

Milica V. MATIJEVIĆ*

Institute of Comparative Law, Belgrade

Vesna ĆORIĆ**

Institute of Comparative Law, Belgrade

Ana KNEŽEVIĆ BOJOVIĆ***

Institute of Comparative Law, Belgrade

THE FRAMEWORK ON DURABLE SOLUTIONS FOR INTERNALLY DISPLACED PERSONS IN THE SCHOLARLY LITERATURE: A PRELIMINARY ANALYSIS

The number of persons forcibly displaced from their homes, the long duration of their plight, and the manifold negative consequences of internal displacement have intensified the United Nations efforts to come to grips with, what is now called, “the global internal displacement crisis”. At the heart of the new United Nations strategies is a quest for solutions to internal displacement, with the Framework on Durable Solutions for Internally Displaced Persons serving as their blueprint. Endorsed in 2009 by the major international stakeholders in the field, the Framework provided the conceptual foundations for the policies and programmes for internally displaced persons which would go beyond the provision of humanitarian assistance. To understand whether the Framework has had an important role in the development of the scholarship on forced displacement as it has had in practice, the study examines the references to the Framework in scholarly discussions evolving since its endorsement. To this aim, the authors undertake qualitative and quantitative analysis of a sample of scholarly articles in the field of social sciences. The study’s findings confirm that the Framework on Durable Solutions for Internally Displaced Persons represents a standard reference for the concept of durable solutions in academic research on internal displacement. However, the study also shows that a more critical engagement with the text of the Framework is missing.

Keywords: internal displacement, Framework on Durable Solutions for Internally Displaced Persons, United Nations, internal displacement crisis, forced migrations scholarship.

* PhD, Research Fellow, ORCID: 0000-0002-2459-9201, e-mail: m.matijevic@iup.rs.

** PhD, Senior Research Associate, ORCID: 0000-0003-4240-7469, e-mail: v.coric@iup.rs.

*** PhD, Senior Research Associate, ORCID: 0000-0002-3746-5747, e-mail: a.bojovic@iup.rs.

1. INTRODUCTION

An increased research and policy interest in the predicament of internally displaced persons (hereinafter: IDPs) observable in the last years is closely related to the phenomenon of protracted displacement. A rapid resolution of a forced displacement crisis has become an exception to the rule of an ever longer duration of internal displacement. The remoteness in time of the adverse effects of forced displacement from the events which triggered it is what eventually brought the change of perspective among the main stakeholders in the field. It became clear “that it is the long-term absence of solutions (rather than the mere duration of exile) that keeps people in protracted displacement” (Kraler, Etzold & Ferreira, 2021). At the heart of the intensified United Nations (hereinafter: UN) efforts to address this escalating crisis is a quest for new and innovative approaches to protracted displacement. Here, academia is seen as an important potential source of fresh insights and ideas on the matter. In the report released last year, the UN Secretary General’s High-Level Panel on Internal Displacement calls for its greater involvement in a search for solutions. The Panel stresses the need for a greater engagement of researchers “to inform the public about internal displacement, provide expertise to Governments and set out a pathway for change“(UN SG High-Level Panel on Internal Displacement, 2021, p. 22).

The Framework on Durable Solutions¹ for Internally Displaced Persons (2009)¹ serves as the blueprint for the UN attempts to find the solution to the displacement crisis. The document was a result of the concentrated efforts of the representatives of the major intergovernmental and non-governmental organization, state officials, scholars, and practitioners to develop the concept of durable solutions and the criteria for their achievement, which would respond to the complex nature of internal displacement in a more efficient way. More than two decades have passed since its endorsement, and now the time is ripe for an assessment of the extent to which its text became a reference point for academic research on internal displacement.² Such assessment could show whether the Framework grew into a shared conceptual background of the evolving scholarly literature and the international policy documents on internal displacement.

The goal of the present study is to investigate whether the Framework has been embraced by the scholars researching the solutions to displacement, as would be expected given the importance assigned to it in the UN documents. To this aim, in the study, the authors investigate the role of the Framework in scholarly discussions. The research question that the study seeks to answer is how the Framework appears in the academic papers on the subject of internal displacement. The purpose of the

¹ Further, “the Framework on Durable Solutions” or “the Framework”.

