## Background and Aims of the Study

Internal displacement is one of the major humanitarian, human rights and security problems in the world today. In the words of UN Secretary-General Ban Ki-moon, displacement is "arguably the most significant humanitarian challenge that we face."[1] It uproots, often violently, millions of people from their homes, families, jobs and communities and exposes its victims to a terrifying range of risks. Just one indication of the precarious plight of internally displaced persons (IDPs) is the fact that some of the highest morbidity and mortality rates recorded in humanitarian emergencies have been among IDPs.[2] Left unaddressed, internal displacement also threatens to destabilize countries, regions and even international security and thereby risks generating additional displacement. Indeed, the number of IDPs throughout the world has continued to increase since 1997.

As of the end of 2010, there were an estimated 27.5 million internally displaced persons in more than fifty countries who had been forcibly uprooted by armed conflict, ethnic strife and other violence, a number that has increased steadily from around 17 million in 1997.[3] Contrary to popular belief, there are far more IDPs than refugees: there were 15.4 million refugees at the end of 2010 but 27.5 million IDPs.[4] No region of the world is immune to internal displacement. Africa is the continent most affected, with 11.1 million IDPs in twenty-one countries, and Sudan remains the country with the highest number of IDPs in the world (4.5 to 5.2 million), while the Democratic Republic of Congo (DRC) and Somalia each have well over 1 million IDPs. In the Americas, there are an estimated 5.4 million IDPs, the overwhelming majority of whom are in Colombia. In the Asia-Pacific region, more specifically in South and Southeast Asia, there are more than 3.5 million IDPs, with the highest numbers reported in Pakistan, Myanmar, Afghanistan, India, Indonesia and the Philippines. The Middle East has 3.9 million IDPs, 2.8 million of whom are found in Iraq, with rising numbers in Yemen and at the time of writing, in Libya and Syria. In Europe and Central Asia, 2.5 million people remain internally displaced. More than 1 million are in Turkey, with significant populations also in Azerbaijan, Georgia, Serbia, Cyprus and Bosnia-Herzegovina more than a decade after they first were displaced. Colombia, Democratic Republic of Congo, Uganda, Kyrgyzstan and Pakistan experienced new displacement in 2010. In addition to these conflict-induced IDP populations, millions more have been displaced by natural disasters[5] or development projects[6]

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[1]   "Internally Displaced People: Exiled in their Homeland" (http://ochaonline.un.org/NewsInFocus/InternallyDisplaced PeopleIDPs/tabid/5132/language/en-US/Default.aspx).

[2]   Peter Salama, Paul Spiegel and Richard Brennan, "No Less Vulnerable: The Internally Displaced in Humanitarian Emergencies," *The Lancet,* vol. 357, iss. 9266 (5 May 2001), pp. 1430–31; N. Nathan and others, "High Mortality in Displaced Populations in Northern Uganda," *The Lancet,* vol. 363, iss. 9418 (24 April 2004), p. 1402.

[3]   1997 figures are the earliest available data. IDP figures as of the end 2010 are in Internal Displacement Monitoring Centre (IDMC), *Internal Displacement: Global Overview of Trends and Developments in 2010*, March 2011 (www.internal-displacement.org).

[4]   Most recent data available on refugees. The number of

refugees includes 4.82 million Palestine refugees registered with the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA); it has fluctuated between 13 million and 16 million over the same period. See Office of the UN High Commissioner for Refugees (UNHCR), *Global Trends Report 2010* (www.unhcr.org/pages/49c3646c4d6.html); for 2010 IDP figures, see IDMC, *Internal Displacement: Global Overview of Trends and Developments in* 2009, May 2010 (www.internal-displacement.org).

[5]   *Monitoring Disaster Displacement in the Context of Climate Change: Findings of a Study by the United Nations Office for the Coordination of Humanitarian Affairs and the Internal Displacement Monitoring Centre* (Geneva: UN OCHA and IDMC, September 2009), p. 3. Also see IDMC, *Displacement Due to Natural Hazard-Induced Disasters: Global Estimates for 2009–2010* (Geneva: IDMC) (www.internal-displacement.org).

[6]   According to the World Bank's Environmental

and also often face protection concerns owing to their displacement.[7]

Behind these rather overwhelming statistics are tens of millions of people who suffer a highly precarious plight. To begin, the very fact of being displaced may constitute an abuse of rights—for instance, when IDPs are the victims of a strategy of deliberate forced displacement, typically carried out through a campaign of massive violations of human rights. When that occurs along ethnic or religious lines and for the purpose of altering the demographic profile of an area, it constitutes what is known as "ethnic cleansing." Of populations at risk in the world today, the internally displaced tend to be among the most vulnerable. Once displacement occurs, it inevitably exposes its victims to a range of particular risks and vulnerabilities.[8] The International Committee of the Red Cross points out that while IDPs uprooted by war are part of the broader category of civilians in armed conflict, "it goes without saying that, deprived of their shelter and their habitual sources of food,

water, medicine and money, they have different, and often more urgent material needs."[9] Simply put, in the words of Walter Kälin, former Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons: "All IDPs are vulnerable in ways that non-displaced persons are not."[10] The vulnerabilities and uncertain future faced by IDPs can exist for years, even decades, on end: around the world most IDPs have been displaced for a protracted period, on average nearly eighteen years.[11]

National responsibility is fundamental to ensuring an effective approach to internal displacement. The simple fact that IDPs remain within the borders of their country means that it is their own state that bears primary responsibility for protecting and assisting them and for safeguarding them against arbitrary displacement in the first place. This principle is affirmed in international standards, namely the Guiding Principles on Internal Displacement, and regularly restated, both by the international community and by individual states. Although there exists broad consensus on the normative principle of national responsibility, realizing it often proves challenging in practice.

For example, governments may lack adequate capacity to address internal displacement, especially if large numbers of people are involved, if they constitute a large percentage of the country's population,[12] or if the

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Department, approximately 10 million people are displaced worldwide each year due to dam construction, urban development, and transportation and infrastructure programs. However, researchers point out that the actual magnitude of development-induced displacement is thought to be much greater, given that available figures typically count only persons compelled to leave legally acquired land as part of the process directly related to the planned project, thereby "ignoring those living in the vicinity of, or downstream from, projects whose livelihoods and social cultural milieu might be adversely affected by the project." Moreover, World Bank figures do not take into account displacement due to other types of development projects, such as for natural resource extraction. See Jason Stanley, "Development-Induced Displacement and Resettlement," *Forced Migration Online Research Guide,* 2004 (www.forcedmigration.org/guides/fmo022/).

7  See further Elizabeth Ferris, *The Politics of Protection* (Washington, D.C.: Brookings Institution, 2011); Elizabeth Ferris, *Protecting Civilians in Disasters and Conflicts,* Policy Brief 182, Brookings Institution, March 2011.

8  Erin Mooney, "The Concept of Internal Displacement and the Case for Internally Displaced Persons as a Category of Concern," *Refugee Survey Quarterly,* vol. 24, no. 3 (2005), pp. 9–26.

9  Jean-Daniel Tauxe, "We Should Have Access to Displaced Civilians," *International Herald Tribune,* 1 May 2009. Tauxe was, at the time, director of operations for the International Committee of the Red Cross.

