IOM's Engagement with the UN Guiding Principles on Internal Displacement

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12.1   Introduction

The vast majority of migrants with whom IOM works directly are Internally Displaced Persons (IDPs) in conflict and disaster situations. For example, in 2019 IOM provided protection and assistance to more than 21 million IDPs.[1] This makes IOM one of the largest global actors in responding to IDPs and their protection needs. It is one of the few agencies whose operations on internal displacement span the crisis continuum – from preparedness and risk reduction, to humanitarian protection and assistance, through the transition to longer-term solutions and recovery.[2] Responses to internal displacement constitute most of IOM's crisis-related programming, whether implemented at the individual or community levels.[3] Put simply, all these factors mean IOM is a major player – if not *the* major player – in the international community's response to internal displacement.

Yet, IOM has been remarkably under-studied – especially compared to other agencies such as the UN High Commissioner for Refugees (UNHCR).[4] IOM's operations with IDPs have received even less attention.[5]

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[1] IOM, 'Internal Displacement' <www.iom.int/internal-displacement> accessed 18 May 2022.

[2] IOM, 'Internally Displaced Persons Must Be "Agents of Their Own Solutions": IOM Joins High-Level Discussion to Resolve Internal Displacement' (11 June 2020) <www.iom.int/news/ internally-displaced-persons-must-be-agents-their-own-solutions-iom-joins-high-level- discussion-resolve-internal-displacement> accessed 18 May 2022. For comparison, other bodies like the UN Office for the Coordination of Humanitarian Affairs (OCHA) and the United Nations High Commissioner for Refugees (UNHCR) focus on one of these three dimensions.

[3] IOM, 'Our Work' <www.iom.int/our-work> accessed 18 May 2022.

[4] Megan Bradley, Cathryn Costello and Angela Sherwood, 'Introduction' in Megan Bradley, Cathryn Costello and Angela Sherwood (eds), *IOM Unbound? Obligations and Accountability of the International Organization for Migration in an Era of Expansion* (Cambridge University Press 2023).

[5] Megan Bradley has argued that 'more attention should be devoted to the consequences of IOM's work for the majority of migrants moving within the "global south", particularly

Thus, although IOM has made an explicit commitment to human rights and humanitarian principles,[6] scholars are not holding IOM accountable to these norms.

As such, this chapter is the first to take the important initial step in holding IOM to account from the perspective of the key international instrument for the protection of IDPs – the UN Guiding Principles on Internal Displacement (GPs). Specifically, it assesses to what extent IOM has integrated the GPs into its policies and frameworks and, through two case studies of IOM's work with IDPs in Haiti and Iraq, examines the extent to which IOM has implemented the GPs in its practice and approach in these country-specific contexts. At present, these aspects of IOM's work are very unclear for three reasons. First, as aforementioned, there is little scholarly analysis on this topic. Second, IOM contended, as recently as 2004, that it was not bound by international human rights law.[7] This contention is of particular concern as many of the GPs are in substance grounded in international human rights law and hence form part of IOM's obligations.[8] Third, although several of IOM's more recent core institutional policies and frameworks have explicitly recognized an obligation to protect and promote human rights,[9] these frameworks and policies are not yet well known outside the agency, and they rarely mention the GPs.[10] This omission is striking because IOM's operations are overwhelmingly focused on the 'global south', particularly with IDPs in conflict and disaster situations.[11] Moreover, IDPs are amongst the most

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overlooked populations such as IDPs'; see Megan Bradley, *The International Organization for Migration: Challenges, Commitments, Complexities* (Routledge 2020) 129.

[6] Bradley, *The International Organization for Migration: Challenges, Commitments, Complexities* (n 5).

[7] As discussed in Bradley, *The International Organization for Migration: Challenges, Commitments, Complexities* (n 5) 23.

[8] Walter Kälin, 'The Guiding Principles on Internal Displacement – Introduction' (1998) 10 *International Journal of Refugee Law* 557, 562; Bríd Ní Ghráinne, *Internally Displaced Persons and International Refugee Law* (Oxford University Press 2022).

[9] See, for example, IOM, 'The Human Rights of Migrants: IOM Policy and Activities' (12 November 2009) IOM Doc MC/INF/298. This refers to IOM as having 'a key supporting role to play' alongside States 'in achieving the effective respect of the human rights of migrants' (para 2).

[10] See Angela Sherwood and Megan Bradley, 'Holding IOM to Account: The Role of International Human Rights Advocacy NGOs' in Megan Bradley, Cathryn Costello and Angela Sherwood (eds), *IOM Unbound? Obligations and Accountability of the International Organization for Migration in an Era of Expansion* (Cambridge University Press 2023).

[11] Bradley, *The International Organization for Migration: Challenges, Commitments, Complexities* (n 5).

vulnerable groups in the world,[12] and naturally, it is highly desirable that one of the largest actors responding to their needs pays close heed to their key rights as encapsulated by the GPs.

The chapter proceeds as follows. Part 2 sets out what an IDP is and introduces the GPs, the obligations reflected in the GPs, and the centrality of the GPs in the overall international framework of IDP protection. Part 3 then explains the basis for IOM's operations with IDPs. In particular, we explain that although IOM does not have a clear formal mandate for assisting and protecting IDPs, it has justified its IDP activities in various ways, including through its Constitution, its role in the Inter-Agency Standing Committee (IASC), and the cluster system. Part 4 holds IOM to account by critically examining the extent to which it has delivered on its explicit undertaking 'to promote and respect the Guiding Principles in its work, and to disseminate them as widely as possible'.[13] We do this by mapping explicit references to the GPs in pertinent IOM policy instruments and by interrogating IOM's adherence to the durable solutions approach that is espoused by the GPs. Part 5 then critically examines how the GPs have been implemented by IOM in practice in the context of disaster (Haiti) and conflict-induced displacement (Iraq).

While it is important to recognize the positive impacts of IOM's work with IDPs,[14] this chapter identifies and interrogates, with some concern, substantial inconsistencies that exist between IOM's activities and both the letter and ethos of the GPs. Concerns arise from a seeming decline in explicit IOM references to the GPs as the leading international standards for IDP protection, evidenced in part by their absence in key IOM documents such as the 2015 Humanitarian Policy and its 2012 Migration Crisis Operational Framework. In addition, some of IOM's policies and frameworks not only neglect to refer to the GPs but also suffer inconsistencies with the GPs in terms of content. Inconsistencies also exist between IOM's operations and the ethos of the GPs. For example, this chapter is critical of IOM's almost exclusive camp-based focus in Haiti and its predominant preference for return as a durable solution to internal displacement, which is evident in IOM's operations in Iraq. Adherence to the GPs cannot thus be taken as a given and should be more concertedly systematized in IOM's ongoing work with IDPs.

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[12] Romola Adeola, *The Internally Displaced Person in International Law* (Elgar 2020).

[13] IOM, 'Internally Displaced Persons: IOM Policy and Activities' (18 November 2002) IOM Doc MC/INF/258 para 14.

[14] The scope of this chapter includes both IOM's protection and non-protection activities.

12.2   The International Protection of Internally Displaced Persons

IDPs are persons who have been forced or obliged to leave their places of habitual residence as a result of factors such as armed conflict, violence, human rights violations or natural or human-made disasters, but who have not crossed an international border.[15] IDPs often have similar wants, fears, and needs as refugees such as access to shelter, medicines, food, water, and safety from harm.[16] However, unlike refugees, IDPs do not have a specific legal status under international law and there is no dedicated global (as opposed to regional) treaty that grants them protection.[17] In addition, while the UNHCR has a specific mandate for the protection of refugees,[18] there is no international organization that has a dedicated mandate for protecting IDPs. IDPs are therefore amongst the most vulnerable groups in the world in terms of the harm to which they are exposed, the relative lack of binding international legal frameworks dedicated to their protection, and the absence of institutions with a specific responsibility for their protection.

In 1998, Francis Deng, the then Representative of the UN Secretary General on Internal Displacement, concluded the drafting of a protection framework for IDPs. The form of the framework was unspecified in the UN resolutions asking him to draft the framework. Consequently, the Representative decided to elaborate a set of non-binding principles based

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[15] ECOSOC, '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, Introduction para 2.

[16] Bríd Ní Ghráinne, *Internally Displaced Persons* (n 8); Adeola (n 12).

[17] Bríd Ní Ghráinne, 'Internally Displaced Persons', Max Planck Encyclopaedia of Public International Law (2015) <https://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e833> accessed 18 May 2022. Some regional conventions prohibit internal displacement, for example, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (adopted 23 October 2009, entered into force 6 December 2012) (Kampala Convention) Article 3; the Protocol on the Protection and Assistance to Internally Displaced Persons (adopted 30 November 2006, entered into force 21 June 2008).

[18] UNGA Annex to Res/428(V), 'Statute of the Office of the United Nations High Commissioner for Refugees' Res 428/V (14 December 1950) UN Doc A/RES/428(V). The UNHCR's protection mandate formally requires it to promote the protection of refugees and makes it the 'custodian' of international refugee law. UNHCR also has a mandate to protect stateless persons. See Ben Hudson and Bríd Ní Ghráinne, 'Enhancing State-to-State Dialogue on Internal Displacement: Current Global Fora and Future Prospects' (2020) 34 Refugee Survey Quarterly 425; Bríd Ní Ghráinne, 'The UNHCR's Involvement with IDPs: "Protection of that Country" for the Purposes of Precluding Refugee Status?' (2014) 26 International Journal of Refugee Law 536.

on existing provisions of human rights and humanitarian law and draw-
ing from refugee law by analogy. The 30 principles were divided into five
parts – (i) General Principles; (ii) Principles Relating to Protection from
Displacement; (iii) Principles Relating to Protection during Displacement;
(iv) Principles Relating to Humanitarian Assistance; and (v) Principles
Relating to Return, Resettlement and Reintegration. Under the GPs, states
have primary responsibility for protecting IDPs within their borders. Yet,
the GPs also address the roles and responsibilities of international actors.
For example, Principle 27 indicates that international humanitarian orga-
nizations and other appropriate actors should 'give due regard to the pro-
tection needs and human rights' of IDPs, and that they should 'respect
relevant international standards and codes of conduct'.

The publication of the GPs has been described as a 'benchmark'[19] and
a 'watershed event'[20] in IDP protection. Although technically a soft law
instrument and not in themselves legally binding, most of the principles
are based on existing international law. Moreover, the GPs have received
widespread endorsement, with IOM itself noting that the GPs 'reflect
and are consistent with international human rights and humanitarian
law'.[21] At least 78 displacement affected states from all over the world have
adopted national laws or policies on IDPs,[22] many of which explicitly rec-
ognize or are based on the GPs. The GPs have also inspired the develop-
ment of two regional treaties on internal displacement in Africa,[23] and
they have been heralded as 'the key international framework' for the pro-
tection of the internally displaced by the UN General Assembly.[24] That is
not to say the GPs are without limitations. For example, parts of the GPs,
such as the prohibition on internal refoulement in Principle 15, appear to
go further than existing hard law provisions.[25] This confuses and conflicts

[19] John Holmes, 'Foreword' (2008) Special Issue: Ten Years of the Guiding Principles on Internal Displacement Forced Migration Review 3.

