

PROTECTION OF INTERNALLY DISPLACED PERSONS

Discussion Paper for IASC-WG

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Introduction

Protection problems are endemic to the plight of internally displaced persons (IDPs), arising not only as a cause of flight but also often during displacement and in the search for durable solutions. Yet, the international response has tended to focus on assistance, with less attention to protection concerns. This is true both in the field as well as at the Headquarters level. Part of the problem exists at the conceptual level, as the meaning of protection for IDPs has not yet been fully determined by the international community.

The Secretary General, in his report *Renewing the UN: a programme for reform*, emphasized the need for the international response to internal displacement to address both protection and assistance and underlined that the ERC's role in this regard is one of ensuring that the protection and assistance of internally displaced persons is addressed.¹ Accordingly, the Emergency Relief Coordinator (ERC) has been designated as the focal point at Headquarters level for the inter-agency coordination of humanitarian assistance to IDPs. The Inter-Agency Standing Committee Working Group (IASC-WG), according to its Terms of Reference (TOR) on IDPs, is tasked with developing global strategies for ensuring *inter alia* protection for IDPs and recommending to the ERC ways and means to address obstacles in the provision of assistance to and protection of IDPs.

The ERC, the Representative of the Secretary-General on Internally Displaced Persons and the High Commissioner for Human Rights, in discussing their respective roles relating to the protection of IDPs as well as ways of enhancing collaboration among them, agreed that it would be useful to jointly prepare a discussion paper on this subject. Subsequently, it was suggested that this paper be shared with the IASC-WG, in keeping with its responsibilities relating to IDPs.

This paper, prepared jointly by the office of the Representative of Secretary-General on Internally Displaced, the Office of the High Commissioner for Human Rights (OHCHR) and the Office for Coordination of Humanitarian Affairs (OCHA), aims to stimulate inter-agency discussion for the development of strategies for addressing the protection needs of IDPs. It begins by examining the nature and content of protection for IDPs. There follows an overview of the roles and responsibilities of national and international implementing actors relevant to the protection of the internally displaced. The paper then sets out a number of strategic areas of

¹ A/51/950, para. 186

activity for ensuring that these protection responsibilities are discharged effectively.

I. Nature and content of protection for IDPs

Protection “involves using the law to secure the rights, the security and the welfare of persons.”² In the case of IDPs, however, there is no international legal instrument specific to their plight, which defines the nature and content of protection for them. For refugees, a body of law specific to their situation provides the basis for their protection. Although refugee law cannot be applied directly to IDPs, by virtue of its focus on persons who have been displaced (albeit across a border), it nonetheless can contribute to defining, by analogy, the nature and content of protection for IDPs. For civilian victims of conflict, there is the Fourth Geneva Convention and its Additional Protocols which, though not defining the term “protection” *per se*, set out guarantees indicating its meaning in situations of armed conflict. Protection under these circumstances, the ICRC explains, entails “preserving victims of conflict who are in the hands of an adverse authority from the dangers, sufferings and abuses of power to which they may be exposed, defending them and giving them support.”³ While the frequent occurrence of internal displacement in the context of armed conflict makes the protection provided by international humanitarian law particularly relevant, this legal standard does not necessarily apply in all situations of internal displacement. The protection provided by human rights law, by contrast, remains relevant in all cases of internal displacement,⁴ with IDPs being entitled to enjoy, in full equality, the same rights and freedoms under domestic and international law as the rest of a country’s citizens.

Drawing upon relevant provisions of these three standards of international law, the *Guiding Principles on Internal Displacement* represent the first attempt to articulate what protection should mean for the internally displaced. The Principles identify the rights and guarantees relevant to the protection of IDPs in all phases of displacement: providing protection against arbitrary displacement; protection and assistance during displacement; and providing for safe return or resettlement and reintegration. Protection as elaborated in the Guiding Principles also is comprehensive in scope, covering not only needs for physical security and safety but the broad range of rights provided for in international law (including the right to food, to education and to employment, for instance) which, by virtue of their nature as rights, also fall within the meaning of protection.