10  Walter Kälin, "Walter Kälin on the Outlook for IDPs," *Forced Migration Review* 37 (2011), p. 44 (www.fmreview.org).

11  IDMC, *Global Overview of Trends and Development in 2008* (May 2009)*,* p. 14; IDMC, *Internal Displacement: Global Overview of Trends and Developments in 2010* (March 2011), p. 8, noting that in "at least 40" of the 54 countries experiencing internal displacement due to conflict, internal displacement is protracted. See also *Forced Migration Review* 33 (September 2009), which is dedicated to examining the issue of protracted displacement (www.fmreview.org).

12  According to the latest available estimates, the countries

displacement persists for several years. Moreover, many of the countries in which IDPs are found already were experiencing serious resource constraints before displacement occurred.

There also may be an absence of political will to respond effectively to the needs of internally displaced populations. For instance, it may be that the state downplays the protection and assistance needs of IDPs, discriminates against particular groups of IDPs (including, for instance, by helping IDPs displaced by natural disasters but not those uprooted by conflict or by helping only those IDPs who are in camps), or even denies the existence of internal displacement altogether. In many cases, the authorities deliberately cause internal displacement or at least condone the circumstances and actions that compel people to flee.[13] By imposing political, security, or bureaucratic restrictions, they may prevent humanitarian and human rights organizations from safely accessing internally displaced and other civilian populations at risk. Or they may exhibit solidarity with the internally displaced but be single-minded in insisting, for political reasons, on a particular solution—most often return of IDPs to their homes—to end displacement.

These and other such constraints are real and often formidable, posing significant obstacles to IDPs' ability to enjoy the protection that they require and to which they are entitled by right. Yet, at the same time, there is only so much that international efforts, however effective

*"…in the end, if the state doesn't do or allow protection to be done, not much can be done."*
—António Guterres, UN High Commissioner for Refugees

they may be, can do to help fill this gap. As UN High Commissioner for Refugees António Guterres has emphasized, while recent improvements in the coordination of the international response to internal displacement and other humanitarian crises are important, "in the end, if the state doesn't do or allow protection to be done, not much can be done."[14] To be sure, the efforts of other actors, whether national or international, often do manage to enhance protection of IDPs and other persons at risk within their own country, at least until the conflict has ended. Ultimately, however, only the state can provide lasting protection for internally displaced persons.

The state's exercise of its national responsibility for IDPs, therefore, must be the basis for an effective response to internal displacement. It is not a matter of navigating around the principle of national responsibility but of being *guided by* that principle and consciously gearing all efforts to achieve an effective response.

The primary role of the state is clear, both recognized in international law and regularly reaffirmed in international statements. Most notable is UN Resolution 46/182 (1991), "Strengthening the Coordination of Humanitarian Assistance," which still remains the normative basis for international humanitarian action:

> The sovereignty, territorial integrity and national unity of States must be fully respected in accordance with the Charter of the United Nations. In this context, humanitarian assistance should be provided with the consent of

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with the largest IDP populations as a proportion of total population, are Cyprus (23 percent), Somalia (16 percent), Sudan (10.5–13 percent), Colombia (8–11.6 percent), and Georgia (about 6.1 percent). IDMC, *Internal Displacement: Global Overview of Trends and Developments in 2010,* p. 17.

[13] According to the Internal Displacement Monitoring Centre, in almost half of the over fifty countries in the world today in which there is internal displacement due to conflict generalized violence or human rights violations, the "agents of displacement" were government forces or armed groups allied with them. *Internal Displacement: Global Overview of Trends and Developments in 2010* (IDMC, Norwegian Refugee Council, 2011), p. 10.

[14] "UNHCR at 60: A Discussion with António Guterres, the United Nations High Commissioner for Refugees," Brookings Institution, 5 May 2011 (www.brookings.edu/events/2011/0505_unhcr.aspx).

the affected country and in principle on the basis of an appeal by the affected country.

Each State has the responsibility first and foremost to take care of victims of natural disasters and other emergencies occurring on its territory. Hence, the affected State has the primary role in the initiation, organization, coordination, and implementation of humanitarian assistance within its territory.[15]

Humanitarian organizations are acutely aware of this foundational principle, particularly as it affects their ability to enjoy safe and unimpeded humanitarian access to the populations that they seek to protect and assist.[16] In practice, however, as a recent report observes, "international relief efforts have often been criticized for ignoring, sidelining or actively undermining local capacities," thereby leading to "tense and even dysfunctional relations between states and international agencies."[17] While there exists broad consensus that "[h]umanitarian principles are compatible with the principle of encouraging and supporting governments to protect and assist the civilian population," humanitarian agencies and nongovernmental organizations (NGOs) emphasize that "better guidance needs to be developed about how this can be put into operation."[18]

Part of the problem is that the core concept of national responsibility for addressing internal displacement often is almost automatically regarded as a constraint by humanitarian actors. Certainly, there is no shortage of examples around the world today in which state practices pose real barriers—whether political, legal, administrative or operational—to ensuring that IDPs have access to the protection and assistance that they require. However, even in those cases, effective—and perhaps creative—ways need to be found to promote, support and reinforce the exercise of national responsibility for addressing internal displacement, because ultimately that is the only sustainable solution.

This research project looks specifically at the ways in which governments are exercising their responsibility to address internal displacement. Using as a guide *Addressing Internal Displacement: A Framework for National Responsibility,* a publication developed by the Brookings-Bern Project on Internal Displacement,[19] this study examines the government response to internal displacement in fifteen countries, comparing those responses with the twelve benchmarks outlined in the Framework. The aim was to gain a better understanding of the ways in which and the extent to which governments are fulfilling their responsibility, with a view to distilling further guidance on how best to encourage and support governments in this regard.

In so doing, this study also seeks to contribute to research and understanding regarding realization of the emerging norm of "Responsibility to Protect"—"R2P" in the favored shorthand term.[20] To date, discussion of R2P, whether in policy debates or in scholarly and public discourse, has focused overwhelmingly on

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[15] UN General Assembly Resolution 46/182, 19 December 1991.

[16] See, for example, Jan Egeland, Adele Harmer, and Abby Stoddard, *To Stay and Deliver: Good Practice for Humanitarians in Complex Security Environments,* an independent study commissioned by the Office for the Coordination for Humanitarian Affairs (OCHA), United Nations, February 2011 (http://ochanet.unocha.org/p/Documents/Stay_and_Deliver.pdf).

[17] *The Role of National Governments in International Humanitarian Response,* ALNAP Meeting Paper, 26th Annual Meeting, 16–17 November 2010, Kuala Lumpur, Malaysia (London: Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP), 2011), p. 5.

[18] Ibid.

[19] *Addressing Internal Displacement: A Framework for National Responsibility* (Brookings Institution–University of Bern Project on Internal Displacement, 2005) (www.brookings.edu/projects/idp/20050401_nrframework.aspx).

[20] International understanding of "Responsibility to Protect" is set out in paras. 138–141 of the 2005 World Summit Outcome Document, adopted by consensus by heads of state and government. See UN General Assembly Resolution 60/1 (2005).

operationalizing the responsibilities and role of the international community in protecting persons under threat of grievous harm in cases in which their own governments are unwilling to do so.[21] To be sure, clarifying and strengthening international accountability in such circumstances is essential, and the R2P doctrine has made a significant contribution in that regard.

