

The Brookings Institution - University of Bern

PROJECT ON INTERNAL DISPLACEMENT

Annual Report 2008



BROOKINGS u^b

b
UNIVERSITÄT
BERN



A girl displaced by the fighting in Georgia. Photo courtesy of UNHCR/Y. Mechitov/August 2008.

Table of Contents

Foreword	1
Message from the Co-Directors	2
A Unique Institutional Relationship	5
The Guiding Principles on Internal Displacement – 10 Years On	6
Protecting Internally Displaced Persons: A Manual for Law and Policymakers	8
Displacement in Iraq	10
Internal Displacement in Colombia	11
Reaching Out to Build Capacity	14
Consulting with Internally Displaced Persons	16
Responding to New Challenges	17
Natural Disasters and Internal Displacement	19
Looking Forward	21
Project Seminars and Workshops 2008	23
List of Donors	25
Project Staff 2008	26

Cover: Children take refuge from the rain in a community center built by UNHCR in Monmata village, Indonesia.
Photo courtesy of UNHCR/J. Perugia.

The Brookings Institution - University of Bern

PROJECT ON INTERNAL DISPLACEMENT

Annual Report 2008



BROOKINGS u^b

b
UNIVERSITÄT
BERN



Foreword

Ambassador Carlos Pascual,
Vice-President Brookings Institution
Director of Foreign Policy Studies



CARLOS PASCUAL

I am pleased to introduce this annual report of the Brookings-Bern Project on Internal Displacement. The project is a unique example of partnership between a research institute and the United Nations (UN). Founded in 1994, the Project is co-directed by Elizabeth Ferris, a Brookings Senior Fellow and Walter Kälin, the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons (IDPs).

This past year marked the tenth anniversary of the *Guiding Principles on Internal Displacement* and The Brookings Institution is proud of its role in contributing to the development of international law with the potential to uphold the human rights of an estimated 26 million people who have been displaced by conflict, and larger numbers displaced by natural disasters and development projects. The publication of *Protecting the Internally Displaced: A Manual for Law and Policymakers* represents a concrete effort to ensure that the Guiding Principles are translated into laws and policies at the national level.

The impact of the Project's work has been far-ranging, as evidenced in the fact that some 15 governments have adopted national laws and policies for IDPs which build on the Project's work, and the United Nations has endorsed several policy guidelines developed by the Project.

The Project continues to be a valuable component of the overall program of work in Foreign Policy Studies at The Brookings Institution. This year, for example, the research conducted by the Project on Iraqi displacement has complemented the work carried out by other scholars and enabled us to have a more comprehensive understanding of the complex Iraqi reality. I also want to highlight the Project's research on displacement in Colombia as contributing to our understanding of the complexities of the political situation in that country. The Project's research on other countries provides a unique humanitarian and human rights perspective on crises that are too often seen only in strategic or national policy dimensions. The Brookings Institution's core values of quality, independence and impact are evident in the work of the Project.

Its high-quality research on IDPs has raised the visibility of displacement issues and has been widely acknowledged in the international community. Overall the Project has made important contributions to Brookings, to the international community, and to internally displaced persons and we are proud to support this work.

A handwritten signature in dark ink that reads "Carlos Pascual". The signature is fluid and cursive.

Carlos Pascual

Vice President and Director, Foreign Policy
The Brookings Institution

Message from the Co-Directors



WALTER KÄLIN



ELIZABETH FERRIS

2008 marked the 10th anniversary of the *Guiding Principles on Internal Displacement* which was an occasion both to commemorate efforts over the past decade to uphold the human rights of IDPs and to remind ourselves that much remains to be done. There are still an estimated 26 million people who have been forced from their communities by conflict and many more who have been displaced by natural disasters and large-scale development projects. Unfortunately, the increasing number of IDPs in countries as diverse as Somalia, Colombia and the Democratic Republic of Congo makes it clear that there is still an urgent need to promote the human rights of IDPs.

This was another year of intense activity for the Brookings-Bern Project with activities in many different areas, some highlighted in the pages that follow. Certainly, one of the high points this year was publication of *Protecting Internally Displaced Persons: A Manual for Law and Policymakers*, which provides concrete guidance for translating the Guiding Principles into national laws and policies. While national laws are not, in themselves, sufficient to ensure that the rights of IDPs are upheld, they provide an important starting point and can be used as a tool for IDPs and their advocates to hold governments accountable.

Another highlight has been our initiative to introduce a human rights perspective into the work of natural disaster responders. During the course of the year we carried out training activities with government officials and UN staff in Southern Africa and Central America, introducing the *Operational Guidelines on Human Rights and Natural Disasters* and exploring ways in which these guidelines could be translated into practice when natural disasters hit. The Representative carried out working visits to the US, Honduras, Madagascar and Mozambique with a particular focus on natural disasters. On the conceptual level, we explored the potential impact of climate change on displacement and identified gaps in the international legal system in responding to this displacement.

We are particularly pleased with our work to promote awareness of the relationship between internal displacement and peace and to encourage governments to adopt laws and policies which uphold the human rights of IDPs. It has been encouraging to see the extent to which UN agencies and non-governmental organizations alike are

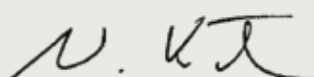


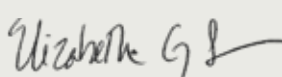
Children from the Central African Republic attend class in a bush school set up in June 2007. Photo courtesy of UNHCR/H. Caux/August 2007.

mainstreaming the issue of IDPs into their ongoing work. We have also been pleased to see that the various guidelines and frameworks which we have developed are being used in the field to enhance the operational response to IDPs. Our work to reach out to diverse groups, such as National Human Rights Institutions in Africa and civil society actors in all regions continues to demonstrate the importance of disseminating materials and ideas to those in a position to use them on the ground.

