

THE BROOKINGS INSTITUTION

PUTTING PRINCIPLES INTO ACTION:
TEN YEARS OF THE GUIDING PRINCIPLES ON
INTERNAL DISPLACEMENT

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PROCEEDINGS

MS. FERRIS: Good afternoon everyone, and welcome to this event on the Ten-Year Anniversary of the Guiding Principles on Internal Displacement. My name is Beth Ferris and I'm a Senior Fellow here at Brookings and Co-Director of the Brookings-Bern Project on Internal Displacement.

The Guiding Principles were developed by international legal experts, at least two of whom we have with us today, to fill the normative gap in the international human-rights framework, to respond to the needs and uphold the rights of those who are displaced within the borders of their own country. They were presented to the U.N. Commission on Human Rights in 1998 and have become widely known in the course of the past 10 years, and we'll hear more about that in the course of this afternoon.

But let me pay tribute to Roberta Cohen who just walked in, and to her colleague Francis Deng who played a monumental role in bringing about the Guiding Principles and, indeed, putting the issue of IDPs on the international humanitarian map.

The term has become quite common these days. It has entered our lexicon, our programs, our activities. Everybody talks about internal displacement. But it wasn't that long ago that this concept was really quite new and quite revolutionary. In fact, to date me a little bit, some 20 years ago I

remember sitting in Geneva and getting requests from churches and local NGOs in various countries saying can you please help us with our internal refugees and writing back and saying, Dear so and so, we work with refugees. We can help them if they cross an international border. But as long as they remain within the borders of their country, I'm sorry, there's nothing we can do. And going to the UNHCR and asking the same questions, Can you help these groups of displaced people who are fleeing often for the same reasons as refugees but within their borders and being old our mandate is to work with refugees, not with internally displaced persons except for a few cases when the General Assembly or the Secretary-General made a special request? So we've come a very long way in the last 10 years.

But also as we'll hear this afternoon there is much to be done. There are still 26 million people displaced within the borders of their countries. Their needs and the violations of human rights are legion in many of these situations. So this afternoon we'll look backward for a little while at the development of the guidelines and then look at some of the current challenges.

We have a great panel for you today. We'll begin with Bob Goldman who is sitting at my far right who was one of the principal drafters of the Guiding Principles, a professor at American University often working with the U.N. as an independent expert on various issues and just finishing up a stint looking at terrorism and human rights. The complete bios are all in your packets.

Then we'll turn to Walter Kälin who is the present Representative of the Secretary-General on the Human Rights of IDPs. Walter has been working with IDPs for many years and is a renowned international legal expert. He travels extensively and is just back from East Timor via New York. And is also Co-Director of the Brookings-Bern Project.

The Guiding Principles exist on the international level, but their real meaning happens at the national level. We'll then turn to two representatives of governments to talk about the ways in which the Guiding Principles have affected their work with IDPs. We'll hear from Ky Luu who is presently the Director of Foreign Disaster Assistance of USAID who has extensive experience working with NGOs in a variety of conflict and disaster situations. Then to Malkhaz Mikeladze who is the Charge d'Affair of the Embassy of Georgia here. We had planned to have the Ambassador with us but he has just been named Minister of Defense of Georgia, and so we're very glad to have you with us, Maklhaz, to talk about the situation in Georgia, not just the people who have been displaced by the violence in August of this year, but indeed of the 200,000 plus who have been displaced since the early 1990s.

Welcome to you all, and welcome to everyone. Following the discussion this afternoon we'll have questions and answers and then we'll offer a small reception to celebrate the 10-year birthday of the Guiding Principles. We'll start with you, Bob.

MR. GOLDMAN: When I was asked to appear on this panel I got an email from Brookings and they said it's the 10-year anniversary, and I've recently celebrated a birthday and I thought I was getting younger. It came as a very great shock that 10 years had already passed. And let me say something because Roberta Cohen is here in the audience. There is no person who did more to bring this to fruition. She has been the key and the constant person working with Brookings, working with Francis Deng who worked closely with me -- when I have an assignment I'll tell you about -- and now the Brookings-Bern Project with Walter Kälin. None of this would have been done without a good deal of inspiration and writing from Roberta and that really needs to be said.

The issue as many of you know, was that there was not an international legal regime dealing with IDPs. These are people who sometimes are characterized in a refugee-like situation but do not cross an international frontier and consequently are ineligible for the protective international law regime that's been developed since 1951 for refugees. Many people looked on this as a problem of potential refugee flows, other people looked on it as a humanitarian catastrophe in and of itself and so forth, and eventually led to action with the naming of I think it was special representative when Francis Deng was named and the project started here. I got a call I forgot if it was in 1994 or late 1993 from Roberta Cohen. We're old friends from other battles together in the human-rights area. Roberta said, How would you like to work on a project that's quite

interesting? It shouldn't take very much time. It deals with this issue of internally displaced persons and human rights. I said, quite intriguing. So what happened was Francis Deng with Roberta had commissioned two studies. One of them was to be undertaken under the leadership of a very distinguished European professor and expert Manfred Nowak with the Boltzmann Institute in Austria, and the other that I chaired for the American Society of International Law and what was then the International Human Rights Law Group, now Global Rights. We took two slightly different approaches to see whether or not international law was adequate in addressing the situation of IDPs.

Boltzmann took a rights-oriented approach where as I and my team took a needs-based approach, that is, we tried to look at what were the needs of IDPs. Then specifically we looked at these needs and tested them against three recognized situations in international law the first being during situations of tensions, disturbances or emergencies falling short of armed conflict which consequently would be governed by the domestic and international human rights law. The second recognized situations were situations of non-international armed conflict in which you have relevant rules of international humanitarian law, that is the law of armed conflict, as supplemented by fundamental rules of human-rights law. And the third situation in situations of international armed conflict where again the entirety of IHL is applicable and supplemented also by certain fundamental rules of human rights law.

This is when fortunately for the project the person with imminently good sense, Walter Kälin, came into the picture because we had to merge the two studies and the two approaches and Walter was brought and since that time has been deeply involved with this project.

What emerged from the two studies was what Francis Deng presented in I think 1996 to the Human Rights Commission was the compilation and legal analysis. What it did is it identified where there were very significant gray areas, in other words, inexplicit articulation in existing international law, that is, human-rights law, humanitarian law, and by analogy at times to refugee law, and then some very clear gaps. It was on the basis of this that it was determined that since it was a very diffuse kind of thing, and I'll say something about that in a second, the protection of rights is not quite the right articulation because quite obviously any of you who know human rights law knows that anyone who is subject to the jurisdiction of a state is bound on the basis of nondiscrimination to be accorded the same rights as every other person in the country but we know with IDPs that is not always the situation. Therefore it was felt that it would be best to set forth in a single free-standing document an articulation of what really these needs and translated into rights would be.

Let me give you an example. When we said, yes, international law, the law of armed conflict, after all, the ICRC had been giving protection to victims of armed conflicts and non-international and international armed conflicts, but the

fact is that we had identified some particular needs of IDPs that were covered neither in human rights law nor, for instance, in international humanitarian law. For instance, there was no really stated right not to be arbitrarily displaced. There was no real clear right to restitution to property. And very importantly, because these are people who are subject to the jurisdiction of the particular state and issues of sovereignty arise as well as the issue frequently that it is because of action or inaction of the government itself or its agents that have led to displacement that these persons were lacking in protection and assistance.