² Two studies with a similar goal have been identified so far (see: Al-Mahaidi, Gross & Cantor, 2019, pp. 31-32 and Asfour, 2020, pp. 13-16). The main differences between these and the present study, are that their scope is much broader, they are focused on providing a “state of the art” review of the existing literature, and they do not include quantitative analysis. More importantly, the given studies review the papers on the subject of durable solutions, but they do not engage specifically with the role of the Framework on Durable Solutions in the scholarly literature on the subject.

present study is to provide a preliminary investigation of the Framework's role in shaping the scholarly reflections on the strategies to address the challenges of internal displacement.

The study is structured in the following way. The first chapter gives a short overview of the recently intensified UN activities aimed at addressing the internal displacement crisis. In the second chapter, the authors outline the Framework on Durable Solutions. The findings of the study are presented and interpreted in the third chapter. In the conclusion, the authors summarise the main findings.

1.1. A note on methodology

In the study, the authors departed from the assumption that the Framework on Durable Solutions has already earned its place in academic literature. That assumption was based on the number of research hits which appeared in the two academic search engines used for this initial search.³ The study represents a qualitative and quantitative analysis of the sample of academic papers from the disciplines of law, sociology, political sciences, and other social sciences written on the subject of internal displacement. The sample was formed by searching academic papers containing the phrase "Framework on Durable Solutions" via the Google Scholar web search engine. The phrase "Framework on Durable Solutions" was used as a search keyword as the most common way the Framework is referred to in the policy documents and academic texts. The first 31 academic papers found among the search results were included in the sample. Since Google Scholar is not a curated academic search engine and its search results are known to include grey literature such as reports, policy literature, working papers, newsletters, and other non-peer reviewed material (Haddaway *et al*, 2015. López-Cózar, Orduña-Malea & Martín-Martín, 2019, p. 4), the sample was formed after selecting the relevant results which appeared on the first 11 results pages. The terms of the search were set to limit it to the papers published between 2010 and 2022 by using the available filtering options.⁴ Not all scholarly papers identified by Google Scholar were included in the sample, but only those from the field of social sciences. To secure the diversity of the authors, only one paper per author was included in the sample. Where more papers of the same author were found among the search results, only the first paper which appeared on the list became part of the sample. The sample also did not include papers authored by scholars who are known to have been directly involved in the drafting of the Framework on Durable Solutions,⁵ and

³ The assumption was based on the number of results of the search for the academic texts which contain the keyword "Framework on Durable Solutions" via Google Scholar and the academic platform of the Consortium of Serbian Libraries "KoBSON". Google Scholar search resulted in a total of 371 results. The search on KoBSON which, as different from Google Scholar, provides the possibility of limiting search results to peer-review documents, showed a total of 231 results.

⁴ The given range of years was the only logical choice, given that the Framework on Durable Solutions was first published in April 2010.

⁵ Such as the experts from the Brookings Institution - University of Bern Project on Internal Displacement, who were intensively engaged in drafting the text of the Framework.

papers authored by the former Representatives of the UN Secretary-General on Internally Displaced Persons⁶. Despite its shortcomings as a source of data for scientific evaluation, the first one being that not all the parameters of its ranking algorithm are known,⁷ the choice to use Google Scholar was based on two reasons. The first one is its wide coverage and fast indexing speed (López-Cózar, Orduña-Malea & Martín-Martín, 2019, p. 1). The second reason is that the citation count of an academic paper is known to be among the major factors influencing Google Scholar's results ranking (Beel & Gipp, 2009. Rovira *et al*, 2019, p. 1). While that can represent a serious limitation for many studies, here it was taken as an advantage given that one of the broader purposes of the study was to investigate the potential significance of the Framework for future strategies on internal displacement. Namely, the assumption was that the more cited the paper was, the higher the chances that it would have a direct or indirect influence on the policy-makers.

The sample has several limitations which need to be acknowledged. Its most obvious limitation is its small size and that it includes only papers written in English. A limitation of the sample identified once the sample was formed is that it is dominated by papers published in one journal.⁸ The last identified shortcoming of the sample that was also not part of the research plan is that most papers have been published in the last five years.

2. IN SEARCH OF DURABLE SOLUTIONS

The number of internally displaced persons caught in protracted displacement, that is in the situation where they remain in precarious situations for long periods due to the unaddressed displacement-related vulnerabilities, is steadily growing.⁹ Their share in the overall number of IDPs is what makes the look of today's global statistics so dramatic, as the number of newly displaced persons each year is to be added to more than 50 million

⁶ Now "the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons".

