

“Addressing Internal Displacement Issues within a National Reconciliation Framework”

Comprehensive report

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Background

- 1) Comprehensive data on internal displacement is hard to establish in Libya, due to the absence of state official figures and some concerns that the issue may be politicized. In addition, the available figures often include groups that have faced multiple displacements, which could have led to double counting. The below figures are thus indicative rather than reliable data.
- 2) By December 2016, the Displacement Tracking Matrix (DTM) elaborated by the International Office of Migrations (IOM) had recorded a total number of 303,608 IDPs across Libya. Other estimates from UNHCR and OCHA range from 425,000 to 450,000 IDPs. With the de-escalation of conflict in various parts of the country in the latter part of 2016, the number of identified IDPs decreased, while the number of returnees rose.
- 3) Displaced people have some of the most severe needs. They have fled their homes due to on going insecurity and risk of exposure to violence. They lost their assets and are currently living with little support, protection or coping mechanisms, and thus face significant risks. The vast majority of Libyan IDPs are located in major cities, hosted by relatives or local communities. Benghazi, Misrata and Tripoli are the top three provinces with the greatest concentration of IDPs, according to the Internal Displacement Monitoring Centre (IDMC).

Relevance for national reconciliation

- 4) Reconciliation can be understood as a process involving the reconstruction of relationships of trust and social cohesion at various levels. It involves the reconstruction of the social fabric and some form of justice for past wrongs, including for forced displacement and expropriation. Displacement in Libya is not only a product of the war and the revolution, but also a deep legacy of the past that continues to impact the country's future.
- 5) In order for IDPs' return to be durable, at least three conditions are necessary:
 - Ensuring the safety of returnees, including security and rule of law with equal access to the justice system;
 - Returning confiscated property and rebuilding destroyed homes through proper restitutions and reparations programs;
 - Creating an environment that can sustain return, including restoration of

- livelihoods and public services;
- Ensuring the social integration of IDPs into their return or host communities, depending on their free choice.

6) Protracted displacement is a serious threat to national reconciliation. IDPs are at risk of becoming disconnected from their social, economic and local assistance networks. Prolonged displacement can also create a marginalized population without access to peaceful ways of resolving its grievances. If IDPs decide to settle in a specific location, social inclusion efforts are needed to guarantee their real integration into local dynamics and to maintain good relations with host communities. Reintegration of IDPs should therefore be an important component of the reconciliation processes, both at the local and national level.

I. Main international principles for IDPs: protection and durable solutions -Khair Smadi, UNHCR

Definition of IDPs in international law

According to UN Guiding Principles on IDPs and the Kampala Convention of 2009, IDPs are “those 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 man-made disasters, and who have not crossed an internationally recognized border”.

Legal framework

- General International Framework: International Humanitarian Law & International Human Rights Law (Indigenous and Tribal Peoples Convention 1989).
- The *UN Guiding Principles on Internal Displacement* (E/CN.4/1998/53/Add.2) state that displaced persons have the right to assistance from competent authorities in voluntary, dignified and safe return, resettlement or local integration, including help in recovering lost property and possessions. When restitution is not possible, the Guiding Principles call for compensation or reparation (Principles 28-30).
- The Pinheiro Principles on Housing and Property Restitution for Refugees and IDPs (2005) states that all refugees and displaced persons have the right to have restored to them any housing, land and/or property of which they were arbitrarily or unlawfully deprived, or to be compensated for any housing, land and/or property that is factually impossible to restore. Furthermore, all refugees and displaced persons have the right to return voluntarily to their former homes, lands or places of habitual residence, in safety and dignity. Voluntary return in safety and dignity must be based on a free, informed, individual choice. Refugees and displaced persons shall not be forced, or otherwise coerced, either directly or indirectly, to return to their former homes, lands or places of habitual residence. Refugees and displaced persons should be able to effectively pursue durable solutions to displacement other than return, if they so wish, without prejudicing their right to the restitution of their housing, land and property.
- The *Report of the Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-conflict Societies* (2004) counts displaced persons and refugees as being among the groups most affected by conflict, and demands that

post-conflict rule of law and transitional justice measures pay special attention to them. In particular, truth and reconciliation commissions should directly engage with displaced populations and address forced migration as a gross human rights violation. Establishing the truth about human rights violations that were at the root of displacement is also a precondition to the dignified return of displaced persons.

Protection and assistance

- Entities responsible of providing protection and assistance to IDPs include the State, armed groups, and UNHCR.
- The State's role is key in preventing displacement, providing protection and assistance during and after displacement and ensuring durable solutions.
- UNHCR has a central role and mandate on IDPs according to UNHCR statute of 1950 and to the Kampala convention.

Durable solutions

- The *Framework on Durable Solutions for Internally Displaced Persons* (2010) stresses the need for community reconciliation and confidence-building mechanisms, especially when IDPs are perceived as being associated with opposing sides in the conflict, as it is the case in Libya.
- IDPs have a right to a durable solution to their displacement, which can be achieved when they no longer need specific assistance and protection linked to their displacement and can enjoy their human rights without discrimination on account of their displacement.
- Types of durable solutions available in international law include voluntary return and reintegration, local integration in the communities where the IDPs sought shelter, or settlement elsewhere in the State.
- As citizens with the right to freedom of movement within their own country, IDPs should be able to freely choose which durable solution they want.

II. Understanding the applicable legal framework in Libya – Fatma Shneib and Ahmed Ghanem (UNSMIL)

1. Sustainable reintegration is linked to the willingness and the capacity of the state to assume its responsibility for the rights of its citizens, including through the recognition of land ownership, the reform of property rights, and the implementation of a comprehensive transitional justice program.
2. Some IDPs have sought to present their legal cases before national courts, seeking to exert their 'right of return' and accountability for past crimes. They also asked to regain their houses and land properties, to gain compensation for destroyed houses and to access state administrative services such as salaries, pensions, or civil documentation. But most cases were unable to progress, partly because IDPs are often missing the legal proofs to make their cases, including their own identification documents, or because of the weaknesses of the legal system. As a consequence, IDPs most often turn to local councils and traditional justice mechanisms to settle their issues.

