

PROTECTION OF INTERNALLY DISPLACED PERSONS

Inter-Agency Standing Committee Policy Paper

New York, December 1999

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EXECUTIVE SUMMARY

The international response to crises of internal displacement has often tended to focus on material assistance. Agencies now recognise the importance of an agreed, comprehensive strategy for linking protection of, and assistance to internally displaced persons. However, the situation of the internally displaced varies from country to country. Strategies for response must be designed to take account of the willingness and capacity of national authorities to fulfil their responsibilities towards the internally displaced, and of the capacities and experience of agencies on the ground.

The Inter-Agency Standing Committee (IASC) Policy acknowledges that both International Humanitarian Law and Human Rights Law contain provisions for protection against forced displacement and against abuses during displacement. The Guiding Principles on Internal Displacement of 1998 spell out these provisions in detail.

The IASC emphasises that the protection of internally displaced persons must be of concern to all humanitarian/development agencies. The policy paper identifies fourteen strategic areas to focus on in order to build a protective environment and to integrate protection features into operational response and remedial action. The Policy addresses the need for advocacy, prevention and preparedness, including the promotion of the Guiding Principles. It calls for the strengthening of national and local capacities, and for integrated training activities. It emphasises the need for systematic efforts to support community-based protection and to develop protection strategies for women, children and other vulnerable groups. It underlines that, in ensuring the protection of the internally displaced, the search for durable solutions is a central concern. Finally, it recalls the importance of coordinated programming, monitoring and reporting.

The IASC reiterates that protection and assistance to internally displaced persons is, first and foremost, the duty of national authorities. It calls on agencies to maintain a collaborative approach adapted to the specific context of each crisis, in consultation with national and local authorities. The UN Humanitarian/Resident Coordinator (or where a humanitarian Lead Agency has been designated, the Representative or Country Director of this agency) is responsible for establishing arrangements on behalf of the war-affected population including the internally displaced. Under his/her lead, the Country Team develops a joint plan for responding to the needs of internally displaced persons.

At headquarters' level, the Emergency Relief Coordinator (ERC) is the responsible inter-agency focal point on internally displaced persons. Under his/her leadership, the IASC and the IASC Working Group keep under constant review the in-country arrangements in crises of internal displacement in order ensure adequate support to a coordinated response.

¹ The policy paper on the protection of internally displaced persons was endorsed by the Inter-Agency Standing Committee on 6 December, 1999.

INTRODUCTION

Protection problems are endemic to the plight of internally displaced persons². They arise not only as a cause of flight, but also during displacement and in the search for durable solutions. In the past, international response has tended to focus on providing assistance, with less attention given to protection concerns. In recent years, there has been a growing awareness within the international community of the connections between protection and assistance. As a result, a number of important initiatives have been taken in this direction. Nevertheless, the meaning of protection at a general level, and for internally displaced persons in particular, is yet to be fully conceptualised.

The Emergency Relief Coordinator (ERC), the Representative of the Secretary-General on internally displaced persons (RSG on IDPs) and the High Commissioner for Human Rights (HCHR), looking to enhance their collaborative efforts relating to the protection of internally displaced persons, agreed that it would be useful to prepare a joint policy paper on this subject. A first draft of this paper was presented to the Inter-Agency Standing Committee Working Group (IASC-WG) at its 29 January 1999 meeting. It was suggested that this paper be further developed within the IASC-WG. A one-day inter-agency workshop was organised to review the paper and all IASC members were encouraged to contribute to the paper in order to ensure that it would reflect the views of the IASC as a whole.

The objective of the paper is to outline the IASC policy on the protection of internally displaced persons. Section I of the paper examines the nature and content of protection for internally displaced persons. Section II sets out a number of strategic areas of activity for ensuring that these protection responsibilities are discharged effectively. Section III contains a short analysis of the responsibilities for action. Finally, Section IV aims at developing basic principles for allocating responsibilities in specific country situations in the hope of increasing the predictability of response and facilitating the work of the Humanitarian Coordinators and/or Resident Coordinators (HC/RCs³) in addressing gaps. For reference, an outline of the different approaches of agencies in addressing these needs is presented in Annex A. The Supplementary Guidance⁴ to HC/RC on their responsibilities in relation to internally displaced persons is also attached in Annex B.

Flexible strategies for responding to situations of internal displacement will need to vary depending upon the competencies and comparative strengths of the actors and agencies, as well as upon the different contexts in which internal displacement occurs. In particular, strategies for addressing the protection needs of internally displaced persons will differ depending upon how national authorities respond in fulfilling their responsibilities towards the displaced. A number of scenarios are possible. National authorities may be willing to respond to the needs of internally displaced persons and possess the necessary resources, or they may be willing to respond but

² The Guiding Principles on Internal Displacement define internally displaced persons as “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border.”

³ This paper globally refers to the responsible official as the “*HC/RC*”. Par. 11 of annex B (‘Supplementary Guidance’) spells out the three options as to which official may be assigned this function, according to the context: (a) the Humanitarian Co-ordinator (HC), (b) the Resident Co-ordinator (RC), (c) the Country Director or Representative of the humanitarian Lead Agency.

⁴ The ‘Supplementary Guidance’ was endorsed by the Inter-Agency Standing Committee on 5 April, 2000.

lack the required resources. In other cases, national authorities may be either passively unwilling to respond to the needs of the displaced, or even be obstructive of international efforts to address those needs.

This paper seeks to broadly outline some major elements which together constitute the field of protection in internal displacement situations. It makes no attempt to provide definitive answers to all the complex questions posed by those situations. The paper is part of a growing effort on the part of the international organisations to address more proactively the needs of internally displaced persons, to assess and analyse those needs, and to act when the rights of internally displaced persons are being violated.

I - NATURE OF PROTECTION FOR INTERNALLY DISPLACED PERSONS

*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).*⁵

For the purpose of this paper we have adopted the above definition used in 1999 Workshop of the International Committee of the Red Cross (ICRC) on Protection. This definition is comprehensive in scope, both in terms of the legal framework for protection, (“full respect”), and in terms of the strategies and methods by which protection may be achieved (“all activities”).

Unlike refugees, internally displaced persons have not crossed an international border. As such, no single international legal instrument is exclusively devoted to their specific protection needs. Internally displaced persons are covered by the laws of their own country, and the State is responsible for assisting and protecting them. Under human rights law, which remains relevant in most cases of internal displacement⁶, they are entitled to enjoy, in full equality, the same rights and freedoms under domestic and international law as the rest of a country’s citizens.

Whenever internally displaced persons find themselves in a situation of armed conflict, they are also protected by international humanitarian law (IHL). In international armed conflicts this includes in particular the Fourth Geneva Convention and Protocol I Additional to the Geneva Conventions, and in non-international armed conflicts Article 3 common to the Geneva Conventions and Protocol II thereto. IHL provides important protection for those who have already been uprooted, and, most importantly, against arbitrary displacement.

This is done in several ways. First, the rules governing the conduct of hostilities prohibit attacks against civilians and destruction of objects indispensable to their survival, such as crops, livestock and drinking water installations. Second, humanitarian law provides that civilians be treated in a humane manner and protects them from abuses committed by the party under whose power they find themselves. Together, these rules seek to preserve a minimum of safety and a basis for subsistence, both of which are essential to allow persons to remain in their homes, and as guarantees for those who have already been displaced. In addition, humanitarian law contains

⁵ Third Workshop on Protection, Background paper, ICRC (7 January 1999).

⁶ International 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). Conversely the Convention on the Rights of the Child includes no derogation clause thus it is applicable to all children in all situations.

express prohibitions against arbitrary displacement, and regulates the conditions under which evacuations can be carried out.

Accordingly, the implementation of IHL constitutes an important form of protection. Efforts to promote such respect include drawing the attention of the parties to existing humanitarian problems, reminding them of their legal obligations and facilitating contacts between them for the purpose of enhancing the protection of civilians.

Drawing upon the relevant provisions of these standards of international law, and refugee law by analogy, the Guiding Principles on Internal Displacement, published in 1998, represent the first comprehensive attempt to articulate what protection should mean for the internally displaced. The Guiding Principles identify the rights and guarantees relevant to the protection of internally displaced persons in all phases of displacement. They outline standards for protection against arbitrary displacement, protection and assistance during displacement, and for safe return or resettlement and reintegration. Protection as elaborated in the Principles covers not only needs for physical security and safety but also the broad range of rights provided for in international law (including the right to food, to education and to employment, for instance).

