

Addressing Internal Displacement: **A FRAMEWORK FOR NATIONAL RESPONSIBILITY**



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Cover photo: Returning internally displaced persons in East Timor
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FOREWORD

By the Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons, Walter Kälin

Because internally displaced persons (IDPs) reside within the borders of their own countries and are under the jurisdiction of their governments, primary responsibility for meeting their protection and assistance needs rests with their national authorities. The *Guiding Principles on Internal Displacement* underscore this point, setting forth the rights of IDPs and the obligations of governments toward these populations. They provide a framework for better understanding what national responsibility should entail.

The Principles should serve as a guide in designing an effective national response and developing the steps needed to address problems of internal displacement. To assist governments with this task, Erin Mooney, Deputy Director of the Brookings Institution-University of Bern Project on Internal Displacement, has brought together into one document the benchmarks of national responsibility. Each benchmark marks a step that governments should consider taking to assume their obligations toward their internally displaced populations.

While governments will need to tailor the steps to fit their own national conditions, a number of the initiatives should prove common to all countries beset by internal displacement. In particular, governments should consider measures to: prevent or mitigate displacement; raise national awareness of the problem; collect data on the numbers and conditions of IDPs; support training on internal displacement and the Guiding Principles; create a national legal framework for upholding the rights of IDPs; develop a national policy on internal displacement; designate an institutional focal point on IDPs; encourage national human rights institutions to integrate internal displacement into their work; allocate adequate resources to the problem; ensure the participation of IDPs in decision-making; and support lasting solutions for the displaced. In addition, cooperation with the international community, when national capacity is insufficient to address the needs of the displaced, should be a key element in national policy.

This national responsibility framework is intended to help governments address the problem of internal displacement in their countries in all its aspects. Further, it should enable

international organizations, regional bodies, national human rights institutions, civil society and the displaced themselves to evaluate the extent to which national responsibility is being effectively exercised and become the basis for advocacy efforts on behalf of the rights of the displaced.

It is the Representative's hope that governments will carefully review the steps contained in this publication and find in them a guide to the most effective ways of dealing with internal displacement. Donor governments would also do well to review the benchmarks of national responsibility as a key element in reaching decisions on funding in support of assistance to governments with problems of displacement.

TABLE OF CONTENTS

INTRODUCTION / **5**

THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT / **7**

FUNDAMENTAL CHARACTERISTICS OF A NATIONAL RESPONSE / **9**

BENCHMARKS OF NATIONAL RESPONSIBILITY / **12**

- 1) Prevention / **12**
- 2) Raise National Awareness of the Problem / **13**
- 3) Data Collection / **14**
- 4) Training on the Rights of IDPs / **15**
- 5) A National Legal Framework Upholding the Rights of IDPs / **16**
- 6) A National Policy or Plan of Action on Internal Displacement / **17**
- 7) A National Institutional Focal Point for IDPs / **18**
- 8) A Role for National Human Rights Institutions / **19**
- 9) Participation by IDPs in Decision-Making / **20**
- 10) Durable Solutions / **22**
- 11) Adequate Resources / **24**
- 12) Cooperation with International and Regional Organizations / **24**

CONCLUSION / **27**

ENDNOTES / **28**

APPENDIX: Guiding Principles on Internal Displacement / **29**

INTRODUCTION

It is well recognized, and often emphasized, that because internally displaced persons (IDPs) remain within their country, they should, in accordance with established principles of international law, enjoy the protection and assistance of their own governments. Indeed, governments regularly insist that they have the primary responsibility for ensuring the security and welfare of their internally displaced populations. That responsibility for protecting and assisting the internally displaced rests first and foremost with their national authorities is a core concept reflected in the *Guiding Principles on Internal Displacement* (see Appendix), which set forth the rights of IDPs and the obligations of governments towards them, and also is a central tenet guiding international and regional approaches to internal displacement.

But what, concretely, does national responsibility towards IDPs mean? How can it be measured? Promoted? Reinforced? Supported?

These are questions that are critical to address if national responsibility for IDPs is to be realized. Measurable indicators or benchmarks are needed to provide guidance to governments in discharging this responsibility and as a basis for assessing whether it is being effectively exercised. To this end, a *Framework for National Responsibility* is presented, which sets forth benchmarks for addressing internal displacement. In particular, 12 key steps for governments to take towards fulfilling national responsibility for internal displacement are identified:

- 1) Prevent Displacement and Minimize its Adverse Effects**
- 2) Raise National Awareness of the Problem**
- 3) Collect Data on the Number and Conditions of IDPs**
- 4) Support Training on the Rights of IDPs**
- 5) Create a Legal Framework for Upholding the Rights of IDPs**
- 6) Develop a National Policy on Internal Displacement**
- 7) Designate an Institutional Focal Point on IDPs**

- 8) Encourage National Human Rights Institutions to Integrate Internal Displacement into their Work**
- 9) Ensure the Participation of IDPs in Decision-Making**
- 10) Support Durable Solutions**
- 11) Allocate Adequate Resources to the Problem**
- 12) Cooperate with the International Community when National Capacity is Insufficient**

Taken collectively, these benchmarks constitute a framework for action for fulfilling national responsibility in situations of internal displacement.

The purpose of this *Framework for National Responsibility* is to provide guidance to assist governments in addressing internal displacement in their countries and in meeting their obligations towards their displaced populations. Its primary focus accordingly is on identifying a number of key steps that governments can take in situations of internal displacement. At the same time, this *Framework* recognizes the important role, and in some cases also responsibilities, of other actors, including national human rights institutions, regional bodies, international organizations, donors and civil society in promoting, reinforcing and assisting the fulfillment of national authorities' responsibilities to protect and assist the internally displaced. This *Framework* therefore is intended also to serve as a tool enabling international organizations and agencies, donors, regional bodies, national human rights institutions, civil society and, of course, IDPs themselves to monitor and assess the extent to which national responsibility is being effectively exercised, and thereby provide a basis for advocacy efforts for protecting the rights of the internally displaced.

THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT

That primary responsibility for protecting and assisting IDPs rests with their national authorities is a theme that underpins and is underscored throughout the *Guiding Principles on Internal Displacement*, which set forth the rights of IDPs and the obligations of governments towards them. Developed at the request of governments, as expressed in resolutions of the United Nations General Assembly and Commission on Human Rights, the 30 principles provide a normative framework for understanding what national responsibility should entail. Indeed, the *Principles* have been recognized by governments worldwide as an important tool and standard for addressing situations of internal displacement, and which states have been encouraged to widely disseminate and use.¹

Promoting and disseminating the *Guiding Principles* is an important way to give recognition to the rights and special needs of IDPs and to reinforce government obligations toward these populations.