The notion of a right to documentation is nowhere really stated and in the case of IDPs this is a tremendously important thing. In other cases there would be a general norm but we figured that we needed to articulate a more specific right that would be articulated that would be more applicable to the situation of IDPs. We needed for instance to express that they had to be able to secure refuge in a safe part of the country and that there would be no forcible return to for instance any kind of unsafe area.

There are a variety of routes that one could have taken and this was elaborately discussed one evening over an improvised dinner of spaghetti that was served I believe by the Austrian ambassador at the time who was hosting certain things. We decided what should this thing look like? Should we have a treaty? The treaty route was ruled out for a variety of reasons. I know some of the faces in this audience and I need not tell you the difficulties with elaborating

international treaties. There was the whole area of turf war within the United Nations and other specialized agencies of who was going to get this. But there was another fundamental problem and that was the problem of defining in law who was an IDP. You will see in the Guiding Principles we say for purposes of these principles an IDP is the following. This would in my judgment and I think the collective judgment of everyone have destroyed a treaty route. Declarations were also slow. There's a process within the U.N. So we came up with the notion of guiding principles on internal displacement.

In about 1994 I guess it was, no, 1996 or so that I began working with one of my research assistants, Cecile Mayer , and what we did is we began writing the first draft of what was the first two-thirds of the Guiding Principles, as the part dealing with return and resettlement was really done by others. Quite frankly, we patterned it very much on what Additional Protocol II to the 1949 Geneva Conventions looks like. The language looks very much like treaty language. Obviously it is not a binding document. It is not open for signature and ratification, but it was done on that basis. After the other part was merged with the 30 principles, there was consensus around them. There was broad consultation with concerned actors, the ICRC, UNHCR, IOM, others who have been closely involved in the process, and other key governments and so forth were consulted. Francis really presented these things as a *fait accompli*.

This was an extraordinary thing and I'll end up soon because I don't want to exceed my time, but just to give you some flavor for the background of this, that generally soft law is developed in an intergovernmental process that is done by, if you will, legal experts who are appointed by governments. None of us were appointed by governments. Consequently, even though the Guiding Principles themselves cannot be said to be soft law, they are clearly in most cases declaratory or reflective of a good deal of customary international law, and not withstanding who the authors of these things are because I don't consider ourselves to be internationally not respectable characters, but their content is very much equivalent to what soft law will be. By doing what Deng did, we got the ball moving very, very quickly. Indeed, for someone who has taught international law at American University Law School for 38 years, I would be hard-pressed to find another example of international law where the articulation standards have become so widely accepted and applied in so short a period of time. I think one of the testaments to this, and I will leave it to my good friend Walter Kälin who is the special representative now of the Secretary-General on these issues, is that it is accepted, the phenomena of internal displacement. It is accepted that they are entitled to certain kinds of protections and assistance. I think how the process has accelerated, when you listen to the popular media and I remember for years you'd hear that people who were displaced were referred to as refugees, always refugees when they weren't refugees at all, I recall quite clearly on listening to reports

about the situation in our own country post-Katrina where the news media always used the term even in this country which is not the most intelligent when it comes to issue of international law refer internally displaced persons, the displaced people in connection with Katrina. So it shows that these things have moved. And I think as Walter may mention, it is my particular belief that we are seeing leading governments around the world who are now coming to regard for instance the Guiding Principles in and of themselves as being declaratory of customary international law or otherwise binding.

I had the good fortune when I was a member of the Inter-American Commission on Human Rights for 8 years to be in charge of Colombia. We established the first Rapporteurship on Internally Displaced Persons in any intergovernmental body in the world. We adopted at the Commission the Guiding Principles. We held Colombia to them. The Colombian Constitutional Court was among the first to recognize their binding character and to hold the government's feet to the fire. Apart from the Inter-American Commission, the Inter-American Court is currently protecting thousands of people under provisional measures from depredations by state agents and their proxies, the paramilitary in Colombia, and these people believe me would have been wiped off the face of the earth but for the work that was done by Francis and now for instance by Walter and I think to some extent what my colleagues and I did at the Inter-American Commission and my colleagues at the Inter-American Court. The German Foreign Ministry

recently had said that it regards the Guiding Principles for instance as customary international law. So this is a process that validates all of us who were working on this and who had quite a lot of other things to do. It's very difficult to say no to Roberta Cohen. I'm glad I didn't say no. My participation in this is one of the things which I have gotten a good deal of personal satisfaction from. I think it's helped to save lives and I think it has helped to better the plight of people who find themselves in such a desperate situation as to be displaced in their particular countries. Thank you very much.

MR. KÄLIN: I am another person who is glad not to have said no even though Francis and Roberta sometimes put quite some heavy pressures on us when again these lawyers couldn't agree on this or that formulation and needing more time to study it. But looking back I think it is worthwhile that when we drafted the Guiding Principles we did it with great care. The success of the document is testimony to that.

I have been asked to look back not on the history but to what we have achieved, what has been achieved and where do we stand nowadays. Robert Goldman already mentioned some aspects of it, but to give a full assessment after 10 years we have to look at the strong points, the positive points, and also maybe at some of the weaknesses. Maybe it's the case where yes in fact the glass is half full or even more than half full while at the same time half empty, and some days

one thinks even less than half full. But as I said, the task is to look at what has been achieved and where we stand now.

One thing is clear and Robert Goldman just mentioned it. The Guiding Principles have really become at the universal level the point of reference for everyone who walked about internally displaced persons and thus this is in itself a huge achievement. It's an achievement that has a lot to do with some of the persons involved. I would like to pay tribute to Roberta, to Francis, because so many documents are drafted and they are of high quality but then they are forgotten and one or two years later they gather dust on some bookshelves, and it was Roberta and Francis who really understood how to disseminate the document and how to promote it at all levels, a series of conferences with regional organizations, intergovernmental organizations, the Council of Europe, the African Union and so on and so on, dissemination among the civil society organizations, and many NGOs all over the world discovering this topic and its relevance, but also the displaced persons themselves.

Roberta started to translate the Guiding Principles into languages and I'm not talking about translations into French, Spanish, and Russian, but the many languages of the displaced communities and this helped a lot to disseminate them. So the first real achievement is the Guiding Principles have become the point of reference for everyone discussing and talking about the rights of internally displaced persons.

Second, and it was already mentioned by Bob, the Guiding Principles today have a solid standing in the international community as an authoritative document. At the beginning, governments were reluctant to accept it because they had not negotiated it and these experts, experts can do a lot of things, and depending on which expert you ask, you have another outcome. But here over time the international community started to realize that in fact this text is grounded very solidly in existing international law. The real breakthrough came in 2005 in September at the World Summit where you had all the heads of state and government in New York discussing the Millennium Goals. The summit outcome document says that we the governments recognize the Guiding Principles as an important international framework for the protection of internally displaced persons. We have heard some governments look at them as being a part of international law. Besides Germany one could also quote the recent IDP policy adopted by the government of Iraq where it explicitly said that Iraq considers the Guiding Principles to be part of international law.

That's fine for lawyers. What really counts is what is the practical impact of a document like this. I see here that in fact the Guiding Principles as they pretend to do in their title, do in fact provide guidance that seems to be relevant to governments in different parts of the world. We have more than 15 countries now faced with serious problems of internal displacement who have somehow incorporated the Guiding Principles into their own domestic laws or policies, and

we'll learn about one example, Georgia. I am very happy that you are with us because it's a particularly interesting experience.

