



**UNHCR**

United Nations High Commissioner for Refugees  
Haut Commissariat des Nations Unies pour les réfugiés

## Concept Paper

### High Commissioner's Dialogue on Protection Challenges 11-12 December 2013

#### *Protecting the Internally Displaced: Persisting Challenges and Fresh Thinking*

#### **Introduction**

*“Protecting the Internally Displaced: Persisting Challenges and Fresh Thinking”* is the theme of the sixth High Commissioner's Dialogue on Protection Challenges, which will be held in Geneva on 11 and 12 December 2013. This concept paper provides initial background information on the theme and sketches the broad outline of the 2013 Dialogue.

Over the years, the High Commissioner's Dialogues have demonstrated their value as a forum for open and lively debate on new or emerging protection challenges, unfettered by the strictures of formal protocol or the pressures of securing negotiated outcomes. This year's topic is timely for a number of reasons. Internal displacement now figures more prominently on the international agenda. The past two decades have witnessed a paradigm shift, whereby internal displacement is recognized today as being more than just a humanitarian issue, but also one central to human rights, stabilization and peace building. States have begun to set in place policy and legal frameworks to address internal displacement at national and regional level. Despite these important developments, some 'implementation gaps' and 'capacity gaps' remain, and must be addressed. Efforts are still needed, for example, to enhance emergency response, address persisting protection challenges and redouble the search for solutions.

*It is hoped that the 2013 Dialogue will:*

- Generate a comprehensive overview of persisting IDP-related challenges and potential responses
- Spur initiatives to end displacement in a rights-respecting manner, in the framework of sustainable development
- Identify opportunities and means for empowering and reinforcing the resilience of local communities and structures
- Engage a broader variety of stakeholders and build new partnerships

#### **Internal displacement in our times**

Today some 45.2 million people are forcibly displaced worldwide, of whom 35.8 million are of concern to UNHCR – the second highest number on record. Far from declining, the number of persons of concern to UNHCR has doubled in the past decade. Internally displaced persons (IDPs) account for 50 per cent people of concern to UNHCR. The year 2012 saw a doubling of the number of internally displaced persons, as compared with 2011. The overall number of persons displaced internally by armed conflict, generalized violence and human rights violations amounted to a staggering 28.8 million in 2012,<sup>1</sup> and an estimated 32.4 million people in 82 countries were newly

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<sup>1</sup> IDMC, Global Overview 2012: People internally displaced by conflict and violence. [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/DB8A259305B071A8C1257B5C00268DDC/\\$file/global-overview-2012.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/DB8A259305B071A8C1257B5C00268DDC/$file/global-overview-2012.pdf)

displaced by disasters associated with natural hazard events.<sup>2</sup> More than one third of the world's IDPs live on the African continent.

Chronic internal displacement of sizeable proportions has become the norm in too many countries. The majority of IDPs lives with host families or communities, or join the urban poor in cities, contrary to the common assumption that IDPs are mainly sheltered in camps. Areas where IDPs live have some of the lowest development indicators and highest levels of violence worldwide. Their countries are often fragile, with limited capacity and presence of State institutions. Issues such as rule of law, transitional justice, security sector reform, gender equality, livelihood restoration, environmental sustainability, housing, land and property issues – key factors in most IDP situations and particularly relevant to resolving them – are also developmental issues.

In addition to natural disaster scenarios, internal displacement often results from unresolved inter-ethnic, religious or political tension. Internal displacement is not only the consequence of, but also fertile ground for, human rights abuses and serious violations of international humanitarian law, ranging from forced recruitment of children, torture, rape, and killings, to multiple or successive forced evictions and loss of property rights.

Last year marked the twentieth anniversary of a United Nations special procedure mandate for IDPs and corresponding efforts by the international community to build protection systems for the internally displaced. This year marks the fifteenth anniversary of the Guiding Principles on Internal Displacement (Guiding Principles).<sup>3</sup> The past two decades have witnessed the progressive acceptance by States of the validity of these international standards for IDPs and their incorporation into national laws and policies.

