

Moreover, HC/RCs in many countries report to Special Representatives of the Secretary-General who easily put political concerns over humanitarian and human rights objectives.

Developing partnerships with other agencies engaged in protection, whether inside or outside the UN, will reinforce UNHCR's role. The Office of the High Commissioner for Human Rights (OHCHR), for example, recently set up a human rights monitoring programme in Nepal to focus on the human rights and protection of civilians, including IDPs. OHCHR should be encouraged to become more involved in IDP protection activities on the ground in different countries. UNICEF should also be encouraged to play more of a protection role given the plight of so many internally displaced children. In Uganda, tens of thousands of children are at risk each night from abduction and maiming, yet there are few international protection staff on the ground. Closer collaboration with UN peacekeepers will also be

needed since they are increasingly called upon to assume protection responsibilities for IDPs yet often receive little training in how to protect IDPs (and in Sierra Leone and DRC were implicated in the sexual harassment, rape and exploitation of internally displaced women and children).

Lastly, UNHCR will need to persuade donors to provide the resources to enable it to take on a greater protection role. Some donors in the past have resisted this. In 2002, for example, the US withdrew its support from a UNHCR programme to protect Angola's IDPs on the grounds that the agency should not use its limited resources on IDPs.

After many years in denial, the UN system has finally acknowledged the need to promote a more effective institutional response to the protection of IDPs. Giving the job to UNHCR has the potential to bring predictability and clarity to an area regularly described as the biggest

gap in the international response to IDPs.

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National responsibility and internal displacement: a framework for action

by Erin Mooney

National authorities have primary responsibility for protecting and assisting their internally displaced populations. But what, specifically, does this responsibility entail?

The Guiding Principles on Internal Displacement set forth the rights of IDPs and the obligations of national authorities towards them. Less clear, however, has been what governments concretely can do to ensure that these rights are respected and responsibilities fulfilled. To help, a Framework for National Responsibility has been developed that identifies 12 key steps for governments:

1. Prevention

Governments have a responsibility to prevent conditions that might compel populations to leave their homes and, in particular, to protect individuals against arbitrary displacement. Cultivating an environment of respect for human rights is critical. Early warning and rapid response mechanisms also need to

be developed to protect populations under threat, whether from conflict, abuse or natural disaster. Where displacement proves unavoidable, national authorities have a responsibility to minimise its adverse effects, provide for the safety and well-being of those affected and ensure that displacement lasts no longer than absolutely necessary. Governments have a particular obligation to protect against the displacement of indigenous groups, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

2. Raise national awareness of the problem

When internal displacement does occur, a government's recognition of the problem and of its responsibility to address the problem provides

the basic foundation for an effective national response. In more than one case, a government has categorised IDPs as 'migrants', presumably to deflect attention from the involuntary nature of their movement and to avoid its responsibilities. Public pronouncements about the problem of internal displacement are therefore important. A government's acknowledgement and use of the Guiding Principles would signal its recognition of the special needs of IDPs as well as of its obligations to protect their rights. It would also be a means of raising awareness about the problem, building national consensus and promoting solidarity with the displaced.

3. Data collection

Credible information on the number, location and condition of the internally displaced is essential for designing effective policies and programmes to address their needs and protect their rights. Data must be disaggregated by age, gender



IDPs in Colombia.

and other key indicators so that the specific needs of particular groups of IDPs can be taken into account. Attention must be given to the different causes of displacement. Furthermore, information is needed not only on IDPs in emergency situations but also on those in protracted situations of displacement. It should be noted that data collection and registration processes must in no way put at risk the security of the displaced or affect their legal entitlement to enjoy the protection and assistance of their government.

4. Training

Training on the Guiding Principles for government officials – including camp administrators, the military and police – is essential to ensure awareness of their protection and assistance duties towards IDPs. It also helps build government capacity and accountability. In addition, governments should welcome training initiatives for civil society and, most importantly, for IDPs themselves, who of course are entitled to know their rights. Indeed, it was in response to a request from the Government of Uganda that the first training workshop on the Guiding Principles was held and a

set of training modules on internal displacement developed by the Norwegian Refugee Council's Global IDP Project and the Office of the UN High Commissioner for Human Rights in 1999.¹ Similar training workshops, bringing together representatives of national and local government, civil society, IDP communities and international agencies, have since been held in over 20 countries.

