THE BROOKINGS INSTITUTION

PROMOTING BETTER PROTECTION OF INTERNALLY DISPLACED PERSONS

Washington, D.C.

Friday, February 19, 2010

PARTICIPANTS:

Moderator:

ANDREW SOLOMON, Deputy Director Brookings-Bern Project on Internal Displacement The Brookings Institution

Panelists:

ANNE ZEIDAN Head of Internally Displaced Persons Project International Committee for the Red Cross

ERIC SCHWARTZ
Assistant Secretary of State for Population
Refugees and Migration
U.S. Department of State

ELIZABETH FERRIS, Senior Fellow; Co-Director, Brookings-Bern Project on Internal Displacement The Brookings Institution

* * * * *

PROCEEDINGS

MR. SOLOMON: Good morning, everyone. I'm sorry for a little late start. We're waiting for Assistant Secretary Eric Schwartz to join us. He is unfortunately caught in traffic, but we will soldier on and get started now.

First of all, I'd like to welcome you all to Brookings. I'm Andrew Solomon, the Deputy Director of the Project on Internal Displacement here at the Brookings Institution. This event and our discussions today will focus on improving protections for internally displaced persons through both international and national efforts including measures to give full effect to the human rights of internally displaced persons and also to achieve durable solutions to their displacement.

As we gather this morning, we do so as hundreds of thousands, perhaps as many as a million, Haitians have been displaced and seek adequate shelter, food and medical treatment some 5 weeks after the earthquake which gave rise to their displacement. In addition, I think it's important to note the fact that several thousand Afghan civilians have been reportedly displaced this week and forced to flee the counterinsurgency operations that were launched in the southern Afghan province of Helmand. These recently displaced persons both in Haiti as well as in Afghanistan join millions of IDPs around the world in some 50 countries in every region of the world including situations of mass displacement in Sudan, in Colombia and in Iraq just to make a few places.

Responding to internal displacement and addressing the needs and the vulnerabilities of IDPs often involves a variety of actors and activities and also requires a variety of tools including policy tools in order to effectuate meaningful responses to internal displacement.

3

Fortunately today we have with us at least now two of three leading experts in the field of internal displacement who can help us better understand how to develop and design protection programs to assist internally displaced persons. I'm very pleased to have the opportunity to introduce first Ms. Anne Zeidan of the ICRC's IDP Project based out of Geneva. Anne will get us started this morning with a presentation on the Red Cross-Red Crescent Movement's IDP policy internal displacement. Then following her presentation I'll invite to the stage Assistant Secretary of State Eric Schwartz and Elizabeth Ferris, a Senior Fellow here at the Brookings and head of our IDP project for their comments on the movement's policy and also general remarks on internal displacement and IDP protections.

With that I'd like to turn it over to Anne. You now have the podium.

MS. ZEIDAN: Thank you. Good morning. My name is Anne Zeidan. I've been an ICRC delegate for about 15 years working in the field and at ICRC headquarters. I've been heading the ICRC's Project on International Displacement for the last 18 months. One of the objectives of this project was to develop with our colleagues from the Red Cross and the Red Crescent Movement, the movement's policy that was adopted in November last year in Nairobi. I will make a short presentation on the content of this policy and a few prospects for implementing it.

Maybe quickly the scope of the presentation with just a few lines on what is actually the International Red Cross and Red Crescent Movement. It's not always very easy to understand. Just to indicate that IDPs and internal displacement have been a long-lasting concern of the movement, Red Cross/Red Crescent. We mentioned this morning a few contexts are on the front page today, but there are many other countries in which the Red Cross and Red Crescent Movement have been involved in answering to the humanitarian needs of IDPs which is one of the points. And I will mention to you the

4

10 guiding principles and some of the elements of accommodation that actually are building the movement's policy.

Just briefly on the Red Cross and Red Crescent Movement, I don't know to what extent many of you could be able to give me the name of the different components of the movement, I guess many of you could mention the American Red Cross and probably now the ICRC, but it's not only about the American Red Cross and the ICRC. Very quickly, ICRC, the International Committee of the Red Cross, was founded in 1863 in order to work for the protection and the assistance of victims of armed conflict and other situations of violence. It's a Geneva-based organization, neutral and independent and developing activities in conflict-related situations. Then you have 186 now today national societies, among them the American Red Cross. We today have national societies in all countries around the world. All these countries are parties to the Geneva Convention which is the foundation of international humanitarian law, and these national societies are very important auxiliaries to the public authorities in their own country in the humanitarian field. They may at some point have also the capacity to develop activities internationally. We know about the role of the American Red Cross today in Haiti. We have many of our colleagues from national societies involved in many of the contexts across the world who are supporting essentially the national society on the ground. Then we have the International Federation of the Red Cross and Red Crescent which was founded a bit later than the ICRC which is facilitating the roles and the actions of national societies around the world and is playing the role of coordination in natural disasters. So you would find the International Federation very involved today in Haiti in coordinating the efforts of the Red Cross and Red Crescent.

I thought it was important because when we mention that the policy that we're presenting has been adopted in Nairobi in the Council of Delegates, people just

5

don't understand what this stands for. The Council of Delegates is a meeting which takes place every 2 years where the 186 national societies, the International Federation and the ICRC gather in order to adopt and discuss important humanitarian issues for the Red Cross and Red Crescent Movement. So it is in that frame that you have to understand the movement's policy. This document is essentially intended as a component of the movement, so I'm very happy to be able to present it you today, but it's definitely a document which is a working tool for national societies and is a component of the movement.

I was mentioning that it's been a long-lasting concern for the movement. In policymaking you can record as early as the early 1980s resolutions and decisions taken in the Council of Delegates and in the International Conference of the Red Cross and Red Crescent Movement which is dealing with internal displacement so that it is nothing really new when it comes to policymaking and this document is referring to many resolutions and decisions taken by the movement previously. The purpose was to bring all of these elements together to make maybe more visibility and a better understanding in an environment where the complexity of the themes is increasing. Some of the resolutions are very important. I could just mention in 2001 the Council of Delegates took a resolution about IDPs, in 2003 as well with an annex which gives actually national societies guidance on how to get involved in a coordinated mechanism with agencies outside the Red Cross and Red Crescent Movement. In 2007 during the International Conference of the Red Cross and Red Crescent, the decision was also taken that the ICRC and the International Federation would work on migration issues. So for the last 2 years the federation and the IRC have been working in a complementary manner, one leading a reflection on IDPs and the federation leading and developing a policy document

6

on migration, and this document can also be found on the IFRC website if you are interested in this issue.

