

Humanitarian Country Team Standard Operating Procedures (SOP)

Regarding

Support for ‘Return’ of Internally Displaced Persons (IDP) to their Areas of Origin.
(endorsed by HCT 10.02.2012)

Back-ground.

Since August 2008 more than 3.2 million¹ people have been displaced from areas of Khyber Pakhtunkwa (KP) and the Federally Administered Tribal Areas (FATA), as a consequence of ‘Law Enforcement’ action and sectarian violence. Whilst all IDPs from KP have returned to their areas or settled elsewhere more than 94,000 IDP families from FATA remain displaced at the end of 2011, with an estimated 80,000 families² forecast to return during 2012. The principles by which the Humanitarian Country Team (HCT)³ support the returns process, as part of a wider strategy to ensure durable solutions, are incorporated into a Returns Policy Framework⁴ agreed and endorsed by HC and KP and FATA secretariats on July 11, 2009 and June 23, 2010 respectively. Adoption of the principles has enabled successful cooperation between the HCT and local authorities to support the return of more than 28,000 families during 2011 alone, mainly to Bajaur, Mohmand, Lower Orakzai and areas of South Waziristan agencies.

Since endorsement of the Returns Policy Framework of 2009/10 the nature of returns has diversified to include the return of long term IDPs to homes in districts of KP to the return of long and short term IDPs from FATA. Consequently, the practical implementation of the framework is increasingly challenging. A returns matrix was developed by the Returns Task Force (RTF) in 2010 to facilitate the implementation of policies.

Large scale responses are costly and mobilization of funds takes time. Whilst in principle the HCT may endorse a commitment to respond to a government request, response by individual agencies will be limited to available resources.

Purpose

Pursuant to the provisions of Return Policy Framework, stating principles governing voluntary return of IDPs to place(s) of origin in FATA in a voluntary, safe and dignified manner, these Standard Operating Procedures (SOP) outline procedures to be followed to ensure return is undertaken in a principled manner. Based on new scenarios and lessons

¹ UNHCR IDP operation in Pakistan report 2009

² FDMA and PDMA presented planning scenarios for 2012, including this figure, on November, 20 2011.

³ The Humanitarian Regional Team in Peshawar is by default bound by HCT decisions.

⁴ See Annex 3 –Copies of KP and FATA Returns Policy Frameworks

learned since October 2010 the SOPs will provide a clear and transparent framework for the facilitation of HCT⁵ support to the Government of Pakistan for future returns or the attainment of alternative durable solutions.

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⁵ The Humanitarian Country Team is chaired by the Humanitarian Coordinator and attended by Heads of UN agencies and NGO representatives. It is the senior humanitarian decision making body in the country. Members are bound by the decisions made by it. At the regional level the Humanitarian Regional Team (HRT), chaired by OCHA with HoA at the sub-office level and NGOs provides advice and recommendation to the HCT to guide decision making and is responsible for ensuring implementation is in line with HCT endorsed policies.

HCT Standard Operation Procedure (SOP):

To support the 'Return' of IDPs to their areas of origin .

It should be understood that the Guiding Principles on Internal Displacement are clear on a government's responsibility to respond to the needs of IDPs during displacement and in displacement until attaining durable solutions, including sustainable returns. However, a government may request assistance from the humanitarian community to assist and facilitate returns.

Under the overall guidance and coordination of FDMA and HCT/HRT, the Return Task Force (RTF)⁶ will coordinate all relevant stakeholders to ensure that there is adequate planning on the provision of assistance for the returnees e.g. transport, shelter, food, hygiene kits etc. The RTF also considers the state of services based on a pre and post displacement comparison and their restoration. The SOP has six components:

- The HCT/HRT **decision making process** regarding the feasibility of the humanitarian community support to the local authorities during 'Returns' of IDPs;
- **HCT members roles and responsibilities** during returns planning and implementation
- **clarification of core elements of** planning for return, implementation of support during returns and responsibilities after return;
- a **matrix for step by step implementation** of standard returns; guidance on how requests for support in exceptional circumstances will be managed;
- the requirement for extending **support in exceptional circumstances**; and
- circumstances under which the HCT will **suspend of HCT support for Returns.**

SOPs should be strictly followed by all HCT members unless instructed otherwise by an HCT decision, following a review of extenuating circumstances outlined in section 5 below.