The Principles, it should be noted, do not seek to create a privileged category of persons or to establish a separate legal status for the internally displaced. Rather, they are based on the assumption that internally displaced persons have the same rights and obligations as other persons living in their own state. At the same time, however, they draw attention to the importance of recognising the particular situation and needs of internally displaced persons. 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, the Principles provide solid guidance on how protection activities should be oriented in order to be effective. Notwithstanding the importance of basing protection on principles of national and international law, it nonetheless is true that the protection of displaced persons “frequently will depend on non-legal skills and initiatives”⁷. In other words, action is required to translate protection principles into effective protection on the ground. Action should also be focused on the search for durable solutions. For the essence of protection activities is the search for solutions which might ensure or restore rights.

II - STRATEGIC AREAS FOR PROTECTION

While there is growing recognition among humanitarian and development agencies of their responsibilities in the area of protection, including to internally displaced persons, there remains a need to give practical meaning to such commitment. Traditionally, humanitarian and development agencies lacking an explicit protection mandate have tended to conceive of protection for internally displaced persons as falling outside the scope of their work. Their protection role has been limited to the extent that the provision of assistance does in itself constitute a form of protection. As such, the traditional work of humanitarian and development agencies is, indeed, inherently rights-based and the distinction between protection and assistance is false. However, human rights protection cannot be done by halves, it involves the assurance of the whole set of rights enshrined in the Universal Declaration of Human Rights. As the High Commissioner for Human Rights has said, it means ensuring “all human rights for all”. The

⁷ Goodwin-Gill, ‘The Language of Protection,’ *International Journal of Refugee Law*, Vol. 1, No. 1 (1989), p.17.

challenge of strategic programming in situations of internal displacement is therefore to ensure that this “all” includes the internally displaced and that “all” their rights are respected.

The ICRC 1999 Workshop on Protection identified three categories under which different types of protection activities could be grouped: (i.) *Environment Building*, to include any activity aimed at creating and/or consolidating a global environment conducive to full respect for the rights of individuals; (ii.) *Responsive Action*, to include any activity undertaken in the context of an emerging or established pattern of abuse and aimed at prevention and/or alleviating its immediate effects; and (iii.) *Remedial Action*, to include any activity aimed at restoring dignified living conditions through rehabilitation, restitution, and reparation.

This typology helps explain the broadly defined meaning of protection. It is also useful for a clearer identification of the roles and collaborative arrangements in a comprehensive strategy for the protection of internally displaced persons. Following this outline, a number of strategic areas relevant to protection work in situations of internal displacement have been identified.

Environment Building

Dissemination and promotion of the Guiding Principles: In its decision of 26 March 1998, the IASC encouraged member organisations to bring the Guiding Principles to the attention of their Executive Boards and to share them with their staff, especially those in the field. Since then, the Principles have been largely integrated into institutional policies and programmes. OCHA has published them as a booklet in various languages (English, French, Spanish, Portuguese). Translations also exist in Azerbaijani, Georgian (undertaken by local NGOs with the support of UNHCR) and Greek (undertaken by Amnesty International). In addition, a French translation of the Compilation and Analysis of Legal Norms⁸ on which the Principles are based is planned.

Yet, the effectiveness of the Principles as a protection tool depends on the extent to which they are respected by the various concerned actors, including the international community. The IASC, in its above-cited decision, has encouraged its members to apply the Principles in their activities. The Principles should be used by the agencies as a benchmark against which to assess assistance and/or protection activities in their areas of responsibility. An integrated country team approach should be adopted when applying the Principles at field level, the responsibility for which would fall to the HC/RC at field level, in cooperation with the IASC-WG.

Advocacy : The main aim of advocacy is to give victims a voice and ensure that humanitarian issues and concerns are taken into account. Active and assertive advocacy for the rights of internally displaced persons can be an essential component of protection efforts. Greater awareness of the rights of internally displaced persons as well as of their condition and needs, must be promoted with national leaders, international organisations, the media, donors and parties to conflicts.

Where violations of relevant international provisions, as spelled out in the Guiding Principles, occur, field staff of UN agencies, NGOs and international organisations should ensure that the information is communicated to officials and/or institutions that are in a position to act upon it. These include the HC/RC, the OHCHR, the ICRC or UN Agencies with a special expertise or

⁸ UN 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.

responsibility in this field. In turn, these mandated actors should make representations directly to the competent authorities or other parties with influence over the territory where violations are occurring, including: UN Peacekeeping Forces, UN Police monitoring units, and bilateral or regional military contingents assisting with peacekeeping.

When undertaking advocacy efforts, the situation must be carefully examined to determine what type of advocacy will be most effective and what are the possible points of entry. The safety and security of field staff must also be kept in mind. Common stands by human rights, humanitarian and development agencies can be particularly effective. At the same time they reduce the risks related to agencies acting separately or alone.

Effective advocacy has to be done locally. Nevertheless, as a matter of course, information on internally displaced persons should be brought to the attention of the officials and/or institutions, at headquarters level, who are specifically mandated to engage in advocacy for the protection of internally displaced persons. In particular, the ERC's function enables him to effectively use mechanisms such as addressing the Security Council and contributing to the Secretary-General's reports to the ECOSOC and the General Assembly to draw the attention of the international community to such protection problems. Furthermore, the ERC and the HCHR, in their function as members of the Secretary-General's Executive Committees, are in a strong position to promote an active and concerted response from within the UN system to such problems as they evolve. The regular reports of the RSG on IDPs to the Commission on Human Rights, as well as his contacts during official country visits, provide additional platforms for high-level advocacy.

Engaging non-state actors: With internal armed conflict constituting one of the main cause of internal displacement, strategies for engaging not only Government authorities but also other parties to the conflict in the protection of the internally displaced need to be developed. It is important that efforts at engaging non-state actors be linked to the dissemination, training and advocacy activities outlined in this paper. Such efforts should be integrated in the overall coordination efforts under the leadership of the HC/RC and should take fully into account on-going activities of other international organisation to avoid ineffective duplications. Dialogue with non-state actors should retain a strictly humanitarian character.

Prevention of displacement, early warning and awareness: *"Today's human rights abuses are tomorrow's refugees and internally displaced"*⁹. Sustained attention should be given to prevention activities, so-called *preventive protection*, to diminish the risk of displacement. In particular, activities to address root causes of conflict, and the mitigation of violations and abuses are required.

A protection perspective and a displacement risk assessment should be integrated into all aspects of early warning analysis of countries and communities in crisis. Supporting early warning initiatives within the humanitarian sphere can strengthen the capacity and ability to anticipate and mitigate situations causing internal displacement. Therefore, field staff of UN agencies, NGOs and international organisations as well as local authorities should be encouraged to provide information on impending situations of internal displacement and communicate it to the HC/RC and other Agencies with a special expertise or responsibility at field level. In turn, these mandated actors, would be responsible for informing the IASC-WG, the ERC and the RSG on IDPs.

⁹ UNHCR, "The World's Refugees: In Search of Solutions", Oxford University Press, 1995.

Making populations at risk aware of their rights can serve as a preventive measure. Through human rights training, awareness campaigns, and advocacy with local leaders, communities can be empowered to protect themselves and reclaim their rights. In particular, local organisations and the internally displaced persons themselves should play an active role in providing information on imminent situations of internal displacement.

Establishing an international humanitarian presence among internally displaced persons is often an important step towards ensuring their protection. Experience in this field suggests that in certain circumstances, the presence of expatriates “watching and listening” has, at times, been found to deter, or at least mitigate, human rights violations.

Preparedness: To be effective, early warning capacity needs to be linked to timely and decisive response mechanisms on both the national and international level. 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 including technical cooperation with the authorities. Furthermore, the Country Team should be responsible for ensuring that the emergency pipelines are capable of meeting anticipated needs. Activities such as the pre-positioning of staff, transport, shelter, material and food and medical supplies should be ensured in impending situations of internal displacement.

Strengthening local and national protection capacity: It is essential to assist the authorities in discharging their responsibility to internally displaced persons and to strengthen the national capacity, not only for emergency response but also for human rights protection. Such assistance is especially effective where the State experiencing displacement is willing but not able to discharge its protection responsibilities. The assistance may take the form of technical cooperation and advisory services programmes as well as programmes for good governance.

Training: An integrated training programme on the protection, assistance and reintegration of internally displaced persons is essential for international staff, national authorities and non-State actors, local organisations and all other relevant actors.

