



**UNHCR**

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Haut Commissariat des Nations Unies pour les réfugiés

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**High Commissioner's Dialogue on Protection Challenges**  
*Theme – Protecting the Internally Displaced: Persisting Challenges and Fresh Thinking*

**SUMMARY**  
(11-12 December 2013)

**I. FORMAT OF THE DIALOGUE**

The sixth High Commissioner's Dialogue on Protection Challenges took place on 11-12 December 2013 in Geneva. With chronic internal displacement becoming the norm, the theme highlighted the distinct challenges surrounding protection and solutions for internally displaced persons [IDPs].

Well over 400 people attended the event, including representatives of UN member States, intergovernmental and non-governmental organizations, academics, national and local officials, and individual experts. The one and a half day gathering fostered a lively exchange of ideas on topics such as responses to internal displacement in out-of-camp and urban settings, protection-based solutions, the legal and institutional dimensions of protecting IDPs, and partnerships.

The Dialogue was structured as a mix of plenary and breakout sessions. It opened with a panel of mandate-holders relating to internal displacement. The contributions by the three speakers – Francis Deng, Walter Kälin and Chaloka Beyani – centred upon the development of the Guiding Principles on Internal Displacement [Guiding Principles] and current challenges. It served as an inspiring introduction to the Dialogue.

More detailed discussions continued in four breakout sessions as follows:

Session 1: *Protecting IDPs in emergencies, notably in out-of-camp and urban settings*  
Co-chaired by Andreas Wigger, ICRC, and Terry Morel, UNHCR

Session 2: *Promoting durable solutions: Restoring peace and rights for IDPs*  
Co-chaired by Anne C. Richard, BPRM-US State Department, and Alexander Aleinikoff, UNHCR

Session 3: *Enacting legal instruments and policies to protect IDPs: Experiences and lessons*  
Co-chaired by Chaloka Beyani, Special Rapporteur on the human rights of IDPs, and Volker Türk, UNHCR

Session 4: *Strengthening partnerships and capacity: How can we all do better?*  
Co-chaired by Jan Egeland, Norwegian Refugee Council, and Janet Lim,  
UNHCR

In a panel discussion during the closing plenary, each non-UNHCR co-chair presented a report of the breakout sessions, including on recommendations for further action. This was followed by a further exchange of views and recommendations in plenary. The High Commissioner then delivered his summary of the discussions and highlighted elements for follow up. His closing remarks, along with the reports of the breakout sessions together constitute the record of the Dialogue.<sup>1</sup>

## **II. OVERVIEW OF KEY FINDINGS**

Despite considerable progress in developing tools, policy, legal instruments and legislation on internally displaced persons over the last decade, there remain numerous ‘implementation gaps’. Moreover, there are many situations in which the needs of the internally displaced go unmet or where humanitarian access is hindered. The Dialogue therefore had a strong operational focus, and generated a better understanding of current challenges in diverse contexts of internal displacement. The participants identified a number of practical ways to enhance engagement and partnerships in the protection of IDPs.

The Dialogue focused on conflict-driven displacement, but there were calls to strengthen protection in natural disasters. Participants strongly agreed that the issue of internally displaced persons needs to be placed higher on international, regional and national agendas. A number of States reaffirmed the principle of national sovereignty. But there was broad recognition that inherent in this principle is State responsibility to ensure that the needs of all citizens, including the internally displaced, are met and that their rights are respected. It was repeatedly emphasized that internally displaced persons are rights-holders, like any other citizens.

There were strong calls to keep solutions in mind from the very outset of an emergency. This requires development actors to work more closely with humanitarian actors from the beginning of emergencies. Moreover, the need to associate IDPs, host communities and local civil society organizations – those who are often forgotten as partners – in planning, programme delivery and planning for solutions was repeatedly emphasized. There was also a call to focus on situations where displacement has been protracted and to give high priority to addressing the root causes. There were also repeated calls to ensure that the post-2015 development agenda contains provisions that take into account the needs of the internally displaced and their communities. A number of participants affirmed that protecting IDPs is an integral part of UNHCR’s core business, alongside its work with refugees and stateless persons, obviously within an inter-agency context.

## **III. BREAKOUT SESSIONS**

### **1. Protecting IDPs in emergencies, notably in out-of-camp and urban settings**

According to IDMC, at the end of 2012, there were 28.8 million IDPs due to violence, and 32.4 million IDPs due to natural disasters. As the Dialogue focused more on conflict-induced

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<sup>1</sup> All documentation relating to the Dialogue can be accessed via the following link:  
<http://www.unhcr.org/pages/5214d99c6.html>

displacement, many questions remain as to the needs and response in cases of natural disaster. These are important considerations since the same people are often affected by complex emergencies, disaster and conflict.