In the ICRC we like starting with the legal framework because we also have a mandate which is enshrined in international humanitarian law. I feel very comfortable to start with that here because it's also something that at Brookings you've been articulating very comprehensively, dealing with IDP issues and the existing legal framework. In the ICRC we consider that international human rights law, international humanitarian law, in the respective spheres, and obviously IHL would better in conflict situations essentially, are very a very important legal framework to address and protect persons affected by internal displacement including IDPs. What we're saying is that we don't want to just focus on IDPs only. In the document we say that IDPs are among the persons who are affected in a conflict by internal displacement. You may have a lot resident populations who stay behind and cannot be considered as IDPs who can be very vulnerable for many reasons in a conflict situation. And you have a large number of resident communities who will end up hosting IDPs and may also become vulnerable due to the crisis that displacement can provoke. We are also convinced that these bodies of laws are very important to promote in order to make sure that IDPs and the other communities are better protected.

Also something that we are much better in recognizing is the implementation of international humanitarian law in national law is a key element in making sure that IDPs and other populations are better protected and that states must support the effort to incorporate IHL and human rights law in their own national laws. The benchmarking for states to be accountable to their own cities is very important if these provisions are incorporated into national law.

7

Again as an ICRC delegate, we very much promote the fact that respect for this body is law is a prerequisite for the protection of civilians in conflict and of course of IDPs. Many of the provisions of IHL should prevent or should protect civilians to become IDPs and we think it is very important that if IHL will be better respected and promoted in conflict situations, maybe we would have fewer IDPs, therefore having less to deal with in the consequences of internal displacement.

Obviously I can't end up my part of the legal framework without mentioning the guiding principles. It's a very important tool and framework which makes it far more easy to understand the very many complex provisions that you can find in IHL and human rights law. If you understand the guiding principles then you can search further for the provisions in a very body of law that can be IHL and sometimes human rights so this is really the basics that you have to understand. We do agree that in terms of conventional obligations, states should refer to human rights law and to IHL in order to fulfill their responsibilities.

The movement policy that we've been trying to develop in the last 2 years could finally come up with a decision that we would limit this policy to 10 principles. There has been a lot of debate whether we should make it longer, more comprehensive or more detailed, but we wanted that this document would be a very practical tool for people operating in emergency situations. The bigger the book or the policy is, the less chance you will have that people on the ground will understand and use it. So we limited ourselves to 10 principles. It's not exhaustive. It's really the basics of what then people want to get involved in situations of internal displacement they should go further. They should refer to the guiding principles; they should refer to IHL and human rights law. It's really to introduce the subject to humanitarian practitioners on the ground. It's also written to help the Red Cross and Red Crescent staff. It's not written in order to address

8

everybody. The way it's been spelled it can be a bit of a surprise maybe for many, but it definitely has to be understood in the framework.

The first principle which is very much a principle on which ICRC's approach to IDPs is based is the fact that talking about IDPs is a bit limited in the sense that there are as I was saying other populations that are affected by internal displacement and you've probably noticed that the title of the policy is not about IDPs, it's about internal displacement. So it's a very important element for us that you will not expect the Red Cross and Red Crescent Movement to focus on a specific population approach. We would have an operational approach which is based on a needs assessment first. So it's an indiscriminate need assessment among which obviously IDPs we have a particular attention because in many circumstances they would have very specific humanitarian needs caused by the crisis. It's a very important element for the Red Cross and Red Crescent Movement. The second principle is trying to grasp the reality of the movement. National societies are very much rooted in communities. You had volunteers; you have a structure which is based in the communities of a country and have specific status and relations with their own authorities. This access and this capacity of being rooted in the community and access to authorities is something we want to be able to work on in order and address and advocate for the IDP situation. Obviously we come back to something which is very strong to ICRC's approach as well especially in situations of conflict, the necessity to prevent displacement. In natural disasters, the whole notion of preventing displacement would probably go further with preparation for natural disasters. It's a bit of a different approach.

Of course, the whole emergency situation has not been described too much in the policy paper because that's something we know how to do and we didn't think that it was important to repeat things that are in other documents, but we definitely

9

wanted to make a specific highlight on the need to find a durable solution sometimes very quickly after the displacement occurs because the circumstances allow people to return or to build their lives, but very often a very long time after the crisis occurs and it was very important to put at the heart of the return or the solution the IDPs themselves and to make this point very clear to our colleagues who are involved in the situation.

Then we get to the same concept, and it's not new to the Red Cross and Red Crescent, that we have to work with the individuals and the communities. Very often the volunteers of the national societies are members of these communities so that it's something which is quite natural for representatives of the Red Cross and Red Crescent, but it's always good to remind them that even though you're supposed to know how to engage in humanitarian operations, those affected at the prime reasons for finding a solution to them so that you have to listen to them and use them as much as possible in developing programs and services.

Obviously we're not working in a vacuum and the fact that humanitarian actors are one of many who are involved in the institution of crises, indicate that we have to coordinate with the authorities and all the other stakeholders concerned. All concerned in situations conflict would lead us to get in touch with other parties to a conflict. Authorities is a very state-centric notion so in conflict situations we have to recognize that there are many populations that are not so much under the responsibility or the control of a central authority and it's very important in order to service them to be able to approach those who have something to say about this population, and it's also one of ICRC's way of working to get in touch with all concerned about the situation and the population.

That's a particular principle. National societies have a very strong auxiliary role to the authorities. In some cases national authorities because they have

10

other priorities, because they have fewer means and few resources or less experience

would very often rely on the national societies for everything which is humanitarian. But

obviously the resources of national societies are also limited and the idea is to make sure

that what national societies can do does not first substitute to the responsibility of the

state to provide for their own citizens and that it is within the capacity that the national

society actually has. In a national society we hardly ever have more resources than a

government, and the example in Haiti today, maybe the government doesn't have a lot of

resources, but I can tell you that the Haitian Red Cross doesn't have a lot of resources

either and the movement has been mobilized quite a lot in order to support the Haitian

Red Cross but the Haitian government has to take the share of its responsibility to find a

situation for their own citizens in the current crisis.

Finally, the old question of auxiliary role, I am not going to enter too

many details because there are a lot of texts in the Red Cross and Red Crescent about

what is auxiliary to states and to national authorities, and it's not only relevant for IDPs,

it's relevant for all the activities we're doing. In case you have questions, we can try to

enter into details, but I don't think it's that fundamental. That's something very much for

us to work with.

What is important though is the fundamental principles of the Red Cross

and Red Crescent movement. Humanitarian action today goes around a lot about these

humanitarian principles. We consider that to be humanitarian you have to be

independent, neutral, impartial, having voluntary services and other principles. It's not

always the case. You can have humanitarian gestures, you can reach for humanity

without being independent, neutral and impartial, and impartiality is important because

that would say that you would not discriminate against a victim or person affected against

ANDERSON COURT REPORTING 706 Duke Street, Suite 100 Alexandria, VA 22314

11

another. But these principles for the movement are very much at the heart of who we are and it's important for us to recall these principles as much as possible.