In line with its terms of reference, the IASC-WG has set out to develop a set of distinct yet complementary training modules on internal displacement. The primary target audience of the training modules will be middle-level management and field programme staff of UN agencies, NGOs and other international organisations. These modules, which will consist of adaptable teaching kits, can be adjusted to fit wider audiences. It is envisaged that a number of critical principles on the HC/RC’s role vis-à-vis internally displaced persons will be distilled from the modules and fed into the HC/RC training program at the UN Staff College.

Complementing the training package are other publications providing guidance on programming field activities and implementing the Guiding Principles. These include: the Manual on Field Practice in Internal Displacement, prepared by an IASC reference group under the direction of UNICEF; and a Field Handbook on the Guiding Principles, prepared by the Brookings Institution Project on Internal Displacement.

These tools will enhance the ability of actors in the field to respond to crises of internal displacement in a systematic and comprehensive manner. The IASC-WG will also need to bring the training material to the attention of UN peacekeepers and civilian police who increasingly are undertaking activities of direct relevance to internally displaced persons.

Operational Response and Remedial Action

Vulnerability assessment: An assessment of vulnerabilities and needs should always include protection. Surveys and assessment tools should analyse the protection requirements of internally displaced persons in a specific and systematic manner.

The Guiding Principles are a valuable reference point for identifying the rights of the internally displaced, and for assessing the extent to which their protection needs are being addressed. Where these needs are particularly acute, the undertaking of specific needs assessment should be considered.

Coordinated programming of assistance: Country teams, in formulating their Consolidated Appeals should ensure that the protection needs of internally displaced persons are addressed in the joint programming process. Further to its Terms of Reference, the IASC-WG is to ensure that the needs of the internally displaced are systematically taken into account in resource mobilisation processes. The IASC has recommended that the activities of agencies having a more specific protection mandate, such as the UNHCR, OHCHR and UNICEF, should be highlighted in the Appeals.

To this end, the IASC-WG decided that the Sub-working group on the Consolidated Appeals Process should prepare improved guidelines aimed at helping Country Teams in drafting effective appeals. The IASC-WG should ensure that the improved guidelines include directions on how programming can systematically address the protection needs resulting from internal displacements. In addition Appeals should also embody programmes to address the need for durable solutions. On the basis of needs assessments, and where appropriate, resource mobilisation efforts should earmark funds specifically for addressing these needs.

Promoting protection in the design of assistance programmes: While the primary responsibility to provide protection rests with the competent authorities, humanitarian agencies have responsibilities of their own to ensure that protection features are integrated in their programmes and operations. A number of agencies have devised specific guidelines in this regard (e.g. prevention of sexual exploitation in camp situations, protection against child recruitment through schooling, integrating mine-awareness in assistance programmes, linking data collection for documentation and tracing with registration for relief assistance, etc.). Agencies should review their assistance programmes to avoid potential negative effects on protection as well as strengthen programme features that could positively effect protection. Agencies providing assistance should consult with other expert or mandated agencies operating in the country, to determine how their assistance programmes could be strengthened to afford protection of basic rights. In setting out a programme Agencies should also take into account on-going activities of other international organizations to avoid all duplications.

Supporting community-based protection: Community structures can be an important source of protection in situations of displacement. The needs of the internally displaced should be addressed within a broader humanitarian strategy which takes into account the needs of all segments of the population and in particular those of the host-community. “*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.”*¹⁰ Local coping mechanisms are particularly important in the absence of an effective government.

Displaced communities should be involved, as the Guiding Principles affirm, in decisions taken on the design of programmes addressing their needs, and about their return or resettlement. Activities that encourage the maintenance or restoration of communal links or promote the integration of the displaced into the surrounding community can contribute to their security. In emergency situations, high priority should be given to efforts aimed at reuniting families, creating support structures for unaccompanied children, and enabling displaced persons to remain with or rejoin members of their clan, tribe or village.

Over the longer term, activities that strengthen civil society and facilitate conflict resolution and reconciliation among different cultural, ethnic and religious groups can contribute to the protection of displaced persons. They can also lead to the identification of durable solutions, in particular through the creation of conditions for the eventual safe return and reintegration, or resettlement and integration of internally displaced persons

Protection strategies for women, children and other vulnerable groups: Humanitarian agencies must ensure that gender and child-related aspects of displacement are considered in the planning and programming of operations. Displacement tends to alter the structure of families and households and to change gender roles. Women play a central role in reducing the vulnerability of entire communities to the effects of displacement. Their participation in the design of protection strategies is essential. The continued study of gender relations and how these have been affected by displacement must be encouraged. This could be achieved by the routine compiling of gender-specific information in assessments. With regard to the specific protection needs of children and in particular of unaccompanied minors and child soldiers, the Convention on the Rights of the Child, which outlines the non-derogable rights applicable to children should be examined as a basis for advocacy and programming on behalf of internally displaced children. More attention should also be paid to the specific needs of other vulnerable groups such as the elderly and the handicapped.

Promoting protection in the design of return/reintegration or resettlement/integration programmes: Protection activities must work towards durable solutions. For the displaced this entails a voluntary and secure return or resettlement. Internally displaced persons are particularly vulnerable to involuntary return/resettlement and to a lack of safety in the areas of return/resettlement. Additional problems often relate to the restitution of land and property rights. Humanitarian and development agencies need to work together to ensure that their programmes are designed to specifically tackle these challenges.

Operational monitoring and reporting: On-going monitoring of the protection requirements of internally displaced persons, and how these needs are being addressed is essential. Field monitoring serves an important protection function by establishing a presence among or near at-risk populations. This allows regular needs assessment and the identification of groups that are particularly at risk. If necessary the HC/RC and the Country Team will relay such information to the ERC, RSG on IDPs, OHCHR, and the IASC-WG as a whole, in order to ensure a timely and effective response.

¹⁰ UNHCR, “Protection Aspects of UNHCR Activities on Behalf of Internally Displaced Persons,” EC/SCP787 (Geneva, 17 August 1994), p. 26.

In this regard, following a request from the office of the Secretary-General, a note was issued by the UNDP Administrator providing initial practical guidance on communicating issues relating to human rights. More detailed and extensive guidance as well as training opportunities should be provided to field staff.

III - RESPONSIBILITIES FOR ACTION

It is, first and foremost, the responsibility of national authorities to both ensure protection for and provide assistance to the displaced and those at risk of displacement.

The protection role of other actors, including international agencies and NGOs, involves reinforcing national responsibility and supporting, not substituting for, the protection responsibilities of competent authorities. 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 specialised technical expertise in human rights protection, it remains incumbent upon all agencies to incorporate human rights concerns into their work. All agencies providing humanitarian assistance to internally displaced persons have a responsibility to consider how the design and implementation of their assistance activities might best contribute to promoting protection of the internally displaced. Effective fulfilment of this responsibility stands to improve the protection of the internally displaced.

The scale and the multi-faceted nature of displacement crises have led the IASC to recognise that an effective and comprehensive response to the protection and assistance needs of displaced persons necessitates a collaborative approach. Thus, the management model for assistance and protection in situations of internal displacement, rather than a single agency approach, is one that involves government officials, UN agencies, international organisations, and international and local NGOs.

Such a collaborative approach implies a significant coordination role for the ERC and the IASC-WG. It requires the HC/RC to undertake an important assessment and task coordination role within the country setting; and further means the involvement of UN agencies and other international and national organisations, based on their areas of comparative advantage.

The principles which should underlie all interventions on behalf of internally displaced persons are: (a) a clear understanding of the respective roles of the ERC, the IASC-WG and the HC/RC, (b) an in-depth analysis of the specific country situation, and, (c) a multi-organisation coordination model based on the comparative advantages of the humanitarian organisations.

IV – PROCESS FOR IMPLEMENTING THE COLLABORATIVE APPROACH

The IASC Recommendations related to the Review of the Capacity of the UN System for Humanitarian Assistance set out a number of coordination arrangements:

At headquarters level, the ERC, as chairman of the IASC, is the focal point for the inter-agency coordination of humanitarian assistance to internally displaced persons. The IASC-WG has been designated as the inter-agency forum for dealing with problems of internal displacement. An

informal network of agency focal points on internal displacement has been established to promote inter-agency discussion and cooperation.