As this report makes clear, the research expertise brought by The Brookings Institution coupled with the Representative's on-the-ground activities have enabled the project to have an impact far beyond its small staff capacity. The Representative's 2008 missions to the Democratic Republic of the Congo and Georgia, and working visits to Kenya, Bosnia, Colombia, and Timor-Leste indicated that much more needs to be done before the human rights of IDPs are fully respected. The research conducted this past year by The Brookings Institution on diverse issues, such as climate change and displacement, elections and displacement in Iraq, and mechanisms for consulting with IDPs, has enhanced our understanding of displacement.

Although we are proud of our work in 2008, we are acutely aware that much more is needed to respond to the world's internally displaced persons and have continued to set an ambitious agenda for our work.


Walter Kälin


Elizabeth Ferris



Nine-year old Khalida with her mother and baby brother in their shelter at the Nilaveli IDP camp, north of Trincomalee, Sri Lanka. Photo courtesy of UNHCR/H.J. Davies/June 2005.

The partnership between the UN and Brookings has served to promote the human rights of IDPs by raising awareness; researching situations of internal displacement worldwide; and making policy recommendations for national governments, regional organizations, and the international community.

A Unique Institutional Relationship

The Brookings Institution Project on Internal Displacement was founded in 1994 by Francis Deng, with the support of Roberta Cohen, following the creation of Deng's mandate as Representative of the Secretary-General on Internal Displacement. For much of the ensuing decade, Deng and Cohen co-directed the Project on Internal Displacement, in the process creating a unique relationship between the United Nations and a research institution. Over the years, the Project provided the Representative with research, policy, logistical, and fund-raising support – support which was urgently needed as the position of the Representative was voluntary, unpaid, and came with limited resources. The Project successfully oversaw the development of the *Guiding Principles on Internal Displacement*, which were presented to the United Nations Human Rights Commission in 1998 and which have become the accepted international human rights framework for IDPs.

When Deng's term came to an end and Dr. Walter Kälin, an international law expert at the University of Bern, was appointed Representative of the Secretary-General on the Human Rights of Internally Displaced Persons in 2004, the relationship continued and deepened. Now known as The Brookings Institution – University of Bern Project on Internal Displacement, the Project has remained a leading player in cutting-edge research and policy work on internal displacement. Co-directed by Dr. Kälin and Dr. Elizabeth Ferris, the Project has continued to publish toolkits and manuals to assist national governments, non-governmental organizations, civil society, and international organizations in protecting the rights of IDPs, including *Addressing Internal Displacement: A Framework for National Responsibility* (2005); *Protecting Persons Affected by Natural Disasters: IASC Operational Guidelines on Human Rights and Natural Disasters* (2006); *When Displacement Ends: A Framework for Durable Solutions* (2007); and *Protecting Internally Displaced Persons: A Manual for Law and Policy-makers* (2008).

The partnership between the UN and Brookings has served to promote the human rights of IDPs by raising international awareness; researching situations of internal displacement worldwide; and making policy recommendations for national governments, regional organizations, and the international community. Not only has this ongoing partnership ensured that the Project's research will continue to feed directly into the UN system and be used in the field to improve IDP protection and assistance, but it has also served to increase awareness of internal displacement among policy-makers and the general public.



The Guiding Principles on Internal Displacement – 10 Years On

The development and presentation of the Guiding Principles to the United Nations a decade ago placed the issue of internal displacement firmly on the international humanitarian agenda. Central to the Project's work since 1998, the Guiding Principles have strengthened the normative framework surrounding internal displacement and have served as a basis for mainstreaming the issue into the UN system. Over the past 10 years, the Project has strengthened and provided operational guidance on the normative framework by producing guidelines, manuals, and resources designed to assist states and other policy actors provide protection for IDPs; determine when displacement ends; and draft laws and policies on internal displacement. Recognizing the increasing displacement of persons resulting from natural disasters, the Project has also developed materials to support protection of human rights in situations of natural disaster.

The Guiding Principles serve as a valuable tool for IDPs to advocate for their own rights. More and more IDPs around the world are now familiar with their rights as set forth in the Guiding Principles and have used them to demand protection and assistance. This has been made possible in part by the Project's extensive translation and dissemination of the Guiding Principles, which are now available in over forty languages.

To mark the 10th anniversary of the adoption of the Guiding Principles, the Project co-hosted a conference in Oslo, Norway, together with the Norwegian Ministry of Foreign Affairs, the Norwegian Refugee Council, and the Internal Displacement Monitoring Centre from 16-17 October 2008. This ministerial-level conference brought together over 200 representatives from UN agencies, governments, non-governmental organizations, research institutes and IDP associations. Along with presentations from Representative Walter Kälin and Dr. Elizabeth Ferris, the conference featured remarks by the Norwegian Minister of Foreign Affairs, UN Under-Secretary-General for Humanitarian Affairs, the UN High Commissioner for Refugees, and the Director General of the International Committee of the Red Cross.

Panels provided an opportunity for practitioners, policymakers, and academics alike to reflect on lessons learned from implementing the Guiding Principles in situations of conflict and natural disaster over the past ten years. The conference also encouraged participants to examine future challenges in responding to displacement caused by conflict, development projects and climate change. Many of the participants recounted how the Guiding Principles had positively affected the situations of IDPs in various corners of the world—from Georgia to Colombia to Sri Lanka. The Project, in collaboration with the partners from the Oslo conference, also prepared a special issue of *Forced Migration Review* examining the Guiding Principles and their role in protecting IDPs as well as the challenges to their implementation.

