¹⁹⁹ Rose Mwebi, ‘Strategy on Implementation of Chapter III of the R-ARCSS: Towards Durable Solutions for South Sudan Refugees and Internally Displaced Persons’ (Intergovernmental Authority on Development South Sudan 2023) <<https://igad.int/download/strategy-on-implementation-of-chapter-iii-of-the-r-arcss-towards-durable-solutions-for-south-sudan-refugees-and-internally-displaced-persons-2020-2023/>> accessed 27 November 2023.

²⁰⁰ *ibid* 32-41.

²⁰¹ UN OCHA, ‘South Sudan Humanitarian Response Plan 2015’ (2014) <<https://reliefweb.int/report/south-sudan/south-sudan-humanitarian-response-plan-2015>> accessed 29 November 2023 36-37; UN OCHA, ‘South Sudan Humanitarian Response Plan 2016’ (2015) <<https://reliefweb.int/report/south-sudan/south-sudan-2016-humanitarian-response-plan-january-december-2016>> accessed 29 November 2023 14; UN OCHA, ‘South Sudan Humanitarian Response Plan 2018’ (2017) <<https://reliefweb.int/report/south-sudan/south-sudan-2018-humanitarian-response-plan>> accessed 29 November 2023 16, 22.

²⁰² UN OCHA, ‘South Sudan Humanitarian Response Plan 2019’ (2018) <<https://reliefweb.int/report/south-sudan/south-sudan-2019-humanitarian-response-plan>> accessed 29 November 2023.

²⁰³ UN OCHA, ‘South Sudan Humanitarian Response Plan 2020’ (2019) <<https://reliefweb.int/report/south-sudan/south-sudan-humanitarian-response-plan-2020-december-2020>> accessed 29 November 2023 7.

²⁰⁴ *ibid* 24.

²⁰⁵ UN OCHA, ‘South Sudan Humanitarian Response Plan 2023’ (2022) <<https://reliefweb.int/report/south-sudan/south-sudan-humanitarian-response-plan-2023-december-2022>> accessed 29 November 2023 13.

²⁰⁶ *ibid* 31.

that the ‘peacebuilding-humanitarian-development nexus’ is promoted.²⁰⁷ It also mentions building the capacity of government actors to deliver ‘accountability, access to justice and rule of law’.²⁰⁸ Conversely, the HRPs all set out a separate ‘Refugee Response Plan’ section, which includes refugee returnees, in contrast with the ‘whole of displacement’ approach proposed by more recent international initiatives.²⁰⁹ While this structure reflects the architecture of the humanitarian system, including separate funding mechanisms and organizational mandates, it seems likely that such a division could have negative implications for organisations’ abilities to implement area-based initiatives in line with the ‘place to call home’ approach to solutions.

UNHCR and the International Organization for Migration (IOM) have both been heavily involved in initiatives to facilitate durable solutions for IDPs in South Sudan. Between 2005 and 2011, UNHCR’s ‘Community-Based Reintegration Programme’ attempted to improve reintegration of returning refugees and IDPs largely through ‘hardware projects’ in the water and sanitation, education and health sectors, as well as ‘software components’ such as provision of school supplies, medicines, and training for water committees.²¹⁰ While such interventions appear to align with the IASC Framework’s solutions criteria and the ‘place to live’ approach, in reality they took a largely humanitarian view, attempting to meet short-term basic needs rather than supporting self-reliance or considering the sustainability of solutions. Coupled with the focus on logistical support to people during their return movements, the lacking consideration of land issues, and the absence of local integration as a potential solution, the programme appears to correspond more closely with the ‘place to stay’ approach of that period.²¹¹

UNHCR’s ‘Pockets of Hope Initiative’, established in 2022, represents an evolution in the organisation’s approach. Though it still focuses on return, this may be explained by communities’ expressed preference for this solution.²¹² This ‘area-based and status-blind’²¹³ programme takes a more long-term and holistic view of durable solutions by investment in ‘interventions to build resilience and government ownership’²¹⁴ in return areas and in ‘strengthening local systems’ for basic services.²¹⁵ The Initiative also emphasises development-oriented interventions to enhance social protection and economic growth, as well as peaceful coexistence and peacebuilding.²¹⁶ All of these components focus on state responsibility and ‘solutions as development’ and thus correspond with the ‘place to call home’

²⁰⁷ UN OCHA, ‘South Sudan Humanitarian Response Plan 2023’ (2022) <<https://reliefweb.int/report/south-sudan/south-sudan-humanitarian-response-plan-2023-december-2022>> accessed 29 November 2023 76.

²⁰⁸ *ibid* 53.

²⁰⁹ UN, ‘The United Nations Secretary-General’s Action Agenda on Internal Displacement: Follow-Up to the Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2022) <www.un.org/en/content/action-agenda-on-internal-displacement/assets/pdf/Action-Agenda-on-Internal-Displacement_EN.pdf> accessed 8 November 2023 8.

²¹⁰ Paul O’Hagan, ‘An Independent Impact Evaluation of UNHCR’s Community Based Reintegration Programme in Southern Sudan’ (UNHCR 2011) <www.refworld.org/docid/4e4b7b312.html> accessed 30 November 2023 44.

²¹¹ *ibid* 44.

²¹² See 3.2.3.

²¹³ UNHCR, ‘The Pockets of Hope Initiative: Realizing Solutions in South Sudan’ (UNHCR South Sudan 2022) <www.unhcr.org/sites/default/files/legacy-pdf/62b17f7a4.pdf> accessed 30 November 2023 3.

²¹⁴ *ibid* 3.

²¹⁵ *ibid* 4.

²¹⁶ *ibid*.

approach, though it is unclear to what extent government actors were involved in implementation.

IOM's durable solutions interventions in South Sudan have followed a similar progression. In 2019, programmes supporting returning IDPs focused on providing short term assistance such as shelter materials, mobile health clinics and borehole rehabilitation.²¹⁷ However, in 2022, IOM launched a flagship solutions initiative in Wau to 'aid the implementation of a road map' produced by state government to 'facilitate the transition from a humanitarian situation to sustainable development' amongst IDPs.²¹⁸ Assistance for IDPs was delivered through 'local service providers' and included hosting communities.²¹⁹ Thus, like UNHCR, IOM's understanding of solutions appears to have shifted as the international 'place to call home' approach emerged.

Non-governmental organisations (NGOs) such as the NGO Norwegian Refugee Council (NRC) and its Internal Displacement Monitoring Centre (IDMC) have also made contributions to the landscape of durable solutions policy and practice in South Sudan. It appears that these organisations were early adopters of the IASC Framework and Kampala Convention's 'place to live approach'. A 2011 IDMC study of IDPs and returning refugees in the South Sudanese town of Yei notes that barriers to solutions include a 'lack of access to land, services or opportunities to re-establish livelihoods',²²⁰ as well as the need for 'community stabilization through reconciliation'.²²¹ It also recognises local integration as the de facto preferred solution.²²²

The IDMC and NRC's innovative approach to solutions is further evident in a 2013 advocacy report, which criticises the limited integration of humanitarian and development actors in resolving displacement in South Sudan.²²³ It also emphasises the importance of better data and analysis and a 'whole of society' approach, given that barriers to return and reintegration for IDPs and refugee returnees also affect other vulnerable groups.²²⁴ Similarly, a 2020 IDMC report that included a case study of South Sudan recommended area-based approaches where vulnerabilities are addressed 'irrespective of... displacement status'.²²⁵ These

²¹⁷ IOM, 'Security and Services Essential for Safe, Durable Return of Displaced Communities in South Sudan' (*IOM South Sudan*, 13 April 2019) <<https://southsudan.iom.int/news/security-and-services-essential-safe-durable-return-displaced-communities-south-sudan>> accessed 28 November 2023.

²¹⁸ IOM, 'IOM and Norway sign an agreement to implement a Durable Solutions-project for IDPs in Wau' (*IOM South Sudan*, 5 December 2022) <<https://reliefweb.int/report/south-sudan/iom-and-norway-sign-agreement-implement-durable-solutions-project-idps-wau>> accessed 28 November 2023.

²¹⁹ *ibid*; IOM, 'IOM, South Sudan government launch initiative on durable solutions' (*IOM South Sudan*, 5 April 2023) <<https://southsudan.iom.int/news/iom-south-sudan-government-launch-initiative-durable-solutions>> accessed 28 November 2023.

²²⁰ IDMC, 'Resolving Internal Displacement: Prospects for Local Integration' (IDMC 2011) <www.refworld.org/docid/4e65f4ac2.html> accessed 27 November 2023 113.

²²¹ *ibid* 124.

²²² *ibid* 106.

²²³ IDMC, 'South Sudan: A comprehensive response to internal displacement is crucial' (IDMC 2013) <www.internal-displacement.org/sites/default/files/publications/documents/201307-af-southsudan-overview-en.pdf> accessed 30 November 2023 10, 12.

²²⁴ *ibid* 6, 9.

²²⁵ IDMC, 'The Displacement Continuum: The relationship between internal displacement and cross-border movement in seven countries' (IDMC 2020) <www.internal-displacement.org>

recommendations correspond with the ‘place to call home’ proposals of the GP20 Plan of Action and High-Level Panel report, which were not developed until years later. Given the extensive research conducted by the IDMC, it appears likely that a thorough understanding of the South Sudanese context allowed the organisation to develop innovative ideas on resolving displacement that are tailored for South Sudan long before similar approaches were pursued by most other international organisations.

The approaches of international actors to resolving internal displacement in South Sudan vary, both between different stakeholders and over time. Most earlier programmes emphasised short-term assistance to enable safe return in line with the ‘place to stay’ approach, though UN expert Chaloka Beyani as well as the NRC and IDMC were early proponents of holistic ‘place to call home’ interventions to secure solutions. Over time, the interventions of organisations such as UNHCR and IOM have developed alongside international frameworks, and now are generally designed with a ‘place to call home’ view of solutions that supports national actors and displacement-affected communities as a whole. Nevertheless, there are signs that external factors may negatively impact international actors’ ability to pursue this approach. Organisational mandates and funding mechanisms are often separated based on their target population, which divide IDPs from other groups. Similarly, as the limited mention of solutions in the 2024 HRP demonstrates, pressure on resources due to new crises may force the international community to neglect the durable solutions lens that has begun to be applied to humanitarian responses. Finally, while the rhetoric of government ownership is strong, the tangible role of authorities in the interventions discussed above appears somewhat limited.

