

Humanitarian Community in Chad: Commitment and Strategy to Address needs of conflict affected populations (23 August 2007)

The Humanitarian Community in Chad is guided and directed by the *Guiding Principles on Internal Displacement* (E/CN.4/1998/53/Add.2) issued by the United Nations Secretary-General's Special Representative on Internally Displaced Persons (see: Annex 1 for text).

1. Introduction

Development indicators place Chad as one of the poorest countries in the world: mortality rate for children is estimated at 124/1000; 14% of children under five are severely undernourished; and 23% of children under five are underweight¹. Chad is rated 173 out of 177 according to UNDP's 2005 Human Development Report and thereby considered one of the poorest countries in the world, where an estimated 80% of its population lives on less than \$1 a day. The country's population is estimated at 9.1 million with a Gross Domestic Product per capita of \$1,210. The annual birth rate is placed at 2.8% with an estimated life expectancy at birth of 43.6 years. Oil acts as a key resource for the country following the primary agricultural economy. The country became an oil-producing country in 2003. However, oil revenues have not as yet translated to improved living conditions for the local population despite the optimistic outlook on the country's economy.

Security and access

Increased insecurity has characterised the situation in eastern Chad. Incidents that include car hijacking and violent robberies have become a major concern for humanitarian workers who are also targeted. Furthermore, the 2007 rainy season could pave the way for better access across the region facilitating humanitarian operations but leading to increased opportunities for attacks.

Political and social situation

There are three main unresolved issues that impact the humanitarian situation: 1) settlement of the Darfur crisis 2) settlement of the GoC - opposition rebel militias 3) settlement of the inter community Chadian tensions. As the result, there are an estimated 238 227 Sudanese refugees and about 44 607 Central African refugees in the country. As of July 2007, Internally Displaced Persons' (IDPs) figures reached 172 000.

Since November 2006, the Government of Chad (GoC) has been engaged in political discussions in Chad and abroad with various armed opposition groups and the non resident Chadian opposition political parties. The EU and the UN are also envisaging the deployment of a European force in Chad. The UN plans to strengthen the capacity of the GoC to improve protection to refugees, IDPs and host populations.

One of the two principal opposition groups has signed an agreement to work with the government to improve the electoral process. One of the current armed opposition group has

¹ UNICEF Sowc 2005 Child protection and Etude Démographique et Santé , Chad 2004.

rallied but three others are still negotiating with the government without any serious progress yet.

Humanitarian background

The humanitarian situation in Chad has worsened since the beginning of 2006, due to the escalation of political tensions and the deterioration of the security environment within Chad as well as neighbouring Sudan and the CAR. As noted above, the deteriorating security environment has resulted in limited and sporadic access thereby hampering humanitarian operations in affected areas.

The country is host to a large refugee population comprising **238 227 Sudanese Refugees** that fled the Darfur war since 2003, and **44 607 Refugees from Central African Republic** that fled insecurity from northern CAR and crossed over into southern Chad. Furthermore, the escalation of violence in eastern Chad has resulted in the **displacement of 172,000 Chadians**.

Despite funding shortfalls and the prevailing insecurity, humanitarian operations during the year have focused on providing basic assistance to newly arriving refugees and internally displaced persons as well as to older refugee caseloads and the host populations.

2. Purpose and Principles

The government of Chad is responsible for the security and well-being of all persons within its territory. The United Nations supports the government in the fulfillment of this role, including for those persons affected by conflicts and the persons who have assisted them.

The Inter Agency Standing Committee in Chad – IASC/C, comprised of the United Nations Agencies in Chad with international NGOs, the ICRC and the International Federation of Red Cross and Red Crescent Societies as standing invitees, works with government and all national and international humanitarian and development actors, to eliminate the conditions that lead to displacement, to undertake appropriate, equitable, and non-discriminatory humanitarian and development activities for the displaced and the members of the communities that assist them, and to support the voluntary return of the displaced to their communities of origin when security allows.