1. Decision making process.

A request for assistance from the Government may be delivered at the Policy and Strategy Meeting (PSM), at a RTF meeting , or directly to UNHCR as RTF co-chair with copy to UN OCHA. Regardless of the source or channel of the request the following decision making process should be followed:

1.1 The HC must be informed immediately of the request by OCHA.

⁶ The Returns Task Force was established at the Policy and Strategy Meeting on October 26, 2010. It is co-chaired by FDMA and UNHCR with secretariat support from OCHA as the link to HCT. Members are decision makers from UN agencies, Clusters and INGOs.

1.2 The RTF will meet to complete points 4.1 to 4.4 of the Returns Plan Matrix in section 4 below, including agreeing the scope of the government plan and receipt of documentation assuring safety, and projected dates for other actions in the remainder of the table - which will be sent to HRT.

1.3 The HRT will meet to prepare recommendations for the HCT

1.4 On receipt of the above the HCT will convene to provide feedback within 4 working days.

1.5 Following endorsement by HCT individual agencies will provide support limited to available resources and within the mechanisms as coordinated through the RTF.

1.6 If the proposed returns are to an area which is currently endorsed by HCT the checklist and matrix below will be completed but no new endorsement by HCT will be required.

2. HCT Members Roles and Responsibilities.

2.1 UNHCR and OCHA will maintain close coordination throughout.

2.2 UNHCR as co-chair will be responsible for ensuring the timely convening of RTF.

2.3 OCHA will be responsible for maintaining the link with HC/HCT and providing secretariat services to RTF.

2.4 HCT will provide timely feedback to the government.

2.5 No assistance from **the humanitarian community (HRT/HCT)** should bilaterally be given until point 1.6 above has been reached.

2.6 HRT will make recommendation to the HC/HCT for review of the returns planning or process whenever necessary.

3. Core Elements of Planning for Returns⁷ as outlined in the Returns Policy Framework.

Primary responsibility for response to IDP situations lies with the national authorities. If requested international humanitarian and early recovery/development actors have complementary roles and will endeavor to complement the Government's assistance to IDPs in 'Return' providing:

⁷ See Annex 1 for an example of the Returns Planning matrix

3.1 the authorities provide clear return plan⁸ which specifies the areas of return, a proposed return schedule, the role and resources committed to that specific return, such as in kind support and financial compensation and the perceived shortfalls;

3.2 active involvement of all relevant government ministries in implementing the return is assured;

3.3 the right of IDPs to make an informed and voluntary choice on what durable solution to pursue and their participate in the planning and management of durable solutions, according to the Returns Policy Framework, remains paramount;

3.4 the needs of populations and communities into which IDPs return and (re-)integrate are taken into consideration ;

3.5 where necessary and possible support and services received by IDPs in displacement (e.g. nutrition supplementary feeding or education for girls) are maintained in return area;

3.6 mechanisms to resolve land disputes and protect property rights in areas of return are established;

3.7 grievance mechanisms to address individual cases/issues are established;

3.8 clear information is available to IDPs regarding the support they will receive, in a returns package including information about any additional assistance to vulnerable groups, disaggregated by age and gender as appropriate;

3.9 independent monitoring of the informed and voluntary nature of the returns decisions is implemented, e.g. through focus group discussions ;

3.10 the voluntary nature of return is recorded on Voluntary Returns Forms and data from them incorporated into NADRA/UNHCR IDP data sets.

4. Returns Planning Matrix.

NB Once the HCT has given approval for support to the geographical areas in question, points 4.5 – 4.16 of the matrix will be completed by the RTF to plan and implement returns without further recourse to HCT.

