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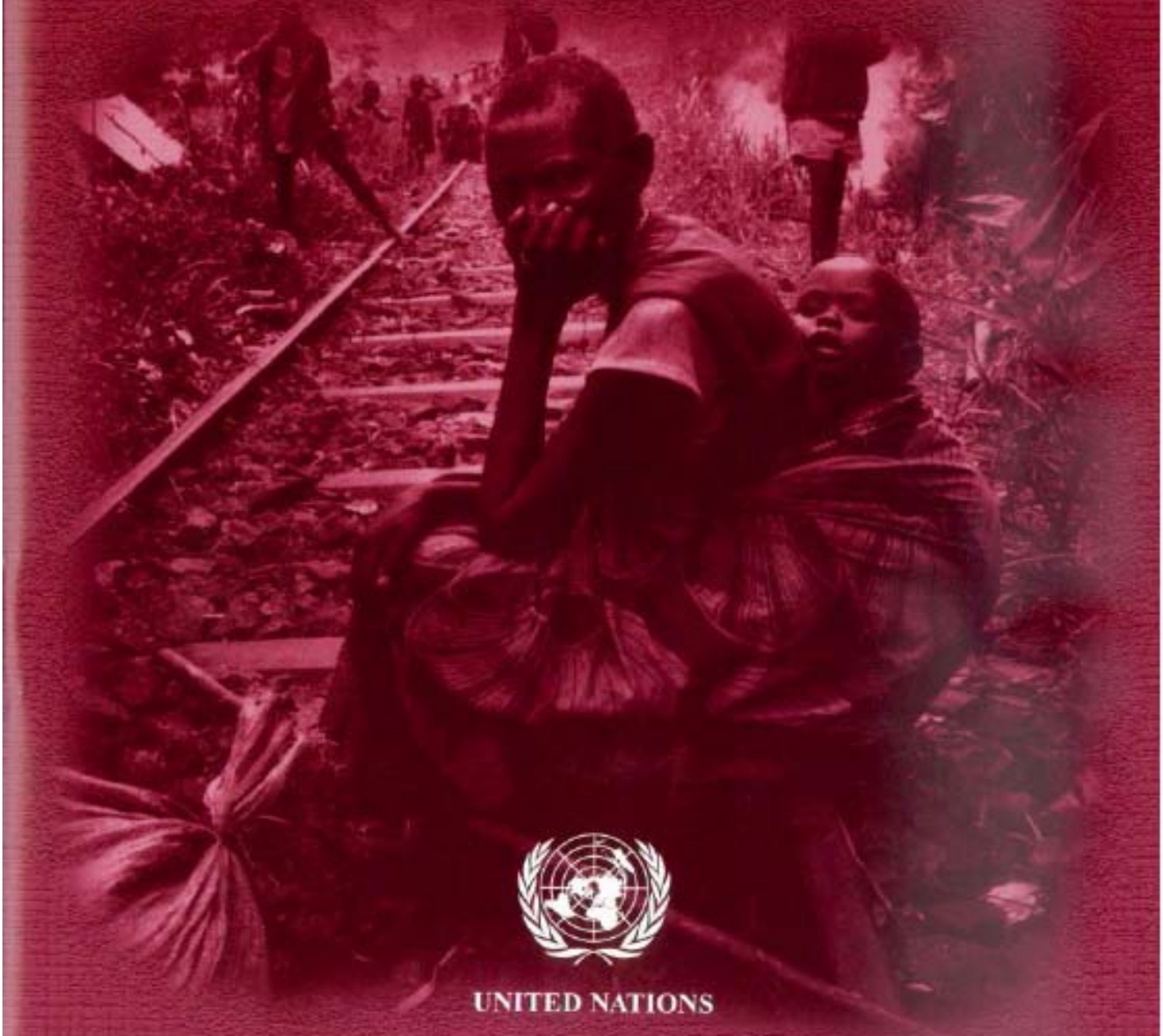
GUIDING PRINCIPLES
ON
INTERNAL DISPLACEMENT



UNITED NATIONS

The Guiding Principles on Internal Displacement have been translated into over 35 languages. The English language edition is the original language in which the Principles were drafted and is the authoritative version for reference. A copy of the Principles in English can be found at:
http://www.brookings.edu/fp/projects/idp/resources/GPsEnglish.pdf.

To request a hard copy, please email brookings-bern@brookings.edu.

Foreword to the second edition of the Guiding Principles by Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Mr. Jan Egeland

Today, over twenty five million people, in some fifty countries around the world, have been uprooted within their country by conflicts and human rights violations. An equal number or more are displaced as a result of natural disasters or infrastructural projects.

Forced to abandon their homes and livelihoods, the internally displaced are often the most forgotten and neglected people in the many forgotten and neglected emergencies around the world.

As Secretary-General Kofi Annan has noted, 'internal displacement is the great tragedy of our times. The internally displaced people are among the most vulnerable of the human family'.

Responding to the protection and assistance needs of the internally displaced is therefore one of the key challenges of the humanitarian community today.

In the foreword to the first edition of the Guiding Principles, the late Sergio Vieira de Mello committed to enhancing the capacity of the United Nations system to respond to situations of internal displacement.

As Emergency Relief Coordinator, I have also made promoting a stronger global awareness to the plight of internally displaced persons and ensuring a more effective inter-agency response mechanism to their suffering my top priorities.