The IASC/C supports the government efforts through a global approach to address affected displaced, host, resident and semi nomad population needs. This approach is based on a regular needs assessment for appropriate assistance to these different target groups. Special attention will be given to vulnerable population such as women, children and elderly. Taking into account that one of the main causes of displacement is the considerable extent of inter community conflicts, this approach intends to focus on conflict resolution and reconciliation. One of the crucial aspects of the humanitarian community commitment is to raise awareness and promote the civilian protection and preserve environment through “do not harm” approach. Priority will be given to activities that can facilitate the integration of current interventions into a long term development process.

3. Scope of action

Role of Government and IASC Support to Fulfill This Role

The IASC/C recalls to the Government of Chad the responsibilities for maintaining security and assurance of a functioning rule of law throughout its territory to allow all Chadians the opportunity to live in peace and pursue their livelihoods (**Guiding Principle 3.1** “*National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.*”)

In the provision of humanitarian and development support to the displaced and the communities who are assisting them, the IASC supports the Government to fulfill its intersectoral and sectoral leadership and coordination responsibilities at local, regional, and national levels.

The assistance of the IASC/C to government for leadership and coordination includes technical and material support, monitoring and reporting on the functioning of the coordination activities at all levels, and sustained advocacy activities with Government to promote the fulfillment of state functions defined in the *Guiding Principles on Internal Displacement*.

The IASC/C works with the ministries (see page 8) and national NGOs designated and assisted by Government to support issues related to the internally displaced, coordinated through the established intersectoral and sectoral coordination bodies at national, regional, and local levels. At the national level the IASC/C’s principal contact is the committee for the assistance to the displaced created by *arrete* 895/PR/PM/2007 (CNAPD).

4. Strategy

Strategic approaches

United Nations and humanitarian actors have considered strategic approaches to assist persons affected by conflicts.

a) IDPs.

To support government to ensure protection and assistance to IDPs and host populations, the IASC is actively engaged at central, regional, and local levels to **eliminate the conditions that lead to the displacement of Chadian** from their home communities, and to promote their safe return and reintegration. These conditions refer to a combination of (perceived or real) lack of security and economic opportunity (the latter being increasingly a sufficient justification for displacement), as well as a chronic underdevelopment situation characterized by an almost total absence of either infrastructure or services along with tremendous strains put on natural resources.

Host communities for incremental displacements In support of existing inter-community coping mechanisms and with the engagement of national, regional, and local authorities, the IASC/C will promote and support the temporary location of displaced persons into existing communities in secure areas through arrangements made between the communities. Normally, the displaced will relocate to new communities through their own means.

Humanitarian assistance to groups of the displaced and members of the host communities will address any identified gaps between the humanitarian standards and actual conditions, based

on timely initial assessments and periodic follow-up assessments implemented by government and humanitarian actors using jointly agreed assessment methodologies.

Sites of mass concentration of displaced Apart from Goz Beida practically all host communities are far smaller than the IDP groups that have settled around them: the number of displaced significantly exceed those of the host community. The IASC/C, through OCHA and in consultation with UNHCR, government and other humanitarian actors, will establish mechanisms for site management by focal NGOs who will support the functioning of intercommunity mechanisms between the displaced and host communities for cooperation, resource regulation, conflict mitigation and resolution. The site manager NGOs will also support the overall coordination, assessment, monitoring, and reporting of the humanitarian and development issues within their assigned locations. Humanitarian and development activities in each location may be directly supported by the designated site manager NGO or by the various institutions supporting each specific sector, through arrangements to be agreed through the established intersectoral and sectoral coordination mechanisms.