3. Protracted displacement in Libya is a legacy of the past, which relates to former land ownership and property laws inherited from the Gaddafi regime. In the 1970s, Gaddafi passed a program of redistribution of property that was meant, officially, to help each Libyan household access to residential and agricultural property. In effect Law No. 4 of 1978 transformed tenants of that time into the owners of their apartments, but without any form of compensation to the affected landlords. The law expropriated private property and redistributed it according to current state priorities.
4. Gaddafi's property policies impacted not only individual tenants, but also whole communities, as some tribes and communities received preferential access to public infrastructure and utilities in exchange for their loyalty to the regime. Even though the laws that authorized state confiscations have been abrogated since the revolution, the question remains of how to address their continuing consequences until now. Indeed, some IDPs' claims to recover their former homes and lands have been complicated by the fact that, in many cases, they were originally acquired thanks to Gaddafi-era laws, in particular Law No. 4, and are therefore legally subject to challenge today.
5. While GNC decree 13/2012 formed a committee to be placed under the Ministry of Justice to address "*compensation and restitution issues arising from the implementation of Law No. 4*", the decree was never put into effect and the official registration of property is still not authorised in the country.
6. The slow implementation of transitional justice and rule of law reforms also deeply impacts IDPs' ability to return. Law No. 38 of 2012 promulgated an amnesty for any acts made necessary during the revolution and enabled authorities to detain people for up to two months if they were considered as "threats to security." The law was criticized for enabling a form of "selective justice" and promoting impunity, which many IDPs see as one of the main obstacles for their return home. Other legislation on transitional justice confirmed this impression of a one-sided justice, with legal redress being only provided to victims of the former regime, and crimes committed by the anti-Gaddafi revolutionaries being amnestied.

Law No. 29 of 2013 on Transitional Justice

Article 7:

- An independent commission shall be established under the General National Congress (GNC). It shall have an independent legal personality and financial status. It shall be called the Fact Finding and Reconciliation Commission. Its headquarters shall be in Tripoli and it shall be tasked with the following:
 - Examine the conditions of internally and externally displaced persons, take decisions on necessary measures to provide them with decent livelihood, and ensure their rights to prevent any discrimination against them.
 - Work on the return of Libyan citizens who are displaced abroad, in addition to solving the problem of internally displaced persons.

Libyan Political Agreement

- Governing Principles 27: Addressing the humanitarian situation of the refugees and

displaced persons as well as facilitating their voluntary return in dignity and safety to their areas as soon as possible. The principles also pledge for providing them with protection and compensation for the damages they sustained, taking into account the financial burdens of the Libyan State.

- Article 24: The State Council shall also be competent to examine and propose the necessary policies and recommendations for the following topics:
 - Voluntary and safe return of refugees and displaced persons.
- Article 27: All parties to this Agreement shall commit themselves to cooperate with the efforts of the Government of National Accord, and the United Nations agencies as well as other relevant authorities to assist refugees and displaced persons in order to return voluntarily and safely as soon as possible to their areas, and facilitate the free, safe and unobstructed communication with humanitarian agencies and organizations. The Government of National Accord shall commit to develop the necessary plans for the safe and dignified return of the internally displaced and refugees to their cities, within 90 days of the date of the ceasefire entry into force.
- Article 57: The Government of National Accord may request the support and assistance of the United Nations Support Mission in Libya and regional organizations towards the development and adoption of a comprehensive plan for international support to the Libyan state institutions throughout the remainder of the transitional period, especially to consolidate security stabilization throughout the country, particularly in the capital, Tripoli, provide financial and economic stability and addressing the difficult humanitarian situation, including the status of the displaced and refugees. The Government of National Accord shall work with UNSMIL towards the coordination of international community efforts during the implementation of this plan through a mechanism adopted by the Government of National Accord, including the establishment of a specialized technical support unit, under the Presidency of the Council of Ministers, for this purpose.
- Annex 2.5 - Economic and Service Priorities: Address the humanitarian situation and the conditions of injured and displaced persons as well as refugees, and work towards facilitating their return to their areas.

Indirectly relevant legislations

1. There is no specific law on IDPs protection in the Libyan legal framework. Legally, the State is obliged to provide compensation to IDPs who had their houses and properties destroyed during the conflict. The problem is that IDPs face practical difficulties to prove the damages done before a court of law. Effective application of the right to return is also pending upon the reconstruction of the Libyan justice system.
2. Other relevant laws include:
 - Law 4 of 1978 on the establishment of some real estate property provisions, amended by Law 6 of 1987 and law 11 of 1992.
 - Law 38 of 2012 on measures for the transitional period.
 - Transitional Justice Law n°29, which can provide some guidance for now, along with international law and conventions to which Libya is part.

III. Mapping and overview of main IDPs trends, concerns and needs in Libya today

i. National survey on IDPs and reconciliation in Libya conducted by Moomken NGO - Ahmed Albibas