The Principles, it should be noted, do not seek to create a privileged category of persons or to establish a separate legal status of the internally displaced. Rather, they are based on the assumption that IDPs have the same rights and obligations as other persons living in their own

²Guy S. Goodwin-Gill, “The Language of Protection,” *International Journal of Refugee Law*, Vol. 1, No. 1 (1989), p. 16.

³The ICRC, the League and the Report on the Re-appraisal of the Role of the Red Cross, *International Review of the Red Cross* (January-February 1979), p. 19.

⁴International human rights law nonetheless allows for derogation of certain guarantees under specific circumstances, including emergency situations. See *Internally Displaced Persons: Compilation and Analysis of Legal Norms*, UN Doc. E/CN.4/1996/52/Add.2 (5 December 1995); *Internally Displaced Persons: Compilation and Analysis of Legal Norms, Part II*, UN Doc. E/CN.4/1998/53/Add.1 (11 February 1998).

state. At the same time, however, the Principles draw attention to the importance of realizing these rights in a way that addresses the particular situation and needs of IDPs.

Although not a legally binding document as such, the Principles reflect and are consistent with international human rights and humanitarian law, and refugee law by analogy, which *are* binding. Having gained broad consensus in the short time since their formulation, the Guiding Principles provide the requisite foundation of common principles upon which protection activities must be based if they are to be effective.

Notwithstanding the importance of basing protection on principles of international law, it nonetheless is true that the protection of displaced persons “frequently will depend on non-legal skills and initiatives”.⁵ In other words, action is required to effect the translation of protection principles into effective protection on the ground.

II. Implementing actors and responsibilities for action

The primary duty and responsibility to provide protection and assistance to IDPs and those at risk of displacement lies, as the Guiding Principles affirm, with the national authorities. The protection role required of other actors, including international operational agencies and NGOs, involves reinforcing this responsibility and, in so doing, supplementing -- not substituting for -- the protection to be provided by competent authorities. In this vein, in 1996 an ICRC-sponsored workshop conceptualized protection as monitoring, reporting and engaging in advocacy with the authorities on protection problems. Protection thus defined consists of:

*All activities which consist in collecting information on violations of human rights and international humanitarian law in order to give the competent authorities the means to prevent, put a stop to, or avoid the recurrence of such violations and convince them to take the appropriate measures.*⁶

Subsequently, humanitarian practitioners have come to the conclusion that protection work should not be limited to simply bringing protection concerns to the attention of the authorities on the assumption that they will respond by effectively discharging their responsibilities. Rather, it should include *all activities* designed to shield the individual from violations of human rights. Incorporating this more proactive approach, the ICRC 1998 workshop on protection revisited and revised the definition:

*Protection, in the case of humanitarian actors, includes all activities designed to prevent, put a stop to or avoid the occurrence or the recurrence of violations of international human rights, humanitarian law, refugee law and to ensure to bring them [local authorities] to take the appropriate measures.*⁷

For the 1999 workshop, which was meeting at the time of writing, the ICRC proposed a further refinement of the definition:

⁵Goodwin-Gill, □The Language of Protection,□ p. 17.

⁶ICRC, 1996 Workshop on Protection (Geneva, 1996), cited in *Protection: Towards Professional Standards*, Report of the Workshop (17-19 March 1998) (ICRC: Geneva, 1998), p. 21.

⁷*Ibid.*, p. 82.

The concept of protection encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. HR law, IHL, refugee law).⁸

In addition to being more concise, this definition also is more comprehensive in scope, in referring to “full respect” for rights and in not limiting the implementing actors to solely the local authorities. The onus to ensure protection rests not simply on the competent authorities, who continue to bear the primary responsibility in this regard, but also encompasses the humanitarian community at large.