> *"…the responsibility to protect seeks to strengthen sovereignty, not weaken it. It seeks to help States to succeed, not just to react when they fail."*
>
> —UN Secretary-General Ban Ki-Moon

However, just as important, and indeed arguably more so, is that the doctrine of R2P, like the concept of "sovereignty as responsibility" on which it is largely based, emphasizes first and foremost the responsibility of governments to protect the populations under their territorial jurisdiction. Specifically regarding the four international crimes with which R2P is concerned (genocide, war crimes, ethnic cleansing and crimes against humanity), 186 heads of state and government convened at the World Summit in September 2005 reaffirmed unequivocally: "We accept that responsibility and will act in accordance with it."[22] That declaration constitutes the "bedrock" of R2P and the main basis for advancing its implementation according to the strategy outlined by UN Secretary-General Ban Ki-Moon, who explains: "By helping States to meet their core protection responsibilities, the responsibility to protect seeks to strengthen sovereignty, not weaken it. It seeks to help States to succeed, not just to react when they fail."[23]

This study, by focusing on specific countries' experiences, opportunities and challenges in meeting their responsibility to protect and assist IDPs, seeks to contribute to understanding how states in general can succeed in meeting their core responsibilities to IDPs. The connections between national responsibility toward IDPs and R2P are clear. By no means do all situations of internal displacement fall within the scope of the R2P doctrine, nor does an R2P situation necessarily entail internal displacement (though it is highly probable). Yet these two types of situations often intersect and significantly overlap—or at the very least have the potential to do so.[24]

## Conceptual Connections: National Responsibility, "Sovereignty as Responsibility" and "Responsibility to Protect"

The notion that "statehood" entails a responsibility to ensure the protection and welfare of all persons within a state's territorial jurisdiction is, of course, not new. In fact, its historical roots run deep, stretching back several centuries and across cultures.[25] It also is central to the concept of human rights and accordingly is affirmed and elaborated in over six decades of international human rights law;[26] it also is reflected in the statement of obligations of parties to an armed conflict, whether

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[21] An extensive and ever-growing archive of R2P-related resources, including UN reports and resolutions, government statements, NGO reports, scholarship, and media articles is maintained by the Global Centre for R2P at http://globalr2p.org/resources/index.php.

[22] 2005 World Summit Outcome Document, para. 138.

[23] United Nations, *Implementing the Responsibility to Protect,* Report of the Secretary-General to the General Assembly,

A/63/677 (12 January 2009).

[24] Erin D. Mooney, "Something Old, Something New, Something Borrowed . . . Something Blue? The Protection Potential of a Marriage of Concepts between R2P and IDP Protection," *Global Responsibility to Protect (GR2P),* vol. 2, nos. 1-2 (2010), pp. 60–85.

[25] For recognition of the lineage of "responsibility to protect," see Edward C. Luck, "Introduction: The Responsible Sovereign and the Responsibility to Protect," in Joachim Müller and Karl P. Sauvant, *Annual Review of United Nations Affairs: 2006/7* (New York: Oceana, 2008), pp. xxxvi-xxxix; and Alex P. Bellamy, *The Global Effort to End Mass Atrocities* (Polity, 2009), pp. 19–21.

[26] James Nickel, "How Human Rights Generate Duties to Protect and Provide," *Human Rights Quarterly,* vol. 15, no. 1 (1993), pp. 77–86.

states or nonstate actors, in international humanitarian law. In the words of Louise Arbour, then the UN High Commissioner for Human Rights:

> Whether we call it responsibility to protect or anything else, States do have a responsibility under existing international law *vis-à-vis* the people on their territory, to exten[d] protection equally against genocide, as against famine, disease, ignorance, deprivation of the basic necessities of life, discrimination and the lack of freedom.[27]

It is this older and broader notion of the state having a responsibility to safeguard from harm all persons within its territorial jurisdiction that informed and guided the approach to internal displacement that was encapsulated in the notion of sovereignty as responsibility. After having developed that idea together with colleagues at the Brookings Institution in the context of an earlier project on Africa,[28] Francis Deng applied the same conceptual framework to his work with IDPs after his appointment in 1992 (until 2004) as Representative of the UN Secretary-General on Internally Displaced Persons. This approach reflected and elaborated on the assertion in 1991 by then UN Secretary-General Pérez de Cuellar that "the principle of non-interference with the essential domestic jurisdiction of States cannot be regarded as a protective barrier behind which human rights could be massively or systematically violated with impunity."[29] As Deng spelled out in his first study

on internal displacement, "sovereignty carries with it . . . responsibilities for the population": in particular, "at a minimum it should guarantee food, shelter, physical security, basic health service and other essentials often denied the internally displaced."[30] In other words, "national governments are duty bound to ensure minimum standards of security and social welfare for their citizens and to be accountable both to the national body public and the international community."[31] Accordingly,

> the guiding principle … is to assume that under normal circumstances, governments are concerned about the welfare of their people, will provide their people with adequate protection and assistance, and if unable, will invite or welcome foreign assistance and international cooperation to supplement their own efforts. Controversy arises only in the exceptional cases when the sate has collapsed or the government is unwilling to invite or permit international involvement, while the level of human suffering dictates otherwise … To fill the vacuum of moral responsibility created by such cleavages, international involvement becomes a moral imperative.[32]

Deng used this conceptual framework in carrying out all aspects of his mandate on the protection of IDPs, to the extent that "sovereignty as responsibility" effectively became his signature "calling-card." He consistently laid out the framework within the first few minutes of any meeting that he held, statement that he delivered, or opening paragraphs of any report that he prepared.[33]

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[27] Louise Arbour, "The Responsibility to Protect as a Duty of Care in International Law and Practice," *Review of International Studies,* vol. 34, no. 3 (2008), pp. 445–58, p. 458.

[28] Francis M. Deng and others, *Sovereignty as Responsibility: Conflict Management in Africa.* See also the work of the Refugee Policy Group, in particular Roberta Cohen, "Human Rights Protection for Internally Displaced Persons" (RPG, June 1991).

[29] United Nations, *Report of the Secretary-General on the Work of the Organization,* A/46/1 (1991), pp. 10–11. See also Francis M. Deng, *Comprehensive Study on the Human Rights Issues Related to Internally Displaced Persons*, E/CN.4/1993/35/21 (United Nations, 21 July 1993), para. 84.

[30] Francis M. Deng, *Protecting the Dispossessed: A Challenge for the International Community* (Washington, D.C.: Brookings Institution, 1993), pp. 18–19.

[31] Deng and others, *Sovereignty as Responsibility,* p. 211.

[32] Ibid., pp. xxii-xxiii.

[33] Mooney can attest to this fact through her work supporting Deng's mandate as Representative of the UN Secretary-General on Internally Displaced Persons (as a human rights officer from 1997 to 2001 in the UN Office

Therefore, it is not surprising that the Guiding Principles on Internal Displacement, which were developed under the leadership of Francis Deng in the mid-1990s, fully reflect and reinforce the concept of responsible sovereignty. Indeed, the stated purpose of the Guiding Principles is to provide specific legal guidance on the rights of IDPs and the corresponding responsibilities of states and other authorities toward them.[34] Principle 3 affirms that the state has primary responsibility for protecting the rights of IDPs and that IDPs should expect their government to fulfill that responsibility. The document then spells out the rights of IDPs and consequent responsibilities of the authorities in all phases of displacement: protection from arbitrary displacement, protection and assistance during displacement, and securing solutions to displacement.