More countries will follow. This year in March the Protocol on the Protection and Assistance of Internally Displaced Persons that was adopted within the framework of the Great Lakes Conference in Eastern Africa came into force. This protocol obliges those governments that ratify this protocol, we have now seven ratifications, the conference comprised 11 countries, obliges these governments to incorporate the Guiding Principles into domestic law so that we will add another member to it.

Of course the Guiding Principles have become very relevant also for the international humanitarian agencies. Both the U.N. agencies but also international nongovernmental organizations have become relevant for civil society at the country level in countries that face internal displacement again as tool that helps them to program, that helps to implement their projects, that provides them with guidance in their daily work. The humanitarian agencies last year finalized a Handbook on the Protection of Internally Displaced Persons that was issued by the UNHCR and if you look at that handbook it's basically making your Guiding Principles operational to a large part.

The Guiding Principles not directly but indirectly even have found their way into some of the recent peace agreements. Traditionally in peace agreements when there is a mention of refugee and IDP issues we have a reference to the right

to return which is very important. What the Guiding Principles say is, and that is grounded again in international human rights law, internally displaced persons have a choice. As any citizen of a country has the right to choose his or her place of residence, IDPs too can choose whether they want to return or whether they want to integrate into the place where they sometimes had to spend so many years in displacement. The Comprehensive Peace Agreement that was negotiated and accepted by the parties to the conflict in Nepal, the government on the one side and the Maoists on the other side, this 2007 peace agreement says, Both sides shall respect and protect the right of the people displaced by the conflict and their families to return back to their homes or to settle in any other location of their choice. That's very clearly what is contained in Guiding Principle 28.

Last but not least, and I think this is a very big achievement, the Guiding Principles all over the world have empowered the displaced themselves. When I'm traveling and when I'm carrying out missions and country visits, I always spend a lot of time talking to IDPs listening to their concerns, to their problems, trying to understand their situation. Repeatedly I've met IDPs who have invoked the Guiding Principles of course not knowing what my role had been in their preparation. It's really very touching if in a remote corner for instance of Colombia, a long flight and then there's a boat over a day and we're walking and people have been walking coming out of the forests and they are really in bad shape, and then the one who is speaking on their behalf saying our rights are

violated each and every day but we know what our rights are and we refer to the Guiding Principles and it's at least we know what those rights are and at least we know that they are (inaudible) I think that's important even in a situation of suffering to know you have your dignity, you have your rights, and maybe one day there will be justice.

So the glass is quite full. Quite a lot of achievements. At the same time, to be realistic, the glass is half empty too. We still have a very high number of internally displaced persons. Since the 1990s it always has been beyond 20 million just looking at those displaced by armed conflict. The figure now stands at an estimated 26 million. And compare that to 16 million refugees, including the Palestinian refugees. And we have started to understand that we have about the same number of persons displaced by natural disasters. That's why the U.N. more and more now starts to quote the figure of 50 million IDPs covering the two categories. That's a huge number. And the ultimate of course of the Guiding Principles would be to bring that number down.

We have many governments that as I have said invoked the Guiding Principles but sometimes this is rather rhetorically. It's not so much based on real political will. And sometimes we have governments who mean it seriously but they don't have the capacity to really implement the Guiding Principles. They don't have the capacity to better assist and protect the displaced on their territory.

This is why I think we have to celebrate but at the same time think about the way forward. What can we do under these circumstances where internal displacement remains to be one of the big challenges, one of the big problems affecting this world? At an international level we can say that three elements must be in place to ensure that the rights of internally displaced persons are guaranteed that they fully can enjoy their human rights. We need of course a strong normative framework. We need to know what the rules are. We need, second, the strong will to implement such a framework. The strong will of all the actors, the governments, but also the international community, and very often the nonstate actors under whose control the IDPs are. Third, we need the capacity of all these actors to do so.

Today we are talking about the Guiding Principles and about the normative framework, and I think we need to do more to strengthen that framework. Of course, the question is a pertinent one, has the time come now for a U.N. treaty on the human rights of internally displaced persons? I must say I still think we are not there yet. Internal displacement for some governments is very close to their notion of internal affairs, sovereignty. Some think the international community should not deal with it or at least not to a very large and considerable extent, and feel it still would be extremely difficult to negotiate a treaty on the human rights of internally displaced persons that would not go below the standards as set out by the Guiding Principles, and we don't want to lose what

we have achieved. So we need another way, another strategy, to strengthen the normativity of this framework. What I've been promoting since I came into this office is a process of bottom-up. The very foundation of international law is consensus, consensus among the states, their governments, their representatives, and what we need is to build consensus from the bottom-up and this means we have to start at the level of the countries concerned, at the domestic level.

Kofi Annan when he was Secretary-General in 2005 when he presented his report that was preparing the World Summit said that what is necessary is to promote the adoption of the Guiding Principles through national legislation, through incorporation of the Guiding Principles into domestic law at the domestic level. He wasn't the only one saying that. Regional intergovernmental organizations have done the same. The Council of Europe in 2006 adopted a very important recommendation telling states please do that, incorporate these Guiding Principles into your domestic laws. Africa has moved even a step further. I've mentioned the Great Lakes Protocol making it a legal obligation by virtue of international law to make the Guiding Principles part of their national laws.

We are right now in this really exciting situation where an African Union Convention for the Protection and the Assistance of Internally Displaced Persons in Africa is close to being adopted. The idea is that such a convention would be formally adopted in April in Kampala within the framework of an African Summit on Displacement in Africa. Of course, the A.U. convention contains a

reference to the Guiding Principles that says as one of the core obligations state parties assume that these states have the duty to enact or amend relevant domestic legislation on the protection of and assistance to internally displaced persons in conformity with their obligations under international law and the Guiding Principles spell out these obligations under international law. The problem is such incorporation is not an easy task. It's easy to have an article that the Guiding Principles are part of our domestic laws, but it doesn't really work. And I think we shouldn't underestimate the difficulties of real incorporation in a way that makes the Guiding Principles something relevant in real life, in everyday life.

The problem is, and I'm here not talking about governments that go out with the intention to violate the rights of the IDPs, in many, many situations IDPs cannot enjoy their human rights simply because of an incompatibility of the domestic laws with their very, very specific needs. I'll give you two examples. In one country I visited, Nepal, kids had huge difficulties to be admitted to schools during displacement for a very simple reason. According to relevant legislation, you need if you want to change your school a so-called transfer paper issued by the head master of your old school and they couldn't produce this transfer paper for obvious reasons that if you have to run away because your village is attacked you are not going and passing by the head master, please give me a transfer paper. Another country in Western Africa, Cote d'Ivoire, kids have huge difficulties to be granted access to schools because there you have to produce and show a birth

certificate and most of the displaced children didn't have a birth certificate. Either they never were issued one, and in their own village everyone knows that this is a child born to this or that family so they could go to school, or they had left behind that documentation, and very often it had been taken away from them at roadblocks and checkpoints set up by one or the other party to the conflict. In several countries, internally displaced persons cannot vote, sometimes not vote at all, or sometimes not vote for the local elections, for the simple reason that of course you have to cast your vote at your place of residence and internally displaced persons cannot go back to their place of residence. So perfectly reasonable laws in both cases lead to a situation where IDPs end up having their human rights disregarded.