⁷ According to López-Cózar, Orduña-Malea & Martín-Martín, Google Scholar "considers a wide range of parameters for ranking documents [but] the detailed set of parameters and the weight each of them has in the ranking algorithm is not publicly available" (2019, p. 5).

⁸ As many as 13 papers from the sample come from the "Refugee Survey Quarterly". The other international academic journals in which the papers from the sample were published are the "International Journal of Refugee Law", "Journal of Refugee Studies", "Journal of Peacebuilding & Development", "Journal of International Humanitarian Action", and others. The sample also contains papers published in regional and national legal journals such as, for instance, "African Journal of Legal Studies" and "Comparative and International Law Journal of Southern Africa".

⁹ Protracted displacement is a distinct type of displacement characterised by a long duration and the lack of prospects for achieving the three traditional durable solutions. The conflict-induced protracted displacement is typically a consequence of stalemate in negotiations and implementation of peace agreements and/or of the situation in which the state, which bears primary responsibility for protecting and assisting those displaced within its borders, does not have effective control over the part of its territory from which IDPs have fled. More generally, for Kälín and Chapuisat "the term 'protracted displacement' refers to situations in which tangible progress towards durable solutions is slow or stalled for significant periods of time because IDPs are prevented from taking or are unable to take steps that allow them to progressively reduce the vulnerability, impoverishment and marginalisation they face as displaced people, in order to regain a self-sufficient and dignified life and ultimately find a durable solution" (Kälín & Chapuisat, 2017, p. 20).

of those who have already been displaced and whose predicament, by all chances, will not end up soon enough.¹⁰ Rapid resolution of internal displacement situations rarely takes place and the duration of displacement is now coming close to being measured in decades. The estimates are that, on average, conflict-induced displacement lasts almost twenty years.¹¹ It has become apparent that internal displacement can no longer be considered a phenomenon of transitory character and primarily a humanitarian concern. Instead, now it is widely recognised that internal displacement is a complex phenomenon that can last for many decades as “a vicious circle of impoverishment and marginality” (Cantor & Apollo, 2020, p. 651) and that has multiple and profoundly negative effects on both individual IDPs and the society at large. This new perspective on the problem of protracted displacement, and internal displacement as such, in recent years, has prompted a series of UN initiatives aimed at finding new ways to tackle what is now being called a “global displacement crisis” (UN SG’s High-Level Panel on Internal Displacement, 2021, p. 4). The UN has seen an increase in its activity directed towards achieving solutions for both new and protracted internal displacement. At the World Humanitarian Summit held in 2016, the UN Secretary-General set a target of a 50 per cent reduction in the number of new and protracted internal displacement by 2030 (UN General Assembly, 2016, para. 83). In the following year, the UN General Assembly adopted a Resolution on the Protection of and Assistance to IDPs (UN General Assembly, 2017), which was followed by the three-year multi-stakeholder GP20 Plan of Action to Advance Prevention, Protection and Solutions for IDPs (UN Human Rights Council, 2019),¹² kicked off on the 20th anniversary of the Guiding Principles on Internal Displacement (UN Commission on Human Rights, 1998). Acting on the call of 57 member states, the UN Secretary-General established a High-Level Panel on Internal Displacement in 2019 to develop “concrete recommendations for Member States, the United Nations system and other relevant stakeholders to improve the approach and response to the issue, with a particular focus on durable solutions” (UN Secretary-General, 2019).¹³ As a follow-up to the High-Level Panel’s 2021 report, in its Action Agenda on Internal Displacement, published in June this year, the UN Secretary-General has appointed the Special Adviser on Solutions to Internal Displacement “to mobilise relevant expertise from across the UN system and lead collective efforts on solutions” (UN Secretary-General, 2022). In the Action Agenda on Internal Displacement, the UN Secretary-General has also tasked a wide array of UN development, peacebuilding, humanitarian, human rights, disaster risk reduction, and climate change bodies and agencies to develop, by the end

¹⁰ UNHCR reports that there were 51.3 million conflict-affected IDPs at the end of 2021 (UNHCR, 2022, p. 4). According to the IDMC, at the end of 2021 a total of 59.1 million persons were displaced as a consequence of conflict, violence and natural or man-made disasters (IDMC, 2022, p. 12).