While stories shared during the conference provided hope and demonstrated the utility and impact of the Guiding Principles, they also underscored the work that has yet to be accomplished. The Project remains committed to further strengthening the reach and the acceptance of the Guiding Principles in the years to come.



Uganda: Sabina, 40, in front of a tent at Ikafe transit centre, before her departure. Photo courtesy of UNHCR/E. Denholm/2007.

Central to the Project's work since 1998, the Guiding Principles have strengthened the normative framework surrounding internal displacement and have served as a basis for mainstreaming the issue into the UN system.

Protecting Internally Displaced Persons: A Manual for Law and Policymakers

While the *Guiding Principles on Internal Displacement* have provided an important international normative framework, the real test of their utility to protect and assist IDPs is found at the national level. To date, some fifteen countries have enacted laws, decrees, and policies on internal displacement, some of which are based on the Guiding Principles. However, incorporating the norms reflected in the Guiding Principles into domestic laws and policies is not an easy task. Translating them into concrete action and operationalizing them requires experience, expertise, and capacity which are unfortunately lacking in many countries.

In order to support national governments, in 2008 the Brookings-Bern Project published a comprehensive resource for drafting laws and policies to implement the Guiding Principles and to address internal displacement at the domestic level titled *Protecting Internally Displaced Persons: A Manual for Law and Policymakers*. Publication of the Manual was the culmination of an intensive consultation and drafting process with leading experts and practitioners in the field. The three-year process was overseen by a Steering Group of experts from international agencies, regional human rights bodies, and academic institutions.

A practical tool, the Manual provides best practices and offers advice to those who are charged with researching, drafting, and commenting on laws and policies that address internal displacement. These include national policymakers, parliamentarians, and civil society organizations. It is also designed for those involved in implementing normative and policy frameworks, including officials in ministries responsible for dealing with the protection and assistance needs of IDPs.

The Manual addresses all phases of displacement triggered by armed conflict and situations of violence as well as natural disasters and climate change. In addition, the Manual examines a variety of issues related to displacement, including: humanitarian assistance; movement rights; family life; access to food, water and sanitation; access to shelter and housing; property and possessions; electoral rights; education; and health.

For each of these issues, the Manual:

- ❖ Summarizes the relevant minimum standards set forth in international law;
- ❖ Identifies problems often encountered by displaced persons that negatively affect their rights;
- ❖ Provides a checklist with minimum essential elements of state regulation; and
- ❖ Presents detailed and practical advice on identifying the scope and specific aspects of state regulation.



Internally displaced children in a camp outside of Kabul, Afghanistan. Photo courtesy of Alex Mundt/2008.

Consideration is also given to cross-cutting measures which apply to all situations of internal displacement such as equality before the law and non-discrimination; consultation and participation in policy formulation; monitoring and benchmarks; and information and public awareness.

The Manual was launched in October 2008 at the conference in Oslo, Norway, organized to commemorate the ten year anniversary of the Guiding Principles. At a time when attention was focused on both the accomplishments and the challenges of the Guiding Principles, it was fitting that a practical tool was also made available to support governments in their efforts to develop policies at the national level which will promote the rights – and improve the lives – of IDPs.

The Project has distributed the Manual to international and national stakeholders around the world. It is available for download from the Project's website at www.brookings.edu/papers/2008/1016_internal_displacement.aspx.

Displacement in Iraq

By standard indicators, the violence in Iraq subsided significantly over the past few years; however, over an estimated 4 million Iraqis remain displaced from their communities, almost 3 million of them internally displaced inside the borders of Iraq. Reports indicate that while the pace of displacement has slowed, conditions facing those already displaced have deteriorated.

Shelter, employment, and access to food are the major problems reported by IDPs throughout Iraq. Many IDPs are renting homes in other parts of the country, living with friends or family, or occupying public buildings. Given the fact that unemployment rates for all Iraqis are estimated at 25-40%, it is not surprising that IDPs face particular difficulties in finding jobs to support them and their families. Without jobs, IDPs are left dependent on the Public Distribution System (PDS), which provides basic food rations to all Iraqis. However, IDPs continue to report problems in accessing the PDS. Security risks in Iraq have also made it difficult for the international humanitarian community to respond effectively.

The year witnessed some progress for IDPs at the political level. In July, the Iraqi government developed its first policy for IDPs and shortly afterwards, the Prime Minister's office issued executive orders providing for the eviction of people occupying the homes of the displaced and offering financial incentives for IDPs and refugees to return. By the end of the year, over 100,000 Iraqi IDPs had returned to their homes although the lack of monitoring mechanisms makes it difficult to assess their well-being. Furthermore, as debate in Washington centered on the withdrawal of US troops, there was concern that humanitarian considerations could well be overlooked.

During 2008, the Project continued to raise awareness about the situation of Iraqi IDPs and remind policymakers that the humanitarian situation has consequences for political, social, and economic development in Iraq. In January, the Project, together with Human Rights First, organized a seminar with senior US government, military, UN and NGO officials to consider alternative scenarios for resolving displacement. *The Looming Crisis: Displacement and Security in Iraq*, written by Elizabeth Ferris, provided an overview of Iraqi displacement and highlighted some of the political consequences of displacement. Further research conducted in 2008 focused on the displaced and elections; returns and property issues; and the concerns of minorities. In addition, the Project's staff participated in a variety of high-level meetings with the UN, US military, US government and members of Congress.