To begin with, the *Principles* should be translated into local languages and widely distributed to local and national officials, non-state actors, and non-governmental organizations (NGOs). So too should the *Annotations*, which spell out the international legal standards on which the *Principles* are based, as well as the *Handbook for Applying the Guiding Principles*, which contains practical steps for making the *Principles* operational.²

Training sessions in the *Guiding Principles* and on the standards of international humanitarian and human law on which the *Principles* are based also can prove valuable in raising awareness of the rights of IDPs and of the responsibilities of governments and other authorities towards them.

Convening national seminars on internal displacement is another helpful way of raising awareness of the *Guiding Principles*. Such seminars should seek to bring together local, regional and national government officials, local NGOs and other civil society groups, international organizations and, certainly, representatives of IDP communities to discuss the different aspects of internal displacement in terms of the *Principles* and promote joint strategies for addressing the problem.

The *Principles* have in addition served as an important framework for monitoring conditions in different countries. They also provide guidance for developing national laws and policies to address internal displacement. Indeed, UN resolutions have encouraged governments to develop national laws and policies for the protection and assistance of their internally displaced populations taking into account the *Guiding Principles*.³ Overall, the *Guiding Principles* provide a normative framework that should be the basis for national as well as international responses to internal displacement.

FUNDAMENTAL CHARACTERISTICS OF A NATIONAL RESPONSE

A national response, by definition, needs to be inclusive, covering all situations of internal displacement and groups of IDPs without discrimination. Specifically, this means that national responsibility for internal displacement needs to be comprehensive in several different respects:

- **All causes:** National responsibility for internal displacement applies to persons internally displaced in situations of conflict, communal strife and serious violations of human rights as well as IDPs uprooted as a result of natural and human-made disasters, development projects and other causes. In other words, national responsibility for addressing internal displacement needs to be carried out for the benefit of all persons fitting the definition of IDPs found in the *Guiding Principles*, which define IDPs as:

...persons 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 human-made disasters, and who have not crossed an internationally recognized state border.

Though the needs of IDPs may vary depending on the cause of their displacement, it is important to underline that *all* IDPs are entitled to the protection and assistance of their government. National responsibility therefore means ensuring that IDPs receive comparable help and treatment without discrimination and regardless of the reason for their displacement.

- **All groups:** The overwhelming majority of displaced populations are women and children. They experience particular protection, assistance and reintegration needs, which routinely are overlooked or not addressed with priority. Moreover, women and children, in particular girls, frequently face discrimination in obtaining assistance, having documents in their own names, accessing education and income-generating opportunities, and having their voices heard. National authorities have a responsibility to ensure that the special protection and assistance concerns of particular groups within IDP populations, including women heads of household, unaccompanied minors, persons with disabilities, and the elderly, are taken into account and addressed.

Internal displacement also is a phenomenon that disproportionately affects minority ethnic groups, indigenous populations and the rural poor. Once displaced, these already marginalized groups often face discrimination in accessing protection and assistance because of ethnic, racial or ideological stigmas, which further heighten their vulnerability. Because of language barriers, they may even have difficulty in communicating with government authorities and knowing their rights. Moreover, in the case of indigenous populations, they have a special attachment to the land, which makes displacement particularly difficult in their case. National responses to internal displacement must be guided by the principle of non-discrimination. Indeed, a national response should seek to remedy the social, economic, and political cleavages that give rise to the exclusion of certain groups from the political and economic life of the nation and cause injustices and social divides that tear societies apart and fuel displacement.

- **All needs:** National responsibility for internal displacement requires addressing the problem in all its aspects. Attending to IDPs' needs for food, clean water, shelter, medical care and other basic humanitarian assistance of course is critically important. However, a national response also requires, and its effectiveness depends on, an integrated approach that addresses protection as well as assistance concerns. This is true even in situations of natural disaster when, although the material relief may be the most visible need, serious protection issues nonetheless can arise. By protection, moreover, it is meant the range of political and civil rights as well as social, economic and cultural rights.
- **All phases:** National responsibility extends across all phases of displacement. It includes preventing arbitrary displacement, ensuring the security and well being of persons once they are displaced, and creating the conditions for durable solutions to their plight, namely through voluntary and safe return or resettlement and reintegration. Decisions as to "when internal displacement ends" must be taken on the basis of objective criteria ensuring respect for the human rights of the internally displaced.⁴
- **All relevant levels and branches of government:** To be truly national, a government's response to internal displacement must be reflected at all levels of government. Certainly, officials in the capital are likely to play a strong role in shaping a government's response to internal displacement. However, authorities at the regional and local levels, who are likely to be more directly in contact with displaced populations, also have a critically important role to play in ensuring that national responsibility is effectively discharged on the ground. Moreover, a national response requires the collective contributions of all relevant branches of government, including the humanitarian, human rights, health, housing, education,

development and political sectors. Special mention must be made of the military and police, who have particular responsibilities for ensuring IDPs' physical safety.

- **All affected areas:** Especially in situations of internal armed conflict, governments may not have effective control over all parts of the country. Around the world, millions of IDPs are found in areas under the control of non-state actors and out of reach of government assistance and protection. The effective exercise of national responsibility requires undertaking or at least facilitating efforts to access, assist and protect these IDPs. Opening humanitarian space in these areas provides an opportunity also to remind non-state actors of their responsibilities: under international humanitarian law and the *Guiding Principles*, they too have responsibilities to provide protection and assistance to the internally displaced. Governments may therefore find it valuable to enlist the support of NGOs, church groups, donors or the UN to help open humanitarian space to ensure the protection and assistance of IDPs in areas under the control of non-state actors and, ultimately, also to resolve the conflicts in which these IDPs are caught.

BENCHMARKS OF NATIONAL RESPONSIBILITY

Beyond the normative framework provided in the *Guiding Principles* and the conceptual framework identifying fundamental characteristics of a national response, there is need to clarify what, in terms of concrete steps, national responsibility for addressing the problem of internal displacement should entail. Definite indicators or benchmarks of national responsibility indeed can be identified. There are, in particular, 12 key steps that governments can take towards ensuring the effective exercise of national responsibility and the protection of the rights of the internally displaced. Though not an exhaustive list, these benchmarks comprise the main steps towards realizing national responsibility, which, if taken by governments, could yield important results for the protection and assistance of the internally displaced.

Prevention

First and foremost is prevention. Governments have a responsibility, elaborated in the *Guiding Principles* (Principles 5-9), to prevent and avoid conditions on their territory that might lead to population displacement, to minimize unavoidable displacement and mitigate its adverse effects, and to ensure that any displacement that does occur lasts no longer than required by the circumstances.

