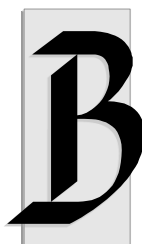


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**The Brookings Institution – SAIS Project
on Internal Displacement**



**CONFERENCE ON INTERNAL DISPLACEMENT
IN THE IGAD SUB-REGION
REPORT OF THE EXPERTS MEETING**

KHARTOUM, SUDAN

30 August – 2 September 2003



Co-sponsored by:

The Intergovernmental Authority on Development (IGAD)

**The Office of the Representative of the United Nations Secretary-General
on Internally Displaced Persons**

**The United Nations Office for the Coordination of Humanitarian Affairs
Internal Displacement Unit (OCHA IDP Unit)**

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**THE BROOKINGS INSTITUTION — SAIS PROJECT ON INTERNAL
DISPLACEMENT**

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INTRODUCTORY NOTE

The “Conference on Internal Displacement in the IGAD Sub-Region” held in Khartoum from 30 August to 2 September 2003 was the Intergovernmental Authority on Development’s (IGAD) first forum dedicated to this issue. The decision of IGAD member states to examine internal displacement in the sub-region and explore means to cooperate in finding solutions was in accordance with the mandate of IGAD to examine issues of conflict resolution, natural and human-made disasters, and economic cooperation. The IGAD sub-region has one of the world’s largest concentrations of internally displaced persons, a fact that weighs heavily on each member state government and demands concerted action.

Participants in this conference, including member government representatives, representatives of internally displaced persons and non-governmental organizations (NGOs) from the region, the African Union, United Nations (UN) and other international agencies, international NGOs, donor governments, and regional and international experts on internal displacement, deliberated thoughtfully and with openness to find new ways of approaching the problems and forging closer bonds of cooperation at the national, sub-regional and international levels.

In beginning this dialogue, IGAD followed the lead of a number of other regional and sub-regional organizations around the world which have concluded that regional dynamics contribute to problems of internal displacement and that regional solutions can assist in addressing the problem. We believe that the momentum from this conference will carry over into concrete plans, strategies, and reinforced mechanisms to assist and protect the internally displaced which we hope will serve, in their turn, as examples for other regional organizations.

We wish to extend our appreciation to the Government of the Republic of Sudan, and in particular to the Ministry of Foreign Affairs, for hosting this conference and to the Government of the Federal Republic of Germany, in particular the Ministry of Foreign Affairs, for its generous support for the event. Thanks are also due to the rapporteurs, David Fisher and Erin Mooney of the Office of the Representative of the Secretary-General on Internally Displaced Persons and Keflemariam Sebhatu of IGAD, for preparing this report. We plan to continue to work together to further the recommendations of the conference and in so doing look forward to ongoing collaboration with the participants.

Dr. Francis M. Deng
Representative of the Secretary-
General on Internally Displaced
Persons

Dr. Attallah H. Bashir
Executive Secretary
IGAD

Kofi Asomani
Director
UN-OCHA Internal
Displacement Unit

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SUMMARY REPORT

Introduction

An experts meeting on internal displacement, co-sponsored by the Inter-Governmental Authority for Development (IGAD), the Office of the Representative of the United Nations Secretary-General on Internally Displaced Persons (“RSG on IDPs or Representative”), and the United Nations Office for the Coordination of Humanitarian Affairs Internal Displacement Unit (OCHA IDP Unit), was convened from 30 August to 1 September 2003 in Khartoum, Sudan, and hosted by the Government of the Republic of Sudan in its capacity as Chair of IGAD. The experts meeting was the preparatory phase of a two-part Conference on Internal Displacement in the IGAD Sub-Region, which culminated in an IGAD ministerial meeting on internal displacement held in Khartoum on 2 September 2003.

The purposes of the conference were to: (1) review the causes, circumstances, consequences and trends of internal displacement in the IGAD sub-region; (2) discuss the Guiding Principles on Internal Displacement and their application to the problems involved; (3) promote strengthened policies, laws and institutions at the national level to deal with internal displacement; and (4) explore the role that IGAD might play in promoting strengthened national and regional responses to the problem of displacement (see Appendix A for Agenda; Appendix C for background paper).

Nearly 100 persons participated in the experts meeting, including delegations from all IGAD member state governments, representatives of internally displaced persons, non-governmental organizations (NGOs) from the region, the African Union, United Nations (UN) and other international agencies, international NGOs, donor governments, and regional and international experts on internal displacement (see Appendix B for Participants List).

This report sets out in summary form the substance of the discussions at the experts meeting. The recommendations of the experts (attached as Appendix D) were formally approved at the end of their meeting and then transmitted to the IGAD ministerial meeting on 2 September. At that meeting, the ministers adopted the experts’ recommendations on behalf of the IGAD organization and issued the “Khartoum Declaration on Internally Displaced Persons in the IGAD Sub-Region” (see Appendix E). This decision was subsequently endorsed at the IGAD Ministerial Summit in Kampala in October 2003.

Opening Session

Dr. Mustafa Osman Ismail, Minister of Foreign Affairs of the Republic of Sudan and current Chairman of the IGAD Council of Ministers, opened the meeting, expressing his gratitude to participants for supporting IGAD's first conference on the issue of internal displacement. Dr. Ismail observed that the sub-region faced many challenges, including civil strife, wars, lack of development, weak infrastructure, natural disasters, proliferation of small arms and landmines, as well as massive displacement, both internal and external, and that only a shared vision would allow the individual states to effectively address all of these challenges.

He underlined that providing protection and assistance to internally displaced persons (IDPs) was nevertheless the primary responsibility and task of the government of each IGAD member state and each of them had to exert the utmost effort to provide IDPs, especially women, children and the elderly, with the necessary humanitarian assistance. At the same time, he called on the international community to shoulder its responsibility to provide greater assistance and support to IDPs in the IGAD sub-region. In this connection, he paid special tribute to the Representative of the Secretary General on Internally Displaced Persons for his efforts and expressed his hope that the collaboration between the Representative's office and IGAD would be institutionalized. Dr. Ismail concluded by calling upon participants to open a new chapter of co-operation and solidarity between member states and with the international community to solve the problems facing IDPs once and for all.

Dr. Attallah Hamad Bashir, the Executive Secretary of IGAD, expressed his profound appreciation to the Government of the Republic of Sudan for hosting the conference and to the Government of the Federal Republic of Germany, Ministry of Foreign Affairs, for generously providing the necessary support for the conference. He thanked IGAD member states for their participation and acknowledged the role of the RSG on IDPs and the OCHA IDP Unit in co-sponsoring the conference, thereby lending it an international dimension. He noted that, due to both natural and human made reasons, the IGAD sub-region held the "world record" in terms of the number of displaced persons. In light of the gravity of this humanitarian challenge, the leaders of IGAD's member states had made special reference to the issue of IDPs in the Agreement Establishing IGAD, providing the organization with a clear mandate to address the issue. Their commitment to addressing the root causes of displacement could be seen in their support through IGAD for the peace processes in Sudan and Somalia. He affirmed the readiness of the IGAD secretariat to implement recommendations arising from the conference for further involvement in displacement issues. He also appealed to the international community to provide the necessary support to IGAD member states and NGOs to address IDP issues and expressed the hope that the cooperative relationships formed to convene the conference would continue in the implementation of its recommendations.

Dr. Mukesh Kapila, United Nations Resident/Humanitarian Coordinator for Sudan, noted that the conference came at a highly significant moment in the history of one of IGAD's members – Sudan – in light of plans for peace and the return of the displaced. The UN system in Sudan had begun planning for this return, conscious that the vulnerabilities of IDPs must be addressed not only in their economic, nutritional and social aspects but also with regard to physical protection, particularly for women and children. Fundamentally, the response to

their needs should be premised on IDPs' rights as outlined in the Guiding Principles on Internal Displacement. In deliberating on these issues, he cautioned participants not to think of IDPs as a "problem" or "statistics" but as human beings deserving of dignity.

Dr. Francis Deng, the RSG on IDPs, commended IGAD and its member states for convening the conference and expressed his thanks to the Government of the Republic of Sudan, the President and Vice Presidents, and in particular to the Minister of Foreign Affairs, whose support and encouragement had been essential to the realization of the conference. He emphasized that addressing the problem of internal displacement is first and foremost the responsibility of the government of the state concerned. The next level of responsibility is the regional neighborhood. In this connection, he noted that it is a deeply engrained African tradition that "you are your brother's keeper" such that what is going on in your brother's home could not be a matter of indifference. By convening this meeting, states in the sub-region were acknowledging, individually and collectively, their responsibility to the internally displaced. At the same time, the problem was so great that global solidarity was needed as well. Indeed, it was evidenced by the presence at the meeting of so many UN agencies and international NGOs as well as a number of donors.

Dr. Deng echoed Dr. Kapila's call not to view IDPs as mere statistics, but rather to recognize them as human beings who suffer and deserve to have hope. The fact that the meeting was taking place would encourage such hope — the expectation being that if participants could come to an understanding of IDPs' problems and develop appropriate policies to address them based on relevant standards, their conditions would improve. However, if nothing significant were to come out of the meeting, that hope would surely turn to despair. From the statements already made, the RSG on IDPs was confident that this would not happen. Instead, this meeting would be the first step towards a significantly strengthened response to internal displacement in the IGAD sub-region.

Roger Winter, the Assistant Administrator of the Bureau for Democracy, Conflict and Humanitarian Assistance of the United States Agency for International Development (USAID), expressed his respect and gratitude to the Minister of Foreign Affairs for the crucial role he had been playing in the peace process underway in Sudan, which would be the key to resolving the situation of internal displacement in the country. He noted that the United States had a major interest in the problem of internally displaced persons in all the IGAD states. USAID was rethinking its approaches to these problems, in particular by exploring new mixes of humanitarian assistance with democracy building as well as conflict management and mitigation. As USAID underwent this process of reflection, it was eager to be exposed to different approaches to internal displacement and was therefore very interested to learn from the discussions of this meeting. He offered the United States' gratitude to IGAD, the RSG on IDPs, the OCHA IDP Unit and the Republic of Sudan for giving it that opportunity.

Global Overview of Internal Displacement

The participants began by noting that internal displacement was a global crisis, affecting some 25 million people in fifty countries and touching all continents.¹ Having been driven from their homes, internally displaced persons were frequently in need of food, shelter and other basic assistance as well as protection from physical harm. Moreover, the impact of internal displacement extended beyond the displaced populations; it undermined the productive capacity of societies and the stability of the affected country as well as that of its neighbors.

Although the problem of internal displacement was not new, it had not been until the end of the Cold War that the international community began to react in a concerted manner. In 1992, the UN Commission on Human Rights had requested that the Secretary-General appoint a Representative on the issue – a position which Dr. Francis Deng had held since that time. Dr. Deng had consistently premised his work on respect for state sovereignty, in accordance with the increasingly accepted international understanding of sovereignty as entailing a state's responsibility to protect and assist its own citizens, if need be with the assistance of the international community.

There were six main “pillars” to the mandate of the RSG on IDPs. The first concerned raising awareness of the problem of internal displacement – an area in which substantial progress had been made at the national, regional and international levels over the previous ten years. The second was the development and promotion of an appropriate normative framework, which had taken the form of the Guiding Principles on Internal Displacement. The third was promotion of effective institutional mechanisms of response at the international and regional levels. The fourth was dialogue with national governments, which the RSG primarily carried out through country missions. Of the 27 country missions the RSG had undertaken, four had been to the IGAD region, including several to Sudan and one most recently to Uganda. A fifth pillar concerned capacity-building partnerships, in particular with local organizations. The final pillar was research to promote greater understanding of the phenomenon of internal displacement, the plight of the populations it affected and effective means for response at all levels, from local to global.

The humanitarian branches of the UN had also begun to organize themselves to better respond to the crisis. No single agency was charged with meeting the needs of the internally displaced; rather a “collaborative approach” had been adopted between all of the various agencies to work together to ensure that these needs are met. At the field level, Resident and Humanitarian Coordinators (“RC/HCs”) had been tasked with coordinating this collaborative approach, while the Under-Secretary-General for Humanitarian Affairs, who was also the Emergency Relief Coordinator (ERC), had overall responsibility for ensuring coordination in the system as a whole. In 2002, an IDP Unit had been established within the Office for the Coordination of Humanitarian Affairs to assist the ERC in his responsibilities with regard to IDPs and to support RC/HCs at the field level.