Indeed, “promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion” counts among the purposes of the UN set out in Article 1 of the UN Charter. In this connection, the UN Secretary-General’s Programme for Reform of 1997 has underscored that human rights protection is a concern that cuts across the entire UN system, entailing commensurate responsibilities for its various organs and agencies. Thus, although some UN agencies have expressly designated mandates and possess specialized technical expertise in human rights protection, it remains incumbent upon all agencies to incorporate human rights concerns into their work.

Effective fulfillment of this responsibility stands to have important implications for improving the protection of the internally displaced. The protection of internally displaced persons thus requires that all those engaging in activities on their behalf -- human rights mechanisms, humanitarian and development agencies, peacekeepers, international financial institutions etc. – respect the panoply of human rights and protection principles contained in international law. This approach is reflected in the Guiding Principles:

International humanitarian organizations and other appropriate actors when providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this regard. In doing so, these organizations and actors should respect relevant international standards and codes of conduct. (Principle 27).

Traditionally, humanitarian and development agencies lacking an explicit protection mandate have tended to conceive of protection for IDPs as falling outside the scope of their work. Or their protection role has been framed as limited to their provision of assistance as promoting the rights to food, health care, shelter, development and, more broadly, the right to life. To be sure, in helping to ensure these rights, the provision of assistance does indeed constitute a form of protection; as such, the traditional work of humanitarian and development agencies is inherently rights-based and the dichotomy between protection and assistance is false. However, human rights protection cannot be done by halves, but involves, as the UN High Commissioner for Refugees has recognized, the assurance of the whole set of rights enshrined in the Universal Declaration.⁹ To use the catch-phrase of the High Commissioner for Human Rights, it means ensuring “all human rights for all”. Consistent with this approach, and as explained in section I, the Guiding Principles are designed to provide guidance in ensuring that this “all” includes the internally displaced and that “all” their rights are respected.

⁸ *Third workshop on Protection*, Background paper, ICRC (7 January 1999).

⁹ Mrs. Sadako Ogata, UN High Commissioner for Refugees, Talking Points for Forum □ Dialogue on Mainstreaming Human Rights in the United Nations □, Geneva, 16 March 1998.

III. Strategic Areas for Protection

While there is greater recognition among humanitarian and development agencies of their responsibilities in the area of protection, including for the internally displaced, there remains a need to give practical meaning to this commitment. In 1993 the Inter-Agency Task Force on Internally Displaced Persons initiated efforts to fill this deficit by formulating a list of protection tasks which included: negotiating with governments and insurgent forces to promote humanitarian action; raising concerns about the safety and security of the internally displaced; securing safe zones; and ensuring respect for basic human rights.¹⁰ Further elaboration in this direction now is required of the IASC-WG (which has replaced the Task Force as the main inter-agency forum on internally displaced persons) and which, as noted above, is tasked by its terms of reference with developing strategies for the protection of IDPs. It is suggested that a revised list should include *inter alia*-protection activities in the following strategic areas:

- X **Dissemination and operationalization of the Guiding Principles:** Further to the IASC decision of 26 March 1998, IASC members are encouraged to bring the Guiding Principles to the attention of their Executive Boards and to share them with their staff, especially those in the field. IASC members have begun to undertake a number of activities in this regard.¹¹ Dissemination to the wider community also is required. OCHA's publication in multiple languages (English and French to date, Spanish and Portuguese under way) of the Guiding Principles as a booklet and its planned publication of a French translation of the Compilation and Analysis of Legal Norms,¹² on which the Principles are based, make important contributions to this end. Translations of the Guiding Principles into Azerbaijani, Georgian and Greek also exist, in the former two cases being undertaken by local NGOs with the support of UNHCR (Amnesty International is responsible for the latter). Additional efforts to translate the Guiding Principles into local languages are required in order to facilitate dissemination and awareness-raising at the regional, national and local levels (this is a small-budget item for which resources routinely should be mobilized - see below, re: resource mobilization).