In particular, individuals are to be protected against arbitrary displacement. To this end, preventive strategies, including cultivating an environment of respect for human rights and international humanitarian law as well as developing early warning and rapid response mechanisms to protect populations under threat, are critical for governments to undertake.

Any decision requiring the displacement of persons must, to be lawful, meet the conditions and comply with the guarantees elaborated in Principle 7, including that all feasible alternatives to displacement first are explored. The authorities must also take measures to ensure proper accommodation for the displaced, that any displacement is effected in conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated. If displacement occurs in situations other than during the emergency stages of armed conflict or disasters, the following steps need to be taken by the national authorities:

- * Ensuring that a specific decision authorizing the displacement has been taken by a government authority empowered by law to order such measures;

- * Informing the displaced of the reasons and procedures for their displacement as well as of arrangements for compensation and relocation, where applicable;
- * Seeking the free and informed consent of those to be displaced;
- * Involving those affected, particularly women, in the planning and management of their relocation; and
- * Ensuring the right of those affected to an effective remedy.

As an overarching principle, displacement must not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected. Moreover, governments have a particular obligation to protect against the displacement of indigenous groups, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

Raise National Awareness of the Problem

When internal displacement does occur, a government's acknowledgement of the existence of the problem on its territory and of its responsibility to address it is an essential first step towards an effective national response. Public pronouncements, use of the media, and the development of strategies by the government to address the plight of internally displaced populations are among the means of conveying its recognition of the problem and its responsibility to address it. A government's acknowledgement and use of the *Guiding Principles* would also be an important indication of its recognition of the special needs of IDPs as well as of government obligations to address their needs and protect their rights.

Recognition of internal displacement also requires raising national awareness about the problem, building a national consensus around the issue, and making efforts to address the crisis a national priority. It also must entail promoting national solidarity with the displaced. This is critical for their protection and for counteracting the ethnic, racial, and ideological stigmas that IDPs in many cases suffer. These stigmas put IDPs at further risk, discourage them from making their needs known, augment their invisibility, and make reintegration difficult due to their increased marginalization.

Efforts to raise national awareness should include sensitization campaigns that reach all relevant authorities, including the military and police, and also extend into the public sphere, so that national responsibility for addressing internal displacement becomes a concept embraced and implemented by all parts of society. Such campaigns will be most effective when they are developed in consultation with civil society and displaced

communities. Indeed, an important component of public information campaigns on internal displacement should be to sensitize government authorities as well as the public about the humanitarian nature of the work of local NGOs and other civil society groups assisting IDPs and advocating on their behalf, who often must undertake these efforts in conditions that put their physical security at grave risk.

Data Collection

Credible information on the numbers, locations and conditions of the internally displaced is essential to designing effective policies and programs to address their needs and protect their rights.

Data should be disaggregated by age, gender, and other key indicators so that the specific needs of particular groups of IDPs, such as women heads of household, unaccompanied minors, the elderly, persons with disabilities, ethnic minorities and indigenous persons, can be adequately addressed. It must cover all IDPs, whether they are in camps, staying with host families or in other settlements. Attention must also be given to the different categories of IDPs, including those uprooted by armed conflict, generalized violence and human rights violations as well as those displaced by natural disasters, development projects, and other causes. Moreover, information is needed not only on IDPs in emergency situations, but also those in protracted situations of displacement, with updated data as IDPs' needs change over time. Efforts must also be made to collect information about displaced populations who live in areas controlled by insurgent groups.

It is important to underline that efforts to collect data on IDPs should not in any way jeopardize their security, protection, and freedom of movement. In particular, there is a need to be sensitive to the situation of displaced persons who may be fearful of making themselves known and may see little incentive to do so, or who do not have proper documentation. Information gathering must be geared to protecting and assisting the internally displaced and helping them find solutions to their plight. Local NGOs and researchers as well as a number of international organizations and NGOs have experience and expertise in gathering data about displaced populations and could be enlisted to assist governments in their data collection efforts.

Overall, efforts to gather data on the problem of internal displacement in a country should have as their aim to obtain a clearer picture of the numbers, needs and conditions of IDPs, with a view to enhancing efforts to assist and protect them. Data collection efforts therefore are essentially programmatic in purpose. Whether or not IDPs participate in data

collection surveys or other administrative initiatives (including registration processes) has no bearing on their legal entitlements to enjoy the protection and assistance of their government.

4 Training on the Rights of IDPs

Training government officials on the rights of IDPs can be essential for ensuring that they are aware of their responsibilities for protecting and assisting the internally displaced. It is also part of building government capacity and accountability to effectively fulfill these responsibilities. In particular, training should target:

- * Government policy-makers at the national level;
- * Government officials at the regional and local levels, who are in more direct contact with the displaced and are responsible for implementing government policy and programs in the field;
- * Military and police, who are expected to play a key role in ensuring IDPs' protection;
- * IDP camp administrators as well as officials responsible for humanitarian assistance and the protection of human rights;
- * Commissioners and staff of national human rights institutions;
- * Parliamentarians, as they play a leading role in the development of legislation;
- * Governments should also welcome training on the rights of IDPs for civil society and, most importantly, for IDPs themselves, who of course are entitled to know their rights.

Training should address the rights of IDPs and the responsibilities of governments towards them, as spelled out in the *Guiding Principles*, and should cover all phases of displacement, from prevention to emergency response to finding durable solutions. A set of training modules covering these issues exists, which governments may find useful to draw upon in their own training initiatives or to request training workshops. Indeed, it was in response to a government request for training on IDPs that these modules were first developed by the Norwegian Refugee Council's Global IDP Project and the Office of the United Nations High Commissioner for Human Rights in 1999.⁵

It can also be valuable for training to address the measures that governments can take and the different policy options available for effectively discharging national responsibility towards IDPs. Noteworthy in this regard is the course manual *Essentials of Migration Management for Policy Makers and Practitioners* developed by the International

Organization for Migration, which contains a module on internal displacement. In addition to underscoring the importance of national responsibility for addressing internal displacement and highlighting the relevance of the *Guiding Principles*, this module identifies and explains the key steps that governments can take towards fulfilling their responsibility towards the internally displaced.⁶ Another instructive report is one published by the Commonwealth, which presents a set of national “best practices” for Commonwealth member states in addressing internal displacement.⁷ Further, a regional seminar on Internal Displacement in the Americas endorsed a framework of action on national responsibility for governments in the region.⁸

5 A National Legal Framework Upholding the Rights of IDPs

Because protection is, fundamentally, a legal concept, developing a national legal framework upholding the rights of IDPs is a particularly important reflection of national responsibility as well as a vehicle for its fulfillment.