¹ These figures represent conflict-induced displacement only.

The IDP Unit had four major areas of work. The first was to strengthen protection frameworks, in which connection the Unit together with the Office of the RSG on IDPs, was finalizing a “protection survey” that would focus on how governments as well as the international community could provide more comprehensive protection to IDPs. The second was to ensure effective international institutional responses to IDPs and in this connection it was preparing a matrix reflecting the results of a widely disseminated questionnaire examining efforts to ensure a coordinated response to IDPs in various countries. The Unit also provided support at the country level, including by undertaking assessment missions, providing training to government officials as well as UN staff, providing support for national policies on IDPs (as it had done with Uganda’s policy and was doing with the Government of Sudan as well as the SPLM/A in the South), and fielding IDP advisers, for example, as it had just done in Sudan. Finally, the Unit engaged in advocacy on the issue of internal displacement. In this connection, mention was made of a new publication, entitled *No Refuge: The Challenge of Internal Displacement*, which dealt with issues also pertinent to this seminar, such as access, protection, and sovereignty.

Overview of Internal Displacement in the IGAD Sub-Region

The participants noted with concern that one-fifth of the world’s IDPs, an estimated 5.2 to 6 million persons, lived in the IGAD sub-region. The overwhelming majority of these were in Sudan, which had the largest IDP population of any country in the world, with estimated totals varying between 3.7 and 4.4 million. However, with the exception of Djibouti, each IGAD member state had significant IDP populations and all were affected in various ways by the crises within their neighbors’ borders.

Causes of Displacement

There were many similarities in the causes of displacement across the sub-region, including the frictions arising from the arbitrary national boundaries inherited from the colonial past compounded by armed conflict, inequitable distribution of wealth, human rights violations, land disputes, tribal conflicts, and natural disasters. By far the most significant of these causes was armed conflict. This included both inter-state wars, such as the recent conflict between Ethiopia and Eritrea, and internal wars with cross-border dimensions, such as the civil wars in Sudan and Uganda, which had caused massive displacement not only within their own borders, but also within one another’s countries. It also included more purely internal conflicts such as that in Somalia, and situations of generalized violence, such as in Kenya, where political and ethnic clashes and looting by cattle raiders had driven over two hundred thousand persons from their homes. Displacement in these situations occurred sometimes as a side effect, as people fled the cross-fire between the opposing sides, sometimes as a result of direct targeting of civilians by government or rebel forces, and sometimes from the general lawlessness or “wars within wars” fostered by the larger conflicts. Ethnicity played a large role in who ended up displaced in many of these conflicts, particularly in Somalia. It was emphasized that large-scale displacement from these types of causes was still ongoing in Somalia, Sudan, and Uganda.

Another important cause of displacement in the sub-region was natural disaster, including both droughts and floods, which had touched most of the IGAD member states, but especially

those in the Horn of Africa. Droughts had been a particular burden, contributing to famines, most notably in the 1980s, and displacing hundreds of thousands from their homes. A particularly severe drought had seized the Horn in the last three years, exacerbating existing situations of displacement due to conflict. For example, according to government figures, over 270,000 persons were displaced due to drought in Ethiopia from 2000-2003, joining over 300,000 who had been displaced by the border conflict with Eritrea as of the year 2000. Figures were not readily available on the drought-displaced populations in Eritrea and Somalia, but it was clear that in these countries, as in Ethiopia, drought conditions combined with the ravages of armed conflict both to create displacement and to hinder return.

Participants also noted that displacement by these major causes was exacerbated by cross-border phenomena, such as small arms proliferation and cattle rustling. They suggested that these two areas in particular would benefit from a sub-regional plan of action.

Needs of the Displaced

It was acknowledged that the humanitarian needs of the internally displaced often went unmet within the IGAD sub-region, and that the magnitude of the problem was beyond the capacities of the member states. Moreover, although the international community had devoted substantial resources to these problems over the years, the response has been far from sufficient for meeting identified needs. Security was also a primary problem for IDPs throughout the region. Greater efforts to protect them from theft, forced recruitment, landmines, and gender-based violence were needed.

The living conditions of many IDPs in the sub-region remained very poor. Many IDPs lacked food, shelter, sanitation and essential services and were particularly marginalized in areas of long-term need, such as education, employment and social integration. Their conditions were worse in many instances than other affected populations, including refugees, inasmuch as the international community had responded more generously and more quickly to the needs of those who had crossed borders. In many countries, internal displacement was a long-term phenomenon, obliterating former ways of life and leading to dangerous dependencies on whatever aid was available.

On the other hand, participants emphasized that internal displacement had to be seen in its wider context. Demobilized soldiers, refugees, “expellees” (i.e. persons expelled by Ethiopia and Eritrea to the other country during and after the conflict between these two countries), and economic migrants shared many of the same problems of the internally displaced. Moreover, host communities bore an enormous burden in supporting the displaced, and were often themselves severely affected by the conditions leading the displaced to flee their homes. Displacement had led to overcrowding in cities, the overuse of community resources, and also had burdened the environment, with deforestation common around large encampments. Efforts to address the problems of the internally displaced should not forestall an effective response to the problems of these other affected populations.

Participants concurred that strong and comprehensive national policies for dealing with issues of displacement were essential. Policies should be put in place not only for the resettlement

and return of those already displaced, but also to encourage preparedness for future disasters and avoid massive displacement in the first instance.

The Guiding Principles on Internal Displacement

The meeting next considered the applicability of the Guiding Principles on Internal Displacement to the issues of internal displacement faced in the IGAD sub-region.

Origins and Content of the Guiding Principles

It was explained that the Guiding Principles traced their origins to the creation of the mandate of the RSG on IDPs by the United Nations Commission on Human Rights (“CHR” or “Commission”) in 1992. The first task assigned to the RSG had been to analyze the existing “normative framework,” in other words, the rules, regulations and customs of the international community concerning internally displaced persons, and to evaluate the extent to which this framework addressed their particular needs. Working with a team of legal experts and in consultation with governments, international organizations and NGOs, the RSG had produced a comprehensive study of the question, entitled the “Compilation and Analysis of Existing Norms,” that was presented to the Commission in two parts in 1996 and 1998. The study had concluded that while existing international law provided considerable coverage of the needs of internally displaced persons, the relevant norms were widely diffused in different instruments and there were some gaps and grey areas in the existing law. The study had recommended that an instrument be created to compile and clarify the application of these existing norms to internally displaced persons, and, in resolutions passed by consensus, the Commission and the General Assembly had encouraged him to proceed in this regard.

Accordingly, the Representative and his team had developed the Guiding Principles, comprised of 30 articles restating, compiling and interpreting pertinent humanitarian and human rights law and, in some instances, employing precepts of refugee law by analogy. The Guiding Principles defined “internally displaced persons” broadly to include all persons forced to flee or to leave their homes against their will, whether because of war, human rights violations, natural disaster or other reasons (excluding strictly economic migration) and who did not cross an international border.² This definition did not create a “legal” category like “refugee”, but rather acknowledged the particular needs of persons internally displaced by these various causes.

The Guiding Principles prohibited arbitrary displacement, and if authorities had to displace persons for legitimate reasons – such as to protect the safety of civilians in times of war – they had to try to minimize the negative effects and make the displacement as short as possible. Where displacement had already occurred, governments and other groups or

² The full definition reads as follows: “For the purposes of these Principles, internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”

persons with power over the displaced were required to do what was possible to protect them from dangers such as murder, torture, rape, and slavery, ensure that they were not treated in a discriminatory manner, and provide them, where necessary, with the means to meet their basic needs for food, water, shelter, education, livelihood and dignity. If the competent authorities were unable to provide this basic assistance, they were to invite and facilitate the humanitarian community to do so in their place.

Finally, the Guiding Principles addressed the issue of durable solutions to displacement. Governments were called upon to facilitate return of the displaced to their homes, or if the displaced did not wish to return, to help them to integrate locally or resettle elsewhere in the country. These solutions should be carried out in conditions of safety, dignity and free will of the persons involved. Governments were also called upon to ensure the restitution of property, or, if this was not possible, compensation for losses, of persons who had fled.

The Guiding Principles called for particular attention to be paid to the special needs of women and children, especially unaccompanied minors, expectant mothers, mothers with young children, and female heads of household, as well as other vulnerable groups, such as the elderly and the disabled. They prohibited discrimination against these and similar groups in the application of the Principles and also discrimination against IDPs on the basis of their displacement.

Status of the Guiding Principles

It was pointed out that the General Assembly (GA), Economic and Social Council (ECOSOC) and the Commission on Human Rights (CHR) had all passed resolutions by consensus over the previous five years which had encouraged the dissemination and use of the Guiding Principles, including by the RSG on IDPs in his dialogues with member states. The most recent CHR resolution, for example, had expressed the Commission's "appreciation of the Guiding Principles on Internal Displacement as an important tool for dealing with situations of internal displacement," "welcome[d] the fact that an increasing number of States, United Nations agencies, and regional and non-governmental organizations are applying them as a standard," and encouraged "all relevant actors" to make use of them.³ Similar language had been included in the July 2003 resolution of the ECOSOC Humanitarian Segment.⁴ IGAD member states had played an important role in the development of this international consensus. For example, Ethiopia, Kenya, Sudan and Uganda had all joined the consensus on various CHR resolutions pertaining to the Guiding Principles.

Moreover, other regional and sub-regional organizations and groups had expressed their appreciation for the Guiding Principles and encouraged their use and dissemination. In 1999, the Organization for African Unity (OAU) Commission on Refugees and Displaced Persons had taken note of them "with interest and appreciation" and had emphasized the need for promoting their dissemination and application throughout Africa. In 2000, the Economic Community of West African States (ECOWAS) ministers had adopted a declaration

³ U.N. Doc. No. E/CN.4/RES/2003/51 ¶ 7.

⁴ U.N. Doc. No. E/2003/L.28 ¶ 9.

concerning war-affected children that had welcomed the Guiding Principles and had called upon member states to apply them. ECOWAS member states voiced continuing support for them in a seminar on migration in 2002. Likewise, in 2003, representatives of governments from East Africa, the Horn of Africa and the Great Lakes had expressed their appreciation for the Guiding Principles in a regional seminar on international migration policy co-sponsored by the African Union (AU) held in Addis Ababa. Elsewhere in the world, organizations such as the Organization of American States, the Organization for Security and Cooperation in Europe, and the Council of Europe had made similar expressions of support, and had begun to integrate them into their work.

It was noted that the Guiding Principles were being increasingly used by national governments in developing policy on internal displacement. In 2000, Angola had become the first state to use the Guiding Principles as a guide in enacting a domestic law on internal displacement. The following year, the Government of Burundi had signed a “Protocol for the Creation of a Permanent Framework of Cooperation for the Protection of Displaced Persons” making the promotion and application of the Guiding Principles a key objective. Uganda had made extensive use of the Guiding Principles in developing a comprehensive policy on internal displacement that was before the government for consideration. Similar efforts were underway in Peru and Afghanistan and the Government of Nigeria had commissioned a study on the possibility of following suit. Moreover, the Sudan People’s Liberation Movement (SPLM), a non-state actor, had considered adopting an internal “policy” for its treatment of the internally displaced based on the Guiding Principles.

During the discussions, several participants from the Government of Sudan emphasized that the value of the Guiding Principles lay in their being non-binding, and suggested that this broadened the basis of support for them. The RSG on IDPs affirmed that the Guiding Principles were not fashioned as a binding instrument, inasmuch as they were not a formally negotiated and ratified treaty. On the other hand, it was pointed out that many of their provisions restated already binding law found in treaties to which IGAD member states were parties. Fundamentally, however, the RSG on IDPs emphasized that the Guiding Principles should be seen as a tool, based on widely-recognized norms, to assist governments in developing effective and compassionate responses to the many problems of the internally displaced.

The Guiding Principles and Local Legal Traditions

A representative of the Government of Sudan raised an additional concern about the application of international human rights standards, such as those embodied in the Guiding Principles, in the context of African societies. It was noted that, in Sudan, conflicts were rarely resolved within the judicial system and reliance was instead placed on traditional practices and customary law applied by community leaders. The application of customary law and practices should therefore be promoted as more appropriate in the local context.

