



CAPACITY BUILDING FOR LAW AND POLICY-MAKING ON INTERNAL DISPLACEMENT

## SESSION 3: RESPONSE AND RESPONSIBILITY

### OVERVIEW

Because IDPs live within the borders of their own countries and under the jurisdiction of their governments, primary responsibility for meeting their protection and assistance needs rests with the national authorities. This session covers national authorities' role in preventing displacement and responding to it as an element of their sovereignty.

A national response, by definition, should be inclusive. It should cover all displacement situations and IDPs without discrimination. This means national responsibility also needs to be comprehensive, covering women, children, elderly people and all other groups with specific needs. It should cover all needs, including protection, food, clean water, shelter, medical care and other basic humanitarian assistance, all phases of displacement and all affected areas.

The first part of the session focuses on identifying gaps in national responses, and second part on the main areas of state responsibility. The Brookings-Bern framework for national responsibility, which sets benchmarks for addressing displacement in this sense, is introduced. Many recent laws and policies have incorporated the areas of responsibility it defines.

The ten key steps for national authorities to take to respond to internal displacement in the Brookings-Bern framework for national responsibility:

- Prevent displacement and minimize its adverse effects
- Raise national awareness of the problem
- Collect data on the number and conditions of IDPs
- Support training on the rights of IDPs
- Create a legal framework 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 address internal displacement
- Ensure the participation of IDPs in decision-making
- Support durable solutions
- Allocate adequate resources to the problem
- Cooperate with the international community when national capacity is insufficient

Among the national responsibilities is to raise awareness of displacement. National instruments and implementation plans should oblige national authorities to publicly acknowledge its existence; inform on its scale, causes and the specific issues IDPs face; and train entities such as the security forces accordingly.

Part four of Kenya's 2012 act on IDPs calls on the national government to implement awareness-raising, education and information campaigns for the general public and as part of school and university syllabuses. It also calls for local authorities to undertake such measures at the county and city level.

Protecting and assisting IDPs and other affected communities may be the primary responsibility of the state, but the Kampala Convention also sets out a principle of collective responsibility under which other responders are called to upon to play a key roles. This should be taken into account in formulating suggestions for the improvement of national systems.

#### OBJECTIVES

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

- Identify obstacles to the prevention of displacement and responses to it
- Examine the foundations and implications of the concept of national responsibility towards IDPs
- Identify the steps a state needs to take to fulfil its responsibilities towards IDPs

#### KEY MESSAGES

- National responsibility stems from sovereignty, a concept with a two-fold significance: the right to non-interference from outside and a duty to provide for the country's people.
- Fulfilling its responsibility to protect and assist IDPs is a way for a state to demonstrate its sovereignty.
- National responsibility towards IDPs is fulfilled by engaging in a number of different operational areas.
- International and regional legal standards establish the essence of states' responsibilities towards IDPs.

DOCUMENTATION

HANDOUTS

- Addressing Internal Displacement: A Framework for National Responsibility, Brookings-Bern, 2005
- Kampala Convention, 2009
- Guiding Principles, 1998
- National responsibility and internal displacement: a framework for action, Erin Mooney, 2005
- Potential challenges to the prevention of displacement and response to it
- AU Kampala Convention
- UN Guiding Principles
- National responsibility and internal displacement: a framework for action by Erin Mooney.
- Potential challenges to prevention and response to displacement

HANDOUTS