5. A national legal framework

Because protection is, fundamentally, a legal concept, the development of a national legal framework upholding the rights of IDPs is a particularly important indicator of national responsibility and an important vehicle for its realisation. UN resolutions have encouraged states with internally displaced populations to develop strengthened national legal frameworks. An increasing number of governments, including Angola, Burundi, Colombia, Georgia and Peru, have done so, either by adopting new laws or revising existing legislation to be in line with the Guiding Principles. Civil society can further these efforts. In Armenia, Azerbaijan and Georgia, local lawyers and NGOs undertook a comprehensive analysis of national legislation and then began working with

their governments to bring national laws into line with the Principles.² Initiatives to strengthen domestic legislation on internal displacement are also underway in a number of other countries. To assist these efforts, the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons is developing a domestic legislators' manual identifying and providing legal guidance on the key elements for inclusion in national legislation on internal displacement [see article by Walter Kälin, pp8-9]. Of course, national responsibility must entail not only adopting such national legislation but also implementing it. The case of Colombia, where an impressively comprehensive national law on IDPs has been on the books since 1997, underscores this point dramatically.

6. A national policy or plan of action

The adoption of a national policy or plan of action is a distinct, though complementary, measure to the enactment of national legislation. It should, for instance, spell out national and local institutional responsibilities for responding to internal displacement as well as identify a mechanism for coordination. UN resolutions have encouraged governments of countries experiencing internal displacement to adopt national plans or initiatives to provide protection and assistance to IDPs. The Government of Uganda, for example, has developed a national policy on internal displacement using the Guiding Principles as a framework. In Nigeria, a similar exercise is underway following a series of public meetings soliciting the views of IDPs and local communities. A national policy on internal displacement will be most effective when developed in full consultation with civil society and IDPs. Once completed, a national policy or plan of action must be widely disseminated, especially to IDPs, in their own language and in a format they can easily understand.

7. A national institutional focal point

This is another ingredient critical to national responsibility for IDPs and coordination within the government and with local and international partners. Whether located within a new or existing agency, it is essential that the national institutional focal point for internal displacement has a

mandate for protection as well as assistance. Its staff should be trained on issues of internal displacement, in particular the Guiding Principles, and be expected to play a leading role in national efforts to verify that the rights of IDPs are respected and their needs addressed. This body will require political authority as well as adequate resources to carry out its mandate.

8. A role for national human rights institutions

National human rights institutions can help reinforce national responsibility by: investigating reports of violations and working to ensure an effective response by the authorities; providing awareness-raising and training programmes on IDP rights; advising on the development of national law and policy on internal displacement; and monitoring and reporting on its implementation. Governments need to acknowledge internal displacement as a human rights issue and support, both politically and financially, efforts by national human rights institutions to address it. An increasing number of national human rights institutions are beginning to focus attention on this issue but often require support. To this end, the Asia Pacific Forum of National Human Rights Institutions³ is working to assess members' capacity and provide assistance on IDP issues.

9. IDPs' participation in decision making

Involving the displaced and building upon their skills are critical to the effectiveness of responses. As

set forth in the Guiding Principles, governments have a responsibility to consult with IDPs, for instance in decisions for relocation and in the design and distribution of humanitarian assistance. Special efforts should be made to ensure the full participation of women in order to mitigate their vulnerability to sexual extortion and exploitation in obtaining food rations, as well as the risks of sexual violence that can be heightened by poor camp design. When it comes to finding durable solutions to displacement, moreover, consultation with the displaced is a key component of ensuring that their return or resettlement is voluntary. The formation of IDP associations – such as the Displaced Persons Council established in Afghanistan in 2003 – should be welcomed and supported.