Representatives of the Government of Uganda asserted that the Guiding Principles were useful building blocks for developing policy and could be adapted to local systems. In the case of Uganda, the draft IDP policy being developed drew extensively from the Guiding Principles which were seen as a valuable resource. Others pointed out that although

customary law governed important aspects of Sudanese social relations, it was not the only source of law in the country. Exclusive reliance on customary law would mean excluding other sources of law, including *sharia*, for instance. Moreover, it was argued that African states and societies had been in the forefront of the development of international human rights norms and it made little sense for them to “opt out of the world” by resisting standards they had helped to develop and that are focused on meeting real needs.

Protection and Humanitarian Access

Two critical needs addressed by the Guiding Principles were protection from physical harm and access to humanitarian assistance. It was observed that Guiding Principle 25 stated that the primary duty for providing humanitarian assistance resided with national authorities, but that international humanitarian organizations had the right to offer their services in support of the internally displaced and permission for them to do so should not be arbitrarily withheld when national authorities were unable or unwilling to carry out their responsibilities. Nevertheless, problems of access frequently arose in the IGAD sub-region, in three ways: (1) permission of access was withheld to the international community, (2) insufficient security was provided to enable humanitarian access, and (3) local authorities and other actors could not or would not provide access or would manipulate or divert humanitarian resources.

Particular examples of access issues were cited for Sudan, Uganda and Somalia. In Sudan, an historic arrangement had been made between humanitarian organizations, the government and the insurgent SPLM/A (“Operation Lifeline Sudan”) to allow humanitarian access in some areas across battle lines in 1994. The government and the SPLM/A have continued to come together with the humanitarian community in regular “Technical Committee for Humanitarian Assistance” meetings, leading recently to an important agreement to allow shipment of food by barge down the Nile River. The government also recently indicated that it would open up more areas under its control to humanitarian access. However, access still remained a chronic and pressing problem, even in areas with good security.

It was pointed out that Uganda lacked a framework for dialogue with both the government and the rebels over humanitarian access, impeding cross-line access. Moreover, it was asserted that security provided by the government was not always timely and sufficient causing delays in bringing assistance to IDPs and other populations in need.

In Somalia, the absence of a central authority made negotiations for access complex, and security uncertain. It had also encouraged local manipulation of aid, with armed actors acting as “gatekeepers” installing themselves around concentrations of displaced persons and interfering in the distribution of humanitarian assistance.

It was recommended that governments ensure that their policies and activities guarantee humanitarian access, including by providing necessary security. Additionally, it was recommended that IGAD play an advocacy role on behalf of IDPs to enhance humanitarian access.

It was also emphasized that governments bear the primary responsibility for ensuring the physical safety of IDPs, and that the element of protection should be incorporated into humanitarian assistance programs focused on them. IDPs, having left behind their community support systems and familiar surroundings, were especially vulnerable, including to the effects of armed conflict, banditry, and unexploded ordinance (UXO) and landmines. Women and children were at particular risk, especially for sexual predation.

It was noted that the International Committee of the Red Cross (ICRC), United Nations and other humanitarian organizations could provide supplemental support to the protection responsibilities of governments. The ICRC performed this in various ways, including promotion of international humanitarian law, confidential communication and advocacy with governments and non-state actors, visits with detained persons, and mechanisms to facilitate the reunification of families. Its efforts in this regard were complicated in situations such as in Somalia, where the flat hierarchy of the many armed factions and dependence of leaders on the approval of their fighters resulted in little or no will to implement the protections of international humanitarian law.

As noted above, the United Nations had attempted to address protection issues of IDPs through its “collaborative approach,” giving all operational agencies a role in protection. It was observed, however, that the collaborative approach had been imperfect and that the focus on protection in many areas remained weak.

Particularly Vulnerable Displaced Persons

Participants acknowledged that no discussion of the assistance and protection needs of IDPs would be valid without special reference to the needs of particularly vulnerable groups, such as women, children, the elderly and the disabled.

Women and Children

It was pointed out that women and children make up the majority of virtually all IDP populations – both in the IGAD sub-region and throughout the world – such that if they were not protected, then *most* IDPs would not be protected. Accordingly, the extent to which the protection and assistance needs of women and children IDPs were addressed was central to the effectiveness of any response to internal displacement. At the same time, it was considered important to bear in mind that IDP women and IDP children were not all the same and that disaggregated data was essential. Factors such as age and gender in the case of IDP children, disability, family situation, ethnicity, cause of displacement, and the current phase of displacement in the cases of both women and children, must be taken into account in assessing and addressing their particular protection, assistance and reintegration needs.

For children, displacement threatened health, survival and educational and social development. Malnutrition also severely affected displaced children; it was noted that the highest rates ever recorded were suffered by internally displaced children in Sudan. In all phases of displacement, protection of the physical security of IDP children was recognized as

an even greater, indeed the primary, concern. The abduction of children, often for forcible recruitment by armed actors, was noted as a serious problem in a number of countries in the IGAD sub-region. Landmines and unexploded ordinance were another serious risk to which children were the most vulnerable.

Rape and other sexual violence were a heightened risk for displaced women and children, especially for unaccompanied and foster children as well as women heads of household, and a threat that often emanated from within IDPs' own families, as rates of domestic violence and abuse typically increased during displacement. Dependency on humanitarian assistance further heightened vulnerability to sexual exploitation, including by local officials and humanitarian workers. It was urged that the sensitivity that typically surrounded the issue of sexual violence not be allowed to be an excuse for inaction, either by the national authorities or the international community. Guidelines for the prevention and protection from sexual violence and exploitation to which international agencies must adhere had recently been adopted. High rates of HIV/AIDS were a directly related concern, although it was pointed out that HIV awareness unfortunately was limited among displaced populations.

Education was critical not only for children's development but also because it had an important protection function in emergency contexts. However, many IDP children were unable to attend school or were too exhausted to realize their potential as they were compelled to work long hours to help support their families.

The separation of families increased vulnerability of children in all areas as it deprived them of the most important form of protection and assistance for survival. Family reunification should therefore be given special priority.

It was pointed out that greater attention must be paid to the situation of adolescent IDPs who, unlike younger children, were often assumed to be able to look after themselves but who in fact, could be the most vulnerable. Adolescents were exposed to particular risks, especially conscription into armed groups. Some efforts to remove persons under 18 years old from armed forces were underway in IGAD countries, but it was asserted that these needed to be expanded. HIV/AIDS awareness and prevention campaigns should be targeted to adolescents and greater emphasis should be given to ensuring secondary education, which typically was much more limited than primary education services.

For women, displacement increased not only the risks of sexual violence and exploitation, but also the range of their responsibilities. It was pointed out that the majority of IDP women were heads-of-household either in actual fact or in essence because their husbands were not able to provide for their families or were living at a distance. They consequently became responsible for providing for their families as well as for running the household – areas of responsibility which were often in conflict with one another. For instance, when women were compelled to be away from home for long hours in order to tend to fields or engage in income-generating activities, the children they left behind were more vulnerable to abuse and exploitation.

Moreover, the discrimination women often faced constrained their ability to provide for their families. For example, it was pointed out that the difficulties women faced in some IGAD

countries regarding land tenure and access to land left their children more vulnerable to malnutrition. Women tended to have little say in communal decision making, including within IDP communities, even though women and children were the majority, exacerbating their sense of being trapped in a situation over which they had little control. It was therefore deemed essential to give women and children a voice and channels for articulating themselves, including legal channels for the redress of abuses.

Education and training for women and girls could assist them in knowing their rights and also were key to increasing their economic productivity. Training could likewise empower them to better provide for their families and contribute to post-conflict reconstruction and development. It should not be overlooked that IDP women could play a significant role in peace-building initiatives at the grassroots level. Moreover, IDP women had often proven very resourceful in developing strategies for coping with their own plight and that of their families. Interventions should support and enhance their resilience and could best be assured of doing so if they were developed in consultation with the displaced women themselves.

Elderly and Disabled

Participants further noted that elderly and disabled IDPs were also particularly vulnerable groups within internally displaced populations, who merited special attention and support. Flight could be difficult or impossible for them physically and they often became responsible for the care of their grandchildren – a problem which was becoming more acute as the HIV/AIDS epidemic resulted in the illness or death of the parents, which also deprived older people of their own traditional source of support and care. Older IDP women were particularly vulnerable to being deprived of sources of care and left to face their problems alone. Traditional humanitarian assistance strategies did not always help elderly IDPs; food for work, for instance, was only for the able-bodied, not the old and frail. Moreover, in situations of limited resources, people were compelled to make choices about who received essential assistance, such as medication, and tended to favor the young and able-bodied. In the solutions phase, elderly IDPs tended to be eager to return home, wanting to be buried on their own land. It was noted that many elderly IDPs would therefore not wait for organized return processes but would just return, though often alone, without their families, and thus would need support.

It was observed that “human rights don’t have age limits” and that it was critical for elderly persons to be informed about, and supported in exercising, their rights. The Guiding Principles supported this, as they stated that they applied without discrimination of any kind, including on the basis of age, and that certain groups of IDPs, including the elderly, were entitled to protection and assistance that take into account their special needs.

Moreover, the plan of action passed by the 2002 World Assembly on Aging recognized the right of older persons to equal access to food, medical care, shelter, legal advice and land. Likewise, the African Union’s Plan of Action on the Elderly stressed the need to ensure that assistance reach older persons in situations of conflict and identified several practical actions for doing so. UNHCR’s Guidelines on Older Refugees could also be applied to IDPs, as might Helpage’s guidelines and the Sphere standards, which were being revised to include elderly persons as a cross-cutting issue.

It was recommended that special efforts be made to include elderly persons in needs assessments and that programmes take into account their poor mobility, special nutritional needs and chronic health problems. It was also important to include older persons in consultations with the displaced, especially as they had long experience and knowledge of coping mechanisms that could assist and contribute to the welfare of displaced communities as a whole.

Durable Solutions: Return, Resettlement and Reintegration

Participants highlighted the importance of finding durable solutions to internal displacement by supporting the safe and voluntary return or resettlement and reintegration of IDPs.

In cases of conflict-induced displacement, a commitment to peace was deemed critically important. For solutions to be truly durable, however, it was essential not only to halt the fighting, but also to ensure a fair and just resolution of the underlying problems. The emphasis on solutions, especially return, tended to be greatest around the time of a peace agreement. However, return did not just begin when peace was formally signed but, rather, as soon as IDPs felt secure enough to go home, or became intolerant of their displacement condition, as was the case currently in certain parts of Sudan. Moreover, while the signing of a peace agreement was typically followed by an immediate first wave of return of displaced persons, many others adopted a “wait-and-see” approach. It was important for the dividends of peace to be quickly apparent in tangible improvements to the quality of life, both for the durability of new peace and also to foster return.

The participants agreed that an overarching principle must be to promote internally displaced persons having *choices* and freedom of movement. Thus, it must not be assumed that IDPs’ preference was to return. The experience of displacement changed people, often significantly, such that they might not wish to go back home. For many, the choice was likely to be a very difficult one and also was likely to be made gradually, possibly even over a period of years, as family members went back incrementally. Accurate information on the conditions in areas of return or resettlement was essential to the decision-making process. Consultation with the displaced and their participation in the planning of return or resettlement processes was necessary, not only to ensure the voluntariness of their decisions, but also to begin to build their capacity and foster reintegration. It was observed that the lack of participation in decisions that affected their lives was frequently part of the reason why displaced persons felt compelled to leave in the first place. Women and, in particular, women heads-of-household needed to be included in these consultation processes so as to ensure that their particular needs were addressed. It was pointed out that when internally displaced persons returned or resettled willingly and in a way that built on their own capacities, these solutions were the most sustainable.

Enabling environments needed to be created for return or resettlement to be real options. First and foremost, physical security must be assured and protection mechanisms put in place. The rule of law, the judicial system, police forces and civil administration must be re-established as an important part of confidence-building. Priority must be given to de-mining, especially of roads and agricultural lands, and to demobilization. Mechanisms should also be developed to deal with issues of property and land restitution. It should be taken into account that there

might not be sufficient arable and mine-free land for everyone, so food relief might continue to be required for some time. Especially after protracted conflict, areas of return were likely to have inadequate infrastructure, limited livelihood opportunities and minimal basic services, often even inferior to what people had while displaced. Prospects for the growth and development of return areas must be supported. Moreover, reintegration efforts should holistically and equitably address the needs of the various different groups for assistance, including internally displaced persons, refugees and ex-combatants.

