

This position paper was developed in consultation with members of the Protection Cluster in Mozambique and its Areas of Responsibilities. The succeeding pages contain key recommendations by the Protection Cluster regarding sustainable returns of Internally Displaced Persons (IDPs). The Protection Cluster (PC) in Mozambique was established in March 2019 following the Cyclone Idai emergency in Sofala. Succeeding emergencies due to natural disaster and the recent conflict in Cabo Delgado increased the number of internally displaced persons in the country while protection conditions have rapidly deteriorated

PRINCIPLED RETURNS FOR INTERNALLY DISPLACED PERSONS



Voluntariness

Under no circumstances should IDPs be encouraged or compelled to return (or accept any other durable solutions) to areas where their life, safety, liberty or health would be at risk.



Civilian Character of Return

As return should be of a civilian and humanitarian character, the movement of IDPs under the auspices of the military/armed elements contravenes the principles of neutrality, distinction, and precaution. Such a movement may render the civilian population and the humanitarian actors vulnerable to more serious security and protection risks and may turn them into potential military targets.



Access

National and local authorities should grant humanitarian and development actors, in the exercise of their respective mandates, rapid and unhindered access to areas of return and areas of refuge to support humanitarian and development assistance activities to assist IDPs in ensuring that they are able to find a durable solution, in both the areas of refuge and in areas of return.



Consultations

The authorities must ensure meaningful participation of displacement-affected communities (including IDPs and host communities) prior to, during and post movement exercises with a view to ensuring that: 1) their concerns about the process are sought after, channeled, and addressed; 2) their inputs are considered and taken into consideration; 3) the process of return can be steered by the displacement-affected communities themselves.



Information Sharing

The authorities should share timely, consistent, and meaningful information regarding returns, as well as alternative durable solutions and disseminated through trusted channels so that they reach displacement-affected communities (including IDPs and host communities), in time to make an informed decision. This should contain information on the situation in areas of return. Furthermore, information channels should be adapted for different vulnerable groups like child-headed households, unaccompanied children, older people, and people with disabilities.



Joint Strategy and Coordination

Considering the principle of cooperation between the government (national and local authorities), the humanitarian community and other relevant stakeholders included in the 2009 Kampala Convention, appropriate collaboration and joint planning should be considered to ensure a safe, voluntary, and dignified return exercise in full respect of the rights of affected populations.



Availability of Basic Socio-Economic Services

For IDPs to achieve sustainable durable solutions, they need to access employment, livelihoods, education, health, and other basic services. When available to IDPs, education, employment, and livelihoods will allow them to fulfil at least their core socio-economic needs, where these are not guaranteed by social welfare programmes.



Specific Considerations on Vulnerable Groups

It is recommended that return exercises pay particular attention to the needs of vulnerable groups – such as the elderly, persons with disabilities, female-headed households, unaccompanied and separated children, child headed households and separated families among others - in order to ensure their protection and security. If movements are planned hastily, this increases the potential for protection risks, including GBV, trafficking and family separation (including children, persons with disabilities and the elderly from their caregivers) in areas of returns.



IDPs who do not wish to return

Specific considerations should be made for those IDPs that do not wish to return to their areas of origin.



Human Rights Mainstreaming

According to the rights-based approach of the IASC Framework, a mere physical movement does not on its own constitute achieving a durable solution. Durable solutions are about the restoration of rights for IDPs, outlined by the eight criteria in the IASC Framework for Durable Solutions [\(IASC Framework on Durable Solutions for Internally Displaced Persons\)](#) that can be used “to determine the extent to which a durable solution has been achieved.” The returns should be a starting point for a sustainable reintegration and reacquisition of access to basic human rights.



OBJECTIVES OF THIS POSITION PAPER

This position paper seeks to provide key recommendations from the Protection Cluster to be considered in drafting action plans and/or strategy that will address durable solutions for IDPs in Mozambique. Facilitated movements of IDPs towards durable solutions should be guided by protection standards of liberty, safety, voluntariness and dignity provided for by the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons (IDPs). The Republic of Mozambique ratified the Kampala Convention in September 2017. UNHCR is currently supporting the Government's efforts to complete the process of domestication of the Kampala Convention, including the finalization of a legal analysis of national laws and policy framework, identify gaps, obstacles and opportunities to strengthen IDP protection in law, policy development and implementation.