- 1) The study was conducted from 24 to 27 March 2017, with a sample group of 284 respondents from Benghazi, Sirte, Tawergha, Awbari, Janzour, Kikla and Meshashia.
- 2) 69% of respondents said there was a lack of integration of IDPs in their localities of displacement, and 41% said there was no sort of hospitality provided to them by the host community.
- 3) 55% of respondents rejected the idea that IDPs could give up on the right to return for peace and reconciliation in the country. The study showed that displaced people consider that the main challenges preventing their integration to their current environment are the lack of schools, security issues, the presence of militias, economic difficulties and conditions of livelihood.
- 4) Most of the respondents (85%) indicated that their priority was to return to their hometowns, and only 5% to go to another area. Return is the priority of displaced people, followed by better living conditions, security, compensation and justice. IDPs interviewed also indicated that, among the main challenges preventing them to go back are: security, the lack of health and security infrastructures in the place of origins, better living conditions in the place of displacement, as well as death threats or fears of revenge.
- 5) 68% of the respondents indicated that their first demand was for reconciliation agreements to include measures of justice and accountability, followed by compensations and truth-seeking. 43% consider that there can be no reconciliation as long as the IDPs do not return to their hometowns.
- 6) On the basis of these outcomes, Moomken recommends the following measures:
 - Restore security within the country and in areas from which people were displaced.
 - Provide humanitarian aid (food, housing, health, education...) in priority for the areas of displacement.
 - Resolve local conflicts first in areas where the IDPs were displaced.
 - Support the army and the police, especially in places of displacement.
 - Carry out activities and workshops among IDPs both in the places of displacement and in the places where they were displaced.
 - Solve the liquidity problem to enable the IDPs to address their needs financially.
 - Involve the displaced in the design and implementation of local and national reconciliation processes.

ii. The Issue of Displaced Persons in Libya - Mohamed Tantush, LOOPS researcher

- 1) Forced displacement in Libya began soon after armed clashes started during the February 2011 revolution. Some were able to return to their homes right after the war ended. In other places,

displacement movements have continued for a longer period of time. Some localities refused to allow the return of former residents under the pretext that they belong to pro-Gaddafi forces. This explains the protracted displacement of the Gwaliyah and Al-Rayayna inhabitants, while the people of Tawergha moved to Tripoli, Benghazi and other areas.

IV.

2. The causes of displacement vary. Displacement has been primarily linked to armed tribal and regional conflicts between 2012 and 2014, including between Al-Mshashiya and Zintan and the battles between armed groups in Wershfana, Zawiya, Ragdalin, Zwarah, al-Magarha, Awlad Sleiman, Tabu and Touareg. Populations from Awbari, Benghazi, Derna, Wershfana, Kikla and Sirt were displaced for prolonged period, as a result of civil war between local proponents of Dignity and Libya Dawn Operations. Despite the end of Operation Libya Dawn, residents of the area of Kikla have not been able to return to their homes until now. Some families continue to be displaced from Benghazi and other areas in the East, especially those who are accused to be against Operation Dignity or to have links to those who fight it.
3. Displacement can be internal (inside the city itself or from one neighbourhood to another) or external (towards another city). This situation is different for those who left their homes but were not able to come back even after the end of armed confrontations because if the conflict ended in favour of one of the parties, as is the case for the military operation that broke out during 2014 in the East.
4. Many people from Benghazi were not able to return to their homes because they took side with the losing party during the armed confrontations that took place in their neighbourhoods. These people have thus become forced migrants even after the end of armed conflicts in their areas. A similar scenario happened with the residents of Tawergha in 2011. Residents of Kikla were not able to return to their regions as a result of the quasi-total destruction of the infrastructures in that area.
5. Other reasons for displacement include tribal rivalries, racism, acts of revenge over alleged role during the revolution, and economic marginalization.
6. Responding to the challenge of displacement demands, first and foremost, the delivery of sufficient humanitarian aid. So far, these efforts have been dispersed as they are implemented in parallel and separately from one another, in some cases causing an inequality in aid distribution and further instability. The absence of a unified system for counting the displaced persons is another challenge. The issue has therefore been deeply affected by political divisions.
7. Displacement led to serious demographic changes in Libya and needs to be addressed in a comprehensive manner for reconciliation to be ever possible. Displacement has affected the population diversity of Libya: a less diverse population means a weaker social fabric.
8. One should not wait for national reconciliation to promote the right to return and support IDPs. For now, the IDP crisis should be dealt with humanitarian aid and through a better coordination, under the umbrella of neutral NGOs such as the Red Crescent or the Scouts. A major issue for IDPs is indeed their lack of trust in the

institutions, including civil society organizations that represent them. Workshops, consultations and capacity building activities should thus be organized directly with IDPs in order to better understand their needs without going through their representatives.

9. The main obstacles for aid delivery include:

- The inability of international humanitarian organizations to work in all regions;
- The inaccessibility of some regions to local NGOs;
- The dispersion of the efforts of the Ministry of Social Affairs efforts and lack of coordination;
- State's failure to provide adequate budgets for the provision of assistance by government agencies and organizations;
- The lack of sufficient liquidity which has increased the intensity of IDP crisis and their difficult access to housing or health services;
- The suspension of IDPs' salaries because they did not go back to their jobs in their areas of origin.
- The destruction of infrastructures in places of origins, especially for Gwalish, Tawergha and Sirte inhabitants, but also Kikla, Awbari and some neighbourhoods of Benghazi.

V. Dynamics and challenges of return and social integration for displaced communities

1) Benghazi: *Reda Barghati*, Deputy Chairman of the Libyan Dialogue and Reconciliation Organization

1. There are several phases of displacement in Benghazi: in 2011, 2013, and 2014. Reasons for displacement include security, economy, and absence of education opportunities. The return of IDPs from Benghazi depends upon the improvement of security conditions in the East, and the liberation of occupied areas. Demolished homes, clashes, revenge actions from victims' families and the spread of hate speech in media, are powerful deterrent against their return.
2. The safe return and integration of IDPs can only be achieved through community reconciliation processes led by tribal leaders and notables from the city of Benghazi, and through local social customs, which would contribute to ending the fighting, agreeing on bringing criminals to justice, and finding ways to promote the peaceful integration of displaced people.