¹¹ The exact estimates of the average duration of conflict-induced displacement are not available. According to the figure referred to in a report of the Special Rapporteur on the Human Rights of Internally Displaced Persons from 2015, an average conflict-induced displacement lasts 17 years (UN Human Rights Council, 2015, p. 1). N. Crawford *et al.* mention that “countries experiencing conflict-related displacement have reported figures for IDPs over periods of 23 years on average” (Crawford *et al.*, 2015, p. 12).

¹² A GP20 Plan of Action had four priority issues: participation of IDPs, national laws and policies addressing internal displacement, data and analysis on internal displacement, and addressing protracted displacement and facilitating durable solutions.

¹³ The High-Level Panel on Internal Displacement has completed its mandate in September 2021.

of 2022, their global institutional plans on how to reinforce own capacities to meet the challenges brought by internal displacement (p. 12). All of this was aimed at enhancing the UN's capacity to pursue more systematically “a critical imperative to scale up efforts to help IDPs to achieve durable solutions”, which was, according to the High-Level Panel, a consequence of a “collective failure to prevent, address and resolve internal displacement” (UN SC High-Level Panel, 2021, pp. 8, 4).

3. AN OUTLINE OF THE FRAMEWORK ON DURABLE SOLUTIONS

In 1998, with the adoption of the Guiding Principles on Internal Displacement, the contours of the legal position of IDPs under international law were drawn. Although IDPs have had no special status guaranteed by international law, their specific needs were mapped and linked to the corresponding human rights norms derived from the international humanitarian and human rights instruments. Through an analogy with the international refugee law, return, integration in the place of displacement, and resettlement to a third place were identified as logical solutions to displacement (Principles 28-30). However, return, integration and resettlement are processes that do not end in one specific moment of time, and the question of how to determine when displacement is over remained unanswered. The international organisations involved in the protection of IDPs and the main international donors sought clearer guidance on the question of the end of internal displacement. This brought to the series of UN-led consultations of the main stakeholders, experts in the field, and practitioners, which were officially initiated in 2001 when the UN Office for the Coordination of Humanitarian Affairs (hereinafter: OCHA) asked the Representative of the UN Secretary-General on Internally Displaced Persons to provide guidance on when an individual should no more be considered an IDP (Mooney, 2002, p. 2). The consultations in 2007 led to a pilot version of the Framework on Durable Solutions to be field-tested in the subsequent two years (Brookings Institution – University of Bern, 2007). In 2009, the final version of the Framework on Durable Solutions was endorsed by the Inter-Agency Standing Committee (IASC, 2010, Foreword), the high-level humanitarian coordination forum where the executive heads of 18 UN and other organisations meet to formulate policy, set strategic priorities and mobilise resources in response to humanitarian crises.¹⁴ In parallel to this, the Framework was presented before the UN Human Rights Council as an addendum to the Report of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons (UN Human Rights Council, 2010).

The Framework departs from Section V of the Guiding Principles dedicated to return, resettlement, and reintegration. More precisely, the Framework further develops Principle 28, which establishes that:

“Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the

¹⁴ The Inter-Agency Standing Committee was established in 1991 by a UN General Assembly Resolution (IASC web page).

country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.”

Based on Principle 28, the drafters of the Framework shaped the concept of durable solutions and to it related, as they name it, “the right to a durable solution of IDPs” (para. 1, p. 5). Its text reiterates the primary obligation of states affected by displacement to provide solutions to their displaced population. However, as different from the Guiding Principles, the Framework underlines the necessity of greater involvement of international actors and, according to some researchers, its “primary audience is the diverse array of international actors involved in efforts to resolve displacement” (Bradley, 2018, p. 223). The Framework’s purpose, as stated in its text, is “to provide clarity on the concept of a durable solution and provides general guidance on how to achieve it” (para. 3, p. 5). In order to do so, the Framework has a threefold aim: “(a) to foster a better understanding of the concept of durable solutions for the internally displaced; (b) provide general guidance on the process and conditions necessary for achieving a durable solution; and (c) assist in determining to what extent a durable solution has been achieved” (para. 5, p. 5). The same as the Guiding Principles, the Framework has a broad scope and applies to all major types of internal displacement, *i.e.* internal displacement in the context of armed conflict, situations of generalised violence, violations of human rights, and natural or human-made disasters.¹⁵