Greater emphasis must be given to supporting smooth and timely transitions of societies out of conflict and from emergency relief assistance to development. Donors were encouraged to develop funding mechanisms specifically to support transitional strategies and to ensure timely disbursements. There was a need also to address structural challenges within the UN in order to support the integration of humanitarian and development and ensure sufficient resources to UN programmes in the post-emergency and recovery phase. Joint assessment missions by governments, donors and the UN were encouraged. Stronger partnerships among these actors and with local authorities, traditional leaders and civil society would clearly be required. The overall approach should be one of working with and building the capacities of national actors as well as of the displaced -- “doing with, rather than doing for”.

The question was posed: “When does displacement end?” The RSG on IDPs noted that his office was undertaking research and consultations on this issue and was developing criteria to help answer this question. The question raised a complex issue especially as the intentions of the displaced were difficult to predict; even though people might aspire to return at some level, they might not actually return. The conditions they had left might be inferior, for instance in terms of economic opportunity and public services, compared with those to which they had been exposed as a result of their displacement. Ensuring that IDPs had choices and freedom of movement was essential. To make sure they truly had choices, conditions needed to be created to make return or resettlement an attractive option in terms of ensuring conditions of safety, dignity, equality and opportunity and encouraging the area’s growth and development.

Response by National and Local Government

Participants recognized that the responsibility for dealing with internal displacement rested first and foremost with national and local government. Presentations and discussion focused on the responses and activities of the Governments of Sudan, Uganda, and Ethiopia.

Representatives from the Government of Sudan noted that it had made concerted efforts to address internal displacement for several decades. A committee headed by the First Vice President and including all of the relevant ministries had been established to address humanitarian issues, including those of IDPs. In 1995, the Humanitarian Affairs Commission had been created to further strengthen and consolidate the government’s approach. Very recently, a minister of humanitarian affairs had been added to the cabinet to oversee these matters at the highest level. The Ministry of Foreign Affairs also had an important role in liaison with the international community. A policy was adopted early on by the government guaranteeing the right of freedom of movement of IDPs, like all other citizens, and committing the government to finding long term solutions to displacement in the country.

Government officials further observed that, in addressing the problems of internal displacement, the Government of Sudan had acted under a number of constraints and with priorities not always well understood by members of the international community. First, it was important to realize that although there were many negative aspects of forced displacement in terms of causes and effects, there were positive aspects too, coming in particular from the social mixing and from the improvement of services many displaced persons encountered by moving to urban settings. The government kept these aspects in mind in its planning for return and resettlement. Secondly, political sanctions by the international community and the exclusive focus on relief rather than development assistance had not aided the government's efforts to bring about durable solutions, in particular inasmuch as it and Sudanese society were bearing the greatest burden in caring for the displaced. Only through investment in basic services and infrastructure, investment in the economic life of areas of resettlement and return, and plans for long term rehabilitation of IDPs and other affected populations would truly viable solutions be found.

Representatives of the Government of Uganda reported that it had formulated a comprehensive draft policy on internal displacement that was currently being considered by the cabinet and would likely soon be presented to parliament for adoption. The policy drew extensively on the Guiding Principles as well as other international human rights and humanitarian instruments and was designed to ensure that IDPs had the same rights and freedoms as everyone else under domestic law. Under its policy, Uganda would commit to protect citizens from arbitrary displacement, ensure that persons who are displaced receive needed protection and humanitarian assistance, promote voluntary return, resettlement or local integration, and ensure that IDPs are adequately informed about their rights.

The policy set forth a multi-sectoral and multi-disciplinary institutional framework to achieve these goals. It designated the Department of Disaster Preparedness and Refugees in the Office of the Prime Minister as the lead agency on IDPs nationally, but also provided for the establishment of inter-departmental committees on internal displacement at the national, district and sub-county levels. Under the policy, the Uganda Police Force and Uganda People's Defense Force (UPDF) were charged with ensuring the security of IDPs and the personnel of humanitarian agencies. The UPDF was mandated in particular to ensure the protection of IDP camps and to deter and halt any armed attacks on IDPs. The police and armed forces were also directed to ensure IDPs' freedom of movement, ensure that resettlement and return sites were free of mines and unexploded ordinance, conduct demining and mine awareness training and halt recruitment of children into armed conflict, as well as sexual violence against and exploitation of IDPs. The policy finally set out coordination mechanisms between the government and international and national humanitarian organizations and provided specific means for the dissemination of information to IDPs and the collection of IDP data.

Participants also considered the role that the Uganda Human Rights Commission (UHRC) had taken in the protection of IDPs as an example of what similar institutions in other states might do. It was noted that the UHRC had a broad constitutional mandate to investigate human rights violations, monitor standards, provide education, and engage in research. Most importantly, the Commission was mandated to provide recommendations to parliament every year on every aspect of human rights, including those of IDPs. The UHRC's activities in this

regard had underlined that the state's duty to protect and assist IDPs was not merely moral but legal and a matter of IDP rights.

Since 1998, the UHRC had been visiting IDP camps in northern Uganda periodically and reporting back to parliament and other government officials on the conditions therein. It was noted that the visits themselves gave the IDPs a sense of hope that someone in the government was concerned with their plight. The reports back to parliament served to raise awareness of the plight of the displaced and generated interest that contributed to the promulgation of the draft policy discussed above. The link forged by the UHRC between IDP populations and policy makers was identified as extremely important. The UHRC successfully advocated that the new policy be based on IDPs' rights, and that the budget assigned to IDPs have a component to answer issues concerning their rights. The UHRC had already begun holding seminars on the draft policy with the aim of translating the principles it articulated into action.

Representatives of the Government of Ethiopia noted that it addressed internal displacement in the context of its National Policy on Disaster Prevention and Management, whose underlying principles were that (1) during a disaster, human life should not perish for want of relief assistance, (2) relief interventions would be undertaken in a way that built self-reliance and contributed to the community, and (3) development activities would be geared toward the prevention of disasters. A major focus of the government's efforts for IDPs was to prevent displacement in the first instance. Accordingly, the government sought to provide assistance to persons in their own villages. Where displacement could not be avoided, the policy was to avoid setting up camps but rather to encourage and assist other communities to host the displaced until they could return. This was because the government had found that camps were expensive and led to undesirable social situations. However, there was a great need for more support, particularly from the international community, for host communities to enable them to absorb IDPs.

Response by Civil Society and Non-Governmental Organizations

Participants concurred that local civil society and NGOs were crucial to an effective response to internal displacement and that their role was frequently under-appreciated. It was pointed out that local NGOs were frequently the first to respond in crises, enjoyed greater access to the displaced themselves, and could serve as a link between those needing assistance and government and international humanitarian efforts.

It was asserted that the international community ought to make local NGOs their primary channel for assistance to IDPs because they were in a better position to mobilize people in affected areas and worked at the grassroots level. In Sudan, for instance, the National Development Organization had helped to promote grassroots reconciliation and return efforts in the Abyei area, leading to the return of several thousand displaced Dinka to their homes and a more peaceful and constructive interaction between the Dinka and the Missiriya Arabs. Likewise, the Sudan Red Crescent Society had mobilized community resources and other local NGOs to respond to the needs of the displaced in camps.

It was further asserted that local NGOs must also serve as advocates for the rights of the displaced with respect to their own governments. In Uganda, NGOs had been doing this with regard to human rights abuses occurring within IDP camps, particularly sexual violence, absence of educational opportunities, child abduction and the proliferation of HIV.

It was suggested that the local private sector had the potential to provide service to IDPs through targeted development. NGOs and other actors should seek out cooperation from business to harness some of these resources in productive ways.

IGAD was urged to provide a regular forum for local NGOs to exchange information and ideas about responding to the needs of IDPs. It was also recommended that IGAD assist local NGOs in mobilizing resources to assist IDPs and to build local capacity.

Response by Regional Organizations

Recognizing that IGAD was not the first regional organization to address the question of internal displacement, participants deemed it important to reflect upon the experience of other regional and sub-regional organizations as they considered IGAD's own course. In particular, they considered the involvement of the African Union and the Economic Community of West African States (ECOWAS) in the issue.

The African Union's predecessor organization, the Organization of African Unity (OAU), had been one of the first multi-national forums to address internal displacement, convening conferences in 1994 and 1996 that set the stage for the international community's current approach and focus on the problem. Both meetings had recommended greater OAU involvement in internal displacement, in particular through linking conflict prevention activities and programmes for refugees and the internally displaced.

The OAU Commission on Refugees, Returnees and Displaced Persons had also been active in monitoring situations of internal displacement in Africa and disseminating the Guiding Principles. The current Chair of the Commission informed the participants that members were discussing the possibility of drafting an additional protocol to the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa that would focus on the rights of IDPs.

The African Commission on Human and People's Rights had addressed the issue by a variety of means. It had passed numerous resolutions on issues of IDP protection and raised IDPs' problems in consideration of state reports. Its special rapporteur for women had raised IDP issues in connection with women and children in Burundi and Rwanda. It had also addressed IDP issues in the context of a complaint brought against a state party; in the Social and Economic Rights Action Center (Ogoni) Case, the Commission had found Nigeria in violation of the African Convention on Human and People's Rights in connection with actions of its armed forces forcing Ogoni persons from their homes, destroying farmlands and sowing terror.

The participants also reviewed the experience of ECOWAS, a sub-regional organization like IGAD. ECOWAS states had placed emphasis on the prevention of conflict, which was the primary cause of displacement, as well as on the importance of undertaking commitments to address the protection, assistance and development needs of internally displaced children. In addition, five initiatives in the ECOWAS region emanating from a seminar on migration held in Dakar in 2002 were highlighted since they could be of particular interest and relevance to IGAD at this time:

- *Data collection*, including ensuring disaggregated data, on internal displacement. ECOWAS states at the seminar had decided to establish a region-wide permanent observatory on migration, including the issue of internal displacement and based on the definition of “internally displaced persons” provided by the Guiding Principles.⁵
- *Promotion and dissemination of the Guiding Principles on Internal Displacement*, including encouraging their use by member states as a guideline for measuring conditions on the ground, a tool for collecting data and a framework for policies and laws.
- *Training* for government officials, civilian and military, and local partners on internal displacement and the Guiding Principles.
- *The development of national laws and policies* to address the protection and assistance of internally displaced persons. To this end, ECOWAS states had considered it might be useful for the ECOWAS Secretariat to draft a model national law on internal displacement.
- *Establishing a focal point office or body* within ECOWAS to focus on the issue of internal displacement, either as an issue on its own or as part of a comprehensive approach that includes both refugees and IDPs.

The IGAD Secretariat pointed out that IGAD already had a mandate to become involved in IDP issues, inasmuch as its establishing agreement made specific reference to cooperation in facilitating the reintegration of displaced persons. In addition, IGAD’s mandates to address food security, conflict prevention, early warning and economic cooperation and integration were linked to prevention of displacement and could have an impact on bringing existing displacement crises to an end.

In light of the foregoing, the following suggestions were offered with regard to the role IGAD might play in addressing internal displacement in the sub-region:

1. Provide a regular forum for member states, UN and other humanitarian organizations and NGOs to discuss IDP issues,

⁵ The ECOWAS states added explicit reference to development-induced displacement in their definition.

2. Assist member states in developing regional strategies on internal displacement,
3. Assist member states in developing national policies, plans, strategies and laws on IDP issues,
4. Promote cooperation among member states in finding durable solutions and examination of the root causes of internal displacement,
5. Promote the Guiding Principles and their application in the region,
6. Advocate for victims of disasters, including IDPs,
7. Develop a regional programme to mitigate displacement based on its existing Disaster Risk Management Programme and create a regional disaster management body,
8. Mobilize resources to build the capacity of the Secretariat and member states in order to address the issue,
9. Establish a Unit in the Secretariat to address issues related to refugees, returnees and IDPs, and
10. Network with other regional organizations to share experiences on internal displacement.

International Response: UN Agencies, International NGOs and Donors

Given the enormity of the internal displacement problem in the region, participants recognized that national governments, local NGOs, and the IGAD organization would not be able to fully address it without the assistance and solidarity of the international community. The approaches taken by the UN, other inter-governmental organizations, international NGOs and donors were therefore of great importance.