10. Support durable solutions

National responsibility includes ensuring a durable solution for IDPs. Governments have a duty to establish conditions to allow IDPs to return voluntarily, in safety and dignity, to their places of habitual residence or, if they choose, to resettle in another part of the country. Under no circumstances should IDPs be encouraged or compelled to return or resettle to areas where their life, safety, liberty or health would be at risk. Where possible, monitors should accompany returns to verify that the process is voluntary and occurs in conditions of safety. Furthermore, the authorities have a responsibility to assist IDPs to recover property and possessions and, when this is not possible, to obtain compensation or another form of just reparation. Whether IDPs choose

to return or to resettle, national authorities also have a responsibility to facilitate reintegration and foster conditions enabling them to rebuild their lives. Indeed, strategies to restore livelihoods and promote self-reliance should be introduced as soon as possible after displacement occurs so as to avoid creating long-term dependency. IDPs must also enjoy equal access to public services, including health care and education, and be able to participate fully and equally in public affairs, including exercising their right to vote. Decisions as to 'when displacement ends' must not be taken arbitrarily but on the basis of objective criteria ensuring respect for IDPs' human rights.⁴

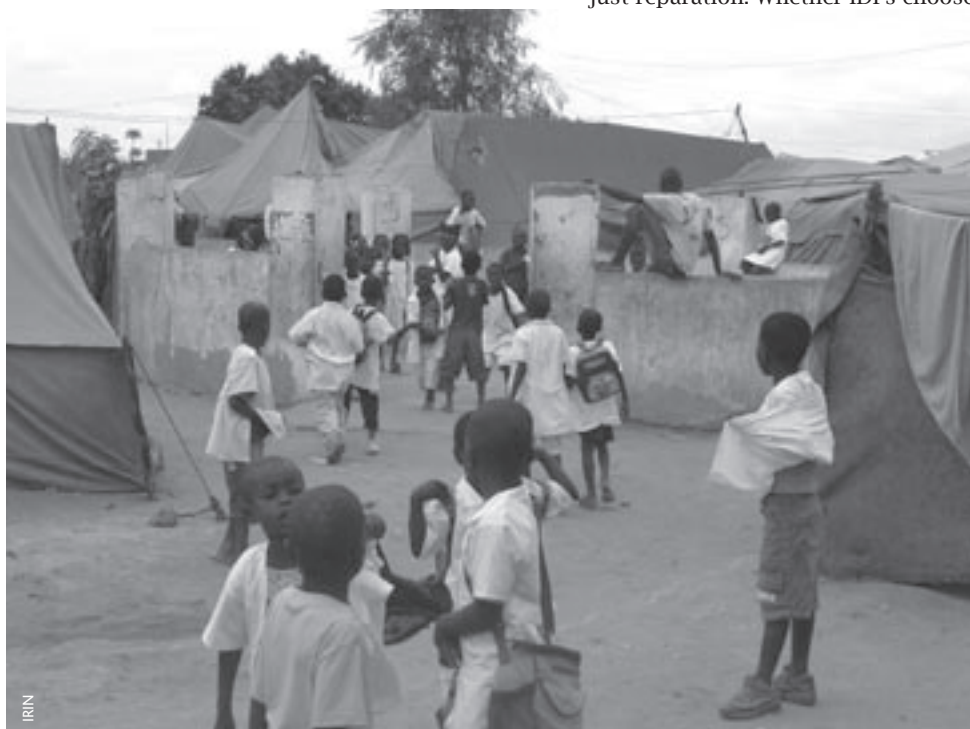
11. Allocate adequate resources

National responsibility requires governments to devote resources to address situations of internal displacement. Governments lacking the capacity to do so can and should turn to the international community for assistance. Where a government has resources at its disposal, however, it is unreasonable to expect the international community to shoulder the bulk of the financial burden. This was for many years a major complaint of donors in the case of resource-rich Angola. A government's indication, through whatever budget allocations are possible, that the issue of internal displacement constitutes a national priority can help secure international financial commitments to support national efforts.

