



## FORCED DISPLACEMENT MONITORING CENTER

### **POLICY PROPOSAL**

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## Introduction

### FDMC Mission

1. Forced displacement is **one of the largest humanitarian issues** the world faces today, as **68.5 million people** have been driven from their homes across the world at the end of 2017, and millions more are internally displaced. **Conflicts** are the main cause of displacement, the crisis is expanding, and new displacement is growing, with **16.2 million people** displaced during 2017 itself, either for the first time or repeatedly.<sup>1</sup>
2. **Forced Displacement Monitoring Center (FDMC)** is a non-profit organization registered in Geneva. FDMC operates internationally in situations of forced displacement, with the aim to **facilitate** and **coordinate** the efforts of governments, international organizations, local civil society organizations (CSOs), and other intermediaries actively involved in **transitional justice projects on the ground**.
3. Operating in **ongoing conflict and early post-conflict situations** means to address multiple security risks and concerns. FDMC acknowledges that this challenge can only be successfully countered by empowering a broad **coalition of international and local actors** to share their expertise and knowledge and by adopting a conflict sensitivity approach in the realization of their projects.
4. **Security** is the first priority of FDMC, therefore, the largest amount of capacity-building provided by the organization, as well as its central activities, is focused on **securing the process of documentation**. With the intent to secure the necessary information for sustaining victims' consecutive **reparations demands**, FDMC strongly believes in the urgent need to collect any relevant data on violations and abuses suffered by forcibly displaced persons and, where it is relevant and possible, on their land and property.
5. FDMC adopts a **victim-centered approach** in all its activities. In this sense, **victim participation** is recognized as essential to effectively engage the broader civil society in designing programs, collecting documentation, and deciding how to deal with demands of justice and reparations. **Minority groups** are also to be put at the core of the process. In this sense, a **gender-sensitive approach** must be endorsed by all the parties involved in the implementation of transitional justice projects.

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<sup>1</sup> United Nations High Commissioner for Refugees (UNHCR), 'Forced displacement at record 68.5 million' (Article by Adrian Edwards) (19 June 2018)  
<<https://www.unhcr.org/news/stories/2018/6/5b222c494/forced-displacement-record-685-million.html>>

## FDMC Scopes

6. Develop **capacity-building tools** for local CSOs, while considering the intersectional vulnerabilities of people enduring forced displacement. FDMC actively works with local organizations to ensure they receive holistic and **practical training** in security measures, confidentiality, victim participation, gender sensitivity and reparations advocacy.
7. FDMC provides local partners with **legal assistance** according to international standards and training on how to contextualize legal applications to the situation on the ground.
8. Establish a **Trust Fund** to ensure partner CSOs operating on-the-ground have the necessary means to launch and maintain programs. FDMC's location in Geneva and its established international network is vital to fundraise for CSOs in the multiple situations in which FDMC operates.
9. Create a **network** to foster and facilitate **coordination** between local CSOs and International Organizations (IOs) and state entities, working in situations of forced displacement. On-the-ground cooperation between organizations is needed to ensure that violations are documented in an efficient manner and needs are dealt with in a comprehensive manner. With more effective coordination, organizations can better utilize the **inter-agency referral system** to provide victims with the services they require.
10. Advocate for the fundamental **right of return** for those who have been forcibly displaced, while ensuring that adequate conditions for **safe return** are met.<sup>2</sup>
11. Provide governments with guidelines for setting up **ad hoc mechanisms** that address the state **administrative and civil responsibility** to assist populations access their right of return.

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<sup>2</sup> The **right to return** to one's land or property is generally accepted as a fundamental form of justice for forcibly displaced persons. This requires a level of adequacy whereby sufficient repairs or rebuilding to the property when necessary has been made and that at the very least simple public goods are already accessible such as water. Alternatively, should this right to return not be met, adequate monetary compensation in regard to the value of the property or an alternative property of the same value should be offered.