In this regard, it was noted that United Nations agencies and international NGOs had adopted the Guiding Principles as the overarching framework of their approach to internal displacement. The main constraints on the ground were those of security and access, as discussed above. However, the UN also suffered from self-imposed constraints, in particular with regard to the gaps between the mandates of various agencies and between conceptual categories of “relief” and “development”.

It was urged that the UN and other international humanitarian organizations adopt a more comprehensive approach to displacement issues, in particular with regard to durable solutions. Efforts to address the issues of IDPs should be coordinated with those for

refugees, expellees (such as persons expelled by Ethiopia and Eritrea across each other's borders), demobilized soldiers, war-affected pastoralists, and others in similar circumstances. Likewise, international organizations ought to take better account of the needs of host communities. It was noted that governments in the region were seeking to implement integrated approaches and their international partners should be prepared to assist.

The problems of being constrained by conceptual "boxes" and a lack of a comprehensive approach were also deemed relevant for donors. It was pointed out that donors had encouraged the Government of Eritrea, working with the UN country team, to develop a recovery programme integrating responses for various war-affected and drought-affected groups as part of its request for assistance. However, after it had done so, donors failed to respond, giving only 3 percent of what had been requested for non-food items and 34 percent of food as of the beginning of the year. It was also noted that donors' preference for relief over development aid in general, and for in-kind food assistance over non-food assistance and the purchase of local crops, impeded national efforts to create lasting solutions. A related issue was the provision of genetically-modified products, which were unacceptable to their trading partners.

The representative of the United States of America noted that his country was reevaluating and refocusing its humanitarian programmes. In order to have a larger impact, conceptual barriers between activities in the areas of humanitarian assistance, conflict resolution, promotion of democracy and good governance were being removed and humanitarian access would increasingly be used as an entry point to help promote peace processes. He noted that Sudan was an example of this new approach. There, the US had negotiated with the government and SPLM/A in 2001 to send a single humanitarian assistance flight into the Nuba Mountains, an area previously inaccessible to international aid. The confidence gained by the success of this initiative led to more assistance being brought in, and opened the door to the cease-fire agreement signed for the Nuba Mountain area and to the current advancements in the overall peace process. Similar opportunities in other areas were currently being sought. With regard to food aid, it was noted that United States aid officials were seeking ways to increase the amount of cash in food programmes, but that legislation would have to be changed to do so.

It was noted that international humanitarian NGOs greatly assisted national responses to internal displacement. They were able to be more flexible in the design of their programmes and in their methods of operation and could mobilize additional resources from the international community, including states and other sources. However, like international organizations, they were greatly reliant on the cooperation of national authorities and found their effectiveness blunted where those authorities restricted their access, over-regulated their activities, and failed to ensure their security. It was further noted that some NGOs, such as CARE – a major humanitarian actor in the region, were trying to move away from an approach exclusively focused on emergency relief, and toward one incorporating longer-term responses, in particular through mechanisms to build local capacity and the self-reliance of beneficiaries.

Conclusion

As the above summary of deliberations makes clear, the participants in this first IGAD experts meeting on internal displacement fully recognized the need to analyze the serious impact of massive uprootedness within the different countries in a sub-regional context and to seek means for member states and their partners to cooperate across borders to find solutions. Although internal displacement takes place within states, cross-border dynamics – including inter-state conflict, the impact on neighboring states of intra-state conflicts and phenomena such as cattle rustling, arms proliferation, and drought – contribute to displacement in the sub-region and also act as impediments to the search for durable solutions. Participants determined that the way forward must be pursued simultaneously by actors at three levels: (1) the member states, (2) the IGAD Secretariat, and (3) the international community.

IGAD's member states had much to share with each other regarding their experiences in addressing internal displacement, particularly in light of the agreed-upon need for the development of comprehensive national policies. Common issues identified were problems such as humanitarian access and protection, and the imperative of properly focusing on the needs of women, children, the elderly and disabled. When developing comprehensive strategies, it was urged that member states and their partners in the international community take into account both emergency and long-term requirements, the situations of both internally and externally displaced persons, as well as the needs of host communities.

Participants also discussed the value of an international normative framework for internal displacement, as set forth in the Guiding Principles on Internal Displacement. While it was pointed out that the Guiding Principles are not themselves binding, many participants recognized that they could be a useful tool in the development of national policies, noting that some member states have already begun to use them in this way. In addition to the development of such policies, participants considered various means of promoting the rights of IDPs, including the use of national human rights institutions, noting in particular the example set by the Uganda Human Rights Commission.

Finally, the participants affirmed that a sub-regional strategy on internal displacement would be valuable, and noted that IGAD and its Secretariat were well placed, both in terms of their existing mandate and in their growing standing as a vehicle for cooperation among member states, to develop such a strategy and assist the member states in implementing it. They expressed their willingness to remain engaged with the issue and to support IGAD in deepening its involvement in issues of internal displacement.

The consensus that emerged at the experts meetings as to how to address the issue of internal displacement in the IGAD region formed the basis of the Declaration subsequently adopted by the Ministers on 2 September (attached as Appendix E).

Rapporteurs: David Fisher, Erin Mooney, and Keflemariam Sebhata

Appendix A

AGENDA

EXPERTS MEETING CONFERENCE ON INTERNAL DISPLACEMENT IN THE IGAD REGION

*Khartoum, Sudan
August 30 - September 1, 2003*

Saturday, August 30: Overview and Thematic Issues

8:30 AM REGISTRATION

9:00 AM WELCOMING STATEMENTS AND INTRODUCTIONS

Dr. Mustafa Osman Ismail, Minister for Foreign Affairs, Republic of Sudan

Dr. Attalla H. Bashir, Executive Secretary, Inter-Governmental Authority
on Development (IGAD)

Dr. Mukesh Kapila, United Nations Resident/Humanitarian Coordinator,
Sudan

Dr. Francis M. Deng, Representative of the United Nations Secretary-General
on Internally Displaced Persons

Roger Winter, Assistant Administrator, Bureau for Democracy, Conflict and
Humanitarian Assistance, United States Agency for International
Development (USAID)

**9:25 AM ELECTION OF BUREAU
ADOPTION OF AGENDA**

9:30 AM GLOBAL OVERVIEW OF INTERNAL DISPLACEMENT

The numbers of internally displaced persons worldwide have grown dramatically over the last decade, to a current estimate of 25 million persons. In 1992, at the request of the United Nations Commission on Human Rights, the Secretary-General appointed a Representative on Internally Displaced Persons. The first part of this session provides an overview of the problem worldwide and the activities of the mandate to be presented by the Representative. The second part of the session will focus on the work of the IDP Unit, created within the Office of the Coordination of Humanitarian

Affairs in 2002 order to strengthen the UN's overall field response to issues of internal displacement.

Moderator: Daniel Yifru, Director, Political and Humanitarian Affairs
Division, IGAD

Presentations

Dr. Francis M. Deng, Representative of the United Nations Secretary-General
on Internally Displaced Persons

John Rogge, Senior IDP Advisor, Office for the Coordination of Humanitarian
Affairs / Internal Displacement Unit (OCHA/IDP Unit)

Discussion

10:30 AM Coffee Break

11:00 AM INTERNAL DISPLACEMENT IN THE IGAD REGION

Although numbers are difficult to determine, it is estimated that there are more than five million internally displaced persons in the IGAD region. The causes are multiple. Internal and international conflicts have displaced millions, especially in Ethiopia, Eritrea, Kenya, Uganda, Somalia and Sudan. Natural disasters have also taken their toll. The current drought in the Horn of Africa has affected more than 17.5 million persons in Ethiopia, Eritrea and Somalia and displaced unknown numbers of persons. This session will outline the scope and consequences of conflict and drought-induced displacement in the region and summarize the overall trends.

Moderator: Musa Bungudu, Deputy Humanitarian Coordinator, Eritrea

Presentations

General Overview and Presentation of Background Study: Dr. Sheraf El Din Bannaga, IGAD Consultant

Focus on Conflict-Induced Displacement: Andreas Danevad, Database Coordinator, Norwegian Refugee Council Global IDP Project

Focus on Drought and Displacement: Trends and Conditions: Ibrah Hagos (Ethiopia) and Dr. Michael Gebrehiwet (Eritrea), IGAD Consultants

Discussion

12:00 PM THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT

In 1998, the first comprehensive international standards for internally displaced persons, the Guiding Principles on Internal Displacement, were presented to the UN Commission on Human Rights. The Commission, the

Economic and Social Council and the General Assembly have acknowledged them and encouraged their use and dissemination. Regional organizations in Africa, Europe and the Americas have also acknowledged them and have been using them in their work, as have international organizations and many NGOs. States affected by internal displacement have also increasingly begun to integrate the Principles into their national policy and legislation. This session will review the origin and content of the Principles and discuss the different ways that states, regional organizations, UN agencies and NGOs can apply the Principles to dealing with situations of displacement.

Moderator: Dr. Mutref Sadig, Under-Secretary, Ministry of Foreign Affairs, Republic of Sudan

Presentation

David Fisher, Senior Legal and Research Officer, Brookings Institution-SAIS Project on Internal Displacement

Discussion

1:00 PM Lunch

2:30 PM PROTECTION AND HUMANITARIAN ACCESS

Persons forced to flee their homes often find themselves in urgent need of food, water, shelter, health services, and other necessities. Moreover, displacement can heighten vulnerability to armed conflict, landmines, and human rights violations. This session will address issues of access to humanitarian assistance in the IGAD region and the means to integrate protection into institutional responses.

Moderator: Dr. Mutref Sadig, Under-Secretary, Ministry of Foreign Affairs, Republic of Sudan

Presentations

Humanitarian access for IDPs in the IGAD region: Calum MacLean, Chief, OCHA, Somalia

Integrating IDP protection into institutional response: Juerg Montani, ICRC Deputy Head of Delegation, Sudan

Discussion

3:30 PM Coffee Break

4:00 PM PARTICULARLY VULNERABLE DISPLACED PERSONS

Displacement can entail elevated vulnerability to want, physical danger, and loss of livelihood. Some groups within the displaced population are particularly vulnerable, including women, such as female heads of household, children, elderly, and disabled persons. This session will seek to identify the particular concerns of these groups in the IGAD region, the extent to which they are being addressed and strategies to improve response, in particular through national policies.

Moderator: Jeanine Cooper, Humanitarian Affairs Officer, OCHA Regional Service Office

Presentations

Women and Children IDPs: Dr. Andrew Mawson, Chief of Rights, Protection and Peace Building Section, UNICEF Sudan and Kate Halff, Programme Director, Save the Children UK

Elderly and Disabled IDPs: Erich Beining, Programme Director, Helpage International Sudan Programme

Discussion

5:00 PM Close of Session

7:30 PM Reception hosted by the Government of Sudan at the Green Village in Burry

Sunday, August 31: International, Regional and National Response

9:00 AM DURABLE SOLUTIONS: RETURN, RESETTLEMENT AND REINTEGRATION

A “durable solution” to internal displacement is found when displaced persons are able to resume stable, secure lives by returning to their places of origin or resettling in another part of their country. This session will focus on conditions for safe and voluntary return or resettlement, including the issues of protection of returnees, property restitution and compensation.

Moderator: Dr. Mukesh Kapila, UN Resident/Humanitarian Coordinator, Sudan

Presentations

Creating Enabling Environments for Return and Reintegration: John Rogge, Senior IDP Advisor, OCHA/IDP Unit

Marv Koop, United Nations Development Programme (UNDP), Sudan

9:45 AM RESPONSE BY NATIONAL AND LOCAL GOVERNMENT

As a basic element of sovereignty, responsibility for meeting the protection and assistance needs of the internally displaced rests first and foremost with national and, through them, local authorities. This session will identify the means through which national and local governments in the IGAD region are seeking to respond to the needs of their internally displaced populations, including through the development of national policies, laws and institutions to address the issue, the level of effectiveness they have achieved, and how their response can be strengthened. It also will look at the role that national human rights institutions can play.

Moderator: Daniel Yifru, Director, Political and Humanitarian Affairs Division, IGAD

Presentations

Sulaf Al Deen Saleh, Commissioner General of Humanitarian Affairs, Republic of Sudan

Mwesigwa Shem, Senior Resettlement Officer, Department of Disaster Preparedness, Uganda

J.M. Aliro Omara, Commissioner and Acting Chair, Uganda Human Rights Commission

Discussion

10:45 AM Coffee Break

**11:15 AM RESPONSE BY CIVIL SOCIETY AND LOCAL NON-
GOVERNMENTAL ORGANIZATIONS**

Civil society and non-governmental organizations play a crucial role in supporting and supplementing governmental response to internal displacement and ensuring that those responsible for assistance and protection of the internally displaced remain accountable. This session will address how civil society and NGO resources are being harnessed in the IGAD region, the degree and quality of cooperation with governments and UN agencies, and how the response may be strengthened.