What we did to help governments to incorporate the Guiding Principles in a way that makes them meaningful, operational and practical was to develop a manual, a manual entitled Protecting Internally Displaced Persons, a Manual for Law and Policymakers, and quite challenging project. I think we worked about 3 years on it. We had many experts and many meetings. The end result I think is quite interesting and of course feedback is very, very positive. I would like to use this opportunity to thank all those who have been involved. That's a lot of the international agencies, NGOs, that's individual academic experts, but then of course it's my friends and colleagues from the Brookings-Bern Project on Internal Displacement.

The Manual covers all phases of displacement. It covers all the relevant topics. I have mentioned political rights and education, but it's also mentioning housing, food, et cetera, and for each of these subject matters covered, it summarizes the relevant international standards that we have in international law. It identifies the main practical obstacles internally displaced persons face and then provides a checklist of essential minimum elements of state regulation that you need to have in place for instance to allow children to be admitted to school, allow them to exercise political rights. And finally goes into detail on how this can be done.

This is just one element. It's kind of our birthday present, not cake but the book, a nice one, and it's not sufficient, but it is an important step. And I do hope that this trend of governments incorporating the Guiding Principles into their laws and policies continues in a way that is meaningful and not just symbolic. It is a necessary element. It's not sufficient in itself. I think the political will is the big issue. So we need continued advocacy and continued dialogue to create that political will, so the task is still enormous. And when we are celebrating 20 years or 25 years of the Guiding Principles, then we hope that it's less of a problem, but also have to be realistic. Armed conflicts will remain with humanity. Natural disasters will remain. They even might increase as a consequence of the effects of climate change. So I think also in that perspective it's an extremely important tool and I hope that we all will continue to fight for protecting the rights of

internally displaced persons and to find also solutions for their being displaced so they can rebuild their lives to restart normal lives.

MR. MIKELADZE: Thank you very much for the nice introduction and it's my honor to be here and address such an important issue. The problem of IDPs especially from my country from Georgia probably with full respect to general debate on the Guiding Principles and to the tenth anniversary I would brief you on the situation on the ground in my country and probably part of you knows very well that Georgia faces the problem of IDPs from real life. Still we have this problem and I will elaborate a little bit about practical steps undertaken by my government as well as real problems we are facing on the ground.

So just for your brief introduction, Georgia's total population is approximately 4.5 million and we have a number of waves of IDPs in our country after armed conflict after the conflicts in the early 1990s. More than a quarter of a million displaced persons came from conflict zones from other territories or countries so this is a huge amount for a small country. After a new conflict in South Ossetia, after the war with the Russian Federation, more than 150,000 displaced came to Tbilisi. This happened in just a couple of days, in 2 or 3 days, which is really enormous to solve this problem immediately.

Let me concentrate on the profile of the newly displaced. The newly displaced represent mainly a rural population, multi-children families, many pregnant women, many newborns, a lot of elderly. Many of the elderly were

taken as hostages and kept in detention. They all needed both humanitarian assistance as well as (inaudible) during August practically the entire population of one of our regions, Shidarkarkle (inaudible), was displaced and after the so-called six-point peace agreement in early September the population of main towns located alongside the conflict zone was able to return. And after October 10, the majority of the population of religions from so-called (inaudible) conflict zone territories was able to return. However, there are still more than 30,000 persons displaced. Populations of Georgian villages from so-called big and small (inaudible) populations of Kodori gorge , those from (inaudible) conflict zone territories whose houses are fully destroyed. Also I have to mention the problem of Georgian population of (inaudible) District are still under the occupational Russian forces regardless of this peace agreement. It is possible to expect more displacement from (inaudible) with about 3,500 Georgians continuing to stay there.

Let me point out the conditions of IDPs after the conflict. Originally people were placed in school buildings, kindergartens, public buildings. Some were placed in tents. And after the withdrawal of Russian troops from some of the occupied territories (inaudible) immediately after the August war the Ministry of Refugees and Accommodation received proposals from several governments and we appreciate this assistance, to send children for (inaudible) such camps were organized in Poland, Latvia, Bulgaria, Ukraine, and Georgia itself. And

regarding the current situation, in 3 months the government of Georgia succeeded to build more than 5,000 new houses and purchase or rehabilitate more than 1,000 flats for those affected by the August events. All houses are fully furnished and each IDP received a small amount of money, but it was only the way to deal with the situation just for basic needs.

Let me also tell you about challenges which should be addressed. In the eastern part of Georgia according to assessments by (inaudible) it was highlighted that the potential negative impact of the conflict on long-term food security in areas north and south of Gori. Interruption in water supply has led to loss of wheat and maize harvests and some food crops are expected to be damaged as a result of failure to use pesticides while farmers were displaced. Two months prior to the conflict in South Ossetia in the (inaudible) region, South Ossetia (inaudible) running from territory under their control so this was this problem. The decreased harvest not only affects the local population -- displaced populations over the winter and to feed livestock over the coming months. The security situation in (inaudible) regions is not fully provided. The presence of new monitors plays an important role in the stabilization of the situation but cannot fully prevent (inaudible) occupation forces and paramilitary Ossetian groups. And just an example even new monitors were attacked by those forces -- territory of the conflict zone. Western part of Georgia the Joint Assessment Mission conducted by UNHCR and (inaudible) mission in Georgia in Kodori Upper Abkhazia

occupied by the Abkhazian side had found after the influx of the local population they already deserted their people and goods. The mission concluded that due to general insecurity and the lack of means of substance, return to Upper Abkhazia should not be promoted at the moment and they should take this into consideration.

On (inaudible) with Abkhazia side, the Russians had established (inaudible) and forced the population to pay for each bag of food that disturbs previous exchange of goods between (inaudible) districts and has negatively contributed to the complicated economic situation and food security in the western part of Georgia. People of the region lack access to even basic medical care like it was during the (inaudible) incident in (inaudible) let me concentrate on humanitarian problems. The government of Georgia together with civil society and with support from the international community was able to provide quick humanitarian response despite an extremely difficult situation. There were no victims of displacement. New settlements are supplied by water, electricity, and gas. Families received gas or wood stoves and fire wood. Children (inaudible) school buses. However, it is necessary to add social infrastructures such as kindergarten, shops, libraries, educational and cultural centers to ensure that they can fully enjoy their rights envisaged in the Guiding Principles. Taking into account the very difficult economic situation of the newly displaced, the government of Georgia decided to keep paying salaries to those who were

working in state sectors which means administration, education, and health institutions, police, the post office and others, and after the relocation to new settlements to provide them with jobs. Those working in the agricultural sector will receive land (inaudible) for continuation their activities. The rural population will be assisted with safe fertilizers and (inaudible) soil.

Let me point out another important issue, the status of IDPs. According to international standards and the Guiding Principles on Internal Displacement, victims of the August war will receive the status of internally displaced persons. For this, the process of registration in new houses should be completed to avoid mistakes and misunderstandings. The primary designation of the newly displaced was made by (inaudible) with the Ministry of Refugees and Accommodation which is responsible for IDP status issues (inaudible) according to the (inaudible) in the law and we have (inaudible) the law in 1996 on internally displaced persons.