Consistently, resolutions and declarations adopted, in all cases by consensus, by government forums in the UN and regional organizations have emphasized the responsibility of states to protect their internally displaced populations and have encouraged the wide dissemination and use of the Guiding Principles as tool in developing policies and programs to meet that responsibility. Most notably, in the World Summit Outcome Document of 2005, all 186 heads of state and government present unanimously reiterated the

primary responsibility of states to address internal displacement and affirmed the Guiding Principles as "an important international framework for the protection of internally displaced persons."[35] In the same document the international community also endorsed the concept of "responsibility to protect." That was no mere coincidence: on the contrary, it is now widely recognized that the development of R2P was inspired by and emerged from efforts throughout the 1990s to design an effective international response to protect IDPs based on the concept of "sovereignty as responsibility."[36]

As a result, there inevitably is significant overlap between the two frameworks.[37] Both recognize the responsibilities of the international community but, more important, stress that in the first instance, national governments are responsible for the protection and welfare of those living within their borders. In fact, the

assertion that "State sovereignty implies responsibility and the primary responsibility for the protection of its people lies with the state itself" is the first principle of the doctrine of R2P.[38]

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of the High Commissioner for Human Rights and from 2001 until the end of Deng's tenure in 2004 through her work as senior adviser to the Representative of the UN Secretary-General on Internally Displaced Persons and deputy director of the Brookings Project on Internal Displacement, which Deng co-directed with Roberta Cohen. On the concept of "sovereignty as responsibility," see further: Francis M. Deng and others, *Sovereignty as Responsibility: Conflict Management in Africa* (Washington, D.C.: Brookings Institution, 1996) and Erin Mooney, "The Guiding Principles and the Responsibility to Protect," *Forced Migration Review, Tenth Anniversary of the Guiding Principles on Internal Displacement*, December 2008, p. 12 9(www.fmreview.org).

[34] United Nations, "Introduction: Scope and Purpose," *Guiding Principles on Internal Displacement,* Report of the Representative of the Secretary-General, Francis M. Deng, E/CN.4/1998/53/Add.2, 1998, para. 3.

[35] World Summit Outcome Document, October 2005 (www.un.org/summit2005/documents.html), p. 28.

[36] For a sampling of acknowledgments of this fact by the principal architects of R2P and discussion of the symmetry of the two conceptual frameworks, see Erin D. Mooney, "Something Old, Something New, Something Borrowed . . . Something Blue? The Protection Potential of a Marriage of Concepts between R2P and IDP Protection," Sara E. Davies and Luke Glanville, *Protecting the Displaced: Deepening the Responsibility to Protect* (Koninklijke Brill NV, Leiden, The Netherlands: Martinus Nijhoff, 2010), pp. 72–77. See also Gareth Evans, *The Responsibility Protect: Ending Mass Atrocity Crimes Once and for All* (Washington, D.C.: Brookings Institution, 2008), pp. 36–37; Roberta Cohen, "Reconciling R2P with IDP Protection," in Davies and Glanville, *Protecting the Displaced: Deepening the Responsibility to Protect,* p. 35.

[37] For a discussion of the similarities and differences, both conceptual and concrete, see, respectively, Mooney, "Something Old, Something New" and Cohen, "Reconciling R2P with IDP Protection," pp. 35-84.

[38] International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect* (Ottawa:

While much of the policy debate on R2P has focused on when and how the international community can and should intervene when atrocities are being committed, there is a paucity of research on how national governments can more effectively exercise their sovereign responsibilities within the context of global accountability. And yet national governments are key to preventing conflicts and human rights abuses, to preparing for disasters, and to ensuring protection, assistance and durable solutions for any populations affected when prevention efforts fall short. That is no less true in situations of internal displacement.

Having framed the issue of protection of IDPs by looking at the conceptual connections between internal displacement, responsible sovereignty and the responsibility to protect, we turn below to an overview of a document which serves as a useful tool for addressing internal displacement effectively, *Addressing Internal Displacement: A Framework for National Responsibility*. The ways in which the Framework has been used to date are then examined briefly before explaining the methodology used in this study for applying the Framework to fifteen countries.

## Addressing Internal Displacement: A Framework for National Responsibility: An Overview

As reflected in Principle 3 of the Guiding Principles on Internal Displacement, national authorities have the primary duty and the responsibility to protect and assist IDPs living within their borders. The Guiding Principles themselves set forth the rights of IDPs and the obligations of governments toward these populations. In order to provide more specific guidance to governments about how to exercise their national responsibility for IDP protection and assistance, in 2005 the Brookings-Bern Project on Internal Displacement developed the document entitled *Addressing Internal Displacement: A Framework*

*for National Responsibility* (hereafter "Framework" or "Framework for National Responsibility"). The Framework sets out twelve broad areas in which states can directly contribute to the mitigation and resolution of internal displacement (see box 1).[39]

This is not an exhaustive list of the measures expected of governments but twelve minimum steps that governments can take to translate their responsibilities into concrete actions. Taken together, they seek to guide governments through specific suggestions on actions to take. Further guidance is given on how to implement each of the twelve benchmarks by outlining certain essential elements (for example, that data collection on IDPs should encompass all categories of IDPs, should be disaggregated and should protect privacy) as well as by suggesting different practical ways of achieving each objective.

Since the publication of the Framework, national authorities; regional intergovernmental organizations; international experts on internal displacement; UN human rights, humanitarian and development agencies; and NGOs, IDP associations and academics have made use of the it in a number of different ways, including as a tool for advocacy, awareness-raising, monitoring national responses to internal displacement, training of government officials, and providing technical assistance for the development of national legislation and policies to address internal displacement. International organizations and local NGOs have translated the Framework from English into eleven additional languages: Arabic,

International Development Research Centre, December 2001), p. xi (www.iciss.ca/report2-en.asp).

[39] According to the Oxford English Dictionary, a "state'" is the body politic as organized for supreme civil rule and government (www.oed.com/view/Entry/189241?rskey=rwB3C2&result=1#eid20898265) while a "government" is the entity that rules and directs the affairs of a state (www.oed.com/view/Entry/80321?redirectedFrom=government#eid). While the state has obligations toward its citizens that transcend the particular government in power, the government is responsible for ensuring the state's obligations toward IDPs. While government is a generic term referring to various levels of rule, the term "national authorities" and "national government" are used interchangeably in this study.

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**Box 1. IDP Protection and Assistance: Twelve Benchmarks for Action[1]**

1. Prevent displacement and minimize its adverse effects.

2. Raise national awareness of the problem.

3. Collect data on the number and conditions of IDPs.

4. Support training on the rights of IDPs.

5. Create a legal framework for upholding the rights of IDPs.

6. Develop a national policy on internal displacement.

7. Designate an institutional focal point on IDPs.

8. Support national human rights institutions to integrate internal displacement into their work

9. Ensure the participation of IDPs in decisionmaking.

10. Support durable solutions.[2]

11. Allocate adequate resources to the problem.

12. Cooperate with the international community when national capacity is insufficient.

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[1] This is not an exhaustive list of the state's obligations vis-à-vis IDPs but twelve suggested areas of action that reflect and are consistent with international human rights and humanitarian and refugee law.

[2] See further: *IASC Framework on Durable Solutions for Internally Displaced Persons* (Washington, D.C.: Brookings-Bern Project on Internal Displacement, April 2010) (www.brookings.edu/idp).