[20] Jon Bennett, 'Forced Migration within National Borders: The IDP Agenda' (1998) 1 Forced Migration Review 4, 5.

[21] IOM, 'Internally Displaced Persons' (n 13) para 13.

[22] Global Protection Cluster, 'Global Database on Laws and Policies on Internal Displacement' (Global Protection Cluster) <www.globalprotectioncluster.org/global-database-on-idp-laws-and-policies> accessed 18 May 2022.

[23] Kampala Convention (n 17) Article 3; Protocol on the Protection and Assistance to Internally Displaced Persons (n 17).

[24] UNGA Res 63/307, 'Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia' (30 September 2009) UN Doc A/RES/63/307.

[25] Bríd Ní Ghráinne, *Internally Displaced Persons* (n 8).

with the common assertion that the GPs simply reflect and reassert existing international law provisions.[26] The GPs are also limited in respect to durable solutions, most notably in their lack of an explicit IDP right to return.[27] Nevertheless, the GPs are the globally acknowledged blueprint for all actors addressing internal displacement, which thus justifies their use in this chapter as an analytical lens through which to critique IOM's work on internal displacement.

Despite the introduction of the GPs in 1998, internal displacement remains a major global challenge. We are indeed now witnessing the highest number of IDPs on record. Numbering 55 million by the end of 2020,[28] IDPs can be found on almost every continent. Moreover, internal displacement is expected to rise even further in the future, particularly because of new and ongoing protracted conflicts that will likely displace millions of people, and the increased displacement anticipated as a result of disasters associated with the effects of climate change.[29] Internal displacement is therefore a multi-causal issue that is set to become even more significant in the coming years. It is precisely for this reason that it is important to appraise to what extent IOM's policies and frameworks integrate the GPs, and to what extent IOM abides by the GPs in practice.

12.3   IOM's Justification for Its Activities with Internally Displaced Persons

Even though IOM is one of the largest global actors on IDP issues, it does not actually have an explicit legal mandate to protect the rights of migrants, let alone the rights of IDPs. Rather, IOM's Constitution tasks it

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[26] For further discussion, see Catherine Phuong, *The International Protection of Internally Displaced Persons* (Cambridge University Press 2005) 61–65; and Ben Hudson, *Challenges in the Law of IDP Returns* (PhD thesis, University of Bristol 2019) <https://research-information.bris.ac.uk/en/studentTheses/challenges-in-the-law-of-idp-returns> accessed 18 May 2022 73–78.

[27] Hudson, *Challenges in the Law of IDP Returns* (n 26). For further critique of the GPs in respect to durable solutions, and most notably returns, see David Cantor, 'The IDP in International Law?: Developments, Debates Prospects' (2018) 30 *International Journal of Refugee Law* 191.

[28] Internal Displacement Monitoring Centre, 'Global Report on Internal Displacement 2021' (IDMC 2021) <www.internal-displacement.org/global-report/grid2021> accessed 18 May 2022. This figure does not include climate-induced displacement or displacement in the context of development/infrastructure projects.

[29] Bríd Ní Ghráinne, *Internally Displaced Persons* (n 8); Thekli Anastasiou, 'Public International Law's Applicability to Migration as Adaptation: Fit for Purpose?' in Simon Behrman and Avidan Kent (eds), *Climate Refugees: Beyond the Legal Impasse?* (Taylor and Francis 2018).

with facilitating orderly migration flows generally. The IOM Constitution has been described as 'permissive' because it allows IOM to provide assistance without limiting the categories of persons with whom it engages, or the forms of assistance it provides.[30]

IOM has defined the term 'migrant' broadly, encompassing 'any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person's legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of stay is'.[31] As such, this definition includes IDPs as persons of concern to IOM. Specifically, it is broad enough to include all IDPs described as such by the GPs, that is

> 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.[32]

IOM's permissive Constitution has allowed the organization to strategically position itself as a 'jack of all trades',[33] filling key gaps in the international humanitarian system. IOM is involved in a wide variety of activities with IDPs ranging from providing shelter and aid packages in crisis situations, to facilitating IDP evacuations and return processes, transport and logistics, and addressing displaced persons' housing and property concerns. More recently, it jointly designed and prepared the UN High-Level Panel on Internal Displacement (with UNHCR and the UN Office for the Coordination of Humanitarian Affairs (OCHA)).

While IOM's activities span a very broad range, it has also carved out distinctive niches in particular areas. For example, IOM has played a significant role in responding to disaster-induced displacement. As Hall's chapter in this volume indicates, IOM has conducted extensive research and facilitated discussions on displacement associated with the effects of climate change,[34]

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[30] Bradley, *The International Organization for Migration: Challenges, Commitments, Complexities* (n 5) 4.

[31] IOM Georgia, 'IOM Definition of "Migrant"' (IOM Georgia) <https://georgia.iom.int/who-is-a-migrant> accessed 6 December 2021.

[32] ECOSOC, 'Report of the Representative of the Secretary-General' (n 15) Introduction, para 2.

[33] Megan Bradley, *The International Organization for Migration: Challenges, Commitments, Complexities* (n 5).

[34] See Nina Hall, 'How IOM Reshaped Its Obligations on Climate Change and Migration' in Megan Bradley, Cathryn Costello and Angela Sherwood (eds), *IOM Unbound? Obligations*

and has taken on major operational roles in post-disaster displacement crises.[35] IOM has also developed disaster risk reduction and management initiatives intended to prevent large-scale and protracted displacement linked to natural hazards,[36] convened policy discussions on displacement linked to the effects of climate change,[37] and also provides training on how to use the GPs.[38] It was involved in many high-profile disaster situations including the 2003 earthquake in Bam, Iraq; and the 2004 Indian Ocean tsunami.[39]

IOM's role as a global leader in disaster situations is solidified by its participation in the 'cluster approach' to international coordination in humanitarian crises, including in relation to internal displacement. The cluster approach focuses on nine different areas of humanitarian response, with each assigned a 'cluster lead'. The cluster lead sets out the needs for the relevant situation as well as organizes planning, coordination and reporting. It is the first port of call and the provider of last resort in respect of each individual operation in which the system is applied. Within the cluster approach, UNHCR and IOM are co-leads of the Camp Coordination and Camp Management cluster (CCCM), with UNHCR leading in conflicts and IOM leading in disasters. In taking on this role, IOM saw itself as a 'key and consistent actor within this collective [i.e. cluster] response'.[40] It crystallized IOM's influential position in the humanitarian system, which it has leveraged to facilitate further growth and influence, making IOM among the largest humanitarian agencies in disaster settings. Within the cluster approach, IOM has responded to many high-profile disaster situations including the 2013 Typhoon Haiyan

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and *Accountability of the International Organization for Migration in an Era of Expansion* (Cambridge University Press 2023); Bradley, *The International Organization for Migration: Challenges, Commitments, Complexities* (n 5).

[35] Bradley, *The International Organization for Migration: Challenges, Commitments, Complexities* (n 5).

[36] IOM, 'IOM Contributions to Progressively Resolve Displacement Situations: Compendium of Activities and Good Practice' (2016) <https://publications.iom.int/system/files/pdf/compendium_of_activities.pdf> accessed 18 May 2022.

[37] Ibid.

[38] IOM, 'Internally Displaced Persons' (n 13) para 14.

[39] IOM, 'IOM News: Managing Migration for the Benefit of All' (March 2004) <https://publications.iom.int/system/files/pdf/iom_infos_mar04_en.pdf≥ accessed 18 May 2022; Asmita Naik, Elca Stigter and Frank Laczko, 'Migration, Development and Natural Disasters: Insights from the Indian Ocean Tsunami' (IOM 2007) <https://publications.iom.int/system/files/pdf/mrs30.pdf> accessed 18 May 2022.

[40] IOM, 'IOM Framework for Addressing Internal Displacement' (6 June 2017) IOM Doc S/20/4.

in the Philippines, the 2017 Iraqi earthquake,[41] and the 2019 Cyclone Idai in Mozambique.[42] IOM's role within the cluster approach will be further analysed in the case studies explored in Section 12.5.

IOM has also carved out a niche for itself as a major player in data collection in IDP situations, as set out in Koch's chapter in this volume.[43] Specifically, it has developed the Displacement Tracking Matrix (DTM).[44] The DTM is:

> [A] system to track and monitor displacement and population mobility. It is designed to regularly and systematically capture, process, and disseminate information to provide a better understanding of the movements and evolving needs of displaced populations whether on site or en route.[45]

The DTM was initially developed in Iraq in 2004 where it was used to inform needs assessment and monitoring activities pertaining to the enormous IDP population created by the US invasion of Iraq and the subsequent widespread conflict.[46] Through the DTM, IOM identifies and counts people as IDPs. IOM also determines, in cooperation with states, when individuals are no longer counted in the DTM, consequently implying that they are no longer IDPs, at least in the eyes of IOM.

Although IOM's 'permissive' Constitution has some strengths, allowing it to engage in the wide varieties of activities as outlined above, it has drawbacks. Taken in the context of its historical status outside the UN, its tendency to engage in a diverse range of activities and its project-based funding model, IOM's permissive Constitution has led to considerable

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[41] IOM, 'IOM Iraq Provides Medical Assistance to Earthquake-Affected Families' (14 November 2017) <www.iom.int/news/iom-iraq-provides-medical-assistance-earthquake-affected-families> accessed 18 May 2022.

[42] IOM, 'Mozambique – Cyclone IDAI Response – Situation Report – Round 10 (October 2019)' (2019) <https://displacement.iom.int/reports/mozambique-%E2%80%94-cyclone-idai-response-situation-report-%E2%80%94-round-10-october-2019> accessed 18 May 2022; IOM Iraq, 'IOM Iraq Provides Medical Assistance to Earthquake-Affected Families' (n 41).

[43] See Anne Koch, 'The International Organization for Migration as a Data Entrepreneur: The Displacement Tracking Matrix and Data Responsibility Deficits' in Megan Bradley, Cathryn Costello and Angela Sherwood (eds), *IOM Unbound? Obligations and Accountability of the International Organization for Migration in an Era of Expansion* (Cambridge University Press 2023).

