



Terms of Reference

GPC Task Team on Law and Policy

June 2015

Background

The 1998 *UN Guiding Principles on Internal Displacement* have been widely recognized as an authoritative international framework on internal displacement by states, authorities, inter-governmental organizations and humanitarian organizations. As of 2014, 26 states have adopted national legislations or policies on internal displacement. Currently, efforts to develop national frameworks on internal displacement are ongoing in the Philippines, Yemen, the Democratic Republic of Congo and Nigeria. The adoption of the African Union Convention on the protection of and assistance to internally displaced persons (the Kampala Convention) and the 2006 Great Lakes Protocols help augment efforts to enhance national protection systems for internally displaced persons (IDPs).

UNHCR's December 2013 High Commissioner's Dialogue on Protection called for a concerted effort to strengthen support on law and policy development on internal displacement. In the regional consultations being carried out as a part of the preparation of the 2016 World Humanitarian Summit, participants recommended that international efforts be mobilized to replicate Kampala Convention-like regional instruments. Thanks primarily to the work of the International Federation of Red Cross and Red Crescent Societies (IFRC), there is growing international attention to the development of legal standards on disaster law. Governments have increasingly adopted national frameworks on disaster risk reduction, though the link with the protection of IDPs needs to be strengthened.

In addition to the significant regional and national trainings on IDP law and policy undertaken by individual organizations, joined up initiatives have intensified in recent years. Various entities – including UNHCR, the Office of the Special Rapporteur on the Human Rights of Internally Displaced Persons, the Brookings Institute-LSE Project on Internal Displacement and the Internal Displacement Monitoring Center (IDMC), to name a few – have effectively collaborated on interventions aimed at supporting a national framework on internal displacement, with some key initiatives including:

- The promotion of ratification of the Kampala Convention by “the friends of the Kampala Convention.”¹
- The annual San Remo Course on the Law on Internal Displacement (10th session held from 23 to 28 November 2014).
- Development and dissemination of tools such as the Global Protection Cluster *Handbook for the Protection of Internally Displaced Persons*

¹ This group brought together several actors including OHCHR, ICRC, UNHCR, Brookings, IDMC and OCHA. Some donors such as the Swiss government also attended the meeting.

(http://www.globalprotectioncluster.org/_assets/files/news_and_publications/IDP_Handbook_EN.pdf) UNHCR/IPU *Handbook for Parliamentarians on Internal Displacement* (<http://www.ipu.org/PDF/publications/Displacement-e.pdf>); *Guide on Developing National Instruments on Internal Displacement* (<http://www.brookings.edu/research/reports/2013/09/03-national-instruments-on-internal-displacement>).

At national level, protection actors and, where relevant protection clusters, are often called upon to provide support to national authorities in developing a legal framework for IDPs. The Protection Task Team in Kenya, for example, played an instrumental role in providing support to authorities, who went on to develop a national policy and legal framework for IDPs in 2012. Inter-agency collaboration and partnership was critical in augmenting international support to governments and authorities in Yemen, Afghanistan and Somalia.

Taking into account the experience gained so far and making use of existing resources, the GPC Task Team on Law and Policy will bring together traditional and new GPC partners to carry out, among others, the following tasks:

- *Develop a calendar of major events* organized by agencies, governments and inter-governmental entities in support of national and regional efforts in strengthening legal frameworks.
- *Map regional, national and sub-national legal and policy* developments on internal displacement so as to identify trends as well as best practices and lessons learned.
- *Organize training and capacity building* activities in close collaboration with partners including UNHCR's Global Learning Center and the GPC Task Team on Learning to promote international standards including the Guiding Principles and the 'Kampala Convention' and to strengthen national-level capacity to develop and implement national IDP legal framework.
- *Provide technical advice* on draft laws, policies and strategies related to IDPs.
- *Review* the feasibility of a regional framework on internal displacement.
- *Disseminate guidance and develop* new resources related to IDP law and policy as required.