2) Meshashya: *Al Hadi Alreeqat*, Meshashya Local Council Representative

1. The situation of IDPs from Meshashya, an ethnic group from the Nefusa Mountains in Western Libya who was targeted during the uprising by opposition fighters from Zintan, allegedly for being allied with pro-Gaddafi forces, is dramatic and has not been properly addressed until now. Private properties and lands were burned during the conflict, people were forced to leave, but most crimes remain unpunished.
2. Tensions between Meshashya and other tribes in the Nafusa mountains, including the Qantrar, go back to before the revolution and civil war. Qantrar leaders say that they were present in the mountains before the Meshashya, who are being accused of illegally occupying their land. Indeed, Gaddafi distributed lands to his alleged

supporters, including the Meshashya, in an attempt to undermine the influence of the Qantrar. But Meshashya leaders refuse to be accused of being Gaddafi supporters and say the Qantrar have unfairly seized their land.

3. In 2013, five elders from the National Reconciliation Committee were sent to calm tensions in the Nafusa Mountains. The National Reconciliation Committee set up an arbitration committee made up of five judges with the power to help solve legal problems related to housing, land and property disputes, which are the underlying causes of the ethnic tension in the region. This process included compensations in exchange for letting the families live where they have settled for decades. But the Reconciliation Committee could only deal with minor disputes, such as access to roads, weapons or detention and prisoners exchange, and it failed to address deeper, structural ones such as cases of theft, murder or rape. These more serious issues will have to go to the formal justice system.
4. Property rights are complex in Libya because of resettlements, nationalization and land redistribution policies from the colonial and Gaddafi eras, and also because the former regime oversaw the public destruction of property records in 1986, making it even harder to prove cases of dispossession or forced eviction.
5. Because of its deep links to land rights and to former regime allegations, the situation of displaced persons from Meshashya needs to be addressed at a national level if reconciliation is to happen.

3) Sirte: Jomaa Omer Alshibany, Sirt Charity Association

1. The causes of displacement in Sirte are related to gross violations of human rights and conflict, before and during ISIS occupation. The displacement crisis in Sirte began in 2011 when people already migrated because of the war. Many of these IDPs have been unable to return yet. The situation was exacerbated in 2015 when ISIS occupied the city, causing more than 90,000 to leave their homes because of the human rights violations with security issues, kidnapping and assassination. More than displacement, what happened in Sirte is to be considered a case of collective forced migration.
2. Although some IDPs have been able to return in early 2017 to Western Sirte, many are still too afraid because of the presence of mines and the risks of epidemics. Other IDPs have had their houses destroyed and could not go back in any case.
3. Sirte IDPs who remain displaced are not integrated in the host communities and are exposed to revenge or collective stigmatisation.

4) Tunisia: Ebtisam El Gasbi, Chairperson of the Committee for Libyan refugees

1. According to Tunisian officials, in April 2015, 1 million Libyans were living in Tunisia. This population is predominantly made of “middle-class” refugees. Libyans in Tunisia have an unclear legal status: they are not recognized as migrants or exiled. Because people consider Tunisia safe, some see them as tourists.
2. Under the 1951 Convention Relating to the Status of Refugees, a refugee is someone who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership to a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself the protection of that country”. The convention adds an exclusion clause that prevents anyone who has committed crimes against peace, war crimes, crimes against

humanity, or serious non-political crimes, to be considered as refugee.

3. Most Libyans who have sought shelter in Tunisia have not registered as asylum or refugee status seekers. Nonetheless, they have the right not to return to their home country if they may face serious harms there, such as torture or unfair trial. Most of Libyans in Tunisia leave in rented hotel rooms or apartments, or live with their friends or families. Some were located in temporary camps South of Tunisia, until the camp was closed. Many had ties with the former regime, to various degrees: some directly fought with Gaddafi loyalists, while others were unduly categorized as being “pro-regime”.
4. As their displacement became protracted after 2011, and after new flows arrived in 2014 and 2015, the marginalization of this displaced population grew. Despite several public calls for them to return, most refused to go back to Libya as long as the government cannot provide them solid protection against acts of retribution, and as long as fair trial are not guaranteed for anyone suspected of past wrongs.
5. A Committee was established under the NTC to address the issue of the Libyan diaspora in Tunisia, but it was placed under the Ministry of Defence, and Tunisians refused to engage with it for that reason. The Libyan diaspora in Tunisia is in crucial need for financial support, and lacks true access to education and health, although the Tunisian government did take significant measures, including granting Libyans in Tunisia free access to public schools.
6. Libyan exiles in Tunisia see direct connections between their situation and that of the Tawerghans, Gwhelish, and the Werfalla. But their situation is further complicated by the fact that, while responses to IDPs' needs in Libya can rely on an international framework (including the Guiding Principles or Framework on Durable Solutions), there is no equivalent for the Libyan diaspora in Tunisia, which has no refugee status but is unable to return to its country because of the absence of the rule of law and lack of security.
7. Their return thus depends on the Libyan State capacity to hold accountable those responsible of gross human rights violations while developing alternative accountability procedures, such as a Truth and Reconciliation Commission, for others. Internal and external displacements in Libya are therefore intrinsically related.

VI. Dynamics and challenges of social integration for host communities

1) Tripoli: Mohamed Gubran, Tripoli Central Municipality Representative

1. Displacement in Libya is due to the continuation of armed and tribal conflicts, the lack of security and the spread of weapons. The lack of financial means has prevented the Tripoli municipality to welcome IDPs as much as it should have. The weakness of CSOs and the absence of real outreach and communication program promoting peace and reconciliation have also affected that capacity. Locally elected parties are not giving enough importance to the issue of IDPs, especially in areas where people have been displaced and have no access to public services, health or education.
2. The weakness of the State and the lack of media objectivity are the main obstacles to peace and reconciliation. The State should engage on a comprehensive and direct dialogue with IDPs in order to understand their real needs and find concrete solutions for their social integration.
3. National unity can be found through a strong State and promoting moderate religious and media speech. So far, there is too much confusion around the various competencies of the ministries, which has prevented a real coordination.