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Azerbaijani, Chinese, French, Portuguese, Russian, Serbian, Sinhala, Spanish, Tamil and Thai.[40]

### *International Initiatives*

The benchmarks outlined in the Framework form a central component of the guidance on internal displacement provided by various international organizations in their training programs and resource materials. The International Organization for Migration (IOM) uses the benchmarks in its training and capacity-building tool international migration management tool for international migration management, which has been disseminated worldwide and is promoted through workshops for government policymakers and practitioners

as well as for IOM staff around the world.[41] The Internal Displacement Monitoring Centre makes use of the Framework and the guidance provided in particular benchmarks in its training modules and workshops on internal displacement.[42] The Framework and benchmarks also feature prominently in the *Handbook for the Protection of Internally Displaced Persons,* produced by the Inter-Agency Standing Committee (IASC), the international forum on humanitarian action for UN agen-

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[40] Translations available at Brookings-LSE Project on Internal Displacement, Addressing Internal Displacement: A Framework for National Responsibility, April 2005 (www.brookings.edu/projects/idp/20050401_nrframework.aspx).

[41] IOM, *Essentials of Migration Management: A Guide for Policy-Makers and Practitioners*, 2005 (www.iom.int). Also available in Arabic, Bosnian, Korean, Spanish and Russian. Note: the displacement module in the IOM publication, which was written by the author of the Framework, predates finalization of the Framework, with some slight differences.

[42] See, for instance, Internal Displacement Monitoring Centre, "National Human Rights Institutions and Internally Displaced Persons," incorporating the guidance provided in Benchmark 8 (www.internal-displacement.org).

cies and NGOs.[43] The UN Special Representative of the Secretary-General on Children and Armed Conflict has also drawn on the Framework in setting out the expectations of government and nonstate actors in meeting their responsibilities toward internally displaced children in situations of armed conflict.[44]

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**Box 2. IDP situations in which the Framework has been used**

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|---|---|
| Afghanistan | Mexico |
| Central African Republic | The Philippines |
| Ethiopia | Russian Federation |
| Georgia | Sierra Leone |
| Iraq | Sri Lanka |
| Kenya | Uganda |
| Nepal | United States of America |

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In addition, regional organizations and forums have discussed and disseminated the Framework at various levels, perhaps most important, the country level.

### Regional Initiatives

In the Americas, a regional conference on internal displacement attended by governments, local NGOs and researchers, and international agencies and NGOs, endorsed the Framework and elaborated upon the twelve benchmarks to specify a total of sixteen key elements in all.[45] The Framework also has been formally presented to and discussed by member states of the Organization for Security and Cooperation in Europe and, in Africa, to member states of the Southern African Development Community and of the Economic Community of West African States.[46] Also in Africa, the Framework was presented and discussed at the pre-summit to the African Union (AU)'s first ever summit on forced displacement; the Summit which followed adopted the AU Convention for the Protection of Internally Displacement (Kampala Convention), in which national responsibility is a central theme. Local NGOs have promoted the Framework to focus attention and advocacy efforts on national responsibility for addressing internal displacement in Africa.[47] In the Asia-Pacific region, the Framework has been used in regional training forums for national human rights institutions on issues of internal displacement.[48] The Commonwealth, a cross-regional inter-governmental organization, including several countries with internal displacement (e.g. Bangladesh, Cyprus, India, Kenya, Nigeria, Pakistan, Sri Lanka, Uganda and Zimbabwe), promotes the benchmarks contained in the Framework as 'best practices' for its member states.[49]

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[43] IASC, *Handbook for the Protection of Internally Displaced Persons*, 2010 (www.unhcr.org/4c2355229.html).

[44] UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict, "The Rights and Guarantees of Internally Displaced Children in Armed Conflict," Working Paper No. 2, September 2010 (www.un.org/children/conflict/english/index.html).

[45] *Regional Seminar on Internal Displacement in the Americas, Mexico City, Mexico, February 18-20, 2004*, Brookings-SAIS Project on Internal Displacement, 2004 (www.brookings.edu/idp). For a summary of the how the National Responsibility Framework was used as the basis for the Regional Framework for Action adopted, see Erin Mooney, "Promoting national responsibility for internal displacement in the Americas," *Forced Migration Review,* Issue 20 (2004), p. 49.

[46] See further: Brookings-Bern Project on Internal Displacement, *Regional Seminar on Internal Displacement in the Southern African Development Community (SADC) Region, 24-26 August 2005, Gaborone, Botswana*, February 2006; Brookings-Bern Project on Internal Displacement, *Regional Conference on Internal Displacement in West Africa, 26-28 April 2006, Abuja, Nigeria*; Brookings Project on Internal Displacement, *Regional Workshop on Internal Displacement in the South Caucasus (Armenia, Azerbaijan, Georgia), 10-12 May 2000, Tbilisi, Georgia—Summary Report*. For reports and related conference materials, see: www.brookings.edu/projects/idp/contents.aspx

[47] Joseph Chilengi, "Appeal for IDPs," Pambazuka News, (www.pambazuka.org/en/category/letters/30019/print).

[48] See, for example, Roberta Cohen, "National Policy and Legal Development," (www.asiapacificforum.net/services/training/regional-workshops/idp/downloads/session-2/cohen2.pdf)

[49] Commonwealth Secretariat, Human Rights Unit, *Report of the Expert Group Meeting on Internal Displacement in the Commonwealth: Common Themes and Best Practice Guidelines, 19-21 May 2003* (June 2004).

## National Initiatives

In Iraq, IOM published an Arabic translation of the Framework for 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 (OHCHR) incorporated the Framework into its training for police. In Uganda, OHCHR staff worked closely with the Ugandan Human Rights Commission to promote use of the Framework, including through seminars, supported by OHCHR, UNHCR and OCHA, aimed at raising national awareness about IDPs in international and local NGOs and amongst internally displaced communities.[50] In Russia and Sri Lanka, local NGOs translated the Framework into local languages and use the Framework's twelve benchmarks as a basis for their assessment of the national response. In Afghanistan, the Framework provided a basis for evaluating and identifying areas for enhancing the government's response.[51] In the Philippines, local human rights NGOs have reproduced the benchmarks set forth in the Framework in their reporting of the situation of human rights generally as well as on reports specifically on internal displacement.[52] In Ethiopia, the Framework and its 12 benchmarks were

used to guide the assessment of the national response to internal displacement jointly undertaken by UN OCHA and the Government of Ethiopia Federal Disaster Prevention and Preparedness Commission (FDPPC).[53] In Nepal, UNDP has utilized the Framework to formulate and advocate recommendations to the government.[54] In Georgia, parliamentarians and local NGOs jointly have promoted the Framework, while the government has provided the Framework along with the Guiding Principles on Internal Displacement to all senior officials in the Ministry with lead responsibility for IDPs; local observers point out that "this has helped ensure that the humanitarian response has met internationally recognized standards."[55] Also in Georgia, Amnesty International uses the Framework in monitoring and reporting on the government's response to internal displacement; in a report on IDPs in Georgia, it reproduced the benchmarks in a chapter on the issue of "Accountability" and noted that "[t]hese benchmarks provide further valuable criteria for assessing the realization of the human rights of internally displaced persons."[56] In Kenya, local observers monitoring the process of national reconciliation following the post-election violence of 2007-2008, which resulted in mass internal displacement, have criticized the

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[50] E-mail correspondence, May 2011, with Paul White, who was deployed as a Senior Protection Officer, ProCap, to the UN Office of the High Commissioner for Human Rights (OHCHR) in Uganda in 2006.