As the multinational forces in Iraq begin to withdraw, the government will need to take the needs of the displaced into account in order to find durable solutions to their displacement. The improvement of the security situation in Iraq in 2008 is a positive development, but if solutions are not found for the large number of IDPs, lasting security and stability could well prove to be elusive.

Internal Displacement in Colombia

Colombia has a long history of internal displacement, with current estimates ranging between 2.6 and 4.3 million IDPs. The estimates themselves are contested, with significant variations in the number of IDPs reported by the Colombian government and by human rights groups. However, the evidence from all sides makes it clear that the number of IDPs is increasing, even as the government has moved to implement measures of political reconciliation and socioeconomic stabilization. Most of the displaced live in urban areas where they seek to blend in with host communities for a variety of reasons, including discrimination, fear of reprisals, and persecution.

In keeping with its rich legal tradition, the Colombian government has adopted far-reaching legislation to protect and assist IDPs. In 2004, the Colombian Constitutional Court ruled that an unconstitutional state of affairs existed with regard to the state's response to internal displacement. Since then, the Colombian government has taken steps to increase access to education and health programs for IDPs and has allocated more funding for IDP programs. However, forced displacement continues to be a major challenge affecting the country as a whole.

During 2008, the Project implemented two initiatives to highlight the challenges presented by internal displacement in Colombia.

Internal Displacement and Peacebuilding

Building on its previous work analyzing the relationship between displacement and peace, the Project commissioned a study by Roberto Vidal of the Pontificia Universidad Javeriana to explore the relationship between displacement and peacebuilding. Unlike other situations where conflicts are resolved by a negotiated peace agreement, presently no negotiations are taking place between armed actors in Colombia. Rather the government has initiated processes of reconciliation and peacebuilding that are occurring on a separate track from governmental policies toward IDPs. The study finds major discrepancies between the support provided to de-mobilized combatants and to IDPs. In addition, the study suggests that in the absence of a peace process, IDPs may be well-served by participating in so-called 'track two' or 'track three' initiatives in which they reflect on the conditions needed to bring about an end to their displacement. The study also highlights the contributions of the displaced themselves to distance themselves from the ongoing conflict.

The study was discussed at a two-day seminar in Bogota in November 2008 that brought together representatives from IDP communities, the government, NGOs and civil society, and the international community. Discussion focused around five issues that illustrate the relationship between peacebuilding and displacement: land and territory, participation of IDPs, transitional justice, rights of IDPs, and durable solutions. Participants agreed that peacebuilding and resolving displacement are inextricably linked. Finding solutions for Colombia's IDPs is essential to constructing peace. Furthermore, unless issues such

as property restitution, security, and return are resolved, those displaced by the conflict will not be able to find durable solutions to their displacement. If these issues are not addressed, there remains a risk of future instability and a return to conflict.

The Role of Municipal Authorities

Although Colombian legislation on internal displacement is among the most advanced in the world, many of the policies that affect the lives of IDPs take place at a local level. In order to understand the pressures facing municipal governments, the Project commissioned a study by Ana Maria Ibáñez of the Universidad de los Andes to examine municipal policies in four localities. This study was presented at another seminar organized jointly by the Project, Universidad de los Andes, UNHCR, and Acción Social, the government agency charged with assisting IDPs, in Bogota in November 2008. Municipal authorities as well as representatives from NGOs, civil society, the international community and the national government participated in the seminar, which highlighted challenges to policy implementation at the municipal level. Municipal officials explained that they were often given additional responsibilities by the central government but were not provided with additional financial resources to carry out those responsibilities. Other difficulties included the registration system, incomplete sharing of information, and balancing the needs of IDPs with those of the local population. Furthermore, differences between municipalities, such as the presence of armed groups, make flexibility essential.

The difficulty of finding durable solutions for IDPs was an issue running through both seminars. While many IDPs say that they will not return to their communities, in part because of insecurity, others, especially the Afro-Colombian and indigenous communities, continue to press for return to their lands. This has become problematic as in many cases these lands have been taken over by others, including by those establishing palm oil plantations.

In March 2008, the Project hosted a seminar on the effects of the palm oil business on Colombia's displaced. Research carried out by the Internal Displacement Monitoring Centre found that the process by which the land is obtained by the companies limits the rights of IDPs to return or to be compensated for property that was left behind during their displacement.

This is just one example of the complicated nature of finding durable solutions for the displaced. The displacement situation in Colombia is complex. The search for durable solutions will need to consider their relationship to peacebuilding and reconciliation. And, in order to be effective, durable solutions will need to be developed in consultation with municipal authorities.



Mayors and municipal authorities discuss the challenges of responding to the needs of IDPs in a working group during a seminar organized by the Project in Bogota, Colombia. Photo courtesy of Erin Williams/2008.

Finding solutions for Colombia's displaced is essential to constructing peace. ... If these issues are not addressed, there remains a risk of future instability and a return to conflict.

Reaching Out to Build Capacity

National authorities have the primary responsibility to provide protection and humanitarian assistance to IDPs. However, the authorities of many affected countries lack either the capacity or the will to fulfill this duty. An important part of the Project's work is to strengthen the capacity of governments to address displacement and to encourage others, such as national human rights institutions (NHRIs), civil society, and IDPs to become more active in promoting the rights of IDPs.

The Project's work on capacity building takes many forms – from working with NGOs to increase the voices of IDPs within their own countries to advising national governments on how to best implement the Guiding Principles. Two significant ways that the Project sought to build capacity in 2008 were its annual course on the law of internal displacement and its work with NHRIs.