2) Misrata: *Eltaher Elbaour*, Political Advisor, Misrata Municipality

1. The city of Misrata is one of the many cities receiving IDPs from 2011 to date. It has made substantial efforts to provide support to those displaced persons initially by raising funds from the citizens from Misrata, and through NGOs. However, the continued displacement weakened this process due to a decrease of support and an increase of the number of IDPs.
2. With the increased number of displaced families in the city, the Ministry of Social Affairs branch in Misrata has established a registry and inventory system for IDPs, on paper and electronically, to facilitate access and delivery of service. The system helped to access to the necessary inventory forms and identifying the official documents acknowledged by the Libyan State and required for documentation for purposes of accuracy and credibility of the inventory. According to the inventory system, there were 35 cities with recorded displacement in the period from mid-2014 until February 2017.
3. The system was used for the provision of aid to the displaced families, with support from the International Committee of the Red Cross in Libya.
4. The number of displaced families during the period from May 2014 to February 2017 in Misrata is as follows:

No. of Families	Total No. of Persons	Males	Females	Children under 3 years
9,185	38,281	19,281	19,000	2,680

Due to the improved security situation in some areas, many families have returned to their areas of origins. The following table indicates the number of returning families.

No. of families	Total no. of persons	Males	Females	Children under 3 years
6,266	23,320	11,745	11,575	1,999

Displaced families currently present within the municipality of Misrata:

No. of families	Total no. of persons	Males	Females	Children under 3 years
2,919	14,961	7,536	7,425	681

However a number of IDPs did not apply for registration, particularly those who were hosted by their relatives or were able to rent houses, and therefore did not need specific aid: the numbers may therefore not be totally accurate.

6. The following table shows the locations of IDPs within the Misrata municipality:

No.	Municipality branch	No. of Families	Total no. of persons	Males	Females	Children under 3
1	Abugrain	47	268	134	134	14
2	Dafniya	63	375	188	187	12
3	Al-Zawraq	332	1688	868	820	79
4	Al-Ghayran	179	886	444	442	41

5	Al-Washka	7	45	25	20	2
6	That Er-Remal	243	1199	632	567	50
7	Zawiyat El-Mahjoub	197	989	510	479	52
8	Shuhada' Al-Rumaila	342	1730	856	874	86
9	Tammaña	413	2200	1095	1105	79
10	Qasr Ahmed	253	1296	642	654	69
11	Ras El-Tuba	292	1424	734	690	67
12	Center of Misrata	551	2861	1408	1453	130

(Source: Ministry of Social Affairs Branch in Misrata)

7. Due to the continued political instability and tensions in several locations in the country, large waves of displacement continue. Since there is no central strong government that is capable of accommodating the displaced persons, this could lead to more confusion, suffering, diversion of efforts and inability to provide urgent service and aid. Difficulties and challenges faced by the city of Misrata include the following:

- IDPs in Misrata do not reside in specific camps, which caused difficulties in providing support and precise numbers.
- Some IDPs were reluctant to register in the official registration system, due to lack of trust.
- Some IDPs were registered in more than one city: they moved without notifying the registration committees and field teams.
- The lack of coordination between the local working committees resulted in having several entities providing aid, without referring the issue to the registration system of the Ministry of Social Affairs.
- Several entities are providing support, which resulted in cases where the same family received aid several times, while other families did not receive any support.
- International institutions were not able to establish solid local partnerships capable of providing and delivering their support to those in need in the geographical areas where IDPs are located, especially in the central area (from Khoms to Sirte and Jufra).
- International organizations and local partners communicated with IDPs directly without coordinating with field teams working in the area, or referring to the counting and documentation system of the Ministry of Social Affairs (Misrata branch).
- The weakness in the assessment of the actual needs of IDPs by international organizations.
- Expiration of some relief items because of poor or prolonged storage, leading to discontent among beneficiaries.
- Weak financial and logistical capacities of several teams and civil society organizations.

Recommendations and proposed solutions:

- Holding training and capacity building workshops by international organizations for local partners, crisis committees and field teams from the municipality on crisis management, operations, reporting, monitoring and IDP protection more generally.

- Creating local partnerships with CSOs working in the geographical area of displacement, who are capable of implementing tasks and logistic processes effectively.
- Unifying the counting and registration system of IDPs across the country through the Ministry of Social Affairs in cooperation with its local branches, to avoid any miscounting or confusion leading to challenges in the delivery of aid.
- Swift provision of service to families returning to their areas of origins, by providing them health, education and banking services.
- Donor on the ground should open offices in the areas of displacement or in the host geographical locations with the most displacement cases.

VII. State responses to internal displacement: comparative experiences

1) The case of Libya: *Abdulqacim Al Qantari*, Representative of the Libyan Prime Minister's Office, Office of Support to Internally Displaced Persons

1. A centralized database was established in 2013 for the IDP in Libya, with support from the International Organization for Migration (IOM), but it had to stop for technical and technological reasons. For now, aid relies on reports issued by governmental bodies, ministries of Social Affairs, Health and Education, the Libyan Humanitarian Relief Agency and other relevant parties including municipalities, local councils, displaced persons' Crisis Committees and national civil society organizations.
2. Executive procedures and decisions made at the government level to support IDPs include:
 - Continued payment of monthly salaries to citizens who are internally and externally displaced within the public sector, based on a unanimous decision from the Council of Ministers.
 - Possibility to use the services of displaced persons as much as possible in the same functions within subsidiary or equivalent departments located in their current areas of residence.
 - In the education sector, the Government allowed the integration of displaced students at their same educational levels in schools surrounding the host community, and entry processes were simplified to allow their reintegration (exams, etc.).
 - The government requested to facilitate access to special administrative procedures related to the civil registry for the national ID number for IDPs. For example, for the displaced persons of Sirte and Benghazi, special offices were opened in Tripoli to facilitate access to government services.
 - Opening special bank branches in host communities for displaced persons.
 - Paying displaced persons their salaries that have been suspended since 2011.
 - Expanding the establishment of offices to issue passports for displaced communities.
 - Facilitation of access to medical treatment abroad.
2. Crisis Committees comprising displaced persons were formed by a decision from the Prime Minister, including for Sirte, Benghazi, Harawa, Derna, for the South, or the Tuareg. A budget was allocated to spend on displaced persons' needs, to facilitate

procedures for the establishment of local councils in areas of displacement, including for Tawergha Municipality. Some sectors of displacement in Tripoli benefited from the same service sectors (including electricity, water, etc.) in the host areas.