3.3 Conclusion: South Sudan

This chapter has demonstrated that both national and international approaches to resolving internal displacement in South Sudan have evolved over time. In line with the ‘place to stay’ approach, earlier interventions focused particularly on safe and voluntary return of IDPs. Later, national authorities and international organisations began to consider the broader rights and needs of IDPs in the pursuit of durable solutions, corresponding with the ‘place to live’ approach advocated for by international frameworks. In more recent years, almost all stakeholders have adopted the ‘place to call home’ approach to resolving internal displacement; though a small group of international ‘pioneers’ had begun to advocate for development-oriented, area-based interventions much earlier. Furthermore, while the durable solutions landscape in South Sudan has changed broadly in line with shifts in the international sphere, there is no discernible difference between the impact of binding and non-binding frameworks on the approaches of different actors.

It is evident that the international community in South Sudan has strongly influenced national approaches to resolving displacement and, in some cases, assumed the role of the state. Equally, it is challenging to assess the extent to which the development of many domestic frameworks were genuinely government-led. In any case, it appears that attempts to align national law and policy frameworks with international standards may have been a ‘strategic rhetorical

displacement.org/sites/default/files/publications/documents/202006-cross-border-report.pdf> accessed 30 November 2023 21.

commitment’ attempting to reduce international criticism and mobilise external resources.²²⁶ This theory is supported by the evidence that South Sudanese authorities have, thus far, failed to implement key provisions of many of the frameworks discussed; though external factors including natural hazards and new crises have no doubt also played a role.

There is evidently tension between the desire of South Sudanese authorities to assume responsibility and retain control of initiatives to secure durable solutions, and their acknowledgement of the need for support from international and non-governmental actors. As others have pointed out, durable solutions in South Sudan – whether return, local integration, or settlement elsewhere – are often inherently political.²²⁷ This has resulted in some IDPs expressing a desire for pursuing solutions only where these are facilitated by international stakeholders perceived as neutral.²²⁸ This is perhaps of little surprise, given that the government has itself been a cause of displacement and a ‘significant source of harm’ against its IDP population.²²⁹

The case study of South Sudan shows that the alignment of national and international approaches with international standards, where due to external pressures, may in fact result in interventions that are over-ambitious or otherwise difficult to implement. This applies equally to national approaches as it does to international programmes. As ongoing displacement and new crises hinder efforts to secure durable solutions, the notion of ‘transitional solutions’ may be attractive. However, there is a risk that this new terminology may simply mask the implementation of the humanitarian sector’s ‘business as usual’. IDPs may remain in their place of displacement, reliant on aid or, at best, choose to return, integrate or settle elsewhere based on push factors.²³⁰ This, of course, is unlikely to represent a truly durable solution.

4. Somalia Case Study

Though Somalia has a long ‘history of state failure’, it has witnessed significant progress in state-building during the past two decades.²³¹ Following the 2004 creation of the UN-backed Transitional Federal Government,²³² the new Federal Government of Somalia (FGS) was established in 2012. However, conflict between the FGS and militant groups such as Al-Shabaab, along with the impact of natural and climate-related hazards, have ‘led to significant

²²⁶ Phil Orchard, *Protecting the Internally Displaced: Rhetoric and Reality* (Routledge 2019) 138.

²²⁷ Babette Schots and Garth Smith, ‘Returns in complex environments: the case of South Sudan’ (2019) 62 *Forced Migration Review* 60, 61; UN Human Rights Council, ‘Report of the Special Rapporteur on the human rights of internally displaced persons, Mr. Chaloka Beyani. Addendum. Mission to South-Sudan: comments by the State on the report of the Special Rapporteur’ (25 April 2014) UN Doc A/HRC/26/33/Add 5 para 6.

²²⁸ UN Secretary-General High Level Panel on Internal Displacement, ‘Consultations with IDPs and Host Community – South Sudan’ (2020) <<https://reliefweb.int/report/south-sudan/united-nations-secretary-general-high-level-panel-internal-displacement>> accessed 28 November 2023 6; International Refugee Rights Initiative (IRRI), ‘Protecting some of the people some of the time: Civilian perspectives on peacekeeping forces in South Sudan’ (2015) <www.refworld.org/reference/countryrep/irri/2015/en/108759> accessed 28 November 2023 25.

²²⁹ Phil Orchard, *Protecting the Internally Displaced: Rhetoric and Reality* (Routledge 2019) 212.

²³⁰ Babette Schots and Garth Smith, ‘Returns in complex environments: the case of South Sudan’ (2019) 62 *Forced Migration Review* 60, 61.

²³¹ Phil Orchard, *Protecting the Internally Displaced: Rhetoric and Reality* (Routledge 2019) 177.

²³² IDMC, ‘Somalia: over a million IDPs need support for local solutions’ (IDMC 2015) <<https://reliefweb.int/report/somalia/somalia-over-million-idps-need-support-local-solutions>> accessed 7 December 2023 2.

and protracted displacement’ in the country.²³³ There are now an estimated 3.8 million internally displaced people in Somalia, the highest figure since records begun in 2009.²³⁴ Historic droughts and increased flooding as well as insecurity and localised conflicts have provoked further displacement in recent years.²³⁵ In addition, overcrowding and tenure insecurity in urban and peri-urban areas where IDPs have fled have resulted in frequent ‘eviction-induced secondary displacements’.²³⁶

Since the formation of the FGS, national and local authorities as well as international actors have implemented various policy, legal, and material interventions in the pursuit of durable solutions for IDPs. In a clear sign of progress, the FGS finally ratified the Kampala Convention in 2020.²³⁷ As this case study will show, the approaches of different stakeholders have often coincided, with many projects based on similar conceptual understandings of solutions or being jointly implemented. This chapter explores some of these interventions, assessing the extent to which they align with the ‘place to stay’, ‘place to live’, and ‘place to call home’ approaches to solutions, as well as considering the potential reasons for and implications of this.

4.1 National Authorities’ Approaches to Resolving Internal Displacement

National authorities in Somalia have developed a number of policies, frameworks and strategies during the past decade which address the resolution of internal displacement. These include the Six Pillar Policy,²³⁸ Policy Framework on Displacement within Somalia,²³⁹ National Policy on Refugee-Returnees and Internally Displaced Persons,²⁴⁰ Interim Protocol on Land Distribution for Housing to Eligible Refugee-Returnees and Internally Displaced

²³³ Phil Orchard, *Protecting the Internally Displaced: Rhetoric and Reality* (Routledge 2019) 177.

²³⁴ IOM, ‘Displacement in Somalia Reaches Record High 3.8 Million: IOM Deputy Director General Calls for Sustainable Solutions’ (*IOM*, 28 February 2023) <www.iom.int/news/displacement-somalia-reaches-record-high-38-million-iom-deputy-director-general-calls-sustainable-solutions> accessed 7 December 2023; IDMC, ‘Global Report on Internal Displacement 2023’ (IDMC 2023) <www.internal-displacement.org/global-report/grid2023/> accessed 20 March 2024 24.

²³⁵ Federal Government of Somalia, *The National Durable Solutions Strategy 2020-2024* (2019) (National Durable Solutions Strategy) 61; UNHCR, ‘Somalia: 2024’ (*UNHCR Global Focus*) <<https://reporting.unhcr.org/operational/operations/somalia>> accessed 7 March 2024.

²³⁶ Joseph Jackson, ‘Evictions: at the heart of Durable Solutions Efforts in Somalia’ (Knowledge Matters Special Issue 27: Durable Solutions in Somalia, Concern Worldwide 2020) <<https://reliefweb.int/report/somalia/knowledge-matters-durable-solutions-somalia-issue-27-may-2020-ensofr>> accessed 7 December 2023 29; UNHCR and others, ‘Working Together Better to Prevent, Address and Find Durable Solutions to Internal Displacement: GP20 Compilation of National Practices’ (2020) <<https://reliefweb.int/report/world/working-together-better-prevent-address-and-find-durable-solutions-internal>> accessed 28 November 2023 174; IDMC, ‘Global Report on Internal Displacement 2023’ (IDMC 2023) <www.internal-displacement.org/global-report/grid2023/> accessed 20 March 2024 29.

²³⁷ UNHCR, ‘UNHCR Welcomes Somalia deposit of the Instruments of Ratification of the Kampala Convention’ (*UNHCR*, 6 March 2020) <<https://data.unhcr.org/en/documents/details/74417>> accessed 28 November 2023.

²³⁸ Federal Government of Somalia, *The Six Pillar Policy* (2012) <www.refworld.org/legal/decrees/natlegbod/2012/en/121401> accessed 7 December 2023.

²³⁹ Federal Government of Somalia Ministry of Interior and Federalism, *Policy Framework on Displacement within Somalia* (2014) <www.refworld.org/docid/5b682c4c4.html> accessed 14 December 2023 (Policy Framework on Displacement).

²⁴⁰ Federal Government of Somalia, *National Policy on Refugee-Returnees and Internally Displaced Persons (IDPs)* (2019) <<https://regionaldss.org/wp-content/uploads/2019/07/National-Policy-on-Refugee-Returnees-and-IDPs.pdf>> accessed 7 December 2023.