At the field level, the HC/RC is, in full consultation with the inter-agency Country Team, responsible for the strategic coordination of assistance to and protection of internally displaced persons. This mandate includes ensuring that humanitarian needs are met before, during and after an emergency. It also requires the HC/RC to serve as an advocate for assistance and protection, and recommend to the ERC a division of tasks and responsibilities among agencies¹¹.

This process serves to create areas of predictability as well as systematically promote mechanisms of complementarity and cooperation among the agencies to address the needs resulting from internal displacement. A number of coordination mechanisms need to be distinguished in order to maintain flexibility with regard to the specific requirements in situations of internal displacement.

Coordination mechanisms at the outset of an IDP crisis:

- a) **Activation:** The primary responsibility for activating the coordination process at the outset of a crisis of internal displacement lies with the field. The HC/RC will alert the ERC to an evolving situation of internal displacement. This then should set off parallel processes in the country and at headquarters level.
- b) **Strategy building:** The HC/RC will initiate consultations with the UN Country Team and other international organisation and establish in-country task forces on internally displaced persons. This should encourage agencies to share information, initiate additional common monitoring activities, and develop a joint plan for responding to the assistance and protection needs of the displaced. The HC/RC will ensure that the monitoring and planning process maintains a strategic focus on protection issues such as those suggested in Section II. As a matter of course, strategies to address situations of internal displacement should include the search for durable solutions, even while the crises are evolving. The HC/RC will also promote consultations with national and local authorities to assess the willingness and capacity of the government to respond to the crisis and to fulfil its obligations with regard to protection in situations of internal displacement.
- c) **Defining institutional arrangements:** In consultation with the UN Country Team and other relevant organisations, the HC/RC will propose to the ERC an institutional arrangement among agencies to address the needs of the displaced populations in a coordinated manner. This proposal should reflect the role to be taken by national and local government agencies, as well as by international agencies and NGOs. Subject to inter-agency consultations and subsequent endorsement by the IASC-WG, the ERC may give a provisional response to the proposal. Following general consultations, in particular with agencies proposed for key roles, the ERC will propose a coordination arrangement to the IASC-WG for its endorsement. The HC/RC may also request the ERC to dispatch to the field an inter-agency mission or an individual adviser, as appropriate.

¹¹ Discussions of the IASC-WG on the "Supplementary Guidance" (annexe B) confirmed that internal displacement is a cross-cutting concern and cannot be defined as a sector of activities. Hence, overall responsibility at field level for internally displaced persons should normally not be transferred to a "sectoral lead agency for IDPs" and should remain with the official in charge of humanitarian coordination. However, an agency might be requested to take on specific coordination responsibilities, for example for food relief or protection programmes on behalf of IDPs.

- d) **The IASC-process:** The IASC-WG will undertake, in line with its terms of reference on internally displaced persons, a review of the proposed country arrangements and suggest the most appropriate division of labour for addressing them.

While the above-outlined mechanisms will help address situations of internal displacement *at their outset*, a number of steps should be taken at field level as well as at headquarters level to strengthen coordination processes in *on-going* situations of internal displacement:

Coordination mechanisms in on-going crises:

- a) The HC/RC will encourage in-country task forces on internally displaced persons to develop the capacity and competence to maintain a strategic focus on protection issues while planning for the delivery of humanitarian assistance. These will include mechanisms for participation at sub-office level in designing and implementing strategies.
- b) The HC/RC with the input from the UN Country Team and other international organisations, will report to the ERC on specific information on displaced populations, and call, if necessary, particular attention to gaps in existing assistance and protection measures, as well as constraints due to lack of access or resources.
- c) The IASC-WG will support the HC/RC in promoting collaborative arrangements among agencies to address protection needs. In particular, the IASC-WG will assist the HC/RC in their coordination efforts by undertaking a systematic review of country arrangements with regard to internally displaced persons at headquarters level.
- d) The IASC-WG, in selecting countries for its consideration, should give priority to situations where internal displacement is presenting particular protection and/or assistance challenges. In keeping with its TOR on internally displaced persons, the IASC-WG should systematically monitor the follow-up to visits by the ERC or inter-agency missions to the country(s) in question. When reviewing countries on which the RSG on IDPs has reported on, the IASC-WG should examine the extent to which his recommendations are taken into account by the Government, concerned parties and by the Country Team.
- e) The HC/RC may encourage the development of *Memoranda of Understanding* or other institutional arrangements between key partners in the humanitarian response to displacement situations, the objective being for agencies to be able to rely on one another's comparative advantages and special expertise. In clarifying roles and responsibilities, such agreements can also help to identify and correct operational gaps and overlaps.

6 December, 1999

Annex A

OUTLINE OF THE CAPACITIES OF DIFFERENT ORGANISATIONS WITH REGARD TO THE PROTECTION OF INTERNALLY DISPLACED PERSONS¹

The Emergency Relief Coordinator

The Secretary-General, in his report *Renewing the UN: A Programme for Reform*, emphasised that the international response to internal displacement needed to address both protection and assistance. The report underlined the role of the Emergency Relief Coordinator (ERC) as one of ensuring that the protection and assistance needs of internally displaced persons (IDPs) are addressed². Accordingly, the Secretary-General designated the ERC as the focal point at headquarters level for the inter-agency coordination of humanitarian assistance to internally displaced persons. This responsibility includes: (a) global advocacy on both assistance and protection requirements; (b) resource mobilisation and the identification of gaps in resources for internally displaced persons; (c) promotion of the establishment of a database and global information on internally displaced persons in consultation with external institutions, including monitoring and issuance of periodic situation reports; and (d) support to the field on related humanitarian issues, including negotiation of access to internally displaced persons.

As chair of the Inter-Agency Standing Committee (IASC), the ERC ensures that appropriate arrangements are set up with regard to protection and assistance in specific situations of internal displacement.

At the field level, the UN Humanitarian Coordinator/Resident Coordinator (HC/RC) is, in full consultation with the inter-agency Country Team, responsible for the strategic coordination of assistance to internally displaced persons³. This includes ensuring that humanitarian requirements before, during and after an emergency are adequately addressed, and advocating for assistance and protection. The HC/RC is responsible for recommending to the ERC the most appropriate collaborative arrangement, among agencies, for responding to the displacement crisis in a specific country.

Through a network of IDP focal points in IASC member agencies, the ERC's Office for the Coordination of Humanitarian Affairs (OCHA) maintains a system-wide liaison concerning situations of internal displacement. This enables OCHA to assist the ERC and the IASC with its Working Group in developing an inter-agency consensus in matters relating to internally displaced persons.

OCHA is also in close contact with the Representative of the Secretary-General on internally displaced persons in order to keep him up to date on relevant policy developments, provide him with country specific information and proposals for his advocacy efforts on behalf of internally displaced persons.

¹ The Outline of the Capacities of Different Organizations is presented as an Annex to the Policy Paper. It constitutes a non-endorsable part of the latter.

² A/51/950, para. 186

³ For more details on responsibilities for coordination, see par. 11 of annex B (“Supplementary Guidance”).

The Representative of the Secretary-General on Internally Displaced Persons (RSG on IDPs)

In 1992, in response to growing international concern about the large number of internally displaced persons throughout the world and their need for protection and assistance, the UN Secretary-General, at the request of the Commission on Human Rights, appointed a Representative on internally displaced persons. The RSG was requested to examine the human rights issues relating to internal displacement and to prepare a comprehensive study identifying existing laws and mechanisms for the protection of internally displaced persons, measures to strengthen their implementation, and additional ways of addressing protection needs.

The mandate of the RSG has been renewed three times and the RSG requested to continue his analysis of the causes of internal displacement, the needs of those displaced, measures of prevention, and specific ways to improve protection, assistance and solutions for the internally displaced. In fulfilment of these responsibilities, the Representative monitors internal displacement world-wide, undertakes country missions, establishes dialogues with governments, collaborates with intergovernmental, regional and non-governmental organisations, makes recommendations to improve international and regional institutional arrangements, assesses international legal protection, and publishes reports for action by Governments, the Commission, the General Assembly, international organisations and non-governmental organisations.