The session was opened by highlighting the current events in the Central African Republic and the Philippines, where out-of-camp and urban IDPs have emerged as pressing issues. One of the key questions of this session was how to reach the most isolated. With 80 per cent of IDPs situated in out-of-camp environments, securing a greater understanding of their needs, vulnerabilities and coping mechanisms is vital. The issue of hard-to-reach, outlying remote populations, such as in the Philippines or communities that can be accessed only by crossing the front lines of conflict, was also central to this session.

It was generally acknowledged that while protection of individuals within a territory is the primary responsibility of the State, the international community has certain responsibilities. When the State is unable or unwilling to provide this protection, the international community will need to step in. It was noted that different normative frameworks, such as International Humanitarian Law, Human Rights Law and the Guiding Principles all include provisions on the protection of IDPs, including on the right to choose a place of residence.

Participants generally expressed concern that a large majority of IDPs situated in out-of-camp and urban environments often form part of the urban-poor landscape. As a result, they have less access to either humanitarian agencies or to State authorities. These individuals who choose to stay in communities, dispersed amongst the host populations, are also less visible than in camp settings. Consequently, difficulties arise in identifying the appropriate protection and assistance needs. In order to enable such identification, data and information collection methodology were discussed. There was also a debate as to whether registration or profiling was more appropriate in IDP situations. Whilst it was accepted that profiling of IDPs was generally appropriate, it was cautioned that the registration of IDPs may raise a variety of protection concerns. Questions as to the most appropriate method to reduce information gaps were also debated.

Emergencies are a continuum that exacerbate underlying risks and existing vulnerabilities and create new ones. This often leads IDPs to resort to negative coping mechanisms, such as: early/forced marriage, prostitution, child labour, etc. It was stressed that attention should be paid to issues of documentation, which is essential to accessing basic services and enjoyment of rights [e.g. registration to vote].

The need for a holistic approach in emergency response, based on an understanding of vulnerabilities, risks, and capacities of individuals, was emphasized by a number of participants. Many further acknowledged that age, gender, and diversity [AGD] and rights-based approaches are integral factors of emergency response. Participants also reiterated the importance of ensuring the engagement and participation of communities; with the community-based approach acknowledged as being critical, but not to be used as the only solution.

Some participants drew attention to the particular impact of urban living on specific displaced groups, such as indigenous communities, pastoralists and others particularly attached to their lands, noting that their coping mechanisms are not suited to the specificities of urban life. It was also suggested that a mapping of vulnerabilities would assist in addressing the specific

needs of some groups, such as children [who account for 47 per cent of all displaced persons and are often hard to reach] and persons with disabilities.

A large number of participants acknowledged the critical role that host communities play as first-line responders in an emergency, in situations of protracted displacement, and in finding durable solutions. It is important that equal consideration be given to host communities in designing emergency responses in order, for example, to mitigate tensions.

A number of participants requested information on how to use new tools to identify and respond to affected communities. Applying innovative approaches, such as cash transfers, subsidy payments, skill trainings, can be employed to address specific needs in urban settings. Participants also suggested using faith-based groups, as well as cultural and municipal centres to bring displaced and host communities together, along with mobile teams to support out-of-camp populations.

It was noted that durable solutions for IDPs should be conceived from the onset of an emergency. However, in light of increasingly crowded cities, opportunities for durable solutions were considered to be limited. The importance of engaging with development actors at an early stage through processes such as national development planning, poverty reduction programmes, urban planning, etc. was considered essential. There was also a suggestion to use human rights as a benchmark for engagement.

Participants emphasized the need to tailor appropriate responses to enhance protection, for example, by providing incentives for State actors to discharge their responsibilities. It was noted that a number of in-camp tools have been developed to deal with displacement, which could be applied in out-of camp situations, such as the setting up of protection monitoring systems.

There was discussion about the need to focus efforts on preventing displacement, and ensuring that the needs of those who are unable to flee are met. In the same vein, caution was expressed that this must not have the effect of preventing flight, which should always remain an option.

A few participants expressed concern that there was a tendency to place too much emphasis on coordination, and too much attention was being paid to the cluster approach in emergency situations, which may come at the cost of a rapid emergency response. However, others were of the opinion that a coordinated response enables standardization, and provides credibility to the humanitarian system by ensuring quality of response.