Development assistance to communities that hosted the displaced Relevant UN-supported development activities will include priority attention for the implementation of established programmes in the communities that hosted the displaced, even after their departure, as part of the current United Nations Development Framework and related agency programmes, which will be modified with government if required to specifically include these areas in their programmes when appropriate and relevant.

b) Return of displaced to their communities of origin

The IASC/C will support the establishment of conditions that allow for the voluntary and safe return of displaced persons to their communities of origin, and will provide humanitarian assistance for their return and re-establishment. Land tenure will be taken into account as an important element in the IDP policy. Relevant UN-supported development activities will include priority attention to these communities as part of the current United Nations Development Framework and the related agency programmes, which will be modified with government if required to specifically include these areas in their programmes when appropriate and relevant.

c) Assistance in areas of origin

Based on needs assessed, the IASC/C will promote assistance in areas of origin to reduce risk of further displacement (pull factors) with particular emphasis on:

- civilian protection and security
- rehabilitation of existing structures
- enhance inter community dialogue
- promote traditional mechanisms of conflict resolution
- restore justice

d) Contingency planning and quick reaction capacity

The IASC/C will support contingency planning exercises and, as warranted, the development of contingency stocks of essential goods in relevant sectors to be able to quickly support potential future mass displacements that exceed by scale, pace, and/or location the capacity of existing communities to immediately accommodate or incorporate the displaced. Where possible the newly displaced will be supported with timely relocation to willing host communities in secure locations.

5. Role and responsibilities of humanitarian actors

5.1 a) IASC/C Support

In order to facilitate the implementation of the strategies the IASC in Chad undertakes:

- to initiate and sustain advocacy with government and donors to secure adequate funding for the activities of the agencies and its partners, and to promote expanded bilateral support for recovery and development activities by donors to government and to NGOs;
- to promote and assist government in the implementation of government's intersectoral and sectoral coordinating roles for humanitarian and development actions at national, regional, and local levels.. The Office of the UN Resident Coordinator/Humanitarian Coordinator offers its convening services to bring together government and humanitarian and development actors to assure dialogue, cooperation, planning, monitoring, and reporting of issues related to the displaced. This does not imply a hierarchical or oversight role vis-à-vis other actors. In cooperation with government the IASC is ready to support NGOs and other institutions to assume the convening roles in specific sectors, levels, and locations when considered appropriate by the members of each sector;
- to assure that displaced Chadians live in conditions that meet those that existed in their communities of origin, to maintain the living conditions of inhabitants of the communities that assist the displaced, and to ensure the achievement of international standards for public health and protection required to maintain the health and security of those affected by increased population density at relocation sites;
- to prioritize the displaced and communities that host the displaced in the implementation of relevant **early recovery support and development actions** with government and other partners;
- to prioritize the communities of origin for development actions and early recovery support when security allows for the return of the displaced and avoid the risk for fixation and the pull factor;
- to promote the capacity for inter-community dialogue and non-violent conflict resolution—initially in areas that have had displacements, with the potential for future expansion.

5.1. b) The role of OCHA

- The Office for the Coordination of Humanitarian Affairs (OCHA), **provides advocacy and coordination to the UN agencies, other humanitarian and development actors, and government**, to assist all parties to maintain timely and collective awareness at national, regional, and local levels of: 1) the number, origin, and location of the displaced; 2) the living conditions of the displaced and host community members; 3) the status of humanitarian, recovery, and development activities supporting the displaced and host community members; 4) any significant gaps between the agreed humanitarian standards and actual conditions in the various locations where the displaced are found; 5) the resources required to meet the humanitarian needs of the affected populations; 6) the status of recovery and development activities in the host communities and in the communities of origin.

5.2 Mechanisms of Cooperation among Humanitarian and Development Actors

a) Cooperation Mechanisms: The Cluster Approach.

The IASC/C supports government in the implementation of its sectoral coordination responsibilities at national, regional, and local levels. When it already exists for humanitarian

and/or development actions, these existing groups will be assisted to incorporate attention to issues for the displaced. The approach promoted by the United Nations is to avoid the establishment of new groups specifically for the displaced when related it already exists. However, for this approach to work, the existing clusters will need to specifically and effectively address the issues of the displaced.

In groups without relevant coordination at national, regional, and/or local levels, or when the existing clusters do not effectively address the issues of the displaced, the United Nations will support the establishment of new clusters.