[51] Andrew Solomon, *Realizing National Responsibility for the Protection of Internally Displaced Persons in Afghanistan: A Review of Relevant Laws, Policies, and Practices* (Brookings-Bern Project on Internal Displacement and Norwegian Refugee Council, November 2010) (www.brookings. edu/reports/2011/11_afghan_national_responsibility. aspx). See also Jacob Rothing, "Protracted Displacement in Afghanistan Can Be Mitigated by a Change in Policy," Middle East Institute and Fondation pour la Recherche Stratégique, 5 April 2011 (www.refugeecooperation.org/ publications/Afghanistan/07_rothing.php).

[52] Citizens' Council for Human Rights (CCHR), "Documented Cases of Human Rights Violations: January 2004-June 2006," (Philippine Alliance of Human Rights Advocates (PAHRA), 2006) (www.pinoyhr.net/reports/ CCHRcases.pdf); Balay Rehabilitation Center, "Notes on Internal Displacement in the Philippines," June 2006, (www.internal-displacement.org).

[53] FDPPC and OCHA, *Joint National IDPs Assessment, Concept Note: National Assessment on IDPs, Proposed Comprehensive National Assessment of Internally Displaced Persons (IDPs) in Ethiopia* , 2005 (www.internal-displacement.org).

[54] Prabhu Raj Poudyal , "Situation of Internally Displaced Persons in Nepal and Recommended Responses," UNDP Rural Urban Partnership Programme, Nepal, 2005 ( www. rupp.org.np/downloads/situation_idp.pdf).

[55] Iulia Kharashvili, Ilya Kharashvili and Koba Subeliani, "Experience of the Guiding Principles in Georgia," *Forced Migration Review,* Special Issue, "Ten Years of the Guiding Principles on Internal Displacement" (December 2008), pp. 16-17. Koba Subeliani has been the Minister for Refugees and Accommodation since late 2008, and previously was Minister, from 2007-early 2008; in the period between his two ministerial appointments, he was a Member of Parliament and Coordinator of the Georgian Parliament's IDP Group; Iulia Kharashvili has been an adviser on IDP issues in the Ministry since 2006.

[56] Amnesty International, *In The Waiting Room: Internally Displaced People In Georgia*, 2010, p. 44 (www.amnesty.org).

national policy on internal displacement drafted by the government for having "ignored international guidelines on establishing a framework for national responsibility."[57]

Important to note is that the Framework is being applied to and used in all types of internal displacement. The country examples cited above all relate to conflict-induced displacement. However, the Framework also is being promoted and used to advocate and guide national responses to internal displacement caused by natural disasters. For example, in the United States of America, lawyers' groups have drawn upon the Framework to advocate for the protection of IDPs displaced by Hurricane Katrina.[58] More generally, UN OCHA refers UN Resident Coordinators and Humanitarian Coordinators to the Framework as among the sources of guidance in situations of natural disaster.[59] In addition, the World Bank is among those promoting reference to the Framework in examining responses to displacement in the context of development.[60]

The wide dissemination and use that the Framework has enjoyed by governments and other actors supporting the promotion of IDP rights protection since its publication in 2005 is testament to the interest in and need for guidance on IDP protection and assistance. Indeed, what is clear from the above examples is that the Framework is used primarily as an awareness-raising, monitoring and training tool. Such activities are useful and can indeed further implementation of a number of the benchmarks, namely those concerning a state's acknowledgment of the occurrence of internal displacement (Benchmark 2), training of government officials on IDP issues (Benchmark 4) and monitoring the government response, for instance, by national human rights institutions (Benchmark 8).

## Methodology

This study seeks to use the Framework for National Responsibility, in particular its twelve benchmarks, to understand and assess the specific measures that national authorities have taken or have failed to take to meet their obligations to protect the human rights of internally displaced persons in fifteen countries.

### *Country selection*

Using this template of benchmarks, in addition to indicators developed for each benchmark (see below), data on national responses to internal displacement in fifteen countries was collected and analyzed. The countries included in the study (see map 1) were selected from a list of the twenty countries with the largest populations of IDPs, according to global figures on internal displacement in situations of armed conflict, generalized violence and human rights violations. Together, these 15 countries represent around 72 percent of the world's 27.5 million IDPs (see figure 1).[61] Nine of the ten countries with the highest number of IDPs were included in the study; Somalia was excluded on the grounds that the Somali government does not exercise effective control over more than a few square kilometers

57   The Kenya National Dialogue and Reconciliation Monitoring Project, *Agenda Item 2: Addressing the Humanitarian Crisis and Promoting National Healing and Reconciliation*, *Report on Status of Implementation* (January 2009).(www.dialoguekenya.org/docs/Agenda%20 Item%20Two%20chapter.pdf).

58   Hon. Cynthia Diane Stephens and Jerome Reide, "Katrina & Internally Displaced Persons: More than Mere Semantics," *Human Rights*, Fall 2006, vol. 33, no. 4, p.2-4 (www.americanbar.org/publications/human_rights_ magazine_home/irr_hr_fall06_stephensreide.html).

59   See, for example, "Protection in Disasters," presentation by UN OCHA at Resident Coordinators Regional Workshop on Humanitarian Coordination, 16-18 June 2008, Panama City, Panama.

60   Asger Christensen and Niels Harild, *Forced Displacement – The Development Challenge*, The World Bank Group, December 2009, p. 7 (http://siteresources.worldbank. org/EXTSOCIALDEVELOPMENT/Resources/    244362- 1164107274725/3182370-1164201144397/Forced_ Displacement.pdf).

61   Percent estimate is according to correspondence with IDMC, based on the best estimates of IDPs displaced by armed conflict, generalized violence and human rights violations as of December 2010.