12. Cooperation with international and regional organisations

When governments lack sufficient national capacity, responsibility requires giving safe and unimpeded access to international assistance. Inviting the Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons to visit and engage in dialogue with national authorities, civil society and IDPs would be one indicator. International and regional organisations in turn should stand ready to support governments demonstrating a readiness to fulfill their national responsibilities in situations of internal displacement. Ways in which they can do so include: providing technical assistance on issues such as registration and in the development of national laws and policies; offering training on the Guiding Principles; assisting IDPs to

IDP camp, Angola.



obtain replacement documentation; establishing a monitoring presence in areas where IDPs' physical security is at risk; and accompanying IDP returns and verifying that the process is voluntary and that conditions are safe in IDPs' areas of origin. Overall, the aim of international and regional efforts must be not to substitute for national efforts but to strengthen national accountability for protecting and assisting the internally displaced.

Fundamental characteristics of a national response

To be truly national, a government's response needs to be inclusive and non-discriminatory. It must embrace:

- **All causes:** including people uprooted by conflict, communal strife and serious violations of human rights as well as those uprooted as a result of natural and human-made disasters, development projects and other causes.
- **All groups:** National authorities have a responsibility to ensure that the special protection and assistance concerns of particular groups within IDP populations, including women heads of household, unaccompanied minors, persons with disabilities, the elderly, indigenous persons and ethnic minorities, are addressed.
- **All needs:** A national response requires an integrated approach that addresses protection as well as assistance concerns. This is true even in situations of natural disaster when, although material relief may be the most visible need, serious protection issues nonetheless can arise, as became apparent after the December 2004 tsunami.⁵
- **All phases:** National responsibility extends across all phases of displacement. It includes preventing arbitrary displacement, ensuring the security and well-being of people once they are displaced, and creating the conditions for durable solutions to their plight, namely through voluntary and safe return or resettlement and reintegration.
- **All authorities:** A national response requires the collective contributions of all relevant branches of government. Authorities at the local level, who are likely to be more directly in contact with displaced populations, need to ensure that national responsibility is effectively discharged in practice, not just in policy. The military and

police have specific responsibilities for ensuring IDPs' physical safety. Non-state actors, including insurgent groups, also have responsibilities under international humanitarian law and must be held accountable.⁶

Conclusion

Beyond the framework set forth in the Guiding Principles it is possible to pinpoint definite benchmarks and indicators clarifying national responsibility for addressing internal displacement. Each of the 12 key steps can enhance national efforts and benefit the internally displaced. Taken collectively, these benchmarks can constitute a comprehensive framework for action for fulfilling national responsibility in situations of internal displacement.

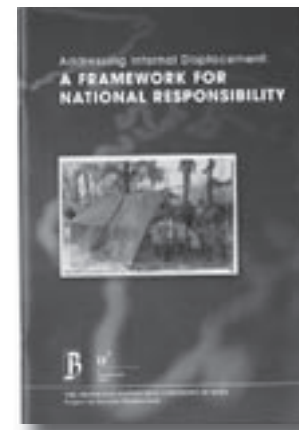
The Framework for National Responsibility can help governments address internal displacement and meet their obligations while also serving as a tool to enable international organisations, regional bodies, donors, national human rights institutions, civil society and the displaced themselves to monitor and assess the extent to which national responsibility is being effectively exercised.

The need for such a tool seems apparent from the active use of the Framework by governments and other actors around the world. For instance, its benchmarks provide the basis for the International Organization for Migration's (IOM) training on internal displacement for government policy makers and practitioners.⁷ In Iraq, IOM plans to use an Arabic translation of the Framework in its capacity-building work with the Ministry of Displacement and Migration. In Sierra Leone, the UN Office of the High Commissioner for Human Rights has incorporated the Framework into its training for police. In Russia and Sri Lanka, local groups are preparing versions of the Framework in local languages that will also include an assessment of the national response in light of the set of benchmarks.

Governments will, of course, need to tailor application of this framework to fit each country's particular conditions. It may also prove valuable to adapt the Framework on a regional basis, as has been done in the Americas.⁸ The Commonwealth is promoting the benchmarks as 'best

practices' among its member states.⁹ Such national and regional initiatives to promote and reinforce national responsibility are needed in order to improve the plight of the millions of internally displaced around the world who rely on their governments for protection and assistance.

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Addressing Internal Displacement: A Framework for National Responsibility by Erin Mooney (Brookings Institution-University of Bern Project on Internal Displacement, 2005), is available in English, French and Portuguese at: www.brookings.edu/idp/20050401_nrframework.pdf

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