The IASC/C will promote that the specific roles with regard to of each cluster the displaced should be guided by the operational guidance and terms of reference for humanitarian clusters issued by the Inter-Agency Standing Committee (see annex 2, and for further documentation see www.ocha.unog.ch). The core concept of the cluster approach is to ensure effective and efficient humanitarian support to those in need. While under the direction of the relevant government ministries, the membership of UN agencies, NGOs, and others within each cluster does not imply a hierarchy of authority. Rather, it is expected that NGO and UN agency members will find self-interest in cooperating within a cluster to advance the quality and effectiveness of their own work and to strengthen the potential that the humanitarian needs in the cluster are met.

Within the IASC/C, a convening agency has been assigned for each cluster for issues related to the displaced (see section 5 of this document: Humanitarian and Development Clusters Supported by the IASC) and will offer to support the relevant government ministry in the functioning of the sector to assist in the fulfillment of the coordination, problem analysis, information exchange, and situation monitoring and reporting needs of the government, NGO, and UN agency members at the national, regional, and local levels.

The IASC/C will support effective linkages within each cluster between the national, regional, and local levels through assistance to assure the regular sharing of written information. The relevant UN convening agency will support the creation of a succinct record of the proceedings of all scheduled cluster meetings at each level, and the sharing of these records with the other levels in the cluster—with requested actions of the different levels clearly indicated when needed. The cluster will be supported to establish mechanisms for monitoring and reporting the implementation of actions within their sector.

b) Inter cluster Cooperation Mechanisms

Inter cluster Coordination The IASC/C supports government in the establishment and functioning of inter cluster coordination mechanisms in N'Djamena, Abeche, and Goz Beida and Farchana that bring together government, national and international NGOs, UN agencies, and others who support issues associated with the displaced. These inter cluster coordination mechanisms are the essential structures for assuring effective actions horizontally across all the clusters at each of the three levels (national, regional, and local) and vertically between the levels.

From the United Nations, OCHA will support the inter cluster coordination activities at all three levels. This assistance will include advisory services to all clusters on strategies to address the needs of IDPs, the creation of inter cluster and cluster implementation plans, and secretariat assistance for the compilation and dissemination of timely information received from each cluster on issues to include: the humanitarian situation at each location, actions

taken to date and planned actions, and periodic presentations of humanitarian and development gaps that require further action—including financial needs.

N'Djamena-Level

An Inter Agency Standing Committee for Chad (IASC/C) has been established and had held its first meeting on July 5, 2007. The committee members meet periodically to discuss on policy orientation, strategies, resource mobilization and coordination

An Inter cluster meeting is held weekly. It is chaired by the Humanitarian Coordinator and participants include UN agencies, NGOs, Red Cross Movement, government, and donors. Inter cluster meetings are dedicated to sharing information from field and area levels and to agree on appropriate action for better and coordinated assistance to activities under implementation.

For issues of security in areas affected by displacement, and for the security of humanitarian/development personnel, the office of the UN Resident Coordinator/ Humanitarian Coordinator will work with the office of the Prime Minister through the coordination mechanisms established by Government.

Among the UN agencies, inter **cluster** coordination is maintained through the UN Country Team to assure the completeness, coherence, and overall functioning of UN actions related to the displaced. The agency representatives are responsible to the Resident Coordinator/ Humanitarian Coordinator for the functioning of the **clusters** for which they have a defined convening role within the UN. The agency representatives are supported by their agency staff for advice and technical actions, but the representatives are personally responsible for the functioning of the UN actions in the **cluster** they support.

Abeche-Level

The IASC/C supports the functioning of an inter **cluster** cooperation mechanism in Abeche to bring together, to a jointly agreed schedule, representatives of government, the humanitarian and development **clusters**, and the site managers of major IDP locations. For the United Nations, the functioning of these inter **clusters** will be supported by OCHA.

The IASC/C envisions that the inter **clusters** cooperation mechanism in Abeche will serve as a forum for the collective assessment of humanitarian conditions related to the displaced and host communities, collective analysis of actions to be taken to assure the realization of the established humanitarian and development standards, and the collective application of agreed strategies and approaches of assistance and action.