**Map 1. Fifteen Countries Assessed in This Study**
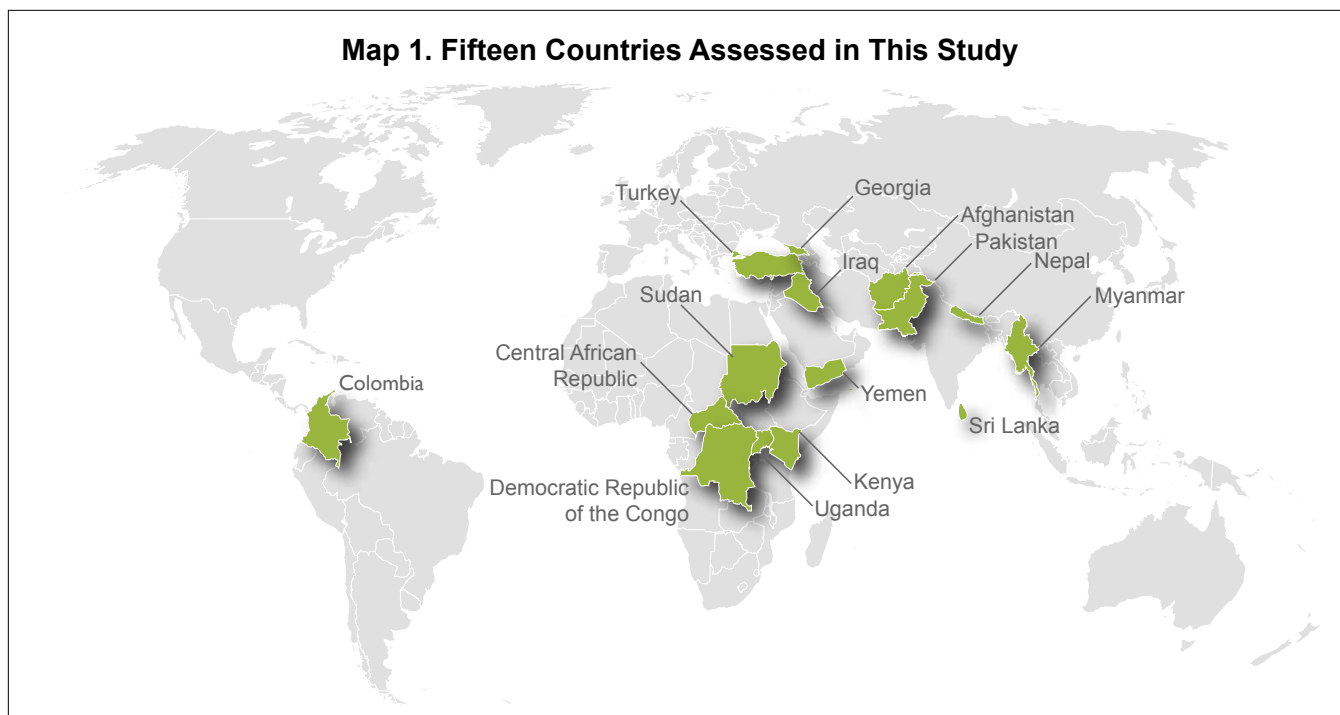


of the country.[62] In addition, six more countries from those ranked 11 to 20 were included. In selecting the additional six from this second set, consideration was given not only to the number of IDPs but also to achieving a balance between different regions and different types of displacement, including in terms of the duration of displacement (recent onset as well as protracted), the location of IDPs (including both camp and non-camp environments), and the cause of displacement. While the main focus of this study, as with global statistics on IDPs, was on conflict-induced IDPs, an effort was made to ensure that some cases of natural disaster-induced internal displacement were included. Indeed, that a number of the countries selected for the case studies had experienced internal displacement due to natural disasters as well as conflict provided an important additional element of analysis. In particular, it allowed for comparative analysis of whether the exercise of national responsibility within a country varied with different causes of internal displacement. The study did not include cases of displacement caused by development projects although this may be an area for further work.
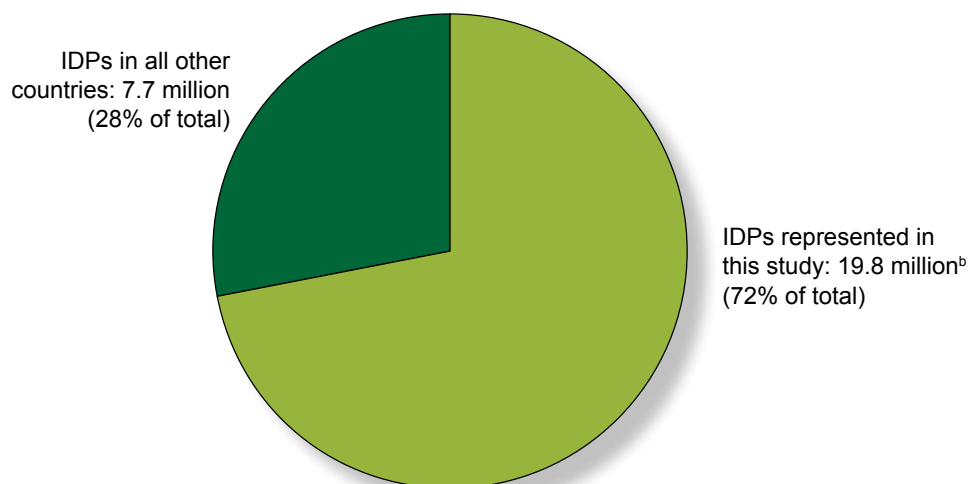
The fifteen countries for which case studies were undertaken, as shown in the above map, are Afghanistan, Central African Republic, Colombia, Democratic Republic of the Congo, Georgia, Iraq, Kenya, Myanmar, Pakistan, Nepal, Sri Lanka, Sudan, Turkey, Uganda and Yemen. The countries include five cases from Africa; five from Asia; two from the Middle East; two from Europe (as defined by participating states in the Organization for Security and Cooperation in Europe); and one from Latin America. This largely reflects the global incidence of internal displacement, in terms of the regional distribution of the number of countries affected: Africa is the continent with the most countries experiencing displacement, followed by Asia, the Middle East, Europe and the Americas.

### Indicators and Analysis

Given the scope of this study—comparative analysis using twelve benchmarks across fifteen countries—and

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[62] A separate study on what national responsibility for addressing internal displacement means in such a situation nonetheless would be an interesting issue for research, which may be considered at a later stage.

**Figure 1. Global IDP Population: 27.5 Million (as of December 2010)[a]**



IDPs in all other countries: 7.7 million (28% of total)

IDPs represented in this study: 19.8 million[b] (72% of total)

a. Figures refer to estimates of individuals displaced by conflict, generalized violence and human rights violations. The 15 countries assessed in this study are: Afghanistan, Central African Republic, Colombia, Democratic Republic of the Congo, Iraq, Georgia, Kenya, Myanmar, Nepal, Pakistan, Sri Lanka, Sudan, Turkey, Uganda and Yemen. "All other countries" refers to: Algeria, Angola, Armenia, Azerbaijan, Bangladesh, Bosnia and Herzegovina, Burundi, Chad, Côte d'Ivoire, Croatia, Cyprus, Eritrea, Ethiopia, FYR Macedonia, Guatemala, India, Indonesia, Israel, Kosovo, Kyrgyzstan, Laos, Lebanon, Liberia, Mexico, Niger, Nigeria, Occupied Palestinian territory, Peru, Philippines, Republic of the Congo, Russian Federation, Rwanda, Senegal, Serbia, Somalia, Syria, Timor-Leste, Togo, Turkmenistan, Uzbekistan and Zimbabwe. See IDMC, Internal Displacement: Global Overview of Trends and Developments in 2010, March 2011 (www.internal-displacement.org).
b. Based on correspondence with IDMC.

in the interest of streamlining the collection of empirical data and analysis by a team of several researchers, a structured approach was developed. Indicators for implementation of each of the benchmarks were developed, in the form of questions to guide the research conducted on each benchmark (see annex). The aim in drafting the indicators was to develop data points that were more specific than the benchmarks but not so specific that they would not be of universal relevance. At the same, the indicators had to be developed taking into account what data could reasonably be accessed from a distance—a factor that was especially important for the studies that were not expanded by using field research.

Because a meaningful assessment of impact often is difficult to make, some indicators were framed to ascertain basic facts relating to the benchmark, but they did not always lend themselves to impact analysis due to lack of information. For instance, for "Benchmark 4: Support Training on the Rights of IDPs," the focus for assessment was on indicators such as when, for whom, with what content and at whose initiative the training occurred rather than on speculation about the impact of training on government policy and practice. Indeed, the difficulty of quantifying impact is a well-recognized limitation of any training conducted on any topic. The same can be said for "Benchmark 2: Raise National Awareness of the Program," in countries in which national authorities publicly recognized their responsibility to address internal displacement but researchers could not ascertain whether such statements had any bearing on raising national awareness.

