

Normative frameworks to support solutions for IDPs and the role of the Protection Cluster

Normative frameworks are relevant

‘On average, countries that institute domestic legislation to protect IDPs as prescribed by the Guiding Principles see a significant decrease in the magnitude of displacement’. - ‘The evidence suggests that a regime based on “soft law” has increasingly made a difference in national policies and practices.’ (Gabriel Cardona-Fox)

But implementation remains weak: In only 12 out of roughly 40 countries ‘have these policies and laws been implemented in a consistent manner’ (Phil Orchard).

Causes of protracted internal displacement

Not only continuing conflict or disaster, but also:

- Politics of marginalization
- Administrative obstacles regarding access to livelihoods, services, housing, registration...
- Aid dependency
- Dysfunctional effects of legislation made for “normal” times
- **Lack of adequate normative and institutional frameworks;**
- Etc.

Which normative frameworks?

IDP-specific	not IDP-specific
IDP laws	Relevant general legislation (e.g. on education, health, local governments)
IDP policies and strategies	National and sub-national (local) development plans
Durable solutions action plans	Post-conflict /post-disaster frameworks (peace agreements, recovery and reconstruction plans, etc.)

Challenges

Process	<ul style="list-style-type: none">• Top-down approaches• Lack of ownership• Mandate-, rather than analysis-driven
Content	<ul style="list-style-type: none">• IDP notion• Focus on IDPs rather than displacement affected communities• Disregard for international standards• Relationship with 'general' legislation
Institutions	<ul style="list-style-type: none">• Lack of whole-of-government approach• Bureaucratic dysfunctionalities• Lack of linkages to financing

Institutional solutions

Options	Assessment
Option 1: Delegating IDP issues to to a special entity or ministry	To be avoided
Option 2: Creating a committee structure	Can work
Option 3: Combining an inter-ministerial mechanism with a special entity or ministry	To be recommended
Regardless of option: Need to determine the respective roles of relevant ministries / authorities (horizontal AND vertical)	ESSENTIAL

Improving the role of the Protection Cluster

Better analysis	<ul style="list-style-type: none">• Understanding the reasons of protracted displacement• Mapping and analysis of relevant existing legislation and its effects• Exploring structural causes of protection problems
Better process	<ul style="list-style-type: none">• Consultation of all stakeholders• Creating ownership
Establishing bridges	<ul style="list-style-type: none">• With development actors• With peace- / DRR & climate change adaptation actors e

THANK YOU