Goz Beida-Level

The IASC/C supports the establishment and functioning of inter **clusters** cooperation structures in Goz Beida led by the relevant government ministry and with the participation of the humanitarian and development actors operating in the area. The OCHA office in Goz Beida will support inter **clusters** coordination. At the Goz Beida level the United Nations envisions that the inter **clusters** coordination mechanism will be a forum for operational level personal from government and from humanitarian and development institutions to assure inter **clusters** awareness of sectoral plans and strategies, assure the inter **clusters** compatibility of actions across sectors, and plan coordinated actions among some or all **clusters** in specific locations.

Government and the humanitarian community may also decide to establish other local level coordination groups to address the needs of the displaced in specific locations.

c) Humanitarian and Development Clusters Supported by the UN

The United Nations is engaged in the following clusters to support the displaced and members of host communities. The engagement of the UN complements and is undertaken in cooperation with the actions of government and other humanitarian and development actors. The actions financed through the United Nations are implemented by government, national and international humanitarian actors, the private sector, and directly by UN agencies.

To promote efficiency, effectiveness, and accountability within the UN, the agencies named below are responsible within the UN to ensure achievement of the humanitarian standards among the displaced and for the host community members. And, within the context of available financing, the named agencies are responsible for prioritizing inclusion of these communities into their development programs.

In cooperation with the named agency, other UN agencies may also be engaged in support to each cluster.

In addition, all identified clusters must ensure that cross-cutting issues like gender, HIV and others must be adequately addressed.

	Clusters	Humanitarian	Development	
1	Protection	UNHCR	UNICEF, UNFPA, UNDP	Ministry of Territory Administration, supported by Ministries of Justice and Defense
2	Food Security	WFP	WFP, FAO,	Ministry of Agriculture
3	Education	UNICEF	UNICEF	Ministry of Education
4	Water/Sanitation	UNICEF	UNICEF	Ministry of Environment, Direction of Hydraulics, and Sanitation
5	Health	WHO	WHO, UNICEF, UNFPA, UNAIDS	Ministry of Public Health
6	Nutrition	UNICEF	UNICEF, WFP	Ministries of Health and Agriculture
7	Shelters/ NFI	UNHCR		Ministries of Territory Administration and Social Action
8	Site management	UNHCR		Ministries of Territory Administration and Social Action
9	Early recovery	UNDP	UNDP	Ministry of Planning
10	Logistics	WFP		Ministries of Planning, and Infrastructures
11	Emergency Telecommunications	UNHCR		Ministries of Planning and New Technology of Communication
12	Environment	UNDP FAO Alternate	UNDP/ FAO Alternate	Ministry of Environment

Site Managers

The IASC/C supports inter cluster coordination at each of the locations where a site manager has been defined, and each UN agency has issued instructions to its relevant staff and contracted partners to coordinate and share information with the site management NGO at each location. UN-system and in particular the cluster leaders will coordinate their approach with the ICRC, in the large sites where the ICRC is present and assumes a coordinating role (Arkoum/Goza Bagar, Ade, Dogdore) but also in the smaller sites and the whole border area where the ICRC is active and which hopefully will become accessible for the UN agencies when the 'multi-dimensional presence' is established.

6. Humanitarian & Development Standards for Persons Affected by Displacement

The IASC/C is committed to assure that the humanitarian standards of living are equitably maintained for all displaced and members of host communities, and will seek to support the achievement of the nationally defined development standards for these same groups. (**Guiding Principle 18** "All internally displaced persons have the right to an adequate standard of living").

The IASC/C will support the government committee responsible for support to the displaced established in March 2007 (arrete 895/PR/PM/2007) to define and issue humanitarian and development standards for each sector, and will support the promulgation of these standards through the government committee, OCHA and other channels.