In countries in all regions of the world, the adoption of legislation on internal displacement has proved valuable in defining IDPs, setting forth their rights, and establishing the obligations of governments towards them. In some instances, governments have adopted laws on a specific phase of displacement, such as return and resettlement, which have spelled out minimum standards to be observed. In other instances, governments have adopted comprehensive national laws on internal displacement, covering all phases of displacement. Another approach has been to review and analyze existing national legislation in terms of its compatibility with the *Guiding Principles on Internal Displacement* and to revise legal and administrative regulations accordingly. Local lawyers groups and NGOs have conducted such surveys in some countries, using the *Annotations to the Guiding Principles* as a guide, and then worked with their governments to bring their laws into line with the *Principles*.⁹

Whichever approach is taken, national legislation on internal displacement should be in line with international standards, as set forth in the *Guiding Principles*. Indeed, governments worldwide have, in UN resolutions, encouraged states with internally displaced populations to develop strengthened national legal frameworks on internal displacement, taking into account the *Guiding Principles*.¹⁰ This call has been echoed at the regional level, with specific reference to the *Guiding Principles* as a useful tool for developing national laws and policies on internal displacement.¹¹ To assist these efforts, the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons is developing a domestic legislators’ manual identifying and providing legal guidance on the key elements for inclusion in national legislation on internal displacement.

A National Policy or Plan of Action on Internal Displacement

The adoption of a national policy or plan of action on internal displacement is a distinct, though complementary, measure to the enactment of national legislation. For instance, a national policy or plan of action on internal displacement should spell out national and local institutional responsibilities for responding to internal displacement, indicating the roles and responsibilities of different government departments, as well as identify a mechanism for coordination among them.

Using the *Guiding Principles* as a framework, a national policy or plan of action should cover all phases of displacement, ranging from preventive actions to protection and assistance once displaced, to return or resettlement and reintegration. Particular emphasis should be placed on preventing arbitrary displacement, with specific measures elaborated for avoiding the conditions that cause displacement and minimizing displacement's adverse effects. A national policy or plan of action should also encompass the various causes of displacement, including not only conflict and human rights violations, but also displacement due to natural and human-made disasters and development projects. Moreover, it should elaborate measures to address the particular needs of specific groups of IDPs, such as women heads of household, children and the elderly, as well as indigenous persons and ethnic minorities.

A national policy on internal displacement will be most effective when developed in full consultation with IDP communities. Once completed, the policy or plan of action should be widely disseminated, especially to IDPs, in their own language and in a format they can easily understand. In formulating and carrying out policies and programs for IDPs, it is important for governments to also work closely with civil society groups and local NGOs working with the internally displaced and advocating on their behalf. The close contact that these groups have with the displaced often means that they are well placed to reflect the aspirations of IDPs and provide a voice for their views, as well as to suggest strategies for addressing their needs and protecting their rights.

Readiness to develop and adopt national policies and plans of action on internal displacement provides an important indication of a government's recognition of the problem of internal displacement and of its responsibilities to address it, and signals both nationally and internationally that doing so is a national priority. UN resolutions have encouraged governments of countries experiencing internal displacement to adopt national plans or initiatives to provide protection and assistance to IDPs.¹²

A National Institutional Focal Point for IDPs

Designating a national institutional focal point on internal displacement can be essential to ensuring sustained attention to the problem and also to facilitating coordination within the government and with local and international partners.

A number of different institutional options exist. In some countries, responsibility for the internally displaced is added to the mandate of an existing government agency, such as the government body charged with refugee issues or the department of social welfare. In other countries, a body is designated to focus exclusively on IDPs. In still other cases, a government committee, working group, or task force on IDPs is established that regularly brings together officials from the relevant ministries and departments to jointly discuss IDP needs, facilitate coordination including with the international community, and develop strategies for ensuring an effective response.

Whichever institutional option is selected, it is critical for the national institutional focal point for IDPs to have a mandate for both protection and assistance. Its staff should be trained on issues of internal displacement, in particular the *Guiding Principles*, and be expected to play a leading role in national efforts to verify that the rights of IDPs are respected and their needs addressed. This would also include ensuring that IDPs have options as regards durable solutions to displacement, namely return or resettlement, and that they are not pressured to return or resettle in areas where conditions are insecure or unsustainable. To be effective, this body of course will require political authority as well as adequate resources to carry out its mandate.

Collaboration with NGOs and other civil society groups advocating on behalf of the internally displaced can only benefit the work of the institutional mechanism charged with responsibility for coordinating national efforts for IDPs. National as well as international responses to situations of internal displacement are better informed, assisted and enhanced when partnerships are forged with civil society groups working with the internally displaced. Such partnerships are also cost-effective, given that bringing in “experts” from abroad can be highly expensive; moreover outside experts often depart after a short period of time without leaving local capacity any stronger. Building into national plans and programs for helping IDPs measures for strengthening local capacity and further developing the skills of NGOs and other groups in civil society therefore can prove valuable.

A Role for National Human Rights Institutions

It is well recognized that national human rights institutions make an important contribution to national efforts promoting and protecting human rights. They enjoy official recognition by governments and also often command significant respect within national societies as they usually are headed by influential and eminent people including retired judges or respected human rights activists. In countries with internal displacement, national human rights institutions have a valuable role to play in protecting and promoting the human rights of IDPs, as indeed has been recognized and encouraged by governments in UN resolutions.¹³

Although many national institutions, especially in developing countries, lack capacity, they are beginning increasingly to focus attention on the issue of internal displacement.¹⁴ In support of these efforts, the Asia Pacific Forum of National Human Rights Institutions, for instance, has developed a project to assess the capacities of its member institutions with regard to internal displacement and mobilize assistance to help them enhance their capacities.

Best practice in dealing with internal displacement would mean that governments acknowledge internal displacement as a human rights issue that belongs within the mandate of national human rights institutions and that they apportion greater resources to these institutions so that they can address the subject. Among the steps that national institutions could take to promote and protect the rights of the internally displaced would be to:

- * Monitor IDP conditions to ensure that IDPs enjoy the same rights as other citizens in the country and do not face discrimination in seeking to access their rights and that they receive the protection and assistance they require;
- * Conduct inquiries into reports of serious violations of IDPs' human rights and work to ensure an effective response by the authorities;
- * Follow-up on early warnings of displacement and ensure that effective measures are taken by the authorities to protect populations against arbitrary displacement and that decisions taken by the authorities to displace populations are implemented in accordance with the guarantees set forth in the *Guiding Principles*;
- * Advise the government on the rights of IDPs, in particular working with national legislative bodies in the development of national laws on internal displacement, based on the *Guiding Principles*, and helping to frame policies and plans of action, in collaboration with government officials, to effectively address situations of internal displacement;

- * Monitor and report on governments' implementation of national legislation and compliance with international treaty obligations as well as on implementation of national policies and plans of action for IDPs;
- * Undertake educational activities and training programs, especially for state institutions, the military and law enforcement agencies on the rights of IDPs, with special attention paid to raising awareness of the particular protection and assistance concerns of women, children and other groups who experience heightened vulnerability;
- * Ensure that IDPs are informed about the initiatives being taken on their behalf and are invited to contribute ideas and to participate in the decision-making;
- * Forge strong relationships with IDP associations as well as local NGOs and representatives of civil society advocating for the protection of IDP rights;
- * Establish a monitoring presence in areas where IDPs' physical security is at grave risk;
- * Monitor the return or resettlement of IDPs to ensure that it is voluntary and occurs in conditions of safety;
- * Network with national human rights institutions in other countries and relevant regional bodies to share information and experiences on internal displacement with a view to developing best practices.