One more challenge Georgia faces at this time is the problem of let's say IDPs which is quite important and most crucial for the government. One of the main issues related with the implementation of the Guiding Principles is the issue of nondiscrimination. The government of Georgia continues to work on the IDPs (inaudible) caseload who were forced to flee in the early 1990s from the Abkhazia and South Ossetia(inaudible) region. Being for many years in limbo, these people only in 2006 received the chance to be included in the development process. The

decision of the government to create and implement the state strategy for IDPs and to conduct this exercise of the all-inclusive process with wide participation of international organizations and civil society for the first time gave the chance to IDPs to be included in the overall development process. However, the process of adoption of the action plan was very much delayed due to different reasons. It was adopted only one week to the tragic August 2008 events. And flow of displacement (inaudible) emergency situation to focus of attention from existing problems and the existing IDPs to the urgent needs of the newly displaced. Nevertheless, all problems envisaged in the action plan continue to stay extremely relevant and require attention. Financial support and implementation. As it is mentioned in basic human-rights documents, the treatment of all IDPs should be equal. The issue of provisions of decent housing to those who during 15 years of living in miserable conditions is (inaudible) for the government of Georgia. The amended action plan for the implementation of IDP state strategy includes different options which can assist to solve these crucial problems through (inaudible) by IDPs -- settlement from collective centers, building new houses for those living by (inaudible) with corresponding measures in social and economic (inaudible) proposing durable solutions and (inaudible) become possible. The Guiding Principles on Internal Displacement provide the main legal framework for protection of IDPs' rights that flow together with the issues of integration and improvement of living conditions of IDPs to constantly keep the issue of their

safe and dignified return to the territories which today are under occupation. Even not being a binding document, the Guiding Principles gives the impulse to state actors to continue efforts for the solution of IDP issues and problems, and for IDPs themselves the Guiding Principles continue to be a source of hope and support. This is the case of Georgia, and the case of some other questions I would be more than happy to answer. Thank you.

MR. LUU: Let me join in congratulating Roberta and Bob and Walter and Beth and Brookings for the Project on Internal Displacement and all the work that you've done through the years to advance the protection and assistance on behalf of IDPs globally. I was asked today to speak on USAID's policy on IDPs and its link to the U.N. Guiding Principles. What I thought I'd do before I start off with my formal presentation is actually give you a couple past experiences that really have shaped and formed my experience at OFDA. When I first came on board a couple of years ago as head of OFDA, the first trip I took was to go to Sudan. Clearly the situation in Darfur continues to be a pressing issue. It's the largest humanitarian program in the world. To date we're looking at a little over 4 million affected. There are 2.5 million IDPs in Darfur. There are 250,000 newly displaced this year alone. We've seen a trend whereby the insecurity, the risk involved in terms of our humanitarian workers to be able to carry out lifesaving activities is on the increase. The humanitarian base is shrinking. All that's to say

that we have principles, we have guidance, and yet there are some real challenges to be able to make this a reality.

After I was able to travel to all three states, I have to say I was a little depressed from what I saw, obviously the challenges were great, but looking at moving from Darfur I was able to travel up to Southern Sudan and at the time conditions were very optimistic. Returns were taking place and I was able to travel by car from Juba down to Yei to meet with OFDA's partners, to be able to meet with beneficiaries, to listen to returnees in terms of their ability to be able to recover and the challenges that they face. It was in Lanya County that I was able to meet a family that had been recently repatriated and I heard their story. They told me that when they were in the refugee camps they were given health care, their children were able to go to schools, and in fact they had delayed their return home to be timed and coincide with the end of the school year. So this family was able to be given a return package that provided a shelter kit, seeds and tools. There was organized return for them. When I saw them it was great. This family clearly within 2 months of their return to Lanya County had used the shelter kits to build their home. With the seeds and tools that were provided to them they were able to cultivate and then farm their land. And they told me that they were able to still go to UNHCR with their refugee card on a monthly basis to be able to get food rations and I looked in their shelter and I saw the USAID vegetable oil cans and the bags of food.

When I spoke to them they really did talk about their future, and it was during the course of our conversation that they said to me, Is there anything that you can do to help our neighbor next door that had just returned back from Juba and they took me over to see this IDP family that had recently returned about 2 weeks prior to that. It was a clear and stark contrast between these two families. The IDP family from Juba told me that they had been displaced for over a decade and they were living in Juba and throughout their displacement they told me that they didn't have any access to health care or to schools and very limited international assistance and their situation was so desperate that when they heard that conditions were improving in Lanya County, rather than wait for any sort of return package or facilitated return they took it upon themselves to journey back on foot. What was heartbreaking about this was that upon their return they had to bury their son who died during the course of the journey because it was a very long hardship and whatever money that they had left in their possession was used to bury their son. So when they walked me over to meet with this family, there were two or three family members who were sitting on the grave site and I looked over and in the corner what they were using for their shelter was plastic bags that were draped on top of branches to be able to provide some relief from the sun. They told me how desperate they were. They were living day to day. What they had available in terms of food was provided to them by their neighbors. They told me the story whereby they had tried to go to UNHCR to be able to get access and

they were asked where's your refugee card. They didn't have a refugee card. So this was a difficult and challenging experience and I raise this to point out that we have gone a long way, the international community has, with regard to raising the awareness of refugees and raising protection and the level of assistance and it shows how much further we need to go in terms of doing similar for IDPs.

Within the U.S. government, my office, the Office of Foreign Disaster Assistance, we are the lead in terms of providing disaster assistance from the U.S. government and USAID writ large is the lead in terms of IDP returns, so it really is a pleasure for me to be here today to be able to not just only congratulate all of you in terms of the U.N. Guiding Principles but also to discuss the USAID IDP policy. With that I also want to take the opportunity really to congratulate Jeff -- from my office who was one of the drafters of the IDP policy and as we look at the ten year anniversary of the U.N. principles we're about to hit the 5-year mark for the USAID policy.

Let me just quickly summarize six key points here in terms of USAID policy, the first point being that the policy makes clear that IDPs do suffer some special vulnerabilities that merit particular attention. The second point, that the policy emphasizes that USAID will make a comprehensive commitment to IDPs and this means that all of the regional bureaus and missions and offices of USAID must strive to address IDP issues and that internal displacement is not exclusively the responsibility of OFDA or Food for Peace or the humanitarian side of USAID.

The third point being that the policy states that USAID will work to assist IDPs at all phases of displacement. That means at the initial onset of the disaster, the care and maintenance phase, the early recovery, return and reintegration and development.

The fourth point being that USAID will incorporate protection into its IDP programs and this is really important because this is really the first time that USAID committed itself to protection as an explicit objective. This was a real breakthrough for us. The fifth point is the policy calls on USAID to engage in advocacy on behalf of IDPs and this has been a real challenge because as we discuss IDPs obviously we're not focusing on just the individuals and the family members who have been displaced, but clearly the affected communities that are hosting the IDPs require the same level of attention and if you look at what's happening in terms of whether it's Chad or Darfur or Sri Lanka, whenever we're talking about IDPs we're also talking about obviously the communities where they came from and the communities that are hosting them. The sixth point is that the policy states that USAID has the responsibility to provide leadership and coordination on IDP issues within the U.S. government and within international fora. And the policy is extremely cognizant that USAID does not operate in a vacuum, that we are the lead U.S. agency, but it's more effective when we collaborate with other governments, with U.N. agencies, international organizations and nongovernmental organizations.