In the short time since their formulation, the Guiding Principles have been recognized as a valuable instrument for addressing the protection needs of IDPs. Yet, their effectiveness as a protection tool depends upon the extent to which they are operationalized by the various actors concerned, including the international community. The IASC, in its above-cited decision, has encouraged its members to apply the Principles in their activities relating to internally displaced persons.

¹⁰Inter-Agency Task Force on Internally Displaced Persons, □Internally Displaced Persons: Preliminary Findings,□ Geneva, 1993.

¹¹As most recently reported on at the IASC-WG meeting of 3 June 1998.

¹²UN Doc. E/CN.4/1996/52/Add.2. Due to the length of the document, UN Conference Services could not provide translation of the document into the other official languages of the UN.

- X **Training** on the protection, assistance and reintegration needs of IDPs and how to address these is imperative for international staff, national authorities and non-State actors, local organizations and all other actors engaged -- or needing to become engaged - - with internally displaced persons. In line with its terms of reference on IDPs, the IASC-WG is to support and oversee the development and use of material for training and capacity building on the issue of internal displacement. In 1997, the IASC-WG commissioned the development of an inter-agency training module on IDPs; its rapid completion remains a priority.

Complementing this module will be other publications providing guidance on the implementation of the Guiding Principles, for example the compilation of field practice in internal displacement (formerly under the title “best practices on IDPs”) being prepared under the leadership of UNICEF at the request of the IASC-WG and the field handbook for the staff of NGOs and international organizations on applying the Guiding Principles that is being prepared by the Brookings Institution Project on Internal Displacement. Incorporation into the training module of the compilation of field practice on internal displacement currently under development is essential, particularly as the IASC-WG TOR specify that this compilation is to be used as a basis for programming on behalf of IDPs. The training material also should include, further to the need highlighted by field workers, information on the mandate and role regarding IDPs of the various relevant agencies.

IASC members could then integrate the training material on IDPs into their own respective training initiatives. Furthermore, the IASC could bring the training material to the attention of and encourage its use by UN peacekeepers and civilian police, who increasingly are undertaking activities of direct relevance to IDPs,

- X **Early warning:** Sustained attention should be given to prevention of internal displacement. Supporting early warning initiatives within the humanitarian sphere can strengthen the capacity and ability to anticipate and mitigate situations causing internal displacement. A protection perspective and specific risk analysis in terms of displacement should be integrated into all aspects of early warning and situation analysis of countries and communities in crisis. Field staff could be encouraged to provide information on impending situations of internal displacement and communicate this, through the Resident /Humanitarian Coordinators, to the IASC-WG as well as to the global database on IDPs that it oversees.

Of course, to be effective, early warning capacity needs to be linked to timely and decisive response mechanisms. In cases where arbitrary displacement is carried out by the competent authorities, field staff should be expected either to make representations to the authorities, on the basis of Section II of the Guiding Principles, or to undertake efforts to ensure that the information is communicated to others to do so. Periodic review by the IASC-WG of situations identified as possibly leading to mass displacement could make an important contribution to ensuring appropriate contingency planning and response.

- X **Assessment:** An assessment of needs should always include an assessment of protection needs. To this end, it is important for needs assessment tools, surveys and guidelines to take into account the specific protection concerns of IDPs. The Guiding Principles, in

setting out the rights of IDPs, provide a checklist against which to identify the needs of IDPs and assess the extent to which these are being addressed. Using the Guiding Principles as a basis for assessing the needs of IDPs would help to ensure that requisite attention is paid to particular protection problems that they face, such as sexual violence against women and discriminatory inheritance and property rights. The IASC-WG TOR on IDPs calls for particular attention to be paid to the special needs of vulnerable groups of IDPs, whether women, children, the elderly or the disabled. Where these needs are particularly acute, the undertaking of specific needs assessment missions, complete with experts on the issue, should be considered. The inter-agency needs assessment to Liberia mission in 1993 to investigate the plight of internally displaced women is exemplary in this regard but, regrettably, still exceptional.

