DRAFT REPORT (Part One*)
to the
INTER-AGENCY STANDING COMMITTEE
from the
TASK FORCE ON INTERNALLY DISPLACED PERSONS

NOVEMBER 1994

* Part Two of this Report consists of Annexes and is not attached
Working Definition
Used by the Task Force

"The term 'Internally Displaced Persons' (IDPs) is used to mean persons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflicts, internal strife, systematic violations of Human Rights or natural or man-made disasters; and who are within the territory of their own country" (see this report's page 4 and 5, paragraph 17).
**INTRODUCTION**

1. The Inter-Agency Task Force on Internally Displaced Persons was set up to propose a more coherent frame-work for humanitarian assistance to IDPs. It submitted its first report to the Inter-Agency Standing Committee for the Committee's meeting 5 July 1993. As a follow-up to that report the Task Force was revived in April 1994 to expand further on its initial recommendations to the Standing Committee. In the Work-plan for the Inter-Agency Standing Committee for 1994, the Task Force was scheduled to submit a report by the end of October 1994.

2. Since the first report of the Task Force was discussed and its findings endorsed by the IASC on 5 July 1993, the number of persons forced to flee their homes but still staying within the borders of their country has increased. The problem of internal displacement remains complex involving different root causes requiring different types of responses. Both internally displaced and affected populations suffer from the same basic problems and therefore the needs of both groups may be similar and solutions for providing assistance may well be inter-linked. At the same time the Secretary-General's Representative for IDPs, Dr. Francis Deng has continued to work under the mandate given to him by the Commission on Human Rights and the issue of the relationship between the upholding of Human Rights and humanitarian efforts has come stronger into the debate, in part both due Dr. Deng's work and due to recent humanitarian crises.

**BACKGROUND**

3. Over the years several efforts have been made to define a mechanism of the international community to ensure a more adequate response to the plight of IDPs. Moreover, such a role has increasingly been seen as an appropriate one for the UN system. At UN conferences the member states have repeatedly requested the Secretary-General to report on efforts to develop a better response to the plight of the IDPs, on occasions not least as a result of concerted lobbying efforts by NGO and Human Rights groups.

4. The interest and concern of NGOs in the plight of IDPs should also be seen against the fact that increasingly NGOs have been involved in providing assistance and informal or de facto protection to IDPs through the presence of their international staff in situations of social and political conflicts thereby often supplementing activities of the ICRC, UNHCR, UNICEF and others providing assistance and protection to internally displaced. NGOs have, however, consistently expressed the opinion that the international
community ought to develop mechanisms to ensure a more comprehensive response to the needs of IDPs.

5 In 1988, the Resident Representative/Coordinator institution was confirmed by the Secretary-General as having the in-country lead in dealing with the issues related to IDPs. Whereas there are notable examples of Resident Representatives/Coordinators who have taken important initiatives to deal with the situation of IDPs in their country, there exists nevertheless a common understanding that this in-country coordination system of the UN, based on the Disaster Management Teams, often has not been fully utilized to provide adequate support to IDPs. Moreover, the existing inter-agency coordination structure at the country level must be further enhanced.

6 With the creation of the Department of Humanitarian Affairs, by General Assembly Resolution 46/182 of December 1991 a further entity within the UN was given responsibility for IDPs. In the context of that resolution the emphasis has been perceived as being on humanitarian assistance to IDPs. The Emergency Relief Coordinator, as Chairman of the IASC, has a mechanism for the coordination of humanitarian assistance to IDPs. The establishment of the Inter-Agency Task Force on IDPs by the IASC reflects an effort to clarify what role this mechanism can or should play.

7 The Commission on Human Rights which also has been discussing the issue for several years - often at the initiative of NGOs - requested in its resolution 1992/73 the Secretary-General to appoint a Representative on IDPs. After his appointment as Representative, Dr. Francis M. Deng, has submitted a comprehensive analysis on the Human Rights issues related to IDPs, following consultations with Governments, intergovernmental and non-governmental organizations, and in situ visits. Since the extension of his mandate in 1993, the Representative, a member of the Task Force (since September 1993), has continued his comprehensive analysis of the situation: he has undertaken a number of missions, and is in the process of compiling legal standards applicable to IDPs, reviewing and analysing institutional arrangements for meeting needs of IDPs and developing an overall strategy for international assistance and protection. He has indicated that he will seek to include recommendations of the Task Force in his report to the Human Rights Commission.