What's the link between the USAID policy and the U.N. Guiding Principles? I think there are many of us who believe that without the U.N. Guiding Principles there would be no USAID policy. In discussions that I've had with our staff and those who were intimately involved in this project, that they spent many, many meetings and discussions back and forth with the Brookings-Bern Project in particular to discuss how might the Guiding Principles be used as perhaps a framework in terms of our own development of our own policy and the USAID policy explicitly cites the Guiding Principles in and of themselves. So we have now the U.N. Guiding Principles and we have USAID policy and I think that there is no doubt that these policies, these guidances, have played a significant role in terms of raising awareness about the needs of IDPs in terms of raising the level of protection and assistance afforded to them, but yet I think as Walter and others have noted here, there is much to do. Recently in an address from John Holmes who is the U.N.'s Emergency Relief Coordinator he noted that there are 77 million internally displaced due to conflict, due to natural disasters and urbanization. This is an awesome number and as much as any donor, U.N. organization or NGO can try to make a dent in this, we are far away from fully implementing and making the reality of the Guiding Principles for many of these millions who are displaced. I would say that specifically within USAID we also have along way to go. The principles as I noted here obligate USAID to address all phases of displacement. I think that we're very good like other donors at

providing assistance in the initial onset. We're very good in terms of providing assistance in the care-and-maintenance phase. But in the early recovery, in the transition phase, in the development phase, the amount of funding, the amount of resources, the amount of attention paid is not there. But that's not to say that parts of USAID on the development side aren't getting it, and I will give a couple of specific examples here. Last year we had sent a DART team into the Somali region in Ethiopia and at the time this was a large region that had obviously a lot of issues and a large vulnerable population and yet the USAID mission in Ethiopia had no programs there, and in fact they had no plans for programs in this region. If you look at many of not just the USAID mission budgets but many development donors, IDPs don't factor into it. I think there is a sense here that with regard to internal displacement or even refugees on the humanitarian side these are things that humanitarian actors do and should take responsibility for and once things have been settled then we can talk about development. So clearly as we within the humanitarian community are looking for ways and tools and instruments to be able to more appropriately deal with IDPs and the communities that are impacted by this and as we are looking to extend our programming, and I can say for example for OFDA if you looked at the sectors that we funded, livelihood, economic recovery, transition and early recovery type of interventions, were unheard of 5 or 6 years ago, but it's part of the way we do our business now to the point where immediately upon a disaster or an impact, our DART teams,

our regional teams are already talking about what are the benchmarks, what should we be looking for – for early recovery, how should we be able to reach out to not just the traditional emergency nongovernmental organizations or U.N. responders, but how do we reach out to those who provide development to bring them in during an early phase and start funding them to lay the foundation for a smoother transition?

So let me end there by saying again here that I do believe that we as a community have very much gone a long way but yet there's a lot more to do and as far as the Office of Foreign Disaster Assistance is concerned as a donor this is an issue that we are constantly trying to address day in and day out both in the field and at headquarters. Thank you.

MS. FERRIS: We have time now for questions, comments, reactions. Yes, please. If you could identify yourself and speak into the microphone that would be helpful.

MS. ROBERTS: I'm Michelle Roberts, Advocates for Environmental Human Rights. Thank you. You do much and congratulations on this 10-year birthday if you will. Walter it's great seeing you again. That said, with our organization being based out of New Orleans leads me to the question as to how is it that we engage the United States to fully adopt and implement the Guiding Principles especially given the fact that now 3-1/2 years or more than a half years just about people are still struggling to get back to the Gulf Coast? That's one

thing. And what work is the Brookings Institution doing to see to it that we can indeed incorporate that into our U.S. policy? Because those on the ground as Walter had indicated and a couple of other people from Georgia indicated how civil society is actually trying, those on the ground in New Orleans and the Gulf Coast, are trying to include the Guiding Principles into our federal disaster policy response. With that said, how do we meet at the grassroots level to the national advocacy level, how do we marry those two and then how is it that we get our U.S. government to fully adopt and implement that policy? Because we're seeing more storms. Some of the folks that were displaced from Katrina and Rita were also involved in the displacement from Gustav because they are internally displaced in other areas now and those areas have been impacted by storms. Thank you.

MS. FERRIS: Thank you very much. Walter or Ky if you'd like to respond.

MR. LUU: I'll let Walter.

MS. FERRIS: Maybe I'll say this by way of background, that we supported a study by the Institute of Southern Studies that looked at the Guiding Principles and applied them to the concept of Katrina. It was a quite critical report in terms of U.S. government response by international standards. But also that the legislation in the U.S. that applies to the situation of natural disasters here is completely different from the legislation that guides USAID policy. Walter?

MR. KÄLIN: It's a bit difficult for me. I'm not sufficiently knowledgeable about U.S. domestic policy to give you an answer on how to do it. I think that's really something my U.S. colleagues can answer. But in a more general way, I do think that we all have to become aware that internal displacement is not something just affecting far-away places such as Darfur. Natural disasters are displacing people. It's likely that the effects of climate change will cause more of these kinds of disasters and as part of the preparedness we have to look at our laws (inaudible) I'm speaking about the developed world, that's equally valid for Europe as it is here. I think the case of Katrina to build up on what I said about the handbook and the legislation has shown that in a specific situation make a lot of sense do not really respond to the specific needs of the displaced in other situations. So FEMA and your natural disaster laws were made not for a disaster of the kind of Katrina, but for the small cases of destruction, tornadoes, et cetera, where people were not displaced over long distances, they have to find shelter somewhere and you rebuild quickly. It was not made for situations where like in New Orleans you suddenly are in a situation where it is not so clear how people can prove for instance that they have ownership of a house so they cannot access the funds to rebuild and so on and so on. I don't want to go into all the details. But it is really a case study of showing that one shouldn't be naïve in thinking because you have good law, you don't have problems. Rather, I just repeat myself here, laws that operate under normal circumstances

perfectly well very often do not respond to the specific needs of the displaced and this is why in a situation like the U.S., in the situation like we have in Europe, I do feel strongly this challenge of incorporating the Guiding Principles is a real one and that we should not just relegate it to Africa and some of the war situations we see every day on the media.

MS. FERRIS: Bob?

MR. GOLDMAN: Just an observation. Many of the problems that Walter pointed out would be writ large in the United States and that is a clash between -- or the problem of implementation. Historically under all administrations, and this goes back a long time, many of you who know study international law and the receptivity of international law in the U.S. domestic legal system, it is not the greatest in the world, but not to put too fine a point on it. So even if you have changes in administration and I do think that the incoming administration given the people and so forth are going to be less for American exceptionalism and I think that they will be more hospitable to international law. But we have to remember that even under the Democrats when the Democrats controlled for instance the Senate of the United States, they were the ones to agree that not a single provision of the Covenant on Civil and Political Rights were self-executing and consequently couldn't operate as a rule of domestic law. With the current makeup of the Senate I think even for instance as many of us hope that the United States will ratify finally the American Convention on Human Rights, that we

won't have a similar kind of provision notwithstanding what for instance the Obama administration might want. This is a very, very strong dualist legal system historically and we have very strange and peculiar notions about international law. So why I could see more hospitality, if you will, a greater embrace to the Guiding Principles in terms of external application, I think that Brookings will have to take and others a major educational endeavor with those who will be responsible for policy and implementing policy domestically. And then as I said, you have the real problem of federalism. These are all major problems here in terms of voting and every state being able -- obviously there are certain federal things that apply and so forth, but this is not an easy issue. It raises major issues about the receptivity of international norms, most particularly things that arguably are in the form of customary international law. So there's a lot of education along the way but it's worth the effort.