Participation by IDPs in Decision-Making

Internally displaced persons have the right to request, and to receive, protection and humanitarian assistance from their governments. An environment must exist where IDPs can make their views known without risk of punishment or harm.

Too often, however, IDPs are simply on the receiving end of assistance and programs, with no power to influence how policies and programs are designed and little opportunity to voice their concerns. Yet, consultation with the displaced is critical to the effectiveness of efforts to provide them with protection and assistance. IDPs, after all, are best placed to know their needs and ways of addressing them. Moreover, IDPs generally develop “coping skills” for dealing with their situation.¹⁵ Programs for the displaced will be most effective when they reinforce and build upon IDPs' skills.

National as well as international responses to internal displacement can be significantly informed and enhanced through consultation with IDPs. Indeed, governments have a

responsibility to encourage and facilitate the participation of IDPs in the planning and implementation of policies and programs for addressing their needs and protecting their rights. This would include ensuring that IDPs play strong roles in camp management.

Special attention should be paid to ensuring the participation of internally displaced women in IDP consultations and in any formal decision-making structures. As primary care-providers for their families, displaced women have the best sense of what is needed to ensure their own and their families' welfare and security. Consultation with women and girls also enables them to raise particular protection and concerns they may face, such as sexual violence and exploitation as well as reproductive health issues, which likely will go overlooked if only men speak for the group. In particular, women's input should be sought with regard to food distribution and the contents of the food basket, the design and layout of camp facilities or other settlements, and water and firewood collection, all of which can have implications for the physical security of displaced women and children.

Consultation with the displaced should occur in all phases of displacement. In particular, any decisions for relocation of the displaced are to be taken in consultation with those affected, and should involve the displaced, particularly women, in the planning and management of the relocation. In the distribution of humanitarian assistance, special efforts should be made to ensure the full participation of women in the planning and distribution of these supplies. This is critical to mitigating the risk of sexual extortion and exploitation that women can face in obtaining food rations for themselves and their families. When it comes to finding durable solutions to displacement, moreover, consultation with the displaced is a key component of respecting the right of the displaced to voluntary return. In addition, special efforts should be made to ensure the full participation of IDPs in the planning and management of their return or resettlement and reintegration.¹⁶

Moreover, the views of IDPs should be systematically sought out, and taken into account in peace processes and other efforts to resolve situations of internal displacement. In addition, national responsibility entails safeguarding for IDPs the right to political participation, as affirmed in Principle 22(d) of the *Guiding Principles*. Frequently, IDPs face obstacles in exercising their right to vote and thereby to having a say in the political and economic decisions affecting their lives.¹⁷

10 Durable Solutions

National responsibility for internal displacement extends to ensuring that IDPs have access to a durable solution to their plight. This means making every possible effort to facilitate the return or resettlement of IDPs in accordance with their rights.

Overall, governments have a duty to establish conditions and provide the means to allow IDPs to return voluntarily, in safety and dignity, to their places of habitual residence or, if they choose, to resettle in another part of the country. Safety is an essential element of durable solutions and of the protection of the rights of the displaced. In cases of conflict-induced displacement, this typically will require an end to the conflict or a fundamental change in the circumstances that originally caused the displacement. Landmines will also need to be cleared. Regardless of the cause of displacement, protection mechanisms must be put in place in areas of return or resettlement, in particular through the re-establishment of the rule of law and measures to ensure respect for human rights.

Under no circumstances should IDPs be encouraged or compelled to return or resettle to areas where their life, safety, liberty or health would be at risk (Principle 15(d)). Where possible, monitors should accompany returns in order to verify that the process is voluntary and occurs in conditions of safety.

Further, the authorities have a responsibility to assist IDPs to recover property and possessions of which they were dispossessed as a result of their displacement and, when this is not possible, to obtain compensation or another form of just reparation. A number of particular challenges can arise. In many cases, few of the displaced possess formal title or other evidence of land and property ownership. Where these did exist, property records, both individual and those maintained by authorities, may have been destroyed in the course of conflict or as a result of a natural disaster causing displacement. Moreover, national laws and customs on property ownership and inheritance often discriminate against women who, especially when their husbands have been killed, then experience particular difficulty in returning to their homes and land and, consequently, also in recreating a means of livelihood to support themselves and their families. Government authorities should anticipate these problems and address them in line with international human rights standards and in an equitable and non-discriminatory manner.

Whether IDPs choose to return or to resettle, national authorities also have a responsibility to facilitate their reintegration and foster conditions enabling them to rebuild their lives. Indeed, strategies promoting IDPs' restoration of a livelihood and means of self-

reliance should be introduced as soon as possible after displacement occurs so as to avoid creating long-term dependency and instead to facilitate their eventual reintegration when return or resettlement becomes possible. During return or resettlement, IDPs should have access to reintegration assistance packages, including essential items such as seeds, tools and plastic sheeting for temporary shelter.

In addition, so long as the specific needs and vulnerabilities resulting from their displacement persist, IDPs will continue to require special attention and support. Decisions that “displacement has ended” must not be taken arbitrarily, without due regard to the situation, needs and rights of the displaced. The nature of assistance to IDPs nonetheless could gradually change from strictly emergency humanitarian aid to more development-oriented strategies supporting self-sufficiency and enabling the economic and social reintegration of the displaced. Such measures should, of course, be undertaken in step with initiatives to assist other populations in need and in conjunction with broader government efforts to rebuild infrastructure (e.g. schools, health clinics, roads etc.) in areas of return and resettlement. Special attention should be given to ensuring the equal participation of women in reconstruction and rehabilitation projects as well as their equal access to income-generation and micro-credit programs.

Steps must also be taken to ensure that IDPs are not subjected to discrimination upon their return or resettlement, that they have equal access to public services including health care and education, and they can exercise their right to participate fully and equally in public affairs, including the right to vote.