The ninth principle is very much also on how we coordinate among ourselves. It's a large family with 186 national societies, two international organizations with different dynamics and different mandates. It's quite complex at some point.

Coordination within the Red Cross and Red Crescent Movement is not an easy thing to do, but we are very committed to that all of us and it's important to repeat that we have the responsibility to first work together, we share the same emblems and these emblems are protected under international humanitarian law and we share the same identity. In many contexts especially where the local national society is a cross, the distinction between the Red Cross, the National Red Cross, the ICRC or the Federation, is very difficult to make for people affected. They wouldn't be able to tell you what's the difference between the ICRC and the American Red Cross, probably a lot of people here either.

The last principle has to do with how do we coordinate with others. The U.N. system is very engaged today in humanitarian operations. They have set a very strong coordination system. They have a mechanism of reporting to states' structure within the U.N. which makes the work of the Red Cross and Red Crescent Movement important to be able to engage without losing too much of its identity, and its principle is about how do we work together and how do we make sure that at the end of the day the coordination mechanism doesn't blur the line between who are as the Red Cross and Red Crescent Movement and how the others, we don't need to look alike to serve the those who we are intending to help.

Those are the 10 principles. In the commentaries you will see that we go into more detail about what we mean about protection issues, what we mean about

coordination mechanisms, but in the document of the policy we wanted to highlight really the headlines of concern.

12

I'll follow-up on implementation briefly. This document is brand new. It's been presented and adopted a few months ago. One of the crises in which we are considering to make it useful is obviously Pakistan. Today we have quite a lot of discussion with colleagues from the movement and the Pakistani Red Crescent on how to better address the situation of the internally displaced in Pakistan and it's a tool we're trying to promote and to use. We were discussing yesterday with our colleagues from the American Red Cross the usefulness of this document for the crisis in Haiti and that's something we will definitely put forward. But we have another 2 years before reporting to the next Council of Delegates on how this tool could be used so it's a bit new and bit short to be able to tell you exactly how useful this document has been or will be.

The idea was definitely to get some kind of a global framework for our colleagues in the movement. We have millions of volunteers, 186 presidents, secretaries general and important people who should know maybe better about what is at stake when we talking about internal displacement, so this document is for all of us.

Finally, the ICRC is definitely committed to implementing these important provisions and promoting them. Thank you for welcoming me here today. And to make sure that we coordinate some substance in the report that we are supposed to complete in 2011. It's always easy to make reports even the lowest one. The idea would bring some kind of substance in the report in 2011 to make sure that the causes of people affected by internal displacement get some kind of improvement and not so much on paper. Thank you very much.

MR. SOLOMON: Thanks, Anne, for that very good overview of the policy and also a discussion of the individual principles that comprise the policy. I think

it's a welcome addition to the existing standards and tools that exist for IDP systems of

protection and I look forward to working with the ICRC and the movement on

implementation.

At this time I would like to invite Assistant Secretary Schwartz and

Elizabeth Ferris as well as Anne back to the stage for the next phase of this event, the

commentary phase.

First of all I'd like to welcome Assistant Secretary of State Eric Schwartz

to Brookings. I know he's not a strange to many of you in the audience and he's

definitely not a stranger to us here at Brookings. Prior to his appointment in the summer

of 2009 as Assistant Secretary for Population, Refugees and Migration he had a long

career in the field of foreign policy and humanitarian affairs having served at the United

Nations within the civil society and the NGO community and also in the U.S. government,

so we're very much pleased that you could join us today for this event.

Also joining us on the panel is Elizabeth Ferris whom I am confident

many of you know. She has over 20 years of experience in humanitarian affairs working

in Geneva within the civil society movement and also here at Brookings as the Co-

Director of the Project on Internal Displacement.

We'd like to begin with comments and remarks of the Assistant Secretary

followed by Ms. Ferris and then we'll open it up for hopefully a half-hour of discussion and

questions from you, members of the audience. With that I'd like to turn it over to the

Assistant Secretary.

MR. SCHWARTZ: Thank you very much. Do you want me to speak

from here?

MR. SOLOMON: Yes.

ANDERSON COURT REPORTING 706 Duke Street, Suite 100

MR. SCHWARTZ: Thank you very much. I'm sorry I arrived late. It was

because I was doggedly reading the report and thinking about this morning's event and

forgot that there was snow on the ground which has affected traffic.

First it's a great document and it tracks so much of the orientation and

the focus of the work of our bureau. The effort to marry the concept of assistance and

protection which is so much a part of your work I think is extremely important and I hope

it infuses everything that we do in our humanitarian advocacy and assistance. And I like

the fact that it's also informed by an implicit advocacy perspective in the work of the

ICRC.

This is a very tough area as we all know because there are infinite

responsibilities and challenges, and the overwhelming responsibility is with national

governments, so the more systematic thinking about the creation of norms and best

practices from my perspective the better. That's why we find the Guiding Principles on

Internal Displacement as a critically tool and remain very interested in other efforts such

as the Kampala Convention on Internal Displacement agreed upon and adopted by the

African Union.

Let me offer some comments about these principles, and as I reflected

on the principles, I think the most useful thing I can do is raise questions. I could say

these are all very nice principles, they reflect what we think are important and go through

them one by one, but I think the most useful and interesting thing to do is to raise some

questions. In doing so, the issue that arose in my mind is are these principles, principles

of general applicability or are they principles for the ICRC? I think the answer is different

depending on the principle. But I think it's an important question that's worth asking, and

even to the extent that they're principles just for the ICRC, should they be principles of

general applicability? You'll see why this question continues to recur as you think about

ANDERSON COURT REPORTING 706 Duke Street, Suite 100 Alexandria, VA 22314

Phone (703) 519-7180 Fax (703) 519-7190

the principles. They do for me because when I think about these issues I don't think about the competency of one organization. I think of the responsibility to do right by these issues, period, among the cluster of organizations that are engaged. So my questions go beyond the ICRC as our focus inevitably is broader.

Principle one, the holistic approach, the need to address suffering and vulnerability rather than concern oneself with the niceties of one's legal status. You're in an IDP situation and communities are in bad shape. You don't say I just do IDPs. You deal with vulnerability. But how do you manage that issue when certain organizations have certain competencies? When I was in Goma, UNICEF and UNHCR were in a pitched fight about how much assistance they should give to returnees. UNHCR was saying we got to give them the package and UNICEF was saying, no, you shouldn't give them this package because you've got these other communities, and it was slowing up the whole -- I guess this on the record so there you go and it was affecting the delivery. So my question is: how do you manage this issue in terms of the institutional competencies of organizations? And what are the implications of your principle for your organization? What are the implications of this principle for the overall architecture of international humanitarian response? Are there implications? Do you think there are? What's your view? I don't mean to be too pushy, but you see what I'm asking? So that's one thought.