Moderator: H.E. Mull Katende, Ambassador of Uganda to Sudan

Presentations

Hussein Mudhir, Chairman, Pader NGO Forum, Uganda

Amnuelwork Abebe, Executive Director, Agency for the Assistance of Refugees, Displaced and Returnees, Ethiopia

Omar Osman Mahmoud, Secretary General, Red Crescent Society, Sudan

Discussion

12:00 PM RESPONSE BY REGIONAL ORGANIZATIONS

Regional organizations are playing a pivotal role in focusing attention on issues of internal displacement, promoting the Guiding Principles, and encouraging collective efforts to find solutions. In this session, the potential for IGAD's role will be examined in light of the experiences of other regional organizations, in particular, the African Union and the Economic Community of West African States.

Moderator: Mehreteab Fessehaie Zego, Director General, Department of Repatriation and Reintegration, Eritrean Relief and Rehabilitation Commission

Presentations

AU: Dr. Emanuel V.O. Dankwa, University of Ghana, past chair, African Commission on Human and People's Rights

Developments at ECOWAS: Erin Mooney, Deputy Director, Brookings Institution-SAIS Project on Internal Displacement

IGAD: Daniel Yifru, Director, Political and Humanitarian Affairs Division, IGAD

Discussion

1:00 PM Lunch

2:30 PM INTERNATIONAL RESPONSE: UN AGENCIES, INTERNATIONAL NGOS, AND DONORS

International humanitarian, human rights and development organizations are crucial partners in providing assistance and protection to the internally displaced and finding durable solutions for their plight. This session will explore their activities in the IGAD region, the degree of cooperation between international actors and national governments, and means to strengthen coordination and partnerships as part of a regional response to internal displacement. This session will also look at the role of donors.

Moderator: H.E. Rosaline Murray, Ambassador of Canada to Sudan

Presentations

UN agencies: Mukesh Kapila, UN Resident/Humanitarian Coordinator, Sudan

International NGOs: Leo Roozendaal, Country Director, CARE Sudan

Donors: Roger Winter, Assistant Administrator Bureau for Democracy, Conflict and Humanitarian Assistance, USAID,

Discussion

3:30 PM Coffee Break

4:00 PM CONCLUSIONS AND RECOMMENDATIONS

This session will bring together the major conclusions and recommendations reached during the seminar, identifying a program of action for IGAD and for its member states through which protection, assistance and reintegration and development needs of internally displaced persons in the region can best be met. The session will also aim to provide specific recommendations for action to participants of the ministerial meeting.

Moderator: Dr. Francis M. Deng, Representative of the United Nations Secretary-General on Internally Displaced Persons

Presentation by Rapporteurs

Discussion

5:00 PM Close of Session

Monday, September 1: Final Approval of Report

9:30 AM – Visits to IDP camps facilitated by the Government of Sudan
12:00 P.M.

**2:30 PM CONSIDERATION OF REPORT AND DRAFT IGAD
DECLARATION**

Moderator: Dr. Francis M. Deng, Representative of the United Nations Secretary-General on Internally Displaced Persons

Presentation by Rapporteurs

Discussion

4:30 PM CONCLUDING REMARKS

John Rogge, Senior IDP Advisor, OCHA/IDP Unit

Dr. Francis M. Deng, Representative of the United Nations Secretary-General on Internally Displaced Persons

Dr. Attalla H. Bashir, Executive Secretary, IGAD

Dr. Mutref Sadig, Under-Secretary, Ministry of Foreign Affairs, Republic of Sudan

5:00 PM Close of Meeting

7:30 PM Reception hosted by the Government of Sudan at the Palace Hotel

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Appendix C

BACKGROUND PAPER

Introduction

Over one hundred armed conflicts have been recorded worldwide since the end of the Cold War,ⁱ yet the number of refugees has declined from a high of approximately 18 million in 1992,ⁱⁱ to approximately 11 million today.ⁱⁱⁱ Unfortunately, these contrasting statistics do not speak to a reduction in the amount of population displacement. During the same period, the number of internally displaced persons has risen from approximately 16 million in 1989^{iv} to a current estimate of 25 million in 50 countries.^v

Governments bear the primary responsibility to ensure the assistance and protection of internally displacement persons as a crucial element of their sovereignty. However, the conditions that contribute to displacement in the first instance – e.g. war, social upheaval, and natural disaster (such as the ongoing drought in the Horn of Africa) – often impede governments' abilities to react effectively. Regional and international organizations, and their member states acting in mutual support, can therefore have a useful role to play in supporting governments to address the issues of internal displacement and to ensure the rights of the displaced.

This conference will take important steps toward identifying such a role for IGAD and its member states. Its purposes are to review the causes, consequences and trends of internal displacement in the region, discuss the Guiding Principles on Internal Displacement and their application to these circumstances, support the IGAD countries in developing and implementing effective policies, laws and institutions for dealing with internal displacement, and explore the role that IGAD as a regional organization can play. To supplement discussions on these issues, this paper will provide a brief overview of displacement in the region, discuss the background, content and increasing use of the Guiding Principles on Internal Displacement, and review examples of what other regional organizations have done to address internal displacement in their regions.

Overview of Displacement in the IGAD Region

A staggering proportion of the world's internally displaced persons, more than one-fifth of the global total, is found in the countries of the IGAD Region. Sudan is particularly affected, with an estimated 4 - 4.5 million internally displaced.^{vi} However, significant internally displaced populations can also be found in Uganda (600,000-840,000), Somalia (350,000), Kenya (230,000), Ethiopia (90,000-329,000) and, to a lesser extent, Eritrea (58,000 – 75,000).^{vii} Most of the internal displacement in the IGAD region has occurred in the context of armed conflict, either from civil wars, such as the decades-long war in Sudan, the linked internal conflict in Uganda, and the disastrous conflict in Somalia, or from inter-state conflicts as between Ethiopia and Eritrea. However, a significant proportion of internal displacement throughout the region can also be attributed to natural disasters, most notably drought and floods, as well as violence not amounting to full-scale war, such as the inter-ethnic feuding in Kenya.

Sudan is not only the most affected country in the region (hosting more than 70% of the area's internally displaced population), but has the highest number of internally displaced of any country in the world.^{viii} A substantial number of southern Sudanese have fled to Khartoum, with many of them now in encampments on the outskirts of the main city, where they face serious hardship, lack of access to employment, limited safe drinking water, food insecurity and disease.^{ix} Elsewhere in the country, in particular in the south, where years of fighting have destroyed productive assets, displaced persons frequently suffer continued physical danger and lack of food, water and shelter, in particular when access by humanitarian agencies is restricted.^x However, peace talks between the government and the Sudanese People's Liberation Movement/Army (SPLM/A) have led to renewed hopes that the civil war might be ended and that return might be a real possibility for the millions of internally displaced persons. Indeed, efforts to foster inter-communal peacemaking and IDP returns in the Abyei area have brought promising results.^{xi}

In Uganda, fighting between the government and the rebel Lord's Resistance Army (LRA) in the north of the country, and deliberate attacks on civilians by the LRA have been the primary cause of internal displacement in the country and a continuing barrier to its resolution.^{xii} Lack of security remains a primary issue for these internally displaced, especially children, who are subject to continuing abduction and recruitment raids on displaced persons camps by the LRA.^{xiii} Moreover, displaced persons living in these camps are in dire need of basic access to education, health, water and sanitation.^{xiv}

The conflict in Somalia is longstanding and has caused enormous displacement, both internal and external, as competing factions have sought dominance over various parts of the country. The number of displaced is much lower today than its height in 1992 when there were 2 million internally displaced, but new displacement continues as a result of renewed fighting, drought, and other causes.^{xv} Most of the displaced come from marginalized ethnic groups, and three-fourths are women and children.^{xvi} Access to humanitarian assistance is extremely limited, particularly for those living in peri-urban areas, and discriminatory violence and human rights abuses against the internally displaced are common.^{xvii}

In both Ethiopia and Eritrea, many of the displaced fled their homes during the border war that erupted between these countries in 1998.^{xviii} In Eritrea, the vast majority of those displaced by the conflict have been able to return, but the drought has caused new displacement for several thousands of persons, and delays in final border demarcation, mine clearing, and rehabilitation are contributing to the delay in return of the remaining conflict-displaced.^{xix} In Ethiopia, many of the conflict-displaced remain unable to return for similar reasons, as well as limited access to farming land, while drought and floods have caused significant new displacement.^{xx}

Finally, in Kenya, displacement has resulted from communal violence related to ethnic tension and land disputes fuelled by political parties in the 1990s.^{xxi} Living conditions for the internally displaced are reportedly poor, with many living in temporary camps, to which access by humanitarian organizations is sometimes denied, and others subsisting in urban environments for which they lack necessary coping and job skills.^{xxii} Returns have been hampered by issues of property entitlement, including nationalization of properties, lack of documentation, and the results of sales of land under duress.^{xxiii}

In light of the many problems faced by the internally displaced, coordinated and effective national policies focused on the internally displaced could be of significant aid to

strengthening government response. Both Uganda and Sudan have taken important steps in this regard. As these and other IGAD member states contemplate appropriate policies, and national human rights institutions seek to enhance implementation of these policies, it is useful to look to the existing normative framework for the internally displaced at the international level.

The Guiding Principles on Internal Displacement

The Guiding Principles on Internal Displacement^{xxiv} are the first international standards specifically tailored to the needs of internally displaced persons. They have been recognized at the national, regional and international levels as an important and practical tool for policy-making, monitoring, and empowering the internally displaced themselves.

They are the direct outcome of the creation in 1992 of the mandate of the Representative of the Secretary-General on Internally Displaced Persons, who was appointed at the request of the United Nations Commission on Human Rights. Dr. Francis M. Deng, who has held this post since its inception, was charged with examining the existing normative framework for internally displaced persons in light of their particular needs. Working with a team of legal experts, Dr. Deng undertook a comprehensive study of existing international law affecting the internally displaced, resulting in the “Compilation and Analysis of Existing Norms,” published in two parts in 1996^{xxv} and 1998.^{xxvi} This study concluded that existing human rights and humanitarian law provided adequate coverage for internally displaced persons’ protection and assistance needs in many areas, but determined, in light of the existence of some grey areas and gaps in the coverage of specific needs, as well as the diffusion of the relevant provisions among multiple instruments, that a comprehensive framework focused on the internally displaced should be developed.

Accordingly, at the request of the Commission and the General Assembly,^{xxvii} the Representative and his legal team developed the Guiding Principles. The Guiding Principles mainly restate existing international law, but, in a few instances, also apply and interpret the law to clarify its effect in the particular circumstances of the internally displaced. Thus, for instance, although no international treaty explicitly states that internally displaced persons may not ordinarily be confined to camps, Guiding Principles 12(2) and 14 assert such a rule as an obvious implication of the right of free movement, which is recognized in all the major international human rights instruments.^{xxviii}

The Guiding Principles apply to all three “phases” of displacement: prevention, protection and assistance during displacement, and return, resettlement and reintegration. They prohibit arbitrary displacement, including apartheid, ethnic cleansing, or military evacuations in the absence of threat to the safety of the civilians or imperative military reasons.^{xxix} Further, they set forth a broad range of rights addressing the protection and assistance needs of persons once they are displaced. As is clear from Guiding Principles 14-23, protection of the internally displaced encompasses a broad range of economic, social, cultural, civil and political rights, including the right to basic humanitarian assistance (food, medicine, shelter), the right to be protected from physical violence, the right to education, freedom of movement and residence, political rights such as the right to participate in public affairs and the right to participate in economic activities. In the solutions phase, the Guiding Principles not only emphasize the importance of voluntary return in safety and dignity, resettlement or local integration, but of the need to assist the displaced to recover their property and possessions or, when restitution is not possible, compensation or just reparation.

The Guiding Principles, pay special attention to the special needs of women and children. The Principles also acknowledge that certain internally displaced persons may require particular attention - especially unaccompanied minors; expectant mothers, mothers with young children and female heads of household; persons with disabilities; and elderly persons.