8 The General Assembly of the United Nations has in its reviews of the work of the High Commissioner for Refugees supported the Office's work for the internally displaced, latest in operative paragraph 12 of GA Resolution 48/116 of 20 December 1993, which reads: "Reaffirms its support for the High Commissioner's efforts, on the basis of specific request from the Secretary-General or the competent principal organs of the United Nations and with the consent of the concerned State, and taking into account the
complementarities of the mandates and expertise of other relevant organizations, to provide humanitarian assistance and protection to persons displaced within their own country in situations calling for the Office's particular expertise, especially where such efforts could contribute to the prevention or solution of refugee problems;". Two papers on UNHCR's work with IDPs are attached (Annex Ia and Ib).

9 The mandate and role of the International Committee of the Red Cross of protecting victims of war, based on international humanitarian law, (in particular Article 3 common to the four Geneva Conventions and Additional Protocol II with regard to internal armed conflicts) as well as on its statutes entrusted to it by the international community has proven crucial in armed conflict and internal violence situations to prevent displacement and to ensure protection and assistance of IDPs through mutual respect of ICRC by all parties. (Annex II).

10 The single largest provider of international assistance to displaced persons is the World Food Programme (WFP). In recent years its humanitarian assistance to IDPs has increased considerably. IDPs constitute 35% of the 47 million people to which WFP already provides assistance. WFP's mandate covers all three of the phases of intervention identified in the DHA review for the Informal Task Force on IDPs, from displacement through to development. WFP already cooperates with all UN and NGO partners, as well as ICRC and host governments to jointly review and programme inputs into IDP operations. (A paper on WFP's activities for IDPs submitted by it to the Task Force is annexed as Annex III).

11 By definition, UNICEF's mandate demands a response whenever and wherever women and children are vulnerable - including internally displaced. The Convention on the Rights of the Child gives added impetus to UNICEF's advocacy and protection role with regard to children in the widest range of difficult circumstances, especially within national boundaries. UNICEF's core emergency programme strategy combining, from day one, immediate relief with rehabilitative and sustainable developmental actions in providing assistance to IDPs has proven to be a successful strategy for delivering assistance in situations of internal displacement. (UNICEF'S Guidelines for work with IDPs is annexed as Annex IV).

12 WHO has also increasingly become involved in situations of forced displacement and often helps authorities and agencies coping with health problems facing displaced persons. (WHO's submission to the Task Force is annexed as Annex V).

13 IOM provides migration assistance to IDPs in fields such as early warning; rapid analysis of migratory flows and advisory services and technical cooperation; census
taking; documentation; emergency assistance; medical services; transport; return and reintegration. (Annex VI is a position paper prepared by IOM (February 1993) on its mandate and responsibilities with regard to IDPs).

OVERVIEW OF TASK-FORCE'S ACTIVITIES

14 The Inter-Agency Task Force was convened four times in its second round of meetings. It recalled its initial report to the IASC for the Committee's meeting on 5 July 1993. In that report a two-track approach for assistance to IDPs was recommended (reference is made to the report which is annexed to this report as Annex VII).

15 The Inter-Agency Task Force in its second round of meetings, decided to pursue the objectives as defined by the Task Force in the initial report and endorsed by the IASC, in a different manner from what was foreseen. The members of the Task Force, including non-UN entities, were asked to provide their views on a number of questions relating to the reasons for displacement and the situation of displaced persons.

16 The Task Force has heard detailed accounts of the work of the Representative of the Secretary-General and of individual agencies and organizations in providing assistance and protection for IDPs. In this context thorough reviews of the operational experience with IDPs undertaken inter alia by UNHCR greatly helped the Task Force understand the issues involved. Practically all the members of the Task-Force have submitted a paper dealing with one or more aspects of the situation of IDPs. Some of these papers have been annexed to this report as indicated above under paragraphs referring to individual agencies' or organizations' work for IDPs. The papers cover issues such as Early Warning, Prevention, Protection, Humanitarian Assistance, (conditions for) Resettlement i.e. reconciliation measures, Role of National Structures.