Annual Course on the Law of Internal Displacement

The fourth annual Course on the Law of Internal Displacement was held at the International Institute of Humanitarian Law in Sanremo, Italy, from 2-6 June. For the first time, the course was conducted in French in order to help develop capacity in Francophone countries affected by internal displacement, especially in sub-Saharan Africa, the Maghreb, Lebanon, and Haiti.

The course is highly interactive – providing participants with the knowledge and tools needed to start giving effect to the Guiding Principles at the national and local level. Presentations and lectures by the Representative, Project staff, session participants, and other policy and academic experts are interspersed throughout the course with role playing exercises on issues related to displacement and on the legal aspects of protection in all its phases. The course culminates with a role play, in which participants adopt the role of government officials, representatives of international organizations, or civil society who then negotiate a draft national policy on internal displacement. In 2009, the Project will revise the course to incorporate the lessons learned from the development of *Protecting Internally Displaced Persons: A Manual for Law and Policymakers*. In four years, the Project has trained 100 participants from over 35 countries.

National Human Rights Institutions

The Brookings-Bern Project on Internal Displacement, together with the Office of the High Commissioner for Human Rights (OHCHR), organized a Workshop on the Role of African NHRIs in Protecting the Human Rights of IDPs in Nairobi from 25-26 October 2008. This workshop brought together approximately 50 representatives of African NHRIs to discuss ways in which they can become more involved in protecting IDPs in their countries.

During the workshop, participants shared best practices on how to engage IDPs and brainstormed about further actions that could be taken to promote the rights of IDPs. They also consulted with the Representative, other UN experts, and staff of the Project to deepen their understanding of displacement and to learn about tools that can assist them in their work with IDPs. By the end of the workshop, participants recognized the importance of working with IDPs. They also agreed that internal displacement is a human rights issue and therefore part of their mandates.

Workshop participants also concluded that NHRIs can play a role in all phases of displacement: preventing displacement, advocating for the government to assume its responsibilities to protect and assist IDPs (for example, by ensuring that basic services such as health, security, and social services are in place), and ensuring that conditions are adequate for IDPs to return. Beyond conflict-induced displacement, the participating NHRIs also acknowledged that they had a role to play in protecting the rights of those displaced by natural disasters.

Specific roles that NHRIs can play include:

- ❖ Advocating for the development of national legislation and policies or reviewing existing legislation
- ❖ Receiving complaints by IDPs and facilitating their access to justice through legal assistance
- ❖ Carrying out investigations on their own initiative
- ❖ Developing benchmarks to monitor government compliance with international standards in promoting the rights of IDPs
- ❖ Cooperating with UN human rights mechanisms, treaty bodies, special procedures, and in particular the Representative by submitting information, supporting his missions, and by assisting with follow-up activities
- ❖ Promoting the rights of IDPs through awareness-raising and educational campaigns, including work with the media
- ❖ Working with stakeholders on activities that respond to particular IDP needs
- ❖ Contributing to the forthcoming African Union convention on internal displacement by mobilizing support, urging governments to ratify the convention and monitoring its progress

By working both with governments and non-governmental actors, the Project is able to promote the protection of IDP rights and facilitate the inclusion of IDP issues in national policies and plans.



Consulting with Internally Displaced Persons

The *Guiding Principles on Internal Displacement* emphasize that IDPs have the right to be consulted in the delivery of humanitarian assistance and in the search for solutions to their displacement. But too often, programs and policies are developed without consultation with the intended beneficiaries and solutions are discussed without their input. Sometimes governments and humanitarian actors simply overlook the consultation process when designing their programs or argue that the demands of an emergency situation preclude consultation. But sometimes they simply do not know how to structure consultation processes and mechanisms.

Consulting with IDPs has both normative and instrumental benefits. On a normative level, IDPs have a basic human right to participate in public life, as reflected in various international human rights instruments. Involving IDPs in decision making is also an effective programming tool. Programs and policies developed with IDP input are more likely to be implemented and effective than those developed without this input.

In an effort to raise awareness about the importance of consulting with IDPs and to provide concrete examples of how this consultation can take place, the Project published *Moving beyond Rhetoric: Consultation and Participation with Populations Displaced by Conflict or Natural Disasters*. In addition to reviewing existing literature on consulting with IDPs and other beneficiaries, the study identifies challenges and best practices in soliciting the input of IDPs. Before finalizing the study, the Project convened a meeting in 2007 with practitioners who discussed their on-the-ground experiences and identified best practices in creating consultative processes. The resulting publication brought together both the results of the desk study and the insights from the meeting.

The study identifies some of the practical details in setting up consultative mechanisms in order to ensure that IDP representatives reflect the make-up of their communities and that women, children, and other groups are consulted. Furthermore, ethical considerations to be taken into account in creating and facilitating consultative processes are identified by the study – for example, how to consult with IDPs in ways that shield them from the risk of possible reprisals or attack. One of the study's themes is that expectations may be raised when agencies or governments consult with IDPs – expectations that may not be fulfilled by those conducting consultations. In addition, the study reviews a variety of participatory techniques, most of which emphasize the need for flexibility and knowledge of local contexts.

While addressing the immediate concerns of consulting with IDPs in the delivery of humanitarian assistance, the study also considers the need to consult with IDPs in peace processes and in finding durable solutions to displacement. Building on the Project's work with IDP participation in peace processes, peace agreements, and peacebuilding the study identifies reasons why IDPs should be involved in such processes and suggests ways this participation can be encouraged. In this regard, IDP participation in so-called "track two" and "track three" processes offers particular opportunities.