Since the Principles were first presented in 1998, various UN organs, including the Commission on Human Rights, the Economic and Social Council and the General Assembly, have expressed their appreciation for the Representative's use of them in his dialogues with governments, intergovernmental bodies and non-governmental organizations, and this activity has been expressly noted by the Security Council.^{xxx} The heads of the major international humanitarian agencies, acting through the Inter-Agency Standing Committee welcomed and endorsed the Guiding Principles, and have encouraged their members to share them with their staff and apply them in the field.^{xxxi} As described in further detail below, regional organizations have also expressed support for the Guiding Principles and put them to use in their efforts on behalf of the internally displaced.

Most importantly, the utility of the Guiding Principles is beginning to be demonstrated at the national level. Several governments, including Angola, Burundi, and Colombia have expressly incorporated the Guiding Principles into domestic law. Others, such as Uganda have promulgated a national policy based on the Guiding Principles. Afghanistan and Peru are also currently contemplating the development of a policy based on the Principles. In still other states, NGOs and members of civil society have used the Guiding Principles as a framework for analyzing existing law and policy, and even some non-state actors, including the SPLM/A, have begun to look to the Guiding Principles as a guide for protecting and assisting the internally displaced persons in their zones of influence.^{xxxii}

The Guiding Principles have been translated into 32 languages, including Arabic, French, Somali and Swahili.^{xxxiii} In addition, a secondary literature, actively supported by the Representative, has developed to guide in the interpretation and application of the Guiding Principles on the ground.^{xxxiv}

Regional Responses to Internal Displacement

While circumstances differ, many regional organizations share similar goals in promoting political stability, facilitating peaceful resolution of conflicts, encouraging economic cooperation, and sharing information and resources to tackle regional problems. Members of a number of these organizations have realized in recent years that situations of internal displacement, though ostensibly a domestic problem, can be rooted in regional as well as national dynamics, and that displacement crises can be destabilizing both politically and economically across borders. They have therefore been exploring their potential in supporting national responses to internal displacement.

In Africa, the Organization of African Unity (OAU), now reconstituted as the African Union (AU), has held a series of meetings on internal displacement, designed to make its member states more aware of and more involved in resolving the problem. In 1994, the OAU Commission on Human and Peoples' Rights held a seminar on the protection of African refugees and internally displaced persons. That same year, the OAU together with the United Nations High Commissioner for Refugees (UNHCR) organized a regional symposium on refugees and forced population displacements.^{xxxv} Both meetings recommended greater OAU

involvement in addressing internal displacement, in tackling its root causes, and in forging stronger linkages between conflict resolution activities and programs on behalf of refugees and internally displaced persons.

Subsequently, in 1996, the OAU co-sponsored a regional conference with UNHCR on displacement in the Great Lakes region of Africa. In 1998, in collaboration with the Representative, the Brookings Project on Internal Displacement and UNHCR, the OAU cosponsored a workshop in Addis Ababa on internal displacement in Africa to promote more effective strategies for protecting and assisting internally displaced persons.^{xxxvi} The workshop was the first to recommend that the OAU establish a focal point on internal displacement to collect data on the problem and monitor, disseminate and implement the Guiding Principles. OAU staff were interested in having a focal point but resources to date have been a prohibitive factor.

Over the past few years, the OAU Commission on Refugees, Returnees and Displaced Persons has also begun to monitor conditions of internally displaced persons in its visits to different countries. In 1999, it formally acknowledged with appreciation the Guiding Principles on Internal Displacement. And the “Compendium of OAU Instruments and Texts on Refugees, Returnees and Displaced Persons in Africa,” published in 2000, includes the text of the Guiding Principles.

ECOWAS has also given attention to the issue of internal displacement. In April 2000, at the Conference on War-Affected Children in West Africa, ECOWAS ministers adopted a declaration, which welcomed the Guiding Principles and called for their application by ECOWAS member states. This declaration was subsequently adopted at the ECOWAS Summit of Heads of State and Government in December 2000. In September 2002, the office of the Representative and the Brookings-SAIS Project on Internal Displacement joined a seminar on migration in West Africa for ECOWAS member states, sponsored by ECOWAS and the International Organization for Migration (IOM) and held in Dakar.^{xxxvii} Among the recommendations emerging from the seminar was the development of national laws on internal displacement using the Guiding Principles as a framework.

At a follow-up conference on migration policy in East Africa, the Horn and the Great Lakes region, organized by The International Migration Policy Programme (IMP) in collaboration with the African Union, governments reaffirmed their commitment to the Nairobi Conclusions, adopted at a conference held in 2002, to enhance national protection capacities with respect to internally displaced persons. They reported back on actions undertaken in the area of protection of internally displaced persons and other vulnerable groups in the period between the IMP Nairobi Conference (2002) and the Addis Ababa Follow-up Conference (2003). Reports included steps taken toward national legislation that has been adopted or is in the process of being adopted; accession and/or commitment to accede to international instruments; and the need for training of personnel who are responsible for refugees and internally displaced persons. Finally, governments reaffirmed their commitment to the Guiding Principles as a useful tool and standard for addressing situations of internal displacement.^{xxxviii}

Important work in this regard is also taking place in other parts of the globe. The Organization of American States (OAS) has been particularly active, becoming the first regional body to appoint a focal point for internal displacement in 1996. Its Inter-American Commission on Human Rights, a body of experts, made one of its members a Special

Rapporteur for internally displaced persons “in recognition of the grave situation of internally displaced persons in several countries of the Hemisphere.” In addition in 1998, the Inter-American Commission formally endorsed the Guiding Principles on Internal Displacement as an authoritative guide to applicable international law. It now uses them as a checklist for evaluating conditions in different countries.

In Europe, the Organization for Security and Cooperation in Europe (OSCE), in September 2000, devoted an all-day meeting to migration and internal displacement in order to identify ways in which OSCE institutions, field operations and participating states could enhance their response to internal displacement. That same year, the OSCE Chair outlined areas in which the OSCE could make a contribution. Of particular relevance to IGAD is the recommendation that OSCE staff begin to monitor and report on affected populations, provide advice to governments on national laws and best practices, disseminate the Guiding Principles within the region and use them in the activities of the organization. The OSCE also recently collaborated with the Brookings Project on Internal Displacement and the Georgian Young Lawyers Association in organizing reviews of national legislation in Georgia, Armenia and Azerbaijan in light of the Guiding Principles. A book reflecting the findings of these reviews was published this year.^{xxxix} In July 2003, the OSCE’s Parliamentary Assembly adopted a declaration urging OSCE Ministers to consider “endorsement of the UN Guiding Principles on Internal Displacement or the adoption of key aspects of those Guiding Principle as OSCE commitments.”^{xl}

Another European regional organization, the Council of Europe, whose main focus is human rights, undertakes fact-finding missions to areas of displacement, publishes reports, adopts resolutions, and deploys experts to the field. In September 2001, the Parliamentary Assembly’s Committee on Migration, Refugees and Demography, together with the Representative, the Office of the UN High Commissioner for Human Rights and the Brookings Project on Internal Displacement, jointly convened a seminar on internal displacement and application of the Guiding Principles in Europe. As a follow-up to this meeting, the Committee has appointed a rapporteur on internal displacement and is preparing a report containing recommendations to Council of Europe member states, for consideration by the Assembly.

As can be seen, regional organizations have clearly undertaken initiatives to deal with the problem of internal displacement, but far more can and should be done by each of these organizations. Nonetheless, their efforts have at least demonstrated that important first steps can be taken, such as holding conferences, appointing focal points, monitoring situations, sending field missions, and promoting policies and norms consistent with international human rights standards, as conveniently set forth in the Guiding Principles, even where resources are scarce.

Conclusion

Internal displacement is a pressing issue in nearly every IGAD state. Much remains to be done at the national level to effectively address the protection and assistance needs of the internally displaced and to set the stage for durable solutions to their plight. To reinforce these efforts, regional and international policies and programs can prove valuable. This conference is a pioneering effort by IGAD to explore the regional dynamics of the problem in eastern Africa and to find means to cooperate in finding solutions. In doing so, participants can benefit from the example of regional efforts elsewhere and from the normative framework laid out in the Guiding Principles on Internal Displacement,

recognized across the globe as a useful tool for formulating, evaluating, and monitoring national policy and laws on internally displaced persons.

Prepared by the Office of the Representative of the Secretary-General on Internally Displaced Persons.

ⁱ See Peter Wallensteen & Margareta Sollenberg, “Armed Conflict, 1989-2000,” *Journal of Peace Research* 38 (5): 629-644.

ⁱⁱ See UNHCR, *WORLD REFUGEE REPORT*, 310 (2000).

ⁱⁱⁱ The most recent figures are for 2002. See 2002 UNHCR Population Statistics (Provisional), Population Data Unit, PGDS/DOS (4 August 2003), available at <http://www.unhcr.ch>.

^{iv} National Intelligence Council, Global Humanitarian Emergencies: Trends and Projections, 2001-2002, figure 3, available at <http://www.cia.gov/nic/pubs/index.htm>.

^v See Norwegian Refugee Council, Global IDP Project Database, www.idpproject.org (hereinafter “Global IDP Project Database”). These figures include only those displaced by armed conflict, generalized violence, and human rights abuses.

^{vi} Sources for the number of displaced persons in the IGAD region vary significantly. The ranges cited here are derived from the United States Committee for Refugees, *World Refugee Survey 2003* (hereinafter “*World Refugee Survey*”), and the Global IDP Project Database.

^{vii} *Id.* These sources report no population of internally displaced persons in Djibouti.

^{viii} *World Refugee Survey*, 7.

^{ix} See Report of the Representative of the Secretary-General on Internally Displaced Persons, Mr. Francis Deng, submitted pursuant to Commission on Human Rights Resolution 2002/56, Addendum 1, UN Doc. E/CN.4/2003/86/Add.1 ¶¶ 18-25 (hereinafter, “RSG Sudan Report 2003”); Norwegian Refugee Council, *Internally Displaced People: A Global Survey*, 74-78 (2d. ed. 2002) (hereinafter, “Global Survey”).

^x See *Global Survey* at 74-78.

^{xi} See RSG Sudan Report 2003, ¶¶ 28-34.

^{xii} See *Global Survey* at 79. Additional pockets of displacement also exist near the western border and in the east of the country. See Global IDP Project Database.

^{xiii} See Office of the High Commissioner for Human Rights Press Release, Rights Expert Expresses Determination to Raise Awareness of Internal Displacement in Uganda (Aug. 15, 2003) (reporting on Dr. Deng’s recent mission to Uganda).

^{xiv} *Id.*

- xv See Global IDP Project Database.
- xvi *Id.*
- xvii *Id.*
- xviii *Id.*
- xix *Id.*
- xx *Id.*
- xxi See *id.*; *World Refugee Survey*, 78.
- xxii See *Global Survey* at 54-55.
- xxiii *Id.*
- xxiv U.N. Doc. E/CN.4/1998/537/Add.2.
- xxv U.N. Doc. E/CN.4/1996/52/Add.2.
- xxvi U.N. Doc. E/CN.4/1998/53/Add.1.
- xxvii See, for example, Commission on Human Rights Resolution E/CN.4/RES/1996/52 ¶ 9 (19 April 1996) (“call[ing] upon the representative of the Secretary-General to continue on the basis of his compilation and analysis of legal norms, to develop an appropriate framework in this regard for the protection of internally displaced persons”)
- xxviii See Walter Kälin, *Guiding Principles on Internal Displacement : Annotations*, American Society of International Law Studies in Transnational Legal Policy No. 32, 31-33 & 36-36 (2000) (hereinafter, “Guiding Principles Annotations”).
- xxix Guiding Principle 6.
- xxx See Report of the Representative of the Secretary-General on Internally Displaced Persons, Francis M. Deng, submitted pursuant to Commission on Human Rights Resolution 2002/56, U.N. Doc. E/CN.4/2003/86 ¶¶ 15-20 (hereinafter, “2003 CHR Report”).
- xxxi *Id.*
- xxxii See Brookings-SAIS Project on Internal Displacement, *Seminar on Internal Displacement in Southern Sudan* (November 25, 2002), available at http://www.brookings.edu/fp/projects/idp/conferences/rumbek_report_20021125.htm.
- xxxiii The Arabic and French versions are available on the website of the Office of the High Commissioner for Human Rights (http://www.unhchr.ch/html/menu2/7/b/principles_lang.htm). Versions in Somali or Swahili, or other languages, are available at: <http://www.idpproject.org/training.htm>

^{xxxiv} See, e.g., Brookings Institution Project on Internal Displacement, *Handbook for Applying the Guiding Principles on Internal Displacement* (1999), available at Inter-Agency Standing Committee, <http://www.reliefweb.int/idp/docs/references/handbookGPonIDP.pdf>; *Manual on Field Practice in Internal Displacement* available at http://www.reliefweb.int/ocha_ol/pub/IDPManual.pdf; Walter Kälin, “How Hard is Soft Law? The Guiding Principles on Internal Displacement and the Need for a Normative Framework,” Statement at the Ralph Bunche Institute for International Studies Roundtable, New York, December 19, 2001, available at <http://www.brookings.edu/dybdocroot/fp/projects/idp/articles/WKPresentation12-19.htm>; and the Guiding Principles Annotations available at http://www.asil.org/study_32.pdf. For information about obtaining hard copies of these publications, contact David Fisher at + 41 22 917 9127 or dfisher@ohchr.org.