In 1998, the RSG presented the first international standards on internally displaced persons to the Commission – the Guiding Principles on Internal Displacement. Their development had been preceded by an evaluation of existing human rights and humanitarian law and refugee law by analogy to determine the degree to which they provided an adequate basis for the protection of the internally displaced. On the basis of the findings, contained in a compilation and analysis of legal norms, the RSG had been requested by the Commission and General Assembly to develop an appropriate normative framework for the protection of internally displaced persons. The Guiding Principles are the first comprehensive statement of what protection should mean for the internally displaced. They set forth the rights of the internally displaced and the obligations of governments and insurgent groups toward these populations. They provide guidance to the RSG, States, all other authorities, groups and persons, and intergovernmental and non-governmental organisations when addressing internal displacement. The Commission acknowledged the Principles in 1998 and has welcomed the fact that the RSG is making use of them in his dialogue with Governments and intergovernmental and non-governmental organisations, and in particular in the framework of seminars he has held on internal displacement (in collaboration with regional organisations, UN agencies and local NGOs). The Economic and Social Council also acknowledged the Principles, as have international organisations, regional bodies and non-governmental organisations, all of which have been widely disseminating them.

Another important aspect of the mandate is country missions which provide the means for assessing the extent to which the protection, assistance and development needs of the internally displaced are being met on the ground. Discussions are held with government officials, international organisations, non-governmental organisations and displaced populations, all of which serve to raise national and international awareness to areas that need attention.. Thus far, the RSG has undertaken fourteen such visits. The RSG submits reports on his findings to the Commission and General Assembly. He also shares the findings and recommendations of these missions with the IASC, soliciting its support in their implementation.

In its Recommendations Related to the Review of the Capacity of the United Nations System for Humanitarian Assistance, the IASC recognised the role of the RSG as focusing primarily on

advocacy for protection and assistance of the internally displaced, the setting of global standards and principles for enhanced protection, and making recommendations on how the application of existing instruments and protocols can be made more effective. Since 1997, the RSG has been a standing invitee to the IASC and its subsidiary bodies, participating actively in these forums with a view to ensuring that attention to protection is integrated into the international response to situations of internal displacement. The RSG also makes recommendations for more effective institutional arrangements for internally displaced persons at the national and international levels.

The RSG reports annually to the Commission and biennially to the General Assembly. The RSG on IDPs is a voluntary position, which is serviced by the Office of the High Commissioner for Human Rights in Geneva. In 1999, UNHCR seconded a staff person to New York to support the work of the mandate.

The Office of the High Commissioner for Human Rights (OHCHR)

Protection is at the core of the mandate of the Office of the High Commissioner for Human Rights (OHCHR). In addition to servicing the mandate of the RSG on IDPs, OHCHR plays a protection role with internally displaced persons in its own right. OHCHR has a field presence in several situations of internal displacement, which in a number of cases has specific responsibilities relating to promoting and protecting the rights of internally displaced persons. Enhancing the human rights field presence in situations of internal displacement would help to ensure greater attention to human rights abuses and protection needs.

The human rights monitoring undertaken by the thematic and country-specific Special Rapporteurs, thematic working groups and the human rights treaty bodies is also important. The Commission on Human Rights has called upon these mechanisms to seek information on situations that have already created or could create internal displacement, and to include relevant information and recommendations thereon in their reports and to make these available to the RSG.

In addition to human rights monitoring, OHCHR can contribute to addressing protection needs of internally displaced persons through technical cooperation activities such as supporting the strengthening of judiciary and the creation and effective functioning of national institutions for promoting and protecting human rights, programmes of human rights education, providing training in human rights, and capacity-building for local non-governmental organisations. The Commission on Human Rights has called upon the OHCHR to develop, in cooperation with governments, international organisations and the RSG, technical cooperation projects specifically aimed at promoting the rights of internally displaced persons.

The mandate of the High Commissioner relating to mass exoduses also is relevant, in particular for its emphasis on early warning and response to situations of displacement. The General Assembly, in its resolution on Human Rights and Mass Exoduses, has requested the United Nations High Commissioner for Human Rights, in the exercise of her mandate “to pay particular attention to situations which cause or threaten to cause mass exoduses and to contribute to efforts to address such situations effectively through protection measures, emergency preparedness and response mechanisms, including information sharing with the United Nations early-warning mechanisms, and the provision of technical advice, expertise and cooperation in countries of origin as well as host countries”.

The United Nations Development Programme (UNDP)

The United Nations Development Programme (UNDP) plays a critical role in the resettlement phase of internally displaced persons. Internally displaced persons can attract significant support while they remain a distinct target group in camps, or shanty towns, but once they are absorbed into communities, their 'targetability' erodes and delivery of emergency programme support becomes progressively more difficult. The UNDP sustainable human development role begins to grow wherever the targetability of internally displaced persons fades, primarily in:

- (a) facilitating joint planning of different interventions well beforehand, to ensure that development activities are sufficiently synchronised with relief;
- (b) supporting development of the communities that the displaced have rejoined;
- (c) implementing rehabilitation activities in the displaced communities of return in order to facilitate their sustainable reintegration, and;
- (d) providing local capacity building support to local entities to enable them to take an active role in the reintegration and resettlement process.

Experience has shown that the conversion from the 'target group' paradigm to the 'development' paradigm is far less jarring if the planning processes for the two stages are coordinated at a very early stage. Here, both the Resident and Humanitarian Coordinator functions are key in repeatedly bringing all of the actors together. UNDP plays an important role in supporting Resident Coordinators to provide the support during the displacement phase, to link rehabilitation activities as appropriate to the emergency and humanitarian relief, and to provide support to joint planning among international and local actors, to ensure that the needs of internally displaced persons are not neglected following their return to their original communities or permanent settlement when reintegration is not option.

The United Nations High Commissioner for Refugees (UNHCR)

UNHCR has an interest in the protection and welfare of persons who have been displaced by persecution, situations of general violence, conflict or massive violations of human rights: in other words, in all those who, had they crossed an international frontier, would have had a claim to international protection. This interest arises from the similarity between such internally displaced persons and refugees, in terms of the causes and consequences of their displacement and their humanitarian needs. Like refugees, many internally displaced have been forced to leave their homes because of fear of persecution, war and violence. Again, like refugees, they are in need of protection and assistance, as well as a solution to their plight.

Although UNHCR's involvement with the internally displaced goes back to the early 1970s, in recent years the scale and scope of UNHCR's activities on behalf of the internally displaced have dramatically increased in response to the changing nature of humanitarian crises. UNHCR is currently providing protection and assistance to some 5 million internally displaced persons in Europe, Africa, Asia and Latin America.

UNHCR's Statute recognises in article 9 that the High Commissioner may, in addition to the work with refugees, "engage in such activities... as the General Assembly may determine, within the limits of the resources placed at (her) disposal." Based on this article and over a period of several decades, a series of UN General Assembly resolutions have acknowledged UNHCR's

particular humanitarian expertise and encouraged its involvement in situations of internal displacement. In particular, UN General Assembly resolution 48/116 (1993) set out important criteria to guide UNHCR's decision on when to intervene on behalf of internally displaced persons. These resolutions, together with article 9 of the Statute, provide the legal basis for UNHCR's interest in and action for internally displaced persons.

In addition to advocating on behalf of the internally displaced and mobilising support for them, UNHCR provides protection and assistance to internally displaced persons when certain conditions and considerations are met. UNHCR's decision to become involved in a specific operation is subject to the fulfilment of the following conditions:

- Specific request or authorisation from the UN Secretary General or other competent principal organ of the UN.
- Consent of the state concerned, and where relevant, other entities in a conflict.
- Access to the affected population and adequate security for UNHCR and implementing partners to operate effectively.
- Clear lines of responsibility and accountability with the ability to intervene directly with all parties concerned, particularly on protection matters.
- Adequate resources and capacity to carry out activities.

Operational involvement is also dependent on an assessment of the following considerations:

- UNHCR's involvement should not compromise the non-political and humanitarian nature of its mandate.
- Refugee protection and the right to seek asylum must be upheld.
- UNHCR's involvement would have a positive impact on the protection situation and solutions possibilities of the internally displaced.
- UNHCR's experience and expertise is relevant to the situation.

The nature and degree of UNHCR's involvement varies, depending upon the phase of the displacement, the degree to which internal displacement is linked to a refugee problem, and the complementarity of mandates and expertise of other agencies present, or contemplating presence. The political and operational environment, including security considerations, can also define or restrict activities. Recognising the importance of co-operation and collaboration based on complementary mandates, UNHCR works closely with the Emergency Relief Co-ordinator, sister UN agencies and other relevant governmental and non-governmental organisations.