National responsibility for addressing internal displacement was assessed in each country by using the indicators. Data were collected, primarily in English but also

in French and Spanish depending on the country at hand, mostly from publicly available resources, including UN agencies, the Internal Displacement Monitoring Centre, the International Organization for Migration, government websites and documents, international and national NGOs, civil society organizations and academic publications. Data on a number of independent variables were also collected and were expected to potentially influence the government's will and capacity to implement the measures recommended in the Framework (see chapter 3 of this volume).

Comparative analysis of governments' implementation of the twelve benchmarks was conducted in desk studies of fifteen countries. Consolidated analysis of the findings from these fifteen cases, benchmark by benchmark, is provided in chapter 1.

These 15 desk studies were followed by a more in-depth assessment of four of the fifteen countries: Georgia, Kenya, Afghanistan and Sri Lanka. Among the factors taken into account in selecting the countries for the expanded case studies were ensuring a range of scenarios in terms of duration of displacement (recent or protracted); location of the displaced (camp and non-camp environments); cause of displacement (natural disaster as well as conflict); progress toward durable solutions and the applicability of alternative solutions (not only return but also local integration); varying levels of international presence and engagement on IDP issues; differing government attitudes to internal displacement and to international access for protection of and assistance to IDPs; the extent of existing scholarship on the issue, with a view to addressing gaps in the literature;[63] safe access for undertaking independent field research; and consideration of geographical representation. Further, the four countries selected for the expanded case studies count among those for which the doctrine of Responsibility to Protect (R2P) has been invoked,

whether by the UN formally as in the case of Kenya[64] or, rightly or wrongly, by individual states (as in the case of Georgia)[65] and by leading R2P advocates (in the case of Sri Lanka).[66] The aim was to examine, through the four expanded case studies in particular, the challenges and obstacles that national authorities have faced in implementing the measures outlined in the benchmarks as well as to assess their approaches (if any) to overcoming them. For the most part, the expanded case studies were based on research interviews with in-country policymakers and practitioners.

### Limitations of the Study

To be sure, there are obvious weaknesses with the data due to a number of challenges. First, there is no single source to consult for each benchmark in a given country. Hence, this study relied on myriad sources, published by various actors with differing mandates or interests and length and scope of involvement in a given country as well as reporting methods; as a result, data across various sources were not always consistent and often exhibited many gaps (granted, due to other factors as well). In many

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[63] On this basis, it was decided not to include Colombia and Sudan among the expanded cases. Such a study of these countries would be valuable nonetheless and would be welcomed.

[64] Former UN Secretary-General Kofi Annan, who was dispatched by the UN to mediate the conflict that erupted following elections in Kenya in December 2006, commented: "I saw the crisis in the R2P prism with a Kenyan government unable to contain the situation or protect its people. . . . Kenya is a successful example of R2P at work." Roger Cohen, "How Kofi Annan Rescued Kenya," *New York Review of Books,* vol. 55, no. 13 (14 August 2008).

[65] Foreign Minister Sergei Lavrov argued the Russian Federation's use of force in Georgia in August 2008 was an exercise of its "responsibility to protect" Russian citizens living in Georgia, in particular in South Ossetia. For the full quote and an analysis arguing that this invocation is a misapplication of the R2P norm, see "The Georgia-Russia Crisis and the Responsibility to Protect: Background Note," Global Centre for the Responsibility to Protect: Background Note, 19 August 2008 (http://globalr2p.org/media/pdf/GeorgiaRussia.pdf).

[66] Global Centre for the Responsibility to Protect, "Open Letter to the Security Council on the Situation in Sri Lanka," 15 April 2009 ( http://globalr2p.org/media/pdf/OpenLetterSriLanka.pdf).

of the countries surveyed, even if information existed, it was dated (for example, due to the fact that a country was no longer a focus of international attention or did not have NGOs or a national human rights institution reporting on the IDP situation) or incomplete in terms of geographical or thematic scope. In addition, the research was limited largely to published data available in English and to a lesser degree in Spanish (for example, Colombia) and French (for example, the Democratic Republic of the Congo and the Central African Republic). In some of the more recent emergency situations, due to obstacles to obtaining humanitarian access, it was difficult to find even basic information on internal displacement in a country. In many instances, information on particular indicators simply was not publicly available. For example, even when training on internal displacement was known to have occurred in a country, it was rarely reported in publicly available literature or websites. In other cases, information collected was inadequate and the secondary literature was weak on analysis. For instance, it was difficult to determine from a desk study and literature review whether a government policy was in fact being implemented.

Through these two methods of empirical research—desk studies and expanded case studies—this report seeks to identify the challenges and opportunities facing governments in their efforts to respect and ensure respect for the human rights of IDPs. Further, this study sheds light on how governments can best translate abstract concepts into concrete national policies and practices that ensure protection, assistance and durable solutions for IDPs and persons at risk of becoming internally displaced. It is to be hoped that its findings offer insights into the often overlooked, but critical, element of Responsibility to Protect, namely improving understanding of how and with what impact governments make efforts to fulfill their national responsibility to protect their own populations, of whom IDPs surely count among the most vulnerable and in need of protection.

The study provides a first step in coming up with an empirical basis for determining whether and in what main ways the primary duty of the state—to protect its own people—a duty affirmed by both R2P and the Guiding Principles, is being effectively exercised and through what legal, administrative and other measures.

We wondered, for instance, whether we would find the following:

—A direct relationship between the number of IDPs and government performance. One could hypothesize that governments of countries with a large number of IDPs would be more likely to adopt policies to protect and assist them. Conversely, a high number of IDPs could also be understood as a reliable indicator of the *failure* of state responsibility.

—A correlation between the duration of displacement and the stage of development of the government response. It might reasonably be expected that governments would be unable to implement all or many of the benchmarks in the immediate emergency phase of displacement but that as displacement became protracted, they would be more likely to take measures to address IDPs' needs. Conversely, it could be that protracted displacement signaled poor performance in terms of the exercise of national responsibility.

—Greater government involvement with IDPs in countries with a higher percentage of IDPs living in camps because they are more visible than IDPs living in communities. Conversely, IDPs not living in camps might have better living conditions, in terms of shelter, mobility and participation in the socioeconomic life of the local community.

—A positive relationship between involvement of the UN High Commissioner for Refugees (UNHCR) with IDPs and exercise of government responsibility because UNHCR encourages government engagement. Conversely, it could be that greater international involvement

serves only to supplant and absolve governments of their responsibility.

—A positive relationship between a country's rank on the UN Human Development Index and exercise of national responsibility. Would countries with higher rankings be more likely to take measures to address displacement than those with lower scores?

Chapter 1 provides consolidated, benchmark-by-benchmark analysis of the findings from the fifteen countries surveyed, tests the above hypotheses. The four in-depth case studies (Georgia, Kenya, Afghanistan and Sri Lanka) are then presented in chapter 2. Further insights and conclusions as well as recommendations to governments for improving their response to internal displacement are presented in Chapter 3. The chart of indicators developed for each of the twelve benchmarks, which served as the basis for analysis, is included as an annex.



**An internally displaced man, who lost his leg from a land mine, finds shelter in the village of Loi Tai Leng under control of Shan State Army (SSA). Photo: REUTERS/Stringer / February 2010**