Responding to New Challenges

Through research and dialogue the Project identifies and examines emerging issues and challenges related to displacement. In 2008, the Project focused its expertise and capacity in addressing the following:

Protracted Displacement

Despite the large number of IDPs in protracted situations, there has been comparatively little effort to systematically examine these protracted IDP situations. The Project, in collaboration with the UN and NGO partners, has led the effort to refocus attention on the particular characteristics of long-term internal displacement and the challenges of finding durable solutions. Building on an expert seminar on protracted IDP situations, jointly organized in 2007 with UNHCR, the Project has continued to explore the relationship between protracted IDP situations and larger political forces. Thus in July 2008, Alex Mundt, a Council on Foreign Relations Fellow resident at Brookings, and Project Co-director Elizabeth Ferris presented a paper on protracted IDP situations in Darfur, Colombia and Georgia at a conference in Canberra, Australia. The paper analyzed IDP involvement in the respective peace processes in the three countries; the balance between local integration and return as solutions; and the role of international actors in supporting or pressuring for solutions. Despite the differences between the conflicts, patterns of displacement, and government response common themes emerged. In all three cases, displacement was a strategic goal of the parties to the conflicts and in each context, possibilities for finding durable solutions to internal displacement are linked to larger political forces.

Addressing the Gap Between Relief and Development

Although discussions about how to effectively transition from the emergency relief to development phases in post-conflict settings have been underway since the mid-1980s, this transition—now referred to as early recovery—is still best described as a “gap.” More often than not, humanitarian actors leave before development actors engage. This gap between relief and development is not just a question of territories and turf; it is a gap with real human consequences. As one of the most vulnerable populations in post-conflict settings, IDPs are particularly at risk during the early recovery period as humanitarian aid diminishes and the livelihood and security programs needed to provide durable solutions are not yet in place.

The Project has played an increasingly active role in the ongoing discussions on how best to address the relief-to-development gap. In March, the Representative and Co-director Elizabeth Ferris addressed the UN Peacebuilding Commission’s Working Group on Lessons Learned, focusing on peacebuilding and durable solutions and on the role of civil society in ending displacement. In May, the Project collaborated with the UN Development Program (UNDP), and other UN agencies, including OCHA and UNHCR, to organize a meeting in Geneva, Switzerland, on early recovery which brought both humanitarian and development actors to the table. The meeting examined both the obstacles to a smoother transition from emergency response to development and analyzed best practices from the field. The Project also hosted an event in October with Africa-based staff of the U.S. Agency for International Development’s Office of Foreign

Disaster Assistance highlighting this issue from a national development agency's perspective. Additionally, the Representative and Co-director Elizabeth Ferris have addressed several high-level fora on the importance of bridging this gap, including the UN General Assembly, International Federation of the Red Cross and Red Crescent Societies, and the various agency members of the UN Early Recovery Cluster.

Peace and Justice in Darfur

With an estimated 300,000 persons killed and 2.5 million displaced since 2003, the conflict in Darfur has become one of the international community's largest humanitarian operations. With a peace process that is largely stalled and durable solutions a distant prospect, some argue that providing humanitarian assistance and protecting civilians from harm should be the first priority. Others maintain that investigating and prosecuting those responsible for committing crimes under international law should be given greater emphasis. This issue moved to the top of the international agenda toward the end of the year with the prospect of the indictment of Sudan's president by the International Criminal Court. In order to address this question and on-going humanitarian challenges, the Project organized two briefings in 2008 on the situation in Darfur. These events focused on the protection of IDPs and refugees, the role of international peacekeepers, and the implications of indicting senior Sudanese officials for humanitarian work with IDPs on the ground.

The coming year will be an important one for Sudan. With the anticipated full deployment of the United Nations-African Union Mission in Darfur (UNAMID), the indictment of Sudan's President Bashir, and elections scheduled for July 2009, much is at stake—stability in the country and possibly a peace agreement ending the Darfur conflict. In 2009, the Project will continue to follow the situation in Darfur and work to strengthen the protection of the rights of IDPs throughout Sudan.

Climate Change and Displacement

Growing interest in the potential effects of climate change on displacement led the Project to focus on this issue in different ways during the course of the year. The Representative contributed to discussions on the issue at the Inter-Agency Standing Committee by highlighting gaps in the international system of responding to persons displaced by the environmental consequences of climate change. This includes those who move across internationally recognized state borders in the wake of sudden-onset disasters; persons moving inside or outside their country as a consequence of slow-onset disasters; persons leaving "sinking island States" and moving across internally recognized state borders; and persons moving across internationally recognized state borders in the wake of designation of their place of origin as high risk zones too dangerous for human habitation.

Brookings staff also contributed to the policy debate by publishing articles on the relationship between climate change and displacement and presenting papers in meetings organized by the World Bank, UNITAR, the International Association for the Study of Forced Migration, the Society for Applied Anthropologists and the Club of Madrid.

Natural Disasters and Internal Displacement

Every year hundreds of thousands of people are displaced and millions of people are affected by natural disasters. Since 2004, the Project has worked to raise awareness of the need to address human rights in the context of response to disasters. The *Operational Guidelines on Human Rights and Natural Disasters*, endorsed by the Inter-Agency Standing Committee in 2006 have served as a basis for the Project's continued efforts to encourage governments and humanitarian agencies to adopt a rights-based approach to their disaster relief programs.

