

# A Developing Trend: Laws and Policies on Internal Displacement

by Jessica Wyndham\*

**I**NTERNALLY DISPLACED PERSONS (IDPs) ARE THOSE who have been forced from their home but, unlike refugees, remain within the borders of their own countries. Around the world, there are currently some 23.7 million women, men, and children uprooted by conflict, communal violence, and civil strife.<sup>1</sup> Many millions more have been displaced as a result of natural disasters and development projects. Cut off from their homes, communities, and livelihoods, IDPs are often in destitute conditions and vulnerable to human rights abuse.

For many years, the plight of IDPs remained largely ignored both by national authorities and international organizations. However, the 1992 appointment of a Representative of the Secretary-General on Internally Displaced Persons, Francis Deng, marked the commencement of sustained attention to developing solutions to the challenge of internal displacement. Among the many activities pursued by Deng and his successor, Walter Kälin,<sup>2</sup> has been the development of international standards for IDPs — the Guiding Principles on Internal Displacement (Guiding Principles)<sup>3</sup> — and their incorporation into domestic legal and policy frameworks.

First introduced into the United Nations in 1998, the Guiding Principles have become the basis for laws and policies in at least 16 countries. Indeed, the development of laws and policies on internal displacement is becoming a trend in all regions of the world. From Colombia to Sri Lanka, Uganda to Turkey, national authorities are developing legislation aimed at translating sometimes abstract provisions of the Guiding Principles into directives at the national level. This is a welcome development, reflecting the primary responsibility of national authorities for the protection of IDPs.

This article takes stock of the laws and policies that have been developed, examines the different models that have been created, draws attention to challenging issues that need to be addressed, and identifies tools to assist legislators and policymakers in enhancing protection for IDPs.

## GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT

THIRTY IN NUMBER, THE GUIDING PRINCIPLES are based on international humanitarian law, human rights law, and refugee law by analogy. They set forth the rights of IDPs and explain the obligations of national authorities and non-state actors towards these populations. They identify the various causes of internal displacement, including natural disasters, human-made disasters, conflict, and violations of human rights. In addition they cover all phases of displacement: the pre-displacement phase, displacement itself, and the return or resettlement and reintegration phase.

The Representative of the Secretary-General developed the Guiding Principles to improve protection and assistance for IDPs. Over the years, they have gained substantial international acceptance and moral authority. Resolutions of the Commission on Human Rights and General Assembly describe the Guiding Principles as “an important tool” and “standard.”<sup>4</sup> In March 2005 the United Nations Secretary-General’s report, “In Larger

Freedom,” urged Member States to accept the Guiding Principles as “the basic international norm for protection” of IDPs.<sup>5</sup> Similarly, heads of state and governments assembled at the World Summit in New York in September 2005 recognized the Guiding Principles as “an important international framework for the protection of internally displaced persons.”<sup>6</sup>



IDPs collecting food rations in Ardamata Camp, West Darfur.

The Representative of the Secretary-General also intended the Guiding Principles to “serve as useful points of reference in drafting national legislation relevant to the internally displaced.”<sup>7</sup> The Guiding Principles reflect and are consistent with international human rights law and international humanitarian law, but they are not binding upon states. The most effective way to ensure state compliance with the Guiding Principles, therefore, is for states to incorporate the principles into their domestic legislative framework.

## NATIONAL RESPONSIBILITY

ACCORDING TO PRINCIPLE 3(1) of the Guiding Principles, “national authorities have the primary duty and responsibility to provide protection and humanitarian assistance to IDPs within their jurisdiction.” The development of a national legal framework upholding the rights of IDPs and the adoption of a national policy or plan of action on internal displacement are considered part of the national responsibility of all states.<sup>8</sup>

The Representative of the Secretary-General has emphasized the importance of developing a national legal framework based on the Guiding Principles in all aspects of his work, including in his reports to the General Assembly<sup>9</sup> and to the Commission on Human Rights,<sup>10</sup> in his country missions,<sup>11</sup> and in his statements before international fora.<sup>12</sup> The call for national legislation has been echoed by Secretary-General Kofi Annan who in 2005 called on Member States to “promote the adoption of [the Guiding Principles] through national legislation.”<sup>13</sup>