Other relevant documents and provisions that should guide such efforts include Principle 28 to 30 of the Guiding Principles on Internal Displacement (1998) and the IASC Framework on Durable Solutions for Internally Displaced Persons. In the past, the Mozambique Protection Cluster had produced a number of documents that have guided durable solutions, including: 1) Guiding Principles on Returns, Resettlement and Relocations endorsed by the Humanitarian Country Team (HCT) in Maputo in May 2019; 2) The Beira Protection Cluster's Protection Monitoring Report - #16 – Resettlement Exercise (15-21 June 2019); 3) The Return, Relocation and Resettlement Guiding Principles (June 2020). The above-mentioned documents and this position paper aim to support the Government of Mozambique and its national and international partners in ensuring that appropriate policies and measures of sustainable returns of IDPs are adopted.



POSITION PAPER

SEPTEMBER 2021

Principled Returns of IDPs in northern Mozambique

A. Recommendations

1. Voluntariness

Principle: Under no circumstances should IDPs be encouraged or compelled to return (or accept any other durable solutions) to areas where their life, safety, liberty or health would be at risk. The principle of voluntariness of movement entails:

- 1) Decisions are made freely (without duress, compulsion, undue influence or in the presence of armed actors);
- 2) The decision is based on accurate, objective information on conditions and assistance; and
- 3) The decision is made expressly and individually (ensuring gender inclusive decision making at all levels and in all processes).

Key recommendations:

- Humanitarian Country Team (HCT) and Inter-Cluster Coordination Group (ICCG) should advocate for all durable solutions options to be available to IDPs, not simply the choice to return.
- HCT and ICCG should advocate assertively, and in a timely manner, against any cases of potential or actual forced return. Ensure that IDPs are informed of their right to voluntary and sustainable return, local integration or relocation to other parts of the country.
- Consult the receiving communities in order to identify concerns of those who have remained behind and implement support measures to address those concerns and build confidence among those who remained and returning IDPs.
- Ensure that decisions are made individually by all adult members (including women) of a family and that persons with disabilities, older persons' and children's views are heard and considered as well.
- Advocate and intervene against the suspension of assistance in areas of displacement when it results in putting undue pressure on IDPs to opt for a particular solution against their will. Assistance in this case is not limited to food, but also other support such as non-food items, access to education, health, protection services, and vocational training.
- Ensure proper and accurate information is provided on conditions and assistance to be rendered in the areas of return.
- Ensure the participation of the Ministry of Gender, Child, and Social Action (MGCAS), the Protection Cluster, local women's led associations and/movements, to empower women and girls to make free, informed, and individual decisions, and ensure that Gender Based Violence (GBV) risks and response needs are assessed throughout so that women and girls can make informed decisions based on their safety and have access to services if they experience harm in any location.

2. Civilian Character of returns

Principle: As IDP returns should be of a civilian and humanitarian character, the movement of IDPs under the auspices of the military/armed elements contravenes the principles of neutrality, distinction, and

precaution. Such a movement may render the civilian population and the humanitarian actors vulnerable to more serious security and protection risks and may turn them into potential military targets.

Key recommendations:

- National armed forces or those intervening internationally can provide security to humanitarian operations, on an exceptional basis and as a last resort, for instance, by providing logistical or technical support or escorting relief convoys according to the criteria/or conditions stated in the “IASC Non-Binding Guidelines on the Use of Armed Escorts for Humanitarian Convoys” and other guidelines by the UN in Mozambique on the use of alternatives to the use of armed escorts.
- Such support must be carefully evaluated and cleared at the senior level in the United Nations, as it may risk blurring the distinction between humanitarian and military action and undermine the actual or perceived independence, impartiality and neutrality of the former.
- The presence of military forces can also expose communities to attack or create other security risks, such as exposure to sexual abuse, recruitment of children, use of schools or hospitals.

3. Access

Principle: National and local authorities should grant humanitarian and development actors, in the exercise of their respective mandates, rapid and unhindered access to areas of return and areas of refuge to support humanitarian and development assistance activities to assist IDPs in ensuring that they are able to find a durable solution, in both the areas of refuge and in areas of return.