## FDMC Central Activity

### Consultations

12. FDMC proposes itself as a mediator in the establishment of a **working group** of ongoing consultation for representatives from the regions affected by forced displacement. The **working group** must allow local leaders, groups and organizations to discuss with the INGOs and IOs working on documentation strategies and tools.
13. In order to make the documentation process comprehensive, **sub-working groups** must be put in place on the ground. In this way, the most remote areas and communities affected by the conflict will be included in the process. Forcibly displaced persons will play an important role in deciding what to prioritize in the documentation process, especially with regards to the reparations they want to obtain. In this context, victim representatives including **women, children and other minority groups** have to be included during consultations.
14. Documentation is one of the main focuses of consultations. The general scope of the process is to reach a consensus on which **purposes and methodologies** to adopt in the collection of the relevant documentation. For this goal to be successfully achieved, the participants will be invited to share their **justice needs assessments**. In this way, these fora will provide **a platform of both knowledge-sharing and collaborative capacity-building**.
15. As far as research institutions and international agencies are concerned, they also play an important role in sharing **best-practices in terms of new technologies to be employed in data gathering and data protection**. In this regard, FDMC facilitates and provides funds for **delivering relevant technologies and instruments** to its local partners, with the assistance of the agencies and institutions providing these tools as well as technical and scientific knowledge.

## Security

### *Introduction*

16. Forced Displacement Monitoring Center works globally with forcibly displaced individuals in conflict or early post-conflict situations, where **security is a primary concern**. Forced displacement intersects multiple social dimensions and vulnerabilities, making security concerns more challenging and complex to address.
17. Forced displacement multiplies the vulnerabilities individuals faced before displacement and compounds them with the dire security risks present in conflict and early post-conflict situations. FDMC recognizes that those who are displaced not only face **risks to physical security but are also at risk of psychosocial harm**. FDMC adopts a process to mitigate the physical and psychosocial risks which can occur during forced displacement and works to ensure access to protection when needed.
18. At the core of FDMC action lies the commitment to provide capacity-building facilities. Considering the multi-faceted character of forced displacement, FDMC delivers specific training programs to state and civil society actors on how to address forced displacement from a **legal** as well as a **psychosocial point of view** (ex. the high level of precision necessary in gathering information on displacement, technologies and methodologies for victims' identity protection and safe transfer of information).
19. This approach, focused on internally and externally forcibly displaced persons, is meant to build strong and precise knowledge to address the harm suffered by these persons and **facilitate their demands** in terms of the right to return and property rights.
20. FDMC is aware of the specific **gender-related security risks** in conflict and early post-conflict situations, and advocates for the inclusion gender-sensitive approaches in the field of forced displacement. Training programs for civil society actors will be created with an intersectional approach in mind, to ensure that actors understand the implications of gender for security and that they conduct this work in a **gender-sensitive** manner.
21. As an INGO dealing with highly-sensitive information on on-the-ground witnesses and documentation on human rights violations and abuses, as well as a mediator between actors following different security procedures, FDMC works at the intersection of various standards and security protocols, offering **guidelines on possible collaborations** between agencies directly involved in transitional justice processes. FDMC also utilizes its position as a mediator to connect witness who require **protection** or further support to the appropriate agencies within the inter-agency referral system.
22. FDMC's ultimate goal is for the fulfilment of victim's **right to return** and advocates for this right at international and national levels. FDMC coordinates inter-agency and inter-sector efforts to conduct ongoing security situation assessments providing crucial information and details on the feasibility of the return in areas affected by the conflict and to ensure secure and **safe return**.

## Recommendations

1. *Create* a training system for civil society partners to properly conduct ethical victim interviews, to ensure that victims are respected and **no harm** has been committed throughout this process. Training will be holistic and include:
  - a. Education on trauma and its impact on the lives on victims and their testimonies;
  - b. **Training on psychosocial dimensions** of health specific to displaced persons;
  - c. Mandating the need of psychological support during and after interviews;<sup>3</sup>
  - d. Provide insight on how to adapt established mechanisms and processes to the specific cultural context;
  - e. Specialized training for interviews with **victims of gender-based violence and children**;
  - f. Training on ensuring **victim confidentiality** throughout their interaction with the civil society actor and measures to ensure their safety;
  - g. Processes to put in place an **aftercare plan for staff members**.
  
2. *Work* to further establish FDMC as a mediator between civil society and International Organizations:
  - a. Establish meetings between civil society actors and international organizations, so that they may present their own recommendations directly to policy makers;
  - b. **Collect and consolidate policy recommendations** from on-the-ground civil society partners and present them to the ICC and other related organizations. FDMC will work to represent our partners at **international discussions**;
  - c. Facilitate/mediate a process of **cooperation between humanitarian agencies** and civil society organizations to ensure victim's needs are being met within displacement camps, especially with regards to security.
  