Persons,²⁴¹ National Eviction Guidelines,²⁴² 8th and 9th National Development Plans,²⁴³ and mostly recently the 2020-2024 National Durable Solutions Strategy.²⁴⁴

In 2012, shortly after the establishment of the FGS, the president issued a ‘Six Pillar Policy’, a framework which includes the FGS’ first attempt to address solutions to internal displacement in national law or policy. The government’s goal to ‘plan and implement reintegration of the refugee and IDP returnees in their homelands’²⁴⁵ is included under the pillar ‘Peace Building – Social reconciliation through Building Bridges of Trust’.²⁴⁶ This reflects the FGS’ understanding of the interconnected nature of resolving displacement, building peace, and establishing a new social contract between displaced communities and national authorities; an idea which is central to the ‘place to call home’ approach to solutions. This focus on ‘social and political reconciliations’²⁴⁷ in finding solutions is logical given the FGS’ ‘nascent state institutions’ and its resulting need to build trust with citizens.²⁴⁸ That said, the Policy does not envision solutions to displacement other than people’s return to their places of origin. This may reflect limited understanding or acceptance of the tri-dimensional model of solutions found in international frameworks on internal displacement that existed at the time.

In October 2014, the FGS adopted its Policy Framework on Displacement within Somalia,²⁴⁹ which was ‘developed in close cooperation’ with Chaloka Beyani, UN Special Rapporteur for the Human Rights of IDPs, and UNHCR.²⁵⁰ The Policy Framework sets out standards for the logistical support and humanitarian assistance that should be included in a ‘return package’ for IDPs, a proposal which corresponds with the short-term ‘place to stay’ approach to solutions.²⁵¹ However, it also acknowledges that securing durable solutions is a ‘long and complex process’²⁵² and sets out ‘benchmarks’ for measuring the attainment of durable solutions based on the IASC Framework’s criteria, in line with the ‘place to live’ approach.²⁵³

²⁴¹ Federal Government of Somalia, Interim Protocol on Land Distribution for Housing to Eligible Refugee-Returnees and Internally Displaced Persons (2019) <<https://regionaldss.org/wp-content/uploads/2019/07/Interim-Protocol-on-Land-Distribution.pdf>> accessed 7 December 2023.

²⁴² Federal Government of Somalia, National Eviction Guidelines (2019) <<https://regionaldss.org/wp-content/uploads/2019/07/National-Eviction-Guidelines.pdf>> accessed 7 December 2023.

²⁴³ Federal Government of Somalia, National Development Plan 2017-2019 (2017) <www.refworld.org/docid/5b4315554.html> accessed 7 December 2023; Federal Government of Somalia, Ministry of Planning, Investment and Economic Development, Somalia National Development Plan 2020-2024 (2020) <<https://mop.gov.so/national-development-plan/>> accessed 7 December 2023.

²⁴⁴ Federal Government of Somalia, The National Durable Solutions Strategy 2020-2024 (2019) (National Durable Solutions Strategy).

²⁴⁵ Federal Government of Somalia, The Six Pillar Policy (2012) <www.refworld.org/legal/decrees/natlegbod/2012/en/121401> accessed 7 December 2023 pt 3(8).

²⁴⁶ *ibid* pt 3.

²⁴⁷ *ibid* pt 3(11).

²⁴⁸ *ibid* pt 4.

²⁴⁹ Federal Government of Somalia Ministry of Interior and Federalism, Policy Framework on Displacement within Somalia (2014) <www.refworld.org/docid/5b682c4c4.html> accessed 14 December 2023 (Policy Framework on Displacement).

²⁵⁰ IDMC, ‘Somalia: over a million IDPs need support for local solutions’ (IDMC 2015) <<https://reliefweb.int/report/somalia/somalia-over-million-idps-need-support-local-solutions>> accessed 7 December 2023 11; UN OCHA, ‘Humanitarian Bulletin Somalia, October 2014’ (2014) <<https://reliefweb.int/report/somalia/humanitarian-bulletin-somalia-october-2014-issued-24-november-2014>> accessed 8 December 2023 4.

²⁵¹ Policy Framework on Displacement pt 7.1(d).

²⁵² *ibid* pt 7.1.

²⁵³ *ibid* pts 7.1(e), 7.2.

Furthermore, using terminology from the IASC Framework and Kampala Convention, the Policy Framework emphasises that ‘return and reintegration’, ‘local integration’, and ‘settlement and integration elsewhere’²⁵⁴ must be livelihoods-based ‘to ensure the sustainability of the solution’,²⁵⁵ with the goal of enhancing ‘self-reliance’.²⁵⁶ Conversely, the Policy Framework discusses measures that stakeholders should take to improve living conditions of IDPs ‘pending a durable solution’;²⁵⁷ an idea which links to the notion of ‘transitional solutions’.²⁵⁸ While this may have been included for pragmatic reasons, given that significant barriers to solutions remain for many IDPs in Somalia, it nevertheless complicates the idea of ‘needs-based solutions’ that forms part of the ‘place to live’ approach.²⁵⁹

Some elements of the Policy Framework resemble the later ‘place to call home’ approach to solutions more closely. Firstly, the Framework explicitly recommends ‘area-based’ initiatives that consider the needs of both IDPs and returning refugees.²⁶⁰ Furthermore, standards on livelihoods mention ‘inclusion [of IDPs] in social welfare schemes’ suggesting that IDPs’ vulnerabilities will be addressed along those of other groups in society.²⁶¹ It also includes ‘persons who are evicted from their settlement’²⁶² and pastoralists ‘who have lost access to their traditional nomadic living space’ in its definition of IDPs.²⁶³ Given that these are groups who may be especially marginalised, their explicit inclusion is a demonstration of the FGS’ resolve to rebuild the social contract as part of its response to internal displacement. Finally, in line with the emphasis on the humanitarian-development-peace nexus which is integral to the ‘place to call home’ approach to solutions, the Policy Framework recognises the need for ‘joint and robust efforts by humanitarian, development, human rights and peacebuilding actors’ to resolve displacement.²⁶⁴

It is notable that, while recognising the ‘primary responsibility of national and local authorities’,²⁶⁵ the Policy Framework also contains a whole section setting out the ‘role of the international community’.²⁶⁶ This could be a sign that the FGS recognises its own resource and capacity limitations, or alternatively that it is not able or willing to take ownership of interventions to secure durable solutions. However, the latter theory appears to be disproved by the significant institutional structures that were established by the FGS around the same time: in November 2018, a Durable Solutions Unit was created under the Ministry of Planning,

²⁵⁴ *ibid* pts 7.1(a)(i-iii).

²⁵⁵ *ibid* pt 7.2(d).

²⁵⁶ *ibid* pt 7.2(b).

²⁵⁷ *ibid* pt 6.1.

²⁵⁸ See 3.2.3.

²⁵⁹ Erin Mooney, ‘Bringing the end into sight for internally displaced persons’ (2003) 17 *Forced Migration Review* 4, 5-6.

²⁶⁰ Policy Framework on Displacement pt 1.2(c).

²⁶¹ *ibid* pts 7.2(d) and 7.2(v).

²⁶² *ibid* pt 2.1(a)(ii).

²⁶³ *ibid* pt 2.1(a)(iii).

²⁶⁴ *ibid* pt 1.2(d).

²⁶⁵ *ibid* pt 3.2(a).

²⁶⁶ *ibid* pt 3.3.

Investment and Economic Development (MoPIED).²⁶⁷ This was followed by a National Durable Solutions Secretariat to coordinate between government entities²⁶⁸ and an inter-agency Durable Solutions Working Group.²⁶⁹ National authorities in Somalia therefore appear to have made not just a ‘strategic rhetorical commitment’,²⁷⁰ but taken concrete steps to ‘lead action for solutions’.²⁷¹

In 2019, the FGS developed several notable policies related to durable solutions. Most importantly, the National Policy on Refugee-Returnees and Internally Displaced Persons builds on the Policy Framework on Displacement within Somalia.²⁷² Many sections are almost identical to the earlier document, though the Policy includes two notable amendments. Firstly, it asserts that ‘integration’ requires that communities are living ‘in peaceful coexistence’.²⁷³ While community reconciliation is mentioned in the IASC Framework, the idea of peaceful coexistence between (re)integrating IDPs and receiving communities did not appear in international frameworks until the High-Level Panel’s 2021 report.²⁷⁴ The Policy also acknowledges that ‘most refugee-returnees and IDPs are likely to seek urban livelihoods’.²⁷⁵ Both elements therefore correspond with the ‘place to call home’ approach, given their focus on the reciprocal relationship between solutions and local peacebuilding, as well as the need to consider how solutions can be secured in a context of increasing urbanisation.

Furthermore, the elaboration of the Interim Protocol on Land Distribution for Housing to Eligible Refugee-Returnees and Internally Displaced Persons in the same year demonstrates the FGS’ recognition of the need for legal frameworks that address barriers to solutions and thus support rebuilding IDPs’ trust in the state.²⁷⁶ Similarly, the National Eviction Guidelines also contribute to restoring the social contract between displaced communities and national authorities by establishing a human rights-based framework for those who, as discussed in the

²⁶⁷ UNHCR and others, ‘Working Together Better to Prevent, Address and Find Durable Solutions to Internal Displacement: GP20 Compilation of National Practices’ (2020) <<https://reliefweb.int/report/world/working-together-better-prevent-address-and-find-durable-solutions-internal>> accessed 28 November 2023 160-61.

²⁶⁸ *ibid* 161.

²⁶⁹ Intermedia Development Consultants, ‘The Durable Solutions Initiative in Somalia: Evaluation Report’ (2020) <www.aramis.admin.ch/Texte/?ProjectID=48768> accessed 23 November 2023 iii.

²⁷⁰ Phil Orchard, *Protecting the Internally Displaced: Rhetoric and Reality* (Routledge 2019) 138.

²⁷¹ UN Secretary-General’s High-Level Panel on Internal Displacement, ‘Shining the Light on Internal Displacement – A Vision for the Future. Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2021) <<https://internaldisplacement-panel.org/wp-content/uploads/2021/09/HLP-report-WEB.pdf>> accessed 8 November 2023 5.

²⁷² Federal Government of Somalia, National Policy on Refugee-Returnees and Internally Displaced Persons (IDPs) (2019) <<https://regionaldss.org/wp-content/uploads/2019/07/National-Policy-on-Refugee-Returnees-and-IDPs.pdf>> accessed 7 December 2023.

²⁷³ *ibid* 7.