3. Government institutions currently providing services to IDPs include:

- Ministry of Social Affairs
- Ministry of Health
- Ministry of Local Government
- Ministry of Education
- Libyan Humanitarian Relief Agency

4. Government institutions working to establish reports and conduct studies on IDPs include:

- Department of Statistics and Census
- Center for Social Studies
- Bureau of Population Studies of the National Council for Economic and Social Development
- Statistics Office of the Ministry of Local Government
- Social Affairs Offices in Municipalities
- Zakat Fund

2) The case of Iraq: Haider Al Ibrahim, Executive Director, SANAD

- 1) According to the International Organization for Migration, nearly three and a half million IDPs live in Iraq. Most are currently living in more than 1,500 temporary settlements, as well as other non-camp accommodation (e.g. host families, rented) throughout Iraq.
- 2) Despite poor living conditions, the majority of Iraqi IDPs have opted not to return home even after some areas were freed of ISIL control. Several factors complicate the safe return of IDPs, including ISIL's remaining operational presence in much of western Iraq, efforts by national security forces to combat clandestine terrorist operations, and financial constraints.
- 3) Furthermore, some IDPs fear that those returning will face mass detentions and acts of revenge. This fear is reinforced by the lack of coordination, planning, and information sharing between local authorities and security forces.
- 4) To reinforce state coordination, the Government of Iraq and hosting provinces have established joint security and administrative committees that include relevant agencies as well as tribal and community elders from the hosting and liberated provinces.
- 5) Many IDPs have been traumatized by their experiences of conflict: they lost their homes and loved ones and lived in ill-provisioned IDP camps. Public awareness programs for returning IDPs to help them prepare psychologically have helped to address this difficulty.
- 6) The financial burden posed by return is a major obstacle for IDPs. Many have lost their belongings and cannot afford to make go back home or to re-establish their livelihoods. Providing specific state allowances to returning families can help IDPs to re-establish themselves in their places of origins.
- 7) Returning IDPs crossing transit areas are targets for revenge attacks by militias, and/or rival tribes. To address this fear, specific secure routes dedicated to IDPs return have

been opened, along with protected transportation through secured and labelled buses. More generally IDPs - specifically women - worry about the potential for intra-community violence upon return: returning IDPs may seek to punish those who stayed if they suspect them of being ISIL supporters. The government, tribal and community leaders, and local communities, have thus facilitated local reconciliation processes to mitigate intercommunity and intra-communal conflicts. In general, returning locals and political militias resort to informal justice mechanisms instead of formal justice.

8. The case of Iraq shows the deep interconnection of return to liberated areas with broader issues of security, justice, reconstruction, and reconciliation. As in Libya, none of these elements can be pursued successfully in isolation.
9. The safe return of IDPs is an important element of national security, and it is not possible without incorporating effective security and justice restoration. A National Reconciliation Commission was created in Iraq, to deal with the payment of reparations. Payments, however, are only meant for individual casualties (martyrs, injured), not damaged properties. For material losses, a law was passed for real estate restitution. The Commission collaborates with the national census institute, CSOs and international organizations, and includes various subcommittees (on security, coordination with local government, trust-building and community level actions...). Those who committed crimes are vetted through this institution, including former ISIL combatants who want to come back home.
10. The Reconciliation Commission coordinates with international institution as well. The Office of the Prime Minister is kept informed about status and location of IDPs through the Commission. A reconstruction fund was created to rebuild the liberated areas, but despite these national efforts, local reconciliation remains the best approach to promote IDP return in Iraq.

VIII. Local responses to internal displacement: comparative experiences and links with local reconciliation processes.

1. Tawergha: *Abdelrahman Shakshak*, Tawergha Local Council

- 1) There is no reconciliation agreement yet with the Tawerghas: only a dialogue. As long as there is no State, and no implementation of the agreement, there is no reconciliation. No payments were ever made from the 14 millions allocated for reparations.
- 2) The media have played a negative role in the negotiation process. Real outreach and sensitization programs are needed to change people's perception of Tawerghans, who are still seen and treated as foreigners, and who suffer from racial discrimination. Because of racism, Tawergha camps receive less aid and support than other areas.
- 3) Trust needs to be built to lower the tensions between both communities. The participation of youth and CSOs in the Tawergha dialogue process is a good practice that could be generalized to other processes.
- 4) The fact that the dialogue between Tawergha and Misrata was kept away from the media has contributed to its success.
- 5) More efforts to decrease mutual hostility and build trust are still necessary. To return, IDPs need strong incentives, and willingness – both of which are still lacking.
- 6) A solid legitimate body (ministry, commission) is needed to oversee the dialogue and the implementation of reconciliation agreements that will allow the safe return or integration of refugees.

2. Tuareg: *Abdullah Ali Ashref*, National Movement of Tuareg Youth

1. The Tuareg were displaced from Ghadames, and during the 2015 war in Sabha and Awbari between Tuareg and Tebu. However the suffering of this population has been marginalized in public debates and excluded from public support.
2. Tuareg camps were built gradually in schools, and are in a poor condition. Every negotiation processes between Tuareg and Tabu benefited from outside support (Promédiation, Qatar...). A commission was formed by the Libyan State in 2014 to intervene and contribute to health care service and education in the municipality of Ghadames, in coordination with the ministry of Health.