[44] For an analysis of IOM's evolving roles in respect to data, particularly DTM development and deployment, see Koch (n 43). See also IOM, 'Haiti: From Emergency to Sustainable Recovery. IOM Haiti Two-Year Report (2010–2011)' (2012) <https://reliefweb.int/sites/reliefweb.int/files/resources/Full%20Report_645.pdf> accessed 18 May 2022.

[45] IOM DTM, 'About' (2019) <https://dtm.iom.int/about> accessed 18 May 2022.

[46] Ibid.

confusion about the organization's mandate and, by extension, its obligations, accountability, and ethos. The following sections will provide some clarity on these matters in respect to IOM's work on internal displacement, through the analytical lens of the GPs.

12.4   IOM Policies and the GPs

This section identifies the manner and extent to which IOM engages with the GPs in its policies and frameworks. It does so, first, by mapping explicit references to the GPs in pertinent IOM documents. Five IOM policies and frameworks form the basis of this analysis, spanning the early 2000s to the present day. We examine the: (i) 2002 document, 'Internally Displaced Persons: IOM Policy and Activities'; (ii) 2012 Migration Crisis Operational Framework; (iii) 2015 IOM Humanitarian Policy – Principles for Humanitarian Action; (iv) 2016 Framework on the Progressive Resolution of Displacement Situations; and (v) 2017 Framework for Addressing Internal Displacement. These have been chosen because they are the principal documents guiding IOM's global approach to mobility and humanitarian action as applies to internal displacement. Second, it presents a critique of the extent to which these IOM policies and frameworks promote, in letter and ethos, the durable solutions approach that is central to the GPs.[47] A focus on durable solutions is apt given the centrality of this issue in the GPs' approach to resolving internal displacement and, as will be shown, 'resolving' internal displacement is core to much of IOM's work in respect to internal displacement.

12.4.1   *Explicit Engagement*

The IOM Executive Committee first considered IOM policy and practice in respect to IDPs in May 1997.[48] At this time, the GPs were in a developmental phase. Nonetheless, IOM used themes drawn from the then draft GPs to shape its 'general principles and operational guidelines' on internal displacement.[49] In its 2002 document, 'Internally Displaced Persons: IOM Policy and Activities' ('the 2002 IOM Policy and Activities'), IOM made a series of affirmatory statements and commitments in respect to the GPs. IOM here recognised that the GPs 'consolidate into one

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[47] ECOSOC, 'Report of the Representative of the Secretary-General' (n 15) Section V.
[48] IOM, 'Internally Displaced Persons' (n 13) para 10.
[49] Ibid.

document the relevant rights and norms and state them in a way as to be specifically relevant to the situation in internal displacement',[50] and that the GPs 'thus provide a practical tool for implementation and should be closely followed in all programmes benefiting IDPs, and in all attempts to address the issue of displacement'.[51] Crucially, it then states that 'IOM has undertaken to promote and respect the GPs in its work, and to disseminate them as widely as possible',[52] with the then IOM Emergency and Post-Conflict Unit[53] tasked with 'ensuring that IOM project proposals are consistent with the Guiding Principles'.[54]

Since 2002, and especially in the past decade, IOM has published a plethora of policies and frameworks, many of general application and one in particular that is specific to internal displacement. Much of this policy development came in part as a consequence of a far-reaching review by the Swedish International Development Agency (SIDA) of IOM's work in the field of humanitarian assistance.[55] In 2012, the IOM Council published its Member State-approved Migration Crisis Operational Framework (MCOF).[56] The MCOF 'provides a reference frame for IOM's response to the mobility dimensions of crisis situations'.[57] It was 'developed at the request of IOM Member States, pursuant to their growing interest in the migration consequences of crisis situations'.[58] The overarching intention of the MCOF is to 'allow IOM to improve and systematize the way in which the Organization supports its Member States and partners to better respond to the assistance and protection needs of crisis-affected populations'.[59]

The MCOF is underpinned by 'the migration crisis approach'.[60] IOM explains this approach as being more holistic than that offered by existing migration frameworks, which, in its view, do not comprehensively

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[50] IOM, 'Internally Displaced Persons' (n 13) para 13.
[51] Ibid.
[52] IOM, 'Internally Displaced Persons' (n 13) para 14.
[53] Now the IOM Department of Operations and Emergencies.
[54] IOM, 'Internally Displaced Persons' (n 13) para 15.
[55] Anders Olin, Lars Florin and Björn Bengtsson, '*Study of the International Organization for Migration and Its Humanitarian Assistance*' (SIDA Evaluations 2008).
[56] IOM Council, 'IOM Migration Crisis Operational Framework' (15 November 2012) MC/2355. Approved unanimously in IOM Council, 'Migration Crisis Operational Framework Resolution' (27 November 2012) Resolution 1243 IOM Doc MC/2362.
[57] IOM Council, 'IOM's Humanitarian Policy – Principles for Humanitarian Action' (12 October 2015) IOM Doc C/106/CRP/20.
[58] IOM Council, 'Migration Crisis Operational Framework' (n 56) para 1.
[59] IOM Council, 'Migration Crisis Operational Framework' (n 56) para 3.
[60] IOM Council, 'Migration Crisis Operational Framework' (n 56) para 6.

cover 'all patterns of mobility during crises' or 'all those on the move during crises'.[61] IOM thus seeks through the MCOF 'to complement systems that privilege certain categories of affected populations through a focus on the vulnerability of a variety of people on the move and the affected communities'.[62] Within the MCOF, IOM identifies what it calls the '[m]ost relevant frameworks and modalities for cooperation'.[63] The list is extensive, with reference made to, *inter alia*, the IASC cluster approach and the UNHCR,[64] the 1951 Refugee Convention and its associated 1967 Protocol,[65] and the Hyogo Framework for Action 2005–2015 on disaster risk reduction.[66] Yet, there is one glaring omission when the MCOF is viewed through the lens of internal displacement – there is no reference whatsoever to the GPs. This is despite, as discussed in Section 12.2, the GPs having been widely cited in international fora as the leading normative statement on minimum IDP protection and assistance standards.[67] Moreover, it is indeed highly curious to see the GPs neglected in the MCOF when the concept of a 'migration crisis' is intended to apply not only in cross-border contexts but also in relation to internal displacement[68] and, as discussed, IOM has advocated for the GPs to be 'closely followed in all programmes benefiting IDPs, and in all attempts to address the issue of displacement',[69] and has committed itself 'to promote and respect the Guiding Principles in its work'.[70]

 This situation is then repeated in the 2015 IOM Humanitarian Policy – Principles for Humanitarian Action ('the Principles for Humanitarian Action').[71] These Principles constitute 'a key element of IOM's efforts to

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[61] IOM Council, 'Migration Crisis Operational Framework' (n 56) para 6. For example, IOM pinpoints international migrants who are not refugees but have been 'caught in crisis' (in either destination or transit locations) as absent from these frameworks (para 5(d)).

[62] IOM Council, 'Migration Crisis Operational Framework' (n 56) para 6.

[63] IOM Council, 'Migration Crisis Operational Framework' (n 56) paras 14–19.

[64] IOM Council, 'Migration Crisis Operational Framework' (n 56) paras 14 and 15 respectively.

[65] IOM Council, 'Migration Crisis Operational Framework' (n 56) para 15.

[66] IOM Council, 'Migration Crisis Operational Framework' (n 56) para 17.

[67] See, for example, UN Human Rights Council, 'Mandate of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons' (14 December 2007) UN Doc A/HRC/RES/6/32, para 5; UNGA Res 64/162, 'Protection of and Assistance to Internally Displaces Persons' (18 December 2009) UN Doc A/RES/64/162 para 10.

[68] IOM, 'Migration Crisis Operational Framework' (version 2.0, 2020) <https://emergency manual.iom.int/entry/17002/migration-crisis-operational-framework-mcof> accessed 4 October 2021.

[69] IOM, 'Internally Displaced Persons' (n 13) para 13.

[70] IOM, 'Internally Displaced Persons' (n 13) para 14.

[71] IOM Council, 'IOM's Humanitarian Policy – Principles for Humanitarian Action' (n 57).

prioritize policy development as part of its engagement to strengthen its humanitarian role'.[72] They aim to 'define IOM's responsibilities vis-à-vis internationally agreed core humanitarian principles and to clarify its role at all levels'.[73] While the Principles for Humanitarian Action recognise IDPs (alongside refugees, asylum seekers and stateless persons) as being 'covered by dedicated international protection frameworks and norms',[74] and while 'internal movements' explicitly feature in the series of 'operating contexts' presented,[75] at no point are the GPs mentioned. This is in contrast to international humanitarian law and refugee law, which feature throughout.

Although neither the MCOF nor the Principles for Humanitarian Action contain any explicit reference to the GPs, the 2016 Framework on the Progressive Resolution of Displacement Situations ('the PRDS Framework')[76] does, albeit only in endnotes. It 'aims to guide IOM and inform its partners to frame and navigate the complexity of forced migration dynamics and support efforts to progressively resolve displacement situations'.[77] The PRDS Framework explicitly cites the GPs on two occasions. It does so first by simply identifying them as an existing IDP durable solutions framework.[78] Second, and more importantly, it states that IOM's 'key programmatic principles' are inspired by, *inter alia*, the GPs, in recognition of these as a 'key international framework'.[79]

Lastly, in 2017, IOM published its Framework for Addressing Internal Displacement ('the 2017 Framework').[80] This goes one step further than the PRDS Framework by recognising the GPs as 'the most important international framework for the protection of IDPs'.[81] The 2017 Framework lays

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[72] Ibid para 2.

[73] Ibid.

[74] IOM Council, 'IOM's Humanitarian Policy – Principles for Humanitarian Action' (n 57) Annex, para I.5.

[75] IOM Council, 'IOM's Humanitarian Policy – Principles for Humanitarian Action' (n 57) paras VI.5-VI.17.

[76] IOM, 'The Progressive Resolution of Displacement Situations' (2016) <www.iom.int/ sites/default/files/our_work/DOE/humanitarian_emergencies/PRDS/IOM-PRDS-Framework.pdf> accessed 18 May 2022.

[77] OCHA, 'Rethinking Solutions to Displacement in Chad: Applying IOM's New PRDS Framework' (IOM 2016) <https://reliefweb.int/report/chad/rethinking-solutions-displacement-chad-applying-iom-s-new-prds-framework> accessed 18 May 2022.

[78] IOM, 'The Progressive Resolution of Displacement Situations' (n 76) 5.

[79] IOM, 'The Progressive Resolution of Displacement Situations' (n 76) 14.

[80] IOM, 'IOM Framework for Addressing Internal Displacement' (2017) <www.iom.int/ sites/default/files/press_release/file/170829_IDP_Framework_LowRes.pdf> accessed 18 May 2022.