Part of the gap in disaster protection and assistance is the lack of national laws and policies that guarantee the human rights of those displaced by disasters. Over the years, an important part of the Project's work has focused on building the capacity of national governments, who bear the primary responsibility for protecting IDPs. In 2008, the Project published *Protecting Internally Displaced Persons: A Manual for Law and Policymakers*, which includes a chapter on how to incorporate disaster risk reduction and protection in the event of a disaster into a national law or policy. A second manual, *Human Rights and Natural Disasters: Operational Guidelines and Field Manual on Human Rights Protection in Situations of Natural Disaster*, is based on the Operational Guidelines and provides detailed information on the human rights instruments which apply to people affected by natural disasters.

During the course of the year, the Project prepared training materials and organized a series of workshops for government officials on human rights and natural disasters in New Orleans, USA (January); Panama City, Panama (May); Johannesburg, South Africa (July); Antananarivo, Madagascar (July); and Maputo, Mozambique (July). These workshops brought together government officials and representatives of international humanitarian organizations to consider ways in which their planning for natural disaster response can ensure a human rights dimension.

In 2009, the Project will revise the Field Manual to incorporate comments from its pilot period in the field. This revised version will serve as a useful resource both for those responding to natural disasters and those charged with preventing the negative effects of potential natural disasters on their populations.





Young boys play in front of a community center built by UNHCR in Padang Datar village, Krueng Sabee district, Indonesia. Photo courtesy of UNHCR/J. Perugia.

*During the coming year, the Brookings-Bern
Project on Internal Displacement will
continue to build on efforts to strengthen
the normative framework for IDPs*

Looking Forward

The commemoration of the 10th anniversary of the *Guiding Principles on Internal Displacement* emphasized the importance of strengthening the normative framework for IDPs and focused attention on the many challenges still facing national governments and the international community to ensure that the basic human rights of those displaced from their communities are upheld.

During the coming year, the Brookings-Bern Project on Internal Displacement will continue to build on efforts to strengthen the normative framework for IDPs, to enhance political will to protect IDPs, to strengthen capacity of institutions at all levels to respond to IDPs and to address new challenges as they arise. Specifically, the following activities are envisaged for the Project's work in 2009:

Strengthen the Normative Framework for IDPs by:

- ❖ Continuing the rollout of *Protecting Internally Displaced Persons: A Manual for Law and Policymakers* through regional meetings
- ❖ Translating into French and publishing *Protecting Internally Displaced Persons: A Manual for Law and Policymakers*
- ❖ Publishing, in association with the American Society of International Law, a volume of in depth studies on domestic legal and policy responses to internal displacement on which the Manual is based
- ❖ Improving and maintaining a web-based database of laws and policies related to internal displacement in collaboration with the Institute for the Study of International Migration
- ❖ Publishing a collection of articles on Colombian jurisprudence related to IDPs
- ❖ Revising and publishing a new version of the *Framework for Durable Solutions*
- ❖ Translating and disseminating other important documents for the protection of IDPs

Enhance the Will to Protect IDPs by:

- ❖ Continuing to work with national governments in developing laws and policies on IDPs, through supporting the Representative's country missions and working visits, actively disseminating resources, and providing advice on an on-going basis
- ❖ Supporting and encouraging regional organizations to adopt policies which promote the human rights of IDPs, with a particular emphasis in 2009 on the African Union
- ❖ Working to mainstream IDP issues into the United Nations through collaboration with OCHA, OHCHR and UNHCR and through dialogue with the Peacebuilding Commission
- ❖ Organizing seminars and workshops to raise awareness of internal displacement, with a particular emphasis on addressing the gap between humanitarian emergency response and long-term development

Build Capacity to Protect IDPs by:

- ❖ Organizing workshops in Southern Asia, Southeast Asia, and Central America for governments and organizations responding to natural disasters, based on the *Operational Guidelines on Human Rights and Natural Disasters*
- ❖ Evaluating and revising the *Field Manual on Human Rights Protection in Situations of Natural Disaster*
- ❖ Organizing the fifth course on Internal Displacement for government officials at the International Institute of Humanitarian Law in Sanremo, Italy
- ❖ Publishing a report on the role of municipal authorities in protecting IDPs in Colombia
- ❖ Supporting civil society initiatives to respond to IDPs
- ❖ Publishing research on the role of national non-governmental organizations in IDP protection
- ❖ Carrying out training initiatives with National Human Rights Institutions
- ❖ Disseminating information through our website and listserv

Address New Challenges by:

- ❖ Publishing a manual for mediators to incorporate issues related to internal displacement in their peace mediation efforts
- ❖ Publishing a report on internal displacement and peacebuilding in Colombia, in Spanish and English
- ❖ Publishing a report on displacement and human development in Afghanistan and Iraq, in collaboration with the Brookings Saban Center for Middle East Policy
- ❖ Conducting new research on displacement in Kandahar, Afghanistan and continuing research on displacement in Iraq and publishing research on displacement in Sri Lanka
- ❖ Carrying out research on the relationship between transitional justice and displacement
- ❖ Contributing to the policy debate on the potential effects of climate change on displacement
- ❖ Responding to new situations as they arise, with research carried out on issues such as durable solutions for IDPs in post-conflict situations, protracted IDP situations, early recovery, and political empowerment and displacement



Project Seminars and Workshops in 2008

Fires, Floods, Earthquakes and Tsunamis: A Human Rights Perspective for Major Natural Disasters (14 January)

Preparing for the Unknown: Protecting Iraqi Refugees and IDPs, in collaboration with Human Rights First (25 January)

Protecting Darfur's Internally Displaced (5 February)

Solutions for Colombia's Displaced: The Constitutional Court, Commercial Activity and the Internal Displacement Crisis, in collaboration with the Norwegian Refugee Council's Internal Displacement Monitoring Centre and The Washington Office on Latin America (10 March)

Addressing Urban Displacement: Specific Needs and Vulnerabilities (10 March)