In addition to the growing national recognition of the Guiding Principles, progress has been seen at regional level, particularly in Africa. The Great Lakes Protocol on Internally Displaced Persons<sup>4</sup> of 2006, which obliges member States to implement the Guiding Principles, entered into force in 2008. Moreover, the African Union Convention for Protection and Assistance to IDPs (Kampala Convention)<sup>5</sup> entered into force in December 2012. Nineteen African States have ratified the Kampala Convention, which establishes specific obligations for States in the protection of IDPs, such as the adoption of national legislation, and establishes a system for monitoring compliance. These ratifications have often been in fulfilment of pledges made by States at UNHCR's 2011 Intergovernmental event at the ministerial level.

To date at least 25 countries and territories have adopted laws or policies on internal displacement and a number of countries are in the process of doing so. UNHCR, in collaboration with valued partners, such as the Special Rapporteur on the human rights of IDPs and the Norwegian Refugee Council's Internal Displacement Monitoring Centre, is providing support and technical assistance to Governments on IDP policy development in Afghanistan, Georgia, Nigeria, the Philippines, and Somalia, among others. In collaboration with the Inter-parliamentary Union, it is finalizing the first Handbook for Parliamentarians on Internal Displacement, which will be a useful tool for legislators around the globe. UNHCR also was involved in the elaboration of the Manual for Law and

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<sup>2</sup> IDMC, Global Estimates 2012: People displaced by disasters. [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/99E6ED11BB84BB27C1257B6A0035FDC4/\\$file/global-estimates-2012-may2013.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/99E6ED11BB84BB27C1257B6A0035FDC4/$file/global-estimates-2012-may2013.pdf)

<sup>3</sup> E/CN.4/1998/53/Add.2, 11 February 1998, <http://www.idpguidingprinciples.org/>

<sup>4</sup> <http://www.brookings.edu/research/speeches/2007/09/27-africa-kalin>

<sup>5</sup> [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/0541BB5F1E5A133BC12576B900547976/\\$file/Convention\(En\).pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/0541BB5F1E5A133BC12576B900547976/$file/Convention(En).pdf)

Policymakers<sup>6</sup> in 2008, the Guide for National Law and Policymakers (to be issued in 2013), and other important IDP-related guidance.

### **UNHCR'S engagement with IDPS**

The State always retains primary responsibility for protecting its citizens or habitual residents. IDPs do not enjoy a distinct status under international law (such as refugees). UNHCR's role and responsibilities with regard to the internally displaced have evolved over the past decades.

The Office's engagement with IDPs is not established in a convention, such as the 1951 Refugee Convention or the 1961 Convention on the Reduction of Statelessness. It is based on the broad scope of paragraph 9 of UNHCR's Statute, which recognizes that the High Commissioner shall, in addition to his work with refugees, "engage in such ... activities ... as the General Assembly may determine, within the limits of the resources placed at his disposal."<sup>7</sup>

Coupled with paragraph 3 of the Statute,<sup>8</sup> this is the basis upon which subsequent General Assembly resolutions have either authorized UNHCR to act on behalf of internally displaced persons or expressed support for action already undertaken by UNHCR in respect of them. The first such resolution dates back to 1972. The General Assembly has recognized certain parameters for UNHCR's involvement with IDPs,<sup>9</sup> and has further authorized the Office to participate "at the invitation of the Secretary-General, in those humanitarian endeavours of the United Nations for which the Office has particular expertise and experience."<sup>10</sup> The Office first issued policy guidelines on IDPs in November 1993. UNHCR is grateful that UN Member States and the Secretary-General have conferred upon it a lead role in protection, to coordinate efforts with other agencies and States to help address the needs of IDPs, given UNHCR's long operational experience with other situations of forced displacement.

The Office's work with IDPs also occurs within the framework of humanitarian reform carried out by the United Nations in 2005. In seeking to ensure an effective and predictable international response, the "cluster approach" takes into account the operational strengths and complementarities of each organization, as well as the national context and government consent.