[81] Ibid 7.

out three key 'Principles of Engagement' – (1) primary responsibility of States; (2) grounded in prevailing principles, policies, and practices; and (3) people-centred.[82] In respect to the second principle, IOM commits to its programmes and activities on internal displacement being 'in line with prevailing normative and legal frameworks, including international human rights law, international humanitarian law, the Guiding Principles on Internal Displacement and relevant IASC-endorsed standards and practices'.[83] Additionally, the 2017 Framework asserts that it 'consolidates its comprehensive and diverse programming on internal displacement' under a series of operational objectives[84] that are '[i]n line with' what it accurately identifies as the GPs' goals. These are namely 'to prevent conditions that might lead to internal displacement and to minimize its adverse effects when it does occur; to provide protection and assistance to IDPs during displacement; and to promote durable solutions'.[85] The 2017 Framework therefore not only contains several substantive and explicit references to the GPs but gives the GPs their due weight alongside other applicable frameworks. The 2017 Framework is indeed highly complimentary of the GPs, and respects that while the document itself is not legally binding, it nonetheless 'consolidate[s] international legal norms found in existing treaties and conventions'.[86]

Overall, despite the welcome publication of the 2017 Framework, it remains apparent that explicit reference and endorsement of the GPs is, despite promises made elsewhere, notably absent in key general (i.e. not IDP-exclusive) IOM policies and frameworks. Indeed, on the basis of this analysis alone, there is little evidence that IOM has, in the context of its internal policy-making processes, met its own commitment 'to promote and respect the Guiding Principles in its work, and to disseminate them as widely as possible'.[87] However, this evidenced lack of explicit mention of the GPs does not necessarily mean that inconsistencies exist between IOM policies and frameworks and the content of the GPs. Equally, simply because there are references in support of the GPs in, for example,

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[82] IOM, 'IOM Framework for Addressing Internal Displacement' (n 80) 8.
[83] Ibid.
[84] These operational objectives are: '(a) bolster preparedness and resilience-building and address root causes; (b) provide protection and assistance through timely and effective humanitarian responses; (c) support and pursue durable solutions and sustainable recovery', IOM, 'IOM Framework for Addressing Internal Displacement' (n 80).
[85] IOM, 'IOM Framework for Addressing Internal Displacement' (n 80) 14.
[86] IOM, 'IOM Framework for Addressing Internal Displacement' (n 80) 7.
[87] IOM, 'Internally Displaced Persons' (n 13) para 14.

the 2017 Framework, does not guarantee that the content of such policies and frameworks is in accordance with the ethos and spirit of the GPs. Assessing whether IOM respects and ensures consistency with the GPs in its work requires a more substantive examination of the content of these documents, which is the focus of Section 12.4.2, and its field-based operations and approach, which is examined in Section 12.5.

12.4.2　Advancing the Pursuit of Durable Solutions?

This section will analyse the extent to which IOM's policies and frameworks reveal an approach to resolving displacement that is compatible with the durable solutions approach laid out in the GPs, which has become the dominant approach internationally.

As outlined in Section 12.2 of this chapter, the GPs cover all phases of displacement. In respect to the post-displacement phase, Principle 28 is most relevant. Principle 28(1) states that 'the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily … or to resettle voluntarily' lies with the competent authorities, with such authorities also expected to 'endeavour to facilitate the reintegration of returned or resettled internally displaced persons'. Principle 28(2) then goes on to promote IDPs' 'full participation … in the planning and management of their return or resettlement and reintegration'.[88]

Although the term 'durable solutions' does not feature in the GPs, the three durable solutions of 'return, local integration in the locations where persons have been displaced, and resettlement in another part of the country'[89] are evident in Principle 28. In respect to return and

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[88] Principle 29 then goes on to state that IDPs who have returned or resettled 'shall not be discriminated against as a result of their having been displaced', in particular that 'They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services' (Principle 29(1)). Moreover, competent authorities have 'the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions', and, when such recovery is not possible, to 'provide or assist these persons in obtaining appropriate compensation or another form of just reparation' (Principle 29(2)).

[89] Walter Kälin, *Guiding Principles on Internal Displacement: Annotations* (The American Society of International Law 2008) 3. As stated by the Inter-Agency Standing Committee (IASC), these three means by which to secure a durable solution to internal displacement are complementary and non-hierarchical, IASC, 'Framework on Durable Solutions for Internally Displaced Persons: Project on Internal Displacement' (The Brookings Institution – University of Bern Project on Internal Displacement 2010) <https:// interagencystandingcommittee.org/system/files/2021-03/IASC%20Framework%20

resettlement, both of course explicitly feature. In respect to local integration, although there is no explicit mention of this in Principle 28, that return or resettlement be chosen voluntarily means IDPs cannot be forced, or in any way coerced, into further movement, whether onward or return, for the purpose of seeking a durable solution to their displacement. This therefore implicity includes local integration within the scope of Principle 28. Kälin confirms in the Annotations to the GPs that all three types of durable solution, including local integration, are indeed envisioned by the GPs.[90] It is also widely acknowledged, including by IOM,[91] that the GPs endorse the three types of durable solutions, even if not explicitly or by that precise name.

The language of 'durable solutions' does feature in IOM policies and frameworks. For instance, in the MCOF and the Principles for Humanitarian Action, there is explicit mention of 'advocating for',[92] 'laying the foundations for',[93] 'allowing'[94] and 'promoting'[95] durable solutions. While IOM itself does not unequivocally define 'durable solutions', it does refer, namely in the PRDS Framework[96] and the 2017 Framework,[97] to the three solutions of return, resettlement and local integration as featured in the GPs and elsewhere. Yet, despite this, it is nonetheless apparent that IOM policies tend towards supporting the mobility-related solutions of return and resettlement. For example, in the MCOF, although there are several references to '(re)integration support',[98] these typically appear in the context of securing sustainable return.[99] 'Local integration' is in fact explicitly mentioned only once, and this is in respect to refugees.[100] This focus on return and resettlement is also implicit at other points

on%20Durable%20Solutions%20for%20Internally%20Displaced%20Persons%2C%20April%202010.pdf> accessed 18 May 2022, 12).

[90] Kälin, *Guiding Principles on Internal Displacement: Annotations* (n 89) 125.
[91] IOM, 'IOM Framework for Addressing Internal Displacement' (n 80) 7; IOM, 'The Progressive Resolution of Displacement Situations' (n 76) 5.
[92] IOM Council, 'Migration Crisis Operational Framework' (n 56) para 10 on p 3.
[93] IOM Council, 'Migration Crisis Operational Framework' (n 56) para 10 on p 6, and para 16.
[94] IOM Council, 'Migration Crisis Operational Framework' (n 56), para 10 on p 6.
[95] IOM Council, 'IOM's Humanitarian Policy – Principles for Humanitarian Action' (n 57) paras I.7, VI.17.
[96] IOM, 'The Progressive Resolution of Displacement Situations' (n 76) 5.
[97] IOM, 'IOM Framework for Addressing Internal Displacement' (n 80) 7.
[98] For example, para 10 on p 5.
[99] For example, para 10 on p 6. In this respect, an important distinction is to be made between *re*-integration upon return or resettlement, and integration at the location to which one has been displaced.
[100] IOM Council, 'Migration Crisis Operational Framework' (n 56) para 15.

throughout the MCOF, for example, in respect to health, when it is stated that IOM 'provide[s] comprehensive migrant health-care and prevention services … at the pre-departure stage, during travel and transit and upon return'.[101] It is additionally revealed by IOM's promise to 'improve living conditions of displaced persons and migrants in transit, by … advocating for durable solutions and ensuring organized closure and phase-out of camps'.[102] This thus seemingly closes off any possibility of a 'local integration' durable solution to displacement in a camp-based setting, for instance, through the transformation of camps into permanent residential districts.

This mobility-centred approach is even more explicit in the 2016 PRDS Framework, which provides an intriguing insight into IOM's approach and underlying ethos in respect to resolving displacement. The PRDS Framework expresses concern that 'the growing complexity and unpredictability' of migration crises 'challenge[s] the versatility of the three traditional durable solutions – voluntary return and sustainable reintegration, sustainable settlement elsewhere and sustainable local integration'.[103] Indeed, the very existence of the PRDS Framework reveals unease on the part of IOM with the definition of a durable solution as presented by the IASC and/or the idea that the achievement of a durable solution is determinative of when displacement ends. The 2010 IASC Framework on Durable Solutions for Internally Displaced Persons ('IASC Framework')[104] defines a durable solution, and thus the end of displacement, as 'when IDPs no longer have any 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'.[105] The PRDS Framework instead proposes a 'resilience-based approach' aimed towards *progressively* resolving displacement situations.[106] As explained by IOM, '[m]obility can be a crucial component of resilience',[107] thus, mobility lies at the core of the PRDS' mission statement to 'maximize opportunities that employ mobility strategies to foster

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[101] IOM Council, 'Migration Crisis Operational Framework' (n 56) para 10 on p 4.
[102] IOM Council, 'Migration Crisis Operational Framework' (n 56) para 10 on p 3.
[103] IOM, 'IOM Contributions to Progressively Resolve Displacement Situations: Compendium of Activities and Good Practice' (18 July 2016) <https://publications.iom.int/fr/books/iom-contributions-progressively-resolve-displacement-situations-compendium-activities-and> accessed 18 May 2022.
[104] IASC, 'Framework on Durable Solutions for Internally Displaced Persons' (n 89).
[105] Ibid 5.
[106] IOM, 'The Progressive Resolution of Displacement Situations' (n 76) 10.
[107] IOM, 'The Progressive Resolution of Displacement Situations' (n 76) 6.

the resilience of displaced populations'.[108] It is argued that the PRDS Framework therefore 'embraces broader, more inclusive approaches which integrate mobility dimensions',[109] and that as a framework it complements the three durable solutions of local integration, return and resettlement.[110] Although a detailed critique of the PRDS Framework lies beyond the scope of this chapter, when viewed through the lens of the GPs, it is telling to see the weight given to mobility. Even though IOM asserts its approach as being complementary to the three durable solutions approach, the PRDS Framework says nothing that encourages or respects local integration as a possible solution to internal displacement. Moreover, it is concerning that, aside from IOM stating that it 'recognizes those affected by crisis and displacement as central actors and agents in finding their own solutions',[111] and calling in its PRDS key programmatic principles to '[s]upport the freedom of choice of affected persons to identify appropriate solutions…',[112] the language of 'voluntariness' is noticeably sparse throughout.[113]

In sum, while the GPs and other associated frameworks embrace a durable solutions approach that views such solutions as not being exclusively mobility-related, IOM's approach appears to favour mobility-related solutions to internal displacement. The PRDS Framework in particular articulates a view that is clearly critical of the durable solutions framework espoused by the GPs. This focus on mobility is perhaps understandable in the light of IOM's own expertise.[114] Indeed, the MCOF proclaims IOM's 'unique expertise in the transportation of beneficiaries in emergency (evacuation) and post-crisis (resettlement or return) situations',[115] and it is mentioned in the Principles for Humanitarian Action that 'IOM Member States recognize IOM's comparative advantage in addressing the mobility

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[108] IOM, 'The Progressive Resolution of Displacement Situations' (n 76) 10.