²⁷⁴ Inter-Agency Standing Committee, ‘IASC Framework on Durable Solutions for Internally Displaced Persons’ (2010) <<https://interagencystandingcommittee.org/other/iasc-framework-durable-solutions-internally-displaced-persons>> accessed 20 November 2023 6; UN Secretary-General’s High-Level Panel on Internal Displacement, ‘Shining the Light on Internal Displacement – A Vision for the Future. Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2021) <<https://internaldisplacement-panel.org/wp-content/uploads/2021/09/HLP-report-WEB.pdf>> accessed 8 November 2023 22.

²⁷⁵ Federal Government of Somalia, National Policy on Refugee-Returnees and Internally Displaced Persons (IDPs) (2019) <<https://regionaldss.org/wp-content/uploads/2019/07/National-Policy-on-Refugee-Returnees-and-IDPs.pdf>> accessed 7 December 2023 27.

²⁷⁶ Federal Government of Somalia, Interim Protocol on Land Distribution for Housing to Eligible Refugee-Returnees and Internally Displaced Persons (2019) <<https://regionaldss.org/wp-content/uploads/2019/07/Interim-Protocol-on-Land-Distribution.pdf>> accessed 7 December 2023.

previous section, may be especially marginalised.²⁷⁷ All three documents, therefore, demonstrate the FGS’ acknowledgement of its ‘sovereignty as responsibility’ in line with the ‘place to call home’ approach to solutions.²⁷⁸

Somalia’s 8th National Development Plan (NDP8) identifies ‘five intertwined developmental priorities’ related to durable solutions, exemplifying the FGS’ development-oriented view of resolving displacement.²⁷⁹ These priorities, which include ‘inclusive urban planning’, ‘social inclusion’, ‘rule of law and governance’ are framed as interventions that address the vulnerabilities of all members of society, not just IDPs.²⁸⁰ The NDP8 is therefore an exemplar of how the ‘place to call home’ approach to resolving internal displacement can be adopted in national policymaking. The subsequent NDP (NDP9) is even more explicit in its prioritisation of resolving displacement as part of the country’s development: its six ‘cross-cutting imperatives’ include ‘prioritise durable solutions to long term displacement’ and ‘strengthen the interface between humanitarian and development planning’.²⁸¹ It further notes that ‘an important overall metric’ for measuring the success of the NDP will be the ‘return, resettlement or integration of IDPs’.²⁸² The NDP9 is clear that interventions to facilitate durable solutions must involve ‘urban and municipal planning’²⁸³ given the ‘urban reality’ of many IDPs.²⁸⁴ The integration of durable solutions concepts and interventions throughout the two NDPs thus exemplifies the FGS’ commitment to ‘solutions as development’, in line with the ‘place to call home’ approach. Ensuring that durable solutions for IDPs are an integral part of national policy is a clear sign of the FGS’ understanding of the huge ‘demographic shifts created by displacement’ in Somalia.²⁸⁵

The most recent example of the FGS’ approach to resolving internal displacement its 2020-2024 National Durable Solutions Strategy (NDSS) developed by the national Durable Solutions Unit.²⁸⁶ While the elaboration of the strategy was led by the FGS, numerous international NGOs and UN experts supported the process.²⁸⁷ Several national and international legal and policy frameworks from which the NDSS ‘draws extensively’ are acknowledged in the document.²⁸⁸

²⁷⁷ Federal Government of Somalia, National Eviction Guidelines (2019) <<https://regionaldss.org/wp-content/uploads/2019/07/National-Eviction-Guidelines.pdf>> accessed 7 December 2023.

²⁷⁸ UN, ‘The United Nations Secretary-General’s Action Agenda on Internal Displacement: Follow-Up to the Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2022) <www.un.org/en/content/action-agenda-on-internal-displacement/assets/pdf/Action-Agenda-on-Internal-Displacement_EN.pdf> accessed 8 November 2023 10.

²⁷⁹ Federal Government of Somalia, National Development Plan 2017-2019 (2017) <www.refworld.org/docid/5b4315554.html> accessed 7 December 2023 151.

²⁸⁰ *ibid* 151-52.

²⁸¹ Federal Government of Somalia, Ministry of Planning, Investment and Economic Development, Somalia National Development Plan 2020-2024 (2020) <<https://mop.gov.so/national-development-plan/>> accessed 7 December 2023 23, 105-06.

²⁸² *ibid* 106.

²⁸³ *ibid* 251, 264-65.

²⁸⁴ *ibid* 251.

²⁸⁵ *ibid* 23.

²⁸⁶ Federal Government of Somalia, The National Durable Solutions Strategy 2020-2024 (2019) (National Durable Solutions Strategy) 4-5.

²⁸⁷ *ibid* 7-8.

²⁸⁸ *ibid* 31.

The NDSS employs the IASC Framework’s definition of a durable solution and its ‘rights and needs based approach’.²⁸⁹ Its five Strategic Objectives touch upon all eight IASC criteria.²⁹⁰ However, its overall interpretation of solutions is closer to the ‘place to call home’ approach of recent international initiatives. For example, the aim of Objective Two is to ‘increase accountability of authorities’ towards displacement-affected communities through their ‘participation in peace and state building processes’.²⁹¹ The NDSS also discusses the need to ensure ‘access to justice and rule of law’.²⁹² In doing so, it appears to recognise that beyond simply facilitating the fulfilment of IDPs’ rights and needs, rebuilding the social contract between displaced people and the government is necessary to achieve solutions. This is a concept that is central to the ‘place to call home’ approach.

Furthermore, in line with the notion of ‘solutions as development’, the NDSS refers to ‘equitable access to public services’²⁹³ and proposes a ‘whole of society’ approach which considers not only IDPs but all displacement-affected communities.²⁹⁴ In addition, while acknowledging the importance of ‘sustainable livelihoods and employment opportunities’²⁹⁵ as proposed by the IASC Framework’s ‘place to live’ approach, the NDSS links these with the need to support ‘cities with weak urban systems’ to avoid ‘perpetuating and increasing instability’ which can embed conflict dynamics.²⁹⁶ This implies a recognition of the reciprocal relationship between issues caused by protracted displacement and ‘drivers of fragility’ that ‘undermine peacebuilding and state reconstruction’.²⁹⁷ Finally, the NDSS refers explicitly to the need for the ‘operationalisation’ of the humanitarian-development-peacebuilding nexus.²⁹⁸ In acknowledging the interconnected nature of solutions, development, and peacebuilding, the NDSS is therefore closely aligned with the ‘place to call home’ approach.

4.1.6 Conclusion

Considering the High-Level Panel’s claim in 2021 that addressing internal displacement is seen as a ‘short-term humanitarian issue’ and the ‘de facto responsibility of international humanitarian actors’,²⁹⁹ Somalia represents a somewhat pioneering example of national approaches to durable solutions. Its significant progress in elaborating national laws and policy on internal displacement which appear to recognise the need for rebuilding the social contract between the state and IDPs as well as establishing institutional structures to support their implementation is notable.

Overall, national authorities’ approaches to resolving displacement in Somalia therefore align most closely with the ‘place to call home’ approach: they consider securing durable solutions

²⁸⁹ *ibid* 45.

²⁹⁰ *ibid* 87.

²⁹¹ *ibid* 49-52.

²⁹² *ibid* 57.

²⁹³ *ibid* 17.

²⁹⁴ *ibid* 6, 17.

²⁹⁵ *ibid* 53-56.

²⁹⁶ *ibid* 45.

²⁹⁷ *ibid* 15.

²⁹⁸ *ibid* 12.

²⁹⁹ UN Secretary-General’s High-Level Panel on Internal Displacement, ‘Shining the Light on Internal Displacement – A Vision for the Future. Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2021) <<https://internaldisplacement-panel.org/wp-content/uploads/2021/09/HLP-report-WEB.pdf>> accessed 8 November 2023 5.

for IDPs an integral part of the country's development and emphasise state responsibility and accountability. Nevertheless, despite these positive signs, challenges persist. The renewal of trust between displacement-affected communities and authorities can likely only be achieved through consistent participation of such communities in planning for solutions, a benchmark that even according to Somalia's own NDSS is yet to be achieved.³⁰⁰

4.2 International Actors' Approaches to Resolving Internal Displacement

International actors in Somalia have both supported Somali authorities' policymaking and implemented standalone or joint interventions which aim to secure durable solutions. As early as 2013, UNHCR worked with the FGS to assist IDPs to 'undertake the journey back to their areas of origin or integrate with their local host communities'.³⁰¹ This intervention appears to have mainly comprised logistical support for travel and basic non-food items,³⁰² in line with the concept of 'voluntary, safe and dignified' movement that forms part of the earlier 'place to stay' approach to solutions. At this time, national and international actors reportedly assumed that return was the preferred solution of IDPs, many of whom were living in informal settlements around the capital Mogadishu. In 2016, on the request of UN, NGO and government stakeholders, the Joint IDP Profiling Service, an international and inter-agency NGO, conducted a 'profiling' exercise in the city, using the IASC Framework to analyse the situation of IDPs, host communities and others.³⁰³ This data exercise was a pioneering example of the recommendations later expressed by the GP20 Plan of Action, High-Level Panel and Action Agenda as part of the 'place to call home' approach to solutions, particularly with regards to state accountability. The initiative demonstrated how improved data and evidence can be used to strengthen both 'nationally-owned action'³⁰⁴ on solutions: the study resulted in the inclusion of IDP (re)integration as a section in Somalia's NDP8³⁰⁵ as well as catalysing the launch of what would become known as the 'Durable Solutions Initiative'.³⁰⁶

Launched in 2016, the Durable Solutions Initiative (DSI) was a joint venture between the office of the Deputy Representative to the Secretary-General / Humanitarian Coordinator / Resident Coordinator (DSRSG/RC/HC) and the FGS.³⁰⁷ Central to its implementation was the technical support of the former UN Special Rapporteur on the Human Rights of Internally Displaced

³⁰⁰ National Durable Solutions Strategy 46-47.

³⁰¹ UNHCR, 'Somalia Fact Sheet' (2014) <<https://reliefweb.int/report/somalia/unhcr-somalia-factsheet-april-2014>> accessed 7 December 2023 1.