AGREED FINDINGS OF THE INTER-AGENCY TASK-FORCE

17 The definition of the term 'Internally Displaced Persons' for the purpose of the work of the Task Force and for its recommendations to the Inter-Agency Standing Committee through the Working Group was discussed in some detail as there exists no generally agreed definition. The Task Force decided to use the working definition quoted by the Secretary-General in his Analytical Report on Internally Displaced Persons (Document E/CN.4/1992/23 of 14 February 1992, paragraph 17):
"The term 'Internally Displaced Persons' (IDPs) is used to mean persons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflicts, internal strife, systematic violations of Human Rights or natural or man-made disasters; and who are within the territory of their own country".

18 The Task-Force has agreed that the current system of ensuring an adequate response by the international community to many situations of internal displacement is deficient.

19 The Task Force is of the opinion that the issues related to the provision of humanitarian assistance to IDPs in general are well-known and that consequently the weaknesses in the international response to the humanitarian assistance needs of IDPs are due to: 1) lack of clearly designated, consistent institutional mandates; 2) lack of resources; 3) inadequate protection offered to IDPs, mainly due to the non-application of existing legal instruments; and 4) restricted access to displaced population.

20 The Task-Force also agreed that existing capacities of agencies and organizations if fully mobilized and resourced would, in all likelihood, be able to meet most if not all of the immediate humanitarian assistance needs of IDPs.

21 The starting point for dealing with the problem of IDPs is at the country level where the role of each operational agency can be best determined taking into account the already existing activities, existing institutional links and comparative advantages of each agency. To enable this process to be effective, the existing inter-agency coordination structure at the country level must be further enhanced.

22 The Task-Force further found that assistance to populations affected by displacement should be seen in the context of possible preventive action and how to address the root causes of displacement. The different types and causes of displacement should be recognized and be considered in the wider development context. As inequity, turbulence, strife and uncertainty increasingly characterize the unstable national environments, the distinction between "emergency" and "development" activities becomes difficult to sustain. The needs of the populations driven from their homes by poverty and inequity often differ only in degree, rather than in kind from those uprooted by civil strife.
The Task Force also found that the approaches to Early Warning of and Early Response regarding new situations of forced displacement, including international action, need to be further developed. In this connection, reference was made to the upcoming report from the Geneva-based Inter-Agency Consultations on Early Warning of New Flows of Refugees and Displaced Persons to the Administrative Committee on Coordination (ACC) assessing the first two years of this exercise and offering suggestions about widening its focus to humanitarian early warning and strengthening the consultative mechanism in information-gathering and analysis for preventive action. It was also considered important to take full account of information coming from the UN Human Rights bodies, such as the monitoring mechanism of the Commission on Human Rights and the treaty monitoring bodies.

While considerable efforts have already been made to develop such Early-Warning systems, further work and progress is considered important. The Task-Force found that early warning information was in principle amply available but that much more can and must be done to process and analyse relevant information and to ensure the timely and appropriate reaction to early warning signals.

With regard to protection of IDPs, the Task-Force agreed that the full application and implementation of existing International Humanitarian Law, Human Rights Law and of domestic law in principle would go a long way to cover the protection needs of IDPs. The full application of these standards and norms relevant to the situation of IDPs would also enhance assistance to and protection of these groups of IDPs.

In some instances when cooperation of authorities is at stake, it may be considered desirable that the humanitarian assistance requirements be met through one mechanism and the human rights concerns be dealt with through another mechanism. The Task-Force recognised that the provision of protection objectives should be pursued in an independent institutional frame-work from the humanitarian assistance. This, however, should not exclude the highly desirable coordination of the two activities, in order to ensure that they be supportive of each other.

The Task-Force also found that there is a need to further clarify the respective roles of the ERC, the High Commissioner for Human Rights and the Representative for IDPs, in conjunction with other relevant agencies and organizations.

The Task Force analyzed the institutional possibilities of the UN system at this point in time, when resources are over-stretched and donor governments seem less willing to fund and support structures of the UN and instead are funding and supporting other structures,
including NGOs, and where existing capacities of the international community have clearly not been fully utilized. The Task-Force found that rather than suggesting new institutional frame-works be established, it would be more fruitful at least for the time being, and possibly as a first step, to develop proposals based on the coordinated use and development of existing institutional capacities, and which include all organizations with capacities in all areas from prevention to the return to sustainable development.

29 Based on the above, the Task-Force centred its discussions on the feasibility of having one reference point of the UN System for IDP issues and recognised while various possibilities exist, the ERC would be the best option.