On partnerships, participants emphasized the engagement with development actors and ensuring development actors and programmes are part of any long-term response. Working with local government, municipalities and relevant authorities was seen as critical for both emergency and longer-term responses. It was noted that States are not monolithic, and that opportunities to engage can occur at multiple levels of government. In this sense, support by the international community is not just about material resources, but also about working with actors on the ground to share experience and expertise.

A number of participants raised the issue of how to best engage with armed non-State actors [ANSAs]. Some expressed the need for guidance on how to dialogue with them, and to expand the conversation beyond negotiating for access to IDP populations. A desire to

develop a more cohesive approach on to how to engage such actors was expressed by a number of participants. It was noted that NGOs could be more flexible in engaging with ANSAs than others. Also of concern was how to respond when Governments do not permit dialogue. Common Article 3 of the Geneva Conventions was considered to be a good basis through which to engage in dialogue with ANSAs.

Some participants highlighted a number of good practices at national and local level. In Colombia, for example, the Government is demonstrating responsibility at all levels: in the judiciary, the legislature, as well as in policy changes. There is partnership and commitment among various levels of government. Furthermore, the Colombian example provides useful insight into concrete measures that can be taken to anticipate displacement by constantly monitoring and reporting on emergency situations, and responding through large networks on the ground. In Iraq, local level advocacy is triggering central government response. For example, in 2013 in Baghdad the flooding of IDP settlements was documented and the needs of IDPs were communicated to the central government, which then responded with the construction of new shelters.

A number of participants noted that UNHCR has made progress in relation to urban *refugee* response. Engagement on urban and out-of-camp *IDPs* was welcomed, and it was suggested that UNHCR has yet to mainstream IDPs across the organization. It was therefore suggested to reinstate a high-level focal point for IDPs. It was also suggested the UNHCR sustain its engagement into the post-conflict stage of an IDP situation. Participants recommended that UNHCR evaluate its involvement in the protection cluster [and other clusters, in this respect]. It was noted that UNHCR is engaging with the IASC on a system-wide evaluation of protection responses. It was suggested that, although UNHCR may not always be engaged in natural disasters, its IDP policies should consider disaster risk reduction [DRR] in urban areas, noting that mega-disasters are likely to continue.

## **2. Promoting durable solutions: restoring peace and rights for IDPs**

During opening remarks, a call was made for participants to compare experiences, provide examples, exchange models, and share lessons observed and learned. Attention was drawn to the need for new thinking to break the *status quo*, and to avoid new situations from becoming protracted or existing protracted situations from becoming further entrenched.

Discussion was framed by examples of experiences from a number of countries with large displaced populations. These lessons were strongly tied to local contexts. The international community was encouraged to learn from best practices and models. There is also a need to work with local actors to design responses which take into account local particularities and priorities.

The need for peace and the necessity of addressing root causes was underlined, as well as the participation of IDPs in the planning and governance of their societies. There is a need to link solutions strategies which respond to the needs of IDPs to those of refugees, stateless persons and others affected by conflict and disaster. Comprehensive solutions must seek to avoid further marginalization and secondary displacement.

Four broad themes emerged from the observations and recommendations of the participants:

#### Acknowledging displaced persons as rights-holders

Several delegations stressed that the needs, rights and legitimate interests of displaced persons, as citizens, must be the primary consideration guiding all policies and decisions on durable solutions. The importance of restoring land and property rights was underscored. One participant emphasized that solutions must consist of the restoration of rights more broadly and that, in this sense, protection and solutions are not separate goals. Access to political rights and the ability to participate in governance and public life was a key theme, as was access to justice. In a related vein, speakers emphasized the need to work with both informal and traditional justice mechanisms. Challenges in accessing rights and achieving solutions in urban environments were cited, along with the often ignored situation of renters. Support for the establishment of national mechanisms specifically dedicated to the issues of returns, transitional justice and the restoration of rights was highlighted. The right of IDPs to return, even if not feasible in the short term, was emphasized. This led to a discussion of the variety of ways that States can support access of IDPs to national justice mechanisms, in particular in the areas of transitional justice and different forms of restitution.

#### Promoting displaced persons as drivers of their own solutions

A number of participants noted that promoting the rights of displaced people also implies acknowledging and supporting the role they play as agents and leaders in crafting and implementing solutions. The importance of local contexts and the relationship between the particular root causes of displacement and appropriate solutions were recognized. Internally displaced persons must be a part of identifying and building their own solutions, as well as a part of peace-building efforts. A call was made for IDP voices to be more readily heard.

