Draft Guiding Principles for Reconstruction in conflict-affected countries and territories

Preamble

These Guiding Principles aim to ensure that all processes of relief, reconstruction, and long-term rebuilding in conflict-affected countries and territories are conducted in full accordance with international law, including international human rights law and international humanitarian law. They recognize that reconstruction in the context of armed conflict, whether internal or international, prolonged occupation and large-scale destruction requires a **reparative rights-based approach**, addressing both immediate humanitarian needs and the structural conditions that have produced long-term harm, loss and damage. These Principles build on the precedents of UN-mandated and other international compensation and restitution mechanisms, and reflect obligations of all relevant parties—States, international organizations, non-State actors and businesses—under international law.

I. Foundational Requirements

Principle 1: Ceasefire, permanent Cessation of Hostilities and end of occupation
A ceasefire, or equivalent cessation of hostilities that is permanent or prolonged, is essential to enable safe access and delivery of assistance and reconstruction. All parties must take steps to restore conditions that allow for a durable cessation of hostilities consistent with international law, including applicable UN Security Council resolutions and international humanitarian law. In situations of occupation, the occupation must end or be withdrawn to enable unhindered entry and exit of goods, services and finance for rebuilding without interference by the occupying State or entity. Ceasefire and end of occupation must be guaranteed by and rest on credible international guarantees against resumption of conflict.

Principle 2: Immediate Humanitarian Relief at Scale
States, international organizations, non-State actors and civil society groups must ensure rapid, unhindered, and sustained delivery of humanitarian assistance at scale to conflict-affected persons. This includes medical care, food, water, fuel, shelter, and other measures and supplies for the protection of civilians.

Principle 3: Establishment and Deployment of Assessment Mechanisms
A comprehensive, independent, and where appropriate, a UN-mandated system, for a Register of Damages or other comparable system, together with on-the-ground assessments and investigations carried out by qualified UN or other independent experts, must be established and facilitated by all parties. This includes unhindered access for investigations as required by international judicial bodies. A Register of

Damages is a mechanism for the recording of claims by persons who have suffered damage, loss or harm to their persons, property or other rights under international or national law.

II. Normative Framework

Principle 4: Right to Reconstruction
The persons and people affected adversely in any conflict-impacted country or territory, are entitled to a right to reconstruction of their lives, based on a reparative framework, that aims to fully restore their economic, social, cultural, civil and political rights in full compliance with the right to self-determination and the right to development.

Principle 5: Reparation as a Legal Obligation
Reparation must reflect the obligations of responsible parties, beginning with the parties responsible for destruction, loss and damage under international law and include restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. Reconstruction must extend beyond monetary payments or physical reconstruction to address long-term structural and non-material and socio-cultural and psychological harms and rights deprivations.

Principle 6: Self-Determination as the Core Principle of Reconstruction
All reconstruction processes must be grounded in the people's right to self-determination including permanent sovereignty over natural resources. The end of occupation is foundational to any sustainable, rights-based reconstruction process in situations of occupied countries or territories.

Principle 7: Development as the means and end of reconstruction
The end of the reconstruction process and the means adopted towards that end must be the right to development, aimed at the full realization of the human personality and adequate standard of living of the conflict-affected people, while respecting their right to permanent sovereignty over natural resources.

Principle 8: Meaningful Participation
All reconstruction processes must ensure meaningful and inclusive participation of conflict-affected societies, including local authorities, civil society groups, women, older persons, persons with disabilities, youth, minorities, indigenous groups, and displaced communities, as appropriate. Internal political divisions within conflict-affected societies shall not be used as justification to exclude affected populations.

III. Substantive Rights in Reconstruction

Principle 9: Right to Self-Determination in Reconstruction
Affected communities have the right to determine what is rebuilt during reconstruction, who rebuilds, how rebuilding is conducted, and the timeline for reconstruction.

Principle 10: Right to Full and Fair Compensation and Reparation
All victims of destruction, displacement, or other rights violations are entitled to fair, transparent, and accessible reparation, including compensation, restitution of property, livelihood restoration, and community-level reparations.
Principle 11: Right to a Credible System for Implementation
Reconstruction processes must be governed by representative, transparent, accountable systems with adequate budgets, staffing, and oversight mechanisms, including safeguards against corruption and politicization.
Principle 12: Right to Administrative Justice
Reconstruction frameworks must include independent mechanisms to ensure fairness, review, and remedies against arbitrary, unreasonable, or discriminatory decisions.
Principle 13: Right to Return or Resettlement
All affected persons and communities have the right to return voluntarily, safely, and with dignity to their homes and lands, or to opt for resettlement with full reparation when return is not immediately possible.
Principle 14: Right to Timely and Adequate Information
All affected persons and communities must receive timely, accessible, and accurate information in a language and manner understood by them regarding all reconstruction plans, funding, timelines, eligibility, and rights.
Principle 15: Right to Meaningful Notice
Adequate and meaningful notice must be provided before any decision affecting property, resettlement, reconstruction assistance, access to services or other critical elements of reconstruction.
Principle 16: Right to Meaningful Participation
Women, older persons, children, other marginalized groups, and civil society organizations must play a meaningful and substantive role in decision-making, planning, and oversight in all matters that impact them.
Principle 17: Right to a Safe and Clean Environment
Rebuilding must include safe debris removal, environmental detoxification, and remediation of hazardous materials, ensuring the protection of communities and workers.
Principle 18: Right to Land and Right to Food
Reconstruction must restore access to land, agricultural tools, seeds, infrastructure, and markets necessary for food security and sovereignty.
Principle 19: Right to Adequate Housing and Essential Services
Housing reconstruction must meet standards consistent with the right to an adequate standard of living, including water, sanitation, energy, access to livelihood or employment, health services, and public infrastructure, and be consistent with the full meaning of all elements of adequate housing under international law.
Principle 20: Right to Livelihood Restoration and Economic Development

Reconstruction must provide for restoration of livelihoods, access to economic assistance, and development opportunities consistent with the right to development.

Principle 21: Right to Remedy

Victims of human rights and humanitarian law violations must have a right to demand and have the right to receive a prompt and just remedy for the harms they have suffered, whether physical, monetary, mental, or cultural. Justice mechanisms are a core and essential part of a human rights-based approach to reconstruction.

IV. Legal Foundations

Principle 22: Primacy of International Law

All actions under these principles derive from obligations in international humanitarian law, international human rights law, and the law of occupation including the legal principle that an occupying power cannot hold a veto over a people's right to self-determination.

Principle 23: Guarantees of Non-Repetition

Reconstruction must incorporate structural reforms and political and security conditions necessary to prevent recurrence of large-scale destruction, displacement, or rights violations.

V. Implementation and Monitoring

Principle 24: International Monitoring Mechanism

States and international organizations should establish UN or other internationally-mandated monitoring mechanisms to:

- verify a ceasefire or an end to occupation and monitor their implementation as appropriate;
- oversee delivery of aid at scale;
- manage or support damage assessment based on a Register of Damages;
- apply these Guiding Principles in reconstruction;
- ensure active involvement of civil society groups and marginalized communities.

Principle 25: Accountability, Transparency and Remedies

All actors involved in reconstruction must adopt transparent reporting procedures, independent audits, and community-level oversight, as well as ensure the realization of the right to remedy for all violations of rights during the reconstruction process.