[109] IOM, 'The Progressive Resolution of Displacement Situations' (n 76) 6.

[110] IOM, 'Progressive Resolution of Displacement Situations Framework (PRDS)' (Emergency Manual version 1.8, IOM 2020) <https://emergencymanual.iom.int/entry/17151/progressive-resolution-of-displacement-situations-framework-prds#1,1638809738806> accessed 12 October 2021.

[111] IOM, 'The Progressive Resolution of Displacement Situations' (n 76) 12.

[112] IOM, 'The Progressive Resolution of Displacement Situations' (n 76) 14.

[113] For a related discussion of IOM's involvement in assisted voluntary returns of migrants internationally, see Jean-Pierre Gauci, 'IOM and "Assisted Voluntary Return": Responsibility for Disguised Deportations?' in Megan Bradley, Cathryn Costello and Angela Sherwood (eds), *IOM Unbound? Obligations and Accountability of the International Organization for Migration in an Era of Expansion* (Cambridge University Press 2023).

[114] This will be explored in greater detail in Section 12.5.

[115] IOM Council, 'Migration Crisis Operational Framework' (n 56) para 10 on p 4.

dimensions of crises'.[116] It nonetheless calls into question the adherence of IOM policies and frameworks with the GPs, as well as IOM's stated commitment to respect and ensure consistency with the GPs in its work.[117]

Even more importantly, however, it raises concerns in respect to voluntariness. Any imbalance in the emphasis placed on mobile and non-mobile means by which to resolve displacement risks undermining 'free choice' on the part of IDPs.[118] A 'free choice' in this context draws legally binding force from the right to liberty of movement and freedom to choose one's residence, as articulated throughout international human rights law.[119] To realise a 'free choice' requires the availability of feasible options[120] – a choice to return or resettle cannot be deemed freely-made when decided in the context of unbearable local conditions or when IDPs perceive local integration to not be an option. Moreover, the IASC Framework tells us that further movement, whether onward or return, by an already displaced individual is not required to resolve displacement.[121] Indeed, to in any way coerce onward movement would be to subject IDPs to secondary displacement. It is therefore to some extent reassuring to see IOM caveat its embrace of mobility strategies to those that 'suppose progression towards resolving displacement, while ensuring safety nets are in place to avoid potentially harmful mobility strategies',[122] which could for

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[116] IOM Council, 'IOM's Humanitarian Policy – Principles for Humanitarian Action' (n 57) para II.3. Similarly, Article 2(2) of the 'Agreement concerning the Relationship between the UN and the IOM' states that the UN recognises IOM as 'an essential contributor… in operational activities related to migrants, displaced people and migration-affected communities, *including in the areas of resettlement and returns*', UNGA Res A/70/296, 'Agreement concerning the Relationship between the United Nations and the International Organization for Migration' (25 July 2016) UN Doc A/RES/70/296 (emphasis added).

[117] IOM, 'Internally Displaced Persons' (n 13) paras 14–15.

[118] As stated by Kälin, 'At the core of Principle 28 lies the notion of free choice of internally displaced persons between return, local integration and resettlement in another part of the country', Kälin, *Guiding Principles on Internal Displacement: Annotations* (n 89) 129.

[119] For example, in Article 12(1) of the International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.

[120] Walter Kälin, 'Legal Aspects of Return of Internally Displaced Persons and Refugees to Abkhazia, Georgia' (*The Brookings Institution,* 29 November 2007) <www.brookings.edu/on-the-record/legal-aspects-of-return-of-internally-displaced-persons-and-refugees-to-abkhazia-georgia> accessed 18 May 2022; Elizabeth Ferris and Nadine Walicki, 'Local Integration of Internally Displaced Persons in Protracted Displacement: Some Observations' in Elizabeth Ferris (ed) '*Resolving Internal Displacement: Prospects for Local Integration*' (The Brookings Institution – London School of Economics Project on Internal Displacement 2011) 20.

[121] IASC, 'Framework on Durable Solutions for Internally Displaced Persons' (n 89) 5.

[122] IOM, 'Progressive Resolution of Displacement Situations Framework (PRDS)' (n 110).

instance include coercion into smuggling. Extreme caution must never-
theless be taken to ensure that any institutional preference for mobility,
even if based on a well-founded belief in the beneficial role that further
movement can play in ultimately resolving displacement, does not under-
mine the paramount principle of voluntariness that lies at the heart of the
durable solutions model.[123]

Having established the extent to which IOM policies and frameworks
explicitly refer to the GPs and reflect their durable solutions approach, this
chapter now shifts the focus to IOM's field-based practice. Specifically,
Section 12.5 examines IOM's in-country operations and approach to
internal displacement in Haiti and Iraq, doing so once again through the
analytical lens of the GPs.

12.5   Putting the GPs into Practice?

12.5.1   Experiences in Haiti

IOM has a long history of activities in Haiti. From 1994 onwards it was
involved in a wide variety of activities including community stabiliza-
tion, border management, responding to disasters such as Tropical Storm
Jeanne and the massive flooding in Fonds-Verettes, and facilitating
returns.[124] The focus of this section is on IOM's 2010 response to the 7.0
magnitude earthquake that hit Haiti on 12 January 2010. This focus is justi-
fied for four main reasons. First, the disaster was enormous in scope – it
killed more than 100,000 people, destroyed some 300,000 homes, and dis-
placed over 1.5 million people into 1,555 camps at the peak of the crisis.[125]
In fact, it was the worst disaster to hit the Western hemisphere in recorded
history.[126] As such it has been widely studied and there are ample reports
of IOM's operations at that time.[127] Second, it represented one of IOM's

[123]   Kälin, *Guiding Principles on Internal Displacement: Annotations* (n 89) 129.
[124]   IOM, 'Haiti: From Emergency to Sustainable Recovery. IOM Haiti Two-Year Report
         (2010–2011)' (n 44).
[125]   UN Human Rights Council, 'Report of the Special Rapporteur on the human rights of
         internally displaced persons, Chaloka Beyani. Addendum: Mission to Haiti' (8 May 2015)
         UN Doc A/HRC/29/34/Add.2 para 6.
[126]   Greger B Calhan, 'Forced Evictions, Mass Displacement, and the Uncertain Promise of Land
         and Property Restitution in Haiti' (2014) 11 Hastings Race and Poverty Law Journal 157.
[127]   Calhan (n 126); Bradley, *The International Organization for Migration: Challenges,
         Commitments, Complexities* (n 5); IOM, 'Haiti: From Emergency to Sustainable
         Recovery. IOM Haiti Two-Year Report (2010–2011)' (n 44).; Elizabeth Ferris and Sara
         Ferro-Ribeiro, 'Protecting People in Cities: The Disturbing Case of Haiti' (2012) 36
         Disasters 43; Angela Sherwood and others, 'Supporting Durable Solutions to Urban,

biggest ever missions – not only in Haiti but globally. At its peak, IOM had almost 100 international staff in Haiti and more than 600 Haitian employees, making it one of the largest teams in the earthquake zone.[128] Third, the Haitian operation was in response to a disaster, which, as set out in Section 12.3 is one of the major niches that has been carved out by IOM. Fourth, as aforementioned, many from the displaced population crowded into camps. Camp coordination and camp management in disaster contexts is IOM's responsibility under the cluster system; hence IOM was the major player in Haiti at that time.

After the earthquake hit Haiti, IOM mobilised and began deploying resources within 24 hours.[129] IOM engaged in a wide variety of crisis response efforts including distributing shelters and 'non-food items', constructing emergency water and sanitation facilities, and responding to the autumn 2010 cholera outbreak.[130] Moreover, IOM was one of the largest recipients of funding in the entire international community's response to the earthquake.[131] However, its main activities focused on camp coordination/camp management and facilitating camp closures, activities in which its data collection and management work, thought the DTM, figured centrally. These two facets of IOM's work in Haiti will be analysed in turn, with a view to determining to what extent IOM's work abided by the GPs.

12.5.1.1   Camp Coordination and Camp Management

As cluster lead, IOM coordinated the actors working in the camps and attempted to manage the provision of basic services in the camps. The scale of IOM's tasks in Haiti was colossal. As aforementioned, there were over 1.5 million IDPs living in 1,555 camps at the peak of the crisis. These camps varied enormously in size and logistics – ranging from massive sites at the airport to smaller clusters of tents on hillsides and crammed alongside

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Post-Disaster Displacement: Challenges and Opportunities in Haiti' (The Brookings Institution/IOM 2014); Simon Levine and others, 'Avoiding Reality: Land, Institutions and Humanitarian Action in Post-Earthquake Haiti (Working Paper, Humanitarian Policy Group 2012); Isabel Macdonald, 'Erasing the Dead' (The Intercept, 22 October 2019) <https://theintercept.com/2019/10/22/haiti-tps-earthquake-displacement-camps> accessed 18 May 2022.

[128] Bradley, *The International Organization for Migration: Challenges, Commitments, Complexities* (n 5).

[129] IOM Haiti, 'Camps & Returns' <https://haiti.iom.int/camps-returns> accessed 18 May 2022.

[130] IOM, 'Haiti: From Emergency to Sustainable Recovery. IOM Haiti Two-Year Report (2010–2011)' (n 44).

[131] Vijaya Ramachandran and Julie Walz, 'Haiti: Where Has All the Money Gone?' (Policy Paper 004, Center for Global Development, May 2012) <www.cgdev.org/sites/default/files/1426185_file_Ramachandran_Walz_haiti_FINAL_0.pdf> accessed 18 May 2022.

flattened buildings. Conditions were dire, with residents struggling to find access to adequate water, food, sanitation, shelter, and security. In addition, IOM was responsible for coordinating the hundreds of NGOs and UN agencies working in the camps. However, the camp population did not represent Haiti's total IDP population. Many displaced Haitians did not shelter in camps but pursued other options such as moving in with friends or family, and many of these people also needed assistance.[132] Yet international actors and the Haitian government focused almost exclusively on camps, and this is where the most data collection happened.

IOM's work in the camps was commendable in many respects. IOM teams carried out daily camp management operations making sure that basic services were provided, including distribution of non-food items; camp infrastructure improvement; referral of vulnerable cases to health and protection partners; support to statistical data collection; support to cholera response operations in camps; and emergency response (e.g. during Hurricane Tomas and several other storms).[133] In addition, IOM identified the protection of women, children, elderly people with special needs, and people with disabilities and health conditions as a priority within its relief strategy.[134] This approach aligns with Principle 4 of the GPs, which identifies such categories of individuals as meriting protection and assistance that takes account of their special needs.

