

DRAFT Checklist on Relocation

What are the Rights of IDPs

According to the UN Guiding Principles on IDPs and Inter- Agency Standing Committee Operational Guidelines on Protecting Persons in Natural Disasters IDPs has the right to choose freely whether they want to return to their homes and places of origin, to remain in the area to which they have been displaced, or to resettle in another part of the country.

IDPs should not be prohibited from return except if there are real dangers to the life or physical integrity and health or be forced to return or resettle where their life safety liberty and or health would be at further risk.

What restrictions are allowed and under what circumstances

The rights of choice of the IDPs are not subjected to any restrictions except those that are provided by law, and are necessary to protect national security, the safety and security of affected populations, public order (*ordre public*), safety, public health or morals or the rights and freedoms of others. These restrictions are allowed as a temporary measure and should only last as long as such danger exists and only be implemented if other measures of protection are not available or possible.

In particular, relocations based on motivation to prevent rights to personal liberty and to move freely within their own country would be inconsistent with human rights principles.

What is the State Responsibility?

Competent national authorities should uphold the right of IDPs to return to their previous or usual place of residence and ensure that IDPs are not pressured to return to any area against their will except in cases of overriding public interest. The competent national authorities have both the duty and responsibility to establish conditions as well as provide the means for return or resettlement.

What is the responsibility of Humanitarian Agencies?

Humanitarian agencies can support voluntary return and settlement of the IDPs for finding durable solutions. However, they should not support or become involved in any manners any involuntary evacuations, transfers and relocations (even if it has been ordered by competent authorities) unless it is necessary for the protection of affected persons against very serious and imminent threats to their lives, their physical integrity or health.

Issues to be taken into account during the Relocation of Villages

During Planning of Relocation of Villages

- Local authorities (Village or township authorities) make their zoning and rebuilding/relocation plans known to the affected population. This includes use of variety of outreach methods to inform and get views of the population (those who are being relocated and population where the relocation is taking place) on the planning and management of relocation, consulting in language that the population understands and mechanisms put in place to consult and seek the views of the population;
- There is no discrimination on the planning and management of the relocation including on the availability of services (eg. selection of location, compensation, during support). The government policies do not favor certain groups or persons at all stages of planning and execution;
- The distance of relocation is kept at minimal so that the IDPs had opportunity to use their property;
- Mechanism ensuring IDPs including women, children, disabled and other marginalized groups are consulted and fully participate in all phases of relocation is in place. This might include holding separate meetings and consultations with different groups of people and even opportunity for private conversations

Prior to Relocation- Key Questions

- Who gave the instruction to relocate the villages? (local authorities, state authorities, Local Village Leaders)
- Has the affected population either seen or have adequate information about the area and available facilities (Health, Water and Livelihoods) where the relocation has been planned?
- Has the reasons for the relocation or combining of villages and merits and demerits of movement been informed to the affected population?
- Is the affected population provided with adequate information on the available support they will receive during and after relocation? Is it informed to all the affected population? Are there any mechanisms for dissemination of information? Moreover, is there any discrimination in the dissemination of the information to the affected population?
- Does anyone in the village not want to participate in the process? Are there any consequences of not participating? If yes, what type of consequences? Is there any mechanisms put in place to enable the population to provide feedback and comments?
- Is clear and reasonable notice provided prior to the relocation?
- Are sites for relocation stable and safe? (lowland, not too far from city)

During the Relocation- Key Questions

- Has it been ensured that the immediate family members are not separated against their will during the relocation?
- Is physical safety of the affected population ensured at all stages during and after their relocation including en-route and at the destination?
- Are the affected population permitted to bring their movable possession? Have the authorities provided necessary means (transportation, accommodation) during the relocation? Has special attention been given to the special needs of the vulnerable groups including women, children etc (safety of women, special care for disabled) during the relocation?
- Is special measures taken to ensure that the relocation is undertaken in ways that do not conflict the traditions and culture of certain group of people?
- Is there any discrimination according to the choice of movement (Discrimination between groups who support relocation and who do not)?
- Have the authorities involved in relocation respected for school and planting season during the relocation?

After the Relocation-Key Questions

- Is there a mechanism to receive lost property deeds and does the affected population have access to those mechanisms?
- Is freedom of movement ensured after relocation to all the affected population?
- Has compensation been paid to the persons who are not able to get back their property? If yes, type and how much?
- Has compensation been paid to villagers whose land has been taken by the authorities for relocation?
- Has assistance been provided to the IDPs to rebuild homes and other infrastructure, to re-establish livelihoods (e.g. business assets, fishing boats) or training and assistance for developing new sources of income?
- Are the new shelters or other constructions culturally acceptable and meets minimum building safety codes and standards?
- Do the sites for relocation have safe and ready access to all basic services, as well as to employment and appropriate livelihood opportunities and markets?
- Is special housing, services and other support are provided to groups with particular needs including women children, disabled?
- Has the authorities provided with the necessary material support (food rations, tools, repair kits, etc.) to bridge the period immediately after return?