Multiple interventions also underscored the necessity to ensure that displaced persons are able to make informed choices regarding solutions. It should be recognized that persons with specific needs may require targeted support in order to access general programming well into the transitional and development stages. Participants raised the question of whether the humanitarian community is collecting the most relevant information to effectively respond, programme and strategize for durable solutions. The importance of measuring the impact of particular interventions and translating the IASC Framework into manageable indicators of progress towards solutions was highlighted in this context. Drawing on the Dialogue of the previous year, participants noted that faith-based entities and cultural institutions are present before, during and after crises and should be considered active partners in achieving solutions.

#### Removing barriers between relief and development

One participant highlighted the fact that displacement does not fit neatly into compartmentalized humanitarian, development and human rights paradigms. Artificial barriers between relief and development need to be removed. There was broad agreement that better coordination between humanitarian, development, State and local actors is critical to sustainable solutions. This implies orienting humanitarian responses towards solutions from the outset, integrating elements of development into early response, such as opportunities for self-reliance and expanding existing services. It was recommended that investment in local capacity building, such as in education, as well as engagement with the

private sector would enable an economic environment which is conducive to sustainable solutions. In particular, the difficulty of working towards solutions and development goals in the context of camp-based responses was raised. The issue of sustained commitment by donors during transitional phases was also cited as a common challenge. Similarly, a call was made for clear and honest evaluations by all stakeholders of obstacles to finding and implementing durable solutions. States that acknowledge problems and the need for change will be the most successful in securing external support.

### Role of international actors

The need for international actors to be resolute in their support was emphasized, as was a call for their commitment until responsible disengagement can occur. Several participants emphasized that IDPs are often not integrated into national priorities, nor are they a usual focus of international development strategies. Optimism was expressed regarding momentum for closer cooperation between humanitarian and development agencies, and for the possibilities of joined-up initiatives on solutions, which can bring synergies between humanitarian and development priorities. The question of how to design humanitarian responses that are oriented towards solutions from the beginning was reiterated, as was the need to ensure that conditions in the place of origin are conducive for returns.

### **3. Enacting legal instruments and policies to protect IDPs: experiences and lessons**

Speakers highlighted lessons learned in the formulation of national and regional instruments on internal displacement and the role played by key actors, such as national human rights commissions, parliaments, and the judiciary. Participants recognized the significance of the Guiding Principles. Their relevance was particularly acknowledged for situations where no regional frameworks exist or States do not have the possibility to adopt national legislation. Unlike other instruments, the Guiding Principles do not require ratification, but can be applied immediately. International humanitarian law, human rights law and even refugee law are sources of the Guiding Principles, which reflect international standards that have been adopted nationally by States. This recognition carries substantial weight.

It was acknowledged that the Guiding Principles are the primary internationally recognized framework on the protection and assistance of IDPs, although there is scope for additional instruments at regional level. It was noted that the Guiding Principles have been used as a basis for the formulation of regional instruments such as the Great Lakes Protocol and the African Union's Kampala IDP Convention and may serve as basis for similar developments in other regions. One of the objectives of the Kampala Convention is that it seeks to establish a harmonized regional legal regime for the African region, also reflecting continent-wide recognition of the challenges internal displacement presents to communities, States and the region as a whole. All regions could emulate this good practice.

A draft model law has been prepared by the African Union to give guidance on the incorporation of the Kampala Convention into national law. Member States and partners have been invited to provide inputs to improve the draft model law. In addition to the Kampala Convention, there are other instruments, such as the African Charter on the Rights and Welfare of the Child, which explicitly require States to apply their provisions to internally displaced people. It was suggested that a compilation of existing instruments that provide for the protection of IDPs be prepared.

Considerable progress has been made in the areas of legislation and policymaking. For example, Afghanistan, Georgia, Kenya, Nigeria, the Philippines, Somalia, and Yemen have either adopted national laws and/or policies related to IDPs or are in the process of doing so. Essential tools have been developed and there are many good practices relating to the process of developing and implementing national laws and policies. The main challenge now is to ensure their proper implementation.

The participants emphasized the need for resources to be allocated for implementation of the principles, laws and policies on the protection of internally displaced persons that are already in place. Harmonized institutional responsibility for the implementation of such instruments, taking into consideration the respective competencies of existing national bodies, is critical for the rational allocation of resources and effective implementation.