Key recommendations:

- The HCT and ICCG to advocate with national and other relevant authorities for safe, unimpeded and timely access by humanitarian, human rights and development actors, both domestic and international, to areas of IDP return, resettlement and local integration.
- Access should also be understood in the opposite direction of the communication chain, with IDPs being able to have unimpeded access to humanitarian and development actors.

4. Consultations

Principle: The authorities must ensure meaningful participation of displacement-affected communities (including IDPs and host communities) prior to, during and post movement exercises with a view to ensuring that:

- 1) their concerns about the process are sought after, channeled, and addressed.
- 2) their inputs are considered and taken into consideration.
- 3) the process of return can be steered by the displacement-affected communities themselves.

Key recommendations:

- Separate consultations should be conducted with the displaced and host communities with due considerations for different ethnic groups, ages, gender and disabilities to ensure that the outcomes effectively reflect their respective views, plans, concerns, capacities and resources. Where possible consultations should be supported by actors with specific technical expertise working with the specific groups targeted.
- Host communities in areas of potential return should also be consulted. This would be important to ensure the sustainability of any solution, and area-based interventions benefitting all.
- Credible and accessible complaint mechanisms for returning communities should be set up to ensure that concerns can be brought to the immediate attention of the responsible national or local authorities who would apply an accountability approach in terms of responding and providing feedback to complaints received. Existing complaint mechanisms should ensure the capacity to adequately channel complaints to responsible national and local authorities.

5. Information Sharing

Principle: The authorities should share timely, consistent, and meaningful information regarding returns, as well as alternative durable solutions and disseminated through trusted channels so that they reach displacement-affected communities (including IDPs and host communities), in time to make informed decisions. This should contain information on the situation in areas of return. Furthermore, information channels should be adapted for different vulnerable groups, in particular, child-headed households, unaccompanied children, older people and people with disabilities.

Key recommendations:

- Ensure that IDPs have access to objective, accurate, understandable information on the prevailing conditions in areas of potential return and that this information reaches all members of the IDP community, including women, youth, older persons and children, as well as IDPs in different locations, including camps and non-camp settlements, rural and urban areas.
- Information should be provided to all humanitarian actors involved so that support from partners can be coordinated in advance.
- Information should be shared using a communication approach that is most suited to the specific communities' preferences.
- Employ a variety of methods to disseminate information through mass-information campaigns, such as through radio and TV broadcasting, pamphlets, posters, and street drama. Be sure that this information is in a language and format that all IDPs, including persons with different levels of literacy and persons with disabilities, can understand.
- Monitor information campaigns, whether formal or informal, by national and/or local authorities and IDP community leaders to counteract inaccurate public statements that suggest that IDPs have no choice of solution or those that could raise false expectations pertaining to the conditions in areas of return.

6. Joint strategy and coordination

Principle: Considering the principle of cooperation between the government (national and local authorities), the humanitarian community and other relevant stakeholders included in the 2009 Kampala Convention, appropriate collaboration and joint planning should be considered in order to ensure a safe, voluntary and dignified return exercise in full respect of the rights of affected populations.

Key recommendations:

- There should be a clearly defined focal point within the authorities for coordination with provincial governments, humanitarian community and development partners, to ensure that relevant actors are informed in a systematic and timely manner of population movements and that services, including access to services to issue or replace civil documentation to IDPs, is available.

7. Availability of basic socio-economic services

Principle: In order for IDPs to achieve sustainable durable solutions they need to access employment, livelihoods, education, health and other basic services. Once available to the IDPs, education, employment and livelihoods will allow them to fulfil at least their core socio-economic needs, where these are not guaranteed by public welfare programmes.

Key recommendations:

- The delivery of basic services is the responsibility of the Government, with support of the humanitarian community and development partners.

- Humanitarian support should not be forgotten at the beginning of returns. IDPs should have access to timely, adequate, and appropriate life-saving assistance during all phases of return as per age, sex, gender considerations.
- Returning IDPs should have equal access to the same standard of services as the rest of the population in the areas of origin without discrimination, such as health care and education.
- IDPs should be able to re-acquire access to their housing, land and property that they owned before their flight, this includes access to housing, land and property for women who for gender discriminative reasons may not have had equitable access to such vital resources prior to displacement.
- Returning IDPs should have safe and gender equitable access to basic shelter and housing, essential food, basic education sufficient water, sanitation, hygiene and information.
- The government and humanitarian actors should not reduce services in areas where the IDPs have sought refuge if there has been no change in the needs of that population nor without a sound understanding of people's intentions regarding durable solutions. Furthermore, reduction in services should not be used to create a "push factor".