Whatever the nature and degree of UNHCR's involvement, the Office's fundamental objective is to improve the protection of the internally displaced and promote solutions to their plight. UNHCR has sought to meet the immediate protection needs of the internally displaced persons through international presence, monitoring and interventions to reduce violations of human rights and international humanitarian law, as well as assistance activities. Protection has been a major aspect of UNHCR's involvement in a number of operations, such as the former Yugoslavia, Kosovo, Sri Lanka and Colombia. Although generally UNHCR's protection role has been combined with major assistance activities, UNHCR has undertaken protection activities without a significant assistance component in Colombia.

Assisting the internally displaced as part of a reintegration operation for returnees is frequently the way in which UNHCR has been involved with internal displacement, particularly in Africa. Because UNHCR's activities for the internally displaced in the context of a repatriation

operation are usually indivisible from its mandated protection and assistance activities for returning refugees, prior authorisation is not required for such involvement.

UNHCR's protection role is not limited to the stage of displacement but has been critical in the solutions phase in a number of operations involving internal displacement or a mixed population of returnees and the internally displaced. For instance in Bosnia and Herzegovina and Tajikistan, UNHCR has complimented its protection monitoring role with measure to strengthen national protection, e.g. by building the capacity of national legal and judicial institutions, local NGOs and community groups in co-operation with international governmental and non-governmental organisations. The search for solutions to situations of internal displacement has required UNHCR to co-operate with international conflict resolution processes, e.g. in the Balkans and the Caucasus. Following a protection and solution-oriented strategy, UNHCR has been able to phase out of situations of internal displacement, such as Tajikistan and northern Iraq.

The United Nations Children Fund (UNICEF)

Broadly speaking, protecting the rights of the child means ensuring the rights provided for in the Convention on the Rights of the Child. Protection of displaced children focuses, first, on shielding them from physical and psychosocial harm inflicted by others, such as violence, exploitation, sexual abuse, neglect, cruel or degrading treatment, or recruitment into military forces. Displaced status makes children especially vulnerable to each of these forms of abuse. Second, protection refers to those actions that preserve the identity and cultural, linguistic, and inheritance rights of displaced children, since children removed from their home communities are at significant risk of losing these portions of their heritage. But protection finally also entails providing or ensuring provision at the basic needs of children in terms of food, health and education.

By definition, the United Nations Children Fund (UNICEF)'s mandate demands that it act whenever and wherever women and children- families- are vulnerable, whether they be refugees, displaced, affected by conflict, by inequity or by poverty. UNICEF can bring to the displaced populations its experience in capacity development, in community participation and in development of coping skills of children, of parents, of families and of communities- required for survival, development and protection in situations of poverty and inequity, and in more extreme uses of violence and armed conflict.

Supporting the rehabilitation and recovery of displaced children, their families and communities entail actions to restore psychosocial health is not only a matter of recovery but also one of reintegration, prevention and protection. UNICEF also provides assistance in the area of maternal and child health care, schools, water supply and sanitation systems, and promotes long-lasting solutions to the problem of internal displacement through the creation and strengthening of self-help capacities at the family and community level. In order to achieve these goals, UNICEF builds its interventions around four primary components: advocacy, assessment, care and protection.

UNICEF also play an important role in the area of providing assistance and protection measures for unaccompanied displaced children, and providing for their reunification with families. Internally displaced children are also targeted in landmine awareness programmes both in order to ensure protection during displacement, and to provide for their safe return or relocation.

In the area of preventing recruitment and demobilising children who have been recruited by the military, UNICEF focuses particularly on displaced communities to ensure that priority is given to this issue as displaced children are particularly prone to join the military.

The Convention on the Rights of the Child gives added impetus to UNICEF's advocacy and protection roles with regard to children in the widest range of difficult circumstances, especially within national boundaries, given the CRC's emphasis on the obligations of the state of the child and family.

The World Food Programme (WFP)

In recent years, internally displaced persons have constituted a major category of beneficiaries for the World Food Programme (WFP). WFP, mandated to provide food aid to the most vulnerable and food-insecure, plays a major role in providing food aid assistance to internally displaced not only during the period of displacement, but also in support of return, resettlement, reintegration and post-conflict recovery. WFP's assistance activities, carried out in collaboration with partners, support, both directly and indirectly, the protection of internally displaced persons. These include:

Firstly, WFP engages in negotiations on access and safe passage for humanitarian supplies, including food, with governments and non-state actors in order to reach internally displaced persons and other conflict-affected persons at risk. Advocacy for continuous and unrestricted access to the internally displaced means not only access for the provision of assistance and related protection, but also unrestricted access for regular and systematic needs assessments and follow-up monitoring.

Secondly, WFP's food assistance is provided in ways that are intended to protect and promote the human rights of beneficiaries. For example,

- During programming design, food delivery schedules and commodities and quantities to be distributed are planned so as to minimise the risk of attacks, harassment, etc. In addition, WFP's food assistance in response to the essential needs and rights of displaced persons may preclude repeated displacements and further erosion of their basic rights and security of displaced persons.
- WFP ensures that its assistance programmes are designed and implemented on the basis of broad-based participation. As women constitute the majority of internally displaced people, WFP's Commitments for Women play a particular role. They are aimed at ensuring women's direct access to appropriate and adequate food; women's equal access to, and participation in, power structures and decision-making; and women's equal access to resources, employment, markets and trade.
- WFP Food-For-Work (FFW) activities can provide an incentive for activities such as reconstruction of public and private assets, community infrastructure and private housing, involving civilian populations affected by conflict. As such, FFW can aid in the process of resettlement, recovery and reconciliation.
- In the broad sense, food assistance provides protection during displacement and return phases, by reducing the burden for local communities and lessening the friction that can be caused between displaced people and resident populations.

WFP is undertaking a review of its assistance to internally displaced persons with one objective being the identification of opportunities to strengthen linkages between protection and assistance.

The Food and Agriculture Organisation (FAO)

Although protection *per se* does not fall under FAO's mandate, the Organisation recognises that all human rights are interrelated and interdependent. It has a special responsibility in protecting the right to food as a basic human right. FAO's Constitution sets "ensuring humanity's freedom from hunger" as one of its basic purposes. The World Food Summit (WFS), organised in Rome in 1996, reaffirmed that food should not be used as an instrument for political and economic pressure; international humanitarian law bans the deliberate starvation of civilians. The WFS also acknowledged that in many instances the lack of security and enjoyment of all human rights are the main impediments to food security. Furthermore all instances of hindrances to the right to food, such as food blockades, mining of agricultural areas and fishing zones, destruction of food production means, the uprooting of people from their lands etc. are of direct concern to the Organisation. Therefore, FAO will strive to cooperate in general protection activities in country teams, and pay special attention to protection of the right to food.

Protection of the right to food requires monitoring of household food security of internally displaced persons, understanding the specific constraints that prevent internally displaced persons from accessing the required food and ensuring that appropriate measures are taken to facilitate this access. Discrimination on the grounds of race, ethnicity, opinion or gender is of particular concern. FAO regards assistance to return to self-sufficiency, by access to land, seeds, tools, or general income-generating activities as inherent in the concept of the right to food. The right to adequate food implies that food assistance should be adequate in quality and quantity to meet the dietary needs of every individual for a healthy and active life, with due regard for cultural preferences. Special efforts should be made to ensure the participation of internally displaced men and women in assistance activities.

Regarding general protection concerns, FAO believes that its visible presence in concerned regions, as such, can contribute to deterring violence and abuses, facilitating the protection of internally displaced persons, especially when complemented by sufficient awareness. FAO Representatives and field staff in countries affected by internal displacement are encouraged to be aware of the special needs of internally displaced persons, for instance by familiarising themselves with the Guiding Principles on Internal Displacement and other material being prepared under the auspices of the IASC-WG. FAO staff is encouraged to participate in inter-agency activities, including training, and to notify partners with a protection mandate of cases, events and situations requiring their intervention. More specifically FAO staff should promote and participate in monitoring, assessing and planning related to household food security of internally displaced persons.

The World Health Organisation (WHO)

WHO main role is to support the national authorities in strengthening health services and in improving health care for all segments of their populations. Furthermore, its constitution mandates WHO "to provide or assist in providing, upon the request of the UN, health services and facilities to special groups". Internally displaced persons represent one of these special groups: a group most vulnerable to health hazards.

WHO is fully aware that protection of health rights of internally displaced persons is an inseparable part of their full human rights. Full coordination between local authorities and external agencies, UN, NGOs, RCRC, etc. is an absolute necessity.