From the outset following the dissemination of the Guiding Principles, a small but growing number of national governments and multilateral governmental organizations began to express their commitment to implementing the Guiding Principles through

\* Jessica Wyndham is the Legal Advisor on IDP issues for the Brookings-Bern Project on Internal Displacement at the Brookings Institution.

national legislation.<sup>14</sup> Countries that have developed laws, policies, plans, decrees, frameworks and protocols aimed at regulating some or all aspects of internal displacement include Angola, Burundi, Liberia, and Uganda in Africa; India and Sri Lanka in Asia; Azerbaijan, Bosnia and Herzegovina, Georgia, Russia, Serbia, and Turkey in Europe; and Colombia and Peru in the Americas. Only

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IDPs in Maslakh Camp, Afghanistan prepare a meal.

the laws of Azerbaijan, Colombia, and Georgia pre-date the Guiding Principles. The remainder have been developed and adopted since 1998. Afghanistan, Nepal, Nigeria, and the Philippines are in the process of drafting laws and policies.

#### EXISTING MODELS OF LAWS AND POLICIES

AN ANALYSIS OF EXISTING LAWS and policies on internal displacement reveals that there are four principal models: 1) a brief instrument adopting the Guiding Principles; 2) a law or policy developed to address a specific cause or stage of displacement; 3) a law or policy developed to protect a specific right of the internally displaced; and 4) a comprehensive law or policy addressing all causes and stages of internal displacement.

The first model is exemplified by the one page *Instrument of Adoption* of Liberia. Dated November 2004, this instrument adopts the Guiding Principles “as a source of ongoing guidance and reference for the protection, dignity and rights of internally displaced persons.”<sup>15</sup> The wholesale incorporation of the Guiding Principles may, at first glance, appear an effective way of ensuring the implementation of all provisions of the principles, suggesting absolute agreement with the principles and ensuring against the dilution of its provisions. However, such an approach denies national authorities, relevant governmental bodies, civil society, and IDPs themselves opportunities that the development of a more tailored law would present. These opportunities relate both to the process of developing a comprehensive law or policy and to the substance of that law or policy.

The Guiding Principles contain abstract general principles of international law that, in order to be effectively implemented in a national context, should be translated into concrete action on the ground that reflect each country’s situation. The process of developing a comprehensive law or policy presents an opportunity for all relevant stakeholders to share perspectives on the best practices for addressing internal displacement. This process would necessarily involve issues unique to each country such as the governmental bodies that need to be engaged in providing assistance and protecting the rights of IDPs; the vulnerable groups that could be adversely affected if displaced, for example, ethnic or linguistic minorities,

agriculturalists, the disabled, orphaned children, and women heads of household; the potential causes of internal displacement, including conflict, and natural and human-made disaster; and the diverse means of preventing or mitigating the effects of such conflicts and disasters.

A wholesale adoption of the Guiding Principles results in many unanswered questions, including: How are the rights of IDPs to be protected? By whom? With what funds? Is there a penalty for failing to protect the rights of IDPs? Who is monitoring compliance with the instrument?

The second model, the most common among existing instruments, is a law or policy that addresses a specific cause or specific stage of displacement. The *National Policy on Resettlement and Rehabilitation for Project Affected Families of 2003*<sup>16</sup> of India, for example, addresses displacement only as a result of development projects. The *Angolan Norms on the Resettlement of the Internally Displaced Populations*<sup>17</sup> address only the stage of return and resettlement. Laws and policies that address only return and resettlement have also been adopted in Azerbaijan, Bosnia and Herzegovina, Colombia, Nepal, and Serbia.<sup>18</sup>

“Laws seeking to deal jointly with refugees and IDPs may fail in adequately addressing the specific needs of each group. The lack of a logical and conceptual boundary could result in IDPs becoming ‘lost among other categories of forced migrants.’”

Most instruments in this category share two common characteristics. First, with the exception of the Indian policy, they all address return and resettlement, specifically in situations of conflict-induced displacement. Secondly, these instruments have all been developed in response to already existing situations of displacement.