Yet IOM's focus on camp-based IDPs was problematic in three main respects. First, the camp-based focus gave the impression that to be an IDP, one must live in a camp.[135] Viewed from the perspective of the GPs, this is simply not true. The GPs' description of IDPs sets out just one geographic limitation on who can be an IDP – they must not have crossed an international border. Hence an individual can, in principle, be an IDP regardless of where they find themselves in their state, be it within an IDP camp or elsewhere. In fact, not only did IOM focus on camps, but it also seemed to exclude smaller camps from its remit. As aforementioned, IOM's DTM is its main tool for assessing IDP figures, which in turn plays a huge role in designing its IDP-related programmes. During IOM's Haiti

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[132] 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* (Oxford University Press 2016).

[133] IOM, 'Haiti: From Emergency to Sustainable Recovery. IOM Haiti Two-Year Report (2010–2011)' (n 44).

[134] Ibid.

[135] Bradley and Sherwood (n 132).

operations, very small or far-flung camps could slip under the DTM radar, leaving their residents with little aid (and those living outside the camps often with even less). Thus, IOM's camp focus was criticised by the then UN Special Rapporteur on IDPs, Chaloka Beyani:

> The Special Rapporteur makes the case for the need for a comprehensive profiling exercise for the overall displaced population, the location of those IDPs, both in and outside camps, and their specific needs. He considers the absence of such profiling and needs assessment (with disaggregated data) to be a handicap to formulating evidence-based, durable solutions, having regard to the causes and magnitude of internal displacement (i.e. the earthquake and other causes of displacement) and, most importantly, their consequences on the human rights of IDPs.[136]

Second, although IOM's lead role in the CCCM cluster might explain its focus on IDPs in camps, the cluster mandate does not limit the organization from assisting IDPs who live outside the camp environment. In addition, as set out in Sections 12.3 and 12.4, there is nothing in IOM's mandate or in its policy documents that limits its role to camp-based IDPs. IOM could have assisted those in camps while at the same time offering assistance to the many IDPs who lived outside camps. Moreover, IOM's focus on camp-based IDPs may have violated Principle 4 of the GPs, which states that the GPs shall be applied 'without discrimination of any kind', providing a non-exhaustive list of grounds for discrimination. Thus, IOM's policy of conditioning much of its assistance based on residency in a camp not only misrepresented who is an IDP in Haiti but was also potentially discriminatory vis-à-vis non-camp-based IDPs.

12.5.1.2   Camp Closures

As outlined in Section 12.4, IDPs have achieved a durable solution when they 'no longer have specific assistance and protection needs that are linked to their displacement and such persons can enjoy their human rights without discrimination on account of their displacement'.[137] The GPs foresee three means by which a durable solution can be achieved: (1) return voluntarily, in safety and dignity, to their homes or places of habitual residence; (2) local integration; or (3) voluntary resettlement in another part of the country. Special efforts should be made to ensure the full participation of IDPs in the planning and management of their return or resettlement.[138]

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[136] UN Human Rights Council, 'Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani. Addendum: Mission to Haiti' (n 125) para 28.
[137] IASC, 'Framework on Durable Solutions for Internally Displaced Persons' (n 89) 5.
[138] Guiding Principle 28(2).

It is important to acknowledge here that the concept of 'durable solutions' was particularly difficult to deploy in the context of the Haitian earthquake. This was because of the conditions in Haiti, and Port-au-Prince in particular, that preceded the earthquake. Many Haitians were extremely poor, and they often changed their places of residence because of massive tenure insecurity, high rents, and lack of accessible shelter. Against this background, understanding the meaning and application of the IDP concept and the idea of 'durable solutions' was a challenge for all humanitarian actors, including but not limited to IOM.[139]

IOM's approach to durable solutions focused predominantly on camp closures. As the emergency response wound down, IOM's work shifted to shutting camps and supporting the progressive resolution of the IDP situation. Camp closures were pursued because of the dire conditions and/or lack of services in many camps and the fact that they were often erected on important public spaces, flood-prone areas and/or on private property.[140] In addition, the Haitian government was determined to see the camps closed and thus painted the camp-based IDPs as opportunists who wanted to take advantage of the aid system.[141]

IOM employed various approaches to facilitate camp closures, some of which arguably assisted former camp residents to find a durable solution. It helped displaced landowners who lost their homes by building temporary shelters on their properties.[142] It also provided more modest support for the reconstruction of permanent homes, and its legal team attempted to mediate land disputes and support the negotiation of land tenure agreements.[143] Yet these initiatives left out the majority of IDPs without property on which to rebuild. The main mechanism by which IOM facilitated camp closures was the provision of a cash grant to former camp residents to support the cost of one year's rental accommodation.[144] In many cases, the

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[139] Mark Schuller, *Humanitarian Aftershocks in Haiti* (Rutgers University Press 2016); Mark Schuller, *Killing with Kindness: Haiti, International Aid, and NGOs* (Rutgers University Press 2012).

[140] IOM, 'Haiti: From Emergency to Sustainable Recovery. IOM Haiti Two-Year Report (2010–2011)' (n 44).

[141] Bradley and Sherwood (n 132).

[142] IOM, 'Haiti: From Emergency to Sustainable Recovery. IOM Haiti Two-Year Report (2010–2011)' (n 44); Sherwood and others (n 127).

[143] Bradley, *The International Organization for Migration: Challenges, Commitments, Complexities* (n 5).

[144] IOM, 'Haiti: From Emergency to Sustainable Recovery. IOM Haiti Two-Year Report (2010–2011)' (n 44); Emmett Fitzgerald, 'Helping Families, Closing Camps: Using Rental Support Cash Grants and Other Housing Solutions to End Displacement in Camps. A Tool Kit of Best Practice and Lessons Learned: Haiti 2010–2012' (IASC Haiti E-Shelter/CCCM Cluster 2012).

grant was supplemented by training and skills development programmes and other forms of (admittedly modest) reintegration assistance.[145]

However, these approaches did not always assist IDPs to achieve durable solutions in practice. They helped some IDPs but for many these approaches did not enable durable solutions or even sustainable progress towards them. Given the high costs of rent in Haiti some did not want to leave the camp environment at all but were forced to do so.[146] Many of these IDPs could not secure rental accommodation and had to relocate to temporary settlements and/or buildings that were not structurally safe, with many living in worse conditions than they were in before the earthquake struck.[147]

IOM's approach towards durable solutions thus suffered from major shortfalls. By heralding camp closures as the yardstick by which to measure progress,[148] IOM seemed to lose focus on the actual outcomes for the IDPs themselves. In the words of Chaloka Beyani:

> Durable solutions are reached only when the needs related to displacement no longer exist, which is a medium-to-long-term complex development-led process for all IDPs and not just those living in camps or sites. Therefore, the closure of camps by itself does not mean that durable solutions for IDPs have been found.[149]

A more accurate indicator of progress would have been based on the durable solutions evident in the GPs: the numbers of individuals who had returned voluntarily to their homes, resettled voluntarily in another part of the country and/or integrated locally. In addition, the focus on the closure of camps as an indicator of whether displacement had ended entirely neglected the experiences of those who did not live in camps. Finally, the forced closure of the camps seems to have violated Principle 28 of the GPs, which emphasises that IDP return or resettlement must be voluntary. It might also have

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145 IOM, 'Haiti: From Emergency to Sustainable Recovery. IOM Haiti Two-Year Report (2010–2011)' (n 44).

146 The IOM Displacement Tracking Matrix of June 2014 indicates that, since the earthquake, just over 249,747 households left the camps spontaneously; over 69,192 households left because they had accessed alternative housing or other assistance; and over 14,444 households were forcibly evicted, IOM, 'Displacement Tracking Matrix (DTM) Haiti, Round 19, June 2014' <https://reliefweb.int/report/haiti/displacement-tracking-matrix-dtm-haiti-round-19-june-2014> accessed 18 May 2022. See also UN Human Rights Council, 'Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani. Addendum: Mission to Haiti' (n 125); Calhan (n 126).

147 Bradley and Sherwood (n 132); Calhan (n 126).

148 IOM, 'Haiti: From Emergency to Sustainable Recovery. IOM Haiti Two-Year Report (2010–2011)' (n 44).

149 UN Human Rights Council, 'Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani. Addendum: Mission to Haiti' (n 125) para 62.

violated Principle 6 of the GPs which states that 'every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence'. Rather than contribute to a durable solution, camp closures in many cases fuelled continued displacement.[150]

To conclude, IOM should be credited for its swift response to the Haitian earthquake and its focus on particularly vulnerable IDPs. However, its focus on IDPs in camps was 'practically and morally unsustainable'[151] and its adherence to the GPs – particularly regarding who it considered to be an IDP and its approach to durable solutions – is unsatisfactory. As neatly summed up by Bradley:

> [A]lthough IOM supports the Guiding Principles on Internal Displacement, in its data collection work in post-earthquake Haiti, IOM's implementation of the Displacement Tracking Matrix focused predominantly on IDPs resident in camps. This perpetuated the perception that, despite the broader conceptualization of internal displacement in the Guiding Principles, IDPs in Haiti were simply those resident in camps, and that closing camps was tantamount to resolving the IDPs' predicament.[152]

Having examined IOM's in-country operations and approach in the Haitian disaster setting, the next section will focus on internal displacement in conflict contexts by way of a case study of Iraq.

12.5.2 Experiences in Iraq

Forced displacement has been an enduring feature of Iraqi life for many decades.[153] Iraq has experienced several significant waves of displacement, both internal and cross-border.[154] These waves can perhaps be best categorised into three 'epochs'.[155] Throughout the second half of the twentieth century and up to 2003, displacement was 'an instrument of rule in the

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[150] UN Human Rights Council, 'Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani. Addendum: Mission to Haiti' (n 125).

[151] Ibid para 65.

[152] Bradley, *The International Organization for Migration: Challenges, Commitments, Complexities* (n 5).

[153] UN Human Rights Council, 'Visit to Iraq: Report of the Special Rapporteur on the human rights of internally displaced persons' (13 May 2020) A/HRC/44/41/Add.1 para 6; Daryl Grisgraber, 'Displaced in Iraq: Little Aid and Few Options' (Field Report, Refugees International 2015) 3; Roberta Cohen, 'Iraq's Displaced: Where to Turn?' (2008) 24 American University International Law Review 301, 302.

[154] UN Human Rights Council, 'Visit to Iraq' (n 153) para 6; Grisgraber (n 153) 3; Cohen (n 153) 302.