WHO-assistance to internally displaced persons hinges on the Organisations country office which ensures a permanent presence in the country before, during and after emergencies. The country office can be strengthened according to needs by the regional office concerned while HQ ensures the coordination with other agencies and the donor community, as well as facilitating technical backstopping from relevant WHO programmes. For instance, technical guidelines can be adapted to the needs of internally displaced persons and disseminated to all other partners.

Normally, WHO does not provide health care directly but works through other health care providers, national or international. WHO can intervene in different phases of assistance and in complementary ways:

- a) during the emergency phase WHO participates in the assessment of the health situation. The internally displaced persons health needs will be identified and brought to the attention of the national authorities, other UN agencies, NGOs and the donor community.
- b) this technical assessment will serve also as a basis for advocating for the protection of internally displaced persons vis-B-vis the national authorities and the international community.
- c) consistently with the above, WHO fosters and facilitates the involvement of national authorities in the provision of health care to the internally displaced persons and their coordination with other national and external agencies as may be present.
- d) when reintegration is in sight WHO, together with the other UN agencies, will assist the national authorities and NGOs to ensure that internally displaced persons are reintegrated and provided the same level of health services as the rest of the population. This requires the formulation of health plans for the internally displaced persons that are integrated in long term strategies aimed at the promotion of equitable and sustainable health care systems for all citizens.

The International Committee of the Red Cross (ICRC)

The mandate of the International Committee of the Red Cross (ICRC) is based on international humanitarian law (IHL) and on the Statutes of the Movement. The ICRC is active primarily in situations of armed conflict and internal violence. By seeking to assist all victims of armed conflict, its also works to prevent arbitrary displacement and to ensure protection of and assistance to internally displaced persons. In recent years the magnitude of the needs to be met has led the ICRC to launch large-scale operations in practically all armed conflict situations. It has therefore dealt with millions of displaced persons.

Thanks to its right of initiative and its neutral and independent status, the ICRC is often well placed to take action during hostilities. Its specific nature and virtually permanent contacts with all parties to conflict generally enable it to obtain access - whether in government territory or in areas held by armed opposition groups - to the victims it is mandated to protect and assist.

ICRC's protection and assistance cover a broad range of activities, including promoting respect for IHL, making representations to governments and non-state actors when violations occur, lending its good offices to facilitate the establishment of hospital and safety zones, evacuating civilians from situations of danger, maintaining family links through tracing activities and exchange of Red Cross messages, and providing a variety of material assistance and services (e.g. medical care, shelter, food).

The International Federation of the Red Cross and Red Crescent Societies (The Federation)

The Federation works on the basis of the Principles of the Red Cross and Red Crescent Movement to inspire, facilitate and promote all humanitarian activities carried out by its member National Societies to improve the situation of the most vulnerable people. The Federation directs and co-ordinates international assistance of the Movement to victims of natural and technological disasters, to refugees and displaced people and in health emergencies. It acts as the official representative of its member Societies in the international field. It promotes co-operation between National Societies, and works to strengthen their capacity to carry out effective disaster preparedness, health and social programmes.

National Red Cross and Red Crescent Societies embody the work and principles of the International Red Cross and Red Crescent Movement in more than 175 countries. National Societies act as auxiliaries to the public authorities of their own countries in the humanitarian field and provide a range of services including disaster relief, health and social programmes.

Together, the components of the International Red Cross and Red Crescent Movement (the "Movement") are guided by the same seven Fundamental Principles: humanity, impartiality, neutrality, independence, voluntary service, unity and universality. In the same manner, all Red Cross and Red Crescent activities have one central purpose: to help those who suffer without discrimination and thus contribute to peace in the world.

National Societies are already present in the local situation through their extensive branch system and with direct access to internally displaced persons and are therefore particularly suited to support international efforts locally. The Federation may complement other international efforts by making use of its unique network of locally based Red Cross and Red Crescent Societies

National societies may be able to play important roles in some or all of the following fields: contribute to an early warning system through information sharing, build a local and national standby capacity, mobilise support to emergency relief at the local, national and international level; promote respect for humanitarian principles through dissemination and training; support protection efforts of the mandate of humanitarian organizations; remain present and involved throughout the different phases of assistance and protection to displaced persons until solutions are found.

The International Organisation for Migration (IOM)

The International Organisation for Migration (IOM) provides a broad range of activities to individuals, such as providing transport and fulfilling their basic needs of food, shelter and supplies. By providing assistance and meeting the material needs of internally displaced persons,

IOM is offering a form of protection to them. Indeed, protection of the human rights of internally displaced persons often consists in meeting their essential needs.

In particular, IOM's migration assistance covers activities such as organising transport, evacuations, and returns; providing temporary shelter and other material relief, providing early warning and rapid analysis of migratory flows, developing national population information systems and censuses, and providing expert advice to governments on migration policies and laws.

The Organisation also carries out projects such as reintegration and vocational training to assist these people in the long-term, in the recognition that viable alternatives are indispensable for displacement not to reoccur. Governments are also the beneficiaries of IOM programmes which build the national capacities' need to manage or prevent internal displacement, in this light the Organisation has concluded bilateral cooperation agreements with many States, which specifically make provisions for IOM's involvement in assisting internally displaced persons. With regard to inter-agency cooperation IOM has entered agreements with UNHCR, UNFPA and UNDP to enhance provision for migration assistance and protection to internally displaced persons.

Non-Governmental Activities

The non-governmental sector is involved in a wide range of protection activities for internally displaced persons. At an operational level humanitarian NGOs regularly work with internally displaced persons in various theatres around the world, including, for example, the CIS region, former Yugoslavia and the Great Lakes region. Generally operational humanitarian NGOs do not specifically target internally displaced persons for assistance but provide assistance as part of an overall relief effort or as implementing partners for various UN agencies.

In recent years many operational NGOs have gone beyond providing "assistance" in a narrow sense and initiated internal processes, or collaborated with partners, to examine ways to better incorporate human rights programming and human rights protection into operations.

Several NGOs are involved in monitoring displacement situations. Human rights monitoring and advocacy NGOs regularly report on the state of human rights in various parts of the world and do report on the respect for the rights of internally displaced populations.

Some refugee organisations also report regularly on internally displaced populations most notably the US Committee for Refugees which includes internally displaced persons in its World Survey and occasionally does country specific studies on internal displacement such as Colombia and Sri Lanka.

The Norwegian Refugee Council has a well-established information dissemination project on internally displaced. It is establishing a database on internally displaced persons, examining both the protection and assistance needs of the displaced. It has worked to support the work of the Secretary-General's Representative on internally displaced persons by disseminating and promoting the Guiding Principles and has more recently played a part in training national NGOs on the Principles. In collaboration with the Office of the High Commissioner for Human Rights it has developed some training modules on the Guiding Principles. NRC also served as the focal point for NGO input into UNHCR's new Field Guide for NGOs on protecting refugees, which includes a section on protection of internally displaced persons. Finally the *Forced Migration*

Review, a joint NRC undertaking with the Refugee Studies Programme, have given space to protection issues as they relate to the displaced.

Aside from activities of both humanitarian relief organisations and human rights organisations independent of each other there have also been efforts to increase information sharing between both types of organisation. In February 1996, Médecins Sans Frontières-Holland convened an international conference in Amsterdam to seek ways that humanitarian and human rights groups might collaborate more effectively

Other international organisations have also held discussions on protection and assistance concerns which relate to internally displaced persons. The Lutheran World Federation and the World Council of Churches for example have examined humanitarian ethics with specific reference to tensions between protection and assistance. The Steering Committee on Humanitarian Response is also involved in efforts to develop a “policy framework” for protection concerns. The Save the Children Alliance has developed a set of training materials and modules as part of its Action for the Rights of Children which are relevant to internally displaced persons.

Médecins du Monde convened a major conference in Paris in June 1999, on Saving Lives in the Midst of Conflict: From Humanitarian Action towards Humanising Governmental Action. InterAction has been the venue for an ongoing series of discussion of protection and related issues among U.S. NGOs.