3. Reyayna: *Yayh Yahyia*, Mayor of Reyayna

1. Reyayna municipality is located in the Nafusa Mountains. It has 250,000 inhabitants, distributed on 14 districts. Like other Libyan cities, Reyayna suffered severe damage, including the destruction of houses, burning and looting of public and private properties during the events of 2011, especially in the Western part of the municipality, which was the scene of intense military operations for more than two months. The result was the burning and destroying more than 600 houses and 3 schools of this district. In 2012, a mission was sent by the Department of Planning and Studies in the General Authority for Projects to assess the damages done in private and public buildings.
2. However, since the area was categorized as a no-access military zone, reconstruction work did not start until the end of 2014. Accordingly, the assigned engineering offices assessed the damage, prepared reports and estimations and submitted them to the Administrative Centres for Development and Improvement Authority. But due to the political instability and insecurity of that period, these files have remained unaddressed, adding to citizens' suffering and exacerbating their difficulties.
3. This inaction resulted in the inability of citizens to return to their homes due to the amount of destruction affecting houses and public facilities in the area. Families had to move to other areas, where they were sometimes discriminated and were compelled to pay additional rents.
4. Currently, the Reyayna Municipal Council is seeking to address the issue of IDPs and find a solution to allow the return of residents from the affected areas, in order to promote justice and equity and to provide them compensation for the damages.
5. The reconciliation agreement with Zintan was a good step in that direction. Based on inclusive consultation with the city's residents, IDPs and returnees, the Reyayna reconciliation council estimated the damages done to schools, health centres and houses, and noted that the conflict led to difficulties water and power shortages that also need to be fixed.
6. The reconciliation effort with Zintan took place without any intervention from the State: it was a personal initiative led only by tribal dignitaries. However, the State is needed to follow-up on this process and to avoid its failure. In particular, the State should:
 - Repair the electricity network and water system.
 - Restore the health centres of Reyayna.
 - Rehabilitate schools.
 - Compensate the IDPs to enable them to finance essential maintenance of their homes.
 - Give this reconciliation process due public attention and media coverage, and make it a "best practice" for national efforts.

IX. Specific case study and recommendations

1) Awbari

- 1) The conflict in Awbari was due to the proliferation of weapons, smuggling, impunity, and tribal rivalries. It lasted for 18 months and as a consequence the city endured severe destruction of its infrastructure (health, education, houses). Around 100 died. The closing of the road between Sabha, Awbari and Ghat led to a lack of essential supplies (medicines, fuel...)
- 2) The reconciliation agreement was not implemented. It was merely a ceasefire that included measures of prisoners' exchange, the opening of checkpoints, delivery of food and humanitarian supplies, and the formation of a neutral peacekeeping force to oversee the respect of the agreement.
- 3) In the absence of a State, the agreement was not fully implemented, especially with regards to measures of compensation and the rehabilitation of destroyed infrastructure. The wounded did not receive health care as a form of reparation, and displacement issues were not addressed.
- 4) A reparations fund should be created and supported by national and international actors, to reopen roads, demine the areas, and open schools and health centres.

2) Meshashya / Zintan

- 1) The main cause of displacement is political, as the Meshashya have become associated with the former regime.
- 2) There has been no effective return since then, partly because deep-rooted land and security issues have still not been addressed.
- 3) All solution would have to include the former regime representatives, the revolutionary representatives, tribes from both sides (Zintan/Meshashia), religious figures, CSOs, the Ministry of Local Government, the media, and the IDPs themselves.
- 4) A local committee should be established with these actors, to open a direct channel of communication with the Ministry for IDPs of the GNA. A national compensation should be established for the land that cannot be returned, and impunity has to end for crimes committed on both sides.

3) Benghazi

- 1) Despite several waves, the root cause of displacement in Benghazi is June 2014.
- 2) Some were displaced within Benghazi, or to other cities.
- 3) The main cause of displacement is the conflict between Karama forces and armed groups in Benghazi, as well as the number of assassination, kidnapping, theft, etc.
- 4) Reconciliation and return of IDPs from Benghazi can only happen if we include local tribal leaders, the General Command of the army, the Ministry of Defence of the GNA, the Council of Elders, the Union of Displaced Persons, and the media.
- 5) Measures needed include: provision of safety for all citizens, demining, better infrastructures (water, electricity), the reconstruction of State institutions (including security, health and education). A reconstruction fund could be established, with support from the international community, to provide compensation and support small projects that contribute to the autonomy and self-reliance of IDPs, and to prevent youth from joining armed groups.

X. Discussion and general recommendations

1. Reasons for displacement

- a. Political displacement and allegiance to the former regime: addressing the IDP crisis is tied to addressing the political question of the place and role of the former regime in the new Libyan state.
- b. Humanitarian displacement and economic marginalization, especially in the South where the absence of the State and the marginalization of the zone led to a lack of health, education and economic services. The population went to Tripoli or Misrata to find these services: they left for humanitarian reasons.
- c. Security issues, including due to the revolution, the Karama/Fajr Libya Operations but also the absence of state protection, the number of kidnapping, rampant insecurity, racial discrimination and tribal conflicts.
- d. Land/property laws and the policies of the former regime, that have led people to gain back what they thought rightly belonged to them, thereby expulsing entire groups of population (Tawergha, Meshashya...).
- e. The absence of a culture of justice, the prevailing impunity and the absence of fair trial guarantee, which explain why many IDPs refuse to return by fear of acts of revenge.
- f. The lack of social harmony and the absence of a culture of national unity.
- g. Illegal immigration and smuggling are additional factors that contribute to displacement by encouraging competition for resources.
- h. The marginalization of women and youth.