Participants spoke about various national and regional practices in law and policymaking, and emphasized the importance of including IDPs in decision-making processes, including in parliamentary processes. To advocate for the rights of the internally displaced, participants encouraged using available mechanisms and tools, such as parliamentary commissions of inquiry, participatory assessments, as well as the UN human rights machinery, including the Universal Periodic Review. The judiciary, as exemplified by the constitutional courts of Colombia and Georgia, can play a significant role in enabling IDPs to claim their rights.

Participants emphasized the importance of taking a holistic approach to capacity building, training and awareness raising on laws and policies. Such efforts should target IDPs themselves, as well as decision-makers in the executive, the legislature, the judiciary, and security/military forces.

The recognition that IDPs are citizens and enjoy the same rights as those who have not been displaced needs to be centrally reflected in national laws and policies. This is because, in many instances, IDPs suffer from marginalization and are often disenfranchised. Instruments that address the specific situation of the internally displaced are required. Existing policies and laws, such as on disaster management, however, often fail to reflect the specific protection needs of the internally displaced.

The situation of displacement puts IDPs in a particularly vulnerable situation. Even within displaced populations, there are sub-groups who are further marginalized. One example is the situation of indigenous groups, who face discrimination on multiple grounds, for example, on account of identity and as result of being displaced. Women and children also face specific protection risks. It is important to understand this diversity at the outset of a law and policy development process, to ensure that the most marginalized among the displaced are heard and their situation is reflected in national instruments.

Participants highlighted the importance of a rights-based approach to preventing the causes of displacement. National human rights institutions can play a critical role in prevention by addressing the root causes of displacement. The action of governance structures is also essential to address root causes of displacement. An examination of power relations and governance structures within a country, including parliaments, is therefore important, to address underlying structural problems that hamper development and solutions. Participants noted that line ministries play an important role in implementing law and policy on IDPs.



The inclusion of IDPs in national development plans was considered essential to reduce the future risk of conflict and to promote sustainable development. Good governance and the needs of the internally displaced should therefore become part of the post-2015 development agenda.

Truly representative governance structures can counter marginalization of groups and strengthen the legitimacy of institutions, such as the parliament. Advocacy on internal displacement with parliaments should be reinforced. Official acknowledgement of the protection risks faced by IDPs can be a major step in addressing these challenges. UN agencies and humanitarian actors should therefore bolster their engagement with parliamentarians. In addition, individual MPs, as political leaders, can play an important role in championing the protection of IDPs in parliament as well as in their own constituencies. The IPU-UNHCR *Handbook on Internal Displacement: Responsibility and Action* is an essential advocacy tool for parliamentarians to promote legislation on IDP protection. The Handbook should be translated into national languages.

The judiciary can also be an important agent of protection, as demonstrated by the Colombian Constitutional Court ruling, which held that the situation of IDPs was in “an unconstitutional state of affairs”. This ruling has provided the basis for further robust legislative and judiciary action to improve the enforcement of IDP rights in Colombia.

Documentation is important for displaced populations as it is the key to accessing rights and services, such as health or education, as well as durable solutions. It was suggested that State data storage can be improved and be made more readily available throughout the territory, which would greatly facilitate the replacement of documents that get lost or destroyed during displacement.

The Kampala Convention is a forward-looking instrument, which is why it refers to climate change as a contributing factor of internal displacement. It is important for national laws and policies to address the climate change dimension, particularly in light of slow-onset disasters that affect certain parts of the world [e.g. the Sahel region].

The process of developing a national IDP instrument is the first step towards implementation, as it is also an advocacy and capacity development process. Implementation of certain aspects of the instrument often takes place during the process of developing a law or policy, as examples in Somalia and Afghanistan show. It is also important for implementation that the drafters of laws and policies act as brokers to ensure IDPs’ voices are heard where it matters, given the challenges they normally face in accessing decision-making and law-making fora. The *Guide on the Development of National Laws and Policies*, published by NRC/IDMC and the Brookings Institution, can serve as a useful tool for national processes and should be widely disseminated for this purpose.

National human rights institutions and other parts of national civil society play an important role in the protection of IDPs, in raising their awareness, and in making their voices heard. UNHCR is carrying out a study on the work of national human rights commissions, which could prompt their deeper engagement in protecting the rights of IDPs.

Participants recommended that UNHCR could host a platform compiling good practices that could be fed into by various sources including academia, States and NGOs, in order to cross-disseminate them. Some resources already exist, including UNHCR’s Refworld, the

Brookings Index, the IDRL Guidelines and other tools. The Mandate of the Special Rapporteur, IDMC and UNHCR will develop a training module on national law and policymaking which is based upon existing documents and instruments.