Second, I found one phrase curious and I want to poke you about it a little bit. You say in principle one forced confinement is generally not favored. Why generally not favored? When is it favored? That was my reaction. Maybe there is a circumstance where forced confinement is favored, but I found that curious.

Principle two, and I'm not going to go through every one and I hope I'll stay within my 10 minutes. This is not question, but it's just a comment. I like the fact

16

that principle is not really a high principle, it's almost a tactical principle, make use of your privileged access, and I like that. I gave a speech here some time ago on the role of humanitarians in government and I think I meandered from high policy to tactics throughout that and I think that makes sense because this is not a debating club, this is an enterprise in which you're trying to figure out how to get things done and I think you start from the principle and I think tactics are really, so that's not a question, but it's just an observation.

I'll get back to a question, emphasis on prevention, principle three. I think we need to ask ourselves how we're doing on that in the wake of Hyogo in 2004 right after the tsunami and then this kind of increased consciousness of the importance of prevention, and I think it's time to kind of take stock because there's a general conventional wisdom that we may be doing better on this and if we're not doing as well as we should be doing, how do we more effectively make the case, to used a hackneyed term, an ounce of prevention is worth a pound of cure? I don't know. We struggled with that in the tsunami response and I think it's an important issue, so that's the question on that principle I would ask.

The question on principle four that I would ask is, principle four is about genuinely durable solutions, but my question there is sometimes solutions take place, they're durable but they're not so good. They're durable by one definition of durable in the sense that they're permanent and they happen and the world forgets about them because they're done. So how do we effectively in situations like that hold governments to account? That strikes me as a legitimate challenge. Maybe it's not an ICRC challenge, but it's an important challenge. And how do we monitor whether solutions are durable? I think of Colombia. I was in a meeting yesterday and one of my staff said there aren't 4-1/2 million IDPs in Colombia. A lot of these people are settled. So my

17

question is how do you get a handle on that? In principle it's great to say durable solutions should genuinely durable, but it seems to me that we need to figure out better ways to hold governments to account and to monitor this process so we know when those solutions are really in effect.

Principles six, seven, eight and nine are all part of a piece I think.

They're all part of a piece. So let me tell you the three questions, and I think these are really important questions that emerge from principles six, seven, eight and nine, and everybody remembers what they are. They're all about engagement of local authorities, the role of national societies, the fact that national societies shouldn't supplant local societies. You just saw the presentation. I have three questions on those.

The first is on engagement of local authorities, where local capacity is limited or nonexistent, what's your responsibility at ICRC and more broadly, what's the world's responsibility for capacity building? How does that have to be embedded into this whole issue of engagement with local authorities? Can you engage local authorities without having capacity building embedded into that effort? That to me is one key question.

A second key question, national societies shouldn't supplant local society or local efforts. That's great in principle. But what happens when the fat hits the fire and nobody's doing anything? What do you do in that situation? I remember Madame Ogada; we're talking about the Balkans and the fact that she was being criticized for using military. It's not a perfect analogy but it made me think of it. She was being criticized for using the military for food convoys and she said to me if I were the ICRC and I only had to deliver a little bit of stuff, I wouldn't need the military, but I've got to deliver a huge amount of stuff and there's no other way it's going to get done. This point made me think of that. As a principle it's great to say we don't do that. That's for the local

authorities. But if the stuff isn't getting done, don't we have to do it? And if you're not

going to do it, then someone is going to have to do it. So I think that question is a really

important one.

The third question which emerges from these four principles in my mind,

and this is the overwhelming question of IDPs, how do we think systematically about

bounding our efforts on IDPs, because this could be a completely unbounded area. I've

been looking at these issues for as long as I guess anybody out there, not anybody, and

how do you set parameters for those efforts? So that's the question.

Then I just have a couple more questions. I don't have any answers but I

have questions, one, on coordination. Ever since Dick Culver took that trip to Angola and

he walked down the road in Angola and he looked on one side of the street and there

were IDPs and he looked on the other side of the street and there were refugees and

they were being treated very differently, so he came back and made a big stink about

this. Julia was I think the Assistant Secretary at the time. There was concern about this

before that trip obviously, but the last decade or more has been involved in this effort to

enhance our capacity to work on these issues. I think there has been progress but I'm

not sure it's been as great as it ought to have been.

Finally, I mentioned the African Convention and I think that convention

raises a real important issue here which is, is it time to engage a serious discussion

about the development of harder law in this area? People have shied away from it for

obvious reasons because you don't want to ask the question if you're going to get the

wrong answer. But is it time to engage that discussion, and I think the advent of the

African Convention raises that question in a significant way. No answers, just lots of

questions.

ANDERSON COURT REPORTING 706 Duke Street, Suite 100 Alexandria, VA 22314

19

MR. SOLOMON: And very good ones from the general to the specific as well. I'd like to turn it over to Beth for her comments and then perhaps we could get a little bit of back and forth going here on the panel and then open it up to the audience.

MS. FERRIS: Thanks for the opportunity to comment on this policy.

I thought there was much to commend in the new policy of ICRC having followed these issues for many years and watched the evolution of ICRC's approach to IDPs. In particular, I appreciated your emphasis on working with the communities affected by displacement and the emphasis on participation and consultation with affected communities, although I should note that's very difficult to do in practice. Some of the research we've done on consultative mechanisms show that it's difficult to know who to talk with, how to structure conversations and how to manage expectations that often emerge when affected communities are asked for their opinion and then nothing happens; the link between protection and assistance; the reminder that most of the world's IDPs do not live in camps and therefore the need to be creative in terms of approaches to them. I saw this very much as an ICRC Federation policy directed toward your own constituency rather than a broader humanitarian effort and it will be interesting to get your response on that. And I thought you did a good job in terms of looking at the unique strengths that the movement brings both in terms of ICRC's work, but sometimes ICRC is the only international actor in a particular situation, as well as the particular strengths of national societies and their relationship with government.

I'd like to comment a bit more on three aspects that were highlighted in the report. The first is on these displacement-affected communities. Maybe we could start calling them DACs in the humanitarian tradition of inventing new jargon to respond to real needs. Displacement affected communities including the communities from which IDPs live, communities where they're living and to which they return is an area we don't

20

know very much about. There is very little research on the perceptions of host communities to the presence of IDPs living in their midst. The word host is a nice word. It's a warm, welcoming word. But what really goes on in host families? What goes on when displacement lasts for months or for years? Or where families are forced to make really tough decisions about priorities within their family or their community? I think we really need to unpack this term host community and host family and hope that some really good solid research of interviews with these communities could give us a handle on what this means in practice.

