

Information, counselling and legal assistance for returning IDPs

by Sonia Di Mezza

With the signing of the Comprehensive Peace Agreement many IDPs are opting to return to their homes or relocate to other areas. They urgently need accurate, reliable information before doing so.

Some IDPs send male family members ahead to assess conditions but the journey can be hazardous and the information gained scanty. Information provided by the authorities is not always reliable either, often reflecting political objectives. The Norwegian Refugee Council (NRC) has established an Information, Counselling and Legal Assistance (ICLA) project in Sudan, drawing on NRC's experience of providing similar assistance in countries such as Colombia, Former Yugoslavia, Pakistan, Afghanistan, Georgia and Uganda.¹

Information and counselling on return is based on the experience that refugees and IDPs contemplating – but as yet uncertain about – return are best prepared when they themselves have carefully considered what the process of voluntary return and reintegration actually entails. IDPs need accurate and reliable information regarding their areas of displacement and origin, return routes, security, employment, health and education facilities and other return-related issues. NRC's work on information and counselling provision is founded on the importance of having credible and extensive local knowledge of experiences of those already returned, conditions in various potential return areas and what legal or other obstacles returnees may face.

In addition to NRC's own experiences, other sources of information are always sought and used. External sources need to be assessed, however, for credibility, lack of bias and how information has been accumulated and documented. NRC has developed a specially designed database for cross-border processing of large quantities of information on return areas and legal issues.

Common questions and issues of concern include:

- How to prepare for return?
- What are the security facts and considerations?
- What are the economic prerequisites or considerations, such as repossession of land and property, employment opportunities or pension rights?
- What particular issues affect vulnerable groups such as ethnic minorities, female-headed households and separated children?
- Have others returned to the home area, and what are their experiences?
- Are there particular formal procedures and documents required to return?

Refugees and IDPs themselves usually have no return experience. The process of decision making can be facilitated by skilled staff at counselling centres and through mobile teams visiting other locations.

Legal requirements or problems frequently constitute obstacles to durable return or reintegration. NRC will, if necessary, approach relevant administrative bodies for repossession of property or land tenure rights, for obtaining necessary documents required for citizenship or identity documentation or for obtaining benefits such as employment or pension rights. If cases are not solved because of neglect, deliberate obstruction of procedures or justice or simply unlawful action, NRC will pursue other available options, such as in-court representation, including possible appeals to domestic higher courts. On issues of systematic legal denial of basic returnee rights, cases may be further pursued to international courts such as the European Court of Human Rights in Strasbourg or to international treaty bodies such as the UN Commission on Human Rights in Geneva. In other, non-legal contexts, solutions may be pursued through other customary channels or through requests for assistance by relevant local, national or international agencies. Such measures will always be considered to avoid

counter-productivity in the form of unwanted repercussions for the individual or group involved.

ICLA in Sudan

In Sudan, NRC has so far established ICLA offices in three Khartoum camps. There is also a mobile unit that visits IDPs in other places of displacement. A key task of the ICLA project is to assist IDPs in acquiring identity documents and applying for plots of property from the government. ICLA has implemented workshops for IDPs and also assists Sudanese lawyers in providing legal counselling for IDPs.

NRC intends to expand these activities in Sudan, in order to provide information, protection and counselling services to returnees as well as to IDPs. Assistance capacity will be increased by using a network of partners, including protection officers already stationed in various places of return and along return routes, host communities, community leaders and other humanitarian organisations. NRC plans to work to prepare communities in areas of return to address potential conflicts that may arise from influxes of returnees, as well as provide training on principles of protection, human rights and non-discrimination to enable and empower communities to recognise, report and resolve violations of rights. NRC will also work with other humanitarian agencies to empower the Government of South Sudan to remedy and redress issues stemming from return.

With the expansion of humanitarian activities in Sudan, it is hoped that return conditions and integration options will be communicated to even more IDPs, ultimately resulting in greater protection of IDPs, returnees and residents of host communities.

Sonia Di Mezza is ICLA Project Manager for NRC in Sudan. Email: soniadimezza@hotmail.com www.nrc.no/engindex.htm

1. www.nrc.no/NRC/core/Legal.pdf