



State	Year First Introduced	State	Year First Introduced
Afghanistan	2005	Mexico	2012

implementing its 2007 State Strategy only after the 2008 Russo-Georgian War ended the likelihood of significant IDP returns.

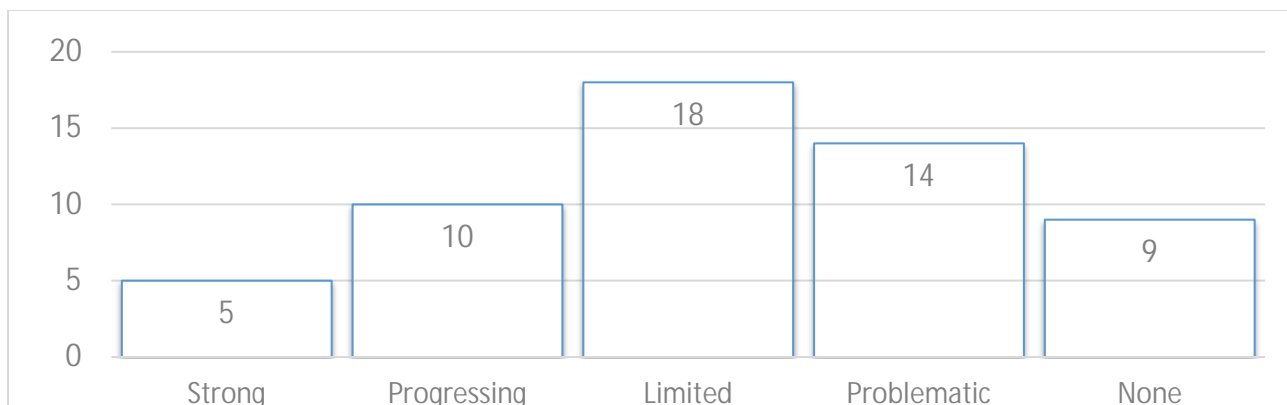
Issues over property rights can also lead return and other durable solution processes to stall out. In Bosnia, for example, there was a significant international focus on IDP returns, however there was lack of funding for reconstruction; court rulings significantly increased the costs for IDPs to recover property; and minority returnees frequently faced discrimination and reprisals.

### Implementation Issues

Beyond their content, there is the question of whether or not these policies and laws are actually implemented, reflected in the final column of the table. Here, too, the record is problematic, with many laws and policies not receiving full implementation. The author has gauged implementation on five point scale from strong (reflecting clear and ongoing support) to no (where laws or policies have stalled out). Less than a third of these instruments have been implemented without significant issues (see Figure 1 below). More often, ad hoc or limited implementation means that IDPs are not adequately covered and that even when problems are correctly identified, there are no steps taken to fix them, or that good faith efforts to introduce laws and policies are stymied by domestic opposition. In nine cases, the laws or policies have never been implemented, either remaining in draft form for years or simply reflecting aspirational claims which the government was unable or unwilling to follow.

Most policies and laws also clearly indicate a government bureaucracy which will take a lead role in assisting and protecting IDPs, which are either existing bureaucracies being assigned a new role, or which see new bureaucracies being established to fulfil this role. But these bodies are frequently underfunded, under-resourced, and lack clear lines of authority within government.

Further, while international support has become an important element in many States' drafting processes and tends to lead to better laws and policies, it has had less effect on implementation rates. Of the 30 laws and policies which mention the Guiding Principles, 18 were drafted with international support. Of the 18 which use the GPs definition, 15 were drafted with international support. However, such support does not appear to improve the rate of implementation at all. Of the 33 laws and policies drafted with such assistance, only thirteen have been robustly implemented (either strong or progressing on the five point scale). An equal number -13- have had significant implementation issues, and 7 of those laws and policies have not been implemented at all.



## **How Can We Improve Implementation?**

While the overall implementation picture is mixed, a number of States have successfully implemented their own IDP legislation and policies. Across these cases, four important factors are

also national and local NGOs and other civil society organizations. With respect to the role of the Courts, Colombia's Constitutional Court has played a critical role in ensuring that the government amend legislation and improve data gathering. Similarly in Georgia, its Constitutional Court pushed the government to amend legislation to include all people who had been displaced by armed conflict as IDPs, not just those in occupied territories. Demonstrating also the importance of civil society, this action was begun by the Georgian Young Lawyers' Association, and the ensuing legislation has been monitored by Georgia's Public Defender. In the Philippines, local civil society actors continue to push for IDP legislation with support from politicians in Congress. The role of elections also matter. Sri Lanka's response improved significantly following its 2015 elections.

*Linkages with other regional and international processes can help suppo*

