



## CAPACITY BUILDING FOR LAW AND POLICY-MAKING ON INTERNAL DISPLACEMENT

# SESSION 8: DRAFTING

### OVERVIEW

The session provides guidance to law and policy-makers and their consulting partners on:

1. How to organise drafting in a way that allows for the participation and consultation of technical experts and other stakeholders
2. The general elements and essential provisions of a human rights-based national instrument on internal displacement

This is the phase in which technical expertise will be most needed to make sure that the process results in an efficient and legally sound instrument in line with international standards. As such, the drafting process should be carefully structured and organised, and clear roles defined. A realistic work plan involving drafters and consulting partners should be in place from the outset. It should also allow for information sharing and enable the lead agency to oversee a process that is inclusive and transparent, and puts IDPs at its heart. The results of prior consultations with IDPs, data collection and profiling exercises should be reflected in the final text so that the instrument defines an effective response to the specific characteristics of displacement in the country. The consultations led by UNHCR in Yemen led to a better understanding of the issues IDPs face, and the formulation of recommendations that were taken into account in the national policy.

In terms of content, the laws and policies recently developed in Afghanistan and Yemen are examples of good practice.

### OBJECTIVES

By the end of the session participants should be able to:

- Plan an appropriate drafting process that ensures the participation of stakeholders and the representation of IDPs, others affected by displacement and their interests

## KEY MESSAGES

- List all of the elements required for the instrument to address the displacement issues in question comprehensively
- List IDPs' entitlements across all phases of displacement
- The main drafters - eventually organised as a drafting committee - are in charge of producing the content, but the process should also include consultation channels through which IDPs and others external to the drafting process can inform the outcome.
- A national instrument features a number of general principles and essential provisions.
- IDPs' rights should be fully codified.
- The instrument should establish measures to protect IDPs and identify the entities involved in doing so.

## DOCUMENTATION

- *IDMC/Brookings, National Instruments on Internal Displacement: A Guide to their Development*
- *UNHCR-IPU, Internal Displacement: Responsibility and Action*
- *IDP's voices and views: Yemen's national dialogue, UNHCR, March 2013*

## HANDOUTS:

Summary and table of contents for Afghanistan's national policy on IDPs