³⁰² *ibid.*

³⁰³ Joint IDP Profiling Service, 'Internal Displacement Profiling in Mogadishu' (2016) <www.jips.org/uploads/2018/10/Somalia-Mogadishu-profiling-report-2016.pdf> accessed 8 December 2023 3.

³⁰⁴ UN Secretary-General's High-Level Panel on Internal Displacement, 'Shining the Light on Internal Displacement – A Vision for the Future. Report of the UN Secretary-General's High-Level Panel on Internal Displacement' (United Nations 2021) <<https://internaldisplacement-panel.org/wp-content/uploads/2021/09/HLP-report-WEB.pdf>> accessed 8 November 2023 37.

³⁰⁵ National Development Plan 2017-2019 151-52.

³⁰⁶ Joint IDP Profiling Service, 'Profile at a Glance: Somalia Mogadishu' (2016) <www.jips.org/uploads/2018/10/JIPS-Somalia-Mogadishu-profile.pdf> accessed 8 December 2023 5.

³⁰⁷ Intermedia Development Consultants, 'The Durable Solutions Initiative in Somalia: Evaluation Report' (2020) <www.aramis.admin.ch/Texte/?ProjectID=48768> accessed 23 November 2023 i.

Persons, Walter Kälin.³⁰⁸ The DSI was a pioneering initiative which had many parallels with the ‘place to call home’ approach that did not begin to emerge internationally until at least 2019. The DSI was based on the principle of ‘state responsibility’³⁰⁹ and aimed to ‘support the capacity’ of the FGS and local authorities to secure durable solutions.³¹⁰ Rather than implementing activities, the DSI’s goal was to create ‘policy tools’ and an ‘inter-ministerial cooperation mechanism’ to support local integration, return and resettlement of displaced people.³¹¹

In his reports for the DSI, Kälin recommended that actors ‘take the humanitarian-development-peacebuilding nexus seriously’³¹² and use ‘area-based’ approaches’ in solutions interventions.³¹³ These recommendations corresponded with the DSI’s ‘whole of community approach’ which considers all displacement-affected communities including IDPs, refugee returnees and host communities.³¹⁴ Relatedly, as demonstrated by a report produced by UN-Habitat under the DSI, the Initiative recognised the link between ‘sustainable urban development’ and resolving internal displacement.³¹⁵ These features of the DSI are all found in the international frameworks and initiatives which later instigated a shift towards the ‘place to call home’ approach to solutions.

The DSI reportedly had a significant ‘influence on policy processes’ in Somalia.³¹⁶ By 2019, a government-led National Durable Solutions Secretariat had been established,³¹⁷ the National Development Plan contained indicators on solutions,³¹⁸ and the National Policy on Refugees,

³⁰⁸ Teresa del Ministro, ‘The Durable Solutions Initiative in Somalia’ (Knowledge Matters Special Issue 27: Durable Solutions in Somalia, Concern Worldwide 2020) <<https://reliefweb.int/report/somalia/knowledge-matters-durable-solutions-somalia-issue-27-may-2020-ensofr>> accessed 7 December 2023 7.

³⁰⁹ Walter Kälin, ‘Somalia Durable Solutions Initiative: 5th Mission to Somalia’ (2018) <https://regionaldss.org/wp-content/uploads/2018/12/DSI_5th-mission-report-WK_Feb2018.pdf> accessed 8 December 2023 2.

³¹⁰ *ibid.*

³¹¹ Teresa del Ministro, ‘The Durable Solutions Initiative in Somalia’ (Knowledge Matters Special Issue 27: Durable Solutions in Somalia, Concern Worldwide 2020) <<https://reliefweb.int/report/somalia/knowledge-matters-durable-solutions-somalia-issue-27-may-2020-ensofr>> accessed 7 December 2023 6-7.

³¹² UN Somalia, ‘Displaced populations and urban poor no longer left behind’ (2019) <https://unsom.unmissions.org/sites/default/files/un_somalia_dsi_dis_pop.pdf> accessed 8 December 2023 10.

³¹³ Walter Kälin, ‘Somalia IDP Solutions Initiative: Mission to Nairobi and Somalia’ (2016) <www.regionaldss.org/wp-content/uploads/2017/09/2016Feb29_Kaelin_second-mission_-report-FINAL.pdf> accessed 8 December 2023 4.

³¹⁴ Walter Kälin, ‘Somalia Durable Solutions Initiative: 5th Mission to Somalia’ (2018) <https://regionaldss.org/wp-content/uploads/2018/12/DSI_5th-mission-report-WK_Feb2018.pdf> accessed 8 December 2023 2.

³¹⁵ UN Somalia Integrated Office of the DSRSG/RC/HC, ‘Towards Sustainable Urban Development in Somalia and IDP Durable Solutions at Scale’ (2019) <https://unsom.unmissions.org/sites/default/files/un_somali_dsi_towards_sustainable_0.pdf> accessed 9 December 2023 5.

³¹⁶ Intermedia Development Consultants, ‘The Durable Solutions Initiative in Somalia: Evaluation Report’ (2020) <www.aramis.admin.ch/Texte/?ProjectID=48768> accessed 23 November 2023 11.

³¹⁷ Samundra Acharya, ‘Durable Solutions for Internally Displaced Persons in Sudan and Somalia’ (Researching Internal Displacement Working Paper No 7, 2021) <<https://researchinginternaldisplacement.org/working-papers/durable-solutions-for-internally-displaced-persons-in-sudan-and-somalia/>> accessed 9 December 2023 13.

³¹⁸ Federal Government of Somalia, Ministry of Planning, Investment and Economic Development, Somalia National Development Plan 2020-2024 (2020) <<https://mop.gov.so/national-development-plan/>> accessed 7 December 2023.

Returnees and IDPs had been drafted.³¹⁹ Since 2020, the DSI has been under transition to a ‘fully owned national initiative led by the National Durable Solutions Secretariat’.³²⁰ Furthermore, the DSI impacted international actors’ approaches: all projects within the UN’s 2019 Humanitarian Response Plan for Somalia were required to ‘show whether and how they could link into resilience building or durable solutions processes’, in order to better connect humanitarian and development sector interventions.³²¹

Under the leadership of the DSRSG and Walter Kälin, who was later a member of the High-Level Panel’s Expert Advisory Group, the DSI appears to have offered the UN an opportunity to ‘field test’ elements of the ‘place to call home’ approach to solutions that would later be elaborated in international initiatives such as the GP20, High-Level Panel, and Action Agenda.³²² It is therefore perhaps more accurate to see the DSI as an example of how the international community’s theories of durable solutions were developed on the ground before being introduced globally, rather than an example of how country-level initiatives have been influenced by international frameworks.

Following the establishment of the DSI, a number of multi-partner consortia and programmes were initiated by international actors, all involving government actors to various degrees. Under the *Midnimo* (‘unity’) project in 2017-2021,³²³ IOM, UN-Habitat and UNDP³²⁴ worked towards durable solutions for both IDPs and refugee returnees through ‘community action planning’.³²⁵ This resulted in the implementation of ‘urban resilience’ interventions including urban planning, elaboration of land legislation³²⁶ and livelihoods activities to improve self-sufficiency.³²⁷ These were complemented by activities to improve social cohesion including support to schools, sports and health facilities,³²⁸ and ‘arts, culture, [and] recreational

³¹⁹ Federal Government of Somalia, National Policy on Refugee-Returnees and Internally Displaced Persons (IDPs) (2019) <<https://regionaldss.org/wp-content/uploads/2019/07/National-Policy-on-Refugee-Returnees-and-IDPs.pdf>> accessed 7 December 2023.

³²⁰ UNHCR and others, ‘Working Together Better to Prevent, Address and Find Durable Solutions to Internal Displacement: GP20 Compilation of National Practices’ (2020) <<https://reliefweb.int/report/world/working-together-better-prevent-address-and-find-durable-solutions-internal>> accessed 28 November 2023 161.

³²¹ UN OCHA, ‘Humanitarian Response Plan January – December 2019’ (2019) <<https://reliefweb.int/report/somalia/2019-somalia-humanitarian-response-plan-january-december-2019>> accessed 9 December 2023 13.

³²² UN Secretary-General’s High-Level Panel on Internal Displacement, ‘Shining the Light on Internal Displacement – A Vision for the Future. Report of the UN Secretary-General’s High-Level Panel on Internal Displacement’ (United Nations 2021) <<https://internaldisplacement-panel.org/wp-content/uploads/2021/09/HLP-report-WEB.pdf>> accessed 8 November 2023 63.

³²³ Mohamed Taruri, Laura Bennison, Shezane Kirubi and Aude Galli, ‘Multi-stakeholder approach to urban displacement in Somalia’ (2020) 63 *Forced Migration Review* 19, 21.

³²⁴ Teresa del Ministro, ‘The Durable Solutions Initiative in Somalia’ (Knowledge Matters Special Issue 27: Durable Solutions in Somalia, Concern Worldwide 2020) <<https://reliefweb.int/report/somalia/knowledge-matters-durable-solutions-somalia-issue-27-may-2020-ensofr>> accessed 7 December 2023 8 fn 9.

³²⁵ UNHCR and others, ‘Working Together Better to Prevent, Address and Find Durable Solutions to Internal Displacement: GP20 Compilation of National Practices’ (2020) <<https://reliefweb.int/report/world/working-together-better-prevent-address-and-find-durable-solutions-internal>> accessed 28 November 2023 175-76.

³²⁶ *ibid* 176.

³²⁷ *ibid*.