MR. LUU: I'd just like to comment. Obviously my office has an international mandate and was engaged in the Katrina response. There were many lessons to be learned from this response and I'll defer to my colleagues to elaborate on them. But one lesson in particular here was how do we coordinate and receive international assistance. That was clearly something that was not a common practice for the U.S. government and that was the role that my office, OFDA, played in terms of trying to figure out what to do with beef that was coming in from the United Kingdom when we had a mad cow ban so things were

rotting out at the airport. And then with the new international framework now when large-scale disasters are declared domestically here and it becomes clear that we will be seeking or accepting assistance from international donors, that's where there is a system now in place to be able to vet that with the State Department and with my office to make sure that the right commodities are coming in, to make sure that the commodities that are coming in are being distributed out to the beneficiaries. These are lessons that I think for international responders this is the norm. We understand that sometimes there is a willingness and a desire to do something but more often than not what we're doing perhaps is not the appropriate response. So domestically here what we learned in terms of the Katrina response was actually to apply those lessons learned internationally within a domestic framework, so there were some good things that came out of there.

And I always use the Katrina response as an example when we're looking at international disaster responses. An earthquake happens or a flood happens and the press and the Hill wants to know what are we doing, what's the extent of the damage, and I point out what happened with Katrina here where it took us a very long time to realize the extent of the problem. So when you're talking about an earthquake that happens in Pakistan or elsewhere, it takes some time to make sure that we get the right people on the ground so that when we do have a response it's

not about pushing supplies in, but it's actually about (inaudible) factor taking into consideration what the needs are.

MS. BRANCAFORTE: My name is Stephanie Brancaforte with IDP Action. First of all, congratulations to all here on their amazing work so far. I have a two-part question. First of all, everybody mentioned the importance of a legal framework and IDP Action as well is working on trying to improve legal frameworks in national governments and also for instance on the African Union convention. But I have to say I'm a bit skeptical about the ultimate results of a lot of these things especially in many developing countries people tend to sign things and then they get shelved. So what to do about this. Also how do you see the role of UNHCR evolving in taking care of IDPs?

MS. FERRIS: Walter?

MR. KÄLIN: You're certainly right to be skeptical in the sense of a law adopted doesn't change much as such, and that's not my approach -- because when we have laws things are okay. But it's just in a sense a precondition. You can't expect any official to act against one's own domestic laws for instance. When you have laws it's much easier for us to advocate and we're losing in countries -- I see that myself in my own work -- where we don't have any normative framework just to convince a government to think about this or that, accept this or that approach or rule it takes sometimes years and if you have the legal frameworks in place it's so much easier to advocate. It's easier then to also for instance start

capacity-building programs so that in fact they are able to implement it. So it helps both to strengthen the political will through pushing dialogue and it helps to strengthen the capacities. To me it's an absolutely necessary step but it's step one and not more than that.

The UNHCR is one of several relevant actors. As you know, as part of humanitarian reform, the cluster approach was adopted that distributes responsibilities for different activities to different organizations, UNHCR having the main responsibility in three areas, camp management, transitional shelter, and protection. I think UNHCR is able to build up on their experiences in the field of refugees when it comes to camp management. There is not a huge difference between an IDP and a refugee camp. The same for transitional shelter. But there are real differences when it comes to protection. Refugee protection very much is about ensuring access to asylum procedures, proper application of international conventions in the asylum procedures, and it's about ensuring that refugees are not sent back to the country of persecution.

IDP protection is very, very different from that. It's protecting lives in some situations. If you look at the present situation in Eastern DRC where IDPs are threatened, it's protection against any kind of violence. It's going as far as safeguarding political rights. I feel UNHCR still is faced with the challenge of how to make IDP protection operational and they still have quite a long way to go on that.

MR. LUU: There's a need for a legal framework that's binding and there's a need for an operational framework and there are many obstacles obviously for both of them to be up and running. But I look at when we first heard of the U.N. reform process and the U.N. clusters and what we're talking about here is accountability, who is going to be accountable at the end of the day for IDPs, and that was all built in there in terms of clusters. These clusters, relief agencies that are identified would be providers of last resort and I think donors and others kind of listened to that and then said okay, this is a worthy investment. Let's see where this goes. And I have to say that after a couple of years, yes, there have been some positive impacts in terms of the clusters. I think that the (inaudible) has had a tremendous impact in terms of getting U.N. agencies to quickly mobilize and get on the ground. I still think there is a lot of work in terms of agency strengthening. But it comes down to this, and this is my personal opinion, that unless and until there is one agency like UNHCR and how their mandate is tied to refugees where you have your income and your job is dependent upon how refugees are treated, if we can do that with IDPs, and I know that this is something that I've been pushing for and if that happens then I think that that will be a real step forward. But short of that again here we have too many people who are involved. Yes, whether it's 26 million IDPs or 77 million IDPs, because of the size and the scope, because there's a shared responsibility, at the end of the day there are millions and millions of IDPs who fall through the cracks.

MR. GOLDMAN: I think your point is well taken and obviously I have a strongly legal approach to the issue because domestic implementation is absolutely critical and this is one of the things that has been emphasized by Walter certainly in his work. Unless you have rights that are recognized and operational in domestic law, then you don't have remedies for the violation. Obviously you have to have an operational framework and this is the key. I favor very much also the approach of getting regional conventions. If you can start getting regional conventions, after all, for instance, in many different regions of the world, the phenomenon of disappearances sadly was very much associated with practices in this system and it was through the Inter-American system that gave rise to now seeing an international convention with disappearances. We started it here. I think it's a very good analogy. But then again you have to get these things. Fine, they ratified the treaty but are they going to make the rights operative? And the critical thing has to be that where there is a domestic right there must be some form of remedy and I've seen how this -- in Colombia the progress it has made notwithstanding the dreadful situation that continues to exist which is another issue, the absence of political will as well as the bad behavior of all of the actors in the armed conflict there. But the fact is that once the Columbian Constitutional Court recognized the binding nature of this it provided a continuing vehicle for IDP groups to come into court to demand their rights and for the court to rule to the government that you must do or not do a certain thing.

So to me this is absolutely a critical point in the future development of protection and assistance frankly at the domestic level. Because after all, as the principles say, it is states and governments of states that have the primary duty to protect and to assist their own citizens and this is one way of fulfilling that.

MS. FERRIS: Why don't we take two or three more questions and then we can continue informally next door? I have somebody in the back here.

MS. : I was just wondering (inaudible)

MS. FERRIS: If it's okay we'll take a couple of questions.

MS. DAWN CALABIA: Dawn Calabria, Refugees International. Ky, you made a very good point, somebody has to be responsible. So who in the U.S. government is responsible for IDPs? How many staff are working on them? I know you've done a lot at OFDA but there's a big lacunae between the amount of need, particularly the need after the initial onset of the emergency. And now with the experience that you've had I wonder what you think we should be doing, if you could talk at a personal or institutional capacity because we find a lot of lax in the U.S. response on this issue.

MS. FERRIS: Another question?