#### **4. Strengthening partnerships and capacity: how can we all do better?**

The Humanitarian Reform process in 2005 emphasised the need to enhance the predictability of funding, response and leadership in humanitarian crises. Since then, the humanitarian community has improved its response in some areas [for instance mortality and morbidity rates have both decreased], whereas in other areas the capacity to protect is still lacking. Participants were asked to share their thoughts on how partnerships can work more effectively. How do Governments think these shared partnerships could work better and what can we all do to make sure that our overall responses are coherent and less uneven?

##### Roles and responsibilities in need of strengthening

*Dedicated capacity for IDP protection:* UNHCR was commended for the strength of its operational response. However, the need to maintain and, where necessary, enhance protection capacity – especially on the part of UNHCR – in the field remains. It was mentioned that it is essential for UNHCR to increase the presence of experienced protection staff in the field, in addition to appointing staff members dedicated to leading and supporting in clusters.

*Strengthening advocacy:* In some situations of displacement, there is only so much the humanitarian community can do. However, the importance of advocacy, for instance with the Emergency Relief Coordinator or the Security Council, is crucial.

*Governments taking the lead on development:* Achieving durable solutions has developmental and socio-economic implications and should not be considered to be an exclusively humanitarian issue. The point was made by several participants that a paradigm shift on the part of Governments is needed and that they are the ones that need to take the lead on and be in charge of development programmes that are solutions-oriented. Others, however, emphasised the need for development initiatives to be community based, because an exclusively top-down approach has proven to be ineffective. The participants agreed that super-imposing development does not work and that development cannot be achieved without community participation. However, leadership must come from the Government.

*Presence of humanitarian actors:* It was remarked that humanitarian response often continues beyond the phase where interventions should transition into development programmes.

*Role of UN Resident Coordinators [RC]/Humanitarian Coordinators [HC]:* The need to clarify the role of the RC/HC positions was raised, indicating the importance of having strong leadership at the country level while at the same time ensuring more accountability of the RC/HC for the protection of internally displaced persons. Further, RC/HCs have a critical role to play when it comes to finding durable solutions after conflict, as is also institutionalized through the *Secretary-General's Decision on Durable Solutions for IDPs* and returning refugees. Finally, a strong RC/HC may also fill in gaps when agencies are not in a position to speak up or speak out.

*Natural disasters:* A number of participants commended UNHCR's role as cluster lead for protection in situations of conflict-induced displacement and would consequently also welcome leadership on the part of UNHCR in situations of natural disaster. It was reiterated, however, that the current humanitarian structure provides for a predictable response to natural disasters and that the decision on leadership is taken on a case by case basis.

#### New ways of working

*Enhanced sustainability:* The need for sustainability of the engagement and operational response was emphasized. Although the international community is now able to mobilize very quickly and effectively at the onset of situations of displacement, maintaining the same level of engagement is challenging for some partners.

*Role of the Early Recovery Cluster:* The Early Recovery Cluster was designed as a mechanism to introduce development thinking from the onset of a crisis. However, some participants questioned the current role and effectiveness of the Early Recovery Cluster. On the other hand, the Early Recovery Cluster is also seen as a place for humanitarian actors to promote durable solutions and development. The question was raised if the Early Recovery Cluster is viable and which steps should be taken to re-energize or revive it. Secondly, if this cluster is considered to be ineffective, then we must find appropriate mechanisms to replace its function.

*Partnerships with Peacekeeping Missions:* The question was raised where humanitarian actors stand in their ability to partner with peacekeeping operations. It was also remarked that there needs to be much better coordination and political commitment on the part of these Missions to understand IDP rights and issues.

#### Understanding and working through dilemmas of operational actors

*Neutrality and partnerships with Governments:* It was felt that strong partnerships need to be developed with Governments. However, at the same, it was emphasised that neutrality of humanitarian actors may be called into question when strengthening these ties.

*UNHCR's position in mixed refugee/IDP situations:* It was pointed out that the way UNHCR communicates in certain operations sometimes leads to understatement of facts. By way of example, UNHCR recently reported on "hard to reach areas", whereas these were in fact areas where UNHCR's staff was denied access by either Government or non-State actors. On the other hand, it was also observed that UNHCR often finds itself in complicated situations, responding to protection needs of both refugees and IDPs. Many of the countries that have IDPs also generously host large numbers of refugees. This may put UNHCR, as protection leader, in a difficult position vis-à-vis the government. Moreover, the way UNHCR carries out its protection mandate or advocacy activities often has immediate consequences for IDPs, refugees and other persons of concern. Therefore, caution when speaking out is warranted, in order not to endanger the position of persons that UNHCR protects. More support to UNHCR from different actors was called for in order to strengthen advocacy.