[155] IDMC, 'Iraq: IDPs Caught between a Rock and a Hard Place as Displacement Crisis Deepens' (IDMC, 30 June 2015) 3.

hands of Iraq's Ba'athist regime',[156] utilised to effect ethnic cleansing and ultimately strengthen State control over a disempowered population.[157] Post-2003 and the fall of Saddam Hussein, displacements not only continued but expanded to cover the entire Iraqi State,[158] driven by intense sectarian fighting and generalised violence.[159] Most recently, unprecedented mass displacement was triggered by the advance of the self-proclaimed Islamic State in Iraq and the Levant (ISIL) and the ensuing conflict against ISIL.[160] Internal displacement in Iraq thus contrasts with that in Haiti in several ways. Most important of these differences is that displacement in Iraq is predominantly a consequence of armed conflict, generalised violence, and political and religious persecution,[161] rather than disaster induced. It is also important to note that the majority of IDPs in Iraq reside in non-camp, urban and peri-urban settings,[162] within or alongside host communities.[163]

The search for durable solutions in Iraq is complicated by several factors. First, Iraq faces ongoing insecurity and political instability. History shows that any cessation of hostilities and consequent reductions in internal displacement rates are often short-lived.[164] No sooner does one wave of displacement slow and people begin to rebuild their lives, then further waves

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[156] Philip Marfleet, 'Displacement and the State: The Case of Iraq' in Khalid Koser and Susan Martin (eds), *The Migration-Displacement Nexus: Patterns, Processes, and Policies* (Berghahn Books 2011) 96.

[157] Elizabeth Ferris, 'The Looming Crisis: Displacement and Security in Iraq' (Policy Paper, The Brookings Institution 2008) x; David Romano, 'Whose House is this Anyway? IDP and Refugee Return in Post-Saddam Iraq' (2005) 18(4) Journal of Refugee Studies 431. For an exposition of displacement in Iraq pre-2003, see Romano (n 157) 431–434. For an overview of the pre-Ba'ath era in Iraq, see Marfleet (n 156) 96–99.

[158] Marfleet (n 156) 96.

[159] Cohen (n 153) 303.

[160] UN Human Rights Council, 'Visit to Iraq' (n 153) para 6; Salma Al-Shami and others, 'Access to Durable Solutions among IDPs in Iraq: Three Years in Displacement' (IOM 2019) 11. For a contextualised overview of ISIL-induced displacement in Iraq, see: IOM, 'Iraq Displacement Crisis: 2014–2017' (IOM 2018).

[161] IDMC (n 155) 5.

[162] UN Human Rights Council, 'Visit to Iraq' (n 153) para 8.

[163] Roger Guiu and Nadia Siddiqui, 'In it for the Long Haul: A New Response for IDPs in the Kurdistan Region of Iraq' (Middle East Research Institute, October 2015) 10.

[164] For instance, the then Representative of the Secretary-General on the Human Rights of IDPs, Walter Kälin, in his 16 February 2011 report to the UN Human Rights Council, noted that the rate of internal displacement had 'declined markedly' since 2009, with displacement 'confined to sporadic incidents', UN Human Rights Council, 'Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin. Addendum: Visit to Iraq' (16 February 2011) UN Doc A/HRC/16/43/Add.1 para 16. With hindsight, it is now known that this was but a lull, with approximately 6 million people soon to be internally displaced due to conflict with the self-proclaimed

commence, with individuals often displaced multiple times.[165] Second, displacement is not a single issue event in Iraq – its multiple displacement epochs are in many ways distinct in respect to their causes, yet they overlap temporally as displacement becomes protracted.[166] Third, displacement in Iraq is underpinned and exacerbated by ethnic and sectarian tensions, with the State having become increasingly fragmented along such lines.[167] Fourth, internal displacement is interwoven with the wider regional context. Displacement in Iraq cannot be viewed as distinct from, for example, the situation in Syria.[168] This is especially so given that many previous Iraqi refugees in Syria have been forced to return, yet, being unable to return to their former places of residence, are now internally displaced within Iraq.[169] Fifth, and finally, the Iraqi authorities have demonstrated an ambivalent attitude towards durable solutions other than return, particularly in respect to local integration. Despite an apparent shift in 2011 towards accepting settlement options other than return,[170] in 2016, the UN Special Rapporteur on IDPs reported 'a lack of dialogue with or willingness on the part of the Government to pursue local integration, which it currently does not consider as a viable alternative to returns'.[171] In 2020, IOM itself asserted that 'the national [government] priority for durable solutions remains the return of IDPs', and that coerced returns have occurred

Islamic State in Iraq and the Levant (ISIL), from early 2014 to the end of December 2017, UN Human Rights Council, 'Visit to Iraq' (n 153) para 6.

[165] IDMC (n 155) 9.

[166] Lorenza Rossi and others, 'Iraqi IDPs' Access to Durable Solutions: Results of Two Rounds of a Longitudinal Study' (2019) 57 (2) International Migration 48; Peter Van der Auweraert, 'Displacement and National Institutions: Reflections on the Iraqi Experience' (Middle East Institute/Foundation pour la Recherche Stratégique, June 2011) 6.

[167] Van der Auweraert (n 166) 5; IDMC (n 155) 1; Hewa Haji Khedir, 'IDPs in the Kurdistan Region of Iraq (KRI): Intractable Return and Absence of Social Integration Policy' (2021) 59 (3) International Migration 145, 153.

[168] Brookings-LSE Project on Internal Displacement, 'Improving Prospects for Durable Solutions for Iraqi Internally Displaced Persons and Refugees' (The Brookings Institution-London School of Economics Project on Internal Displacement and The International Rescue Committee, March 2012) 12.

[169] IOM, 'Iraqi Returnees from Syria: Following the 2011 Syria Crisis' (December 2014) 16–17.

[170] '[I]n early 2011 Iraq put in place a durable solutions strategy, which shifted its focus on return of IDPs to include other settlement options', Elizabeth Ferris and Nadine Walicki, 'Local Integration of Internally Displaced Persons in Protracted Displacement: Some Observations' in Elizabeth Ferris (ed), *Resolving Internal Displacement: Prospects for Local Integration* (Brookings-LSE Project on Internal Displacement, June 2011) 18.

[171] UN Human Rights Council, 'Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to Iraq' (5 April 2016) UN Doc A/HRC/32/35/Add.1, para 70.

against this backdrop.[172] Khedir has similarly argued that the 'social integration of IDPs is by no means a government policy/priority',[173] citing the absence of social integration from the mandates of relevant government institutions.[174] Khedir identifies this as being in part a consequence of an 'ominously pervasive' preference for return among authorities and host communities,[175] but also 'an obvious lack of a policy concept and tradition of social integration in Iraq'.[176] Khedir notes fear of demographic change (and the associated impact this might have on election constituencies), security concerns, and the perceived economic burden of displacement on host locations all as reasons for such a strong focus on return.[177]

IDPs' durable solutions intentions have shifted markedly over time. According to IOM data, the number of IOM-assessed IDPs expressing a desire to integrate locally increased from 25% in 2006, to 37% in 2010, and then 44% in 2011.[178] In 2016, a survey of IDPs living with host families revealed that the vast majority of those surveyed, 97.6%, indicated that they intended to return.[179] The trend has seemingly since again reversed as, in 2019, the percentage of IDPs not intending to return in the short- and long-term was 90% and 70%, respectively.[180] IOM has found that intentions often depend upon, and shift with, the prevailing security situation, the availability of basic services, and the degree to which IDPs feel settled in their place of displacement.[181]

It is within this complex context that international organizations in Iraq operate. Alongside UNHCR, IOM performs a leading role in addressing internal displacement.[182] Since commencing operations in 2003, IOM Iraq

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[172] IOM Iraq, 'Cities as Home: Understanding Belonging and Acceptance among IDPs and Host Communities in Iraq' (2020) 28.

[173] Khedir (n 167) 153.

[174] Ibid.

[175] Khedir (n 167) 145, 154 and 156.

[176] Khedir (n 167) 145, 155.

[177] Khedir (n 167) 145, 154.

[178] Brookings-LSE Project on Internal Displacement (n 168) 7–8; IOM, 'IOM Iraq: Review of Displacement and Return in Iraq, August 2010' (2010) <www.iom.int/sites/g/files/tmzbdl486/files/jahia/webdav/shared/shared/mainsite/activities/countries/docs/Iraq/IOM_Iraq_Review_of_Displacement_and_Return_in_Iraq_August_2010.pdf> accessed 18 May 2022, 4.

[179] UN Human Rights Council, 'Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to Iraq' (n 171) para 19.

[180] UN Human Rights Council, 'Visit to Iraq' (n 153) para 55.

[181] Brookings-LSE Project on Internal Displacement (n 168) 7–8; IOM, 'IOM Iraq: Review of Displacement and Return in Iraq, August 2010' (n 178) 4.

[182] UN Human Rights Council, 'Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin (n 164) para 24.

has established a presence in all 18 Iraqi governorates.[183] Its work extends across multiple diverse areas, broadly categorised under the headings of humanitarian emergencies and operations, recovery and community stabilisation, migration management, and migration and displacement data.[184] In respect to the latter, IOM's DTM is recognised as the primary means by which to track displacement movements in Iraq.[185] Aside from the DTM, IOM Iraq has invested substantial energy into internal displacement research. This includes empirical work to measure IDP needs and intentions in respect to durable solutions,[186] and to 'better understand the progress IDPs are making toward durable solutions and the end of displacement among IDPs'.[187]

Viewing this activity through the lens of the GPs and the framing of durable solutions, it is evident that operationally – as in Haiti – IOM is predominantly concerned with returns. This manifests itself in two main ways. First, assisted voluntary return and reintegration activities are at the core of IOM's migration management work stream.[188] Since 2016, IOM has chaired the Returns Working Group (RWG), which has 'invested considerably' in sustaining IDP return levels in Iraq.[189] The RWG develops guidance, policies and operational recommendations for governorates affected by returns; provides technical advice to support the implementation of IDP returns; and determines to what extent returnees have, in its view, achieved durable

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[183] IOM, 'IOM Iraq' <https://iraq.iom.int/iom-iraq> accessed 18 May 2022.

[184] IOM, 'Iraq Mission' (IOM) <https://iraq.iom.int/> accessed 18 May 2022. Since February 2020, IOM's work has understandably shifted to the response and management of the COVID-19 pandemic in Iraq, see: IOM Iraq, 'COVID-19 Strategic Response Plan: February-December 2020' (2020) <https://reliefweb.int/report/iraq/iom-iraq-covid-19-strategic-response-plan-february-december-2020> accessed 18 May 2022.

[185] IDMC (n 155) 4–5.

[186] UN Human Rights Council, 'Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin (n 164) para 25.