The Guiding Principles on Internal Displacement, developed under the aegis of Dr. Francis Deng, are a critical tool in this regard, providing an advocacy and monitoring framework for the assistance and protection needs of the internally displaced.

I am pleased to present this booklet and trust it will be of practical assistance to all humanitarian practitioners.

September 2004

IN MEMORIAM

Foreword to the Guiding Principles by Under-Secretary-General for Humanitarian Affairs Mr. Sergio Vieira de Mello

The humanitarian community is increasingly aware of the crisis of internal displacement which affects over 20 million people worldwide. While responsibility for the protection of IDPs rests first and foremost with national governments and local authorities, it is important for the international community to see how best it can contribute to enhancing the protection of IDPs in conflict and crisis situations. We must also design humanitarian assistance in such a way that it will promote the protection of IDPs.

Within the United Nations system, significant steps have been taken to enhance an effective and timely response to the needs of internally displaced persons (IDPs). The Inter-Agency Standing Committee (IASC) has entrusted me with the responsibility to act as Focal Point within the UN system for issues relating to the internally displaced. In discharging this mandate, I am committed to enhancing the capacity of the United Nations as a whole to respond to situations of internal displacement as well as to promoting strong coordination and a clearer division of institutional responsibilities and adequate support to operational agencies.

In this context, I welcome the issuance by the Secretary-General's Representative on IDPs of the Guiding Principles on Internal Displacement. These Principles, which are based upon existing international humanitarian law and human rights instruments, are to serve as an international standard to guide governments as well as international humanitarian and development agencies in providing assistance and protection to IDPs.

The IASC fully supports the Guiding Principles and has encouraged its members to share them with their Executive Boards and with their staff, especially those in the field, in order to ensure that the Principles are applied in their activities on behalf of internally displaced persons.

I believe that the Guiding Principles can play a significant role in raising awareness of the needs of IDPs, mobilizing support within the humanitarian community and helping filed colleagues to find solutions when confronted with the protection and assistance needs of the internally displaced. The Principles will also assist governments in providing for the security and well-being of their displaced populations.

I hope that each of you will work to ensure the widest possible dissemination and application of the Guiding Principles, in order to achieve the much needed improvement in the status and treatment of internally displaced persons.

June 2001

** Mr. Sergio Vieira de Mello served as the Secretary-General's Special Representative in Iraq, when he and 21 other UN staff members were killed in a bomb explosion on 19 August 2003.*

*Introductory note by the Representative of the Secretary-General on Internally Displaced Persons Mr. Francis M. Deng**

The international community is confronted with the monumental task of ensuring protection for persons forcibly uprooted from their homes by violent conflicts, gross violations of human rights and other traumatic events, but who remain within the borders of their own countries. Nearly always they suffer from severe deprivation, hardship and discrimination. It is to meet this challenge that the Guiding Principles on Internal Displacement were developed.

The Principles identify the rights and guarantees relevant to protection of the internally displaced in all phases of displacement. They provide protection against arbitrary displacement, offer a basis for protection and assistance during displacement, and set forth guarantees for safe return, resettlement and reintegration. Although they do not constitute a binding instrument, these Principles reflect and are consistent with international human rights and humanitarian law and analogous refugee law.

The Principles were developed over several years pursuant to the mandate given to me in 1992 by the Commission on Human Rights and reinforced by subsequent resolutions of both the Commission and the General Assembly. Initially I was asked to study the causes and consequences of internal displacement, the status of the internally displaced in international law, the extent to which their needs are being addressed under current institutional arrangement, and ways to improve protection and assistance for them.

Accordingly, developing needed legal and institutional frameworks for the internally displaced and undertaking country missions to engage Governments and others in a dialogue on their behalf have been the main activities of my mandate. In collaboration with a team of international legal experts, I examined the extent to which internally displaced persons receive adequate coverage under international law and produced a "Compilation and Analysis of Legal Norms" (E/CN.4/1996/52/ Add.2). The study found that while existing law provides substantial coverage for the internally displaced, there are significant areas in which it fails to provide an adequate basis for

their protection and assistance. Subsequently, the Commission and the General Assembly requested me to prepare and appropriate normative framework for the internally displaced. This led to the drafting of the Guiding Principles which both restate existing norms and seek to clarify grey areas and fill in the gaps.

After I presented the Guiding Principles to the Commission in 1998, the Commission adopted a resolution taking note of the Guiding Principles and of my stated intention as the Representative of the Secretary-General to use them in my ongoing dialogue with Governments and all those whose mandates and activities relate to the needs of the internally displaced. The Commission also took note of the decision of the Inter-Agency Standing Committee, which had welcomed the Principles and encouraged its members to share them with their Executive Boards and staff, especially in the field, and to apply them in their activities on behalf of the internally displaced.

The Guiding Principles should provide valuable practical guidance to Governments, other competent authorities, intergovernmental organizations and NGOs in their work with internally displaced persons. It is my hope that they will be widely circulated and given practical application in the field.

June 2001

** Pursuant to a request of the United Nations Commission on Human Rights, on 21 September 2004 Secretary-General Kofi Annan appointed Professor Walter Kälin as his Representative on the Human Rights of Internally Displaced Persons. In his new post Mr. Kälin essentially replaced Francis M. Deng, who served as the Secretary-General's Representative on internally displaced persons from 1992 until his mandate expired in July 2004.*

GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT

INTRODUCTION - SCOPE AND PURPOSE

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, colour, 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;