8. Specific considerations for vulnerable groups

Principle: It is recommended that return exercises pay particular attention to the needs of vulnerable groups – such as the elderly, persons with disabilities, female-headed households, unaccompanied and separated children, child headed households and separated families among others - in order to ensure their protection and security. If movements are planned hastily, this increases the potential for protection risks, including GBV, trafficking and family separation (including children, persons with disabilities and the elderly from their caregivers) in areas of returns.

Key recommendations: To contribute to response and prevention of Sexual Exploitation and Abuse (SEA) or Gender based violence (GBV) occurrences, or other violations, it is recommended that there is:

- Continuous training on PSEA for the Military, National Police, local authorities and other key decision makers/assistance providers.
- Women are represented among the Military and Police personnel.
- Gender parity is ensured in community representation and concrete steps to ensure more durable representation of women in community leadership structures are taken.
- The creation of representative community structures are supported, including through the creation of women's committees and youth committees, with existing women's community committees and leadership being reinforced.
- Women must be represented in reconstruction process and decision making. The views of boys and particularly girls should be considered as well.
- Special attention should be given to the health needs, including special health access for women and girls in areas of return.
- Timely and appropriate life-saving response services should be available for survivors of gender-based violence, including PSS counselling, clinical management of rape/sexual, and access to justice services in areas of return.
- Engage men and boys including influential community, religious and traditional leaders in prevention of violence against women and girls in areas of return.
- Engage the community in understanding issues related to sexual violence and its impact on all (men, women, girls and boys).
- Strengthen law enforcement and prosecution strategies to combat violence against women and children and hold perpetrators accountable for their action which helps to eliminate culture of impunity.
- Ensure services, such as schools or hospitals, are not used by military or armed personnel and remain accessible services to children.

9. IDPs who do not wish to return

Principle: Specific considerations should be made for those IDPs that do not wish to return to their areas of origin.

Key recommendations:

- A person opting for local integration or resettlement elsewhere in the country, in the absence of prospects for return, should not lose the right to return once return becomes feasible.
- Information provided in a timely manner contributes to ensuring voluntariness and preparedness of return. The earlier information is shared, and consultations are done, the earlier it will be known how many IDPs wish to remain in the areas where they sought safety and security.
- Monitoring of areas where IDPs are being returned from must be conducted to ensure that those who are being moved are not moved against their wishes.
- Return intention surveys as well as “go-and-see” and “home-and-tell” visits should be conducted in areas where IDPs decided to remain and should be repeated after a jointly agreed time-period (e.g. six months) to see whether remaining IDPs have changed their mind regarding returning.

10. Human Rights mainstreaming

Principle: According to the rights-based approach of the IASC Framework, a mere physical movement does not on its own constitute achieving a durable solution. Durable solutions are about the restoration of rights for IDPs, outlined by the eight criteria in the IASC Framework for Durable Solutions that can be used “to determine the extent to which a durable solution has been achieved.” The returns should be a starting point for a sustainable reintegration and reacquisition of access to basic human rights. Here are the key recommendations to ensure that IDPs re-acquire access to their basic human rights without discrimination:

Key recommendations:

- IDPs continue to be protected by national and international human rights and, where applicable, international humanitarian law, even after they have achieved a durable solution.
- Access of returnees to identity documents and passports, civil status documents (e.g. marriage, divorce, adoption, birth and death certificates), housing, land, and property (HLP) documentation and other key documents required for access to work and to essential services, such as health cards, employment, education, or pension records.
- Participation of IDPs should be ensured in the planning and management of durable solutions, so that recovery and development strategies address their rights and needs. In the long run, avenues for participation of IDPs in local civil administration should be pursued.
- Voluntary reunification with family members separated during displacement should be provided throughout the process of return.
- Access to effective legal remedies for displacement-related violations, including access to justice system that is inclusive and accessible.
- Access to effective legal mechanisms that restore their housing, land and property or provide them with compensation, where restitution is not practical.
- Long-term safety, security and freedom of movement.

Protection Cluster Mozambique
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