[187] IOM Iraq, 'Access to Durable Solutions Among IDPs in Iraq: Moving in Displacement' (IOM 2019) 4 <https://iraqdtm.iom.int/files/DurableSolutions/20203221324797_IOM%20 Iraq%20Access%20to%20Durable%20Solutions%20Among%20IDPs%20in%20Iraq-%20 Moving%20in%20Displacement.pdf> accessed 18 May 2022. Since 2016, IOM Iraq has partnered with Georgetown University to conduct a mixed-method longitudinal study, titled 'Access to Durable Solutions among IDPs in Iraq', which seeks to understand how 4,000 IDP households displaced by ISIL are trying to achieve a durable solution to their displacement.

[188] IOM, 'Assisted Voluntary Return and Reintegration' <www.iom.int/return-and-reintegration> accessed 18 May 2022.

[189] Returns Working Group (RWG), 'Annual Progress Report: January–December 2018' (IOM 2019) <https://reliefweb.int/report/iraq/returns-working-group-rwg-annual-progress-report-january-december-2018> accessed 18 May 2022.

solutions. Second, since 2007, the DTM has recorded not only instances of displacement as they occur, but also IDP and refugee returns.[190] The DTM includes a sophisticated returns dashboard that records numbers of returnees, disaggregated and ranked by, *inter alia*, location, time period and shelter category.[191] In contrast to this dedicated work on returns, local integration is not core to IOM Iraq's functions or expertise. Moreover, while the DTM tracks return, the same cannot be said for other means by which to achieve a durable solution, including local integration.

This is not, however, to say that IOM Iraq is exclusively concerned with returns. In 2013, for example, IOM Iraq partnered with the Internal Displacement Monitoring Centre (IDMC) and the Brookings-LSE Project on Internal Displacement to conduct research into the experience of IDP integration.[192] This research sought to provide 'a fresh look into the issues pertinent to the integration of IDPs in Iraq', by 'explor[ing] the causes and effects of displacement and integration, so that the perceived benefits can be exploited and the barriers to integration identified and mitigated'.[193] The research drew upon pertinent international standards on durable solutions, including the IASC Framework, in its analysis. This is important because conceptualising local integration through the lens of the IASC Framework demonstrates support for local integration as a valid means by which to achieve a durable solution.[194] The research concluded with a clear statement in support of local integration, that it is 'of critical importance that the Government of Iraq and the international community redouble their efforts to help facilitate local integration'.[195] More recently, IOM Iraq has conducted further research into local integration as a durable solution in Iraq. This includes a 2019 study in the Sulaymaniyah and Baghdad Governorates, titled 'Reasons to Remain';[196] and the 2020 study, 'Cities as Home', which examined conditions and prospects for local integration across several localities in Iraq.[197] In 2021, IOM Iraq unequivocally

[190] IOM, 'IOM Monitoring and Needs Assessments: Assessment of Iraqi Return: May 2009' (2009)13<https://reliefweb.int/sites/reliefweb.int/files/resources/B9F765D938860254852575 BD00762652-Full_Report.pdf> accessed 18 May 2022.
[191] DTM-Iraq, 'Dashboard: Returns' (IOM) <http://iraqdtm.iom.int/Dashboard#Returns> accessed 18 May 2022.
[192] IOM Iraq, 'Internal Displacement in Iraq: Barriers to Integration' (December 2013).
[193] IOM Iraq, 'Internal Displacement in Iraq: Barriers to Integration' (n 192) 7.
[194] Ibid 7.
[195] IOM Iraq, 'Internal Displacement in Iraq: Barriers to Integration' (n 192) 43.
[196] IOM Iraq, 'Reasons to Remain (Part 2): Determinants of IDP Integration into Host Communities in Iraq' (2019).
[197] IOM Iraq, 'Cities as Home' (n 172).

recognised that a durable solution can be achieved through 'integration in locations of displacement'.[198]

This embrace of the IASC Framework and local integration as a means by which to achieve a durable solution is also evident in ongoing IOM Iraq research. Since 2016, IOM Iraq has partnered with Georgetown University to conduct a longitudinal mixed-method study, titled 'Access to Durable Solutions among IDPs in Iraq' ('the IOM-GU study').[199] This research involves tracking 4,000 Iraqi IDP households, all of whom were displaced by ISIL to non-camp settings between January 2014 and December 2015, over several years.[200] The purpose of the research is to understand how these households progress towards achieving a durable solution to their displacement.[201] It does this by 'examining the ways in which Iraqis *themselves* seek durable solutions',[202] using data collected through quantitative surveys and interviews with IDPs, host communities, relevant authorities, and others.[203] The IOM-GU study 'relies on [the IASC Framework] as an analytical frame for assessing IDPs' access to durable solutions in Iraq'.[204] This is an explicit recognition of the IASC Framework as 'the principal point of reference for understanding the process of achieving durable solutions',[205] and 'the primary international standard for supporting and assessing durable solutions'.[206] The study's findings are presented against each of the eight durable solutions assessment criteria outlined in the IASC Framework.[207]

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[198] IOM Iraq, 'Protracted Displacement in Iraq: Revisiting Categories of Return Barriers' (January 2021) 5.

[199] The project reports on an approximately annual basis. For all reports, see: IOM, 'Publications Platform' (IOM) <https://publications.iom.int> accessed 18 May 2022.

[200] IOM Iraq, 'Access to Durable Solutions among IDPs in Iraq: Three Years in Displacement' (IOM 2019) 8–11 <https://reliefweb.int/report/iraq/access-durable-solutions-among-idps-iraq-three-years-displacement> accessed 18 May 2022.

[201] IOM Iraq, 'Access to Durable Solutions among IDPS in Iraq: Moving in Displacement' (n 187) 4.

[202] Rossi and others (n 166) (emphasis added).

[203] IOM Iraq, 'Access to Durable Solutions among IDPs in Iraq: Five Years in Displacement' (2020) 4 <https://reliefweb.int/report/iraq/access-durable-solutions-among-idps-iraq-five-years-displacement> accessed 18 May 2022.

[204] Rossi and others (n 166) 50; IOM Iraq, 'Access to Durable Solutions among IDPs in Iraq: Three Years in Displacement' (n 200) 10.

[205] Rossi and others (n 166) 50.

[206] IOM Iraq, 'Access to Durable Solutions among IDPs in Iraq: Unpacking the Policy Implications' (2020) 11 <https://iraqdtm.iom.int/files/DurableSolutions/202011151610653_IOM%20Iraq%20Access%20to%20Durable%20Solutions%20Among%20IDPs%20in%20Iraq-Unpacking%20the%20Policy%20Implications.pdf> accessed 18 May 2022.

[207] Rossi and others (n 166) 53.

Yet, it would be erroneous to conclude that IOM Iraq's approach towards durable solutions fully aligns with that found in the IASC Framework. Even in respect to IOM Iraq's research into local integration, a preference for return still filters through. For instance, within the 2013 research on barriers to integration, a tendency remains towards conceptualising and thus implicity promoting return as the primary means by which to achieve a durable solution in Iraq. The report does this through its framing of local integration as an option that is secondary to return. This is especially evident when it states:

> IDPs are not able to consider return as a safe option and a means of achieving a durable solution to their displacement because the security conditions do not allow this. Those that remain displaced are left with two remaining options. The intentions of the displaced are now, predominantly, to integrate.[208]

This perspective on local integration contrasts with the IASC Framework approach, which unequivocally espouses the equality of all three means by which to achieve a durable solution. It also fails to recognise that any decision to pursue a durable solution by a particular means can only be considered voluntary if IDPs have a real choice between all three options. It is nonetheless positive to see the views of those affected by displacement at the core of IOM Iraq's research, particularly the ongoing IOM-GU study. This reveals respect within IOM Iraq's research activities for the principle of voluntary choice and for the active participation of IDPs themselves in the pursuit of durable solutions to their displacement, as well as learning being guided by IDPs as experts in their own experience. It remains to be seen whether this approach as manifest in IOM Iraq's recent research outputs will feed into practice on the ground.

In sum, IOM Iraq evidently embraces durable solutions, including local integration, in its research activities, yet its operations remain predominantly concerned with return. This reflects IOM's traditional expertise in managed mobility. When viewed through the lens of the durable solutions approach, the conceptual shift initiated by the GPs and made explicit in the IASC Framework has thus far not been fully realised in IOM's in-country operations on internal displacement, in either Iraq or Haiti. In other words, its actual implementation of durable solutions in practice is limited. It is of course true and right to acknowledge that IOM, as an international organization, cannot alone achieve durable solutions for IDPs – indeed, the primary responsibility for doing so remains with States. IOM nonetheless has

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[208] IOM Iraq, 'Internal Displacement in Iraq: Barriers to Integration' (n 192) 42.

the ability and the means by which to influence States. Yet, IOM has to date often been highly deferential and reluctant to actively push States on human rights principles. It is time for IOM to use its, perhaps uniquely close, working relationship with States to positively pursue durable solutions in the States in which it operates. This is especially important given that IOM is no longer, if ever it was, a small, niche operator – as argued at the beginning of this chapter, IOM might very well be *the* major player in the international community's response to internal displacement. Relatedly, IOM's responsibility extends to all IDPs regardless of their relative mobility.

12.6   Conclusion

IOM has obligations under international human rights law and international humanitarian law, many of which are reflected in the GPs. There are limited channels available to ensure that IOM is compliant with these obligations, including in relation to its responses to IDPs and particularly vis-à-vis the struggle to achieve durable solutions to internal displacement. It is therefore particularly important that the academic community scrutinises the extent to which IOM engages with the GPs both in principle and in practice.

This chapter has taken the first important steps in addressing this gap in the research. Its central argument is that IOM's activities are inconsistent in many ways with both the letter and ethos of the GPs. For example, some of IOM's policies and frameworks not only neglect to refer to the GPs but are also inconsistent with the GPs in terms of content. Inconsistencies also exist between the GPs and IOM's operations in practice, as evidenced by IOM's almost exclusive camp-based focus in Haiti and its predominant preference for return as a durable solution to internal displacement in both Haiti and Iraq. IOM's future policies and frameworks need to make explicit reference to the GPs, which should in turn feed into how these policies and frameworks are implemented on the ground.

It is difficult to understand why IOM pays such little attention to the GPs. This may stem from a lack of external pressure on IOM; IOM's lack of a formal protection mandate for IDPs; the fact that the GPs are technically a non-binding, soft law document; and/or practical difficulties faced by IOM, for example in contexts where the State vocally prefers returns. The reasons behind why IOM has not substantially engaged with the GPs are outside the scope of this chapter and remain important questions for further research. It is indeed hoped that this chapter is just the beginning of a new conversation of IOM's engagement with the GPs and of its substantial role in internal displacement contexts worldwide.