#### Centrality of communities and displaced persons among them

*Community based approach:* It was stressed that more needs to be done to include communities and displaced persons in our partnerships. This should also be a feature of our

work with Governments: when entering into dialogue with them, we need to use this as an opportunity to provide a voice for communities and displaced individuals. Another suggestion was to strengthen small NGOs to enable them to voice the concerns of communities and displaced individuals. Strengthening the work through communities also entails letting go of the idea that humanitarian actors come in and “ride to the rescue” of IDPs. Other participants supported this suggestion and remarked that the international community should operate in a less visible and more humble way, taking the power differential out of the equation.

#### **IV. CLOSING OBSERVATIONS BY THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES**

High Commissioner António Guterres closed the Dialogue with the impressions he took away from the debates. The following is a transcript of his closing remarks.

“I am extremely grateful for the contributions made by all the participants, and I think if we tried here and now to draft conclusions, they would not really capture the enormous richness of this debate. So I will ask the Director of International Protection, with the Co-Chairs of the different breakout sessions, to prepare a summary of this Dialogue. This document will then be published as a final summing up and shared with all our partners.

“What I will say now is my contribution after having listened to everything that was said. It is not the comprehensive summing up of the debate but just what I am taking away from our discussions.

“First, I think we all recognize the need to make sure internal displacement is put higher on the international agenda in all its dimensions. There is a contradiction between the record numbers of internally displaced people today, the dramatic situation of internal displacement in several parts of the world, and the dilution of internal displacement in the political and humanitarian debate at the global level in a way that does not allow for the full commitment of the international community to address the problems of the people affected by it. To have internal displacement more prominently on the international agenda must be our common commitment.

“At the same time, I believe there was a clear indication that the UN should have a stronger institutional framework. If one looks at the mandates of Francis Deng, Walter Kälin and Chaloka Beyani, it is clear that, while those mandates have been increasingly accepted by the international community and recognized by States, the name of the mandate seems to imply a weakening of it.

“I think this contradiction needs to be overcome. The mandate should be reinforced, and at the same time, the institutional framework of the UN needs to be enhanced, both at the global and at the country level, in full respect for the mandates of other organizations – for example ICRC – and, of course, the primary role of States. This all has to do with the work of the Humanitarian Coordinators, the Resident Coordinators and effective coordination within the UN system in addressing these questions.

“Second, I have also clearly heard the will expressed that UNHCR strengthen its commitment to internal displacement as an operational actor, as a catalyst and as a team player in an enlarged partnership framework, and with a need to strengthen its field presence. Now, let me say this. There has never been an ambiguity in our commitment. It is true that the volume of resources that UNHCR has had available for internal displacement have waned in the last two or three years, mainly as a result of the dramatic development of some refugee crises. But as far as the institutional priority is concerned, reflected in the amount of un-earmarked funding channelled to internal displacement crises, the amount has not decreased. On the contrary, I am sure it has increased substantially in 2013.

“There is no ambiguity, but it is true that we’ve had difficulty at times because of the limits of our resource base. But we will do everything we can to make sure that our engagement is strengthened, as well as our internal institutional commitment, namely in human resources, training, and presence in the field.

“A number of dilemmas or potential contradictions were raised in the debate. I think it is important to recognize that they exist, but also to be clear on the principles with which we face them.

“First, it is essential to recognize the primary responsibility of States. It is true that, in the past, we have often witnessed a contradiction between what could be described as the national sovereignty agenda and the human rights agenda. The three mandate-holders in their presentations yesterday provided the possible solution to this contradiction, when they said essentially that sovereignty is responsibility and that the contradiction can be overcome through an understanding of sovereignty as the exercise of that responsibility in relation to citizens, in particular to internally displaced citizens.

“A second aspect is the potential contradiction between operational protection by UNHCR and others, and advocacy that is required to prevent human rights violations that are drivers of displacement. Indeed, this contradiction exists. In some circumstances the only way to overcome it is through a division of labour.