In short, supporting durable solutions for IDPs entails ensuring that they have options — to voluntarily and safely return or resettle as well as the possibility to re-establish themselves, regain their livelihoods and reintegrate back into society. In this connection, reference to studies highlighting best practices with regard to IDP return or resettlement can prove valuable.¹⁸

Finally, a government’s commitment to durable solutions requires undertaking efforts to ensure that conflicts or other causes of displacement that could have been avoided are effectively resolved. To be truly effective and lasting, solutions in these cases must include addressing the fundamental social, economic and political injustices that are typically the root causes of conflict and displacement. In situations of displacement caused by ethnic conflict or communal violence, initiatives to promote reconciliation, for instance, through mechanisms such as Truth Commissions, and address issues of impunity are particularly critical.

Adequate Resources

Carrying out policies and programs for IDPs and providing them with necessary assistance (including food aid, shelter, medical care, education, reintegration assistance etc.) as well as ensuring their physical security inevitably requires human and material resources. National responsibility therefore requires that governments devote, to the extent possible, resources to address the needs and protect the rights of their internally displaced populations. Some countries have made efforts to do so by specifically designating funds in the national budget for IDP programs. Governments can also create special “IDP funds” furnished with the benefit of earmarked funds from the revenue from oil or other resources.

This is not to say that governments need to carry the financial burden of addressing internal displacement entirely alone. Indeed, where a government lacks sufficient capacity to address the needs of the internally displaced, it can and indeed should turn to the international community for assistance. Even then, a government’s indication, through whatever budget allocations are possible as well as through policy and program initiatives, that the issue of internal displacement constitutes a national priority can be important for securing international commitments to provide financial support to national efforts.

Cooperation with International and Regional Organizations

When governments do not have the capacity to provide for the security and well being of their displaced populations, they should, as an exercise of responsible sovereignty, invite or accept international assistance and work together with international as well as regional organizations in addressing the protection and assistance needs of the displaced and identifying durable solutions to their plight. Another sign of national responsibility therefore is cooperating with, and giving safe and unimpeded access to, regional and international organizations seeking to undertake efforts on behalf of the internally displaced.

Indeed, the *Guiding Principles* emphasize the importance of national authorities granting “rapid and unimpeded access” to international humanitarian organizations so that they might reach IDP populations and provide them with needed assistance. Because these organizations under international law have the right to offer their services, such offers should not be regarded as unfriendly acts or as interference in a state’s internal affairs. International humanitarian organizations should also enjoy access to displaced persons to assist in their return or resettlement and reintegration.¹⁹

Accepting international assistance should also mean providing security and protection for the humanitarian staff who deliver the aid. Persons engaged in humanitarian assistance, their transport, and supplies should be respected and protected. To prevent attacks on staff and assist personnel who are in danger, governments should take steps to strengthen security measures and prosecute those who commit acts of violence against such staff. When governments are unable to discharge this responsibility, they should devise, together with the international community, alternative arrangements to ensure protection for humanitarian staff.

Inviting the Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons to visit is another important way that governments in countries with internal displacement can demonstrate their cooperation with the international community. Such visits enable the Representative to dialogue with governments as well as to assess first-hand the conditions of IDPs and directly hear their concerns. Generally, these visits also serve to raise national awareness to the problem of internal displacement in the country, stimulate policies and programs on behalf of the displaced and strengthen cooperation between governments and the international community.

Regional and international organizations, which should be seen as partners, can reinforce and support the exercise of national responsibility for internal displacement and provide valuable support to national efforts in a number of ways, including:

- * Providing technical cooperation on issues such as data collection, registration, the development of national laws and policies on internal displacement, and on issues of property restitution and compensation;
- * Offering training on the *Guiding Principles* and on other issues of internal displacement;
- * Undertaking field visits to assess the conditions of internal displacement and make recommendations for enhancing national as well as regional and international responses, and reporting on the implementation of recommendations made by international and regional human rights mechanisms;
- * Bringing to the attention of the authorities early warnings of arbitrary displacement and advocating for effective responses to these threats, offering any assistance possible in support of national protection responses;

- * Establishing a monitoring presence in areas, including IDP camps, where serious protection problems are reported that put IDPs physical security at risk and developing strategies to protect IDPs against these threats, with special attention paid to the risks of sexual violence and exploitation as well as the military recruitment of children;
- * Monitoring the return and resettlement of IDPs, where possible by accompanying IDPs, to verify that the process is voluntary and occurs in conditions of safety, as well as monitoring the safety of IDPs upon return or resettlement;
- * Supporting the formation of IDP associations, including IDP women's associations, to buttress IDPs' own efforts to address their concerns and advocate for their rights;
- * Facilitating dialogue between governments and IDPs as well as with NGOs;
- * Assisting IDPs located in areas outside of government control and reinforcing the responsibilities of non-state actors, under international humanitarian law and the *Guiding Principles*, to protect and assist the displaced, as well as facilitating negotiations, where possible, between the government and non-state actors for the creation of humanitarian space and an end to conflict;
- * Supporting governments that demonstrate efforts to effectively discharge national responsibility for internal displacement with technical cooperation as well as with any required assistance in resource mobilization and the administration of funds.

Overall, and especially when national capacity is insufficient, cooperating with international and regional organizations to address the problem of internal displacement is a form of national responsibility.

Of course, international and regional efforts to help strengthen national capacity to deal with situations of mass displacement will be especially effective where the state is willing but not able to discharge its responsibilities to ensure the protection and well being of its internally displaced populations. In situations where the political will for addressing the problem is inadequate at the national level, the engagement of the international community is just as, if not more, important, for reinforcing national responsibility. Even in such cases, however, the aim must be not to substitute but to strengthen national efforts for protecting and assisting the internally displaced.

CONCLUSION

The global crisis of internal displacement presents a challenge that, because of the magnitude and complexity of the problem, can perhaps seem overwhelming to address. Yet, the starting point is clear: protecting and assisting internally displaced persons is a responsibility that rests first and foremost with their governments. The rights of the internally displaced as well as the responsibilities of national and other authorities towards them also are now well known, set forth in the *Guiding Principles on Internal Displacement*, which have become the internationally recognized standard for addressing situations of internal displacement. Less clear, however, have been the concrete measures that governments can take to ensure that these rights and responsibilities are effectively realized.

Towards filling this gap, this *Framework for National Responsibility* identifies 12 key steps that governments can take to demonstrate and effectively discharge their responsibilities for addressing internal displacement. Individually, each of these measures stands to enhance national efforts and benefit the internally displaced. Collectively, they comprise the core components of a comprehensive response to the problem of internal displacement and, more specifically, to the plight of the millions of internally displaced around the world who rely on their governments to protect and assist them.