The third model, like the second, is most often developed in relation to an existing situation of internal displacement. Yet instead of addressing a specific cause or stage of displacement, instruments representative of the third model address a specific right of IDPs. The *Turkish Law on the Compensation of Damages that Occurred due to Terror and the Fight Against Terrorism*<sup>19</sup> is one such law. It was developed specifically to facilitate the provision of compensation to those affected by on-going civil strife within Turkey, many of whom are IDPs. Another example is the United States *Hurricane Education Recovery Act*,<sup>20</sup> which was developed

following Hurricane Katrina and addresses, among other issues, the needs of displaced students and teachers.

The benefit of both the second and third models is that, because they were developed in response to existing situations of internal displacement, they reflect — to a greater or lesser extent — the particular institutional, procedural, and regulatory challenges faced by authorities, civil society, and the internally displaced in protecting IDPs’ rights. However, their scope is also limited, which leaves broader issues concerning IDPs unattended. Moreover, in practice, many of these laws and policies fail to address key substantive issues that would contribute to their effective implementation. For example, they may not provide a description of an IDP, identify funding sources, or provide a mechanism to monitor responsibilities.<sup>21</sup>

The fourth model, and one which is not yet common, is that of a comprehensive law or policy addressing all causes and stages of internal displacement. The Colombian Law 387<sup>22</sup> most closely approximates a comprehensive law on internal displacement. Although developed in the specific context of an on-going internal conflict, the law addresses all stages of displacement, from prevention of further displacement to creating durable solutions for return or resettlement and reintegration. The law also addresses a variety of causes of displacement, including internal armed conflict, civil tension, general violence, and violations of international humanitarian law. However, it does not address displacement as a result of natural disasters or development projects. The Ugandan *National Policy for Internally Displaced Persons*<sup>23</sup> also approximates a comprehensive policy, addressing all causes of internal displacement. Yet the policy does not specifically address prevention or solutions aimed at the long-term durability of return or resettlement.

### ISSUES OF CONCERN

WHILE A VARIETY OF MODELS EXIST for addressing internal displacement at the national level, an analysis of existing laws and policies reveals recurring gaps that require particular attention when developing a national legal framework. These include adherence to the Guiding Principles, in particular the definition of an IDP; identification of institutional responsibilities for implementing and monitoring the instrument; and inclusion of consultation and participation mechanisms for IDPs.

### DEFINITION OF AN IDP

The Guiding Principles on Internal Displacement are referred to with approval in many existing laws and policies.<sup>24</sup> Central to the Guiding Principles is the definition of an “internally displaced person,” as set out in the second paragraph of the introduction, which states that:

[I]nternally 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.

Many laws and policies on internal displacement do not include a definition of an IDP.<sup>25</sup> Of those that do include a definition, several quote directly or closely reflect the Guiding Principles.<sup>26</sup> In some cases, however, the definition of an IDP has been drafted to incorporate refugees and concepts borrowed from the Refugee Convention of 1951.<sup>27</sup> In the case of the Russian law relating to forced migrants, for example, the definition is not limited to those displaced *within* the

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“IDPs are citizens or residents of their own country. They retain all the rights and freedoms under international and domestic law that all other citizens enjoy. The state of being displaced is a factual situation; it is not a legal status.”

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country but includes those who have been forced to leave the country for reasons including “persecution for reasons of race, nationality ... or membership of some particular social group.”<sup>28</sup> This reference to “persecution” on certain grounds is a direct reference to the definition of a “refugee” found in the Refugee Convention.<sup>29</sup>

Laws that seek to deal jointly with refugees and IDPs run the risk of failing to adequately address the specific needs of both. Particularly in relation to the Russian law on forced migrants, the lack of a logical and conceptual boundary between refugees and IDPs has been highlighted as an issue of concern.<sup>30</sup> The definition of “forced migrant” includes Russian citizens and non-citizens, persons residing outside of the Russian Federation and within it, and persons who crossed international borders and persons who did not. Specifically for the IDPs, this situation is said to have resulted in them becoming “lost among the other categories of forced migrants.”<sup>31</sup>

Laws that apply refugee concepts to IDPs are also problematic. The Bosnia and Herzegovina law contains separate definitions for “displaced persons” (those who have remained *within* the country) and “returnees” (those returning from *outside* the country), but it applies the refugee concept of exclusion to IDPs.<sup>32</sup> This concept excludes certain individuals from being legally recognized as refugees, such as individuals who have committed certain crimes. This makes sense in the case of refugees, who seek a legal status from a host state where they are not citizens. Exclusion, however, is not a concept that can be applied to the internally displaced. IDPs are citizens (or residents) of their own country. They retain all the rights and freedoms under international and domestic law that all other persons in their country enjoy. Thus, the commission of a crime cannot affect whether a person is internally displaced. The state of being displaced is a factual situation; it is not a legal status. According to the Guiding Principles, the provision of a definition of internal displacement is not meant to create or limit new rights or entitlements, but rather to acknowledge a factual situation.