- X **Resource Mobilization:** On the basis of needs assessments and as a matter of course, resource mobilization efforts should integrate protection concerns of IDPs and, where appropriate, earmark funds specifically for addressing these needs. Further to its TOR on IDPs, the IASC-WG is to ensure that IDP needs are fully taken into account in resource mobilization processes. At its September 1998 meeting, the IASC-WG recalled that consolidated appeals should incorporate attention to IDP needs, where appropriate.

The country teams, in formulating the Consolidated Appeals Process (CAP) should ensure that the protection needs of IDPs are addressed in the humanitarian assistance plan and programming. To facilitate this aim, the IASC-WG Sub-Working Group on the CAP, in collaboration with OCHA/CERB, could develop a checklist, including questions such as:

- What are the characteristics of the current crisis and in what ways is it having an impact on the protection situation of IDPs?
- How have the individual agencies reflected the protection concerns of IDPs in their own mandate and responsibilities?
- What specific division of labour and responsibilities have the agencies planned in order to target the protection of IDPs in a mutually supportive and complementary manner?
- What specific benchmarks or indicators have the agencies identified in order to assess impact of intervention on this particular section of the population?

Indeed, a protection analysis should be integrated into all aspects of the CAP and Planning Frameworks developed to respond to particular country crises. The IASC, '[i]n recognition of the importance of protection and respect for human rights in creating the conditions conducive to sustainable solutions in countries affected by complex crises,' has recommended that activities of OHCHR, such as monitoring, analyzing and reporting on human rights violations and intervening to protect human rights and possibly raise tolerance and respect for human rights and human rights infrastructure in the post-conflict reconstruction phases of rehabilitation and recovering, be incorporated into the CAP, whenever appropriate. It is worth noting that almost all of the OHCHR field presences are established in situations of internal displacement. The IASC also has recommended that the activities of other UN agencies having a protection mandate, in

particular UNHCR and UNICEF, should be highlighted in the Appeals.

- X **Promoting protection in the design of assistance programmes:** While the primary responsibility to provide protection rests with the competent authorities and should be reinforced, humanitarian agencies have responsibilities of their own to ensure the promotion of protection principles through their operations. Assistance delivery and distribution, for instance, should be designed with a view to minimizing the problems of sexual exploitation that frequently arise in these circumstances. WFP's *Commitments to Women* guidelines are important in this regard. Moreover, the layout of camps, in particular regarding the placement of latrines and lighting and the distance of the settlement from sources of firewood and water, should be designed with a view to avoiding problems of violence and sexual exploitation. UNHCR's *Guidelines for the Protection of Refugee Women, Guidelines against Sexual Violence* set out a number of other practical steps to address the protection problems regularly confronting displaced women; these should be formally extended and systematically applied to IDP women. Similarly, UNHCR's *Guidelines on Protection and Care of Refugee Children* as well as UNICEF's guidelines on *Children with Special Protection Measures* (formerly under the title *Children in Especially Difficult Circumstances*) should be applied to IDP children.
- X **Promoting protection in the design of return or resettlement and reintegration programmes:** Particular protection problems arise in the return or resettlement and reintegration of IDPs. These often relate to the restitution of land and property rights. Problems of involuntary return/resettlement or a lack of safety in areas of return/resettlement also may arise. Assistance and development agencies need to work closely together to ensure that protection is a strong component of their return/resettlement and reintegration programmes. The experience of UNDP in Kenya provides a cautionary example of the importance of doing so. By contrast, UNDP's Programme for Displaced Persons, Refugees and Returnees (PRODERE) in Central America provides a model for incorporating human rights into the reintegration process that is worthy of consideration for replication in other situations. The experience of other agencies, including UNHCR and OHCHR, in integrating human rights into the return or resettlement and reintegration processes also is instructive.
- X **Presence:** Establishing an international presence among IDPs, including in camps and settlements, is an essential prerequisite for their protection. The presence of expatriates "watching and listening" often has been found to exert a deterrent, or at least mitigative, effect on human rights violations. Establishing presence necessarily relies on obtaining access. The Guiding Principles call for international access to IDPs, including in the return phase, for the purposes of providing them with protection and assistance.
- Field staff has been especially active in promoting protection during the return phase; greater presence in camps and settlements may help to deter abuse, especially when accompanied by specific activities to promote protection. It must be clarified, however, that presence in of itself often is insufficient: activating the protective effect of presence requires ensuring that the field staff present are trained in protection issues and in how to respond to protection problems.