MR. ALIFERIS: Alex Aliferis with the American Hellenic Institute. We have a conflict, it's not a conflict, but for 34 year now in Cyprus we have a question of IDPs who were ousted from their homes by an invading Turkish army and to this day cannot go back. One lady sued the Turkish government and

actually got compensation. And it's a situation where the Turkish-occupied area of Cyprus is occupied and they brought in settlers from Turkey to occupy those homes where 180,000 Greek Cypriots were left homeless. And to this day of course a lot of are successful. They've moved to other countries. They've to the Southern part of Cyprus. How do you address that?

Second is where is the State Department in this factor because the State Department in their relations with Turkey, not only with Turkey, I'm talking with other countries, they sacrifice the issue of IDPs. In the 1990s, Turkey had millions of Kurdish IDPs because Turkey was bombing Kurdish villages associating with the PKK so you had a huge internal problem in Turkey but yet the U.S. government ignored the plight, did not even say anything to the Turkish government, and to this day the U.S. government does not say anything to the Turkish government about the IDPs, about the right of return to back to their homes in Cyprus and so forth due to the invading Turkish army in 1974. So how do you incorporate -- where is the U.S. State Department in this factor? They tend to ignore this issue when they deal with relations with other countries. They pick and choose. In Sudan they will talk about this, but when it comes to Turkey, and I'm pretty sure there are other countries out there, they ignore this issue.

MS. FERRIS: Thank you. We've got three difficult questions. The standard of protection of IDPs, on whose response in the U.S. government for

IDPs, the question of Cyprus with a tangential little part for you as well Ky on the State Department picking and choosing. Who would like to begin? Bob?

MR. GOLDMAN: I think let's let Walter. Fortunately I'm not in the State Department so I don't have to answer that question.

MR. KÄLIN: Me too of course. I cannot comment on that question. But what you raise is an important issue, that ultimately without political solutions to conflicts it will always remain limited of what we can do for the IDPs. This is one of the protracted situations there that without a political solution to the underlying conflict we will not be able to solve all the problems focusing very much on protection during displacement.

As regards the question on standards (inaudible) of U.N., of course the role of the U.N. is important but it's important in the sense of reaffirming the validity of the Guiding Principles and I think since 2005 we have made progress. Before it was very, very weak if you analyze the resolutions that came out. There were lots of hesitations. But now it has become standard language and it is reaffirmed that the Guiding Principles are an important international framework for the protection of the IDPs.

We have the norms. We have the human rights, we have the Guiding Principles. I don't see a big need to go much further into detail of the standard setting level. It's really about implementation. And that's why I'm insisting to much on the domestic laws and also the role of the regional organizations. I like

Bob Goldman see a big role for the regional organizations in terms of treaty making. If they're looking at the draft A.U. convention, it's very interesting not so much because again it talks about the right of IDPs to choose whether to return or reintegrate, about the right to have their rights protected. All of these are already binding obligations. We don't need to reaffirm it. The convention is interesting because it spells out what the responsibilities of governments are. It contains a list of key obligations, key responsibilities. It speaks about the role of the African Union as a regional organization. It speaks about the cooperation between the states at the regional level. Again it will take a long time to really make it a living instrument to have it implemented but I always like to refer to the European Convention on Human Rights, certainly the success story. It took them about 25 years to make it operational. Only in the mid-1970s real application started. All these things take time but it's still meaningful. So for me the role of the General Assembly, et cetera, is to push the message that these standards are important. They need to be implemented. To of course also talk about Security Council specific situations. I would wish that the Security Council would be more coherent in its practice of addressing internal displacement. Sometimes you have very good resolutions. Recent resolutions on Georgia for instance talked in very strong language about protection of property and the restitution of property, but then in other situations you don't have any reference to property rights. I think there we can do more and there's an important role for the Security Council and

it's something I would like to look into next year how we could push a little bit this practice and get to a situation where we have more coherence in the Security Council resolutions.

MS. FERRIS: Ky?

MR. LUU: You're right. I think that for far too long this policy has been viewed as the (inaudible) policy on IDPs and it's something we've been working on with the regional bureaus and there have been some successes. If you look at what happened in Northern Uganda where OFDA jointly funded a mission and an office (inaudible) to look at joint programming here for sharing resources that as IDPs were leaving the mother camp and returning home that there were appropriate resources and basic services when in the return community and these were things that we were saying from the OFDA perspective that we can jump start this, we can lay the foundation, but the reality here is that the development actors in the mission have to take ownership of this. And this went a long way and this is an ongoing process and right now we no longer are funding that office. It is fully 100-percent funded by the (inaudible) mission and all of the programmings up there, the bulk of them, are from the mission.

Two specific initiatives that we've been pushing that I think are gaining traction within USAID. This has to do with the commitment here in terms of dealing with IDPs in all phases of displacement. As I noted earlier, I think that in the disaster emergency phase and the care and maintenance phase were pretty

good at it. OFDA, Food for Peace is there and we're working with our partners, but it's in that return and reintegration and development phase that still is very new to many of our colleagues within the regional bureaus. What we have pushed for is a transition strategy and disaster risk reduction strategy. On the transition strategy what we've done is that at every single disaster response for the last year and a half what we have said is that we jointly develop using a uniform template that lays out certain investments that OFDA will make in this transition phase. And a lot of that is driven by our discussions with the USAID mission as well as other development actors. The point we're making here is that we will not make certain investments in early recovery unless we know for a fact that the development actor -- specific USAID mission is going to carry this forward. So if there's transitional shelter, a lot of sanitation or health that are needed, if the mission has no programs planned for that we won't fund it because for a year or 18 month stand-alone program it's a waste of money given kind of global (inaudible) and that's how we've been using our money to kind of leverage USAID missions to kind of come in at an earlier stage for help for early recovery and reintegration. And on disaster risk reduction for the first time in the history of OFDA we now have regional disaster risk reduction strategies and that's helped with the missions because what that does is we sit down jointly with the mission to say you have to recognize certain risks in your development framework. You cannot just have a 5-year strategy that does not take into consideration the

potential for floods and earthquakes and displacement, and you cannot have a full development strategy whereby 50 to 60 percent of the country is in conflict and has large displacement. So on the disaster risk reduction side, when we make investment in disaster risk reduction it's the same thing. We pull in the missions and therefore you have them engaged where they're seeing that our resources are used to help them with their development model. So I think looking back from where we started before this policy and looking forward to how quickly we've gained traction in certain areas, I'm optimistic that USAID as a whole in a relatively short period of time will embrace IDPs and will understand the needs and how to be able to raise protection and assistance.

On your issue, I'm sorry, but I'll have to defer that to my State Department colleagues.

MS. FERRIS: Cyprus also is illustrative of the large number of IDP situations that are protracted. They go on for years and years with little attention. About two-thirds of all IDPs in the world are living in situations where conflicts are frozen, peace negotiations are stalled, or there's little progress on the political front which is of course the solution to most or many of the displacement situations. As Madam Ogata, former High Commissioner used to say, there are no humanitarian solutions to humanitarian problems. They are political and a different level.

Thank you all very much for coming. Thanks to our panelists.

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I, Carleton J. Anderson, III do hereby certify that the forgoing electronic file when originally transmitted was reduced to text at my direction; that said transcript is a true record of the proceedings therein referenced; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, furthermore, that I am neither a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

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