The definition contained in the Guiding Principles most accurately describes IDPs and should be used as the basis for any definition of an IDP contained in national laws and policies. The definition is broad and can be adapted as appropriate, for example

in the case where the law or policy seeks to address only one cause of displacement. The integrity of the definition should be retained and refugee concepts such as “exclusion” should not be introduced.

## IMPLEMENTATION AND MONITORING OF LAWS AND POLICIES

As noted above, the process of developing a law or policy on internal displacement is an opportunity to bring together all relevant stakeholders to consider the role that each should play in protecting the rights of IDPs. Also essential is the identification of specific institutions and organizations to oversee the implementation of policies and laws, ensure effective coordination, and guard against duplication or gaps in activities. Indeed, the *National Responsibility Framework* developed by the Brookings-Bern Project on Internal Displacement identifies the appointment of a national institutional focal point for IDPs as essential to carrying out the provisions of laws and policies.<sup>33</sup> A failure to identify the actors responsible for particular activities leaves IDPs and their advocates without any effective recourse for complaints.

Azerbaijan’s law on forcibly displaced persons<sup>34</sup> does not provide details on the institutional arrangements to implement the law, nor does it indicate who is to fund the measures identified in the law and who is to monitor its implementation. This law, however, is not representative of most laws and policies, the majority of which identify, with varying degrees of specificity, the institutional responsibilities of the government, and establish planning, monitoring, and coordinating mechanisms.

For example, the Georgian *Law on Forcibly Displaced Persons* contains a general statement about the responsibility of the Ministry of Refugees and Accommodation to coordinate the actions of other ministries and governmental offices in the realization of the rights of “persecuted persons.”<sup>35</sup> The more comprehensive Ugandan policy contains an entire chapter dedicated to “Institutional Arrangements, Roles and Responsibilities.” It identifies the lead agency for the protection and assistance of IDPs and incorporates all key ministries in various advisory capacities.

The Ugandan policy also provides a useful example of how to promote effective monitoring. The Ugandan Human Rights Commission is identified as the institution with primary responsibility for monitoring the protection of the human rights of IDPs.<sup>36</sup> The Commission is a national human rights institution (NHRI). These are quasi-independent organizations particularly well placed to monitor the implementation of laws and policies on internal displacement. Not all countries with NHRIs use them in this way, however. In Nepal for example, governmental monitoring systems are preferred over the more independent NHRI. The Nepalese *Relief Program for Internally Displaced People Due to Conflict for FY 2004/05* gives monitoring and evaluation responsibilities to government committees identified at the central, regional, and district levels.<sup>37</sup>

## CONSULTATION AND PARTICIPATION OF IDPS

The importance of including consultation and participation mechanisms for IDPs in any law or policy affecting their interests is derived from the Guiding Principles. The principles emphasize the importance of IDP participation in programs and decision-making processes that involve their interests. Guiding Principle 18(3), for example, requires that “special efforts be made to ensure the full participation of women in the planning and distribution of ... basic supplies.” Principle 29(2) stipulates that “special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.”

The general importance of consultation and participation in contributing to the effectiveness of humanitarian assistance is highlighted in the report of the Representative of the Secretary-General entitled “Protection of Internally Displaced Persons in Situations of Natural Disaster.”<sup>38</sup> The report notes the tendency of governments to centralize decision-making in the interest of efficient management, with the effect that IDPs are excluded from planning the location and layout of camps and settlements, the type of food and other items selected, the manner in which aid is distributed, and other matters central to their daily lives. This can heighten IDPs’ sense of helplessness, undermine the effectiveness of humanitarian assistance, and even put at risk IDPs’ physical security, especially that of women.<sup>39</sup>



Courtesy of Eskinder Debebe, UN/DPI

IDPs in Maslakh Camp, Afghanistan.