- X **Effective country arrangements:** While virtually all of its members undertake activities aiming at or related to addressing the needs of IDPs, the IASC has come to recognize that an effective and comprehensive response requires a collaborative approach among them. To this end, the *IASC Recommendations Related to the Review of the Capacity of the UN System for Humanitarian Assistance* set out a number of coordination arrangements by which at the field level, the Resident/Humanitarian Coordinator (RC/HC) will, in full consultation with the inter-agency country team, be responsible for the strategic coordination of assistance to IDPs. This responsibility includes recommending to the ERC the most appropriate division of responsibility among agencies. In order to minimize the risk of duplication of activities and/or to ensure that gaps in assistance to and protection of IDPs are identified, an inter-agency forum at the Headquarters level (currently the IASC-WG) and the in-country Disaster Management Team (DMT) at the field level are tasked with addressing the issue of country arrangements for the protection and assistance of IDPs.

The recommendations set out by the IASC remain to be fully implemented: the responsibilities of the RC/HCs with respect to IDPs need to be further clarified and the role of the IASC-WG as the inter-agency forum for dealing with problems of internal displacement needs to be strengthened. The IASC-WG could play a role in encouraging the RC/HC to systematically take on the responsibility to promote a clear division of labour among the agencies on the ground to address the protection needs of IDPs. As set out in the IASC recommendations, the TOR for Resident/Humanitarian Coordinators should be amended to explicitly state their responsibilities with respect to IDPs. The RC/HC could also create in-country task forces on IDPs, encouraging agencies to share information and develop a joint plan for responding to the needs of IDPs. The IASC-WG, for its part, should seek to back-stop the RC/HCs in their coordination efforts by implementing, at HQ level, a mechanism for the systematic review of country arrangements for humanitarian assistance to IDPs, identifying gaps and suggesting, with the input of country teams, the most appropriate division of labour and types of programming for addressing eventual gaps. The IASC-WG already has agreed to do so, as part of its TOR on IDPs.

- X **Principles of Engagement and MOUs:** Effective humanitarian assistance requires that the roles of each of the many humanitarian partners be clearly and mutually understood. In order to enhance coordination, improve response effectiveness and avoid duplications, humanitarian organizations should be encouraged to develop Memorandums of understanding (MOUs) or other bilateral coordination arrangements regarding their role with IDPs. In clarifying roles and responsibilities, such agreements represent a means of identifying and correcting gaps and overlaps in mandates. The underlying factors of these agreements are for agencies to recognize and rely on one another's comparative advantages and special skills. For example, according to the MOU between WFP and UNHCR on Joint Working Arrangements for Refugee, Returnee and Internally Displaced Feeding Operations, WFP is responsible for delivering basic food commodities to the hand-over point, while UNHCR is responsible for final distribution to the beneficiaries. The MOU signed in 1995 between UNHCR and the Human Rights Field Operation in Rwanda defined their respective responsibilities for protecting the physical security and

integrity of returning refugees and IDPs as well as provided for joint action in the case of protection problems; it could serve as a model for other inter-agency protection arrangements. MOUs between OHCHR on the one hand and humanitarian and development agencies can be useful in defining their respective roles and responsibilities for human rights protection and forging links for collaboration: these very usefully could include attention to their respective roles and responsibilities relating to IDPs.

