



IOM International Organization for Migration
OIM Organisation Internationale pour les Migrations
OIM Organización Internacional para las Migraciones

Draft Terms of Reference for the Durable Solutions Working Group for Internally Displaced Persons in the Gambella Regional State of Ethiopia

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1. Background

- 1.1. Repeated natural and anthropogenic disasters cause internal displacement on a regular basis in the Gambella Regional State. Meanwhile, a growing number of internally displaced persons (IDPs) in the region are trapped in protracted displacement situations, as in the case of conflict-induced Akobo IDPs. Under an overarching goal of formulating a concerted approach to assist IDPs in progressively resolving displacement situations, the regional Disaster Prevention and Food Security Agency (DPFSA), together with the United Nations Development Programme (UNDP) and International Organization for Migration (IOM), sought to engage humanitarian and development actors on a multi-sectorial platform.
- 1.2. A consultative workshop was organized on 26 June 2018 to assess needs for durable solutions and, essentially to gauge a level of regional actors' interest in establishing a Durable Solutions Working Group (DSWG). Whereas IOM shared a general overview of IDP situations in Gambella and shared institutional experiences in supporting a DSWG in the Somali Regional State, UNDP introduced the organization's early recovery activities targeting the region. IDPs from Gog, Akobo and Itang woredas also participated and presented their views regarding conditions conducive to the achievement of their choice of durable solutions. The working group has never been regularized, however, in the absence of technical assistance to establish the group. Other urgent priorities, insufficient resources, and lack of a wide consensus on the importance of durable solutions distracted the actors' attention from durable solutions for IDPs as well.
- 1.3. With durable solutions being increasingly recognized as a crucial agenda for IDPs in Gambella, the DSWG initiative re-surfaced in 2019. During IOM's scoping mission of March 2019, it was agreed among the chair (DPFSA) and co-chairs (UNDP, IOM) to draft the DSWG's Terms of Reference (TOR) as an initial step to regularize meetings. The group was envisioned as a forum where both humanitarian and development actors can develop and discuss regional durable solutions strategy, action plan, standard operating procedures and potentially, pilot durable solutions initiative tailored to a local context.
- 1.4. From 12 to 25 March 2019, IOM conducted the first IDP durable solutions intention survey in Gambella. The survey targeted 20,105 IDPs or 3,091 displaced households in 12 sites, with an achieved sample size of 1,547 households. A result, once analyzed, will be able to provide the regional government and humanitarian and development actors with insights into IDPs' preferred choices of durable solutions and required interventions for their (re)integration and complement the DSWG's planning of activities.

2. IDPs

- 2.1 *United Nations Guiding Principles on Internal Displacement* (1998) define IDPs as "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized

violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”¹The definition was adopted by the *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa* (2009) (hereafter, Kampala Convention); ²to which the Federal Democratic Republic of Ethiopia (FDRE) is a signatory party.³

- 2.2 *The Constitution of the Federal Democratic Republic of Ethiopia* (1994) specifies pertinent assistance to and protection of all disaster-affected and displaced individuals in the country. Article 44(2) states, for instance, “All persons who have been displaced or whose livelihoods have been adversely affected as a result of State programmes have the right to commensurate monetary or alternative means of compensation, including relocation with adequate State assistance.”⁴ Article 89(3) also endows the Government with primary responsibilities to provide assistance to citizens in the event of natural and man-made disasters, as well as to spare no effort to prevent these events in the first place.⁵
- 2.3 Gambella has both conflict-induced and climate-induced IDPs with all of them originated from the region. Two prevalent causes of displacement are seasonal floods and inter-ethnic/cross-border conflicts, with the latter being a primary cause according to IOM Displacement Tracking Matrix (DTM) Round 15.⁶ Firstly, a significant proportion of populations are vulnerable to seasonal floods as they prefer to reside near river bank for access to water. Secondly, intra-region conflicts and repeated violent cattle raiding, committed by Murle tribes in South Sudan on a yearly basis during dry season, contribute to increasing the frequency and intensity of internal displacement in Gambella.
- 2.4 Although the number of IDPs is more or less stabilizing,⁷ a duration of the displacement has become protracted, especially in the case of conflict-induced IDPs in the region. DTM Round 16 attested to this, by presenting that 85.2% of sites in Gambella opened before the year 2018, which was hosting 16,010 out of a total of 17,798 conflict-induced caseloads as of April 2019.⁸
- 2.5 A majority of IDPs in Gambella have agro-pastoral background. DTM Round 16 points to concerns related to livelihoods, safety and security, and land and resources as three obstacles to return foreseen by all the assessed IDP sites. With possibilities of achieving other durable solutions options limited due partly to lack of assistance to foster conducive conditions, following areas of interventions were identified as the most pertinent to, and urgent in a local context: 1) food security, 2) peacebuilding and 3) livelihoods.