“We enjoy excellent cooperation with the High Commissioner for Human Rights, and we understand that her role and my role are different and complementary. There are things that the High Commissioner for Human Rights needs to do, and there are other things that the High Commissioner for Refugees needs to do. This should not be contradicting our complementarity, but sometimes it is impossible for the same actor to address all questions at the same time without undermining our capacity to deliver. This capacity to recognize the contradictions that exist and to surpass them through an adequate division of labour within the humanitarian and human rights system, and through an effective complementarity of our common action is a way to overcome this potential contradiction.

“Thirdly, there is the question of whether response should be based on “needs” or on “rights”. To be honest, I think that the response needs to be based on both needs and rights. One of the rights that exist is that a person’s needs are addressed, and one of the needs that exist is that a person’s rights are respected. I don’t see a contradiction. The two things need to be completely seamed together.

“A fourth dilemma that was raised in several of the debates was whether to deal with the internally displaced or whether to deal with a broader range of populations that might be

affected by displacement or might be present in a situation of displacement. We need to find the commonality and the specificity, as I heard in one of the debates. This means that there are things that require a common approach and basically a comprehensive needs assessment and comprehensive strategies and responses – but there are also specific aspects of vulnerability that are created by the fact that people are displaced, and we need to have the adequate response to that. Again, I do not think this contradiction cannot be resolved. Instead, the specific problems of internally displaced persons must be addressed in the context of a more comprehensive response to the different vulnerabilities that exist in a society impacted by conflict.

“Another important point raised in the debates was that the majority of the internally displaced are in urban or, at least, in non-camp settings. Yet it is in camp contexts that the international community focuses its biggest efforts in support to States, as do States themselves in many circumstances. Here we obviously need a shift. We need to have more knowledge about and more engagement with the displaced in non-camp contexts, and this is a cultural shift the humanitarian system needs to acknowledge and to promote. We need to change the way we do business so as to take into account this reality for which we are not entirely well prepared.

“It was also clear from many interventions that a solutions approach needs to exist from the beginning of the response to an internal displacement crisis and, of course, the displaced people or the affected people are themselves the key drivers of their solutions. Solutions cannot be brought by us to them; but they will build solutions with our support. To have a solutions approach since the beginning means, for instance, that education has to be much more important even at the start of an emergency. At the same time, development actors need to be part of the solution from the start, and the coordination between development and humanitarian actors needs to be much stronger from the very beginning of a crisis response.

“There were also a certain number of concrete proposals to UNHCR.

“First, we are ready to do an evaluation of our role in the protection cluster leadership. But more than that may be needed, and so we have proposed in the Inter-Agency Standing Committee to do a ‘whole of system’ review of how the protection actors/clusters relate to the rest of the humanitarian architecture to see what works to enable better protection outcomes, advocacy, strategy, etc. because protection has many horizontal dimensions.

“Second, we are reviewing our IDP policy and will take into account the results of this Dialogue. The urban displacement question is very central in that, as is the linkage with development and the question of solutions, as well as the role of non-State actors and other issues raised in this debate, that are not yet fully taken into account in the present policy.

“We are also very committed to strengthening partnerships: within the UN system with OCHA and the other agencies, with NGOs, especially more strategic partnerships both with umbrella organizations and with specific NGOs, but also to strengthening partnerships with States that, of course, have the central role to play.

“In our partnership with States, it is extremely important what we can do together for the development of international law, for example developing instruments similar to the African Union Convention in other parts of the world. Our partnerships will also be very important on

national law and policies, but especially on implementation and accountability, which are key questions.

“At the same time, strengthening the practical dimension of our partnership with civil society is crucial. We would, for instance, encourage the idea of having more co-leadership between UNHCR and NGOs that are particularly strong in a given country. Of course Governments also have their role in this, and I see scope for much more co-facilitation of clusters in the situations where we are involved.

“I also noted all the references to last year’s Dialogue on Faith and Protection and the role faith-based organizations play in internal displacement. I would like to announce that our intention is to have the Dialogue next year focus on Protection at Sea. I think we are all aware that this represents one of the areas with the most dramatic protection gaps in today’s world. We are starting the preparations in close cooperation with the International Maritime Organization, IOM and other organizations to have a meaningful dialogue next year on this topic.

“In closing, I would like to thank very much everyone who prepared this dialogue, the panelists and chairs of the different breakout sessions, and the interpreters and our staff. And I would like to thank the participants – the representatives of States who were present in this debate, knowing the central role of States in these situations but also accepting the contributions of NGO and civil society; the participation of civil society representatives and academia; and our colleagues from the UN system. I believe internal displacement is an area where we all want to do better, we all want to do more, and there were a number of very important ideas coming out of this discussion that will allow us all to do better, and to do more.

“Thank you very much.”