#	Outcomes	Actions	Who	Date
4.1	Safety Assured	All the areas of return are officially de-notified.		
		UNDSS assessment of safety for access of humanitarian staff.		
4.2	Comprehensive Government Returns Plan defined.	A returns plan is prepared by local authority supported by RTF (see 2.1 above) Including clarification of support to be given by the Pak. Government including financial compensation	FDMA	
4.3	Access * assured.	Law and Order department and 11 Corps provide specific assurances regarding access of humanitarian staff to the area of return in question.		
		Distribution and transport hubs in the area of origin are identified as required		
4.4	Information Gathered and analysed. ***	Multi-cluster mission to assess conditions and identify existing public services and gaps.		
		Photographs of each returns location be provided, showing: houses, public services including schools, clinics, water supplies, roads and markets if any.		
4.5	Information confirmed by IDPs	'Look/Go see' visits by tribal/community elders and village elders. Visits should include women community leaders if possible.		
4.6	Material support defined including logistical arrangements finalized	Returns Package to be agreed by agencies in accordance with needs and available resources.		
		If assistance in the hosting area is to be stopped return packages for all and especially those not returning to their areas of origin to be agreed. Grievance desk established.		
		Logistical plan developed including schedules, modes of transport, embarkation points, security, medical support, food and water etc.		
4.7	Information Shared	Information Campaign developed and grievance desks established.		
4.8	Voluntariness monitored.	Protection monitors have independent face to face dialogue with potential returnees. (sufficient time to be given to allow feedback from this process before returns).		
4.9	Voluntariness	UNHCR and/or IP ensure the completion of		

	officially confirmed	Voluntary Returns Forms (VRF) of all returnees.		
4.10	Continuity of Benefits promoted	Types of existing benefits identified and plans for possible continuity developed.		
4.11	Public Service Gaps Identified	Results of the multi-cluster mission analyzed, needs, responses and gaps mapped.		
4.12	Returns & Monitoring	Embarkation, convoys and disembarkation points monitored by Agencies.		
4.13	Data Management	UNHCR/FDMA ? updates IDP data base and shares revised lists. Local authority shares with NADRA.		
4.14	Integration into Early recovery	Identification of ongoing ER responses and planning, information sharing and inclusion on newly returned IDPs in programs if possible.		
4.15	Monitoring	Multi-cluster monitoring mission post return, undertaken in area of origin.		
4.16	Interim Relief Supplied	Results from multi-cluster mission analyzed, needs, responses and gaps identified and responses planned based on available resources.		

**** Access Requirements in the Context of Returns include the following:**

- UNDSS assessment to each return area
- Multi-cluster assessment to independently selected returns location
- Access to individual or groups of returnees throughout the pre-returns planning phase.
- Access for humanitarian staff to monitoring mission to independently selected returns location after return.
- Open access to distribution hubs in returns areas.

***If for whatever reason the restoration of basic services before the start of the facilitation of returns is not possible it should not be a precondition to supporting returns, if the IDPs wish to return in full knowledge of conditions in their area of origin. However, it will remain incumbent on the government and humanitarian community to restore, when/if possible, domestic and public service infrastructure to pre-displacement standards and to ensure the proper functioning of those services.

5. Requests for support in exceptional circumstances

In circumstances where the Government is of the opinion that support for returns is needed but the circumstances do not allow for normal procedures as outlined above to be followed, the Returns Plan provided by the local authority (see 1.2 above) should clearly articulate how the principles agreed in Returns Policy Framework are to be assured by alternative mechanisms, for consideration by HCT.

6. Suspension of HCT support for Returns:

In the event that the situation on the ground changes before returnees in a 'support approved area' before the returns process is complete either the local authority or the HRT should request the HCT to review the decision to extend support. The HCT has the prerogative to suspend support if the principles expressed in the Returns Policy Framework can no longer be maintained.

HCT ENDORSED 10.02.2012



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ERU

RETURN POLICY FRAMEWORK

OFFICIAL STATEMENT

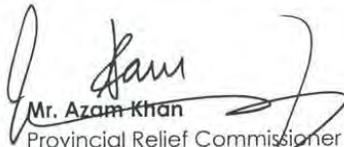
11 July 2009

The Government of the North Western Frontier Province (NWFP) of Pakistan will undertake the implementation of voluntary, safe and dignified return of people internally displaced from NWFP areas. The return will be guided by the relevant provisions of the Constitution of the Islamic Republic of Pakistan that enshrine freedom of movement. It will also be guided by related internationally recognized guiding principles.