30 The Task-Force discussed, at some length, the potential weaknesses of the ERC model. The basic weakness was seen to relate to the composition of the IASC, as a committee of agencies and organizations concerned with humanitarian assistance and protection, but without representation of the human rights bodies and mechanisms of the United Nations.

31 The Task-Force discussed ways of ensuring that the ERC had sufficient funds at his disposal to allow him to perform effectively the role of reference point into the UN system on issues relating to IDPs. It was suggested that the ERC might have within the Department of Humanitarian Affairs, a designated official/officials. The official/officials would deal with issues relating to IDPs and supporting the ERC in his role as reference point, including processing of early-warning information in cooperation with the early-warning programme of the Department, liaison with the human rights mechanisms of the UN, individual institutions and organizations inside and outside the IASC etc.

32 Similarly it was suggested that other agencies and organizations, within and outside the UN System, with responsibility for IDPs consider designating an official to deal with issues relating to internal displacement where appropriate and to liaise directly with the ERC supported by his designated official(s).

RECOMMENDATIONS OF THE TASK-FORCE

33 (1.) The Task-Force recommends that one reference point of the UN system be chosen to receive information or requests for assistance and protection on actual or developing situations of IDPs that might require coordinated international response.

34 (2.) In analysing the various options the Task-Force has agreed that the ERC be that reference point for issues relating to IDPs, within the UN system. One reason for that position is that the ERC already has at his disposal a
coordination mechanism which covers natural and man-made disasters, that is, the Inter-Agency Standing Committee with its derivatives. Furthermore, the ERC is represented in the field through, in a few cases, a specifically appointed Humanitarian Coordinator, but in most cases through the Resident Representative/Coordinator system. His Department which is further being organized to deal with the processing of information on situations that might lead to internal displacement, is heading the ACC-initiated Inter-agency Consultations on Early Warning of New Flows of Refugees and Displaced Persons and is well placed within the UN secretariat in New York to liaise with DPA, DPKO and the Secretary-General's Office.

35 (3.) Taking into account that both the assistance and Human Rights needs of IDPs should be addressed, the Task-Force recommends that the High Commissioner for Human Rights be invited to participate in the meetings of the IASC or its derivatives, when issues relating to his functions are to be discussed. Similarly, The Task Force further recommends that the Representative of the Secretary-General on IDPs be invited to participate in meetings of the IASC or its derivatives when issues relating to internal displacement are to be discussed. (As noted above, the Representative has participated in the work of the Inter-Agency Task-Force on IDPs).

36 (4.) It is recommended that the in-country coordination system to deal with IDPs would, under this arrangement, be the DMT (Disaster Management Team) headed by the Resident Representative/Coordinator, or other mechanisms established to deal with a specific humanitarian crisis reflecting the imperative of flexible responses based on real needs and available expertise/existing programmes on the ground. The Task-Force found that a major advantage of the outlined in-country model would be its integration into overall humanitarian and development programming in the country affected by displacement. The Task-Force also noted the efforts to increase the capacity of the DMTs through the new modules on IDPs developed under the Disaster Management Training Programme to deal with situations of massive internal displacement. The Task-Force has been discussing the weaknesses of this in-country mechanism, inter alia the lack of participation of human rights bodies and mechanisms.

37 (5.) The Task-Force recommends that the ERC as the reference point within the UN System for IDPs should establish sufficient capacity within DHA to allow him effectively to perform this role.
(6.) The Task Force calls upon all IASC member organizations to establish sufficient capacity within each of the organizations on matters relating to IDPs.

(7.) The member organizations of the Task Force express their willingness to participate, as required, in an inter-agency mechanism which the IASC may wish to set up with a view to discussing with the ERC urgent concerns relating to IDPs. This mechanism would propose recommendations to the IASC-WG or the IASC itself as appropriate, through the ERC or his designated official (ref. recommendation 6). One such possibility would be an inter-agency task force with clearly established terms of reference and including representatives of the participants in the IASC, the HCHR, the Representative of the Secretary-General for IDPs and following proposals received, representatives of UNIFEM and HABITAT/UNEP.

(8.) In the case of an inter-agency mechanism being identified or established, it is recommended that there be a review and evaluation of the effectiveness of such mechanism after an appropriate period.

In submitting this report the mandate of the current Task Force has come to an end.