³²⁸ *ibid* 175-76.

activities’,³²⁹ as well as community dispute resolution structures.³³⁰ The *Midnimo* project therefore combined elements of both the ‘place to call home’ and ‘place to live’ approaches to solutions. While emphasising tangible, development-oriented interventions which addressed the vulnerabilities of IDPs alongside their wider communities, it also attempted to address conditions required to ensure sustainable solutions by improving social stability and mitigating potential tensions between IDPs and their hosts.³³¹

From 2017 to 2022, the European Union REINTEG (‘Enhancing Somalia’s responsiveness to the management and reintegration of mixed migration flows’) initiative funded several ‘pioneering’³³² durable solutions consortia programmes which brought together national and international NGOs to facilitate the ‘sustainable (re)integration of IDPs and [refugee] returnees in Somalia’.³³³ The intended results included ‘improving and implementing policies and legal frameworks’ including the exercise of housing, land and property rights; ‘increased access to basic services’ such as education, health, and WASH services, and ‘creation of realistic livelihood opportunities’.³³⁴ The consortia’s focus on sustainability of solutions, as well as on the fulfilment of IDPs’ rights and needs, is well aligned with the ‘place to live’ approach to solutions expressed in the IASC Framework and Kampala Convention. However, the projects implemented also showed some similarities with the ‘place to call home’ approach. All interventions were ‘area-based’ and ‘resilience and development-focused’,³³⁵ as well as providing assistance for urban planning.³³⁶ One consortium specifically aimed to ensure that IDPs were ‘better protected, integrated and accepted’ through social dialogue and community participation initiatives.³³⁷ This idea of enhancing IDPs’ sense of belonging is a central element of the ‘place to call home’ approach to solutions.

Beginning in 2018, the *Danwadaag* (‘common purpose’) consortium, led by IOM with a number of national and international NGO partners,³³⁸ has worked with the FGS to implement an ‘area-based approach’ which connects ‘long-term solutions to urban development

³²⁹ UN-Habitat, ‘Facilitating Durable Solutions in Somalia: Experiences from Midnimo-I and the Application of Human Security’ (Working Paper, UN Trust Fund for Human Security 2020) <<https://reliefweb.int/report/somalia/facilitating-durable-solutions-somalia-experiences-midnimo-i-and-application-human>> accessed 10 December 2023 33.

³³⁰ *ibid* 26.

³³¹ IASC Framework 13; Kampala Convention art 3(2)(c).

³³² ReDSS, ‘Lessons learned from the EU RE-INTEG Durable Solutions Consortia’ (2019) <<https://reliefweb.int/report/somalia/lessons-learned-eu-re-integ-durable-solutions-consortia-2017-2020>> accessed 12 December 2023 12.

³³³ *ibid* 5.

³³⁴ *ibid* 9.

³³⁵ *ibid* 6-7.

³³⁶ Trends Dynamiques Consulting, ‘Final Report: End line evaluation of Durable Solutions for Returnees and IDPs in Somalia (DSRIS) Project’ (2020) <<https://reliefweb.int/report/somalia/end-line-evaluation-durable-solutions-returnees-and-idps-somalia-dsr-is-project-28>> accessed 8 December 2023 1.

³³⁷ *ibid*.

³³⁸ IOM, ‘Durable Solutions’ (*IOM Somalia*) <<https://somalia.iom.int/durable-solutions>> accessed 9 December 2023.

processes’,³³⁹ includes all ‘displacement-affected communities’³⁴⁰ and emphasises ‘government capacity building’.³⁴¹ While most of its material interventions focus on housing, land and property rights³⁴² including the prevention of IDP evictions³⁴³ and on ‘market-based approach[es]’ to improving livelihoods,³⁴⁴ these activities attempt to secure solutions by addressing the vulnerabilities of all members of a community, not only IDPs. The programme, therefore, is closely aligned with the ‘place to call home’ approach to solutions which advocates for similar area-based initiatives.

One significant example of a *Danwadaag* intervention was the Baidoa Relocation, a IOM-led programme jointly implemented by national, regional and local authorities, other UN agencies and NGOs.³⁴⁵ The project, now completed, aimed to ‘operationalis[e] the humanitarian-development-peace nexus’ by addressing the risk of evictions of IDPs living informally on private land.³⁴⁶ By developing, in consultation with IDPs, a ‘city extension’³⁴⁷ on government-owned land,³⁴⁸ establishing services including roads, health clinics, police posts, a school and water and sanitation infrastructure,³⁴⁹ and providing ‘cash assistance and a plot of land’ to each family, the project enabled the sustainable relocation of over 13,000 IDPs.³⁵⁰ The Baidoa Relocation was essentially an urban development initiative and, therefore, in line with the

³³⁹ Danwadaag Durable Solutions Consortium, ‘Danwadaag - Durable Solutions to Displacement in Somalia’ (2021) <<https://reliefweb.int/report/somalia/danwadaag-durable-solutions-displacement-somalia>> accessed 28 November 2023 1.

³⁴⁰ Danwadaag Durable Solutions Consortium, ‘Measuring the End of Displacement: Emerging Learning from Somalia’ (2019) <https://regionaldss.org/wp-content/uploads/2020/12/Danwadaag_Measuring-the-End-of-Displacement-Emerging-Learning-from-Somalia.pdf> accessed 28 November 2023 1.

³⁴¹ Danwadaag Durable Solutions Consortium, ‘Danwadaag - Durable Solutions to Displacement in Somalia’ (2021) <<https://reliefweb.int/report/somalia/danwadaag-durable-solutions-displacement-somalia>> accessed 28 November 2023 1.

³⁴² Juliette Syn and Laura Cunial, ‘“Who are you?”: Linkages between Legal Identity and Housing, Land, and Property Rights in Somalia’ (Norwegian Refugee Council 2022) <<https://reliefweb.int/report/somalia/who-are-you-linkages-between-legal-identity-and-housing-land-and-property-rights-somalia>> accessed 10 December 2023.

³⁴³ Lena Von Naso, ‘Measuring Progress Towards Durable Solutions’ (Knowledge Matters Special Issue 27: Durable Solutions in Somalia, Concern Worldwide 2020) <<https://reliefweb.int/report/somalia/knowledge-matters-durable-solutions-somalia-issue-27-may-2020-ensofr>> accessed 7 December 2023 17.

³⁴⁴ Danwadaag Durable Solutions Consortium, ‘Danwadaag - Durable Solutions to Displacement in Somalia’ (2021) <<https://reliefweb.int/report/somalia/danwadaag-durable-solutions-displacement-somalia>> accessed 28 November 2023 2.

³⁴⁵ IOM, ‘IOM Somalia Relocates Nearly 7,000 Internally Displaced Families Facing Eviction’ (*IOM Somalia*, 9 March 2021) <www.iom.int/news/iom-somalia-relocates-nearly-7000-internally-displaced-families-facing-eviction> accessed 10 December 2023; IOM, ‘Baidoa Relocation: Durable Solutions for Internally Displaced Persons at risk of eviction in Baidoa’ (IOM Somalia 2021) <<https://storyteller.iom.int/stories/finding-durable-solutions-somalias-internal-displacement>> accessed 10 December 2023 4.

³⁴⁶ IOM, ‘Baidoa Relocation: Durable Solutions for Internally Displaced Persons at risk of eviction in Baidoa’ (IOM Somalia 2021) <<https://storyteller.iom.int/stories/finding-durable-solutions-somalias-internal-displacement>> accessed 10 December 2023 25.

³⁴⁷ *ibid* 7.

³⁴⁸ IOM, ‘IOM Somalia Relocates Nearly 7,000 Internally Displaced Families Facing Eviction’ (*IOM Somalia*, 9 March 2021) <www.iom.int/news/iom-somalia-relocates-nearly-7000-internally-displaced-families-facing-eviction> accessed 10 December 2023.

³⁴⁹ IOM, ‘Baidoa Relocation: Durable Solutions for Internally Displaced Persons at risk of eviction in Baidoa’ (IOM Somalia 2021) <<https://storyteller.iom.int/stories/finding-durable-solutions-somalias-internal-displacement>> accessed 10 December 2023 5, 10.

³⁵⁰ IOM, ‘IOM Somalia Relocates Nearly 7,000 Internally Displaced Families Facing Eviction’ (*IOM Somalia*, 9 March 2021) <www.iom.int/news/iom-somalia-relocates-nearly-7000-internally-displaced-families-facing-eviction> accessed 10 December 2023.

‘place to call home’ approach, it sought to reduce the vulnerabilities of a particularly marginalised group (IDPs) through city planning and economic development.

Danwadaag has also introduced some conceptual innovations which pre-date those found in international frameworks on solutions. In particular, the *Danwadaag* learning partner ReDSS (the Regional Durable Solutions Secretariat) developed a ‘concept of integration’ contextualised for the country,³⁵¹ which used adapted criteria from the IASC Framework³⁵² but also introduced ‘non-material components’ of solutions such as IDPs’ ‘perceptions and feelings of integration’³⁵³ and their ‘trust in institutions’.³⁵⁴ ReDSS also elaborated the concept of a ‘(Re)integration pathway’, whereby an ‘enabling environment and government leadership’ are necessary prerequisites before other barriers can be addressed on the way to increased (re)integration of displacement affected communities.³⁵⁵ Given that *Danwadaag* and the ReDSS ‘Solutions Framework’ is mentioned in the 2020 ‘GP20 Compilation of National Practices’, it seems likely that these conceptual innovations influenced the development of the ‘place to call home’ approach found in the GP20 Plan of Action and subsequent initiatives.³⁵⁶

The *Saameynta* (‘impact’) programme, a partnership between UNDP, UN-Habitat and IOM, was launched in 2022.³⁵⁷ It aims to assist the FGS to ‘achieve durable solutions’,³⁵⁸ ‘decrease dependency on humanitarian aid’, and ‘promote IDPs’ integration in cities’.³⁵⁹ Its planned outputs, such as diversified livelihood opportunities and access to longer-term housing,³⁶⁰ are designed to complement Somalia’s NDP9.³⁶¹ Furthermore, the programme’s theory of change states that by building the capacity of local authorities to develop ‘relevant land-related policies’, it will in turn generate public-private sector partnership investments in key infrastructure and basic services.³⁶² The programme, therefore, combines the ‘place to live’

³⁵¹ Lena Von Naso, ‘Measuring Progress Towards Durable Solutions’ (Knowledge Matters Special Issue 27: Durable Solutions in Somalia, Concern Worldwide 2020) <<https://reliefweb.int/report/somalia/knowledge-matters-durable-solutions-somalia-issue-27-may-2020-ensofr>> accessed 7 December 2023 16.