3. Durable Solutions – The Objective and Status of the DSWG in Gambella

- 3.1 This DSWG’s primary objective is to contribute to assisting IDPs in achieving their choice of durable solutions option, particularly for those who have been in protracted displacement situations. There will be no expansion of a scope to cover refugee responses.

¹ Guiding Principles on Internal Displacement, Introduction – Scope and Purpose, p.1; the 2005 World Summit, UN Human Rights Council and General Assembly recognized the document as “an important framework for the protection of [IDPs].” (source: IASC Framework on Durable Solutions for IDPs, p.1)

² Kampala Convention Article 1

³ Note the convention has yet to be ratified by the country.

⁴ Constitution, p.15

⁵ “Government shall take measures to avert any natural and man-made disasters, and, in the event of disasters, to provide timely assistance to the victims.”, Constitution, p.34

⁶ Conflict-induced IDPs accounted for 91% of a total number of caseloads in Gambella as of April 2019. To be more specific, 19,095 out of a total of 20,883 IDPs in Gambella were displaced by conflicts. Please see DTM Ethiopia – Displacement Report 16, Gambella (March – April 2019).

⁷ As compared to figures published in February 2019 through DTM Round 15, there were an increase of 142 individuals (+0.68%) and a decrease of 30 HHs (-0.98%), with no increment in the number of sites. As of April 2019, DTM assessed 13 sites in Gambella.

⁸ Kindly note that this number includes new arrivals in these sites. Therefore, not all 16,010 IDPs were not displaced before 2018.

- 3.2 In accordance with relevant international frameworks and tools;⁹this DSWG is mandated to explore ways to address issues in regards to IDP durable solutions with three pillars of physical, material and legal safety and security under the Gambella regional government's leadership.
- 3.3 This DSWG is a technical working group with the mandate and objective stated above, operating in parallel to existing Clusters/Sectors and government-led coordination forums operating through emergency responses. Based on the three pillars mentioned in 3.2, the DSWG will not respond to emergency and humanitarian needs of IDPs, which fall under the remit of the aforementioned humanitarian coordination mechanisms. Therefore, short-term and humanitarian actions can be discussed only as part of durable solution agendas.
- 3.4 As an independent initiative of the Gambella Regional Government and members, this DSWG is not held accountable to any of the existing structures of similar nature, especially the Federal IDP DSWG chaired by the National Disaster Risk Management Commission (NDRMC) and co-chaired by IOM and UN Resident Coordinator's Office (UNRCO). There is no vertical flow of resources as in the cluster system, as well.
- 3.5 By "durable solution", this DSWG means a situation in which the IDPs "no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement."¹⁰ Durable solutions can be accomplished through following ways:
- (i) Sustainable reintegration at their place of origin (hereafter, "return");
 - (ii) Sustainable local integration in areas where IDPs take refuge (hereafter, "local integration"); and
 - (iii) Sustainable integration in another part of the country (hereafter, "relocation").
- 3.6 By "protracted displacement", this DSWG means a situation where the population has been in displacement for a year or longer; and that process for finding a durable solution has been stalled and/or the IDPs are marginalized as a consequence of lack of protection of their human rights, including economic, social and cultural rights.¹¹