A handful of existing laws and policies contain consultation and participation provisions. The Angolan *Norms on Resettlement of the Internally Displaced Populations*, for example, requires that the provincial government ensure the active participation of displaced populations in the resettlement or return process.<sup>40</sup> The norms, however, do not elaborate on how such participation is to be facilitated and whether displaced populations will be able to participate in all, or only some, aspects of resettlement and return. The Ugandan policy is more detailed in its provisions inviting the participation of IDPs. Section 2.3.1(iii) requires the Human Rights Promotion and Protection Sub Committee to work in collaboration with IDP representatives to find ways to promote respect for and protect the human rights of IDPs. Section 2.4(v) states that representatives of displaced women shall be consulted and may be invited to participate in meetings of the District Disaster Management Committees.

Both the Angolan and Ugandan examples are rare among existing laws and policies, most of which do not contain any consultation or participation provisions. This omission from existing instruments threatens to undermine the effectiveness of these instruments and ultimately the likelihood of achieving durable solutions for the internally displaced.

In addition to the issues identified above, many other issues are often absent from existing laws and policies. Among these are measures for addressing the long-term sustainability of return and resettlement programs; provisions for supporting host communities and families, which often bear a large burden in assisting IDPs; and means for combating discrimination against IDPs (for example, IDPs uprooted by natural disaster often receive more assistance than those displaced by conflict, and IDPs of particular minorities or indigenous groups often face discrimination). Some of these issues depend not

only on political will but on donor priorities and practical considerations such as easy access to the IDPs. Nonetheless, if national authorities are sincere about developing a comprehensive legal or policy framework on internal displacement, they must address these questions. The process of developing the framework can then be used to garner support, both from national authorities and organizations, as well as from international donor and aid agencies.

### TOOLS TO ASSIST LEGISLATORS

IN ORDER TO MEET THE CHALLENGE posed by creating a comprehensive legal framework for IDPs, the Representative of the Secretary-General proposed in 2005 “to convene a series of consultative meetings ... with experts, lawmakers, and IDP advocates, with the goal of clarifying in detail how domestic law should contribute to the protection of IDPs.”<sup>41</sup> The outcome of these consultations will be the publication of a manual that will assist legislators and policymakers in drafting laws and policies. It will be completed in 2007.

The manual will address a broad range of issues from movement-related rights to documentation and education to humanitarian access. Substantive, procedural, and institutional elements of state regulation will be discussed as well as the international role relevant to each issue.

Another tool that will assist legislators and policymakers is the database of existing laws and policies now available on the website of the Brookings-Bern Project on Internal Displacement.<sup>42</sup> This database will be expanded, in collaboration with Georgetown University, to include all documents and statements of international, regional, and national authorities that refer to the Guiding Principles and the individual rights upon which they are based.

### CONCLUSION

INTERNAL DISPLACEMENT AFFECTS MILLIONS of people, both directly and indirectly. Until recently the issue received limited attention


by the international community and equally limited attention by states. The creation of the position of Representative of the Secretary-General on Internally Displaced Persons led to increased international awareness of the phenomenon of internal displacement and a growing consensus that national authorities have the responsibility to respect and protect the rights of IDPs.

The presentation of the Guiding Principles on Internal Displacement to the Commission on Human Rights in 1998 provided the catalyst for states to develop laws and policies on internal displacement. The legal and policy frameworks that currently exist reflect a diversity of approaches, ranging from a wholesale adoption of the Guiding Principles without details about implementation to a detailed adaptation of the Guiding Principles to address specific national circumstances. Some approaches are more effective than others in protecting IDPs.

The laws and policies also reveal the challenges inherent in translating international standards on IDPs into concrete legal or policy provisions at the national level. Problems have arisen over definitional issues while there have been gaps when it comes to setting up procedural and institutional mechanisms for implementing the substantive provisions of laws and policies. The participation of IDPs also requires greater attention.