We recently had a workshop in Colombia a little over a year with municipal authorities, local governments talking about displacement. I remember one mayor got up and he was quite angry and he said everybody is talking about displacement emergencies and IDPs, but we have a return emergency. We have lots of IDPs coming back to our community. We're glad they're coming back, but how are we going to find housing for them? How are we going to have enough classrooms for them? There is attention to the particular names of return emergencies or other DACs, displacement-affected communities to which IDPs return. So I think those whole area of displacement-affected communities is one that calls out not just for good policies but also for better understanding of what is actually happening at this level.

A second and perhaps more controversial point is I'd like to say a word, just a word I promise, in defense of camps. The policy makes it clear and we certainly hearing in humanitarian discussions that camps are a last resort, it's much better for people to be living in the community and we know many of the problems associated particularly with protracted camp situations, problems of security and hopeless and despair and so on. But there are cases where camps are the only solution. Camps make displacement visible. If Iraq's internally displaced population of close to 3 million

21

people had been living in massive camps, there would have been more focus on displacement, on their needs, vulnerabilities, security issues, than when they're dispersed and living among the population. It's easier to provide services to people in many situations in camps. I remember after the Pakistan earthquake that UNHCR's policy was to assist camps when they had at least 50 people because it was easier, it made sense then to go to camps or settlements with just a few families. Camps can reduce the strain on local communities. There seems to be an assumption that if they're living with the community, the community is caring for them, we're not responsible, they're being cared for by others.

Living in camps makes it easier for IDPs themselves to organize and to associate with one another. And I think that in some cases it gives a bit more accountability. For example, if IDP children don't have access to education in camps, the parents will know that this happening. The NGOs who are active in the camps or U.N. agencies will be aware that this is a problem. But when they're dispersed in the community and their kids aren't going to school, no one can know and there's the question of who is responsible for even identifying the problem. I don't think the problem is camps per se, but the fact that camps should be set up on a temporary basis to meet emergency needs and the reality is that camps go on for far too long and lots of bad, bad problems happen.

A final point I'd like to make concerns not the policy itself but the report this one just distributed which is well written I think and very clear, but there are a few cases in the report where the author refers to the difficulties of labeling people as IDPs. It says, for example, the ICRC representative in Khartoum was laughing at excess labeling. Excuse me, are you an IDP, a refugee or a migrant? And later the report notes that labeling people may mean that some groups are neglected or face discrimination by

22

humanitarians. This is a point similar to what Eric was raising I think in terms of when you're faced with a large-scale need, how do you ensure that the assistance that's provided does in fact correspond to the vulnerabilities of particular groups. I note that the definition of IDP unlike the definition of refugee is a descriptive term. It isn't a legal term. You either are an IDP or you aren't. You were displaced or you weren't. As compared with refugee status which is determined according to international law. As the report points out, and we certainly agree, there may be other groups that are much more vulnerable than those who are displaced during conflicts, those who are closer to the source of the conflict, or people displaced by natural disasters, those living in earthquakedamaged buildings may be more vulnerable than those who have been able to move farther away. But as the policy makes clear, there are specific needs and vulnerabilities that go along with being displaced, almost by definition a need for shelter or housing or a place to live. The report spells out some of the particular needs in health and documentation that may be lost in the process of being displaced.

A study published last month in the "Lancet" and morbidity and mortality rates in Darfur had a very interesting conclusion suggesting that actually IDPs have lower death rates perhaps because they're more protected living in camps, but higher sickness and morbidity rates and deaths by communicable diseases given the nature of the living situation. Of course IDPs aren't a homogenous group. Not all IDPs need international assistance. But displacement like gender and age is something that needs to be looked at in determining vulnerability.

I was impressed with a study published last year by ICRC that looked at people in eight conflict-affected countries and it found that about 56 percent of those surveyed in these eight countries had been displaced, a figure that goes up close to 80 percent for those in Afghanistan and 90 percent in Liberia. The survey data asked these

people living in conflict situations what are your greatest fears? Even through I work with displacement, I was surprised to find that overall fear of being displaced ranked number three after fear of loss of a loved one was number one, economic hardship was number two, but fear of displacement was number three above death, injury, loss of property, sexual- and gender-based violence and a host of other concerns. Internal displacement is more than a label. It's a reality. It's a fear. It's a vulnerability which we need to address.

MR. SOLOMON: Thank you, Beth. A lot of good food for thought.

Anne, a lot of issues and questions that have just been thrown out and are sitting on the table. I'd like to give you a couple of moments to respond generally to the comments you've just received. I'll let you choose which ones to respond to.

MS. ZEIDAN: Thank you. It's a whole handful of very interesting questions.

Yes, maybe to come back to what I said in the presentation that the movement's policy is really intended as a complement of the movement. Although I'm very happy that experts like you, Elizabeth, and people who know the context think that what we could drive from our experience and our operational reality and all the methodology and the thinking and the policy thinking, we could make some kind of a good compromise and that what we have produced as a document can bring the debate forward. That for us I can tell you is quite an achievement. Part of the idea was to bring the experience of national societies and of the ICRC to a point where it could articulate something useful for the debate. As Elizabeth said, we've been a bit slow maybe in entering the debate on the specific issue of IDPs. It took us some time to talk about internal displacement as a consequence of conflict to a magnitude today where assistance and protection issues are really challenged for humanitarians and for other

stakeholders. So it would be interesting to work with all of you on the future of some of

the ideas in this policy to bring it to the interests of the rest of the community.

It's true that in the approach that the ICRC has been promoting, and

24

that's one of the reasons why it took so long to be understood as an IDP organization

concerned with IDPs, was the fact that we've never been focused on a specific

population. We are focusing on persons affected by conflict, but that's a wide range of

populations. We are concerned as well with combatants wounded and detainees of the

civilian populations not displaced by the war-wounded persons than by IDPs and it's true

that it took us time to find our way into communicating about internal displacement in a

way that makes sense with our overall approach about victims and persons affected by

displacement.

To comment about prevention and how do we do that, I would focus

essentially my answer on conflict because that's where we think and we actually act on

preventing violation IHL most, but I could talk a bit about what our colleagues from the

federation do in natural disasters. But in conflict, one of the key issues that we're trying

to put forward is that international humanitarian law provides provision for the protection

of civilians and if this provision would be better implementing in the distinction between

civilians and military targets would be better respected. Probably civilian populations

would find it safer to stay home during the crisis than going on the road because very

often it's really for them also a solution which would expose them to a lot of risk and lots

of vulnerabilities. They are escaping a very difficult situation but they don't really know

where they're going to, and I'm sure that if we could ask people whether they would

rather stay home knowing that their house is not going to be bombed that they wills stay

home.