Humanitarian Standards In principle minimum humanitarian standards for the displaced are the conditions that existed in their communities of origin before they were displaced. However, to ensure equity, when the standards in the host communities before the arrival of the displaced are different from the standards found in the communities of origin, the standards of the host community may apply for the displaced and the members of the host community. Populations still in the area from where others have been displaced need to be protected and assisted as well as those who have fled.

Data on specific conditions in specific communities in eastern Chad is very limited. When not available, regional living conditions reported in the most recent authoritative publications will represent the minimum humanitarian standards that the United Nations will support the government to assure for the displaced and their hosts through actions undertaken by government, the agencies, national and international NGOs, and other partners. Each sectoral group will be responsible for researching this issue and proposing appropriate standards to the government committee for IDPs.

In addition, to mitigate the health risks of increased population concentrations in host communities and relocation sites, the international SPHERE standards for sanitation, vaccination as well as protection, nutrition and water will serve as point of reference to the area of education will be guided by INEE standards.

It is also recommended to apply the Inter Agency Guidelines (IASC) on HIV/AIDS in Emergency Settings and the IASC Guidelines on Gender based Violence interventions in Humanitarian Settings.

Development Standards The national development standards of living are defined for numerous sectors in various national documents, including the Poverty Reduction Strategy and the relevant national sectoral policies. These government standards are applied by UN agencies' development activities in the locations affected by displacement in the same way that they are applied in all areas of the country where UN-supported activities are implemented.

Annex 1: Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2)

Introduction - Scope and Purpose

1. These Guiding Principles address the specific needs of internally displaced persons worldwide. They identify rights and guarantees relevant to the protection of persons from forced displacement and to their protection and assistance during displacement as well as during return or resettlement and reintegration.

2. For the purposes of these Principles, internally displaced persons are 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 generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.

3. These Principles reflect and are consistent with international human rights law and international humanitarian law. They provide guidance to:

- (a) The Representative of the Secretary-General on internally displaced persons in carrying out his mandate;
- (b) States when faced with the phenomenon of internal displacement;
- (c) All other authorities, groups and persons in their relations with internally displaced persons; and
- (d) Intergovernmental and non-governmental organizations when addressing internal displacement.

4. These Guiding Principles should be disseminated and applied as widely as possible.

Section I. General Principles

Principle 1

1. Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.

2. These Principles are without prejudice to individual criminal responsibility under international law, in particular relating to genocide, crimes against humanity and war crimes.

Principle 2

1. These Principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction. The observance of these Principles shall not affect the legal status of any authorities, groups or persons involved.

2. These Principles shall not be interpreted as restricting, modifying or impairing the provisions of any international human rights or international humanitarian law instrument or rights granted to persons under domestic law. In particular, these Principles are without prejudice to the right to seek and enjoy asylum in other countries.

Principle 3

1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.

2. Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.

Principle 4

1. These Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria.
2. Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

Section II. Principles Relating to Protection From Displacement

Principle 5

All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.

Principle 6

1. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.
2. The prohibition of arbitrary displacement includes displacement:
 - (a) When it is based on policies of apartheid, "ethnic cleansing" or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population;
 - (b) In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand;
 - (c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests;
 - (d) In cases of disasters, unless the safety and health of those affected requires their evacuation; and
 - (e) When it is used as a collective punishment.
3. Displacement shall last no longer than required by the circumstances.

Principle 7

1. Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.
2. The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated.
3. If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with:
 - (a) A specific decision shall be taken by a State authority empowered by law to order such measures;
 - (b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation;
 - (c) The free and informed consent of those to be displaced shall be sought;

(d) The authorities concerned shall endeavour to involve those affected, particularly women, in the planning and management of their relocation;

(e) Law enforcement measures, where required, shall be carried out by competent legal authorities; and

(f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected.

Principle 8

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.

Principle 9

States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

Section III. Principles Relating to Protection During Displacement

Principle 10

1. Every human being has the inherent right to life which shall be protected by law. No one shall be arbitrarily deprived of his or her life. Internally displaced persons shall be protected in particular against:

(a) Genocide;

(b) Murder;

(c) Summary or arbitrary executions; and

(d) Enforced disappearances, including abduction or unacknowledged detention, threatening or resulting in death.