The initiative of the Representative of the Secretary-General to develop a legislators’ manual should assist national authorities in drafting laws and policies on internal displacement. Most importantly it will provide clear guidance on how to translate the Guiding Principles into concrete legal and policy directives. However, there is one ingredient that is vital in the development and implementation of an instrument on internal displacement that neither the manual nor the Guiding Principles can provide: the political will required to ensure an effective legal or policy framework and its implementation.

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## ENDNOTES: A Developing Trend

- <sup>1</sup> Internal Displacement Monitoring Centre, *Internal Displacement: Global Overview of Trends and Developments in 2005*, March 2006, p. 6.
- <sup>2</sup> The Commission on Human Rights, Resolution 2004/55, provided the framework for a new mandate, that of Representative of the Secretary-General on the *Human Rights of Internally Displaced Persons* (emphasis added). Giving a specific human rights focus to the mandate, it invited the Representative to engage in coordinated international advocacy and action for improving protection and respect for the human rights of persons who have become internally displaced. In September 2004, Walter Kälin, a Swiss jurist, was appointed Representative.
- <sup>3</sup> Francis M. Deng, *Guiding Principles on Internal Displacement: Report of the Representative of the Secretary-General*, U.N. Doc. E/CN.4/1998/53, (Feb. 11, 1998).
- <sup>4</sup> United Nations, Commission on Human Rights, ¶ 7, U.N. Doc. E/CN.4/2005/L.60, (April 14, 2005). G.A. Res. 60/168, U.N. Doc. A/RES/60/168, (March 7, 2006).
- <sup>5</sup> Secretary-General, *In Larger Freedom: Towards Development, Security and Human Rights for All, Report of the Secretary-General*, ¶ 210, U.N. Doc. A/59/2005, (March 21, 2005).
- <sup>6</sup> G.A. Res. 60/L.1, ¶ 132, U.N. Doc. A/60/L.1, (Sept. 15, 2005).
- <sup>7</sup> *Guiding Principles on Internal Displacement*, U.N. Doc E/CN.4/1998/53 at ¶ 24.
- <sup>8</sup> Brookings Institution-University of Bern Project on Internal Displacement, "Addressing Internal Displacement: A Framework for National Responsibility," Washington D.C. 2005, p. 16-17. Also presented as Walter Kälin, *Annual Report of the Representative for the Secretary-General on Human Rights of Internally Displaced Persons*, U.N. Doc. E/CN.4/2006/71, (Jan. 12, 2006).
- <sup>9</sup> See, e.g., *Report of the Special Representative of the Secretary-General on Internally Displaced Persons*, ¶ 20-21, U.N. Doc. A/58/393, (Sept. 26, 2003).
- <sup>10</sup> Francis M. Deng, *Report of the Representative of the Secretary-General on Internally Displaced Persons*, ¶ 26, U.N. Doc. E/CN.4/1997/43, (Feb. 4, 1997); Francis M. Deng, *Specific Groups and Individuals: Mass Exoduses and Displaced Persons: Report of the Representative of the Secretary-General on internally displaced persons*, ¶ 100, U.N. Doc. E/CN.4/2002/95, (Jan. 16, 2002); Francis M. Deng, *Specific Groups and Individuals: Mass Exoduses and Displaced Persons: Report of the Representative of the Secretary-General on Internally Displaced Persons*, ¶ 69, U.N. Doc. E/CN.4/2003/86, (Jan. 21, 2003); Francis M. Deng, *Specific Groups and Individuals: Mass Exoduses and Displaced Persons: Report of the Representative of the Secretary-General on Internally Displaced Persons*, ¶ 19, U.N. Doc. E/CN.4/2004/77, (March 4, 2004).
- <sup>11</sup> See, e.g., Walter Kälin, *Annual report of the representative of the Secretary-General on human rights of internally displaced persons, Mission to Nepal*, ¶ 67(a), U.N. Doc. E/CN.4/2006/71/Add.2, (Jan. 7, 2006); Francis M. Deng, *Specific Groups and Individuals: Mass Exoduses and Displaced Persons: Report of the Representative of the Secretary-General on internally displaced persons, Profiles in Displacement: the Russian Federation*, ¶ 14-16, U.N. Doc. E/CN.4/2004/77/Add.2, (Feb. 24, 2004).
- <sup>12</sup> See, e.g., *Opening Statement by Professor Walter Kälin, Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons*, Workshop on the Implementation of Uganda's National Policy for Internally Displaced Persons, Kampala, Uganda, July 3-4, 2006.
- <sup>13</sup> *In Larger Freedom*, U.N. Doc. A/59/2005 at ¶ 210.
- <sup>14</sup> See, e.g., International Migration Policy Program, *International Migration Policy Seminar for West Africa: Report and Conclusions*, Recommendation 1, p. 4; Council of Europe, Parliamentary Assembly, Recommendation 1631, ¶ 12, (2003); Commonwealth Secretariat, *Report of the Commonwealth Intergovernmental Group on Refugees and Displaced Persons*, ¶ 22, 29, 34 (viii), (1997), as cited in Francis M. Deng, *Report of the Representative of the Secretary-General on Internally Displaced Persons*, ¶ 21, U.N. Doc. E/CN.4/1999/79, (Jan. 25, 1999). See also reference to comments of Ministry of Justice of Azerbaijan in *Report of the Representative of the Secretary-General*, U.N. Doc. E/CN.4/1999/79/Add.1, (Jan. 25, 1999).