ENDNOTES

- 1 United Nations General Assembly, Resolution 58/177 of 2004, para. 7; and United Nations Commission on Human Rights, Resolution 2004/55 of 2004, para. 6.
- 2 Walter Kälin, *Guiding Principles on Internal Displacement. Annotations*, Studies in Transnational Legal Policy, No. 32 (American Society of International Law and the Brookings Institution Project on Internal Displacement, 2000); *Handbook for Applying the Guiding Principles on Internal Displacement* (Brookings Institution and United Nations Office for the Coordination of Humanitarian Affairs, 1999).
- 3 United Nations, Economic and Social Council (ECOSOC), Resolution 2004/5 of 23 July 2004, para. 39; and ECOSOC, Resolution 2003/5 of 15 July 2003, para. 9.
- 4 Further to a request from the United Nations Emergency Relief Coordinator and Under-Secretary-General on Humanitarian Affairs for guidance on when an internally displaced person should no longer be considered as such, benchmarks on durable solutions for IDPs are being developed by the Brookings Institution-Bern Project on Internal Displacement, in collaboration with the Institute for the Study of International Migration at Georgetown University and the Global IDP Project of the Norwegian Refugee Council. These benchmarks will be presented by the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons to the UN in 2005. See Erin Mooney, 'Bringing the End into Sight for Internally Displaced Persons,' *Forced Migration Review*, Issue 17 (May 2003), pp. 4-6.
- 5 The training modules are available at: www.idpproject.org.
- 6 *Essentials of Migration Management for Policy Makers and Practitioners: Course Manual* (International Organization for Migration, 2004). The content of this module, which was drafted by Erin Mooney, is reinforced and drawn upon in the *Framework for National Responsibility* presented in this publication.
- 7 Commonwealth Secretariat, Human Rights Unit, *Report of the Expert Group Meeting on Internal Displacement in the Commonwealth: Common Themes and Best Practice Guidelines, 19-21 May 2003* (June 2004).
- 8 United Nations, *Report of the former Representative of the Secretary-General on Internally Displaced Persons, Francis M. Deng on the Regional Seminar on Internal Displacement in the Americas, Mexico City, 18-20 February 2004*, UN doc. E/CN.4/2005/124 (7 December 2004).
- 9 See Roberta Cohen, Walter Kälin and Erin Mooney (eds.), *The Guiding Principles on Internal Displacement and the Laws of the South Caucasus*, Studies in Transnational Legal Policy, No. 34 (American Society of International Law and the Brookings Institution Project on Internal Displacement, 2003).
- 10 ECOSOC Resolution 2004/5 of 23 July 2004, para. 39.
- 11 See, for example, 'Khartoum Declaration' by the Ministerial Conference on Internally Displaced Persons in the IGAD Region, adopted 2 September 2003, Appendix E in *Conference on Internal Displacement in the IGAD Sub-Region: Report of the Experts Meeting, Khartoum, Sudan, 30 August – 2 September 2003* (Brookings Institution-SAIS Project on Internal Displacement, 2003). Member states of the Economic Community of West African States (ECOWAS) similarly have recommended the development of national laws on internal displacement using the Guiding Principles as a framework and also have suggested that the development by ECOWAS of draft model legislation could provide useful guidance in this regard. See United Nations, *Report of the Representative of the Secretary-General on Internally Displaced Persons*, UN doc. E/CN.4/2003/86, para. 32.
- 12 ECOSOC, Resolution 2004/5, para. 39. See also ECOSOC, Resolution 2003/5 of 15 July 2003, para. 9.
- 13 United Nations Commission on Human Rights, Resolution 2004/55 (20 April 2004), paras. 18 and 21; and Resolution 2003/51 (23 April 2003), paras. 18 and 21.
- 14 See, for example, Mario Gomez, *National Human Rights Institutions and Internally Displaced Persons: Illustrated by the Sri Lankan Experience* (Brookings Institution-SAIS Project on Internal Displacement, July 2002).
- 15 See Birgitte Refslund Sorensen and Marc Vincent, *Caught Within Borders: Coping Strategies of the Internally Displaced* (Norwegian Refugee Council, 2001).
- 16 *Guiding Principles on Internal Displacement*, Principles 7(3)(d), 18(3), and 28.
- 17 Erin Mooney and Balkees Jarrah, *The Voting Rights of Internally Displaced Persons: The OSCE Region* (Brookings Institution-SAIS Project on Internal Displacement, November 2004).
- 18 See, for example, *Practitioner's Kit for Return, Resettlement and Rehabilitation* (Colombo: Consortium of Humanitarian Agencies and the Brookings-SAIS Project on Internal Displacement, 2004); and *Manual on Field Practice in Internal Displacement: Examples from UN Agencies and Partner Organizations of Field-based Initiatives Supporting Internally Displaced Persons*, OCHA Inter-Agency Standing Committee Working Group Policy Paper Series No. 1 (United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 1999).
- 19 *Guiding Principles*, Principles 25 and 29(2).

APPENDIX: Guiding Principles on Internal Displacement

INTRODUCTION — Scope and Purposes

1. These Guiding Principles address the specific needs of internally displaced persons worldwide. They identify rights and guarantees relevant to the protection of persons from forced displacement and to their protection and assistance during displacement as well as during return or resettlement and reintegration.
2. For the purposes of these Principles, internally displaced persons are persons or groups of persons 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 human-made disasters, and who have not crossed an internationally recognized state border.
3. These Principles reflect and are consistent with international human rights law and international humanitarian law. They provide guidance to:
 - (a) The Representative of the Secretary-General on internally displaced persons in carrying out his mandate;
 - (b) States when faced with the phenomenon of internal displacement;
 - (c) All other authorities, groups and persons in their relations with internally displaced persons; and
 - (d) Intergovernmental and non-governmental organizations when addressing internal displacement.
4. These Guiding Principles should be disseminated and applied as widely as possible.

SECTION I — General Principles

Principle 1

1. Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.
2. These Principles are without prejudice to individual criminal responsibility under international law, in particular relating to genocide, crimes against humanity and war crimes.

Principle 2

1. These Principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction. The observance of these Principles shall not affect the legal status of any authorities, groups or persons involved.
2. These Principles shall not be interpreted as restricting, modifying or impairing the provisions of any international human rights or international humanitarian law instrument or rights granted to persons under domestic law. In particular, these Principles are without prejudice to the right to seek and enjoy asylum in other countries.

Principle 3

1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.
2. Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.

Principle 4

1. These Principles shall be applied without discrimination of any kind, such as race, color, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria.
2. Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

SECTION II—Principles Relating To Protection From Displacement

Principle 5

All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.