3. *Develop*, along with civil society actors and international organizations, provisions and measures to **strengthen the inter-agency referral system**. FDMC will work to identify gaps within the inter-agency referral system and connect civil society partners to help build a more comprehensive system, which will address the numerous and complex needs displaced persons have, including physical protection and psychosocial support.

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<sup>3</sup> Funds from the FDMC Trust Fund may be used to provide psychological support for victims.

## Documentation

### *Introduction*

23. FDMC coordinates a mechanism of response to the needs expressed by local organizations and entities working on documentation. We facilitate the deployment of experts on the ground and provide technical and legal trainings, as well as updated conflict analysis. Acknowledging the frequent lack of trust existing between states, CSOs, the broader civil society, INGOs and IOs, FDMC works to foster meaningful collaborations between international and local actors.
24. FDMC is committed to ensure a fruitful communication and **consultation** between INGOs, CSOs and the broader civil society. This goal lies at the very core of FDMC approach to documentation, a process which is seen as an opportunity to **foster local networks of information sharing**, as well as **trust building between CSOs, local informants, INGOs and other international actors**.
25. FDMC's overall strategy is meant to **address the highly fragmented character of conflict and early post-conflict civil societies** and to facilitate the adoption of **sustainable victim-centered approaches to documentation and investigative processes**. In this sense, the very condition of displacement is to be seen as an opportunity to restore links and relationships between groups and people, as well as to create new ones.
26. This view intends to highlight the importance of **working on social ties and networks** in order to secure better sharing of relevant information on casualties, victims and places damaged by the conflict. Therefore, FDMC provides guidelines, backstopping and coordination facilities so to help its partners on the ground to build **social cartographies** as instruments of **collective social mapping of displaced groups and damaged areas** to be reimagined for the future, starting from the collection of IDPs and refugees' own views.
27. Through its work of **facilitating networks-creation** among local actors and between them and the international community of NGOs working on documentation, FDMC encourages the creation of **partnerships and platforms of knowledge-sharing** among CSOs, actors from the broad civil society and between them and international research institutions.
28. In order to reach these objectives, FDMC facilitates the creation of spaces of **consultations** between CSOs and international actors working in the field of documentation, and it provides **expertise, legal training and conflict analysis** as needed. Thereby, FDMC aids victims in gathering **evidence of property ownership** and inputs all the available relevant information into an encrypted **database**.
29. As a long-term goal, this database will **compliment** FDMC guidelines for a state to establish an ad hoc mechanism that will assist their displaced populations procedural return.

## Recommendations

1. *Guarantee* the **impartiality** and **comprehensiveness** of the documentation process:
  - a. *Equally representing* groups, factions and minorities affected by the conflict;
  - b. *Ensuring ongoing consultations* between the actors involved in documentation, so to counter the fast-changing nature of a conflict or early post-conflict environment;
  - c. *Clarifying* objectives and methods of documentation gathering as well as the **distribution of tasks** between entities and actors participating in consultations and coordination activities.
  
2. *Collectively establish*, during the process of consultations, the approach to endorse other entities interested in documentation gathering:
  - a. *Deciding* whether to **facilitate the access** of UN bodies, COI missions or the ICC to some communities or groups of victims affected by the conflict, on the basis of victims' own demands and expectations;
  - b. *Evaluating* the advantages of receiving aid from these entities in terms of **security measures to be jointly implemented on the ground** to protect victims;
  - c. *Facilitating* the establishment of **accords and collaborations between CSOs and international bodies of inquiry** where it is suitable for and requested by the victims, in order to facilitate their access to reparations, as well as the realization of their right to return to property and land.
  
3. *Offer* assistance to victims in compiling **specific documentation** meant to adequately address their demands in terms of **property rights, right to land, right to return**.<sup>4</sup>
  - a. *Sharing* data gathering best-practices and **detailed questionnaires** to be used to collect relevant information in the field;
  - b. *Covering the largest number of aspects and details* in the process of data-gathering in order to ensure the widest range of possible future uses of the documentation gathered;
  - c. *Supporting* any **immediate demand of reparation and redress expressed by the victims** during the process of documentation gathering.