- X **Monitoring and reporting:** Ongoing monitoring of the protection needs of IDPs and how these are being addressed is essential. Field monitoring serves important protection functions by establishing a presence among or near populations at risk and thereby providing the possibility to assess the safety and security of these persons on a regular basis and identify particularly at risk persons or groups of persons among them. Reporting these findings is essential. The forging of collaborative links between agencies in the field and OHCHR would be important for this purpose.

While OHCHR has deployed human rights field monitors to several situations of internal displacement, the establishment of a human rights field presence remains a relatively exceptional measure, with the result that human rights field monitors are present in only a fraction of such situations. The responsibility to undertake monitoring and reporting on the protection concerns of IDPs thus will often need to fall to others. The RC/HCs and country teams will need to ensure that protection concerns are monitored and that information is communicated to the ERC, RSG, OHCHR and the IASC-WG as a whole.

- X **Advocacy:** Information on protection problems that is gathered in the course of monitoring needs to be brought to the attention of actors in a position to act upon it. At a minimum, information on serious protection problems should be brought to the attention of the ERC and RSG who are expressly mandated to engage in advocacy on the protection concerns of IDPs. OHCHR also plays a central role in protection; better use could be made of its various mechanisms and programmes to promote and protect the rights of IDPs. The IASC-WG undertakes by its TOR on IDPs to provide support for the respective roles of the ERC, RSG and OHCHR in addressing the needs of IDPs.

The RSG's intention to use the Guiding Principles as the basis for dialogue with Governments and international organizations has been taken note of in the Commission on Human Rights and already put into practice. OHCHR and OCHA also have begun to refer to the Guiding Principles in their advocacy efforts with the authorities in specific situations of internal displacement. The ERC, in his reports to the Security Council, the ECOSOC and the General Assembly and the ERC and OHCHR in their participation in the Executive Committees, could draw the protection problems of IDPs to the attention of the wider international community. Outside of these frameworks, advocacy on protection issues may be required on the ground, to mean RC/HCs or lead agencies making representations directly to the competent authorities or other actors exerting effective control over the territory where violations are occurring. Joint stands by human rights, humanitarian and development agencies could be particularly effective and also hedge the possible risks related to agencies acting separately or alone.

- X **Strengthening national capacity:** To assist the authorities in discharging their

responsibility toward IDPs, efforts to strengthen the national capacity for human rights protection are essential. In some cases, after all, Governments are willing but merely unable to discharge their protection responsibilities. The technical cooperation and advisory services programme of OHCHR makes an important contribution to strengthening national and local frameworks for human rights protection and should include, as the Commission on Human Rights has recommended, projects addressing the particular needs of IDPs.¹³ UNDP's programme for good governance -- which addresses key concerns such as free and fair elections, freedom of association, an independent judiciary, freedom of information, cooperative government interaction with organizations of civil society, conflict prevention and strengthening of civil society -- is another important means through which the strengthen national capacity for protection the rights of IDPs.

- X **Supporting community-based protection:** Community structures can be an important source of protection for IDPs. "Practical protection," UNHCR has observed, "is provided first of all by and through the local community, through a complex social network including family, clan, village or tribe."¹⁴ Local coping mechanisms are particularly important in the absence of an effective government.

Activities that encourage the maintenance or restoration of communal links or promote the integration of the internally displaced into the surrounding community thus can contribute to their security. Efforts to reunify families, create support structures for unaccompanied children, and enable displaced persons to remain with or rejoin members of their clan, tribe or village should receive high priority in emergency situations. IDP communities should be involved, as the Guiding Principles affirm, in decisions about the design of programmes addressing their needs and about their return or resettlement. Over the longer term, activities strengthening civil society and facilitating conflict resolution and reconciliation among different cultural, ethnic and religious groups can contribute to the security of IDPs as well as to the creation of conditions for their eventual safe return or resettlement and reintegration.