- <sup>15</sup> Guiding Principles on Internally Displaced Persons, Instrument of Adoption [of Liberia] (2004) available at [http://www.brookings.edu/fp/projects/idp/-Liberia\\_GPadoption.pdf](http://www.brookings.edu/fp/projects/idp/-Liberia_GPadoption.pdf).
- <sup>16</sup> National Policy on Resettlement and Rehabilitation for Project Affected Families of 2003, Extraordinary Part-I, § 1, No-46 (2003), *Gazette of India* (2004).
- <sup>17</sup> Norms on the Resettlement of the Internally Displaced Populations, Decree Number 1/01 [of Angola] (2001), available at [http://www.brookings.edu/fp/-projects/idp/Angola\\_pre-policy\\_doc\\_Eng.pdf](http://www.brookings.edu/fp/-projects/idp/Angola_pre-policy_doc_Eng.pdf).
- <sup>18</sup> The Law of the Azerbaijan Republic "On social protection of forcibly displaced persons and persons equated to them," No. 669-1Q (1999), available at [http://www.brookings.edu/fp/projects/idp/Azerbaijan\\_protectionlaw.pdf](http://www.brookings.edu/fp/projects/idp/Azerbaijan_protectionlaw.pdf); Law on Displaced Persons and Returnees in the Federation of Bosnia and Herzegovina and Refugees from Bosnia and Herzegovina (2005), Bosnia and Herzegovina Official Gazette, (no. 15/05, 2005); Law 387 [of Colombia] (1997), *Diario Oficial* (No. 43,091, 1997); Relief Program for Internally Displaced People Due to Conflict for FY 2004/05 [of Nepal] (2004), available at [http://www.brookings.edu/fp/projects/idp/Nepal\\_IDPreliefprog.pdf](http://www.brookings.edu/fp/projects/idp/Nepal_IDPreliefprog.pdf); National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons [of the Republic of Serbia] (2002), available at [http://www.brook.edu/fp/projects/idp/Serbia-Montenegro\\_IDPstrategy.pdf](http://www.brook.edu/fp/projects/idp/Serbia-Montenegro_IDPstrategy.pdf).
- <sup>19</sup> Law No. 5233 [of Turkey] (2004), available at [http://www.brookings.edu/fp/projects/idp/Turkey\\_CompensationLaw5233.pdf](http://www.brookings.edu/fp/projects/idp/Turkey_CompensationLaw5233.pdf).
- <sup>20</sup> Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act ("Hurricane Education Recovery Act"), Pub. L. No. 109-148, 119 Stat. 2680 (2006).
- <sup>21</sup> See, e.g., Norms on the Resettlement of the Internally Displaced Populations, Decree Number 1/01 [of Angola] (2001); Relief Program for Internally Displaced People Due to Conflict for FY 2004/05 [of Nepal] (2004).
- <sup>22</sup> Law 387 [of Colombia] (1997).
- <sup>23</sup> National Policy for Internally Displaced Persons [of Uganda] (2004), available at [http://www.brookings.edu/fp/projects/idp/Uganda\\_IDPpolicy.pdf](http://www.brookings.edu/fp/projects/idp/Uganda_IDPpolicy.pdf).
- <sup>24</sup> See, e.g., The Guiding Principles on Internally Displaced Persons, Instrument of Adoption [of Liberia] (2004); National Framework for Relief, Rehabilitation and Reconciliation [of Sri Lanka] (2002), available at [http://www.brookings.edu/fp/projects/idp/Sri-Lanka\\_NationalFramework2002.pdf](http://www.brookings.edu/fp/projects/idp/Sri-Lanka_NationalFramework2002.pdf).
- <sup>25</sup> See, e.g., Norms on the Resettlement of the Internally Displaced Populations, Decree Number 1/01 [of Angola] (2001).
- <sup>26</sup> See, e.g., National Policy for Internally Displaced Persons [of Uganda] (2004), Glossary of terms (x).
- <sup>27</sup> Convention Relating to the Status of Refugees, opened for signature July 28, 1951, 198 U.N.T.S. 137, (entered into force April, 22 1954) [hereinafter, Refugee Convention].
- <sup>28</sup> Federal Law on the Introduction of Amendments and Additions to the Law of the Russian Federation on Forced Migrants Article 1(1) (1995), Official Gazette (1995) cited in Roberta Cohen, Walter Kälin and Erin Mooney (eds.), *The Guiding Principles on Internal Displacement and the Law of the South Caucasus*, p. 215, AMERICAN SOCIETY OF INTERNATIONAL LAW, STUDIES IN TRANSNATIONAL LEGAL POLICY, No. 34 2003.
- <sup>29</sup> Refugee Convention, Article 1.
- <sup>30</sup> *Report of the Conference on Internal Displacement in the Russian Federation*, Moscow, Russia, April 25-26, 2002, p. 21.
- <sup>31</sup> Vladimir Shkolnikov, Office for Democratic Institutions and Human Rights, *Presentation to the Organization for Security and Cooperation in Europe*, International Conference on Internal Displacement in the Russian Federation, Moscow, Russia, April 25-26, 2002, as cited in the *Report of the Conference on Internal Displacement in the Russian Federation*, p.6.
- <sup>32</sup> See, e.g., Law on Displaced Persons and Returnees in the Federation of Bosnia and Herzegovina and Refugees from Bosnia and Herzegovina, Article 9 (2005).