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<sup>4</sup> FDMC offers assistance to IDPs with compilation of specific documentation as evidence of property ownership and furthermore, the location, descriptions, and photographs are compiled into a **comprehensive registered database software**. This registry will be able to assist in the reparation process of property for displaced persons when the violence has ended.



## Victim Participation

### *Introduction*

30. FDMC considers victim participation as the driving force behind our operations as our work revolves around providing solutions for those who are forcibly displaced in conflict and early post-conflict situations.
31. Through a bottom-up approach, FDMC aims to include and amplify victims' perspectives in every aspect of the transitional justice process. For example, by understanding the types of reparations victims expect, FDMC can work on managing those different expectations and delivering where possible.
32. Reparations must be considered in the terms expressed by **victims through inclusive participation**. Thus, FDMC proposes itself as a facilitator for enhancing consultations between victims of forced displacement and agencies working on reconstruction and development. These platforms must allow the participation of victims to outline what are the pressing desires and expectations in terms of reparations, reconstruction and **conditions for accessing the right to return**.
33. In a highly participatory and collaborative way, participants can **co-construct** the overall framework of the reconstruction and development processes so to include specific needs, claims and indications for desired reparations.
34. In this context, there may be space for discussing ways of including the realization of sites dedicated to the symbolic remembrance and to the telling of the stories of forced displacement, as being part of the broader initiative of **reconstruction**.
35. With the aim of including all the forcibly displaced groups as beneficiaries of the reparation programs, it is necessary to guarantee a right **balance** of the views and interests of any ethnic, sectarian, religious, tribal or regional group.
36. In order not to cause further tensions among the various affected groups wanting to receive reparations, FDMC supports the idea that all the groups must receive an **equal treatment**, so to achieve the following goals:
  1. Bring a broader justice;
  2. Avoid to exacerbate structural violence and root causes of the conflict (or to worsen the tensions among the civil society groups);
  3. Provide an equal distribution to all the groups proportionate to its population.
37. In this sense, FDMC will facilitate the **mediation among different groups** of forcibly displaced persons and between them and the donor community.

38. We also view victim participation as mainly being achieved by strengthening the **capacities of grassroots groups and associations of victims of forced displacement** and building the institutional capacity of victims of forced displacement by providing a platform for associations and groups to access international expertise and support.
39. FDMC also contributes by raising funds to build the **capacity of associations**; enabling learning and facilitating the development of joint strategies with established associations. In so doing, we provide a platform for peer-exchange between different groups of victims from various conflict settings and experiences that transcend borders.
40. We at FDMC emphasize the importance of **psychosocial support** to victims of forced displacement to address any emotional or psychological trauma they may have endured as a result of the conflict.

*Recommendations:*

1. *Create consultations to:*
  - a. Coordinate with CSOs and local mediators to reach and cover the most remote areas, villages and IDPs camps in the affected country (local ‘intermediaries’ can ensure a broad follow-up of the results of the consultations carried out in different regions);
  - b. Conduct **civil society consultations** with the end goal to develop an advocacy plan based on research of victim’s perspectives.
2. *Train local CSO’s and local actors in several topics such as:*
  - a. Developing efficient research studies which would benefit creating guidelines and information of what **victims need** on the ground;
  - b. **Designing collective mechanisms with victims for property claims** to ensure IDPS, Refugee victims and groups can advocate for reparations;
  - c. Providing legal assistance to local CSO’s working on forced displacement which would play an important role in assisting existing governmental organizations.
3. *Create **sub-grants** for community led CSOs, utilizing the FDMC Trust Fund, to carry out their projects related to IDP and Refugees.*