ANDERSON COURT REPORTING 706 Duke Street, Suite 100 Alexandria, VA 22314

Phone (703) 519-7180 Fax (703) 519-7190

25

We also have in Switzerland particularly all houses have a safe house where civilian populations should be able to take refuge. The primary idea is to be able to leave civilian populations in their own areas because military targets will be targeting military objectives and not civilians. One of the problems that we have in today's armed conflicts is that the majority of victims are civilians and not so much military personnel. So that's a very important thing. How do we do that? In training and making sure that actually those who are engaged in armed conflict know these rule, and then in reporting about these violations to make sure that the conduct of hostilities can be adapted.

In natural disasters I think there is probably an issue of planning and risk reduction which is important. We are working quite a lot with our colleagues for the federation and national societies in helping our colleagues in different countries to increase their capacity in risk reduction, crisis management and increasing contingency planning in areas where we know that they will be maybe affected by a natural disaster.

Maybe I can jump to how to engage with the communities, but it's exactly that. There are different ways. Obviously national societies and all the staff and the volunteers who are very much rooted in the communities have that role to play, to be able to work on risk reduction, on information, on promotion, on addressing the vulnerabilities of a community before it becomes a crisis. Conflict is a bit different because it's very often communities are affected today within their own identity. There used to be a time where wars were fought between states in areas outside the cities so that would be between military personnel. Today a lot of the violence we're facing in many countries is coming from certain parts of the community so that it's far more difficult to distinguish the conflict itself from the political, social and economies reality of the community in which it breeds. But nevertheless, I think the role of volunteers from national societies can prevent the most vulnerable and those who are not participating in the conflict. It's also

26

something very strongly in IHL that the whole idea is to protect in priority those who are not implicated in conflict who are not any more taking part in the conflict. So the idea is really to make the distinction that those who make the decisions to act in an armed conflict are those who are the spectators or victims because they're just too close to the element.

How do we interface with organizations who are very much focused on categories of people? We discuss a lot I think, but at some point the reality on the ground is probably the best advocate and all the discussion we have been having with these organizations at a policy level because of their own identity mandate and the way they used to work for fund-raising reasons as well have been focusing on specific categories, very quickly realized that when it comes to the operation on the ground it's very difficult. It's been probably very difficult for UNHCR to make a difference between refugees and IDPs and so on, but it's today very difficult for UNHCR at some point to make a difference between IDPs and resident populations. We have been having a lot of discussions with them about Chad, for example, where obviously we were in a situation where refugees had a certain standard of assistance which was higher than the standard of assistance of IDPs so that the level of services offered to IDPs increased and then we suddenly had a whole range of the resident Chad population with no services at all and tension between the residents, the IDPs and the refugees came to the point where we were to address very quickly these needs. Otherwise we would create another set of violence and another set of tensions. So there we have to be very quick in recognizing, giving the example of DRC, ICRC would for example work with the water board in Goma making sure that the whole water system of the city can be sustained or repaired or increased and to make sure that everybody in Goma can get water rather than trucking water into IDP camps. So the amount of effort can be put in different options and what is

important is to consider what the best option is. You can't decide to truck water because you have a truck available and you have buckets available and that could be very visible and very easy to do, but we would consider that it would be more useful to bring water engineers into Goma and to have them work for a couple of weeks on the whole system of the city to make sure that actually the whole population of the city of Goma gets water. At the end of the day, service is provided to everybody.

And that's something we would do in other contexts. In Sudan the ICRC has been working very much with communities to allow not displaced, to allow them to remain in the area where they were living where they were not directly affected by the conflict, but where if we would leave them by themselves they wouldn't be able to sell their livestock, they wouldn't be able to get to health posts because the situation was a bit tense in the surroundings of their villages, and if we don't have access to these populations, they would end up actually being displaced to camps where the services are easier to access, and one of the things that we're saying in the report is the factor of camps is something that shouldn't be underestimated. When we opened Gareda in early 2006, there were 20,000 people who were actually IDPs from the conflict. Five years later you have 100,000 IDPs. How much can you say that all of them were displaced by the conflict and how many of them were actually attracted by the services that the humanitarian community could offer? That's the question that we should put on the table to see to what extent concentrating a lot of humanitarian assistance in one spot doesn't actually create additional movement of populations who just don't get anything if they wait. We were discussing about Haiti. How far can we reach populations rather than focusing on those who have been displaced and have gathered and settled in very unsuitable areas? If we put too much energy and services into these populations, we will attract many of those who were not maybe displaced by the earthquake but would be

willing to get services. One of ICRC's priorities today in Haiti is to remain working in some areas of Port-au-Prince where we used to work; a very vulnerable population not terribly affected by the earthquake but would definitely get on the move to get access to services if we don't reach them before they actually move. So it's really a question of an approach, a question of thinking, and I think we shouldn't be too focused on the fact that IDPs are always the most vulnerable because we tend to focus too much on bringing resources to one spot rather than being open and access the overall environment without

MR. SOLOMON: We have about 20 minutes left so why don't we open it now to the audience which I assume has many practitioners? Why don't we take about four questions from this group up here in the front and then we can move toward the back. We can begin right here, please. Please identify yourself and your affiliation, and if you want to direct your question to a specific person, please do.

any discriminating preemptive thinking.

MS. DOUDO: I'm Benedita Doudo a Ph.D. research scholar with American University, Washington College of Law. My question goes to the panelists. I understand that the U.S., the United States, has not adopted, has not implemented the guiding principle on internal displacement. What legal framework is the U.S. applying in protecting the displaced and managing displacement for instance in Haiti, short of supplying relief materials and supplies? Again will the American society of the Red Cross apply the ICRC policy in handling IDPs instead of the guiding principles in the light of the fact that the U.S. has not adopted the guiding principles? Thank you.

MR. CHEN: Chow Chen, freelance correspondent. I'm sorry to say to Assistant Secretary Schwartz that I have lots of comments on your comment. But first I would like to say this principle is action. If you want to talk about principle, laws can be talked about. This is the first time I saw this principle, and then I realized that this

29

principle comes out of a group of people have lots of experience in this issue. I'll first come to your comment. When you talked about principle one you ignored that there are principles six and principle ten that talk about coordination and the coordination issue. As to prevention and durability for the future, you can think better. For this principle five to empower local individuals and local communities, that's very good. It's not just to make things easier or make them durable. Prevention and durability is very important. You can step one further. You've got to look at the whole principle and have deep thinking about it. I have lots of comments but I just put the basic one. Thank you.

