Minimum Standards Checklist for Durable Solutions in Kachin

The Protection Working Group in Kachin has produced this checklist to guide organizations and authorities that wish to support Internally Displaced Persons (IDPs) in achieving durable solutions. This document intends to complement the Guidance Note on Standards and Principles of Durable Solutions in Kachin and Northern Shan, developed and endorsed by the HCT in August 2014.

IDP (Checklist)

1. Voluntariness and informed consent
   - Provide IDPs with information on their right to seek a durable solution to their displacement, explaining the three types of durable solutions (the right to return, locally integrate or resettle elsewhere in Myanmar) and that their choice should be made without intimidation, restriction or penalty;
   - When it is known that IDPs wish to take up a durable solution, gather information on their intentions and plans and verify the voluntariness of their choice (that they are not being forced, intimidated or manipulated);
   - Actors offering IDPs options of integration or return or resettlement must clearly explain how IDPs can access the option and must not be discriminatory to an individual or group based on ethnicity/vulnerability or any other factor. The criteria for who is offered the solution should be agreed by the IDPs;

2. Security
   - Ensure IDPs’ security is maintained both during and after the durable solution process;
   - Protection needs to be integrated in all stages of the durable solutions process.

3. Health
   - Ensure access to healthcare services is not denied due to the durable solution process;
   - Health needs are integrated in all stages of the durable solutions process.

4. Education
   - Ensure IDPs have access to basic education services during the durable solution process;
   - Education needs are integrated in all stages of the durable solutions process.

5. Water, sanitation and hygiene
   - Ensure access to safe and adequate water and sanitation services is maintained during the durable solution process;
   - Water, sanitation and hygiene needs are integrated in all stages of the durable solutions process.

6. Housing
   - Ensure IDPs have adequate housing during the durable solution process;
   - Housing needs are integrated in all stages of the durable solutions process.

7. Employment
   - Ensure IDPs have access to employment opportunities during the durable solution process;
   - Employment needs are integrated in all stages of the durable solutions process.

8. Social protection
   - Ensure IDPs have access to social protection services during the durable solution process;
   - Social protection needs are integrated in all stages of the durable solutions process.

9. Food and nutrition
   - Ensure IDPs have access to food and nutrition services during the durable solution process;
   - Food and nutrition needs are integrated in all stages of the durable solutions process.

10. Legal aid
    - Ensure IDPs have access to legal aid services during the durable solution process;
    - Legal aid needs are integrated in all stages of the durable solutions process.

11. Protection
    - Ensure IDPs’ protection needs are addressed throughout the durable solution process;
    - Protection needs are integrated in all stages of the durable solutions process.

12. Monitoring and evaluation
    - Ensure there is a mechanism to monitor and evaluate the implementation of the durable solution process;
    - Monitoring and evaluation needs are integrated in all stages of the durable solutions process.

This checklist is designed to help ensure that IDPs are supported in achieving durable solutions in a voluntary, informed and protected manner.
Assess, in advance, the concerns of communities in the areas where IDPs have identified they would like to go and ensure the views of the communities receiving IDPs are listened to, and feedback to IDPs, so they can inform any decision to move;

IDP must undertake come and see visits with representative IDPs, including women and people with special needs, to assess the conditions in areas of return, reintegration and resettlement. Ensure receiving village leaders participate in the visit. Report any tensions or issues raised by host communities back to IDPs;

Obtain authorization for the return, integration or resettlement of IDPs from the relevant authorities (government/KIO);

Explain clearly to IDPs the different actors (government, NSAs, church, CSOs, UN) and their role in providing assistance;

Provide IDPs, including women, children and older people, with adequate information on conditions and infrastructure in their places of origin, integration, or resettlement. Include information on safety, freedom of movement, health, education, housing, land and property, food security and livelihoods and the general political and human rights situation. Ensure information is delivered in a language and method that IDPs can understand (consider literacy, age and special needs).
3.2 Physical Safety