Toward a Lasting Peace: Addressing the Political and Humanitarian Situation in Kenya (14 March)

Kurdish Displacement: A Never-Ending Story (26 March)

Global Displacement and the Implications for Refugees, featuring Antonio Guterres, the UN High Commissioner for Refugees, and U.S. Senator Sam Brownback (23 April)

Protection of Persons Affected by Natural Disasters (12 May, Panama)

Public Diplomacy and Humanitarian Response (19 May)

Addressing Post-Conflict Property Claims of the Displaced: Challenges to a Consistent Approach (9 June)

Displacement and Security in Afghanistan (23 June)

Peace in Sudan: Implementing the Comprehensive Peace Agreement (27 June)

Protection of Persons Affected by Natural Disasters (29 June, Maputo, Mozambique; 1 July, Antananarivo, Madagascar)

Iraqi Displacement: Prospects for Returns and Resettlement (22 August)

Searching for Peace and Justice in Sudan: The Role of the International Criminal Court (26 September)

Humanitarian Challenges in Somalia (7 October)

Ten Years of the Guiding Principles on Internal Displacement – Achievements and Future Challenges, in collaboration with the Norwegian Foreign Ministry, the Norwegian Refugee Council, and the Internal Displacement Monitoring Centre (16-17 October, Oslo)

From Relief to Early Recovery in Africa: Challenges & Opportunities in the Field (17 October)

Internal Displacement and the Construction of Peace, in collaboration with the Pontificia Universidad Javeriana and the Swiss Department of Foreign Affairs (11-12 November, Bogota)

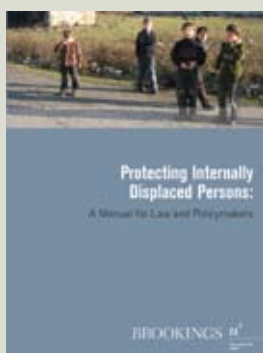
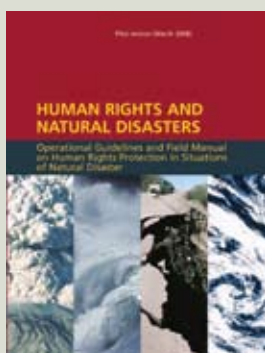
Protecting the Displaced Population: The Role of Local Authorities, in collaboration with the Universidad de los Andes, UNHCR, and Acción Social (14 November, Bogota)

Protecting Displaced Children in Emergencies and Preparing for the Future: The Role of Education, in collaboration with Save the Children, US (19 November)

The Future of Humanitarianism: A Conversation with the ICRC's Pierre Krähenbühl, in collaboration with the International Committee of the Red Cross (24 November)

Putting Principles into Action: Ten Years of the Guiding Principles on Internal Displacement (17 December, DC; 18 December, New York)

Project Publications in 2008*



Human Rights and Natural Disasters: Operational Guidelines and Field Manual on Human Rights Protection in Situations of Natural Disaster, Spring 2008

Guiding Principles on Internal Displacement: Annotations, Revised Edition, by Walter Kälin, *Studies in Transnational Legal Policy* No. 38, American Society of International Law, Spring 2008

The Looming Crisis: Displacement and Security in Iraq, by Elizabeth Ferris, The Brookings Institution, Policy Paper No. 5, August 2008

Listening to the Voices of the Displaced: Lessons Learned, by Roberta Cohen, September 2008

Protecting Internally Displaced Persons: A Manual for Law and Policymakers, October 2008

Moving Beyond Rhetoric: Consultation and Participation with Populations Displaced by Conflict or Natural Disasters, October 2008

Public Policies to Assist Internally Displaced Persons: The Role of Municipal Authorities, by Ana María Ibáñez and Andrea Velásquez, December 2008

**Unless noted otherwise, the Brookings-Bern Project is the publisher*



A displaced woman with food rations in Kabati camp, DRC. Photo courtesy of UNHCR/P. Taggart/November 2008.

List of Donors

Canadian International Development Agency
Department of Foreign Affairs and International Trade, Canada
Royal Danish Ministry of Foreign Affairs, Denmark
Ministry of Foreign Affairs, Finland
Government of Luxembourg
Royal Ministry of Foreign Affairs, Norway
Ministry for Foreign Affairs, Sweden
Federal Department of Foreign Affairs, Switzerland
Department for International Development, UK
U.S. Agency for International Development, USA
The Paul D. Schurgot Foundation

Project Staff 2008

Co-directors

Walter Kälin, Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Co-director

Elizabeth Ferris, Brookings Senior Fellow, Co-director

Brookings Institution

Erin Bourgois

Jacqueline Geis

Karen Gulick

Jacquie Kiggundu*

Khalid Koser*

Alex Mundt

Kim Stoltz*

Andrew Solomon

Erin Williams

Roberta Cohen, Non-resident senior fellow

Francis Deng, Non-resident senior fellow

United Nations

Moetsi Duchatellier*, OHCHR

Patrick Egloff, OCHA

Scott Garth, OCHA

Jan Hessbruegge, OHCHR

Taryn Lesser*, OHCHR

Karin Lucke, OHCHR

Nina Schrepfer*, UNHCR

Petra Winiger, OCHA/OHCHR



* departed in the course of 2008



BROOKINGS

u^b

^b
UNIVERSITÄT
BERN

**Brookings-Bern Project on Internal Displacement
The Brookings Institution**

1775 Massachusetts Avenue NW
Washington DC 20036-2103

T +1 202 797 6168
F +1 202 797 2970
Email brookings-bern@brookings.edu
Web www.brookings.edu/idp