MS. SANCHEZ: Jimena Sanchez from the Washington Office of Latin America. First I would like to thank Anne for her presentation and I'm very happy to see this development of the ICRC in terms of IDPs although the issue of how it addresses the hot communities is still something that needs a lot of work. My question is for Assistant Secretary Schwartz. I just returned from 2 weeks in Colombia doing an assessment mission where we looked at the IDP situation. I have a very difficult question for you which is how do you work toward getting an increase in political will in a context where all the norms are there, all of the policies are there to provide protection for IDPs in a nonmilitary fashion in a protected IDP crisis? I know it's a difficult question, but given your breadth of knowledge I would like to hear your answer.

SPEAKER: Good morning. First I'd like to say thanks to Anne as well for a very thoughtful presentation. My name is Jeanine Cooey and I work in the Bureau of Population, Refugees and Migration. I work specifically on Iraqi refugees. So I was really drawn to principles five and six about empowering individuals and communities as well as the concept of coordinating with authorities. I'd be very curious to hear what kind of conversations the ICRC had about conflicts where there are IDPs that were specifically created because of sectarianism where you might have due to sectarian violence entire

communities and individuals who are not at all interested in perhaps working with any level of authority because they perceive those authorities to be in essence the reason why they are displaced. So how does ICRC struggle through this two principles in sectarian violence where there's an innate struggle between respecting both of them?

MR. SOLOMON: Why don't we begin with Assistant Secretary Schwartz on this issue of U.S. policy and engagement in humanitarian efforts in the context of guiding principles and international frameworks?

MR. SCHWARTZ: I'm going to cherry pick because there are a lot of questions and I don't want to take too much time.

On the guiding principles, they're guiding principles so they traditionally aren't considered to have the status of black-letter law. The principles resonate with me. I think they resonate with the people who work for me. I think they resonate with the U.S. government. I hope and expect that they inform our thinking and our actions on international humanitarian response. With respect to Haiti in particular you've raised an interesting question and I think when I get back to the office, since our friends at OFDA and at AID are managing the bulk of the response, it's a natural disaster caused by natural hazard, I think I'll raise that question. I don't know the answer in terms of how specifically the principles are informing particular actions, and it's a good question.

On Colombia, your question is very interesting. I met with my Colombia team 3 days ago and it is true that you've got a government there that has put a lot of resources into the issue clearly, so the 30 million that we might be able to provide is a lot relatively speaking but it's a drop in the bucket compared to what the Colombian government is doing. The elements of an action plan which was laid out for my by my own team in terms of what we can do are all on the order of frankly incremental progress, working better with countries, it's not IDP, but countries bordering Colombia to enhance

31

their capacity and political will for the hundreds of thousands are there that was part of our thinking about what we need to do; looking for gaps in the Colombian government's response especially in areas that you might call the deep field very far afield from populated areas so that we're looking at ways that we can help there.

But my reaction to it at the end as I said to Dave Robinson our deputy and Eleanor Negy our office director, I said this is all well and good, but given the magnitude of this problem, I ask the same question that you ask which is how do we have a systemic effect when the problem is so huge and all of our efforts are incremental? I don't know the answer, but I do know that I should travel there. I figure at least is the Assistant Secretary goes down there it demonstrates that we care about it and we maybe raise the level of attention and concern even if at the end of the day our policy responses are incremental. So I'm planning to go down and the reason I'm planning to go down was the very question that you asked. So it's interesting. You must have been a fly on the wall at that meeting.

The third point I'd make and then I'll stop is I think we have to be honest about these principles. They are for the ICRC, but they're provocative and they raise broader questions. They do so self-consciously. If they're not self-conscious then they should have been self-conscious. When you talk about helping everyone, in other words, not the IDPs but the host families, if you read your principles closely which I'm sure you have and if you read the commentary, the principles that are guiding you there are principles of common humanity so that it has to be provocative for other agencies and other institutions that are operating in this area. Your comment about eschewing IDP camps, that's not a comment where you're saying that's for us. If the rest of you like camps, that's fine. We understand. It's not. It's a point of general applicability. I think you should embrace the provocative nature of these principles because I think they merit

serious consideration. For me they're much more interesting. Maybe if I had spent my life in the ICRC they would be much more interesting as a document that looks at the ICRC, but I haven't, so for me they're much more interesting in terms of what you're saying about how we should be doing our business.

MR. SOLOMON: I think we have one more issue on the table dealing with addressing and empowering communities in conflict situations. Did you want to respond to that?

MS. WIEDAN: Yes, it's interesting and we were referring to Iraq. One of the challenges in Iraq at least for us for many years was the difficulty we had to access the communities and the populations there. I think it's been a challenge for a lot of humanitarian organizations. The situation in Iraq has been very complex and lot of us have suffered from direct attacks and when you suffer attacks you take time about thinking how you could get in touch with those who are targeting you to make sure that they don't target you again. That's one of the reasons why it took so much time for the ICRC to be back on the ground in Iraq. It's the case today. We are present in many of the places. It's true that we are arriving at a time where displacement of populations has been happening and done. It's settled now. So on that part of the crisis it's too late, and it happens. Those are the shortcomings of humanitarian assistance; at some point the difficulty of accessing populations is a fact. That doesn't mean that we don't try, and I can tell you that we definitely try hard to get earlier in Iraq and other places.

What we have realized, and you may be interested to go through one of the reports, we also published not widely distributed on a needs assessment of community-displaced households in Iraq. What we have realized is that except for very specific situations where the whole family is headed by a single female, the vulnerabilities of these communities being displaced or not are very much along the rest of the

33

population and what IDPs need today in Iraq is the capacity to get a job or to get their children in school and the government of Iraq is very much working on that. The fact that the number of Iraq population changed areas for living, yes, of course should have been prevented, but populations take refuge where they feel secure and the fact that if you are settled in an environment where you don't feel anymore, the first thing you would do, you and me, is take all belongings, your children and your family and move to a more secure area. It's really sad probably for the homogeneity of Iraq that they will have to build back again on that, but some populations and families want to return. The others are fine. Populations and families have exchanged houses and flats. They've found solutions. What they need is to be able to start a life and to integrate into the community where they have settled. So the whole issue of return is not always a solution and the important thing is to discuss with the communities themselves if that's what they want. Do they want to return? Do we want to move again this population into areas or do we want to help them to integrate where they have settled and to be able to find a life. So you may be interested to read that report.

MR. SOLOMON: I'd like to give an opportunity to those in the back to ask some questions. I can see someone in red. Please.