2. Challenges

i. Humanitarian

- The inability of international humanitarian organizations to work in all regions of Libya.
- The inaccessibility of some regions to local NGOs due to political or security threats.
- IDP's difficulties in accessing housing or health services, further reinforced by the suspension of IDPs' salaries (except in the public sector).
- Difficulties in assessing the actual needs of IDPs by international organizations, partly due to a lack of true partnerships with local CSOs working on the ground.
- The absence of a coordination mechanism between the various local crisis committees at the national level, and the fact that they do not always refer to the central registration system of the Ministry of Social Affairs.

ii. Legal and political

- The absence of a real representation system for IDPs who do not trust some of the institutions, including CSOs and local councils, that are supposed to represent them, and have therefore been *de facto* excluded in many of the discussions and decisions that concern them.
- The complexity of property rights in Libya, which makes it harder for IDPs to make their legal claim for restitution. Indeed:
 - Various resettlements, nationalization and land redistribution policies were inherited from the colonial and Gaddafi eras.
 - The former regime oversaw the public destruction of property records in 1986, making it even harder to prove cases of dispossession or forced eviction.
 - Some IDPs lost their identification documents when escaping their homes.
 - In many cases, these homes and lands were originally acquired thanks to Gaddafi-era laws, and are therefore considered as illegitimate.
- Displacement is sometimes related or accompanied with collective stigmatisation or threats of revenge: this is the case for the Meshashya, Gwelish, Werfalla, Tawergha, and to some extent for the Libyan diaspora in Tunisia, who are accused of supporting the former regime. Similarly, Sirte IDPs are sometimes exposed to acts of revenge or collective stigmatisation as ISIS supporters. This is a strong impediment to return.

iii. Administrative

1. The confusion around the various competencies of the ministries, councils and authorities has prevented real coordination amongst them, and made it even harder to obtain comprehensive and reliable data on IDPs.
2. Involved actors include the ministries of Social Affairs, IDPs, Health, Local Government, Education, the Libyan Humanitarian Relief Agency, local councils, local crisis communities, CSOs, and municipalities.

3. **Recommendations**

1) Establish a national coordination system

- Unifying the counting and registration system of IDPs across the country through the Ministry of Social Affairs, in cooperation with its local branches, in order to avoid any miscounting or confusion leading to challenges in the delivery of aid.
- A registry and inventory system for IDPs, on paper and electronically, should be established to facilitate access and delivery of services and aid and provide them with documentation.

2) Provide capacity-building

- Organize workshops, consultations and capacity building activities directly with IDPs in order to better understand their needs without having to go through their representatives. The Libyan state in particular should engage in a comprehensive and direct dialogue with IDPs in order to understand their real needs and find concrete solutions for their social integration, relocation or return.
- CSOs, crisis committees, municipal councils, government representatives and other actors working with IDPs should be trained on IDP protection, international law, crisis

management, reporting and monitoring. These training would contribute to establishing a coordination mechanism at the national and local level.

3) Better integration and representation

- Allow the integration of displaced students at their same educational levels in the schools of the host community, and simplify the entry processes to facilitate their reintegration (exams, social activities, etc.)
- Launching public awareness programs for returning IDPs to help them prepare psychologically for their return.
- Promote a better representation mechanism for IDPs in order to allow them to directly take part in any negotiation (including reconciliation or peace agreement) that concerns them. This can be done by facilitating administrative procedures for the establishment of local councils directly in the areas of displacement.
- Women IDPs in particular should take part in these negotiation and agreements, and they should be represented adequately through a truly gender-sensitive policy on displacement.
- CSOs and media should engage on outreach efforts and sensitization in order to end discrimination and collective stigmatisation against IDPs. Putting forward the national cultural heritage, the religious and popular legacy of Libya can contribute to building a stronger national sentiment, and to raise awareness about the importance of reconciliation and promote the social integration of IDPs.

4) Enhance administrative support

- Facilitate access to administrative procedures for IDPs, including the civil registry for the national ID number, the opening of bank accounts, and the documentation of property more generally.
- Pay displaced persons' salaries that have been suspended since 2011, including in the public sector.
- Establish joint security and administrative committees that include relevant agencies as well as tribal and community elders from the hosting and displaced provinces.
- Provide specific State allowances to returning families to help IDPs to re-establish themselves in their places of origins.

5) Provide security and justice

- Protect returning IDPs from revenge attacks by militias or rival tribes by opening specific secure routes dedicated to IDPs return along with protected transportation through secured and labelled buses.
- Hold accountable those responsible of gross human rights violations while developing alternative accountability procedures, such as a Truth and Reconciliation Commission, for less serious cases. Such mechanisms would indeed prevent collective stigmatisation by establishing individual responsibility, thus permitting reconciliation and return.
- Support the establishment of a fact-finding and documentation commission that could provide support to IDPs in estimating the damages they endured, both material and psychological, until an effective State and formal justice system can provide them with adequate compensations.
- IDPs should be directly involved in the elaboration of the mandate and the nomination

of the commissioners of these various institutions.

6) Monitor and participate in local reconciliation processes

- Facilitate local reconciliation processes to mitigate intercommunity and intra-communal conflicts with returnees and ensure that the right to return figures in all agreement.
- Local leaders and elders can contribute to IDPs return by providing an alternative form of justice, in the absence of functioning courts. Libyan long expertise and experience in reconciliation and restorative justice should be built upon as it can contribute to stopping the flow of displacement.
- IDPs should be rightfully represented in all reconciliation processes, either directly or through mediators and associations they trust and chose.

7) Guarantee the right to reparations and restitutions

- Housing, land and property restitution procedures and mechanisms should be integrated in all peace, reconciliation and voluntary repatriation agreements.
- The Libyan state should ensure that all aspects of the restitution claims process, including appeals procedures, are just, timely, accessible, free of charge, as well as age and gender sensitive.
- IDPs should be entitled to restitution and reparations in cases of forced expropriation, in line with the Pinhero Principles.
- Restitution claims centres should be opened directly in the affected areas of displacement, in order to facilitate IDPs' access and application to these programs.
- Voluntary repatriation and housing, land and property restitution programmes can only be conducted with adequate consultation and participation with the affected persons, groups and displaced communities.