³⁵² *ibid* 17.

³⁵³ UNHCR and others, ‘Working Together Better to Prevent, Address and Find Durable Solutions to Internal Displacement: GP20 Compilation of National Practices’ (2020) <<https://reliefweb.int/report/world/working-together-better-prevent-address-and-find-durable-solutions-internal>> accessed 28 November 2023 162.

³⁵⁴ Danwadaag Durable Solutions Consortium, ‘Measuring the End of Displacement: Emerging Learning from Somalia’ (2019) <https://regionaldss.org/wp-content/uploads/2020/12/Danwadaag_Measuring-the-End-of-Displacement-Emerging-Learning-from-Somalia.pdf> accessed 28 November 2023 3.

³⁵⁵ *ibid* 1.

³⁵⁶ UNHCR and others, ‘Working Together Better to Prevent, Address and Find Durable Solutions to Internal Displacement: GP20 Compilation of National Practices’ (2020) <<https://reliefweb.int/report/world/working-together-better-prevent-address-and-find-durable-solutions-internal>> accessed 28 November 2023 162.

³⁵⁷ IOM, ‘Durable Solutions’ (*IOM Somalia*) <<https://somalia.iom.int/durable-solutions>> accessed 9 December 2023.

³⁵⁸ UN OCHA, ‘Somalia Humanitarian Bulletin, August 2021’ (2021) <<https://reliefweb.int/report/somalia/somalia-humanitarian-bulletin-august-2021>> accessed 10 December 2023 1.

³⁵⁹ UN OCHA, ‘Somalia Humanitarian Bulletin, March 2022’ (2022) <<https://reliefweb.int/report/somalia/somalia-humanitarian-bulletin-march-2022>> accessed 10 December 2023 3.

³⁶⁰ IOM, ‘Four Challenges Facing Displaced Persons in Somalia’ (*IOM Blog*, 13 September 2022) <<https://weblog.iom.int/four-challenges-facing-displaced-persons-somalia>> accessed 10 December 2023.

³⁶¹ UN OCHA, ‘Somalia Humanitarian Bulletin, March 2022’ (2022) <<https://reliefweb.int/report/somalia/somalia-humanitarian-bulletin-march-2022>> accessed 10 December 2023 3.

³⁶² UN Somalia and Federal Government of Somalia, ‘Saameynta: Scaling-Up Solutions to Displacement in Somalia Project Document’ (2021) <https://info.undp.org/docs/pdc/Documents/SOM/Saameynta%20Prodoc%20FINAL_Fully%20Signed.pdf> accessed 20 December 2023 2, 42.

and ‘place to call home’ approaches to solutions in focusing on the sustainable fulfilment of rights and needs, but also on government responsibility and development-oriented interventions. In particular, its goal of catalysing public and private sector investment demonstrates an intention to promote sustainable government ownership rather than continued interventions by international actors.

The approaches of international actors to resolving internal displacement in Somalia correspond, to a large extent, with the ‘place to call home’ approach to solutions. This is demonstrated by a focus on state responsibility and accountability, whereby interventions are designed and implemented in partnership with national authorities. It also applies to the development-oriented and area-based nature of such interventions, which generally take into account the needs of communities as a whole. The conceptual leadership of ReDSS across many of the programmes discussed³⁶³ has likely influenced their emphasis on the ‘non-material components’ of solutions.³⁶⁴ These elements address IDPs’ perceptions of belonging, which is a key facet of the ‘place to call home’ approach. However, given that many of the interventions discussed pre-date international initiatives that advocate for the ‘place to call home’ approach and in light of the evident interactions between international policymakers and actors involved in solutions programming in Somalia, it is clear that approaches to durable solutions first developed in the country have had a strong influence on international frameworks and initiatives.

4.3 Conclusion: Somalia

This case study has shown that national and international actors in Somalia have, in general, adopted a ‘place to call home’ approach to resolving internal displacement. Certain elements of policy frameworks and practical interventions correspond with the earlier ‘place to stay’ or ‘place to live’ approaches. However, these are generally supplemented by an emphasis on state responsibility and accountability, as well as on ‘solutions as development’, particularly with regards to the inclusion of IDPs in national systems and the rebuilding of the social contract between displaced people and the state. In many instances, the frameworks and programmes analysed here existed before the elaboration of comparable international frameworks. Given frequent interactions between the international community in Somalia and global initiatives such as the GP20 Plan of Action and High-Level Panel, it seems evident that durable solutions approaches in Somalia have in fact influenced some of the international frameworks discussed in Chapter 2, particularly with regards to the ‘place to call home’ approach.

It is clear that the international community has provided a large amount of technical and financial assistance to national authorities in elaborating law and policy frameworks. While these frameworks are ambitious, the FGS has demonstrated a strong willingness to deliver on its commitments by establishing several institutional structures to support their implementation. Equally, international actors have emphasised collaboration with authorities when implementing programmes, with many projects jointly implemented and designed with

³⁶³ UNHCR and others, ‘Working Together Better to Prevent, Address and Find Durable Solutions to Internal Displacement: GP20 Compilation of National Practices’ (2020) <<https://reliefweb.int/report/world/working-together-better-prevent-address-and-find-durable-solutions-internal>> accessed 28 November 2023 163.

³⁶⁴ *ibid* 162.

eventual government adoption in mind. In addition, collaboration has not been limited to practical interventions or coordination fora: in 2019 a set of ‘durable solutions programming principles’ developed and adopted by NGOs and UN agencies in Somalia were endorsed by the FGS.³⁶⁵ These foresee durable solutions programming as ‘government-led’, ‘area-based’, ‘rights- and needs-based’ and ‘participatory and community-based’,³⁶⁶ further exemplifying the ‘place to call home’ approach to solutions that stakeholders in Somalia employed even before it gained traction at the international level.

Although high levels of insecurity still present a barrier to solutions in parts of Somalia, the fact that the FGS was not the cause of most IDPs’ displacement means that building trust between displaced people and national authorities may be easier than in other contexts.³⁶⁷ While the restoring of the social contract is strongly contingent on the ability of the FGS and local authorities to successfully deliver services and ‘social and physical justice’ to communities, there are positive signs that the FGS wants to take up this responsibility.³⁶⁸ Relatedly, the international community in Somalia is increasingly aware of the need to work towards solutions ‘in a less compartmentalized mode’,³⁶⁹ whereby approaches, particularly in urban areas, consider people’s vulnerabilities regardless of their displacement status.³⁷⁰ Somalia is an excellent example of how strong collaboration, as well as a focus on state responsibility and development-oriented solutions, can have a catalytic effect and provide ‘proof of concept’ to secure future financing.³⁷¹ Nevertheless, the Somali government still faces great difficulties in funding development priorities,³⁷² and the scaling-up of successful durable solutions projects remain challenging.³⁷³ The resilience of many communities in Somalia is still ‘critically low’, meaning that international funding may prioritise humanitarian assistance.³⁷⁴ Furthermore, major barriers to solutions for IDPs persist, including the impacts

³⁶⁵ ReDSS, ‘ReDSS Submission to the UN Secretary General’s High-Level Panel on Internal Displacement’ (2020) <www.un.org/internal-displacement-panel/sites/www.un.org.internal-displacement-panel/files/published_redss_submission.pdf> accessed 12 December 2023 2.

³⁶⁶ *ibid.*

³⁶⁷ Walter Kälin, ‘Somalia IDP Solutions Initiative: Mission to Nairobi and Somalia’ (2016) <www.regionaldss.org/wp-content/uploads/2017/09/2016Feb29_Kaelin_second-mission_-report-FINAL.pdf> accessed 8 December 2023 4.

³⁶⁸ Peter de Clercq and Beatriz Valbuena, ‘Introduction: DS *Momentum* in Somalia’ (Knowledge Matters Special Issue 27: Durable Solutions in Somalia, Concern Worldwide 2020) <<https://reliefweb.int/report/somalia/knowledge-matters-durable-solutions-somalia-issue-27-may-2020-ensofr>> accessed 7 December 2023 4.

³⁶⁹ *ibid.*

³⁷⁰ Mohamed Taruri, Laura Bennison, Shezane Kirubi and Aude Galli, ‘Multi-stakeholder approach to urban displacement in Somalia’ (2020) 63 *Forced Migration Review* 19, 21.

³⁷¹ ReDSS, ‘Financing for Solutions to Displacement: Somalia Country Study’ (2021) <<https://reliefweb.int/report/world/financing-solutions-displacement-somalia-country-study-executive-summary-march-2021>> accessed 20 December 2023 2.

³⁷² *ibid.* 1.

³⁷³ UNHCR and others, ‘Working Together Better to Prevent, Address and Find Durable Solutions to Internal Displacement: GP20 Compilation of National Practices’ (2020) <<https://reliefweb.int/report/world/working-together-better-prevent-address-and-find-durable-solutions-internal>> accessed 28 November 2023 178.

³⁷⁴ Peter de Clercq and Beatriz Valbuena, ‘Introduction: DS *Momentum* in Somalia’ (Knowledge Matters Special Issue 27: Durable Solutions in Somalia, Concern Worldwide 2020) <<https://reliefweb.int/report/somalia/knowledge-matters-durable-solutions-somalia-issue-27-may-2020-ensofr>> accessed 7 December 2023 4.

of climate change and other natural hazards, conflict, weak governance, access constraints,³⁷⁵ and difficulties securing land for relocation initiatives,³⁷⁶ leaving Somalia with one of the largest populations of internally displaced people globally.³⁷⁷ It is therefore clear that even though the approaches of international and national actors to resolving internal displacement in Somalia align closely with international standards and best practice, this alone will not be sufficient to secure durable solutions for all IDPs.

5. Conclusions and Recommendations

This study set out to explore the different approaches to resolving internal displacement used by national authorities and international actors in South Sudan and Somalia. Using publicly available documents as primary data, a qualitative thematic analysis using Braun and Clarke's model was undertaken to examine the extent to which these approaches align with existing international and regional law and policy frameworks on internal displacement, and the reasons for alignment or lack thereof.³⁷⁸ Ultimately, this research intended to contribute to academic discourse on internal displacement, particularly given the relative paucity of studies that specifically address durable solutions, rather than protection *from* or *during* displacement.