- Information on landmines and other security concerns is provided prior to the move and, where appropriate, plan and conduct Mine Risk Education sessions;
- Checkpoints operated by armed actors are located far from the area and are known by IDPs;
- Travel to location is safe and ensures family unity;
- Freedom of movement is guaranteed; authorities, civil society organizations and humanitarian agencies can freely access the proposed area prior to, during and after movement, for purpose of assistance/monitoring;
- Police (government or other) are accessible for IDPs, and/or measures are in place to strengthen community based dispute resolution systems, where government systems are not available;
- Reconciliation/conflict management/social cohesion initiatives are supported, where they exist.
3.3 Material Safety and Basic Services

- Planning for any durable solution ensures the participation of IDPs, ideally prior the move;
- Livelihoods mapping or market survey is undertaken prior to the move;
- Assistance (food, shelter, education, health) continues to be delivered alongside development/oriented project in the first phase to support the transition from camp to durable solution;
- IDPs are not excluded from any assistance (humanitarian or development) until they have fully recovered from displacement and are able to self-sustain as any other citizen of Myanmar.

3.4 Legal Safety

- Legal aid is available, free of charge for IDPs prior and during the pursuit of a durable solution;
- IDPs have access to civil documentation for all household members prior or after the move;
✓ IDPs receive information about the land status prior to the move as well as receive documentation of land certification, citing property ownership or the temporary use status (can be legal or customary documentation);

✓ IDP ရှေ့ခြင်းများ အပေါ် အခြေခံကြေညာချက်များ သိစားချက်များ ရရှိရန် သိချင်စွာ အခြေခံကြေညာချက်များ ချက်ချင်း (စီးပွားရေးဝန်ကြီးဌာန (၀.၊) အလုပ်လုပ်ငန်းအား ပေးသောကြောင့် အခြေခံကြေညာချက်များ အခြေခိုရန် သိချင်စွာ အခြေခိုကြေညာချက်များ ချက်ချင်း)

✓ Prior to moving the authorities (i.e. the Ministry/department that has jurisdiction of that type of land) provide written confirmation that any allocated land can be used for local integration/ settlement purposes. Consultations are held with communities in those areas to ensure that no other person has a legitimate claim to the land.

✓ အခြေခံကြေညာချက်များ (စီးပွားရေးဝန်ကြီးဌာန(၀.၊) အလုပ်လုပ်ငန်းအား ပေးသောကြောင့် အခြေခိုရန် သိချင်စွာ အခြေခိုကြေညာချက်များ ချက်ချင်း) ရှိစီးပွားရေးဝန်ကြီးဌာန(၀.၊) အလုပ်လုပ်ငန်းအား ပေးသောကြောင့် အခြေခိုရန် သိချင်စွာ အခြေခိုကြေညာချက်များ ချက်ချင်း ရှိစီးပွားရေးဝန်ကြီးဌာန(၀.၊) အလုပ်လုပ်ငန်းအား ပေးသောကြောင့် အခြေခိုရန် သိချင်စွာ အခြေခိုကြေညာချက်များ ချက်ချင်း

✓ Prior to the move, IDPs receive clear information about their rights regarding repossessed land, allocated land and housing and these rights will be documented in accordance with the tenure system in use in the area.

✓ In case of allocated land and housing, IDPs are informed of their right to restitution of land and housing they left behind when they were displaced and how to exercise it.

✓ Family tracing and reunification is undertaken and best interest determination of unaccompanied or separated children is completed;

✓ ပေးလျှင် သိစားချက်များ ရရှိရန် သိချင်စွာ အခြေခိုရန် သိချင်စွာ IDP ရှေ့ခြင်းများ သိချင်စွာ အခြေခိုရန် သိချင်စွာ အခြေခိုရန် သိချင်စွာ IDP ရှေ့ခြင်းများ သိချင်စွာ အခြေခိုရန် သိချင်စွာ IDP ရှေ့ခြင်းများ သိချင်စွာ အခြေခိုရန် သိချင်စွာ

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