### **Broad themes of the dialogue**

States have increasingly recognized their responsibilities to protect, assist and seek solutions for IDPs. In some cases, this has translated into increased means and capacity to discharge such responsibilities and willingness to play a central role in the response. But this is not so in all instances. In some situations there has been little response to the needs of IDPs, and in others humanitarian access has even been actively hindered. In situations of open conflict or transition to peace, the management of forced displacement may become an important stake for all sides. These situations therefore present distinct challenges for protection and solutions that will be explored during the Dialogue. Participants will also be asked to reflect upon their experience of internal displacement emergencies and the specific challenges they continue to present.

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<sup>6</sup>Brookings Institution – University of Bern, Protecting Internally Displaced: A Manual for Law and Policymakers (2008)[http://www.brookings.edu/~media/research/files/papers/2008/10/16%20internal%20displacement/10\\_internal\\_displacement\\_manual.pdf](http://www.brookings.edu/~media/research/files/papers/2008/10/16%20internal%20displacement/10_internal_displacement_manual.pdf)

<sup>7</sup> See the Statute of the Office of the United Nations High Commissioner for Refugees, chapter II, para. 9. <http://www.refworld.org/docid/3ae6b3628.html>

<sup>8</sup>Ibid. "The High Commissioner shall follow policy directives given him by the General Assembly or the Economic and Social Council."

<sup>9</sup> See A/RES/48/116, para. 2

<sup>10</sup> See A/RES/2956 (XXVII), para. 2

If left unresolved, IDP situations can sow the seeds for future conflict. Solutions to internal displacement situations therefore need to be part and parcel of ending conflict, building peace, restoring the rule of law, alleviating poverty and fostering sustainable development. A solution is a process, rather than an arbitrary end point. In this regard, it is important to reinforce IDP and host community resilience, particularly as the most sustainable solutions will be identified by the displaced themselves. Acknowledging this reality would promote early resumption of normal life for as many as possible.

The inter-relation between durable solutions for refugees and IDPs will also be explored. Returning refugees often settle alongside IDPs and other citizens in the same locations, frequently in urban areas, adding another dimension to the challenge of making return sustainable. Absorption capacity can easily be overwhelmed in a country recovering from war and civil strife.

*In examining the persistent challenges surrounding IDP protection and eliciting fresh thinking on how to overcome them, the Dialogue will include four breakout sessions on the following topics:*

- Protecting IDPs in emergencies, notably in out-of-camp and urban settings
- Promoting durable solutions: restoring peace and rights for IDPs
- Enacting legal instruments and policies to protect IDPs: experiences and lessons
- Strengthening partnerships and capacity: how can we all do better?

Throughout the Dialogue, participants will be encouraged to share examples of good practices in protecting IDPs affected by multiple layers of vulnerability and discrimination, such as women heads of household and their children, older persons and those with disabilities, and displaced persons belonging to ethnic minorities or indigenous groups.

### **Participation and format**

The High Commissioner will extend invitations to take part in the Dialogue to member States of the United Nations, relevant partners in the United Nations system, intergovernmental and non-governmental organizations, including faith-based organizations, academics, IDPs, experts on internal displacement, media representatives, and others.

It is hoped that State participants will represent the Ministry(ies) responsible for internal displacement matters, and might also include parliamentarians, members of the judiciary or other parts of Government having contributed to shaping national IDP policy or conversant with challenges at national level.

The 2013 Dialogue will follow a format similar to previous years, but with two important innovations: a fourth breakout session will be added to enable more in-depth discussions, and each session will commence with presentations by experts to spur the conversations. Two side events will enable participants to benefit from first-hand accounts of dealing with specific issues and challenges. UNHCR will provide background documentation to inform and structure the discussions.

As in past Dialogues, this one does not aim to achieve a negotiated outcome. To keep the deliberations as frank, interactive and informal as possible, they will consist of a mix of plenary sessions and breakout groups. The High Commissioner will chair the Dialogue and close it with a “Chairman’s Summary”, in which he will capture salient findings and recommendations, including potential follow-up actions. Any queries regarding the 2013 Dialogue can be directed to the following e-mail address: [hqsecdpc@unhcr.org](mailto:hqsecdpc@unhcr.org).