^{xxxv} See Roberta Cohen & Francis M. Deng, *Masses in Flight: The Global Crisis of Internal Displacement*, 217 (Brookings, 1998).

^{xxxvi} For a summary, go to <http://www.brookings.edu/fp/projects/idp/conferences/contents.htm>.

^{xxxvii} *Id.*

^{xxxviii} See The International Migration Policy Programme, *Summary Report and Conclusions*, Follow-Up Conference to the International Migration Policy Conference for East Africa, the Horn of Africa and the Great Lakes Region, (June 2003).

^{xxxix} See The Guiding Principles on Internal Displacement and the Law of the South Caucasus: Georgia, Armenia and Azerbaijan (Walter Kälin, Roberta Cohen and Erin Mooney, eds., American Society of International Law, 2003).

^{xl} The Rotterdam Declaration, OSCE Parliamentary Assembly, July 2003.

Appendix D

RECOMMENDATIONS OF THE EXPERTS MEETING

(adopted by the Ministerial Conference, 2 September 2003)

A. Member States

1. Develop national policies on internal displacement using the Guiding Principles on Internal Displacement as a useful reference, much as some member states have already begun to do. Such policies should:
 - a. Comprehensively address all phases of displacement: prevention, protection and assistance during displacement, and durable solutions;
 - b. Specify the institutional arrangements for addressing IDP issues;
 - c. Address the protection, assistance and reintegration needs of displaced women and children, who make up the majority of the displaced, with special attention to women heads of households, adolescents and other especially vulnerable groups;
 - d. Ensure that the particular needs of elderly and disabled persons are adequately addressed;
 - e. Integrate protection into programming for IDPs;
 - f. Support and strengthen the efforts of host communities;
 - g. Integrate humanitarian and development approaches that promote self-reliance and support the coping mechanisms of IDPs;
 - h. Promote durable solutions, i.e. return, resettlement or integration, and ensure that they are carried out voluntarily and in conditions of safety and dignity;
 - i. Provide the necessary support so that chosen durable solutions remain viable for the long term;
 - j. Give access to land and facilitate abandoned return of property of IDPs;
 - k. Involve the displaced in decisions related to their assistance, protection and durable solutions and, in particular, ensure that women, children, the disabled and the elderly are given a voice;
 - l. Protect the natural environment in areas of displacement.
2. Empower the community and work in cooperation with national civil society and the international humanitarian community to address IDP issues;
3. Establish national human rights institutions and encourage them to address the issue of internal displacement;
4. Ensure compliance with international humanitarian law, human rights law and regional standards by all military and civilian personnel;

5. Take the necessary steps to implement regional, i.e. OAU/AU and IGAD decisions and plans of action relating to displaced persons, and take note of the AU's interest in developing a specific protocol on IDPs, using the Guiding Principles on Internal Displacement among the references;
6. Commit themselves to work together towards sustainable peace in the region as a durable solution to the problem of displacement, including by supporting peace-building initiatives and the development of a "culture of peace"
7. Support and encourage the use of traditional methods of dispute settlement and conflict resolution in a manner consistent with international humanitarian and human rights standards;
8. Provide humanitarian access to internally displaced persons for humanitarian organizations and to protect the safety and security of humanitarian workers;
9. Provide for security in IDP encampments and settlements;
10. Address human rights abuses, such as sexual assault, exploitation, enforced prostitution, ill-treatment and other gender-related security issues;
11. Address abduction and recruitment of children;
12. Address the dangers of landmines, in particular through clearance and mine safety awareness campaign;
13. Compile accurate and timely data on the internally displaced, disaggregated by age and gender;
14. Ensure that IDPs are included in HIV/AIDS prevention and response strategies and programmes;
15. Allocate resources in national budgets to respond to internal displacement;
16. Provide a progress report to the IGAD Secretariat on the implementation of these recommendations on a semi-annual basis.

B. IGAD

17. Develop a regional strategy on internal displacement;
18. Develop regional strategies to address phenomena that exacerbate problems of internal displacement, including small arms proliferation and cattle rustling;
19. Assist member states in developing national policies, plans and strategies on issues of IDPs;
20. Integrate consideration of internal displacement into IGAD's Disaster Risk Management, early warning, and peace promotion programmes;
21. Provide a forum for states to discuss IDP issues and exchange information and to incorporate these issues into the existing IGAD Civil Society Forum as well;
22. Disseminate and provide information to Member States about the Guiding Principles on Internal Displacement and best practices;

23. Facilitate in developing regional projects / programmes in mitigating disasters and formulation of rehabilitation projects / programmes based on the IGAD regional Disaster Risk Management Programme that has been developed with the member States;
24. Accelerate and strengthen the implementation of CEWARN (Conflict Early Warning) in support of preventing further displacement;
25. Compile, analyze and disseminate data on internal displacement;
26. Study and assess situations of internal displacement in IGAD member states and make recommendations;
27. Convene a meeting with donors to address the return and reintegration needs of IDPs.

To implement these recommendations, it is further recommended that IGAD:

28. Establish a Unit within the Secretariat to handle issues of forced displacement;
29. Seek resources from the member states and the international community for IGAD to carry out the recommended activities and fund the Unit.

C. The International Community

30. Support the strengthening of national capacities, both governmental and non-governmental, for addressing the protection, assistance and recovery needs of internally displaced persons;
31. Strengthen the institutional capacity of the IGAD secretariat in developing programmes for addressing internal displacement;
32. Respond to humanitarian crises quickly and with adequate assistance;
33. Devote greater efforts and resources to bridging the relief to development gap, including by developing flexible funding mechanisms to support transitional strategies;
34. Find ways to break down institutional barriers to a holistic approach to the problems of internally displaced persons, refugees, demobilized combatants, and other persons affected by conflict, that also ensures attention to their specific needs;
35. Make greater efforts to work in full partnership with governments and national NGOs to address IDP issues.

Appendix E

KHARTOUM DECLARATION

Ministerial Conference on Internally Displaced Persons in the IGAD Sub-Region

We, the Ministers representing the Member States of the Intergovernmental Authority on Development (IGAD) meeting in Khartoum,

Noting the conclusions and recommendations of the Experts Meeting from 30th August to 1st September, 2003;

Considering the situation of internally displaced persons, (IDPs) in the sub-region;

Recalling the decision taken by the IGAD Council of Ministers during the AU Summits in Durban and Maputo in 2002 and 2003 respectively, to convene an IGAD ministerial meeting on the issue of internal displacement caused by natural and man made disasters;

Cognizant of the fact that the aims and objectives of IGAD include promoting peace, stability and development in the sub-region, and determining that finding durable solutions to internal displacement is an indispensable step to realizing lasting peace stability and development;

Reaffirming the undertaking by the IGAD Member States to facilitate the voluntary return, reintegration or resettlement of displaced persons in cooperation with relevant governmental and non-governmental organizations in accordance with the existing national, regional and international instruments;

Recognizing that the problems of internal displacement affect all Member States in the sub-region and constitute a threat to socio-economic development, political stability, national security and the environment;

Noting with great concern that displaced women, children, elderly and disabled persons constitute the majority of the internally displaced and are often among the most vulnerable;

Noting with deep concern also that resources made available by the international donor community are still below the basic needs of the IDPs;

Reaffirming that the primary responsibility of protecting and assisting the internally displaced and finding durable solution lies with the national Governments and that the role of the international community is to complement the national effort ;

Taking note of the Guiding Principles on Internal Displacement as a useful tool for developing and evaluating appropriate national policies and legislation on internal displacement and noting also that the Principles compile the existing international law related to internal displacement;

1. **Express** our concern over the persisting problem of internal displacement in the region, and the growing deterioration of the humanitarian situation of the IDPs, due to the recurrence of natural disasters and intra- and interstate conflicts;
2. **Take note** with appreciation of the efforts of the Representative of the Secretary-General on Internally Displaced Persons and commend him for promoting prevention of internal displacement, assistance to internally displaced persons, and durable solutions to their plight;
3. **Commend** the efforts of the Member States, UN agencies, other international agencies, donors as well as national and international NGO's which have continued to provide assistance to IDPs;
4. **Call upon** the international community to continue providing support for meeting the urgent needs of IDPs and in implementing rehabilitation, recovery and sustainable development programmes;
5. **Call** for the strengthening of co-operation between IGAD, AU, the UN and its agencies, particularly the United Nations Office for the Coordination of Humanitarian Affairs and other humanitarian organizations, with a view to coordinating their programmes and activities related to IDPs and streamlining their actions in the struggle to mitigate disasters in the sub-region;
6. **Reiterate our commitment to continue to** address the root causes of the problem of internal displacement and to continue creating conditions conducive for voluntary return and reintegration, local integration or resettlement of IDPs;
7. **Agree** to cooperate in encouraging the development of comprehensive national policies on internal displacement and in this regard,
 - i. **Acknowledge** that such policies must be consistent with international human rights and humanitarian law;
 - ii. **Note** that the Guiding Principles on Internal Displacement can serve as a useful tool for addressing IDP issues;
 - iii. **Commit** ourselves to continue directing particular attention to the development of policies ensuring the protection of the internally displaced and to addressing the needs of especially vulnerable groups, such as women heads-of-household, children, disabled and elderly persons;
 - iv. **Reaffirm** that such policies should take into account the needs and rights of internally displaced persons as well as the host communities;
 - v. **Call upon** the international community to support Member States in developing such policies;

8. **Pledge** and urge all concerned actors to provide humanitarian access to internally displaced persons for humanitarian organizations and to protect the safety and security of humanitarian workers;
9. **Call upon** the international community and member states to provide the necessary funds for the IGAD Executive Secretary to establish a unit on forced displacement within the IGAD Secretariat to, inter alia, collect data on displacement in the region, disseminate the Guiding Principles on Internal Displacement, provide technical assistance to member states in developing and monitoring policies on internal displacement, and explore further means of sub-regional cooperation to address issues of forced displacement;
10. **Endorse** the proposal of the Current Chairman of IGAD Council of Ministers to declare the 2nd of September of each year as IGAD IDPs Day;
11. **Reiterate the** need for firm commitment of all authorities in the IGAD sub-region to intensify their efforts with a view to finding lasting and durable solutions to the problems of displacement in order to enhance the prospects for long-term peace, security and development;
12. **Urge** Member States and all authorities in the IGAD region to continue to ensure the full participation of all segments of the displaced populations, in particular women and children, in decision-making on issues which affect their rights and welfare, including voluntary return, reintegration, local integration, resettlement and peace building programmes;
13. **Appeal** to Member States and the International Community to provide support and resources for reconstruction, resettlement and rehabilitation efforts of countries emerging from conflicts;
14. **Intensify** efforts aimed at enhancing democracy, rule of law, good governance, respect for human rights and fundamental freedoms and international humanitarian law in order to ensure stability and security in the sub-region;
15. **Call on** Member States to take the necessary steps to implement the relevant provisions in the Declaration and Recommendations adopted by the OAU Ministerial Conference on Refugees, Returnees and Displaced Persons held in Khartoum, Sudan from 13-14 December 1998;
16. **Invite** Member States to work out modalities to ensure the implementation of this Declaration and to report progress on implementation to the 23rd Session of the IGAD Council of Ministers.

Khartoum, Sudan
2 September 2003