Threats and incitement to commit any of the foregoing acts shall be prohibited.

2. Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances. Internally displaced persons shall be protected, in particular, against:

(a) Direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted;

(b) Starvation as a method of combat;

(c) Their use to shield military objectives from attack or to shield, favour or impede military operations;

(d) Attacks against their camps or settlements; and

(e) The use of anti-personnel landmines.

Principle 11

1. Every human being has the right to dignity and physical, mental and moral integrity.

2. Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against:

(a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault;

(b) Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labour of children; and

(c) Acts of violence intended to spread terror among internally displaced persons.

Threats and incitement to commit any of the foregoing acts shall be prohibited.

Principle 12

1. Every human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.

2. To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances.

3. Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement.

4. In no case shall internally displaced persons be taken hostage.

Principle 13

1. In no circumstances shall displaced children be recruited nor be required or permitted to take part in hostilities.

2. Internally displaced persons shall be protected against discriminatory practices of recruitment into any armed forces or groups as a result of their displacement. In particular any cruel, inhuman or degrading practices that compel compliance or punish non-compliance with recruitment are prohibited in all circumstances.

Principle 14

1. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.

2. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements.

Principle 15

Internally displaced persons have:

(a) The right to seek safety in another part of the country;

(b) The right to leave their country;

(c) The right to seek asylum in another country; and

(d) The right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.

Principle 16

1. All internally displaced persons have the right to know the fate and whereabouts of missing relatives.

2. The authorities concerned shall endeavour to establish the fate and whereabouts of internally displaced persons reported missing, and cooperate with relevant international organizations engaged in this task. They shall inform the next of kin on the progress of the investigation and notify them of any result.

3. The authorities concerned shall endeavour to collect and identify the mortal remains of those deceased, prevent their despoliation or mutilation, and facilitate the return of those remains to the next of kin or dispose of them respectfully.

4. Grave sites of internally displaced persons should be protected and respected in all circumstances. Internally displaced persons should have the right of access to the grave sites of their deceased relatives.

Principle 17

1. Every human being has the right to respect of his or her family life.

2. To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so.

3. Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification.

4. Members of internally displaced families whose personal liberty has been restricted by internment or confinement in camps shall have the right to remain together.

Principle 18

1. All internally displaced persons have the right to an adequate standard of living.

2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:

- (a) Essential food and potable water;
- (b) Basic shelter and housing;
- (c) Appropriate clothing; and
- (d) Essential medical services and sanitation.

3. Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.

Principle 19

1. All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.

2. Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counselling for victims of sexual and other abuses.

3. Special attention should also be given to the prevention of contagious and infectious diseases, including AIDS, among internally displaced persons.

Principle 20

1. Every human being has the right to recognition everywhere as a person before the law.

2. To give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the

course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents.

3. Women and men shall have equal rights to obtain such necessary documents and shall have the right to have such documentation issued in their own names.

Principle 21

1. No one shall be arbitrarily deprived of property and possessions.

2. The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:

- (a) Pillage;
- (b) Direct or indiscriminate attacks or other acts of violence;
- (c) Being used to shield military operations or objectives;
- (d) Being made the object of reprisal; and
- (e) Being destroyed or appropriated as a form of collective punishment.

3. Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.

Principle 22

1. Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights:

- (a) The rights to freedom of thought, conscience, religion or belief, opinion and expression;
- (b) The right to seek freely opportunities for employment and to participate in economic activities;
- (c) The right to associate freely and participate equally in community affairs;
- (d) The right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right; and
- (e) The right to communicate in a language they understand.

Principle 23

1. Every human being has the right to education.

2. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.

3. Special efforts should be made to ensure the full and equal participation of women and girls in educational programmes.

4. Education and training facilities shall be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit.

Section IV. Principles Relating to Humanitarian Assistance

Principle 24

1. All humanitarian assistance shall be carried out in accordance with the principles of humanity and impartiality and without discrimination.

2. Humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military reasons.

Principle 25

1. The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities.
2. International humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced. Such an offer shall not be regarded as an unfriendly act or an interference in a State's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.
3. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.

Principle 26

Persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected. They shall not be the object of attack or other acts of violence.

Principle 27

1. International humanitarian organizations and other appropriate actors when providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this regard. In so doing, these organizations and actors should respect relevant international standards and codes of conduct.
2. The preceding paragraph is without prejudice to the protection responsibilities of international organizations mandated for this purpose, whose services may be offered or requested by States.

Section V. Principles Relating to Return, Resettlement and Reintegration

Principle 28

1. Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.
2. Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.

Principle 29

1. Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.
2. Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.

Principle 30

All authorities concerned shall grant and facilitate for international humanitarian organizations and other appropriate actors, in the exercise of their respective mandates, rapid and unimpeded access to internally displaced persons to assist in their return or resettlement and reintegration.

Annex 2: Generic Terms of Reference for Cluster Leads at the Country Level (24 January 2006)

Within the United Nations, Sector/Cluster leads at the country level – in addition to their normal agency responsibilities – are accountable to the Humanitarian Coordinator for ensuring the following:

- Identification of key partners
- Identify key humanitarian partners for the cluster, respecting their respective mandates and programme priorities
- Identify other key partners, including national authorities, peacekeeping forces etc.
- Coordination of programme implementation
- Ensure appropriate coordination with all humanitarian partners (including national and international NGOs, the Red Cross/Red Crescent Movement, IOM and other international organizations), as well as with national authorities and local structures
- Ensure the establishment/maintenance of appropriate sectoral coordination mechanisms, including working groups at the national and, if necessary, local level
- Ensure timely, effective and coordinated responses based on participatory and community based approaches which integrate cross-cutting issues such as human rights and HIV/AIDS, with due attention to age and gender mainstreaming
- Secure commitments from cluster members in responding to needs and filling gaps, ensuring an appropriate distribution of responsibilities within the cluster, with clearly defined focal points for specific issues where necessary
- Ensure that participants within each cluster work collectively, ensuring the complementarity of the various stakeholders' actions
- Promote emergency response actions while at the same time considering the need for early recovery planning
- Ensure effective links with other clusters (with OCHA support)
- Represent the interests of the cluster in discussions with the Humanitarian Coordinator on prioritization, resource mobilization and advocacy
- Act as focal point for inquiries on the cluster's response plans and operations

Planning and strategy development within the cluster

- needs assessment and analysis
- identification of gaps
- developing/updating agreed response strategies and action plans for the cluster and ensuring that these are adequately reflected in overall country strategies, such as the Common Humanitarian Action Plan (CHAP);
- drawing lessons from past activities and revising strategies and action plans accordingly.

Application of standards

- Ensure cluster members are aware of relevant policy guidelines and technical standards
- Ensure responses are in line with existing policy guidance and technical standards

Monitoring and reporting

- Ensure adequate monitoring mechanisms are in place to review impact of the cluster and progress against implementation plans;
- Ensure adequate reporting and effective information sharing (with OCHA support)

Advocacy and resource mobilization

- Identify core advocacy concerns, including resource requirements, and contribute key
- messages to broader advocacy initiatives of the HC and other actors;
- Advocate for donors to fund cluster members to carry out priority activities in the sector
- concerned, while at the same time encouraging cluster members to mobilize resources for
- their activities through their usual channels.

Training and capacity building of national authorities and civil society

- Promote and support training of humanitarian personnel and capacity building of partners;
- Support efforts to strengthen the capacity of national authorities and civil society.

Provider of last resort

- As agreed by the IASC Principals, cluster leads are responsible for acting as the provider of last resort to meet agreed priority needs and will be supported by the HC and the ERC in their resource mobilization efforts in this regard.
- Cluster Members at the country level are expected to be proactive partners in the elaboration and implementation of the cluster's priorities