4. Guiding Principles for Durable Solutions

All efforts of this DSWG to achieve the primary objective as stated in 3.1 should be guided by core principles outlined by the *Inter-Agency Standing Committee (IASC) Framework on Durable Solutions for Internally Displaced Persons* (2010).¹²

- 4.1. The primary responsibility to provide durable solutions for IDPs needs to be assumed by the national authorities. International humanitarian and development actors have complementary roles.
- 4.2. The authorities concerned should grant and facilitate rapid and unimpeded access to humanitarian and development actors that assist IDPs in achieving a durable solution.
- 4.3. The needs, rights and legitimate interests of IDPs should be the primary considerations guiding all policies and decisions on durable solutions.

⁹ Consult IASC Framework on Durable Solutions for IDPs (2010); IASC Durable Solutions Indicators; and UNHCR Handbook for Repatriation and Reintegration Activities (2004), for instance.

¹⁰ IASC Framework on Durable Solutions for IDPs

¹¹ Brookings-Bern Project on Internal Displacement, 21-22 June 2017

¹² IASC Framework on Durable Solutions for IDPs; The Brookings Institution – University of Bern Project on Internal Displacement; April 2010, p.11-14

- 4.4. All relevant actors need to respect the right of IDPs to make an informed and voluntary choice on what durable solutions to pursue and to participate in the planning and management of durable solutions.
- 4.5. An IDP's choice of local integration or settlement elsewhere in the country, in the absence of the option to return, must not be regarded as a renunciation of his/her right to return should that choice later become feasible.
- 4.6. Under no circumstances should IDPs be encouraged or compelled to return or relocate to areas where their life, safety, liberty or health would be at risk.
- 4.7. IDPs seeking a durable solution must not be subjected to discrimination for reasons related to their displacement.
- 4.8. Similarly, populations and communities that (re-)integrate IDPs and whose needs may be comparable, must not be neglected in comparison to the displaced.
- 4.9. IDPs who have achieved a durable solution continue to be protected by international human rights, and where applicable, the principles of the humanitarian law.

5. Leadership and Membership

- 5.1. In the Gambella Regional State, DPFSA has taken the lead in initiating discussions on durable solutions for IDPs in the region. DPFSA chairs this DSWG with the support of two co-chairs—UNDP and IOM. The chair's responsibilities include but are not limited to:
 - (i) Chairing the DSWG's regular and ad-hoc meetings and facilitate discussions;
 - (ii) Liaising and collaborating with relevant regional government sectoral offices;
 - (iii) Providing an overall guidance on the DSWG's direction;
 - (iv) Approving agendas and meeting schedules/venue; and
 - (v) Updating the DSWG members on the regional government's plan/strategy/policy relevant IDP durable solutions and any related new development.
- 5.2. Regional Council will be entitled to permanent membership to the group, to ensure that the Office of the Regional President will be fully informed of durable solutions activities of the region in coordination with DPFSA as the chair.
- 5.3. UNDP and IOM, as co-chairs, will share and divide responsibilities as follows. Such division of labor can be revised as per discussion between the two agencies.