## Gender

### *Introduction*

41. FDMC's intersectional approach to gender broadens the traditional lens to include other axes of identity such as **religion, ethnicity or sexual orientation**. We are cautious of using the terms "gender" and "women" interchangeably as not to reproduce social narratives of either gender stereotypes or the category of "women", and we foster the view that gender operates on a continuum including feminine, masculine or other identities and places gender within the discussion of the struggles of forced displacement.
42. We believe that having a narrow definition of gender limits the scope of violations and excludes victims from coming forward, as in the case of **sexual and gender-based violence**, where often the conversation tends to exclude men and children and limits women's identity to that of 'victims of violence.' FDMC recognizes the value of this intersectional approach to gender as an important tool to **identify the structural inequalities** present in these conflict and early post-conflict situations.
43. FDMC recognizes gender as a point of interest when it comes to **security** in conflict & early post-conflict situations of forced displacement. Not only does "gender" as a policy consideration address intersectional problems or concerns, but it also intersects with other policy-making frameworks such as guidance on **victim participation, security, documentation and reparations**. This is why we at FDMC are committed to making sure we identify and **eliminate any potential gaps** in our approach.
44. Because conflict & early post-conflict situations of forced displacement often leave room for human rights abuses or violence to occur and reoccur onto the most vulnerable sections of a group, we are highly focused on **violence prevention mechanisms** that would expose violent behavior and prevent its recurrence through safeguard measures. These mechanisms are developed with **gender considerations** in mind. For example, local partners should be trained to report and document any abuse that occurs in displacement camps. A policy approach to **gender and security** at FDMC would not only have victims or vulnerable groups at its center in terms of identification and resource allocation, but also would include measures to ensure their anonymity and physical integrity are protected.
45. We at FDMC place high priority on the promotion of **safety and human dignity**. FDMC appreciates cultural and local understandings of gender roles and societal responsibilities, but we intend to endorse peaceful transition and co-existence between members of the forcibly displaced to mitigate any disputes over resource allocation for **communal relief or sustainability projects**. We aim to represent the various groups through their community leaders and help fund their proposed activities as identified by them.
46. As the gender dimension of policymaking in transitional settings is fairly underdeveloped, we at FDMC encourage our local partners to partake in collecting data that relates to gender and intersectionality so that it may be incorporated into policymaking as to create best practice standards and guidance. We believe this will aid future endeavors and render more

effective policymaking solutions that are **locally led** and **supported by the relevant data**. Creating informative surveys for wider-scale data collection is one way of achieving this; however, we recognize the importance of civil society engagement as a **bottom-up approach**. In this regard, we are always open to understanding and listening to what local leaders know to be the “**right**” questions to ask.

47. FDMC recognizes the barriers to **participation and representation** from a gender-sensitive perspective. These limitations affect **participation in peace negotiation, politics, community, advocacy programs, and economic activities**. We also recognize the tension between representation and inclusion. We believe that policies must go beyond representation and work towards **substantive inclusion** of women and minorities. An intersectional approach will provide immediate and **long-term practical solutions** to address the deeply ingrained structural inequalities and their root causes.
48. In working with our donors, we at FDMC ensure to communicate the nature and timeline of the projects we recommend for funding. We recognize that most of these **root-cause issues** will have a relatively **extended or unpredictable recovery time** and we urge our donors to commit to funding from project inception to completion, keeping in mind the realities and obstacles faced by forcefully displaced persons.

### *Recommendations*

1. *Empower* local civil society actors to create workshops to give voice to marginalized groups and promote their agency, through the following suggested steps:
  - a. Identify immediate needs;
  - b. Identify structural inequalities and limitations to participation;
  - c. Create recommendations and practical solutions to the identified problems, and for FDMC to communicate directly to relevant international organizations.
2. *Promote* a bottom-up approach to:
  - a. Identify local leaders from marginalized groups and provide them with practical training, tools and space to express their needs;
  - b. Collaborate with local representatives and leaders on research, participation and projects;
  - c. Connect identified leaders to other networks and collaborations to help them reach their self-defined goals;
  - d. Provide funding for identified leaders’ projects.
3. *Advocate* for an intersectional approach to gender considerations and beyond:
  - a. Be conscious regarding staff selection to promote the inclusion of minorities and marginalized groups;
  - b. Be aware of behaviours and practices when working with people from marginalized groups, to ensure that re-traumatization does not occur;
  - c. Take intersectionality into account when creating programs in order to address structural inequalities