The text of the Framework is organised into five sections. In the introductory section, a link to the Guiding Principles is established, and the Framework’s goals, its drafting process, its purpose, scope, and basic structure are outlined. The second section of the Framework defines the essential elements of the notion of a durable solution and principles that should guide the national authorities and other stakeholders in their efforts to secure the conditions necessary for achieving a durable solution. According to the Framework, the durable solution is a gradual and complex process which is to be achieved through return, integration in the place of displacement or settlement elsewhere in the country. The process is to be considered completed “when former IDPs no longer have specific assistance and protection needs that are linked to their displacement and such persons can enjoy their human rights without discrimination resulting from their displacement” (para. 8, p. 6). To that aim, the Framework identifies basic elements for determining whether the needs or human rights concerns of an IDP are to be considered as ensuing from displacement. According to the Framework, the displacement-related needs of IDPs, as the most typical human rights vulnerabilities caused by internal displacement, distinguish this group from other members of their political community and dictate the path to durable solutions. Given the nature of these needs, the Framework underlines that durable solutions cannot be equated with the absence of the immediate cause of displacement, which should only be seen as an opportunity to provide durable solutions. The text of the Framework emphasises that “[a] solution may become durable only years, or even decades, after the physical movement to the place of origin or place of settlement has taken place, or the decision to locally integrate has been made” (para. 15, p. 8). The process of arriving at durable solutions is described in

¹⁵ Apart from the development-induced displacement for which the special guidelines on resettlement exist (UN Human Rights Council, 2010, footnote 3, p. 6).

the Framework as a process which involves humanitarian, human rights, peacebuilding, and development challenges and, hence, requires a coordinated engagement of a variety of international and local actors. Naturally, national authorities remain the primary duty holder, as pointed to in its third section dedicated to the principles which should inform the process of providing durable solutions. In this section, the Framework clearly parts away from the approach, which for a long while marked the efforts to resolve the internal displacement crises, whereby there is a clear hierarchy of solutions to displacement with the return to the place of origin at the top of it. The Framework elevates the voluntary nature of the decision to return, locally integrate or resettle to the level of a principle that should guide all the activities aimed at reaching a durable solution. The stakeholders are also warned against promoting durable solutions which can “endanger the life, safety, liberty or health of IDPs or if a minimum standard of agreeable living conditions bearing in mind local conditions cannot be ensured” (para. 21(f), pp. 10-11).

The Framework reflects a rights-based approach to the protection of IDPs.¹⁶ The entire Section IV of the Framework is dedicated to the question of what it means to pursue a rights-based approach while working towards a durable solution. In the first place, it requires the conditions that would enable IDPs to make a free and informed choice on the durable solution they want to pursue. The rights-based approach further implies that IDPs are directly involved in the planning and management of durable solutions, that the firmly established channels of communication between IDPs and the humanitarian and developmental actors are in place, that there is an effective mechanism for monitoring the process, and that peacebuilding and peace processes are pursued with the participation of IDPs.

The rights-based approach is also embedded in the premises of the criteria for measuring the level of achievement of durable solutions laid down in the last, fifth section of the Framework. The eight criteria concern different displacement-specific needs and vulnerabilities of IDPs: (a) safety and security, (b) adequate standard of living, (c) access to livelihoods, (d) restoration of housing, land and property, (e) access to documentation, (f) family reunification, (g) participation in public affairs, and (h) access to effective remedies and justice. In that sense, they reflect the corresponding human rights of IDPs as guaranteed in the international humanitarian and human rights law and restated in the Guiding Principles. They are set in a manner that depicts an ideal-type situation which, according to the Framework’s text, “may be difficult to achieve in the medium term” (para. 55, p. 18). In that sense, the criteria are to be used as benchmarks for measuring the progress towards the provision of durable solutions, and for that purpose, an exemplary set of indicators accompanies each criterium. Hence, the drafters of the Framework envisioned it as a conceptual tool that should be adjusted and further operationalised to respond to the specificities of the local context (para. 6, p. 6). As we will see from the further analysis, this is exactly the task the analysed scholarship has carried on in the last ten years.

¹⁶ For a discussion on the limitations of the rights-based approach to durable solutions in the context of conflict-induced protracted displacement, see Matijević, Mađžarević & Giantin (2022).