MS. YOUNG: I'm Miriam Young with the U.S. Council on Sri Lanka. I want to refer specifically to engagement with national and local authorities. Most of all these principles are assuming that the authorities want the ICRC and other organizations in there to assist. In the case of Sri Lanka, the ICRC was not even allowed access to over a quarter of a million IDPs. In that case, I don't know if Sri Lanka is the only case around the world, but this wasn't referred to at all: What do you do when you are not even allowed to carry out your mandate and how does that connect to an advocacy component? Thank you.

34

MR. SOLOMON: Two more from the back.

MS. KAHN: I am Raisa Kahn and I am a student at Bloomsburg
University of Pennsylvania. I have two questions also related to Sri Lanka, and I think Dr.
Ferris might be able to answer these. The first has the Brookings Bern Project done
anything for Sri Lankan IDPs during the last 8 months? The second is, is there a plan to
facilitate a durable solution for IDPs in Sri Lanka?

MR. SOLOMON: Then on the other side.

MS. ROBERTSON: Thank you so very much. My name is Michelle Robertson with Advocates for Environmental Human Rights here in Washington, D.C. We're headquartered in New Orleans, Louisiana. I want to piggyback on a question that was asked about the United States necessary commitment to adopting these principles. We talked about Haiti, but the forgotten child is obvious now. I sat in the room and listened to us talk about all of these disasters and my biggest fear that I thought was going to happen has happened, we have forgotten about Katrina. Four-and-a-half years later we have over hundreds of thousands of people still internally displaced throughout the United States. Civil society has organized to make America understand the fact that we need to have these principles adopted.

There is a report called the National Disaster Recovery Framework. It's a draft right now in the draft process. I hope that you would be able to speak with these folks. This document makes you sick to your stomach. Not only does it not address long-term disaster recovery, it doesn't even mention guiding principles at all. It does not even have a human rights framework. I thank you, sir, very much for your presentations and I hope that your presentations will help our United States State Department and our government to see to it that the over hundreds of thousands of people still from the Gulf Coast, Mississippi, Alabama and Louisiana, are returned home in dignity and honor.

MR. SOLOMON: Thank you very much. We have very limited time, but I would invite the speakers to address these issues sequentially. Perhaps Anne you could address this issue of working with national and local authorities and whether there are issues of access and how you go about carrying out your mandate, then Beth if you could address the issues of Sri Lanka and Assistant Secretary, would you like to take a crack at Katrina?

MS. ZEIDAN: It's a very good question and I don't want to go too much into the example of Sri Lanka, but it's true that when you've been so involved in a conflict situation and then one of the parties considers that he has won the war, it takes time to adapt to the identity of the ICRC over the last 20 years. It took some time for the Sri Lankan authorities to consider the ICRC as something else and the type of services that we can provide a bit differently than the one we have been providing to the Sri Lankan population over 20 years during the conflict. It's a question also of being able to integrate our action in the future of Sri Lanka. That's what we do everywhere. It's actually to be able to be on the ground and to be able to discuss with authorities at all levels in order to make our modus operandi understandable and acceptable. It's the best way. Then when you get started you can prove by your acts and the way you operate that you can be trusted. It has a lot to do with the way we are coherent with our approach and predictable. So those are the baselines for working in crisis situations.

MS. FERRIS: In terms of Sri Lanka, our project is co-directed by the representative of the U.N. Secretary General and the Human Rights of IDPs, Water Kalin who's been to Sri Lanka several times in the last year and has followed-up with a lot of quiet diplomacy on some of the very serious human rights issues. Here at Brookings we've done some publishing and we're in contact with people. I think we could and should do much more because durable solutions seem quite elusive.

Secondly, on the issue of the guiding principles, we've worked for many years with many governments to encourage them to adopt or to include the guiding principles in national legislation and so far about 20 governments in the world have done so and that's the way the guiding principles are meant to be used. Eric can speak about the difficulties of doing that in the U.S. political context.

Very quickly, we've also commissioned a study on U.S. policy toward IDPs. The research is being conducted now and should be released in the next month or so and we may know more about this issue then.

MR. SCHWARTZ: Let me briefly address a couple of the issues. First I want to say something about Sri Lanka. The question points up I think on one level the importance of distribution of competencies among international organizations and international nongovernmental organizations. I'm going to say something and then I'm going to contradict myself immediately, but sometimes some groups can do the human rights advocacy more easily and other groups can be a little less public still making the same points but preserve access and relationships with governments. Having said that I'm now going to contradict myself and say that I think this notion that humanitarians can't be advocates is really not accurate. In fact, I think humanitarians operate best when they integrate advocacy and diplomacy with efforts of smart humanitarian assistance. I think to a great extent we've done that with some success in Sri Lanka. When I was there this last summer we made clear to the government that we weren't prepared to continue to provide new support to camps that people were confined or interned, that our assistance could go to returns but new assistance would not be provided to the camps. We also made it clear that so long as the people were confined in the camps, we would over time end all of our support for the camps. I think that sort of advocacy didn't prevent us from having access to senior officials and I do think it played a role in decisions over the past

37

many months to release hundreds of thousands of people from the camps. That's the first point I would make.

The second is this is the second time you've raised the Katrina point in a Brookings event I think that I've been at, so I think I'm going to make a couple of points. First I fervently believe that we need to practice at home what we preach abroad. I'm involved with foreign policy. What we're trying to do in my bureau is think about creative ways to get that done. Alejandro Maiorcas and I are about to commence regular meetings. Alejandro is the Commissioner of the U.S. Citizen and Immigration Services Office and we're going to begin regular meetings to talk about how what we're saying about international migration policy, what we're saying to the rest of the world about international migration policy, resonates in our own country. We've already started those conversations. This cross-work between what we're saying to the rest of the world and what we're doing at home is a difficult one to walk, but I think there are ways to do it. At the White House there is an executive order still in existence about domestic implementation of international human rights treaties which the National Security Council had traditionally chaired that institution which brought together domestic agencies and internationals and that sort of forum might be a place where the principles you're talking about could be discussed. So there are ways that this could be done. It's a challenge because it's getting the internationals and the domestics together in the government but it's certainly important to me and we're going to be promoting it as a general matter as aggressively as we can.

The final point on the guiding principles and the other point I should have made about the guiding principles. The majority of our support from the State

Department to humanitarian assistance and protection activities goes through U.N. affiliated international organizations. Of course the General Assembly adopted the

38

guiding principles on internal displacement and to the extent that that validation is reflected in the work of the institutions that we support then all the better.

MR. SOLOMON: We've reached the end of our time today. In fact, we've gone over a little bit. I'd like to thank you members of the audience for your interest and your participation and I welcome you and invite you to thank the members of the panel today. Thank you.

* * * * *

39

CERTIFICATE OF NOTARY PUBLIC

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.

/s/Carleton J. Anderson, III

Notary Public in and for the Commonwealth of Virginia

Commission No. 351998

Expires: November 30, 2012