Annex B

SUPPLEMENTARY GUIDANCE TO HUMANITARIAN/RESIDENT CO-ORDINATORS ON THEIR RESPONSIBILITIES IN RELATION TO INTERNALLY DISPLACED PERSONS¹

Introduction

1. Internal displacement may result from “armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters”². This note sets out to guide the UN Humanitarian Co-ordinator/Resident Co-ordinator (HC/RC) and the Country Team in discharging their responsibilities with regard to IDPs. This Guidance is supplementary to the Inter-Agency Standing Committee (IASC) Policy on the Protection of Internally Displaced Persons and therefore needs to be read in conjunction with it. It is also complementary to the generic Terms of Reference of Humanitarian Co-ordinators of 9 December, 1994.
2. This Guidance is part and parcel of a comprehensive plan of action which the IASC is developing in order to implement its Policy on the Protection of IDPs.
3. The primary responsibility for protection of and assistance to civilians in crises of internal displacement lies with the national authorities of the affected countries. However, the capacity and/or willingness of the authorities to fulfil their responsibilities is often insufficient or even lacking. Under such circumstances, the international community needs to support and supplement the efforts of the Government and local authorities.
4. The scope and complexity of internal displacement call for a multifaceted response and the active involvement of organisations both within and outside the UN system which possess special expertise and resources, including the beneficiary communities and civil society groups.
5. It should be noted that the International Committee of the Red Cross (ICRC) has a specific mandate to provide protection and assistance to victims of armed conflicts, internal disturbances and tensions, including IDPs. In general, ICRC’s mandate is discharged in close co-operation with National Societies of the Red Cross/Red Crescent supported by their International Federation. The National Societies are mandated to assist the most vulnerable within their own countries, including IDPs, and are often the first and only organisation present at the inception of a disaster³.

¹ This Supplementary Guidance is based on Section III and Section IV of the Inter-Agency Standing Committee Policy on the Protection of Internally Displaced Persons. The IASC endorsed the Policy and the Supplementary Guidance on 6 December 1999 and 4 April 2000, respectively

² Guiding Principles on Internal Displacement, article 2.

³ Where an international response is required, the “Sevilla Agreement on the Organization of the International Activities of the Components of the International Red Cross and Red Crescent Movement” (26 November 1997) defines the respective responsibilities of the individual components of the Movement.

6. A number of documents provide important guidance on the programming of field activities based on international human rights, humanitarian and, by analogy, refugee law. The “Guiding Principles on Internal Displacement” are fundamental to a comprehensive response to the protection and assistance needs of IDPs in all phases of displacement. The “IASC Policy on the Protection of Internally Displaced Persons” outlines the field of protection in internal displacement situations. Additional guidance is also available in the “Handbook for Applying the Guiding Principles on Internal Displacement”, and the “Manual on Field Practice in Internal Displacement”.

A – Institutional Arrangements

7. In order to make sure that the UN’s involvement is adequate and effective, mechanisms of co-ordination must be established which guarantee a comprehensive response and provide clear lines of responsibility and accountability.
8. At headquarters’ level, the Emergency Relief Co-ordinator (ERC), as Chair of the Inter-Agency Standing Committee and focal point for the inter-agency co-ordination of protection of and assistance to IDPs, is responsible for global advocacy on protection and assistance, resource mobilisation, global information on IDPs, and ensuring that field arrangements are adequately supported. The ERC brings to the attention of the IASC, for review in its Working Group, situations of internal displacement requiring a co-ordinated response. The ERC, in consultation with the IASC, is responsible for ensuring that satisfactory mechanisms have been established at field level for the effective co-ordination of the international response to situations of internal displacement. When necessary and appropriate, the ERC brings issues concerning IDPs to the attention of the Secretary-General and the Security Council.
9. The principal responsibilities of the Representative of the Secretary-General on Internally Displaced Persons (RSG on IDPs) include serving as an advocate on behalf of IDPs and, in that capacity, undertaking missions, including missions at the request of the IASC, and making recommendations for improved response. His mandate and responsibilities are described in detail in annex A to the IASC Policy Paper on the Protection of IDPs.
10. The Inter-Agency Standing Committee (IASC), chaired by the ERC, is the inter-agency forum for consultations on all matters regarding IDPs. The IASC’s Working Group⁴ reviews country arrangements with regard to IDPs and is to monitor the follow-up to field visits by the ERC, inter-agency teams and the RSG on IDPs.
11. At the field level, in situations of internal displacement defined as complex emergencies, a Humanitarian Co-ordinator (HC) is normally designated by the ERC, in consultation with the IASC, as the responsible and accountable official, whether or not he/she is also serving as the Resident Co-ordinator (RC).
In countries affected by displacement, but where no HC has been appointed, the Resident Co-ordinator is the responsible official.

⁴ The IASC-WG role in enhancing the response to the needs of the internally displaced is spelled out in detail in its Terms of Reference on IDPs (5 June, 1998).

In countries where the Secretary-General has designated an overall Lead Agency for humanitarian action, the Representative or Country Director of the Lead Agency is normally the responsible official.

12. The UN's response to the needs of IDPs is carried out by UN operational agencies which have a specific role on behalf of IDPs, and their implementing partners.

B – Collaborative Approach

13. The HC/RC, in consultation with the UN Country Team and other relevant partners, recommends to the ERC an allocation of responsibilities for the protection of and assistance to IDPs.
14. The origin, magnitude and multifaceted nature of displacement crises have led the IASC to recognise that an effective and comprehensive response to the protection and assistance needs of displaced persons necessitates a collaborative approach with a clear allocation of responsibilities. Thus, the management model for assistance and protection in situations of internal displacement is one that involves the Government and local authorities, UN agencies, international organisations, international and local NGOs, working together.

C – Dialogue with National and Local Authorities

15. The HC/RC ensures that consultations with national and local authorities take place in order to assess their capacity to respond to the needs of the IDPs. In so doing, the HC/RC impresses upon the authorities their primary responsibility for the protection of and assistance to civilians, including the internally displaced, taking into account their special needs, in conformity with international human rights and humanitarian law, as elaborated in the Guiding Principles on Internal Displacement.
16. The HC/RC is encouraged to suggest to the Government and local authorities the appointment of a focal point within their structure on issues of internal displacement, to serve as counterpart for the international community. The HC/RC may also suggest ways in which the UN system can help to strengthen the local and national capacity to provide protection and promote durable solutions.

D – Implementation of the Responsibilities of the HC/RC

17. The generic Terms of Reference of the Humanitarian Co-ordinator (9 December, 1994) provide detailed guidance on the overall responsibilities of the Humanitarian Co-ordinator, which is also relevant to situations of internal displacement. Paragraph 20 on humanitarian advocacy, including advocacy for unimpeded access to affected populations, is of particular relevance.
18. The HC/RC⁵ is responsible for the strategic co-ordination of the UN's response to the needs of IDPs and reports to the ERC. The HC/RC takes into account the contribution of all

⁵ In situations where responsibility for the co-ordination of humanitarian assistance has been assigned to a Lead Agency, the Country Director of this Agency fulfils the responsibilities described in this section.

relevant partners on the ground and is also responsible for ensuring that gaps in the response to the needs of IDPs are systematically addressed.

19. In addressing such gaps and in developing the Country Team's response to situations of internal displacement, the HC/RC may call upon the ERC and the IASC to make available expertise in the form of specialised inter-agency missions, training programmes and temporary reinforcement of personnel and equipment. The HC/RC, on behalf of the Country Team, can also call upon the ERC and the IASC to take the case of IDPs and other war-affected communities to the Security Council as deemed appropriate.
20. The HC/RC should advise the ERC on possibilities for the RSG on IDPs to dialogue with the authorities in the country in question, and with the international community, in support of the protection of and assistance to IDPs, in addition to the Representative's regularly scheduled activities and missions.
21. The HC/RC may encourage the development of Memoranda of Understanding or other institutional agreements between key partners (governmental, non-governmental and international organisations) in order to clarify roles and responsibilities in the response to displacement situations.

E – Planning the Response

22. The HC/RC oversees the development of a comprehensive plan for responding to the assistance/protection needs of IDPs, which becomes the basis for IDP components of the Consolidated Appeal and its Common Humanitarian Action Plan.
23. The plan takes into account the activities of the Government and local authorities. It also reflects the protection role and mandate of organisations with special expertise or mandates. The plan reflects the need to maintain a focus on the systematic search for durable solutions for the IDPs. It also addresses the specific needs of vulnerable groups within the internally displaced population, such as women heads-of-household, children, the elderly and the disabled. This plan, after approval by the UN Country Team, is submitted to the ERC.
24. Because of the perilous and difficult environment in which they have to operate, the security and well-being of workers providing assistance and protection in situations of internal displacement are often at risk. Plans for responding to the needs of IDPs should, therefore, include adequate provisions to ensure personal and operational security.

4 April, 2000