## ENDNOTES: A Developing Trend *continued from page 12*

<sup>33</sup> Brookings Institution-University of Bern Project on Internal Displacement, p. 18. (Also presented as *Annual Report of the Representative for the Secretary-General on Human Rights of Internally Displaced Persons*, U.N. Doc. E/CN.4/2006/71).

<sup>34</sup> The Law of the Azerbaijan Republic “On social protection of forcibly displaced persons and persons equated to them,” No. 669-1Q (1999).

<sup>35</sup> The Law of Georgia on Forcibly Displaced Persons–Persecuted Persons, Article 8(2) (1996), cited in Cohen, Kälin and Mooney, *The Guiding Principles on Internal Displacement and the Law of the South Caucasus* at 139.

<sup>36</sup> National Policy for Internally Displaced Persons [of Uganda], Article 2.3.1 (2004).

<sup>37</sup> Relief Program for Internally Displaced People Due to Conflict for FY 2004/05 [of Nepal], § 11 (2004).

<sup>38</sup> *Protection of Internally Displaced Persons in Situations of Natural Disaster: A Working Visit to Asia by the Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons*, Walter Kälin, 27 February to 5 March 2005, available at <http://www.ohchr.org/english/issues/idp/Tsunami.pdf>.

<sup>39</sup> *Id.*, at 20-21.

<sup>40</sup> Norms on the Resettlement of the Internally Displaced Populations, Decree Number 1/01 [of Angola] Article 9(1)(c), Article 14(2)(a) (2001).

<sup>41</sup> Walter Kälin, Specific Groups and Individuals: Mass Exoduses and Displaced Persons: Report of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, ¶ 84, U.N. Doc. E/CN.4/2005/84, (Dec. 31, 2004).

<sup>42</sup> The Brookings-Bern Project on Internal Displacement, <http://www.brookings.edu/idp> (accessed Oct. 13, 2006).