4. THE FRAMEWORK ON DURABLE SOLUTIONS IN ACADEMIC PAPERS

The study analysed the texts of 31 scholarly articles published in academic journals in the field of social sciences with the aim to determine the role of the Framework on Durable Solutions in the academic discussions evolving since its endorsement. The analysis shows that the Framework's relevance as the referential text for defining the concept of durable solutions is now beyond doubt. The concept of durable solutions, as developed and explicated in the Framework, is where this document has had the most significant impact on the scholarly literature. All but two of the analysed papers refer to the Framework in relation to the concept of durable solutions,¹⁷ either through a direct quotation of its definition or by referring to its text as an authoritative statement on the question of what is to be understood by the notion of durable solutions.¹⁸ The two papers in which the Framework was not referred to as a source of the definition or the elements of the notion of durable solution cite the Framework as a referential document for the principles of IDP protection¹⁹ or for their internationally guaranteed rights, alongside the Guiding Principles on Internal Displacement.²⁰ The Framework was also used as a source of standards in the field of internal displacement as replicated in the regional and national legal and policy documents under investigation in three analysed papers.²¹ In this context, the Framework was commonly cited together with the Guiding Principles on Internal Displacement.

Another principal reason for which the analysed papers invoked the Framework is as a source of benchmarks and indicators on the level of achievement of durable solutions. Namely, the analysis identified three papers in which the Framework is used as the basis for the methodology developed for the purpose of measuring some aspects of the position of IDPs in the national context.²² In some of them, the Framework served as an indirect source of criteria, benchmarks and indicators, being mirrored in the provisions of the national legal and policy documents which were used as a basis for the research methodology. For instance, in one paper the questions for a profiling exercise undertaken in Burundi followed the criteria on the level of achievement of durable solutions as laid down in the national IDP strategy which adopted the Framework's set of criteria (Zeender & McCallin, 2013, p. 85). That shows that a considerable body of research explores and contextualises the Framework's criteria on durable solutions through in-depth context analyses, a development already envisioned by the Framework's drafters. As already noted, the very text of the Framework mandates the translation of the criteria on durable solutions into indicators sensitive to the local context in order to secure an objective and transparent basis for monitoring. It seems that the focus of many papers on the contextualisation of the standards laid down in the Framework follows a broader trend of the practitioners in the field trying to operationalise the Framework's eight criteria on the duration of internal

¹⁷ See, for instance, Kuwali (2014, p. 275).

¹⁸ See, for instance, Al-Mahaidi (2020, p. 482).

¹⁹ See Draper (2021, p. 2).

²⁰ See, Onwe & Nwogbaga (2015, p. 54).

²¹ See, for instance, Caterina & Lizcano Rodríguez (2020, footnotes 47, 49, p. 644).

²² See, for instance, Ekezie (2022, p. 2).

displacement by developing indicators that should enable more accurate monitoring of their realisation in practice.²³

Only two papers from the sample do not simply cite the Framework but engage in an analysis and discussion of its text.²⁴ That might be a consequence of the general focus of the forced migrations research on case studies and, as observed by Robert Muggah, a relatively small share of scholarly articles which engage with the normative standards in this emerging field (Muggah, 2008, p. 29). In effect, 15 of 31 analysed papers can be classified as case studies investigating the topic of forced displacement and durable solutions in the specific national context of countries affected by armed conflict or natural and man-made disasters.

There are another two specific observations that ensued from the analysis. Two-thirds of papers from the sample (21 papers) were published in the last five years, out of which 11 were published between 2020 and 2022. The publishing date of the ten remaining papers spans different years, the oldest being published in 2012.²⁵ The prevalence of the papers published in the last two years (one-third of the papers) in the sample which, as noted, is a product of the ranking algorithm used by Google Scholar, could be somewhat confusing at first glance. According to studies analysing the relevance ranking algorithms employed by academic platforms, the citation record of an article is a major factor in the Google Scholar results ranking.²⁶ This is usually beneficial not only for the papers from high Impact Factor sources but also for the older papers, which have had more time to be cited by other authors compared to the more recent papers. In that light, the prevalence of the papers dated in the last three years is a contradiction that might be assigned to some specific features of the Google Scholar relevance ranking algorithm. On the other hand, the explanation might also be sought among less technical reasons. We have noted in the second chapter that there was an increased activity of the UN and other organisations involved in the field of IDP protection in the last several years. The beginning of these intensified efforts could be roughly situated in 2016 when, at the World Humanitarian Summit, the UN Secretary-General set a target of at least a 50 percent reduction in the number of internal displacement situations by 2030. Since that time, as shown in the earlier chapter, a series of high-level, UN-led attempts to give more prominence to the problem of internal displacement have ensued. Moreover, it also became clear that the major problem with the number of IDPs globally is not the number of newly displaced persons but the magnitude of protracted displacement. Consequently, in practice, a greater focus has been placed on the solutions that go beyond responding to the humanitarian needs of IDPs. Of course, no direct causal link between the high share of papers published after 2016 and these developments could be established, but in the absence of a more plausible explanation, this one could figure as a potential factor that has led to an increased interest of academic researchers in the Framework and its concept of durable solutions.