Shared Responsibilities	<ul style="list-style-type: none"> • Supporting the coordination of the DSWG's regular and ad-hoc meetings in close collaboration with the chair • Preparing agendas and setting schedules and venue • Briefing and providing requested information to a chair on agendas to be discussed if necessary • Following up on implementation of action points from the previous meeting • Liaising with humanitarian and development stakeholders
UNDP	<ul style="list-style-type: none"> • Making recommendations on ways to improve the coordination of the group by compiling inputs provided by members both on regular and ad-hoc bases • Distributing agendas of meeting(s) and taking the minutes to the DSWG

IOM	<ul style="list-style-type: none"> • Documenting the minutes and resources shared with the DSWG • Facilitating timely information sharing among the DSWG members through meetings, follow-up and assistance • Overseeing communications within the DSWG in consultation with the chair (including invitations to the meeting) • Sharing and disseminating TOR and strategy paper of the DSWG; and relevant data on IDPs' durable solutions intentions and living conditions, in consultation with the chair¹³
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5.4. Membership is open to regional government offices/bureaus, national and international humanitarian and development agencies, civil society and research institutions. It is of the utmost importance to ensure that both humanitarian and development actors and stakeholders are represented at this DSWG, now that IDPs' specific needs do not automatically disappear in the aftermath of conflicts or natural hazards. Therefore, the search for durable solutions requires long-term consideration of IDPs' human rights, humanitarian and development concerns, as well as effective coordination among multiple actors and stakeholders. In particular, no effort should be spared to engage all relevant humanitarian actors, to attract more development actors and relevant government departments to join this DSWG. Of utmost importance of the group, will be bridging the humanitarian nexus with sustainable development programming for resilience. The Gambella Regional Government will be notified of the addition of new members through DPFS.

5.5. Following agencies confirmed participation and nominated representative(s).

	Agency	Type	Focal Point in Gambella
1	Bureau of Women and Children's Affairs	Gov	Girum G/Esyesus
2	Disaster Prevention and Food Security Agency	Gov	Getachew Dagne
3	Bureau of Education	Gov	Dereje Tefera
4	Regional Council	Gov	Khot Manytap
5	Water Buearu	Gov	Nhial Biel
6	Bureau of Peace and Security	Gov	Othow Churo
7	Bureau of Health	Gov	Lizhiale Asmamo
8	Bureau of Agriculture	Gov	Oguta Okugn
9	Norwegian Refugee Council	NGO	Jacob Nhial Yat & Yien Chan
10	International Rescue Committee	NGO	Kedir Abdella & Gulma Mesfin
11	ZOA International	NGO	Dingor Ojulu
12	World Food Programme	UN	Feleke Asfir
13	United Nations Development Programme	UN	Mack Omod
14	United Nations Population Fund	UN	Tesfaye Barge
15	United Nations High Commissioner for Refugees	UN	Benon Orach
16	United Nations Children's Fund	UN	Addisu Kebede Daba
17	United Nations Office for the Coordination of Humanitarian Affairs	UN	Othow Agid
18	International Organization for Migration	UN	David Olok

5.6. The following two task forces were set up under the DSWG. The chair group will support the both.

- (i) Planning and Reporting Task Force is responsible for designing pilot durable solutions initiatives, developing durable solutions assessment tools, and planning and reporting on assessment results.

¹³ Decision regarding data sharing will be decided based on data protection principles and other relevant protocols of an agency collecting data.

As of October 2019, the Bureau of Agriculture leads the task force with the World Food Programme's support as co-lead.

- (ii) Advocacy and Strategy Task Force is responsible for organizing a strategy workshop, designing advocacy strategy and leading the advocacy for the Regional Parliament to allocate budgets to sectoral bureaus. As of October 2019, the Bureau of Education leads the task force while the Bureau of Justice co-leads the group.

6. Tasks and Responsibilities of the DSWG

In consultation with IDPs and communities and local authorities hosting IDPs, the main responsibility of this DSWG is to assist the Gambella Regional Government and humanitarian and development actors to formulate a concerted, progressive and multi-sectorial approach to progressively resolve displacement situations for IDPs; to identify causes of displacement and available durable solution options; and to plan a mid-/long-term process to create conditions conducive to achieving IDPs' preferred choices of durable solutions and in strengthening their resilience. To this end, the DSWG will:

- 6.1. Hold regular meetings for the DSWG that are action-oriented;
- 6.2. Undertake durable solution-related assessments for IDPs and host communities in already identified sites across the region – e.g. verification exercises, village assessment, and intention surveys – using tools and methodologies already developed by the DSWG member and/or the Working Group itself;
- 6.3. Share up-to-date information related to any planning and/or implementation of durable solutions-related projects and facilitate the coordination among participating agencies as required;
- 6.4. Ensure that all durable solutions are risk-informed and avoid creation of new hazards.
- 6.5. Prepare a report and mapping based on IOM DTM and other data collection activities noted in 6.2 on the up-to-date numbers and locations of IDPs in Gambella hosted in various types of sites;
- 6.6. Technically assist the regional government's durable solutions policy-making based on evidence already available and/or generated through exercises noted in 6.2 and 6.4;
- 6.7. Develop a regional durable solutions strategy in line with principles set out by the relevant international and regional frameworks as well as national instruments including *The National Disaster Risk Management (DRM) Policy* (2013) so as to address current displacement conditions and to foster policy environment conducive to the progressive resolution of displacement situations;
- 6.8. Design an action/implementation plan and standard operating procedures with a resilience lens, which will be referred to as "**roadmap**" together, for the achievement of durable solutions for IDPs in accordance with the regional strategy noted in 6.6., including a budget for these activities and responsibilities assumed by the DSWG members. Both the strategy and roadmap will be cognizant of the objectives of the National DRM Policy as noted in Footnote 12.¹⁴ Among the sites, such a road map should prioritize those where:

¹⁴ DRM Objectives:

- (i) To reduce and eventually prevent disaster risk and vulnerability that pose challenges to development through enhancing the culture of integrating disaster risk reduction into development plans and programmes as well as by focusing on and implementing activities to be carried out before, during, and after the disaster period to address underlying factors of recurrent disasters;
- (ii) In times of disasters, to save lives, protect livelihoods, and ensure all disaster affected population are provided with recovery and rehabilitation assistances;
- (iii) To reduce dependency on and expectations for relief aid by brining attitudinal change and building resilience of vulnerable people; and

- (i) IDPs whose displacement duration is longer;
- (ii) The number of IDPs with specific vulnerabilities, including women, the elderly, physically challenged and school-age children, is larger than in the other sites;
- (iii) IDPs for whom a durable solution can be found with some quick impact projects so as to have some examples of good practice; and
- (iv) IDPs who are motivated to find durable solutions for themselves, and who can do so if given appropriate assistance (e.g., training in agriculture, start-up capital for small businesses; skills training for youth);

6.9. Advocate to ensure that identified needs of IDPs and host communities are incorporated into the region's development plans, while developing synergies with existing durable solutions initiatives at a national level, such as the 2019 IDP Recovery Plan planned by the Ministry of Peace and NDRMC and the Early Recovery Network led by NDRMC and UNDP;

6.10. Analyze challenges and achievements for achieving the durable solutions through information-sharing and prepare reports as required, which can lead to the development of durable solutions initiatives potentially;

6.11. Advocate with the authorities to ensure that those who wish to integrate locally or to resettle in other areas are able to obtain a local identification without the need to return to their place of origin, as this is essential to entitling IDPs with equal access to services and resources, as well as political rights such as voting rights in places of residence; and

6.12. Ensure effective coordination of actions among humanitarian and development actors and the government for the benefit of the IDPs.

6.13. Monitor and evaluate the progress of the DSWG activities every six months or as and when warranted, to enable the adjustment of the Working Group's composition and short- to mid-term plan, to better reflect changing situation and relevant actors as needed.

6.14. Discuss and adopt new innovative solutions that may emerge in the process and are not contrary to the humanitarian principles.

(iv) To ensure that disaster risk management is mainstreamed into development plans and programs across all sectoral institutional and implemented at all levels

National DRM Policy (2013), 2.Policy Vision, Mission and Objectives, p,1