- X **Engaging non-state actors:** With internal armed conflict constituting the main cause of internal displacement, strategies for engaging not only Government authorities but also non-state actors in the protection of the internally displaced need to be developed. While doing so is subsumed in the dissemination, training and advocacy activities outlined above, specific challenges arise in the case of non-state actors which require focused attention. The experience of the ICRC, UNICEF and UNHCR in working with non-state actors usefully could be drawn upon in the development of such strategies.

IV. Next Steps

¹³Commission on Human Rights resolutions 1997/39, 1998/50.

¹⁴UNHCR, □Protection Aspects of UNHCR Activities on Behalf of Internally Displaced Persons, □ EC/SCP787 (Geneva, 17 August 1994), p. 26.

This paper offers a number of strategic areas through which to enhance protection for IDPs. While giving some examples, it does not attempt to provide clear cut solutions on how to ensure respect for the rights of IDPs or compliance with international norms more generally; doing so will be particularly challenging in situations where the national authorities themselves are responsible, and deliberately so, for the displacement. Of course, specific strategies for response inevitably will need to vary depending upon the mandates and expertise of international agencies and actors as well as upon the different contexts in which internal displacement occurs. In particular, strategies for addressing the protection needs of IDPs inevitably will differ depending upon the response of the national authorities in fulfilling their responsibilities towards IDPs: they may be willing and have the resources to respond; willing but unable to fully meet the needs; clearly unwilling and, possibly, obstructive of international efforts; or national structures may have collapsed or are otherwise not functioning.

Instead, the paper sets out to outline a common understanding and conceptualization of the issue of protection of IDPs and its implications for the implementation of humanitarian assistance. The objective is to promote further IASC-WG discussion on what specific strategies and measures could be taken by the IASC-WG and its individual members to address more effectively the protection needs of IDPs, with a view to helping protect populations against arbitrary displacement, enhance the security and well-being of displaced populations and find durable solutions to their plight.

If this paper eventually is to represent a comprehensive position of the humanitarian community as a whole on the issue of protection of IDPs, it would be helpful for IASC members to provide a clear statement of how they conceive their own protection role, by providing information on the protection activities that they currently undertake relating to IDPs as well as possible ways that they might expand upon these. Information on the ways in which they have used and plan to use the Guiding Principles would be particularly welcome.

Clarifying the organizations' positions with regard to protection of IDPs would help integrate this issue into needs assessments and the CAP. Moreover, recognition by IASC members of their own and each other's competencies can ensure that their efforts are mutually re-enforcing. Furthermore, having the organizations themselves carve out specific areas of expertise would increase predictability of response and facilitate the work of the RC/HC in addressing the gaps.

The IASC-WG, for its part, could begin undertaking, in line with its TOR on IDPs, periodic reviews of country arrangements for humanitarian assistance to IDPs, identifying gaps and suggesting, with the input of country teams, the most appropriate division of labour and types of programming for addressing eventual gaps.

Action points

- Request IASC members to review and contribute comments to the paper, including specific protection strategies they are undertaking or developing in the various strategic areas for protection outlined in the paper. IASC members should be encouraged to share the paper with field staff for comments.
- Develop an IASC policy paper on protection of IDPs, through the consolidation of IASC members' contributions and the identification of some common protection strategies. A Reference Group would be organized to discuss the draft before its finalization. The revised version of the paper would be presented to the next IASC-WG meeting for endorsement.

- Establish a mechanism of inter-agency consultation (focal points) to meet to review in-country arrangements to address the protection needs of IDPs in individual situations, reporting findings and recommendations to the IASC-WG. This process would, when reviewing countries pertaining to which the RSG has prepared a mission report or otherwise reported on, include an examination of the extent to which the RSG's recommendations are being implemented. It would also examine the collective IASC experience in the application of the Guiding Principles in individual countries.
- Revise the TOR of the RC/HC to reflect the responsibilities identified by the IASC Recommendations. Ensure that the RC/HCs in countries that the RSG has visited are made aware of his recommendations and report back to the IASC-WG on their implementation.