²³ More on this in Bradley (2018, p. 224).

²⁴ See Bradley (2018). Nguya & Siddiqui (2020).

²⁵ Schrepfer (2012).

²⁶ As shown in the first chapter.

Another notable feature of the references to the Framework found in the analysed papers is that they are not uniform. Most papers cite it under the name “IASC Framework on Durable Solutions for Internally Displaced Persons”, but some also cite it only as “Framework on Durable Solutions for Internally Displaced Persons”. Another difference lies in the data on the author and publisher. While the majority of papers cite it as a text authored by the Inter-Agency Standing Committee (hereinafter: IASC) and published by the Brookings Institution – the University of Bern Project on Internal Displacement (in full length or under abbreviations), there are also authors who cite it as authored by the Brookings Institution or as published by IASC, while in reality there is only one publication with the text of the Framework that was authored by IASC and published by the Brookings Institution – the University of Bern Project on Internal Displacement. Even though the Framework could be cited as a UN document, given that it was officially presented before the UN Human Rights Council as an Addendum to the Report of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons in 2009, only one author cites the Framework in that way.²⁷ This might look like a trivial observation, but in effect, it points to a rather important problem of the perplexing nature of the Framework on Durable Solutions. Namely, the Framework is often referred to in the literature, side by side with the Guiding Principles, as the source of standards on internal displacement. Both are soft-law documents²⁸ which were presented to the UN Commission on Human Rights (later UN Human Rights Council) and endorsed by the IASC. However, in the literature, the Guiding Principles are primarily cited as a UN document while, as seen in our analysis, the Framework is cited as an IASC-authored publication. The Guiding Principles are drafted as a legal document with paragraphs which resemble the articles of a hard law international human rights instrument. On the other hand, the Framework does not employ legal language and does not look like a legal text either in its form or in substance and it could be instead categorised as a conceptual document. This might be a reason why, as different from the Guiding Principles, the Framework is not cited as a UN document but as a publication authored by an entity that has no mandate to create legal standards. This aspect of the Framework deserves closer attention, given that the scholarly literature approaches its text in the first place as a source of standards, as shown in the study.²⁹ Further development of the protection of IDPs could, at some point, require consolidation of the hard law and soft law standards, which would in itself mandate a more careful observation of the procedures required for their codification. Today’s internal displacement crisis has collective outcomes which are global in character and do not remain confined to the societies directly affected by displacement. These collective outcomes require collective action, the many aspects of which, sooner or later, might become a subject of international legal regulation.

²⁷ See Al-Mahaidi (2020, p. 482).

²⁸ On the nature, sources and types of soft law documents, see Shelton (2008, pp. 2-7).

²⁹ Although the analysis conducted in the study did not cover the monographs, the cursory reading of the monographs which cite the Framework, shows that there it also plays a role fairly similar to the role it has in the analysed scholarly papers. See, for instance, Abebe (2017) and Adeola (2020).

The review of the texts of scholarly articles led to several other more substantive findings. Firstly, from the way the analysed papers employ the concept of durable solutions laid down in the Framework, it clearly ensues that the equal importance of all three durable solutions to internal displacement is now beyond question. Although the return-oriented policies and programmes still reign in practice,³⁰ in theory, the non-hierarchical relationship between the return, integration, and resettlement became a standard on its own even without invoking the human rights norms from which it was initially derived. While this standard was already included in the Guiding Principles, it seems that the endorsement of the Framework gave a decisive foundation for the shift away from the primacy of return among the solutions to internal displacement.³¹