The following complementary principles will guide the return:

- The Government of NWFP at all levels assumes that assistance and the protection of the IDPs to be its first and foremost responsibility and is committed to act within the frame of the international principles and standards applicable.
- Voluntariness in decision-making implies that a decision to return, relocate or integrate locally is self-determined from a number of viable options. That a return is voluntary and requires that IDPs make an informed choice, without coercion, and that the will to return is clearly expressed.
- The end of dislocation is the full restoration and enjoyment of a person's human rights, in a non-discriminatory manner, and is a process through which the need for specialized assistance and protection diminishes over time.
- The return will be undertaken in safety. The Government will ensure that protection from violence, threats, intimidation or risks to physical integrity prevails in the areas of return, integration or relocation. This condition applies to transit areas or routes that displaced people will use.
- While the return of people to their homes is the preferred and most dignified solution, return-like relocation or local integration- will be considered and people will be allowed to stay in camps if required.
- The Government commits to provide respectful treatment of IDPs by authorities and proper consultation and participation of IDPs throughout all stages of the process, taking into account the different views of girls, boys, women, men, older persons and diverse population groups.
- The international community, with the support of the Humanitarian Coordinator and the facilitation of OCHA, has the responsibility to support the Government of NWFP in this endeavor by providing the additional capacity and the expertise that it will need in order to fulfill its obligations.

Signed in Peshawar, the 11 of July 2009


Mr. Azam Khan
Provincial Relief Commissioner
On behalf of the
Government of NWFP


Felipe Camargo
on behalf of the
Humanitarian Coordinator of
the United Nations, Peshawar.



RETURN POLICY FRAMEWORK
for
Internally Displaced Persons (IDPs)
from the Federally Administered Tribal Areas

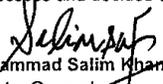


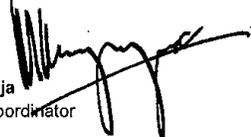
UNITED NATIONS

The FATA Secretariat of Pakistan will undertake the implementation of voluntary, safe and dignified return of IDPs from the Federally Administered Tribal Areas of Pakistan. The return will be guided by the relevant provisions of the Constitution of the Islamic Republic of Pakistan that enshrines the right to freedom of movement. It will also be in conformity with the internationally recognized Guiding Principles.

The following complementary principles will guide the return:

1. FATA Secretariat at all levels assumes that assistance and the protection of the IDPs from FATA to be its first and foremost responsibility and is committed to act within the framework of the international principles and standards applicable.
2. Voluntariness in decision-making implies that a decision to return, relocate or integrate locally is self-determined from a number of viable options. That return will be on voluntary basis and requires that IDPs make an informed choice, without coercion, and that the will to return is clearly expressed.
3. The end of displacement is the full restoration and enjoyment of a person's human rights, in a non-discriminatory manner, and is a process through which the need for specialised assistance and protection diminishes over time.
4. The return will be undertaken in safety and dignity. The FATA Secretariat will ensure that protection from violence, threats, intimidation or risks to physical integrity prevails in the areas of return, integration or relocation within FATA. This condition applies to transit areas or routes that IDPs will use.
5. While the return of people to their areas of origin or habitual residence will remain the preferred most solution, the option of relocation elsewhere within Pakistan will be available to them as well as IDPs wishing to remain in camps will be allowed till conditions for their safe return are met.
6. FATA Secretariat commits to provide respectful treatment to the returning IDPs, involving them through a consultative process in all stages of their return, taking into account the different views of girls, boys, women, men, older persons and diverse population groups.
7. In accordance with UN General Assembly Resolution 46/182, FATA secretariat commits to provide all possible assistance including liaison with concern security agencies for access to humanitarian actors to all affected population in implementing humanitarian assistance program, such as food, health care, water, sanitation and shelter.
8. FATA secretariat commits to ensure timely issuance of no objection certificates to humanitarian actors as per agreed procedures which is essential to impartially assess humanitarian needs, establish operations, move goods and personal where they are needed, implement distribution or provide services, and monitor the quality and effectiveness of humanitarian activities.
9. With the guidance of the Humanitarian Coordinator and the facilitation of OCHA, the humanitarian community takes up the responsibility to support FATA Secretariat in this endeavor by providing the necessary capacity that it will need in order to fulfill its obligations.
10. Sustained engagement and continued support of the international community will be needed to meet the protection, assistance and rehabilitation needs of the IDPs in areas of return and displacement, if the government of Pakistan assesses and decides so.


Muhammad Salim Khan
Director General
FATA Disaster Management Authority
FATA Secretariat
Peshawar
Date: 23/6/10


Martin Mogwanja
Humanitarian Coordinator
Pakistan

Date: 23rd June 2010