## Reparations

### *Introduction*

49. In addressing the issue of reparations for large-scale forced displacement in early post-conflict scenarios, FDMC acknowledges the **challenges of satisfying requests for the right to return**. To overcome these hurdles, we support states by providing administrative and civil policy guidelines built on data collected during and after the conflict.
50. The **right to return for victims** of forced displacement is the ultimate **end goal of FDMC** as a facilitator. As a first administrative step towards the right of return, the process of states restoring victim's lost identity documents and property titles should not be delayed.
51. As an intermediate goal towards restitution, our documentation activities help sustain victims claims of lost property. FDMCs **documentation activities** focus on creating a victim-centred approach by collecting their **evidences for record and restitution purposes**.
52. The **alternative response** may be found in **monetary compensation**. Both material and symbolic forms of redress should be considered by states. The necessity to target the specificity of the psychosocial condition suffered by the victims of forced displacement with a gender sensitive approach should be taken into account.
53. FDMC sustains the designing of reparation programs being based on a complex and deep knowledge of the state of the economy in a given post-conflict scenario. This requires for policymakers to include a **multidisciplinary approach** in the reparation programs they design.

### **Establishment of Ad Hoc Mechanisms**

54. In order to make a right to reparations more substantial, FDMC understands that a **special mechanism**, either domestic or international, is needed for individual victims' claims to be accepted and processed.
55. The establishment of an **ad hoc reparations mechanisms** is the most effective way for materializing victims' rights to return. Several ad hoc mechanisms to resolve land and property disputes or to provide compensation to victims who suffered gross human rights abuses and serious violation of IHL have already been supported. An example of such a mechanism can be noted from the Iran-US Claims Tribunal launched in 1981.<sup>5</sup>
56. For this reason, FDMC is in support of implementing ad hoc mechanisms to assist victims of forced displacement in resolving land and property disputes or to provide compensation for victims who suffered forced displacement.

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<sup>5</sup> J. Crook, Thoughts on Mass Claims Processes, Essay, 2005. pg. 12.

57. Our focus is to **assist victims with the procedural standards** to access a fair and effective mechanism for reparations for lost property and housing due to an armed conflict. As an intermediary goal to achieve the establishment of an ad hoc, FDMC works on preserving and collecting documentation of victim's testimonies and evidences of lost property.
58. Furthermore, we prepare guidelines on standards and procedures for governments to pursue formal and legal claims mechanisms that ensure victims can access their right of return.

### *Recommendations*

1. *FDMC* supports the long term goal of establishing a procedural ad-hoc mechanism for reparations such as a specific **Commission for Housing and Property Claims for Displaced Persons and Refugees**.
  - a. This initiative is aimed at administrating to collect and resolve claims in respect to real property.
  - b. The commission will collect and assess dispossessed persons claims to real property set aside forcefully or otherwise by questionable transfers during a conflict.
  - c. The objective here is to create documents that establish certainty of property titles for victims.
  - d. The insured support of respected governments is needed to ensure the legitimacy in the process of recovering lost properties and to facilitate sales, leases and bank financing.
  - e. The commission should be designed accordingly to the context with the effort to promote civil confidence between affected communities and their governments.
  - f. Collaboration between the state, civil society, the international community and victims should be considered when drafting the commission's mandate.
2. *Specially* designed **software to capture mass claims data**, and other innovative procedures that manage vast caseloads. This will assist in the **reduction of overall legal fees**. This is an **intermediary goal** that compliments the establishment of an ad hoc mechanisms and can already be **implemented during conflict and early post-conflict scenarios**.
  - a. Technological **hardware and software** for mass property claims procedures can be adopted or adapted to **improve overall efficiency** of the right to return.
  - b. The use of software that focuses on **data case management techniques will reduce legal fees**.
  - c. Software tools include carefully designed and **formatted questionnaires** to capture claims; grouping and processing together large groups of claims with similar characteristics; and computers, specialized software and powerful databases to encrypt, store, and organize large masses of information.

- d. This mechanism has been designed to assist states and civil society organizations to process claims
  - e. FDMC facilitates **capacity training on usage and implementation of software** into reparation process for forced displaced persons.
3. *FDMC* encourages governments to implement **symbolic state reparations** in an **early post conflict scenario** will help build civic trust
- a. Transitional governments should issue **dignified letters and ensure victims receive them.**
  - b. **Remorse** for the violation inflicted on the victim should be expressed.
  - c. The state should **acknowledge** its failure to guarantee the protection of the victims.
  - d. **Procedures on access to the right to return** should be clarified to the victims.