Principle 6

1. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.
2. The prohibition of arbitrary displacement includes displacement:
 - (a) When it is based on policies of apartheid,—ethnic cleansing—or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population;
 - (b) In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand;
 - (c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests;
 - (d) In cases of disasters, unless the safety and health of those affected requires their evacuation; and
 - (e) When it is used as a collective punishment.
3. Displacement shall last no longer than required by the circumstances.

Principle 7

1. Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.
2. The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated.
3. If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with:
 - (a) A specific decision shall be taken by a State authority empowered by law to order such measures;

- (b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation;
- (c) The free and informed consent of those to be displaced shall be sought;
- (d) The authorities concerned shall endeavor to involve those affected, particularly women, in the planning and management of their relocation;
- (e) Law enforcement measures, where required, shall be carried out by competent legal authorities; and
- (f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected.

Principle 8

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.

Principle 9

States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

SECTION III—Principles Relating To Protection During Displacement

Principle 10

1. Every human being has the inherent right to life which shall be protected by law. No one shall be arbitrarily deprived of his or her life. Internally displaced persons shall be protected in particular against:
 - (a) Genocide;
 - (b) Murder;
 - (c) Summary or arbitrary executions; and
 - (d) Enforced disappearances, including abduction or unacknowledged detention, threatening or resulting in death.

Threats and incitement to commit any of the foregoing acts shall be prohibited.

2. Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances. Internally displaced persons shall be protected, in particular, against:
 - (a) Direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted;
 - (b) Starvation as a method of combat;
 - (c) Their use to shield military objectives from attack or to shield, favor or impede military operations;
 - (d) Attacks against their camps or settlements; and
 - (e) The use of anti-personnel landmines.

Principle 11

1. Every human being has the right to dignity and physical, mental and moral integrity.
2. Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against:
 - (a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault;
 - (b) Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labor of children; and
 - (c) Acts of violence intended to spread terror among internally displaced persons.

Threats and incitement to commit any of the foregoing acts shall be prohibited.

Principle 12

1. Every human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.
2. To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances.
3. Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement.
4. In no case shall internally displaced persons be taken hostage.

Principle 13

1. In no circumstances shall displaced children be recruited nor be required or permitted to take part in hostilities.
2. Internally displaced persons shall be protected against discriminatory practices of recruitment into any armed forces or groups as a result of their displacement. In particular any cruel, inhuman or degrading practices that compel compliance or punish non-compliance with recruitment are prohibited in all circumstances.

Principle 14

1. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.
2. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements.

Principle 15

Internally displaced persons have:

- (a) The right to seek safety in another part of the country;
- (b) The right to leave their country;
- (c) The right to seek asylum in another country; and
- (d) The right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.

Principle 16

1. All internally displaced persons have the right to know the fate and whereabouts of missing relatives.

2. The authorities concerned shall endeavor to establish the fate and whereabouts of internally displaced persons reported missing, and cooperate with relevant international organizations engaged in this task. They shall inform the next of kin on the progress of the investigation and notify them of any result.
3. The authorities concerned shall endeavor to collect and identify the mortal remains of those deceased, prevent their despoliation or mutilation, and facilitate the return of those remains to the next of kin or dispose of them respectfully.
4. Grave sites of internally displaced persons should be protected and respected in all circumstances. Internally displaced persons should have the right of access to the grave sites of their deceased relatives.

Principle 17

1. Every human being has the right to respect of his or her family life.
2. To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so.
3. Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification.
4. Members of internally displaced families whose personal liberty has been restricted by internment or confinement in camps shall have the right to remain together.

Principle 18

1. All internally displaced persons have the right to an adequate standard of living.
2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:
 - (a) Essential food and potable water;
 - (b) Basic shelter and housing;
 - (c) Appropriate clothing; and
 - (d) Essential medical services and sanitation.
3. Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.

Principle 19

1. All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.
2. Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counseling for victims of sexual and other abuses.
3. Special attention should also be given to the prevention of contagious and infectious diseases, including AIDS, among internally displaced persons.

Principle 20

1. Every human being has the right to recognition everywhere as a person before the law.
2. To give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents.
3. Women and men shall have equal rights to obtain such necessary documents and shall have the right to have such documentation issued in their own names.

Principle 21

1. No one shall be arbitrarily deprived of property and possessions.
2. The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:
 - (a) Pillage;
 - (b) Direct or indiscriminate attacks or other acts of violence;
 - (c) Being used to shield military operations or objectives;
 - (d) Being made the object of reprisal; and
 - (e) Being destroyed or appropriated as a form of collective punishment.

3. Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.

Principle 22

1. Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights:
 - (a) The rights to freedom of thought, conscience, religion or belief, opinion and expression;
 - (b) The right to seek freely opportunities for employment and to participate in economic activities;
 - (c) The right to associate freely and participate equally in community affairs;
 - (d) The right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right; and
 - (e) The right to communicate in a language they understand.

Principle 23

1. Every human being has the right to education.
2. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.
3. Special efforts should be made to ensure the full and equal participation of women and girls in educational programmes.
4. Education and training facilities shall be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit.

SECTION IV—Principles Relating To Humanitarian Assistance

Principle 24

1. All humanitarian assistance shall be carried out in accordance with the principles of humanity and impartiality and without discrimination.
2. Humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military reasons.

Principle 25

1. The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities.
2. International humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced. Such an offer shall not be regarded as an unfriendly act or an interference in a State's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.
3. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.

Principle 26

Persons engaged in humanitarian assistance, their transports and supplies shall be respected and protected. They shall not be the object of attack or other acts of violence.

Principle 27

1. International humanitarian organizations and other appropriate actors when providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this regard. In so doing, these organizations and actors should respect relevant international standards and codes of conduct.
2. The preceding paragraph is without prejudice to the protection responsibilities of international organizations mandated for this purpose, whose services may be offered or requested by States.

SECTION V—Principles Relating to Return, Resettlement and Reintegration

Principle 28

1. 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 country. Such authorities shall endeavor to facilitate the reintegration of returned or resettled internally displaced persons.
2. Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.

Principle 29

1. Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.
2. Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.

Principle 30

All authorities concerned shall grant and facilitate for international humanitarian organizations and other appropriate actors, in the exercise of their respective mandates, rapid and unimpeded access to internally displaced persons to assist in their return or resettlement and reintegration.



CONTACT INFORMATION

BROOKINGS-BERN PROJECT ON INTERNAL DISPLACEMENT

Brookings Institution

1775 Massachusetts Avenue, NW
Washington, DC 20036

PHONE: (202) 797-6168

FAX: (202) 797-6003

EMAIL: brookings-bern@brookings.edu

WEBSITE:

www.brookings.edu/fp/projects/idp/idp.htm

University of Bern

School of Law

Hochschulstrasse 4

CH-3012 Bern

Switzerland

PHONE: (31) 631-4838

FAX: (31) 631-3883