Secondly, the review of the papers clearly points out that internal displacement, at least the conflict-induced displacement, is now approached as a situation that implies longer-term consequences and, hence, mandates a long-term perspective in searching for durable solutions, which is one of the basic premises of the Framework's concept of durable solutions. This means, in the first place, that physical return to the place of origin, for instance, is no more considered a durable solution on its own. Another segment of the long-term approach to durable solutions mirrored in the scholarship concerns the emphasis which the Framework places on the broader developmental implications of internal displacement. Asfour, Al-Thawr and Chastonay in that sense note that “[r]esearchers and policy-makers are just beginning to acknowledge the wider ways in which internal displacement may shape collective processes of development over the long-term” and that internal displacement, “at least in contexts of conflict, needs to be treated not only as an issue of short-term protection or assistance but also with long-term development implications” (Asfour, Al-Thawr, & Chastonay, 2020, p. 3).

The third finding, closely related to the previous one, is that the analysed scholarly literature now by default departs from the assumption that internal displacement is a phenomenon which has negative consequences for the entire society and not only for IDPs as the group directly affected by displacement. This is followed by the insight, also broadly reflected in the Framework, that multiple factors influence the achievement of durable solutions and that the available humanitarian and reconstruction assistance is only one of them.³² As found in the study, such a perspective has influenced the evolution of academic discussions on durable solutions in the analysed papers.

5. CONCLUSION

The Framework on Durable Solutions was endorsed in 2009 by the major UN and other international stakeholders in the field in an attempt to create a conceptual background for the policies and programmes for IDPs that would go beyond the provision of humanitarian

³⁰ See on this Helletzgruber (2014, p. 224).

³¹ See on this Amado (2016, p. 81).

³² In that sense, Muguruza and Amado speak about “the great contribution of the IASC Framework to the characterisation of the multiple factors which contribute to the achievement of durable solutions” (2017, p. 323).

assistance. The Framework developed a comprehensive but fairly simple human rights conception of durable solutions and operationalised it through a set of criteria and indicators to be used in assessing the level of achievement of durable solutions. It reiterated the long-term character and magnitude of the negative consequences of forced displacement for IDPs and their societies. The text of the Framework also made clear that the challenges of internal displacement can be effectively met only through collective action and, next to the duty of the national authorities, it placed the responsibility for the realisation of durable solutions on a broad array of international actors. As such, the endorsement of the Framework represents an important milestone in the evolution of international practice on forced displacement.

More than a decade has passed since the text of the Framework was published, a period sufficiently long for an assessment of its role in the scholarship dealing with the challenges of internal displacement. In an attempt to investigate whether the Framework has had as an important role in the forced displacement theory as given to it in the UN practice, the study examines the references to the Framework in the scholarly discussions evolving since its endorsement. The qualitative and quantitative analysis of the sample of 31 scholarly articles published in academic journals in the field of social sciences over the past 12 years showed the relevance of the Framework as the referential text for the definition of the concept of durable solutions. In effect, all but two of the analysed papers refer to the Framework in the first place in relation to the concept of durable solutions, either through a direct quotation of its definition of durable solutions or by referring to its text as an authoritative statement on the question of what is to be understood under the notion of durable solutions. The study also showed that the Framework is often used as a source of benchmarks and indicators for measuring the level of achievement of durable solutions, this primarily being the case in the papers presenting the country-specific case studies. At the same time, very few papers included in the sample engage in an analysis and discussion of its text. That might be explained as a consequence of the general trend of the forced migration research to focus on case studies and the related absence of scholarly discussions on the normative and institutional foundations and other substantive aspects of the contemporary approaches to internal displacement. An interesting finding of the study is that the great majority of the papers from the sample were written in the last five years. In effect, one-third of the analysed papers was published between 2020 and 2022, which coincides with the intensified UN efforts to address the global internal displacement crisis. Another finding reached during the analysis is that the way different authors refer to the Framework is not uniform, which might be a consequence of a discrepancy between its role as a source of standards and the non-legal character of both the form and substance of its text.

The Framework on Durable Solutions is an important tool which, as the study confirms, serves as a conceptual foundation for academic research on the subject of internal displacement as much as it represents a blueprint for the practice of the international organisations active in the field. However, the study also shows that a more critical engagement with the text of the Framework is lacking, which might be the missing link between the expectations placed before academia and its capacity to deliver

truly innovative ways to come to grips with the internal displacement crisis of the scale we witness today.

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