The analysis of eight international and regional law and policy frameworks on internal displacement found that their approaches to solutions can be categorised into three groups. These were designated the 'place to stay', 'place to live', and 'place to call home' approaches, a typology which formed the analytical framework for the case studies. The three categories are also associated with key debates in existing literature. The first approach is based on the premise that a durable solution means that IDPs have completed a physical transition and found a safe 'place to stay' of their choosing, where basic conditions for habitation are fulfilled. Critical engagement with this approach generally explores the legal basis and 'normative potential' of non-binding instruments such as the Guiding Principles.³⁷⁹ The 'place to live' approach exemplified by the IASC Framework and Kampala Convention takes the view that to achieve a solution, an IDP must find somewhere to reside sustainably, under conditions which allow them to fulfil a wider range of their needs and rights and thus achieve a comparable standard of living to those around them. This characterisation of solutions links closely to academic debates around when displacement ends.

Finally, more recent international initiatives on solutions have initiated a shift towards a 'place to call home' approach, grounded in the notion that 'home' is a place where IDPs feel they belong. This is conditional upon the state taking responsibility and being accountable for resolving displacement, as well as on interventions which address durable solutions as a development issue or as a component of the 'humanitarian-development-peace' nexus. Central

³⁷⁵ IDMC, 'Somalia: over a million IDPs need support for local solutions' (IDMC 2015) <<https://reliefweb.int/report/somalia/somalia-over-million-idps-need-support-local-solutions>> accessed 7 December 2023 11.

³⁷⁶ *ibid* 10.

³⁷⁷ UN OCHA, 'Somalia 2024 Humanitarian Needs and Response Plan (HNRP)' (2024) <<https://reliefweb.int/report/somalia/somalia-2024-humanitarian-needs-and-response-plan-hnrrp>> accessed 20 December 2023 4.

³⁷⁸ Virginia Braun and Victoria Clarke, 'Using thematic analysis in psychology' (2006) 3 *Qualitative Research in Psychology* 77.

³⁷⁹ Ben Hudson, 'Challenges in the law of IDP returns' (PhD Thesis, University of Bristol 2019) 89.

to the ‘place to call home’ approach is the need for the social contract between citizen and state to be restored, and the vulnerabilities of IDPs to be reduced alongside those of their wider community. This approach to solutions has a connection with academic debates about states’ implementation of law and policy, in particular with regards to what Orchard labels ‘strategic rhetorical commitment[s]’.³⁸⁰

In relation to the research questions, the case studies of South Sudan and Somalia presented both differences and similarities. In South Sudan, international and national actors’ interventions aiming to secure durable solutions for IDPs have largely evolved over time in line with shifts at the international level, from the ‘place to stay’ to the ‘place to live’ and ‘place to call home’ approaches. In Somalia, most durable solutions interventions in the period discussed, whether government-led or otherwise, took the latter approach. Notably, the influence of international frameworks on country-level interventions did not seem attributable to their binding or non-binding status. Instead, both international and national actors leveraged elements of a wide range of international law and policy frameworks. In both countries, it seems reasonable to conclude that the close alignment of key domestic laws and policies with international standards on internal displacement and solutions can mainly be attributed to the extensive support from international actors that national authorities have received. That said, the interaction between international and national law and policy frameworks is not unidirectional. In Somalia, innovative approaches to resolving internal displacement appear to have influenced the discourse on durable solutions at the international level. This applies particularly to interventions led by international stakeholders in the country.

The research showed that commitments to resolving displacement may not be implemented even where, and sometimes because, national approaches to solutions align with international best practices. In the case of South Sudan, there is a clear tension between the government’s desire to retain control of solutions initiatives, which are inherently political, and the need to cooperate with the international community in order to mobilise resources.³⁸¹ This has resulted in a series of ‘strategic rhetorical commitment[s]’ that have not yet been implemented.³⁸² It may also explain why, in the interventions analysed, the tangible role of South Sudanese authorities appears limited despite international actors’ rhetoric around government ownership. In Somalia, interaction between authorities and international stakeholders on durable solutions has been more collaborative. While domestic laws and policies which align with international frameworks are still potentially over-ambitious, the FGS has demonstrated its interest in rebuilding the social contract with displaced people by taking concrete steps such as establishing institutional structures to enable implementation of policies. Nevertheless, despite a similar emphasis on state responsibility, international organisations have often assumed the role of the state in delivering basic services even as part of ‘development-oriented’ solutions interventions. Both examples reinforce Lomo’s claim that processes or initiatives to resolve

³⁸⁰ Phil Orchard, *Protecting the Internally Displaced: Rhetoric and Reality* (Routledge 2019) 138.

³⁸¹ Babette Schots and Garth Smith, ‘Returns in complex environments: the case of South Sudan’ (2019) 62 *Forced Migration Review* 60, 61; UN Human Rights Council, ‘Report of the Special Rapporteur on the human rights of internally displaced persons, Mr. Chaloka Beyani. Addendum. Mission to South-Sudan: comments by the State on the report of the Special Rapporteur’ (25 April 2014) UN Doc A/HRC/26/33/Add 5 para 6.

³⁸² Phil Orchard, *Protecting the Internally Displaced: Rhetoric and Reality* (Routledge 2019) 138.

internal displacement that are imposed on states, rather than nationally owned, are less likely achieve their aims.³⁸³

In summary, the case studies of South Sudan and Somalia both support the view that national approaches to resolving internal displacement show a trend of increased commitment with international standards, particularly with the ‘place to call home’ approach.³⁸⁴ The regional and international frameworks discussed in Chapter 2 have evidently had both a ‘substantive’ and ‘symbolic’ impact by encouraging the formation of laws or policies and institutions, as well as framing durable solutions as an ‘urgent concern’ and thus increasing the overall engagement of both international and national actors on this issue.³⁸⁵ Interactions between country-level and international initiatives have also generated innovations in the conceptualisation of durable solutions globally. While outside the scope of this project, a closer examination of practical interventions by national and international actors in South Sudan and Somalia could shed further light on progress in the implementation of domestic law and policy frameworks. Future research could also examine the application of the GP20 Plan of Action, High-Level Panel’s report and Action Agenda in other contexts to determine which elements of their approach are most impactful, and how national authorities can be supported to implement them. As mentioned earlier, while attributing the impact of a particular approach on internal displacement is challenging, more empirical studies are needed to assess whether current international frameworks on solutions are fit for purpose.

Despite the substantial efforts of national and international actors described in the two case studies, fundamental barriers to the attainment of durable solutions in South Sudan and Somalia persist. To address this, national frameworks in both countries have proposed ‘transitional solutions’³⁸⁶ or measures to improve conditions ‘pending’ durable solutions.³⁸⁷ This concept is not substantively addressed in any international frameworks, though the UN’s Office for the Coordination of Humanitarian Affairs made a similar suggestion in a 2017 report.³⁸⁸ However, this approach risks entrenching reliance on aid by delivering humanitarian assistance under the guise of ‘solutions’. Instead, national and international actors aiming to resolve internal displacement should focus on interventions that are more likely to ‘move the needle’ towards solutions for IDPs. As this study has shown, while domestic law and policy frameworks can provide a useful starting point, these should be realistic in their ambitions and be supported by institutional structures which coordinate between different parts of government. Where national authorities have little interest in assuming their responsibility for solutions, policy commitments are likely to exist only on paper. Similarly, international actors must continue to provide technical and practical support to national authorities to implement development-

³⁸³ Zachary A Lomo, ‘Regional or national protection for Great Lakes IDPs’ (2006) Forced Migration Review Brookings-Bern Special Issue 23, 24.

³⁸⁴ Gabriel Cardona-Fox, ‘Exile within Borders: A Study of Compliance with the International Regime to Protect Internally Displaced Persons’ (PhD thesis, University of Texas 2015) 84.

³⁸⁵ Romola Adeola, ‘The impact of the African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa’ (2019) 19 African Human Rights Law Journal 591, 598.

³⁸⁶ See 3.2.3, 4.2.2.

³⁸⁷ Federal Government of Somalia Ministry of Interior and Federalism, Policy Framework on Displacement within Somalia (2014) <www.refworld.org/docid/5b682c4c.html> accessed 14 December 2023 pt 6.1.

³⁸⁸ UN OCHA, ‘Breaking the Impasse: Reducing Protracted Internal Displacement as a Collective Outcome’ (2017) <<https://reliefweb.int/report/world/breaking-impasse-reducing-protracted-internal-displacement-collective-outcome-enruuk>> accessed 20 March 2024 22.

oriented solutions interventions which both have a tangible impact and provide proof of concept, in order to catalyse domestic and international investments. In addition, the international community must acknowledge and address its own shortcomings, including short-term planning cycles and arbitrary divisions between funding mechanisms and organisational mandates based on the displacement status of target populations. Failing to tackle these issues will only curtail the potential of the ‘place to call home’ approach to durable solutions for IDPs. Of course, any intervention aiming to resolve displacement is likely to fail without the fundamental challenges of conflict, governance, and limited resources being addressed. Thus, while Somalia has made recent major progress in its ‘debt relief journey’,³⁸⁹ continued political uncertainty in both South Sudan and Somalia, as well in as the wider region, may temper optimism that solutions could be in sight for a greater number of internally displaced people in the two countries.

³⁸⁹ Faisal Ali, ‘Somalia has 99% of \$2bn debt cancelled in major boost to fragile recovery’ *The Guardian* (London, 14 March 2024) <www.theguardian.com/global-development/2024/mar/14/somalia-debt-cancelled-paris-club-creditor-nations-2bn> accessed 18 March 2024. See also: Alexia Latortue, ‘Opinion: How Somalia’s historic debt relief achievement came about’ (*Devex*, 19 December 2023) <www.devex.com/news/opinion-how-somalia-s-historic-debt-relief-achievement-came-about-106817> accessed 18 March 2024.

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